

Minutes of a meeting of the Executive held on Tuesday, 7 March 2017 in Committee Room 1 - City Hall, Bradford

Reconvened (21 Feb) 10.35 am
Concluded (21 Feb) 10.36 am
Commenced (7Mar) 10.35 am
Concluded (7Mar) 12.30 pm

Members of the Executive – Councillors

LABOUR
Hinchcliffe (Chair)
V Slater
I Khan
Ross-Shaw
Ferriby
Jabar

Observers: Councillors Bacon, Greenwood, Love, M Slater and D Smith

107. DISCLOSURES OF INTEREST

The following disclosure of interest was received:

Councillor D Smith disclosed an interest in the item relating to Review of the Operational Effectiveness of the 12 month trial ban of pavement obstructions as the Co-Chair of the Strategic Disability Partnership.

ACTION: *City Solicitor*

108. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

109. REVIEW OF THE OPERATION AND EFFECTIVENESS OF THE 12 MONTH TRIAL BAN OF PAVEMENT OBSTRUCTIONS

The report of the Strategic Director Place (**Document “BM”**) updated the Executive on the effectiveness and practicality issues of the 12 month trial ban on pavement obstructions in Bradford City Centre, Saltaire, Ilkey and on A647 Leeds Road between Thornbury Gyratory and Bradford City Centre.



On the basis of the trial's findings a number of potential options for the continuation, revocation or amendment of the policy related to pavement obstructions in the future were presented for the Executive's consideration and determination.

The Strategic Director reported that feedback had been received from the Chair of Ilkley Civic Society after his report had been written. He confirmed that members of the Executive had received copies of the submission.

The Strategic Director advised members that the points raised by Ilkley Civic Society related to the previous code of practice on advertising boards and the fact that there had been no consultation on it, however this was a Department of Transport document not a Council document.

He noted that Kirklees operated a licensing system.

A number of people with disabilities attended the meeting and stated that if footpaths were clear of obstructions this would be better for disabled and able bodied people and people with visual impairments are more confident to go out. They noted that the report referred to difficulties identifying footpaths and commented that the Council should know where the footpaths were. They observed that initial costs would be highest but would then decline. They felt that if the ban had been extended the streets would already be clear and as it was 3 months since the end of the ban they would have to be cleared again. Disabled groups were willing to work with the Council and help with the ban. Introducing a licensing scheme would discourage them from volunteering. Members were urged to support a District wide ban on pavement obstructions. The estimated cost of the district wide ban was questioned in comparison to the cost of the pilot. They did not agree with the introduction of licenses as people with visual impairment or mobility issues would be unaware of the location of the obstructions. The issue of obstructions caused by cars parking on pavements was raised. It was stressed that introducing a system of licenses would not alleviate the problems experienced by disabled people negotiating obstacles on pavements.

A representative of RNIB attended the meeting and reported that they supported a policy of zero tolerance across the whole country. He referred to the number of collisions with and injuries sustained because of pavement obstructions. He also referred to the impact on the health and wellbeing of individuals. He agreed that the cost of the scheme would diminish over time. He commented that an overall ban would be easier to enforce and monitor than a scheme of licences. He referred to bans that were in place in other parts of the country and trial bans that were being undertaken. He further noted that Bradford had led the way with the trial ban and that this was a backward step. He noted that he had seen no evidence of any economic impact on businesses.

A member who was the Co-Chair of the Strategic Disability Partnership attended the meeting and urged the Council to make a clear decision to introduce a district wide ban.



The Chair of the Health and Social Care Overview and Scrutiny Committee attended the meeting and expressed concern that the comments of the Scrutiny Committee had not been considered in detail. She noted that there had already been a cost in identifying land ownership and other related issues. She questioned the cost relating to enforcement officers as the Council already had wardens patrolling the city centre and other areas on a daily basis. She did not agree with the introduction of licenses as this would cause more confusion for enforcement. She added that service users had made a sensible offer in helping to implement the scheme. She concluded that the issue relating to highways records should not be a barrier to implementing the ban.

A Shipley Ward Councillor attended the meeting and while not speaking on behalf of traders he understood that traders in the Shipley Ward should be treated in the same way as other traders in the district. He concurred with the other speakers.

