

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 27 October 2022 at 10.00 am in Council Chamber - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Salam Alipoor Mullaney Shafiq	Brown Sullivan	Edwards

Alternates:

LABOUR	CONSERVATIVE	GREEN
Engel Hussain Lal S Hussain	K Green Pollard	Warnes

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.
- **A legal briefing for all Members will take place at 0930 in the Council Chamber on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total. If there are one or more objectors wishing to speak the 5 minutes will have to be shared.

From:

Asif Ibrahim
Director of Legal and Governance
Agenda Contact: Yusuf Patel
Phone: 07970 411923
E-Mail: yusuf.patel@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Director of Legal and Governance will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. 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 must consider their interests, and act according to the following:*

Type of Interest	You must:
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Directly Related)</i> OR <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Affects)</i> OR <i>Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting participate and vote <u>unless</u> the matter affects the financial interest or well-being</i> <i>(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and</i> <i>(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest; in which case speak on the item <u>only if</u> the public are also allowed to speak</i>

but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *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.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 26 May 2022 be signed as a correct record.

(Yusuf Patel – 07970 411923)

4. 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 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.

(Yusuf Patel - 07970 411923)

B. BUSINESS ITEMS

5. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Yusuf Patel - 07970 411923)

6. RESERVED MATTERS APPLICATION - FORMER STATION YARD, NEW SCHOOL LANE, HALIFAX ROAD, CULLINGWORTH, BINGLEY - 15/00378/MAO 1 - 32

The Assistant Director Planning, Transportation & Highways will submit a report (**Document “E”**) which sets out a reserved matters application requesting consideration of appearance, landscaping, layout and scale for 53 dwellings, associated car parking, landscaping and areas of public open space (pursuant to outline approval 15/00378/MAO) on the Former Station Yard, New School Lane, Halifax Road, Cullingworth, Bingley.

Recommended –

That the application be approved subject to the conditions set out in Appendix 1 to Document “E”

(Hannah Lucitt - 01274 434605)

7. ADOPTION OF UPDATED MODEL BYELAWS TO REGULATE ACUPUNCTURE, TATTOOING AND ELECTROLYSIS AND TO EXTEND REGULATION TO SEMI-PERMANENT SKIN COLOURING AND COSMETIC PIERCING 33 - 46

The Director of Health and Wellbeing will submit a report (**Document “F”**) which seeks approval for the adoption of a single consolidated model byelaw to regulate acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis. This will also require revocation of the existing three byelaws that regulate acupuncture, tattooing, ear piercing and electrolysis in accordance with sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 120 of the Local Government Act 2003.

Recommended –

- (1) That the committee members consider the contents of this report and pass a resolution to adopt the model byelaws for the regulation of skin piercing activities in accordance with section 15 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 120 of the Local Government Act 2003.**

- (2) That the committee members authorise the Common Seal of the Council to be applied to the new byelaw.
- (3) That the committee members support a request to the Director of Legal and Governance to carry out the statutory procedure for seeking confirmation of the byelaws by the Secretary of State.
- (4) That the committee members approve that the requirements of the byelaws will come into effect from the date on which the byelaws are confirmed by the Secretary of State and the current byelaws revoked.

(Jane Bradbury - 01274 434936)

8. **PUBLIC SPACE PROTECTION ORDERS FOR BRADFORD CITY CENTRE, KEIGHLEY TOWN CENTRE, SHIPLEY TOWN CENTRE AND BINGLEY TOWN CENTRE.** 47 - 80

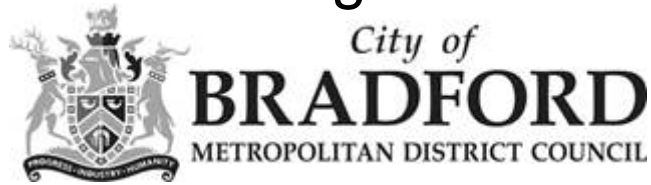
The Assistant Director Neighbourhoods and Customer Services will submit a report (**Document “G”**) which provides a summary of the statutory consultation responses and proposed amendments to the alcohol Antisocial Behaviour Public Space Protection Orders (PSPO's) for Bradford City Centre, Keighley Town Centre, Shipley Town Centre and Bingley Town Centre.

Recommended –

That the Assistant Director, Neighbourhoods and Customer Services be authorised to extend the current PSPOs for three years in Bradford City Centre, Shipley Town Centre, Bingley Town Centre and Keighley Town Centre with the amendments made.

(Michael Churley - 01274 432816)

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 27th October 2022

E

Subject:

This is a Reserved Matters application requesting consideration of appearance, landscaping, layout and scale for 53 dwellings, associated car parking, landscaping and areas of public open space (pursuant to outline approval 15/00378/MAO) on the Former Station Yard, New School Lane, Halifax Road, Cullingworth, Bingley.

Summary statement:

The Application is a Reserved Matters application seeking approval of the details relating to appearance, landscaping, layout and scale following the granting of outline planning permission under reference 15/00378/MAO. The layout in terms of the number of units (53) accords with the outline planning permission and is such that it minimises the potential impact on the residential amenities of the occupiers of the dwellings adjacent to the site. The dwellings in the northern section of the site are located a sufficient distance away from the joint boundary with the commercial premises (operated by HFC Poultry) to the north such that the impact of the operations on the future residents should be minimised.

Overall the layout and design of the proposed dwellings are considered to be acceptable.

A Section 106 Legal Agreement has been signed which will secure the payment of a commuted sum of £46,000 towards off-site habitat improvements in order to meet the Biodiversity Net Gain requirements.

Overall it is considered that the, subject to the recommended conditions and the Legal Agreement, the proposal is acceptable.

Chris Eaton
Interim Assistant Director (Planning,
Transportation & Highways)

Portfolio:
**Change Programme, Housing, Planning and
Transport**

Report Contact: Hannah Lucitt
Phone: (01274) 434605
E-mail: hannah.lucitt@bradford.gov.uk

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a Reserved Matters application requesting consideration of appearance, landscaping, layout and scale for 53 dwellings, associated car parking, landscaping and areas of public open space (pursuant to outline approval 15/00378/MAO) on the Former Station Yard, New School Lane, Halifax Road, Cullingworth, Bingley.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues raised. The site is located within a sustainable location in that it is within walking distance of facilities including retail, employment and recreation facilities.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition was attached to the outline planning permission (Ref: 15/00378/MAO) which secured the provision of an electric vehicle charging point for each dwelling with a dedicated parking space, in accordance with the Council's Low Emissions Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Building Regulations Approved Document Q relates to Secured by Design issues for the individual dwellings.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.9 IMPLICATIONS FOR CHILDREN & YOUNG PEOPLE

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations.

10. RECOMMENDATIONS

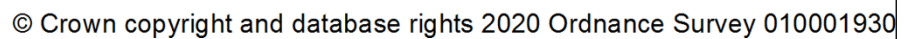
The application is recommended for approval, subject to the conditions included with Appendix 1.

11. APPENDICES

Appendix 1 Technical Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Replacement Unitary Development Plan



**Former Station Yard,
New School Lane,
Halifax Road,
Cullingworth,
Bingley**

27th October 2022

Ward: Bingley Rural

Recommendation:

APPROVE THE RESERVED MATTERS SUBJECT TO A SECTION 106 LEGAL AGREEMENT

The heads of terms of the Legal Agreement are:

1. Payment of a commuted sum of £46,000 as a Biodiversity Net Gain contribution.

Application Number:

20/04591/MAR

Type of Application/Proposal and Address:

This is a Reserved Matters application requesting consideration of appearance, landscaping, layout and scale for 53 dwellings, associated car parking, landscaping and areas of public open space (pursuant to outline approval 15/00378/MAO) on the Former Station Yard, New School Lane, Halifax Road, Cullingworth, Bingley.

The outline planning application (Ref: 15/00378/MAO) was presented to the regulatory and Appeals Committee on the 11th August 2015 where it was resolved “that the Reserved Matters Application be submitted to this Committee for consideration”.

Applicant:

Mr Alastair Cliffe (Berkeley DeVeer)

Agent:

N/A

Site Description:

The site comprises a rectangular piece of land located to the west of Cullingworth Primary School and to the south of an industrial premise (HCF Poultry). Adjacent the north eastern section of the site is recreational land (bowling green). Residential development exists to the west and south/south east of the site which is a mix of bungalows and two storey dwellings. The site is elevated from the surrounding residential development.

A narrow strip of woodland running in an ‘L’ shape alongside the southern and western boundaries is identified as the Thornton-Cullingworth disused Railway wildlife corridor (S/NE9.55). The route of ‘the Great Northern Trail’ (GNT) dissects the southern portion of this woodland and turns at a right angle to the southwest of the site to run in a general south- easterly direction emerging onto the B6144 (Cullingworth Road). Vehicular access to the site is via New School Lane in the south eastern section of the site.

Relevant Site History:

Outline planning permission was granted on the 29th March 2017 under reference 15/00378/MAO for the construction of a residential development of up to 53 dwellings including associated open space and infrastructure (access only). A Section 106 Legal Agreement was attached to the planning permission with the heads of terms being as follows:

- Payment of the full education contribution of £226,920 towards primary and secondary facilities in this ward and the adjacent wards.
- Off-site connections/works – contribution amount £20,000 – to be used to improve access to provide appropriate linkages and upgrades from the development site (and the route of the Great Northern Trail route proposed within it) onto the existing Great Northern Trail. Monies to be spent within 100m of the red line boundary of the site.
- The provision of a cycle way through the site. Direction signs, bench seats and litter bins should also be provided along with suitable lighting of the route. Maintenance of the cycle way should also be undertaken. The cycleway works to be provided in accordance with a timetable agreed by the Local Planning Authority
- To provide public open space on the site and provision of management plan to maintain that space
- To enter into a s278 highway works agreement for the following works:-
 - A raised table at the junction between the site access, New School Lane and the existing route of the GNT (including realignment of the trail where required).
 - A new footway at the roundabout junction between the site access and New School Lane in order to provide connectivity with existing footways on New School Lane.
 - A turning head to the northern end of the site which is suitable to allow a refuse vehicle to enter/exit in forward gear.
 - The extension of the GNT to provide a new pedestrian/cycle route along the western boundary of the site connecting with Turf Lane.
 - A pedestrian refuge and tactile paving at the junction of Halifax Road and New School Lane

The Shipley Area Planning Panel resolved to grant planning Permission under reference 08/02494/FUL for the demolition of the existing building and construction of 54 residential units, access roads, landscaping and extension of the Great Northern Trail cycle path subject to conditions and a S106 legal agreement. The legal agreement was never completed therefore the application was deemed withdrawn. The details of the S106 agreement were to include monies towards education provision, monies towards public transport services, affordable housing, the provision and phasing of the Great Northern Trail and to enter into a s278 highway works agreement.

An Outline planning application was refused on the 10th March 2009 under reference 07/08825/OUT for the demolition of the existing buildings and construction of a nursing home development (Class C2) of up to 60 bedrooms and associated infrastructure. The reason for refusal was as follows:

The proposed Nursing Home would be located immediately adjacent to an established chicken slaughterhouse/meat processing factory that generates significant noise and odour nuisance. The existing and proposed uses are incompatible and this location cannot provide an appropriate, quality setting for a Nursing Home development or offer a reasonable standard of amenity for prospective occupants who would be subject to noise and odour nuisance. Mitigation proposals suggested by the applicant are not considered detailed or robust enough to convince the Local Planning Authority that odour and noise nuisance problems can be satisfactorily overcome so as to ensure an adequate standard of amenity for future occupants. The proposal is unacceptable having regard to Policies P7, D1 and UR3 of the Replacement Unitary Development Plan (2005).

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Running along the western and southern boundaries of the site is the Great Northern Trail (Ref: S/TM20.6). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

TM20 Cycleway Improvements

Core Strategy Policies:

SC9 Making Great Places

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

H05 Density of Housing Schemes

H08 Housing Mix

H09 Housing Quality

EN1 Protection and Improvements in Provision of Open Space and Recreation Facilities

EN2 Biodiversity and Geodiversity

EN5 Trees and Woodlands

EN7 Flood Risk

EN8 Environmental Protection

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

Parish Council:

Cullingworth Parish Council have objected to the proposal and have stated the following:

Background:

Proposed extension of Great Northern Trail (walkway and cycleway) gives rise to loss of privacy, overlooking and security issues for Turf Court, Mowbray Close, Turfden and Turf House as they run parallel to the proposed route. The houses on Turf Court and Mowbray Close are bungalows with Turfden and Turf House being of two storey build. The proposed walkway/cycleway and development is elevated and in 2008 the Developers at that time agreed, (following consultation with the residents), that the walkway and cycleway trail should follow the old railway track bed, (also GNRF's recommendation), which is beyond a fence on the brownfield site some distance away from the homes, thereby allowing some level of security/privacy. They also agreed to supply security fencing and/or bunding etc. This served to allay residents fears and they were grateful that the developers took the concerns on board.

