

Agenda for a meeting of the Executive to be held on Tuesday, 6 June 2023 at 10.30 am in the Council Chamber - City Hall, Bradford

Members of the Executive – Councillors

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

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

From:

Asif Ibrahim

Director of Legal and Governance

Agenda Contact: Yusuf Patel / Fatima Butt

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E-Mail: yusuf.patel@bradford.gov.uk/fatima.butt@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. DISCLOSURES OF INTEREST

(Members Code of Conduct – Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) *Members 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 but otherwise not do not participate in the discussion or</i>

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.*

2. MINUTES

Recommended –

That the minutes of the meeting held on 4 April 2023 be signed as a correct record (previously circulated).

(Yusuf Patel / Fatima Butt – 07970 411923 / 07970 411746)

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Yusuf Patel / Fatima Butt – 07970 411923 / 07970 411746)

4. APPOINTMENT OF DEPUTY CHAIR

The Chief Executive will report on the allocation, by the Leader of the Council, of the appointment of Deputy Chair for the Municipal Year 2023/2024.

(Kersten England – 01274 434353)

5. ALLOCATION OF PORTFOLIOS OF EXECUTIVE FUNCTIONS 1 - 4

(Executive Procedure Rules – Part 3D of the Constitution)

The Chief Executive will report on the allocation, by the Leader of the Council, of Portfolios of Executive functions to members of the Executive (**Document “A”**).

(Kersten England – 01274 434353)

6. RECOMMENDATIONS TO THE EXECUTIVE

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

(Yusuf Patel / Fatima Butt – 07970 411923 / 07970 411746)

B. STRATEGIC ITEMS

LEADER OF COUNCIL & CORPORATE

(Councillor Hinchcliffe)

7. PROPOSALS FOR A SENIOR MANAGEMENT RESTRUCTURE 5 - 44

The Chief Executive will submit a report (**Document “B”**) which outlines the proposals to refine and replace the current senior management structure which is needed to deliver the Bradford Council’s key priorities.

These proposals affect JNC Chief Officers.

Recommended –

That the Executive approve the proposed senior management restructure as detailed in Appendix 3 to Document “B”.

Overview & Scrutiny Area: Corporate

(Kerry Pelkowski – 01274 434250)

C. PORTFOLIO ITEMS

HEALTHY PEOPLE AND PLACES PORTFOLIO

(Councillor Ferriby)

8. **UPDATED BUSINESS CASE TO BUILD A NEW CARE HOME FACILITY IN SALTAIRE** 45 - 58

The Strategic Director of Health & Wellbeing will submit a report (**Document “C”**) which revisits the business case and requests additional resources, given the rising costs of inflation and subsequent finding of underground mine-workings on the Saltaire site, which will need ground remediation works. The report also proposes the closure of one older care home.

Recommended –

That Option 2, be approved to an increased budget (an extra £4,032,777) to build the Saltaire Care Facility having demonstrated a business case and value for money; and agreement be given to the closure of Woodward Court, Allerton in Spring 2023, given the poor fabric of the building.

Overview & Scrutiny Area: Health and Social Care

(Iain MacBeath - 01274 432990)

NOTE

Under Paragraph 8.7.4 of Part 3E of the Constitution, the following report is marked exempt from call-in for the reason that there is a Visit England deadline to submit the Local Visitor Economy Partnership application in June.

9. **LOCAL VISITOR ECONOMY PARTNERSHIP (LVEP) PROGRESS REPORT** 59 - 64

The Strategic Director Place will submit a report (**Document “D”**) which sets out the need for a new organisation to represent tourism in Yorkshire following the closure of Welcome to Yorkshire. The De Bois Review set the stage for Destination Management Organisations on a tiered format and a West Yorkshire consortium approach is recommended in order to establish a Local Visitor Economy Partnership (LVEP) to manage and promote the tourism offer going forward.

Recommended –

That Option 2 be approved as set out in Document “D” to apply for LVEP status as part of a West Yorkshire Consortium and develop a Destination Management Plan as part of the bidding process to become an accredited Destination Management Organisation as a Local Visitor Economy Partnership.

Overview & Scrutiny Area: Regeneration & Environment

(Patricia Tillotson - 01274 431274)

10. CLEAN AIR SCHOOLS PROGRAMME

65 - 96

The Strategic Director Place will submit a report (**Document “E”**) which puts forward plans for a Clean Air Schools Programme (CASP), a comprehensive package (circa £1.09m) of grants, engagement and education for the benefit of all Bradford District Schools funded by Clean Air Zone revenue and work with partners.

Recommended –

The Executive is recommended to;

- (1) Approve the proposal for a Clean Air Schools Programme and the Clean Air Schools Grant Programme as set out in Document “E”.**
- (2) Approve the use of anti-idling regulations and enforcement with fixed penalty notices in the Bradford District.**
- (3) Delegate authority to the Strategic Director of Place, in consultation with the Director of Finance, Director of Legal and Governance and the Portfolio Holder to determine the final criteria of the Clean Air Schools Grant Programme Fund.**
- (4) Delegate authority to the Strategic Director of Place in consultation with the Director of Legal and Governance to approve and complete funding agreements with successful applicant schools.**

Overview & Scrutiny Area: Regeneration & Environment

(Andrew Whittle - 07581 007609)

CHILDREN AND FAMILIES PORTFOLIO

(Councillor Duffy)

11. SAVINGS ACCOUNT POLICY FOR CHILDREN IN CARE

97 - 98

The Strategic Director Children's Services will submit a report (**Document "F"**) which sets out arrangements to formalise savings accounts for children in the care of the Local Authority.

Recommended –

That the Savings Accounts Policy set out in Appendix A to Document "F" be approved.

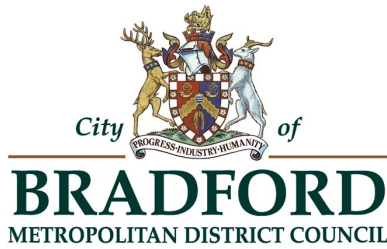
Overview & Scrutiny Area: Children's Services

(Picklu Roychoudhury - 01274 436064)

12. MINUTES OF THE WEST YORKSHIRE COMBINED AUTHORITY

To receive the minutes of the meeting of the West Yorkshire Combined Authority held on 2 February 2023. ([click here to launch minutes](#))

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Councillor Susan Hinchcliffe
Leader of Council
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A

Asif Ibrahim
 Director of Legal and Governance (Monitoring Officer)
 6 June 2023

Executive Portfolios 2023-24

Dear Asif

Please note the following Executive arrangements for 2023-24.

1. Leader of Council & Corporate Portfolio Holder – Cllr Susan Hinchcliffe

Function & Service	CMT Lead Officer	Overview & Scrutiny Committee*
Office of the Chief Executive (including Strategy, Policy & Communications)	Chief Executive	Corporate
Transformation Programme	SD Corporate Resources	Corporate
Commissioning & Procurement	SD Corporate Resources	Corporate
Customer Services	SD Place	Corporate
Finance	Director of Finance	Corporate
Human Resources	Director of HR	Corporate
Information Services	SD Corporate Resources	Corporate
Legal & Democratic Services	Director of Legal & Governance	Corporate
Revenues & Benefits	SD Corporate Resources	Corporate
Health & Wellbeing Board	Director of Public Health	Health & Social Care

2. Education, Employment and Skills – Deputy Leader, Cllr Imran Khan

Function & Service	CMT Lead Officer	Overview & Scrutiny Committee*
Schools, learning & education safeguarding	SD Children & Young People	Children's Services
Employment & Skills	Chief Executive	Regeneration & Environment
SEND & Inclusion	SD Children & Young People	Children's Services
Performance, Commissioning & Partnerships	SD Children & Young People	Children's Services
Transport Provision	SD Children & Young People	Children's Services & Corporate
ISG – Industrial Services Group	SD Corporate Resources	Corporate Regeneration & Environment

3. Healthy People and Places – Cllr Sarah Ferriby

Function & Service	CMT Lead Officer	Overview & Scrutiny Committee*
Health	Director of Public Health	Health & Social Care
Adult Social Care (including Happy, Healthy and At Home)	SD Health & Wellbeing	Health & Social Care
Operational Services	SD Health & Wellbeing	Health & Social Care
Clean Air	SD Place	Regeneration & Environment
Environmental Health	Director of Public Health	Regeneration & Environment
Voluntary Sector Services Commissioning – Adults & Public Health	SD Health & Wellbeing	Health & Social Care
Sport & Leisure	SD Place	Regeneration & Environment
Street Cleansing	SD Place	Regeneration & Environment
Waste & Collection Services	SD Place	Regeneration & Environment
Climate Emergency	SD Place	Regeneration & Environment
Hackney Carriage & Private Hire	SD Place	Regulatory & Appeals
Fleet Transport	SD Place	Regeneration & Environment
Culture & Tourism	SD Place	Regeneration & Environment

4. Regeneration, Planning & Transport – Cllr Alex Ross-Shaw

Function & Service	CMT Lead Officer	Overview & Scrutiny Committee*
Planning	SD Place	Regeneration & Environment
Transportation & Highways	SD Place	Regeneration & Environment
Asset & Facilities Management	SD Corporate Resources	Regeneration & Environment Corporate
Parking – Strategic Policy	SD Place	Regeneration & Environment
Economic Development	SD Place	Regeneration & Environment
Housing & Homelessness	SD Place	Regeneration & Environment
Markets	SD Place	Regeneration & Environment
Digital	SD Corporate Resources	Corporate Regeneration & Environment

5. Children & Families – Cllr Sue Duffy

Function & Service	CMT Lead Officer	Overview & Scrutiny Committee*
Children's Specialist Services	SD Children & Young People	Children's Services
Prevention and Early Help	SD Children & Young People	Children's Services
Children's Governance	SD Children & Young People	Children's Services
Living Well	Director of Public Health	Health & Social Care
Obesity	Director of Public Health	Health & Social Care
Child Friendly District	SD Children & Young People	Children's Services
Executive Lead on Anti-Poverty	SD Adults & Wellbeing	Health & Social Care
Children's and Young People's Mental Health	SD Children & Young People	Children's Services
Children's and Young People's Neurodiversity	SD Children & Young People	Children's Services
Corporate Parenting	SD Children & Young People	Children's Services

6. Neighbourhoods and Community Safety – Cllr Abdul Jabar

Function & Service	CMT Lead Officer	Overview & Scrutiny Committee*
Equalities	Chief Executive	Corporate
Community Cohesion	SD Place	Corporate
Emergency Planning	SD Place	Corporate
Voluntary & Community Sector Strategic Support	SD Place	Regeneration & Environment
Neighbourhood Services (excluding Street Cleansing)	SD Place	Corporate
Parking – Operational Issues	SD Place	Regeneration & Environment
CCTV	SD Place	Corporate
Licensing & Land Charges	SD Place	Corporate
Voluntary Sector Services Commissioning - Advice	SD Place	Corporate
Youth Justice	SD Children & Young People	Children's Services
Youth Service	SD Place	Children's Services
Community Safety Partnership	SD Place	Corporate

*Only the lead committee is indicated, others may have a legitimate interest.

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Report of the Chief Executive to the meeting of Executive to be held on 06 June 2023

B

Subject:

Proposals for a senior management restructure.

Summary statement:

This report outlines the proposals to refine and replace the current senior management structure which is needed to deliver the Bradford Council's key priorities.

These proposals affect JNC Chief Officers.

EQUALITY & DIVERSITY:

These proposals do not impact on the current composition of the senior management workforce.

Kersten England
Chief Executive

Portfolio: Leader

Report Contact: Kerry Pelkowski
Phone: (01274) 434250
E-mail: kerry.pelkowski@bradford.gov.uk

Overview & Scrutiny Area: Corporate

1. SUMMARY

- 1.1 This report outlines the proposals to refine and replace the current senior management structure to enable delivery of Bradford Council's key priorities which include; an ambitious pipeline of regeneration projects, successful delivery of the UK City of Culture 2025 programme, an on-going programme of work to tackle climate change, further strengthening of our approach to locality work, equality, diversity and inclusion, building deeper collaboration between health and care services and a Children's and Families Trust to strengthen our work for the children who need us most.

2. BACKGROUND

- 2.1 The current senior management structure is attached at Appendix 4. This structure has been in place since 2016. The objectives of the changes approved as a result of that review brought efficiencies and stability to the management structure at that time. Since 2016 much has changed in our world, in terms of the challenges the nation and its citizens face. Nationally and locally in 2023 we are grappling with the long term impact of Covid-19 on families and our health and care services, the urgency of responding to climate change and the need for a just transition, a war in mainland Europe and a cost of living crisis affecting families, businesses and our public sector organisations.
- 2.2 The key aim of these proposals is to ensure that the senior management structure provides the corporate, operational and functional leadership and management necessary to enable the Council to deliver its priority outcomes and services, as set out in our District, Council and Equalities Plans.
- 2.3 These proposals aim to bring greater flexibility in management; promoting stronger, collaborative services, utilising the organisational know how and resources to maximum effect. Discussions with senior managers and initial soundings of Executive were undertaken in relation to the strengths and challenges of the current structure.
- 2.4 All posts are proposed as permanent unless stated otherwise.

3. PROPOSALS

3.1 Office of the Chief Executive

- 3.1.1 The role of the Chief Executive Officer is unchanged.

- 3.1.2 Director of Public Health

It is proposed to move the line management for the Director of Public Health to the Chief Executive Officer, along with the Public Health function. Responsibility for the commissioning for Public Health Services will remain within the Health and Wellbeing (to be renamed Adult Social Care) Department. It is further proposed that the Environmental Health service transfers from the management of the Director of Public Health to the Department of Place (Assistant Director Waste Management, Environmental Health and Fleet Services.)

3.1.3 Assistant Director Office of the CEO.

3.1.4 West Yorkshire Pension Fund (WYPF.)
There are no changes to the existing WYPF structure.

3.2 Department of Health and Wellbeing

3.2.1 The Department is renamed Department of Adult Social Care.

3.2.2 The Strategic Director post is retitled Strategic Director Adult Social Care and Health.

3.2.3 The role of the Director of Public Health, which currently sits under the line management of the Strategic Director, moves into the line management of the Chief Executive Officer.

3.2.4 Assistant Director Older Peoples Services.

3.2.5 Assistant Director People Commissioning and Business Support.

3.2.6 Assistant Director Adults with Disabilities. This is a temporary 12-month post (approved under delegated powers and due to end November 2023.) It is proposed that this post be made permanent.

3.3 Department of Children's Services

3.3.1 Strategic Director Children's Services.

3.3.2 Assistant Director Schools and Learning.

3.3.3 Assistant Director Special Educational Needs Disabilities and Inclusion.

3.3.4 Assistant Director Improvement and Partnerships.

3.4 Department of Corporate Resources

3.4.1 Strategic Director Corporate Resources.
It is proposed to transfer the Emergency Planning service from the Department of Place (Assistant Director Waste, Fleet and Transport Services) to the Strategic Director Corporate Resources.

3.4.2 Director Finance and IT.

3.4.3 Director Human Resources.

3.4.4 Director Legal and Governance.

3.4.5 Assistant Director Asset and Facilities Management (retitled from Assistant Director Estates and Property.)

3.4.6 Assistant Director Revenues, Benefits and Customer Services. It is proposed that Customer Services is transferred from the Department of Place (Assistant Director Neighbourhoods and Customer Services) to enable greater integration between services responding to large volumes of customer contact.

3.5 Department of Place

3.5.1 Strategic Director Place.

3.5.2 Assistant Director Culture, Sport and Leisure.

3.5.3 Assistant Director Economic Development and Housing.

3.5.4 Assistant Director Neighbourhoods and Community Services (retitled from Neighbourhoods and Customer Services.) It is proposed that Customer Services transfers to the post of Assistant Director Revenues, Benefits and Customer Services in the Department of Corporate Resources.

3.5.5 Assistant Director Planning, Transportation and Highways.

3.5.6 Assistant Director Waste Management, Environmental Health and Fleet Services. It is proposed that the Environmental Health Service is transferred from the Director of Public Health to this post and the Emergency Planning Service is transferred from this post to the Strategic Director Corporate Resources.

3.5.7 Assistant Director Sustainability.

This post replaces the temporary Air Quality Programme Director post and is externally funded.

3.5.8 Programme Director City of Culture Readiness.

This post is fixed term for two years from 1 May 2023 until 30 April 2025 and is externally funded.

3.5.9 Supporting information for the rationale to the proposals and further information on the remit of each Chief Officer post can be found in Appendix 1.

4. OTHER CONSIDERATIONS

4.1 The consultation process has been undertaken in line with the Assimilation, Redeployment and Redundancy procedure for JNC Chief Officers for proposed Senior Management Restructures (15 January 2013). This document is Appendix 2.

4.2 Informal consultation with Corporate Management Team (CMT) and Senior Leadership Team (SLT) took place during February 2023.

4.2 The decision to proceed with the formal consultation was taken on 13 March 2023 and the formal consultation started on 21 March 2023 at a meeting with representatives of the recognised Trade Unions for JNC Chief Officers, Unison and GMB.

- 4.3 On 24 March 2023 the consultation meeting with Chief Officers to confirm that the formal process had started took place.
- 4.4 Follow up consultation meetings took place on 11 April and 24 April 2023.
- 4.5 During the period of the consultation individual meetings also took place as and when requested.
- 4.6 There have been no objections to the proposals. During the consultation four queries were raised and feedback provided to Chief Officers and the Trade Unions. No alternative proposals have been tabled.

5. FINANCIAL AND RESOURCE APPRAISAL

- 5.1. Overall there is an increase in the total number of posts by one (temporary) and conversion of two temporary posts to permanent.
- 5.2 All posts are currently being evaluated by Korn Ferry Hay and we are not expecting any significant changes to the grade of any Chief Officer post.
- 5.2 Assistant Director for Adult Disabilities, Department Adult Social Care. This post is currently temporary for 12 months until November 2023 (approved under delegated powers.) It is proposed that this post be made permanent. Budget for this post has been secured following the deletion of the Assistant Director IT post in 2020.
- 5.3 Programme Director City of Culture, Department of Place. This is a fixed term post for two years and externally funded (City of Culture Trust), therefore no implication for base budget.
- 5.4 Assistant Director Sustainability (previously Programme Director Clean Air Programme, Department of Place. This post is currently temporary until March 2024 and it is proposed that this post be made permanent. This post is externally funded (CAZ), therefore no implication for base budget.
- 5.5 If these proposals are approved by the Executive the revised Pay Policy Statement for 2023/24 will be brought to Full Council on 11 July 2023.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

To remain with the existing structure will have an impact on our ability to deliver our vision and key priorities for the citizens of the District.

7. LEGAL APPRAISAL

7.1 Section 112 of the Local Government Act 1972 allows the Council to appoint such officers' as it thinks necessary for the proper discharge by the Authority of its duties. Such officers shall hold office on such reasonable terms and conditions as the Council thinks fit subject to Section 41 of the Localism Act 2011 which requires any determination relating to terms and conditions of Chief Officers to comply with the Council's Pay Policy Statement.

7.2 In accordance with Article 4 of the Council's Constitution, the Officer Employment Procedure Rules and the Council's Policy Statement 2023/2024, Full Council must approve any salary package of £100,000 per annum or more.

8. OTHER IMPLICATIONS

8.1 SUSTAINABILITY IMPLICATIONS

None.

8.2 GREENHOUSE GAS EMISSIONS IMPACTS

None.

8.3 COMMUNITY SAFETY IMPLICATIONS

None.

8.4 HUMAN RIGHTS ACT

None.

8.5 TRADE UNION

The recognised Trade Unions for JNC Chief Officers are Unison and GMB. Representatives of the two unions have been involved in the consultation process.

8.6 WARD IMPLICATIONS

None.

8.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

8.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

The reconfiguration of posts in Children's Services reflects the establishment of the Bradford Children's and Families Trust (BCFT) and the Intelligent Client Function responsibilities.

8.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. OPTIONS

10.1 To approve the proposed senior management structure.

10.2. Not to approve the proposed senior management structure and remain with the current arrangements or make alternative proposals.

11. RECOMMENDATIONS

11.1 That the Executive Committee approve the proposed senior management restructure as detailed in this report and shown in Appendix 3.

12. APPENDICES

Appendix 1 Supporting Information.

