

Decisions of the Executive on Tuesday, 2 April 2019

These decisions are published for information in advance of the publication of the Minutes

CALL IN PERIOD ENDS ON TUESDAY 9 APRIL 2019 AT 17.00

Notes:

- (a) Decisions may be called in by the Chair of the Corporate Overview & Scrutiny Committee, or by the Chair of the Corporate Overview & Scrutiny Committee when requested to do so by one member of the Committee or a member of another committee or by the Committee member representing the third largest group on the Council.*
- (b) The request to call in must be in writing and be signed by a Member, give a reason for the request and sent to the Chair of the Corporate Overview & Scrutiny Committee, who will deliver the request to Committee Secretariat, Room 111, City Hall by the date and time specified.*
- (c) Decisions which are subject to call in cannot be acted upon until the call in period expires.*
- (d) Decisions marked * may not be called in under Paragraph 8.7 of Part 3E of the Constitution.*

To:

1. **RECOMMENDATIONS TO THE EXECUTIVE**
SUPPORT FOR COMMUNITY ASSET TRANSFERS

Council 19 March 2019

Resolved –

Council notes the successful transfer of assets from the authority to local communities and applauds the efforts and commitment of local people who have taken over management of public halls, libraries and other facilities.

Council recognises the support given to these transfers and other social businesses in the District by voluntary sector infrastructure organisations and funders including the National Lottery as well as by officers from across the Council.

Council recognises that access to finance and business planning remains a challenge for groups wanting to take control of community assets or to develop facilities for their local neighbourhood.

Council request that the Strategic Director for Place and the Strategic Director for Corporate Resources draw up proposals for consideration by the Executive as follows:

1. **An affordable loan product making use of Council prudential borrowing powers and drawing on the successful model developed for Cullingworth Village Hall**
2. **A toolkit for local groups considering asset transfers or development projects that provides advice on planning, licensing, building control and the Council's approach to using its assets for community purposes**
3. **Options for applying Community Infrastructure Levy (or other proceeds from planning gain) to the development of new or transferred community facilities**
4. **A plan for raising awareness of finance options and opportunities throughout the District's voluntary and community sector.**

ACTION: Strategic Director Place/Strategic Director Corporate Resources

NOTE: In noting the receipt of the above resolution the Leader requested the Strategic Directors of Place and Corporate Resources report to a future meeting of the Executive.

LEADER OF COUNCIL & CORPORATE

(Councillor Hinchcliffe)

2. QUARTER 4 FINANCE POSITION STATEMENT FOR 2018-19

Resolved -

- (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 Colonial 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.**

ACTION: Director of Finance
Corporate Overview & Scrutiny Committee

3. THE COUNCIL'S CAPITAL STRATEGY 2019-20

Resolved -

That it be recommended to Council that the 2019-20 Capital Strategy be approved.

ACTION: Director of Finance/City Solicitor (for reference to Council)
(Corporate Overview & Scrutiny Committee)

**REGENERATION, PLANNING & TRANSPORT
PORTFOLIO**

(Councillor Ross-Shaw)

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

Resolved -

- (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.

ACTION: Strategic Director of Place
(Regeneration and Environment Overview &Scrutiny Committee)

5. INTRODUCTION OF FIXED PENALTY NOTICES FOR HOUSEHOLDER'S

DUTY OF CARE OFFENCES

Resolved -

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.

ACTION: Strategic Director of Place
Regeneration and Environment Overview & Scrutiny Committee

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

Resolved -

The that the contents of Document “BH” be noted.

ACTION: Interim Strategic Director of Children’s Services
(Children’s Services Overview & Scrutiny Committee)

FROM: Parveen Akhtar
City Solicitor
City of Bradford Metropolitan District Council

Committee Secretariat Contact: Jill Bell, 01274 434580