

Agenda for a meeting of the Executive to be held on Tuesday, 2 April 2019 at 10.30 am in Committee Room 1 - City Hall, Bradford

Members of the Executive – Councillors

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

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- 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 who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Jill Bell
Phone: 01274 434580
E-Mail: jill.bell@bradford.gov.uk

To:

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 5 February 2019 be signed as a correct record (previously circulated).

(Jill Bell - 01274 434580)

3. 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.

(Jill Bell - 01274 434580)

4. RECOMMENDATIONS TO THE EXECUTIVE

To note any recommendations to the Executive that may be the subject of report to a future meeting. (Schedule to be tabled at the meeting).

(Jill Bell - 01274 434580)

B. STRATEGIC ITEMS

LEADER OF COUNCIL & CORPORATE

(Councillor Hinchcliffe)

5. QUARTER 4 FINANCE POSITION STATEMENT FOR 2018-19

1 - 42

The report of the Director of Finance (**Document BD**) provides Members with an overview of the forecast financial position of the Council for 2018-19.

It examines the latest spend against revenue and capital budgets and forecasts the financial position at the year end. It states the Council's current balances and reserves and forecasts school balances for the year.

Recommended -

- (1) That the contents of Document "BD" be noted.**
- (2) That the following capital expenditure schemes be approved.**
 - (a) £0.06m for work to replace fencing and improve security at the Harris Street Depot to be funded from the general contingency budget.**

- (b) £0.3m for the Ilkley Parking Scheme, this has previously been to Executive and has now been approved by the Project Appraisal Group (PAG). This is an invest to save scheme and the additional income will fund the capital financing costs.
- (3) That it be noted that the following schemes have been reviewed by PAG after previously being approved by Executive:
 - (a) £0.6m for a new investment in Coronial services. This scheme was approved by Executive in July 2018 and will be funded from general contingency.
 - (b) Chellow Dene reservoir has incurred an overspend of £0.05m this was due to additional costs for structural works and will be funded by the general contingency budget.

Corporate Overview & Scrutiny Committee

Andrew Cross – (01274 436823)

6. THE COUNCIL'S CAPITAL STRATEGY 2019-20

43 - 62

The report of the Director of Finance (**Document “BE”**) presents the Council Capital Strategy for 2019-20.

Recommended -

That the Executive requests Council to approve the 2019-20 Capital Strategy.

(Corporate Overview & Scrutiny Committee)

(Lynsey Simenton – 01274 434232)

C. PORTFOLIO ITEMS

**REGENERATION, PLANNING & TRANSPORT
PORTFOLIO**

(Councillor Ross-Shaw)

7. CORRIDOR IMPROVEMENT PROGRAMME - COMPULSORY PURCHASE ORDER, SIDE ROADS ORDER AND TRAFFIC REGULATION ORDERS

63 - 82

The report of the Strategic Director of place (**Document “BF”**) updates the Executive on the development of a series of junction upgrades

which are to be delivered as part of the West Yorkshire Transport Fund's Corridor Improvement programme. As part of this programme the outer ring road junctions of Great Horton Road/Horton Grange Road, Thornton Road/Cemetery Road and Toller Lane / Whetley Hill are to have major upgrades to improve traffic flow on the outer ring road.

As part of the upgrade proposals each of these schemes will require the acquisition of properties to deliver the proposed improvement. This report therefore seek approval in principle from Executive for the Council to use its Compulsory Purchase Order (CPO) powers to acquire the land needed should acquisition by private treaty fail together with arrangements for implementation of associated side roads orders and traffic regulation orders.

Recommended -

- (1) That the Executive is satisfied that the schemes referred to in this report, being part of the Council's Corridor Improvement Programme, are in the public interest and that any harm caused by the use of compulsory purchase powers to acquire and interfere with third party land and rights needed for the scheme is outweighed by the public benefits which the improvement schemes will generate, having also taken into account at this stage, the Council's statutory obligations under the Equality Act 2010 in relation to the differential impact a Compulsory Purchase Order might have on various groups of persons with protected different characteristics;**

- (2) That in principle a Compulsory Purchase Order to be made for each of the following schemes -**
 - a) The City of Bradford Metropolitan District Council (Great Horton Road and Horton Grange Road, Bradford) (Highway Junction Improvement Scheme) Compulsory Purchase Order 2019, in respect of the land shown shaded pink on Plan A annexed hereto;**

 - b) The City of Bradford Metropolitan District Council (Thornton Road and Cemetery Road, Bradford) (Highway Junction Improvement Scheme) Compulsory Purchase Order 2019, in respect of the land shown shaded pink on Plan B annexed hereto;**

 - c) The City of Bradford Metropolitan District Council (Toller Lane and Whetley Hill, Bradford) (Highway Junction Improvement Scheme) Compulsory Purchase Order 2019, in respect of the land shaded pink on Plan C annexed hereto**

pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and section 40 of the Road Traffic Regulation Act 1984 and under section 2 of the Acquisition of Land Act 1981 for the purpose of relieving or preventing congestion of traffic by providing off-street parking places, together with means of entrance to and egress from them and section 1 of the Localism Act 2011 and all other relevant and enabling powers to secure the compulsory acquisition of the land and buildings shown shaded pink on the plans annexed hereto, relating to the three highway improvement schemes, described above.

