

Public Document Pack



Department of Legal and Democratic Services

Members of Council

Committee Secretariat
City Hall
Bradford
BD1 1HY

Tel: 01274 432435
Fax: (01274) 728260
My Ref: SEC/AT
Contact: Adrian Tumber
Email: adrian.tumber@bradford.gov.uk
Your Ref: AT/Council

Date: 30 November 2015

Dear Councillor

MEETING OF COUNCIL – TUESDAY, 8 DECEMBER 2015

You are requested to attend the meeting of the Council to be held in the Council Chamber - City Hall, Bradford, City Hall, Bradford, on Tuesday, 8 December 2015 at 4.00 pm

The agenda for the meeting is set out overleaf.

Yours sincerely

D Pearson
Interim City Solicitor

Notes:

- ◆ This agenda can be made available in Braille, large print or tape format.
- ◆ The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present at the meeting should be aware that they may be filmed or sound recorded.

The Council's Fire Bell and Evacuation Procedure requires people to leave the building in an orderly fashion by the nearest exit, should the fire alarm sound. No one will be allowed to stay or return until the building has been checked.



Members are reminded that under the Members' Code of Conduct, they must register within 28 days any changes to their financial and other interests and notify the Monitoring Officer of any gift or hospitality received.

AGENDA

A. PROCEDURAL ITEMS

1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

(1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.

(2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

(3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.

(4) Officers must disclose interests in accordance with Council Standing Order 44.

2. MINUTES

Recommended –

That the minutes of the meeting held on 20 October 2015 be signed as a correct record (previously circulated).

(Adrian Tumber – 01274 432435)



3. **APOLOGIES FOR ABSENCE**

4. **WRITTEN ANNOUNCEMENTS FROM THE LORD MAYOR
(Standing Order 4)**

(To be circulated before the meeting).

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

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Adrian Tumber - 01274 432435)

B. BUSINESS ITEMS

6. **PETITIONS (Standing Order 11)**

To consider up to five requests for the Council to receive petitions in accordance with Standing Orders.

Ward

(i) Leeds Road/Barkerend Road, Bradford – Speed Cameras **Bradford Moor**

(ii) Thornton View Road, Clayton – Adoption and resurfacing **Clayton and
FairweatherGreen**

(iii) Queensbury Smelly Wagons – Transportation of animal by-products
ueensbury

As the petitions concerning speed cameras on Leeds Road/Barkerend Road and Queensbury Smelly Wagons contain more than 1500 signatures there will be debates on both petitions. If any further requests are received, in writing, by mid-day three working days before the meeting (Thursday), details will be circulated. If any further requests are received, in writing, by mid-day three working days before the meeting (Thursday), details will be circulated.

(Palbinder Sandhu – 01274 432269)



7. PUBLIC QUESTION TIME (Standing Order 13)

There are no public questions.

(Palbinder Sandhu – 01274 432269)

**8. MEMBERSHIP OF COMMITTEES AND JOINT COMMITTEES
(Standing Order 4)**

Recommended -

- (1) That the appointment of Tina Wildy as a non-voting co-opted Health representative on the Children’s Services Overview and Scrutiny Committee for the remainder of the 2015/16 Municipal Year be confirmed.**
- (2) That the appointment of G Sam Samociuk, former Mental Health Nursing Lecturer, as a non-voting co-opted representative on the Health and Social Care Overview and Scrutiny Committee for the remainder of the 2015/16 Municipal Year be confirmed.**

To consider any further motions (i) to appoint members to a Committee or a Joint Committee; or (ii) to appoint Chairs or Deputy Chairs of Committees (excluding Area Committees).

9. REPORT BY THE LEADER OF COUNCIL

Providing that Council agrees to re-order the business and approves the recommendation of the Governance and Audit Committee (agenda item 11F refers) a written report by the Leader giving an update on key issues (or a Member of Council nominated by the Leader) circulated before the start of the meeting will be considered. There shall be a period of up to 15 minutes during which any Member of Council may ask the Leader of the Council (or the Member of the Council nominated by the Leader) a question on any matter arising out of the written report.

10. MEMBER QUESTION TIME (Standing Order 12)

1 - 24

To deal with supplementary questions arising from the attached questions of which written notice has been given.

Notes:

- (i) Answers to written questions shall be circulated at the commencement of the meeting.*
- (ii) The Lord Mayor will have regard to the list of questions and the political composition of the Council in calling on Members to put their supplementary question to the Leader of Council and Portfolio Holders.*



- (iii) *A period of up to 30 minutes shall be available for supplementary questions to Members of the Executive.*

QUESTIONS TO MEMBERS OF THE EXECUTIVE

1. **Councillor Swallow**

Is the Government's much anticipated Fairer Funding Formula for Schools going to be fair for Bradford children?

2. **Councillor Mike Pollard**

It is appreciated that the Council's Medium Term Financial Strategy forecasts must be prudently cautious, but could the Portfolio holder for Housing, Planning and Transport explain why, in the context of a 'Core Strategy' looking at providing 42,000 new homes in the District by 2030, the projected residential Council Tax base for 2021/2, i.e. nearly half way through the 'Core Strategy' timeframe, only assumes that 3,750 of those 42,000 will be completed?

3. **Councillor Jeanette Sunderland**

To ask the Portfolio Holder for Education, Skills and Culture how many unauthorised absences from school have been recorded, per year group, monthly since January 2014 to November 2015?

4. **Councillor Love**

Can the Leader of Council confirm if he was one of the 50 Labour Council Leaders to sign a commitment to run their authority on carbon-neutral energy by 2050? If so, does he think this is ambitious enough and does he have a plan to achieve it?

5. **Councillor Naylor**

Could the Leader provide details of the stock levels of salt held by Bradford over the last five years by depot or reserve including this year's current stock levels and the details of any proposed reduction in gritting routes?

6. **Councillor Robinson**

Can the Leader provide an update on the progress being made on the Council receiving repayment of the loan made to the Bradford Bulls which had a personal guarantee from Omar Khan?

7. **Councillor Morris**

With the knowledge that 130 people have been slaughtered by Muslim extremists in Paris, one of which was known to have entered the EU posing as a refugee in October, will the Council change its open door policy to refugees until a way can be found to protect the residents of the district?

8. **Councillor Jabar**

Can the Leader update us on the implications for Bradford District of



the Chancellor's Comprehensive Spending Review? Would he share the view that the recent spending review and Autumn statement is a direct attack on Local Authorities like Bradford and some of our most disadvantaged, marginalised and vulnerable individuals and families?

9. Councillor Greenwood

Can the Leader tell us what effect the Government's £2.6m cut to Public Health budgets will have on local services?

10. Councillor Cooke

Does the Leader of the Council think that it would be beneficial for the Trustees of Robert Park, to meet with the Friends of Robert Park?

11. Councillor Wainwright

Can the Leader of Council tell us whether or not he has been approached by the Prime Minister to raise his concerns about Local Government funding cuts or does he believe that it is the case that Mr Cameron only cares about the impact of his own cuts when it happens in his own backyard in Oxfordshire?

12. Councillor Dunbar

Would the Leader of Council explain how the Priority Streets Scheme will aim to attract businesses to the top end of the City Centre following the successful launch of the Broadway Shopping Centre?

13. Councillor Davies

Could the Portfolio Holder for Education, Skills and Culture inform Members of how many members of the public (i.e. not Council employees, councillors, teachers or anybody else attending in a professional capacity) attended the Public Forum for Education event on 6th October?

14. Councillor Greenwood

Are the measures outlined in the Government's Comprehensive Spending Review sufficient to tackle the financial and demand pressures facing the District's social care services?

15. Councillor Stelling

To ask the Portfolio Holder for Housing, Planning and Transport - Winter is now here. Can the Portfolio Holder please confirm how many snow wardens in the District have received the resources and support mentioned in your last response? How many of these are from within Bolton & Undercliffe?

16. Councillor Dunbar

Would the Portfolio Holder please give an update on the progress of the Get Bradford Working scheme and its different components?

17. Councillor Barker

Could the Portfolio Holder for Housing, Planning and Transport inform



colleagues of how much money has been raised through Section 106 agreements within Wharfedale Ward over the past 10 years and from which projects and in what amounts?

18. Councillor Dunbar

Would the Portfolio Holder for Education, Skills and Culture please report on the fantastic outcomes achieved by the young people involved in the recent Takeover Day from the Children in Care Council and thank the staff involved for all their hard work and dedication?

19. Councillor Rickard

Can the Leader of the Council confirm the Council's approach to ensuring that the District can take full advantage of the Chancellors Northern Powerhouse Investment Fund announced in the Autumn Statement?

20. Councillor Leeming

To ask the Portfolio Holder for Housing, Planning and Transport as of the 1st October 2015 smoke alarms and Carbon Monoxide alarms must, by law, be fitted in all private rented properties. Can you advise how you will ensure that this new regulation is going to be adhered to without a comprehensive register of private landlords?

21. Councillor Cooke

Given the size and cost of agendas for the last two full council meetings, can the Leader of the Council confirm what steps are planned to develop paperless systems for meetings of Council and council committees so as to reduce costs and improve the efficiency of councillors?

22. Councillor Gibbons

Can the Leader of the Council confirm that the Council will do something, hopefully that local people can take part in, to mark the Queen's 90th birthday?

23. Councillor Rickard

Can the Leader of the Council advise colleagues of the current position of the Leeds City Region Enterprise Partnership (LEP) with regard to the attainment of its Strategic Economic Priorities?

24. Councillor Reid

To ask the Portfolio Holder for Housing, Planning and Transport as Bradford Highways staff are now providing services to neighbouring authorities, can the Portfolio Holder indicate the extent to which staff from neighbouring authorities are currently working in Bradford?

25. Councillor Love

Can the Portfolio Holder for Housing, Planning and Transport tell us what the current lead time is for fixing street lights once they have been reported?



26. Councillor Davies

As last Autumn it was stated that the Council aimed to close the gap between Bradford and the national average of children getting five A*-C GCSE grades, this year from six per cent to three per cent, could the Portfolio Holder for Education, Skills and Culture advise Members of whether this was achieved?

27. Councillor Ellis

Can the Portfolio Holder for Environment, Sport and Sustainability confirm what actions the Council plans to take to ensure that it adheres to the latest recommendations of the National Fly Tipping Advisory Group?

28. Councillor Davies

Does the Portfolio Holder for Environment, Sport and Sustainability think that more people would use public libraries if popular titles were more readily available? I appreciate that there are limited resources but libraries primarily exist to provide books and I recently went into request a copy of 'The Girl on the Train' and was told there were 66 reservations before mine?

29. Councillor Fear

To ask the Portfolio Holder for Housing, Planning and Transport for an update on progress that has been made on fixing Thackley Corner and whether an assessment has been made as to the impact of the delay in getting it fixed has had on highway safety?

30. Councillor Cooke

Can the Leader of the Council confirm that the Council has a policy which specifies the number of days within which invoices should be paid and if so can he confirm the percentage of invoices to the Planning Department that are not paid within this time and why?

31. Councillor Sykes

Could the Portfolio holder for Education, Skills and Culture inform Members of the route that bus tours for trainee teachers take around the District as a way to encourage them to teach in Bradford?

32. Councillor Jeanette Sunderland

To ask the Portfolio Holder for Education, Skills and Culture how many parents or guardians have been fined for failing to ensure their child attended school from January 2014 to November 2015?

33. Councillor Davies

Does the Portfolio holder for Housing, Planning and Transport, think that it may be time to remove or relax some Tree Preservation Orders on sycamore trees, so owners can have permission to cut them back thereby saving the Council money on clearing up fallen leaves?



34. Councillor Davies

Can the Leader of the Council advise colleagues whether Council owned shops and offices which have been vacant for some time, is the rent reduced in order to attract a new tenant?

35. Councillor Love

Can the Portfolio Holder for Health and Social Care give an update on the current situation regarding the redevelopment of the former Neville Grange residential home in Saltaire?

36. Councillor Townend

Could the Portfolio Holder for Environment, Sport and Sustainability confirm the footfall for each library?

37. Councillor Jeanette Sunderland

To ask the Portfolio Holder for Education, Skills and Culture what was the total of the amount parents or guardians were fined for failing to ensure their child/children attended school from January 2014 to November 2015?

38. Councillor Miller

Can the Portfolio Holder for Education, Skills & Culture confirm whether any consultation took place regarding the closure of Visitor Information Centres and if so, how many residents were consulted (particularly in Main Street, Haworth), how many Elected Members were consulted and why were Elected Members not provided with feedback, when it had been specifically requested?

39. Councillor Morris

The Council has a duty to put the ratepayers of the District first, so why won't the Council put the reserves it intends spending on housing and supporting refugees into keeping services paid for by ratepayers, surely that should be the priority of the Council in times of austerity?

11. RECOMMENDATIONS FROM THE EXECUTIVE AND COMMITTEES (Standing Order 15)

11.1 RECOMMENDATION FROM THE EXECUTIVE - BRADFORD DISTRICT COMMUNITY INFRASTRUCTURE LEVY (CIL) - DRAFT CHARGING SCHEDULE

25 - 204

Community Infrastructure Levy (CIL) is intended as a means of contributing to the funding of infrastructure required to deliver the policies and proposals in the Local Plan including the Core Strategy and other Development Plan Documents. It replaces part of the system of Planning Obligations (S106 Agreements), the scope of which has been restricted since 6 April 2015 with regard to pooling of developer contributions. The Council has commenced work towards CIL for the Bradford District. The CIL Preliminary Draft Charging Schedule was approved by Executive on 21 July and subsequently published for comment for six weeks from 31 July to 11 September 2015.



At the meeting of the Executive on 3 November 2015 the report of the Strategic Director Regeneration (**Executive Document “AF”**) sought approval of the Bradford District CIL Draft Charging Schedule for submission to Secretary of State following a period for formal public representation. The Executive,

Resolved –

- (1) That it be recommended to Council that the version in Community Infrastructure Levy Draft Charging Schedule in Appendix 1 to Document “AF” is approved in line with Option 2 as set out in Document “AF”.
- (2) That it be recommended to Council that the Draft Community Infrastructure Levy (CIL) Charging Schedule be approved for the purposes of submission to the Secretary of State for independent examination.
- (3) That prior to submission, the Draft Community Infrastructure Levy (CIL) Charging Schedule is issued for formal representations for a period of 6 weeks.
- (4) That the Assistant Director (Planning Transportation and Highways) in consultation with the relevant portfolio holder be authorised to make minor amendments of redrafting or of a similar nature as may be necessary prior to formal publication for representations of the Draft Community Infrastructure Levy (CIL) Charging Schedule.
- (5) That delegated authority be given to the Assistant Director Planning Transportation and Highways in consultation with the relevant portfolio holder to make minor amendments of redrafting or of a similar nature before submitting the Draft Community Infrastructure Levy (CIL) Charging Schedule to the Secretary of State once the 6 week period for representations has been completed.

(Andrew Marshall – 01274 434050)

11.2 REFERRAL FROM THE LICENSING COMMITTEE - PROPOSED STATEMENT OF LICENSING PRINCIPLES 2016-19 UNDER THE GAMBLING ACT 2005 205 - 268

On 23 November 2015 the Licensing Committee considered the report of the Assistant Director Environment and Regulatory Services (**Licensing Committee Document “E”**) setting out the outcome of a public consultation exercise with respect to the Statement of Licensing Principles for the District, as required by the Gambling Act 2005 and proposing a final draft for recommendation for adoption by Council.



Recommended -

- (1) That Appendix 1 to Document “E” be adopted and published as the District’s Statement of Licensing Principles pursuant to the Gambling Act 2005.**
- (2) That the Assistant Director Environmental & Regulatory Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.**

(Tracy McLuckie – 01274 432209)

- 11.3 REFERRAL FROM THE GOVERNANCE AND AUDIT COMMITTEE - ANNUAL TREASURY MANAGEMENT REPORT 2014/15** 269 - 278

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2014/15. On 30 October 2015 the Governance and Audit Committee considered the report of the Director of Finance (Governance and Audit Committee Document “V”) which provides details of the outturn position for treasury activities for the year ending 31 March 2015 and highlights compliance with the Council’s policies previously approved by Members.

Recommended -

That the Annual Treasury Management Report 2014/15 be adopted.

(David Willis – 01274 432361)

- 11.4 REFERRAL FROM THE GOVERNANCE AND AUDIT COMMITTEE - TREASURY MANAGEMENT MID YEAR REVIEW UP TO 31 AUGUST 2015** 279 - 288

The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that Members be updated on treasury management activities regularly.

On 30 October 2015 the Governance and Audit Committee considered the report of the Director of Finance (**Governance and Audit Committee Document “W”**) on the Treasury Management Mid Year Review to ensure that this Council is implementing best practice in accordance with the Code.



Recommended -

That the changes to the Treasury Policy set out in section 2.8.6 of Document “W” be adopted.

(David Willis – 01274 432361)

- 11.5 PROPOSED AMENDMENTS TO THE CONSTITUTION - CHAIRS OF AREA COMMITTEES 289 - 292

Council at its meeting held on 14 July 2015 resolved that:

“Council notes that there is no mechanism for changing the Chair of an Area Committee in the event that political balance changes during the municipal year.

Council asks the Acting City Solicitor to prepare amendments to Standing Orders 35 and 37 in order to allow for such circumstances and that these are presented to full Council for consideration during this municipal year.”

On 30 October 2015 the Governance and Audit Committee considered the report of the Interim City Solicitor (**Governance and Audit Committee Document “Z”**) which sets out proposed amendments to the Council’s Constitution to deal with the issue raised.

Recommended -

That the proposed amendments to the constitution set out in paragraph 3 of Document “Z” be adopted subject to the notification in writing to the City Solicitor being amended so that it states 7 working days rather than 5.

(Dermot Pearson – 01274 432496)

- 11.6 RECOMMENDATION FROM THE GOVERNANCE AND AUDIT COMMITTEE - PROPOSED AMENDMENTS TO THE CONSTITUTION - REPORT OF THE LEADER OF COUNCIL 293 - 298

At the meeting of the Council on 20 October 2015 Council referred the Motion on Council Standing Orders – Report of the Leader of Council to the Governance and Audit Committee for report. On 27 November 2015 the Governance and Audit Committee considered the report of the Interim City Solicitor (**Governance and Audit Committee Document “AC”**) setting out proposed amendments to the Council’s Constitution to enable the Leader (or a Member of Council nominated by the Leader) to deliver a report to meetings of Council.



Recommended -

That the amendments to the Constitution as detailed in Document “AC” with the addition that the Leader’s written report be circulated to Members prior to the Council Meeting be recommended to Council.

(Dermot Pearson – 01274 432496)

12. NOTICES OF MOTION (Standing Order 17)

To consider the attached motions of which notice has been given.

1. BRADFORD MARATHON

To be moved by Councillor Griffiths
Seconded by Councillor Reid

This Council notes the increasing popularity of running for health and recreation, and the success of the Bradford City Runs and the Epilepsy Action 10k.

This Council notes the iconic status of the Marathon as an event, and the benefits it has brought to cities that hold a Marathon.

Council therefore request the Strategic Director Environment and Sport to prepare a report into the costs, benefits and feasibility of holding a Marathon in the District.

2. PRIVATE RENTED HOUSING

To be moved by Councillor Fear
Seconded by Councillor Leeming

This Council believes that the people of the Bradford district should have access to affordable and safe homes which are up to a suitable standard.

This Council notes that a significant number of residents of the district live in homes which are privately rented and that this number has increased in recent years.

This Council also notes that there are a number of changes which are due to come into effect which will have a significant impact upon those that receive benefits.

This Council also notes that the overwhelming majority of private landlords provide homes of a good standard and that they play a vital role in providing homes for residents of the district.



This Council further notes that there have been over 3700 complaints about the actions of private landlords and of the standards in private rented properties over the last year.

This Council believes that it is necessary to be able to identify and contact private landlords with ease, for the purposes of being able to inform private landlords of changes to legislation and to provide a point of contact should complaints be made. This will help to drive standards up in the private rented sector as well as provide the opportunity for information to be shared to assist private landlords.

This Council resolves to instruct the Chief Executive and relevant officers to create a mandatory register of private landlords, including their contact information.

3. EDUCATION

To be moved by Councillor Jeanette Sunderland
Seconded by Councillor Fear

This Council believes we should explore all options in the pursuit of raising the achievement and attainment of children in the District.

This Council therefore instructs the Chief Executive to investigate:

1. The impact of short-term school closures on the achievement and attainment of children and young people.
2. The impact of moving to a different length of term school year on a child's ability to learn and the impact this would have on the achievement and attainment of children and young people.
3. The results of this investigation should be reported to the Council in a timely manner recommending if and how improvements to the levels of achievement and attainment could be made through these changes.

4. ENFORCEMENT CAMERAS

To be moved by Councillor Cooke
Seconded by Councillor Ellis

Changes are made to Bradford policies and plans to ensure that priority is always given to saving lives and reducing accidents.

Council notes:

- (1) The extensive programme of installing enforcement cameras so as to manage public transport priorities



- (2) Recent figures showing how up to 50% of injury accidents at traffic light junctions result from drivers crossing at red

Council believes that investment in enforcement using technology such as cameras should be to improve road safety rather than for the convenience of buses.

Council asks that

- (1) Representations are made to the West Yorkshire Combined Authority regarding the improvement of road safety enforcement at traffic light junctions and calling for the end to further investment in bus lane enforcement until this urgent road safety issue is addressed.
- (2) Changes are made to Bradford policies and plans to ensure that priority is always given to saving lives and reducing accidents.

5. **CONSULTATIONS**

To be moved by Councillor Miller
Seconded by Councillor Ellis

Council notes its obligations to consult with the public on a wide range of decisions, policies and strategies.

Council resolves to review current approaches to consultation so as to:

- (1) Make the language used in documentation more accessible using the Plain English Society guidance as the basis for this review
- (2) Improve local connections through earlier and better engagement with ward councillors
- (3) Make better use of all media including social media, hyperlocal news sources and traditional off-line communications methods

6. **LOOKED AFTER CHILDREN**

To be moved by Councillor Berry
Seconded by Councillor Green

This Council believes that as Corporate Parents we have a moral obligation to ensure that all children in our care have the best services, support and outcomes that we as a Local Authority, working together with partners and communities, can give.

The Council notes that currently children in care who are with foster carers can 'Stay put' until 21 years of age but children in residential care only stay until 18 and that sometimes these children leave at 16



or 17. The Council believes that this represents discrimination against a group of vulnerable children and young people who sometimes have very complex needs.

The Council resolves to call on the Government to amend the Children and Families Act 2014 to enable children to stay under the care of the local authority until 21 years of age and to make sufficient resources available to fund this.

7. DEMONSTRATIONS

To be moved by Councillor Engel
Seconded by Councillor Green

This Council recognises the importance of the Human Rights Act and the rights of people to demonstrate peacefully for and against issues that may offend others.

The Council also believes that the people in the places where these demonstrations take place have the right to go about their legitimate business without fear and intimidation.

This Council notes

- 1) The potential for demonstrations such as the recent one held by the EDL in Bradford to damage community relations and disrupt the District's economy.
- 2) That the recent demonstration was the fourth held by this organisation in the last 5 years.
- 3) The costs incurred by public services as a result of those demonstrations.
- 4) That most of the participants in the demonstrations and counter demonstrations were from outside the district and that organisations such as the EDL target our district to try and stir up community tensions in areas where they do not have to live with the consequences.
- 5) Despite the claim that these are peaceful assemblies the evidence of our district and elsewhere in the country is that both in practice and intention this is not the case.

The Council resolves to instruct the Chief Executive to seek senior, external legal advice about the steps we may be able to take under the Human Rights Act and other legislation to protect communities and businesses from disruption when organisations seeking to demonstrate in our district have a history of non-peaceful activity and how we can



balance the rights of outside demonstrators with the rights of the communities we serve.

8. HOUSING AND PLANNING BILL

To be moved by Councillor Val Slater
Seconded by Councillor Shafiq

This Council notes that:

(1) The Housing and Planning Bill is currently being debated in Parliament, and if passed would threaten the provision of affordable homes for rent and buy through:

- forcing 'high-value' council homes to be sold on the open market!
- extending the right-to-buy to housing association tenants! and
- undermining section 106 requirements on private developers to provide affordable homes

(2) There is no commitment in the Bill that affordable homes will be replaced like-for-like in the local area

(3) Whilst measures to help first-time buyers are welcome, the 'starter homes' proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country, will not preserve the taxpayer investment, and will be built at the expense of genuinely-affordable homes to rent and buy.

(4) The proposal in the bill to waive payment of Community Infrastructure Levy in respect of developments which are made up of starter homes does not provide for necessary infrastructure relating to these developments

(5) The Bill undermines localism by taking 32 new wide and open-ended powers for the Secretary of State over councils and local communities, including the ability to override local plans, to mandate rents for social tenants, and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deals

(6) The Bill, whilst introducing some welcome measures to get to grips with rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many of England's 11m private renters - including one in four families with children and does nothing to help arrest the recent rise in homelessness

The Council instructs the Chief Executive to write to the Secretary of State outlining the impact of these proposals on Bradford and stating our concerns about the bill.



13. BRADFORD EDUCATION COVENANT

299 -
310

At the meeting of Council on 20 October 2015 a motion was approved on the draft Bradford Education Covenant and Council resolved to:

- (1) Undertake a period of consultation with all interested parties on the draft Bradford Education Covenant.
- (2) Agree the Covenant at the December 2015 meeting of Full Council taking into account the results of the consultation.

The report of the Executive Member for Education, Culture and Skills (**Document "M"**) provides feedback on the outcomes of an extensive consultation process for the Bradford Education Covenant and proposes a way forward to consider amendments to the Covenant so that a final version can be published at the earliest opportunity.

Recommended –

- (1) **That the report be received as a summary of the feedback provided during the public consultation of the Bradford Education Covenant.**
- (2) **That the revised Bradford Education Covenant in Appendix A be accepted as version for dissemination**
- (3) **That as part of the publication process, dissemination is carefully considered and planned.**
- (4) **That it should be considered whether stakeholders in education in Bradford be asked to openly pledge their support for the Covenant.**

(Phil Weston - 01274 439634)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



LEADER'S REPORT TO COUNCIL DECEMBER 2015

This is the first ever Leader's report to Council and I would appreciate feedback on the format and content to ensure that it delivers the information that Councillors want in a way that is useful.

HMRC

Members will be aware that the HMRC have announced plans to create a regional centre in Leeds, closing their other offices including three in the District. We have been working with our MPs and partners in the region to get this decision reviewed.

I met with the Chief Executive of HMRC to discuss their decision and it appears to me, from the comments made in the announcement and in the absence of a published business case or any detailed information, that the decision has been based largely on outdated perceptions and sketchy information. I hope that the HMRC will accede to the request of both the Council and the District's MPs to provide the justification for the decision so that we can identify the reasons why it was made and test their analysis.

As well as continuing to fight for the existing jobs in Bradford we are also making progress with the Public Sector Hub planned for the Jacob's Well site which will bring more civil service jobs to the district. We have explained the plans for the site to HMRC and the benefits that it would bring them and how this enhances the Bradford offer.

EDUCATION

I was extremely concerned to read the ill considered and outdated comments made by the Chief Inspector of Schools in relation to Bradford. I have never denied that the education system in Bradford has been well below the standard we expect, in fact I have stated it clearly in various public forums.

In the last two years we have put in place processes and plans to improve attainment, support recruitment, retention and leadership in schools and supported national and local initiatives aimed at improving standards. The latest Ofsted report from June talked about a "step change" in Bradford with a "real cause for optimism" recognised in the report. The Chief Inspector is either careless or has taken a deliberate and considered decision to make these comments. I am very disappointed for our schools and teachers that the speech failed to mention Ofsted's own positive findings about their work.

Sir Michael Wilshaw's speech drew comparisons with areas with similar populations profiles, notably East London, but ignored the substantial additional financial input there has been in areas of London to raise standards and the length of time the London Challenge took to achieve those results. Neither did the speech refer to the fact that Bradford took the initiative to bring in Prof David Woods, who was part of the London Challenge, to advise on our plans and that we have adopted all his recommendations.

By ignoring the actions that are in place, supported and recognised by his own organisation, Sir Michael Wilshaw's words can only have a de-motivating effect on teachers and officers who are working so hard in Bradford to bring about positive change.

There is no one in this room, or this district, who does not accept that education in this district has not been good enough over decades. However the children of Bradford expect

and deserve positive suggestions and practical offers of support from partners such as Ofsted. From a local authority perspective we have been proactive at asking for such support where the need has been identified and to this end hosted a meeting of the Education Improvement Strategy Board last week which included Ofsted and the Regional Schools Commissioner who both offered positive support and encouragement.

DEVOLUTION

Negotiations with the Government are still ongoing and progress is being made, albeit slowly. We understand that there may be some amendments to the Bill that is going through Parliament at the moment and may provide greater flexibility in the arrangements, particularly regarding geographical arrangements, which may help with the regional debate.

We are not expecting to be in a position to have any sort of deal to consider until the New Year but, as promised, I will try and keep Members and the wider community updated as things develop.

EAST PARADE KEIGHLEY

I am sure that like me Members were disappointed to hear that the developers of the proposed new shopping centre at East Parade have gone into administration. The Council is working closely with interested parties to try and ensure that there is no delay in bringing forward alternative plans and getting a development off the ground as soon as possible. Currently these conversations are commercially confidential but as soon as we are able to release information we will.

THE ODEON

The proposed Odeon development has successfully got through the first stage of the Heritage Lottery Fund process and will be considered at a national level in the New Year.

SUPPORT FOR BUSINESSES

At the last Executive we approved a new scheme for business rate relief to help new and expanding businesses and bring empty units back into use. The scheme is based on our experience of the success of the City Centre Growth Zone and seeks to support businesses in our major district centres and create employment and training opportunities for unemployed people.

In the City Centre the Broadway opening has not only increased footfall throughout the City but it has also significantly raised investor interest. We are seeing new development starting and a number of schemes are in the pipeline and we hope that these will soon be on site in the months to come.

We have launched a new Priority Streets scheme to support key areas of the city centre that are potentially affected by the movement of retailers into Broadway. The scheme offers a package of assistance to pay for property improvements and equipment along with business rate rebates, both subject to job creation. It is available to property owners or tenants who want to bring vacant ground floor premises back into commercial use in Darley Street, Kirkgate, Ivegate, Rawson Square and Rawson Place.

DRAFT BUDGET

The draft budget is out for public consultation, I appreciate that there will be different views on the proposals but I would ask that all of us encourage people to take part in the consultation to ensure that we can consider their views and ideas.

QUESTIONS TO THE LEADER ON THE REPORT OF THE LEADER OF COUNCIL

Councillor Cooke

Can I start by thanking the Leader for coming up with the bright idea of having this report and hopefully it will run more smoothly at the next Council meeting. Can I ask cheekily a couple of questions as it gets them all out of the way and I do not have to do it twice. Firstly I note the reference to the situation regards to HMRC and I appreciate all the effort has been done by many and varied in terms of trying to address this issue. In the eventuality - hopefully it does not arise but let's speculate that it will - that HMRC do go to another city, which name we are not going to mention, what work is being done to try and fill the gaps so to speak in terms of looking at other possible organisations, public or private, and to a certain extent links to that and, I appreciate that we were not entirely masters of the process in this, what work has been done across West Yorkshire through the City Region or through the Combined Authority to try and ensure that future situations like this, we do not have to knit a collected response, we have already got one there in terms of how we respond to these kind of things and that hopefully that response isn't everything goes to Leeds?

Leader – Councillor Green

First can I say that if we had access to the HMRC business plan it would help us to be able to put together a cogent argument as yet, although we have asked for it, we have not seen it and my understanding is neither have any of the district's MPs. One can draw whatever conclusion one likes from that. The other thing I think is the way that the announcement was made in that it was made in a public domain before there was any real discussions not just with Bradford but with Calderdale, Leeds or any other local authority. However we are continuing to work cross party and cross public and private sector to try and get HMRC to review their decision and we are going to continue to do that and I would like to thank everybody who has been involved in that campaign. As regards to filling the gap we are continuing to push ahead with the public sector hub proposals and we have already had a significant interest and more than interest from several public sector organisations looking to relocate. We are hopeful that we will be able to develop that hub and as soon as legal documents etc have been signed public announcements will be made. One of the problems about trying to do something like this is that whilst there is a lot going on behind the scenes we are not in a position where we have got things signed, and we know the problems of announcing things before they have signed in this City, so what I can assure you is that that work is going ahead about relocation of other public bodies into Bradford.

Councillor Warburton

My question is about the education and the comments made by Sir Michael Wilshaw and I have requested that the Leader writes to Sir Michael Wilshaw asking for a full apology for his negative politically motivated comments with regard to the work being done in Bradford to improve standards in education especially after the strong support and optimism from Ofsted over the recent months.

Leader – Councillor Green

We will be debating in more detail with the Motion and I hope that Councillor Hinchcliffe will be able to give some more information from a meeting she has had today with Ministers. Wilshaw's comments about Bradford. I just said in my report there is nobody of any political party who can take any comfort or joy from the educational standards in this City and this is not over the last four years, it is not over the last ten years, it has been an issue since I was elected 25 years ago and most probably before that. So we are all equally as culpable and we are all equally as responsible for finding the solution to that problem. That is why we have bought in outside expertise to review the improvement plan. It was done under Ralph's (Councillor Berry) portfolio holder and it has been taken forward by Susan's (Councillor Hinchcliffe) and we have adopted all their recommendations. There is a political will, there is an officer will, there is a school will, there is a school that has been recognised by Ofsted who is

allegedly run by Mr Wilshaw, who does not appear to read his own Inspectors' reports and if you read the whole of Mr Wilshaw's speech about Bradford, not only has he not read his own officer's report, some of the comments he makes about extremism and other issues in Bradford schools are extremely damaging, are inaccurate and one has to really question the motivation behind his comments. It does not reflect his own organisation's view, it does not reflect the views being expressed by law enforcement agencies and you have really got to wonder why he has decided to make those statements. So we will be making representations in the strongest possible terms.

Councillor Khadim Hussain

First of all I want to congratulate the Executive and the Leader for his business support extending this help and support to struggling businesses. I know he acknowledges the fact that support will be given to the other districts but I wanted clarification if Keighley and district will be part of that extended districts?

Leader – Councillor Green

Would I dare do anything else? Yes it is. When we are talking about districts, we are talking about Keighley, we are talking about Bingley, we are talking about Ilkley, we are talking about Shipley. Those major areas of retail and business use so that is where it will be extended to.

Councillor Morris

It is on the education. Has the Council cancelled the contract for the consultancy contract worth £20,000 for the post 16 education in Bradford following the farce last Tuesday at Victoria Hotel when the Assistant Director of Children Services had to stop their workshop with the head teachers? Have you not been made aware of that?

Leader – Councillor Green

I cannot give you the details as many people will know I am on part time at the moment. I will have a look at it and maybe Councillor Hinchcliffe can address that and find a way of weaving it into the answer, into any supplementary questions or into her speech and cover it.

Councillor Robinson

Good news about the Odeon Council Leader. Presumably that is for the capital. Give me your thoughts on do you think that there are private firms available or in situ to run the development if the capital is eventually received from the Heritage Lottery?

Leader – Councillor Green

It is a private commercial venture applying for public funds and as with any application for public funds it would have to produce a business plan that shows it is viable. So if it is going through the Heritage Lottery system and from the areas of the business plan that were presented to the Council when we chose them as the preferred developer there is a business case that means it is viable on a private sector basis.

Councillor Pennington

Just on the new scheme for business rates which I am sure we all salute but I just want to voice the view of a large number of businesses, in fact by far the largest number of businesses, which do not get any such relief and they are starting to feel a little alienated because quite frankly they are just not in the right area. Not only are they feeling alienated they are feeling difficulties in paying the rates because as we all know it is a bit historical so the business rates might even be defined as being already too high but that is another matter. What is of concern to me and the question I would like to ask is whilst we are investing in new businesses and empty shop units being re-opened and we are making some quite hefty investments, is there any safeguard should those businesses fail for whatever reason so that we can recoup the investment?

Leader – Councillor Green

We are trying to build in every possible safeguard. Clearly this scheme is based as I say on the district's centres and based on the experience we have had of the city centre growth zone which has been successful and continues to be successful. It is not just about buildings, it is about supporting new start businesses, expanding businesses and those businesses that are seeking to take on new employees who are unemployed and apprenticeships. It is a scheme that has worked well in the City Centre so we have based it on that. Can you ever guarantee that every business that you back is going to be successful, no, and there are people in this room who have had businesses that have not been successful as well as then going on to having other successful businesses. It is a nature of capitalism and I doubt Councillor Pennington will condemn capitalism. But I do think and I hear what you are saying about people in other areas but to a large extent we cannot be all things to all people so we have to choose where we get the biggest bank for our bucks and given the representations I have had from Councillors in those more important district centres there is a concern about the effect that is happening with shops closing, businesses closing, the difficulty in bringing buildings back into use. This is not an attempt to support businesses in all those centres. I hear what you are saying and if somebody would give me an unlimited amount of money and total power I might consider doing it for the whole district but as yet that is not in the devolution deal.

Councillor Sykes

Devolution Leader. Some amendments, greater flexibility, will that extend to mean not having to not having a mayor inflicted upon us?

Leader – Councillor Green

I am afraid your friend Mr Osborne is totally and absolutely committed to having an elected mayor for any proper devolution. The only place that has not got an elected mayor and has allegedly got a devolution deal is Cornwall and if you look at what that deal is it is totally different to anything that is going to the more urban centres.

Councillor Hawkesworth

Going back to the Odeon. Indeed it is good news that the Heritage Lottery Fund is smiling on the building. Having said that has there been an analysis done to see what the impact a super duper big concert hall is going to be at the Odeon or St George's?

Leader – Councillor Green

I think if you look back to the original bids that was an issue that was looked at as part of that process. We are aware that there is that competition but whether they are in the same market if you talk to the Odeon group I think is a moot point. They are looking at a different sort of market in many ways to St George's Hall. There is always that threat and I think that we have always recognised and accepted it which is one of the reasons why we are also looking to see what can be done to improve the offer at St George's Hall so that we can see if we can get the financial support to do it so that we can complement the offer which will be St George's Hall, the Odeon and the Alhambra.

Lord Mayor

And that concludes questions on the Leader of Council's report.

This page is intentionally left blank

COUNCIL
8 December 2015

MEMBER QUESTION TIME

Questions submitted in accordance with Standing Order 12

1. Councillor Swallow

Is the Government's much anticipated Fairer Funding Formula for Schools going to be fair for Bradford children?

Answer

From everything I have heard and read so far it would appear that the so-called Fairer Funding Formula is anything but fair to places like Bradford District which have a high proportion of children with additional needs.

Having followed recent 'informal' announcements, articles in the national press, and also from analysing the modelling that has been carried by the F40 Group (the 40 lowest funded local authorities, who have developed their own funding model for schools and who appear to have had significant recent access to the DfE), we are very concerned that the result of the National Funding Formula will be a significant reduction in overall budget for education and all schools and academies in Bradford.

The gist of 'informal' announcements is that, in consulting on the National Funding Formula, the DfE is likely to propose to reduce the proportion of the total national schools' budget that is allocated in support of children from more deprived backgrounds and / or with additional educational needs. The National Funding Formula is a priority item for both the Schools Forum and the Children's Services Scrutiny Committee. The Department for Education has yet to publish its consultation on the proposed National Funding Formula. Following the Chancellor's announcement on 25 November, we expect this to be published early in spring 2016. As a result, we do not yet have any detail on which to judge with certainty whether the changes will be fair for Bradford District. Once the detail of formula changes are announced, we will respond quickly to assess impact. I would encourage all members from whatever political party they are from to lobby their own MP on the changes to make sure schools in their ward continue to get the funding they need.

Supplementary Question

I appreciate the answer that Councillor Hinchcliffe has given. I am astounded at the gist of the informal announcements that the Fairer Funding Formula could be anything but fair. The more we are trying to work hard to improve education and outcomes for our children and young people from all backgrounds and with a range of needs, the more we seem to get bashed. Whatever it is whether it is by the Government with their warped understanding of fairness or even the Ofsted Chief Executive's comments which the Leader has already commented on this evening there are many teachers, governors, support workers working hard to improve the outcomes of our children. So the question, will the portfolio holder ensure that she keeps on top of this worrying situation and keep Members informed of the potential impact on our district's children as she becomes aware of more details and announcements as they appear to be being dripped fed through?

Councillor Hinchcliffe

Yes it is something that has come to my attention the last few months. I know Children's Scrutiny have had a look at it as has the Schools Forum. Thank you Children's Scrutiny for sending a letter to MPs on the issue. It is something that we need to all be aware of and have a say in now before the consultation comes in May/spring time so please do write to your MPs, get involved and shout about it before it is too late.

2. Councillor Mike Pollard

It is appreciated that the Council's Medium Term Financial Strategy forecasts must be prudently cautious, but could the Portfolio holder for Housing, Planning and Transport explain why, in the context of a 'Core Strategy' looking at providing 42,000 new homes in the District by 2030, the projected residential Council Tax base for 2021/2, i.e. nearly half way through the 'Core Strategy' timeframe, only assumes that 3,750 of those 42,000 will be completed?

Answer

The answer lies in the fact that the 'Core Strategy' involves the forecasting of housing completions that are hypothetically needed by the district based on a number of factors such as population changes and land availability subject to validation by the Planning Inspectorate. The forecast includes a backlog of unmet need. The Medium Term Financial Strategy forecasts the number of dwellings upon which the Council Tax base can be calculated, completions run at a lower rate than the Core Strategy trajectory, this is due to the key brake in delivery which is the availability of land for release to housing development. Where it can, the Council aims to work with developers to support the development of infrastructure and the conditions for a significant shift in delivery in housing completions but this is subject to a range of market factors not always within the Council's control

Supplementary Question

The residents of the district are currently embroiled in very real planning effects of the Council not being able to demonstrate the appropriate supply of housing land will be interested to learn that the Core Strategy for housing is apparently purely hypothetical. As I said in my original question I appreciate that the Director of Finance has to exercise guidance erring on the side of caution but I put it to the portfolio holder that the projections for new residential completions are so low that there are only two realistic conclusions to be drawn. Either the Core Strategy proposals for 42,000 new homes by 2030 are so unrealistic as to render the Strategy fatally flawed or the controlling group is indulging in just a little budgetary shroud waving - which is it?

Councillor Val Slater

I would not personally have used the word hypothetical. We have discussed the Core Strategy here many times. You perhaps were not present when we did. The figure of 42,500 has to be evidenced on the projected need of population growth and people coming in for employment basis. The Core Strategy was examined in public by the Planning Inspector and he broadly accepted that figure. He did question some of the distribution but that was for other reasons and we are now moving on with the Core Strategy. What is called the modifications are now out for a further look out and once they have been considered and people have responded we will be moving forward on that. The Government Planning Inspector has accepted those figures. The other thing he looks at in the Core Strategy is the realisticness of us delivering those houses. We will be talking later in motions debate about the housing and planning build and how realistic and what help we are getting or not getting from the Government to get those houses built.

There is a difference between assessed need and getting them delivered on the ground and the delivery on the ground is sometimes out of the control of the local authority but the assessing of the need is a Government requirement by this local authority. So that is the difference.

3. Councillor Jeanette Sunderland

To ask the Portfolio Holder for Education, Skills and Culture - How many unauthorised absences from school have been recorded, per year group, monthly since January 2014 to November 2015?

Answer

Period	Sessions of Absence (half days)		Primary Unauthorised Absence %	Secondary Unauthorised Absence %
	Primary	Secondary		
Autumn Term 2013	66129	91510	1.1	2.2
Spring Term 2014	52331	86058		
Autumn Spring Cumulative	118460	177568	1.0	2.2
Summer Term 2014	63681	85090		
Autumn Spring Summer Cumulative	182141	262658	1.1	2.5

Attendance figures for the academic years are published in the autumn term; autumn and spring terms cumulative; and autumn, spring and summer terms cumulative. Figures for the Summer Term 2015 will be published in the Statistical First Release in March 2016

4. Councillor Love

Can the Leader of Council confirm if he was one of the 50 Labour Council Leaders to sign a commitment to run their authority on carbon-neutral energy by 2050? If so, does he think this is ambitious enough and does he have a plan to achieve it?

Answer

Bradford Council has signed the Labour led "zero carbon cities by 2050" pledge. As part of its progress to achieving this the Council remains committed to achieving its ambitious 2020 carbon reduction and renewable energy targets and has for example recently approved the continuing business case development for the Civic Quarter District Heat Network and its associated contribution to reduction CO2 emissions.

5. Councillor Naylor

Could the Leader provide details of the stock levels of salt held by Bradford over the last five years by depot or reserve including this year's current stock levels and the details of any proposed reduction in gritting routes?

Answer

Our current stock level is 26,000 tonnes in reserve at the start of the season. There are no planned reductions in gritting routes for 2015/16.

Supplementary Question

Thank you Leader for the partial answer to the question. I would be grateful if you could answer the other half of it or get somebody to do that on your behalf. I am sure it will have to be in writing otherwise it would have been included already.

Councillor Val Slater

Perhaps you would like to communicate with me outside this meeting but I think we have told you about the level of stock which is 26,000 tonnes which is about right that we have had based on previous consumption. How fast we use it does depend on the type of winter we get. We are in partnership across West Yorkshire and we can pull from them. You ask details about any proposed reduction in gritting routes and there are no proposed reduction in gritting routes for 2015/16 for this coming winter. There was nothing else in your question so I am a bit bemused but perhaps we will talk about it later but I will repeat - there are no proposed reductions in the gritting routes for 2015/16. It clearly says that in writing.

6. Councillor Robinson

Can the Leader provide an update on the progress being made on the Council receiving repayment of the loan made to the Bradford Bulls which had a personal guarantee from Omar Khan?

Answer

As previously reported to this Council the matter is in the hands of the Council's solicitors and proceedings will be issued to recover the outstanding money if a satisfactory agreement about continued payments of instalments cannot be reached. Regular payments have been received in respect of the loan. The details of the payments and outstanding amounts remain subject to a confidentiality agreement at this time.

Supplementary Question

I am confused. Initially when I requested information from the City Solicitor he gave me information that Omar Khan was making erratic payments and not keeping to the legal agreement. The question I now want to know, this is public money, £250,000 was lent, public money lent to a private company by our, and I was part of it, Labour led Council. Can this information be received under the Freedom of Information enquiry?

Councillor Green

Not being a legal expert I would not give a definitive answer but my gut feeling would be no. Simply because it is under commercial confidentiality but if you wanted to make that application then the powers that be will, and in the case of FOI's that isn't politicians, because there have been too many politicians who have had their fingers burnt interfering with FOIs. Put in the application and it will be considered by the Legal Department.

7. Councillor Morris

With the knowledge that 130 people have been slaughtered by Muslim extremists in Paris, one of which was known to have entered the EU posing as a refugee in October, will the Council change its open door policy to refugees until a way can be found to protect the residents of the district?

Answer

The Council doesn't have an 'open door' policy to refugees.

The refugees resettled in Bradford have been through the managed migration programmes such as Vulnerable Persons Relocation Scheme and Gateway Protection Programme. These programmes are led by the Home Office working in conjunction with United Nations High Commissioner for Refugees (UNHCR). The Vulnerable Persons Relocation Scheme supports individual cases where evacuation from the region is the only option and prioritises help for survivors of torture, and women and children in need of medical care. Prior to their arrival in the UK the UNHCR vets all the refugees and the whole resettlement process is carefully managed, supported and controlled. In Bradford, the Prevent Coordinator is a member of the Refugee Resettlement Steering group and has undertaken Prevent Safeguarding training for all staff working with refugees.

Supplementary Question

Thank you for your answer Councillor Green. A supplementary then. Are the refugees being given priority over housing in the district over residents born and bred within the district?

Councillor Green

Let's just kill this off. Well let's try and kill it off once and for all. We have said it in the press. We have said it in motions to Council. We have said it in reports to Executive. I have said it on the television. The Minister has said it. The situation is that we are only taking refugees where our resources allow us both to give them the life that they need but also to make sure that Bradfordians and Keighleyians and Shipleyians are not prevented from accessing services. We work in partnership with housing providers, private landlords, the schools, the Home Office and everybody else. And actually we should be damn proud of the district, damn proud about what we are doing and what we should not allow to happen is people to try and use the tragedy in France or the tragedy that is going on in the Middle East to create division and hatred. These are people who have been living in refugee camps for years, with no proper education, not allowed to work, no access to proper food and medical care despite the best wishes and hopes of the refugees. And yes Bradford does offer them refuge like we have offered refuge to people escaping violence for hundreds of years. We should be proud, you should be welcoming it, you should be working with us to make sure it happens. Let us not let a few people try and spread hatred and division be it in motions or questions or anything else. Because what we are doing is the right thing. It is a humanitarian thing and it is a realistic thing for the people of this district.

8. Councillor Jabar

Can the Leader update us on the implications for Bradford District of the Chancellor's Comprehensive Spending Review? Would he share the view that the recent spending review and Autumn statement is a direct attack on Local Authorities like Bradford and some of our most disadvantaged, marginalised and vulnerable individuals and families?

Answer

The Spending Review leaves lots of questions unanswered. The key one being the amount of funding Bradford will receive in the both the short and medium term. There were numerous announcements that are subject to consultation in 2016 so the actual effect is as yet unknown. It is however clear that the direction of travel is further cuts to funding for Bradford.

Because people in most need are most reliant on public services the cumulative impact of further cuts, on top of the £172.6m reductions in Council spending that have already taken place since 2011, will be most keenly felt among people who are already vulnerable, marginalised or disadvantaged.

The Government's policies on local government funding continue to shift resources away from Districts like Bradford while favouring the wealthiest parts of the country.

Moving from a national system of the re-distribution of business rates to allowing local authorities to retain all their local business rates inevitably delivers the greatest benefits to those places which already have the strongest local economies.

The Spending Review allowed for Councils to raise Council Tax by 2% ostensibly to help meet the rising costs of social care, ironically this comes after years of being pressured into keeping council tax bills low. The Local Government Association (LGA) and the Association of Directors of Adults Social Services (ADASS) both state that this new power falls far short of the true costs of social care. Bradford, with its low Council Tax rate and relatively low property values, will be able to raise less than other more affluent areas that have higher council Tax income and more expensive properties but potentially fewer needs. Independent analysis has demonstrated that the local authority set to see the maximum benefit from the measure is Wokingham, the wealthiest District in the country.

The chances of a postcode lottery in social care developing are high.

The Public Health Grant will be cut and potentially will have to be funded from business rates. If the Government adopts the same approach to cutting this budget as it has to the recent £2.6m cut in this financial year then Bradford District will again see funding cut disproportionately compared to the most affluent parts of the country.

The Spending Review also confirmed that a consultation will take place on a new school funding formula which could see Bradford District lose £175 in funding per pupil.

It was also announced that the Education Services Grant will be cut by up to 75% and funding for education via the Dedicated Schools Grant and Pupil Premium will be eroded by inflation over the rest of the current parliament despite facing additional costs arising from higher National Insurance bills.

In exchange for losing grant funding, reductions in business rates income and potentially raising local taxes the Spending Review indicated that it would expect Bradford, like all upper tier authorities, to take on additional responsibilities, further eroding our ability to meet the District's needs.

Additional Discretionary Housing Payment funding will be made available to local authorities to protect the most vulnerable, including those in supported accommodation. It is likely that this is simply to compensate for Council's no longer receiving grant to cover the extra cost of housing residents in supported accommodation.

Universal Infant Free School meals will continue and potentially the national Disabled Facilities Grant is to be doubled that provides assistance for home adaptations.

Overall, the Spending Review leaves us unable to draw any conclusions other than the Government is, at best, ambivalent about the impact of its cuts on the poorest and most vulnerable people, is happy to cut local authorities with the highest levels of need and

lowest income bases adrift and content to oversee a postcode lottery in the scale and quality of services that people are able to access in different parts of the country.

9. Councillor Greenwood

Can the Leader tell us what effect the Government's £2.6m cut to Public Health budgets will have on local services?

Answer

In July, the Treasury announced that the Department of Health (DoH) is required to deliver savings of £200m in 2015/16 through reductions to the Public Health Grant to local authorities, confirmation was received in November that DoH would proceed with the savings by reducing each LA grant by an equal percentage of 6.2%, this being £2.571m for Bradford. This is despite Bradford having allocated its entire budget for the year while other local authorities had failed to do so.

Detailed examination of all expenditure in public health was conducted in order to manage the reduction in funding. Negotiations with NHS England resulted in a transfer of non-recurrent funding of £0.6m. In addition, further negotiations regarding dental and HIV costs concluded that public health would retain funding of £0.3m. This transfer of funding provided some support in-year for 15.16 however, in order to remain in budget, planned procurement for health improvement services and sexual health support services was discontinued and procurement of family weight management provision was delayed; additional savings through staff vacancies and underspend through inter-departmental agreements was utilised.

As the majority of public health funding is spent on commissioned services, reductions in funding will have a direct impact on contractual arrangements and front line delivery, this is unavoidable. The public health team will work with affected service providers to redesign services and minimise impact to the both the service and the end user.

The cut has had a disproportionate impact on Bradford which lost the equivalent of £4.87 per person while Wokingham, the wealthiest local authority district in the country, saw budgets reduced by the equivalent of £2.02 per person.

10. Councillor Cooke

Does the Leader of the Council think that it would be beneficial for the Trustees of Robert Park, to meet with the Friends of Robert Park?

Answer

The Council's Constitution gives the Regulatory and Appeals Committee the power to discharge the functions of the Council under legislation relating to charities and to make decisions in relation to charities of which the Council is Trustee.

The Council officer representative for this Charity met with the Friends of Roberts Park on 2nd December 2015.

Following the meeting on 2nd December there is no indication at this time from either the officer or the Friends Group that it would be beneficial to seek a further meeting with the Chair of the Committee or to bring forward any report for consideration by the Committee.

Supplementary Question

Thank you for the answer. I do however think, and perhaps the Leader might want to reconsider it, that it would be appropriate would it not for the Chairman of the Regulatory and Appeals Committee to at least take up the olive branch from the Friends of Roberts Park following the debarment over the turbine in order to have a conversation with them about how matters can be progressed. Because I do think the way in which the Council is conducting itself as a trustee in some cases is less than satisfactory. I think it would probably help if we improved this.

Councillor Green

I hear what you are saying but I am not going to go round and insist that any individual on this Council or any elected Member goes and meets with any other person. There is a legal obligation on the trustees. I think that particular relationship has been interesting. I do hope that we can build those bridges as you have already seen. There has been a meeting between officers and Friends and I hope that that early bit of diplomacy will lead us forward.

11. Councillor Wainwright

Can the Leader of Council tell us whether or not he has been approached by the Prime Minister to raise his concerns about Local Government funding cuts or does he believe that it is the case that Mr Cameron only cares about the impact of his own cuts when it happens in his own backyard in Oxfordshire?

Answer

No, the Prime Minister has not contacted me to raise his concerns about the effect of his Government's unfair and disproportionate cuts on Bradford and towns like Keighley, Shipley, Bingley and Ilkley. Clearly, Mr Cameron is utterly unaware of the efforts that Councils have already gone to in order to protect services and of the cumulative impact of his policies. Given that he is so clearly out of touch with issues affecting his own constituency it is hardly surprising that he shows no understanding of our District's communities or their needs.

12. Councillor Dunbar

Would the Leader of Council explain how the Priority Streets Scheme will aim to attract businesses to the top end of the City Centre following the successful launch of the Broadway Shopping Centre?

Answer

The Priority Streets scheme is an element of the City Centre Growth Scheme. It is focusing resources in to the area in the central retail core with highest vacancy rates and particularly those streets most affected by businesses relocating to the Broadway. The target streets are - Darley Street, Kirkgate, Rawson Square, Rawson Place and Ivegate.

The scheme is providing financial incentives to businesses reoccupying vacant premises. This comprises a capital grant for property improvements and equipment purchases along with a business rate rebate. The maximum funding available to any business is approximately £140k (State Aid limit). The scheme will support businesses that add to the offer and distinctiveness of the City Centre.

In addition to this, the area is being promoted to major national retailers who have not taken space in the Broadway to see what interest there may be. Also, where appropriate,

meanwhile uses such as pop-up shops are being explored with landlords, leaseholders and agents.

13. Councillor Davies

Could the Portfolio Holder for Education, Skills and Culture inform Members of how many members of the public (i.e. not Council employees, councillors, teachers or anybody else attending in a professional capacity) attended the Public Forum for Education event on 6th October?

Answer

77 attendees registered before the event, with an additional 15 approximately attending on the evening. Of those pre-registering, 10 did not state their area of work or interest. Of the 67 pre-registered who stated their job description/reason for attendance, the following could be classed as coming from a non-professional/non-Council/non-school background.