Appendix 2 Assimilation Redeployment and Redundancy procedure for JNC Chief Officers for proposed Senior Management Restructures (15 January 2013.)

Appendix 3 Proposed Senior Management Structure.

Appendix 4 Current Senior Management Structure.

13. BACKGROUND DOCUMENTS

DASS Statutory Responsibilities.

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APPENDIX 1

Senior Management Restructure – Supporting Information

Key factors that were considered when reviewing the current senior management restructure:

- The balance between locality based preventative services and acute services.
- The need to support our communities to recover from the impact of Covid-19 and the cost of living crisis, and help and support people through early help and prevention and localities based partnerships to create and deliver sustainable futures for all.
- Ensuring accessibility to services and opportunities across all communities.
- The need to maximise delivery of place based, whole systems leadership across the District.
- The need to maximise internal organisational collaboration, system leadership, inclusion and partnership working.
- Ensuring that the scope of Departmental portfolios is driven by a comprehensive evidence base, citizen need and a fair spread of work across the organisation.
- Reconfiguration the Department of Children’s Services post transfer of Social Care and Early Help and Prevention Services to the Bradford Children’s and Families Trust (BCFT.)
- Ensuring we can provide the necessary capacity and capability to deliver our aims and ambition across levelling up with the biggest regeneration pipeline in 50 years, the Health Determinants Research Centre, UK Shared Prosperity Fund, and City of Culture 2025.

Further information on the remit of each Chief Officer post is set out below.

Office of the Chief Executive

Director of Public Health covers; development of a strategic needs assessment for the local population and for the delivery of health improvement, health protection health services in public health. Given the on-going impact of the pandemic and the emphasis on improving the wider determinants of health and reducing inequalities, together with the Chief Executive’s new lead on population health management for the emerging Integrated Care Partnerships.

Assistant Director Office of the CEO covers; policy and strategy development, strategic commissioning, strategic partnerships, and service improvement, and marketing and communications, and leads on delivery of the employment and skills agenda.

Department of Adult Social Care (previously Department of Health and Wellbeing)

The Strategic Director post is retitled Strategic Director Adult Social Care and Health. This post carries the statutory responsibilities as set out in guidance issued by the Department of Health and is tasked with delivering on Bradford Council's commitment to strengthen the connections between health and social care.

Assistant Director Older Peoples Services covers; older people's community social work teams, hospital social work teams, in-house services including community and residential care services, mental health teams and the Access Team. This will be the lead role with the acute hospital Trusts.

Assistant Director People Commissioning and Business Support covers; commissioning of all adult social care, children's social care under an SLA/working protocol with the BCFT, public health services and a number of integrated commissioning posts within the emerging Integrated Care Partnerships and contract management and quality improvement of all of the above. The post will also cover business support functions, income and charging and assurance of adult social care by the Care Quality Commission.

Assistant Director for Adult Disabilities covers; Learning Disabilities, Physical Disabilities, Neurodiversity, Adult Safeguarding, Liberty Protection Safeguards and functional mental health, temporary from November 2022 for 12 months (approved under delegated powers) it is proposed that this post be made permanent. This post will line manage the Principal Social Worker (who will remain as a Departmental Management Board member) and their associated functions. This will be the lead role with the Care Trust. Budget for this post is secured following the deletion of the vacant post of Assistant Director for IT.

Department of Children's Services

Following the establishment of the Bradford Children's and Families Trust (BCFT) the Strategic Director of Children's Services responsibilities will now include the Intelligent Client Function, with operational management responsibility for Children's Social Care moving to the Trust. The post holder continues to have responsibility for statutory delivery of services to children. However, the means through which these objectives are achieved has been subject to change due to the formation of the Trust and wider and ongoing policy and legislative reform.

Assistant Director Schools and Learning covers; School Improvement, Early Years and Childcare Access and Funding, Education Sufficiency, Family Information Service, Education Data, School Governors, Faith Tutors, Music and Arts Teaching Service, School Admissions, Attendance and Education Safeguarding. Ensuing provision of services that ensure children are given the best start in life and are able to achieve their potential, to raise attainment and address the causes of inequalities in educational outcomes and achievement.

Assistant Director Special Educational Needs Disabilities and Inclusion covers; provision of services that ensure children and young people with additional needs and

SEND are able to achieve their potential and address the causes of inequalities in educational outcomes and achievement.

Assistant Director Improvement and Partnerships covers; the Intelligent Client Function including performance management of the Bradford Children's and Families Trust (BCFT), Children's Services Data, Corporate Parenting, Inspection Support and Preparation (SEND, ILACS, JTAI), CSC Improvement Board, SEND Partnership Board, Start4Life, Skills4Bradford, Traded Services, HAF and Outdoor Learning.

Department of Corporate Resources

It is proposed to transfer the Emergency Planning service from the Department Place (Assistant Director Waste, Fleet and Transport Services to the Strategic Director Corporate Resources). The post holder is tasked with leading a major transformation programme ensuring efficient, value for money services and improved outcomes across the District and development of Council owned facilities to support regeneration, growth and skills. Delivering a comprehensive Estates strategy and Corporate Landlord model.

Director Finance and IT covers; Finance, IT, Procurement and Transformation services ensuring public money is managed responsibly, modern and responsive procurement practices are in place and that Bradford Council have a district wide digital infrastructure and connectivity strategy. Act as the Council's Section 151 Officer under the Local Government Act 1972 and lead on the Council's changes and transformation agenda.

Director Human Resources covers; HR Advisory, Business Support, Data Analytics, HR Consulting and Commissioning and HR Specialist Services, leading the development, implementation and management of people, organisational and workforce strategies, ensuring the effective resourcing and development of a skilled, engaged, and empowered workforce and a supportive and inclusive culture.

Director Legal and Governance covers; Legal and Democratic Services, Legal, Committee Secretariat, Elections, Civic Affairs, Mortuary and Registrar's Services, providing a comprehensive legal and governance framework, advice and support in order to facilitate the delivery of modern Council services. Act as Statutory Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989.

Assistant Director Asset and Facilities Management. This post is retitled from Assistant Director Estates and Property and covers; all aspects of Bradford Council's estate, its related resources and facilities with accountability for the efficient and effective provision of comprehensive client centred services for estates planning, management and facilities support.

Assistant Director Revenues, Benefits and Customer Services. It is proposed that Customer Services is transferred from the Department of Place (Assistant Director Neighbourhoods and Customer Services) to enable greater integration between services responding to large volumes of customer contact. This post covers; administration and collection of Council Tax and Business Rates, a Council-wide billing, collection and enforcement service for other sundry accounts, leads the

Bradford Council's overall welfare provision and has responsibility for the Payroll and Pension liaison service.

Department of Place

Whilst the responsibilities of the Strategic Director Place remain broadly unchanged, it is proposed to reconfigure the roles and responsibilities of the Assistant Directors. The post holder is tasked with delivering on our commitment to grow our local economy in an inclusive and sustainable way by increasing productivity and supporting businesses to innovate and invest. Providing more high quality homes in neighbourhoods where people want to live, can feel safe and thrive. Leading our national Clean Growth and City of Culture programmes and delivery of the new HRA housing approach and Local plan.

Assistant Director Culture, Sport and Leisure covers; development and delivery of our cultural strategy, use of our cultural assets to attract more visitors, drive economic growth and create new jobs in the cultural, creative and tourism industries. Secure available funding and support for key projects creating an environment for growth. Develop in partnership initiatives which increase participation, usage and take-up in sport and culture services, particularly in relation to disadvantaged groups and individuals.

Assistant Director Economic Development and Housing covers; the implementation of the Bradford Council's major regeneration, economic development and housing programmes and key initiatives; growing our local economy in an inclusive and sustainable way, ensuring economic growth is inclusive, sustainable and resilient, helping the long-term unemployed, people with long-term conditions and care leavers into the labour market.

Assistant Director Neighbourhoods and Community Services covers; leadership and co-ordination of Locality and Neighbourhood working, Neighbourhood Wardens, Youth Service, Safer and Stronger Communities and the Prevent Duty. Development of strategic programmes and the creation of opportunities which enabling communities to help themselves and one another using key values of prevention and early intervention community development principles.

Assistant Director Planning, Transport and Highways covers; the effective delivery of the sustainable planning and highways service including; Infrastructure Planning and Transport Strategy, Strategic Environment, Development Services, Building Control Enforcement, Land Drainage, Highways Design and Construction, Highways Delivery and Maintenance, Winter Maintenance Traffic and Road Safety Parks and Landscape Design and Conservation, Street Lighting, Countryside and Rights of Way.

Assistant Director Waste Management, Environmental Health and Fleet Services covers; effective delivery of services including; Street Cleansing, Waste Collection and Disposal, Parks and Ground Maintenance, Environmental Health, HCPTL, Premises Licensing, Workshops and Fleet Services. It is proposed that the Environmental Health Service is transferred from the Director of Public Health to this post and the Emergency Planning Service is transferred from this post to the

Strategic Director Corporate Resources.

Assistant Director Sustainability covers; the development and delivery of the Bradford Clean Air Plan, ensuring compliance with legal limits for air quality, including schemes that support Bradford Council's Climate Emergency Agenda. Design of multi-million-pound investment and income generation, to ensure the delivery and monitoring of a large-scale programme that provides health benefits for Bradford residents. This posts replaces the temporary Air Quality Programme Director post and is externally funded.

Programme Director City of Culture Readiness covers; delivery of corporate and strategic projects, providing oversight of interdependencies, risks and opportunities, working closely with external stakeholders to ensure successful delivery of a UK City of Culture Readiness Programme. Build, nurture and sustain effective multi-agency partnerships across the District, and take strategic responsibility for the delivery of the Housing Revenue Account Business Plan which aims to provide more high quality homes in neighbourhoods where people want to live and play a critical role in transforming the DoP housing function. The delivery of the multi-million Towns Fund Programme to deliver on our commitment to grow our local economy in an inclusive and sustainable way by increasing productivity and supporting businesses to innovate and invest. This post is fixed term for two years and is externally funded.

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**ASSIMILATION, REDEPLOYMENT AND REDUNDANCY PROCEDURE FOR JNC
CHIEF OFFICERS FOR PROPOSED SENIOR MANAGEMENT RESTRUCTURES
15 JANUARY 2013**

SECTION 1: SCOPE & APPLICATION

- 1.1 This Agreement is between the City of Bradford Metropolitan District Council (“the Council”) and the recognised Trade Unions (being Unison and GMB) representing those employees of the Council who come under the scope of the Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities.
- 1.2 This Agreement will apply to all employees who come under the scope of the Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities and currently employed as Strategic Director, Director, Deputy Director, City Solicitor and Assistant Director (hereinafter called “Chief Officers”).
- 1.3 This Agreement will commence on 15 January 2013 subject to the provisions of clauses 1.4 -1.6 below.
- 1.4 Either party may give the other party three months written notice of termination of this Agreement. If either party gives notice of termination, both parties will work together to attempt to reach a new Agreement before expiry of the three month notice period.
- 1.5 On termination of this Agreement by either party, the terms of this Agreement will cease to have contractual application for employees covered by this Agreement as detailed in paragraph 1.1.
- 1.6 If notice is given by either party, in accordance with clause 1.4 above, any redeployment during the notice period of this Agreement will be in accordance with the terms of this Agreement (save in exceptional circumstances to be agreed between the Council and the recognised Trade Unions)

SECTION 2: PROCESS

- 2.1 Chief Officers’ terms and conditions require the Council to consult with any Chief Officer at the earliest possible stage when there is a suggestion that the Chief Officer’s post might be abolished or proposed for abolition.
- 2.2 If a proposal is formulated to abolish a Chief Officer’s post, the statutory consultation process under Section 188 Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) should be followed with the recognised Trade Unions.
- 2.3 The required statutory information under Section 188 TULRCA 1992 should be sent to the Chief Officer and to each independent trade union recognised by the Council for collective bargaining purposes for the Chief Officer (being Unison and GMB).
- 2.4 A period of not less than 30 days is required for the statutory consultation process.

- 2.5 The Chief Officer and a Trade Union representative will be afforded an opportunity of making oral representations to Executive, before a final decision is made about their post, if it is proposed that their post be abolished.
- 2.6 If, following such consultations, the Council decide that the post(s) must be abolished, the Chief Officer should be offered any suitable alternative employment which may be available or which may become available in consequence of the reorganisation giving rise to the abolition of the Chief Officer's post.

The Assimilation Procedure

- 2.7 The following procedure will only apply to a Chief Officer whose post is proposed for abolition or where it is proposed that a Chief Officer's existing responsibilities for functions/services will change.
- 2.8 Following consultation with Chief Officers and the Trade Unions and if the proposed structure is approved with or without amendments by Executive the assimilation procedure as set out below will be followed.
- 2.9 The first stage of the assimilation procedure will be an assessment by the Assimilation Panel (see paragraphs 2.11 and 2.12 below) as to whether any of the Chief Officers in existing posts proposed for abolition or where it is proposed that the Chief Officer's existing responsibilities for functions/services will change should be assimilated into any new/revised posts in the new structure as suitable alternative employment. The assimilation rights of Chief Officers affected will need to be based upon:
- (i) a comparison of the duties and responsibilities of any new/revised post in the new structure which includes posts where there has been a change in responsibilities for functions/services compared to those of each Chief Officer in their existing post (ignoring any temporary promotion or acting responsibilities).
 - (ii) determining competing claims to each new/revised post in the new structure between different Chief Officers when more than one can demonstrate a significant similarity of duties and responsibilities;
 - (iii) ensuring that Chief Officers can only be directly assimilated into posts that they can be regarded as being capable of undertaking on the basis of previous duties and responsibilities in their post in the previous structure.
- 2.10 The comparison of duties and responsibilities of the new/revised posts in the new structure which includes posts where there has been a change in responsibilities for functions/services to current Chief Officers in their existing posts should be based upon a significant proportion of duties and responsibilities listed in the new job profile being the same as those in the Chief Officer's existing post using the assimilation categories detailed in Appendix A of this Agreement.
- 2.11 The Assimilation Panel will consist of the Chief Executive and a representative from Human Resources and the Regional Officers of the GMB and Unison or their nominated substitutes. The quorum of the Assimilation Panel will be 3 namely the Chief Executive, HR representative and one regional Trade Union

representative or their nominated substitute.

The Assimilation Panel will assign to all new/revised posts which includes posts where there has been a change of responsibilities for functions/services in the new structure an Assimilation Category of A, B or C (see Appendix A). Management will make their proposals on Assimilation Categories and allow the trade union representatives to comment. Both sides should seek to agree the categories.

Assimilation of Strategic Directors and Statutory Chief Officers (Section 151 Officer and Monitoring Officer) where applicable

- 2.12 The Assimilation Panel referred to in paragraph 2.11 will consider the Strategic Directors and Statutory Chief Officers (if any) first and will consider the assimilation rights for each such Chief Officer and make recommendations to a Sub-Committee of Staffing Committee (the Assimilation and Appointment Panel).
- 2.13 The Assimilation and Appointment Panel will determine the assimilation rights taking into account the recommendations of the Assimilation Panel. Chief Officers must be advised of the assimilation decisions of the Members' Assimilation and Appointment Panel and given the right of appeal.
- 2.14 An appeal against the assimilation category will be to the Council's Employee Appeals Panel, whose decision shall be final.
- 2.15 Any appointments of Strategic Directors and Statutory Chief Officers will be made by either Staffing Committee or a Sub-Committee of Staffing Committee.

Assimilation of all other Chief Officers

- 2.16 The determination of the assimilation rights for all other Chief Officers (namely Director, Deputy Director and Assistant Directors where applicable) will be made by the Assimilation Panel referred to in paragraph 2.11. Chief Officers must be advised of the assimilation decisions of the Assimilation Panel and given the right of appeal.
- 2.17 An appeal against the assimilation category will be to a Panel consisting of the Director of the Regional Local Government Employers' Organisation (or nominated substitute) a nominated Strategic Director and a representative of HR, whose decision shall be final.
- 2.18 When assimilation categories have been assigned, the following should then take place (all in accordance with Appendix A):-

Direct Assimilations: Inform those assimilated.

Limited Competition Selection Processes: Arrangements will be put in place as soon as practicable for "limited competition selection" processes to be undertaken.

Category C Posts: Identify any Category C posts available. Should any post at Strategic Director level in the new structure be categorised as Category C, only current Strategic Directors can apply for the position.

In relation to any other Category C post, notify all Chief Officers of their existence and the role requirements. Any Chief Officer at risk of redundancy following the previous steps in the assimilation process will be entitled to apply for such posts should s/he wish to do so.

However, in the event that there is more than one candidate for any Category C post then arrangements will be put in place as soon as practicable for "limited competition selection" process to be undertaken to assess their suitability for the post.

Confirmation of Assimilation: The appropriate steps will be taken as soon as possible thereafter to notify those assimilated (but see paragraph 2.15 above) and arrange for them to receive revised contracts of employment.

- 2.19 The Council will ensure that all decisions comply with the Council's employment policies and with employment legislation.
- 2.20 As there are less posts on the proposed new structure, the Council will throughout the consultation process, advise the Chief Officers and the appropriate Trade Unions of any vacancies which arise elsewhere within the Council and which may be considered suitable alternative employment for Chief Officers. Chief Officers can of course apply for any other vacant post within the Council.
- 2.21 The Council will continue to assist the Chief Officer with seeking alternative employment within the Council throughout the assimilation process.
- 2.22 In the event of the Chief Officer being redeployed/appointed to a post which is graded at a lower level than the current post of the Chief Officer the following pay protection will apply, excluding increments and relevant national pay awards and see paragraph 2.23 below:
 - a) In year one full pay protection of the difference in salary, but with a maximum amount of pay protection of £4,000 per annum
 - b) In year two 50% of the difference in salary, but with a maximum amount of pay protection of £2,000 per annum
- 2.23 Irrespective of the grade of the post to which the Chief Officer is redeployed, the following conditions if applicable will not be protected from the date the Chief Officer is redeployed:

Any payment/benefit received in addition to normal salary. The following is a non exhaustive list of examples:-

- (a) honoraria/plusages
- (b) professional subscription
- (c) telephone allowance

- (d) /car leasing allowance
- (e) car allowance status

Except in so far as they apply to any new/revised post to which they are assimilated/redeployed.

- 2.24 Once it is confirmed that the Chief Officer has not been selected for any new/revised post in the new structure, arrangements will be made to convene Staffing Committee or a Sub-Committee of Staffing Committee to consider whether the Chief Officer should be dismissed on the grounds of redundancy. The Chief Officer will have the right to make representations to this Committee with the support of his/her trade union representative (if any) before a final decision is arrived at.
- 2.25 Should the decision be to dismiss the Chief Officer on the grounds of redundancy, the Chief Officer will receive 3 months' notice during which efforts will continue to seek redeployment opportunities within the Council for the Chief Officer. Chief Officers with over 4 years' continuous service at the date of the decision of Staffing Committee will be entitled to an additional 4 weeks period to continue to seek redeployment opportunities within the Council over and above their contractual 3 months' notice.
- 2.26 The Chief Officer has a right of appeal against the decision to dismiss and this right can be exercised by writing to the Chief Executive setting out the grounds of appeal within 5 working days of the date of the letter confirming the decision to dismiss.
- 2.27 An Appeal will be heard by the Council's Employee Appeals Panel.

ASSIMILATION CATEGORIES

NB Chief Officers can only be considered for assimilation rights at A and B level within the new structure based on their existing level/status in the previous structure i.e. Strategic Directors cannot be considered for assimilation rights at Assistant Director 'level' and vice versa.

1. Category A

The post is considered to be **directly** similar in tasks, duties and responsibilities to a post(s) in the previous structure. The grade and reporting relationship may be different, but it is obvious that a post holder(s) can be identified as being available for assimilation to the post(s) on the basis of the key tasks, duties and responsibilities of their former/existing post(s).

If there is only one Chief Officer identified as available for assimilation that Chief Officer should be directly assimilated (slotted in) to the Category A post in the new structure. For Strategic Directors and Statutory Chief Officers, the Assimilation and Appointment Panel will formally appoint if Category A. For all other posts, the Chief Executive will appoint if Category A.

Where there are more Chief Officers available for assimilation than posts (in Category A) in the structure then a "limited competition selection" process will apply (as between the identified candidates for the role).