However, in 2015 to maximise the build potential the 'goalposts' were moved and the proposed site layout showed that the plan was to develop the old railway siding, which is elevated to the rear of the homes on Mowbray Close, Turf Court and Turf Lane and was only a few feet from back gates and gardens.

In 2017 planning permission was granted for Landscape bund and acoustic fence with no mention of the GNT extension proposal. Therefore, no objections were raised.

Concerns:

Screening provided should be robust, have an immediate effect and shrubs, trees and plants need to be semi mature specimens. There needs to be an assurance that as many mature trees will be retained as is possible.

Security and privacy: this is a material planning consideration, as this will be seriously compromised along Turf Court /Mowbray Close / Turfden and Turf House. Those using the proposed extension of the Great Northern Trail would be able to see directly down into gardens, and properties, including bedrooms, for the properties that back onto the proposed trail.

A further security issue is the proposed exit of GNT extension onto Turf Lane. This area is farmland and not overlooked therefore it could be used as an escape route, without individuals being seen.

Crime statistics show that the majority of burglaries occur to the rear of a property where surveillance is minimal. This was a concern to West Yorkshire Police in 2015.

Overlooking and privacy Highfield Terrace residents, also affected by the development, are being assured of secure fencing. Turf Court and Mowbray Close areas need the same assurances. As both areas are public open spaces.

The properties on Turf Court/Mowbray Close are bungalows, with the proposed cycleway being on a raised plateau. The distance from the embankment to the windows of houses on Mowbray Close is just 5.7 metres.

Local Plan for the Bradford District Core Strategy Development Plan; Safe and inclusive places; Policy DS5 states developments need to be designed to ensure a safe and secure environment and reduce the opportunities for crime and not harm the amenity of existing or prospective users and residents.

Housing design: We note that there will be a mix of 2 and 2.5 storey. As homes on Turf Court / Mowbray Close are bungalows and as stated above, the development is elevated, residents are obviously concerned they may be being overlooked, in particular, by a 2.5 storey build. Turfden also shares the same concerns.

Bradford Lead Local Flood Authority (LLFA) comments:- The latest Planning Layout drawing appears to be in line with the flood risk/drainage conditions attached to the Outline Planning approval. However, the proposed foul and surface water drainage scheme, as illustrated on Drawing Nos. AMA/20634/D100/P01 and MA/20634/D101/P01, should NOT be approved at this time.

The following, additional, information is required 1) Discharge Point, 2) Discharge Rate: Prior to the commencement of development on the site, an investigation of the site to determine the extent of any land drainage network shall be undertaken. The details of the investigation, and the proposals for dealing with any water courses, culvert, land drainage that are affected by the proposed development shall be submitted in writing within 3 months from the commencement of any development on the site. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with policy NR16 of the Replacement Unitary Development Plan.

Future flood risk: There are already flooding issues on Halifax Road near The Vicarage and Highfield Terrace and there are also drainage issues. Flooding is an ongoing occurrence which has not been rectified and this will be exacerbated by the development.

Adding to our future flooding concerns is a number of trees would need to be removed to adequately accommodate the development and GNT extension.

Trees listed so far: - T2 Sycamore - T3 Sycamore - T4 Ash - T5 Apple - T6 Cherry - G7 Willow - T8 Ash - G9 Willow, Ash, Sycamore Four stems from southern end of group G11 Goat Willow, Holly - G14 Ash, Holly, Willow - T15 Ash - G17 Cypress, Ash, Goat Willow - G22 Goat Willow - G23 Goat Willow, Sycamore - G24 Sycamore, Goat Willow Eleven stems from group G25 Goat Willow, Willow, Holly, Ash Eight stems from group T26 Ash.

Trees T16 and T20 are poor quality specimens and therefore recommended for removal on arboricultural grounds.

The developer also states: Relationships between trees and other objects such as buildings are rarely static and can at times change quite unpredictably.

We are concerned the GNT will require many more trees to be lost. in its development.

Rights of way: If building works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. If planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. If works alongside the public footpaths/bridleways present a danger to path users the affected section should be fenced off with safety netting.

The surface of the footpath should not be disturbed, however, if damage to the public footpaths/bridleways caused by development works does occur, it must be promptly repaired by the applicant at their expense.

Department of Health and Wellbeing commented: They found no reference to the proposed arrangements for provision of EV charging points. The applicant should ensure this matter is given due consideration and details of the proposed scheme provided. It is the responsibility of the developer to ensure that the provision of EV charging is adequately incorporated in to the design.

Conclusion: The Village Council is in favour of the main housing development proposed. However, we are considering the whole planning application and feel the plans for developing the GNT need to be readdressed.

Cullingworth residents and visitors already have a perfectly good cycle path /walkway in existence, running parallel to the development. It connects with the main Great Northern Trail and runs along the west side of the Primary School into Cullingworth recreation ground and exits along Highfield Terrace with access to Station Road and Turf Lane. The proposed site for the GNT extension is, at present, a wildlife haven and corridor. This would be decimated if the development goes ahead, as the plan is to lay 3m tarmac with a metre land either side. This area, we believe cannot accommodate this width and needs to be urgently reviewed.

What is the benefit/or need of a second cycle way, with an investment of £20,000+, required?

Therefore, Cullingworth Village Council recommends Refusal.

Publicity and Number of Representations:

The application was publicised by press notice and neighbour notification letters. The expiry date for the publicity exercise was the 25th December 2020.

As a result of the publicity exercise 18 representations has been received objecting to the proposal whilst 1 representation has been received making comments on the proposal but accepting the principle of the development.

Summary of Representations Received:

Residential amenity:

- Loss of privacy to existing properties due to land levels
- The landscaping takes time to mature and there are no plans in the meantime to protect privacy
- The additional lighting to the path will cause light pollution to the residents
- A working dialogue with the residents is requested to ensure privacy/security of adjacent properties is maintained

Highway safety:

- Increase in traffic
- The proposed cycleway doesn't add anything to the area
- The drawings for the proposed cycleway / walkway are aspirational and do not reflect its current topography
- The site will not be able to accommodate the full width of the cycleway and grass verge
- The path/cycleway should follow the original track bed and not the railway siding

Drainage:

- A drain exists within the site that hasn't been noted in the application
- There are a number of natural springs in the site that haven't be noted
- During extreme weather conditions houses on Turf Court have flooded, the development will make this worse
- Tarmac replacing the woodland - where will the water go?

Trees:

- The proposed path will cause the loss of a significant stretch of woodland

Secured by design:

- The additional accesses to the cycle route adjacent to existing properties will compromise security to the existing residents
- It will increase the level of anti-social behaviour in the area

Air Quality:

- Increase in pollution from traffic

Wildlife:

- The loss of the woodland will impact on the wildlife in the area

Other issues:

- The residents were not approached at any time by representatives of Bradford Council
- Two requests were made to meet with the developers and were refused

Consultations:

Environmental Protection Air Quality – Subject to future submission of a suitable CEMP and EV charging scheme I have no local air quality management objections to this application

Environmental Protection Nuisance – Unable to comment on the application as there is insufficient up to date information with regards to potential nuisance although it is accepted that HFC is now subject to Environment Agency Inspection and it is assumed that noise, odour and dust will have been improved at the site

Environmental Protection Land Contamination – No objection to the proposal subject to the imposition of appropriate conditions relating to, amongst other things, the preparation of a proportionate phase 2 site investigation and risk assessment, the preparation of a detailed remediation strategy and the subsequent submission of a remediation verification report

Yorkshire Water Land Use Planning – No comments to make on the application

Environment Agency Planning Liaison – No objection to the principle of the development. The adjacent development (HFC Poultry) is subject to an environmental permit which is issued and regulated by the Environment Agency but the site is still a source of occasional noise and odour reports

Lead Local Flood Authority – No objection to the proposal as the drainage matters are covered by conditions attached to the outline planning permission

Airedale Drainage Commissioners – No comments to make as the site is outside the consultation area

Landscape Design Unit – No objection to the principle of the development as it is considered that the scheme is adequate but with some more thought should be given into the detail design of the external works which would significantly improve the character of the site

Trees Section – No overall objection to the proposal but comments made on the layout

Biodiversity Team – No objection to the proposal

The Great Northern Railway Trail Development Group – Welcomes the inclusion of the cycleway across the development. Details in regard to the construction standards and a future maintenance plan still needs to be submitted to the Council, Sustrans and the GNRTDG. We feel details of security fencing and adequate screenage, including mature planting, needs to be submitted to protect properties on the Western Boundary. Retaining as much of the existing vegetation would be welcomed

Rights of Way – No objection to the proposal and is pleased to see the Great Northern Trail being incorporated into the development

Highways – No objection subject to the imposition of conditions relating to the provision of the access and the retention of the garages

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development but seek that, in order to encourage the use of public transport, the Developer should provide a bus shelter at local bus stop (No. 20075) at a cost of £13,000 together with the provision of a bus only MetroCard Scheme for the future residents at a cost of £27,109.50p

West Yorkshire Police – No objection to the principle of the development

Education and Learning – Based on the most recent census data, the above housing development is unlikely to cause significant concerns on where children of families coming to reside in the development might attend school

Sport & Leisure – Whilst the proposed development will have a moderate impact on the surrounding facilities due to 53 new residential units, a financial contribution will be sought from the CIL funds to help mitigate these impacts. No objection is therefore raised to the development. However, if the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process. If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Secured by design
8. Contaminated land
9. Air Quality

- 10. Biodiversity
- 11. Other issues

Appraisal:

The proposal relates to a residential development of 53 dwellings with a breakdown in dwelling sizes of 24x3 bed, 25x4 bed, and, 4x5 bed. The layout of the development comprises a mix of detached, semi-detached and terraced dwellings. Vehicular access to the site is via New School Lane in the south eastern section of the site.

1. Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways and these include identifying and co-ordinating the provision of infrastructure (economic objective) and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (social objective) and, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (environmental objective) .

Paragraph 11 of the National Planning Policy Framework states that development proposals should be determined in accordance with an up-to-date development plan without delay.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

Policy HO5 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way developers will be expected to make the best and most efficient use of land. Densities should normally achieve at least a minimum density of 30 dwellings per hectare although higher densities would be possible in areas well served by public transport.

Policy HO6 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way the Council

will give priority to the development of previously developed land and buildings. It also states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period will be on previously developed land.

Policy HO8 of the Core Strategy states that the Council will ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures and the mix should be based on both market demand and evidence of local need within the District's SHMA.

The principle of residential development on the site has previously been accepted through the granting of outline planning permission on the 29th March 2017 under reference 15/00378 /MAO.

The quantum of development (53 dwellings) is the same number as approved under the outline permission and is considered to be acceptable. In terms of the breakdown of dwelling sizes will be 24x3 bed, 25x4 bed, and, 4x5 bed which provides an acceptable mix of dwelling sizes. It is considered that policies HO5 and HO8 are satisfied through the design and number of units.

Overall therefore, it is considered that the principle of the development is acceptable subject to detailed consideration in the following paragraphs.

2. Visual amenity

The National Planning Policy Framework states in paragraph 126 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

The site is located on the western edge of the settlement of Cullingworth with existing residential development being located to the south west (Turf Court & Mowbray Court) and south east (South Road). There are a mix of dwelling types including older stone built terraced dwellings and more modern bungalows and 2 storey dwellings constructed of a mix of stone, brick and render.

The proposed dwellings are mainly 2 storeys in height with a small number of 2½ storey (rooms in the roofspace) dwellings. The layout of the development comprises a mix of detached, semi-detached and terraced dwellings. The designs are not considered to be architecturally significant and are in keeping with the general design of the dwellings that will be seen in relation to the development. With regards to materials the Applicant is proposing to use a buff coloured brick on the elevations and grey tile on the roofs. These materials are considered to be acceptable.

The Landscape Design Unit have stated that the general Landscape Layout does benefit from the inclusion of the cycleway link and public open space which runs down the western edge of the site and it adds character to the development and provides opportunities for health.

The street scene was originally dominated by the car and parking but an amended layout has been submitted which introduces small landscaped strips between the parking spaces thus reducing the dominance of the parking areas.