The following is based solely on the capacity stated by attendees:

Students	3
Voluntary sector, including faith groups	5
Social care related interest	5
Museums, arts related backgrounds	3
Others outside the categories in the question	5

The reliability and validity of the figures is low given attendees often attend as, for example, a parent, governor and professional. Attendees will often register as a professional but contribute to discussions and debate from a parent's perspective. Of the fifteen attending but not stating their attendance capacity, it is suspected, based on views expressed, they attend mainly as Governors, community leaders and members of the public.

14. Councillor Greenwood

Are the measures outlined in the Government's Comprehensive Spending Review sufficient to tackle the financial and demand pressures facing the District's social care services?

Answer

No.

A 2% precept was announced to fund social care (Adult Social Care). This precept is on top of the current council tax referendum limit. So, potentially council tax could be increased by 3.99% without holding a referendum. There was no specific allocation to address pressure on Children Social Care.

A 2% precept for social care is woefully inadequate to deal with increasing demand for and costs of social care in the District and is not enough to prevent savings having to be made by social care services. For example, the precept would raise around £6m over the next two years while the estimated costs of paying the National Living Wage to care workers are £13m. The measure has been described by the Association of Directors of Social Services as "too little, too late".

15. **Councillor Stelling**

To ask the Portfolio Holder for Housing, Planning and Transport - Winter is now here. Can the Portfolio Holder please confirm how many snow wardens in the District have received the resources and support mentioned in your last response? How many of these are from within Bolton & Undercliffe?

Answer

We have 81 snow teams/snow wardens on our records for 2015. We have no volunteers from the Bolton and Undercliffe ward.

16. **Councillor Dunbar**

Would the Portfolio Holder please give an update on the progress of the Get Bradford Working scheme and its different components?

Answer

Get Bradford Working is an Employment Investment Programme for the Bradford District. It draws together key initiatives which tackle the issues and barriers facing Bradford's residents in the labour market.

As at the end of October 2015 Get Bradford Working programmes have supported 1,900 individuals into employment.

Progress on the seven strands of Get Bradford Working (GBW) has exceeded expectations across the board and the programme has won numerous prestigious national awards for its innovative approach. The GBW has at the heart of the approach collaboration and partnership working and has received significant levels of external partnership investment that has contributed to both the ethos and real success that has been achieved to date.

1 **SkillsHouse**

Although SkillsHouse was only launched on 1st June 2015 it has already had a huge impact by supporting over 260 into work. The current priority is to support unemployed people gain employment in the Broadway shopping centre. SkillsHouse operates as a 'finishing school', upskilling individuals to ensure they are ready to meet the specific needs of employers within the retail, hospitality and visitor economy sectors.

Over 30 organisations work in partnership with SkillsHouse to provide a unique and innovative approach to support both our local businesses and help unemployed people into work.

2 **Industrial Centres of Excellence**

Industrial Centres of Excellence (ICE) are discrete Centres within existing schools or colleges. Currently, there are four Centres for Advanced Manufacturing and Engineering, Business, Environmental Technologies, and the Built Environment.

The Centres have their own management Board which has responsibility for matters such as curriculum, quality assurance and finance of the Centre delegated from school governing bodies or college corporations. Collectively they are driven by 14 education partners and 22 business partners.

There are over 600 students on an ICE programme. The results of the first cohort of learners completing a full 2 year ICE programme have been excellent, with 89% success rates at the CE for Business (compared to 73% before the ICE programme started); and attainment of A*-C in GCSE Engineering was 59% compared to the national average of 40% at the CE for Advanced Manufacturing and Engineering.

3 **The Employment Opportunities Fund**

The Employment Opportunities Fund (EOF) is a partnership between CBMDC, Incommunities, Jobcentre Plus and associated partners. The fund specifically targets Bradford residents who are unemployed, claiming active benefits and have been out of work for at least six months. The main aim of the fund is to provide a bridge into work for these individuals and to support them towards sustainable employment

To date 771 jobs have been created and filled within the EOF. The roles are within a range of sectors including horticulture, catering, ICT, community development and childcare.

4 **Routes into Work**

Routes into Work (RIW) fund is a commissioned fund that seeks to meet the gaps in the Employment and Skills provision in the District that were identified in the Employment and Skills Strategy and offer additionality to National and Regional Programmes. RIW contracts target those furthest away from the labour market such as individuals with a disability, mental ill-health and drug and alcohol dependency.

To date 450 individuals have been supported into employment through RIW programmes.

5 **Bradford Apprenticeship Training Agency (ATA) & Apprenticeship Hub**

The Apprenticeship Training Agency acts as a recruitment agency and seeks out organisations to employ apprentices on an agency basis, thereby helping them to minimise the risk associated with employing staff more permanently. The model provides the opportunity to grow apprenticeships in businesses to help develop their workforce and also to reduce youth unemployment at a faster pace than planned.

The main aim of the Apprenticeship Hub is to raise the profile of apprenticeships and increase take up of Apprenticeship provision across the District.

To date the ATA and Hub have engaged 380 SME employers and have supported 427 apprenticeships into vacancies.

6 **Advanced Skills Fund**

The Advanced Skills Fund provides support to businesses in key growth sectors to enable them to recruit skilled staff. It works to strengthen Bradford's economy by providing the advanced skills Bradford's businesses need, opening up employment opportunities for Bradford's residents.

7 **Step up to Business**

The Step up to Business project seeks to engage with 16-24 year olds who currently work in the shadow economy in order to support them to establish legitimate business enterprises. The programme commenced in November 2013 and ended in March 2015.

17. **Councillor Barker**

Could the Portfolio Holder for Housing, Planning and Transport inform colleagues of how much money has been raised through Section 106 agreements within Wharfedale Ward over the past 10 years and from which projects and in what amounts?

Answer

Records are only held dating back to January 2009. Since this time, Wharfedale has received a total of £210,921.52 in Section 106 monies. This is comprised of:

- £13,869.27 – education contribution – club and premises, Farnley Road, Menston
- £150,094.94 - education contribution – former Moor Lane Centre development
- £23,706.17 – habitat mitigation contribution – former Moor Lane Centre development
- £17,264.94 – metro contribution – former Moor Lane Centre development
- £5,986.20 – metro contribution – Menston Hall development

All developments are checked on a regular basis and once trigger points for payment of monies are met an invoice is raised.

A bi annual Section 106 monitoring report is also presented at the Regulatory and Appeals Committee. This report details the number of Agreements signed, the contributions secured in those Agreements and the total amount of monies received since January 2009. All Councillors are also encouraged to contact Michala Bartle, Planning Obligations Monitoring Officer, to determine the amount of money available for their Ward and what projects this money may be used towards. Regular meetings with the Planning Obligations Monitoring Officer and ward Councillors are encouraged to ensure the money secured is used in the best possible way to meet both the terms of the Agreements and also to take into account community requests.

Supplementary Question

Can I thank the portfolio holder for a very detailed response. It was interesting to see that we have acquired £200,000 plus from projects within Wharfedale Ward. I would like to ask a further question if you could identify what the money has been spent on if it hasn't been spent, has it been identified for anything else?

Councillor Val Slater

I can assure you I have not spent it on a holiday! I obviously haven't got the information at my fingertips but if you want to speak to Michala Bartle whose job it is to liaise with ward Councillors and also the relevant Council departments she will be able to tell you what it has been spent on. I would recommend to all Members to keep regularly in touch with Michala because by virtue of the way 106 is triggered things come in at various points on development and sometimes you can if you are not on the ball you can miss out and not be as quick as you might want to in spending the money. Ward Councillors should be involved in discussing. Certainly for things like parks and open spaces etc. So I would suggest you have a word with her.

18. Councillor Dunbar

Would the Portfolio Holder for Health and Social Care please report on the fantastic outcomes achieved by the young people involved in the recent Takeover Day from the Children in Care Council and thank the staff involved for all their hard work and dedication?

Answer

Take over day was well supported by the senior leadership team. They supported a wider opportunity of jobs across Bradford Metropolitan District Council. This came out of a request last year from CICC that young people did not always want to "take over" senior, decision making jobs. CICC fed back to senior management team that young people wanted to "take over" jobs that they may choose as a career. As a result the jobs taken over ranged from the Chief Executive of the Council, both Director and Assistant Director, Senior Managers, Social Workers to cooking the food for the evening celebration. Young people also took over various Independent Review Officer roles by chairing their own Statutory Reviews. This gave young people the opportunity to understand the process of reviewing their care plans, this also gave young people some control over this decision making process that involves their lives.

At the evening celebration two Young People from CICC introduced the Strategic Director - this is a fantastic achievement for both of them who struggle to speak in a public environment. A number also were interviewed on film about their experiences. This has built their confidence no end and they are both looking forward to continuing to work with CICC. The young people that cooked for the event with Ministry of Food took part in a 4 week course, preparing for the event. This included sticking to a budget, ensuring catering was for all dietary requirements, timings, food hygiene and displaying the food. This has given a valuable life skill to all of the young people involved - to see so many people witness all their hard work come to fruition was hugely uplifting.

Feedback that has been received at this early stage has been extremely positive from both Young People and the post holders they replaced. Young People have reported an increase in confidence and self belief that they are able to achieve their goals. The young lady that took over the Assistant Director's role was able to discuss changes to how contacts for families took place, this change has been agreed.

Supplementary Question

Thank you portfolio holder for the answer. I just want to ask as I took part in this Takeover Day myself and was kept in check by a very astute eleven year old. Hearing about some of the really positive outcomes at the celebration event that the young people experienced would there be scope to extend this scheme beyond the one day per year?

Councillor Berry

It would be really good to find all sorts of ways to extend young people's involvement in looking at things they may wish to do in the future, opportunities and ambitions. I certainly would be prepared to look at that. I propose to start with perhaps discussing it with our Looked After Children Council, that may be the best place to start.

19. Councillor Rickard

Can the Leader of the Council confirm the Council's approach to ensuring that the District can take full advantage of the Chancellor's Northern Powerhouse Investment Fund announced in the Autumn Statement?

Answer

As part of the Autumn Statement the Chancellor announced a £400m Northern Powerhouse Investment Fund, which combines EU regional money with support from Government through the British Business Bank. Operating from 2016-20 the fund will invest in small businesses in the North, including Bradford, to assist their growth and development.

While we wait for additional detail on the fund it's important to note that there is a strong existing offer to business, with district provision (Invest In Bradford) complementing the work of the city region's business growth hub.

Going forward we would expect the Investment Fund to form part of our overall offer to business. Officers will work with key partners such as the Chamber of Commerce to make Bradford businesses aware of this and other support and assist them in accessing investment.

Ensuring that the District accesses its fair share of any available funding will be increasingly important as the capacity of the Council to use its own resources to support investment activity is severely limited as a result of the Chancellor's ongoing programme of disproportionate cuts to local budgets.

20. Councillor Leeming

To ask the Portfolio Holder for Housing, Planning and Transport - As of the 1st October 2015 smoke alarms and Carbon Monoxide alarms must, by law, be fitted in all private rented properties. Can you advise how you will ensure that this new regulation is going to be adhered to without a comprehensive register of private landlords?

Answer

This is a legal requirement and every landlord should ensure that they are aware of all of their legal responsibilities when they decide to rent out their properties.

Prior to the introduction of the new legal duty the requirement was publicised by the government and various landlords' associations. In addition the West Yorkshire Fire and Rescue Service wrote to all letting agents advising them of the requirement and offering free smoke detectors to landlords.

The Council is the enforcing authority for this legislation. Information was provided to landlords at a recent Landlords Forum and will be placed on the Council's website. However, due to limited capacity within the Housing Standards team the new legislation will be enforced through direct dealings with landlords as part of normal business rather than as a targeted proactive approach.

21. Councillor Cooke

Given the size and cost of agendas for the last two full council meetings, can the Leader of the Council confirm what steps are planned to develop paperless systems for meetings of Council and council committees so as to reduce costs and improve the efficiency of councillors?

Answer

The recent introduction of the modern.gov management system for Council and committee agendas, reports, decision records and minutes provides the opportunity to access this information via an application on a tablet or smartphone. The app allows documents to be read, bookmarked and annotated on screen. There are also options for accessing exempt reports. Officers will be working with members to experiment with the use of this technology. The law allows members to agree to receiving papers for meetings of Council in electronic rather than paper form.

Supplementary Question

Perhaps I should have tweeted it. I do note that we have made some progress in terms of the backend technology as far as moving to paperless. However can I urge that we try and accelerate the process because certainly at the last two Council meetings agendas have been enormous and you are on the Executive and your last three Executive agendas have been like this. Producing in paper form really is a bit 19th century these days. Can I have assurances that every effort will be got to try and get us to the situation and saying that you can access it on a smart phone might be true but we do need something a little bit better than that?

Councillor Green

I have a great deal of sympathy with you and I would like to pretend I understand the answer that somebody wrote for me. We are going to work towards it and hopefully the days of chopping down trees will soon be behind us.

22. Councillor Gibbons

Can the Leader of the Council confirm that the Council will do something, hopefully that local people can take part in, to mark the Queen's 90th birthday?

Answer

It is expected that communities from across the District are likely to celebrate in a number of local events and activities. Where these relate to Council land and buildings, officers will be on hand to provide guidance and support, based on the nature of the event that is proposed.

Discussions are due to be held with the 'Older People's Focus Group' to explore the likely interest in looking at whether people that from across the district that will be 90 in the same year wish to come together in some form of event to celebrate, reminisce and share experiences.

The Council will also be supporting the Clean for the Queen initiative, as part of the People Can Make a Difference New Deal campaign. Local people will be invited to participate in a campaign in the run up to the Queen's 90th birthday. This will be a great opportunity to both celebrate the Queen's birthday and to make some environmental improvements at the same time.

Supplementary Question

Thank you for the answer Leader. This is a celebration that I think a lot of people are looking forward to and will enjoy as they have done in many decades previously. We are certainly in Ilkley looking forward to a street party and concerts and various other things. You did at a recent meeting say that you would look favourably upon road closures. Now does that mean that you will look favourably financially? I know you cannot offer unbounded munificence in this area ie throw money away. It is an expense for people who want to close their roads and so on. These road closures will obviously have to take

place with all the caveat for emergency vehicle access, etc etc. But it is a cost and a difficulty for some people who are not used to these things. Can you offer any assistance there?

Councillor Green

If you would like to contact Mr Osborne and suggest that he might want to plug a hole in a £170m budget I will certainly consider using some of that to help support road closures and that is only half joking because seriously you will have seen the draft budget, you will have seen the challenges that we face ahead and we are going to have to pick and choose. Never say never but currently it would be difficult to make that promise to anybody. In terms of getting through the bureaucracy Councillor Gibbons that is what you and I are there for. Our job is to guide our constituents through the elephantine world of road closures.

23. Councillor Rickard

Can the Leader of the Council advise colleagues of the current position of the Leeds City Region Enterprise Partnership (LEP) with regard to the attainment of its Strategic Economic Priorities?

Answer

The LEP is making significant progress in delivering its strategic economic priorities, with £76.5m of £115m Growth Deal funding already committed to schemes and projects across the city region.

These priorities include local schemes with support secured for One City Park and Shipley College capital improvements. Additional priorities supported by the transport fund include the new stations at Low Moor and Apperley Bridge and station upgrades to Forster Square and the Interchange and delivery of the West Yorkshire+ Transport Fund schemes of Harrogate Road / New line Junction and Hard Ings Road by 2021.

The LEP is about to undertake an exercise to review progress on delivery to date and ensure the previously identified priorities remain relevant. We will continue to work with partners to ensure Bradford is reflected as a priority for the LEP and benefits from Local Growth Funding.

24. Councillor Reid

To ask the Portfolio Holder for Housing, Planning and Transport - As Bradford Highways staff are now providing services to neighbouring authorities, can the Portfolio Holder indicate the extent to which staff from neighbouring authorities are currently working in Bradford?

Answer

Bradford Council has in the recent past been in the fortunate situation where it has been able to assist District partners in delivery of capital projects particularly in relation to Street Lighting and Urban Traffic Control (traffic signals) schemes. This is not the case in the current financial year as all our staff are fully engaged on delivering Bradford's capital programmes.

I can also confirm that we currently don't have any staff from neighbouring authorities working in Bradford or on Bradford schemes.

25. Councillor Love

Can the Portfolio Holder for Housing, Planning and Transport tell us what the current lead time is for fixing street lights once they have been reported?

Answer

Lead in times for completing light repairs is currently 20 days mainly due to the volume and continued impact of bad weather events. However, the service is very aware of the need to decrease lead in times and is actively putting in place a range of measures to improve the timescales.

26. Councillor Davies

As last Autumn it was stated that the Council aimed to close the gap between Bradford and the national average of children getting five A*-C GCSE grades, this year from six per cent to three per cent, could the Portfolio Holder for Education, Skills and Culture advise Members of whether this was achieved?

Answer

As last Autumn it was stated that the Council aimed to close the gap between Bradford and the national average of children getting five A*-C GCSE grades, this year from six per cent to three per cent, could the Portfolio Holder for Education, Skills and Culture advise Members of whether this was achieved?

Final validated results for KS4 (16 year olds) from summer 2015 are due to be published during January 2016. The Department for Education (DfE) hasn't yet given us an exact date – the 2014 results were published on 29 January 2015.

We currently have unvalidated results which don't include the outcomes of remarked examination papers or the discounting on pupils who have only recently arrived in England. The unvalidated 5+ A*-C GCSE result including GCSEs in English and maths for Bradford in 2015 is 44.6% compared to the unvalidated national average of 52.8% - a gap of 8.2% points. In 2014, 44.0% of Bradford's students achieved 5+ A*-C GCSE result including GCSEs in English and maths, compared to a 2014 national average of 53.4% - a gap of 9.4% points.

2014 saw a recalibration of GCSE results with some significant changes in the standards and allowed qualifications. And whilst Bradford's expectations have not been met in 2015, the gap between Bradford's result and the national average has reduced. That said, we all recognise that educational outcomes for our children need to improve faster and everyone in Bradford needs to be focussed on implementing the Ofsted approved action plan to achieve this.

Supplementary Question

Is there a target for next year and if so what is it?

Councillor Hinchcliffe

There are a number of targets across the board. We will make sure you have got the education improvement strategy plan that was circulated at the Education Improvement Strategic Board so we will send that to you.

27. Councillor Ellis

Can the Portfolio Holder for Environment, Sport and Sustainability confirm what actions the Council plans to take to ensure that it adheres to the latest recommendations of the National Fly Tipping Advisory Group?

Answer

The National Fly Tipping Prevention Group published a paper in April 2014 which gave guidance on a national framework for England on tackling fly-tipping through local partnerships. They produced an options checklist template in this guidance centred around a 4 pronged strategy of Prevention, Reporting, Investigation and Clearance.

The Environmental Enforcement team already adopt this approach to dealing with fly tipping. The team carry out duty of care inspections of business and inspections of waste carriers in order to prevent waste entering the illegal waste stream. The team investigate fly tips on public and private land, all of which are reported to the fly tipping data reporting database "Waste dataflow." The council Contact Centre is used as a single point of contact to receive notifications about fly tips and Enforcement Officers follow up those incidents where there is evidence. Landowners and potential witnesses are provided with guidance on evidential requirements and where appropriate landowners are required to clear land of any fly tips. The Council clears its own land, and Council Wardens and cleansing crews are alert to the need to obtain and protect any evidence that they encounter. In addition the team also deal with waste accumulations in gardens, including providing advice to householders about their duty of care.

Supplementary Question

Thank you for the reply but I am just a little bit befuddled with it really. What it says is that "the team investigates fly tips on public and private land all of which are reported to the fly tipping data reporting database". Further on it goes "landowners and potential witnesses are provided with guidance on evidence requirements and where appropriate landowners are required to clear land of any fly tips". My understanding of the guidance from the advisory group is that it is reported to the Council so that Council officers who have the experience to look for evidence and for prosecution is what is advised and yet the reply suggests that yes we may take data for forward transmission to the waste dataflow but that landowners are potential witnesses are then given guidance. Do officers actually attend or is some sort of guidance given over by telephone.

Councillor Imran Khan

Thank you for that question. Officers do attend when reports come in about fly tipping. They do go out and have a look at what is going on there. The public out there and landowners who have rubbish dumped on their land also have a responsibility but can also help us identify people that are dumping rubbish on their land. So it is about getting everybody together, working together to identify those people that are fly tipping and taking the adequate enforcement action that we need to take.

28. Councillor Davies

Does the Portfolio Holder for Environment, Sport and Sustainability think that more people would use public libraries if popular titles were more readily available? I appreciate that there are limited resources but libraries primarily exist to provide books and I recently went into request a copy of 'The Girl on the Train' and was told there were 66 reservations before mine?

Answer

This is a popular title and we have 7 copies in stock across the district – more than would normally be purchased in hardback - due to the demand for this title. Past experience and a bigger materials fund in the past showed that buying lots of copies to satisfy a high percentage of requests leads to 'dead' stock on the shelves when the demand stops.

66 requests on 7 copies is not unusual. We would anticipate buying more copies of the title when it is available in paperback.

29. Councillor Fear

To ask the Portfolio Holder for Housing, Planning and Transport for an update on progress that has been made on fixing Thackley Corner and whether an assessment has been made as to the impact of the delay in getting it fixed has had on highway safety?

Answer

The collapsed retaining wall at Thackley Corner is not a Council structure. The wall was built as part of the railway and sold by British Railways Board to Wardour Properties. Responsibility for maintaining the wall rests with either Wardour Properties or Department of Transport.

The Council's legal section are advising that a notice be served upon the owners which would require them to make the wall safe. Prior to issuing the order, Legal Section have asked for a preliminary design and accurate cost estimate for wall reconstruction to be prepared.

Highway Structures Unit has commissioned a topographic survey and ground investigation reports. We are currently waiting for a resource to become available to complete the design and cost estimate.

The provision of a highway that is safe for users and fit for purpose is inherent in all that we do; but we must work within the available resources. We consider the effects on highway safety in all of our works. We have modified the current traffic management arrangements at Thackley Corner on several occasions to improve traffic safety and in response to feedback from highway users.

30. Councillor Cooke

Can the Leader of the Council confirm that the Council has a policy which specifies the number of days within which invoices should be paid and if so can he confirm the percentage of invoices to the Planning Department that are not paid within this time and why?

Answer

Our standard terms oblige the Council to pay suppliers within 30 days of the receipt of a valid invoice which is in line with current legislation. From April to October 2015, 16% of invoices for the Planning, Transportation & Highways service were paid late. Delays to payments usually arise when the invoice is sent to the Department ordering the goods or services rather than direct to Accounts Payable or where no purchase order is quoted on the invoice. Additionally, in the early part of the year, Accounts Payable had insufficient resources and consequently processing was taking longer which generated a higher number of supplier calls further reducing processing time. We are part way through implementing an improvement plan which will reduce the volume of invoices, make better

use of technology and increase compliance with good practice. This is reflected in the performance for the period from Aug-Oct for Planning when 5% of invoices were paid late.

Supplementary Question

Thank you for the answer. It kind of begins to explain something of a puzzle which is I am going to try to solve. The puzzling question has been solved by knitting together a solution which is not entirely a perfect process but this relates to schemes that are funded through section 106 and can we get to the situation where there is a smoother process than the current, certainly the experience of Cullingworth village hall has been less than smooth, shall we say in terms of dealing with the process. So it is really just to say that we need to try and get a process in place that is a bit more responsive. Basically we've had to knit one together.

Councillor Green

After that clear and concise question I think the answer is yes if I understood the question right. But if there are particular details around the whole thing which clearly I am not aware of. If you will let us know we will learn the lessons from it as we always try to do.

31. Councillor Sykes

Could the Portfolio holder for Education, Skills and Culture inform Members of the route that bus tours for trainee teachers take around the District as a way to encourage them to teach in Bradford?

Answer

The buses are purely used as a means of transport to enable trainee teachers to visit schools in the district to ensure that all trainee teachers can experience and see the wide variety of diverse schools and areas we have. As members will be aware the District is divided into 5 areas: Bradford West, East, South, Shipley and Keighley/Ilkley. Therefore the tours are arranged with visits to 4 schools in a day, in four of the five districts. Schools chosen to visit are representative of all types of school such as community schools, church schools as well as academies. To date this has been with primary, nursery and special schools. Secondary tours are planned for early Spring.

Each bus has a maximum of 25-30 trainee teachers, a volunteer lead headteacher and often a representative Governor. The routes are planned to incorporate a school from each of the districts in such a way as to maximise time at each school from the college/university starting point. Each school visit is about 1 hour.

At each school the senior leadership divide the group up to incorporate a tour of the school, time to talk with senior leaders re employment within a Bradford school, including the Newly Qualified teacher (NQT) training they will receive as well as often having the opportunity to talk to NQTs or Recently Qualified teachers (RQTs) about their experience.

32. Councillor Jeanette Sunderland

To ask the Portfolio Holder for Education, Skills and Culture - How many parents or guardians have been fined for failing to ensure their child attended school from January 2014 to November 2015?

Answer

Penalty Notice fines are issued per parent per child – two parents with two children would receive 4 penalty notice fines.

The table below shows the number of fines that were paid during 2013/14 and 2014/15.

	2013/14	2014/15
Total Number of Fines Paid	1513	2827

The table below shows details of fines issued since the start of the current academic year

01.09.15 to 30.11.15	No of Fines
Total issued	1319

33. Question withdrawn

34. Councillor Davies

Can the Leader of the Council advise colleagues whether Council owned shops and offices which have been vacant for some time, is the rent reduced in order to attract a new tenant?

Answer

In such circumstances the Council may consider reducing the asking rent or accepting an offer of a lower rent from a prospective tenant. When assessing the acceptable level of rent regard is had to market evidence of recent similar lettings and to the level of rent paid by the Council's tenants in nearby premises. In line with accepted market practice the council may consider granting an initial rent free period to a tenant rather than reducing the headline rent payable.

Supplementary Question

Thank you for the answer which seems to make sense. Given that you have to consider the level of the rent paid by Council tenants in nearby premises how does that fit with the schemes that are offered grants up to £1½m for new retailers coming in. What consideration is there given to existing tenants with that scheme?

Councillor Green

The scheme that you refer to is for either bringing empty units back into use or allowing businesses to expand so in terms of existing tenants if they are expanding their business, taking on new employees, willing to take additional space in the building they can benefit from that. So I hope that answers your question.

35. Councillor Love

Can the Portfolio Holder for Health and Social Care give an update on the current situation regarding the redevelopment of the former Neville Grange residential home in Saltaire?

Answer

Following the decision to not proceed with the joint development of the site with Incommunities a feasibility study is being undertaken which will be used to inform the decision making process about the future of this site.

Supplementary Question

Thank you for the answer Councillor Berry. Can I just ask that to impress on officers the need to keep Ward Members updated on the progress on this because of late we have had more updates from Incommunities officers than we have had from our own people.

Councillor Berry

No problem but we are in the process of making sure we secure sufficient accommodation for this area's needs so there will be developments taking place in Keighley as well. I would say that I have some understanding of the situation Incommunities is faced with since we moved into this era. There have been major attacks on the role of housing associations and I suspect some of the decisions they are having to make are as a result of a very seriously challenging framework that they are now operating in.

36. Councillor Townend

Could the Portfolio Holder for Environment, Sport and Sustainability confirm the footfall for each library?

Answer

The footfall for the library service by facility in 2014/15 is as follows:

Library	Visits
Baildon	56,322
Bingley	102,182
Bolling Hall	4,146
Burley	26,131
City (inc Local Studies)	218,530
Clayton	20,107
Eccleshill	5,7542
Girlington *	8,355
Great Horton	25,845
Haworth Road	5,617
Holme Wood	19,063
Idle **	12,108
Ilkley	175,949
Keighley	198,430
Laisterdyke	70,341
Manningham	126,322
Queensbury	4,390
St Augustine's	6,939
Shipley	201,625
Silsden	12,110
Thornbury	14,651
Thornton	10,843
Wibsey	34,076
Wyke	54,569
Total	1,485,099

* Girlington currently closed – alternative venues being explored

** Idle relocating into Wright Watson Enterprise Centre shortly.

Visitor figures for the 5 community/venue managed libraries are not available.

37. Councillor Jeanette Sunderland

To ask the Portfolio Holder for Education, Skills and Culture - What was the total of the amount parents or guardians were fined for failing to ensure their child/children attended school from January 2014 to November 2015?

Answer

	2013/14	2014/15	2015 to date
Total Amount received from fines	£90,780	£171,720	£52,260

38. Councillor Miller

Can the Portfolio Holder for Education, Skills & Culture confirm whether any consultation took place regarding the closure of Visitor Information Centres and if so, how many residents were consulted (particularly in Main Street, Haworth), how many Elected Members were consulted and why were Elected Members not provided with feedback, when it had been specifically requested?

Answer

No decision has been made on which Visitor Information Centres to close, hence why no consultation has taken place. As a result of the agreed budget cut of £122,000 in 2017/18, a tourism review was commissioned to identify the future of frontline Visitor Information Centres. The review will consider closure of some of the district Visitor Information Centres and will be published during this financial year. On publication of the review, the consultation process will commence.

Supplementary Question

Leader thank you for the answer. I have spoken with the portfolio holder. There was a slight misunderstanding of what was exchanged in the corridor and I have been offered a full briefing so I am more than happy with the answer. I thought you would be.

39. Councillor Morris

The Council has a duty to put the ratepayers of the District first, so why won't the Council put the reserves it intends spending on housing and supporting refugees into keeping services paid for by ratepayers, surely that should be the priority of the Council in times of austerity?

Answer

The Council is not using reserves to support the refugee programme.

The Vulnerable Persons Relocation Scheme (VPRS) and Gateway Protection Programme (GPP) are fully funded for the first year from central Government. The Council and its partners are currently working with the Home Office to secure funding beyond the first year for the VPRS - Syrian refugee programme to ensure that the local authority can support the refugees gaining a level of independence and confidence to allow them to make a positive contribution to our society.

Cllr Morris knows, because he was there, that at its last meeting in October the Council rejected a call to use its reserves to fund the settlement of Syrian refugees. Given that Cllr Morris knows this to be the case it is disappointing that he is evidently seeking to create the opposite impression.

This page is intentionally left blank

Report of the Strategic Director, Regeneration to the meeting of the Executive to be held on 3 November 2015

AF

Subject: Bradford District Community Infrastructure Levy (CIL) – Draft Charging Schedule

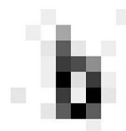
Summary statement:

Community Infrastructure Levy (CIL) is intended as a means of contributing to the funding of infrastructure required to deliver the policies and proposals in the Local Plan including the Core Strategy and other Development Plan Documents. It replaces part of the system of Planning Obligations (S106 Agreements), the scope of which has been restricted since 6 April 2015 with regard to pooling of developer contributions. The Council has commenced work towards CIL for the Bradford District. The CIL Preliminary Draft Charging Schedule was approved by Executive on 21 July and subsequently published for comment for six weeks from 31 July to 11 September 2015. Following consideration of the representations received to the consultation, this report is seeking approval of the Bradford District CIL Draft Charging Schedule for submission to Secretary of State following a period for formal public representation.

Mike Cowlam, Strategic Director – **Portfolio: Housing Planning & Transport**
Regeneration

Report Contact: Andrew Marshall
Phone: (01274) 434050
E-mail: andrew.marshall@bradford.gov.uk

Overview & Scrutiny Area:
Environment & Waste Management
Overview & Scrutiny



1. SUMMARY

1.1 Community Infrastructure Levy (CIL) is intended as a means of contributing to the funding of infrastructure required to deliver the policies and proposals in the Local Plan including the Core Strategy and other Development Plan Documents. It replaces part of the system of Planning Obligations (S106 Agreements), the scope of which has been restricted since 6 April 2015 with regard to pooling of developer contributions. The Council has commenced work towards CIL for the Bradford District. The CIL Preliminary Draft Charging Schedule was approved by Executive on 21 July and subsequently published for comment for six weeks from 31 July to 11 September 2015. Following consideration of the representations received to the consultation, this report is seeking approval of the Bradford District CIL Draft Charging Schedule for submission to Secretary of State following a period for formal public representation.

2. BACKGROUND

2.1 Most developments have an impact on the need for infrastructure, or benefit from existing infrastructure. Those that benefit from planning permission should share some of that planning gain with the community, to help fund the infrastructure needed. The Council has historically been able to secure planning obligations for on site and off site infrastructure provision through S106 Agreements with developers. The introduction of CIL seeks to spread this burden more evenly than current arrangements which rely upon the use of Section 106 Agreements

2.2 Section 206 of the Planning Act 2008 confers the non mandatory power on Local Authorities to introduce a new charge on most types of new development in their area, known as 'Community Infrastructure Levy' (CIL). The proceeds of this charge will be spent on local and sub-regional infrastructure to support the development of an area. Infrastructure can be:

1. Critical, e.g. energy and transport,
2. Green, e.g. open space and parks or
3. Social, e.g. schools and community facilities.

2.3 The Draft Charging Schedule (DCS) for the Bradford District has been prepared in accordance with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014 and 2015). The latest amendments to CIL regulations came into force on 25th February 2014 which introduced limitations on pooling s106 from 6 April 2015.

2.4 CIL is intended as a means of contributing to the funding of infrastructure required to deliver the policies and proposals in Local Plan including the Core Strategy and other Development Plan Documents. It replaces part of the system of Planning Obligations (S106 Agreements), the scope of which will be restricted. The aim of CIL is to promote a fairer system to fund new infrastructure. Currently only larger developments tend to contribute to the cost of supporting infrastructure, through planning obligations. Subject to viability, the levy will ensure all but the smallest developments make a contribution towards additional infrastructure. The levy would



also be more transparent, as well as providing certainty and accountability, to both developers and communities, which will also help speed up the planning process.

- 2.5 Planning Obligations (S106 Agreements) are recognised as an effective mechanism for addressing certain planning related matters and so will be retained, as a modified tool, alongside CIL. However, since 6 April 2015 the use of Section 106 Agreements has been restricted to cover only infrastructure required to mitigate the immediate impact of development in the locality where it is taking place and to deliver affordable housing on commercial house builders' sites.
- 2.6 The government sees that together with New Home Bonus Scheme, CIL is a key financial incentive to both local authorities and communities to support sustainable development. To this end the CIL Regulations as amended provide that a 'meaningful portion' of CIL will also have to be passed to neighbourhoods to contribute to the infrastructure needs identified within the area. Fifteen percent of Community Infrastructure Levy charging receipts area passed directly to those Parish and Town Councils where development has taken place. Communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. CIL is seen as providing further new resources for infrastructure to sustain investment over the medium to long term.
- 2.7 There is a statutory requirement for CIL to be spent on infrastructure. The definition of infrastructure, found in section 216 (7) of the Planning Act 2008, will not be defined any further. There will be three types divided into critical, green and social infrastructure. This relatively wide definition gives local communities flexibility to choose what infrastructure they need, to deliver their development plan. However, three areas are seen as important:
1. Demand management, i.e. measures that prevent a need for new more costly infrastructure
 2. Public procurement activity that will provide opportunities for skills training and apprenticeships, and
 3. Infrastructure acting as a catalyst for a move to a low carbon economy.
- 2.8 CIL can also be used for 'ongoing' costs of infrastructure associated with development plan growth.
- 2.9 A report introducing CIL was taken to Executive on 22nd July 2011 which resolved:-
- That the Assistant Director (Planning, Transportation & Highways) be authorised to commence work towards the adoption of CIL in the District as the principle means by which developer contributions towards infrastructure should be collected within Bradford district.
 - That the additional initial burden of adopting a CIL Charging Schedule are considered as part of the Budget setting for 2012/13.



- Future additional burdens of set up and ongoing costs in subsequent years are covered from CIL receipts up to a maximum allowable under the regulations.
 - That the Assistant Director (Planning, Transportation & Highways) be requested to report to appropriate future meetings of the Executive on key stages towards the implementation of the Community Infrastructure Levy in the District.
- 2.10 In May 2012 the Council commenced work on CIL by commissioning consultants DTZ and Arup to prepare the Bradford District Local Infrastructure Plan (to evidence the infrastructure funding gap) and Economic Viability Assessment (EVA) to determine possible CIL rates for the District. The Local Infrastructure Plan has entailed working with infrastructure delivery partners to update the infrastructure information (e.g. transport and education). The resulting Local Infrastructure Plan Schedule of Infrastructure itemises the shopping list of infrastructure, anticipated costs and how it could be delivered. This Schedule of Infrastructure will help inform the Regulation 123 List of the CIL Regulations, as amended by the 2011, 2013 and 2014 Regulations and provides for Councils, as charging authorities, to set out a list (known as the Regulation 123 list) of those projects or types of infrastructure, such as education provision that it intends to fund, or may fund, through the levy. The Bradford District Local Infrastructure Plan does demonstrate that there is an infrastructure funding gap which is required to underpin the introduction of CIL.
- 2.11 The work conducted to date on CIL EVA does demonstrate the ability to generate some CIL income in parts of the District which would assist in maximising contributions towards community infrastructure such as education provision and open space. The Council has been working on the CIL EVA since 2012 and has undertaken a Developer Workshop consultation in July 2012 and an Executive Member Briefing in May 2013.
- 2.12 In early 2014, central government introduced amended CIL Regulations (in February 2014) and there has been a lot of recent case law with regard to challenges made by developers on CIL charging schedules introduced by local authorities across England.
- 2.13 In May 2014, the Council re-appointed consultant DTZ to undertake further CIL viability assessment set within the context of the amended regulations and recent case law.
- 2.14 As part of the suite of Local Plan Development Plan Documents, the Council is committed to adoption of Community Infrastructure Levy (CIL) charging schedule through the Local Development Scheme (LDS). The Council (under Section 206 of the Planning Act 2008) has the power to charge the Community Infrastructure Levy (as the charging authority).
- 2.15 Section 206 of the Planning Act 2008 (The Act) confers the power to charge the Community Infrastructure Levy on certain bodies known as charging authorities. The Council's responsibilities will be to:-



- Prepare and publish a document known as the “charging schedule” which will set out the rates of Community Infrastructure Levy which will apply in the authority’s area. This will involve consultation and independent examination
 - apply the levy revenue it receives to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area, and;
 - Report to the local community on the amount of levy revenue collected, spent and retained each year through the Annual Monitoring Report.
- 2.16 The Council must set out its proposed levy rates in a charging schedule (see section 211(1) of the Act). All charging schedules should be consistent with and support implementation of up to date Local Plans. The Levy rates must be expressed as pounds per square metre as the CIL will be levied on the gross internal floorspace of the net additional liable development. The published rates within the Councils charging schedule will enable liable parties to anticipate their expected levy liability.
- 2.17 The formal stages of preparing a CIL Charging Schedule are as follows:-
- Preliminary Draft Charging Schedule Consultation
 - Draft Charging Schedule consultation
 - Independent Examination in Public of the Charging Schedule before it is adopted
 - Adoption of Community Infrastructure Levy

Preliminary Draft Charging Schedule

- 2.18 The initial stage of preparing the charging schedule focused on determining the levy rates. At the meeting of the Executive on 21 July, the Preliminary Draft CIL Charging Schedule was considered and approved for a six week public consultation period and that a further report be submitted to Executive on the Draft CIL Charging Schedule including outcome of the public consultation on the Preliminary Draft CIL charging Schedule
- 2.19 The Council consulted on the Preliminary Draft Schedule for a six week period from 31 July to 11 September 2015. The Council published the Preliminary Draft CIL Charging Schedule along with supporting documents on the Councils website and invited comments from the public using the electronic comment form. The Council also publicised the public consultation period through the Plan – It Bradford newsletter as well as sending out written notifications on the Preliminary Draft CIL Charging Schedule public consultation to stakeholders on the Local Plan consultation list which includes statutory consultees, Members of Parliament, Councillors and members of the public who have previously comments on the Local Plan.



2.20 The Council received 46 representations from the following stakeholders during the public consultation period on the Preliminary Draft Charging Schedule:-

Summary table of comments received categorised into relevant consultation groups / bodies:		
Comments received from:	Number of comments received:	Details:
Residents / individuals	20	
Developers, Consultants	6	The Brookhouse Group Ltd, Turley, Taylor Wimpey, Vernon & Co, Barratt Homes and David Wilson Homes, How Planning/CrUVL
Statutory Consultees (Government/ Consultation Bodies)	3	Historic England, Sport England, Natural England
Local Planning Authorities / Councils	2	Leeds City Council, Wakefield Council
Town, Parish and Community Councils	5	Silsden TC, Wilsden PC, Steeton with Eastburn PC, Burley PC, Addingham PC
Councillors	3	
Specific Organisations	5	Country Land and Business Association Limited, WY Police, Theatre Trust, Yorkshire Wildlife Trust
General Organisations (Groups / Societies)	2	Holme Christian Community, Ilkley Design Statement Group
Total	46	

The comments from stakeholders covered a range of issues from CIL process, CIL rates, spending CIL, practical implementation of the CIL charging schedule, local infrastructure plan, economic viability assessment, Regulation 123 list, instalments policy, phase payment of CIL, payment in kind provision, exceptions policy, CIL Charging Zones and CIL Charging Zone Map.

2.21 The full written representations on the Preliminary Draft Charging Schedule can be found in Appendix 5 'Draft Statement of Consultation'. The following provides a summary of main issues following the public consultation on the Preliminary Draft Charging Schedule and the Councils response:-

Issue 1: General Support for CIL

Council's Response: Support for introducing CIL welcomed. The Government's aim for CIL is to promote a fairer, faster and more transparent system for funding new infrastructure. The council consider the introduction of the CIL will be beneficial for the Bradford District for the reasons set out in the CIL background Report.

Issue 2: Proposed CIL charging rates including:

- retail warehousing rate is too high and does not reflect range of retail warehouse developments across the district



- the nominal £5 residential charge is not consistent with the viability evidence
- general support for the proposed rates
- the proposed rates will not address the infrastructure shortfalls
- the CIL may result in a further disincentive for developers
- the £20 in zone 3 rate is too low compared to zones 1 (£100) and 2 (£50)
- CIL rates should be decreased to allow for increased S106 for affordable housing and deliver more homes in areas of need
- general support for different residential charges for different zones in the District
- the Impact on key regeneration sites needs to be considered

Council's Response: The council consider the proposed residential CIL rates are based on appropriate evidence and strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. The council will review CIL rates in relation to updated viability and infrastructure evidence in light of comments received.

Issue 3: CIL Residential Charging zone map including:

- the map and boundaries are unclear and a more detailed map needs to be produced
- the charging zones are very diverse and include more affluent areas as well as less affluent areas. The area wide model adopted masks these variations
- the boundaries to the zones appear arbitrary and average house prices based on postcodes areas are not appropriate to define residential charging zones

Council's Response: National Planning Practice Guidance states the council should use an area based approach involving a broad test of viability across the area as evidence to inform the CIL charge. The council recognise that there may be local variations in values within zones; however it is considered the residential charging zones have been informed by robust and appropriate evidence in the District wide Viability Assessment.

A more detailed map has been provided at the CIL Draft Charging Schedule Stage.

Issue 4: Spending CIL monies including:

- more CIL monies should be retained in the local area where development occurs
- habitat mitigation must be sufficiently funded through CIL/planning obligations or other mechanisms to comply with requirements of the European Habitats Directives
- CIL should be used to fund green infrastructure
- Further detail on the relationship between S106 and CIL needs including

Council's Response: The CIL Preliminary Draft Charging Schedule is primarily concerned with the rates the CIL is to be set at, rather than the specific infrastructure items it will contribute towards. The Council will provide further detail on the relationship between S106 and CIL as part of the Draft Charging Schedule.

The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped inform the Draft Regulation 123 List. The Regulation 123 List which sets out the items of infrastructure the council may fund through the CIL.

The CIL Regulations require a proportion of CIL receipts to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. The Council has not yet made any decisions on any further local ring fencing. This is outside the remit of the Charging Schedule itself.



Issue 5: Local Infrastructure Plan (LIP)

- Various comments relating to specific issues and infrastructure items in the LIP evidence

Council's Response: The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The Council will consider comments as part of the LIP update.

Issue 6: Viability Assessment evidence including

- approach to retail warehousing rates
- querying of certain viability testing assumptions
- charging zone boundaries
- CIL headroom allowance

Council's Response: The Council consider the viability assessment is robust and provides appropriate evidence. However, the Council will consider these comments in determining if further viability evidence is required in relation to inform the CIL Draft Charging Schedule

Issue 6: The Regulation 123 List including:

- The 123 list is very broad and should be more specific and prioritise projects and needs to say how monies raised will be allocated
- The 123 List should include a list of matters which will continue to be addressed via Section 106
- Concern over double dipping of items on the list and S106 (e.g education)

Council's Response: The regulation 123 list sets out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL.

The Draft 123 List has been prepared in line with the regulations and it is not considered appropriate at this time for the Council to be any more specific, for instance, it is not the role of the R123 list to identify spending priorities within it.

S106 will not be sought for items on the R1223 List in accordance with CIL Regulations. The relationship between S106 and CIL will be set out in the Draft Charging Schedule. The council will consider comments when producing the Draft Regulation 123 List

Issues 7: Detailed questions raised regarding CIL implementation, spending, collecting and reporting

Council's Response: Detailed information on CIL implementation, spending, collecting, reporting and policies is not part of the charging schedule and may be published at a different time. Further detailed guidance will be given in the run up to CIL implementation.

Issue 8: General support for instalments policy and exceptions policy.

Council's Response: Support noted. The Council are considering introducing an instalments and exceptional circumstances policy, under CIL Regulations. A draft policy will be provided for comment as part of the Draft Charging Schedule Consultation This is not part of the CIL charging schedule and may be published separately to the CIL.



Issue 9: CIL process including:

- CIL must be based on a relevant plan, the Core Strategy has not yet been adopted so CIL should not be produced in advance of this
- Some concern raised over consultation process and that further consultation with communities needs to be undertaken

Council's Response: Consultation on the CIL Preliminary Draft Charging Schedule has been undertaken in accordance with the CIL Regulations 2010 (as amended). The relevant plan is the Local Plan. The Local Plan Core Strategy is currently being considered through an Examination in Public. The CIL PDCS has been worked up alongside the production of the Bradford District Local Plan Core Strategy in accordance with National Planning Practice Guidance. The council considers that the CIL is based on relevant and up to date evidence, in accordance with CIL Regulations.

2.22 Following on from the written representations made at the preliminary draft CIL Charging schedule stage, the Council has undertaken further work to make the CIL charging Map more legible. The Council has also undertaken economic viability assessment work to explore the CIL rate for Retail Warehousing and has revised the its approach so that the £85 per sqm CIL only applies to areas in central Bradford within the outer ring road (based on the viability evidence). The Local Infrastructure Plan has also been updated in light of the written representations and also engagement with infrastructure service providers. The Council also revised the Draft Instalments Policy (Appendix 2) in light of written representations. A Draft Exceptional Circumstances Relief Policy (Appendix 3) has also been drafted in light of the written representations. The summary of written consultation representations from stakeholders and the Councils response to comments will be published as a part of the Draft Statement of Consultation and will form the suite of background documents in support of the Draft CIL charging Schedule.

Draft CIL Charging Schedule

2.23 The Draft CIL Charging Schedule is prepared in light of the comments on the Preliminary Draft CIL Charging Schedule. The Draft CIL Charging Schedule is subject to public consultation before going forward for formal independent examination in public with the Planning Inspector. When the Council submits the draft charging schedule to the CIL Examination in Public (EiP), it must provide evidence on economic viability and infrastructure planning (as background documentation for the CIL EiP. Regulation 14 requires that a charging authority in setting levy rates, *'must aim to strike what appears to the charging authority to be an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area'*

2.24 The Council (as the charging authority) needs to identify the total cost of infrastructure that it desires to fund in whole or in part from the levy. In order to do this, the Council must consider what additional infrastructure is needed in its area to support development and what other funding sources are available (for example, core Government funding for infrastructure, which will continue following the introduction of a levy, anticipated section 106 agreements and anticipated necessary highway improvement schemes funded by anyone other than the charging authority) based on appropriate available evidence. The focus should be



on providing evidence of an aggregate funding gap that demonstrates the need to levy the Community Infrastructure Levy.

- 2.25 The charging authority should set out at examination a draft list of the projects or types of infrastructure that are to be funded in whole or in part by the levy. The charging authorities should also set out those known site-specific matters where section 106 contributions may continue to be sought. The principal purpose is to provide transparency on what the charging authority intends to fund in whole or part through the levy and those known matters where section 106 contributions may continue to be sought.
- 2.26 In response to the CIL Regulation and Guidance, the Council has commissioned consultants DTZ/Arup to provide technical support in the preparation of the CIL. Key background documents in support of the Bradford District Draft Charging Schedule including the Local Infrastructure Delivery Plan (which includes Infrastructure Funding Gap Analysis), an Economic Viability Assessment and Background Paper.
- 2.27 The work conducted to date on CIL EVA does demonstrate the ability to generate CIL income in parts of the District which would assist in securing some contributions towards community infrastructure.
- 2.28 The CIL Economic Viability Assessment report has been prepared to evaluate the viability of introducing a CIL tariff to Bradford District. The results demonstrate the challenges associated with levying a CIL charge in the current market environment. Development viability is compromised due to market confidence (occupier and investor), finance restrictions, and the effects of subdued local markets in some parts of the District. Whilst the scale of a CIL tariff could be set at a level which is small as a proportion of overall costs, there is a risk that it could further disincentivise the property market and prevent land from being brought forward for development, if it is not introduced in a cautious manner.
- 2.29 The findings of the viability testing in the CIL Economic Viability Assessment does demonstrate that in current market conditions it is feasible to introduce CIL in Bradford District, however viability is restricted to certain property types and locations and is highly sensitive to key variables such as development revenues and build costs. This illustrates that development viability for some sectors remains at best marginal and that care is required in the introduction of a CIL tariff so as not to undermine delivery objectives.
- 2.30 The findings demonstrate that there is significant diversity across the District in terms of the ability of residential and commercial development to withstand CIL tariffs. Residential development, retail warehouses and large supermarkets represent the only property classifications on which CIL is considered viable at the current time, and in respect of residential, this is only realistically possible in the high to mid value areas of the District. The CIL levels indicated in the Economic Viability Assessment Report have been robustly tested by consultant DTZ (acting on behalf of the Council) and are considered to represent a pragmatic level that will not compromise the delivery of development in the District.



2.31 In light of the findings of the CIL Economic Viability Assessment Report and the public consultation on the Preliminary Draft Charging Schedule, the Council makes the following recommendations for the CIL Draft Charging Schedule on the basis of variable tariffs in different parts of the district including a nominal £5 residential CIL Charging rate in Zone 4. The Council has revised the Retail Warehousing CIL rate to £85 which will now only apply to central Bradford with a Nil rate in the rest of the district following further economic viability assessment work:-

Type of Development	Draft Charging Schedule
	Proposed CIL Charging Rates (per sq. m)
Residential- Zone 1 (C3)	£100
Residential Zone- Zone 2 (C3)	£50
Residential Zone- Zone 3 (C3)	£20
Residential Zone- Zone 4 (C3)	£5
Retail warehousing (open A1 consent) within Central Bradford *	£85
Large Supermarket (>2000 sq m)	£50
All other uses not cited above	£0

*Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.

The map showing the residential CIL charging zone can be found in Appendix 1. There have been no revisions to the residential CIL charging rate in light of the public consultation on the Preliminary Draft CIL Charging Schedule. The map now shows the geographical area where the revised Retail Warehousing Charge Rate of £85 per sqm will apply in light of the further economic viability assessment work.

2.32 CIL is forecast to generate £36million over the 15 year plan period based on the Bradford CIL Draft Charging Schedules rates above. However, this is dependent on commencement of developments on sites in the emerging Bradford District Local Plan. It should be noted that 15% of CIL charging authority receipts will be passed directly onto Town and Parish Councils where development has taken place. Communities that have a Neighbourhood Plan or Neighbourhood Development Order (including a Community Right to Build Order) and secure the consent of local people in a referendum will benefit from 25% of the levy revenues arising from development that takes places in their area.

2.33 The implementation of an instalment policy and payments in kind provisions will further support the viability and delivery of development and is likely to be seen favourably by developers looking to bring forward development in Bradford District.



It should be noted that the CIL Charging Schedule can be reviewed at any point in time, especially if there are changes in economic viability. Any future review of the CIL Charging Schedule will be subject to the formal stages as outlined in paragraph 2.17.

Examination in Public

- 2.34 The Executive is being recommended to approve the Draft Charging Schedule for submission to the Secretary of State for independent examination by the Planning Inspector. Submission is a decision for Full Council and as such, subject to the decision of Executive, the Draft will need to be considered and approved by Full Council on 8th December 2015.
- 2.35 Once approved the Draft Charging Schedule will be issued for formal public representations for a period of 6 weeks in line with the Government Regulations. At this stage representations are invited on the 'soundness' or otherwise of the plan to be considered by the examining Planning Inspector appointed by Central Government. This stage is not a consultation stage. To this end the engagement in support of the publication will be limited to assist those making representations and understanding the chosen approach and supporting evidence
- 2.36 During the consultation period, any person may comment on the draft CIL Charging Schedule, and may ask to be heard by the Planning Inspector through an examination in public if they wish.
- 2.37 CIL charging schedule must be examined in public by an Inspector appointed by the Council as the charging authority. Legislation relating to CIL is set out in Part 11 of the Planning Act 2008 as amended by the Localism Act 2011. Provisions for guidance from the Secretary of State are set out at Section 221 of the Act. The Act also makes provision for the production of CIL Regulations. The original regulations are the Community Infrastructure Levy Regulations 2010. However there have been Community Infrastructure Levy (Amendment) Regulations in 2011, 2012, 2013, 2014 and 2015.
- 2.38 The council has prepared its CIL Draft Charging Schedule in accordance with the Planning Act 2008 (as amended), the Community Infrastructure Levy Regulations 2010 (as amended) and statutory guidance under Section 221 of the Planning Act 2008 (as amended).
- 2.39 The Council will have to ensure it has complied with legal and procedural requirements and addressed the following soundness tests as part of the Examination in Public with the Planning Inspector:-
- Has the Charging Authority complied with the procedural requirements in the 2008 (Part 11 and section 221) and the 2010 Community Infrastructure Regulations (as amended)
 - Is the CIL charging schedule supported by appropriate available evidence on infrastructure planning and economic viability.



- Are the proposed CIL charging rates informed by and consistent with the Evidence.
 - Does the evidence show that the proposed CIL charging rates would not put at risk the overall development of the area? Has an appropriate balance been struck between helping to fund the new infrastructure required and the potential effects of the levy on the economic viability of development across the District
- 3.40 Any person asking to be heard before the Inspector at the examination must be heard in public. The Inspector may determine the examination procedures and set time limits for those wishing to be heard to ensure that the examination is conducted efficiently and effectively.
- 3.41 The Council has considered the option of not introducing CIL at this current time which is not considered sensible, particularly given the need to maximise contributions towards infrastructure delivery in support of the anticipated housing and economic growth in the Local Plan over the next 15 years. The Council has also considered the option of implementing a nominal fixed CIL across all property classifications and across the whole District . This option has not been progressed as it may detrimentally affect viability and put delivery of certain development types at risk in certain parts of the District. See options considered in more detail below at section 9.
- 2.42 The anticipated timetable for implementing CIL in Bradford District as follows:-
- Preliminary Draft CIL Charging Schedule Report to Executive: July 2015
 - Public Consultation on Preliminary Draft Charging Schedule: July – September 2015
 - Consider representations and amend if required the Draft CIL Charging Schedule: September - October 2015
 - Draft CIL Charging Schedule Report to be considered by Executive – November 2015
 - Draft CIL Charging Schedule to be considered by Full Council: December 2015
 - Public Consultation on Draft CIL: December 2015 – January 2016
 - Consider representations and amend Draft CIL Charging Schedule: January/February 2016
 - Submission of CIL to Secretary of State: - February 2016
 - Public Examination Period: April 2016
 - Receipt of Inspector's Report: June 2016
 - Approval of CIL Charging Schedule by Full Council: June 2016
 - Adoption of CIL Charging Schedule: July 2016

3. OTHER CONSIDERATIONS

- 3.1 The preparation of the Local Plan and CIL is undertaken by the Development plan group, which is funded from within the Department's resources, supported by a one off corporate growth payments to cover abnormal costs of consultation and engagement, Technical studies and examination cost. The preparation of a CIL Charging Schedule and the collection of CIL receipts do require a corporate



approach across the Council. It is therefore important that Corporate Governance structures are in place so that CIL Charging Schedule can be adopted and that the Council is ready to start collecting CIL receipts by early 2016.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The preparation of the Bradford District CIL is undertaken by the Development Plan section of Planning, Transportation & Highways Service which is funded by a one off corporate growth payment to cover costs of technical studies and emanation costs and abnormal costs of consultation and engagement.
- 4.2 There will be a financial implication with regard to implementing, administering and collecting CIL. The Council, as the charging authority will be able to use funds from the levy to recover the costs of administering the levy, with the regulations permitting them to use up to 5 per cent of their total receipts on administrative expenses to ensure that the overwhelming majority of revenue from the levy is directed towards infrastructure provision.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 There is a risk that as a result of the Council not having an adopted CIL Charging schedule that the District does not maximise contributions towards infrastructure provision.
- 5.2 Bradford District CIL will be considered by the Governance and Audit Committee before the adoption of a CIL Charging Schedule to fully consider risk management and governance issues.