2 Category B

The post(s) are considered to have significant elements of the tasks, duties and responsibilities to a post(s) in the previous structure, though the grade and the reporting relationship may be different. There may be one or more Chief Officers who can be identified as being available for assimilation to this post(s). Such Chief Officers will be identified through the comparison of their existing substantive post with the criteria specified at paragraphs 2.9 and 2.10 of this Agreement.

Where only one Chief Officer is identified as being available on the basis of his/her key tasks, duties and responsibilities of a former/existing post, then this Chief Officer should undergo a selection process to assess their suitability for the post.

Where more than one Chief Officer can be identified as performing part of the constituent tasks/duties and responsibilities, then "limited competition selection" should take place (as between the identified candidates for the role). If none of the Chief Officers satisfy the requirements of the selection process then no appointment should be made.

Where no Chief Officer is appointed, this post becomes open for recruitment as with any other vacant post.

3 **Category C**

The post has been created to reflect a new direction or function.

Identify any Category C posts available. Should any post at Strategic Director level in the new structure be categorised as Category C, only current Strategic Directors can apply for the position.

In relation to any other Category C post, notify all Chief Officers of their existence and the role requirements. Any Chief Officer at risk of redundancy following the previous steps in the assimilation process will be entitled to apply for such posts should s/he wish to do so.

However, in the event that there is more than one candidate for any Category C post then arrangements will be put in place as soon as practicable for “limited competition selection” process to be undertaken to assess their suitability for the post.

Where there is only one candidate for any Category C post then the candidate should undergo a selection process to assess their suitability for the post.

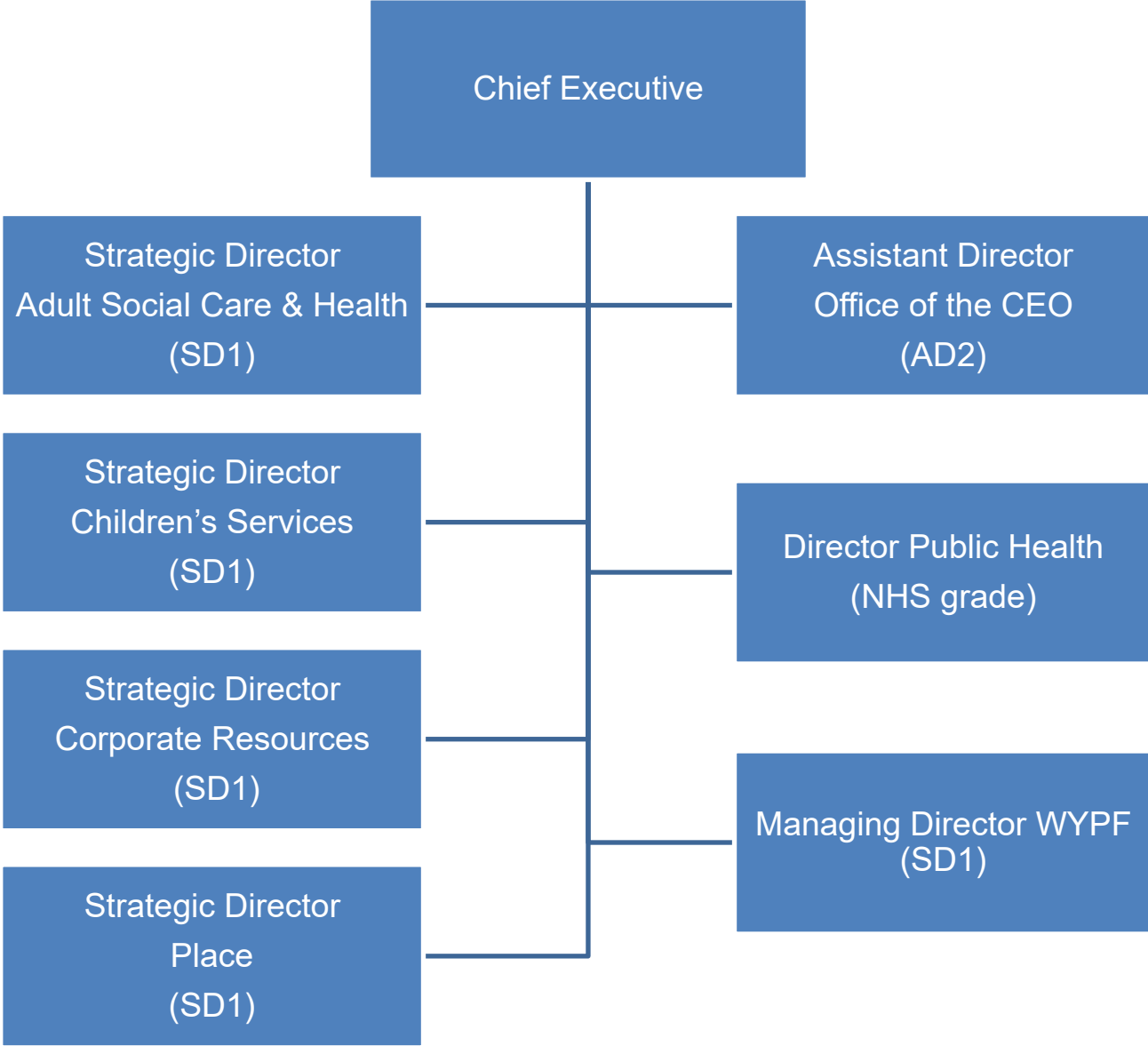
If none of the candidates satisfy the requirements of the selection process then no appointment should be made.

If no appointment is made the post is open for recruitment as with any other vacant post.

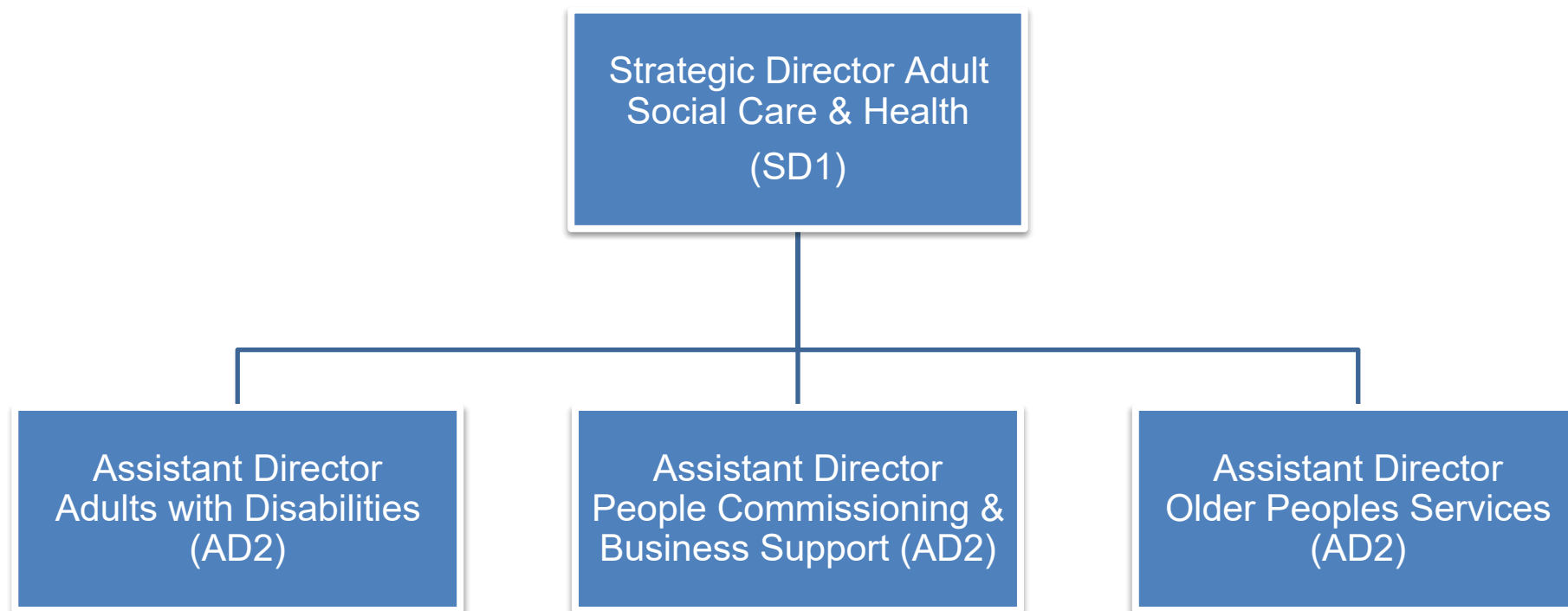
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Proposed Structure