(3) That delegated authority be given to the Strategic Director: Place in consultation with the Portfolio Holder for Regeneration, Planning and Transport to -

a) Make a final decision on whether Compulsory Purchase Orders should be made in respect of each of the proposed highway schemes outlined above, provided that the Strategic Director: Place and the Portfolio Holder for Regeneration, Planning and Transport are both satisfied that

- that there are or are likely to be no planning obstacles to the implementation and completion of each of the highway schemes;
- that there is or is likely to be available sufficient funds to meet all costs associated with an individual highway scheme;
- that there is little or no prospect of all the land needed for each of the individual highway schemes being acquired by voluntary negotiations;
- that due regard has been given to compliance with all relevant human rights and public sector equality requirements in the formulation of an individual highway scheme and in conducting negotiations;
- that there are no impediments to the implementation and completion of an individual scheme; and
- that an individual scheme is in the public interest and can be justified on highway management grounds.

b) Determine the exact power to make the aforementioned Compulsory Purchase Orders and

if necessary to make minor or technical amendments to each Compulsory Purchase Order.

- c) Modify and settle for each highway junction improvement scheme, the draft “Statement” to justify the use of compulsory purchase powers, the Compulsory Purchase Order Map and Schedule and all other legal documentation necessary to support and accompany each of the Compulsory Purchase Orders to the Secretary of State for Transport for confirmation;**
- d) Approve agreements with landowners setting out the terms for withdrawal of any objections to the Compulsory Purchase Orders, including where appropriate, seeking exclusion of land from the Compulsory Purchase Orders;**
- e) Confirm the Compulsory Purchase Orders, if satisfied that it is appropriate to do so, in the event that the Secretary of State for Transport notifies the Council that the Council has been given the power to confirm any of the Compulsory Purchase Orders;**
- f) Promote any modifications to the Compulsory Purchase Orders, if expedient to do so;**
- g) Take all and any necessary action, as the case may be to continue or open negotiations with persons for the acquisition of land and to facilitate each of the individual highway junction improvement schemes and any other interests included in the Compulsory Purchase Orders and any other land needed for the schemes and to authorise acquisitions by agreement where the use of compulsory purchase powers is in contemplation and to approve the purchase price, advance payments and all other compensation payments;**
- h) Take all necessary steps in relation to any statutory blight proceedings instituted against the Council for the acquisition of land claimed to be blighted by the threat or presence of the Compulsory Purchase Orders;**
- i) Take all necessary action, should the quantum of compensation flowing from the threat or use of compulsory purchase powers be in dispute and be referred to the Upper Tribunal (Lands**

Chamber) or other form of arbitration; and

- j) To take and do all things necessary or incidental to the implementation of the above resolutions;
- (4) That Executive confirms that all land acquired for the highway improvement schemes be held for highway purposes.
- (5) That Executive delegate consideration of any objections to the associated traffic regulation orders to the Strategic Director of Place in consultation with the Portfolio Holder.

(Regeneration and Environment Overview & Scrutiny Committee)
(Richard Gelder – 01274 437603)

8. **INTRODUCTION OF FIXED PENALTY NOTICES FOR HOUSEHOLDER'S DUTY OF CARE OFFENCES**

83 - 88

The Strategic Director of Place will present (**Document “BG”**) in which the Executive is asked to approve new enforcement powers in relation to S34 (2A) of the Environmental Protection Act 1990, known as the Householder's Duty of Care.

Recommended -

That the new powers to issue Fixed Penalty Notices for Householder Duty of care offences under S34 (2A) of the Environmental Protection Act 1990 be adopted and that the level of fine is set at the maximum of £250, reduced to £200 for early payment.

Regeneration and Environment Overview & Scrutiny Committee
(Amjad Ishaq – 01274 4336820)

CHILDREN AND FAMILIES PORTFOLIO

(Councillor Farley)

NOTE

The following item is included on this agenda as an exceptions to the Forward Plan in accordance with the provisions of Paragraph 10 (General Exception to the Forward Plan) of Part 3D of the Constitution.

9. OFSTED MONITORING VISIT – 6th and 7 MARCH 2019

89 - 94

Following Ofsted's Inspection of Children's Social Care Services from the 17th to 28th September 2018, the first of a series of Monitoring Visits took place on the 6th and 7th March 2019.

The focus of the Monitoring Visit was on the Front Door looking at contacts and referrals, child protection enquiries, step-up from and step-down to early help and no further action/sign-posting.

The findings will be available from 29th March 2019. This is the only Monitoring Visit letter that will not be published by Ofsted.

The report of the Interim Strategic Director (**Document "BH"**) provides a summary of the findings. Appendix 1 to Document "BH" (Ofsted Report of Monitoring Visit – 6th and 7th March 2019) is Not For Publication as it contains confidential information as defined by section 100A of the Local Government Act 1972 – Government restriction. The letter was given to the Local Authority by Ofsted upon terms which forbid the disclosure of the letter to the public until after 29 March 2019.

Recommended -

The Committee is asked to note the contents of Document "BH".

(Children's Services Overview & Scrutiny Committee)
(Gladys Rhodes-White 01274 431266)