6. LEGAL APPRAISAL

- 6.1 The Bradford District CIL Draft Charging Schedule has been prepared in line with the appropriate, legislation (UK and EU), regulations and guidance.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

- 7.1.1 In writing this report, due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups under Section 149 of the Equalities Act 2010. It is not however considered that any issues with regard to this are raised by the Community Infrastructure Levy Draft Charging Schedule.

7.2 SUSTAINABILITY IMPLICATIONS

- 7.2.1 At this stage there are no expected impacts on sustainability.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

- 7.3.1 At this stage there are no expected impacts on the Council's own and the wider District's carbon footprint and emissions from other greenhouse gasses.



7.4 COMMUNITY SAFETY IMPLICATIONS

7.4.1 There are no direct community safety implications arising from Bradford District Draft CIL Charging Schedule.

7.5 HUMAN RIGHTS ACT

7.5.1 The SCI sets out how all individuals can have their say on the development plan documents. Anyone who is aggrieved by the Community Infrastructure Levy Charging Schedule as drafted has a right to be heard at an independent examination in public following submission to the Secretary of State.

7.6 TRADE UNION

7.6.1 There are no Trades Union implications.

7.7 WARD IMPLICATIONS

7.7.1 Affects all wards across the District.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

7.8.1 None

8. NOT FOR PUBLICATION DOCUMENTS

8.1 None

9. OPTIONS

Option 1 – CIL is not implemented at this current time

The analysis from the CIL Economic Viability Assessment Report does demonstrate the ability to generate some income, and provided this level of revenue outweighs costs of implementation and presents a better level of developer contributions than under a restricted S106 mechanism, it is considered that not implementing CIL is not a sensible scenario, particularly given the need to maximise contribution towards infrastructure delivery.

Option 2 - CIL is implemented on the basis of variable tariffs in accordance with the maximum CIL thresholds in different parts of the district.

The majority of charging schedules that have so far emerged either in adopted form or at consultation stage across the country have focused on variable tariff levels. This is being seen as the most expedient way of securing CIL revenues whilst concurrently minimising the harm that could be caused in undermining the property market where development is marginal.

Option 3 - CIL is implemented on the basis of a nominal fixed CIL across all property classifications and across the whole district.

Very few charging authorities across the country are developing a fixed rate. A key consideration is whether a CIL rate set at a nominal level of £5 or £10 per sq m across the District would impinge on the development market; that is, would such a tariff itself be the critical factor in determining whether or not development takes place? Such a tariff represents a small percentage of development costs, less than



1%, and therefore there is an argument that it is unlikely to have any material effect on development activity. However the counter argument is that if development is already struggling to be viable, any additional cost can only detrimentally affect it and there is a possibility development could be put at risk.

The Executive and Full Council are recommended that the draft CIL charging schedule in Appendix 1 is approved in line with Option 2 above as it is considered the most expedient way of securing CIL revenues whilst concurrently minimizing harm that could be caused in undermining the property market where development viability is marginal.

10. RECOMMENDATIONS

- 10.1 That the Executive recommends to Council that the version in Community Infrastructure Levy Draft Charging Schedule in Appendix 1 is approved in line with Option 2 above:-
- 10.2 ***That it be recommended to Council that the Draft Community Infrastructure Levy (CIL) Charging Schedule be approved for the purposes of submission to the Secretary of State for independent examination.***
- 10.3 ***That prior to submission, the Draft Community Infrastructure Levy (CIL) Charging Schedule is issued for formal representations for a period of 6 weeks.***
- 10.4 ***That the Assistant Director (Planning Transportation and Highways) in consultation with the relevant portfolio holder be authorised to make minor amendments of redrafting or of a similar nature as may be necessary prior to formal publication for representations of the Draft Community Infrastructure Levy (CIL) Charging Schedule.***
- 10.5 ***That delegated authority be given to the Assistant Director Planning Transportation and Highways in consultation with the relevant portfolio holder to make minor amendments of redrafting or of a similar nature before submitting the Draft Community Infrastructure Levy (CIL) Charging Schedule to the Secretary of State once the 6 week period for representations has been completed.***

11. APPENDICES

Appendix 1 – Bradford District CIL Draft Charging Schedule and Charging Map
Appendix 2 - Draft Instalments Policy
Appendix 3 – Draft Exceptional Circumstances Policy
Appendix 4 - Draft Regulation 123 List
Appendix 5 – Draft Statement of Consultation



12. BACKGROUND DOCUMENTS

Bradford District CIL Draft Charging Schedule Background Paper
Local Infrastructure Plan (incorporating Funding Gap Analysis)
Bradford District CIL Economic Viability Assessment Report
Adopted Local Development Scheme (July 2014)



Appendix 1

Local Plan for the Bradford District

Community Infrastructure Levy (CIL) Draft Charging Schedule

XXXX 2015

How to comment on the Draft Charging Schedule

The Draft Charging Schedule is open for consultation for 6 weeks from XXX 2015 to XXX 2015. This is accompanied by a map of CIL Charging Zones and a draft Regulation 123 List. The Council is considering a draft Instalment and draft Exceptional Circumstances Relief policy, the details of which are set out in a separate policy. A Background Report has also been prepared by way of further explanation along with the relevant supporting evidence documents.

The consultation is focussed on the proposed charge rates. **You should also include in your representation whether you wish to be heard by the examiner at the examination (Regulation 21).** If you do not make this request within the time period then the Regulations do not permit you to speak at the examination

The CIL Draft Charging Schedule and relevant documents are published on the council's website at: www.bradford.gov.uk/planningpolicy and can also be viewed at the Council Planning Offices and main libraries.

Comments on the Draft Charging Schedule may be made in writing. Comment forms can be downloaded from the Council's website and are available at the Council's Planning Offices and main libraries.

The Council is keen to promote the submission of consultation responses electronically via an E-mail attachment to reduce waste. People with the appropriate facilities are encouraged to make their responses in this way.

Completed Forms should be sent to the Development Plans Group by:

Email to:
planning.policy@bradford.gov.uk

Post to:
Development Plans
City of Bradford Metropolitan District Council
2nd Floor (South)
Jacobs Well,
Nelson Street,
Bradford, BD1 5RW

Representations should be received within the 6 week consultation period which will run from XXX 2015 until 5pm on XXX 2015.

Representations may request the right to be heard by the examiner and also to be notified at a specified address of the submission to the examiner, publication of the recommendations of the examiner and reasons for the recommendations and / or the approval of the charging schedule by the charging authority.

What happens next?

Once the Council has considered all the representations received, the next stage is to submit for Examination. This is intended for XXX 2015 with the independent examination taking place shortly after in XXXX 2015. The examiner can approve or reject the schedule, or suggest modifications which the council must make to adopt the schedule. The CIL charging schedule has to be approved by resolution of full council (adoption). It is anticipated that the CIL charging rates will be implemented in April 2016.

Contents

i. Statement of Statutory Compliance

1. Introduction

2. General Principles

3. Planning Obligations (Section 106) and CIL

4. The Preliminary Draft Regulation 123 List

5. Development Liable for CIL

6. Calculating the CIL Charging Rates

7. Proposed CIL Charging Rates, including Residential Charging Zones Map

8. Draft Regulation 123 List

9. Exemptions, Relief and Payment Terms

Appendix A. – Calculating the CIL Change

i. Statement of Statutory Compliance

The CIL Draft Charging Schedule (DCS) for the Bradford District has been approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014 and 2015) and Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011). In setting the levy rates, The City of Bradford Metropolitan District Council considers it has struck an appropriate balance between:

- a) the desirability of funding from CIL in whole or in part the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding, and
- b) the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across the District.

This Charging Schedule was approved / adopted by Bradford Council on [date to be inserted following examination]

This Charging Schedule will come into effect / implemented on [date to be inserted following the examination and full Council approval]

1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area. The money can be used to support development of the area by funding the infrastructure that the Council, local communities and neighbourhoods deem as necessary.
- 1.2 The City of Bradford Metropolitan District Council (the Council) is a charging authority under the CIL Legislation. The Draft Charging Schedule (DCS) is a document which sets out the charging authority's proposals for the levy, following consultation on the Preliminary Draft Charging Schedule from July to September 2015. This document will be used as the basis for formal consultation on the Draft Charging Schedule.

2. General Principles

- 2.1 The CIL is a tariff system that local authorities can choose to charge on new development in their area by setting a Charging Schedule. The Charging Schedule will sit alongside the Bradford District Local Plan, but will not form part of the statutory development plan.
- 2.2 Once adopted, CIL is fixed, non-negotiable and enforceable. CIL will be charged on new development. It is charged per square metre on net additional gross internal floor-space of development. CIL is not charged on affordable housing and buildings used for charitable purposes.
- 2.3 The amount payable will be set at the time planning permission is granted and payment will be due at the commencement of development. Larger amounts will be payable in instalments over fixed time periods, in-line with any instalment policy.

2.4 The process for setting and implementing the Charging Schedule is set out in the CIL Regulations 2010, together with subsequent amended regulations in 2011, 2012, 2013, 2014 and 2015. Under the CIL Regulations restrictions have come into force for existing planning obligations (Section 106 agreements) from April 2015. This will significantly restrict the current use and pooling of planning obligations.

3. Planning Obligations (Section 106) and CIL

3.1 The CIL is intended to provide infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of a planning obligation (Section 106 Agreement). CIL can be collected on a range of developments and then 'pooled' in the style of a tariff. The pooled levy can then be spent on a range of infrastructure, providing greater flexibility in the delivery of local infrastructure.

3.2 CIL will not fully replace planning obligations. The existing Section 106 (S106) system will remain in place, but has been scaled back to ensure that CIL is the key mechanism for pooled infrastructure funding. Planning obligations will continue to be the primary mechanism for securing affordable housing through the planning system. In addition, they will still be used to mitigate the direct impact of the development proposed, for site specific measures to make a development acceptable in planning terms.

3.3 The CIL Regulations restrict the use of planning obligations to ensure that developments are not charged twice for the same infrastructure type or project (i.e. through both a planning obligation and a CIL charge). The Council is therefore required to publish a list of infrastructure it intends to fund via CIL (Regulation 123 list), to accompany the Charging Schedule. When a CIL charge is introduced S106 requirements will only be used for those matters directly related to a

specific site and which are not set out in the 123 list. Furthermore, from April 2015 the Council can only pool a maximum of five planning obligations towards a particular piece or type of infrastructure, dating back to 6 April 2010.

4. Development Liable for CIL

- 4.1 The levy is generally payable on the following types of development:
- Development comprising 100 square metres or more of new gross internal floor area.
 - Development of less than 100 square metres of new floor space that results in the creation of one or more dwellings.
 - The conversion of a building that is no longer in lawful use.
- 4.2 The owner of land is liable to pay the CIL, unless another party claims liability such as a developer or planning applicant. This is in-keeping with the principle that those who benefit financially from planning permission being granted should share some of that gain with the community. That benefit is transferred when the land is sold with planning permission, which also runs with the land.
- 4.3 The levy's charges will become due from the date that a chargeable development is commenced. The definition of commencement of development for the levy's purposes is the same as that used in planning legislation, unless planning permission has been granted after commencement. When planning permission is granted, the Council will issue a liability notice setting out the amount of the levy that will be due for payment when the development is commenced, the payment procedure and the possible consequences of not following this procedure.

5. Calculating the CIL Charging Rates

- 5.1 The local authority must demonstrate that new or improved infrastructure is needed to support development in their area and what other sources of funding are available. It must also show a funding gap for the necessary infrastructure that demonstrates the need to put in place the levy.
- 5.2 In setting rates in a charging schedule the local authority must also have regard to the potential effects of the imposition of CIL on the economic viability of development across its area and, in its informed judgement, strike an appropriate 'balance' between the desirability of funding infrastructure from the levy and the potential impact on viability.
- 5.3 A charging authority must set out its proposed levy rate(s) in a charging schedule. In order to set CIL rates in the DCS the Council has considered evidence on the infrastructure requirements and viability of development across the District.
- 5.4 Based on this evidence the Council has made a reasoned judgement as to the appropriate level at which to charge CIL.

6. Evidence Documents for CIL

- 6.1 The following supporting evidence documents informed the production of the Preliminary Draft Charging Schedule (PDCS) and were made available for inspection / comment for the PDCS consultation, which took place in July to September 2015:
- Bradford Community Infrastructure Levy Viability Evidence (DTZ, June 2015)
 - Local Infrastructure Plan (CBMDC, 2015 Update)

New documents to support the Draft Charging Schedule are:

- Bradford CIL Viability Evidence Update (Cushman & Wakefield (formerly DTZ), 2015)

This includes further viability modelling work, evidence and justification

- Local Infrastructure Plan Evidence Update (CBMDC, October 2015)

This included further updates to the Local Infrastructure Plan

- Statement of Consultation (CBMDC, October 2015)

Summary of representations received and Council responses to representations on the PDCS

- Draft Regulation 123 List (CBMDC, October 2015)

Updated Draft Regulation 123 List

6.2 This evidence has been used to strike an appropriate balance between the need for additional investment to support development and the potential effect on the viability of development. The proposed CIL rates in the DCS are considered justified taking into account all the appropriate available evidence.

6.3 All the evidence documents are available on the Councils website.

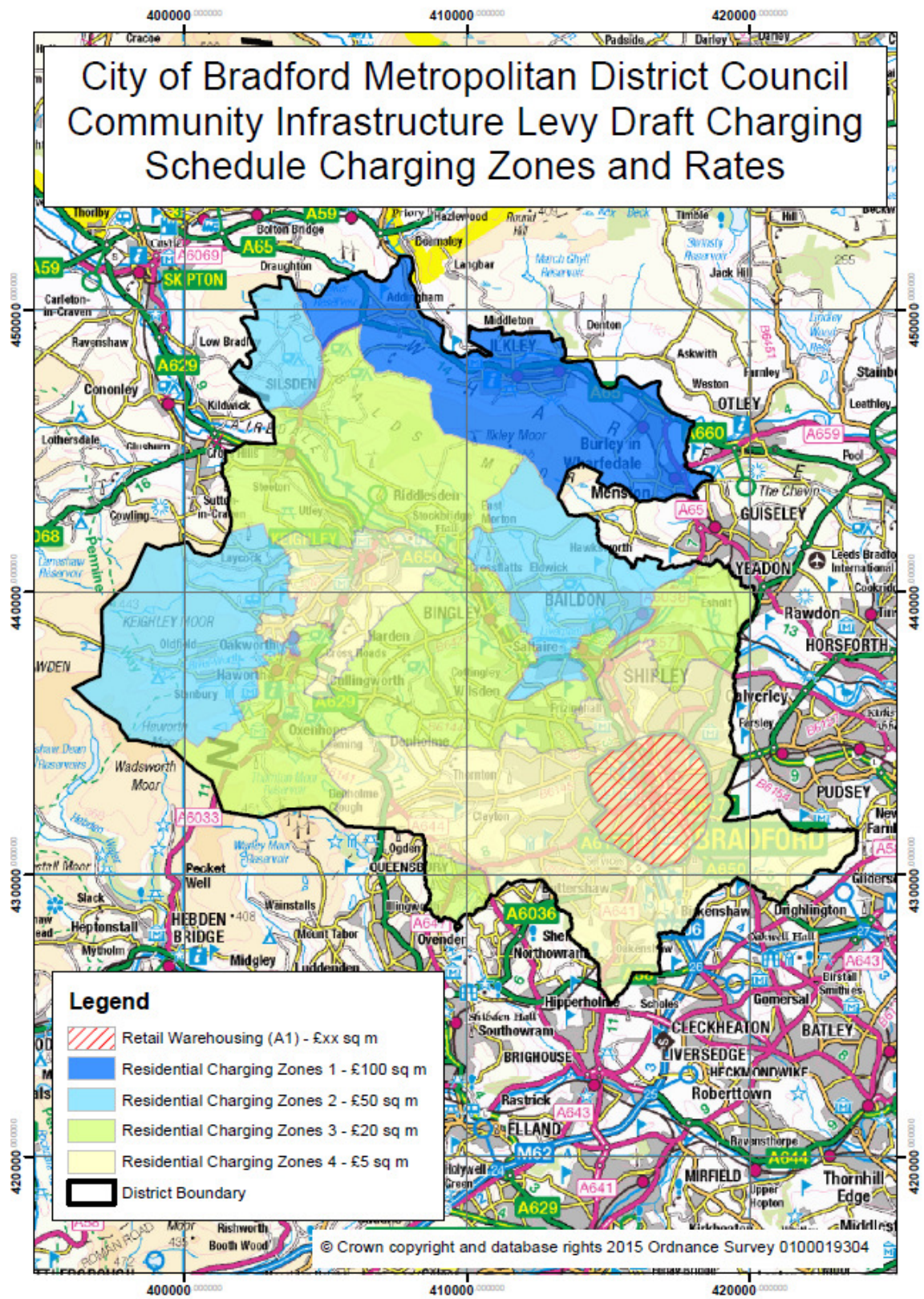
7. The CIL Draft Charging Schedule Rates

7.1 The Council's proposed charging rates are set out in the table below. The Draft Charging Schedule is primarily concerned with the rates proposed rather than the Council's mechanism for allocating the revenue.

Type of Development	Draft Charging Schedule Proposed CIL Charging Rates (per sq. m)
Residential- Zone 1 (C3)	£100
Residential - Zone 2 (C3)	£50
Residential - Zone 3 (C3)	£20
Residential - Zone 4 (C3)	£5
Retail warehousing* - Central Bradford	£85
Large Supermarket (>2000 sq m)	£50
All other uses not cited above	£0
<p>*Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.</p>	

7.2 The residential and retail warehousing charging zones are shown on the charging zone map below. On adoption of the CIL the charging zone map will be available on the Council's website, which will be navigable and able to be enlarged.

CIL Draft Charging Zone map



8. Draft Regulation 123 List

- 8.1 The Council is required to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL. The list does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.
- 8.2 The list is based on the infrastructure requirements set out in the Local Plan Core Strategy and the Council's updated infrastructure planning evidence (LIP). The list has been revised from the CIL Preliminary Draft Charging stage, taking into consideration representations made and updates to the LIP. The Draft Regulation 123 List is available for comment as part of the Draft Charging Schedule consultation.
- 8.3 The Council will review this list at least once a year, as part of monitoring of CIL collection and spend, and any changes to the list will be justified, clear and subject to appropriate local consultation.
- 8.4 The Council will work with local communities and Parish, Town and Community Councils to agree local priorities for spend. The 'meaningful proportion' held by local communities may be spent on items on the Regulation 123 List, but it does not have to be, provided that it meets the requirement to support the development of the area.
- 8.5 Once the neighbourhood portion of the CIL income has been allocated to the relevant neighbourhood in which the development has taken place, the remaining CIL money will be pooled and spent on strategic infrastructure priorities to support growth and economic development in the District. The infrastructure spending priorities will be informed by the Regulation 123 list. The predicted CIL income will not meet the estimated infrastructure funding gap. Therefore, CIL money will be

spent on infrastructure priorities in conjunction with other sources of funding.

- 8.6 The CIL Regulation 123 restricts the use of Section 106 (S106) Obligations to ensure that individual developments are not charged for the same infrastructure through the duplication of developer contributions. A S106 contribution cannot be made towards infrastructure projects on the Regulation 123 List.
- 8.7 From 6 April 2015, the use of S106 has been scaled back. S106's will still be used to provide affordable housing contributions and site specific matters to make a development acceptable in planning terms. S106 obligations will need to meet the tests in CIL Regulation 122 and 123. There will be a limit of pooling five separate obligations dated back to 6 April 2010 for an infrastructure project or type of infrastructure.
- 8.8 For clarity, the council will publish a list that will outline the matters that will continue to be secured through S106 Obligations.

9. Exemptions and Payment Terms

- 9.1 The CIL Regulations (as amended 2015) exempt the following from paying the CIL:
- Where the gross internal floor area of new buildings or extensions would be less than 100 square metres (unless the development will result in the creation of one or more dwellings).
 - Development by registered charities of their own land to be used wholly or mainly for their charitable purposes.
 - The conversion of any building previously used as a dwelling house to two or more dwellings.
 - Floorspace resulting from a change of use development where part of the building has been in continuous lawful use for at least six months in the three years prior to the development being permitted.

- Development of buildings and structures into which people do not normally go (e.g. pylons, wind turbines, electricity sub stations).
- Buildings into which people go only intermittently for the purpose of maintain or inspecting fixed plant or machinery.
- Residential extensions, annexes, houses and flats which are built by “self-builders”.
- Social Housing (that meets the relief criteria set in the Regulations).
- A building for which planning permission was granted for a limited period.
- Vacant buildings brought back into the same use.
- Where the levy liable is calculated less than £50 overall.
- Specified types of development as set out in the charging schedule which the Council has decided should be subject to a zero charge rate.

Exceptional Circumstances Relief

9.2 The CIL Regulations allow for the Council to provide further relief, at their discretion, to avoid rendering a site with specific and exceptional cost burdens unviable, should circumstances arise. The Council do not have to offer this relief, but if it chooses to do so, it must adopt a discretionary relief policy. This is not part of the charging schedule and may be published at a different time. The Council have prepared an Exceptional Circumstances Relief Policy for comment and this can be viewed in a separate document. This policy would not be introduced until CIL is implemented and if the circumstances arise. Exceptional circumstances should be rare and should not constitute state aid. The final version of this policy will be published on the council's website. It should be noted that the power to offer relief can be deactivated once a charging schedule is in place, in line with the CIL Regulations.

Phased Payments of CIL

9.3 The CIL Regulations allow for the Council to make provisions for phased payments of CIL. A phased payment approach and / or an instalment policy helps developers with cash flow, assisting in making more development viable, therefore, helping the charging system to be flexible. Phased payments can be permitted where a planning application is subdivided into phases for the purpose of the levy. This is expected to be especially useful for large scale development, which are likely to be brought forward in a number of phases. Each phase would be a separate chargeable development and therefore liable for payment in line with any instalment policy in force. The principle of phased delivery must be apparent from the planning permission. Bradford Council as a charging authority will consider offering phased payments.

Instalments Policy

9.4 The Council is considering adopting an instalments policy which allows developers to pay their CIL charge in instalments to provide flexibility in the CIL charging regime. Without such a policy, the whole of the CIL charge is liable on the commencement of development. Instalment policies can assist with development viability and delivery by improving the cash flow of a development (as the CIL payment is not paid upfront).

9.5 The details are set out in a separate document to the charging schedule. The draft policy is available for comment as part of the consultation on the DCS. The instalments policy is required to be published on the council's website; it is not subject to an examination and can be revised, or withdrawn as appropriate, in-line with the CIL Regulations.

Payments in Kind

- 9.6 The CIL Regulations allow for the Council to accept payments in kind, in the form of land or infrastructure, to be offset against the CIL liability where agreed by the Council as more desirable instead of monies. The value of both land and infrastructure payments must be equal to the value of the land / infrastructure required.
- 9.7 This must only be done with the intention of using the land to provide, or facilitate the provision of, infrastructure to support the development of the area. The Council does not have to adopt a payment in-kind policy, but should it choose to do so, it must publish a policy document which sets out conditions in detail. This is not part of the charging schedule and may be published separately.
- 9.8 Where a levy is to be paid as land or infrastructure, a land or infrastructure agreement must be entered into before development commences. This must include the information specified in CIL Regulations and be provided to the same timescales as cash payments. This may be by way of instalments if applicable and practicable. Land paid in kind may contain existing buildings and structures, and land or infrastructure must be valued by an independent valuer who, in the case of land, will ascertain its open market value, and in the case of infrastructure the cost (including related design cost) to the provider. This will determine how much liability it will off-set.
- 9.9 Where land is required within a development to provide built infrastructure to support that specific development, it will be expected that any land transfer will be at no cost to the Council and will not be accepted as a CIL payment in kind.

Appendix A.

Calculating the CIL Charge (Regulation 40 as amended)

Key points in calculating the CIL charge:

- The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with the CIL Regulations.
- The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.
- Where that amount is less than £50 the chargeable amount is deemed to be zero.
- The relevant rates are the rates, taken from the relevant charging schedules, at which CIL is chargeable in respect of the chargeable development.
- CIL is charged on the net floor area (gross internal area) of development chargeable.

1. The amount of CIL charge must be calculated by applying the following formula:

$$\text{CIL Charge} = \frac{\mathbf{R \times A \times I_p}}{\mathbf{I_c}}$$

Where:

A = the deemed net area chargeable at rate R, calculated in accordance with the section below;

I_p = the index figure for the year in which planning permission was granted

I_c = the index figure for the year in which the charging schedule containing rate R took effect

R = the relevant chargeable rate

If it is necessary to apply several rate(s) to a chargeable development, the total amount will equal the sum of the amounts of CIL charge calculated at each relevant rate.

The index is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors: the figure which should be used for a given year is the figure for 1st November of the preceding year.

2. Calculation of net chargeable area, A

A is calculated by:

$$\text{Net Chargeable Area (A)} = \frac{\text{GR} - \text{KR} - \{ \text{GR} \times \text{E} \}}{\text{G}}$$

Where:

GR = the gross internal area of the part of the chargeable development chargeable at rate R

G = the gross internal area of the chargeable development

KR = the aggregate of the gross internal areas of the following:

- (i) retained parts of in-use buildings, and
- (ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;

E = the aggregate of the following:

- (i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and
- (ii) for the second and subsequent phases of a phased planning permission, the value Ex (as determined under below), unless Ex is negative, provided that no part of any building may be taken into account under both the above.

Ex is calculated by:

$$\text{EP} - (\text{GP} - \text{KPR})$$

Where:

EP = the value of E for the previously commenced phase of the planning permission;

GP = the value of G for the previously commenced phase of the planning permission; and

KPR = the total of the values of KR for the previously commenced phase of the planning permission.

Produced by the
City of Bradford Metropolitan
District Council



The wording in this publication can be made
available in other formats such as large print.
Please call 01274 433679.

Appendix 2 - Community Infrastructure Levy (CIL) Draft Instalments Policy

PLEASE NOTE: The Council are considering introducing an instalments policy. This draft policy is provided for comment as part of the Draft Charging Schedule Consultation. Any approved version will be placed on the Council's website following adoption of the CIL by the Council.

The responsibility to pay the levy, also known as a CIL liability, is with the landowner of the site on which the proposal granted planning permission (and subject to the levy) is to be situated. The regulations define 'the landowner' as a person who owns a 'materiel interest' in the relevant land to be developed.

This draft Instalments policy is made in line with regulations 69B and 70 of the CIL regulations 2010 (as amended) and is as follows:

- a) This instalments policy will take effect on the adoption of CIL by the Council.
- b) Payment days (the day on which an instalment payment will be due) are calculated from the commencement of development on site. This date will be taken to be the date advised by the developer in the Commencement Notice as laid out in CIL regulation 67.
- c) Payment of instalments are as follows:

Instalments Provision	
Total CIL Liability	Proportion Payable and Payment Period
£0 - 24,999	Full payment within 3 months of the commencement date.
£25,000 - £149,999	50% at 6 months after the commencement date 50% at 12 months after the commencement date
£150,000 and above	25% at 6 months 25% at 12 months 25% at 18 months after the commencement date 25% at 24 months after the commencement date

In order to be eligible to pay a CIL liability by instalments all relevant statutory forms (including the Assumption of Liability form and the Commencement Notice) must be submitted to the Council prior to the commencement of the chargeable development and all payments must be made in accordance with this CIL instalment policy and other regulatory requirements. Where these requirements are not met the unpaid balance of CIL liability becomes payable in full immediately as laid out in CIL regulation 70(8)(a).

Appendix 3 – Community Infrastructure Levy DRAFT Exceptional Circumstances Relief Policy

PLEASE NOTE: The Council are considering introducing an Exceptional Circumstances Relief policy. This draft policy is provided for comment as part of the Draft Charging Schedule Consultation. Any approved version will be placed on the Council's website following adoption of the CIL by the Council.

This Policy document gives notice that City of Bradford Metropolitan District Council has determined to make relief for exceptional circumstances available in the Bradford District with effect from (insert date) ,in accordance with Regulations 55 to 58 of the Community Infrastructure Levy Regulations 2010 (as amended).

This document sets the policy criteria for exceptional circumstances.

- Use of an exceptional circumstances policy enables the Council to avoid making individual sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. It is a mechanism to enable growth and deliver development where CIL and S106 conflict. The Regulations state that the Council may grant full or partial relief from liability to pay CIL if it appears to the Council that there are exceptional circumstances which justify doing so, and the Council considers it expedient to do so. However, there is no statutory definition of what constitutes the economic viability of a development. Each case will be considered individually by the Council, which retains the discretion to make judgements about the viability of the scheme in economic terms and whether the exceptional circumstances policy applies.
- The Council expects that this policy will be rarely used because the Bradford District CIL rates have been set to already take into account viability issues, development costs, and full policy requirements across the District. This includes that it is reasonable to assume that any S106 signed by an applicant reflects viability of the scheme, including consideration of the CIL rates applicable at the time.
- Before granting exceptional circumstances relief for an individual scheme, the Council also has to be satisfied that the relief would not constitute notifiable State Aid. The State Aid requirements do allow small amounts of public funding (i.e. exceptional circumstances relief) to a single recipient, called the de minimis block exemption. The de minimis threshold is set at 200,000 euros over a rolling three fiscal year period (gross before tax or any other charge). The threshold applies cumulatively to all public assistance received by the organisation from all sources across the UK. Therefore the threshold does not just apply to each individual development. Recipients are responsible for keeping records of any de minimis aid they receive over any rolling three fiscal year period.

- The CIL Regulations specify the requirements that must be met in making the exceptional circumstances assessment: Reg 55(3) A charging authority may grant relief for exceptional circumstances if –
 - (a) It has made relief for exceptional circumstances available in its area;
 - (b) A planning obligation under S106 of TCPA 1990 has been entered into in respect of the planning permission which permits the chargeable development; and
 - (c) The charging authority- (i) Considers that to require payment of the CIL charged by it in respect of the chargeable development would have an unacceptable impact on the economic viability of the chargeable development, and (ii) Is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.

- In addition, City of Bradford Metropolitan District Council may make a judgement in individual cases that exceptional circumstances are not solely based on economic viability. Even where the CIL may give rise to an unacceptable impact on the economic viability of the chargeable development, the Council may also require demonstration of wider regeneration benefits and/or the need for the applicant to show that a particular site has to be brought forwards imminently for wider benefits.

- The person claiming relief must be an owner of a material interest in the relevant land. A claim for relief must be submitted in writing on the appropriate form and be received and approved by the Council before commencement of the chargeable development. It must be accompanied by:
 - a) An assessment carried out by an independent person of the economic viability of the chargeable development and the cost of complying with the planning obligation,
 - b) An explanation of why payment of the chargeable amount would have an unacceptable impact on the economic viability of that development,
 - c) An apportionment assessment (if there is more than one material interest in the relevant land), and,
 - d) A declaration that the claimant has sent a copy of the completed claim form to the owners of the other material interests in the relevant land (if any).

For the purposes of point a) an independent person is a person who is appointed by the claimant with the agreement of the Council and who has appropriate qualifications and experience. It is expected that the claimant will be responsible for any remuneration required by this independent person.

- A chargeable development ceases to be eligible for relief for exceptional circumstances if, before it commences, there is a disqualifying event as laid out below:
 - a) Charitable or social housing relief is granted,
 - b) The site (or part of the site) is sold, or,
 - c) The development does not commence within 12 months.

- It should be noted that the CIL Regulations give the Council the ability to withdraw this policy at any time with two weeks notice. This could occur, for example, if it is considered that the policy is being misused, including if too many applicants apply for relief without proper exceptional circumstances applying.

Appendix 4 - Draft Regulation 123 List

CIL Regulation 123 provides for the Council to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL.

In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution or a S278 agreement cannot then be made towards an infrastructure item already on the List.

The Draft Regulation 123 List is provided as part of the consultation on the CIL Draft Charging Schedule.

Education including primary and secondary provision
Sustainable transport improvement schemes except where improvements are required as a direct result of development - Improvements to strategic pedestrian and cycle routes - The Public Right of Way network - Station improvements
Green infrastructure and public greenspace (e.g. improvements to open space), except for on-site provision required by Core Strategy policies
Habitat mitigation including Suitable Alternative Natural Greenspace, except for on-site provision required by Core Strategy policies
Community sports and recreation facilities (e.g. children's and young people's play areas, playing pitches), except improvements which are directly related to a development.
Cultural facilities (e.g. libraries, built community space), except improvements which are directly related to a development.
Public realm improvements, except for on-site provision or where this is required as a direct result of an adjacent development
Environmental improvements (e.g. recycling, local flood risk alleviation, pollution abatement), except improvements which are directly related to a development.
Cemeteries
District heating networks
Community safety and health projects, including <ul style="list-style-type: none"> • Emergency services (police, fire, ambulance) • Public health facilities

The above list is based on the infrastructure requirements set out in the Local Plan and the Council's infrastructure planning evidence.

The list does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.

The Council will review this list at least once a year, as part of monitoring of CIL collection and spend, and any changes will be justified and subject to appropriate local consultation. The Council will work with local communities and parish/town councils to agree local priorities for spend. The 'meaningful proportion' held by local communities can be spent on the Regulation 123 List, but it does not have to be.

Continued use of Section 106 Obligations

For clarity, the list below provides an outline of the matters which will continue to be secured through S106 or S278 Agreements, meeting the planning obligation tests as set out in the NPPF and CIL Regulations 2010 (as amended):

- Affordable Housing
- Employment and skills agreement e.g. local employment, training or apprentice contracts
- Site specific matters needed to make the development acceptable in planning terms including (but not exhaustive):
 - Highway works: access into the site, local junction / highway improvements
 - Sustainable transport: New bus connections or services, cycle / pedestrian routes and connections if directly related to the development, metro cards, cycle parking/storage, travel plans and monitoring fee / coordinator posts
 - On-site drainage and flood requirements
 - On-site renewable energy, sustainable construction and efficient use of resources policy requirements
 - On-site greenspace provision and public realm improvements
 - On-site designing out crime measures
 - Air quality mitigation measures
 - On-site bin provision for new developments

S106 contributions cannot be sought for specific infrastructure projects on the 123 List. From April 2015 S106 contributions can only be pooled for up to five separate planning obligations dated back to 6 April 2010 for an infrastructure project or type of infrastructure. Any planning obligation must meet the tests in Regulation 122.

Appendix 5 – Draft Statement of Consultation

Community Infrastructure Levy: Preliminary Draft Charging Schedule

DRAFT Statement of Pre-Submission Consultation and Summary of Representations

**Regulation 15 of the Community Infrastructure Levy
Regulations 2010 (as amended)**

October 2015

CONTENTS

- 1.0 Introduction
- 2.0 Period of Consultation
- 3.0 Bodies invited to make representations
- 4.0 Invitation to make representations
- 5.0 Summary of the main issues raised by the representations
- 6.0 Changes to the Preliminary Draft Charging Schedule as a result of consultation

LIST OF APPENDICES

- A List of specific and general bodies and persons the Council invited to make representations & table indicating consultation method.
- B News articles
- C Newsletter - *Plan-it Bradford*
- D Council's Website
- E Summary of Representations and Council Responses

1.0 INTRODUCTION

- 1.1 The Community Infrastructure Levy (CIL) is a tool for local authorities to help deliver infrastructure to support the development of the area. The levy came into force in April 2010 and local authorities wishing to utilise CIL to raise funds for infrastructure are required to develop a charging schedule.
- 1.2 A Preliminary Draft Charging Schedule (PDCS) is a document which sets out the charging authority's initial proposals for the levy, for public consultation. The City of Bradford Metropolitan District Council (the Council) is a charging authority under the CIL Legislation. This report will summarise the consultation process carried out for the PDCS, to introduce it to interested parties and prepare the document for the Draft Charging Schedule stage.
- 1.3 The Council must take into account the comments received when firming up its proposals in the form of the Draft Charging Schedule (DCS). The DCS will then be subject of further consultation before being submitted for examination.

Purpose of this document

- 1.4 This document summarises the entire consultation process which has been undertaken for the PDCS together with supporting evidence consisting of:
- CIL Economic Viability Evidence
 - Local Infrastructure Plan Evidence
- 1.5 This consultation stage should be referred to as the pre-submission consultation as it will lead to a Draft Charging Schedule being submitted to the CIL examiner.
- 1.6 This Statement of Pre-submission Consultation and Summary of Representations will provide detail of those consulted and methods of consultation. The report will then provide a summary of the issues raised by those making representations and the Council's response to those issues.

2.0 PERIOD OF CONSULTATION

2.1 The consultation lasted for 6 weeks. Starting on Friday 31 July 2015 and running until 5pm on Friday 11th September 2015.

3.0 BODIES INVITED TO MAKE REPRESENTATIONS

3.1 The Council's main consultation lists comprises a number of bodies and persons of which is made up of the specific and general bodies outlined in Table 1 below, and those persons who wish to be notified about the preparation of the Local Plan. Appendix A provides a list of those invited to make representations to the PDCS stage and also the numbers informed by email and by letter.

3.2 The consultation lists accords with the Council's Statement of Community Involvement (SCI) (*Submission SCI 2006 and adopted SCI July 2008*) which also sets out the specific, general and other consultation bodies would be consulted during the preparation of Local Plan related reports.

Specific (Statutory) Bodies	(a)	the Coal Authority
	(b)	the Environment Agency
	(c)	the Historic Buildings and Monuments Commission for England (known as English Heritage)
	(d)	the Marine Management Organisation (<i>Not applicable</i>)
	(e)	Natural England
	(f)	Network Rail Infrastructure Limited
	(g)	the Highways Agency ,
	(h)	a relevant authority any part of whose area is in or adjoins the local planning authority's area –
	(i)	Calderdale, Craven, Harrogate, Kirklees, Leeds, North

	<p>(ii) Yorkshire County Council, Pendle, Wakefield - 18 Town & Parish Council's - 17 Adjoining Town & Parish Councils</p> <p>(iii) West Yorkshire Police</p>
	<p>(i) any person—</p> <p>(i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003; and</p> <p>(ii) who owns or controls electronic communications apparatus situated in any part of the local planning authority's area, British Telecom & Telewest Communications</p>
	<p>(j) if it exercises functions in any part of the local planning authority's area—</p> <p>(i) - a Primary Care Trust established under section 18 of the National Health Service Act 2006</p> <p>(ii) - a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989 –</p> <p>(iii) National Grid - a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 – National Grid</p>

	(iv)	a sewerage undertaker – Yorkshire Water
	(v)	a water undertaker – Yorkshire Water
	(k)	the Homes and Communities Agency
General Bodies		<p>Bodies some or all of whose activities benefit any part of the local planning authority's area, including those that represent:</p> <ul style="list-style-type: none"> • voluntary bodies • the interests of different racial, ethnic or national groups • the interests of different religious groups • the interests of disabled persons • the interests of persons carrying on business

4.0 INVITATION TO MAKE REPRESENTATIONS

4.1 The Council used a number of methods to invite people to make written representations and comments. The methods used by the Council are summarised in Table 2 below:

Table 2 – How bodies and persons were invited to make representations	
Pre-Submission Consultation (2015)	<ul style="list-style-type: none"> • Consultation letters/emails to bodies and persons (see Appendix A) • Via a Representation Form • Via information included in news articles (see appendix B) • Issue 23 of the e-Newsletter - <i>Plan-it Bradford</i> - July2015 (extract in Appendix C) • Consultation information at deposit locations • Consultation information on the Council's website (see Appendix D)

4.2 The Council requested representations be sent either by post or E-mail to the address specified in the consultation document and/or the representation form.

5.0 SUMMARY OF THE MAIN ISSUES RAISED BY THE REPRESENTATIONS

5.1 A total of 46 representations were received from specific and general bodies and individuals. This is summarised in Table 3 below.

Table 3. Summary table of comments received categorised into relevant consultation groups / bodies:		
Comments received from:	Number of comments received:	Details:
Residents / individuals	20	
Developers, Consultants	6	The Brookhouse Group Ltd, Turley, Taylor Wimpey, Vernon & Co, Barratt Homes and David Wilson Homes, How Planning/CrUVL
Statutory Consultees (Government/ Consultation Bodies)	3	Historic England, Sport England, Natural England
Local Planning Authorities / Councils	2	Leeds City Council, Wakefield Council
Town, Parish and Community Councils	5	Silsden TC, Wilsden PC, Steeton with Eastburn PC, Burley PC, Addingham PC
Councillors	3	
Specific Organisations	5	Country Land and Business Association Limited, WY Police, Theatre Trust, Yorkshire Wildlife Trust
General Organisations (Groups / Societies)	2	Holme Christian Community, Ilkley Design Statement Group
Total	46	

Summary of Issues Raised

5.2 Those informed of the Pre-Submission consultation were invited to comment on the following reports:

- CIL Preliminary Draft Charging Schedule
- CIL Economic Viability Evidence
- Local Infrastructure Plan Evidence

5.3 The main issues raised are summarised below together with the Council's response. A number of comments and issues raised were not relevant to the three reports listed above, but were relevant to other parts of the Local Plan for Bradford. These unrelated issues are not included in the summary below. A full summary of representations and council responses are set out in Appendix E.

5.4 CIL Preliminary Draft Charging Schedule – Summary of Main Issues

Issue 1: General Support for CIL

Council's Response: Support for introducing CIL welcomed. The Government's aim for CIL is to promote a fairer, faster and more transparent system for funding new infrastructure. The council consider the introduction of the CIL will be beneficial for the Bradford District for the reasons set out in the CIL background Report.

Issue 2: Proposed CIL charging rates including:

- retail warehousing rate is too high and does not reflect range of retail warehouse developments across the district
- the nominal £5 residential charge is not consistent with the viability evidence
- general support for the proposed rates
- the proposed rates will not address the infrastructure shortfalls
- the CIL may result in a further disincentive for developers
- the £20 in Zone 3 rate is too low compared to zones 1 (£100) and 2 (£50)
- CIL rates should be decreased to allow for increased S106 for affordable housing and to deliver more homes in areas of need
- general support for different residential charges for different zones in the District
- the impact on key regeneration sites needs to be considered

Council's Response: The council consider the proposed residential CIL rates are based on appropriate evidence and strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. The council will review CIL

rates in relation to updated viability and infrastructure evidence in light of comments received.

Issue 3: CIL Residential Charging zone map including:

- the map and boundaries are unclear and a more detailed map needs to be produced
- the charging zones are very diverse and include more affluent areas as well as less affluent areas. The area wide model adopted masks these variations
- the boundaries to the zones appear arbitrary and average house prices based on postcodes areas are not appropriate to define residential charging zones

Council's Response: National Planning Practice Guidance states the council should use an area based approach involving a broad test of viability across the area as evidence to inform the CIL charge. The council recognise that there may be local variations in values within zones; however it is considered the residential charging zones have been informed by robust and appropriate evidence in the District wide Viability Assessment.

A more detailed map will be provided at the Draft Charging Schedule Stage.

Issue 4: Spending of CIL monies including:

- more CIL monies should be retained in the local area where development occurs
- habitat mitigation must be sufficiently funded through CIL/planning obligations or other mechanisms to comply with requirements of the European Habitats Directives
- CIL should be used to fund green infrastructure
- Further detail on the relationship between S106 and CIL needs to be provided

Council's Response: The CIL Preliminary Draft Charging Schedule is primarily concerned with the rates the CIL is to be set at, rather than the specific infrastructure items it will contribute towards. The council will provide further detail on the relationship between S106 and CIL as part of the Draft Charging Schedule.

The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped inform the Draft Regulation 123 List. The Regulation 123 List sets out the items of infrastructure the council may fund through the CIL.

The CIL Regulations require a proportion of CIL receipts to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. The Council has not yet made any decisions on any further local ring fencing. This is outside the remit of the Charging Schedule itself.

Issue 5: Local Infrastructure Plan (LIP) evidence

- various comments relating to specific issues and infrastructure items in the LIP evidence

Council's Response: The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The Council will consider comments as part of the LIP update.

Issue 6: CIL Viability Assessment evidence including

- the approach to retail warehousing rates
- querying of certain viability testing assumptions
- charging zone boundaries
- CIL headroom allowance

Council's Response: The council consider the viability assessment is robust and provides appropriate evidence. However, the Council will consider these comments in determining if further viability evidence is required in relation to inform the CIL Draft Charging Schedule

Issue 6: The Regulation 123 List including:

- The 123 list is very broad and should be more specific and prioritise projects and needs to say how monies raised will be allocated
- The 123 List should include a list of matters which will continue to be addressed via Section 106
- Concern over double dipping of items on the list and S106 (e.g education)

Council's Response: The Regulation 123 list sets out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL.

The Draft 123 List has been prepared in line with the regulations and it is not considered appropriate at this time for the Council to be any more specific, for instance, it is not the role of the R123 list to identify spending priorities within it.

S106 will not be sought for items on the R123 List in accordance with CIL Regulations. The relationship between S106 and CIL will be set out in the Draft Charging Schedule.

The council will consider comments when producing the Draft Regulation 123 List

Issue 7: Detailed questions raised regarding CIL implementation, spending, collecting and reporting

Council's Response: Detailed information on CIL implementation, spending, collecting and reporting is not part of the charging schedule and may be published at a different time. Further detailed guidance will be given in the run up to CIL implementation.

Issue 8: General support for instalments policy and exceptions policy.

Council's Response: Support noted. The Council are considering introducing an instalments and exceptional circumstances policy, under CIL

Regulations. A draft policy will be provided for comment as part of the Draft Charging Schedule Consultation This is not part of the CIL charging schedule and may be published separately to the CIL.

Issue 9: CIL process including:

- CIL must be based on a relevant plan, the Core Strategy has not yet been adopted so CIL should not be produced in advance of this
- Some concern raised over consultation process and that further consultation with communities needs to be undertaken

Council's Response: Consultation on the CIL Preliminary Draft Charging Schedule has been undertaken in accordance with the CIL Regulations 2010 (as amended).

The relevant plan is the Local Plan. The Local Plan Core Strategy is currently being considered through an Examination in Public. The CIL PDCS has been worked up alongside the production of the Bradford District Local Plan Core Strategy in accordance with National Planning Practice Guidance. The council considers that the CIL is based on relevant and up to date evidence, in accordance with CIL Regulations.

6.0 CHANGES TO PRILIMINARY DRAFT CHARGING SCHEDULE AS A RESULT OF CONSULTATION

6.1 Comments received at the Pre-Submission stage, provided a basis to help inform the preparation of the Draft Charging Schedule document. The comments were considered and reviewed by the Council's Local Plan Team. A Draft Charging Schedule will be submitted to the Planning Inspectorate as a way forward, in due course.

6.2 Changes from CIL PDCS to DCS include the following:

- Retail warehousing- rate lowered and geographically defined to Central Bradford in response to comments received and further viability testing
- More detailed charging zone map provided, residential charging zone boundaries have been aligned to O/S features
- Regulation 123 List amended in response to comments received including redefining sustainable transport schemes, education and community safety and health projects and inclusion of habitat mitigation on the list. The Regulation 123 is now provided in a

separate document to the DCS and statement on continued use of S106 has been added for clarity.

- The Draft Instalments policy is included as separate doc to DCS
- The Draft Exceptional Circumstances policy is included as separate doc to DCS

APPENDIX A - List of specific and general bodies and persons the Council invited to make representations.

SPECIFIC CONSULTEES

- Airedale NHS Foundation Trust
- Bradford & Airedale Teaching Primary Care Trust
- Bradford Hospitals NHS Trust
- British Telecom
- C/o National Grid
- English Heritage
- Environment Agency
- Highways Agency
- Highways Agency, Yorkshire & Humber
- Natural England
- Network Rail
- NHS Airedale, Wharfedale and Craven Clinical Commissioning Group
- NHS Bradford City and Bradford Districts Clinical Commissioning Group
- NHS Property Services Ltd
- Telewest Communications
- The Coal Authority
- West Yorkshire Police
- West Yorkshire Police Crime Prevention
- Yorkshire Water

SPECIFIC CONSULTEES – adjoining Planning Authorities

- Borough of Pendle Council
- Calderdale Metropolitan Borough Council
- City of Wakefield M D C
- Craven District Council
- Harrogate District Council
- Kirklees Metropolitan Council
- Lancashire County Council
- Leeds City Council
- North Yorkshire County Council

SPECIFIC CONSULTEES – Town and Parish Councils within Bradford District

- Addingham Parish Council
- Baildon Town Council
- Bradford Trident Community Council
- Burley Parish Council
- Clayton Parish Council
- Cullingworth Parish Council
- Denholme Town Council
- Harden Parish Council
- Haworth, Cross Roads & Stanbury Parish Council
- Ilkley Parish Council
- Keighley Town Council
- Menston Parish Council
- Oxenhope Parish Council
- Sandy Lane Parish Council
- Silsden Town Council
- Steeton with Eastburn Parish Council
- Wilsden Parish Council
- Wrose Parish Council

SPECIFIC CONSULTEES – Neighbouring Town and Parish Councils

- Bradleys Both Parish Council
- Cononley Parish Council
- Cowling Parish Council
- Denton Parish Council
- Draughton Parish Council
- Drighlington Parish Council
- Farnhill Parish Council
- Gildersome Parish Council
- Glusburn and Cross Hills Parish Council
- Laneshaw Bridge Parish Council
- Middleton Parish Council
- Nesfield with Langbar Parish Council
- Otley Town Council
- Sutton-in-Craven Parish Council
- Trawden Forest Parish Council
- Wadsworth Parish Council
- Weston Parish Council

GENERAL CONSULTEES – Local Organisations

- Activity and Recreation Centre
- Aldersgate Parent / Toddler Group
- All Saints Landmark Centre
- Allerton Community Association
- Anand Milan Centre
- Anchor Housing Association
- Apperley Bridge Development Residents Association
- Asian Business Forum
- Asian Trades Link
- Attock Community Association
- Baildon & District Residents Association
- Baildon Community Council
- Baildon Community Link
- Bangladeshi Community Association - Bradford
- Bangladeshi Community Association - Keighley
- Bankfoot Partnership
- Bedale Centre
- Bierley Community Centre
- Bierley Community Association & Bethel Community Church
- Bingley CVS
- Bingley Labour Party
- Black Mountain Millennium Green/Brunel Community Association
- Black Women's Support Project
- Bolton Villas HUB Project
- Bolton Woods Community Association
- Bracken Bank & District Community Association (Sue Belcher Centre)
- Bradford & District Coalition of Disabled People
- Bradford & Ilkley College
- Bradford & Northern Housing Association
- Bradford and District Association of Deaf People
- Bradford Association of Visually Impaired People & Centre for Deaf People
- Bradford Botany Group
- Bradford Cathedral
- Bradford City Farm Association Ltd
- Bradford Civic Society
- Bradford Community Environment Project
- Bradford Community Health Trust
- Bradford CVS
- Bradford East Area Federation
- Bradford Joint Training Board
- Bradford Khalifa Muslim Society (Heaton Community Centre)
- Bradford Lesbian and Gay Youth
- Bradford Night Stop
- Bradford Older People's Alliance
- Bradford Ornithological Group
- Bradford Ramblers Association Group
- Bradford Retail Action Group
- Bradford Urban Wildlife Group
- Bradford Youth Africa
- Braithwaite People's Association
- Brunel Support Works
- Buttershaw Christian Family Centre
- Cafe West
- Canterbury Youth and Community Centre

- Cathedral Centre Project
- CBMDC - Strategic Disability Partnership
- Checkpoint / Bradford West Indian Community Centre Association
- Claremont Community Trust
- Clarke Foley Centre
- Clayton Village Hall Community Centre
- CNet
- Community Service Volunteers
- Community Team Learning Disabilities
- Communityworks
- Cottingley Cornerstone
- Crossflats Village Society
- DDA Task Team
- Delius Arts and Cultural Centre
- Denholme Community Association
- Denholme Residents Action Group (DRAG)
- Dial Bradford
- Disability Support (DS)
- Drovers Way Residents Group
- Eccleshill Youth And Community Association Ltd
- Eldwick & Gilstead Horticultural Society
- Eldwick Village Society
- Fagley Lane Action Committee
- Fagley Youth and Community Centre
- Friends of The Gateway
- Frizinghall Community Centre
- Girdlington Action Partnership
- Girdlington Community Association
- Goitside Regeneration Partnership
- Grange Interlink Community Centre
- Greenhill Action Group
- Greenway Amenity Group
- Hainworth Wood Community Centre
- Harden Village Society
- Haworth & Oxenhope District Bridleways Group
- Haworth Community Centre
- Hazel Beck Action Group
- Heaton St Barnabas Village Hall
- Heaton Woods Trust
- Highfield Community Centre
- Hopes Centre
- Idle Cricket Field Company Ltd
- Ilkley Design Statement Group
- Incommunities
- Iyss Localities West
- KADAL
- Karmand Community Centre
- Keighley College
- Keighley Disabled People's Centre
- Kirkland Community Centre
- Labrys Trust
- Laisterdyke Trinity Community Centre
- Leeds Bradford 20-30's Ramblers Group
- Lidget Green Community Partnership
- Light of The World Community Centre
- Long Lee Village Hall
- Lowerfields Primary School
- Manningham & Girdlington SRB
- Manningham Community Development Centre
- Manningham Mills Community Association
- Margaret McMillan Adventure Playground Association
- Marshfield Community Association
- Masts
- Menston Cares
- Menston Community Association
- Micklethwaite Village Society
- Millan Centre
- Mobility Planning Group
- National Media Museum
- Newton Street Day Centre
- North Community Centre
- North East Windhill Community Association
- Oakdale Residents Association
- Oakworth Village Society
- Oxenhope Social Club
- PACT
- Pakistan Community Neighbourhood Association
- Pan African Arts and Cultural Group
- Parkside Community Centre
- Plevna Area Resident's Association
- Polish Community Centre - Friday Group
- Princeville Community Association
- Queensbury Community Centre
- Queensbury Community Programme
- Ravenscliffe & Greengates Community Forum
- Ravenscliffe Community Association
- Ravenscliffe Youth Centre
- Rockwell Centre
- Royds Advice Service
- Royds Community Association
- Rural Solutions
- Ryecroft Community Centre
- Saltaire Village Society
- Salvation Army - Holmewood

- Sangat Community Association
- Save Us Pub
- Scholemoor Community Association
- Shipley and Bingley Voluntary Services - Bingley branch
- Shipley College Library
- Shipley Constituency Area Panel Advisory Group (SCAPAG)
- Shipley CVS
- Shop Mobility
- Shree Krishna Community Centre
- Silsden Town Action Group
- Slensingford Area Residents Association
- South Square Centre
- Springfield Youth And Community Centre
- St Christopher's Youth Project
- St Francis Village Hall / St Peters PCC
- St John's Luncheon Club
- St Mary's New Horizons Care in the Community
- St Oswald's West End Centre
- Stockbridge Neighbourhood Development Group
- The Bradford City Centre Project
- The Diamond Community Cafe
- The Girlington Centre
- The Khidmat Centre
- The Kirkgate Centre
- The St Hugh's Centre
- The Vine Trust
- Thornbury Centre
- Thornbury Youth Association
- Thornton Community Partnership
- Thorpe Edge Community Forum & RCDP
- Thorpe Edge Community Project
- Throstle Nest RDA Group
- Tong -& Holme Wood Parochial Church Council
- Tong Village Community Association
- Touchstone Project
- Transport 2000
- University of Bradford
- Victor Road Community Project
- Visual Disability Services
- Walker Morris
- West Central Area District Federation Tenants & Residents
- Wilsden Village Hall
- Woodhouse & Springbank NF
- Woodlands Cricket Club - Oakenshaw
- Woodside Action Group
- Wyke Armature Rugby League Club
- Wyke Christian Fellowship
- Wyke Community And Children's Centre Ltd
- Wyke Manor Community Centre

GENERAL CONCUSLTEES – Others (non local)

- A A Planning Services
- A Furness
- Addingham Civic Society
- Age Concern
- Aggregate Industries UK
- Ainscough Strategic Land
- Aireborough Planning Services
- Aldersgate Estates Ltd
- Al-Farouq Associates
- Allison & MacRae Ltd
- Alyn Nicholls and Associates
- Alzheimers Society
- Ancient Monuments Society
- Antony Aspbury Associates
- Archi-Structure - A Al-Samarraie
- Arrowsmith Associates
- Arts Team
- ASHLAR stone products
- Aspinall Verdi
- Associated Waste Management Limited
- B K Designs
- Baildon Civic Society
- Banks Long & Co
- Banks Renewables
- Barker & Jordan Architects
- Barrat Homes (Northern)
- Barratt & David Wilson Homes Yorkshire West
- Barton Wilmore
- Beckwith Design Associates
- Bedminister International
- Bellway
- Belmont Design Services
- Bingley Civic Trust
- Bioregional Quintain Developments
- Birks Royd Stone Ltd
- BJ Design Services
- Blue Room Properties
- Bowman Riley Partnership
- Bradford Chamber of Commerce & Industry