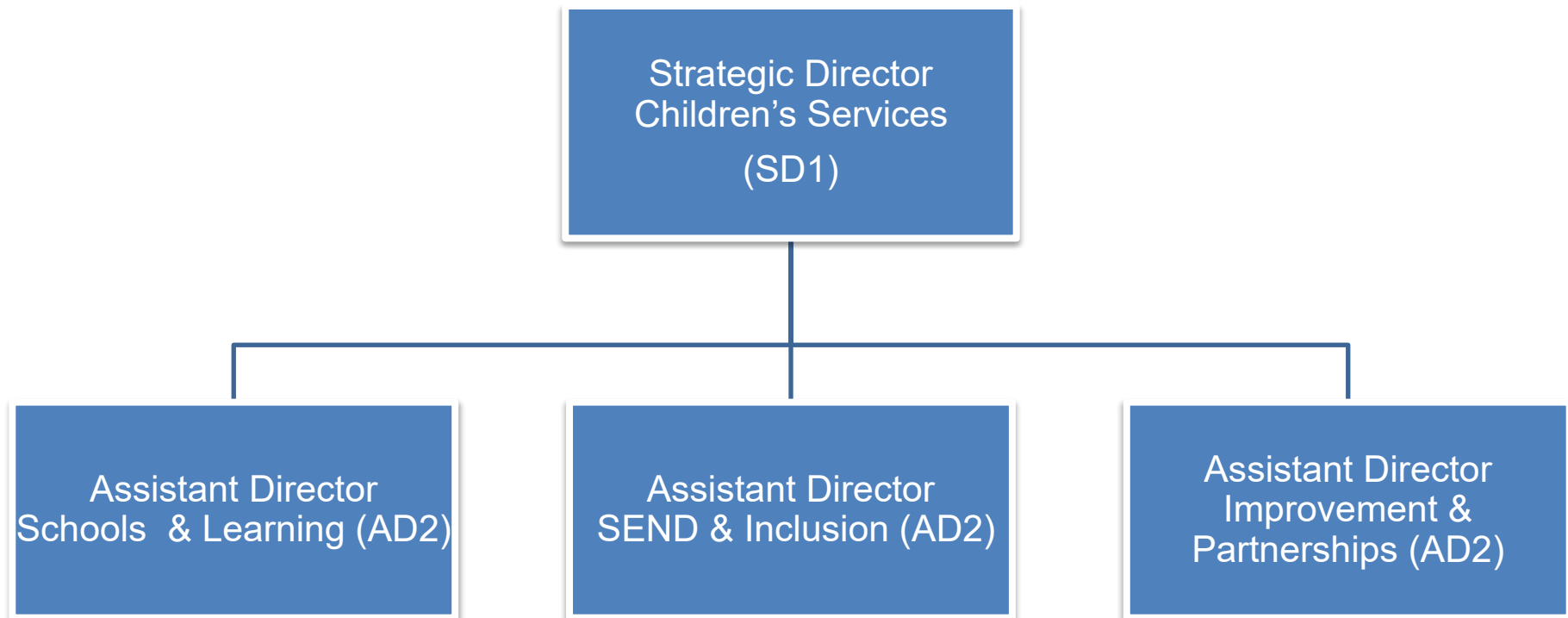
CEO direct reports



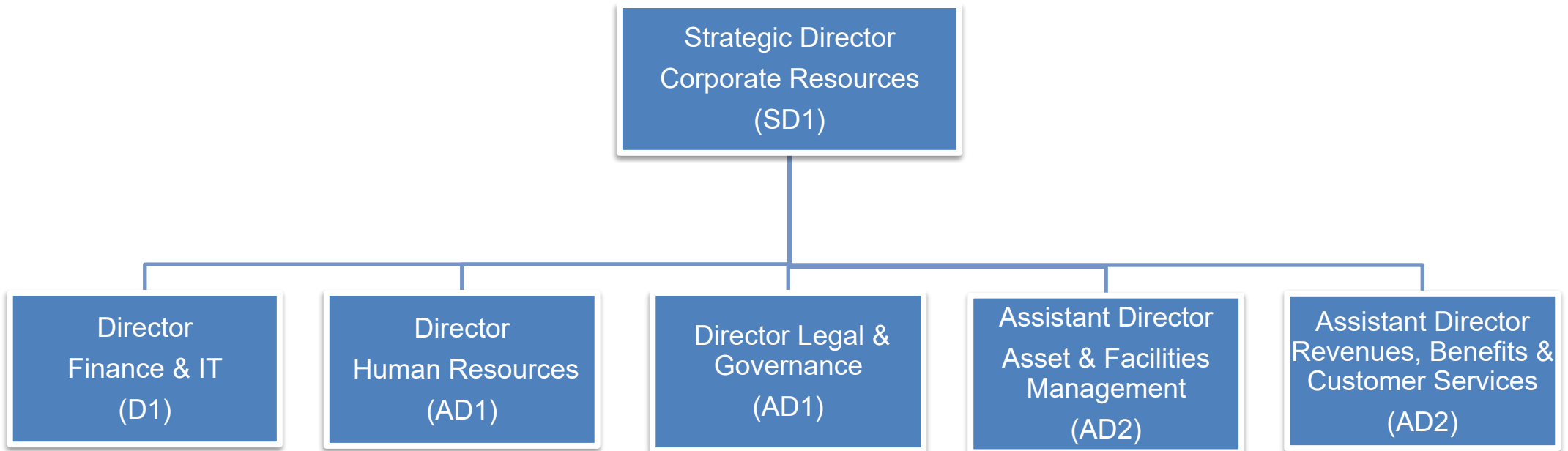
Department of Adult Social Care



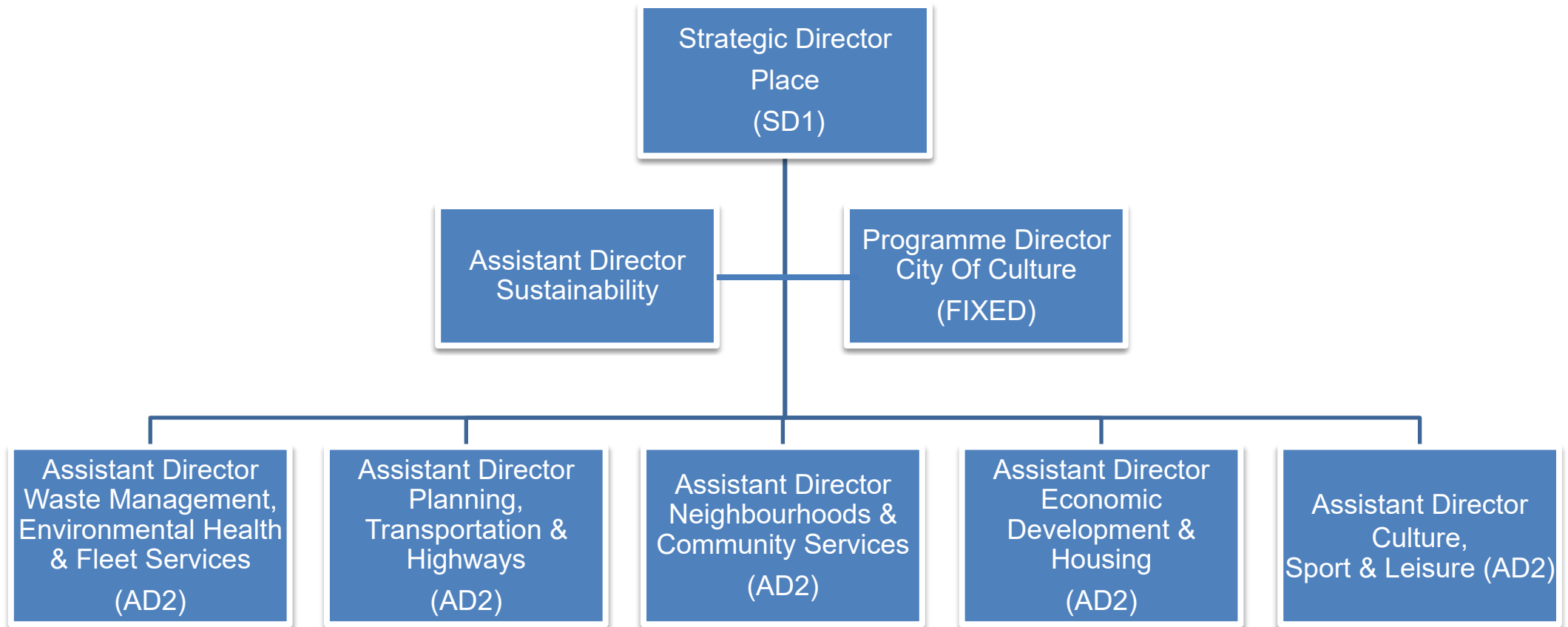
Department of Children's Services



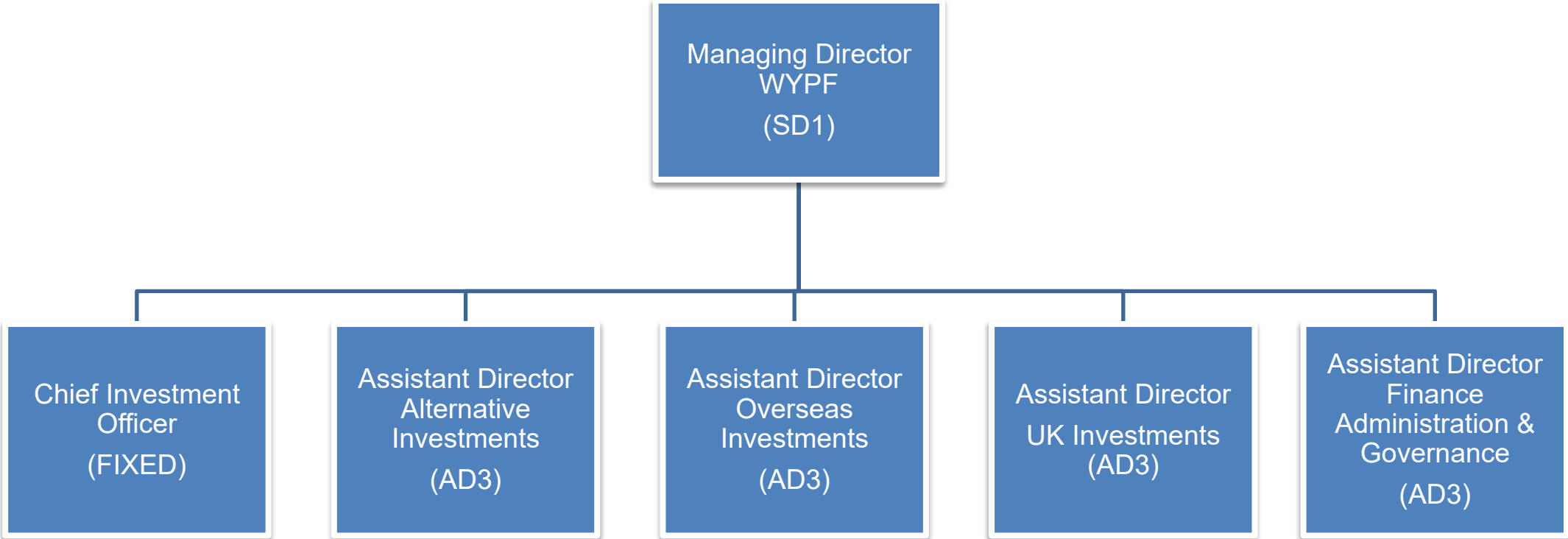
Department of Corporate Resources



Department of Place



West Yorkshire Pension Fund



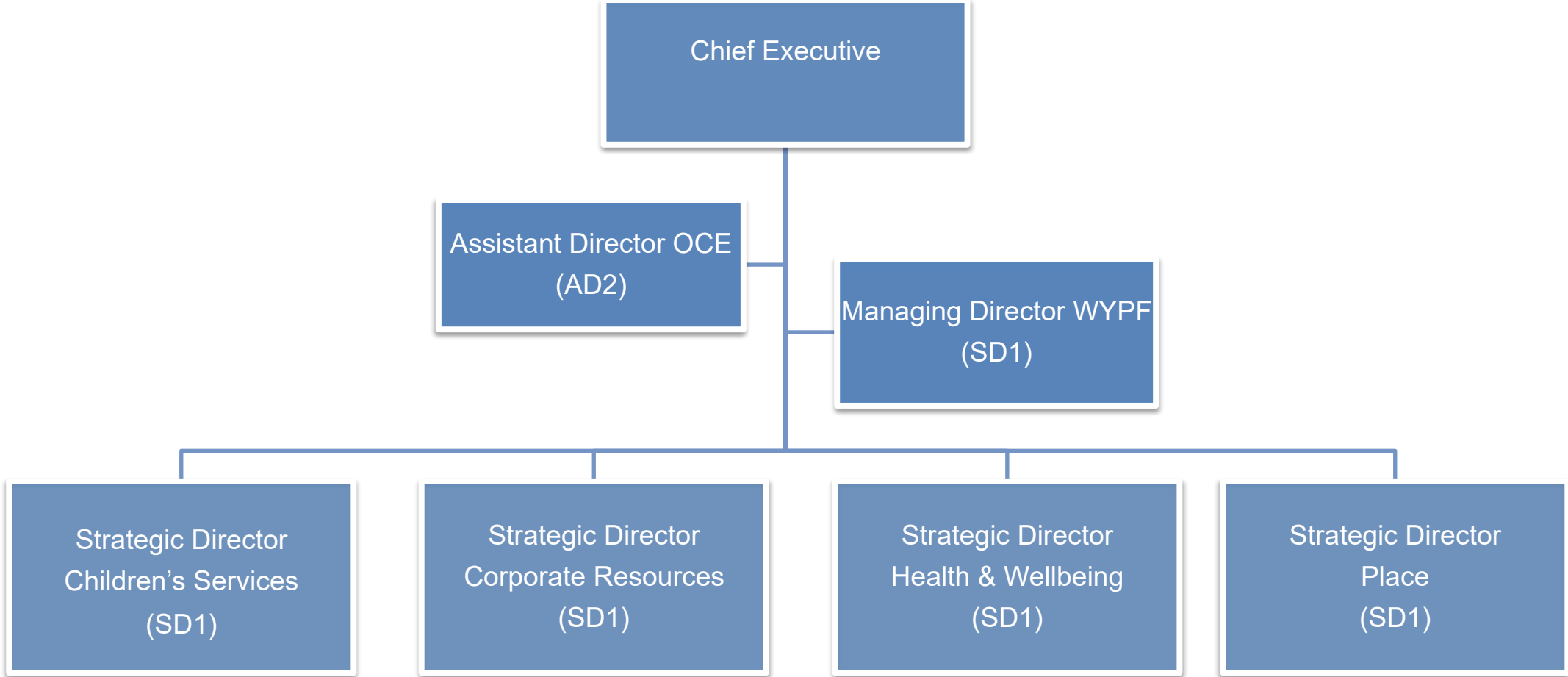
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APPENDIX 4

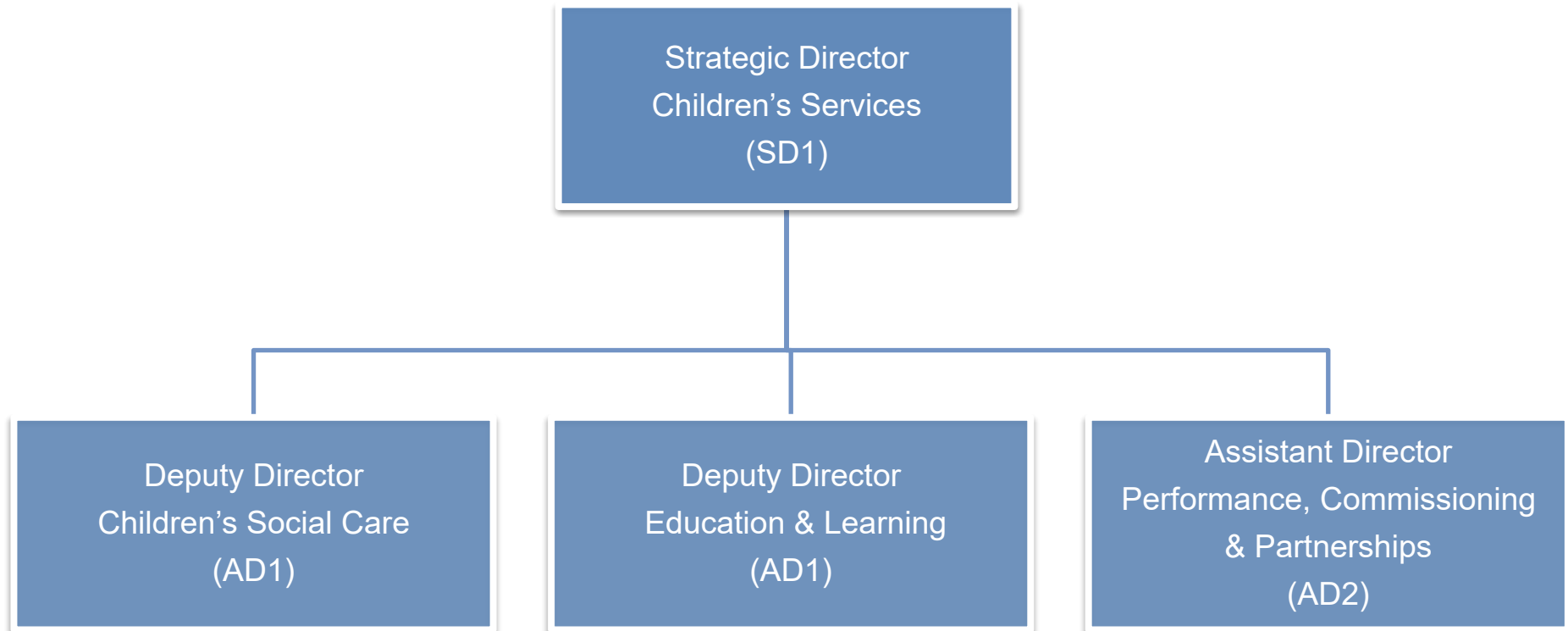


Current Structure

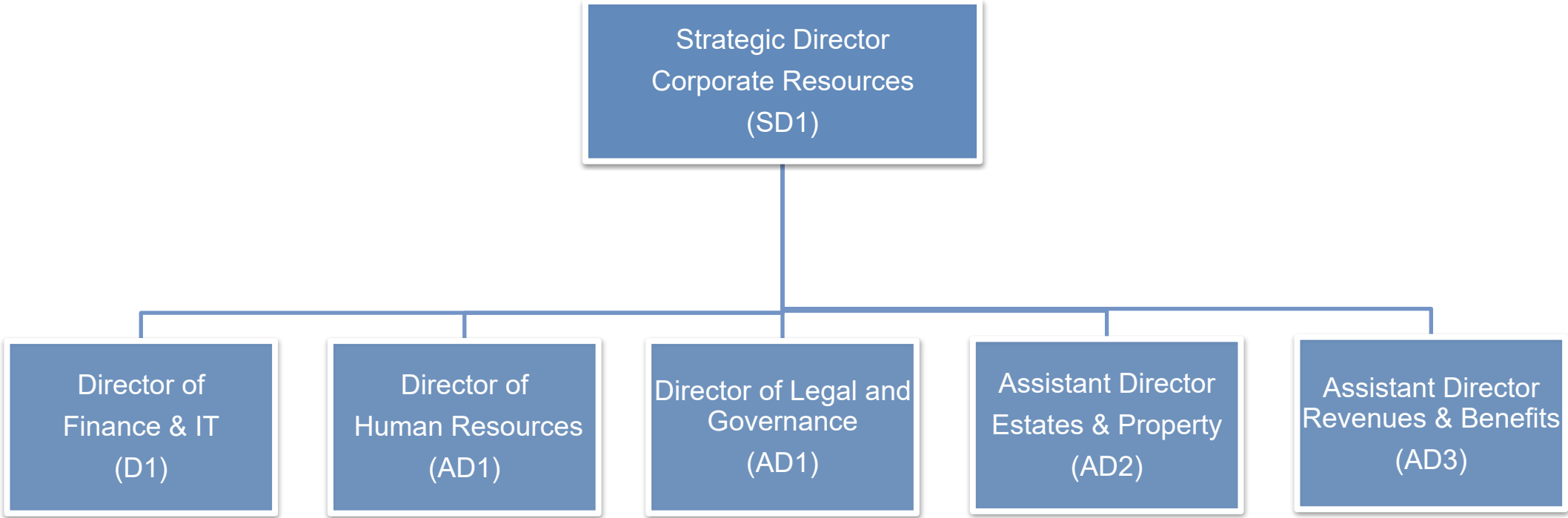
CEO direct reports



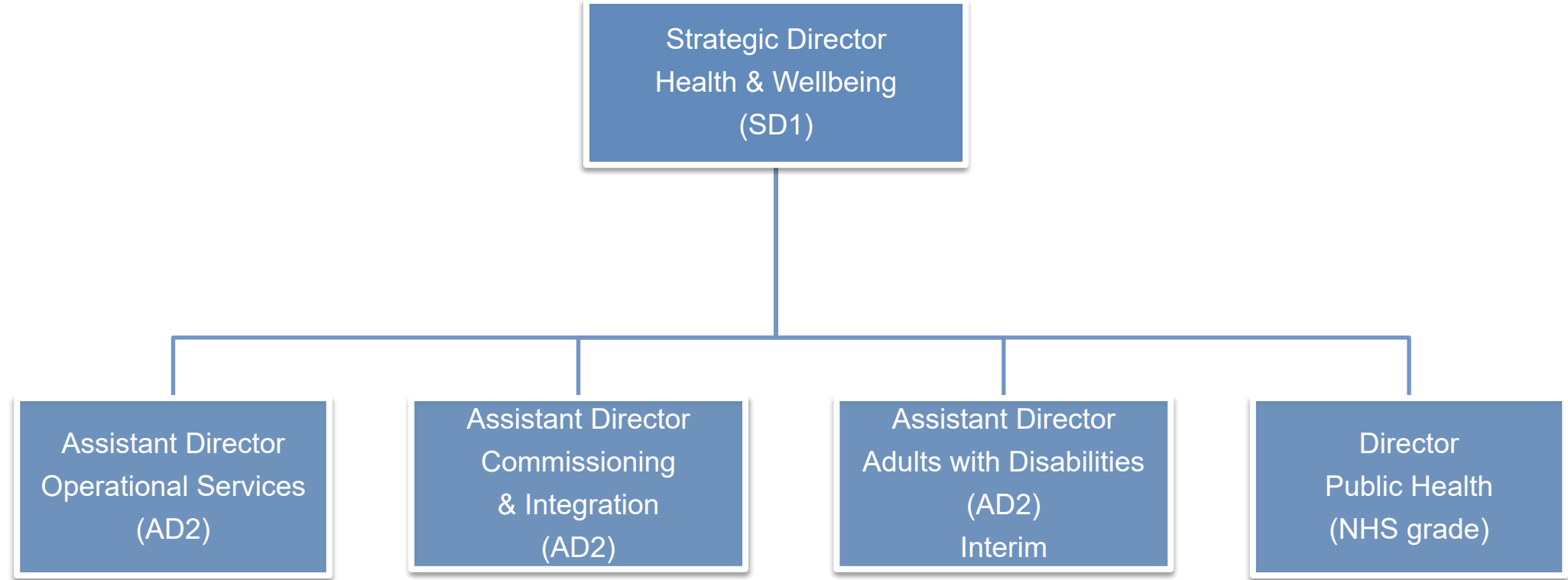
Department of Children's Services



Department of Corporate Resources



Department of Health & Wellbeing



Department of Place

Strategic Director
Place
(SD1)

Assistant Director
Waste, Fleet &
Transport Services
(AD2)

Assistant Director
Transportation,
Planning &
Highways
(AD2)

Assistant Director
Neighbourhoods &
Customer Services
(AD2)

Assistant Director
Economy &
Development
Services
(AD2)

Assistant Director
Sport & Culture
(AD2)

Programme
Director Clean Air
Plan
(FIXED)
Interim

West Yorkshire Pension Fund

Managing Director
WYPF
(SD1)

Chief Investment
Officer
(FIXED)

Assistant Director
Alternative
Investments
(AD3)

Assistant Director
Overseas
Investments
(AD3)

Assistant Director
UK Investments
(AD3)

Assistant Director
Finance,
Administration &
Governance
(AD3)

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Summary of the statutory responsibilities of Local Authorities in relation to adult social care and the statutory role of the DASS

The following is a summary of the **guidance** issued by the Department of Health in 2006 on the role of the Director of Adult Social Services (DASS). The full guidance can be viewed at:

[Guidance on the statutory chief officer post of the Director of Adult Social Services - May 2006](#)

The statutory responsibilities of Local Authorities in relation to adult social care

- Chief Executives of local authorities with social services responsibilities should ensure that a DASS is in post
- The local authority shall take steps to ensure that the post holder is given the necessary authority, is enabled/given the necessary resources to provide professional leadership (including delivering workforce planning) in social care and deliver the cultural change necessary to implement person-centred services and to promote partnership working, and such other responsibilities as the local authority determines
- The local authority shall ensure that the DASS is made accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible.
- Local authorities shall ensure that the DASS is directly accountable to the Chief Executive of the local authority and comparable in terms of seniority, with the Director of Children's Services.
- The Local Authority Social Services Act 1970 (as amended), allows local authorities to jointly appoint a single DASS to cover their local authority areas. The partnership arrangements provided for by the Health Act 1999 also enable joint funding of posts between a local authority and an NHS body.
- A joint appointment of a person to a DASS post and a post in the NHS is therefore possible. Where such a joint appointment occurs the DASS must remain an employee of the local authority for the full range of social services responsibilities. In addition, local authorities may extend the DASS's responsibilities to cover other local authority services and responsibilities (such as leisure, housing, transport and adult education). It is for local authorities themselves to determine whether to utilise/make use of these provisions given their particular circumstances.
- The DASS is a politically restricted statutory chief officer post under Section 2 of the Local Government and Housing Act 1989 (as amended). This means that he or she may not be a Member of the local authority. As is the case with former Directors of Social Services, the appointment of the DASS is not a

function of the executive. This means that the full council can take the decision, or may choose to delegate the decision.

The statutory role of the DASS

The DASS's key leadership role is to deliver the local authority's part in:

- Improving preventative services and delivering earlier intervention
- Managing the necessary cultural change to give people greater choice and control over services
- Tackling inequalities and improving access to services
- Increasing support for people with the highest levels of need

There are seven key aspects to be included in the DASS's remit:

- (i) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services
- (ii) Professional leadership, including workforce planning
- (iii) Leading the implementation of standards
- (iv) Managing cultural change
- (v) Promoting local access and ownership and driving partnership working
- (vi) Delivering an integrated whole systems approach to supporting communities
- (vii) Promoting social inclusion and wellbeing

February 2012



Report of the Strategic Director of Health & Wellbeing to the meeting of the Executive to be held on 6 June 2023

C

Subject:

Updated business case to build a new care home facility in Saltaire

Summary statement:

This report is further to a decision taken to approve a new-build care home facility at Executive in October 2021. The report revisits the business case and requests additional resources, given the rising costs of inflation and subsequent finding of underground mine-workings on the Saltaire site, which will need ground remediation works. The report also proposes the closure of one older care home.

EQUALITY & DIVERSITY:

A full equality impact assessment was undertaken as part of the original report and has not changed since the original decision taken in October 2021.

Iain MacBeath
Strategic Director Health & Wellbeing

Report Contact: Iain MacBeath
Phone: 01274 432990
E-mail: iain.macbeath@bradford.gov.uk

Portfolio: Healthy People and Places

Overview & Scrutiny Area: City of Bradford
Metropolitan Area

1. SUMMARY

- 1.1 This report proposes to build a new care home facility in Saltaire to provide short-stay beds for older people in need of respite or leaving hospital, allowing the planned closure of two small older short-stay homes that are no longer fit for purpose. This is in line with enhancing partnerships and integrated service provision to support older people (including people living with dementia) to remain independent for as long as possible and have choice and control about how they live their lives.

2 BACKGROUND

- 2.1 The Council Executive approved the establishment of the Great Places to Grow Old Programme at the meeting held 15 January 2013. The Health and Wellbeing Department's "Home First – Our Vision for Wellbeing" was approved by the Council Executive on 4 April 2017. Its aim is to reduce demand for paid for social care services by helping people early, where we will try to prevent minor issues developing into major concerns. The vision aims to build support around people so they can be more independent and will focus on what people can do rather than what they cannot do.
- 2.2 The Care Act 2014 introduced duties on local authorities to commission sufficient services to meet the needs of people with social care needs. Councils must have regard to capacity and quality in the local care market, future needs of the local population and market shaping responsibilities through new policies.
- 2.3 An outline plan for the council-owned land in Saltaire (the former Neville Grange Care Home site) was drafted and has been included in the Community Beds Strategy for Bradford. The site can accommodate a 50 bedded residential unit, made up of five, 10 bedded suites which will be built to the same specifications and standards of the recent build at Valley View, Oakworth.
- 2.4 The scheme will be specifically designed to support people who are living with dementia and their families providing short-term care in partnership with health services to rehabilitate and support people back in to the community. Evidence shows that intermediate care can deliver better outcomes for older people and reduce recovery time; helping people to remain independent and helping avoid people going into hospital or residential care unnecessarily. Bradford District is currently one of the highest performing areas in the country on assisting people to leave acute hospital in a timely way.
- 2.5 The proposal is that two older council care homes (providing 62 beds in total) which provide short-stay beds and are no longer fit for purpose buildings will be closed. The council has not been offering long-stay residential beds in council care homes for the past four years and the numbers of long-stay residents placed in council homes before that time is reducing every year. Any long-stay residents living in the two homes that will close will be offered a full care assessment and a place at the new home or an alternative home of their choice.

- 2.6 Since the last Executive report in October 2021, the fabric of the building at Woodward Court in Allerton has deteriorated further and caused concern for the safety of the residents staying there short-term. No new admissions have been made to the home since March 2023 and all other short-stay residents have moved home. Care staff have been deployed elsewhere in the council's services pending a formal decision by the council's Executive. It is proposed that no further monies are expended on Woodward Court and the building is formally closed and the asset disposed of or found an alternative use for.
- 2.7 Immediate closure of Woodward Court would reduce the overall number of short-stay beds available by 28 (from 184 to a total of 156 beds) across the District. The commissioner's analysis is that this is acceptable given more people will be seeking intermediate care services in their own home in future.
- 2.8 Recent national and local consultation exercises have confirmed that people's preference is to return home directly after a stay in hospital wherever possible, but that provision is made for people with dementia who may need longer to adjust and be assessed when they have had time to recover. Changes have taken place to the Norman Lodge short-stay home to enhance staffing and make some physical changes to the building to ensure the overall bed-base can meet these expectations. The closure of Woodward Court is therefore not expected to affect people's experience or system performance. It is assessed as low risk to protected groups in the equality impact assessment.
- 2.8 Upon closure, the two older care homes would be transferred to the council's asset management team for disposal and the Council will realise the capital receipt from those assets. There will be a revenue saving of approximately £904k per annum as a result of moving from two care homes to one and having savings through an efficient new building. The capital receipts could potentially be used to repay the funding.

3. OTHER CONSIDERATIONS

- 3.1 The proposed plans are supported by partners and are included in the Bradford Community Beds strategy. The continued provision of Council managed residential beds is required as an essential component to the out-of-hospital services which reduces unnecessary admissions to hospital and reduces delayed transfers of care from hospital. This is evidenced by Bradford's current good performance on delayed transfers of care.
- 3.2 This project delivers on the Bradford Council Plan 2021–2025 – “Better Health, Better Lives” – we will help people from all backgrounds to lead long, happy and productive lives by improving their health and socioeconomic wellbeing and “Creating A Sustainable District” - by making it easier for individuals, households and businesses to adapt, change and innovate to address the challenges presented by climate change.
- 3.3 The project also delivers on the “Joint Health and Wellbeing Strategy for Bradford and Airedale 2018–2023”, to connect people and place for better health and wellbeing”, in particular contributes to the following outcomes:
- Outcome 2 – People in Bradford have good mental wellbeing.