With reference to a number of the points raised the Strategic Director responded as follows:

- Staffing costs were based on a range of staff and future predictions on the impact of how resources were used. He added that the financial model was only as good as the information available, for example it was not known how many boards there were in the district and that a pro rata calculation had to be made.
- Traffic Regulation Orders (TRO's) in the district banned driving on pavements but there were no TRO's banning parking on pavements. If a car was obstructing the highway, the police and Council could take action.
- Staffing costs were based on how many people had been involved, averaged over a 12 month period which was calculated at 2.52 FTE's (full time equivalent).
- The Council had the authority to reduce obstacles on adopted highways but not on private curtilages. The Council's records on the length of highways were very accurate but not regarding the width of the highway which was the critical issue and had taken a significant amount of time to establish.
- It was accepted that as the policy became the norm, the cost would come down but a level of enforcement would still be required.
- Consideration would have to be given to how the licensing scheme would work. A licence would only be granted where the width of the pavement was sufficient. In Kirklees the license is displayed in the window of the business and the board placed next to the business.
- Officers were unable to find any reference to a ban in Leeds. A trial ban was being introduced in York. Liverpool operated a licensing scheme.

The Leader raised concerns about obstructions caused by cars parking on



pavements.

The Regeneration, Planning and Transport Portfolio Holder thanked everyone who had engaged in the issue and those who had attended the meeting. He explained that the success of the trial ban had been assessed but that there was no funding for subsequent years and noted that there would be a cost of employing 2.5 enforcement officers. He contended that extending the ban would put more pressure on a reducing budget. He stressed that any proposals would have to be sustainable. He added that this authority would be going a lot further than other West Yorkshire authorities by introducing a licensing fee which would be ring fenced. The authority would look to put the licences on line so that they could be readily viewed. The introduction of a licensing scheme in Kirklees saw a reduction of 75% in A Boards on streets.

The Neighbourhoods and Community Safety Portfolio Holder asked for confirmation that the recommended course of action complied with the Council's equality duties. In response the Strategic Director referred to the paragraph 7.1 of Document "BM" which dealt with the Council's equality obligations and added that a formal Equality Impact Assessment was only required where there would be a negative impact arising from proposals and this was not considered necessary in this instance.

Resolved –

That the retention of the pavement obstruction ban be approved with the following modifications:

- a) **The current trial zone ban areas be retained;**
- b) **Arrangements to allow licensing of pavement obstructions be incorporated into the Council's approach.**
- c) **That the development of details of the licensing arrangements including the approval of policy for determining locations suitable for placement of obstructions and levels of license fee to be charged be delegated to the Strategic Director: Place in consultation with the Portfolio Holder.**

ACTION: Strategic Director, Place

110. THE APPROVAL AND IMPLEMENTATION OF THE BRADFORD DISTRICT COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE.

The Community Infrastructure Levy (CIL) was intended as a means of contributing to the funding of infrastructure required to support growth in the District and deliver the policies and proposals in the Local Plan, including the Core Strategy and other Development Plan Documents. It replaced part of the system of Planning Obligations (Section 106 Agreements), the scope of which had been restricted since 6 April 2015 with regard to pooling of developer contributions. The CIL would help to meet the District's priorities by generating funding to provide infrastructure while being set at appropriate rates that would



continue to attract investment, create jobs, and deliver new housing.

The purpose of the report of the Strategic Director Place (**Document “BN”**) was for members to note the recommendations of the CIL Examination Report and to seek the formal approval of the CIL Charging Schedule (as set out in Appendix 2 of the report) by a resolution of the Full Council on 21 March 2017 with a commencement date of 1 July 2017. Members were also requested to note and approve the associated policies and documents alongside the CIL Charging Schedule. Appendices to Document “BN” contained the Regulation 123 List (Appendix 3), Instalments Policy (Appendix 4) and Exceptional Circumstances Policy (Appendix 5).

Leading up to the anticipated approval and commencement of the CIL, work would be progressed in relation to the roll out of the levy. This work related to two broad areas, namely, the introduction of appropriate procedural measures for the day-to-day operation of the levy, and the establishment of governance arrangements for the subsequent spend of CIL monies collected. In relation to this matter Members were requested to note that a CIL Governance Report was taken to the Council’s Governance and Audit Committee on 28 February 2017.

The Leader expressed disappointment that the Planning Inspector had recommended that the authority do not levy a charge for residential development in the main urban areas of Bradford and Keighley despite the infrastructure funding gap. The Regeneration, Planning and Transport Portfolio Holder noted that the Government would continue to be lobbied to close the infrastructure gap with other areas of the Country.

The Education, Employment and Skills Portfolio Holder expressed disappointment that education policy was not aligned with other policies at a national level. He emphasised that more development would lead to the need for more school places and expressed concern about how the authority would fund this provision.

