

Minutes of a meeting of the Executive held on Tuesday, 2 April 2019 in Committee Room 1 - City Hall, Bradford

Commenced 10.30 am
Concluded 11.20 am

Members of the Executive – Councillors

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

Observers: Councillor Pennington

104. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

105. MINUTES

Resolved –

That the minutes of the meeting held on 5 February 2019 be signed as a correct record.

ACTION: City Solicitor

106. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

107. 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 that the Strategic Directors of Place and Corporate Resources report to a future meeting of the Executive.

LEADER OF COUNCIL & CORPORATE

(Councillor Hinchcliffe)

108. QUARTER 4 FINANCE POSITION STATEMENT FOR 2018-19

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

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

The Leader thanked officers in the Department of Finance for their work on the budget and the Quarter 4 financial position statement. She was pleased to note that £1.3m additional funding had been allocated by the Government in

December but pointed out the difficulty in managing and planning the budget and stressed the need of certainty from the Government regarding Local Government finance.

The Healthy People and Places Portfolio Holder thanked officers in the Directorate of Place and Adult Services. She stressed the pressure on the finances of Adult Social Care in the District and emphasised the need for the publication of the long awaited Green Paper and sustainable funding for Adult Social Care. She added that there was a £1billion shortfall nationally for adult social care.

The Children and Families Portfolio Holder noted that the number of Looked After Children had risen and that budget pressure would increase as a result. He added that all Local Authorities were facing funding pressures in Children's Social Care. He stressed the need for the Government to recognise the responsibility of Local Authorities to protect vulnerable young people.

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 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.**

ACTION: Director of Finance
Corporate Overview & Scrutiny Committee

109. THE COUNCIL'S CAPITAL STRATEGY 2019-20

The report of the Director of Finance (**Document "BE"**) presented the Council Capital Strategy for 2019-20. He noted that the report would contribute to the Capital Programme of the following year. He referred to the actions intended to align the Council's operations with the current context of the Council's projected Capital Financing Requirement that were set out in the report.

The Leader noted that the Strategy would be monitored as the year progressed.

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)

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

The report of the Strategic Director of Place (**Document “BF”**) updated the Executive on the development of a series of junction upgrades which were 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 were to have major upgrades to improve traffic flow on the outer ring road.

As part of the upgrade proposals each of these schemes would require the acquisition of properties to deliver the proposed improvement. The report therefore sought 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.

He introduced the report that gave details of the scheme, set out risks and options and how objections were proposed to be dealt with.

The Regeneration, Planning and Transport Portfolio Holder thanked officers for their work on the schemes. He emphasised that the proposals would deliver junction upgrades to address congestion on the outer ring road that had been needed for a considerable length of time. He added that officers would continue to engage with land owners regarding the acquisition of land.

The Strategic Director explained that the proposals included dedicated cycle facilities and pedestrian crossing facilities. He added that officers were working with the Combined Authority and bus company to rationalise the number of bus shelters to realise the full benefit of the provision of additional traffic lanes. He noted that new LED lighting would improve visibility. The junction improvements would reduce the number of vehicles idling at junctions that would improve air quality. It was noted that a high level of assessments of air quality and a detailed

evidence base were required by the Combined Authority. High level monitoring of the impact of the scheme would be undertaken.

The Portfolio Holder anticipated that improved bus routes would encourage more use of buses.

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)

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

The Strategic Director of Place presented (**Document "BG"**) in which the Executive was 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.

In response to a question from the Leader, the Strategic Director explained that a list of registered contractors was available on the Environment Agency web site that householders could check. The Leader requested that publicity be undertaken to draw this to householders' attention.

The Healthy People and Places Portfolio Holder stressed that householders had duty of care to ensure that waste was disposed of correctly. The Education, Employment and Skills Portfolio Holder referred to the competitive rate and level

of service provided by the Council to dispose of bulk household waste.

The Leader welcomed the proposal as a means of reducing fly tipping in the District.

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

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

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

The report of the Interim Strategic Director (**Document "BH"**) provided a summary of the findings. Appendix 1 to Document "BH" (Ofsted Report of Monitoring Visit – 6th and 7th March 2019) was Not For Publication as it contained 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 forbade the disclosure of the letter to the public until after 29 March 2019.

The Interim Strategic Director of Children's Services advised members that verbal feedback had been received. This had indicated that in all cases that were looked at, there were no instances where children were not being properly safeguarded. She added that most areas were showing positive progress and that the inspectors were impressed with the co-location of the early help gateway. It was noted that real progress had been demonstrated and that this was a positive start to the improvement journey and monitoring visits.

The Leader thanked the Interim Strategic Director and her team for bringing the authority to its current position.

The Children and Families Portfolio Holder noted that the authority had taken the decision to publish the Ofsted report of the monitoring visit and that it would be reported to the Children's Services Overview and Scrutiny Committee. He thanked officers for the progress that had been made. He highlighted that Ofsted had indicated that the authority was starting to make positive progress from a very

low base in improving the services and response that children and families receive when requests for services are first made.

The Interim Strategic Director advised members of the action that had been taken to address the delays in assessing the needs of young people who present as homeless. She reported that responsibility for 16-18 year old homeless young people had been moved into the front door MASH which offered a more holistic and timely response from a multi agency team. She added that with immediate effect, all staff engaged with 16-18 year old homeless young people would explain that they had the right to become a looked after child and continue to offer this if at first they did not see it as a positive option.

The Leader noted that this was the beginning of an improvement journey. She reported that a new Strategic Director of Children's Services had been appointed and thanked the Interim Strategic Director for her support in recruiting her successor. It was noted that reports on future monitoring visits would be reported to the Executive and the Children's Services Overview and Scrutiny Committee. She welcomed the external evaluation provided by OFSTED.

Resolved -

The that the contents of Document "BH" be noted.

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

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