

Minutes of a meeting of the Executive held on Tuesday, 4 January 2022 in City Hall, Bradford

Commenced 10.30 am
Concluded 11.30 am

Members of the Executive – Councillors

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

Observers: Councillors Poulsen, Pollard, Clarke, Edwards, and Whitaker

68. DISCLOSURES OF INTEREST

No disclosures in matters under consideration were received.

69. MINUTES

Resolved –

That the minutes of the meeting held on 2 November 2021 be signed as a correct record (previously circulated).

ACTION: City Solicitor

70. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

71. RECOMMENDATIONS TO THE EXECUTIVE

There were no recommendations referred to the Executive.

LEADER OF COUNCIL & CORPORATE

72. CALCULATION OF BRADFORD'S COUNCIL TAX BASE AND BUSINESS RATES BASE FOR 2022-23

The report of the Director of Finance (**Document “AM”**) estimated the Council's Council Tax and Business Rates bases for 2022-23. These bases in turn determined the amount of taxation raised in 2022-23.

Section A of the report estimated the Council Tax Base. This involved considering: total dwellings in the district; exemptions, discounts and the Council Tax Reduction Scheme among other items.

Section B estimated the Business Rates base, starting with the total rateable value of property used by businesses in the District.

Section C summarised the implications of the tax bases for the 2022-23 revenue budget.

The Leader commented that the authority had only limited scope regarding business rates as the level was set by Government, with a percentage being retained by the Local Authority.

A member of the Opposition Group referred to the collection fund deficit of £6.4m to be spread over 3 years reported to the Executive in January 2021. He noted that this year there was an emerging Council Tax surplus of £1.125m and asked how the anticipated deficit had been accounted for. The Director of Finance responded that in 2021 the Council received Council Tax income guarantee monies which would be used to offset the deficit. In response to his question regarding whether the £1.5m grant in respect of homelessness prevention reported in the press had been included in the base budget assumptions the Director of Finance undertook to provide him with a response.

Resolved -

- (1) That the number of Band D equivalent properties for 2022-23 for the whole of the Bradford Metropolitan District is fixed at 143,420 (as set out in Appendix A, line 13 of Document “AM”).**
- (2) That the Council Tax Base for 2022-23 for each Parish (set out in Appendix B of Document “AM”) is approved.**
- (3) Further that Bradford's £1.12m share of the anticipated 2021-22 Council Tax surplus is approved. Also that the Police and Fire share of the surplus (as set out in 6.3 of Document “AM”) is noted.**
- (4) That the latest estimate of the gross shares of Business Rates income for 2022-23, are noted. These are set out below:
50% is paid to Central Government - £64.6m, 1% is paid to the West Yorkshire Fire Authority - £1.29m, 49% is retained by the Council -**

£63.3m

- (5) That authority is delegated to the Section 151 officer in consultation with the Leader of the Council to make any necessary amendments to the Business Rates estimate arising from the completion of the 2022-23 NNDR1 form and to include the amended figures in the 2022-23 Budget papers for Council.
(Andrew Cross 07870 386523)

ACTION: Director of Finance

REGENERATION, PLANNING & TRANSPORT PORTFOLIO

(Councillor Ross-Shaw)

73. FINAL ARRANGEMENTS FOR THE ESTABLISHMENT OF A JOINT UTM SERVICE FOR WEST YORKSHIRE

The purpose of the report of the Strategic Director of Place (**Document AO**) was to update Executive on the work carried out to establish a joint West Yorkshire UTM service, upgrade existing traffic signals and computer infrastructure, and to report on the final form of this service design in accordance with Executive's resolution of 11 September 2018. In place of a joint UTM service, a Memorandum of Understanding had been proposed to be agreed by the partners. The two remaining elements had been delivered or were in the process of delivery.