The Public Open Space is very basic and it is suggested that it should be developed to encourage use by all ages not just grass and trees. The space provides a corridor for

the cycle track and is not being proposed as a general play area as there are constraints caused by its width. The area of open space in the northern section of the development is a more useful open space and will provide opportunities for the children to have a safe area to play.

The retention and protection of existing trees along the western boundary is important but concerns are raised with regards the close proximity of the path to the retained trees and the impact any construction methods could have on the trees. A condition is recommended in relation to the implementation of the landscaping scheme and should any trees be lost during the construction works the condition will allow for replacement trees to be planted.

Overall it is considered that in visual amenity terms the proposal will not result in a form of development that would be visually prominent on the streetscene and will complement the existing residential development to the east. The proposal is therefore considered to satisfy the requirements of policies DS1, DS2 and HO9 of the Core Strategy and no objection is raised to the proposal.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The site is located on the western edge of the settlement of Cullingworth with existing residential development being located to the west and south west (Turf Lane, Turf Court & Mowbray Court), and, south east (South Road). To the north of the site is a commercial premise operated by HFC Poultry. The layout of the development is such that the proposed path/cycleway runs down the western boundary of the site and an area of public open space is located in the northern section with both areas providing a gap between the existing development and the proposed dwellings.

With regards the commercial premises to the north the site is operated by HFC Poultry. The premises are subject to an environmental permit which is issued and regulated by the Environment Agency but the site is still a source of occasional noise and odour reports. The layout of the development incorporates an area of public open space to the immediate south of the commercial premises which acts as a buffer between the building and the proposed dwellings. The buffer is further extended through the access road and parking spaces being located between the open space and front elevation of the dwellings. The separation distance is a minimum of 31 metres between the commercial premises and the dwellings. Whilst this is acceptable in terms of the physical impact of the building on the residential amenities of the occupiers of the proposed dwellings it will not stop the potential for noise and odour impacts. As stated the site is subject to an environmental permit and this should keep any disturbances to the occupiers to a minimum. In granting outline planning permission, the relationship of the two uses would have been taken into account and was considered to be acceptable.

To the west and south west of the site are residential properties on Turf Lane, Turf Court and Mowbray Court. The relationships between these existing dwellings and the proposed dwellings needs to be taken into account. The nearest property to the site on Turf Lane is Turf House which has a relationship of main elevation to main elevation with plots 23 & 24. The separation distance is 21 metres between the main elevations which is considered acceptable in policy terms.

Also located adjacent to the western boundary of the site are dwellings located on Turf Court and Mowbray Close. The relationships of these properties to the proposed dwellings needs to be considered. With regards to numbers 1 & 3 Turf Court the relationship to plot 11 is main elevation to gable end with a separation distance of a minimum of 20.5 metres which is considered to be acceptable. With regards to numbers 19 and 21 Mowbray Close the relationship to plots 5 and 4 is main elevation to gable end with separation distances 19 metres and 25 metres respectively which are also considered to be acceptable.

The curtilages of the dwellings are also separated by the proposed path/cycleway which will include some additional landscaping which will further reduce the potential for overlooking. It is acknowledged that the landscaping will take some time to become established but the Applicant is intending to plant heavy standard species which will provide some immediate screening. No details have been submitted with regards the proposed boundary treatment to the western boundary of plots 4-5, 10-11, and, 19-25 and a condition is recommended to ensure that details of an appropriate form of boundary treatment is installed along this boundary.

To the south west of the site are dwellings located on South Road. The relationships between these existing dwellings and the proposed dwellings needs to be taken into account. The relationship of numbers 26 and 28 South Road to plots 52 and 53 is main elevation to main elevation with separation distances are 46 metres and 49.5 metres respectively. The relationship of 30 South Road to plot 1 is rear elevation to gable end with a separation distance of 38 metres. All these relationships are considered to be acceptable.

Internally within the site the separation distances between the proposed properties are considered to be acceptable.

Overall therefore, it is considered that the relationships of the existing dwellings to the proposed dwellings will not result in the residential amenities of the occupiers of either of the dwellings being adversely affected. It is also considered that there is sufficient separation between the dwellings in the northern section of the site and the adjacent commercial premises (HFC Poultry) to minimise the impact on the future residents. The proposal is considered to satisfy the requirements of policy DS5 of the Core Strategy and no objection is raised to the proposal on residential amenity grounds.

4. Highway safety

Paragraph 104 states transport issues should be considered from the earliest stages of development proposals such that, amongst other things, the potential impacts of development on transport networks can be addressed, and, opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It goes on to state in paragraph 112 that applications for development should:

(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

The site is located to the west of the main B6429 and will be accessed via New School Lane. Internally within the site there will be a main spine road running down the centre of the site leading to a T-junction at the northern end of the site. There are a small number of cul-de-sacs running off the main access road with a single one serving a maximum of 7 dwellings.

The Highways Department initially raised a number of concerns with the proposal and an amended plan was subsequently submitted. Whilst the revised layout is short on the provision of visitor parking it is generally considered to be acceptable and addresses most of the concerns previously raised. The outline planning permission, through the Section 106 Legal Agreement attached to it, secured a number of off-site highway works and these included the following:

- A raised table at the junction between the site access, New School Lane and the existing route of the GNT (including realignment of the trail where required).
- A new footway at the roundabout junction between the site access and New School Lane in order to provide connectivity with existing footways on New School Lane.
- A turning head to the northern end of the site which is suitable to allow a refuse vehicle to enter/exit in forward gear.
- The extension of the GNT to provide a new pedestrian/cycle route along the western boundary of the site connecting with Turf Lane.
- A pedestrian refuge and tactile paving at the junction of Halifax Road and New School Lane

These measures will need to be submitted and approved by the Local Planning Authority. Overall there is no objection raised by the Highways Department.

The Rights of Way Officer has stated that that the permissive bridleway 'The Great Northern Trial' crosses the site and is pleased the trail is incorporated within the development. As such no objection is raised to the proposal. A Section 106 Legal Agreement was attached to the outline planning permission and as part of the Agreement there is a requirement for the Developer to enter into a 278 highway works agreement for a number of highway works including the extension of the GNT to provide a new pedestrian/cycle route along the western boundary of the site connecting with Turf Lane

The West Yorkshire Combined Authority have not raised an objection to the principle of the development but seek that the Developer should fund a package of sustainable

travel measures such as the provision of a bus shelter at local bus stop (No. 20075) at a cost of £13,000 together with the provision of a bus only MetroCard Scheme for the future residents at a cost of £27,109.50p in order to encourage the use of other more sustainable modes of transport than the private car.

As an alternative to the provision of Residential MetroCards the Council does now seek the provision of Electric Vehicle Charging Points within the curtilage of each dwelling that has an off-street parking space and these were secured via a condition attached to the outline planning permission. It is considered that the provision of electric vehicle charging points represents a betterment to the scheme as the charging points are in situ permanently rather than, for example, the Residential MetroCard Scheme which is only for 1 year and there being no guarantee the users will renew them at the end of that period. As such it is recommended that the provision of the bus shelters and the Residential MetroCard Scheme not be sought in this instance.

Overall therefore, in highway terms, subject to the imposition of conditions there is no objection to the proposal and it is considered to satisfy the requirements of policy TR1 of the Core Strategy.

5. Drainage

Paragraph 167 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively which policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

The Lead Local Flood Authority state that the latest Planning Layout drawing appears to be in line with the flood risk/drainage conditions attached to the Outline Planning approval. However, the proposed foul and surface water drainage scheme, as illustrated on Drawing Nos. AMA/20634/D100/P01 and AMA/20634/D101/P01, should not be approved at this time as additional information is required in order to assess whether the proposed drainage scheme is acceptable.

1) Discharge Point: the proposed drainage scheme shows the surface water discharging to an existing surface water system, but the note on the drawing states: Downstream system to be surveyed to establish condition and connectivity. It is essential for this survey to be carried out prior to any drainage scheme being approved.

2) Discharge Rate: The proposed (maximum) discharge rate is 44.5 l/s. This will only be acceptable if the developer can demonstrate that (a) this represents a 30% reduction on the existing rate of discharge, and (b) the proposed drainage connects into the same system that currently serves the site.

The Lead Local Flood Authority are satisfied that these matters are currently controlled by the conditions attached to the outline planning permission where details will need to be submitted to satisfy the requirements of those conditions.

Yorkshire Water have stated that the submitted drawing shows foul water discharging to the combined sewer crossing the site and surface water discharging to a culvert/private surface water sewer to which no objection is raised. As previously stated details of the drainage system for both foul and surface water will need to be submitted to satisfy the conditions attached to the outline planning permission.

It is considered that the proposal complies with the requirements of policies EN7 and EN8 of the Core Strategy and no objection is raised to the proposal on drainage grounds.

6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

There are a number of trees located on the east and west boundaries. The trees to the west boundaries are of mixed individual value, some for instance have recently collapsed, but overall have collective amenity. The trees along the east boundary appear fragmented but are highly visible from the public footpaths and the surrounding area.

The Tree Officer has suggested that the proposed cycleway and tree protection may have worked if the site were flat but sections and spot heights appear to show otherwise. There is little likelihood that the level of tree retention as shown is possible given the existing levels, proposed cycleway, location of housing and engineering despite contrary conclusions in the arboricultural method statement which lacks detail and appears to be largely unworkable. There is also an impact on trees to the south west corner outside of the redline due to the proposed grade changes in this corner although the impact is unclear in the application.

Whilst the tree planting is of high standard the site would benefit from street tree planting, guidance for which is contained in the councils Homes and Neighbourhoods design guide and planting to the east side embankment (rather than the embankment to be re-engineered).

If the trees to the west and east boundaries are to be retained, then it is suggested that the cycleway would probably need to be relocated and the garden curtilages to the east boundary not extend further than the existing east side security fence in my opinion. Another option would be to show the removal of the trees to the west boundary and suitable mitigation including additional west boundary planting, street tree planting and planting on the embankment as identified previously.

The trees on the site are not protected by a Tree Preservation Order and as such have no protection with regards to their retention. Significant new planting is proposed along the western boundary of the site around the pathway and within the area of public open space in the northern section of the site. The bulk of the trees along the eastern boundary of the site are also to be retained. In terms of replacement trees it is proposed to mainly heavy standard trees which will give an almost immediate impact in terms of tree cover and screening. A condition is recommended with regards to the

implementation of the landscaping scheme and this will ensure that any trees lost within the first 5 years of their planting will be replaced.

Overall therefore it is considered that the proposal satisfies the requirements of policy EN5 of the Core Strategy and no objection is raised to the proposal with regards to the impact on existing trees.

7. Secured by Design

Paragraph 92 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular, they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The West Yorkshire Police Architectural Liaison Officer has no objection to the principle of the development but has made comments on specific aspects of the layout, as follows.

Path/cycle route: This land is at present difficult for strangers to access which doesn't cause any concerns from a crime perspective. If the route is opened up and resurfaced with trees removed, even if new ones are planted, it will take years for these to be established to create a woodland area like it is. This will make the area more accessible, which in turn creates the potential access into rear gardens, overlooking for residents using their gardens or rear rooms in the home and any installing lights is likely to cause light pollution. Installing a high fencing such as 2.2–2.4 metre high closed board timber fence along the outer perimeter of the cycle route may offer residents some level of privacy and security, however it will make the footpath/cycle route more enclosed and reduce any level of natural surveillance, which has the opportunity to create potential crime or anti-social behaviour problems – *it is acknowledged that the replanting of trees will take some time for them to become established and create an environment that is similar to that that presently occupies the site. The path/cycle way will be lit which will make it a safer route and is well overlooked by both the existing and proposed dwellings. It is not considered that a fence over 2 metres in height would provide a solution for privacy as it would be visually prominent and reduce natural surveillance. A condition is recommended with regards the boundary treatment along the western boundary of plots 4-5, 10-11, and, 19-25 and this will ensure that appropriate boundary treatment will be installed.*

Main entrance to the site: At the main entrance to the site off New school Lane, there is already an existing footpath/cycle route adjacent to the school and around the green fields which does have good surveillance and looks to have lighting on this route. Any routes that are being encouraged should have good sight lines and good surveillance from the front of the dwellings or side of the dwellings and good lighting levels which can improve on personal and cycling safety and address crime issues – *the proposed path/cycle route runs down the western boundary and is within a landscaped area. Within the northern section of the site it is overlooked by the rear elevations of plots 20-24 but going further south it is mainly gable ends facing onto it. The path/cycle route will*

be well lit and does also benefit from being overlooked by the rear elevations of the adjacent properties on Turf Court and Mowbray Close.