Resolved -

- (1) That, having considered the recommendations in the CIL Examination Report Option 1 be approved as set out in Document “BN” and the Executive recommend to Council the formal approval and implementation of the Bradford District Community Infrastructure Levy Charging Schedule (as set out in Appendix 2 of Document “BN”) with a commencement date of 1 July 2017**
- (2) That the content of the CIL Regulation 123 List, Exceptional Circumstances Policy and Instalments Policy be noted and approved and the Strategic Director, Place in consultation with the relevant portfolio holder be authorised to revise any of these policies and as required in line with the relevant regulations.**
- (3) That it be noted that a CIL Governance Report was taken to the**



ACTION: Strategic Director, Place

111. WEST YORKSHIRE+ TRANSPORT FUND - HARROGATE ROAD / NEW LINE JUNCTION AND HARD INGS ROAD IMPROVEMENT, KEIGHLEY COMPULSORY PURCHASE ORDER (HIGHWAYS ACT 1980) AMENDMENT

The report of the Strategic Director Place (**Document “BO”**) sought Executive’s approval to:

- Modifications to the CPO boundary plans previously approved for the West Yorkshire+ Transport Fund schemes of Harrogate Road / New Line junction Improvement and Hard Ings Road Improvement, Keighley;
- The use of powers under Section 40 of the Road Traffic Regulation Act 1984 (RTRA); and
- Advertise the disposal of existing public open space and the appropriation of replacement public open space on the Harrogate Road / New Line scheme.

Finally, in recognition of the on-going nature of the land assembly negotiations for these projects the report sought Executive’s approval to the delegation of the determination of any further amendments to the extents of the CPO to the Strategic Director, Place in consultation with the Portfolio Holder.

The Regeneration, Planning and Transport Portfolio Holder noted that this was a significant transport scheme which would be a key to unlock economic growth in the district over a number of years.

Resolved –

- (1) **That a Compulsory Purchase Order be made under Section 239, 240, 246, 250 and 260 of the Highways Act 1980, Section 40 of the Road Traffic Regulation Act 1984 and the Acquisition of Land Act 1981 to be known as the City of Bradford Metropolitan District Council (Harrogate Road / New Line Junction Improvement Scheme) Compulsory Purchase Order 2017 for the compulsory purchase of land and rights required for the construction of the Harrogate Road / New Line junction as shown on revised drawing no: R/PTH/MH/103196/CPO-6A (the ‘Order Land’) annexed to Document “BO”.**
- (2) **That the boundary plan previously approved by Executive on the 12th January 2016 in relation to the City of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement Scheme, Keighley) Compulsory Purchase Order 2017 for the compulsory purchase of land and rights required**



for the construction of the proposed Hard Ings Road highway improvement scheme be amended, as shown on the revised drawing no: PTH/HS/103197/CPO-01B (the 'Order Land') annexed to Document "BO".

- (3) That the previous CPO resolutions inconsistent herewith be and are hereby rescinded.
- (4) That the details of the above Compulsory Purchase Order resolutions be placed on the Register of Local Land Charges.
- (5) The Compulsory Purchase Orders be submitted to the Secretary of State for Transport for confirmation at the earliest possible opportunity.
- (6) That in the event of a further modification to the extent of the Order Land as a result of on-going negotiations the authorisation of any further amendments to the CPO boundary be delegated to the Strategic Director of Place in consultation with the Portfolio Holder, Regeneration, Planning & Transport in the interests of expediency.
- (7) That an area of land used for recreation comprising in the whole some 338 square metres (or thereabouts) of land shown edged red on Plan A annexed to Document "BO" be declared surplus to requirements for community use and it be agreed, in principle, that the land may be used instead to facilitate a proposed highway widening scheme along Harrogate Road / New Line, Greengates, Bradford.
- (8) That the intention to provide replacement land comprising 1,249 square metres (or thereabouts) of land shown shaded green on Plan B annexed to Document "BO" for the highway widening scheme, be approved pursuant to Section 122(2A) of the Local Government Act 1972 in order to replace the public open space land needed for the road widening.
- (9) That consideration of any objections received to both published notices described in 10.2 and 10.3 of Document "BO" on whether the open space land should be permitted to be used for the road widening scheme and the replacement land appropriate from highway purposes to community use, be delegated for decision to and the Strategic Director: Corporate Services in consultation with the Executive Portfolio Holder for Regeneration, Planning and Transport.

ACTION: *Strategic Director, Place/Strategic Director Corporate Services*

112. BRADFORD CITY CENTRE - PROPOSED AMENDMENTS TO ON-STREET



VEHICLE PARKING CHARGES AND CHANGES TO SOME DESIGNATED PAY AND DISPLAY AND LIMITED WAITING BAYS.

The report of the Strategic Director Place (**Document “BP”**) considered the objections received to the proposals to extend the hours of on-street parking charges to 8a.m – 6p.m on Monday to Saturday (currently 10a.m – 4.30p.m) and to introduce a fixed £1 charge on Sundays in pay and display bays within Bradford city centre.