- Outcome 3 – People in all parts of the District are living well and ageing well.
 - Outcome 4 – Bradford District is a healthy place to live, learn and work.
- 3.4 The project also directly delivers the “Better Care Fund Plan” – the Saltaire Resource Centre will ensure that we can deliver the right level of short term bed provision required to achieve the metrics outlined.

4. **FINANCE AND RESOURCES**

- 4.1 In the Executive report from October 2021, the estimated capital cost of building the Saltaire Care Facility was £9.346m. Since that date, underground mine-workings have been discovered under the site which require remedial action – whether the care facility is built or not. The cost of these remediation works (filling with concrete) is circa £900k including a risk allowance. In addition, inflationary pressures on building materials and labour costs have added £1.5m to the original budget. A 15% risk allowance has been included at £1.5m.
- 4.2 The projected cost of the build, inclusive of risk allowance, is now £13.379m – an increase of £4.033m on the October 2021 costings. The proposal is that these are to be funded through the Council’s capital borrowing scheme and potentially from capital receipts from the disposal of older care homes.
- 4.3 The capital business case to repay all funds and interest during the lifetime of the building can be achieved through the closure of the two older council-run homes (one immediately), achieving a minimum £904k annual revenue saving, avoiding significant repairs and maintenance costs and achieving capital receipts for the two homes:

Repairs and maintenance

- 4.4 The two older homes will require additional investment due to the dilapidation of the buildings over time. There will be additional costs for repairs and maintenance. The most recent condition reports show that the cost of maintaining the buildings would be £610k for one of the homes and £367k for the other home. A total cost £977k.

Refurbishments

- 4.5 The buildings will need to be refurbished as they are experiencing wear and tear. It is difficult to determine what the cost of the refurbishment would be without an assessment of the work that would be needed, however, such type of refurbishments would typically be very expensive and on par with a new build development (i.e. circa £2,900/m²).

Reconfiguration of the layout

- 4.6 One of the benefits of a new build is that they are designed with a view of making them future proof. Forward-thinking design incorporates space provisions for alterations in the event that an occupant’s needs change. The existing buildings are not fit for that purpose and would need larger rooms to make them suitable for the needs of the service users going forward. This will reduce the overall number of beds available and therefore require the Council to seek additional care provision from the independent sector for the shortfall in beds.

- 4.7 One of the homes is likely to have a reduction in 14 beds whilst the other is expected to experience a reduction in 11 beds, a total reduction of 25 beds. It is expected that the additional cost of seeking this provision from the independent sector is likely to be around £1m. If more extensive internal work was to be done on the current footprint, then more rooms could be created however the cost of doing that would be high.

Loss of income

- 4.8 The reduction in the number of beds available within the two homes will result in a reduction in the income that the Council receives from the service users in the form of client contributions. This is estimated at £67k a year.

Other costs

- 4.9 The work required to refurbish both homes and reconfigure the layout will mean that, during the period that the work is going on, the service users would need to move out of the homes and into a home provided by the independent sector. In addition to the financial cost of doing this, there will be significant impact on the wellbeing of the service users. Assuming that the work takes a year to complete, the estimated cost of this would be £3.2m.

CO² emissions

- 4.10 In addition to the financial costs of maintaining the old buildings, there is an environment cost. The government has set a target that requires the UK to bring all greenhouse gas emissions to net zero by 2050. Any public new build is required to meet certain emission standards that are not required by existing buildings. The two older Council homes are less efficient buildings and will not contribute in reducing the Council's carbon footprint (see 8.2).
- 4.11 The proposed new building in Saltaire is currently designed on this sustainability agenda where both kitchens and heating systems will all be electric supported by the latest technology based on Photo-Voltaic and Air Source Heat Pump systems.
- 4.12 The running costs of the new Saltaire Resource Centre would be approximately £904k less than the two homes combined. If the new build was to go ahead, the Council's spend on repairs and maintenance would not reach the full £977k for the two existing homes. There would not be a need for the refurbishment work nor would the Council incur the £1m costs to rehouse the service users due to the reduction in beds.
- 4.13 Furthermore, the Council would not incur the £3.2m cost of providing the care provision for service users when the home needs to close for reconfiguring the layout of the building. This would avoid also the distress caused to service users from moving them their existing homes to other residences.
- 4.14 The increased expenditure of £4.033m, as a result of inflationary pressures and remediation works has been considered by the council's internal finance process and if approved today, the additional budget would be added to the Capital Investment Programme. The business case to establish the funding of the increased expenditure; taking into consideration the additional revenue savings as a result of closing two homes earlier and the capital receipts generated will be reported back internally to the Project Appraisal Group (PAG).

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 In Bradford, the CCG has undertaken considerable work in developing out of hospital integrated services, including a Community Beds strategy.
- 5.2 In Airedale Wharfedale and Craven (AWC), the development of new models of care is taking place in Airedale (Keighley / Silsden) and Wharfedale. The Council is fully participating in this work which includes developing services to reduce people needing to go into hospital and enabling people to transfer home or to a short term bed for assessment once they no longer require acute medical care. These programmes of work report into the AWC Health and Care Partnership Board.
- 5.3 The Better Health Better Lives programme is managing the Council's contribution to the partnership and this includes risk management of the Council's assets and resources. Failure to deliver the Saltaire scheme would impact on the Council's ability to align and deliver our partnership strategies
- 5.4 In the Autumn 2019, the Client Services Team were tasked to project manage the construction of the new unit on the former location of Neville Grange in Saltaire. The initial business case for the development was approved at the Project Assurance Group (PAG) and revised business case was submitted on 21st June 2021.

6. LEGAL APPRAISAL

6.1 Duties of the LA under the Care Act 2014:

- 6.2 Specific to this report are the principles of –
 - promoting individual wellbeing set out in s.1 and
 - preventing needs for care and support set out in s.2.
- 6.3 In terms of promoting diversity and quality in provision of services this is set out in Section 5 (1) and includes the market shaping duty, the duty of the LA to promote an efficient and effective market of care and support services for people in its area available to meet people's needs. In s.5 (2) the following must be considered by the LA (this list is not exhaustive): having and making available information about service providers and the types of service they provide; current and likely future demands for services and how providers might meet this demand; enabling service users and carers to participate in work, education or training, where they wish to do so; ensuring market sustainability; fostering continuous improvement in the quality, efficiency and effectiveness of services; fostering a workforce that can deliver high quality services.

It is important to note that when commissioning services consideration must be given to the effect of commissioning decisions on the wellbeing of the people using the services (this duty is explicitly set out in s.5(4)).

7. OTHER IMPLICATIONS

7.1 Sustainability Implications

7.1.1 The Ministry of Housing Communities and Local Government requires that all new public buildings should have nearly zero energy. The Councils own targets are a year on year reduction of 10% from the 2019/20 corporate emissions.

7.2.2 The Saltaire scheme will meet the requirements of the new building regulations by ensuring that there will close to zero CO² emissions. This commitment will include the installation of PV panels on the roof and gas boilers being replaced by Air Source Heat Pumps.

7.3 Community Safety Implications

7.3.1 Older people with dementia and other long-term conditions are among the most vulnerable people in the community. Providing high quality care and appropriate environment for care services is consistent with the Council's statutory duty to safeguard vulnerable adults.

7.4 Human Rights Act

7.4.1 The Human Rights Act 1998 makes it unlawful for any public body to act in a way which is incompatible with an individual's human rights. Where an individual's human rights are endangered, Local Authorities have a duty to balance those rights with the wider public interest and act lawfully and proportionately. For this report, the most relevant rights from the 16 covered in the Human Rights Act (1998) are:

- the right to respect for private and family life
- the right to peaceful enjoyment of your property (if this were interpreted broadly as enjoyment of one's home)
- the right to freedom from inhuman and degrading treatment
- the right not to be discriminated against in respect of these rights and freedoms.

7.4.2 The definition of adult abuse, in guidance issued under statute, is based on the concept of human rights: "Abuse is a violation of an individual's human or civil rights by any other person or persons". (No Secrets, Department of Health, 2000).

7.4.3 As with the equal rights considerations, the proposed changes are expected to have an overall positive impact on these considerations though there is a risk of adverse impact for individuals who live in the homes currently. In line with legal requirements and Council policy, vulnerable individuals and their friends, families and advocates have been and will continue to be involved in any consultation process and planning of changes, and that planning of change is fair and proportionate, and seeks to mitigate any identified adverse impacts of decisions made.

7.5 Trade Unions

- 7.5.1 All changes to staff employed by the Council are fully consulted with all trade unions via the Council's industrial relations agreements. No staff reductions or redundancies are anticipated by any of the developments outlined in this report.

7.6 Ward Implications

- 7.6.1 All ward Councillors are either currently involved or will be briefed and involved in any of the developments or changes described in this report.

7.7 Area Committee Action Plan Implications

Not applicable

7.8 Implications for Children and Young People

Not applicable

7.9 Issues Arising from Privacy Impact Assessment

Not applicable

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 OPTION 1 - Do Nothing

The two homes will require additional investment due to the dilapidation of the buildings. This will mean there will be additional costs both in terms of repair and maintenance and refurbishment.

Repairs and Maintenance

Condition reports show that the cost of maintaining the buildings will be as follows:

Beckfield : £609,843

Woodward: £367,423

Total: £977,266

Refurbishment/ layout alterations

The buildings will need to be refurbished and the internal layouts will need to be reconfigured as the homes will require larger bedrooms. This will reduce the overall number of beds available and therefore require the LA to seek provision from the independent sector for the shortfall.

Layout alterations - Beckfield has 34 beds and Woodward Court has 28 beds. As a result of reconfiguring the layout it is expected that Beckfield will have 20 beds and Woodward Court will have 17, a reduction of 25. It is expected that the additional cost is likely to be around **£1m**. If more extensive internal work was to be done on the current footprint, then more rooms could be created however the cost of doing that would be extremely high and disruptive.

Other considerations - the works required to refurbish both homes and reconfigure the layout will mean that, during the period that the work will be going on, the service users would need to move out of the homes into a home provided by the independent sector. To undertake this significant building work, it would be necessary for all service users to move out of the home and it is envisaged that this would be for a minimum duration of 12 months.

Moving residents temporarily would not be good practice as it would mean two moves for residents which would be very disruptive and could impact on their health and wellbeing. Assuming that the work takes a year to complete, the estimated cost of this would be **£3.2m**. Reduced income - the reduction in the number of beds available within the 2 homes will result in a reduction in the income that the Council receives from the service users. It is estimated that loss of income will be approximately **£67k** a year.

9.2 - OPTION 2 - Replace both older homes with the Saltaire scheme

Build the Saltaire scheme at a projected cost of £13.38m, which would be funded through capital borrowing and repaid by savings from the closure of two older homes. The running costs of the new scheme would be approximately £904k less than the two older homes combined. The Council would also not incur the costs of refurbishing and repairing existing buildings which are nearing the end of their useful lives.

Given the state of the fabric of the building in Woodward Court, Allerton, which has been running under-capacity for some time due to concerns about the building's condition, it is proposed that this home is officially closed in Spring 2023.

If we do not go ahead with Option 2 it will be necessary to consult on the future of the two homes identified and work up investment plans. It will also be necessary for the council to spend up to £900k on the remedial groundworks under the former Neville Grange care home site in Saltaire as owner of the land.

10. RECOMMENDATIONS

- 10.1 It is recommended that **Option 2**, to approve the increased budget (an extra £4,032,777) to build the Saltaire Care Facility having demonstrated a business case and value for money; and agreement is given to the closure of Woodward Court, Allerton in Spring 2023, given the poor fabric of the building.

11. APPENDICES

Appendix A – Equality Impact Assessment

12. BACKGROUND DOCUMENTS

Link to previous Executive Committee report in October 2023, setting out the original business case, plans and associated documents available on the council's website: [Bradford Council - Agenda for Executive on Tuesday, 5th October, 2021, 10.30 am \(modern.gov.co.uk\)](#)

Appendix A

Equality Impact Assessment Form

Department	Adult and Community Services	Version no	0.1
Assessed by	Dean Roberts	Date created	01.10.2018
Approved by	Lyn Sowray	Date approved	19.10.2018
Updated by	Rachel Roberts	Date updated	25.10.2018
Final approval	Lyn Sowray	Date signed off	26.10.2018

Section 1: What is being assessed?

1.1 Name of proposal to be assessed:

A report of the Strategic Director of Health and Wellbeing to the meeting of the Executive Committee to be held on 6 November 2018 on Older People's accommodation across the District as part of implementing the Happy, Healthy at Home vision.

1.2 Describe the proposal under assessment and what change it would result in if implemented:

1.2.1 BACKGROUND

The Council Executive approved the establishment of the Great Places to Grow Old Programme at the meeting held 15 January 2013. The Transformation Programme is a joint plan with the NHS and incorporates the work commenced in 2009 to develop a strategy for the Council's in-house residential and day services. It includes the implementation of some of the Better Care Fund plans which are focused on integrated health and social care service delivery - as outlined in the Yorkshire and Harrogate Integrated Care System Plan. Delayed transfers of care is a key measure, which across the Bradford District we have consistently performed well in, in relation to other areas of Yorkshire and Humber and nationally.

- **The Health and Wellbeing Department's Home First – Our Vision for Wellbeing**

This was approved by the Council Executive on 4 April 2017. The aim is to reduce demand for paid for social care services by helping people early, where we will try to prevent minor things developing into major concerns. It aims to build support around people so they can be more independent and will focus on what people can do rather than what they cannot do. We want a more positive approach so that people can live their lives to the full. The Bradford and Airedale & Craven Integrated Health and Care Plan have enshrined the same vision and aims of Home First within all the change programmes, developing

new ways of working together across the District.

- **Market Shaping and Commissioning Guidance**

The Care Act (2014) introduces duties on local authorities to facilitate a vibrant, diverse and sustainable market for high quality care and support in their area, for the benefit of their whole population regardless of how the services are funded. The statutory guidance to the Care Act states the market should include a variety of different providers and different types of services. This should include a genuine choice of service type, not simply a selection of providers offering similar services. It must include services for older people. We want to move forward with offering personalised services for older people. The guidance for Bradford Council has been refreshed in order to implement the Home First Vision. This is supporting the implementation of key benefits within the Happy, Healthy at Home programme and the integrated health and care plan, including all social care and support providers' workforce development - with the shared goal of ensuring a trained, quality workforce who have the relevant skills and appropriate working conditions.

1.2.3 DEVELOPMENT OF AN INTEGRATED LOCALITY BASED ASSET MANAGEMENT AND VULNERABLE ADULTS HOUSING PLAN.

Public Health have done a huge amount of work over the years to understand the population need for community beds and explore opportunities to support people to remain in their own homes. Modelling work suggests 168 community beds are needed in the Bradford area and 66 in Airedale. More recent work has been undertaken examining opportunities to keep people out of hospital (including A&E and acute beds), which is helping to shape the multi-agency assessment unit. Plans are continuing to be refined and informed by evidence and need. Health and wellbeing profiles have been developed for our emerging 13 communities across the District, which alongside the Joint Strategic Needs Assessment, are informing the strategic planning of services across the health and care landscape.

It has been agreed by senior officers within the Council (Place, Corporate and Health and Wellbeing departments) and the CCGs, to work together to develop an integrated plan based on localities (wards and constituencies) of current assets, health and care provision for all of the population and needs assessments as undertaken by Public Health. This will form the basis for planning housing for vulnerable people and for planning the supply of care and support. The locality plans will be used by interagency staff working in the localities as a basis for discussion with citizens living in the localities as well as informing and involving elected members.

Section 2: What the impact of the proposal is likely to be

The Public Sector Equality Duty under the Equality Act 2010, requires the Council when exercising its functions to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- 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;
- Relevant protected characteristics include age, disability, gender, sexual orientation, race, religion or belief.

2.1 Will this proposal advance equality of opportunity for people who share a protected characteristic and/or foster good relations between people who share a protected characteristic and those that do not? If yes, please explain further.

No

2.2 Will this proposal have a positive impact and help to eliminate discrimination and harassment against, or the victimisation of people who share a protected characteristic? If yes, please explain further.

The new proposal for residential care will result in a wider range of choice to meet peoples assessed needs, and to ensure where possible no service user with a particular characteristic is disproportionately affected.

The locality plans will be used by interagency staff working in the localities as a basis for discussion with citizens living in the localities as well as informing and involving elected members. This should result in more outcome and strength based solutions being developed across the Health and Social Care system for our service users.

2.3 Will this proposal potentially have a negative or disproportionate impact on people who share a protected characteristic? If yes, please explain further.

The new proposals for residential service would be an impact on older people currently using services at the care homes which would be re-provided in the Neville Grange site. However, the department will put in place a detail transition plan, which ensures that the needs of individuals are met as part of any change process.

2.4 Please indicate the level of negative impact on each of the protected characteristics?

(Please indicate high (H), medium (M), low (L), no effect (N) for each)

Protected Characteristics:	Negative Impact (H, L, N)
Age	H
Disability	H

Gender reassignment	L
Race	L
Religion/Belief	L
Pregnancy and maternity	L
Sexual Orientation	L
Sex	L
Marriage and civil partnership	L
Additional Consideration:	
Low income/low wage	H

2.5 How could the disproportionate negative impacts be mitigated or eliminated?

The new scheme would offer a wider range of choices to meet peoples assessed needs. However, as part of the consultation process, there would be extensive engagement with service user’s groups, stakeholders, and independent providers to ensure seamless transitions for existing service users. Best practice in supporting and managing the transition would be used. (See section 6 below Managing Transitions Protocol.)

Section 3: Please consider which other services would need to know about your proposal and the impacts you have identified. Identify below which services you have consulted, and any consequent additional equality impacts that have been identified.

N/A

Section 4: What evidence you have used?

4.1 What evidence do you hold to back up this assessment?

- Existing vacancy factor across the District
- Outcomes from previous consultations/engagements responding to aspirations for service users to be supported at home. (see section 5 in the embedded EIA below)



2017 06 20 Exec
Report - Holme View

- Development of extra care accommodation.

- The use of best practice in managing the transition for those affected, as outlined in the Council's Transition Policy.

4.2 Do you need further evidence?

No.

Section 5: Consultation Feedback

5.1 Results from any previous consultations

The department has undertaken a number of consultations around care home closures with staff, service users, relatives and key stakeholders around the implications to both staff and the people and families we support.

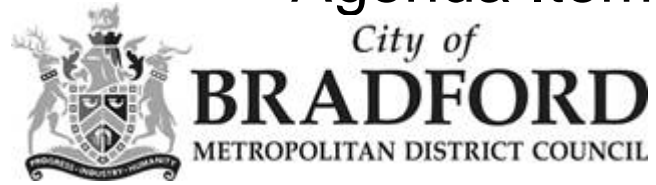
Summarised below are the key areas of concern previously raised as part of these consultations:

- Excellent quality of care BMDC homes – concerns this will be lost
- No new homes being built
- Respite/rotational care available in independent sector
- Lack of specialist residential care in independent sector
- Lack of specialist day care in independent sector
- Support for finding future placements
- Close geography of alternative placement
- Perception of equivalent services in the independent sector

5.2 Feedback from current consultation

A further consultation will be undertaken in relation to the Neville Grange site in Saltaire proposal, subject to approval from the Executive to proceed to undertake a full Business Case.

5.3 Feedback from current consultation following the proposal development (e.g. following approval by Executive for budget consultation).



Report of the Strategic Director of Place to the meeting of Executive Committee to be held on June 6th 2023

D

Subject: Local Visitor Economy Partnership (LVEP) Progress Report

Summary statement:

The following report considers the need for a new organisation to represent tourism in Yorkshire. The recent De Bois Review sets the stage for Destination Management Organisations on a tiered format and a West Yorkshire consortium approach is recommended in order to establish a Local Visitor Economy Partnership (LVEP) to manage and promote the tourism offer going forward.

This supports our work to enhance Bradford's national and international profile and compliments the wider strategy on place promotion including the UK City of Culture 2025, the recently established Strategic Place Marketing & Investment Partnership and improvements to the Visit Bradford on-line presence.