It is therefore considered that the proposal meets the requirements of policy DS5 of the Core Strategy and no objection is raised to the proposal with regards to it providing a safe and secure environment for the future occupiers.

8. Contaminated land

Paragraph 183 of the National Planning Policy Framework states that decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 184 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

The issue of ground conditions was considered during the assessment of the outline planning application. As part of the decision notice for that permission a number of conditions were imposed relating to, amongst other things, the preparation of a proportionate phase 2 site investigation and risk assessment, the preparation of a detailed remediation strategy and the subsequent submission of a remediation verification report. It is considered that the conditions attached to the outline planning permission adequately deal with the ground conditions of the site and ensuring that the site is safe for development for residential purposes.

It is considered that the proposal satisfies the requirements of policy EN8 of the Core Strategy and no objection is raised with regard to land quality.

9. Air Quality

Paragraph 186 of the National Planning Policy Framework states that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Policy EN8 of the Core Strategy states that "in liaison with partner organisations, the Council will take a proactive approach to maintaining and improving air quality within the District in line with National Air Quality Standards, the European Union limit values and the principles of best practice. Through a range of actions, it will seek to secure a reduction in emissions from sources which contribute to poor air quality".

Issues relating to air quality were dealt with at outline stage through the imposition of a condition requiring that each property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. A further condition requires the submission of a Construction Environmental Management Plan which should include measures to control dust and emissions from construction and demolition.

Subject to the future compliance with the conditions attached to the outline permission there is no objection to the proposal on air quality grounds and it is therefore considered that the proposal satisfies the requirements of policy EN8 of the Core Strategy.

10. Biodiversity

Paragraph 180 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

The Biodiversity Officer initially objected to the proposal on the grounds that there were a number of reports not submitted with the application despite them being recommended in the initial Preliminary Ecological Appraisal. Subsequent to this objection further reports were submitted in the form of a Bat Roost Suitability Assessment, Bat Activity Survey – interim, Reptile Survey – interim, an Ecological Impact Assessment, and, a further Bat Activity Survey and Reptile Survey. These reports, which included a number of recommendations in relation to biodiversity enhancements, have been considered by the Biodiversity Officer and are considered to be acceptable. A condition requiring the submission of a Landscape and Ecological Management Plan is recommended and this will ensure that the recommended enhancements are implemented.

With regards to Biodiversity Net Gain the Applicant has entered into a Section 106 Legal Agreement which secures the payment of a commuted sum of £46,000 towards off-site habitat improvements. The biodiversity enhancements, equating to 1.84 habitat units, will be undertaken at the former Manywells Quarry in Cullingworth or such other site within the reasonable vicinity of the site. The Agreement also secures a maintenance sum for a period of 30 years.

It is therefore considered that the proposal, subject to compliance with the recommended conditions and the Section 106 Legal Agreement, satisfies the

requirements of policy EN2 of the Core Strategy and no objection is raised to the proposal on biodiversity grounds.

11. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the above sections of the report. These issues, together with the response, are as follows:

The residents were not approached at any time by representatives of Bradford Council – *the application was publicised in line with the Councils standard procedures for publicising applications. There is no requirement to meet with the local residents as part of the process*

Two requests were made to meet with the developers and were refused – *there is no statutory requirement for the Applicant to meet with the local residents*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a residential scheme on a site that benefits from outline planning permission. The scale, form, layout and design of the proposal are considered to be acceptable and present no concerns with regard to residential or visual amenity and highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies SC9, TR1, TR2, TR3, H05, H08, H09, EN1, EN2, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 of the Core Strategy, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

The Development to which this notice relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby approved shall only be carried out in accordance with the following plans:

Drawing number 3630-1 showing the Existing Trees on Site and received by the Local Planning Authority on the 9th October 2020;

Drawing number BDV.27.01 showing the Location Plan and received by the Local Planning Authority on the 9th October 2020;

Drawing number BDV.EL.01 showing the 1.8m High Timber Fence and received by the Local Planning Authority on the 9th October 2020;

Drawing number BDV.EL.02 showing the 1.8m High Timber Gate and received by the Local Planning Authority on the 9th October 2020;

Drawing number BDV.EL.03 showing the 1.2m High Timber Fence and received by the Local Planning Authority on the 9th October 2020;

Drawing number BDV.EL.04 showing the 1.8m High Brick Screen Wall and received by the Local Planning Authority on the 9th October 2020;

Drawing number BDV.EL.05 showing the 0.45m High Knee Rail Fence and received by the Local Planning Authority on 9th October 2020;

Drawing number GAR.01 showing the Single Garage and received by the Local Planning Authority on the 9th October 2020;

Drawing number GAR.02 showing the Shared Double Garage and received by the Local Planning Authority on 9th October 2020;

Drawing number GAR.03 showing the Twin Garage and received by the Local Planning Authority on the 9th October 2020;

Drawing number GAR.08 showing the Marqueting Suite – Double Garage and received by the Local Planning Authority on the 9th October 2020;

Drawing number 3630/8 showing the Tree Protection Fencing and received by the Local Planning Authority on the 11th December 2020;

Drawing number 3630/2 Rev A showing the Trees in Relation to Development and received by the Local Planning Authority on the 12th April 2021;

Drawing number AMA/20634/ATR007 showing the Large Refuse Vehicle Swept Path Analysis and received by the Local Planning Authority on the 12th April 2021;

Drawing number BDV.27.03 Rev A showing the Street Scenes and received by the Local Planning Authority on the 12th April 2021;

Drawing number CAD.PD.01 showing the Cadeby House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number COO.PD.01 showing the Cookridge House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number FER.PD.01 showing the Fernlee House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number LEY.PD.01 showing the Layburn House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number OAK.PD.01 showing the Oakwood House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number RIP.PD.01 showing the Ripon House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number SAL.PD.01 showing the Saltaire House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number HOR.PD.01 showing the Horbury House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number WEN.PD.01 showing the Wentbridge House Type and received by the Local Planning Authority on the 12th April 2021;

Drawing number 3630/3 Rev E showing the Detailed Landscape Proposals (1 of 2) and received by the Local Planning Authority on 12th August 2021;

Drawing number 3630/4 Rev E showing the Detailed Landscape Proposals (2 of 2) and received by the Local Planning Authority on the 12th August 2021;

Drawing number 3630/5 Rev D showing the Node 3 – Detailed Plan and received by the Local Planning Authority on 12th August 2021;

Drawing number 3630/6 Rev D showing the Node 2 – Detailed Plan and received by the Local Planning Authority on the 12th August 2021;
Drawing number 3630/7 Rev D showing the Node 1 – Detailed Plan and received by the Local Planning Authority on the 12th August 2021;
Drawing number BDV.27.02 Rev I showing the Planning Layout and received by the Local Planning Authority on the 7th January 2022;
Drawing number BDV.27.04 Rev C showing the Cross Sections and received by the Local Planning Authority on the 7th January 2022;
Drawing number BDV.27.05 Rev D showing the Proposed Materials Plan and received by the Local Planning Authority on the 7th January 2022; and,
Drawing number BDV.27.08 Rev B showing the Enclosures Layout and received by the Local Planning Authority on the 7th January 2022.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. Details of retaining structures

Before any development commences on site, full details, including appearance and all necessary calculations of those temporary and permanent works affecting the stability of any proposed retaining structures as indicated on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the occupation of the development.

Reason: Details are required of necessary retaining structures and such measures are necessary to protect the stability of the site and in the interests of safety and amenity and to accord with policies DS3, DS5, EN8 and TR3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

4. Highway provision

Before each dwelling hereby permitted is occupied, the proposed highways provisions associated with that dwelling, including roads, parking spaces, turning areas and footpaths, shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered BDV.27.02 Rev I and completed to a constructional specification approved in writing by the Local Planning Authority. The approved highway provisions shall be completed in full prior to the last dwelling being occupied.

Reason: To ensure that suitable roads, footways and parking and turning provisions are made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

5. Retention of garages

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

Reason: In the interests of ensuring that adequate levels of parking are provided on the site, in accordance with Policy TR2 of the Core Strategy Development Plan Document

6. Off-street car parking

Before each dwelling hereby permitted is occupied, the off-street car parking and turning facilities associated with that dwelling shall be constructed of porous materials,

or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15. The parking so formed shall be retained whilst ever the use hereby permitted subsists.

Reason: In the interests of amenity, drainage and highway safety, and to accord with policies TR2 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

7. No gates over highway

Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

8. Noise (and odour) mitigation

The dwellings at plots 25 to 32 shall not be occupied until noise mitigation measures have been implemented in accordance with the recommendations at paragraph 5.4.1 (In-Façade Noise Mitigation) of the Noise Impact Assessment (Reference DC3596-R2v2 dated 12th August 2021) prepared by Dragonfly Consulting. The noise mitigation measures shall be retained as implemented.

Reason: To safeguard the amenity of occupants and to accord with Policies DS5 and EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

9. Materials

The development hereby permitted shall be constructed of facing and roofing materials as specified on the hereby approved Proposed Materials Plan, reference BDV.27.05 Revision D, dated 06/12/2021.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

10. Tree protection plan

Notwithstanding any details submitted including any proposed work to trees, the development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees until the tree protection fencing and other tree protection measures are installed in strict accordance with the approved arboricultural method statement (3630) and tree protection fencing plan, reference 3630/8.

Reason: To ensure that the development protects trees in accordance with good arboricultural practice in the interests of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

11. Implementation of tree protection measures

The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the tree protection fencing plan, reference 3630/8.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

12. Retention of tree protection measures

The approved and agreed tree protection measures as set out on the tree protection fencing plan, reference 3630/8 shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

13. Landscape and ecological management plan

Prior to the occupation of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be guided by the recommendations included in the submitted Ecological Impact Assessment (EclA) reference ER-4568-05 dated 28/07/2021, the Reptile Survey reference ER-4568-04A dated 25/05/2021, and the Bat Activity Survey reference ER-4568-03B dated 25/05/2021 and the hereby approved details on Detailed Landscape Proposals 1 of 2, reference 3630/3E, Detailed Landscape Proposal 2 of 2, reference 3630/4, Node 1 Detailed Plan, reference, 3630/7D, Node 2 Detailed Plan, reference, 3630/6D, reference, Node 3 Detailed Plan, reference 3630/5D and shall also include the following:

- i) Description and evaluation of features to be managed, including areas of hard and soft landscaping
- ii) Any ecological constraints on site that might influence management.
- iii) Identify ecological enhancement measures such as SUDs features, tree planting, inclusion of nectar and pollen species and berry and seed producing species, connected habitats and green spaces, swift ledges, bat tiles and bricks, and bird features.
- iv) Aims and objectives of management.
- v) Appropriate management options.
- vi) Preparation of a work schedule including an annual work plan capable of implementation across a five-year period.
- vii) Details of the body or organisation responsible for implementation of the plan.
- viii) Ongoing monitoring and remedial measures.

Reason: To ensure protection and enhancement of biodiversity, to achieve a satisfactory standard of landscaping in the interests of visual amenity, and to accord with policies SC9, EN2, DS1, DS2, and DS3 of the Core Strategy Development Plan Document and National Planning Policy Framework.

14. Implementation of the LEMP

All biodiversity and landscape works shall be carried out in accordance with the hereby approved ecological and landscaping details within this permission and those details approved within the Landscape and Ecological Management Plan. The works shall be carried out in accordance with a programme that shall be submitted for approval in

writing to the Local Planning Authority prior to the first occupation of the hereby approved development.

Reason: To achieve a satisfactory standard of landscaping and biodiversity features in the interests of amenity and biodiversity and to accord with Policies DS1, DS2, DS3, and EN2 of the Core Strategy Development Plan Document and National Planning Policy Framework.

15. Implementation of landscaping

All hard and soft landscape works shall be carried out in accordance with the details as indicated on the approved plans. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and biodiversity and to accord with Policies EN2, EN5, DS1, DS2 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

16. Maintenance of open areas outside domestic curtilages

Prior to the occupation of any part of the development, a schedule of landscape maintenance for all amenity and recreation open space areas within the site and covering a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those works, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency.

Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS 5 of the Core Strategy Development Plan Document.

17. Boundary treatment – western boundary to plots 19-25, 10-11 & 4-5

Development above damp proof course level of any buildings on the site shall not begin until a plan showing the positions, design, height and materials of boundary treatments to the western boundary of plots 4-5, 10-11 and 19-25 has been submitted to and approved in writing by the Local Planning Authority. The boundary details so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained as long as the development is in use.

Reason: In the interests of amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Core Strategy Development Plan Document.