The report also considered the objections received to introduce pay and display bays on Canal Road, Valley Road, Bolton Road and Mill Street, which were currently designated as limited waiting parking bays, and to a proposal to provide a bus bay on Upper Piccadilly.

Representatives of a number of businesses attended the meeting and spoke in objection to the proposals and raised the following points:

- There had been a recent decline in business on North Parade and the John Street area and introducing the proposed charges would have a detrimental effect on businesses.
- The proposed Sunday charges had been abandoned following objections and it was noted that these objections were also valid in relation to proposals regarding Monday to Saturday.
- People would be discouraged from coming to the “top of town” if they had to pay to park.
- Businesses faced competition from out of town shops where there were no parking charges.
- Shoppers would be discouraged from using businesses if the charges were introduced.
- Increased parking charges would have a greater impact on businesses that were busy after 4.30 and on Sunday.
- Increasing parking charges would have a negative impact on the regeneration of the “top end of town”.
- Parking charges should not be increased as this would increase the decline in that area of town.

The Regeneration, Transport and Planning Portfolio Holder noted that there had been a lot of engagement on the issue and a number of traders had expressed concerns. He noted their concerns about levels of trade on Sunday and added that public realm improvements were being considered. He added that Bradford was the only authority in West Yorkshire that did not operate 8am to 6pm parking charges and that parking in the district was the cheapest in West Yorkshire.

Resolved -

- (1) That the introduction of the revised on-street parking charges as described in Document “BP” be approved, with the exception of the implementation of a £1 Sunday flat rate charge to some “top of town” streets, namely North Parade, Northgate, Rawson Road, Godwin**



Street and Darley Street, where regeneration proposals may affect on-street parking provision, as referred to in section 2.5 of Document “BP”. The proposed bus bay on Upper Piccadilly be approved.

- (2) That all objectors be notified of the Executive’s decision.

ACTION: *Strategic Director, Place*

113. MITIGATING THE IMPACTS OF WELFARE REFORM ON THE POOREST FAMILIES AND SUPPORTING PARENTS TO ACCESS EMPLOYMENT THROUGH THE AWARD OF DISCRETIONARY HOUSING PAYMENTS

The report of the Strategic Director Corporate Services (**Document “BQ”**) outlined how Discretionary Housing Payments could be used to mitigate the impacts of the further benefit cap on the District’s poorest households and to support people into employment.

The Strategic Director advised members that the Government had announced that single people under 22 would no longer qualify for Housing Benefit.

A Councillor who was a member of the Anti-Poverty Co-ordination Group attended the meeting. She expressed concern that the welfare cap was having a negative impact on families and children. She stressed that the Anti-Poverty Co-ordination Group was being pro-active in helping families. She noted that Bradford was the city with the youngest population in the Country and emphasised the need to lift people out of poverty and take a lead on the issue of housing.

In response to a member question the Strategic Director noted that the earnings cap had been reduced to £20,000 for a family with 3 children. It was estimated that there were 2,500 children in the district, in families affected by the cap.

The Health and Wellbeing Portfolio Holder who was the Chair of the Children’s Trust Board noted the number of children in Bradford living in poverty and that the proportion was higher in the inner city. She welcomed the proposals in helping to reduce poverty.

The Leader commented that the proposals would help to mitigate the effects of the government austerity policy on the poorest in society.

Resolved -

- (1) **That the Discretionary Housing Payments (DHP) policy be amended as set out in appendix A to Document “BQ” to prioritise families by extending the period that the DHP can be awarded to ensure more stability of tenure. And- so that where appropriate, an adult or both adults from a household applying for a DHP are encouraged to**



undertake skills training or access other work-orientated support.

- (2) That Council officers responsible for skills and training programmes and other work-orientated programmes (such as Skills for Bradford, Get Bradford Working) work with officers in Revenues and Benefits to investigate and, if viable and cost neutral, share their client data subject to the consent of the data subject or otherwise in accordance with the requirements of the law for the purpose of:
 - (1) Identifying parents and other adults who could benefit from provision aimed at supporting them into work or full employment.****
- (3) That the Strategic Director of Corporate Services be instructed to involve the relevant Portfolio Holders and the Council's Anti-Poverty Champion in any further development of the DHP Policy.**
- (4) That Council officers in Revenues and Benefits Service ensure that Discretionary Housing Payments are promoted to parents through schools and through other locations in the district to ensure parents are aware of the support available and how to apply for it.**
- (5) That the Chief Executive provide a wider report for the Executive at the earliest time on how the impact of welfare changes can be mitigated on the poorest families and how parents can be supported to access employment**

ACTION: Strategic Director, Corporate Services

Chair

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

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