The Leader and the Regeneration, Planning and Transport Portfolio Holder were pleased to note the centre of excellence arrangements. This would ensure that high quality training could be offered for UTM staff in West Yorkshire to train young graduates, as training and development of younger engineers into this field was seen as critical over the next decade.

The Portfolio Holder referred to the traffic signal asset upgrade at Foxes Corner, that had allowed the introduction of pedestrian crossing facilities to several crossing points, and to the investment in the Council's fibre-optic network.

Resolved –

- (1) That Executive note the work which has been done to date on developing proposals for the joint West Yorkshire UTM service and note the issues which have prevented bringing this to fruition.
- (2) That Executive note and endorse the proposal to establish a Centre for Excellence dedicated to the training of young professionals in the field of traffic signal design and operation which complements the Council's own approach to encourage new graduates into this area of engineering.

- (3) **That the Strategic Director, Place in consultation with the Portfolio Holder be delegated authority to enter into the Memorandum of Understanding on behalf of the Council.**

(Richard Gelder – 01274 437603)

ACTION: Strategic Director of Place

74. A650 TONG STREET HIGHWAY IMPROVEMENT PROJECT

The report of the Strategic Director of Place (**Document “AP”**) provided Executive an update on the development of the A650 Tong Street Highway Improvement project as part of the West Yorkshire+ Transport Fund (WY+TF) and Department for Transport (DfT) Major Road Network (MRN) fund seeking Executive’s endorsement of the scheme’s further development, benefits and proposals.

It also requested that delegated authority be given to the Strategic Director Place in consultation with the Portfolio Holder to progress a range of issues to ensure delivery of the scheme within the required timescales, including the use of compulsory purchase powers to achieve the desired objectives.

A Ward Councillor attended the meeting and expressed his disappointment that Ward Councillors had not been briefed or informed that this report was to be considered at the meeting.

He went on to request that greater priority be accorded to tackling air pollution and promoting active travel. He referred to the poor air quality in residential areas adjoining Tong Street,, and recommended that the health and wellbeing of residents should be the authority’s top priority. He was pleased to note the recognition that doing nothing was not an option. He referred to the low car ownership in the area and the need to improve public transport links. He welcomed the continued commitment to seek the inclusion of a mass rapid transit scheme which would benefit communities in Brierley & Holme Wood. He stressed the importance of not just adding lanes for private and commercial vehicles as a way of reducing congestion. He also referred to the need to no longer entertain the proposed South East Bradford access road as he was of the opinion that it was not environmentally sustainable. He asked that the Executive give a commitment that the scheme would improve air quality for the people living alongside the road and that extending the Rooley Lane clean air zone to take in Tong Street be considered.

The Regeneration, Planning and Transport Portfolio Holder thanked the Ward Councillor for his support of the scheme which included elements that had been requested by Ward Councillors previously.

Resolved -

That the following recommendations be approved:

- (1) **Support and approve the proposals including further development as the preferred approach to the delivery of the A650 Tong Street Highway**

Improvement Project.

- (2) That the Strategic Director: Place be authorised to manage the scheme programme as appropriate to meet changing circumstances.**
- (3) That the Strategic Director: Place be authorised to make any necessary applications to obtain planning permission for any aspect of the scheme that may require such consent.**
- (4) That the Strategic Director: Corporate Resources be authorised to promote and take whatever action is necessary to submit the CPO and SRO to the Secretary of State for Transport for confirmation.**
- (5) That further update reports are presented to Executive following approval of the Full Business Case by the DfT and / or West Yorkshire Combined Authority.**
- (6) That the Executive is satisfied that the A650 Tong Street Highway Improvement Project is in the public interest and that any harm caused by the use of CPO/SRO powers to acquire and interfere with third party land and rights needed for the scheme is outweighed by the public benefits which the improvement scheme 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 CPO/SRO might have on various groups of persons with protected different characteristics;**
- (7) That in principle, the following Orders be made -**
 - a. The City of Bradford Metropolitan District Council (Tong Street, Bradford) (Highway Improvement Scheme) Compulsory Purchase Order 2022, pursuant to Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Section 1 of the Localism Act 2011 and Section 40 of the Road Traffic Regulation Act 1984 for the purpose of relieving or preventing congestion of traffic including the provision of off-street parking places together with means of entrance to and egress from them and all other relevant and enabling powers to secure the compulsory acquisition of such land and rights that are needed to promote the scheme.**
 - b. The City of Bradford Metropolitan District Council (Tong Street, Bradford) (Highway Improvement Scheme) (Side Roads) Order 2022, pursuant to Sections 14 and 125 of the Highways Act 1980.**
- (8) That the Strategic Director: Place in consultation with the Portfolio Holder for Regeneration, Planning and Transport be given delegated authority to:**