Informatives:

1) Informative: Outline planning permission: This reserved matters approval may only be implemented in accordance with the development defined on the plans and in the outline planning permission decision notice dated 29th March 2017 reference 15/00378/MAO. It is subject to those conditions imposed under that outline planning permission and the obligations within the Section 106.

2) Informative: Section 106 Legal Agreement: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

3) Informative: Reason for pre-commencement condition (Details of retaining structures): It is necessary to approve details of the retaining structures before commencement to ensure there are no land stability issues and in the interests of safety and amenity and to accord with policies DS3, DS5, EN8 and TR3 of the Core Strategy Development Plan Document

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Report of the Director of Health and Wellbeing to the meeting of the Regulatory and Appeals Committee to be held on 27th October 2022.

F

Subject:

ADOPTION OF UPDATED MODEL BYELAWS TO REGULATE ACUPUNCTURE, TATTOOING AND ELECTROLYSIS AND TO EXTEND REGULATION TO SEMI-PERMANENT SKIN COLOURING AND COSMETIC PIERCING

Summary statement:

To seek approval for the adoption of a single consolidated model byelaw to regulate acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis. This will also require revocation of the existing three byelaws that regulate acupuncture, tattooing, ear piercing and electrolysis in accordance with sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 120 of the Local Government Act 2003.

EQUALITY & DIVERSITY:

There is no perceived impact upon equality, diversity and human rights.

Iain MacBeath
Director of Health and Wellbeing

Portfolio:

Health and Wellbeing

Report Contact: Jane Bradbury,
Senior Environmental Health Officer,
Health and Wellbeing
Phone: (01274) 434936
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Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

- 1.1 The purpose of this report is to inform the Committee of changes to the existing legislation regulating the skin piercing industry and the registration of premises and persons that carry out body piercing and semi-permanent skin colouring.
- 1.2 To recommend that Bradford Metropolitan District Council adopts a single consolidated set of bylaws produced by the Department of Health to regulate acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis and revoke existing bylaws which only regulate acupuncture, tattooing, ear piercing and electrolysis.
- 1.3 To recommend that the statutory mechanism for having the model bylaws confirmed by the Secretary of State is commenced.

2. BACKGROUND

- 2.1 Local Authorities have powers under the Local Government (Miscellaneous Provisions) Act 1982 Part VIII, to regulate tattooing, acupuncture, electrolysis and ear piercing by requiring registration of businesses and practitioners and through compliance with bylaws. Bradford Council adopted Sections 14 and 15 of the 1982 Act and the current bylaws for tattooing, ear-piercing and electrolysis, and acupuncture on 1st February 1987 following confirmation by the Secretary of State.
- 2.2 In response to changes in the beauty industry, provisions in section 120 and Schedule 6 of the Local Government Act 2003, amended Part VIII, section 15 of the Local Government (Miscellaneous Provisions) Act 1982 to include the regulation of cosmetic piercing and skin-colouring as registerable activities.
- 2.3 To aid in the implementation of the Local Government Act 2003 amendment the Department of Health published model bylaws on 7th September 2006 with the aim of facilitating consolidation of all five areas of regulation into one bylaw. The model bylaws can be found in **Appendix 1**
- 2.4 It is important that the skin piercing industry is effectively regulated due to the risks associated with the treatments offered. Treatments associated with skin piercing businesses have, if performed incorrectly, the potential to cause health risks such as localised skin infections, bleeding and risk of transmission of blood-borne viruses including Hepatitis B, Hepatitis C, Hepatitis D and HIV.
- 2.5 The treatments that are not currently regulated (cosmetic body piercing and semi-permanent skin colouring) pose similar public health concerns to the treatments which are currently regulated (tattooing, ear piercing, acupuncture and electrolysis) as these all involve the piercing of the skin with needles, objects and/or dyes and colourings.
- 2.6 Adopting the model bylaws requiring the regulation and registration of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis will enable Bradford Council's Environmental Health Service to enforce the bylaws consistently across all businesses presenting similar health risks.

- 2.7 The model byelaws set out expected standards in respect of the hygiene and cleanliness of premises where procedures are carried out and the equipment and materials used, prevention of transmission of infectious diseases and competency standards of persons carrying out such treatments.

3. OTHER CONSIDERATIONS

None.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The requirement for the registration of additional treatments will not lead to increased spending or additional officers as all premises are already visited under the current scheme. The registration system is already in place and the procedure and process will not change so there will not be any additional resources needed.
- 4.2 The expected standards set out in the consolidated model byelaws are comparable to the three existing byelaws. Therefore, any premises and practitioners that have already registered, been inspected and comply with the existing byelaws will also comply with the new byelaws. There will be no increased financial burden on any existing businesses.
- 4.3 Sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable fees for registrations of persons and premises carrying out the business of skin piercing. Bradford Council currently charges a fee of £231.31 for business/main operator registration and £116.25 for any additional operator. The same fee regime will be applied to businesses offering the new registerable treatments to maintain consistency. This fee will cover initial inspections associated with registration, advising businesses about registration and associated administration.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 As cosmetic body piercing and skin colouring procedures are not covered by existing byelaws there is no current requirement for premises and practitioners to register with Bradford Council. They are legally able to operate without registration and inspection which could lead to poor hygiene standards and lack of infection control with consequential potential risk to public health.
- 5.2 Regulation of the cosmetic skin piercing industry is exclusively through byelaws, as there is not appropriate primary legislation, therefore those byelaws need to be up to date and fit for purpose to ensure good hygiene standards and allow enforcement officers to manage the risks to public health.
- 5.3 Through registering the additional types of treatments the Environmental Health Service will have a more comprehensive understanding of the type of treatments being undertaken in the district and will be more aware of any new and emerging treatments that may need to be regulated in the future.

6. LEGAL APPRAISAL

- 6.1 Local Authorities have powers under the Local Government (Miscellaneous Provisions) Act 1982 Part VIII, to regulate tattooing, acupuncture, electrolysis and ear piercing by requiring registration of businesses and practitioners through compliance with byelaws.
- 6.2 Provisions in section 120 and Schedule 6 of the Local Government Act 2003, amend Part VIII, section 15 of the Local Government (Miscellaneous Provisions) Act 1982 to extend that regulation to cosmetic piercing and skin-colouring.
- 6.3 Schedule 6 of the 2003 Act allows any local authority that has already implemented Section 15 of the 1982 Act to automatically be enabled to extend the registration and byelaws regime to cosmetic piercing and semi-permanent skin colouring.
- 6.4 The full procedure for adoption of byelaws is set out in section 236 of the Local Government Act 1972 and can be found in **Appendix 2**. Notice of Bradford Council's intention to apply for confirmation must be given for two consecutive weeks in a local newspapers circulating in the area to which the byelaws will apply at least one calendar month before application to the Secretary of State. During this month a copy of the byelaws must be available for public inspection at the Council's Offices at all reasonable times.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no implications arising from the recommendations of this report

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no implications arising from the recommendations of this report.

7.3 COMMUNITY SAFETY IMPLICATIONS

Adoption of the model bye laws will enhance the level of regulation of techniques that, if delivered incorrectly, have the potential to impact on the health of our residents.

7.4 HUMAN RIGHTS ACT

There are no implications arising from the recommendations of this report.

7.5 TRADE UNION

There are no implications arising from the recommendations of this report.

7.6 WARD IMPLICATIONS

As the types of businesses that are to be regulated under the amended byelaws are located throughout the district there are no particular ward implications arising from the recommendations of this report.

7.7 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

Age restrictions for different treatments are in place for the safeguarding of young people. The procedures for age verification are checked at inspection but enforcement lies with West Yorkshire Joint Services and in the case of Tattooing with West Yorkshire Police. Any concerns identified during inspections or investigations are referred to the requisite agency for further investigation.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

The procedures for registration and inspection will be amended to incorporate the additional treatments. Those procedures are covered by existing GDPR requirements and all staff are appropriately trained.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Option One - to implement the new model byelaws and revoke the existing ones. The new model byelaws will enable registration of a wider range of current treatments and would facilitate future registration similar new treatments as the beauty industry continues to innovate.

9.2 Option Two - to continue to use the existing limited byelaws regime.

10. RECOMMENDATIONS

- That the committee members consider the contents of this report and pass a resolution to adopt the model byelaws for the regulation of skin piercing activities in accordance with section 15 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 120 of the Local Government Act 2003.
- That the committee members authorise the Common Seal of the Council to be applied to the new byelaw.
- That the committee members support a request to the Director of Legal & Governance to carry out the statutory procedure for seeking confirmation of the byelaws by the Secretary of State.

- That the committee members approve that the requirements of the byelaws will come into effect from the date on which the byelaws are confirmed by the Secretary of State and the current byelaws revoked.

11. APPENDICES

1. Model Byelaws to be adopted.
2. Full procedure for adopting model byelaws.

12. BACKGROUND DOCUMENTS

Local Government Act 2003, Regulation of Cosmetic Piercing and Skin-Colouring Businesses, Guidance on Section 120 and Schedule 6

Chartered Institute of Environmental Health Tattooing and body piercing guidance Toolkit

APPENDIX 1 – NEW MODEL BYELAWS

MODEL BYELAWS

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—

- (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
- (ii) sufficient and safe gas points and electrical socket outlets;
- (iii) an adequate and constant supply of clean hot and cold water on the premises;
- (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service
Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 only apply to acupuncture.

The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 do not apply to acupuncture.

The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) only apply to acupuncture.

The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) do not apply to acupuncture.

The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist **applies only to acupuncture (see section 14(8) of the Act).***

APPENDIX 2 – ADOPTION PROCEDURE

- 1) The Council shall pass a resolution: -
 - a) authorising the affixing of the common seal to the byelaws and
 - b) authorising the clerk to carry out the necessary procedure and apply to the Secretary of State for confirmation.
- 2) The seal should be affixed and duly attested, and the date of sealing inserted in the attestation. The date of sealing, and not the date of the resolution, is the date on which the byelaws are made, and until they are made the Council has no power to carry out the rest of the statutory procedure.
- 3) At least one clear calendar month before applying to the Secretary of State for confirmation:
 - a) Notice of the Council's intention to apply for confirmation must be given in one or more local newspapers circulating in the area to which the byelaws will apply. A series of byelaws should be described by giving the heading they bear on the draft informally approved by the Secretary of State. If the byelaws are to apply to part only of the Council's district, the notice should explain which part will be affected.
 - b) A copy of the byelaws having been subject to the procedures at 2 above, must be deposited at the Council's offices and be open to public inspection without charge at all reasonable times during that month.
- 4) The byelaws may be submitted for confirmation any time after the month has elapsed. They should be printed to conform to the approved draft. The Secretary of State's seal and confirmation should be printed below the Council's seal and a space of at least 10 centimetres should be left. It would be helpful if the following could be typed on the left-hand side of the page as indicated:

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

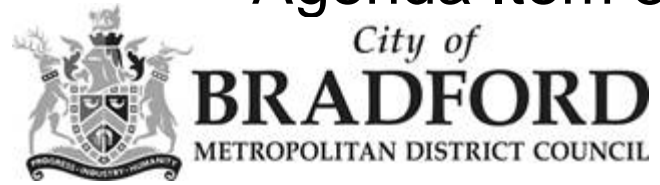
Member of the Senior Civil Service
Department of Health

The Notes which do not form part of the byelaws should be printed after both the Council's and Secretary of State's seals.

- 5) It would be helpful for the application to be accompanied by: -
 - (a). copy of the full Council's resolution
 - (b). the sealed byelaws (2 sets) and a photocopy;
 - (c). the newspaper(s) containing the notice;
 - (d). the clerk's certificate as to the date and duration of deposit of a copy of the byelaws;
 - (e). a statement as to whether or not any objections were received by the Council;
 - (f). confirmation, where applicable, that the byelaws are identical to the model byelaws;

(g). confirmation of the Council's adoption of Section 14-17 and compliance with the provisions of Section 13 of the Local Government Act (Miscellaneous Provisions) Act 1982 particularly regarding the publishing of notice in a local newspaper.

- 6) The Secretary of State emphasises that he has power to confirm only if the procedure laid down in section 236 of the 1972 Act is properly carried out. He has no power to excuse deviation from this procedure.
- 7) The Secretary of State has power to fix the date on which the byelaws come into operation. He considers that the first day of a month will normally be most convenient; and as section 236(7) provides that, if he does not fix a date, byelaws shall come into operation one month after confirmation, he will normally bring byelaws into operation on the first day of the month next following the expiry of this period.



Report of the Assistant Director Neighbourhoods and Customer Services to the meeting of Regulatory and Appeals Committee to be held on the 27th October 2022

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Subject:

A report proposing the extension of the existing Public Space Protection Orders for Bradford City Centre, Keighley Town Centre, Shipley Town Centre and Bingley Town Centre.