The Mayor and Council Leaders will play a key role in championing the governance of a suitable support structure for tourism at a West Yorkshire level, reflecting on the Combined Authority and Local Authorities wider remit and ambitions around most effectively utilising the brand of Yorkshire and the delivery of business support, skills and culture activities.

EQUALITY & DIVERSITY:

The recommendation from the De Bois Review is to ensure that there is a diverse governance board established for the West Yorkshire LVEP with both the public and private sector.

The promotion and the programming of 2025 and the events programme of the district, will give the opportunity to attract new and diverse audiences and support our communities as a place to live and work.

David Shepherd
Strategic Director of Place

Portfolio: Healthy People and Place

Report Contact: Patricia Tillotson
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E-mail: patricia.tillotson@bradford.gov.uk

Overview & Scrutiny Area: Regeneration & Environment

1. SUMMARY

- 1.1 Following the publication of the De Bois review it has been proposed that a West Yorkshire consortium should consider taking forward a Local Visitor Economy Partnership (LVEP).
- 1.2 The De Bois review was commissioned by DCMS and examined how Destination Management Organisations in England were structured and these were put into 3 categories.
- 1.3 Tier 1 are established Destination Development Partnerships (DDP'S) which are already established Destination Management Organisations.
- 1.4 Tier 2 is for existing Destination Management Organisations to move across to become accredited LVEP's.
- 1.5 Tier 3 are Destination Management Organisations that do not meet accreditation criteria and will be considered as part of a tier 3 and government will minimise its engagement with them.
- 1.6 The government response set out the criteria for the pilot and included 40 accredited LVEP's that should evidence visitor economy growth potential, including opportunities for improvement in tourism products, such as attractions and transport links, wider product development increasing visitor numbers and spend.
- 1.7. Visit England is responsible for creating, maintaining and supporting this new tiered structure and will introduce a Tourism Data Hub to allow for better decision-making.
- 1.8 There are currently five local authorities in the West Yorkshire Combined Authority area and five Local Authority funded DMOs with Visit Bradford, Visit Calderdale, Visit Leeds, Experience Wakefield and Kirklees Council.
- 1.9 Under Paragraph 8.7.4 of Part 3E of the Constitution, the report is marked exempt from call-in for the reason that there is a Visit England deadline to submit the Local Visitor Economy Partnership application in June. Failure to submit this could mean we would not be considered.

2. BACKGROUND

- 2.1 There has been joint informal West Yorkshire partnership working over the last 2 years and there is now an opportunity for us to become a tier 2 LVEP.
- 2.2 The 5 West Yorkshire Destination Management Organisations (DMO's) as individual DMO's have not previously met the criteria to apply to become an LVEP. However, they have worked collectively over the last two years and delivered West Yorkshire campaigns as a joint initiative with each sharing the cost of the campaigns.

- 2.3 The campaigns have been successful as Visitors do not see boundaries and seek the attractions and experiences within the destinations and as a collective there is a very rich offer across West Yorkshire.
- 2.4 The West Yorkshire Destination Management Organisations are looking to submit an application to become an LVEP in June this year and this is being supported by a Visit England advisor who is guiding the consortium through the process. A working group including key Bradford representatives is currently providing steers and momentum to the project with WY CEX's oversight. A on-going WY Leaders sub-group is also best considering how the Yorkshire brand can be most effectively used for the purposes of promoting West Yorkshire.
- 2.5 To steer the work required in the medium term a more formal governance board for the LVEP needs to be established with the West Yorkshire Combined Authority Mayor Tracey Brabin wishing to be the chair of the board. Representatives from the five Destination Management Organisations will sit on the governance board and Bradford Council will be represented on this board.
- 2.6 A West Yorkshire Destination Management Plan has been commissioned and takes into consideration the key Unique Selling Points for the 5 destinations.
- 2.7 RJS Associates, will lead on this plan and there will be consultation with both the public and private sector. Each destination will still continue to promote their destination as a priority and its proposed that there will be a Service Level Agreement. This would allow funding from Visit England which would allow joint campaigns and other activity.
- 2.8 Bradford is engaged with RJS and is already providing inputs to support the work of RJS.

3. OTHER CONSIDERATIONS

- 3.1 There will be a limit to how many LVEP's are established and it is important that we can submit our application in the next round of bids in June.
- 3.2 There is currently an ongoing 2-year pilot with the DCMS allocating Newcastle and Gateshead Initiative to lead the pilot and they will be the accountable body with support from Visit Northumberland and Visit County Durham.
- 3.3 The region will act as a potential blueprint for the rest of England, and we will help shape the future landscape of destination management organisations, delivering local economic growth through the visitor economy across all seven local authorities.
- 3.4 This pilot is an outcome of the independent review of Destination Management Organisations (DMOs) by Nick de Bois. It includes the local authorities in the North of Tyne Combined Authority (Northumberland, North Tyneside and Newcastle) and those in the North East Combined Authority area (Sunderland, Gateshead, South Tyneside and Durham).

3.5 The success or failure of this pilot will shape the future landscape of Destination Management Organisations.

4. FINANCIAL & RESOURCE APPRAISAL

4.1 There are no current implications in relation to finance at this stage. However, there may be some financial commitment and media communication required in the future.

4.2 Partnership arrangements may need formalising via a legal agreement or Memorandum of Understanding in due course

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 A governance board will be established and the Strategic Director of Place will sit on this governance board.

6. LEGAL APPRAISAL

6.1 There are no known significant risks at this stage of the process.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

7.1.1 Visit Bradford promotes cycle routes and public transport to visitors when travelling around the district

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

7.2.1 Visit Bradford promotes the clean Air Zone to visitors

7.3 COMMUNITY SAFETY IMPLICATIONS

7.3.1 There are no known issues.

7.4 HUMAN RIGHTS ACT

7.4.1 There are no known issues

7.5 TRADE UNION

7.5.1 There are no Trade Union issues in relation to this proposal

7.6 WARD IMPLICATIONS

6.6.1 There are no known issues.

7.7 AREA COMMITTEE LOCALITY PLAN IMPLICATIONS

7.7.1 There are no known issues

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

7.8.1 There are no known issues

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

7.9.1 There are no known issues

8. NOT FOR PUBLICATION DOCUMENTS

8.1 There are no known issues.

9. OPTIONS

9.1 To not apply for LVEP status and continue as a lone Local Authority DMO with very little budget for marketing and campaigns, and not meet the accreditation criteria. Visit Bradford would be considered as part of a 'third tier' where the government will minimise its engagement with the Visit Bradford DMO.

9.2 To apply for LVEP status with the other West Yorkshire Destination Management Organisations to become an accredited Local Visitor Economy Partnership, with greater levels of engagement with government departments and potentially greater access to regional and national funding streams.

10. RECOMMENDATIONS

10.1 To agree with option 2 to apply for LVEP status as part of a West Yorkshire Consortium and develop a Destination Management Plan as part of the bidding process to become an accredited Destination Management Organisation as a Local Visitor Economy Partnership.

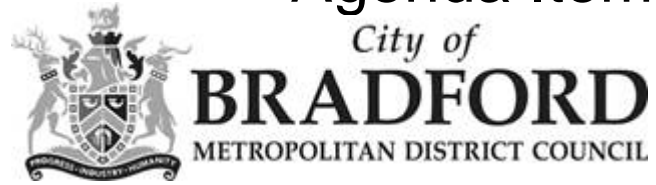
11. APPENDICES

11.1 There are no Appendices at this stage

12. BACKGROUND DOCUMENTS

12.1 There are no background documents at this stage

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Report of the Strategic Director, Place, to the meeting of Executive Committee to be held on 6th June 2023

E

Subject: Clean Air Schools Programme

Summary statement:

The Council puts forward plans for a Clean Air Schools Programme (CASP), a comprehensive package (circa £1.09m) of grants, engagement and education for the benefit of all Bradford District Schools funded by Clean Air Zone revenue and work with partners.

EQUALITY & DIVERSITY:

The CASP is a District wide programme. The anti-idling engagement and enforcement will involve the driver of any vehicle that is idling. As the Schools programme includes all schools and the engagement and enforcement includes any drivers it is not considered there are any equality or diversity impacts as a result of this programme. Harmful emissions that impact on air quality are known to detrimentally affect our most deprived communities disproportionately compared to other communities and the adoption of these proposals will enable a reduction of those harmful emissions across the District.

David Shepherd
Strategic Director, Place

Portfolio: Sarah Ferriby
Healthy People and Places

Report Contact: Andrew Whittles,
Director Air Quality Programme
Phone: 07581 007609
E-mail: Andrew.Whittles@bradford.gov.uk

Overview & Scrutiny Area:
Regeneration & Environment

1. SUMMARY

This report puts forward plans for the Clean Air Schools Programme (CASP) and seeks Executive Committees approval for the adoption of enforcement powers against stationary vehicle engine idling under Regulations 6(3) and 12 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations for authorised officers of the Council.

2. BACKGROUND

- 2.1 On the 26th September 2022 Bradford implemented the Class C Charging Clean Air Zone (CAZ) in accordance with ministerial direction. The CAZ applies charges and fines to discourage the entry of older, dirtier commercial vehicles into the zone, the zone contains 40% of the District's schools and will ensure the legal limits for nitrogen dioxide are met across the District.

The Charging Scheme Order (CSO), which forms the legal basis for the CAZ states that, amongst other measures, the net proceeds of the scheme would 'support schools to reduce emissions' and 'reduce traffic emissions around schools' (in Appendix 3). This paper sets out the plans to implement these ambitions to provide cleaner air for schools via a comprehensive package of engagement, education and awareness raising and grants for individual schools. All schools in Bradford currently meet the legal limit for air pollution, this programme will provide improvements beyond these limits as there are no 'safe' levels for pollution.

3. REPORT ISSUES

- 3.1 The CASP is proposed to have a budget of £1.09m funded via CAZ revenue, at no additional cost to the Council. The programme involves the employment of five additional Environmental Wardens (5 FTE) for 3 years in the Bradford East, South, West, Shipley and Keighley constituencies. Wardens will offer support with engagement activities, enforcement of anti-idling and will be working with Highways and Public Health colleagues to support the ongoing School Streets programme. This support will be available to all Bradford District Schools.
- 3.2 The programme utilises an existing Clean Air Engagement Officer post (1 FTE) who will be supported by the Sustainability Department and existing CAZ communications resource. As part of the programme a £500,000 grant fund will be set up to support schools to reduce emissions. Grant funding will invite applications of £250-£10,000 per school (with flexibility where required within the allocated budget). The Grant programme will involve support for schools from wardens, the Sustainability Team and area coordinators to find the most effective solutions to reduce emissions. The programme will be collaborative, working across Council departments such as the Wardens Service, the Road Safety Team, Communications, Public Health and with partners in the NHS (BiB) to complement existing work the Council, and others, are already doing in Schools. There is sufficient funding currently available within ring-fenced CAZ revenue to fully support this programme. The Indicative £1.09m budget and spend profile for CASP Programme are below;

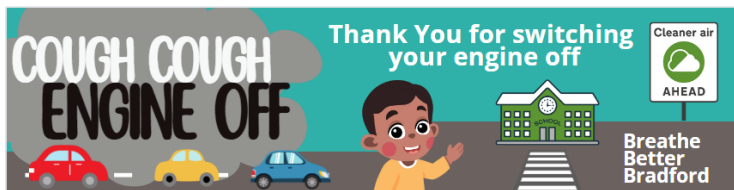
	Yr1	Yr2	Yr3	Totals
Wardens (5 x £30kpa)	170,000	180,000	190,000	540,000
Grants for schools*	200,000	200,000	100,000	500,000
Engagement officer (existing)	0	0	0	0
Sustainability team support & Comms (existing)	0	0	0	0
Air Quality Monitoring equipment (existing)	0	0	0	0
Engagement materials, anti-idling signage and banners, radio advertising	15,000	10,000	10,000	35,000
Classroom materials	5,000	5,000	5,000	15,000
TOTALS	290,000	395,000	405,000	1,090,000

*Total grant funding will be made available from year 1 onwards – indicative profile of defrayment shown

3.3 CASP engagement and Communication Materials

A comprehensive marketing and communications strategy will be implemented to reach identified stakeholders (school staff, parents, residents, children, local councillors, local media, local businesses) and provide information to them in the most appropriate way.

Utilising the Council’s communications channels, neighbourhood wardens and links with partners we can target our audiences to increase awareness of the programme and its objectives. Key health benefits to the communities in our District will be a core message to promote as we work with our partners and neighbourhood wardens, and directly with the schools, to ensure that each school receives and is able to deliver a programme that fits the needs of their specific school environment. Our material will have clear and concise messaging for the audience and will align with our Clean Air Zone message of Cleaner Air Ahead. Material and resources will be created so that we can deliver a wide range of activities for pupils to enhance their knowledge of air pollution and allow the school to effectively communicate with parents, visitors, suppliers and the local community. There will be material created to enable wardens to have conversations with parents such as banners and information boards. Examples of the imagery that could be used to work with schools and raise awareness of anti-idling are below;



3.4 There will be an emphasis on co-creation; working with schools and communities to develop materials, for example via poster and design competitions and workshop based activities to establish the most effective messaging. Schools will benefit from anti-idling banners, hi-viz anti-idling tabards and lollipop signage along with street signage and warden support to engage with the owners of idling vehicles in a positive, educative manner, with enforcement of anti-idling powers only used as a last resort.

3.5 Grants for Schools

The CASP includes £500,000 which will be disseminated directly to schools via a Clean Air Schools Grant Programme. The Charging Scheme Order which provides the legal basis for the CAZ states that 'ensuring schools are supported in reducing emissions' and 'helping to reduce traffic emissions around schools' are both legitimate sources of CAZ revenue funding. The grant values will normally be up to £10,000 and following an expressions of interest process schools will be supported in drawing up plans for bespoke solutions to maximise emission reduction in the vicinity of their premises. There are no one-size fits all solutions and site conditions, buildings, locations and communities will vary, however the types of things eligible for funding will be;

- Improved cycling and walking access
- EV charging & vehicle infrastructure
- Green infrastructure
- Relocation of seating areas
- Ventilation and air filtration
- Promoting and facilitating park and stride and car sharing
- Behaviour change programmes
- Providing bespoke information such as air quality monitoring and walking maps

3.6 All Bradford District Schools will be eligible to apply to the fund. Full guidance and support with applications will be provided by the Council Sustainability team with support from area based environmental wardens who will report on the programme to area committees. The grant applications will be assessed based on;

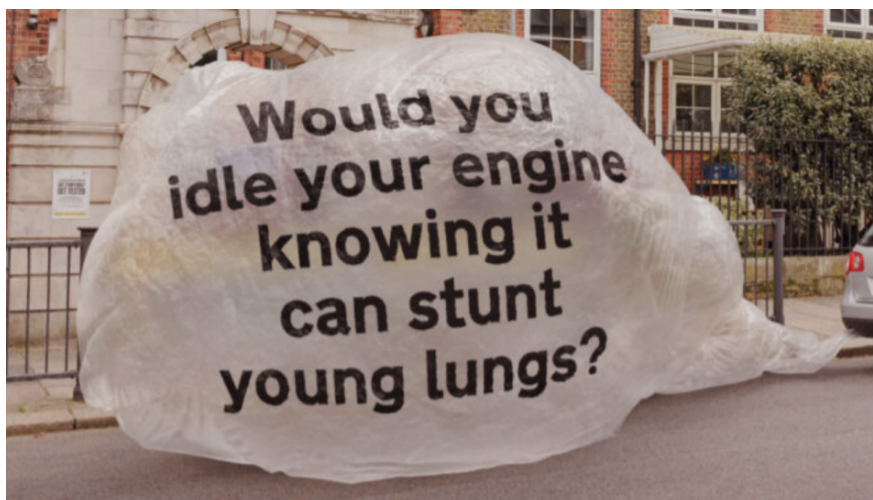
- Potential air quality improvement
- Wider benefits
- Cost
- Deliverability
- Stakeholder support

3.7 Area Committees and the Grant Advisory Groups will make the decisions on grant allocations alongside a technical assessment of all proposals to ensure the greatest air quality improvement for the funding. Area coordinators will help identify local stakeholders, support schools in delivery and help ensure the funding is utilised in a way that suits the needs of local communities.

3.8 **Adoption of Anti-Idling Legislation**

The Council has received complaints about vehicle exhaust emissions caused by stationary vehicles from local residents and businesses who are concerned about local air quality. Under Regulation 98 of the Road Vehicle (Construction and Use) Regulations 2002 there is a general presumption that stationary vehicles will turn off their engines, unless exempted from this requirement by a limited number of exemptions. Awareness and hence observance of these regulations is not consistent and has led to complaints about emissions from local residents exposed to idling vehicle emissions, particularly around schools.

Leaving engines idling whilst stationary is an unnecessary source of air pollution and contributes to poor air quality. In 2021 the TRL (Transport Research Laboratory) produced research examining the emission profile of idling vehicles. By analysing the Portable Emissions Measurement System (PEMS) data for various petrol and diesel vehicles TRL established quantities of CO₂ and NO_x produced by idling. The findings indicate that idling for a 30 second period produces nearly twice as much pollution as switching off then restarting the engine. Imagery from the London anti-idling campaign shows the amount of fumes produced by an idling engine in 30 seconds;



3.9 Any enforcement of anti-idling will be second to the awareness raising campaign which will promote the message about switching off engines when parked. This will utilise the Council's website and social media accounts. Information leaflets on the impact of emissions on health will be produced and can be distributed by local communities, schools or wardens as part of their initial engagement with vehicle drivers at schools and in other locations. Prior to any enforcement activity being undertaken a programme of specific training on the regulations and powers available to authorised officers will be provided by Sustainability Team. This training will

provide wardens with an understanding of the health impacts of idling emissions as well as providing guidance on when, and when not, interaction with a driver should take place. The team will keep detailed records of both informal and formal action undertaken, the levels of compliance which have been achieved together with any improvements in air quality where appropriate monitoring equipment exists.

- 3.10 The proposed programme can be delivered within the CAZ revenue stream and at no additional cost to the Council and maximises on existing resource within the Environmental Wardens Service and Sustainability Team. The programme will work collaboratively across the Council and partners to make a positive contribution to work already being carried out in Schools. The combination of the CASP school grant programme alongside engagement activity in schools and focused work to reduce the numbers of idling of vehicles in the Bradford District will reduce emissions around schools and provide a safer, healthier environment for Bradford's children.

4. FINANCIAL & RESOURCE APPRAISAL

Finance have assessed this proposal to satisfaction and confirm there is sufficient resource to undertake this programme within the CAZ revenue.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

Ongoing air pollution poses multiple risks to people who live, work, do business and visit the district. It must be noted that there are significant risks from inaction. This risk will be mitigated by educating and engaging with drivers who keep their engine running while stationary. A current assessment of the risks of adopting this enforcement policy are set out in Appendix 1.

The Clean Air School Programme will be standing item at the Sustainability Programme Board.

6. LEGAL APPRAISAL

- 6.1 The Charging Scheme Order provides the legal basis for the CAZ states that 'ensuring schools are supported in reducing emissions' and 'helping to reduce traffic emissions around schools' are both legitimate sources of CAZ revenue funding. The Clean Air Schools Grant Programme provides for a grant fund of £500k which is open for all Bradford District Schools to apply for in accordance with the terms of the grant programme, successful schools will be required to enter in to a grant agreement with the Council to ensure the grant is used for the intended purpose.
- 6.2 A stationary idling offence under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, hereafter referred to as the 2002 Regulations, is defined to be a contravention of, or failure to comply with Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 i.e. stopping of an engine (or any machinery attached to a vehicle when stationary so far as may be necessary for the prevention of (noise) or of exhaust emissions. The Regulation 98 offence, driver failing when the vehicle is stationary to stop the running of the engine of that vehicle, is contrary to Section 42 of the Road Traffic Act 1988 (as substituted by the Road Traffic Act 1991).