- a. Progress and develop the scheme proposals through the DfT's and West Yorkshire Combined Authority's Assurance Processes and undertake consultation on scheme proposals.**
- b. As may be required, secure the procurement of specialist external services having regard to the Council's Contract Standing Orders and national procurement legislation in order to advise the Council on matters relating to the delivery of the A650 Tong Street Highway Improvement Project.**
- c. Investigate land ownership of land required for the delivery of the A650 Tong Street Highway Improvement Project.**
- d. Undertake negotiation with land owners to secure by private treaty any land required outside of Council ownership for the delivery of the A650 Tong Street Highway Improvement Project.**
- e. Where necessary, issue requisition notices requiring those believed to have an interest in relevant property to provide title information and details of their interest in land.**
- f. Determine whether and the extent to which a CPO and SRO are needed to be made and submitted to the Secretary of State for Transport for confirmation, subject to being satisfied that there is sufficient justification to support the making of a CPO and SRO and that there is evidence that due diligence and probity of governance has been correctly followed and observed in complying with all relevant statutory procedures, including but not limited to the Council's statutory duties and obligations under human rights and public sector equality legislation;**
- g. vary and determine the exact statutory powers to make the CPO and SRO and if necessary, to make minor or technical amendments to each of the Orders to determine and settle the extent of the land needed to be included in the CPO and the extent of any associated highway alterations in the SRO, including varying and finalising the exact CPO boundary and highway alterations to be placed in the SRO;**
- h. modify and settle the draft "Statement of Reasons" to justify the use of compulsory purchase powers, the CPO Map and CPO Schedule and all other legal documentation necessary to support and accompany the CPO and SRO to the Secretary of State for Transport for confirmation;**
- i. authorise if necessary, an application to be made to the Secretary of State for Levelling Up, Housing and**

Communities or any other appropriate Secretary of State pursuant to Section 19: Acquisition of Land Act 1981 to obtain approval to include in the CPO any additional land needed to be acquired to replace land currently used for open space recreation, allotment land and any disused burial sites and any other special kinds of land where such statutory approval is needed to replace such land being lost as a result of the scheme;

- j. approve agreements with landowners setting out the terms for withdrawal of any objections to the CPO, including where appropriate, seeking exclusion of land from the CPO and highway alterations from the SRO;**
 - k. confirm the CPO 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 the CPO;**
 - l. promote any modifications to the CPO and SRO if felt expedient to do so;**
 - m. take all and any necessary action, as the case may be to continue or open negotiations with persons for the acquisition of land and rights needed to facilitate the scheme and any other interests included in the CPO and SRO and any other land and rights needed for the scheme 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;**
 - n. 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 CPO or requests for the Council to exercise its statutory discretionary powers to acquire land and rights and any other interests on “hardship and compassionate” grounds**
 - o. 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;**
 - p. to take and do all things necessary or incidental to the implementation of the above resolutions; and**
- (9) That all land acquired for the scheme be held for highway purposes.**

(Richard Gelder - 01274 437603)