Summary statement:

This report provides a summary of the statutory consultation responses and proposed amendments to the alcohol Antisocial Behaviour Public Space Protection Orders (PSPO's) for Bradford City Centre, Keighley Town Centre, Shipley Town Centre and Bingley Town Centre.

Alan Lunt
Strategic Director
Place

**Portfolio: Neighbourhoods and
Community Safety**

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Overview & Scrutiny Area: Corporate

City Solicitor- Asif Ibrahim

1.0 SUMMARY STATEMENT

This report provides a summary of the responses from the statutory consultation on the proposed extension, variation or discharge of the Public Space Protection Orders (PSPO's) for Bradford City Centre, Keighley Town Centre, Shipley Town Centre and Bingley Town Centre and submission of proposals arising from the responses to the consultations.

The report provides a summary of the responses from the statutory consultation on the proposed extension of the Alcohol Anti-social Behaviour Public Space Protection Order for Bradford City Centre, Keighley Town Centre, Shipley Town Centre and Bingley Town Centre and submission of the proposed Order for this Committee's approval.

2.0 BACKGROUND

2.1 In March 2014 the Government enacted new powers contained in the Anti-Social Behaviour, Crime and Policing Act 2014 (later referred to as 'the Act') relating to tackling anti-social behaviour including the making by local authorities of PSPOs. A PSPO can prohibit certain types of antisocial behaviour and make breaches of such subject to fixed penalties and prosecution before the Magistrates Court subject to a fine not exceeding £1000.00.

2.2 The power to create a Public Space Protection Order (PSPO) specifies an area where activities are taking place that are or may likely be detrimental to the local community's quality of life (in this case the district's urban centres). A PSPO can impose conditions or restrictions on people using that area.

2.3 At its meeting in on 12th September 2019 the Regulations and Appeals Committee approved the Council to proceed with a PSPO to help reduce anti-social drinking.

2.4 The Councils PSPO took effect on the 29th October 2019 and unless it is extended it will end by operation of law on 29th October 2022. The prohibitions included in this current PSPO are:

1. Person(s) within the exclusion Zone will not consume alcohol
2. Exemption shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to animals as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuff regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing At 2003.
3. Person within this area who breach this prohibition shall (with the exemption of the matters referred to in paragraph 2 above): surrender in accordance with the requirements under the section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act

4. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer,
- 2.5** PSPOs can be varied or discharged OR extended under section 60 and 61 of the Act respectively.
- 2.6** Since 2019 there has been a total of 2,875 vessels that have been confiscated by the PSPO Officers.
- 2.7 Consultation methodology**
- 2.7.1** The consultation was carried out in accordance with legal requirements as described in section 72 Anti-Social Behaviour Crime and Policing Act 2014.
- 2.7.2** Information about the consultation and links to the consultation documents, including the online survey, were posted on the Council's website.
- 2.8 Consultation summary findings**
- 2.8.1** A total of 158 online surveys were submitted In addition, a number of Focus Groups were run with key stakeholders. There has been convincing support across the board for the extension of the PSPO and this is, therefore, the recommendation of this report.
- 2.8.2** It should also be pointed out, however, that the PSPO in isolation will not resolve the problems of street drinking by those with multiple and complex needs. Support work done in the 'Top of Town' area has shown that many from the 'street drinking community' had withdrawn from a range of services during the Covid period and this would be likely to make their needs more acute.
- 2.8.3** Since 2019 50% believe that that the level of alcohol related ASB has increased and 25% say that it has remained the same, with 12% saying that it has reduced.
- 2.8.4** 89% support the extension of the PSPO in Bradford, 74% show support of PSPO in Keighley with 71% in Shipley and 64% in Bingley support the extension.
- 2.8.5** Since the Public Space Protection Order (PSPO) was introduced 40% do not feel any safer in the exclusion zone where as 38% have not seen any difference
- 2.8.6** Some of the comments of why people feel less safe are:
- There are more anti-social street drinkers
 - Not enough officers to enforce and the PSPO is not effective
 - The current PSPO arrangements do not address the issue either in principle; or in terms of staffing available to address the problem
 - There is always raised voices and public fighting in these areas, amongst the anti-social people
 - Aggressive verbally, intimidated

- 2.8.7** As a result of the above figures and comments, amendments have been made to the order to tackle some of the issues raised.
- 2.8.8** The PSPO is an additional tool to tackle anti-social behaviour/drinking. There are other measures that the Council employ to deal with persistent offenders. This could be in the form of issuing Community Protection Warning/Notices as well as Criminal Behaviour Order (CBO).
- 2.8.9** The main area of concern for alcohol related ASB are in the following areas
- Ivegate
 - Crowgill Park, Shipley
 - Centenary Square,
 - Hustlergate,
 - North Parade
 - Bottom of Sunbridge Road
 - Church Green
 - Low Street benches;
 - Around B&M and behind Evan's Cycles
 - Low Street top, bus station
 - Bradford City Centre
 - Forster Square
- 2.8.10** Full summary of the findings from the online consultation is attached at Appendix A.
- 2.8.11** Focus groups were carried out with Support Agencies (Bridge Project, Homeless Outreach Project, and Change, Grow, Live, Business Improvement District (BID), Bradford's City Centre Beat (subscription business support service) and the City Centre Neighbourhood Policing Team.
- 2.8.12** Support agencies felt that there is a need for the extension of the PSPO and fully support it. However, they felt that for people with complex needs/ trauma a Fixed Penalty notice is less likely to deter them than confiscating alcohol so would be useful to keep this power.
- 2.8.13** City Centre Beat welcome the extension of the PSPO to challenge anti-social drinking in the city centre. However, they were also keen that the Order needs greater resourcing to have an impact on the problems, particularly associated with street drinkers.
- 2.8.14** Bradford BID fully support the extension of the PSPO and recognise that it has had an impact on tackling anti-social behaviour. However, in doing so, they also would like to place on record their view that the current Order lacks effectiveness and request the Council to strengthen its resources for enforcement of the order , particularly with regard to street drinking.
- 2.8.15** West Yorkshire Police support the extension of the Order (see letter of support from Bradford Divisional Commander Chief Superintendent Rob McCoubery). Neighbourhood Policing Inspectors for Keighley and Bradford Central feel that the

current PSPO would be more effective with greater resourcing and that the current wording in the Order could be amended to allow the Officers to better respond to anti-social behaviour.

- 2.8.16** To respond to the concerns raised by partners and the public we are seeking to amend the Order going forward to allow us to better respond to incidents of anti-social behaviour. This will enable us tackle and take action against the more persistent offenders. The new wording is proposed to include in the revised order adds to the list of behaviours that constitute a breach of the Order:

Repeated drunken and anti-social behaviour is such which includes but is not restricted to:

- Shouting
- Swearing
- Intimidating others
- Harassing others
- Urinating in a public place.

- 2.8.17** The full order with the maps for Bradford City Centre, Keighley Town Centre, Shipley town Centre and Bingley Town Centre is attached at Appendix B, C, D and E.

3.0 OTHER CONSIDERATIONS

3.1 Public Space Protection Orders

- 3.1.1** A Public Space Protection Order is an order that identifies the space to which it applies and can make requirements, or prohibitions within the area. This means that the local authority can, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the issues is still occurring and the order is having the required effect. Thereafter it can be extended for a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.
- 3.1.2** Failure to comply with the order is an offence. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN) of £100.00.
- 3.1.3** The Act is not overly prescriptive about the necessary process required for application of these powers. It has therefore been necessary to design a process that is considered to be appropriate and suitably robust.
- 3.1.4** A local authority may extend the period for the PSPO if satisfied on reasonable grounds that doing so is necessary to prevent.

- (a) occurrence or recurrence after that time of the activities identified in the order
- or
- (b) an increase in the frequency or seriousness of those activities after that time.

The recommendation following the consultation period and examination of the evidence is to extend the Public Space Protection Order in Bradford City Centre, Bingley Town Centre, Shipley Town Centre and Keighley Town Centre for another 3 years.

3.2 OPTIONS

- 3.3** This report provides a summary of the consultation responses and identifies the types of anti-social behaviour of main concern to those who submitted a response.
- 3.4** The existing Public Space Protection Orders may be varied extended or discharged to reflect the issues raised through the consultation process. Approval is now sought from this Committee to confirm the recommendations.
- 3.5** The Committee may resolve to support all the recommendations or to reject some or more of the recommendations.

4 FINANCIAL & RESOURCE APPRAISAL

The cost of implementation of the proposed Order, including the cost of the public notices will be met from within existing resources.

5 RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no risk management or governance issues apparent.

6 LEGAL APPRAISAL

- 6.2** The Act came into force on 20th October 2014. This Act contains the provisions for the making of a Public Space Protection Order.
- 6.3** Under section 59 local authorities have the power to make Public Space Protection Orders if satisfied on reasonable grounds that two conditions are met.

The first condition is that—

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

6.4 The second condition is that the effect, or likely effect, of the activities—is, or is likely to be, of a persistent or continuing nature,

- a) is, or is likely to be, such as to make the activities unreasonable, and
- b) Justifies the restrictions imposed by the notice.

6.5 Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect). As with any new legislation of its type, this is untested ground and the legislation will be further defined in years to come by a process of appeals and High Court rulings. Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that “interested persons” may challenge the validity of any order in the High Courts. This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks; beginning on the day the Order is made or varied. There are three grounds upon which a challenge could be made, these are:

- That the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied)
- That a requirement under this element of the legislation not complied with in relation to the order or variation
- The High Court would have the power to quash, amend or uphold the order.

6.6 The penalty for breaches of a PSPO relate to fixed penalty notices and fines alone, which may lead to significant levels of non-payment. The suite of new powers available however would allow officers to utilise a range of measures for those identified as persistently breaching the order, for example:

- Community Protection Notices could be issued against the individuals
- An Anti-Social Behaviour Injunction (ASBI) could be sought against individuals, which carries tougher sanctions (and ultimately imprisonment)
- A Criminal Behaviour Order could be sought. Breach of the PSPO is an offence and upon conviction, individuals could be made subject to a Criminal Behaviour Order. This carries both tougher sanctions, along with the ability to implement positive conditions.

6.7 Convention rights, consultation, publicity and notification

(1) A local authority, in deciding—

- a) whether to make a public spaces protection order (under section 59) and if so what it should include,
- b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,

- c) whether to vary a public spaces protection order (under section 61) and if so how, or
- d) whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out

7 OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

- 7.1.1** Generally, it is understood that anti social behaviour (ASB) has a disproportionate affect on the most vulnerable in our communities.
- 7.1.2** The Public Sector Equality Duty, which is part of the Equality Act 2010, came into effect on 5 April 2011.
- 7.1.3** The Council must, in the exercise of its functions, have due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.1.4** Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- 7.1.5** Implementation of the PSPO supports all of the equality objectives as set out above. The Order most closely relates to the anti-social behaviour of some of the most vulnerable people in the district. To this end we will continue to work with relevant support agencies, encouraging people to access support and liaising with support agencies as much as possible so that the most vulnerable people are cared for.

7.2 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications apparent.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no greenhouse gas emissions impacts apparent.

7.4 COMMUNITY SAFETY IMPLICATIONS

Anti-social behaviour can have an adverse impact on town and city centres. Any actions the authority can take to improve community safety and consequently the reputation of the District will be of benefit to residents, visitors and businesses.

7.5 HUMAN RIGHTS ACT (HRA) IMPLICATIONS

Individuals have rights established under the HRA some of which are absolute and some of which are qualified.

The Council is required under the HRA to balance the rights of those affected by the order, against the rights of the community to enjoy the area proposed to be included in the order without being subject to acts of anti-social behaviour as evidenced by complaints to the police and as prohibited by the draft order.

There is a legal requirement to have particular regard when making decisions whether to extend vary or discharge PSPOs to articles 10 and 11 of the European Convention on Human rights.

7.6 TRADE UNION IMPLICATIONS

There are no trade union implications apparent.

7.7 WARD IMPLICATIONS

The PSPOs are spread across the following wards, although they are not coterminous and their impact at a ward level varies.

- City Ward
- Manningham Ward
- Shipley Ward
- Bingley Ward
- Keighley Central Ward

8 NOT FOR PUBLICATION DOCUMENTS

There are no items that are not for publication.

9 RECOMMENDATIONS

Regulatory and Appeals Committee is asked to approve:

- 9.1** That the Assistant Director, Neighbourhoods and Customer Services be authorised to extend the current PSPOs for three years in Bradford City Centre, Shipley Town Centre, Bingley Town Centre and Keighley Town Centre with the amendments made.