- 6.3 The 2002 Regulations are made under Section 87 of the Environment Act 1995. Under the 2002 Regulations powers are given to Local Authorities to issue Fixed Penalty Notices (FPNs) to drivers who allow their vehicle engines to run unnecessarily while the vehicle is parked, if they fail to comply with a requirement to stop the running of the engine of that vehicle. The Regulations cover all vehicles including cars, taxis, buses and all commercial vehicles.
- 6.4 Designation from the Secretary of State is not required for the enforcement of stationary idling offences. A Local Authority can authorise any officer of its authority, or any other person, to stop the commission of a stationary idling offence and to issue a FPN in respect of such an offence committed in its area.
- 6.5 Guidance issued by the Secretary of State for Transport 2002 – “Guidance on powers to require drivers to switch off engines” advises that FPNs should be used as a deterrent and only issued as a last resort. The guidance also recommends that a ‘common sense’ approach is taken by officers when using the powers under the Regulations.
- 6.6 There are exempted circumstances where vehicles are permitted under Regulation 98(2) of the Road Vehicles (Construction and Use) Regulations 1986 and these apply to the 2002 Regulations:
- (a) when the vehicle is stationary owing to the necessities of traffic;
 - (b) so as to prevent the examination or working of the machinery where the examination is necessitated by any failure or derangement of the machinery or where the machinery is required to be worked for a purpose other than driving the vehicle;
 - or
 - (c) in respect of a vehicle propelled by gas produced in plant carried on the vehicle, to such plant.
- 6.7 The enforcement process under the 2002 Regulations allows for a £20 FPN to be served in relation to stationary idling offences. This increases to £40 if not paid within 28 days. There is no discretion to amend this charge.
- 6.8 Local Authorities can retain the income generated from the FPNs, however it is not envisaged FPN income will be significant as the approach will be to prioritise education and engagement rather than enforcement. This is in line with Government Guidance.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

The proposals aim to improve the health of citizens, as well as reducing pollutants. The CASP programme will raise awareness of pollutants with children and will specifically (via the grant programme and interventions) reduce children’s exposure to air pollution whilst on school premises and in the vicinity of the schools via anti-idling enforcement.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

The report contributes to the Council's response to improve air quality and reduce carbon dioxide emissions within the district. An idling engine can release as much pollution into the air as a moving one.

The introduction of engagement, education and enforcement action against idling will contribute towards the Council's Clean Air Plan and encourage motorists to adopt responsible and environmentally friendly driving by using less fuel while switching off engines when stationary.

The CASP programme will also raise awareness of emissions (air quality pollutants and GHGs) with the public and younger generation, leading to positive behaviour change.

7.3 COMMUNITY SAFETY IMPLICATIONS

Air pollution is the largest environmental risk factor and 38% of Bradford's childhood asthma cases are caused by vehicular emissions and 1 in 5 of Bradford's children have a breathing problem. The proposals in the report will use CAZ revenue to mitigate some of this risk to the health of Bradford's children and contribute to a safer school environment.

7.4 HUMAN RIGHTS ACT

The Council has considered the implications of the Human Rights Act 1998 and is satisfied that the provisions of Articles 6, 7 and 8 may be engaged by adopting these proposals. However, Article 6 requires a right to a fair trial and this is embodied in the legislation to be adopted. Similarly, the right to issue the FPN is also embodied within the relevant legislation as is any subsequent due process. Whilst Article 8 provides a right to respect for private and family life, given the provisions of Article 6 and 7 are met, and given the public interest benefits, both in relation to the environment and social benefits, the interference with any personal rights by adopting the anti-idling legislation is both in accordance with the law and necessarily proportionate.

7.5 TRADE UNION

None identified

7.6 WARD IMPLICATIONS

All wards will benefit from the programme. All schools will benefit from additional warden support and the engagement programme. The Grant funding will be targeted to areas with existing air quality problems (see; [Find out about air quality near you | Bradford Council](#)), and decisions on grant applications that meet these criteria will be made at a local level by Grant Advisory Groups within Area Committees.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS

This report aligns with the five area action plans. In conjunction with the portfolio holder, officers will liaise with area committee chairs to ensure grants are distributed taking into account environmental and local priorities.

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

Pollution from vehicles is causally linked to 38% of Bradford's childhood asthma cases and 1 in 5 of Bradford's children already has a breathing problem (ref Born In Bradford research). The CASP seeks to reduce emissions in the vicinity of schools via engagement and enforcement of anti-idling and will provide specific grants to schools to reduce emissions further.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

N/A

8. NOT FOR PUBLICATION DOCUMENTS

N/A

9. OPTIONS

To implement the CASP, adopt anti-idling regulations and reduce emissions around schools. This will contribute to the Bradford Clean Air Plan and make Bradford a safer place for children

OR

To not approve implementation of the CASP or the anti-idling Regulations. This would mean that plans to reduce emissions around schools would not be realised in Bradford and may mean that we cannot demonstrate as effectively that we are making the Districts children central to all we do.

10. RECOMMENDATIONS

The Executive is recommended to;

- (1) Approve the proposal for a Clean Air Schools Programme and the Clean Air Schools Grant Programme as set out in this report.
- (2) Approve the use of anti-idling regulations and enforcement with fixed penalty notices in the Bradford District
- (3) Delegate authority to the Strategic Director of Place, in consultation with the Director of Finance, Director of Legal and Governance and the Portfolio Holder to determine the final criteria of the Clean Air Schools Grant Programme Fund.
- (4) Delegate authority to the Strategic Director of Place in consultation with the Director of Legal and Governance to approve and complete funding agreements with successful applicant schools.

11. APPENDICES

Appendix 1 – Draft Fixed Penalty Notice

Appendix 2 – Charging Scheme Order (CSO)

The charging scheme order for the Clean Air Zone -

<https://www.bradford.gov.uk/media/7229/bradfordcleanairzonechargingorder2022.pdf>



Appendix 1 – Draft Fixed Penalty Notice

OFFENCE OF FAILING TO SWITCH OFF ENGINE IN A PARKED VEHICLE

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

It is an absolute offence under Section 42 of the Road Traffic Act 1988 to use a vehicle on the road which does not comply with the Road Vehicles (Construction and Use) Regulations 1986, as amended.

Name of Vehicle User: _____

Date of Birth: _____

Address: _____

Vehicle Registration Mark: _____

Vehicle Make & Model: _____

Person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994: _____

Particulars of alleged offence

This Notice of a fixed penalty, issued under authority of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, is issued to the above named vehicle user who was found by an authorised local authority person

on _____ (date) at _____
(time)

in _____ (location of
offence)

to be using the above named vehicle in contravention of Regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986, as amended, which makes the requirement for drivers to switch off engines in parked vehicles.

Payment of Fixed Penalty

You should make sure that the issuing authority receives payment of the fixed penalty of **£20.00** within 28 days of the Date of Issue shown at the bottom of this Notice.
PAYMENT DETAILS AND ADDITIONAL INFORMATION ARE SHOWN OVERLEAF.

Dated:

Signed:

REF:

Print Name: _____
Authorised Officer

**{Name of Issuing Service} {Address of Issuing Service}
{Contact Details}**

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TRANSPORT ACT 2000

Bradford Clean Air Zone Charging Order 2022

Made 6 September 2022

Coming into force on in accordance with articles 1 and 2

ARRANGEMENT OF INSTRUMENT

THE ORDER

1. Citation and commencement
2. The Scheme

SCHEDULE TO THE ORDER

BRADFORD CLEAN AIR ZONE CHARGING SCHEME

1. Interpretation
2. Designation of roads in respect of which charges are imposed
3. Relevant vehicles
4. Compliant vehicles
5. Non-chargeable vehicles
6. Emission standards required of compliant vehicles
7. Imposition of charges
8. Amount of charge payable by purchase of a licence
9. Payment of charges
10. Register of compliant and non-chargeable vehicles
11. Refunds of charges
12. Penalty charge for non-payment of charge
13. Immobilisation of vehicles
14. Removal, storage and disposal of vehicles
15. Duration of the scheme
16. Ten and five year plans for net proceeds

ANNEXES TO THE SCHEME

1. Deposited plans
2. Part 1 -Non-chargeable vehicles in the national register
Part 2- Locally compliant and non-chargeable vehicles in the local register
3. Part 1 – the Council’s general plan for applying its share of the proceeds of this Scheme during the opening ten year period
Part 2 – The Council’s detailed programme for applying its share of the proceeds of this

Scheme during the opening five year period. Whereas

- (1) It appears to the City of Bradford Metropolitan District Council desirable, for the purposes of facilitating the achievement of City of Bradford Metropolitan District Council’s and the West

Yorkshire Combined Authority's local transport policies, contained in the West Yorkshire Transport Strategy 2040, that it should make the following order:

- (2) Appropriate persons have been consulted in accordance with section 170 of the Transport Act 2000:

Now, therefore, the City of Bradford Metropolitan District Council in exercise of the powers conferred on it by Part III and Schedule 12 of the Transport Act 2000, Parts 2 and 6 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement)(England)Regulations 2013, and of all other powers enabling it in that behalf, hereby makes the following order:- **Citation and commencement**

commencement

1. This Order is made on the 6th day of September 2022 and comes into force on the same day and may be cited as the "Bradford Clean Air Zone Charging Order 2022"
2. (1) The Scheme in the Schedule to this Order ("the Scheme") has effect in accordance with sub -paragraphs (2) and (3).

(2) The Scheme, other than article 7 of the Scheme, comes into force on the 6th day of September 2022.

(3) Article 7 of the Scheme comes into force on the 26th September 2022.

THE COMMON SEAL of **CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**
was hereunto affixed in the
presence of:

Name: *Fiona Jane Chantrey*

Signature: *FJ Chantrey*

Authorised by the City Solicitor



101880

SCHEDULE TO THE ORDER
BRADFORD CLEAN AIR ZONE CHARGING SCHEME

Interpretation

1. - (1) In this Scheme-

“**1994 Act**” means the Vehicle Excise and Registration Act 1994;

“**5-8 Seater Taxi or Private Hire Vehicle**” means a taxi or private hire vehicle of Class M₁ licenced to carry at least 5 but no more than 8 persons in addition to the driver;

“**appointed day**” means the 25th September 2022;

“**approved retrofit scheme**” means the Clean Vehicle Retrofit Accreditation Scheme and such other accreditation scheme or schemes as may from time to time be specified by the Council;

“**Central Clean Air Zone Service**” means the national body through which road user charges pursuant to clean air zone charging schemes may be paid;

“**charge**” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;

“**charging day**” means the period of twenty four hours from midnight to midnight;

“**charity**” has the meaning given by section 1(1) of the Charities Act 2011;

“**Class L**” vehicles are those falling within class L_{1(s)} and class L_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Class M₁**” vehicles are those falling within class M_{1(s)} and class M_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations; “**Class M₂**” vehicles are those falling within class M_{2(s)} and class M_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations; “**Class M₃**” vehicles are those falling within class M_{3(s)} and class M_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Class N₁**” vehicles are those falling within class N_{1(s)} and class N_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Class N₂**” vehicles are those falling within class N_{2(s)} and class N_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Class N₃**” vehicles are those falling within class N_{3(s)} and class N_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Clean Air Zone**” means the area shown edged red and shaded green on the Clean Air Zone Plan the exact boundaries of which are defined on the Clean Air Boundary Plans;

“**Clean Air Zone Boundary Plans**” means the deposited plans specified in Part 2 of Annex 1 each defining part of the boundary of the Clean Air Zone by showing the boundary in red and areas within the Clean Air Zone shaded green sealed by the Council and deposited at Legal Services, City Hall, Hall Ings, Bradford, BD1;

“**Clean Air Zone Plan**” means the deposited plan specified in Part 1 of Annex 1 sealed by the

Council and deposited at Legal Services, City Hall, Hall Ings, Bradford, BD1;

“**compliant vehicle**” has the meaning given by article 4;

“**commencement date**” means 26th September 2022

“**compression ignition**” means an internal combustion engine in which combustion is initiated by heat produced from compression of the air in the cylinder of combustion space;

“**compression ignition vehicle**” means a vehicle powered wholly or partly by a compression ignition engine;

“**Council**” means the City of Bradford Metropolitan District Council;

“**designated road**” means any of the designated roads specified in article 2(2);

“**district**” means the administrative area of the Council

“**Enforcement Regulations**” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;

“**Euro 4 vehicle**” means a vehicle meeting the emissions limit values for that vehicle set out in the rows corresponding with Category B in the first of the tables at section 5.3.1.4 of Annex I to Council Directive 70/220/EEC;

“**Euro 5 vehicle**” means a vehicle meeting the emissions limit values for that vehicle set out in Table 1 of Annex I to Commission Regulation 715/2007 of 20 June 2007;

“**Euro 6 vehicle**” means a vehicle meeting the emissions limit values for that vehicle set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007 as amended;

“**Euro IV vehicle**” means a vehicle meeting the emissions limit values for that vehicle set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;

“**Euro V vehicle**” means a vehicle meeting the emissions limit values set out for that vehicle in Row B2 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;

“**Euro VI vehicle**” means a vehicle meeting the emissions limit values set out for that vehicle in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;

“**Euro 4 LPG vehicle**” means a positive ignition vehicle meeting the emission limit values of a Euro 4 Vehicle and constructed or retrofitted so as to be capable of being powered by liquid petroleum gas;

“**Euro 5 LPG vehicle**” means a positive ignition vehicle meeting the emission limit values of a Euro 5 vehicle and constructed or retrofitted so as to be capable of being powered by liquid petroleum gas;

“**Euro 5 electric hybrid vehicle**” means a positive ignition vehicle meeting the emission limit values of Euro 5 vehicle which is capable of operation solely by means of its electrically powered propulsion system drawing motive power from its battery and without using its internal combustion engine;

“**licence**” means a licence purchased under article 9;

“**local register**” means the register of non-chargeable vehicles to be maintained by the Council under article 10;

“**local road**” means any road in respect of which the Council is the local traffic authority;

“**local SME**” means any small or medium sized enterprise employing less than 250 people with an annual turnover of less than £45million and a total balance sheet of less than £40 million which has its registered office or principle place of business in the district.

“**national register**” means the register or registers of compliant and non-chargeable vehicles to be maintained by the Central Clean Air Zone Service under article 10;

“**non-chargeable vehicle**” is to be construed in accordance with article 5 and Annex 2;

“**penalty charge**” and “**penalty charge notice**” have the meaning given in Regulation 2(1) of the Enforcement Regulations;

“**positive ignition**” means an internal combustion engine in which combustion is initiated by a local high temperature in the combustion chamber produced by energy supplied from a source external to the engine;

“**positive ignition vehicle**” means a vehicle powered wholly or partly by a positive ignition engine;

“**private hire vehicle**” has the meaning defined in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

“**registered keeper**” means-

- (a) In relation to a vehicle registered in the United Kingdom, the person whose name the vehicle is registered under the 1994 Act; or
- (b) In relation to any other vehicle, the person by whom the vehicle is kept;

“**relevant vehicle**” has the meaning given by article 3;

“**retrofitted**” means adapted so as to meet the standards required of a compliant vehicle and

“**retrofitting**” shall be construed accordingly-

- (a) In accordance with an approved retrofitting scheme; or
- (b) In such other manner as the Council or the Central Clean Air Zone Service is satisfied is of equivalent efficacy to an accredited retrofit scheme;

“**taxi**” means a vehicle licenced as a hackney carriage under the Town Police Clauses Act 1847 as amended;

“**type-approved**” is to be construed in accordance with article 3 of Council Directive 2007/46/EC and type approval is to be construed accordingly;

“**Vehicle Classes Regulations**” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles)(England) Regulations 2001.

“**wheelchair accessible vehicle**” means a taxi or private hire vehicle that appears on a list of vehicles maintained under section 167(1) of the Equality Act 2020;

“**zero emission vehicle**” means a vehicle that emits 0g of CO₂ per kilometre tailpipe emissions;

(2) In this Scheme -

- a) A reference in any provision to an instrument of the European Community is to that instrument -
 - i) As amended at the commencement date, if the instrument concerned is in force at that date; or,
 - ii) As amended at the date of its repeal, if that instrument has been repealed before the commencement date;

- b) A reference in any provision to an authorised person is to a person authorised by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
 - c) Where a person has been authorised to act on behalf of the Council in relation to any matter in reference to the Council is taken to include a reference to that person.
- (3) For the purposes of this Scheme save for where otherwise provided the number of seats of a vehicle is taken to be the same as the seating capacity of the vehicle calculated in accordance with the principles set out in regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002.

Designation of roads in respect of which charges are imposed

2. – (1) Charges are imposed by this Scheme in respect of the designated roads. (2) The designated roads are all local roads within the Clean Air Zone. **Relevant vehicles**
3. – (1) A relevant vehicle is a vehicle of a class as specified in paragraph (2) that is not – (a) a compliant vehicle; or
(b) a non-chargeable vehicle.
- (2) The vehicles specified for the purpose of paragraph (1) are:
- (a) all vehicles of Classes- M₃ (Buses and Coaches), Class N₂ and N₃ (HGV);
 - (b) all vehicles of Classes N₁ (LGV), Class M₂ (Minibus) and Class L (Motor Caravan) other than those Class L vehicles registered with a type-approval of class M₁; (c) taxis and private hire vehicles of Class M₁. **Compliant vehicles**
4. (1) A vehicle is compliant vehicle if –
- (a) the vehicle meets or has been retrofitted to meet the standards required of a compliant vehicle for the purposes of this scheme; and
 - (b) particulars of the vehicles are for the time being entered in the national register or the local register appropriately as prescribed by Article 6. **Non-chargeable vehicles**
5. Annex 2 to this Scheme, which specifies categories of non-chargeable and locally compliant vehicles, has effect.

Emissions standards required of compliant vehicles

6. A vehicle meets the standards required of a compliant vehicle for the purposes of the Schedule if is-
- (a) A zero emission vehicle entered in the national register.
 - (b) A Class M₁ private hire vehicle which is not a “wheelchair accessible vehicle” or a “5-8 Seater Taxi or Private Hire Vehicle” and is either;–
 - (i) a Euro 5 electric hybrid vehicle entered in the national register; or (ii) a Euro 5 LPG vehicle entered in the local register.
 - (c) A vehicle of Class M₁ taxi, Class M₂ (minibus), Class N₁ (LGV), Class L (Motor Caravan) with a type-approval of M₂ or N₁, or a “wheelchair accessible vehicle”, entered on the national register; or
A “5-8 Seater Taxi or Private Hire Vehicle”, entered in the local register;
- which is either; -
- (i) a positive ignition Euro 4 Vehicle/Euro IV vehicle; or (ii) compression ignition Euro 6 Vehicle/Euro VI vehicle; or (iii) a Euro 4 LPG vehicle.

(d) A vehicle of Class M₃ (Buses and Coaches), Class N₂ or N₃ (HGV) or a vehicle of Class L (Motor Caravan with a type-approval of M₃, N₂, N₃) entered in the national register which is a compression ignition Euro 6 Vehicle/Euro VI vehicle. **Imposition of charges**

7. – (1) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(1) is imposed in respect of any relevant vehicle of Class M₃ (Buses and Coaches), Class N₂ or N₃ (HGV), or a vehicle of Class L (Motor Caravan) with a type-approval of M₃, N₂ or N₃, for each charging day on which it is at any time used on one or more designated roads.
- (2) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(2) is imposed in respect of any relevant vehicle of Class M₂ (Minibus), N₁ (LGV), or a vehicle of Class L (Motor Caravan) with type-approval of M₂ or N₁ for each charging day on which it is at any time used on one or more designated roads.
- (3) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(3) is imposed in respect of any relevant vehicle being a private hire vehicle or taxi (including wheelchair accessible vehicles) of Class M₁ for each charging day on which it is at any time used on one or more designated roads.

Amount of charge payable by purchase of a licence

- 8.– (1) The cost of a charge imposed by article 7(1) is £50 per charging day;
- (2) The cost of a charge imposed by article 7(2) is £9 per charging day;
- (3) The cost of a charge imposed by article 7(3) is £7 per charging day;

Payment of charges

- 9.– (1) A charge imposed by article 7 must be paid by purchase of a licence in accordance with the provisions of this article.
- (2) A licence must be issued in respect of a particular vehicle and for a single charging day;
- (3) A vehicle referred to in paragraph (2) must be identified by its registration mark, and –
- (a) the purchaser of a licence must specify the registration mark of the vehicle in respect of which that charge is paid;
- (b) a licence will not be valid in respect of any vehicle having a registration mark different from the mark so specified.
- (4) A licence for a single charging day may only be purchased – (a) on the charging day concerned;
- (b) on any of the first six charging days immediately following that charging day; or
- (c) on a day falling within a period of six charging days immediately preceding that charging day.
- (5) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with the requirements of the Central Clean Air Zone Service, specify on its website as being acceptable.
- (6) Where a licence is purchased and the relevant payment subsequently fails, or is cancelled for any reason by the payee, then the charge to which the licence relates will be treated as not being paid and the licence will be void.