Community Infrastructure Levy: Preliminary Draft Charging Schedule

DRAFT Statement of Pre-Submission Consultation & Summary of Representations (2015)

- Bradford Civic Society
- Bradford District Chamber of Trade
- Bradley Natural Stone Products
- Bradley Stankler Planning
- Brewster Bye Architects
- Brooke Properties
- Brookhouse Group
- Brother Investments (Yorkshire) Ltd
- Burnett Planning & Development
- Butterfield Signs Limited
- CABA
- Caddick Development
- Cala Homes Yorkshire
- Calder Architectural Services Limited
- Campaign for Real Ale
- Canal River Trust
- Carter Jonas
- CEMEX UK Operations
- Chatsworth Settlement Trustees – Bolton Abbey
- Checkley Planning
- Chris Eyres Design
- Chris Thomas Ltd
- CJS Designs
- Clayax Yorkstone Ltd
- Clear Designs
- CLR Architects
- Colas Ltd
- Combined Masonry Supplies
- Commercial Developments Projects Limited
- Commercial Estates Group
- Contract Services
- Council for British Archaeology
- Council For Mosques
- Countryside Properties (Northern) Ltd
- CPRE Bradford District
- CPRE West Yorkshire
- Craven Design Partnership
- Cunningham Planning
- Dacres
- Dacres Commercial
- Dales Design And Developments
- Darrington Quarries Ltd
- David Beighton Architects
- David Hill LLP
- David R Bamford & Associates
- Deloitte
- Depol Associates
- Design Council Caba
- Dev Plan
- Dialogue Communicating Planning
- Dickman Associates Ltd
- Diocesan Board of Finance
- Directions Planning Consultancy
- DJ Richards
- DLA Architecture
- DLP Planning Consultants
- Dolmens
- Donaldsons
- DPDS Consulting Group
- Dr H Salman
- Drivers Jonas
- DTZ
- Dunlop Haywards Planning
- E&M Batley Chartered Architects & Surveyor
- Eddisons Commercial
- EnergieKontor
- Ennstone Johnstone
- Eric Breare Design
- Eye 4 Design
- F And W Drawing Services
- F M Lister & Son
- F S K Architectural Services
- Fairhurst
- Farrell and Clark
- Firebird Homes
- First
- First Bradford
- Firstplan
- Forestry Commission
- Foresight Bradford
- Forward Planning & Design
- Four Square Drawing Services
- Fox Land & Property
- G L Hearn Property Consultants
- G R Morris Town Planning Consultant
- G Sutton
- G W P Architects
- GA Sorsby - Graphic Architecture
- George E Wright
- George F White
- George Wimpey Northern Yorkshire Ltd
- George Wimpey West Yorkshire Ltd
- George Wright
- GL Hearn
- Gladman Developments
- Golden Cross House
- Goldfinch Estates Ltd
- GP Planning And Building Services
- Gregory Properties
- Hackney Carriage Proprietors Association
- Hainworth Shaw Quarries

- Hallam Land Management Limited
- Halliday Clark
- Halton Homes
- Ham Group
- Hanson UK
- Hard York Quarries Ltd
- Harrom Homes
- Hartley Planning Consultants
- Healy Associates
- Heritage Planning Design
- Holdgate Consulting
- Home Builders Federation
- How Planning
- Hurstwood Group
- Husband and Brown Limited
- Iain Bath Planning
- ID Planning
- IHC Planning
- Ilkley Civic Society
- Indigo Planning
- Inland Waterways Association
- Islamic Relief
- J C Redmile
- J G Nolan
- J O Steel Consulting
- J R Wharton Architect
- J S Wright
- J Slater
- Jacobs
- Janus Architecture
- Jeff McQuillan Consulting
- Jeff Redmile
- Jefferson Sheard Architects
- Jennings Nicholson Associates
- John Thornton Chartered Architect
- Jones Day
- Jones Lang LaSalle
- Joseph Rowntree Charitable Trust
- Just West Yorkshire
- JWPC Limited
- Keighley Community Transport
- Keighley Local Enterprise Agency
- Keighley Voluntary Services
- Kelly Architectural Design
- KeyLand Developments
- Khawaja Planning Services
- Kirkwells - Town Planning & Sustainable Development Consultants
- Lafarge Aggregates & Concrete UK
- Lambert Smith Hampton
- Landtask
- Langtree
- Leeds / Bradford International Airport
- Leeds Friends of the Earth
- Leeds Gypsy and Traveller Exchange
- Leith Planning Ltd
- Linden Homes
- Littman Robeson
- M & G Stone Ltd
- M & M Stone
- Malcolm Bayliss
- Malcolm Scott Consultants
- Mark Wogden Architect
- Martin Smith Designs
- Martin Walsh Associates
- McCarthy & Stone
- McGinnis Development
- Metro
- Michael Beaumont
- Michael Hall Associates
- Michael Hudson
- Midgeham Cliff End Quarry Ltd
- Miller Homes Limited – Yorkshire
- MNB Partnership
- Mobile Operators Association
- Morley Borough Independents
- MSS Architectural Design Services
- Myers Group
- NAM Programme Manager
- Nathaniel Lichfield & Partners
- National Farmers Union
- National Farmers Union - North East
- National Federation of Gypsy Liaison Groups
- National Trust
- Nature After Minerals (RSPB)
- Nature After Minerals Planning Adviser
- Naylor Hill Quarry
- New Close Farm
- New Horizons
- Newmason Properties
- Nexus Planning Ltd
- NFU North East
- Nook Cottage
- North Country Homes Group Ltd
- Northern Trust
- Npower Renewables
- Nuttal Yarwood and Partners
- Nuttall Yarwood And Partners
- Ontergraft Planning Services
- Orion Homes
- P Casey (Enviro) Limited
- P J Draughting Services Ltd
- P M Coote
- P N Bakes Architectural Consultancy

- Parkgate Design
- Parkinson Spencer Refractories Ltd
- Patchett Homes Ltd
- PB Planning Ltd
- PDS
- Peacock and Smith
- Permission Homes
- Peter Brett Associates
- Phillip Summers Groundworks Ltd
- Planning And Design
- Planning Bureau
- Planning Inspectorate
- Planning Matters
- Planning Potential
- Planning Prospects Ltd
- Plot of Gold Ltd
- Prince's Foundation
- Priority Sites Ltd
- Provizion First Architecture
- Purearth PLC
- Quarry Products Association
- Quod
- Ramblers - Lower Wharfedale
- Ramblers Association
- Ramblers Association, Bradford Group
- Rance Booth & Smith
- Randfield Associates
- Rapleys LLP
- Renaissance Planning
- Rex, Procter & Partners
- Robinson Architects
- Rollinson Planning Consultancy
- Rone Design
- Rosedale Draughting Services
- Royal Mail Property Holdings
- Royal Town Planning Institute
- RPS Planning
- RSPB
- RSPB North England Region
- Rural Action Yorkshire
- Rural Solutions Consulting
- Rural Yorkshire
- Russell Stone Merchants
- S M Building Products
- S R Design
- Safer City – Bradford & District
- Sanderson Weatherall
- Savills
- Schofield Sweeney Solicitors
- Scott Wilson
- SDS Consultancy
- Sense of Space
- Shipley Stone Sales
- Sibelco UK
- Skipton Properties LTD
- Society for the Protection of Ancient Buildings
- South Pennines Association
- South Pennines Packhorse Trail Trust
- Spawforth Planning Associates
- Sport England
- SSA Planning Limited
- Stainton Planning
- Star Keys Estate Agents, Valuers & Surveyors
- Stephen F Walker
- Steve Hesmond Halgh & Associates
- Stocksfield Construction Ltd
- Stone Federation Great Britain
- Strategic Services
- Strutt & Parker
- SWG Planning Services
- Taylor Wimpey UK Limited
- The Abbeyfield Society
- The Arley Consulting Company Ltd
- The British Aggregates Association
- The British Horse Society
- The Courthouse Planning Consultancy
- The Craven Trust
- The Design Works
- The Drawing Board (UK) Ltd
- The Emerson Group
- The Garden History Society
- The Georgian Group
- The Green Mineral Company
- The Lawn Tennis Association
- The Moravian Manse
- The Planning Bureau Ltd
- The Salvation Army
- The Theatres Trust
- The Twentieth Century Society
- The Victorian Society
- The Woodlands Trust
- Thomas Eggar
- Thomas Eggar
- Tony Plowman
- Tribal MJP
- Turley Associates
- Turner Associates
- Urban Splash
- Vernon and Co
- Vincent and Goring Ltd
- Vista Environmental Limited
- VJ Associates

- W E Leach (Shipley) Ltd
- Walker Morris
- Waller and Partners
- Walton & Co
- Watson Batty
- Webb Seeger Moorhouse Partnership Limited
- West Yorkshire Archaeology Advisory Service
- West Yorkshire Ecology
- West Yorkshire Passenger Transport Executive & Authority
- Westfield Shoppingtown Ltd
- White Young Green
- White Young Green Planning
- WHP Wilkinson Helsby
- William Walker Partnership
- Woodcrown Ltd
- Woodhall Planning & Conservation
- Working Architects Co-Op Limited
- Yorkshire Aggregates Ltd
- Yorkshire Gardens Trust
- Yorkshire Greenspace Alliance
- Yorkshire Riding Centre
- Yorkshire Union of Golf Clubs
- Yorkshire Wildlife Trust
- Zero Architecture Ltd

NOTIFICATIONS – those individuals and organisations requesting inclusion in consultation

Additional to those organisations listed above there were 1526 individual notifications sent out to interested parties and organisation who had previously requested to be included in Local Plan consultations. These mainly consisted of local residents from the District.

Table of numbers consulted as at 28/07/2015

Form of Consultation	No of emails	No of letters
SPECIFIC CONSULTEES	81	11
GENERAL CONSULTEES – LOCAL ORGS	129	193
OTHER CONSULTEES & AGENTS – including Minerals and Waste	278	166
BRADFORD COUNCILLORS & MP'S	95	0
NOTIFICATION REQUESTS	888	648
TOTAL	1471	1018

Appendix B – News Articles

The following articles were placed in local newspapers, inviting interested parties to comment on the CIL Preliminary Draft Charging Schedule.

- **KEIGHLEY NEWS** “Have a say on Building price” - Thursday 6th August 2015.
- **Telegraph & Argus** “Public get their say on how much developers pay towards schools and roads” – Wednesday 22nd July 2015.

Appendix C – Plan-it Bradford

Plan-it Bradford is the e-newsletter that keeps you up to date with the latest planning policy news and the progress being made on the Local Plan for the Bradford District. The following article appeared in issue 23 of Plan-it Bradford.

Bradford District CIL Preliminary Draft Charging Schedule

The Community Infrastructure Levy (CIL) is a tool for local authorities to help deliver infrastructure to support the development of the area. The CIL is a discretionary tariff introduced by the 2008 Planning Act which local authorities can charge on each net additional square metre of development.

The CIL allows local authorities to raise funds from development to help pay towards the infrastructure needs arising from the anticipated development of their areas.

The Bradford District CIL is intended as a means of contributing to the funding of infrastructure required to deliver the policies and proposals in Local Plan, including the Core Strategy and other Development Plan Documents. The Government’s aim for CIL is to promote a fairer, faster and more transparent system for funding new infrastructure.

Public Consultation

The Bradford District Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule was approved at Executive on 21st July and has now been published for a 6 week public consultation from Friday 31st July to Friday 11th September 2015.

The Council will consider all comments received and any updated evidence where applicable before issuing a Draft Charging Schedule (DCS), for further public consultation for a minimum of 6 weeks prior to submission to government for examination.

The Council envisages an examination in public on the CIL Charging Schedule in early 2016 with adoption of CIL by Full Council by April 2016.

The CIL Preliminary Draft Charging Schedule and background evidence can be found at **www.bradford.gov.uk/planningpolicy**.

For further information on the Bradford District Community Infrastructure Levy contact Alex Bartle, Planning Officer on **alex.bartle@bradford.gov.uk**.

Appendix D – Council’s Web Site

Bradford Council has a web site containing links to all the services provided. The following information page was included in the web site and could be accessed via various links including the Development Plan page and the Council’s main Consultations webpage.

Community Infrastructure Levy

What is the Community Infrastructure Levy?

The Community Infrastructure Levy (CIL) is a levy which the Council may charge on new developments in the District.

The money raised will help the Council pay for infrastructure such as schools, transport, parks, open spaces and other community facilities required to support new housing and economic development in the District.

The Bradford District CIL is being prepared by the Council alongside the Local Plan for Bradford.

Public Consultation – CIL Preliminary Draft Charging Schedule (July– September 2015)

The Council is consulting on the first stage of introducing a charge on new development - a **Community Infrastructure Levy** - to support the delivery of essential infrastructure across the District. This stage is called the **Preliminary Draft Charging Schedule**.

The consultation is focussed on the proposed charge rates in the Preliminary Draft Charging Schedule. A Background Report has also been prepared by way of further explanation. The following supporting evidence base documents are also being made available for comment:

- Bradford CIL - Economic Viability Evidence
- Local Infrastructure Plan Evidence

How to comment

Comments should be returned to the Council by using the comment form below.

Completed forms should be sent preferably by email, to the Development Plans Team by:

Email to:

planning.policy@bradford.gov.uk

Post to:

Development Plans
City of Bradford Metropolitan District Council
2nd Floor (South)
Jacobs Well,
Nelson Street,
Bradford, BD1 5RW

Comments should be received within the 6 week consultation period which will run from Friday 31 July 2015 until **5pm on Friday 11 September 2015.**

Please note that representations cannot be treated as confidential and a schedule of all representations received will be published.

What happens next?

Once the Council has considered all the representations received, it will produce a Draft Charging Schedule, which will be subject to a further round of consultation before being submitted for Examination. The Council anticipates adopting the CIL charging rates during 2016.

How can I find out more?

If you have any questions please contact the Development Plans team on 01274 433679 or email planning.policy@bradford.gov.uk.

The Planning Advisory Service website provides further useful information on CIL

<http://www.pas.gov.uk/community-infrastructure-levy>

Appendix E – Summary of Representations and Responses

Ref	Name	Organisation	Comment (Summarised by the City of Bradford MDC)	Council's Response
General Support for CIL				
0001	Ross McGibbon	Local Resident	Support the ideas behind the CIL charging schedule.	Comment of support noted
0002	Jill Hirst	Local Resident	Fully support a levy on house builders to ensure that local infrastructure is developed to support the extra families moving into the area. We need more good housing in Bradford and this should ensure that parents can get their children into the local school and that adequate transport links are in place.	Comment of support noted.
0003	Eric Rawcliffe	Local Resident	Overall support the CIL charging proposals.	Comment of support noted
0021	Ruth Batterley	Wilsden Parish Council	Wilsden Parish Council supports the adoption of CIL by BMDC as the means of managing developer contributions to infrastructure	Comment of support noted.
0030	Eileen Kershaw	Local Resident	Agree that there is a need for such a levy	Comment noted.
0031	Rebecca Robson	Turley	Support the general principle of introducing CIL in Bradford provided that the appropriate viability assessments have been undertaken.	Support noted. A Viability Assessment has been undertaken to support the CIL PDCS.
PDCS CIL Rates				
0001	Ross McGibbon	Local Resident	<p>1. Encourage the council to scale up the differential to the point where developers choose to build on brownfield instead of greenfield and choose to build where people have to travel less far to work.</p> <p>2. Encourage the council to use CIL as a lever to discourage building where the houses will be too expensive for all but those on high incomes. Support the way that the policy recognises the impact of commuting to town centres from outlying areas. Also the impact on countryside areas that are a valuable asset for recreational use by all Bradford residents.</p>	<p>1. The CIL regulations do not permit setting a charge rate to encourage or discourage certain types of development or development in certain areas. CIL rates must be set in relation to viability evidence and not policy objectives.</p> <p>The proposed residential rates are set based on economic viability evidence.</p>

				2. See previous comment.
0005	David Foakes	Holme Christian Community	The burden of charging Third Sector organisations for planning permissions should be at a discounted rate in comparison with normal commercial operations. Consideration should be given as an incentive for Third Sector organisations in the shape of concessional rates for planning applications.	<p>CIL cannot be used as a mechanism to encourage or discourage development. CIL rates must be set in relation to viability evidence.</p> <p>The CIL Regulations set out that there are some kinds of development which do not pay the levy. This includes charitable development that meets the relief criteria and types of development which the council have decided should be subject to a 'zero' rate in their charging schedules.</p> <p>In addition the Council may decide to introduce a policy for giving discretionary charitable investment relief, under CIL Regulation 44. This is not part of the CIL charging schedule. The Council will consider these comments when considering the introduction of any discretionary relief policy.</p>

0010	Jane Harrison	Rural Advisor - CLA	<p>1. Concern that the levies proposed for residential use in Zones 1-4 covers all residential development. Rural dwellings are required to accommodate those employed in agriculture, horticulture forestry and other rural businesses properties should be considered separately, based on a suitable viability assessment, or classified with affordable housing for CIL purposes. CIL should not apply to these dwellings.</p> <p>Evidence is emerging councils are reducing CIL rates to £0/sq m on agricultural dwellings. South Lakeland BC and West Lancashire BC are listed as examples of authorities setting zero rates for Agricultural Workers Dwellings. Both these CILs are now adopted.</p> <p>2. Agree that the CIL rate for all other uses should be £0 per sq m.</p>	<p>1. Comment noted. The charges proposed are set based on economic viability evidence. There is no current available evidence to justify a separate rate for rural dwellings.</p> <p>No viability evidence has been submitted to support why the proposed CIL rates would make this type of development unviable.</p> <p>There are exemptions in the CIL Regulations, which include affordable housing and self-build dwellings. Where agricultural tied dwellings meet this criteria they would be exempt from CIL.</p> <p>2. Comment noted.</p>
0013	Cllr Peter Hill	Parish Councillor	<p>1. Zone 1 (Ilkley) and retail warehousing at £100 m² seems punitive in respect of development costs and will limit needed development in terms of housing and jobs. Consider £ 60/ m² more likely to succeed Zone 2 This is also high, consider £40 m² more likely to create more development. Zone 3. No change. Zone 4, This should be higher to reduce green belt incursion. We consider £10 m² to be more relevant.</p> <p>2. The current balance for the proposed CIL levy would appear to benefit the most deprived communities the least</p>	<p>1. The CIL charges proposed are based on economic viability evidence and are considered robust based on available evidence.</p> <p>No viability evidence has been submitted to support why the proposed CIL rates are incorrect or to justify the different rates proposed.</p>

				<p>The CIL regulations do not permit setting a charge rate to encourage or discourage certain types of development or development in certain areas. CIL rates must be set in relation to viability evidence and not policy objectives such as reducing greenbelt incursion.</p> <p>2. CIL rates have been set in relation to viability evidence and not policy objectives. CIL monies will be pooled to contribute to infrastructure needed to support growth in the District and will thereby benefit communities across the District.</p>
0015	L Corcoran	Silsden Town Council	<p>Given that rates must be set based on viability evidence and not planning policy objectives, should the rate for development for Silsden be higher than £20? Or is the reduce rate part of the tactic to encourage 1200 houses within the Silsden for development by Bradford Council bearing in mind such a number of houses will require and large investment in infrastructure.</p>	<p>The charges proposed are set based on economic viability evidence and are not to promote or discourage development in a particular area. The recommended CIL rates allow for a viability buffer– in accordance with the Government’s National Planning Practice Guidance and are considered roust.</p>

0015	L Corcoran	Silsden Town Council	<p><u>Individual Councillors responses: Cllr P Robinson c/o Silsden Town Council</u> Opposed to this levy been raised in this way. Grants are available from central government towards new schools providing specific criteria are met. What worries me about applying a levy on developers is that the council is seeking to expand Silsden by approx 1000 new homes surely a levy would be a deterrent. If these homes were to be built surely then this extra cost would be passed on to the purchaser by way of inferior fittings or higher priced homes so defeating the object of affordable homes. Surely when homes are built they generate income by way of council tax band levy. Different towns within the Bradford area are to have different levy bands surely this would allow developers to cherry pick</p>	<p>CIL has been introduced by Government to contribute to the provision of infrastructure and support growth. The Government's aim for CIL is to promote a fairer, faster and more transparent system for funding new infrastructure. The council consider the introduction of the CIL will be beneficial for the Bradford District for the reasons set out in Section 3 of the CIL Background Report.</p> <p>The charges proposed are set based on economic viability evidence and therefore should not promote or discourage development in a particular area as the rates are considered viable in all areas. It is the intention that once CIL charge is set this will be factored into the land value and should not therefore impact house prices. Affordable housing which meets the relief criteria will not be liable for CIL.</p>
0017	Lora Hughes	Leeds City Council	<p>Leeds City Council has considered the CIL Preliminary Draft Charging Schedule, particularly with reference to any potential cross boundary issues. It is considered that the rates proposed are reasonable and no cross-boundary issues are identified. Each authority has to set its rates on its own evidence and circumstances and to gain broad</p>	<p>Comment of supported noted.</p>

			zones across the whole District. Therefore despite some differences between Leeds and Bradford CIL rates for certain types of development, and particularly those between the proposed residential rates adjoining the Leeds District and those within Leeds, the Bradford rates are considered appropriate in their own context.	
0018	Ross Anthony	Theatres Trust	Support the setting of a nil rate for 'all other uses' as D1, D2 and some sui generis uses (e.g. theatres) often do not generate sufficient income streams to cover their costs. Consequently, they require some form of subsidy to operate and this type of facility is very unlikely to be built by the private sector as they are not viable in developer terms, but are essential social infrastructure for the health and cultural wellbeing of the local community.	Comment of supported noted
0020	Lesley Parsons	The Brookhouse Group Ltd c/o Alyn Nicholls & Associates	<p>The Draft Charging Rate for retail warehouse development (£100 per square metre) will put development at risk and would render development unviable.</p> <p>Beyond existing development and approvals, no new large scale retail warehouse development is promoted by the Core Strategy. Consequently, retail development is likely to be small scale. The Draft Charging Rate would render such development uneconomic and undeliverable.</p> <p>The representation raises matters of concern arising from the viability appraisal for retail warehouse development which underpin the preliminary draft charging rate in regards to</p> <ol style="list-style-type: none"> 1. retail warehousing" is treated as a homogenous type of development 2. whilst the rental levels and commercial yields adopted within the analysis may be achievable in some circumstances; for many others they will be far too optimistic. 3. the build cost utilised for retail warehouse development is too low and does not reflect a "real world" scenario <p>A range of examples are provided in the representation to support these concerns.</p>	<p>The CIL rates in the PDCS have been set in relation to viability evidence.</p> <p>The Council will consider these comments in relation to the supporting viability evidence for retail warehousing rates when producing the Draft Charging Schedule.</p>
0022	John King	Natural England	Natural England does not comment on the charges proposed within charging schedules.	Comment noted.

0023	Cllr David Mullen	Steeton with Eastburn Parish Council	<p>1. The proposed charging schedule shows the great inequality between districts, it is going to force housing growth in to areas that are already destined to receive a large number of new dwellings. for example, Steeton, Eastburn and Silsden, have been allocated a minimum of over 2000 new properties. This is going to almost double the size of the settlements. The settlements are already vastly underprovided for with infrastructure</p> <p>2. The proposed charging schedule will not give us the funds that are needed to address these shortfalls, we believe that the settlements that are having to take large amounts of housing growth should be much higher up the charging bands, in fact should be in Zone 1.</p>	<p>1. The CIL regulations do not permit setting a charge rate to encourage or discourage certain types of development or development in certain areas. CIL rates must be set in relation to viability evidence and not policy objectives.</p> <p>The proposed CIL residential rates have been set in relation to viability evidence and not policy objectives and are considered viable across the District.</p> <p>2. CIL will help fund infrastructure to support growth, however the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in</p>
------	-------------------	--------------------------------------	---	---

				Public.
0024	Mr Ian Stuart	West Yorkshire Police	West Yorkshire police have no comment to make on the level of charges proposed in the CIL Preliminary Draft Charging Schedule, or suggested distribution of those charges.	Comment noted.
0025	Cllr Martin Smith	Conservative Party	Supermarkets' are in turmoil so where will the CIL be received from this sector?	CIL is considered viable on larger supermarket development based on the CIL viability evidence.
0026	Helen Ledger	Sport England	Not all sports clubs are registered charities, although many are; can we seek CIL exception for sports clubs run entirely for the benefit of sport where any profits are reinvested back into the sports and primary ancillary facilities? The council may also consider making schools and colleges CIL exempt or reduce their fees where they provide community use of facilities for the same reason.	<p>The CIL Regulations set out that there are some kinds of development which do not pay the levy. This includes charitable development that meets the relief criteria and types of development which the council have decided should be subject to a 'zero' rate in their charging schedules. The PDCS proposes a nil CIL rate for 'all other uses' which includes sports/education.</p> <p>The Council may decide to introduce an exceptional circumstances relief policy and policy for giving discretionary charitable investment relief, under CIL Regulation 44. This is not part of the CIL charging schedule and may be</p>

				considered separately after the introduction of CIL
0027	Councillor C Sykes	Bradford Councillor	<p>1. Far too much weight given to the need to protect developer profitability</p> <p>2. The appropriate balance has not been achieved. The scheme is set to deliver £36 million over the 15 year plan period – at just over £2 million per year this will go nowhere near the infrastructure requirements of the proposed Local Development Plan. The CIL regulations state that the Council should strike an appropriate balance between the desirability of funding infrastructure and development viability – the proposed scheme does not achieve that balance and will result in insufficient funding being realised</p>	<p>1. The CIL charges proposed are based on economic viability evidence. This includes allowing a sufficient viability buffer in accordance with national planning guidance. No alternative evidence has been provided on why the profit assumptions used in the viability model is incorrect or what an alternative level of profit should be.</p> <p>2. The council consider it has struck an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development.</p> <p>For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will contribute to infrastructure required across the District to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not</p>

				<p>be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>CIL rates must also be viable and not be set at a level which will put the delivery of development at risk.</p>
0029	Deborah Holland	Wakefield Council	<p>1. The methodology and approach to setting the assumptions and rates is considered compatible with the approach taken at Wakefield, therefore Wakefield Council are in support of them</p> <p>2. It is considered that the rates are reflective of the viability evidence specific to Bradford; they are reasonably comparable to Wakefield in terms of the development types considered to be viable and the proposed rates.</p>	<p>1. Support welcomed</p> <p>2. Comment noted</p>
0030	Eileen Kershaw	Local Resident	<p>1. It is very unfair that the Wharfe Valley charge is so high whilst the areas of highest density housing, such as inner city Bradford, is levy free. Whilst the Wharfe Valley has very many wealthy people, not everyone is rich. It is impossible for many people who have grown up in the area to buy locally and they are forced to move to different areas in order to buy a house. The high levy proposed is going to make it even more difficult for these young people to get on the housing ladder here as the levy will be passed to buyers thus raising already very high house prices.</p> <p>2. From my understanding of the CIL it would appear that the inner city areas are going to be the main beneficiaries of this levy therefore would it not be fairer to charge a basic amount, such as £5-10 for those areas which are at present levy free and thus reduce the top level a little?</p>	<p>1. The CIL charges proposed are based on economic viability evidence and are considered robust based on available evidence. Wharfedale is identified as the highest charging zone based on the average house prices and sales values. A nominal £5 rate has been set in inner Bradford as viability evidence indicates this area cannot support higher CIL charge.</p> <p>It is the intention that once a CIL charge is set this will be factored into the land value and should not therefore impact house prices.</p>

				<p>Affordable housing which meets the relief criteria will not be liable for CIL.</p> <p>2. In order to strike an appropriate balance a nominal £5 CIL rate is proposed in value area 4 as set out in Table 1 of the Preliminary Draft Charging Schedule.</p>
0031	Rebecca Robson	Turley	<p>1. Due regard should be given to the potential for development to be diverted from Bradford towards Leeds if the Council does not take a proactive approach to encouraging development in the District by introducing an appropriate level of charge thereby making the District a more financially attractive investment location.</p> <p>2. Significant concerns regarding the proposal to introduce a £5 CIL charge on development in Bradford and Keighley urban areas where viability is a significant issue. The current proposed CIL rates are not supported by robust viability evidence and it is considered a Planning Inspector would find CIL unsound at examination.</p> <p>The representation provides further detailed comments to support this including:</p> <ul style="list-style-type: none"> - the proposed CIL rates should not contradict and should be supported by CIL viability evidence base as set out in PPG and CIL Regulation 14 balance test - lack of evidence in DTZ viability assessment underpinning the proposed rate in zone 4/5, specifically reference to paragraph 7.4, figure 7.1 in the DTZ Viability Evidence - the viability evidence demonstrates a nominate £5 rate cannot be provided and would fail to introduce a viability buffer - reference to the Trafford CIL Examination concluding a nominal rate in low/nil viability areas which could not support proposed CIL rates was at odds with both Legislation and Guidance. This should be recognised as a material consideration by the Council. <p>BE Boys has a significant land holding in Keighley which it intends to redevelop in the</p>	<p>1. The CIL regulations do not permit setting a charge rate to encourage or discourage certain types of development or development in certain areas. CIL rates must be set in relation to viability evidence and not policy objectives.</p> <p>The proposed residential rates are set based on economic viability evidence and are considered viable across the District.</p> <p>2. Concerns noted. CIL Regulations require the Council to strike an appropriate balance between the desirability of funding infrastructure through CIL and impact on viability of evidence. The DTZ Viability Report (paragraph 7.4) states small</p>

			<p>near future. However, any application of a CIL levy in this location would create significant hurdles that would possibly render their redevelopment intentions unviable.</p>	<p>variations may be capable of justification particularly where they support the principle of achieving a 'balance' between the infrastructure funding need and viability.</p> <p>As set out in the Background report in view of the very small proportion of development costs and large infrastructure funding gap and critical infrastructure issues identified within in the main urban areas, on balance a nominal CIL charge of £5 for residential development is considered justified in the lower value zones.</p>
--	--	--	--	---

0032	Becky Lomas	Taylor Wimpey	Given the lack of developer interest in the District throughout the last 10 years we consider that the CIL may result in a further disincentive for developers, whom may decide to concentrate development elsewhere in adjoining authorities. This concern applies across the District in the various proposed charging zones where the proposed CIL rates may put off developers.	<p>The CIL regulations do not permit setting a charge rate to encourage or discourage certain types of development or development in certain areas. CIL rates must be set in relation to viability evidence and not policy objectives.</p> <p>The proposed residential rates are set based on economic viability evidence and considered viable. In addition other authorities in the Leeds City Region including Leeds and Wakefield have or are in the process of adopting CIL.</p>
0032	Becky Lomas	Taylor Wimpey	<p>1. Question the £100 per sq m in zone 1 and consider this is too high and may render some sites unviable and undeliverable. The high value areas within Leeds, which are similar to the high value areas in Bradford have a residential CIL rate of £90. This would be recommended for Zone 1 within Bradford.</p> <p>2. Question the justification for the £5 per sq m 'nominal charge' in zone 4 for residential development, despite the EVA suggesting nil charge. The reason for the nominal charge is explained briefly in the Background Report (para 5.29 – 5.31). Paragraph 5.31 of the Background Report states that based on the EVA indicating that a nominal charge would be unlikely to put delivery at risk, that a nominal CIL charge of £5 for residential development is justified in the lower value zones. The EVA however recommends £0 in zone 4 throughout the document and concludes at section 8 that in respect of residential, CIL is "only realistically possible in the high to mid value areas of the District." We therefore suggest the residential CIL charge in zone 4 is £0.</p>	<p>1. The CIL charges proposed are based on economic viability evidence and are considered robust based on available evidence. Each authority has to set CIL rates based on its own evidence and circumstances. Therefore despite some differences between Leeds and Bradford CIL rates adjoining the District Boundaries, the council considers the proposed Bradford CIL rates are appropriate and justified in their own context.</p>

				<p>No further viability evidence has been submitted to support lowering the rate to £90.</p> <p>2. CIL Regulations require the Council to strike an appropriate balance between the desirability of funding infrastructure through CIL and impact on viability of evidence. The DTZ Viability Report (paragraph 7.4) states small variations may be capable of justification particularly where they support the principle of achieving a 'balance' between the infrastructure funding need and viability.</p> <p>As set out in the Background report in view of the very small proportion of development costs and large infrastructure funding gap and critical infrastructure issues particular in the city of Bradford, on balance a nominal CIL charge of £5 for residential development is considered justified in the lower value zones.</p>
--	--	--	--	---

0033	Sophie Bagley	Vernon & Co	<p>The DTZ Economic Viability Assessment recommends four residential charging zones. The CIL Residential Charging Zone Map at page 11 of the Preliminary Draft Charging Schedule (PDCS) concurs with the DTZ map. The DTZ recommendation is for nil charge in respect of Zone 4, yet the PDCS proposes £5psm for the same area, a figure which therefore is not in accordance with the evidence base</p>	<p>CIL Regulations require the Council to strike an appropriate balance between the desirability of funding infrastructure through CIL and impact on viability of evidence. The DTZ Viability Report (paragraph 7.4) states small variations may be capable of justification particularly where they support the principle of achieving a 'balance' between the infrastructure funding need and viability.</p> <p>As set out in the Background report in view of the very small proportion of development costs and large infrastructure funding gap and critical infrastructure issues particular in the city of Bradford, on balance a nominal CIL charge of £5 for residential development is considered justified in the lower value zones.</p>
0034	Paul Butler	PB Planning on behalf of Barratt Homes and David Wilson Homes	<p>Raise three key areas of concern associated with the identified PDCS</p> <p>1. misalignment with the Council's own evidence base. It is clear that the CIL Viability Evidence concludes that in Zone 4 no CIL charge should be identified, whereas the Preliminary Draft Charging Schedule identifies a charge of £5 per sq.m in this area. Such an approach is therefore not consistent with the Council's evidence base and should be amended.</p>	<p>1. As set out in the Background report in view of the very small proportion of development costs and large infrastructure funding gap and critical infrastructure issues, on balance a nominal CIL charge</p>

		<p>2. Consider the identified rates to be too high in some locations when considered against the rates being set by other local authorities in the Yorkshire region.. The table below identifies the adopted and proposed CIL rates for each of the Yorkshire local authorities.</p> <table border="1"> <thead> <tr> <th>Local Authority</th> <th>CIL Rate Range</th> <th>Local Authority</th> <th>CIL Rate Range</th> </tr> </thead> <tbody> <tr> <td>Bradford</td> <td>Proposed £5 to £100</td> <td>Rotherham</td> <td>Proposed - £15 to £55</td> </tr> <tr> <td>Sheffield</td> <td>Adopted - £0 to £80</td> <td>Kirklees</td> <td>In Preparation</td> </tr> <tr> <td>Wakefield</td> <td>Proposed - £0 to £55</td> <td>Leeds</td> <td>Adopted - £5 to £90</td> </tr> <tr> <td>Selby</td> <td>Proposed - £10 to £50</td> <td>Doncaster</td> <td>In Preparation</td> </tr> <tr> <td>Harrogate</td> <td>Proposed - £45 to £85</td> <td>Hambleton</td> <td>Adopted - £55</td> </tr> <tr> <td>Scarborough</td> <td>In Preparation</td> <td>Ryedale</td> <td>Proposed £55 to £70</td> </tr> <tr> <td>Craven</td> <td>In Preparation</td> <td>Calderdale</td> <td>In Preparation</td> </tr> <tr> <td>Barnsley</td> <td>Proposed £0 to £100</td> <td>East Riding</td> <td>In Preparation</td> </tr> <tr> <td>Richmondshire</td> <td>In Preparation</td> <td>York</td> <td>In Preparation</td> </tr> <tr> <td>Hull</td> <td>Proposed £18</td> <td>North Lincolnshire</td> <td>In Preparation</td> </tr> <tr> <td>North East Lincolnshire</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>The table above clearly identifies that Bradford are proposing to set their higher CIL rates at a level above all of Yorkshire’s local authorities where a figure has either been adopted or proposed, other than Barnsley</p> <p>The representation identifies rates for Zone 1 are higher than adjacent areas of Leeds and Harrogate which share similar housing market characteristics. Argue housing market characteristics of zone 2 to 4 are more challenging than those located in neighbouring authorities. This provides a clear message that Bradford’s CIL rates need to be reconsidered.</p> <p>Concerned that developers will seek to ask the question of <i>“why would we invest in Bradford when we can get more return on our investment in other surrounding local authority areas?”</i> Market forces and planning opportunities are major factors which influence whether developers to seek to identify land interests within certain areas, however, return on investment is a huge driver, if not the biggest. Therefore, we are concerned that the Council’s current approach may seek to push</p>	Local Authority	CIL Rate Range	Local Authority	CIL Rate Range	Bradford	Proposed £5 to £100	Rotherham	Proposed - £15 to £55	Sheffield	Adopted - £0 to £80	Kirklees	In Preparation	Wakefield	Proposed - £0 to £55	Leeds	Adopted - £5 to £90	Selby	Proposed - £10 to £50	Doncaster	In Preparation	Harrogate	Proposed - £45 to £85	Hambleton	Adopted - £55	Scarborough	In Preparation	Ryedale	Proposed £55 to £70	Craven	In Preparation	Calderdale	In Preparation	Barnsley	Proposed £0 to £100	East Riding	In Preparation	Richmondshire	In Preparation	York	In Preparation	Hull	Proposed £18	North Lincolnshire	In Preparation	North East Lincolnshire				<p>of £5 for residential development is considered justified in the lower value zones.</p> <p>2. The CIL charges proposed are based on economic viability evidence and are considered robust based on available evidence. Each authority has to set CIL rates based on its own evidence and circumstances. Therefore despite some differences between Leeds and Bradford CIL rates adjoining the District Boundaries, the council considers the proposed Bradford CIL rates are appropriate and justified in their own context.</p> <p>No further viability evidence has been submitted to support lowering the proposed CIL rates in zone 1 and 2</p> <p>The CIL regulations do not permit setting a charge rate to encourage or discourage certain types of development or development in certain areas. CIL rates must be set in relation to viability evidence</p>
Local Authority	CIL Rate Range	Local Authority	CIL Rate Range																																																
Bradford	Proposed £5 to £100	Rotherham	Proposed - £15 to £55																																																
Sheffield	Adopted - £0 to £80	Kirklees	In Preparation																																																
Wakefield	Proposed - £0 to £55	Leeds	Adopted - £5 to £90																																																
Selby	Proposed - £10 to £50	Doncaster	In Preparation																																																
Harrogate	Proposed - £45 to £85	Hambleton	Adopted - £55																																																
Scarborough	In Preparation	Ryedale	Proposed £55 to £70																																																
Craven	In Preparation	Calderdale	In Preparation																																																
Barnsley	Proposed £0 to £100	East Riding	In Preparation																																																
Richmondshire	In Preparation	York	In Preparation																																																
Hull	Proposed £18	North Lincolnshire	In Preparation																																																
North East Lincolnshire																																																			

			<p>developers to other authorities where they may consider better development opportunities may exist.</p> <p>3. The CIL Viability Evidence is clear in that the proposed identified rates within the document are a “maximum”. Concerned that the setting of the rates at the maximum level could have an adverse impact on those schemes where viability is in the balance, as a one size fits all rate cannot take into account site specific viability issues. It is our belief that a reduction in the proposed CIL rates for Zone 1 & Zone 2 areas should be provided to afford some “headroom” and flexibility. If no reduction to the identified rates are provided we consider that such an approach will more often than not lead to a request by developers to seek to reduce the level of affordable housing being delivered within development schemes.</p>	<p>and not policy objectives.</p> <p>The proposed residential rates are set based on economic viability evidence.</p> <p>3. The proposed CIL rates in the viability evidence are not maximum rates. Section 7.2 of the CIL viability Report sets out viability proofing accounting for a viability buffer in accordance with national planning guidance.</p>
0035	Muriel Odwyer	Local Resident	<p>Setting a rate as low as £20 per sqm seems incredibly low (based on based DTZ Viability Evidence) in comparison the Wharfe Valley rates (£100/sqm) would be more appropriate. Note Leeds CIL has been approved with justification document identifying £200/sq m would be sustainable.</p>	<p>1. The proposed residential rates are set based on economic viability evidence. The council consider the proposed rates strike an appropriate balance between the need to fund infrastructure and impact on viability of development. This has been informed by the LIP and Viability Assessment. This includes allowing a sufficient viability buffer in accordance with national CIL planning Guidance.</p> <p>The highest CIL charge for residential uses in the adopted Leeds CIL is 93/sq m. Despite</p>

				some differences between Leeds and Bradford CIL rates adjoining the District Boundaries, the council considers the proposed Bradford CIL rates are appropriate and justified in their own context.
0036	Jackie Thompson	Local resident	Some sub areas, generally around communities in the greenbelt and particularly within communities in Wharfedale, show house prices holding up. It is doubtful whether greenbelt releases could be justified here given the data underpinning the plan. However, there is PDL land within prosperous communities that could be exploited more effectively to deliver genuinely affordable housing in areas of high need within the City of Bradford and the town of Keighley. Ilkley, may have space for as many as 550 homes on PDL. It also has significantly higher property prices than other areas. This might be exploited by limiting development to PDL, decreasing CIL, increasing Section 106 funding for affordable housing and transferring the Section 106 housing receipts to sites in Keighley or Bradford where it could deliver far more homes and where there is genuine housing need.	<p>The CIL regulations do not permit setting a charge rate to encourage or discourage certain types of development or development in certain areas. CIL rates must be set in relation to viability evidence and not policy objectives.</p> <p>The proposed residential rates are set based on economic viability evidence.</p>
0038	Tony Plumbe	Local Resident	<p>1. The proposal as published, while containing some good provisions, is fundamentally flawed and will lead to a distortion of forthcoming development. The Proposal needs completely re-thinking and not to dogmatically follow the findings of a consultancy report focusing solely on so called "viability". It also opens up too much opportunity for political decision making which poses uncertainty for the community and developers.</p> <p>2. The use of averages for particular spatial Zones of Bradford is the source of much of the inadequacy regarding the proposed CIL on residential development. As proposed a low value (relative to the average) residential unit in, say, Ilkley will be penalised by a relatively high CIL, whereas a high value (relative to the average) residential unit in central Bradford would attract no CIL.</p>	<p>1. Noted. The Council have used the evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. The council therefore considers that the CIL is based on relevant and up to date evidence, in accordance with CIL</p>

		<p>A perverse market signal is thus proposed to be set of encouraging high value residential units to be developed in central Bradford when more low value residential units are required, and for low value residential units not to be developed in Ilkley when it is just that type of new residential units that are needed there. <i>It is submitted that any differential in the CIL for residential development should be based on the unit value of the proposed residential units, not where they are located.</i></p> <p>3. How the relative proposed CIL levels for residential units as opposed to retail warehousing and large supermarkets were chosen is unclear.</p> <p>4. The rationale is unclear for the total exclusion of all other non-residential development apart from retail warehousing and large supermarkets. CILs should not be set solely on the basis of viability analysis and need to be related to the costs of required infrastructure required for all types of development.</p> <p>Retail and retail warehousing do not lead to peak demands that need to be catered for by increase transport infrastructure It is office and service related employment that is much more likely to lead to demands for additional transport infrastructure capacity from new development, yet the proposal is that these should contribute nil in terms of CIL despite being the main generator of the incremental need for infrastructure and main beneficiaries! <i>There is a lack of accordence between the proposed types of non-residential development on which to levy a CIL and the demands those types of development create for additional infrastructure.</i> For legitimacy and to avoid introducing further inefficient economic development, this lack of accordence needs rectifying. Developments need to experience their full costs to the community.</p> <p>5. The CIL needs to be set much more on what is the social value to the community of a development type rather than its commercial profitability to the private developer which is what sole consideration of the “viability” criterion does.</p>	<p>Regulations. CIL rates must be set in relation to viability evidence and not policy objectives</p> <p>2. National Planning guidance states the council should use an area based approach involving a broad test of viability across the area as evidence to inform the CIL charge. The council recognise that there may be local variations in values; however it is considered the district wide viability assessment provides robust and appropriate evidence to inform the charging zones. CIL Regulations only allow for setting of differential rates for different geographical zones in which development would be situated or by reference to the type and/or scale of development</p> <p>3. The Proposed CIL rates are based on Economic Viability Evidence. This is set out in the DTZ CIL Viability assessment.</p> <p>CIL regulations permit setting different CIL chargers based</p>
--	--	--	--

				<p>on area or type of development CIL rates must be set in relation to viability evidence and not policy objectives. The proposed residential rates are set based on economic viability evidence.</p> <p>4. The Council have used the evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. Only residential, large supermarkets and retail warehousing are considered viable for CIL. CIL is not considered viability on office uses and other non residential uses.</p> <p>5. The Council is required to, in setting CIL rates, 'strike an appropriate balance between' the desirability of funding infrastructure from the levy and 'the potential effects (taken as a whole) of the imposition of CIL on the economic viability of</p>
--	--	--	--	---

				<p>development across its area</p> <p>CIL Regulations and National Planning guidance require CIL rates to be informed by viability evidence. The effect of this should be to make the CIL rate equally affordable in different parts of the District.</p>
0039	Rebecca Whitaker	Local resident	<p>Object to the way the proposed CIL charges have been unfairly calculated for Silsden.</p> <p>Appears to be a huge imbalance in the proposed charging schedule, between the different areas of Bradford. Locally, Silsden, Steeton and Eastburn will only be able to charge developers £20 fee per sq metre and yet our neighbouring village and town, Addingham and Ilkley, will be able to charge £100 fee per sq metre. This shows a great inequality and I don't believe that the monies raised through the CIL will realise the amount needed to pay for the infrastructure which is desperately required in Silsden.</p> <p>Suggest Bradford reconsiders its proposed charging schedule and addresses the very real situation which Silsden faces</p>	<p>For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will contribute to infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.</p>

				<p>The Council have used the evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. Different residential charging zones have been identified based on evidence of average house prices mapped against postcode zones. Higher CIL charge is proposed in higher value zones. Differential CIL rates must be justified in relation to viability. The council therefore considers that the proposed CIL rates are viable.</p> <p>No alternative viability evidence has been presented to justify why a different residential rate should be set.</p>
0040	Matthew Robinson	How Planning on behalf of Canal Road Urban Village Limited	<p>Whilst CRUVL does not object to the imposition of CIL <i>per se</i>, attention is drawn towards the potential for the CIL Charging Schedule to prevent specific schemes with marginal viability from being delivered – such as the proposed mixed-use development at New Bolton Woods.</p> <p>Whilst different charges for different zones is suggested (and this approach is supported by CRUVL), this nevertheless takes no account of site specific factors. Whilst it is appreciated that the inclusion of this level of detail is impractical within a CIL</p>	<p>The council recognise the importance of large scale sites such as New Bolton Woods to the delivery of the Local Plan. The proposed CIL rates and charging zones have been informed by viability evidence. The Council have used the</p>

			<p>Charging Schedule, it is necessarily a fact that sites with high assembly costs can easily become marginal.</p> <p>the imposition of CIL on already marginal sites can be a contributory factor in the inability to bring forward important redevelopment or regeneration schemes within the District - such as at New Bolton Woods. The need to ensure that sites with marginal viability are not hindered by the Levy was specifically highlighted by the Inspector examining the Hertsmere Borough Council CIL Charging Schedule.</p> <p>Planning Practice Guidance (PPG), the PPG continues to enforce the need to avoid setting rates at the margins of what is viable, and reinforces the need to take a pragmatic approach “to ensure that a ‘buffer’ or margin is included, so that the levy rate is able to support development when economic circumstances adjust.” Furthermore, PPG is clear that if specific strategic sites have low or zero viability, the charging authority should consider setting a low or zero levy rate in that area. It is noted that the New Bolton Woods site is within the lowest charging zone for residential development. This is supported in principle but should be considered with flexibility if the viability of this important scheme becomes threatened.</p>	<p>evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. The council therefore considers that the proposed CIL rates are robust.</p> <p>The council recognise the need for flexibility in the CIL to ensure delivery. The council will set out any instalments policy in a separate document to the charging schedule at the DCS stage. The 2014 Amendment Regulations also allow planning permissions to be phased for the purposes of the CIL, which will support delivery of large scale schemes in particular. .</p>
0041	Barbara Gott	Local Resident	<p>The Majority of new development is detached or semi detached meaning the figure used for the predominately detached area would be more appropriate namely £100 per square metre.</p> <p>To suddenly jump from £100 to £20 in the adjoining areas which have similar house prices seems illogical.</p> <p>Silsden needs a gigantic infrastructure investment in comparison to what the CIL will provide at anything less than £100 per square metre.</p> <p>The adjoining documents indicate £100 per square metre is viable and considerable</p>	<p>The Council have used the evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development.</p>

			headroom above that is possible reference the DTZ document.	<p>Differential CIL rates must be justified in relation to viability. Different residential charging zones have been identified based on evidence of average house prices mapped against postcode zones. Higher CIL charge is proposed in higher value zones. The council therefore considers that the proposed CIL rates are robust.</p> <p>The proposed CIL rates are based on the findings from the Viability assessment which include sales values assumptions based on new build and a viability buffer in accordance with National Planning Guidance. It is not considered that the viability evidence supports £100 per/sq for Silsden</p>
0042	Mr John Pickles	Local Resident	<p>1. Page 10 shows a considerable difference between Zones 1, 2 and 3, no boundary lines are distinctly apparent on the map on page 11.</p> <p>2. A fairer option would be to set the CIL taking into account THE IMMEDIATE local area needs, to support existing community needs and the number of dwellings proposed. The economic viability modelling indicates that a £100 per sq metre would be viable for the proposed developments in both Silsden and Steeton as proposed for Addingham.</p> <p>There is a significant funding gap that necessitates the highest level of CIL to be applied in SILSDEN. Para 6.7 - The available evidence suggests £100 sq metre would</p>	<p>1. The proposed CIL residential charging zones map is based on the DTZ CIL Viability Evidence (2015) residential charging zones mapped against postcode areas A more detailed map will be provided alongside the Draft Charging Schedule in accordance with CIL Regulations.</p>

			be viable in the proposed areas of development on Greenfield sites in Silsden.	<p>2. The Council have used the evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development.</p> <p>The proposed CIL rates are based on the findings from the Viability assessment which include viability buffer from the maximum CIL rate in accordance with National Planning Guidance. It is not considered that the viability evidence supports £100 per/sq for zone 2 and 3.</p>
0042	Mr John Pickles	Local Resident	Conversion of buildings that are no longer in lawful use, surely this discourages refurbishment of existing properties and Brownfield sites or do the council; plan to impose a nil CIL on such developments which should be encouraged in preference to developing Greenfield sites.	The CIL Regulations set out what development will and will not be liable for the levy, this includes the conversion of building no longer in lawful use.