10. APPENDICES

- 10.1** Appendix A – Consultation Summary
- 10.2** Appendix B – Bradford City Centre Order
- 10.3** Appendix C – Keighley Town Centre Order
- 10.4** Appendix D – Shipley Town Centre Order
- 10.5** Appendix E – Bingley Town Centre Order
- 10.6** Appendix F – Email from Deputy Mayor's Office
- 10.7** Appendix G – Support from District Commander of West Yorkshire Police

11 OTHER BACKGROUND DOCUMENTS

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Consumption of Alcohol PSPO Consultation 2022

This report was generated on 24 August 2022. Overall 158 respondents completed this questionnaire.

Please confirm *(Please tick all that apply)*

I have visited the exclusion zone shown on the map (94) 59%	I am an owner of a business in the area shown on the map (8) 5%
I live outside exclusion zone shown on the map (82) 52%	I do not live or work in Bradford (3) 2%
I work in the exclusion zone shown on the map (41) 26%	I own land in the area shown on the map (1) 1%
I live in the exclusion zone shown on the map (34) 22%	

Within the exclusion zone, in your opinion since 2019 do you think the levels of alcohol related antisocial behaviour have:

Increased (78) 50%
Remained the same (39) 25%
Don't know / not sure (20) 13%
Reduced (18) 12%

Since the Public Space Protection Order (PSPO) was introduced have you felt safer when in the exclusion zone

No (62) 40%
I have not noticed any difference (59) 38%
Yes (19) 12%
Not sure / Don't know (12) 8%
I haven't visited the exclusion zone since the introduction of the PSPO (3) 2%

Since the introduction of the PSPO how regularly have you visited the exclusion zone shown?

Every day (47)	31%	I have not visited the exclusion zone since the introduction of the PSPO (3)	2%
At least once a week (35)	23%		
More than twice a week (33)	21%		
About once a month (26)	17%	Don't know / cannot remember (1)	1%
Once within the last six months (9)	6%		

Are there particular parts within the proposed PSPO boundary that are more of a specific problem?

Yes (92)	59%
Don't know / unsure (40)	26%
No (23)	15%

Where do you support the extension of the PSPO? (Bradford City Centre)

Yes (124)	89%
No (8)	6%
Don't Know (7)	5%

Where do you support the extension of the PSPO? (Keighley Town Centre)

Yes (93)	74%
Don't Know (24)	19%
No (8)	6%

Where do you support the extension of the PSPO? (Bingley Town Centre)

Yes (72)	64%
Don't Know (27)	24%
No (13)	12%

Where do you support the extension of the PSPO? (Shipley Town Centre)

Yes (82)	71%
Don't Know (22)	19%
No (12)	10%

Do You think the PSPO should be amended? (Bradford City Centre)

Yes (79)	57%
No (40)	29%
Don't Know (19)	14%

Do You think the PSPO should be amended? (Keighley Town Centre)

Yes (47)	39%
No (38)	31%
Don't Know (36)	30%

Do You think the PSPO should be amended? (Bingley Town Centre)

Don't Know (38)	35%
Yes (37)	34%
No (35)	32%

Do You think the PSPO should be amended? (Shipley Town Centre)

Yes (42)	37%
No (37)	32%
Don't Know (36)	31%

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Appendix B

PROPOSED DRAFT ORDER

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2022 (the “Order”)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Bradford Metropolitan District Council Public Spaces Protection (Consumption of alcohol, in a designated area.) Order Number 2 of 2022. (the Order)

The City of Bradford Metropolitan District Council (“the Council”) in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers hereby makes the following Order:

1. This Order shall come into operation on 4th of October 2022 and shall have an effect for 3 years thereafter, unless extended by further order under the Council’s statutory powers.
2. This Order relates to the City Centre of the City of Bradford Metropolitan District as shown edged red on the attached plan (the restricted area”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. namely, that anti-social behaviour and criminal activities have been carried out within the restricted area. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect, the said activities considered by the authorised officer to be anti-social as described within the Act.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make the Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

5. The effect of this Order is to impose the following prohibitions from midnight the date of this order, namely that within the Restricted Area a person or persons are prohibited from:
 - i. Consuming or intending to consume alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - ii. Having an unsealed container of alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - iii. Repeated drunken and anti-social behaviour is such which includes but is not restricted to:
 - Shouting

- Swearing
 - Intimidating others
 - Harassing others
 - Urinating in a public place.
6. Exemption shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to animals as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuff regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing Act 2003.
 7. Person(s) within this area who breach this prohibition set out in paragraph 5 (I) and 5 (II) and 5 (III) above shall (with the exemption of the matters referred to in paragraph 6 above): surrender in accordance with the requirements under the section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act
 8. In respect of the requirements contained within this Order an authorised person is a Police Constable, Police Community Support Officer or Council Officer authorised by Bradford MDC.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

APPEALS:

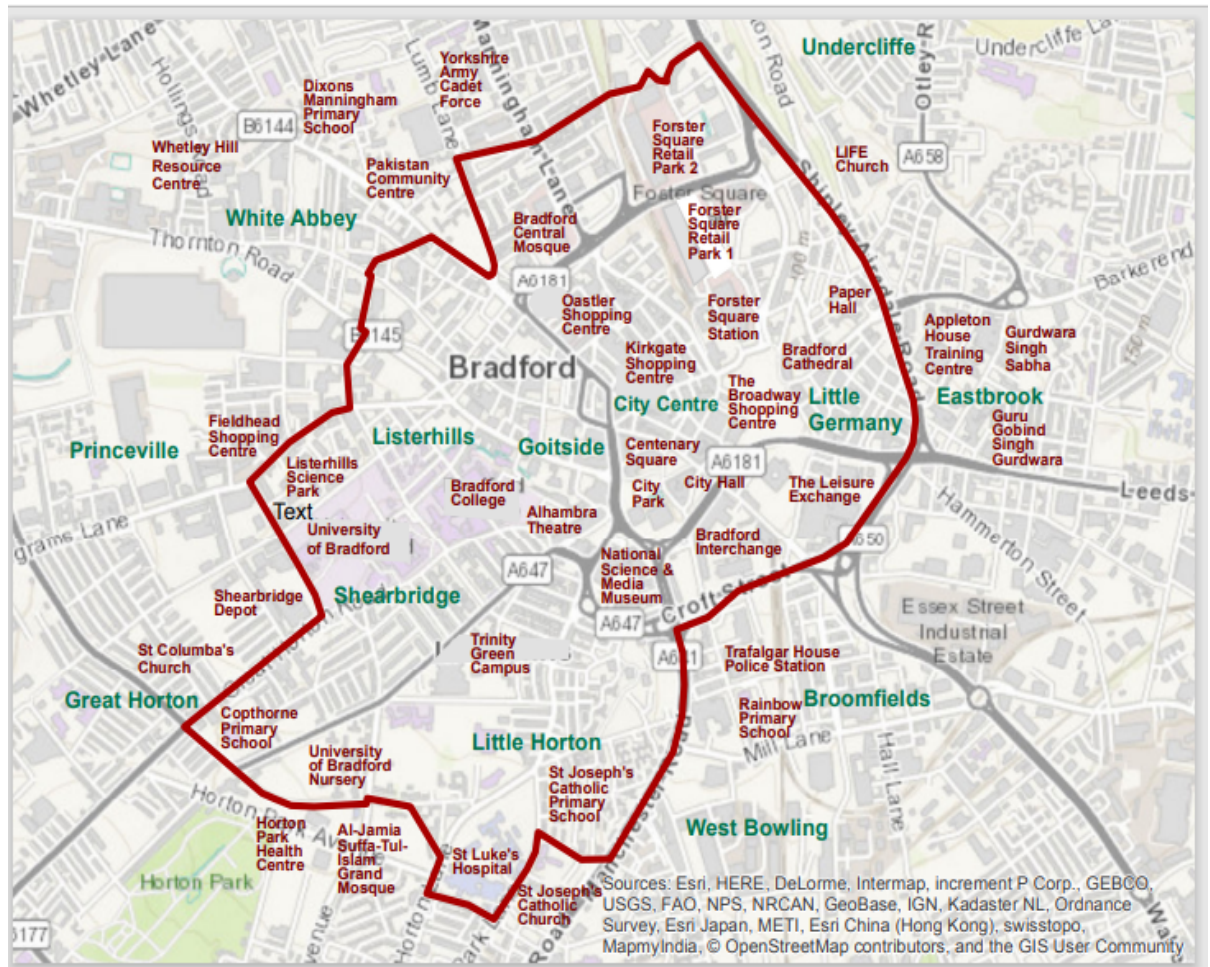
1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

GIVEN under the Seal of the City of Bradford Metropolitan District Council

.....
 THE CORPORATE COMMON SEAL of
 CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
 Was hereunto affixed in the presence

City Solicitor

Appendix 1: Public Spaces Protection Order: Restricted areas edged red on the plan below, as are located within the Councils District



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APPENDIX C

PROPOSED DRAFT ORDER

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2022 (the “Order”)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Bradford Metropolitan District Council Public Spaces Protection (Consumption of alcohol, in a designated area.) Order Number 2 of 2022. (the Order)

The City of Bradford Metropolitan District Council (“the Council”) in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers hereby makes the following Order:

1. This Order shall come into operation on 4th of October 2022 and shall have an effect for 3 years thereafter, unless extended by further order under the Council’s statutory powers.
2. This Order relates to the Keighley Town Centre of the City of Bradford Metropolitan District as shown edged red on the attached plan (the restricted area”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely, that anti-social behaviour and criminal activities have been carried out within the restricted area. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect, the said activities considered by the authorised officer to be anti-social as described within the Act.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make the Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

5. The effect of this Order is to impose the following prohibitions from midnight the date of this order, namely that within the Restricted Area a person or persons are prohibited from:
 - i. Consuming or intending to consume alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - ii. Having an unsealed container of alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - iii. Repeated drunken and anti-social behaviour is such which includes but is not restricted to:

- Shouting
 - Swearing
 - Intimidating others
 - Harassing others
 - Urinating in a public place.
6. Exemption shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to animals as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuff regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing Act 2003.
 7. Person(s) within this area who breach this prohibition set out in paragraph 5 I) and 5II) above shall (with the exemption of the matters referred to in paragraph 6 above): surrender in accordance with the requirements under the section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act
 8. In respect of the requirements contained within this Order an authorised person is a Police Constable, Police Community Support Officer or Council Officer.

FIXED PENALTY NOTICES AND OFFENCES:

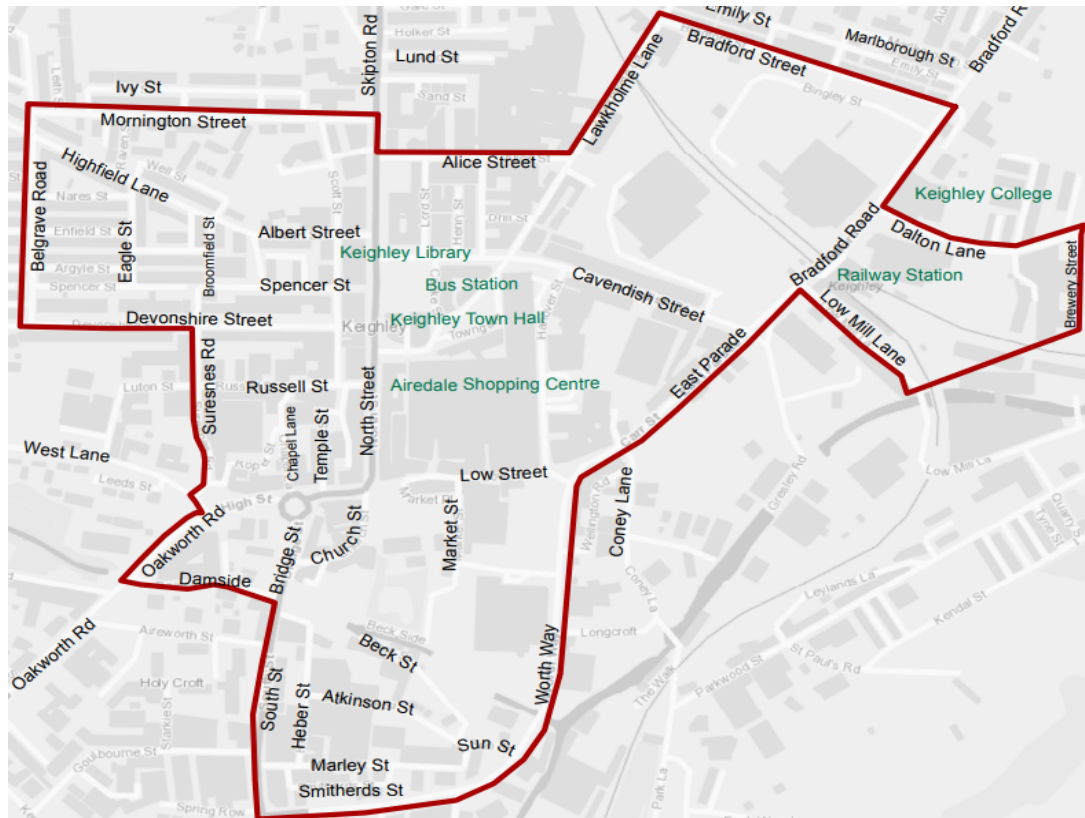
1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