ACTION: Strategic Director of Place

75. SOUTH PENNINE MOORS SPECIAL PROTECTION AREA (SPA) / SPECIAL AREA OF CONSERVATION (SAC) PLANNING FRAMEWORK

Following Executive decision to formally adopt the South Pennine Moors Special Protection Area (SPA) / Special Area of Conservation (SAC) Planning Framework as a Supplementary Planning Document (SPD) on 6th July 2021, a limited number of additional representations were identified post Executive decision which had now been reviewed and included within the Statement of Consultation with subsequent minor amendments made to the SPD. The report of the Strategic Director of Place (**Document “AQ”**) therefore sought Executive approval to formally adopt a slightly amended version SPD for use in the determination of planning applications. The SPD is intended to support Policy SC8 in the adopted Local Plan Core Strategy.

Its purpose will be to provide the information necessary to enable planning officers and developers to understand the necessary steps to ensure compliance with the Habitats Regulations. It is an enabling strategy, unblocking potential Habitats Regulations Assessment (HRA) issues at the individual development project level where recreation pressure is difficult to mitigate on a piecemeal basis because it relies on a suite of integrated activities.

The SPD also sets out the level of developer contributions that should be provided to fund the measures required to avoid or mitigate any adverse impacts on the internationally protected species and habitats that arise from development within the Bradford District.

The South Pennine Moors SPA/SAC Planning Framework was subject to a public consultation which ran for a period of 6 weeks from the 8th February to 24th March 2021, in tandem with the consultation for the Regulation 18 draft Local Plan. The report provided details of the key issues which have arisen from the consultation and the subsequent changes which are proposed to the SPD as a result.

Resolved -

- (1) That the South Pennine Moors SPA/ SAC Planning Framework with the changes as detailed, attached in Appendix 1 to Document “AQ”, be adopted as a Supplementary Planning Document.**
- (2) That authority be delegated to the Strategic Director Place in consultation with the Portfolio Holder to carry out any minor amendments of a drafting or similar nature necessary, prior to the formal publication of the adopted South Pennine Moors SPA/ SAC Planning Framework SPD.**

(Andrew Marshall – 01274 434050)

ACTION: Strategic Director of Place

76. EXCLUSION OF THE PUBLIC

That the public be excluded from the meeting during consideration of :

- (a) the NFP Appendix to Document “AN” - Steeton and Silsden Crossing Project,**
- (b) the NFP appendix to Document “AR” - The proposed relocation of Baildon Library from Ian Clough Hall into the former Baildon Social Club building**
- (c) NFP Document “AS” and appendices - St James Wholesale Market Relocation**

on the grounds that it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that if they were present, exempt information within Paragraph 3 (Information relating to Financial or Business Affairs) of Schedule 12A of the Local Government Act 1972 (as amended), would be disclosed and it is considered that, in all the circumstances, the public interest in excluding public access to the relevant part of the proceedings outweighs the interest in publication of the report.

77. STEETON AND SILSDEN CROSSING PROJECT

The report of the Strategic Director of Place (**Document “AN” that contains NFP Appendix A**) provided the Executive with an update on the development of the Steeton and Silsden Crossing project and sought Executive's endorsement of the scheme's further development, benefits and proposals.

The report also requested that delegated authority be given to the Strategic Director Place in consultation with the Portfolio Holder to progress a range of issues to ensure delivery of the scheme within the required timescales, including the use of compulsory purchase powers to achieve the desired objectives.

A Ward Councillor attended the meeting and welcomed the scheme, however, she expressed concern and asked why a further £9.5m of funding was required for the scheme. She was of the opinion that Ward members should be consulted on the proposals at this stage. The Leader responded that the Portfolio Holder would provide a briefing for Ward members.

The Leader of the Opposition Group noted that this was the second major project being discussed at this meeting where Ward members had not been kept informed and stressed that this should happen at an early stage. She also asked for an explanation of the increase of £9.5m. In addition, she asked about the extent and cost of the footpath improvements from Silsden to the proposed crossing.