0043	Rachel Shuttleworth	Local Resident	<p>1. £100 per square metre is viable in most zone 2 and 3 areas in particular those adjoining the dark blue of Ilkley and the zone 4 areas are unclear.</p> <p>2. Charging rates: no specific rate is shown for retirement housing or does this feature in all other uses not cited above at £0?</p> <p>3. It would appear viable to impose a charge of £100 square metre plus the new homes bonus to finance the infrastructure improvements in Silsden to minimise the funding gap for such improvements.</p>	<p>1. The proposed CIL rates are based on the findings from the Viability assessment which include viability buffer in accordance with National Planning Guidance. It is not considered that the viability evidence supports £100 per/sq for zone 2 and 3.</p> <p>2. The CIL residential rates apply to residential development including retirement housing falling under the C3 use class. Retirement housing or care homes falling under other use classes such as C2, will not be liable to pay the levy under the proposed PDCS.</p> <p>3. The council consider the CIL rates and charging zones</p>
------	---------------------	----------------	--	---

				<p>proposed strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development based on the available evidence.</p> <p>The proposed CIL rates are based on the findings from the Viability assessment which include viability buffer in accordance with National Planning Guidance. It s not considered that the viability evidence supports £100 per/sq for zone 2 and 3.</p>
0044	Ian Smith	Historic England	<p>1. no comment to make regarding the rates of CIL which it is proposed to charge for residential developments. In terms of our area of interest, the suggested rates of CIL seem unlikely to impact upon future investment in developments which could help secure the future of the heritage assets of the District.</p> <p>2. Welcome the intention not to charge CIL for A1 retail and other developments within Bradford City Centre and the town centres of the District's other settlements. This will help to ensure that continued investment into the heart of the main retail areas is not threatened by an unrealistic CIL rate (especially given the changes that are happening in the retail sector). This will also assist in encouraging investment into, and a sustainable future for the numerous historic buildings within the historic cores of those settlements.</p>	<p>1. comment noted.</p> <p>2. Noted. CIL rates have been set in relation to viability evidence. The PDCS sets out that the proposed CIL rates which include Retail warehousing (open A1 consent) £100 Large Supermarket (>2000 sq m) £50 across the District. All other uses have a proposed charge of 0.</p>

0046	Cllr Adrian Naylor	Addingham Parish Council	Given that rates must be set based on viability evidence and not planning policy objectives, should the rate for development for Silsden be higher than £20	<p>The proposed CIL residential rates have been set in relation to viability evidence and not policy objectives. The proposed CIL rates are based on the findings from the Viability assessment which include viability buffer in accordance with National Planning Guidance.</p> <p>The council consider the CIL rates strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development based on the available evidence</p>
CIL Residential Charging Zones				
0013	Cllr Peter Hill	Parish Councillor	<p>1. The charging bands per square metre for the CIL are too wide and looking at the map provided ambiguous and incomplete. The boundary of the areas seems to be devised by a shotgun approach. This Parish Council feels much finer tuning is required to provide CIL ratings that properly relate to land values across the district.</p> <p>2. The map provided is unclear. There are four zones for CIL residential charging, but Zone 3 has a number of darker green areas – what do these represent? We note that central Keighley, Shipley and Bradford are shaded in grey – are these area exempt from CIL payments?</p> <p>3. There is a risk that the current banding may well encourage developers to look towards rural areas with low band costs.</p>	<p>1. The map is based on the DTZ CIL Viability Evidence (2015) residential charging zones mapped against postcode areas. It is considered the broad district wide viability assessment provides robust and appropriate evidence to inform the charging zones.</p> <p>2. Comment noted. The grey areas outline the urban areas in the District; these areas are</p>

				<p>not exempt from CIL. A more detailed map will be provided alongside the Draft Charging Schedule in accordance with CIL Regulations.</p> <p>3. The proposed CIL residential rates are set based on economic viability evidence and considered viable across the District and therefore should not promote or discourage development in a particular area.</p>
0015	L Corcoran	Silsden Town Council	<p>1. The clarity and detail on the maps indicating payment areas is totally insufficient as a consultation document, no boundaries or street areas are viewable.</p> <p>2. What criterion is used to define zones 2 and 3. Question whether or not it is truly representative given the varying nature of housing developments in Silsden. Does this take into account rural workers with tied agricultural properties.</p>	<p>1. Comment noted. A more detailed map will be provided alongside the Draft Charging Schedule in accordance with CIL Regulations.</p> <p>2. The map is based on the DTZ CIL Viability Evidence (2015) residential charging zones. Charging zones were identified using Land Registry average house prices mapped against postcode areas.</p> <p>National Planning guidance states the council should use an area based approach involving a broad test of viability across the area as evidence to inform the charge.</p>

				<p>The council recognise that there may be local variations in values; however it is considered the district wide viability assessment provides robust and appropriate evidence to inform the charging zones.</p> <p>The viability assessments set out the assumptions used in relation to residential rates. This does not include rural workers with tied agricultural properties and is based on a range of hypothetical housing schemes and site specific testing. There are exemptions in the CIL Regulations, which include affordable housing and self-build dwellings. Where agricultural tied dwellings meet this criteria they would be exempt from CIL.</p>
--	--	--	--	--

0021	Ruth Batterley	Wilsden Parish Council	<p>1. Do not support aspects of the Preliminary Draft Charging Schedule. While we support the proposal to levy CIL by means of variable tariffs there are aspects of the way that the Residential Charging Zone boundaries have been drawn that has not achieved the appropriate balance between the desirability of funding infrastructure and the viability of development.</p> <p>The DTZ CIL Viability Evidence Report acknowledges that “The recommendations are intended as a guide, but small variations could be justified” (p.8). Wilsden Parish Council is seeking such a small variation. There is compelling evidence to do so, especially as it will support the key principle of achieving a ‘balance’ between the infrastructure funding need and viability.</p> <p>The charging zone is very diverse and includes more affluent areas as well as less affluent areas. The area wide model adopted masks these variations, and underplays the justification to introduce a higher charging rate in some parts of the charging zone, such as Wilsden.</p> <p>The DTZ report uses the description of “high value rural villages and towns” and “low value rural villages and towns” and places Harden and Wilsden in the low value category. This is contradicted by data such as the Indices of Multiple Deprivation which puts much of the area of these villages in the 10% least deprived in the UK, comparable with much of Wharfedale. More data is given in the representation. The evidence of the SHLAA illustrates the willingness of landowners to put forward sites around villages such as Wilsden and confirms that developers view this as a desirable area.</p> <p>The representation provides supporting evidence on the Crack Lane development to indicate that the actual development could support more than £62 per sq. m.</p> <p>2. Note that the Charging Schedule has much in common to neighbouring authorities such as Leeds although the area covered by their highest charging zone is much more extensive than in the Bradford district. There are whole areas where the Bradford £50 per sq. m. and £20 per sq. m. zones are contiguous with the Leeds £95 per sq. m. and we find it difficult to understand how the economic value assessment is so different</p>	<p>1. The proposed CIL charging zones have been simplified into 4 main charging zones which reflect the viability evidence. The proposed zones are based on postcode sectors and average house price data, over a defined period. It is considered the economic viability evidence justifies the differential charging zone approach.</p> <p>National Planning guidance states the council should use an area based approach involving a broad test of viability across the area as evidence to inform the charge. The council recognise that there may be local variations in values; however it is considered the district wide viability assessment provides robust and appropriate evidence to inform the charging zones.</p> <p>The Council will consider these comments in relation to the supporting viability evidence for site specific viability testing when producing the Draft Charging</p>
------	-------------------	---------------------------	---	--

			between the two authorities.	Schedule. 2. Each authority has to set CIL rates based on its own evidence and circumstances. Therefore despite some differences between Leeds and Bradford CIL rates adjoining the District Boundaries, the council considers the proposed Bradford CIL rates are appropriate and justified in their own context.
0031	Rebecca Robson	Turley	The Map 1 on page 11 of the Preliminary Charging Schedule should be made clearer. The map as it currently stands is ambiguous in that it is not clear if the urban area of Bradford City and Keighley are within Zone 4 or excluded from it.	Noted. A more detailed map will be provided at the Draft Charging Schedule Stage
0032	Becky Lomas	Taylor Wimpey	<p>1. The residential charging zone map splits Queensbury between Zone 3 and Zone 4 which differs from £20 per sq m (Zone 3) and £5 per sq m (Zone 4). It is understood that this zoning is based on postcodes however a clearer boundary map is required. It would be more logical to include the whole of Queensbury within one zone rather than splitting it.</p> <p>2. There is some discrepancy between the zones identified in the CIL document and the EVA. The EVA identifies 5 residential value areas (see table 7.2 on page 50 of EVA) with area 4 and 5 with a proposed CIL rate of £0 per sq m. However, the Residential Charging Zones map (on page 9) only shows 4 zones.</p>	<p>1. Noted. The map is based on the DTZ CIL Viability Evidence (2015) residential charging zones mapped against postcode areas. No additional viability evidence has been presented to justify why the value area boundaries should be changed.</p> <p>A more detailed map will be provided at the Draft Charging Schedule Stage.</p> <p>2. For the purposes on simplicity the EVA has merged</p>

				zones 4 and 5 in the recommend charging zone map identified in figure 7.1 of the viability report.
0033	Sophie Bagley	Vernon & Co	Riddlesden falls within Zone 3 alongside East Morton and Bingley in both the Viability Assessment and PDCS. Whilst these settlements are geographically close, in market terms they are very different. Riddlesden simply does not generate the same market values as dwellings in East Morton and Bingley, or indeed Thornton, which falls within Zone 4. The Zone 4 around Keighley should be extended to include Riddlesden	The map is based on the DTZ CIL Viability Evidence (2015) residential charging zones mapped against postcode areas. No additional viability evidence has been submitted to support the proposed change to CIL charging zones
0034	Paul Butler	PB Planning on behalf of Barratt Homes and David Wilson Homes	the identified map of the charging schedule should be provided at a more detailed scale in order for people to be able to accurately identify the boundaries of each of the individual sub-areas. In this regard it is requested that an individual plan for each sub-area is provided within future iterations of the documentation.	Comment noted. A more detailed map will be provided at the Draft Charging Schedule Stage.
0038	Tony Plumbe	Local Resident	<p>1. Distortions of development at boundaries between proposed Zones are likely to occur with different Zones of Bradford. This can be avoided by not designating geographical boundaries. Wakefield council's parking standards and the District boundary with Leeds are given as examples of boundaries distorting developments.</p> <p>The 'administrative' choice of gradations in the CIL by proposed Zones is too coarse and being based on averages does not reflect the gradations in viability of different developments within each proposed Zone. Shifting to a CIL based on the unit value of development would avoid penalising (and holding back) marginal developments in Zones proposed to have high levels of CIL. A CIL based on a unit value of development should have more gradations of levy and no zero rate.</p> <p>2. As CIL is to be pooled for infrastructure provision potentially far from the developments in question, the Zone differentials in CIL will just act as a further mechanism to suck monies out of the periphery of the District to be spent in central</p>	<p>1. The proposed CIL charging zones are based on postcode sectors and average house price data, over a defined period. The proposed Bradford CIL rates approach of setting different CIL charges to reflect different value areas is appropriate and justified in the context of the Bradford District.</p> <p>National Planning guidance states the council should use an area based approach involving a broad test of</p>

			<p>Bradford, not least because much of the need for infrastructure arises on arterial routes that serve movements to and from central Bradford. There is already deep resentment of the concentration of Council expenditure in central Bradford and this current CIL proposal would fan that resentment. The political complexion of Zones with higher proposed residential CILs relative to the political complexions of those with proposed zero residential CILs has all the hallmarks of political gerrymandering.</p>	<p>viability across the area as evidence to inform the charge. The council recognise that there may be local variations in values; however it is considered the district wide viability assessment provides robust and appropriate evidence to inform the charging zones. CIL Regulations only allow for setting of differential rates for different geographical zones in which development would be situated or by reference to the type and/or scale of development</p> <p>2. CIL rates must be set in relation to viability evidence and not policy objectives. The proposed residential rates are set based on economic viability evidence and not political decisions. CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. The remaining CIL monies will be pooled centrally to contribute to</p>
--	--	--	---	---

				strategic infrastructure to support growth across the district
0041	Barbara Gott	Local Resident	The map provided fails to give an accurate position of where the zone changes are, to suddenly jump from £100 to £20 in the adjoining areas which have similar house prices seems illogical.	<p>Comment noted. The map is based on the DTZ CIL Viability Evidence (2015) residential charging zones mapped against postcode areas. A more detailed map will be provided alongside the Draft Charging Schedule in accordance with CIL Regulations.</p> <p>The council recognise that there may be local variations in values; however it is considered the district wide viability assessment provides robust and appropriate evidence to inform the charging zones.</p>

0042	Mr John Pickles	Local Resident	A detailed map of the charging zone boundaries should be provided for guidance to all concerned.	Comment noted. A more detailed map will be provided alongside the Draft Charging Schedule in accordance with CIL Regulations.
0043	Rachel Shuttleworth	Local Resident	<p>1. Map 1 Proposed CIL Residential Charging zone map is similar to, but not the same as the map in the DTZ Documents. It shows no clear dividing lines (e.g. street where change of zone occurs). Indeed Silsden appears to be divided in 2, it is clear that ILKLEY is in zone 1.</p> <p>2. The zone 1 area should be expanded taking into account the infrastructure requirements of the adjoining areas and the key features in those areas needing support and good transport links (Hospital A&E).</p>	<p>1. The map is based on the DTZ CIL Viability Evidence (2015) residential charging zones mapped against postcode areas. A more detailed map will be provided alongside the Draft Charging Schedule in accordance with CIL Regulations.</p> <p>2. The council consider the CIL rates and charging zones proposed strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development based on the available evidence.</p> <p>No additional viability evidence has been submitted to support</p>

				a change in the CIL levy rates proposed.
0046	Cllr Adrian Naylor	Addingham Parish Council	<p>1. The clarity and detail on the maps indicating payment areas is totally insufficient as a consultation document no boundaries or street areas are viewable.</p> <p>2. What criteria is used to define zones 1 and 2 whilst we understand the based on average house price we question whether or not it is truly representative given the varying nature of housing developments in both Addingham and Silsden. Does this take into account rural workers with tied agricultural properties?</p>	<p>1. Comment noted.. A more detailed map will be provided alongside the Draft Charging Schedule in accordance with CIL Regulations.</p> <p>2. National Planning guidance states the council should use an area based approach involving a broad test of viability across the area as evidence to inform the charge. The CIL Viability Assessment sets out the viability modelling assumptions used. Average house prices have been used to inform CIL residential charging zones. The council recognise that there may be local variations in values; however it is considered the district wide viability assessment provides robust and appropriate evidence to inform the charging zones.</p> <p>The viability assessments set out the assumptions used in relation to residential rates. This does not include rural workers with tied agricultural</p>

				properties and is based on a range of hypothetical housing schemes and site specific testing There are exemptions in the CIL Regulations, which include affordable housing and self-build dwellings. Where agricultural tied dwellings meet this criteria they would be exempt from CIL.
Spending CIL				
008	Tony Emmott	Local Resident	Ilkley is located in the most expensive charging zone (zone 1). Provisions should ensure that the levy income derived from developments in Zone 1 should be retained and spent in (and only in) Zone 1 by the provision of much needed improvements to highways, school facilities and car parking etc. Such income should not be placed in a district wide fund to be expended in the metropolitan district as a whole.	<p>The CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. Local communities will receive 15% of the neighbourhood portion of CIL recipes (or 25%, if a neighbourhood plan or neighbourhood development order has been made).</p> <p>The monies raised other than the neighbourhood portion will go into a central pot to contribute to infrastructure across the District. The council must spend the levy on</p>

				<p>infrastructure needed to support the development of their area, and decide what infrastructure is needed. The Regulation 123 list sets out what CIL monies may fund.</p> <p>The Council has not yet made any decisions on any further local ring fencing. This is outside the remit of the Charging Schedule itself.</p>
0012	Wilfred Shaw	Local Resident	<p>S.106 Agreements are unsatisfactory because they involve Planning Officers in often lengthy negotiations to agree an equitable charge. The difficulty of CIL will arise in where the funds raised are needed. S106 appear to be essentially local, but under CIL, funds raised in Ilkley could for example be used to alleviate poverty elsewhere in the District. Suggest the Council agree that at least 50% of funds could be expended in the area where they were raised.</p>	<p>The CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. Local communities will receive 15% of the neighbourhood portion of CIL recipes (or 25%, if a neighbourhood plan or neighbourhood development order has been made).</p> <p>The remaining CIL monies will be pooled centrally to contribute to strategic infrastructure to support growth across the district.</p> <p>The Council has not yet made any decisions on any further</p>

				local ring fencing. This is outside the remit of the Charging Schedule itself.
0013	Cllr Peter Hill	Parish Councillor	CIL monies could be “pooled”. There is no explanation of what this could mean, how it would be administered and how it would affect the communities concerned. This needs clarification.	<p>The CIL allows the council to raise funds from development to help pay for the infrastructure needs arising from development in their areas. The CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations</p> <p>The monies raised other than the neighbourhood portion will go into a central pot to contribute to infrastructure across the district. The council must spend the levy on infrastructure needed to support the development of their area, and decide what infrastructure is needed. The Regulation 123 list sets out what CIL monies may fund.</p> <p>To ensure that the levy is open and transparent The CIL regulations require reporting of the monies so it is clear what</p>

				funds have been received and how CIL has been spent
0014	Phillippa Monaghan	Local resident	There is a lack of green spaces in Menston, providing a park outside the sub area will not benefit local residents.	<p>Comment noted. The CIL allows the council to raise funds from development to help pay for the infrastructure needs arising from development in their areas.</p> <p>The CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood portion can be spent on local priorities, which may include green spaces.</p>
0016	Kathleen Brown	Ilkley Design Statement Group	Any monies raised should be spent in the area where the development is taking place to ensure that the infrastructure can be put into place to support that development. Monies raised from development in Ilkley should be spent in Ilkley and not elsewhere in the District. The report talks about the "area" but is not clear whether this is the whole of the Bradford Met area or that where development is taking place. This needs to be clarified.	<p>CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. Local communities will receive 15% of the neighbourhood portion of CIL recipes (or 25%, if a neighbourhood plan or neighbourhood development order has been made).</p> <p>The monies raised other than the neighbourhood</p>

				<p>portion will go into a central pot to contribute to infrastructure across the District. The council must spend the levy on infrastructure needed to support the development of the District, and decide what infrastructure is needed. The Regulation 123 list sets out what CIL monies may fund.</p> <p>The Council has not yet made any decisions on any further local ring fencing. This is outside the remit of the Charging Schedule itself.</p>
0022	John King	Natural England	<p>Encourage the council to ensure that the avoidance/mitigation measures identified within Core Strategy policy SC8 are sufficiently funded either CIL, S106 Agreement or other mechanism. As S106 contributions for strategic mitigation are restricted to 5 developments, CIL offers a mechanism for funding new greenspace required to avoid adverse effects on Natura 2000 sites.</p> <p>Certainty in the delivery of policy SC8's mitigation is required in order to comply with requirements of the European Habitats Directives and Habitats and Species Regulations 2010 (as amended).The prioritisation of costed alternative greenspace mitigation in the 7km zone around the South Pennine Moors Natura 2000 site should therefore be explicit within the Preliminary Draft Regulation 123 List. This approach is set out in the Government's Planning Practice Guidance</p>	<p>The Draft Regulation 123 list includes Green Infrastructure items. The council recognise the importance of ensuring suitable mitigation to comply with the European Habitats Regulations and will consider these comments when producing the Draft Regulation 123 List</p>
0037	Lauren Garside	Yorkshire Wildlife Trust	<p>Yorkshire Wildlife Trust is of the opinion that CIL contributions should be used to fund green infrastructure and nature conservation projects in the area.</p> <p>The representation sets out detailed justification for this including wide variety of benefits for local area such as sustainable transport, flood alleviation and control,</p>	<p>Agree. Green infrastructure and public greenspace is included on the Regulation 123 List which sets out the items of infrastructure the</p>

			health education and creation benefits and resilience to climate change. Funding from a CIL contribution for GI could act as match funding for further contributions to maintaining and expanding the GI network. The value of CIL contributions could therefore be much greater than the actual amount provided.	council may fund through the CIL.
0038	Tony Plumbe	Local Resident	<p>1. The principle embodied in S106 and S258 Planning Obligations that payments should be made for infrastructure provision required to facilitate the development only in the local area needs to be much more fully embodied in the CIL PDCS. Most of the development impact of a new development is on the local schools, local transport system, and other local public facilities. Hence the proposed CIL levy needs to be more closely tied to being pooled for infrastructure provision in the local area, so it is suggested that CILs raised should be ring-fenced for expenditure on infrastructure located partly or wholly within 3km of the development on which the CIL is being applied.</p> <p>2. The CIL Preliminary Draft Charging Schedule is unclear as to how it is related to monies raised through the New Housing Bonus, West Yorkshire Transport Fund, LEP Growing Places Fund, or the Leeds City Region Revolving (or is it Regional) Investment Fund, or the Leeds City Region City Deal, Prudential Funding. Until that is clarified, there is no basis for setting any particular level of CIL.</p>	<p>1. CIL will only replace S106 for pooled contributions. S106 and S278 will remain for site specific issues. The council must spend the levy on infrastructure needed to support the development of the District, and decide what infrastructure is needed. The Regulation 123 list sets out what CIL monies may fund.</p> <p>The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>CIL Regulations also require a proportion of CIL recipes to be passed to local communities where development has taken place. The Council has not yet made any decisions on any further local ring fencing. This</p>

				<p>is outside the remit of the Charging Schedule itself.</p> <p>2. For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.</p> <p>The Council have used the evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the</p>
--	--	--	--	--

				levy and the potential impact on the viability of development. The council therefore considers that the CIL is based on relevant and up to date evidence, in accordance with CIL Regulations.
0038	Tony Plumbe	Local Resident	My understanding is that with S106 Planning Obligations it is possible to require a commuted sum to be set aside for downstream maintenance of any infrastructure provided. The CIL Preliminary Draft Charging Schedule appears to be barred from making any provision for the recurrent costs of any infrastructure provided, but this is a major deficiency (be it required by central Government guidance).	<p>The Council must spend the levy on infrastructure needed to support the development of their area, and decide what infrastructure is needed.</p> <p>The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.</p>
0041	Barbara Gott	Local Resident	Part of the proposed levy should be apportioned to local Parish Council. When will the Parish Council get this money in relation to the start of any development on start up, part way through or on completion? The amount apportioned not the instalment provisions the council have shown in the bock chart.	<p>Charges will become due from the date that a chargeable development is commenced in accordance with any payments policy.</p> <p>CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood</p>

				<p>portion is set out in the CIL Regulations. Local communities will receive 15% of the neighbourhood portion of CIL recipes (or 25%, if a neighbourhood plan or neighbourhood development order has been made). The CIL Regulations (as amended) set out the legal framework for the duty to pass CIL to local councils and calculating, collecting and spending the levy.</p> <p>Detailed information on CIL implementation, spending, collecting, reporting and policies on payment in kind is not part of the charging schedule and may be published at a different time. Further detailed guidance will be produced in the run up to CIL implementation.</p>
0043	Rachel Shuttleworth	Local Resident	No indication is given of where the CIL monies will be spent and how apportionment will be applied in neighbouring areas of the district, for example where a charging zone in one area is reliant on key features in other areas of the district.	<p>Detailed information on CIL implementation, spending, collecting, reporting and policies on payment in kind is not part of the charging schedule and may be published at a different time. Further detailed guidance will be given in the run up to CIL</p>

				implementation.
Local Infrastructure Plan evidence (LIP)				
0003	Eric Rawcliffe	Local Resident	<p>Representation made on Section 5.4.2 of the Local Infrastructure Plan relating to the following issues</p> <ul style="list-style-type: none"> • paragraph three in terms references to Airedale rail connections to Lancashire and high quality electric rolling stock. Lancashire is rather meaningless and was probably intended to say 'the Lancashire coast' or 'the north of Lancashire'. Secondly, there is no "modern, high quality electric rolling-stock" on the connection as it is served largely by obsolete DMUs. • paragraph four in terms of increased transport demand and the pressing need to reconnect Colne and Skipton by rail. This connection is missing from Table 5.1 in section 5.7.1.1 and should be included there. • paragraph seven in terms of plans for a Keighley gyratory and dualling of Hard Ings Road. These proposals will not address the traffic problems of Keighley and the funding they would use would be better applied in making a complete Keighley gyratory system using existing roads. Detailed alternative traffic and road improvements set out. 	<p>The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>The CIL Preliminary Draft Charging Schedule is primarily concerned with the rates the CIL is to be set at, rather than the specific infrastructure items it will contribute towards. The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The Council will consider these comments as part of the LIP update.</p>

006	Lynnette Cadamarteri	Local Resident	<p>1. The Economic Viability and Local Infrastructure Plan reports provide little information about the strategic development plans to the drainage, public transportation, educational and health care provisions needed to support the proposed 700 homes within Thornton.</p> <p>2. The reports admit that “New housing development will create demand for additional primary and secondary school places and that new school places will be funded by the Basic Needs Allocation (capital funding for education provided to CBMDC) and developer contributions (through either CIL or S106). However, there is little acknowledgement of how the District will deal with a shortfall in funding when or if the current national government continues to cut these educational funds. Therefore, the assessment of risk is inadequate.</p> <p>There is little indication of how the District will improve health care and educational facilities to the most vulnerable in our community, especially where central government continues to make cuts to these vital services. To rely on “capital funding” is short sighted. The council provides little evidence or discussion about how it will invest to improve these facilities to cope with current and future demand of vital educational and health provisions.</p>	<p>1. Strategic infrastructure issues are identified in the LIP and the planned distribution and scale of growth for the District are set out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.</p> <p>Site or area specific planning issues will be considered through the Local Plan Allocations Development Plan Document.</p> <p>2. For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p>
-----	----------------------	----------------	--	---

				Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.
0011	Ian Stuart	West Yorkshire Police	<p>References made to the police in the supporting documentation need amending. The Policing Plan for 201-2015 has largely been superseded by events and the ongoing strategic review of the West Yorkshire Police Estate. The relevant text therefore requires amendment, with a substantial number of deletions.</p> <p>The comment suggests opening a dialogue with the council to consider the best way to proceed.</p>	Comment noted. The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The Council will consider these comments as part of the LIP update.
0015	L Corcoran	Silsden Town Council	<p>1. Given the proposed increase of 1200 plus houses in Silsden it is noticeable that no masterplan exists for Silsden. This is a major deficiency as the current infrastructure is barely able to cope with current demand especially transport and education issues.</p> <p>2. Specific comments raised in relation to the Airedale overview of Silsden in the LIP including challenging the concept of good access to railway station due to crossing of busy bypass with on safe pedestrian crossing facilities, question where Silsden bus interchange is exactly, table 4.3 only highway to the east of Silsden has been identified, Sewers. Electricity, Education failed to be mentioned.</p> <p>Specific infrastructure issues in Silsden raised including the following:</p> <ul style="list-style-type: none"> -the Bus interchange is actually only a proposed scheme, - electricity- only 100 new homes can be built <u>AFTER</u> an upgrade to the power station, yet CIL payments can be phased – how does the necessary investment infrastructure take place prior to building? 	<p>1. This comment is considered not relevant to CIL. The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>Site or area specific planning</p>

			<p>- Water –confirmed from Yorkshire water that the Aire Valley truck sewer <u>is at capacity</u>; again how will the CIL provide improvements prior to any new building, as there is currently no time scale for any future investment by Yorkshire water.</p> <p>- no mention of the need for primary school provision in Silsden, yet already reached capacity</p> <p>3. The town council welcomes a prompt response to these questions along with an indication for how the £20 million gap for essential infrastructure in Airedale will be met, in order for them to respond in depth to the CIL as a whole and not just the draft charging schedule currently being consulted on.</p>	<p>issues will be considered through the Local Plan Allocations Development Plan Document</p> <p>2. The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The Council will consider these comments as part of the LIP update.</p> <p>3. CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p>
--	--	--	--	--

				Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.
0024	Mr Ian Stuart	West Yorkshire Police	Various references relating to policing in the Local Infrastructure Plan are now out of date and require updating, and this will be carried out in conjunction with officers of Bradford Council in due course	The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The Council will consider these comments as part of the LIP update.
0026	Helen Ledger	Sport England	<p>Welcome inclusion of separate section on Sport and Recreation and reference to the Playing Pitch Strategy (PPS) and strategic built sports facilities. The LIP refers to the draft PPS, which has now been finalised and adopted by the council. The final version includes a detailed and site specific action plan of investment priorities across the district. Such research and recommendations should be at the heart of the LIP.</p> <p>ERROR : p. 136 – Please note we are SPORT ENGLAND and not <i>Sports England</i>. We fund community sport projects only and therefore should be listed under the Sports, Leisure and Recreation section rather than Green Infrastructure.</p> <p>Section 6.5- please note the PPS also identified very significant pitch deficits for cricket. Welcome inclusion of references to indoor sports facilities. As this research and investment decisions evolve they need to be kept up to date in the LIP and draft regulation 123 list.</p>	The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The Council will consider these comments as part of the LIP update.
0032	Becky Lomas	Taylor Wimpey	Welcome reference as part of the 'Local Context' at paragraph 1.3 of the importance to considering "options for Local Green Belt release and growth areas around Canal Road corridor, Bradford City Centre, an urban extension at Holme Wood and	The LIP will be updated on a regular basis in consultation with key partners, local

			Queensbury, Menston, and Silsden and Steeton with Eastburn.” We welcome reference to the Local Infrastructure Plan being a ‘live’ document which will be updated. Following the receipt of the Core Strategy Inspector’s Report and further progression of the Core Strategy this plan will need to be updated to reflect any changes to the housing requirement and proportion split between settlements.	communities and infrastructure providers.
0036	Jackie Thompson	Local resident	Based on the justification given the CIL and the Infrastructure Plan CIL cannot be delivered but it is also clear that house building at the volume proposed is neither feasible nor necessary; therefore some of the infrastructure is not needed. However, the evidence shows that Bradford has a serious problem in relation to the delivery of new housing in that property prices in many sub areas are substantially below those required to attract commercial developers.	Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public. The CIL is not a plan providing policies for the scale and location for growth / housing delivery. This will be considered through the Local Plan Core Strategy and Allocations Development Plan Document The council consider the proposed rates strike an appropriate balance between the need to fund infrastructure and impact on viability of development. This has been informed by the LIP and Viability Assessment

0037	Lauren Garside	Yorkshire Wildlife Trust	<p>The authority can work at a local, district and regional level to create, and join up natural greenspace. The representation lists the GI evidence base to help inform this. It would improve the evidence base if mapping to show what accessible open space is available for the residents of Bradford District and what shortfall is likely if the proposed new developments are built. Funding for this work should be built into CIL strategy to ensure that up-to-date evidence of need and opportunity is provided. The Yorkshire Wildlife Trust would be able to assist the Authority in implementing this work.</p>	<p>The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers. The Council will consider these comments as part of the LIP update</p>
0038	Tony Plumbe	Local Resident	<p>1. In the Local Infrastructure Plan Update the costing estimates for Green Infrastructure, Open Spaces and Public Space are stated to be unknown. These are claimed to be covered by CIL allocations in the CIL Preliminary Draft Charging Schedule but how can it be known if the appropriate coverage and level of CIL has been set to fund the provision of Green Infrastructure, Open Spaces and Public Space when their cost is unknown?</p> <p>2. The Local Infrastructure Plan Update (October 2013) states that overall the funding gap is £469.5m for transport schemes that are classified as essential, £283m for transport schemes that are classified as desirable, £88m is required for primary school places, and £113m is required for secondary school places. The proposed CIL PDCS is forecast "to generate approximately £36million over the 15 year plan period" (ie about £2.4m a year). There would be a huge unfunded gap even if all the CIL was devoted to education provision which both the Local Infrastructure Plan Update and the proposed CIL Preliminary Draft Charging Schedule identify as the key infrastructure provision shortfall in Bradford. The lack of any remote accordance between the sums the proposed CIL PDCS would raise and the sums identified as gaps in infrastructure renders the validity of the CIL Preliminary Draft Charging Schedule as being close to nil. <i>The overall funding of all the gaps in transport, education and Green Infrastructure, Open Spaces and Public Space infrastructure funding needs much greater clarity and certainty before any particular CIL Preliminary Draft Charging Schedule is adopted.</i></p>	<p>1. The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List. The CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure</p> <p>2. Noted. For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will help pay for infrastructure required across the district to</p>

				support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure
0038	Tony Plumbe	Local Resident	It needs to be recognised that much cheaper approaches often exist to the transport infrastructure capacity increase schemes identified in the Local Infrastructure Plan Update (October 2013) in the form of traffic management and travel behaviour influencing schemes, but these appear to be precluded by the central Government guidelines regarding the introduction of CILs and also appear to have been ignored in the Local Infrastructure Plan Update (October 2013). Their use is likely to reduce very substantially the need and cost of transport infrastructure capacity increase schemes, and so the levels and coverage required for any CIL. This, however, should not be ignored.	The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. The LIP has been produced in consultation with key partners, local communities and infrastructure providers. The council's approach to traffic management and travel behaviour influencing schemes set out in the Local Plan Core Strategy transport policies.
Economic Viability evidence				
0010	Jane Harrison	Rural Advisor - CLA	The DTZ Viability Assessment fails to consider situations where new rural dwellings are required to accommodate those employed in agriculture, horticulture forestry and other rural businesses. Such properties are not sold for development gain and are often restricted by occupancy S106 conditions. Therefore the proposed CIL rates would add addition costs and is likely to render many such projects unviable.	The viability assessments sets out the assumptions used in relation to residential rates. This does not include rural workers with tied agricultural properties and is based on a range of hypothetical housing schemes and site specific testing. There are exemptions in the CIL Regulations, which

				<p>include affordable housing and self-build dwellings. Where agricultural tied dwellings meet this criteria they would be exempt from CIL.</p> <p>It is considered the broad district wide viability assessment provides robust and appropriate evidence to inform the charging zones.</p> <p>The charges proposed are set based on economic viability evidence. There is no current evidence to justify a separate rate. No viability evidence has been submitted to support why the proposed CIL rates would make this type of development unviable.</p>
0020	Lesley Parsons	The Brookhouse Group Ltd c/o Alyn Nicholls & Associates	<p>Comment raises matters of concern arising from the viability appraisal for retail warehouse development which underpin the PDCS rate. This includes the following concerns:</p> <ul style="list-style-type: none"> - that “retail warehousing” is treated as a homogenous type of development. - whilst the rental levels and commercial yields adopted within the analysis may be achievable in some circumstances; for many others they will be far too optimistic. Irrespective, the proposed charging rate does not reflect the evidence of the DTZ appraisal. - the build cost utilised for retail warehouse development is too low and does not reflect a “real world” scenario. <p>The evidence to support the Preliminary Draft Charging Rate for retail warehouse development assumes that the retail warehouse market is homogenous and it looks to</p>	<p>The council consider the viability assessment is robust and provides appropriate evidence in terms of a District wide viability assessment. However the Council will consider these comments in determining if further viability evidence is required in relation to retail warehousing to inform the CIL Draft Charging Schedule</p>

			<p>the best performing developments for indicators of rental levels and yields. It does not acknowledge the sub-sectors which DTZ identify in the retail warehouse market. Irrespective, the definition of “retail warehouse” is imprecise. In addition, an important part of the retail warehouse market serves retailers whose business model is dependent upon low cost accommodation. The rental levels and yields utilised within the development appraisal to support the Preliminary Draft Charging Rate ignores this sector of the market and in doing so, renders new development uneconomic.</p> <p>The comment refers to specific evidence in supporting appendices to justify the concerns raised in relation to the Retail Warehousing viability assumptions and proposed rate.</p>	
0021	Ruth Batterley	Wilsden Parish Council	<p>1 The overall methodology used in the Viability Assessment by DTZ to calculate the level of CIL appears to be soundly based although question some of the baseline data used to reach these conclusions. Flaws in baseline data are illustrated in the example of section 6.2 of DTZ Viability Assessment and “Crack Lane Wilsden”. The representation refers to more recent data on the Crack Lane development that indicates the development could support a higher CIL charge.</p> <p>2. The representation refers to data in the Indices of Multiple Deprivation which it is argued shows places such as Wilsden and Harden are comparable with much of Wharfedale and should therefore not be classed as “low value rural villages and towns” The DTZ report uses the description of “high value rural villages and towns” and “low value rural villages and towns” and places Harden and Wilsden in the low value category. Also evidence in the SHLAA illustrates the willingness of landowners to put forward sites around villages such as Wilsden and confirms that developers view this as a desirable area.</p> <p>3. The charging zone boundaries are incorrect primarily as a result of flawed assumptions The primary reason why the Charging Zone boundaries are incorrect is a result of from the residential value areas in section 4.1 of the DTZ Viability Evidence. Using average house price bands assumes the future housing mix will be directly related with the historic housing mix. In many of the villages such as Harden and Wilsden there is a much higher proportion of older terrace properties that have a</p>	<p>1. Noted. The Council will consider these comments in determining if further viability evidence is required in relation to site specific viability testing.</p> <p>2. The proposed charging zones are based on postcode sectors and average house price data, over a defined period. This indicates that Wharfedale is a higher value area based on average house prices. It is considered the district wide viability assessment provides robust and proportionate evidence to inform the charging zones.</p> <p>The council recognise the term ‘low value villages and towns’ maybe misleading’ and will</p>

			<p>significantly lower prices than the new properties built in recent years. This is illustrated in the Crack Lane example given and confirmed by supporting Council Tax band data provided as part of the representation.</p> <p>4. In summary the Residential Charging Zone boundary proposals are flawed and villages such as Harden and Wilsden should be subject to a substantially higher rate of CIL than is proposed, as a minimum in Zone 2. We believe the way that the way the Viability Assessment gathers evidence to support this and then proposes that these villages are in Zone 3 is perverse. If the Charging Zone boundaries are not completely reviewed the developer contributions towards infrastructure both district wide and to individual communities will be dramatically reduced to the detriment of everyone.</p>	<p>consider the comment when reviewing the viability evidence. The IMD data and SHLAA are not considered appropriate to justify setting CIL rates, which must be set in relation to economic viability.</p> <p>3. The proposed zones are based on postcode sectors and average house price data. The council recognise that within the same charging zone there may be areas where sales values may be higher or lower than the average values assessed in the Viability Report. However it is considered the broad district wide viability assessment provides robust and appropriate evidence to inform the charging zones. New build sales value assumptions for each value area have been used to inform sales value assumptions in the area wide development scheme viability testing and the proposed CIL rates. The council will consider if further data on new build sales values is required as part of the viability assessment.</p>
--	--	--	---	---

				4. Comment noted. The council consider the CIL rates and charging zones proposed are based on appropriate data and the charges strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development.
0027	Councillor C Sykes	Bradford Councillor	The discounted rates for the nominated residential zones are unacceptable given the stated headroom available Zone 1 Discount 81.2% Zone 2 Discount 78.07% Zone 3 Discount 60% The proposed CIL rates should be higher	The CIL charges proposed are based on economic viability evidence and are considered robust based on available evidence. This includes allowing a sufficient viability buffer in accordance with national planning practice guidance to ensure rates are not set up to the margins of viability. No viability evidence has been submitted to support at what level an alternative viability buffer should be.
0032	Becky Lomas	Taylor Wimpey	Object to the unit sizes (at 4.1.3) and suggest the following sizes (per square foot). Suggested House type Size (figure in brackets is the EVA size) 1 bed flat 550 (549) 2 bed flat 645 (700) 2 bed house 700 (829) 3 bed house 900 (1001) 4 bed house 1200 (1238)	The assumptions used in the viability testing were considered in 2012 and 2014 to test and refine the approach. The assumptions behind the viability modelling are therefore considered

			<p>5 bed house 1475 (1475)</p> <p>Assume that the unit sizes set out at 4.1.3 of the EVA will be revised by those making representations to the Bradford CIL, to ensure their standard unit size is presented in the table. We also accept that our standard 4 bed house (between 1150sq ft and 1250sq ft) unit size will be larger and in some cases smaller than those being built by our competitors. Suggest the Council makes it clear that the unit sizes set out at 4.1.3 are for indicative purposes only and will not be rigidly applied.</p> <p>Consider the Professional Fees should be increased from 6% to a minimum of 8% on brownfield sites and remain as 6% on greenfield sites. Welcome the Developer's profit at 20% GDV for market units, however object to a 6% GDV for affordable units. There should be no differentiation between market and affordable units and there should be an overall 20% GDV for development sites. 20% GDV on residential schemes is recognised as acceptable in recent Appeal Decisions.</p> <p>Whilst we welcome the 20% GDV developers profit this is not borne out in the table at 4.1.8 where the blended rate GDV ranges from 17.53% to 18.56%. As stated previously, the GDV should be 20% for residential schemes. We object to the affordable housing discount (from Market Value) at 50% in Value area 1. This is based on a 2009 Scrutiny of Affordable Housing Report (2009) which is now out of date. We consider the discount should be 35% across the District.</p>	<p>robust. However, the Council will consider these comments in determining if further refining of viability evidence is required to inform the CIL Draft Charging Schedule.</p> <p>Unit size assumptions have been used in the residual viability model and are not policy requirements.</p>
0034	Paul Butler	PB Planning on behalf of Barratt Homes and David Wilson Homes	<p>1 Value Areas raise no immediate concerns with the value areas identified within the Viability Evidence.</p> <p>Scheme Selection & Density Though there are geographical differences associated with density, for the purposes of the initial viability assessment they are content for a figure of 35dph 'net' density to be utilised.</p> <p>Unit Sizes the identified size of a two bedroom house exceeds the size of property that they usually deliver within their development schemes. They consider that a more appropriate size would be between 670sq.ft. & 700sq.ft</p>	<p>1. The assumptions used in the viability testing were considered in 2012 and 2014 to test and refine the approach and assumptions behind the viability modelling are therefore considered robust. However, the Council will consider these comments in determining if further refining of viability evidence is required to inform the CIL Draft</p>

		<p>Sales Values no immediate concerns with the sales values identified within the Viability Evidence.</p> <p>Build Costs. Concern that the assessment will utilise BCIS data rebased for Yorkshire & Humber rather than specifically for the Bradford area. request that this element of the assessment is amended prior to the preparation of the next stages of CIL documentation.</p> <p>Build Costs are considered to be too low. the identified build costs should be increased to £100sq.ft to more realistically reflect more up to date housing market conditions as of September 2015. content with the proposed additional 15% uplift in value associated with externals works.</p> <p>2. Phasing Assumptions <i>Lead In & Construction/Sales</i> Content with the identified timescales on the basis that they are considered holistically i.e. there is a lead in time of 9 to 12 months between receipt of planning permission and first completion/sale on site. If this is not the case then we request that the identified timescales are amended appropriately.</p> <p>Given the nature of Bradford's potential residential development sites, specific phasing assumption could be given to the redevelopment of previously developed site within the City on account of issues such as remediation. This matter, along with other issues associated with the delivery of such sites could increase the lead in time by 6 to 12 months. This presents two potential options, either the singular "catch all" lead in time is increased to 12 to 15 months or two separate phasing assumptions are used such as 9 to 12 months for Greenfield sites and 15 to 18 months for previously developed sites.</p> <p><i>Sales Rates</i> Our client agrees that the anticipated sales rate for each outlet should be 30 dwellings per annum. However, with regard to larger sites where there are multiple selling outlets, our client is of the view that this figure cannot be simply extrapolated. A more realistic figure for developments which contain two selling outlets would be 50 dwellings per annum on the basis that each selling outlet would effectively be in competition with one other. Indeed, this is the approach that BDW use within their cash flow forecasting.</p>	<p>Charging Schedule.</p> <p>2. The phasing assumptions for a broad district wide viability assessment are considered appropriate. However, the Council will consider these comments in determining if further refining of viability evidence is required to inform the CIL Draft Charging Schedule</p> <p>3. The assumptions used in the viability testing were considered in 2012 and 2014 to test and refine the approach and assumptions behind the viability modelling are therefore considered robust. CIL will replace part of S106 not directly related to development. However, the Council will consider these comments in determining if further evidence of S106 costs is required to inform the CIL Draft</p> <p>4. The approach to land values is set out in the DTZ CIL economic viability Assessment.</p>
--	--	---	--

		<p>3. Other Development Costs <i>Section 106 Agreement</i> Object to the identified figure of £1,000 per unit for Section 106 costs. this figure should be increased to £4,000 per unit to ensure that it realistically reflects recent S106 obligations prescribed by the Council.</p> <p><i>Professional Fees</i> consider that these fees should be 10%, which is consistent with the independent viability assessment work that our client has undertaken in respect of recent development schemes. There are also a number of case law examples on this matter, evidence which can be substantiated on request.</p> <p><i>Marketing, Sales Agent and Legal Fees</i> consider that these fees should be 4% (based on an evidenced range of 3.75% and 4.25%) which is consistent with the independent viability assessment work that our client has undertaken in respect of recent development schemes. There are also a number of case law examples on this matter, evidence which can be substantiated on request.</p> <p><i>Purchaser's Costs</i> Figure agreed.</p> <p><i>Finance</i> consider that these fees should be increased to 7%. Again, this figure is consistent with the independent viability assessment work that our client has undertaken in respect of recent development schemes. There are also a number of case law examples on this matter, evidence which can be substantiated on request.</p> <p><i>Developer's Profit</i> Our client wishes to object to the identified treatment of Developer's Profit. The viability assessment should be based on 20% of GDV for both market and affordable dwellings. A key reason for this is associated with the fact that Registered Providers are not assigned to any development scheme until after planning permission has been</p>	<p>5. The council will consider these comments when producing the Draft charging schedule which will be subject to further statutory consultation.</p>
--	--	--	--

			<p>granted. Indeed 20% of GDV is also the minimum on which finance could ordinarily be obtained. Such an approach would result in a high level of risk for a developer associated with securing a Registered Provider, which our client believes does not warrant the use of a separate, significantly reduced, GDV for the affordable dwellings. There are a number of case law examples on this matter, evidence which can be substantiated on request.</p> <p>4. Land Value Prior to providing comments in respect of land values, our client would like to know whether the figures identified relate to either 'gross' or 'net' land values. Therefore our client reserves the right to comment until further clarification is provided by the Council.</p> <p>5. Without the suggested amendments we are unsure whether the proposed CIL rates are appropriate in respect of them being collectively tested against all of the financial implications that current and emerging local planning guidance propose. Particularly in respect of affordable housing.</p>	
0036	Jackie Thompson	Local resident	<p>Misinterpretation of the Bradford housing market and land values Property prices across the District and, by extension, the value of the local property market, have been overestimated. the DTZ report (p.60) states that: 'The average house price in Bradford currently stands at circa £149,000' (referring to Q3 2014)</p> <p>This is over 50% higher than the Land Registry estimates for the same year which range from £92,500 to £97,151. DTZ appears to have taken sold prices from the Land Registry database and calculated the mean sold price rather than using the Land Registry estimates. This is an inappropriate method for estimating property prices and price changes over time, primarily because it is subject to transactional bias. The representation sets out the justification for this, including in a supporting Appendix). The number of transactions taking place in areas with low property prices fall dramatically while transactions in higher value areas hold up. At the same time house prices fall across the board but those in lower value areas fall the most</p> <p>The evidence shows clearly that DTZ has substantially overestimated property prices</p>	<p>Comments Noted. National Planning guidance states the council should use an area based approach involving a broad test of viability across the area as evidence to inform the charge.</p> <p>The proposed zones are based on postcode sectors and average house price data. The council recognise that within the same charging zone there may be areas where sales values may be higher or lower than the average values assessed in the Viability</p>

			<p>and overlooked negative equity in the local market. Inaccurate estimates of property prices can have implications including:</p> <ul style="list-style-type: none"> - Estimates regarding the value of land and potential uplift from development - Viability estimates in relation to development - Potential CIL receipts and infrastructure plans based on them <p>Property prices impact on land values, on the uplift that can be achieved through development and on the value that can be extracted through the CIL therefore accuracy in estimating them is crucial.</p> <p>However, there is a further problem with DTZ's estimates of prices that impacts even more directly on the CIL: in the absence of hard evidence from land transactions DTZ simply asked property developers and land owners to give their views of land prices in Bradford District to provide a foundation for calculations regarding uplift. This is not acceptable. HMRC has a methodology which is not based on land transactions per se.</p> <p>Reliance on developers' estimates in this situation may place the Local Authority and the people of Bradford at a disadvantage in securing best value in relation to the CIL and/or may adversely affect prices where compulsory purchase orders are implemented or land is disposed of by the Council.</p> <p>The Council is asked to ascertain what methodology was implemented by HMRC and adopt it or an acceptably rigorous and transparent alternative, bearing in mind that falling house prices across the District will have adversely affected the underlying value and potential cost of development land with the effect being particularly strong in the sub-areas with the weakest markets.</p> <p>Detailed evidence presented relating to projected jobs growth in relation to house building, Population Growth and Housing Requirements citing evidence in the Bradford Housing Requirement Study.</p>	<p>Report. However it is considered the broad district wide viability assessment provides robust and appropriate evidence to inform the charging zones. New build sales value assumptions for each value area have been used to inform sales value assumptions in the area wide development scheme viability testing and the proposed CIL rates. The council will consider if further data on new build sales values is required as part of the viability assessment.</p> <p>Details of the residential market evidence on sales values are set out at Appendix A of the DTZ Viability Assessment.</p> <p>The Viability Assessment uses a range of site value thresholds intended to be representative of typical net land prices in different parts of the District. Although evidence of transaction data is limited the DTZ viability assessment reviewed VOA Property Market reports and have</p>
--	--	--	---	---

				consulted land agents, land owners and developers in arriving at the benchmarks used below. In accordance with RICS guidance, it has discounted the site value benchmarks to allow for the impact of CIL.
0042	Mr John Pickles	Local Resident	<p>A further more comprehensive analysis should be provided to justify the charging levels. A CIL of £100 sq metre would be viable in Silsden on Greenfield development sites given the estimated profit margins, scope for savings and headroom shown in the DTZ document and taking into account the infrastructure funding gap identified.</p> <p>The detail provided to date could be unsound, a small number of sites have been used as a benchmark and a reliance on average house prices appears not to take into account the predominance of a particular house type in that particular area . Terraced housing in one area and Detached in another.</p>	<p>National Planning guidance states the council should use an area based approach involving a broad test of viability across the area as evidence to inform the charge.</p> <p>The proposed zones are based on postcode sectors and average house price data. The council recognise that within the same charging zone there may be areas where sales values may be higher or lower than the average values assessed in the Viability Report. However it is considered the broad district wide viability assessment provides robust and appropriate evidence to inform the charging zones. New build sales value assumptions for each value area have been used to inform sales value</p>

				<p>assumptions in the area wide development scheme viability testing and the proposed CIL rates.</p> <p>In addition to the area wide viability model it is considered that the viability assessment samples an appropriate range of types of sites across the District in accordance with National Planning practice Guidance.</p> <p>The council consider the CIL rates and charging zones proposed strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development based on the available evidence.</p>
Infrastructure Issues				
0019	Mr & Mrs Grint	Local Resident	<p>1. There should be no further development of housing in areas in which the infrastructure is already under pressure. In areas where there is opportunity for further development then consideration should be given to payments by installation and no development should be allowed to commence until the levy is actually in the Councils bank account and is earmarked for spending only on infrastructure projects i.e. roads, schools, nursery places and medical support i.e. doctors, hospitals, dentist.</p> <p>2. It is becoming increasingly obvious for the need to provide more car parking spaces and commuter provisions.</p>	<p>1. Noted. CIL has been introduced by Government to contribute to the provision of infrastructure and support growth. CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and</p>

				<p>therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>The CIL is not a plan providing policies or proposals for the scale and location for growth / development in the District. This will be considered through the Local Plan Core Strategy and Allocations Development Plan Document.</p> <p>Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.</p> <p>2. Noted. The regulation 123 list sets out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL</p>
0023	Cllr David Mullen	Steeton with Eastburn Parish Council	Steeton, Eastburn and Silsden are already vastly underprovided for with infrastructure The proposed charging schedule will in no way give us the funds that are needed to address these shortfalls	CIL will help fund infrastructure to support growth however the CIL is not intended to be the only funding source for

				<p>infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.</p>
0035	Muriel Odwyer	Local Resident	<p>Silsden needs between £25 to £45 Million infrastructure investment. A substantial proportion will have to be provided from income generated by new housing development. No accurate costing of the infrastructure needs have been provided to support the rate setting to date. How can an accurate CIL figure be set without the council running the risk of a serious future shortfall?</p>	<p>The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>The CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p>
0038	Tony Plumbe	Local Resident	<p>The CIL PDCS is unclear as to how will be used for pre-funding infrastructure construction in conjunction when a CIL is expected to be paid in phases. This needs clarification for certainty by all parties concerned. Also it needs to be clear that</p>	<p>The intent of the CIL is to help fund infrastructure to support growth across the whole</p>

			<p>infrastructure often needs to be provided and operational at the start of a development, not only by the completion time of the development.</p>	<p>District and not to support individual development sites. CIL will contribute to strategic infrastructure. Other mechanisms such as S106/S288 will still be used to deliver site specific improvements required to make a development acceptable in planning terms</p> <p>CIL Regulations provide for payment by instalment. The council may decide to introduce a policy setting out approach to instalments and phasing. The council will set out any instalments policy in a separate document to the charging schedule at the DCS stage.</p> <p>Detailed information on CIL implementation, spending, collecting, reporting and policies on payment in kind is not part of the charging schedule and may be published at a different time. Further detailed guidance will be given in the run up to CIL implementation.</p>
--	--	--	--	--

0039	Rebecca Whitaker	Local resident	<p>Silsden is expected to take at least an additional 1000 dwelling, maybe substantially more, yet it's infrastructure is already woefully inadequate. Comment refers to specific infrastructure issues in Silsden including road congestion, schools being full, sewers at capacity, lack of medical provision and flooding. A new footbridge across A629 and Silsden Eastern Bypass are required.</p> <p>.</p>	<p>For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.</p>
0041	Barbara Gott	Local Resident	<p>Silsden needs a gigantic infrastructure investment in comparison to what the CIL will provide at anything less than £100 per square metre. The development of 1000 houses is a non starter unless sufficient capital can be raised for infrastructure, funding should also come from the new homes bonus.</p> <p>The Development plan highlights significant issues on developing Silsden:</p> <ul style="list-style-type: none"> ❖ DRAINAGE 	<p>For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding</p>

			<ul style="list-style-type: none"> ❖ FLOODING ❖ ELETRIC POWER SUPPLIES (THE ONLY AREA IN THE FRADFORD DISTRICT WHERE THIS CONTRAINT OCURS) ❖ HIGHWAYS – RELIEF ROAD NEEDED ❖ PRIMARY SCHOOL IS FULL ❖ ACCESS TO RAIL CNNECTIONS IS POOR – BRIDGE AND FOOTPATH IMPROVEMENTS NEEDED <p>Building these dwellings in areas that have adequate electricity, drainage, roads and interconnecting commuter routes would offer a faster economic gain for the Council through the new homes bonus.</p> <p>The priority for Silsden should be a relief road funded through the CIL</p>	<p>source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.</p>
0042	Mr John Pickles	Local Resident	<p>The proposed levy notwithstanding the possible other sources of funding such as the New Homes Bonus etc would appear to fall far short of the estimates for essential infrastructure improvements needed in Silsden.</p>	<p>For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p>

0043	Rachel Shuttleworth	Local Resident	<p>Considerable road improvements and schooling in particular are essential in Silsden to ensure the viability and sustainability of new dwellings.</p> <p>Council working with key partners, local communities is mentioned and local and strategic infrastructure.</p> <p>There is obviously a large funding gap, to set the CIL in isolation based on what a particular site considers viable could be manipulated to create a downward spiral and rather than targeting to close the funding gap widen the gap to a level that creates severe economic problems.</p>	<p>For a CIL to be introduced an infrastructure funding gap has to be identified. This is set out in the LIP. The monies from CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>Strategic infrastructure issues are identified in the LIP. The approach to infrastructure funding and delivery across the District is out in the Local Plan Core Strategy, which is currently being considered through an Examination in Public.</p> <p>In setting CIL rates the council must consider the impact on the viability of development.</p>
0046	Cllr Adrian Naylor	Addingham Parish Council	<p>1. Given the proposed increase of 1000 plus houses in Ilkley and Addingham it is noticeable that despite calls from members of various planning committees including regulatory that NO masterplan exists for Wharfedale. This would appear to be a major deficiency as the current infrastructure is barely able to cope with current demand especially transport and education issues.</p>	<p>1. This comment is not considered relevant to CIL, The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to</p>

			<p>2. There is no real plan or funding identified for secondary school provision in Wharfedale this has to be addressed prior to development taking place.</p>	<p>delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>Site or area specific planning issues will be considered through the Local Plan Allocations Development Plan Document</p> <p>2. Noted. The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District including education. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers.</p> <p>The monies from CIL will help pay for infrastructure required across the district to support growth. However, the CIL is</p>
--	--	--	--	---

				not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure, including education.
Regulation 123 List				
005	L Corcoran	Silsden Town Council	Appendix C Does the 123 list cover the need in Silsden for a by-pass and if so under what heading.	The regulation 123 list sets out a list of those projects or types of infrastructure that the council intends will be, or may be, wholly or partly funded through the CIL. Major road schemes are not currently identified on the 123 list as it is considered that these will be delivered primarily through alternative funding mechanisms including Section 278 and S106 agreements and Government/Regional transport funding. However the council will continue to review the 123 list once CIL is adopted.
0024	Mr Ian Stuart	West Yorkshire Police	Police costs do not have a specific mention in the PDCS. Policing costs will inevitably increase, as the population rises, therefore specific mention of those costs need to be included in the CIL PDCS. CIL funding to help meet those costs must be subject of consideration as and when the need arises.	The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the

				<p>Preliminary Draft Regulation 123 List.</p> <p>The council will consider these comments in relation to the 123 List which will be revised and updated for the CIL DCS stage</p>
0026	Helen Ledger	Sport England	<p>Welcome the reference to the proposal to redevelop the former Wyke manor school as a community sports hub. This is directly referenced in the PPS as strategic priority. Discussions have recently stalled. Possibly if it was explicitly identified on the Regulation 123 List this would create added impetus to get the project moving again.</p>	<p>Community sports and recreation facilities are included on the 123 List. The council will consider these comments in relation to the 123 List which will be revised and updated for the CIL DCS Stage, however it is not considered appropriate at this time for the Council to be any more specific</p>
0032	Becky Lomas	Taylor Wimpey	<p>It would be useful if the Regulation 123 List could include a list of matters which will continue to be addressed via Section 106. This clarity would be useful to developers. The Leeds CIL (November 2014) adopts this approach and lists ongoing matters which will continue to be addressed through S106 and S278 agreements.</p>	<p>Noted. The council will set out a statement clarifying the continued use of S106 when producing the Draft Regulation 123 List alongside the DCS.</p>

0033	Sophie Bagley	Vernon & Co	<p>The Regulation 123 List identifies a number of items (primary & secondary education, community sports & recreation facilities, cultural facilities, public realm improvements and environmental improvements) which may be partly or wholly funded by CIL unless directly related to a development (in terms of primary education, large scale residential development “will be expected to provide primary schools either as an integral part of the development or as the result of no more than 5 separate planning obligations”). If a particular development is providing such facilities will CIL be reduced accordingly in order to ensure no double counting between CIL & S106?</p>	<p>As drafted CIL will contribute to Primary and Secondary school education infrastructure except for large scale residential developments which will be expected to provide schools either as an integral part of the development or as the result of no more than 5 separate planning obligations. The Regulation 123 list reflects this to make it clear there is no double dipping, however the council will consider these comments when producing the Draft Regulation 123 List alongside the DCS.</p>
0034	Paul Butler	PB Planning on behalf of Barratt Homes and David Wilson Homes	<p>Acknowledge that the Council will seek to update the Regulation 123 List, however concerned that at this stage the Preliminary Draft Charging Schedule only provides broad proposals for the levy on the basis that the schedule and the draft Infrastructure Plan have not been linked in detail at this stage.</p> <p>Raise the issue with the Spending of CIL/Indicative Regulation 123 List associated with the proposed approach to funding towards improvements to educational facilities. The schedule seeks to use CIL for improvements towards education facilities and also makes reference to future developments paying additional contributions towards improvements to education facilities where required.</p> <p>The educational infrastructure requirements for the District, and those requirements associated with future developments/allocations (whether this be the need for a new</p>	<p>The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>The council will consider these comments in relation to the</p>

			<p>school or an increase in capacity of existing schools) should be identified and known through the work taking place as part of the emerging Local Plan.</p> <p>For this reason we would consider any contributions requested for further improvements towards education facilities in addition to CIL to be considered “double dipping” and would have an undue impact on the viability of development schemes. We believe that such an approach would not comply with Paragraph: 094 Reference ID: 25-094-20140612 of the NPPG, which also references Paragraph 173 of the NPPF</p> <p>Believe that this approach would more often than not lead to a request of developers to seek to reduce the level of affordable housing being delivered within development schemes. Furthermore, this approach could also potentially result in future issues associated with the pooling of S106 contributions towards specific schools of the District.</p>	123 List which will be revised and updated for the CIL DCS stage.
0035	Muriel Odwyer	Local Resident	<p>Adequate funding must be provided for existing and new developments. Whilst CIL provides clarity for developers and agents, it is critical that an accurate shopping list of the immediate area infrastructure requirements is provided. Without such there is a danger serious funding shortfall will occur in the future</p>	<p>Monies from CIL will help pay for infrastructure required across the district to support growth. However, the CIL is not intended to be the only funding source for infrastructure and therefore the Council will not be relying solely on CIL receipts for the delivery of infrastructure.</p> <p>The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation</p>

				<p>123 List.</p> <p>The council must spend the levy on infrastructure needed to support the development of their area, and decide what infrastructure is needed. The Regulation 123 list sets out what CIL monies may fund.</p> <p>CIL Regulations also require a proportion of CIL recipes to be passed to local communities where development has taken place.</p>
0038	Tony Plumbe	Local Resident	<p>The CIL PDCS needs to say how monies raised will be allocated between Education, Transport Infrastructure and Green Infrastructure/Open Spaces/Public Space Infrastructure. At the moment it is completely silent on this allocation matter. This will open up far too much political decision-making: how much will ever get allocated to Green Infrastructure/ Open Spaces/Public Space Infrastructure as opposed to the other two categories, or to Transport Infrastructure when Education is a competing head of expenditure? <i>Proportions prior allocated in the CIL Preliminary Draft Charging Schedule to each main head are recommended to obviate this avenue for wasteful allocations and political horse-trading.</i></p> <p>The CIL Preliminary Draft Charging Schedule needs greater clarity as to how infrastructure costs will be apportioned between the retained S106 Planning Obligation and the proposed CIL when both sources of funding are permitted by central Government guidance on the CIL.</p>	<p>The council must spend the levy on infrastructure needed to support the development of their area, and decide what infrastructure is needed.</p> <p>The regulation 123 list sets out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL.</p> <p>The Draft R123 has been prepared in line with the regulations and it is not considered appropriate at this time for the Council to be any more specific, for instance, it is not the role of the R123 list to</p>