APPEALS:

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

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APPENDIX D

PROPOSED DRAFT ORDER

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2022 (the “Order”)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Bradford Metropolitan District Council Public Spaces Protection (Consumption of alcohol, in a designated area.) Order Number 2 of 2022. (the Order)

The City of Bradford Metropolitan District Council (“the Council”) in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers hereby makes the following Order:

1. This Order shall come into operation on 4th of October 2022 and shall have an effect for 3 years thereafter, unless extended by further order under the Council’s statutory powers.
2. This Order relates to the Shipley Town Centre of the City of Bradford Metropolitan District as shown edged red on the attached plan (the restricted area”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely, that anti-social behaviour and criminal activities have been carried out within the restricted area. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect, the said activities considered by the authorised officer to be anti-social as described within the Act.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make the Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

5. The effect of this Order is to impose the following prohibitions from midnight the date of this order, namely that within the Restricted Area a person or persons are prohibited from:
 - i. Consuming or intending to consume alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - ii. Having an unsealed container of alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - iii. Repeated drunken and anti-social behaviour is such which includes but is not restricted to:

- Shouting
 - Swearing
 - Intimidating others
 - Harassing others
 - Urinating in a public place.
6. Exemption shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to animals as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuff regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing Act 2003.
 7. Person(s) within this area who breach this prohibition set out in paragraph 5 I) and 5II) above shall (with the exemption of the matters referred to in paragraph 6 above): surrender in accordance with the requirements under the section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act
 8. In respect of the requirements contained within this Order an authorised person is a Police Constable, Police Community Support Officer or Council Officer.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

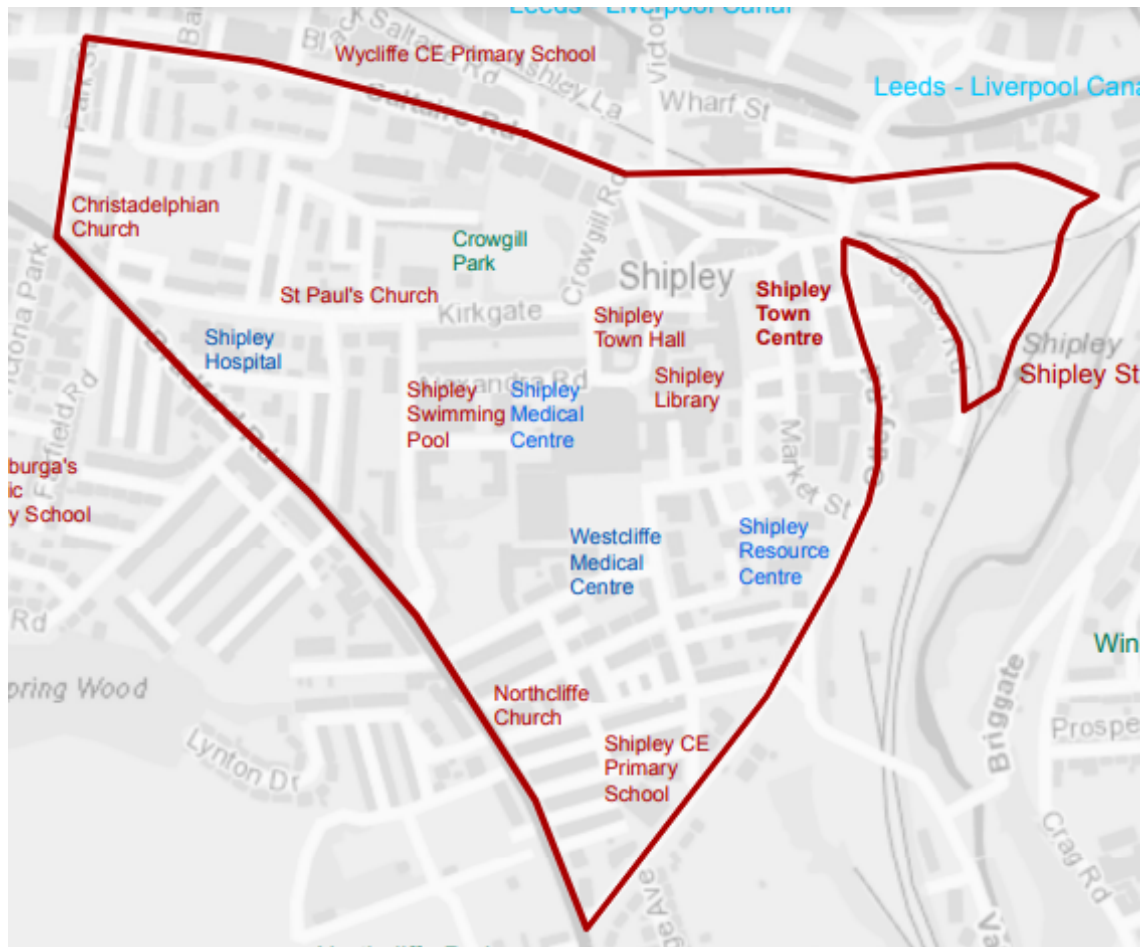
APPEALS:

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

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APPENDIX E

PROPOSED DRAFT ORDER

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2022 (the “Order”)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Bradford Metropolitan District Council Public Spaces Protection (Consumption of alcohol, in a designated area.) Order Number 2 of 2022. (the Order)

The City of Bradford Metropolitan District Council (“the Council”) in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers hereby makes the following Order:

1. This Order shall come into operation on 4th of October 2022 and shall have an effect for 3 years thereafter, unless extended by further order under the Council’s statutory powers.
2. This Order relates to the Bingley Town Centre of the City of Bradford Metropolitan District as shown edged red on the attached plan (the restricted area”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely, that anti-social behaviour and criminal activities have been carried out within the restricted area. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect, the said activities considered by the authorised officer to be anti-social as described within the Act.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make the Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

5. The effect of this Order is to impose the following prohibitions from midnight the date of this order, namely that within the Restricted Area a person or persons are prohibited from:
 - i. Consuming or intending to consume alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - ii. Having an unsealed container of alcohol or anything an Authorised Person reasonably believes to be alcohol in a Restricted Area.
 - iii. Repeated drunken and anti-social behaviour is such which includes but is not restricted to:

- Shouting
 - Swearing
 - Intimidating others
 - Harassing others
 - Urinating in a public place.
6. Exemption shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to animals as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuff regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing Act 2003.
 7. Person(s) within this area who breach this prohibition set out in paragraph 5 I) and 5II) above shall (with the exemption of the matters referred to in paragraph 6 above): surrender in accordance with the requirements under the section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act
 8. In respect of the requirements contained within this Order an authorised person is a Police Constable, Police Community Support Officer or Council Officer.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

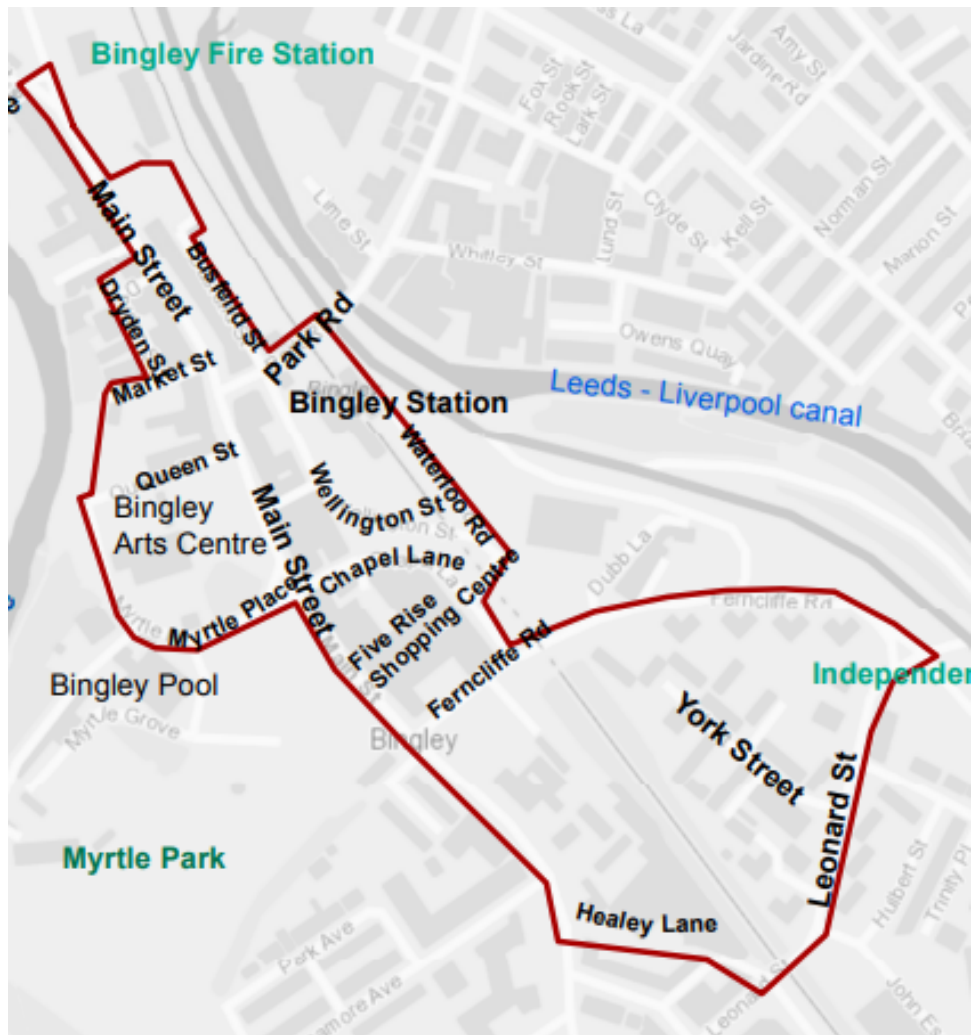
APPEALS:

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

GIVEN under the Seal of the City of Bradford Metropolitan District Council

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City Solicitor



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Appendix F

Sent on behalf of Alison Lowe OBE, Deputy Mayor for Policing and Crime

Thank you for your letter concerning the **PUBLIC SPACE PROTECTION ORDER (PSPO) for Bradford City Centre Keighley Town Centre, Bingley Town Centre, and Shipley Town Centre regarding the consumption of alcohol.**

You will be aware that the mayor has launched the Police and Crime plan 2021-24 which sets a bold direction regarding crime and community safety.

You will also be aware that as Deputy Mayor for Policing and Crime I am committed to ensure I do all that I can to ensure West Yorkshire is Safe. Just. Inclusive.

Through our engagement with communities, statutory partners and third sector we know the impact of ASB from regular users of alcohol in our town and city centres. I also know many of those who will be impacted by the PSPO may have multiple and complex needs, so I do support their need for referral for additional support.

Taking this into account I am supportive of the PSPO which will help us reduce alcohol related crime and ASB and support our joint vision across Bradford district.

**Alison Lowe OBE (she/her) | Deputy Mayor for Police and Crime
West Yorkshire Combined Authority | Policing and Crime Team**

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Appendix G

Michael, Anjum,

Please below response from Ch Supt McCoubrey, I hope this provides sufficient details but if not please let me know.

Cheers

Nick

As District Commander for Bradford, I am all too aware of resident and business concerns in relation to street drinking and the anti-social behaviour associated with this.

This order has allowed our partners within the Council to enforce the anti-social behaviour relating to alcohol consumption in our Urban Centres, over the last 3 years. The extension of this order along with the amendments proposed will enable our partners to be more effective in the enforcement of this. Both enabling effective early intervention whilst at the same time allowing persistent offenders to be prosecuted.

I therefore welcome and fully support this application.

Thanks

Rob.

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