Members were advised that the Outline Business case had included a number of options, and the scheme had since been developed to address active and sustainable travel such as cycling and walking. A consultation strategy would be established which would include communication events with the public and

Councillors as part of the full business case development . The footpath network would be examined in the full business case development.

The Leader responded that this project for Silsden and Steeton had been enhanced, and that increased construction costs were being seen on projects across the country.

The Regeneration, Planning and Transport Portfolio Holder noted that the scope and ambition of the scheme had been enhanced to provide a landmark development for the area with improved connections within its local setting.

Resolved –

That the following recommendations be approved:

- (1) Support and approve the proposals including further development as the preferred approach to the delivery of the Steeton and Silsden Crossing Project.**
- (2) That the Strategic Director: Place be authorised to manage the scheme programme as appropriate to meet changing circumstances.**
- (3) That the Strategic Director: Place be authorised to make any necessary applications to obtain planning permission for any aspect of the scheme that may require such consent.**
- (4) That the Strategic Director: Corporate Resources be authorised to promote and take whatever action is necessary to submit the CPO and SRO to the Secretary of State for Transport for confirmation.**
- (5) That the Executive is satisfied that the Steeton and Silsden Crossing Project is in the public interest and that any harm caused by the use of CPO/SRO powers to acquire and interfere with third party land and rights needed for the scheme is outweighed by the public benefits which the improvement scheme 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 CPO/SRO might have on various groups of persons with protected different characteristics;**
- (6) That in principle, the following Orders be made -**
 - a. The City of Bradford Metropolitan District Council (Steeton and Silsden Crossing) (Highway Improvement Scheme) Compulsory Purchase Order 2022, pursuant to Sections 239, 240, 246, 250 and 260 of the Highways Act 1980; and Section 1 of the Localism Act 2011 and Section 40 of the Road Traffic Regulation Act 1984 for the purpose of relieving or preventing congestion of traffic including the provision of off-street parking places together with means of entrance to and egress from them and all other relevant and enabling powers to secure the compulsory acquisition**

of such land and rights that are needed to promote the scheme.

- b. The City of Bradford Metropolitan District Council (Steeton and Silsden Crossing, Bradford) (Highway Improvement Scheme) (Side Roads) Order 2022, pursuant to Sections 14 and 125 of the Highways Act 1980.

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

- a. Progress and develop the scheme proposals through the West Yorkshire Combined Authority's Assurance Processes and undertake consultation on scheme proposals.
- b. As may be required, secure the procurement of specialist external services having regard to the Council's Contract Standing Orders and national procurement legislation in order to advise the Council on matters relating to the delivery of the Steeton and Silsden Crossing Project.
- c. Investigate land ownership of land required for the delivery of the Steeton and Silsden Crossing Project.
- d. Undertake negotiation with land owners to secure by private treaty any land required outside of Council ownership for the delivery of the Steeton and Silsden Crossing Project.
- e. Where necessary, issue requisition notices requiring those believed to have an interest in relevant property to provide title information and details of their interest in land.
- f. Determine whether and the extent to which a CPO and SRO are needed to be made and submitted to the Secretary of State for Transport for confirmation, subject to being satisfied that there is sufficient justification to support the making of a CPO and SRO and that there is evidence that due diligence and probity of governance has been correctly followed and observed in complying with all relevant statutory procedures, including but not limited to the Council's statutory duties and obligations under human rights and public sector equality legislation;
- g. vary and determine the exact statutory powers to make the CPO and SRO and if necessary, to make minor or technical amendments to each of the Orders to determine and settle the extent of the land needed to be included in the CPO and the extent of any associated highway alterations in the SRO, including varying and finalising the exact CPO boundary

and highway alterations to be placed in the SRO;