				<p>identify spending priorities within it.</p> <p>To ensure that the levy is open and transparent the CIL regulations require reporting of the monies so it is clear what funds have been received and how CIL has been spent</p> <p>Detailed information on CIL implementation, spending, collecting, reporting and policies on payment in kind is not part of the charging schedule and may be published at a different time. Further detailed guidance will be given in the run up to CIL implementation.</p> <p>The relationship between S106 and CIL will be set out in the Draft Charging Schedule</p>
--	--	--	--	--

0040	Matthew Robinson	How Planning on behalf of Canal Road Urban Village Limited	<p>A further matter of importance is that of continuing to seek planning obligations by way of Section 106 Agreements alongside the CIL charge. The PPG provides further guidance on the use of planning obligations alongside any contributions being sought through the CIL. Whilst it confirms an in-principle acceptance for the continued use of planning obligations to achieve site specific mitigation; importantly, the sub-section “<i>Other Developer Contributions</i>” under the main heading “<i>Community Infrastructure Levy</i>”, reiterates the prerogative of Framework at paragraph 173, stating that local authorities should ensure that the combined total impact of developer contributions does not threaten the viability of the sites and the scale of development identified in the Development Plan. In this regard, the following key conclusions can be drawn from the PPG:</p> <ul style="list-style-type: none"> _ There should be not actual or perceived ‘double dipping’ with developers paying twice for the same item of infrastructure. This is particularly pertinent to New Bolton Woods where a Joint Venture partnership has been set up to control the distribution of funds generated beyond planning obligations; _ The use of planning obligations is limited by Regulations 122 and 123 of the CIL Regulations 2010 (as amended) which ensure that any contributions are CIL compliant, do not overlap with those being funded through the levy, and are not pooled in excess of 5 contributions for any individual infrastructure project that may be funded by the levy; _ Where the Regulation 123 list includes a generic type of infrastructure (such as ‘education’ or ‘transport’), Section 106 contributions should not be sought on any specific projects in that category; _ Where a Regulation 123 list includes project-specific infrastructure, the charging authority should not seek any planning obligations in relation to that infrastructure; and _ Contributions may be pooled from up to five separate planning obligations for a specific item of infrastructure (e.g. a local school) that is not included on the charging authority’s infrastructure. <p>Site-specific contributions like this should only be sought through planning obligations where this can be justified with reference to the underpinning evidence on infrastructure planning that was presented at the charging schedule examination.</p>	<p>The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>The LIP will be updated on a regular basis in consultation with key partners, local communities and infrastructure providers.</p> <p>S106 will not be sought for items on the R123 List in accordance with CIL Regulations. The relationship between S106 and CIL will be set out in the Draft Charging Schedule</p>
------	------------------	--	--	--

0042	Mr John Pickles	Local Resident	<p>1. Planning Obligations- it is not clear where CIL ONLY WILL BE APPLIED, S106, S238 all these contributions are key to the development of Silsden namely Highways - Relief Road, Education – New Schools, Bridges, Drainage, Power supply upgrades etc. A pooled levy could possibly provide greater flexibility to provide the relief road</p> <p>Where is the detailed list and detailed costings of the infrastructure it intends to fund by CIL?</p>	<p>The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>The regulation 123 list sets out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL</p> <p>S106 will not be sought for items on the R1223 List in accordance with CIL Regulations. The relationship between S106 and CIL will be set out in the Draft Charging Schedule</p>
0042	Mr John Pickles	Local Resident	<p>The draft reg; 123 list shown does not give any detail regarding “<i>Sustainable transport improvement schemes</i>”, given that considerable investment is needed to support projects such as the Silsden Relief Road, the heading needs further clarification the road is a significant portion of the investment required or will the whole investment required be totally funded by the developers of the 1000 dwellings proposed.</p>	<p>The regulation 123 list sets out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL. Major road schemes are not currently identified on the 123 list as it is considered that these will be delivered</p>

				<p>primarily through alternative funding mechanisms including Section 278 and S106 agreements and Government/Regional transport funding . However the council will continue to review the 123 list once CIL is adopted.</p> <p>The council recognise sustainable transport schemes should be defined and will consider these comments when producing the Draft Regulation 123 List</p>
0043	Rachel Shuttleworth	Local Resident	Appendix C: Preliminary Draft Regulation 123 list lacks detail and does not clearly and succinctly describe the infrastructure improvements proposed or differentiate between local infrastructure or strategic infrastructure needs.	<p>The regulation 123 list sets out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL.</p> <p>The Council's Local Infrastructure Plan (LIP) sets out the strategic infrastructure requirements in relation to delivering growth in the District. This has helped identify an infrastructure funding gap and inform the Preliminary Draft Regulation 123 List.</p> <p>The Draft 123 has been</p>

				prepared in line with the regulations and it is not considered appropriate at this time for the Council to be any more specific, for instance, it is not the role of the 123 list to identify spending priorities or detail local infrastructure improvements.
0044	Ian Smith	Historic England	welcome the identification of green infrastructure and public realm improvements as one of the potential projects within the indicative Regulation 123 List. A high-quality public realm is an essential component in helping to encouraging people to live in and visit the Borough and attract continued investment into the District	Comment noted
CIL implementation				
0001	Ross McGibbon	Local Resident	Encourage the Council to ensure developers cannot get out of paying CIL by claiming their project will be unviable if they pay or if they have to build affordable houses.	CIL rates have been set in relation to viability evidence which factors in affordable housing policy requirements. Payment of CIL will be mandatory on chargeable development (subject to the exceptions policy outlined in the CIL regulations). The process for the implementation and collection of CIL will be set out by the Council alongside any adopted charging schedule.
0009	Val Carroll	Local Resident	Silsden town council is not a representative body capable of using the Community Infrastructure Levy (CIL) in the interests of Silsden residents. The comment sets out	Comment noted. The CIL Regulations require the

			<p>reasons for this, including a lack of accountability mechanisms.</p> <p>Very surprised that the council is considering passing CIL monies to Town and Parish Councils under these circumstances and in the case of Silsden Town Council in particular, this would be not only misguided but irresponsible based on the reasons given.</p>	<p>Council pass a proportion of CIL recipes directly to those Parish and Town Councils where development has taken place. The neighbourhood portion is set out in the CIL Regulations 2010 (as amended) (see Regulation 59A for details).</p> <p>To ensure that the levy is open and transparent, the CIL Regulations detail the reporting requirements so it is clear what funds have been received and how CIL has been spent. This information will be publically available.</p>
0013	Cllr Peter Hill	Parish Councillor	The proposed method of costing does not state whether the charge per m ² relates to total site area or the footprint of a building.	The CIL charge per square metre relates to the gross internal area of the chargeable development; The CIL charge formula is set out within the Appendix A to the PDCS document

0014	Phillippa Monaghan	Local resident	In Menston residents have suffered from developers reneging on agreements to improve green spaces, provide allotments and improve public transport. What measures will be put in place to ensure any community infrastructure levy will be used as agreed?	The CIL charge would be mandatory once introduced. To ensure that the levy is open and transparent, the CIL Regulations detail the reporting requirements so it is clear what funds have been received and how CIL has been spent. This information will be publically available.
0015	L Corcoran	Silsden Town Council	<p>The comment asks a series of questions regarding implementation of CIL including the following:</p> <ul style="list-style-type: none"> • What is the mechanism for ensuring the Town Council receive their relevant entitlements to CIL and within what timescale? • Does the pooling of a maximum of 5 planning obligations towards a particular piece of type of infrastructure, also apply to town council wishes to pursue a project? • Appendix B what is the mechanism by which the share of CIL to town council is paid and are the trigger points the same payment dates for both BMDC and Silsden Town Council. • How does this mechanism work in terms of cross ward or multiple ward issues? 	<p>The CIL Regulations (as amended) set out the legal framework for the duty to pass CIL to local councils and calculating, collecting and spending the levy and planning obligations.</p> <p>Detailed information on CIL implementation, spending, collecting, reporting and is not part of the charging schedule and may be published at a different time.</p> <p>Further detailed guidance will produced in the run up to CIL implementation.</p>

0015	L Corcoran	Silsden Town Council	Appendix A where development is done in phases will the trigger points used in the calculation agreed at the point of granting planning permission or will they be subject to change by the developer. How will the council ensure certainty regarding the payment of the CIL to the Town Council?	<p>Planning applications can be subdivided into 'phases' for the purposes of the levy. CIL Regulations provide for payment by instalment. The council may decide to introduce a policy setting out approach to instalments and phasing. The council will set out any instalments policy in a separate document to the charging schedule at the DCS stage.</p> <p>The CIL Regulations (as amended) set out the legal framework for the duty to pass CIL to local councils and calculating, collecting and spending the levy and planning obligations.</p>
0025	Cllr Martin Smith	Conservative Party	This proposal seems based on the Bedford proposal where that the better areas which have a larger CIL, due to the increase in value of projects will subsidise the less desirable areas. Bradford's proposal is very similar hence the outer areas of Bradford will subsidise through political interference support the inner city leaving the outer areas with little more than the 25% of the CIL.	The CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. Local communities will receive 15% of the neighbourhood portion of CIL recipes (or 25%, if a neighbourhood plan or neighbourhood development order has been made).

				<p>The monies raised other than the neighbourhood portion will go into a central pot to contribute to infrastructure across the District.</p> <p>The council must spend the levy on infrastructure needed to support the development of their area, and decide what infrastructure is needed. The Regulation 123 list sets out what CIL monies may fund.</p>
0033	Sophie Bagley	Vernon & Co	Regular monitoring should be undertaken to ensure any detrimental effect of the CIL upon the delivery of new development is recognised and rectified.	Agree. The council will keep the charging schedule under review to ensure that levy charges remain appropriate. The Council will monitor CIL through the Local Plan Annual Monitoring Report
0038	Tony Plumbe	Local Resident	<p>The CIL Preliminary Draft Charging Schedule lacks definition in terms of how CIL monies will be pooled and how pooled money will be prioritised across a time-based schedule of infrastructure provision. The lack of time profiles of expenditure in the Local Infrastructure Plan Update (October 2013) does not help this matter. But the proposed CIL Preliminary Draft Charging Schedule also needs to explain how monies raised will be allocated on a time-based priority list of infrastructure provision.</p> <p>The CIL Preliminary Draft Charging Schedule also lacks clarity as to how CIL monies will be pooled, if at all, across Local Planning Authority boundaries.</p> <p>The CIL Preliminary Draft Charging Schedule needs to specify what happens to CIL monies collected which are allocated to infrastructure which is not subsequently</p>	<p>The relationship between S106 and CIL will be set out in the Draft Charging Schedule</p> <p>The council must spend the levy on infrastructure needed to support the development of their area, and decide what infrastructure is needed.</p> <p>The regulation 123 list sets out a list of those projects or types of infrastructure that it intends</p>

			<p>delivered. <i>A time limit on identified expenditure needs to be specified.</i> Your attention is drawn to the issues that have arisen in Leeds concerning the S106 payments made by developers towards tram proposals that have not for many subsequent years seen fruition.</p>	<p>will be, or may be, wholly or partly funded through the CIL.</p> <p>The Draft R123 has been prepared in line with the regulations and it is not considered appropriate at this time for the Council to be any more specific, for instance, it is not the role of the 123 list to identify spending priorities within it.</p> <p>Detailed information on CIL implementation, spending, collecting, reporting and policies on payment in kind is not part of the charging schedule and may be published at a different time. Further detailed guidance will be produced in the run up to CIL implementation.</p>
--	--	--	---	---

0042	Mr John Pickles	Local Resident	<p>Taking into account Appendix C reg 123 list the last paragraph "<i>the council will work with local communities and parish/town councils to agree local priorities for spend. The meaningful proportion held by local communities can be spent on the regulation 123 list, but it does not have to be</i>". Surely pro-active engagement should be sought with those community representatives in the interest of not only efficiency but also to demonstrate commitment to the identified immediate local infrastructure needs. This would also sit comfortably with the requirements of the Localism Act.</p> <p>Will 25% of these monies raised by the CIL be directly attributed to the local Parish Council and/or neighbourhood plan teams?</p>	<p>CIL Regulations require a proportion of CIL recipes to be passed to local communities where development has taken place. The neighbourhood portion is set out in the CIL Regulations. Local communities will receive 15% of the neighbourhood portion of CIL recipes (or 25%, if a neighbourhood plan or neighbourhood development order has been made).</p> <p>Detailed information on CIL implementation, spending, collecting, reporting and policies is not part of the charging schedule and may be published at a different time. Further detailed guidance will be given in the run up to CIL implementation.</p> <p>The CIL Regulations (as amended) set out the legal framework for the duty to pass CIL to local councils and calculating, collecting and spending the levy and planning obligations.</p>
0045	C & W Neville	Local Resident	<p>Assume the thinking behind this scheme is to use local knowledge in the decision making process regarding the needs of a community. However seriously question whether Town/Parish Councils are the best vehicle for providing this information.</p>	<p>CIL Regulations require the Council pass a proportion of CIL recipes directly to those</p>

		<p>My experience of Town Councils is that they are open to operating outside the main community networks and being accountable only to themselves. Councillors are often co-opted, rather than elected, thus bringing into question how much they actually represent the community and whether in deed they can speak on its behalf.</p> <p>In terms of the councils' financial management, whilst the Local Government Act 1972 and the Accounts and Audit (England) Regulations 2011 are in place, it appears there are no external checking systems or safeguards which can be called upon to ensure proper use of income received. End of year accounts have to be produced, and checked by an auditor, but it can be very difficult to identify from these exactly how the money is spent. Attempts to clarify can be discouraged.</p> <p>My experience has been that local people are not consulted on priorities for spending and decisions can be made in a completely ad hoc and random basis. From the information I received it does seem that local Town Councils have to be in discussions with their local authorities and neighbouring councils with regard to the use of money from the levy, but I did not see any conditions with regard to consultation with the people living in their communities.</p> <p>it seems that town/parish councils can avoid cooperate with District Councils, who seem powerless to enforce resolutions to any problems. It appears there is no national system for ensuring that Town/Parish Councils act in the best interests of their communities; this is essential if communities are to have confidence that any money given to a council would be used in the best interests of its community.</p>	<p>Parish and Town Councils where development has taken place to be spent on local priorities. The neighbourhood portion is set out in the CIL Regulations 2010 (as amended) (see Regulation 59A for details).</p> <p>A local council must use CIL receipts passed to it in accordance with regulation 59A or 59B to support the development of the local council's area, or any part of that area, by funding— (a)the provision, improvement, replacement, operation or maintenance of infrastructure; or (b)anything else that is concerned with addressing the demands that development places on an area</p> <p>To ensure that the levy is open and transparent, the CIL Regulations detail the reporting requirements so it is clear what funds have been received and how CIL has been pent. This information will be publically available.</p>
--	--	--	--

0046	Cllr Adrian Naylor	Addingham Parish Council	<p>What is the mechanism that Bradford are proposing which ensures the Parish Council receive their relevant entitlements to CIL and within what timescale.</p> <p>Appendix B what is the mechanism by which the share of CIL to the parish council is paid and are the trigger points the same payment dates for both BMDC and Addingham Parish Council.</p> <p>How does this mechanism work in terms of cross ward or multiple ward issues?</p> <p>Now that the council can only pool a max of 5 planning obligations towards a particular piece of type of infrastructure, does this also apply to a parish council who wishes to pursue a project.</p>	<p>The CIL Preliminary Draft Charging Schedule and is primarily concerned with the rates the CIL is to be set at. The CIL Regulations (as amended) set out the legal framework for the duty to pass CIL to local councils and calculating, collecting and spending the levy and planning obligations.</p> <p>Detailed information on CIL implementation, spending, collecting, reporting and policies on payment in kind is not part of the charging schedule and may be published at a different time. Further detailed guidance will be produced in the run up to CIL implementation.</p> <p>From April 2015 S106 contributions can only be pooled for up to five separate planning obligations dated back to 6 April 2010 for an infrastructure project or type of infrastructure. Any planning obligation must also meet the tests in Regulation 122.</p>
------	--------------------	--------------------------	--	---

Payment in Kind				
0013	Cllr Peter Hill	Parish Councillor	CIL payments being “delivered in kind”. There is no detail on what this means, how it would be delivered and who would decide on how the relevant values of such benefits could be calculated.	CIL Regulations allow for land and/or infrastructure to be provided ‘in kind’, instead of money for part or all of a levy liability. The Council does not have to adopt a payment in-kind policy, but should it choose to do so, it must publish a policy document which sets out conditions in detail. This is not part of the charging schedule and may be published at a different time
0015	L Corcoran	Silsden Town Council	If a payment in kind is allowed how does the Town Council acquire 25% of the value if is not in monetary form.	The Council may decide to introduce a policy for payments in kind under CIL Regulations. This is not part of the CIL charging schedule. Any land payment must satisfy the criteria in the CIL Regulations.
0031	Rebecca Robson	Turley	Support the introduction of Payment in Kind mechanism (i.e. payment of CIL liability via provision of land or infrastructure).	Support noted. The Council may choose to adopt a payment in-kind policy, but should it choose to do so, it must publish a policy document which sets out conditions in detail. This is not part of the charging schedule and may be published at a

				different time.
0034	Paul Butler	PB Planning on behalf of Barratt Homes and David Wilson Homes	Fully supportive of the proposed payments in kind approach. Consider this to be a logical and reasonable approach which can both aid in the viability of development schemes and the delivery of required infrastructure. should the Council seek to adopt this approach they will need to consult on the proposed conditions. Our client would therefore like to offer their input into this process in order to work alongside the Council to prepare a sound and robust strategy in this respect.	Support noted. The council will consider these comments in relation to any payments in kind policy which may be produced separately to CIL.
0042	Mr John Pickles	Local Resident	Whilst it is possible an offer of land might be an option using areas unsuitable for development due to topography issues etc. To enable an accurate estimate to set the CIL ANY IDEAS FOR SUCH OFFERS should be considered at this stage and not retrospectively at a later time. Obviously this would have a significant effect on funding, developers, local council provision, communities etc throughout the area.	The Council may decide to introduce a policy for payments in kind under CIL Regulations. This is not part of the CIL charging schedule. The council will consider these comments in relation to any payments in kind policy which may be produced separately to CIL. Any land payment must satisfy the criteria in the CIL Regulations.
0046	Cllr Adrian Naylor	Addingham Parish Council	If a payment in kind is allowed how does the Parish Council acquire 25% of the value if it is not in monetary form.	The Council may decide to introduce a policy for payments in kind under CIL Regulations. This is not part of the CIL charging schedule. Any land payment must satisfy the criteria in the CIL Regulations.
Exceptions Policy				

0040	Matthew Robinson	How Planning on behalf of Canal Road Urban Village Limited	<p>The effect of CIL on marginal sites may also produce contradictory or perverse outcomes for BDC's own Local Plan policy objectives. CRUVL is of the opinion that a sensible and appropriate way to address these issues would be to ensure that exemption relief can be permitted on a project-by-project basis where it can be demonstrated that there are specific reasons preventing schemes from becoming viable. There must be an innate level of flexibility within the council's CIL Charging Schedule to ensure that the viability of schemes is maintained as per the NPPF and PPG. It is noted that at this time that the Council has not yet decided whether to offer Exceptional Circumstances Relief but that it may choose to do so by adopting a separate discretionary relief policy. As detailed above, this is essential if the Council is to ensure that important regeneration schemes with marginal viability (such as that at New Bolton Woods) are to be deliverable and provide necessary strategic housing and other needs.</p> <p>Specifically, it is essential that relief for exceptional circumstances be available from the day the CIL Charging Schedule comes into effect in accordance with Regulations 55, 56 and 57 of the Community Infrastructure Levy Regulations 2010 (as amended). Specifically, this should relate to and ensure that key strategic sites with marginal viability (such as New Bolton Woods) are applicable. This approach would be consistent with the Framework, PPG and a number of other authorities with approved CIL Charging Schedules – such as Trafford Metropolitan Borough Council and Sheffield City Council.</p> <p>It is essential that the Council includes Exceptional Circumstances Relief for key strategic sites that have marginal viability - such as New Bolton Woods. Such sites will provide a vital strategic source of housing and other development to meet objectively assessed needs over the coming years. This imperative cannot be jeopardised by the imposition of CIL without the ability for inherent flexibility. National policy and guidance is very clear that <i>“development ... should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”</i>. A policy for this should be included to provide developers with the certainty that the viability of development will be maintained.</p>	<p>The council recognise the use of an exceptional circumstances policy enables charging authorities to avoid rendering sites with specific and exceptional cost burdens unviable. The Council may decide to introduce an exceptional circumstances relief policy, under CIL Regulations. This is not part of the CIL charging schedule and may be considered separately to the CIL.. The council will set out any exceptions policy in a separate document to the charging schedule at the DCS stage.</p> <p>Claims for relief on chargeable developments may then be considered on a case by case basis, in accordance with the CIL Regulations and must be based on an objective assessment of economic viability.</p>
0042	Mr John	Local	Will the discretionary relief policy be published for public consultation, before the CIL	The Council may decide to

	Pickles	Resident	charging schedule is put forward for approval	<p>introduce an exceptional circumstances relief policy, under CIL Regulations. This is not part of the CIL charging schedule and may be considered separately to the CIL. The council will set out any exceptions policy in a separate document to the charging schedule at the DCS stage.</p> <p>The Council may decide to introduce a policy for giving discretionary charitable investment relief, under CIL Regulation 44. This is not part of the CIL charging schedule and may be published separately.</p>
0043	Rachel Shuttleworth	Local Resident	No discretionary relief policy is provided for comment; to do this retrospectively runs the risk of undermining the costing and estimates used to set the CIL. For example a mixed use development linked to jobs encouraging minimal commuting should attract some relief.	The Council may decide to introduce an exceptional circumstances relief policy, under CIL Regulations. This is not part of the CIL charging schedule and may be considered separately to the CIL. The council will set out any exceptions policy in a separate document to the charging schedule at the DCS stage.

				The Council may decide to introduce a policy for giving discretionary charitable investment relief, under CIL Regulation 44. This is not part of the CIL charging schedule and may be published separately.
0044	Ian Smith	Historic England	Under the CIL regulations, Local Authorities have the right to offer discretionary relief from CIL in exceptional circumstances in order to ensure that the levy does not prevent otherwise desirable development. Although it is accepted that the decision to offer exceptional relief is not part of the Charging Schedule, nonetheless, we would welcome the acknowledgement within the document that such relief may be offered in exceptional circumstances. In terms of our area of interest, we consider that CIL relief should be offered where the requirement to pay CIL would have a harmful impact upon the economic viability of developments which involve heritage assets particularly those which are at risk.	The council recognise the use of an exceptions policy enables charging authorities to avoid rendering sites with specific and exceptional cost burdens unviable. The Council may decide to introduce an exceptional circumstances relief policy, under CIL Regulations. This is not part of the CIL charging schedule and may be considered separately to the CIL. The council will set out any exceptions policy in a separate document to the charging schedule at the DCS stage.
Instalments Policy				
0015	L Corcoran	Silsden Town Council	what is the trigger point in payment by instalment?	Payment days (the day on which an instalment payment will be due) will be calculated from the commencement of

				development on site. The council will set out any instalments policy in a separate document to the charging schedule at the DCS stage.
0029	Deborah Holland	Wakefield Council	The draft instalment policy is presented in the appendix material of the PDCS document; this should be presented in a separate document in its own right.	Noted. The council will set out any instalments policy in a separate document to the charging schedule at the DCS stage.
0031	Rebecca Robson	Turley	<p>Turley supports the introduction of a proposed Instalments Policy. However, we recommend refining the schedule for payments as follows for liability exceeding £100k in order to support cash flow and reduce additional finance costs associated with early CIL payments:</p> <ul style="list-style-type: none"> • Instalment 1: 10% @ 6 months • Instalment 2: 15% @ 12 months • Instalment 3: 25% @ 18 months • Instalment 4: 25% @ 24 months • Instalment 5: 25% @ 30 months 	The council will consider these comments and set out any instalments policy in a separate document to the charging schedule at the DCS stage. However it is considered that extending the timescales too far may not provide sufficient up front funding to allow infrastructure delivery. In addition the 2014 Amendment CIL Regulations also allow full planning permissions to be phased for the purposes of the CIL.

0032	Becky Lomas	Taylor Wimpey	<p>Welcome the CIL instalments policy, however question the due date relating to time from the commencement of development. Instead of a 6 monthly time gap for instalments it would be welcome if a due date could relate to percentage of development complete. I.e. 25% of the CIL payment due when 25% of the development is complete.</p>	<p>The council will consider these comments and set out any instalments policy in a separate document to the charging schedule at the DCS stage. The 2014 Amendment CIL Regulations also allow full planning permissions to be phased for the purposes of the CIL</p>
0034	Paul Butler	PB Planning on behalf of Barratt Homes and David Wilson Homes	<p>Fully supports the identified approach in respect of Phasing CIL payments. They believe that such an approach will aid in the ongoing viability of development proposals as it will account for cash flow matters and also any changes in market conditions.</p> <p>Along with the proposed phasing of payments, fully support the identified approach in respect of payment instalments for the same reasons as identified above. Through the amalgamated use of both policies this will help to ensure that development scheme are viable on commencement and remain viable throughout their delivery.</p>	Support noted

0040	Matthew Robinson	How Planning on behalf of Canal Road Urban Village Limited	CRUVL supports the inclusion of phased payments of CIL and the potential for an Instalments Policy. This will increase the flexibility of payments for developers, it must still be flexible enough to consider the specific circumstances of individual sites	Support for phasing noted. The Council may decide to introduce an instalments policy, under CIL Regulations. This is not part of the CIL charging schedule and may be considered separately to the CIL.
0042	Mr John Pickles	Local Resident	Page 13 Para 8.4 and appendix B not C – Instalment provision table * Payable on the anniversary of the commencement of development surely * should not be used on line 1- due date 6 months, are these just typographical errors?	Payment days (the day on which an instalment payment will be due) will be calculated from the commencement of development on site. The council will consider these comments and set out any instalments policy in a separate document to the charging schedule at the DCS stage.
0043	Rachel Shuttleworth	Local Resident	<p>1. Appendix B; instalment Policy seems to indicate instalments are only due on the anniversary of the commencement of development and appears to favour the large scale developments.</p> <p>2. On page 8 more clarity and guidance should be provided regarding the phasing and link into the infrastructure improvements which should be commenced in advance or in parallel with residential development.</p> <p>Pooling a maximum of 5 planning obligations restricts flexibility, particularly concerning large projects such as a school or road, key features are ease of access and egress,</p>	<p>1. Payment days (the day on which an instalment payment will be due) will be calculated from the commencement of development on site. The council will consider these comments and set out any instalments policy in a separate document to the</p>

			<p>traffic segregation and safety of people.</p> <p>Phasing should take this into account namely the whole site allocated as one planning application.</p>	<p>charging schedule at the DCS stage.</p> <p>2. Planning application can be subdivided into 'phases' for the purposes of the levy. CIL Regulations provide for payment by instalment. The council may decide to introduce a policy setting out approach to instalments and phasing. The council will set out any instalments policy in a separate document to the charging schedule at the DCS stage.</p> <p>CIL will contribute to strategic infrastructure. Other mechanisms such as S106/S288 will still be used to deliver site specific improvements required to make a development acceptable in planning terms</p>
--	--	--	--	--

0046	Cllr Adrian Naylor	Addingham Parish Council	<p>1.What is the trigger point in payment by instalment</p> <p>2.Appendix A where development is done in phases will the trigger points used in the calculation agreed at the point of granting planning permission or will they be subject to change by the developer. How will the council ensure certainty regarding the payment of the CIL to the Parish Council.</p>	<p>1.Payment days (the day on which an instalment payment will be due) will be calculated from the commencement of development on site. The council will set out any instalments policy in a separate document to the charging schedule at the DCS stage.</p> <p>2. Planning applications can be subdivided into 'phases' for the purposes of the levy. CIL Regulations provide for payment by instalment. The council may decide to introduce a policy setting out approach to instalments and phasing. The council will set out any instalments policy in a separate document to the charging schedule at the DCS stage.</p>
CIL process				

006	Lynnette Cadamarteri	Local Resident	<p>The consultation process has been extremely difficult to decipher the amount of information presented within the website. To find, extract and discover specific details has been extremely challenging. The email correspondence inviting representation was extremely vague and provided a lack of detail that would discourage full community involvement and responses from the general public.</p>	<p>1. Noted. Consultation on the CIL Preliminary Draft Charging Schedule has been undertaken in accordance with the CIL Regulations 2010 (as amended).</p> <p>It is recognised that the CIL is a complicated and technical process and the council will seek to ensure further clarity and detail is provided during the subsequent consultation on the CIL Draft Charging Schedule.</p>
0013	Cllr Peter Hill	Parish Councillor	<p>1. CIL must be based on a relevant plan, currently the only plan in place is the 2005 RUDP. It would appear financially prudent to wait until the new area development plan is in place before the CIL is activated. Therefore, this consultation would appear to be over hasty.</p> <p>2. Consider the consultation should be put on hold until the new district development plan is in place and that areas of concern where there is little or no information are better addressed. As it stands, this Council feels it is being asked to sign a blank cheque in responding to this consultation.</p>	<p>Comment noted. The relevant plan is the Local Plan. The Local Plan Core Strategy is currently being considered through an Examination in Public. The CIL PDGS has been worked up alongside the production of the Bradford District Local Plan Core Strategy in accordance with National Planning Practice Guidance.</p> <p>The Council have used the evidence in the LIP and Viability Assessment to strike an appropriate balance</p>

				<p>between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. The council therefore considers that the CIL is based on relevant and up to date evidence, in accordance with CIL Regulations.</p> <p>2. It is considered that the CIL is based on relevant evidence, which has been worked up alongside the Local Plan Core Strategy.</p> <p>The CIL Preliminary Draft Charging Schedule is primarily concerned with the rates the CIL is to be set at. Detailed information on CIL implementation, spending, collecting, reporting and policies on payment in kind is not part of the charging schedule and may be published at a different time. Further detailed guidance will be given in the run up to CIL implementation.</p>
--	--	--	--	--

0025	Cllr Martin Smith	Conservative Party	The Document is based on the Core strategy document proposals but these are not agreed, so the assessment of the amount CIL will contribute to the future council budgets on this basis is wrong and will be lower than expected. The areas contributing most will be the outer areas of Bradford mainly the significant areas of Silsden Addingham and Ilkley would achieve huge CIL if approved in Core strategy. It will be unlikely CIL will be spent in those areas.	<p>CIL must be based on a relevant plan. The relevant plan is the Local Plan. The Local Plan Core Strategy is currently being considered through an Examination in Public. The CIL PDCS has been worked up alongside the production of the Bradford District Local Plan Core Strategy in accordance with National Planning Practice Guidance.</p> <p>The Council have used the evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. The council therefore considers that the CIL is based on relevant and up to date evidence, in accordance with CIL Regulations.</p>
0027	Councillor C Sykes	Bradford Councillor	This consultation process is seriously flawed in its timing being across the main Bradford holiday period of August and is reliant on the use of a web based comment form. By definition the response rate will be low and perhaps this was the intention.	Consultation on the CIL Preliminary Draft Charging Schedule has been undertaken in accordance with the CIL Regulations 2010 (as amended).

				<p>The council disagree the consultation process was flawed. The CIL consultation period lasted for 6 weeks and finished on Friday 11th September 2015. The Council used a number of methods to invite people to make representations including letters/emails to relevant bodies and persons, information included in news articles. Consultation information at was made available deposit locations and Consultation information on the Council's website</p> <p>This will be set out through a Statement of consultation publication alongside the CIL DCS.</p>
0042	Mr John Pickles	Local Resident	<p>1 concerned regarding both the methodology and limited consultation that appears to have taken place. Although consultation has taken place with developers and agents, there appears to be little or no consultation recorded with local parish councils, neighbourhood planning etc</p> <p>Suggest further consultation is made with local communities, clarification is sought on the points made</p> <p>2. The full statement of Statutory Compliance allows scope for further detail to be included, but I question why it is not included now.</p>	<p>Consultation on the CIL Preliminary Draft Charging Schedule has been undertaken in accordance with the CIL Regulations 2010 (as amended).</p> <p>The CIL consultation period lasted for 6 weeks and finished on Friday 11th September 2015. The Council used a number of methods to</p>

				<p>invite people to make representations including letters/emails to relevant bodies and persons, information included in news articles. Consultation information was made available at deposit locations and Consultation information on the Council's website</p> <p>This will be set out through a Statement of consultation publication alongside the CIL DCS.</p> <p>Further consultation will be undertaken on the Draft Charging Schedule and further detail on CIL implementation will be given in the run up to CIL implementation.</p> <p>2. There is no requirement to publish a Statement of Statutory compliance alongside the PDCS. The council will publish a statement of Statutory Compliance as part of the Draft Charging Schedule.</p>
--	--	--	--	--

0043	Rachel Shuttleworth	Local Resident	It is disappointing that this has only been recently put out for consultation and at a time when most interested persons in the Community including Councillors are on annual leave. Hope that before setting the CIL further consultation is made with local communities.	<p>Consultation on the CIL Preliminary Draft Charging Schedule has been undertaken in accordance with the CIL Regulations 2010 (as amended). This will be set out through a Statement of consultation publication alongside the CIL DCS.</p> <p>The CIL consultation period lasted for 6 weeks and finished on Friday 11th September 2015. The Council used a number of methods to invite people to make representations including letters/emails to relevant bodies and persons, information included in news articles, Consultation information was made available at deposit locations and Consultation information on the Council's website</p> <p>Furth consultation will be undertaken on the Draft Charging Schedule and further detail on CIL implementation will be given in the run up to CIL implementation</p>
Other comments				
0004	Simon		1. Against future building in Cullingworth.	1. Noted. This comment refers

	Dugdale		2. Strongly object if any excess charges are levied against me.	<p>to the location of development. The CIL is not a plan providing policies for the scale and location for growth / development in the District or allocation of land for different uses. This will be considered through the Local Plan Core Strategy and Allocations Development Plan Document.</p> <p>2. CIL is payable on new development in the District. Existing homeowners will not pay CIL unless undertaking new development, which is liable for CIL.</p>
006	Lynnette Cadamarteri	Local Resident	<p>Object to the release greenbelt land to encourage development of residential dwellings and industrial units. The comment lists several brownfield sites in Thornton that would benefit from regeneration and supports the redevelopment of these sites and states that consultation documents provide little detail regarding the regeneration of brownfield sites and prioritises the removal of green belt.</p> <p>The Comment refers to specific infrastructure issues in Thornton including water drains being blocked in specific locations and states the proposal to release greenbelt land to help build 700 houses does not adequately discuss or describe the investment needed in drainage and road infrastructure. The comment refers to no traffic surveys being completed to assess traffic levels at proposed greenbelt sites at Thornton Heights and that the council has therefore not provided evidence that adequately justifies destroying greenbelt areas.</p>	<p>The CIL is not a plan providing policies or proposals for the scale and location for growth / development in the District or allocations of land for different uses, including the release of greenbelt land. This will be considered through the Local Plan Core Strategy and Allocations Development Plan Document.</p> <p>CIL rates have been set in relation to viability evidence and not policy objectives.</p> <p>Comments relating to land</p>

				allocations, site specific issues and greenbelt will be provided to the Local Plans Team
007	Peter O'Donnell	Local Resident	Strongly oppose development on any of the surrounding green belt land around Thornton. The comment lists the reasons for this including that that infrastructure in the area (transport, education and health care) requires large scale improvements and cannot sustain further developments, brownfield sites should be redeveloped first, water drainage and narrow road issues and the adverse affect on tourism.	<p>Comment noted. The CIL is not a plan providing policies or proposals for the scale and location for growth / development in the District or allocations of land for different uses, including the release of greenbelt land. This will be considered through the Local Plan Core Strategy and Allocations Development Plan Document.</p> <p>CIL rates have been set in relation to viability evidence and not policy objectives.</p> <p>Comments relating to land allocations, site specific issues and greenbelt will be provided to the Local Plans Team.</p>
008	Tony Emmott	Local Resident	Comment relating to site at Coutances Way, Ben Rhydding. Site specific issues raised relating to adverse affect on infrastructure and development in greenbelt. If approved any scheme should include a new enlarged Ilkley Grammar School. This is essential to provide additional school places needed for the catchment area	The CIL is not a plan providing policies or proposals for the scale and location development in the District or allocations of land for different uses. including the release of greenbelt land. This will be considered through the Local Plan Core Strategy and Allocations Development Plan

				Document. Comments relating to land allocations, site specific issues and greenbelt will be provided to the Local Plans Team.
0025	Cllr Martin Smith	Conservative Party	Comment relating to the Core Strategy including using and brownfield land grants, reusing homes above shops for affordable homes to offset/reduce number of homes proposed in greenbelt/Greenfield locations.	Noted. The CIL is not a plan providing policies or proposals for the scale and location for growth / development in the District or allocations of land for different uses, including the release of greenbelt land. This will be considered through the Local Plan Core Strategy and Allocations Development Plan Document. Comments relating to land allocations, site specific issues and greenbelt will be provided to the Local Plans Team.
0032	Becky Lomas	Taylor Wimpey	Question the overall requirement for CIL in the District and would like to understand the detailed justification for pursuing CIL instead of continuing the current mechanism for securing infrastructure funding via S106 and S278 agreements.	Noted. The benefits and justification for CIL are set out in the CIL Background Report

0035	Muriel Odwyer	Local Resident	<p>The proposed CIL will raise far less than the current S106 and S323 arrangements. Whilst only 5 106 can be pooled towards a specific item; the current arrangement has advantages over applying CIL of a fixed amount. Namely apportionment is to a particular item of infrastructure. Clear allocation would need to be set out in the CIL to be fair to both local residents and developers.</p>	<p>Noted. The benefits of CIL are set out in the CIL Background Paper. S106 will remain for site specific issues.</p> <p>To ensure that the levy is open and transparent, the CIL Regulations detail the reporting requirements so it is clear what funds have been received and how CIL has been spent. This information will be publically available.</p>
0036	Jackie Thompson	Local resident	<p>Comments relating to the Local Plan being undeliverable. The comment provide detailed reason for this including:</p> <ul style="list-style-type: none"> - Bradford's housing market has been misinterpreted. - house building proposed would exceed the number of customers able to raise a mortgage even in most optimistic job growth scenario- <p>These factors render it impossible to deliver commercial development (market housing) or affordable (intermediate housing) at the levels proposed in the Local Plan. They also render it impossible to deliver the CIL at the values set out in the proposals produced by DTZ in June 2015 and as a consequence the Infrastructure Plan is undeliverable.</p> <p>Reducing housing requirements to a more realistic figure based on evidence is the only way to deliver an achievable plan it would also reduce the infrastructure requirements.</p> <p>The Council are advised to withdraw the Local Plan, to withdraw the proposals regarding CIL and to withdraw the infrastructure plan.</p> <p>The representation makes recommendations regarding how genuine housing needs might be met.</p>	<p>The CIL is not a plan providing policies for the scale and location for growth / development in the District or allocation of land for different uses. This will be considered through the Local Plan Core Strategy and Allocations Development Plan Document</p> <p>The CIL PDCS has been worked up alongside the production of the Bradford District Local Plan Core Strategy (which is currently being considered through examination in public) in accordance with National Planning Practice Guidance.</p> <p>The Council have used the</p>

				<p>evidence in the LIP and Viability Assessment to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact on the viability of development. The council therefore considers that the CIL is based on relevant and up to date evidence, in accordance with CIL Regulations.</p> <p>The council consider the CIL is based on robust evidence, including the LIP and CIL viability Assessment and do not consider the CIL should be withdrawn.</p>
0038	Tony Plumbe	Local Resident	<p>Good aspects of the proposed CIL Preliminary Draft Charging Schedule are that is proposing indexing over time to a construction price index (but beware of that index going negative at a future date) and that minimum thresholds of the size of developments for incurring a CIL have been not stated such that the individual house built will pay as well as the larger housing developments.</p>	comment noted.

0041	Barbara Gott	Local Resident	<p>The representation refers to site specific matters including</p> <ul style="list-style-type: none"> - The Brownfield sites which are closer to the Hospital should be considered first - The sites to the South will also cause the least congestion being closer to the A629 trunk road and rail station 	<p>Noted. This comment refers to the location of development. The CIL is not a plan providing policies for the scale and location for growth / development in the District or allocation of land for different uses. This will be considered through the Local Plan Core Strategy and Allocations Development Plan Document</p>
------	--------------	----------------	--	---

Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Licensing Committee to be held on 23 November 2015.

E

Subject:

Proposed Statement of Licensing Principles 2016-2019 under the Gambling Act 2005, for approval by full Council.

Summary statement:

This report sets out the outcome of a public consultation exercise with respect to the Statement of Licensing Principles for the District, as required by the Gambling Act 2005 and proposes a final draft for recommendation for adoption by Council on the 8 December 2015.

John Major
Assistant Director
Environmental & Regulatory Services

Report Contact: Tracy McLuckie
Licensing & Land Charges Manager
Phone: 01274 432240
E-mail: licensing.team@bradford.gov.uk

Portfolio:

Neighbourhoods and Community Safety

Overview & Scrutiny Area:

Environment & Waste Management



1. SUMMARY

- 1.1 Under Section 349 of the Gambling Act 2005, the Council's Licensing Authority is required to adopt a policy document, referred to as a Statement of Licensing Principles, setting out the basic principles of the Authority's approach to dealing with applications for licences and permits under the Act.
- 1.2 This report sets out the outcome of a public consultation exercise with respect to the statement of licensing principles for the District and proposes a final draft for recommendation for adoption by full Council on the 8 December 2015.

2. BACKGROUND

- 2.1 The consultation draft of the statement of licensing principles for 2016-2019 has been available for public comment since 3 August 2015. The draft document was available on the Council's website, in public libraries and the consultation exercise was reported in the local press. Licensing Officers also directly consulted relevant authorities and organisations.

The consultation policy document is attached at Appendix 1.

- 2.2 The proposed changes largely reflect necessary updates following changes to gambling regulations and the Gambling Commission's statutory guidance. The main additions to the policy document are as follows:

Sections 3.6 to 3.13

From April 2016 all premises licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and produce local risk assessments to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of licensing principles. Sections 3.6 to 3.13 of the policy document relate to this new requirement.

Sections 6.3 and 6.4

Information regarding the prevention of child sexual exploitation within licensed premises has been included. This addition supports the on-going partnership work within the district to tackle sexual exploitation of children and young people.

Minor changes have also been made in response the public consultation exercise (detailed below).

- 2.3 The policy document seeks to reflect very detailed and substantial statutory guidance issued by the Gambling Commission made under the Act. This sets the parameters of what can and what should not be included within local statements of licensing principles.



2.4 The Gambling Act establishes three basic types of licence as follows:

1. **Personal Licences** – Required for persons defined as being involved in the management or operation of gambling establishments. The responsibility for the definition of such persons and licensing is that of the Gambling Commission.
2. **Operating Licences** – Required for the operator's of gambling facilities and are issued by the Gambling Commission.
3. **Premises Licences** – Relate to the actual premises where the gambling facilities take place. They are the responsibility of the Licensing Authority (as defined in the Licensing Act 2003).

2.5 The Gambling Act also established the Gambling Commission to regulate all commercial gambling in Great Britain (other than spread betting and the National Lottery). The Commission has responsibilities relating to betting and remote gambling (e.g. over the internet) and has powers of entry, search and seizure.

3. PUBLIC CONSULTATION - RESPONSES RECEIVED

3.1 Campaign for Fairer Gambling

The Campaign for Fairer Gambling's response focuses on betting shops and particularly the provision of 'fixed odds betting terminals' (also known as 'FOBTs' and 'B2' classified gaming machines). The Campaign for Fairer Gambling has requested the Licensing Authority:

- Consider the use of test purchasing to address not only the 'protection of the vulnerable' licensing objective and underage gambling, but also to test the effectiveness of self-exclusion procedures and anti-money laundering controls.
- Consider the imposition of premises licence conditions requiring minimum staffing levels in betting premises where fixed odds betting terminals and self-service betting terminals are available.
- Note the increase in the provision of 'Self Service Betting Terminals' in licensed betting shops and use available powers to control and monitor their use.
- That the statement of licensing principles contains a statement supporting further regulatory action against fixed odds betting terminals, with greater powers of control devolved to Councils.

A copy of the response is attached at Appendix 2.

Appraisal:

Comments from the organisation are noted. Section 10 of the policy document relates to betting premises and betting/gaming machines. Section 23 details the Licensing Authority's approach to licence conditions. No additional changes to the policy document are proposed.



Members may wish to consider whether they wish to support further regulatory action against fixed odds betting terminals and greater powers of control for Licensing Authorities separately.

3.2 Gosschalks Solicitors – Acting for the Association of British Bookmakers

The response details the Association of British Bookmakers approach to partnership working with local authorities and details its view on the implementation of the new local risk assessments in April 2016.

The Association is concerned with ensuring that any changes relating to risk assessments are not implemented in such a way as to undermine the “aim to permit” principle under s153 Gambling Act 2005. The Association also believes that operator’s should be allowed to gear their risk assessments to their own operational processes and not follow a form prescribed by a Licensing Authority.

The response also details specific comments relating to draft policy document as follows:

- Some of the terminology used in the document requires amendment to reflect the Gambling Act 2005 and the distinction between ‘betting machines’ and ‘gaming machines’ needs to be clearer.
- The list of factors which operator’s will need to consider when undertaking local area risk assessments at section 3.10 requires amendment to remove issues not related to the licensing objectives.
- The advertising of gambling is not an issue for consideration of the licensing authority as it is covered by the Gambling Commission’s Licence Conditions and Codes of Practice.
- The policy document should be clear that conditions would only be imposed on premises licences where there is evidence of a need to do so and not due to a ‘perceived need’.

A copy of the response is attached at Appendix 3.

Appraisal:

Some amendments have been made to the consultation document to reflect the terminology within the Gambling Act and the reference to advertising has been removed. The policy document is clear that decisions on licence conditions will be made on a case by case basis and will only be imposed where necessary.

With regards to risk assessments, the requirements at 3.10 of the policy document have been amended to be less prescriptive. It is anticipated that the Licensing Authority will produce a separate local area profile to map out key characteristics of the district. This local area profile will assist operators in producing their risk assessments.

The Licensing Authority does not intend to introduce prescribed ‘template’ risk assessments.



3.3 Coral Racing Limited

The response submitted by Coral Racing Limited states they are broadly supportive of the draft policy document. Specific comments on the draft document are as follows:

- In relation to risk assessments at Section 3.6 to 3.13, the company wish to highlight that they know of no evidence that the location of a licensed betting office within the proximity of schools and residential areas causes harm to the licensing objectives. Although local risk assessments are to be introduced, Coral Racing Limited believe these should be to assess specific risks to the licensing objectives and to assess whether control measures going beyond the standard control measures are needed. Inclusion of prescribed locations is not necessary.

A copy of the response is attached at Appendix 4.

Response:

As detailed at 3.2 above, requirements relating to risk assessments have been amended. Some examples of risks are included to assist any person considering the Statement of Licensing Principles.

3.4 Power Leisure Bookmakers Limited

The response from Power Leisure Bookmakers Limited makes reference to the Regulators Code, which was introduced in 2006 and requests that the policy document follows the better regulation principles detailed in the Code.

Specific comments regarding the policy document are as follows:

- When producing local risk assessments, operators should be allowed to assess their existing operational processes and any proposed measures to address substantiated risks should be proportionate to specific concerns. Risk profiles must be based upon factual evidence of gambling related harm, rather than theoretical risk.
- When considering risk assessments, the Licensing Authority should also consider the extensive policies already implemented by operators in accordance with the Gambling Commission's Licence Conditions and Codes of Practice to avoid duplicating operator licence requirements.
- The policy document should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance is not a licensing objective under the Gambling Act.
- Additional licence conditions should only be imposed in exceptional circumstances where evidence based risks are identified and existing provisions are considered inadequate.



- The additional paragraphs relating to Child Sexual Exploitation have no relevance to gambling. It is an operator's responsibility to protect children from being harmed or exploited by gambling and to request operators to safeguard against child sexual exploitation goes beyond the objectives of the Gambling Act.

A copy of the response is attached at Appendix 5

Response:

The comments are noted. The Regulators Code is detailed at Section 21 of the policy document, which has been updated to reflect amendments to the code. As detailed above, requirements relating to risk assessments have been amended.

With regards to the addition of information relating to child sexual exploitation, the policy document has been amended to clarify that prevention of child sexual exploitation does not relate to the licensing principles. However, information is still included in the policy.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The cost of the consultation exercise has been funded from existing resources of the service.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management or governance issues.

6. LEGAL APPRAISAL

- 6.1 When determining any applications for a premises licence under the Act the Licensing Authority must seek to achieve three broad licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 6.2 The consultation draft statement of licensing principles sets out how the Authority proposes to achieve the licensing objectives when exercising its functions. When drafting the policy document, licensing authorities must have regard to guidance issued by the Gambling Commission and any Codes of Practice issued under the Act. The draft updated policy document takes account of current guidance and codes of practice.

- 6.3 The approved statement of licensing principles document must be published by the Council on or before the 31 January 2016. It is therefore necessary to have the final document approved by Council at its meeting of the 8 December 2015, in order to meet the statutory publication requirements.



7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The draft statement of licensing principles was prepared with awareness of the Council's duties under the Equality Act 2010.

7.2 SUSTAINABILITY IMPLICATIONS

The Authority's statement of licensing principles will address sustainability issues.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

When determining applications, the licensing objectives addressing crime and disorder; ensuring that gambling is conducted fairly on the premises and protecting children and vulnerable people, must be addressed by the Licensing Authority.

7.5 HUMAN RIGHTS ACT

The Council must consider Human Rights implications when establishing Licensing Policy and when determining licence applications.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

No specific ward implications.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

- 9.1 The Committee has no powers to adopt the statement of licensing principles, which is the function of full Council. Members can therefore recommend the document shown in Appendix 1 for adoption by Council, or make such recommendation subject to such amendments as the Committee may specify.



10. RECOMMENDATIONS

- 10.1 That the Committee recommends to Full Council that Appendix 1 to Document “E” be adopted and published as the District’s Statement of Licensing Principles pursuant to the Gambling Act 2005 (subject to any amendments that the Committee feels is appropriate).
- 10.2 That the Assistant Director Environmental & Regulatory Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

11. APPENDICES

1. Consultation draft Statement of Gambling Principles (restricted circulation).
2. Consultation Response – Campaign for Fairer Gambling
3. Consultation Response – Gosschalks Solicitors, acting for the Association of British Bookmakers
4. Consultation Response – Coral Racing Limited
5. Consultation Response – Power Leisure Bookmakers Limited

12. BACKGROUND DOCUMENTS

The Gambling Act 2005
Guidance and Codes of Practice issued by the Gambling Commission
Regulations made under the Gambling Act 2005



Gambling Act 2005

A Statement of Licensing Principles for the Bradford District 2016-2019

[DRAFT]

Environment & Regulatory Services
Licensing Team
Jacobs Well
Bradford, BD1 5RW

www.bradford.gov.uk



November 2015

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
STATEMENT OF LICENSING PRINCIPLES
GAMBLING ACT 2005

CONTENTS

<u>Part</u>	<u>Title</u>	<u>Page</u>
1.	<u>The Council's Licensing Authority's General Approach to Licensing</u>	3
2.	<u>Licensing Functions Covered by this Policy</u>	4
3.	<u>Achievement of Licensing Principles</u>	4
4.	<u>Preventing Gambling from being a Source of Crime and Disorder</u>	6
5.	<u>Ensuring Gambling is Conducted in a Fair and Open Way</u>	7
6.	<u>Protection of Children and Other Vulnerable People from Gambling</u>	8
7.	<u>Adult Gaming Centre</u>	9
8.	<u>Licensed Family Entertainment Centres</u>	10
9.	<u>Bingo Premises</u>	10
10.	<u>Betting Premises</u>	11
11.	<u>Betting Tracks</u>	12
12.	<u>Casinos</u>	13
13.	<u>Travelling Fairs</u>	14
14.	<u>Unlicensed Family Entertainment Centre Gaming Machine</u>	14
15.	<u>(Alcohol) Licensing Premises Gaming Machine Permits</u>	15
16.	<u>Prize Gaming Permits</u>	16
17.	<u>Club Gaming and Club Machines Permits</u>	16
18.	<u>Temporary Use Notices</u>	17
19.	<u>Occasional Use Notices</u>	17
20.	<u>Licensing Hours</u>	17
21.	<u>Effective Enforcement</u>	17
22.	<u>Exchange of Information</u>	18
23.	<u>Conditions of Licence</u>	19
24.	<u>The Licensing Process</u>	19
25.	<u>Scheme of Delegation of Functions</u>	21
26.	<u>The Consultation and Review Process</u>	22
27.	<u>Responsible Authorities in the Bradford District</u>	23
28.	<u>Useful Contacts</u>	24
29.	<u>Helpful Terminology</u>	28

1. The Council's Licensing Authority's General Approach to Licensing under the Gambling Act 2005

- 1.1 The Bradford District is the fourth largest metropolitan district in England with a population of over 528,000. The district contains varied landscapes and covers 143 square miles, 60% of which is open countryside.

The district has four distinct areas: the City of Bradford in the South East, the river valleys, Airedale and Wharfedale and the upland Pennine areas to the South West which divide Airedale and Wharfedale.

Airedale covers Keighley, Bingley, Shipley and Saltaire village, which is a World Heritage Site. Wharfedale includes the former spa town of Ilkley, and the smaller towns of Burley and Addingham. There are also a number of smaller villages, such as Haworth Village.

- 1.2 The Council's Licensing Authority takes a positive approach to the licensing and regulation of events and betting and gaming establishments. It recognises the important role that well regulated, varied and safe entertainment can play in promoting the vitality and viability of the district's city and town centres, particularly the evening economy. It is also aware that tastes and trends change over time and that, in the light of increasing competition within the entertainment industry, any licensing system must be sufficiently flexible and responsive to new initiatives from the licensing industry and individuals.
- 1.3 In the light of the above, the Council's Licensing Authority, has adopted a tailored Licensing Enforcement Policy that can, in consultation with interested parties, be adjusted to demonstrate the Licensing Authority's commitment to be both flexible and responsive. This statement of principles should therefore be considered as complementary to the Licensing Enforcement Policy.
- 1.4 The Licensing Authority will take care to help businesses, event organisers and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly.
- 1.5 The Council's Licensing Authority is however aware of the statistical link between places providing entertainment, including facilities for gambling, and incidents of crime and disorder in the District and is seeking to address this with the West Yorkshire Police and other agencies through the Stronger Communities Partnership.
- 1.6 This Statement of Licensing Principles also acknowledges the role of licensing in contributing to the Community Strategy. Of particular relevance are the strategies that aim to secure safer communities and a prosperous district. The emphasis of these strategies on the need to work in partnership with all agencies with a role to play in licensing is of particular importance. Careful consideration has also been given to the Council's Licensing Authority's obligations under section 17 of the Crime and Disorder Act 1998.

- 1.7 The meanings of any technical words or phrases used in this document are set out in Section 30 - Helpful Terminology.

2. Licensing Functions Covered by this Policy

- 2.1 This policy relates to all the regulation of all those activities involving betting or gaming that are the responsibility of the Council's Licensing Authority under the Act, namely:
- Casino premises licences
 - Bingo premises licences
 - Betting Premises Licences (including track betting)
 - Adult Gaming premises licences
 - Licensable Family Entertainment Centres
 - Club Gaming and Club Machine permits
 - Gaming machine permits in unlicensed Family Entertainment Centres
 - Gaming machine permits in premises licensed to sell alcohol
 - Prize Gaming permits
 - Provisional statements
 - Processing of Temporary Use notices
 - Processing of Occasional Use notices
 - Registration of Small Lotteries

3. Achievement of Licensing Principles

- 3.1 Every application will be considered on its merits; however the Council's Licensing Authority has a duty under the Gambling Act 2005 to carry out its functions having regard to the three broad licensing objectives. These are:-
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 3.2 Applicants that do not seek to be reasonably consistent with these principles when submitting an application for a premises licence are likely to receive objections from an interested party or a responsible authority. The Licensing Authority may have no alternative but to refuse an application where an objection has been made, unless adequate proposals consistent with the licensing principles are included in the application.
- The Council's Licensing Authority will however, as far as possible, assist applicants on how best to adequately address these matters (if this is possible) or where further advice and information can be obtained.
- 3.3 Overall, in making decisions about premises licences and temporary use notices, the Council's Licensing Authority's general approach will be to aim to permit the use of premises for gambling in so far as is appropriate and:
- in accordance with any relevant codes of practice issued under the Act;
 - in accordance with the guidance issued by the Gambling Commission;

- in accordance with this Statement of Licensing Principles; and
- is reasonably consistent with achievement of the licensing objectives.

3.4 The Council's Licensing Authority will also take account of these principles when considering applications for various types of permits under the Act. However, the licensing Authority takes the view that it can also take account of wider considerations when considering applications for permits, as opposed to premises licences where they raise an issue of legitimate concern that is not adequately addressed by other legislation. Parts 14 to 17 of this Statement of Gambling Principles, outlines the Council's Licensing Authority's general approach when considering applications for various permits.

3.5 Various factors need to be considered when addressing licensing objectives and the weight attached to each objective will vary depending on the circumstances.

Applicants will only be expected to address issues that are in their direct control but are encouraged to co-operate with official agencies in establishing precautions or taking action that addresses the licensing objectives (with regard to gambling premises licence applications) or any other relevant matter (with regard to applications for gambling permits).

3.6 Following revisions by the Gambling Commission to the Licensing Conditions and Codes of Practice (LCCP), from 6 April 2016 operators with premises licenses have an obligation to produce local risk assessments under the LCCP Social Responsibility Code. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

3.7 Gambling operators will be required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

3.8 The LCCP social responsibility code will require operators to undertake a risk assessment for all new applications. The code also requires operators to review (and to update as necessary) their local risk assessment to take account of any significant changes to local circumstances or significant changes to the premises or when a variation to the existing premises licence is undertaken by the licensee.

3.9 The introduction of the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. The risk based approach provides a better understanding of, and enables a proportionate response, to risk.

3.10 Factors relating to the local area that operators will need to consider include types of premises and their operation in the surrounding area, for example, educational facilities, hospitals, mental health providers, hostels and support services.

3.11 Factors relating to the gambling operation, i.e. how the premise will be or is run, will include the operators policies and procedures which have been put in place to meet the requirements of the business, the Act and specific code provision within the LCCP. It may also include other elements such as:

- The gambling products it provides in the premises.
- The facilities to enable gambling within premises.
- The staffing levels within the premises.
- The level and requirement for staff training.
- The security and crime prevention arrangements it has in place.
- How it advertises locally and on the premises.
- The marketing material within premises.
- The display and provision of information to customers.

3.12 The design and layout of the premises is also a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout, reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

Some risk factors may require a combination of control measures to adequately mitigate the risk, such as:

- Staff training
- Security policies and procedures
- The location of gambling facilities
- The design and location of cashier counters
- The design of the exterior of the premises to enable staff to view the entrance to the premises to prevent access by children.
- CCTV cameras

3.13 The Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local risks.

4. Preventing Gambling from Being a Source of or Associated with Crime and Disorder

4.1 The Council's Licensing Authority recognises the wide variety of premises which will require a licence or a permit for gaming or gambling facilities. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades. It also recognises public concern in ensuring that gambling is not associated with problems of crime and disorder.

4.2 It is essential therefore, that applicants for premises licences or permits fully address issues concerning what precautions may be necessary to ensure the prevention of crime and disorder.

The Council's Licensing Authority will only expect applicants to take such action or precautions that are in their control, but would advise applicants to take appropriate advice from the police before making their licence or permit submissions. These may include, for example, provision of appropriate lighting outside the premises, installation of CCTV cameras, non-shatter glass on windows or the provision of door supervisors.

- 4.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council's Licensing Authority will, in consultation with the police or other relevant Responsible Authority, consider whether specific controls need to be applied to prevent gambling in those premises from being a source of crime and/or disorder.
- 4.4 The Council's Licensing Authority will expect applicants to co-operate with any initiatives promoted by West Yorkshire Police to tackle illegal drug misuse where premises are in an area where there is a recognised problem of drug dealing or taking associated with gambling premises.
- 4.5 Anyone applying to the Council's Licensing Authority for a premises licence will have to hold a gambling operating licence from the Gambling Commission before a premises licence can be issued. Those involved in managing the premises or supervising gambling activities will also require a personal licence from the Gambling Commission. Therefore, the Council will not generally be concerned with the suitability of an applicant for a premises licence or permit.

The Gambling Commission is responsible for considering such issues in connection with consideration of gambling operating and personal licences. However, where concerns about a person's suitability come to the attention of the Council's Licensing Authority, those concerns will be brought to the attention of the Gambling Commission for their investigation.

5. Ensuring Gambling is Conducted in a Fair and Open way

- 5.1 The Council's Licensing Authority will not generally investigate itself whether gambling is being conducted in a fair and open way at any premises. This is because it has been accepted by the Gambling Commission that it will look into these issues when looking into the suitability of individuals to hold Operating or Personal licences (issued by the Gambling Commission). If information is brought to the attention of the Council's Licensing Authority that raise issues of unfair practices, then these will be referred to the Gambling Commission for investigation.
- 5.2 The only exception to the above is with regard to the consideration of permits for track betting. Betting track operators do not need an operating licence from the Gambling Commission. It may therefore be necessary for the Council's Licensing Authority to impose conditions on a licence relating to the suitability of the environment in which betting takes place.
- 5.3 Applicants are also encouraged to address positively the need to secure reasonable access and safety for people with disabilities who wish to visit their premises. In this regard licensees are reminded of their obligations under the Equality Act 2010.

- 5.4 The Equality Act is a separate piece of legislation and so does not form part of this Statement of Principles. However, for the assistance of operators only, the following information and examples of good practice should be helpful. Specific types of adjustments licensees should consider in order to comply with their obligations under the Act, depending on the type of premises concerned, would include:
- making adjustments to the premises such as improving access routes and ensuring that they are free of clutter or redecorating part of their premises to provide better contrast to someone with a visual impairment;
 - providing appropriate or additional training for staff who may come into contact with customers to help them provide services for people with different types of disabilities;
 - acquiring or using modified equipment, for example a telephone with text display for use by deaf customers;
 - making service literature and instructions more accessible for example providing a Braille version for blind customers and ensuring service, reception and payment points are designed to facilitate ease of use by all; and
 - accessible sanitary provisions.
- 5.5 For further information, reference should be made to the Equality Advisory Support Service – Guidance for Service Providers. Further guidance and assistance to help a service provider meet the general needs of disabled customers and in meeting the requirements of the Equality Act is available from the Equality and Human Rights Commission website at www.equalityhumanrights.com.

6. The Protection of Children and other Vulnerable People from being Harmed or Exploited by Gambling

- 6.1 With limited exceptions, the access of children and young persons to gambling premises or facilities, which are considered to be largely adult only environments, will not be permitted.
- 6.2 The Council's Licensing Authority will consult with the Bradford Safeguarding Children Board about any application where there may be concerns over access by children or vulnerable persons to relevant premises. The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:
- Supervision of entrances of premises;
 - Segregation of gambling areas from areas frequented by children;
 - Supervision of gaming machines in non-adult gambling specific premises;
 - Adoption of a proof of age policy
 - Appropriate training and supervision of those employed or engaged in the welfare of children while they are on the premises
- 6.3 Although the licensing principle relates to the protection of children from being harmed or exploited by gambling, the Bradford Safeguarding Children Board works with other statutory authorities who will engage with the gambling trade to promote risk management in relation to child sexual exploitation. Information and advice on this work is available on the Bradford Safeguarding Children Board website:

- 6.4 The Council's Licensing Authority can provide advice to assist licensees to identify risk and report concerns at gambling premises where children have access, so that children remain safe and businesses operate responsibly. The Licensing Authority encourages operators of gambling premises where children have access to:
- ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
 - raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their premises.
- 6.5 Licensees should demonstrate that they have effective policies and procedures in place to prevent underage gambling, with the results of test purchasing operations or other action taken being made available to the Licensing Authority.
- 6.6 The Act provides for a code of practice on access to casino premises by children and young persons and the Council's Licensing Authority will work closely with the Police to ensure the implementation of the code of practice and appropriate enforcement of the law and any conditions of licence.
- 6.7 The Council's Licensing Authority does not seek to prohibit particular groups of adults from gambling, in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that "vulnerable persons" include:
- People who gamble more than they want to;
 - People who gamble beyond their means;
 - People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, or intoxication by alcohol or drugs.

7. Adult Gaming Centres

- 7.1 Anyone wishing to operate an adult gaming centre will require an adult gaming centre premises licence from the Council's Licensing Authority. The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:
- proof of age schemes and staff training in relation to proof of age schemes
 - CCTV
 - door supervisors
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices/signage
 - specific opening hours
 - change machines
 - advertising sources of help for problem gamblers

7.2 As regards the protection of vulnerable persons, the licensing authority will expect licensees to adopt measures including the use of “self-exclusion schemes”, provision of prominent information leaflets and helpline telephone numbers of organisations who provide advice and support to people affected by gambling problems, such as [GamCare](#).

8. Licensed Family Entertainment Centres

8.1 Anyone wishing to operate a family entertainment centre will require a family entertainment centre premises licence from the Council’s Licensing Authority. The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances and/or machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours

8.2 Measures including the use of self-barring schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect children and vulnerable persons.

8.3 The Council’s licensing authority will also take appropriate advice from the Gambling Commission concerning any conditions that apply to relevant operator licences stipulating the way in which the area containing any category C machines should be delineated. Account will also be taken of any mandatory or default conditions required to be attached to premises licences falling into this category.

9. Bingo Premises

9.1 Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.

9.2 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on [category D machines](#). When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

9.3 A limited number of gaming machines may also be made available at bingo licensed premises. Where [category C](#) or above machines are available in premises to which children are admitted, the Council's Licensing Authority will seek to ensure that:

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

9.4 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with.

These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Gambling Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operators licence from the Gambling Commission and a premises licence issued from the Council's Licensing Authority.

10. Betting Premises

10.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council's Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence. Betting premises will be able to provide a limited number of gaming machines and some betting machines.

10.2 The Council's Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision exercised, especially where vulnerable people are concerned. Each application will be considered on its own individual merits.

10.3 The Council is aware of the general concern surrounding gaming machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such gaming machines are located to ensure adequate supervision and compliance with relevant Licence Conditions and Codes of Practice.

10.4 Measures including the use of self-exclusion schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect vulnerable persons.

- 10.5 Operators who own several betting shops across the District's licensing area, are encouraged to forward to the licensing team details of a senior representative who is able to act as a single point of contact with the Licensing Authority should any issues of concern were to arise relating to any of the operators premises.

11. Betting Tracks

- 11.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site where races or other sporting events take place.
- 11.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council's Licensing Authority, are likely to contain detailed requirements for premises licence holders about their responsibilities in relation to the proper conduct of the betting facilities. Track premises licence holders will also be expected to ensure that betting areas are properly administered and supervised.
- 11.3 Although there will primarily be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 11.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things, will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 11.5 There may also be other specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It should be noted in this regard that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when sports events e.g. association football or rugby league, take place, although they are still prohibited by law from entering areas where gaming machines (other than category D machines) are provided.

Appropriate licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- The location of gaming machines

- 11.6 Measures including the use of self-exclusion schemes, provision of information leaflets and helpline telephone numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in relation to the protection of children and vulnerable people.
- 11.7 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their type and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. It may be necessary to impose such restrictions particularly where the floor area covered by the machines is extensive, leading to fears about proper supervision.
- 11.8 In line with the Gambling Commission's guidance the Council's Licensing Authority is also likely to attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public, such as made available in leaflet form from the track office.

12. Casinos

- 12.1 Bradford Council has not passed a "no casino" resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this policy statement will be updated with details of that resolution.
- 12.2 Part 17 of the Gambling Commission Guidance for local authorities sets out the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. This guidance will be considered by the licensing authority determining applications or reviewing casino licences. Consideration will also be given to the Commission's code of practice on access to casinos by children and young people
- 12.3 When considering the number, nature and circumstances of betting machines proposed in premises, the licensing authority will, as per the Gambling Commission's guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.
- 12.4 Measures including the use of self-exclusion schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect vulnerable persons.
- 12.5 The Council's Licensing Authority will also, where appropriate, encourage and if necessary attach conditions requiring operators to provide parts of the casino premises that are located separate from gambling facilities and provide other authorised forms of entertainment or relaxation. It is considered that this will allow customers opportunities to have a break from gambling during their visit.

13. Travelling Fairs

- 13.1 The Council's Licensing Authority will ensure that, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, that those facilities are merely incidental to the activities of the travelling fair.
- 13.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 13.3 It should be noted that there is a 27 day statutory maximum for the land being used as a fair per calendar year. This relates to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land on each occasion.

The Council's Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses district boundaries, is monitored so that the statutory limits are not exceeded.

14. Unlicensed Family Entertainment Centre Gaming Machine Permits

- 14.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 14.2 An application for a permit will be considered only if the Council's Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and that West Yorkshire Police have been consulted on the application.
- Each application will be considered on its own merits; however the following broad principles will be followed when applications are considered.

- The Council's Licensing Authority will consider whether the applicant is suitable to hold a permit for an unlicensed family entertainment centre. In this regard any evidence of previous convictions that would raise questions about the applicant's suitability would be considered carefully.
- The proximity of the premises to facilities frequented by large numbers of children, e.g. schools and youth centres, and any evidence that this might contribute to problems related to truancy or other social problems.
- The steps proposed to be taken by the applicant to ensure that managers and staff working in the facility are trained in the general awareness of cases where children in their premises are truanting and how staff should deal with unsupervised children, or those whose behaviour on the premises may give rise to concern.
- The licensing objectives set out in paragraph 3.1 of this statement of Licensing Principles.

- 14.3 It should be noted that the Council's Licensing Authority cannot attach conditions to this type of permit.
- 14.4 It should be noted that with regard to renewals as opposed to grants of these permits, the Council's Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

15. (Alcohol) Licensed Premises Gaming Machine Permits

- 15.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority. The Council's Licensing Authority may remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (e.g. that gaming has been provided in such a way that does not comply with any relevant code of practice issued by the Gambling Commission about the location and operation of the machines);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 15.2 If a premises wishes to have more than 2 machines, then the Council's Licensing Authority will consider any such application based upon the licensing objectives, the guidance issued by the Gambling Commission, and "such matters as it thinks relevant".
- 15.3 The Council's Licensing Authority will determine on a case by case basis what other relevant factors apply, but generally particular regard will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machines. Measures which will satisfy the authority that there will be no access may include positioning the adult machines within sight of the bar area so they can be easily supervised, or specific staff responsible for ensuring that these machines are not being used by those under 18. Advisory notices and signage may also be required.
- 15.4 As regards the protection of vulnerable persons, applicants will be expected to provide information leaflets and helpline telephone numbers for organisations such as [GamCare](#).
- 15.5 It is recognised that alcohol licensed premises operators may apply for a premises licence for their non-alcohol licensed area. Any such application would need to be applied for and dealt with as an adult entertainment centre premises licence.

- 15.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.
- 15.7 Permit holders must comply with any Code of Practice issued by the Gambling Commission about the location and operation of any machine.

16. Prize Gaming Permits

- 16.1 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to apply in exercising their functions relating to prize gaming permits which may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the application permit.
- 16.2 The licensing authority has not prepared a statement of principles. Each application will be treated on its own merits having regard to guidance issued by the Gambling Commission guidance.

17. Club Gaming and Club Gaming Machines Permits

- 17.1 Members Clubs and Miners' Welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit.
- 17.2 The Club Gaming Permit will enable the premises to provide up to 3 gaming machines (categories B3A, B4, C or D, only one of which may be a B3A machine), equal chance gaming and games of chance.
- 17.3 A Club Machine Permit will enable the premises to provide up to 3 gaming machines (categories B3A, B4, C or D, only one of which may be a B3A machine).

Commercial Clubs may site up to 3 machines from categories B4, C or D only, with a Club Machine Permit.

- 17.4 The Council's Licensing Authority may only refuse an application on one or more of the following grounds;
- the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Gambling Commission or the police.

Where permits are refused, applicants will be informed of the reasons for this.

18. Temporary Use Notices

- 18.1 There are a number of statutory limits as regards temporary use notices with regard to premises. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “premises” or “a set of premises”, for the purpose of the Act, the Council’s Licensing Authority will consider, amongst other things, the ownership, occupation and control of the premises.

The Council’s Licensing Authority may decide to challenge a succession of notices where it appears that their cumulative effect would be to permit regular gambling in a place that should properly be considered as one premises and therefore covered by an appropriate premises licence.

19. Occasional Use Notices

- 19.1 The Council’s Licensing Authority will monitor very carefully in order to ensure that the statutory limit on occasional use notices of 8 days in a calendar year is not exceeded and that each event will take place at premises that can lawfully be defined as a “track”. Further guidance can be found in the Useful Terminology part of this Statement of Principles.

20. Licensing Hours

- 20.1 The Council’s Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. It accepts that a variety of opening hours related to the circumstances, and the requirements of different licensees may assist in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where customers tend to gather.
- 20.2 However, generally speaking the hours of gambling premises will be restricted by default conditions as set out in Regulations made under the Gambling Act 2005 concerning Mandatory and Default Conditions. The Council’s Licensing Authority, however, reserves the right, where it is lawfully able to do so, to further restrict such hours where it is necessary in order to achieve the licensing objectives. For example, it may be necessary to further restrict the hours of opening in premises very near schools during periods when large amounts of children may be in the vicinity of the premises and there is evidence of a truancy problem in the area associated with particular gambling premises.

21. Effective Enforcement

- 21.1 The Council’s Licensing Authority will properly investigate any complaints received about the running of premises where they are relevant and/or relate to the three Licensing Principles.
- 21.2 In accordance with the Council’s licensing Enforcement Policy, the Council’s Licensing Authority adopts a multi-agency approach to the enforcement of licensing breaches.

Consideration will be given as to the appropriate powers that should be used to address a problem where other agencies like the Police, Fire Authority or Gambling Commission also have their own powers. Formal enforcement will always be a last resort.

21.3 The Licensing Authority will have regard to the Regulators Code and any guidance issued under the Legislative and Regulatory Reform Act 2006 when taking enforcement action by being:

- **Proportionate:** The Licensing Authority will only intervene when necessary, remedies will be appropriate to the risk posed, and the costs of complying identified and minimised.
- **Consistent:** Rules and standards will be implemented fairly.
- **Accountable:** Any decisions will be justifiable and reasons for taking action given, with any right of appeal clearly explained.
- **Transparent:** Licence conditions will be kept simple and user friendly and reasons will always be given for decisions.
- **Targeted:** Any action or requirements will be focused on risk, with previous compliance records recognised where appropriate.

21.4 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it may authorise. The Gambling Commission will be the enforcement body for Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will also be dealt with by the Gambling Commission.

22. Exchange of Information

22.1 The Council's Licensing Authority recognises that it will receive much personal information from applicants, those alleged to contravene the legislation, or from those making representations. It will need to share some of this information with bodies such as the Gambling Commission or Responsible Authorities in order to affectively administer the system in the public interest. The Council therefore accepts the need to set out the principles upon which it has agreed to share this information where appropriate.

22.2 The licensing Authority will ensure that the Data Protection Act 1998 will not be contravened when exchanging information. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

22.3 Details of applications and representations which are referred to a Licensing Panel for determination will be published in reports that are made publicly available in accordance with the Council's Constitution. Personal details of people making representations will be disclosed to applicants as required by the regulations.

23. Conditions of Licence

23.1 The Council's Licensing Authority will only impose conditions that are necessary, having regard to the licensing principles or other relevant legitimate concerns. Conditions will also only be attached where they are;

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures the licensing authority will consider using should there be an evidence of risk to the licensing objectives. Such conditions may include, for example, the use of door supervisors, supervision of gaming and betting machines, appropriate signage for adult-only areas.

The licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively. Applicants are also advised to consider the Gambling Commission's guidance on Licence Conditions and Codes of Practice.

23.2 The Council's Licensing Authority will not attach conditions where the matter at issue can be more appropriately addressed by other legislation. A particular condition will not be attached in the following circumstances;

- any condition on a premises licence which makes it impossible to comply with an operating licence condition imposed by the Gambling Commission
- conditions of premises licences relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

24. The Licensing Process

24.1 The Council's Licensing Authority encourages individual applicants to address the licensing principles before submitting applications for premises licences having regard to the type of premises, the licensable activities to be provided, the operational requirements, the nature of the location and the circumstances of the local community.

Application forms and guidance notes will be issued on request and will also be made available on Bradford Council's website at www.bradford.gov.uk/licensing.

Early consultation with the Police, Fire Authority, other responsible authorities and local residents or businesses is recommended as this will make it less likely that objections will be received to the application.

24.2 Applicants are encouraged to consider any arrangements that they may need to make with operators of public transport in order to ensure the speedy and orderly transportation of customers where facilities are open until late.

24.3 When determining applications the Council's Licensing Authority will have regard to any guidance issued by the Gambling Commission, along with relevant Codes of Practice, the Licensing Principles and the relevant contents of this Statement of Principles. Any valid representations received from Interested Parties or Responsible Authorities will be considered.

24.4 An "Interested Party" is defined in the Act as a person who:

- lives sufficiently close to the premises to be likely to be affected by the activities taking place there;
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)

In deciding whether a person is an Interested Party the licensing Authority will consider each case upon its merits. This authority will not apply a rigid rule to its decision making.

Interested parties can include trade associations, and residents associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Elected councillors may represent interested parties, providing they are not members of the Licensing Committee. The term "business interests" will be given its widest possible interpretation so that it includes charities, religious establishments and medical practices located near premises.

In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Council's Licensing Authority will take account of:

- the size of the premises
- the nature of the premises
- the nature of the authorised activities being proposed
- the distance of the premises from the person making the representation
- the characteristics of the complainant
- the potential impact of the premises

24.5 It is recognised that most decisions made under the legislation are administrative in nature and therefore not contentious. For the sake of efficiency, therefore, officers under delegated authority will make most decisions.

Only contentious applications or policy matters will be referred to the Licensing Committee or Licensing Panel. A scheme of delegation for dealing with various applications and decisions has been agreed and is set out below.

25. Scheme of Delegation of Functions

25.1 The delegation of functions in relation to Gambling Act Licensing matters is as follows:-

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>Licensing Panel</u>	<u>Officers</u>
Three year Gambling Policy	X			
Policy not to permit casinos	X			
Fee setting – when appropriate		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations made by the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence			X	
Application for club gaming/club machine permits			Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits			Where objections have been made and not withdrawn	Where no representations received/representations have been withdrawn or no more than two permits in alcohol licensed premises are applied for.

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>Licensing Panel</u>	<u>Officers</u>
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Decision on whether a complaint is irrelevant frivolous or vexatious				X
Decision as Responsible Authority to call for a review of a Premises Licence				X

- 25.2 The Licensing Panel can decide to refer a decision to the Licensing Committee for a decision where it considers that it is appropriate to do so.
- 25.3 Decisions made generally under the legislation are covered by the Member's Codes of Conduct.

26. The Consultation and Review Process

- 26.1 This Statement of Licensing Principles complies with the Council's Licensing Authority's duties under the Gambling Act 2005 and account has been taken of the guidance issued by the Gambling Commission under section 349 of the Act, Codes of Practice issued under the Act and the broad objectives of gambling licensing set out in part 3 of this document.
- 26.2 The Council's Licensing Authority has consulted with a wide range of stakeholders in reviewing this statement of principles. Consultees include the statutory consultees under the Gambling Act, representatives of local residents and local businesses, trade representatives and industry associations, elected members of Council and other Council Services. Careful consideration has been given to all responses received from individuals and bodies consulted before adoption of this Statement.

- 26.3 This policy statement comes into effect on the 31 January 2016 and will be operational for a period of 3 years thereafter. Its effectiveness in assisting in the achievement of the Licensing Objectives will be monitored during this period with a view to a further review before the 31 January 2019.

27. Responsible Authorities in the Bradford District

Licensing Authority, Jacobs Well, Bradford, BD1 5RW

West Yorkshire Police, Licensing Section, Trafalgar House, Nelson Street, Bradford, BD5 0DX

West Yorkshire Fire & Rescue Service, Fire Protection, Oakroyd Hall, Birkenshaw, Bradford, BD11 2DY

Planning Services, Jacobs Well, Bradford, BD1 5RW

Environmental Health, Jacobs Well, Bradford, BD1 5RW

Bradford Safeguarding Children Board, c/o Child Protection Unit, Sir Henry Mitchell House, 4 Manchester Road, Bradford, BD5 0QL

HM Revenue & Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ

Gambling Commission, Victoria Square, Birmingham, B2 2BP

28. Useful Contacts

Contact	Details
<p>Licensing Team</p> <p>Application forms, guidance and policy issues. Complaints about premises or applications for review of licences</p>	<p>Licensing Team City of Bradford Metropolitan District Council Environmental & Regulatory Services Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 432240 Email: licensingteam@bradford.gov.uk</p>
<p>Building Control Department</p> <p>Alterations to premises, structural alterations, access and facilities for disabled people.</p>	<p>Building Control Department City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 434432 Email: buildingcontrol@bradford.gov.uk</p>
<p>Environmental Protection</p> <p>Noise, food safety, cleansing and health & safety.</p>	<p>Environmental Protection Department City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 434366 Email: ep.admin@bradford.gov.uk</p>
<p>Regeneration & Culture</p> <p>Events in Centenary Square.</p>	<p>Regeneration & Culture City of Bradford Metropolitan District Council City Hall, Bradford BD1 1HY</p> <p>Telephone: 01274 434783</p>
<p>Parks & Landscape Service</p> <p>Use of Council's owned parks.</p>	<p>Parks & Landscape Service City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 432648</p>
<p>Public Safety Liaison Group</p> <p>Event planning.</p>	<p>Emergency Planning Office City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 1HY</p> <p>Telephone: 01274 432011</p>

Contact	Details
<p>Gambling Commission</p> <p>Application forms for Operating and Personal Licences. Advice and Guidance Enforcement Issues</p>	<p>Gambling Commission Victoria Square Birmingham, West Midlands B2 2BP</p> <p>Telephone: 01212 306500 Email: info@gamblingcommission.gov.uk</p>
<p>West Yorkshire Police</p> <p>Crime and disorder.</p>	<p>Licensing Section West Yorkshire Police Trafalgar House, Nelson Street Bradford, BD5 0DX</p> <p>Telephone: 01274 471446</p>
<p>West Yorkshire Fire & Rescue Service</p> <p>Fire Safety.</p>	<p>West Yorkshire Fire & Rescue Service Fire Protection Oakroyd Hall, Birkenshaw Bradford, BD11 2DY</p> <p>Telephone: 0113 3875724 Email: fire.safety@westyorkshirefire.gov.uk</p>
<p>Yorkshire Ambulance Service</p> <p>Medical cover.</p>	<p>YAS NHS Springhill, Unit 41 Business Park Brindley Way, Wakefield WF2 0XQ</p> <p>Telephone: 0845 124 1241 Web: www.yas.nhs.uk</p>
<p>Social Services</p> <p>Child Protection.</p>	<p>Child Protection Unit City of Bradford Metropolitan District Council Sir Henry Mitchell House, 4 Manchester Road, Bradford, BD5 0QL</p> <p>Telephone: 01274 434361</p>
<p>Phonographic Performance Ltd (PPL)</p> <p>Public Performance and Broadcasting Rights.</p>	<p>Phonographic Performance Ltd 1 Upper James Street London W1F 9DE</p> <p>Telephone: 020 7534 1000 Email: info@ppluk.com</p>
<p>Performing Rights Society (PRS)</p> <p>Copyright of music composers.</p>	<p>Performing Rights Society 29/33 Berners Street London W1T 3AB</p> <p>Telephone: 020 7580 5544 Email: customerservice@prsformusic.com</p>

Contact	Details
<p>British Beer & Pub Association (BBPA)</p> <p>Business interests of the UK's brewing and pub sectors.</p>	<p>British Beer & Pub Association Ground Floor Brewers Hall Aldermanbury Square London EC2V 7HR</p> <p>Telephone: 020 7627 9191 Email: contact@beerandpub.com Web: www.beerandpub.com</p>
<p>British Board of Film Classification (BBFC)</p>	<p>British Board of Film Classification 3 Soho Square London W1D 3HD</p> <p>Telephone: 020 7440 1570 Email: feedback@bbfc.co.uk Web: www.bbfc.co.uk</p>
<p>British Institute of Innkeeping (BII)</p> <p>Information and qualifications for the licensed retail sector.</p>	<p>British Institute of Innkeeping Infor House, 1 Lakeside Road Farnborough GU14 6XP</p> <p>Telephone: 01276 684449 Email: reception@bii.org Web: www.bii.org</p>
<p>Equality & Human Rights Commission</p> <p>Advice, information and support for disabled people, employers and service providers.</p>	<p>Equality & Human Rights Commission Equality Advisory Support Services Freepost FPN4431</p> <p>Telephone: 0808 800 0082 Web: www.equalityhumanrights.com Email: correspondence@equalityhumanrights.com</p>
<p>Security Industry Authority</p> <p>Door Supervisors registration.</p>	<p>Security Industry Authority PO Box 1293 Liverpool L69 1AX</p> <p>Telephone: 0844 892 1025 Email: info@sia.homeoffice.gov.uk Web: www.sia.homeoffice.gov.uk</p>
<p>Portman Group</p> <p>Responsible drinking advice and support for the government, media, industry and consumers.</p>	<p>The Portman Group 4th Floor 20 Conduit Street London, W1S 2XW</p> <p>Telephone: 020 7290 1460 Email: info@portmangroup.co.uk Web: www.portmangroup.org.uk</p>

Contact	Details
Trading Standards	<p>West Yorkshire Trading Standards Nepshaw Lane South Morley, Leeds LS27 0QP</p> <p>Telephone: 0113 253 0241 Web: www.ts.wyjs.org.uk Email: info@wyjs.org.uk</p>
British Casino Association (BCA)	<p>The British Casino Association 38 Grosvenor Gardens London SW1W 0EB</p> <p>Telephone: 020 7730 1055 Web: britishcasinoassociation.org.uk Email: enquiries@britishcasinoassociation.org.uk</p>
British Amusements & Catering Trade Association (BACTA)	<p>British Amusements & Catering Trade Association 134-136 Buckingham Palace Road London SW1W 9SA</p> <p>Telephone: 020 7730 6444 Email: info@bacta.org.uk Web: www.bacta.org.uk</p>
Association of British Bookmakers (ABB)	<p>Association of British Bookmakers Warwick House 25 Buckingham Palace Road London, SW1W 0PP</p> <p>Telephone: 020 7434 2111 Web: www.abb.uk.com Email: mail@abb.uk.com</p>
Business In Sport & Leisure	<p>Business In Sport & Leisure 46 Fields End Road Cheam, Surrey SM3 8NR</p> <p>Telephone: 020 8255 3782 Web: www.bisl.org Email: amanda.fry@bisl.org</p>
Casino Operators' Association (UK) (COA (UK))	<p>Casino Operators' Association COA (UK) 22 Arlington Street London SW1A 1RD</p> <p>Telephone: 0114 281 6191 Web: www.casinooperatorsassociation.org.uk Email: gensec@coa-uk.org.uk</p>

29. Helpful Terminology

Licensing Authority

Those Local authorities who are responsible for exercising licensing functions under the Gambling Act 2005 (i.e. Bradford Council). Licensing Authorities determine gambling premises licences, most permit applications, and small lottery registrations.

Licensing Committee

This is a committee of at least 10 but not more than 15 members of the local authority. It may appoint one or more sub-committees consisting of three members.

Licensing Objectives

The objectives of licensing set out in the Act: Preventing gambling from being a source of crime and disorder or being associated with crime and disorder; ensuring gambling is conducted in an open and fair way; protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority must, among other things, carry out its functions under the Act having regard to the licensing objectives.

Licensable Activities

Activities that must be licensed under the Act: Those activities requiring a licence from the Council's Licensing Authority are listed in paragraph 2.1.

Interested Parties and Responsible Authorities

The Act creates two categories of people/bodies that can make representations to a licensing authority about an application for a licence.

"Interested parties" are persons or businesses living/situated sufficiently close to the premises as to be likely to be affected by the authorised activities; or persons representing them (see paragraph 25,4).

"Responsible authorities" include the licensing authority, police, fire, enforcing authority for health and safety, planning authority, Gambling Commission, bodies responsible for child protection and vulnerable people and Her Majesty's Customs and Revenues Service. Only these groups can make representations about an application for a premises licence.

Gambling

"Gambling" is defined in the Act as either gaming, betting or taking part in a lottery:-

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not

- a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Gambling Premises Licences

A licence granted in respect of any premises, which authorizes the premises to be used for one or more licensable activity.

Has effect until revoked, surrendered or death, insolvency of the holder. Applications are dealt with by the local authority for the area where the premises are situated.

Gambling Personal Licences

A licence granted to an individual who physically works in a gambling establishment and can influence how gambling is provided in the establishment or how the actual gambling facilities work. For example it would cover mangers of facilities, but also might cover a croupier working in a casino. These licensing are issued by the Gambling Commission.

Gambling Operating Licences

A licence required by individuals or companies who wish to establish a gambling operation. A licence is required separately for both remote (e.g. mobile phone or internet gambling) and non remote gambling. These licences are issued by the Gambling Commission and must be in place before the Council's Licensing Authority can issue a premises licence.

Permits

Permits are required for the provision of gambling facilities in certain circumstances where premises are exempt from the need of a gambling premises licence. For example, premises that have gaming machines that are restricted to category D type machines do not require a Family Entertainment Centre Premises licence. They do, however require a permit from the Council's licensing authority. Similarly, premises licenced to sell alcohol will require a permit. Certain types of registered members clubs also require permits, as opposed to premises licences.

Club Gaming and Machine Permits

Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. Regulations have been made by the Secretary of State relating to bridge and whist clubs, which replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

Before granting the permit the Council's licensing authority will need to satisfy itself that the premises meet the requirements of a members' club and may only grant the permit if the majority of members are over 18.

Conditions

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. Gambling Commission guidance provides that only conditions which should be imposed on a premises licence are those which are necessary for the promotion of the licensing principles.

Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportionate to the size, style, characteristics and activities taking place at the premises concerned and must not effectively prevent the authorised gambling activity from reasonably taking place. No conditions can be imposed when issuing permits save for any necessary restrictions on numbers of machines.

Mandatory and Default Conditions

A mandatory condition is one that must by law be automatically attached to all premises licence of a defined category issued by the Council's Licensing Authority. A default condition is one that will automatically apply unless the Council's Licensing Authority considers that there are grounds for excluding it.

Relevant Representations

The Gambling Act does not use the term "objections". Instead interested parties and responsible authorities may be able to make relevant representations about an application for a licence.

Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering representation from an interested party or responsible authority the local authority need only consider relevant representations. However, the Licensing Authority can also consider other factors not raised by other parties where these are relevant to achievement of the licensing principles.

Review of Licences

Where a premises licence is in force an interested party or responsible authority may apply to the licensing authority for it to be reviewed. The authority must hold a hearing to review the licence and as a result must take any necessary steps, having regards to the licensing principles, such as the modification of conditions; exclusion of licensable activities; suspension of the licence for up to three months; or the revocation of the licence. For example, the Police could apply to the licensing authority for the premises licence to be reviewed if they had concerns that premises were a base for criminal activity or are putting children at risk. Review applications can be rejected if they are deemed frivolous, vexatious, irrelevant to any licensing principles, repetitious, or clearly on grounds that would not warrant any action being taken against the premises.

Reviews can also be initiated by the Licensing Authority itself where it has cause for concern about the running of individual premises.

Statement of Licensing Principles

Each licensing authority must every three years determine and publish a statement of principles setting out its approach to licensing gambling premises and facilities. There is a requirement to consult on the policy and keep it under review.

Temporary Use Notices

Where a holder of an Operators licence proposes to use other premises (the definition of which includes any place) for gambling where there is not a gambling premises licence in place, it is possible to use a temporary use notice. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament. There is a 21 day limit on the total period per year that any premises can be used under temporary use permit(s).

Occasional Use Notices

Procedures set out in the Act allow applications to be made to provide betting at tracks on no more than 8 days in a calendar year without the need for a premises licence. Tracks include sports stadium, and not just dog or horse race tracks.

This procedure would be useful for occasional uses of fields for point to point races because the “track” or sporting event does not need to be a permanent fixture.

Provisional Statements

This procedure allows a prospective developer to apply for a statement from the Council’s Licensing Authority that premises they may be interested in would be likely to obtain a premises licence were they to proceed with their investment. Only current holders of (or applicants for) an Operators Licence from the Gambling Commission can apply for a Provisional Statement. A statement can also be obtained for premises that have an existing gambling premises licence, but the proposal is to provide a different type of gambling facility. For example, an operator may be considering turning a bingo hall into a casino but wants to first clarify if it is worth proceeding, and without the need to apply for a full premises licence immediately.

Codes of Practice

Means any relevant codes of practice issued under section 24 of the Gambling Act 2005. These are issued by the Gambling Commission and set out the Commission’s expectations on the standards that the operators of gambling facilities will be expected to adhere to.

The Gambling Commission

The Gambling Commission regulates gambling in the public interest.

It does so by keeping crime out of gambling by ensuring that gambling is conducted fairly and openly and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 regarding the manner in which local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities. The Commission will also issue one or more codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, which may also include provisions about the advertising gambling facilities.

The Gambling Commission is responsible for issuing Personal Licences and Operators Licences under the Gambling Act and can be contacted at www.gamblingcommission.gov.uk

Private Gaming

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

Non-Commercial Gaming

Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

Self-Exclusion Schemes

Many major betting outlets support self-exclusion schemes. This is an initiative where a customer recognises that they are at risk of becoming a problem gambler, or are gambling more than they wish or can afford to. That person can agree with the manager of gambling premises that they should be refused access to use the gambling facilities for a specified period and any credit or other accounts with the facility are cancelled or suspended. The period of such self-exclusion is usually at least six months and staff are informed of the restrictions that have been put in place.

Categories of Gaming Machine

The tables below set out the current limits for the different categories with the maximum stakes and prizes that apply.

Category	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100

Category	Maximum stake	Maximum prize
D	30p or £1 when non monetary prize	£8 or £50 when non monetary prize
D	10p when monetary prize	£5 when monetary prize
D	10p when combined money and non money prize other than coin pusher or penny falls machine	£8 (of which no more than £5 may be a monetary prize) when combined money and non money prize other than coin pusher or penny falls machine
D	20p when combined money and non money prize relating to coin pusher or penny falls machine	£20 (of which no more than £10 may be a monetary prize) when combined money and non money prize relating to coin pusher or penny falls machine

Number of Gaming Machines by Premises Type

Type	Gaming machines
Large Casino	5-1 gaming machine / table ratio Category B to D for each table available for use. Maximum of 150 machines
Small Casino	2-1 gaming machine / table ratio Category B to D for each table available for use. Maximum 80 machines
Casinos established under the Gaming Act 1968	No machine / table ratio Maximum of 20 machines categories B to D or any number of C or D machines instead
Bingo Premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 Unlimited Category C Unlimited Category D
Betting Premises	4 gaming machines Category B2 to D
Track Betting premises where pool betting licence held	4 gaming machines Category B2 to D
Adult gaming centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises Category B3 or B4 Unlimited Category C Unlimited Category D
Family Entertainment Centre with Operating Licence	Unlimited gaming machines Category C to D
Family Entertainment Centre with Gaming Permit	Unlimited gaming machines Category D
Members Club Premises	3 gaming machines Category B3A or B4 to D, only one of which may be a B3A machine

Type	Gaming machines
On sales alcohol licensed premises without food restriction	2 gaming machines Category C to D by notification Unlimited Category C to D with alcohol premises gaming machine permit

Gaming Machine Age Restrictions

Persons under 18 year of age are prohibited from playing on category A, B and C machines. There is no limit with regard to category D machines. However the Secretary of State has powers to impose restrictions on types of category D machines if it is deemed necessary in the future. Holders of licences and permits must also comply with relevant Gambling Commission codes of practice on location and access to machines by under 18 year olds.

Definition of Premises

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place.

But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Council's licensing authority will pay particular attention if there are issues about subdivisions of a single building or plot in order to ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

The licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular account will be taken of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity specified on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

Restrictions on Access to Premises

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process. First, whether the premises ought to be permitted to be used for gambling and second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Date: 04 September 2015

Dear Council Leader,

Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

As leader of the council, you will know that Licensing Authorities are required under the Gambling Act 2005 (the Act) to publish a statement of the principles which they propose to apply when exercising their functions in respect of gambling activity within their borough.

Under the Act, Licensing Authorities are required to consult those who represent the interests of persons who are likely to be affected by the exercise of the authority's functions. The [Campaign for Fairer Gambling](#) in conjunction with its more focused [Stop the FOBTs campaign](#) has prepared this consultation submission for the consideration of all Local Authority licensing committees with particular regard to dealing with the contentious issue of betting shops and Fixed Odds Betting Terminals (FOBTs/B2 classified gaming machines).

We would appreciate if you could share the important contents of this mailing with your Chief Licensing Officer.

Under the Act, Licensed Betting Offices (LBOs) are allowed a maximum of four B2 category gaming machines offering game content defined as B2 with stakes up to £100 per spin, B3 with stakes up to £2 per spin and category C with stakes up to £1 per spin. Also, the bookmakers have merged two game categories (B2 and B3), so in betting shops you can play a low stake £2 capped slot game that suddenly introduces the player to £10, £20, £30 plus stakes per spin.

Despite increasing evidence of the destructive social impact of high speed, high stake casino gaming in betting shops at stakes up to £100 per spin, the previous coalition government and the current Conservative government have failed to take either decisive or effective action to curb FOBTs.

The recent government response to [93 Councils led by Newham](#) calling for the stakes on FOBTs to be cut to £2 per spin laid the blame for the issue of proliferation of betting shops in town centres and consequently FOBTs, at the door of licencing authorities. Marcus Jones MP, Minister for Local Government, wrote:

"It is perhaps an uncomfortable reality that every one of the betting shops that collectively have given rise to the concern at the heart of the submission relies on a premises licence granted by the local authority itself".

He goes on to advise councils of their existing powers under the licensing process, which many local authorities already recognise as limited in scope.

However, he points to "few" local authorities having so far "*made effective use of a provision of the Act that we see as being absolutely critical in managing the local gambling landscape*". With this statement he is referring to the three year review of local gambling policy now under way across England, Scotland and Wales by local authorities such as yours.

In his letter to Newham, Marcus Jones MP, criticises councils for drafting "generic" and "template" based statements and that the Gambling Commission "will be placing much greater emphasis on the importance of the statements".

The Campaign for Fairer Gambling has prepared this submission for consideration as part of your review, taking into account the Minister's advice and focusing on the most prominent issue of contention for licensing authorities – licensed betting offices and the Fixed Odds Betting Terminals they operate.

Enforcement

The main enforcement and compliance role for a licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. One strategic methodology to measure compliance is to commission [test purchasing](#) of premises and staff employed on those premises to transact gambling.

The Gambling Commission (the Commission) notes that *"it is the responsibility of operators to manage the risks to the licensing objectives that their activities may present"*. Licensing authorities are rightly empowered to undertake test purchasing to ensure measures are being implemented effectively. Under guidance from the Commission, test purchasing to evaluate the effectiveness of measures in place on licensed premises concerning self-exclusion, under age controls, anti-money laundering policies and procedures are within the remit of a licensing authority.

However, in the period 2013/2014 across the whole of England, Scotland and Wales, of the two most highly represented licensed premises in high street locations – licensed betting offices (LBO) and adult gaming centres (AGC) - just 825 instances of test purchasing were recorded as being carried out by licensing authorities. To put this in context 599 (6%), of the 9,137 betting shops (to March 2014) and 226 (14%) of the 1,618 AGCs were subject to test purchasing by licensing authorities. Only 37 Councils carried out test purchasing last year.

In most cases, test purchasing focuses on the "protection of the vulnerable" licensing objective and consists of tests for under age access to gambling on licensed premises. However, the Commission is clear that the scope of test purchasing should include the effectiveness of self-exclusion procedures and anti-money laundering controls as well as under age controls. Money laundering in particular has been repeatedly highlighted as a particular area of concern around FOBTs both [low level](#) and more [highly-organised incidents](#) that revealed serious weaknesses in operator controls.

Premise Licence Conditions

The Minister for Local Government, in his negative response to the Newham-led call for stakes on FOBTs to be cut to £2 per spin, said: *"The licensing process gives authorities considerable scope to attach conditions to licences where that is necessary to achieve the licensing objectives"*.

The tenth betting shop to open in London's China Town was subject to attached conditions by the Licensing Authority following concerns from the local community and representations from the Police. They included:

- A. Seating provided for use by customers whilst playing FOBTs must be secured to the floor – this is viewed as anticipating [aggressive behaviour](#) from FOBT players who suffer large losses
- B. a comprehensive CCTV system covering internal and external frontage with immediate availability to the police must be fitted
- C. an incident log of all incidents on the premises must be kept
- D. minimum 11.5 mm thickness security glass must be fitted to the service area
- E. a "behind the counter" attack alarm must be fitted and each member of staff must be issued with and required to carry on their person a personal fob attack alarm
- F. maglocks fitted to entrance and exit points and even toilet doors.
- G. a minimum of two staff to be present post 8 pm in the evening.

Whilst these measures have some merit in addressing the potential incidents that now occur in betting shops, they are indicative of an escalation in anti-social behaviour as a consequence of gambling activity in these licensed premises. In the first nine months of 2014, Police call outs to betting shops were already up by over 20% on the previous year.

The one condition that Licencing Authorities seem hesitant to impose and, when they do - as per Westminster - is done in a relatively lack lustre manner, is requiring an adequate number of staff on the premises. The number of people employed in the betting sector has fallen by 9,700 since 2008. The industry now staffs most LBOs with just one person. This is particularly risky for staff and undermines industry claims to be promoting "responsible gambling" and "player protection measures" when they absolve responsibility for their premises to one person, generally young and female, working for not much more than minimum wage levels.

No other gambling sector employs lone staffing as a standard policy. It is perceived as irresponsible to leave licensed premises, on which gambling is transacted, under the management and operation of one person. It is within the remit of licencing authorities to impose minimum staffing levels as a condition attached to LBO premises licences.

Locally determined conditions are recommended by the Commission who says: "*Where there are specific, evidenced risks or problems associated with a particular locality, or specific premises or class of premises, a licencing authority will be able to attach individual conditions to address this. That will be a matter for them in the light of local circumstances.*"

However, unlike the conditions attached to the new Soho betting shop that deal with issues that predominantly occur inside the premises, often disturbances occur outside the premises, causing a nuisance for other businesses or residential occupiers. Acts of vandalism against betting premises, youths gathering outside and anti-social behaviour upon leaving betting shops are common cause for concern and complaint. However, Licencing Authorities are unable deal with these issues under their licensing responsibilities. As the Commission notes: "*Unlike the Licensing Act, the Gambling Act does not include, as a specific licencing objective, the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.*" Hence the imposition of conditions to deal with problems emanating from betting shops but occurring outside of the premises is limited in scope.

It is estimated [over 100 betting shops per week suffer attacks on FOBTs](#) with very few instances being reported to the Police. These are criminal acts of vandalism always occurring as a consequence of heavy cash losses from FOBT usage. As Licencing Authorities are responsible for gambling activity that takes place on the premises it is perfectly warranted for a condition to be attached to individual or all licensed premises under the licencing authorities' remit, for the recording and reporting of all such incidents. This would not be considered a regulatory burden and is in keeping with the LA responsibility of keeping crime out of gambling.

Despite the Minister for Local Government pointing to conditions as providing "considerable scope", in the area of greatest concern, that of high stake, high speed FOBTs, a Licencing Authority has no control or powers. Section 172(10) of the Act provides that conditions may not relate to gaming machine categories, numbers, or method of operation and section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

Section 181 of the Act however contains an express power for licencing authorities to restrict the number of *betting machines*, their nature and circumstances in which they are made available for, by attaching a licence condition to a betting premises licence. These are not defined under the act as FOBTs. Section 181 of the Act refers to these machines as "accepting bets on real events" and betting operators now refer to them as Self Service Betting Terminals (SSBTs). Like the introduction of FOBTs, no controls over numbers per

premises have been agreed and it is left to Licencing Authorities, if they see fit, to control their numbers under guidance pertaining to floor space, service counter positions and ability of staff to monitor their use.

There are now estimated to be in excess of 5,000 SSBTs sited in betting shops and this is increasing each month. As with FOBTs, SSBTs are contributing to the further erosion of jobs in betting shops (down 9,700 since 2008) with one operator, Trafalgar Leisure, providing five SSBTs and four FOBTs at each of its licensed premises but they did not offer any human facing over-the-counter betting facilities.

The Gambling Commission lost in their attempt to declare these betting premises as providing “insufficient facilities for betting” and the consequence is that a betting shop will still be a betting shop even if it is used for no other purpose than making machines available for use on premises.

It is essential that Licensing Authorities have particular concern to the development of SSBTs in betting premises and in particular the content made available on what have been deemed “betting machines” and use their powers under section 181 of the Act to control and monitor their proliferation.

Closing note

It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government’s view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to “existing powers”.

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

Sector/Machines	Terminals	Yield (millions)	Yield Share
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
Totals	140,835	£2,378.19	

Figures from the Gambling Commission Industry Statistics to September 2014

All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

We urge all councils to support Newham in their action under the Sustainable Communities Act calling for the stakes on FOBTs to be brought in line with all other high street gaming machines at £2 per spin.

If you would like further information, please visit www.stopthefobts.org or contact us at info@stopthefobts.org to discuss in more detail.

Yours sincerely,

Derek Webb

Adrian Parkinson

Matt Zarb-Cousin

The Campaign for Fairer Gambling
www.fairergambling.org / www.stopthefobts.org



Because email can be altered electronically, the integrity of this communication cannot be guaranteed. Any views expressed in this email are personal and should not be taken to represent the views of bcsAgency or its associated companies. The information transmitted is confidential and intended only for use by the individual or entity to which it is addressed. If you have received this communication in error, please contact the sender and delete the material from your computer.



Bradford Licensing Authority Bradford Licensing Authority
Licensing Team
Bradford Metropolitan District Council
Environmental & Regulatory Services
Jacobs Well
BRADFORD
BD1 5RW

Please ask for:
Direct Tel:
Email:
Our ref: RJT / DC / 097505.00004
#GS434536
Your ref:
Date: 21 October 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

The draft statement of licensing principles issued by the licensing authority contains a number of paragraphs which also appear in the Authority's Licensing Act 2003 policy. A number of these paragraphs need to be amended. For example, within paragraph 3.1 there is reference to 'promoting' the licensing objectives. Under Gambling Act 2005, the licensing authority is required to "have regard" to the licensing objectives and applications must be "reasonably consistent" with the licensing objectives. The only body upon whom the Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. Any references to promote/promoting the licensing objectives need to be removed. Similarly, paragraph 3.2 refers to requirements to "address" the licensing objectives. Once again this is a principle relevant to a Licensing Act 2003 application. Applicants under Gambling Act 2005 are required only to demonstrate that an application is reasonably consistent with the licensing objectives.

Paragraph 3.10 contains a list of factors that operators will need to consider when undertaking a local area risk assessment. This list will need to be amended.

Local area risk assessments will be submitted from 6 April 2016 following the implementation of the new social responsibility and ordinary code provisions. The provisions require that licensees "assess the local risk to the licencing objectives posed by the provision of gambling facilities at each of their premises". The risk assessment, therefore, must relate to licencing objectives. Issues such as transport links, footfall, ethnicity, age and economic makeup of the local community or other gambling premises in the vicinity have no relevance as far as any risk to the licensing objectives are concerned. The list at paragraph 3.10, therefore need to be amended to identify any issues that may cause a risk to the licensing objectives.

Section 4 deals with the first licensing objective. Once again, this section appears to be borrowed from the Licencing Act 2003 policy, not least as it misrepresents the wording of the licencing

objective. It is respectfully submitted that the heading be amended to the correct wording of the licensing objective and it be clear that the licensing objective relates to gambling being a source of crime or disorder. Thereafter, the draft statement of principles would be assisted by a paragraph to make it clear that issues of nuisance are not relevant considerations and that the Gambling Commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.

Paragraph 6.1 indicates that the licencing authority will seek to limit the way gambling facilities are advertised at the premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. The advertising of gambling premises is already heavily regulated and is covered by the licence conditions and codes of practice. Ordinary code provision 5.1.6 requires socially responsible advertising, compliance with CAP codes of practice and the gambling industry code for socially responsible advertising. The advertising of gambling premises is not, therefore, an issue for consideration by the licencing authority.

Section 10 deals with betting premises. This section needs to be amended so that there is a clear distinction between betting machines and gaming machines. In particular, paragraph 10.3 appears to confuse the two. This paragraph indicates that there is concern surrounding betting machines and an example is given of a fixed odds betting terminal. A fixed odds betting terminal is a gaming machine. There is no power to limit the number of gaming machines. The holder of a betting premises licence may make up to four gaming machines available for use. However, the authority may limit the number of betting machines by imposing condition.

Section 23 deals with conditions. The statement of principles would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. The policy should be clear that conditions will only be imposed where there is evidence of a need to do so and not in instances where there is 'perceived need' (paragraph 23.1) or if the authority simply has concerns.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,

GOSSCHALKS

Licensing Team
City of Bradford MDC
3rd Floor North
Jacob's Well
Bradford
BD1 5RW

29th October 2015

Dear Sir,

Consultation on the City Of Bradford Metropolitan District Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. Please note that when judging applications, the Council should not take into account of any moral objections to gambling and most Council's include a sentence to this effect.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and are pleased to see this information included within the Draft Statement. Whilst each application will be judged on its merits as mentioned at several points within your statement, we would like to politely highlight that within the detail of the Risk Assessments required (Section 3.6 – 3.12 / pages 5/6 of your Draft Statement), Coral knows of no evidence that the location of a licensed betting office within the proximity of schools & residential areas causes harm to the licensing objectives. We appreciate that such locations are included within Gambling Commission guidance to councils but wish to ensure that by inclusion in the document, there is no inference that such locations in close proximity to the licensed premises, are at greater risk of causing harm to the licensing objectives.

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. Additionally, we have multiple shops placed alongside other high street businesses within communities in residential areas across the country, again with no indication that such premises are causing harm to the licensing objectives.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 **Fax:** 020 3288 7050

that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. This can be accomplished without prescribing locations which by inclusion, could be suggested to be indicative of places at risk.

Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Naturally, if these do not meet the level desired by the Council, we would adjust to suit.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

John Liddle
Director of Development – Coral Retail

Power Leisure Bookmakers Limited response to the City of Bradford Metropolitan District Council's Consultation on its draft Statement of Gambling Principles

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. The Regulator's Code also identifies that where local risks are to be addressed, an evidenced based approach should be taken.

Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed by the Gambling Commission.

General Policy Commentary

The draft statement of principles should identify that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.

Location and local area risk assessment

The Council is no doubt aware that under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, ethnicity, proximity to other premises and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated (section 3.10). Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. We believe the draft policy must be amended to follow these principles, as the suggested draft does not adhere to better regulation.

Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems, which may be associated with gambling premises are not realised. Operators are under existing obligations to regularly review their policies and procedures incorporating risk assessment at a local premises level and, as such, it may not be appropriate for the Authority to prescribe the nature of such assessment as internal processes should already be responsive to evidence of changes in local operational risk profiles.

The Authority must consider the extensive policies, already implemented by operators, in accordance with the Gambling Commission's LCCP. Without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications will not be proportionate or necessary, as this would duplicate the requirements under operating licence provisions. For example, whilst obligations with regard to advertising practice, self-exclusion, age verification, training and the provision of appropriate information are not conditions under sections 167 and 168 of the Gambling Act 2005, they are imposed as code provisions under the Licensing Conditions and Codes of Practice.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (sections 4 and 6). In order to fully address any potential concerns, all risk profiles must be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission's LCCP, do not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any additional proposed measures to mitigate those risks will only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.

When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority must consider the prevalence of illegal gambling and ensure that any policies or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.

There is an inherent conflict between paragraphs 4.6 and 4.2 with operators being asked to minimise potential disorder caused in the vicinity of premises, which may not be in their control. It is agreed that all businesses should endeavour to work in partnership with local authorities to address or report any issues of particular concern. However, it is the responsibility of Paddy Power to prevent gambling from being a source of disorder or from being associated with disorder and not to police disorder, which may be in the vicinity of but unrelated to gambling premises.

Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy must not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

Primary Authority

Power Leisure Bookmakers Limited has established a Primary Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.

Conditions

Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.

Safeguarding against child sexual exploitation

Paddy Power is concerned regarding the additional paragraphs regarding safeguarding against sexual exploitation (section 6.4).