- h. modify and settle the draft “Statement of Reasons” to justify the use of compulsory purchase powers, the CPO Map and CPO Schedule and all other legal documentation necessary to support and accompany the CPO and SRO to the Secretary of State for Transport for confirmation;**
- i. authorise if necessary, an application to be made to the Secretary of State for Levelling Up, Housing and Communities or any other appropriate Secretary of State pursuant to Section 19: Acquisition of Land Act 1981 to obtain approval to include in the CPO any additional land needed to be acquired to replace land currently used for open space recreation, allotment land and any disused burial sites and any other special kinds of land where such statutory approval is needed to replace such land being lost as a result of the scheme;**
- j. approve agreements with landowners setting out the terms for withdrawal of any objections to the CPO, including where appropriate, seeking exclusion of land from the CPO and highway alterations from the SRO;**
- k. confirm the CPO 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 the CPO;**
- l. promote any modifications to the CPO and SRO if felt expedient to do so;**
- m. take all and any necessary action, as the case may be to continue or open negotiations with persons for the acquisition of land and rights needed to facilitate the scheme and any other interests included in the CPO and SRO and any other land and rights needed for the scheme 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;**
- n. 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 CPO or requests for the Council to exercise its statutory discretionary powers to acquire land and rights and any other interests on “hardship and compassionate” grounds**
- o. 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;

p. to take and do all things necessary or incidental to the implementation of the above resolutions; and

(8) That all land acquired for the scheme be held for highway purposes.

Richard Gelder – (01274 437603)

ACTION: Strategic Director of Place

78. PROPOSED RELOCATION OF BAILDON LIBRARY FROM IAN CLOUGH HALL INTO THE FORMER BAILDON SOCIAL CLUB BUILDING

The report of the Strategic Directors of Corporate Resources and Place (Document AR **that contains NFP appendix A**) sought approval to relocate Baildon Library from the Ian Clough Hall site into the former Baildon Social Club.

This proposal would improve the library facilities and allow for the eventual demolition of Ian Clough Hall which does not meet current standards.

It was noted that Ward Councillors and Baildon Town Council had been briefed about the proposals which they supported.

A Ward Councillor who was in attendance at the meeting noted that local residents welcomed clarity on the future of Ian Clough Hall and the library. In response to his question it was confirmed that residential would be the most appropriate use for the upper tiers of the site. It was also confirmed that the owner of a small parcel of adjacent land had been approached regarding purchase.

The Regeneration, Planning and Transport Portfolio Holder noted that this was a significant development opportunity for Baildon Town Centre. The Healthy People and Places Portfolio Holder thanked officers in Facilities Management and the Libraries Service for finding suitable permanent and temporary accommodation for Baildon Library which will be well used by the local community.

Resolved -

(1) That option 2 to relocate Baildon Library into the former social club be approved.

(2) This option will include:

(a) The temporary relocation of the library into 2-4 Northgate;

(b) The demolition and disposal of the top two tiers of the Ian Clough Hall site;

(c) The acquisition of the former Baildon social club on the terms

detailed within the Confidential Appendix and

(d) The refurbishment of the former social club at the costs detailed within the confidential appendix, to convert the premises into a public library.

(e) The former site be added into the Capital Disposal programme with receipts earmarked to support the overall capital programme

Regeneration & Environment Overview & Scrutiny Committee

(Ben Middleton - 07582 101816

Christophe Hamard - 07582 100469)

ACTION: Strategic Directors of Corporate Resources and Place

79. ST JAMES WHOLESALE MARKET RELOCATION

The report of the Strategic Director Place (**Not for Publication Document AS**) sought approval to proposals to relocate St James Wholesale Market.

Resolved –

That the recommendations contained in NFP Document AS be approved.

(Darren Starkey - 01274) 437366

ACTION: Strategic Director of Place

80. MINUTES OF THE WEST YORKSHIRE COMBINED AUTHORITY

The minutes of the meeting of the West Yorkshire Combined Authority held on 22 October 2021 were noted.

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