The Gambling Act 2005 licensing objectives relating to children refers to protecting children and other vulnerable persons from being harmed or exploited by gambling. The additional paragraphs regarding safeguarding against child sexual exploitation have no relevance to gambling. There is no evidence to support the inclusion of this content within the policy statement. Children are not permitted to enter betting premises.

Child sexual exploitation is a serious matter. However it is the responsibility of Paddy Power to protect children from being harmed or exploited by gambling. To ask us to safeguard against child sexual exploitation goes beyond the objectives of the Gambling Act 2005. Whilst we agree that licence holders, indeed all businesses throughout society, should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objectives of the Gambling Act.

Betting Premises

At paragraph 10.3 the draft policy provides that applicant's should monitor the use Fixed Odds Betting Terminals to ensure excessive gambling does not take place. This paragraph should be amended as not only is 'excessive' a subjective criterion but it is not an applicant's duty to control individuals from gambling within their own defined limits. It is however the responsibility of all licence holders to ensure compliance with the Gambling Commission's LCCP, specifically social responsibility code provision 3.4. Operators are obliged to monitor customer behaviour for indicators of problem gambling and to implement effective interaction and self-exclusion policies and also to provide sufficient information to customers to ensure that all gambling is carried out in a responsible manner.

Conclusion

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.

Report of the Director of Finance to the meeting of Governance and Audit Committee to be held on 30 October 2015.

Subject:

V

Annual Treasury Management Report 2014/2015.

Summary statement:

This report shows the Council's Treasury Management activities for the year ending 31 March 2015.

Stuart McKinnon- Evans
Director of Finance

Portfolio:
Leader

Report Contact: David Willis
Phone: (01274) 432361
E-mail: david.willis@bradford.gov.uk

Overview & Scrutiny Area:
Corporate



Annual Treasury Management 2014/15

1. Introduction

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2014/15. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2014/15 the minimum reporting requirements were that Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 09/12/2014)
- a mid-year (minimum) treasury update report (Council 09/12/2014)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Governance and Audit Committee before they were reported to the full Council.

2.0 The Economy and Interest Rates

The original market expectation at the beginning of 2014/15 was for the first increase in Bank Rate to occur in quarter 1 2015 as the unemployment rate had fallen much faster than expected through the Bank of England's initial forward guidance target of 7%. In May, however, the Bank revised its forward guidance. A combination of very weak pay rises and inflation above the rate of pay rises meant that consumer disposable income was still being eroded and in August the Bank halved its forecast for pay inflation in 2014 from 2.5% to 1.25%. Expectations for the first increase in the Bank Rate therefore started to recede as growth was still heavily dependent on buoyant consumer demand. During the second half of 2014 financial markets were caught out by a halving of the oil price and the collapse of the peg between the Swiss franc and the euro. Fears also increased considerably that the European Central Bank was going to do too little too late to ward off the threat of deflation and recession in the Eurozone. Consequently in mid-October, financial markets fell sharply before recovering a week later. By the end of 2014, it was clear that inflation in the UK was going to head towards zero in 2015 and possibly even turn negative. In turn, this made it clear that the Monetary Policy Committee would have great difficulty in raising the Bank Rate in 2015 while inflation was around zero and so market expectations for the first increase receded back to around quarter 3 of 2016.

UK government yields were on a falling trend for much of the last eight months of 2014/15 but were then pulled in different directions due to uncertainty after the anti-austerity parties won power in Greece in January. Since then fears have increased that Greece could be heading for an exit from the euro. While the direct effects of this would be manageable by the European Union and European Central Bank, it is very hard to quantify quite what the potential knock on effects would be on other countries in the Eurozone once the so called impossibility of a country leaving the Eurozone had been disproved. Another downward pressure on UK government yield was the announcement in January that the European Central Bank would start a major programme of quantitative easing, purchasing Eurozone government and other debt in March. On the other hand, strong growth in the US caused an increase in confidence that the US was well on the way to making a full recovery from the financial crash and would be the first country to start increasing its central rate, probably by the end of 2015. The UK would be likely to follow it after strong growth over 2013 and 2014 and good prospects for a continuation into 2015 and beyond, although the general election in May has added political risk to the mix.

2.1 Overall Treasury Position as at 31 March 2015

At the beginning and the end of 2014/15 the Council's treasury position was as follows:

TABLE 1	31 March 2014 Principal	31 March 2015 Principal
Total debt	£418m	£391m
PFI & other	£212m	£204m
Finance Leases		
Total Debt	£630m	£595m
CFR	£688m	£679m
Over / (under) borrowing	(£58m)	(£84m)
Total investments	£138m	£112.3m
Net debt	£492m	£482.7m

2.2 The Strategy for 2014/15

The expectation for interest rates within the strategy for 2014/15 anticipated low but rising Bank Rate (starting in quarter 1 of 2015), and gradual rises in medium and longer term fixed borrowing rates during 2014/15. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be

dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

In this scenario, the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.

The actual movement in government yields meant that Public Works Loan Board rates saw little overall change during the first four months of the year but there was then a downward trend for the rest of the year with a partial reversal during February.

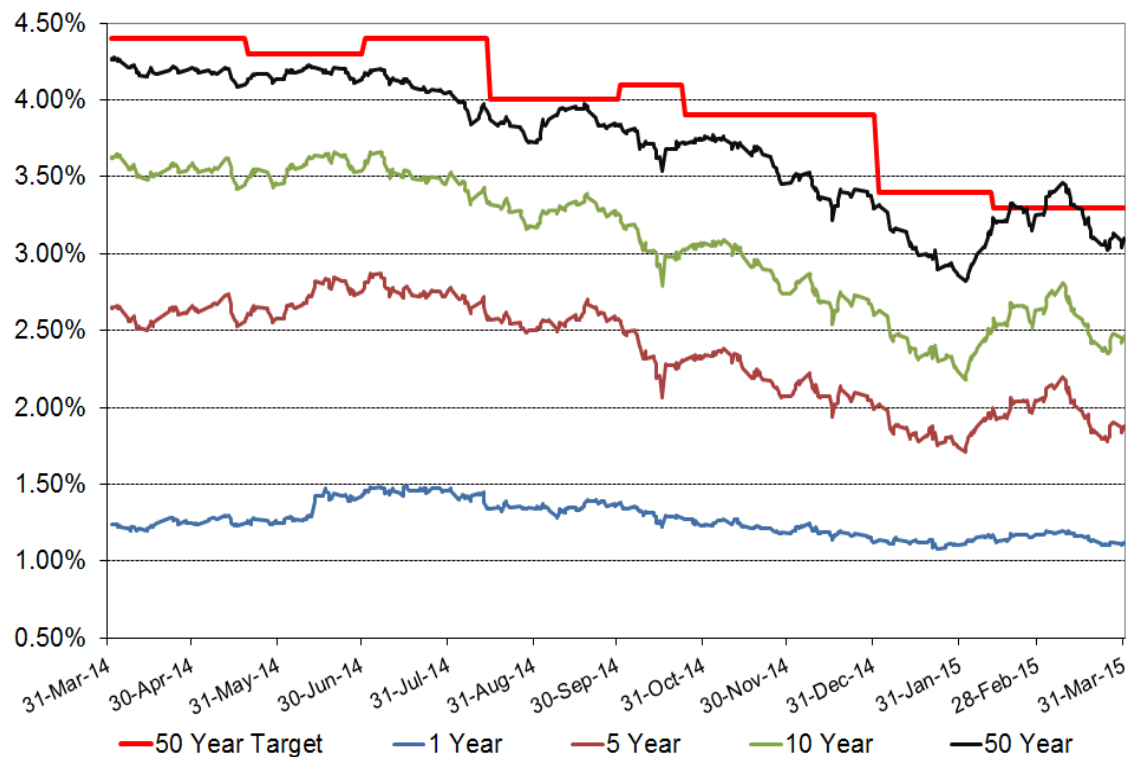
2.3 The Borrowing Requirement and Debt

The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR). The CFR represents the sum of historic borrowing required to fund the Council's capital investment less any provision made for the repayment of that debt through the Minimum Revenue Provision (MRP). This does not necessarily equate to external borrowing as the Council can use its own cash balances to fund its borrowing requirements. Where this occurs it is sometimes referred to as being "under borrowed" as if those cash balances are exhausted the Council would need to go out and borrow externally.

	31 March 2014 Actual £m	31 March 2015 Budget £m	31 March 2015 Actual £m
CFR General Fund (£m)	688m	707m	679m

2.4 Borrowing Rates in 2014/15

PWLB borrowing rates - the graph below shows how PWLB certainty rates have fallen to historically very low levels during the year.



2.5 Borrowing Outturn for 2014/15

Due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.

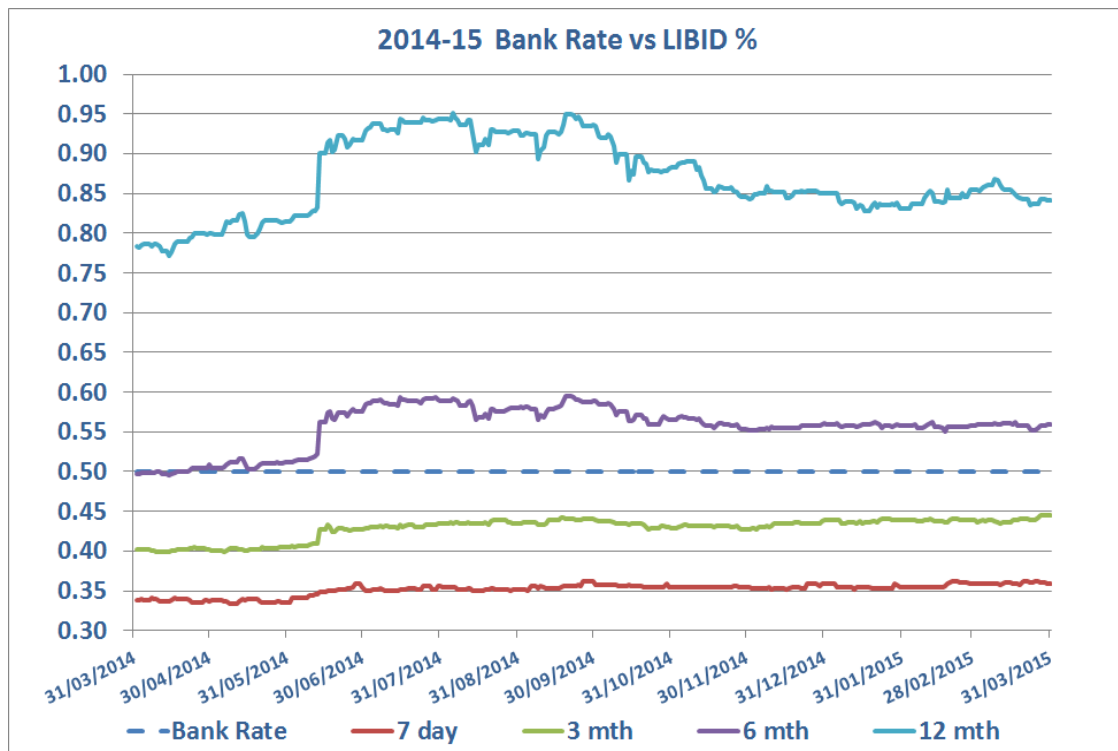
No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

Repayments

On 24/11/14 the Council repaid £25.9m of debt which matured on that date. This reduced the debt balance from £409.8m to £384m.

2.6 Investment Rates in 2014/15

Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for six years. Market expectations as to the timing of the start of monetary tightening started the year at quarter 1 2015 but then moved back to around quarter 3 2016 by the end of the year. Deposit rates remained depressed during the whole of the year, primarily due to the effects of the Funding for Lending Scheme.



2.7 Investment Outturn for 2014/15

Investment Policy – the Council's investment policy is governed by CLG guidance, which has been implemented in the annual investment strategy approved by the Council on 12th October 2010. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Investments held by the Council - the Council maintained an average balance of £138.6m of internally managed funds. The internally managed funds earned an average rate of return of 0.6%. The comparable performance indicator is the average 7-day LIBID rate, which was 0.35%. This compares with a budget assumption of £100m investment balances earning an average rate of 0.5%.

2.8. Other Issues

No other issues

3. Other considerations

3.1 None

4 Financial and Resources Appraisal

4.1 The financial implications are set out in Section 2

5. Risk Management and Governance Issues

5.1 None

6. Legal Implications

6.1 Any relevant legal considerations are set out in the report.

7. Other implications

7.1 Equal & Diversity – no direct implications

7.2 Sustainability implications- no direct implications

7.3 Green Gas Emissions impact – no direct implications

7.4 Community Safety Implications – no direct implications

7.5 Human Rights Act – no direct implications

7.6 Trade Unions – no direct implications

7.7 Ward Implications – none

8. Not for publication documents

8.1 None

9. Recommendations

9.1 That the report be noted and referred to Council for adoption.

10. Appendices

Appendix 1 Prudential and Treasury Indicators

11. Background Documents

Treasury Management Practices

Treasury Management Schedules

Appendix 1: Prudential and treasury indicators

1. PRUDENTIAL INDICATORS	2013/14	2014/15	2014/15
	actual	original	actual
	£m	£m	£m
Capital Expenditure	£92m	£125m	£114m
Gross Borrowing	£418m	£418m	£391m
Ratio of financing costs to net revenue stream	13.8%	14.7%	15.5%
CFR	£688m	£707m	£679m
2. TREASURY MANAGEMENT INDICATORS	2013/14	2014/15	2014/15
	actual	original	actual
	£m	£m	£m
Authorised Limit for external debt - borrowing	£510m	£460m	£391m
other long term liabilities	£280m	£260m	£204m
TOTAL	£790m	£720m	£595m
Operational Boundary for external debt - borrowing	£490m	£440m	£391m
other long term liabilities	£270m	£250m	£204m
TOTAL	£760m	£690m	£595m
Upper limit for fixed interest rate exposure	+175%	+175%	+175%
Upper limit for variable rate exposure	+20%	+20%	+20%
Upper limit for total principal sums invested for over 364 /365days (per maturity date)	£40m	£40m	£0m

Maturity structure of fixed rate borrowing during 2014/15	upper limit	lower limit
under 12 months	20%	0%
12 months and within 24 months	20%	0%
24 months and within 5 years	50%	0%
5 years and within 10 years	50%	0%
10 years and above	90%	20%

This page is intentionally left blank

Report of the Director of Finance to the meeting of Governance and Audit Committee to be held on 30 October 2015.

Subject:

W

Treasury Management Mid Year Review up to 31 August 2015.

Summary statement:

This report shows the Council's Treasury Mid Year Review up to 31 August 2015.

Stuart McKinnon- Evans
Director of Finance

Portfolio:
Leader

Report Contact: David Willis
Phone: (01274) 432361
E-mail: david.willis@bradford.gov.uk

Overview & Scrutiny Area:
Corporate



Treasury Management Review up to 31 August 2015

1. Introduction and Background

The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that members be updated on treasury management activities regularly (TMSS, annual and midyear reports). This report, therefore, ensures this Council is implementing best practice in accordance with the Code.

2.1 Economic Background

After strong UK GDP growth in 2013 at an annual rate of 2.7% and 3.0% in 2014, quarter 1 of 2015 was disappointing at only 0.4%, but rose to 0.7% in the second quarter. In its May quarterly Inflation Report, the Bank of England reduced its GDP forecast for 2015 from 2.9% to 2.5% and from 2.9% to 2.7% in 2016, while increasing its forecast for 2017 from 2.4% to 2.7%.

Uncertainty around the likely result of the UK general election in May has obviously now evaporated although this has been replaced by some uncertainty around the potential impact on the UK economy of the European referendum promised by, or in, 2017. In addition, the firm commitment of the Conservative Government to eliminating the deficit within the term of this Parliament will have an impact on Gross Domestic Product growth rates. However, the Monetary Policy Committee is fully alert to this and will take that into account, together with the potential spill over effects from the Greek crisis, when making its decisions on the timing of raising the Bank Rate.

US Gross Domestic Product expanded at 3.7% annual rate in the second quarter of 2015 as opposed to the 2.3% rate estimate last month. The larger growth in the economy was a result of the accumulation of inventories and greater consumer confidence, which accounts for two thirds of US economic activity. However, the instability caused by the slowdown of China's economy raised doubts that the US central bank would raise its interest rate in September.

In the Eurozone, the European Central Bank in January 2015 unleashing a massive €1.1 trillion programme of quantitative easing to buy up high credit quality government and other debt of selected Eurozone countries. This programme of €60bn of monthly purchases started in March 2015 and it is intended to run initially to September 2016. This already appears to have had a positive effect in helping a recovery in consumer and business confidence and a start to a significant improvement in economic growth, though the Eurozone economy grew less than expected in quarter 2 increasing in the year by 1.2% against a expected amount of 1.3%.

Global markets were significantly shaken in August by growing concerns about the outlook for the Chinese economy. The prospect of an economic slowdown in China triggered a worldwide sell-off in equities despite measures by officials in Beijing to restore confidence. Furthermore, US crude oil prices fell to almost \$40 a barrel in mid- August , the lowest since the global financial crisis of 2009.

In June Chinese shares had risen 150% year on year but this came to a shuddering halt in June as the Shanghai Composite index officially entered bear market conditions and fell 40%. This shock resulted in China devaluing the Yuan by approximately 4%, which served to intensify worries about the world's second-largest economy. This had multiple repercussions with World Stock markets falling in value(including the FTSE 100 which lost £74 billion) and commodities losing as much as a third of their value since June.

2.2 Interest Rate Forecast

The Council's treasury advisor, Capita Asset Services, has provided the following forecast:

	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18
Bank rate	0.50%	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.50%	1.50%	1.75%
5yr PWLB rate	2.30%	2.40%	2.50%	2.60%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%
10yr PWLB rate	2.90%	3.00%	3.20%	3.30%	3.40%	3.50%	3.70%	3.80%	3.90%	4.00%	4.10%
25yr PWLB rate	3.60%	3.70%	3.80%	4.00%	4.10%	4.20%	4.30%	4.40%	4.40%	4.50%	4.60%
50yr PWLB rate	3.60%	3.70%	3.80%	4.00%	4.10%	4.20%	4.30%	4.40%	4.40%	4.50%	4.60%

Capita Asset Services undertook a review of its interest rate forecasts after the May Bank of England Inflation Report. The European Central Bank quantitative easing programme to buy up Eurozone debt caused an initial widespread rise in bond prices and, correspondingly, a fall in bond yields to phenomenally low levels, including the debt of some European countries plunging into negative yields. Since then, fears about recession in the Eurozone, and around the risks of deflation, have abated and so there has been an unwinding of this initial phase with bond yields rising back to more normal, though still historically low yields.

This latest forecast includes a move in the timing of the first Bank Rate increase in from quarter 1 of 2016 to quarter 2 of 2016 as a result primarily of poor growth in quarter 1, weak wage inflation, and the recent sharp fall in inflation due to depressed oil prices and the impact of that on core inflation. The UK fell marginally into deflation in April (-0.1%) and figures near zero will prevail for about the next six months until the major fall in oil prices in the latter part of 2014 falls out of the twelve month calculation of CPI inflation. The Governor of the Bank of England, Mark Carney, has repeatedly stated that increases in Bank Rate will be slow and gradual. The Monetary Policy Committee is concerned about the impact of increases on many heavily indebted consumers, especially when average disposable income is only just starting to recover as a result of recent increases in the rate of wage inflation, although some consumers will not have seen that benefit come through for them.

2.3 Annual Investment Strategy

The Treasury Management Strategy Statement (TMSS) for 2015/16, which includes the Annual Investment Strategy, was approved by the Council. It sets out the Council's investment priorities as being:

- Security of capital;
- Liquidity; and

- Yield.

The Council will also aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short term to cover cash flow needs, but also to seek out value available in periods of up to 12 months with highly credit rated financial institutions, using our suggested creditworthiness approach, including a minimum sovereign credit rating, and Credit Default Swap (CDS) overlay information.

Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the period up to 31 August 2015.

Investment rates available in the market have been broadly stable during the quarter and have continued at historically low levels as a result of the ultra-low Bank Rate and other extraordinary measures such as the Funding for Lending Scheme. The average level of funds available for investment purposes up to 31st August was £107.1m. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the Capital Programme.

The Council investments returned 0.66% outperforming the benchmark by 30 bps. The Council's budgeted investment return for 2015/16 is £350k, and performance for the year to date is £100k above budget.

2.4 Borrowing

No new borrowing was undertaken up to 31st August 2015, but debt of £53.6m matured on the 27/4/15 and was repaid, the money coming from investments. This has reduced the councils debt from £383.9m to £330.3m and the investment balances have reduced also by £53.6m. Decisions will have to be taken whether to take new borrowing in the future at low rates or continue to reduce investments.

Public Works Loan Board certainty rates, ending 31st August 2015

	1 Year	5 Year	10 Year	25 Year	50 Year
Low	1.11%	1.82%	2.40%	3.06%	3.01%
Date	02/04/2015	02/04/2015	02/04/2015	02/04/2015	02/04/2015
High	1.33%	2.32%	3.04%	3.65%	3.55%
Date	31/08/15	31/08/15	31/08/15	31/08/15	31/08/15

2.5 Borrowing in advance of need

This Council has not borrowed in advance of need.

2.6 Debt Rescheduling

Debt rescheduling opportunities have been limited in the current economic climate and following the increase in the margin added to government bond yields which has impacted Public Works Loan Board new borrowing rates since October 2010. Up to 31 August 2015, no debt rescheduling was undertaken.

2.7 Compliance with Treasury and Prudential Limits

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved TMSS.

There is no expectation that any of the Prudential Indicators will be breached. However, in the unlikely circumstances that there is a rapid and significant rise in long term rates in the current financial year there is a small risk that the Lender Options Borrower Option loans could be called in. If that were to happen the value of those loans combined with the PWLB loans that have already reached maturity this year would be greater than the 20 per cent of total debt allowed to mature in one year set by the maturity structure of borrowing target. The prudential and treasury Indicators are shown in Appendix 1.

2.8 Changes to Treasury Management Policy

2.8.1 During the period of this report, governments have brought changes in to remove implied sovereign support for major national banks of systemic importance. This is through changing the bail in rules if a bank gets into trouble. Overall the proposed changes will see some increase in preferential creditors ahead of unsecured depositors (Local Authorities) around 10% over and above existing amounts. This means it may be easier to isolate a failing bank from the wider market. This does not mean that these banks are of any lower credit worthiness than they were before the changes. The changes do though reflect the substantial improvement in the strength of bank balance sheets since the 2008 crisis and changes in the regulatory environment within which banks now have to work which means that their own strength should make it unnecessary for national governments to provide financial support to banks in any future financial crisis. While sovereign ratings will remain part of the Council's credit rating methodology, the impact of this change means that the rating of individual bank becomes more important.

2.8.2 At present the four main UK Banks HSBC Bank, Barclays, Lloyds and RBS Bank (Nat West Bank) all are treated separately from the other banks in our Treasury Management Policy (£60m limits) because of their size and importance to the UK and their high expectation of support if they were to get into trouble. This in future may not be the case.

2.8.3 To change the four main UK banks so that they are in line with the rest of the banks/building societies in the Treasury Policy would mean at present the limits for each would be as follows; £30 million for HSBC, £20 million for Lloyds, £7m for Barclays limited to 100 days and £0m for Nat West Bank.

2.8.4 This would raise two issues

i) The council banks with Nat West Bank

ii) Schools bank accounts – The schools have their own individual balances with the four main banks. On 31/3/15 these were £25.4m with Lloyds, £9.0m with Barclays, £2.1m with HSBC Bank, £3.3m with Nat West and £880k with Yorkshire Bank.

2.8.5 Proposal

i) Due to the unique situation of Nat West Bank being part owned by the government an investment limit of £20m is suggested. Once finally sold off by the government, if the credit limit is still below the limits for investments, balances will be kept to a minimum but there will always be day to day exposure.

ii) The issue with schools is not as easy to resolve. No investments going forward will be placed centrally for Lloyds or for Barclays unless Barclays credit rating improves. Current investments will not be reinvested when matured and a review of the school's bank accounts should be undertaken to see how to progress in the future.

2.8.6 Accordingly, it is recommended that members approve the following changes to the Treasury Policy;

The limits for the four main UK banks of £60m should be removed and changed to using the same credit criteria as all the other banks/building societies, with the exception of Nat West Bank which will have a limit of £20m due to it still been part owned by the UK government.

2.8.7 A review to be undertaken on the schools bank accounts.

2.9 Other Issues

No other issues

3.0 Other considerations

None

4.0 Financial and Resources Appraisal

The financial implications are set out in Section 2

5. Risk Management and Governance Issues

None

6. Legal Appraisal

Any relevant legal considerations are set out in the report.

7. Other implications

7.1 Equal & Diversity – no direct implications

7.2 Sustainability implications- no direct implications

7.3 Green Gas Emissions impact – no direct implications

7.4 Community Safety Implications – no direct implications

7.5 Human Rights Act – no direct implications

7.6 Trade Unions – no direct implications

7.7 Ward Implications – none

8. Not for publication documents

None

9. Recommendations

That the changes to the Treasury Policy set out in section 2.8.6 be noted by the Governance and Audit Committee and passed to full council for adoption.

10. Appendices

Appendix 1 Prudential and Treasury Indicators

11. Background Documents

Treasury Management Practices

Treasury Management Schedules

Treasury Management Policy

APPENDIX 1: Prudential and Treasury Indicators as at 31 August 2015

Treasury Indicators	2015/16 Budget £m	(Apr-August) Actual £m
Authorised limit for external debt	660m	660m
Operational boundary for external debt	600m	600m
Gross external debt	349m	349m
Investments	101m	71m
Net borrowing	248m	259m
Upper limit for principal sums invested over 365 days	£0m	£0m
Maturity structure of fixed rate borrowing	Upper Limit	(Apr-March) Actual
Under 12 months	20%	14%
12 months and within 24 months	20%	16%
24 months and within 5 years	20%	10%
5 years and within 10 years	50%	10%
10 years and above	90%	50%

This page is intentionally left blank

Report of the Assistant City Solicitor to the meeting of Governance and Audit Committee on 30 October 2015

Subject:

Z

Proposed Amendments to the Constitution

Summary statement:

At the meeting of Council on 14 July 2015 Council resolved:

Council notes that there is no mechanism for changing the Chair of an Area Committee in the event that political balance changes during the municipal year.

Council asks the Acting City Solicitor to prepare amendments to Standing Orders 35 and 37 in order to allow for such circumstances and that these are presented to full Council for consideration during this municipal year.

This report sets out the requested amendments to the Council's Constitution so that the Governance and Audit Committee may make appropriate recommendations to Council.

Dermot Pearson
Assistant City Solicitor

Portfolio:

Corporate

Report Contact: Dermot Pearson
Phone: (01274) 432496
E-mail: dermot.pearson@bradford.gov.uk

Improvement Area:



1. Summary

1.1 At the meeting of Council on 14 July 2015 Council resolved:

Council notes that there is no mechanism for changing the Chair of an Area Committee in the event that political balance changes during the municipal year.

Council asks the Acting City Solicitor to prepare amendments to Standing Orders 35 and 37 in order to allow for such circumstances and that these are presented to full Council for consideration during this municipal year.

This report sets out proposed amendments to the Council's Constitution to deal with the issue raised.

2. Background

2.1 Rule 35 of the Rules of Procedure at Part 3A of the Council's Constitution provides:

35 Chairing Meetings

35.1 The Council will, with the exception of area committees, appoint chairs and deputy chairs of committees and committees will appoint chairs and deputy chairs of subcommittees for the Municipal Year. Area committees will appoint a chair and deputy chair at their first meeting in the Municipal Year. If a vacancy occurs, a new chair or deputy chair shall be appointed as soon as practicable.

35.2 If the Council fails, except in the case of area committees, to appoint the chair of a committee or a committee fails to appoint the chair of a sub-committee for the Municipal Year, a chair for that meeting must be elected. If this fails, the meeting must be adjourned.

35.3 If for any reason the chair and deputy chair of a committee or sub-committee are absent at the start of or during a meeting, the meeting itself shall elect a chair for the meeting or part of it. If this fails, the meeting must be adjourned.

35.4 Joint meetings of committees or sub-committees will elect a chair for that meeting only.

35.5 Any political group may nominate spokespersons and deputy spokespersons for committees and sub-committees.

2.2 Accordingly the Chairs and Deputy Chairs of Area Committees are appointed by the Area Committees at the first meeting in each Municipal Year. There is currently no provision for the removal of a Chair or Deputy Chair during the Municipal Year. In particular there is no provision to deal with circumstances in which the membership of an Area Committee changes during the course of the Municipal Year, for example as the result of a by-election. A situation can therefore arise where the Chair and Deputy Chair appointed at the start of the Municipal Year may at some point in the Year no longer be the Chair and

Deputy Chair which the Area Committee would appoint if given a further opportunity to do so.

3. Proposed Amendments to the Constitution

- 3.1 If Council wishes to amend the Constitution to allow for the replacement of the Chair and Deputy Chair of an Area Committee during the course of the Municipal Year this could be achieved by inserting the following wording into Standing Order 35 of the Council Procedure Rules:

35.1A If at least one half of the members of an Area Committee inform the City Solicitor in writing, no later than 5 working days before a scheduled meeting of the Area Committee, that they wish the next meeting of the Area Committee to commence with consideration of the appointment of a Chair and Deputy Chair then the City Solicitor shall inform all the members of the Area Committee that such written notice has been received as soon as is practicable and that meeting of the Area Committee shall commence with the consideration of the appointment of a Chair and Deputy Chair.

And with the following consequential amendment to Standing Order 37.6.

37.6 Except for meetings convened under Standing Order 37.5 above, or Area Committee meetings to which Standing Order 35.1A applies, and provided that the agenda for the meeting has not been published, the City Solicitor, with the agreement of the chair or, in her/his absence, the deputy chair, may cancel, postpone or bring forward a meeting.

4. Financial and Resource Appraisal

- 4.1 The resources required to amend the Constitution can be met from existing provision.

5. Legal Appraisal

- 5.1 As set out above.

6. Other Implications

- 6.1 There are no equal rights, sustainability, community safety, Human Rights Act or trade union implications of this report.

7. Not for Publication Documents

- 7.1 None

8. Recommendation

- 8.1 That Committee consider whether to recommend to Council that the Constitution be amended as set out at paragraph 3 above.

9. Background Papers

- 9.1 None

This page is intentionally left blank

Report of the Interim City Solicitor to the meeting of Governance and Audit Committee on 27 November 2015

AC

Subject:

Proposed Amendments to the Constitution

Summary statement:

At the meeting of Council on 20 October 2015 Council referred the Motion on “Council Standing Orders – Report of the Leader of Council” to the Governance and Audit Committee for report.

This report sets out the terms of the Motion so that the Governance and Audit Committee may make appropriate recommendations to Council.

Dermot Pearson
Interim City Solicitor

Report Contact: Dermot Pearson
Phone: (01274) 432496
E-mail: dermot.pearson@bradford.gov.uk



1. Summary

- 1.1 At the meeting of Council on 20 October 2015 Council referred the following motion to Governance and Audit Committee for report:

COUNCIL STANDING ORDERS – REPORT OF THE LEADER OF THE COUNCIL

*To be moved by Councillor Green
Seconded by Councillor Val Slater*

This Council recognises that the format of the current Full Council Meeting Agenda limits the opportunities for all Elected Members to receive the most up to date information on issues of significance affecting the District and to ask questions about any action that the Council or other parties are taking to address those issues.

The Council therefore believes that its Standing Orders should be amended to allow for a written Leader's Report to be circulated at the meeting updating members on key issues and providing the opportunity for them to ask questions relating to issues raised in the report.

*This Council resolves that Council Standing Orders be amended as follows:
To insert a new paragraph 4.1.9A in standing order 4 to read:*

4.1.9A Report by the Leader of the Council

To insert a new standing order 11A, to read:

11A Report by the Leader of the Council

11A.1 At each ordinary meeting of Council, not including any meeting at which consideration of the Council's budget is on the agenda, the Leader or a member of the Council nominated by the Leader will provide a written report, a copy of which shall be made available to every member of Council and the public at the commencement of the meeting.

11A.2 There shall be a period of up to 15 minutes during which any member of the Council may ask the Leader of the Council or the member of the Council nominated by the Leader a question on any matter arising out of the written report.

11A.3 The Leader of the Council or the member of the Council nominated by the Leader will reply to each question and the answer may take the form of:

11A.3.1 A direct oral answer.

11A.3.2 Where the desired information is contained in a Council publication or a publication of a relevant joint authority, a reference to that publication.

11A.3.3 Where the reply cannot conveniently be given orally, a written answer circulated to all members of Council.

11A.3.4 *A reference to a written answer provided under standing order 12.9*

2. Background

- 2.1 There is currently no provision in the Constitution of the Council for the Leader of the Council to make such a report.

3. Proposed Amendments to the Constitution

- 3.1 At the Appendix to this report are set out the relevant extracts from the current Rules of Procedure at Part 3A of the Constitution with the proposed amendments in italics.

4. Financial and Resource Appraisal

- 4.1 The resources required to amend the Constitution can be met from existing provision.

5. Legal Appraisal

- 5.1 It is a matter for Council as to whether it wishes to have report from the Leader of the Council at each meeting of Council.

6. Other Implications

- 6.1 There are no equal rights, sustainability, community safety, Human Rights Act or trade union implications of this report.

7. Not for Publication Documents

- 7.1 None

8. Recommendation

- 8.1 That Committee make recommendations to Council on the amendments to the Constitution of the Council proposed in the Motion.

9. Background Papers

- 9.1 Constitution of the Council, available at:

<http://www.bradford.gov.uk/NR/rdonlyres/1AC7A905-A2C8-47A9-847F-69B0AE65B4B9/0/CBMDCCConstitution.pdf>

10. Appendix

- 10.1 Extracts from the Council's Constitution showing proposed amendments in italics.

APPENDIX

EXTRACTS FROM THE COUNCIL'S CONSTITUTION SHOWING PROPOSED AMENDMENTS IN ITALICS

PART 3A RULES OF PROCEDURE

STANDING ORDER 4

4 Ordinary Meetings

4.1 At ordinary meetings, business will usually be dealt with in the following order:

4.1.1 Choice of a person to chair the meeting if the Lord Mayor and Deputy Lord Mayor are absent.

4.1.2 Disclosures of interest from members and officers.

4.1.3 Agreeing the minutes of the last meeting and signing them.

4.1.4 Receiving any apologies for absence.

4.1.5 Written announcements from the Lord Mayor. These (if any) will be circulated to all members and placed in the public galleries before the meeting starts.

4.1.6 Considering any appeal against a decision to restrict a document.

4.1.7 Petitions.

4.1.8 Public Question Time.

4.1.9 Membership of the Executive, committees and joint committees, appointment of chairs and deputy chairs of committees excluding area committees.

4.1.9A Report by the Leader of the Council

4.1.10 Member Question Time.

4.1.11 Any business remaining from previous meetings.

4.1.12 Recommendations from the Executive and committees.

4.1.13 Motions (in the order in which they were notified).

4.1.14 Other business on the agenda.

4.2 The order of the items set out in paragraphs 4.1.5 to 4.1.14 may be changed by the meeting on a motion passed without discussion.

4.3 The items set out in paragraphs 4.1.7, 4.1.8, 4.1.10, 4.1.11 and 4.1.13 will not be considered at any meeting at which the setting of the Council Tax as part of the budget process is on the agenda.

PROPOSED NEW STANDING ORDER 11A

11A Report by the Leader of the Council

11A.1 At each ordinary meeting of Council, not including any meeting at which consideration of the Council's budget is on the agenda, the Leader or a member of the Council nominated by the Leader will provide a written report, a copy of which shall be made available to every member of Council and the public at the commencement of the meeting.

11A.2 There shall be a period of up to 15 minutes during which any member of the Council may ask the Leader of the Council or the member of the Council nominated by the Leader a question on any matter arising out of the written report.

11A.3 *The Leader of the Council or the member of the Council nominated by the Leader will reply to each question and the answer may take the form of:*

11A.3.1 *A direct oral answer.*

11A.3.2 *Where the desired information is contained in a Council publication or a publication of a relevant joint authority, a reference to that publication.*

11A.3.3 *Where the reply cannot conveniently be given orally, a written answer circulated to all members of Council.*

11A.3.4 *A reference to a written answer provided under standing order 12.9*

This page is intentionally left blank

Report of the Executive Member for Education, Culture and Skills to the meeting of Full Council to be held on 8 December 2015.

M

Subject:

The Bradford Education Covenant

Summary statement:

Bradford Council has proposed an Education Covenant as part of its strategy to deliver key and sustained educational improvements. The Covenant is one element in a wide range of improvement activities which are included in the recently written school improvement action plan.

The Bradford Education Covenant lists a set of pledges from the Council as well as a set of 'asks' of different groups such as – young people, parents, schools, businesses, the community and central government. The Covenant makes clear that children and young people are educated through the experiences they encounter in their young lives both inside and outside the school. It begins at birth and continues for life. The Covenant reinforces the view that for children and young people to get the very best from their education and to fully achieve their potential it has to be a united effort from us all.

This report provides feedback on the outcomes of an extensive consultation process and proposes a way forward to consider amendments to the Covenant so that a final version can be published at the earliest opportunity.

Michael Jameson
Strategic Director

Portfolio:
Education, Culture and Skills

Report Contact:
Phil Weston
Head of Bradford Achievement Service
Phone: (01274) 439634
E-mail: phil.weston2@bradford.gov.uk

Overview & Scrutiny Area:
Children's Services



1. SUMMARY

- 1.1 Bradford Council has proposed an Education Covenant as part of its strategy to deliver key and sustained educational improvements. The Covenant is one element in a wide range of improvement activities which are included in the recently written school improvement action plan.
- 1.2 The Bradford Education Covenant lists a set of pledges from the Council as well as a set of 'asks' of different groups such as – young people, parents, schools, businesses, the community and central government. The Covenant makes clear that children and young people are educated through the experiences they encounter in their young lives both inside and outside the school. It begins at birth and continues for life. The Covenant reinforces the view that for children and young people to get the very best from their education and to fully achieve their potential it has to be a united effort from us all.
- 1.3 This report provides feedback on the outcomes of an extensive consultation process and proposes a way forward to consider amendments to the Covenant so that a final version can be published at the earliest opportunity.

2. BACKGROUND

- 2.1 Following the educational review conducted by Professor David Woods in September 2014, Bradford Council with its strategic educational partners has developed and implemented a new educational improvement strategy, a school-led system where the local authority, schools within their partnerships and the teaching school alliances take on a shared responsibility and accountability for the improvements to educational outcomes that Bradford requires. The strategy is aligned closely to the Council's overarching strategy, the New Deal for Bradford. The Ofsted inspection of Bradford's school improvement arrangements in June 2015 highlighted the poor educational outcomes achieved and recognised, and supported, the optimism around the new school-led improvement strategy. The Ofsted report stated "there is a new direction in the local authority and a cause for optimism. Headteachers, governors and partners speak convincingly about a 'step-change' in the authority's approach and a new rigour and challenge to schools and partnerships."
- 2.2 In response to the LA's Ofsted inspection a detailed action plan has been developed to help provide the impetus for continued rapid improvement. The new action plan replaces a number of previous operational plans. It has been evaluated by Ofsted and, with a few minor improvements that have now been actioned, the plan has now been endorsed by Ofsted.
- 2.3 As part of the new strategy the Executive Member for Education, Culture and Skills and the Strategic Director Children's Services proposed the development of a Bradford Education Covenant to illustrate that all educators and stakeholders have a responsibility to our young people and how they can contribute to our children's overall education. The Covenant is about everyone recognising their role in supporting Bradford's action plan for school improvement. The Council has a



challenging overarching target for every school to be good or outstanding by 2018 and has four key drivers in its educational improvement strategy:

- Improving the quality of leadership, including governance, across all schools and settings
 - Improving school readiness and end of Early Years outcomes
 - Improving teaching and learning and raising levels of literacy across all phases
 - Raising the attainment of underperforming groups and narrowing the attainment gap.
- 2.4 The Covenant is in two parts. Page 1 lists 'What the Council will offer' and is broken down into eight pledges. Page 2 includes 'Bradford Council's Education Ask' and seeks to enlist the commitment of key stakeholder groups.
- 2.5 The Council meeting of 20 October 2015 marked the formal launch of the Covenant (version 1), although the covenant itself and the principles within it were already shaped by consultation with partners over preceding months. This early work included the Executive Member for Education, Skills and Culture providing briefings to the T&A and Asian Sunday. This resulted in a T&A news article ("Council in pledge for improving education") which was published on 14th September. An invitation to comment on this early work was included in a www.bradford.gov.uk website article during the week commencing 14 September.
- 2.6 The formal public consultation, that followed the Council meeting on 20 October, was officially concluded on Friday 20 November. The consultation has been extensive and has been championed by the Executive Member for Education, Skills and Culture. As well as the online consultation on the www.bradford.gov.uk website (asking for email responses), there have been a range of high profile events where the Covenant has been publicised and responses, suggestions and comments sought. These have included:
- school visits and meetings with staff and pupils
 - contact with local businesses
 - briefing for the Bradford South Neighbourhood Ward: Parkside Centre
 - briefings for headteachers
 - meetings with parents
 - publicity on Bradford Schools Online – the schools' information website
 - publicity on Bradnet – the Council's internal website
 - as a discussion and feedback topic at Public Forum for Education
 - briefing for Bradford Governors
 - briefing for Keighley Governors
 - information for the 'Bradford Parents On The Go' blog
 - press releases which resulted in good coverage including in the Yorkshire Post, T&A, Urban Echo
 - consultation with children at City Hall on 16 November 2015 which included 26 children from four schools
 - posts on the Council's Twitter and Facebook.



- 2.7 To give a specific example of how the consultation has provoked a positive response and instigated additional activity. The Executive Member for Education, Skills and Culture and the Strategic Director Children's Services attended a recent meeting of the Bradford Matters group. Bradford Matters is a culturally diverse networking and lobbying group made up of influential individuals and organisations who care deeply about Bradford and its development. Following the briefing the group offered their assistance as a tool to assist in the engagement with employers, community groups and other networks and wrote to the Strategic Director making a number of concrete suggestions about how their role could be supportive to the required education improvement. These actions included marshalling support of employers, support through communities and using their networks to support active volunteering in schools. Appendix B is provided as an example of the positive response from the consultation process.
- 2.8 Over 100 formal and informal responses to the consultation have been received up to 20 November. The feedback basically falls into one of two categories. There were some very sensible and helpful comments about the wording of the covenant. Where possible these have been incorporated into version 2 of the document that can be found at Appendix A.
- 2.9 The second category includes more fundamental views, suggestions and ideas that will need to be considered within a second short phase of further consultation and adaptation. A summary of these suggestions are included below:
- a) The role of childminders.
 - b) A broader view on children's readiness for school, including the role of the work of the National Literacy Strategy within Bradford, and the role of 'Surestart' type provision.
 - c) A request for a direct reference to Early Years' settings and Children's Centres in making sure children are ready for school and when referring to the role of schools.
 - d) The inclusion of a strong statement about the Council's and schools' responsibilities for the safeguarding of children and young people.
 - e) Whether there needs to be further guidance on the early teaching of reading to schools, parents and carers.
 - f) To consider, as part of the education 'ask', whether on page 2 'teachers' as an individual group should be highlighted - suggested inclusion for a 'teachers' section: "to inspire and motivate pupils so they commit to learning", "create a good learning environment", "have the skills to raise standards", "have the skills to use new technologies in their teaching", "to encourage children and young people to help each other, to build resilience and confidence as learners so that they are able to achieve well in their future lives" – this final suggestion could equally apply to 'parents and carers' and other adults.
 - g) To consider whether the Council, schools and teachers should commit in the Covenant to the improvement of children's physical health, emotional well-being and personal development, including meeting pupils' mental health needs and special educational needs, and how children can be supported during stressful



times in their lives (e.g. during national examinations). This to include a better understanding of children's learning needs and why some are more successful than others.

- h) To consider whether an entitlement to a work experience placement should be included in the Covenant.
- i) Reference to the expectation that parents, teachers and pupils should show each other respect, and a suggestion that more needs to be done to bridge the gap between parents and teachers.
- j) The addition of a preface that asks for everyone to support children's education by showing each other mutual respect in their dealings because the focus should always be on our children's future.
- k) Development of students' leadership skills.
- l) Improved governance and consideration of the wider personal commitments of governors.
- m) A recognition that school governors have a responsibility to appoint only the best teachers.
- n) Ensuring that school buildings are fit for purpose and schools are appropriately resourced.
- o) The use of colour, natural light and a consideration of air-quality in school buildings can be high impact and inexpensive to implement.
- p) How Teaching School Alliances can contribute to the improvements.
- q) Do all stakeholders (including Councillors, employers) have high enough expectations of what Bradford's children can achieve?
- r) Should there be a specific reference to the Council's commitment to Looked After Children?
- s) A question was raised as to whether the statement "devolve more powers to local authorities to tackle failing schools and hold academies to account" should be included in the 'ask' of the Government.
- t) A request for school holiday schedules to be revised in Bradford to better support learning and to reduce term time absence.
- u) Reference to public libraries – an under-used asset.
- v) There was a suggestion that the covenant be further developed into a book or a charter for Bradford's business and organisations to display as a reminder of everyone's commitment to the Covenant.
- w) There was a question about how this Covenant would make sure that Bradford's young people and graduates are more employable than those from other areas. What is unique about the Covenant, and our expectations, that will make others look to Bradford?



3. OTHER CONSIDERATIONS

- 3.1 It is pleasing to note the extremely wide range of views and suggestions that were provided in feedback to the consultation. Many of the areas for further discussion included above came from several respondents, and from a very wide range of interested parties, including significant contributions from Bradford's children and young people. One comment appeared to capture the views of many, "Ensure challenge and support is part of everyone's language and it becomes cool to have a love of learning and to talk with pride about our city and its learners."
- 3.2 In compiling this report as many views as possible have been captured and all given equal status. The next stage must be to consider the comments – some clearly go beyond the scope of the Covenant and whilst they represent admirable suggestions they will not be included in the final version. It is recommended that a group of officers and Councillors now work together to finalise the Bradford Education Covenant so that the final version can be published at the earliest opportunity. It is also recommended that as part of the publication, a publicity campaign and the circulation is carefully considered and planned. Finally some of the respondents suggested that stakeholders in education in Bradford should be asked to openly pledge their support for the Covenant – it should be considered whether this is a process that we want to follow and, if so, how that might be organised.
- 3.3 One further important activity has already been organised in the next short phase of consultation and adaptation of the Bradford Education Covenant. At the next meeting of the Education Improvement Strategic Board (EISB), the strategic group that oversees school performance and holds partners to account for the improvements, on 2 December 2015 a number of national stakeholders will be in attendance, including the Ofsted Regional Director, the Senior HMI overseeing the Bradford LA, and the Regional School Commissioner. The independent chair of the EISB will facilitate a discussion "to collectively understand the challenges and how strategically all organisations play their part in the raising of education standards". The outcomes of this discussion will require the school improvement action plan to be updated and will further inform the finalisation of the Covenant and agree how they can contribute to our agenda for improvement.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 There are no direct financial implications at this stage.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 There are no significant risks arising out of the implications of the recommendations in this report.

6. LEGAL APPRAISAL

- 6.1 There are no legal issues.



7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

A Bradford Education Covenant as described in this report and the recommendations provided will support an equality of expectations for the educational outcomes of all of Bradford's children and young people.

7.2 SUSTAINABILITY IMPLICATIONS

Not applicable.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable.

7.4 COMMUNITY SAFETY IMPLICATIONS

Not applicable.

7.5 HUMAN RIGHTS ACT

Not applicable.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

Not applicable.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

Not applicable.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

See the recommendations below.

10. RECOMMENDATIONS

- 10.1 That the report be received as a summary of the feedback provided during the public consultation of the Bradford Education Covenant.



- 10.2 That the revised Bradford Education Covenant in Appendix A be accepted as version for dissemination
- 10.3 That as part of the publication process, dissemination is carefully considered and planned.
- 10.4 That it should be considered whether stakeholders in education in Bradford be asked to openly pledge their support for the Covenant.

11. APPENDICES

Appendix A - The Bradford Education Covenant (following public consultation).

Appendix B - Bradford Matters – Supporting Education Improvement Initial Thoughts.

12. BACKGROUND DOCUMENTS

None.



Appendix A

The Bradford Education Covenant (following public consultation)

What the Council Will Offer

Keeping schools and education as a top priority

Improving schools and educational attainment so that all our children are able to achieve their potential will stay at the top of our priorities. We will support all Councillors to be effective champions of children, parents and learning and work with schools and parents to develop a vision for education as we pursue our ambition of making all our schools good by 2018.

Driving school improvement

The Council will work to put schools themselves at the heart of driving improvement. We will challenge schools and governing bodies and hold them to account for their performance taking rapid and robust action where there are issues that may be preventing a school from making progress, whatever type of school it may be.

Promoting learning from the very best

We already have some outstanding school leaders and teachers. We will work even harder with schools to identify, celebrate, promote and share best practice and support them to assist each other to accelerate improvement.

Attracting, retaining and developing the best school leaders and teachers

We will invest resources in attracting, retaining and developing the best school leaders, teachers and classroom assistants, and reducing the numbers of supply teachers. We've already set aside £660,000 to do this. Part of this commitment will involve promoting Bradford District as an attractive career choice for the best teachers and school leaders. Government policy is to increase the numbers of Academies so we will do everything possible to ensure that all education providers educating our children including academy sponsors are of high quality, understand fully our local needs and circumstances, and will work collaboratively with the Council and its partners.

Providing school places by working together with government

The Council will work with the Government to ensure the District gets the money it needs to provide enough school places and keep schools well equipped. We've invested £700,000 to match the Government's money for extra school places but we need more money and more places.

Helping to make sure children are ready for school

Support will be there for families and children from through the 'early years' helping to make sure children are ready for school and can do their very best at school from day one.

Supporting children and young people to be ready for work and life

Working closely with the business community, the University and colleges, the Council will provide real opportunities for skill development and jobs when young people leave school. We'll continue, in partnership, to deliver the innovative Industrial Centres of Excellence, each covering a different economic sector, linking schools to employers' needs and we'll support business to get the right young person, with the right skills through our Apprenticeships Hub.

Raising aspirations through cultural opportunities

Providing chances for students to benefit from enriched cultural learning by maximising the District's unique local learning opportunities and facilities - for example, with the National Media Museum and City of Film. This will provide inspiration to our young people and stimulate creativity.

The Bradford Education Covenant – Bradford Council’s Education Ask

Parents and Carers

- Access a nursery place – 15 hours a week is free and it can make a big difference to your child’s development.
- Involve yourself in your child’s education, encourage and celebrate their learning.
- Enjoy being with your child, follow their interests and involve them in all that you do – as this is the best way to help prepare them for the next stage of their learning and development
- Make learning fun at home, read, count and play every day with your young child.
- Make sure your child is at school on time, attends regularly and doesn’t take unauthorised absence.
- Support your child to do their best with their homework and to get it in on time.
- Have the highest expectations of what your child can achieve at school and when they leave.
- Support your child to get involved in out of school activities.

Parents need to do this because their involvement in children’s education from an early age has a significant effect on educational achievement, and continues to do so into adolescence and adulthood.

Children and young people

- Make the most of opportunities for learning at school and at home and have high expectations of what you can achieve
- Take responsibility for your own education, behave well, build your skills, ask questions, take notes in class and get your work in on time, discover your talents – it’s your life, your future, your choice.

Children and young people need to do this because motivated and responsible pupils have a better chance of achieving success.

Schools and Governors

- Put yourselves at the heart of driving school improvement, working together in partnership, recognising that all types of school are part of a wider education system and need to share solutions and ideas to raise education attainment.
- Be active in the District’s networks of schools, assist each other each other to challenge and address failure and support the lowest performing schools to learn from the highest performers.
- Share resources and expertise to invest in teaching, learning and facilities.
- Commit to continuous professional development for school leaders, teachers and governors.
- Take timely and robust action to deal with performance, governance, attendance and any other issues in your school to provide the very best education experience and outcomes for your pupils.
- Support students to identify future careers opportunities.
- Ensure that the information that you provide to parents and carers is clear, concise and accessible.
- Work with communities to improve community engagement with schools.

All our schools need to do this to help us achieve our shared ambition of making sure every school is ‘Good’ by 2018.

Business and employers

- Support and become involved with an Industrial Centre of Excellence or Bradford Pathways.
- Encourage your employees to volunteer for the reading in schools project and to offer mentoring for young people at school.
- Provide meaningful work placements to your local schools and be an active partner in educating young people about potential careers.
- Provide apprenticeships for local young people.

Businesses need to do this because good education and good skills mean greater growth. In engineering alone the UK needs 1.82 million workers with relevant skills by 2022.

Communities

- Everyone in every community and neighbourhood to play their part in making a positive contribution to the growth, development and wellbeing of young people.
- Get involved for example as a volunteer reader.

We need our communities to do this because everyone shares in the social and economic benefits of improving education and everyone can play a part in helping to achieve it.

Government

- Provide the funding for the District to have enough places for all our children.
- Provide funding and support to help increase education achievement in the District, for example invest in a local programme to drive rapid and sustainable improvements.
- Support us to attract outstanding teachers, leaders and, in line with Government policy, Academy chains to the District.
-

We need the government to do this because we have one of the fastest growing populations of young people in the country and will need extra places equivalent to two new secondary schools by 2018.

Appendix B

Bradford Matters – Supporting Education Improvement **Initial Thoughts**

There are three main areas where BM can make a real contribution to the improvement of education in Bradford schools.

1. Marshalling Support with Employers

Bradford Council has taken a thoughtful step of launching Bradford Pathways. This is a careers education model that seeks to engage young people for primary through secondary and into post 16 education with the world of work. The initiative is designed to enthuse young people about particular careers and to ready them for the world of work. If it is to be successful it needs buy in from employers in large numbers. BM Members should seek to encourage a significant sign up to this initiative working closely with Council Officers. Employers will also be key to delivering under 3 below.

Target KPI: Number of employer links created

2. Marshalling Support within the Community

BM has strong membership links with many Community organisations. As such it can marshal the voices that command significant impact on local communities. BM should exploit those links to have an impact on the education system through parents. Parents are such significant figures in the development of children and they can help with the preparation of their children for schools and also provide support during the child's time at school. What is proposed is a consistent and organised message for parents to come via various community organisations. It may seem patronising but when you speak to Heads they will tell you the efforts they need to put in to ensure pupils attend, don't take holidays etc.

There is a capacity issue in Bradford that exists because educational performance has been low for such a long time, actually over a generation. That means that some parents will require support with numeracy, literacy and confidence/motivation towards education. While it is likely that some impact could be made through volunteering and accessing existing programmes of support, an intervention on the scale required is likely to need significant revenue funding. BM could work with the local authority and the LEP to craft a scheme or schemes capable of support and that utilise 'in kind' contributions from community organisations/volunteers etc. Given this requires money such an objective will be difficult to achieve but is worth considering as its impact would be beneficial to current educational issues. It also begins to rectifying the long term impact on the current parent population of Bradford who have not benefited from as good an education as they should have.

Target KPI: Communication strategy with supporting materials launched with measureable outcomes.

Target KPI: Funded programme of personal development launched targeting parents who require support to help prepare and keep their children in school.

3. Using networks to support active volunteering with Schools

Active volunteering in schools has a hugely positive effect on young people and school performance. A good example was raised at BM when Simon Atkin reported that West Yorkshire Police had provided a significant number of officers at various levels in the Force to volunteer as school governors. Other BM Members could use their networks to allow for an increase in the number of volunteering opportunities for their businesses, networks and community organisations. As well as Governors other key areas of volunteering could be those who read with young people or help with maths. A further example would be the provision of coaches and mentors for school children – these could be targeted at those experiencing problems with the school system but could be equally valuable to more gifted pupils or any others in between. Schools Heads often benefit from the role of Governors as 'Critical Friend'. This is an important role as it allows for support and challenge to be offered in a way that is positive but provides meaningful insight into new approaches to difficult problems. Perhaps some employer representatives could perform this role with Heads or other senior staff, or perhaps teachers or Business managers in schools?

Target KPI: Number of Governor Volunteers identified

Target KPI: Number of other (to be specified but could include Literacy and Numeracy support; coaches and mentors) active volunteers identified.

A good example of where all three activities come together is the Police Camp initiative run by the Police and Bradford College – see here: <https://policecamps.bradfordcollege.ac.uk> for details.

A final thought on **Teacher Recruitment**. As organisations change their workforce plans thought should be given to retraining opportunities to encourage high calibre staff who no longer wish to work in their current field into teaching. This idea requires further thought but is included for completeness in the draft.

Where next?

Education sub group to consider the above, amend as desired and report back to BM. AW to liaise with BDMC to ensure this approach is welcome.