Register of compliant and non-chargeable vehicles

10.—(1) The Central Clean Air Zone Service will maintain the national register which will identify compliant vehicles and non-chargeable vehicles for the purposes of article 4 and Part 1 of Annex 2

(2) The Council will maintain the local register which will identify locally compliant and nonchargeable vehicles for the purposes of article 4 and Part 2 of Annex 2

(3) An application to enter particulars of a vehicle in the national register—

(a) must include all such information as the Central Clean Air Zone Service may reasonably require; and

(b) must be made by such means as the Central Clean Air Zone Service may accept.

(4) An application to enter particulars of a vehicle in the local register must include all such information as the Council may reasonably require and be made by such means as the Council may accept,

(5) If the Central Clean Air Zone Service is satisfied that a vehicle— (a)

complies with the standards required of a compliant vehicle; or

(b) falls within a class of non-chargeable vehicle set out in Part 1 of Annex 2, it will enter particulars of the vehicle in the national register.

(6) If the Council is satisfied that a vehicle falls within a class of locally compliant or non-chargeable vehicles set out in Parts 2 of Annex 2 it will enter particulars of the vehicle in the local register.

(7) If the Central Clean Air Zone Service or the Council respectively is satisfied that a vehicle, particulars of which are entered in the relevant register, no longer—

(a) complies with the standards required of a compliant vehicle; or

(b) falls within a class of non-chargeable vehicles, it may remove the particulars of the vehicle from the relevant register.

(8) Where the registered keeper of a vehicle, particulars of which are entered in the local or national register, is aware that the vehicle has ceased or will cease to—

(a) comply with the standards required of a compliant vehicle; or

(b) fall within a class of non-chargeable or vehicles, the registered keeper must notify the Central Clean Air Zone Service or the Council respectively of the fact and the Central Clean Air Zone Service or the Council respectively may remove the particulars of the vehicle from the relevant register forthwith or from the date notified to the Central Clean Air Zone Service or the Council as the date on which it will cease to be such a vehicle.

(9) Subject to any other provisions of the Scheme nothing in this article prevents the making of a new application for particulars of a vehicle to be entered in the relevant register after they have been removed from it in accordance with any provision of this article.

Refunds of charges

11.—(1) Once purchased a licence shall be non-refundable save for any technical error by the Central Clean Air Zone Service or the Council rendering any licence defective. **Penalty charge for non-payment of charge**

12. – (1) A penalty charge will be payable, in addition to the charge imposed under article 7, for each charging day as respects which –

(a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 7;

- (b) that charge has not been paid in full in the manner in which and within the time by which it is required to be paid by article 9.

(2) A penalty charge payable by virtue of paragraph (1) must be paid within the period (“the payment period”) of 28 days beginning with the date on which a penalty charge notice is service under regulation 7 of the Enforcement Regulations and in a manner specified by the penalty charge notice.

(3) The amount of the penalty charge payable in accordance with paragraph (1) is £120 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount will be reduced by one half to £60.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Enforcement Regulations, the amount of the penalty charge to which it relates will be increased by one half to £180.

Immobilisation of vehicles

13. – (1) Provided that –

- (a) none of the circumstances in paragraph (2) of Regulation 25 of the Enforcement Regulations apply; and
- (b) the conditions in paragraph (3) of that Regulation apply,

an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of the Regulation.

(2) A vehicle to which an immobilisation device has been fixed in accordance with the provisions of this Scheme –

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (a), will only be released – (i) if all outstanding charges under article 7 are paid; (ii) If all outstanding penalty charges are paid to the Council; and (iii) if a penalty charge of £70 for the release of the vehicle from the immobilisation device is so paid.

Removal, storage and disposal of vehicles

14. – (1) Provided that Regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in, and subject to the provisions of, Regulation 28 of the Enforcement Regulations.

(3) Where a vehicle has been removed and delivered into the custody of the custodian in accordance with paragraph (1) the Council or the custodian may (whether or not any claim is made under Regulation 30 or 31 of the Enforcement Regulations) recover from the person who is the keeper of the vehicle when the vehicle was removed –

- (a) all outstanding charges under article 7;
- (b) all penalty charges that are outstanding in relation to the vehicle;
- (c) a penalty charge of £200 for its removal;
- (d) a penalty charge of £40 for each complete day or part of a day on which it has been held by the Council or the custodian; and
- (e) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

Duration of the scheme

15. This Scheme will remain in force indefinitely.

Ten and five year plans for net proceeds

16.- (1) Part 1 of Annex 3 to this Scheme constitutes the general plan, required under paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening ten year period.

(2) Part 2 of Annex 3 to this Scheme constitutes the detailed programme, required under paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening five year period.

ANNEX I TO THE SCHEME Article 1(1) DEPOSITED

PLANS

<i>Sheet</i>	<i>Part 1 Clean Air Zone Plan</i>	<i>(3) Date</i>	<i>(4) Revision</i>
A	Clean Air Zone Plan	17 th June 2022	
	Part 2 <i>Clean Air Zone Boundary Plans</i>		
1	Clean Air Zone Boundary Plans-Sheet A	17 th June 2022	
2	Clean Air Zone Boundary Plans-Sheet B	17 th June 2022	
3	Clean Air Zone Boundary Plans-Sheet C	17 th June 2022	
4	Clean Air Zone Boundary Plans-Sheet D	17 th June 2022	
5	Clean Air Zone Boundary Plans-Sheet E	17 th June 2022	
6	Clean Air Zone Boundary Plans-Sheet F	17 th June 2022	
7	Clean Air Zone Boundary Plans-Sheet G	17 th June 2022	
8	Clean Air Zone Boundary Plans-Sheet H	17 th June 2022	
9	Clean Air Zone Boundary Plans-Sheet I	17 th June 2022	
10	Clean Air Zone Boundary Plans-Sheet J	17 th June 2022	
11	Clean Air Zone Boundary Plans-Sheet K	17 th June 2022	
12	Clean Air Zone Boundary Plans-Sheet L	17 th June 2022	
13	Clean Air Zone Boundary Plans-Sheet M	17 th June 2022	
14	Clean Air Zone Boundary Plans-Sheet N	17 th June 2022	
15	Clean Air Zone Boundary Plans-Sheet O	17 th June 2022	
16	Clean Air Zone Boundary Plans-Sheet P	17 th June 2022	
17	Clean Air Zone Boundary Plans-Sheet Q	17 th June 2022	
18	Clean Air Zone Boundary Plans-Sheet R	17 th June 2022	

ANNEX 2 TO THE SCHEME

PART 1-NON-CHARGEABLE VEHICLES ENTERED IN THE NATIONAL REGISTER Historic Vehicles

1. A vehicle is a non-chargeable vehicle if it is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 1A(1) of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the national register.

Military Vehicles

2. A vehicle is a non-chargeable vehicle if it belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces and particulars of the vehicle are for the time being entered in the national register.

Vehicles for disabled people

3. A vehicle a non-chargeable vehicle if it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within paragraphs 19 or 20 (vehicles for disabled people) of Schedule 2 to that Act provided particulars of the vehicle are for the time being entered in the national register.

PART 2 – LOCALLY COMPLIANT AND NON-CHARGEABLE VEHICLES ENTERED IN THE LOCAL REGISTER

LOCALLY COMPLIANT VEHICLES

5-8 Seater Taxi or Private Hire Vehicle

1. A vehicle shall be a compliant vehicle for the purposes of Article 6 subject to the Council receiving satisfactory evidence that it meets the definition of a "5-8 Seater Taxi or Private Hire Vehicle" and it is either:-

- (a) a positive ignition Euro 4 Vehicle; or
- (b) a compression ignition Euro 6 Vehicle; or (c) a Euro 4 LPG vehicle; and

particulars of the vehicle are for the time being entered in the local register.

Class M₁ LPG Private Hire Vehicle

2. A vehicle shall be a compliant vehicle for the purposes of Article 6 if it meets the definition of a Class M₁ Private Hire Vehicle which is not a "wheelchair accessible vehicle" or a "5-8 Seater Taxi or Private Hire Vehicle" subject to the Council receiving satisfactory evidence that it is a Euro 5 LPG vehicle and particulars of the vehicle are for the time being entered in the local register.

NON-CHARGEABLE VEHICLES

Subject to the provisions of this Scheme a relevant vehicle may be treated as a non-chargeable vehicle subject to it qualifying for any of the following exemptions.

Such entry is subject to the submission of any application forms required by the Council being complete and being accompanied by the stipulated supporting information. Information for the time being required to support each application for exemption will be displayed on the Council website.

All exemptions apply only in respect of the specified vehicle whilst the original applicant is the registered keeper and are subject to any conditions or limitations of that exemption which have been notified to the applicant.

All exemptions will cease to apply on the December 31st 2025 or such later date as may be published on the council website.

Agricultural and similar vehicles

1. - (1) A qualifying agricultural vehicle is a non-chargeable vehicle if it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the local register—

- (a) paragraph 20A (vehicles used between different parts of land);
- (b) paragraphs 20B, 20C and 20D (tractors and certain agricultural vehicles);
- (c) paragraphs 20E (mowing machines);
- (d) paragraph 20F (steam powered vehicles); (e) paragraph 20H (snow ploughs); and (f) paragraph 20J (gritters).

Charity Vehicles

2.– (1) A qualifying charity vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that the vehicle is owned or leased to a charity which operates in the district and provided particulars of the vehicle are for the time being entered in the local register.

Community transport vehicles

3. – (1) A qualifying community transport vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying community transport vehicle if it is a vehicle of Class M₂ or M₃ being used pursuant to a community transport permit and the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a compression ignition Euro 4 vehicle/Euro IV vehicle fitted with a diesel particulate filter.

(3) In this paragraph “community transport permit” means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985;

Emergency Response Vehicles

4. —(1) A qualifying emergency response vehicle is a non-chargeable vehicle provided that it is us particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying emergency response vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act—
 - (i) paragraph 3A (police vehicles);
 - (ii) paragraphs 4 and 5 (fire engines etc.);
 - (iii) paragraphs 6 (ambulances);

(iv) paragraph 10 (mine rescue vehicles);

(v) paragraph 11 (lifeboat vehicles); or

(b) it is a mountain rescue services vehicle operated by an organisation which provides emergency mountain rescue services and is used for that purpose.

(3) Applications to enter a qualifying emergency response vehicle on the local register shall only be accepted in respect of vehicles for which the body making such an application was the registered keeper of that vehicle on the appointed day.

Local SME vehicles

5.—(1) A qualifying local SME vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying local SME vehicle if it is any relevant vehicle, other than taxis or Private Hire Vehicles, for which the Council is satisfied, by the production of such evidence as it may reasonably require, that the local SME was registered keeper on the appointed day.

(3) Not more than three applications to enter a qualifying local SME vehicle in the local register in respect of any single local SME may be made for the duration that the Scheme is in force.

(4) In the event that the local SME should no longer be the registered keeper of a local SME vehicle then the exemption shall cease to apply and the vehicle will revert to being a relevant vehicle.

Motorised horseboxes and motor caravans

6.—(1) A qualifying motorised horsebox or qualifying motor caravan is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a “qualifying motorised horsebox” if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a motorised horsebox that falls within the definition of a “special vehicle” in paragraph 4(2)(bb) of Schedule 1 to the 1994 Act .

(3) A vehicle is a “qualifying motor caravan” if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a Class L vehicle other than a Class M₁ motor caravan, that either;-

(a) falls within the definition of a “special vehicle” in paragraph 4(2)(bb) of Schedule 1 to the 1994 Act; or

(b) is a vehicle of any Class registered with a body type of ‘Motor Caravan’.

(4) In the case of either a qualifying motorised horsebox or a qualifying motor caravan the Council must also be satisfied, by the production of such evidence as it may reasonably require, that;-

(a) the registered keeper of the vehicle is a qualified resident and the address of the registered keeper shown on the vehicle registration document is the same as that of the premises referred to in subparagraph (5);

(b) the vehicle is kept for the exclusive use of the qualified resident and members of the qualified resident's household residing at the same address as the qualified resident;

(c) the vehicle is used solely for social, domestic and pleasure purposes and not be used for hire and reward or in connection with any business; and,

(d) the qualified resident was the registered keeper of the vehicle on the appointed day.

(5) In this Scheme "qualified resident" means an individual in respect of whom the Council is satisfied, by the production of such evidence as it may reasonably require, that the individual's only or main residence is at premises situated in the district.

(6) Where a qualified resident ceases to reside at the premises in relation to which the Council was satisfied that the requirement in sub-paragraph (5) was met but resides at other premises in the District, that person shall cease to be a qualified resident unless that person has notified the change of residence to the Council and the Council is satisfied that the requirement in sub-paragraph (5) is met in relation to those other premises.

(7) Not more than one application by any qualified resident to enter a qualifying motorised horsebox or a qualifying motor caravan in the local register may be made for the duration that the Scheme is in force.

Recovery vehicles

7.— (1) A qualifying recovery vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying recovery vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it falls within the definition of, and is licensed as, a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act.

Resident's Vehicles

8. --(1) A qualifying resident's vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is qualifying resident's vehicle if it is a relevant vehicle other than a taxi, a private hire vehicle or a vehicle which qualifies for any other exemption, and the Council is satisfied, by the production of such evidence as it may reasonably require, that:-

- (a) the registered keeper of the vehicle is a qualified resident and the address of the registered keeper shown on the vehicle registration document is the same as that of the premises referred to in subparagraph (4);
- (b) the vehicle is kept for the exclusive use of the qualified resident and members of the qualified resident's household residing at the same address as the qualified resident;
- (c) the vehicle is used solely for social, domestic and pleasure purposes and not be used for hire and reward or in connection with any business; and,
- (d) the qualified resident was the registered keeper of the vehicle on the appointed day.

(4) In this Scheme "qualified resident" means an individual in respect of whom the Council is satisfied, by the production of such evidence as it may reasonably require, that the individual's only or main residence is at premises situated in the district.

(5) Where a qualified resident ceases to reside at the premises in relation to which the Council was satisfied that the requirement in sub-paragraph (4) was met but resides at other premises in the District, that person shall cease to be a qualified resident unless that person has notified the change of residence to the Council and the Council is satisfied that the requirement in sub-paragraph (4) is met in relation to those other premises.

(6) Not more than one application by any qualified resident to enter a qualifying resident's vehicle in the local register may be made for the duration that the Scheme is in force.

Retrofitting and upgrading of vehicles

9.-(1) the Council will treat any relevant vehicle—

- (a) that meets the condition specified in sub-paragraphs (2); and,
- (b) that also meets the conditions specified in sub-paragraph (3); and, (c) particulars of which are for the time being entered in the local register; as if it were a non-chargeable vehicle.

(2) The condition referred to in sub-paragraph (1)(a) is that the Council is satisfied, by the production of such evidence as it may reasonably require, that the owner of the vehicle has placed an order for either;-

- (a) retrofitting the vehicle concerned which will result in the vehicle becoming a compliant vehicle; or
- (b) a compliant vehicle to replace the vehicle concerned.

(3) The conditions referred to in sub-paragraph (1)(b) are either;

- (i) the vehicle was registered at an address in the district and the owner was the registered keeper of that vehicle on the appointed day; or,
- (ii) the vehicle was registered to an address outside of the district; the owner was the registered keeper of that vehicle on the appointed day and a successful application had been made to the Council for a grant to either retrofit the vehicle to become a compliant vehicle or replace it with a compliant vehicle.

(4) In this paragraph the period during which the vehicle will be treated as a non-chargeable vehicle will commence on the date on which the order referred to in sub-paragraph (2) was placed (“the order date”) and ending on the earlier of—

- (a) the date on which, the Council being satisfied that the retrofitting referred to in subparagraph (2)(a) has been completed or the replacement vehicle referred to in subparagraph (2)(b) has been made available for use and particulars of the retrofitted or replacement vehicle are entered in the national register as a compliant vehicle; or (b) a date one year from the order date; or
- (c) such other date as shall be specified in writing by the Council;

Showman’s Vehicles

10. – (1) A qualifying showman’s vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A qualifying showman’s vehicle means any vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, either;-

- (a) falls within the definition of, and is registered under the 1994 Act as, a “showman’s vehicle” or “showman’s goods vehicle” within the meaning of section 62 of the 1994 Act; or
- (b) falls within the definition of a “showman’s vehicle” or “showman’s goods vehicle” within the meaning of section 62 of the 1994 Act and is registered in a country other than the United Kingdom, in accordance with that country’s rules governing the

registration of such vehicles, in the name of a person following the business of a travelling showman and used solely by that person for the purposes of his business and no other purpose.

School Buses

11. – (1) A qualifying school bus is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered into the local register.

(2) A “qualifying school bus” is a school bus that –

- (a) The Council is satisfied, by the production of such evidence as it may reasonably require, is being used for the purpose of taking Bradford school pupils to or from school or a school-related activity inside or outside of the district; and
- (b) is a compression ignition Euro 4 vehicle/Euro IV vehicle fitted with a diesel particulate filter.

(3) In this paragraph –

- (a) “Bradford school pupil” means a pupil enrolled at a school in the district or whose only or main residence is at premises situated in the district;
- (b) “pupil” has the meaning given by Section 3 of the Education Act 1996;
- (c) “school” has the meaning given by Section 4(1) of the Education Act 1996;
- (d) “school bus” means any vehicle, other than a private hire vehicle, of Class M₂ or M₃ that is operated by or is contracted to a school inside or outside of the district for the purpose of transporting Bradford school pupils.

Specialist Vehicles

12. – (1) A qualifying specialist vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) In this paragraph a qualifying specialist vehicle means any vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, was either originally built or has been permanently adapted for a specialist purpose and cannot be economically replaced or further adapted to meet the standards required of a compliant vehicle including -

- (a) A vehicle registered under the 1994 Act that falls to be treated as a “special vehicle” within the meaning of Part IV of Schedule 1 to the 1994 Act including but not limited to digging machines, mobile cranes, mobile pumping truck and road rollers;
- (b) A vehicle of a type specified in an order under section 44 of the Road Traffic Act 1988; (c) Buses and Coaches of Class M₃ converted solely for the purpose of driver training.

ANNEX 3 TO THE SCHEME

PART 1 -

THE COUNCIL'S GENERAL PLAN FOR APPLYING ITS SHARE OF NET PROCEEDS OF THIS SCHEME DURING THE OPENING TEN YEAR PERIOD

The Council is required by paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000 to include in the scheme a general plan relating to the application of any net proceeds of the scheme during a defined 'ten year period' notwithstanding that the scheme may not be in force for the full period.

It is proposed that the scheme shall commence on the 26th September 2022. This plan therefore covers the period from the 26th September 2022 to 31st March 2033. The objective of the Scheme is to take steps towards meeting required limit values for nitrogen dioxide (NO₂) in the shortest possible time, and by so doing reduce exposure of people to excessive levels of NO₂. This would be done by applying a substantial daily charge so that operators would make an economic decision whether or not to take their vehicles into the clean air zones. The charge is set at such a level as to encourage operators to modify or replace their vehicles or change modes, and so maximise the air quality and health benefits of the zone.

The revenue generated by the Scheme would in the first place be used to cover the cost of operation of the Scheme, including the maintenance of cameras, operational staff etc. It is not anticipated that the proposed Scheme would generate substantial net revenues. Indeed, the more vehicles that are compliant with the Scheme's standards the less revenue will be generated. However, in the event that net revenues are generated from the proposed Scheme over the opening ten-year period, these proceeds would be applied in such proportions as may be decided by the Council, to directly or indirectly facilitate improvements to achievement the Council's local transport policies contained in the West Yorkshire Transport Strategy 2040 and may be amended or supplemented from time to time.

These improvements might include:

- improving air quality awareness by supporting work on assessing health impacts, air quality and traffic monitoring improvements;
- accelerating the uptake of cleaner transport fuels and technologies, and increasing training opportunities;
- supporting the continuing upgrade of Bradford vehicles in the district;
- ensuring schools in the district are supported in reducing emissions;
- supporting the production of sustainable transport fuels as part of our circular economy;
- enabling sustainable road transport options;
- supporting and enhancing the existing public transport network infrastructure, increasing ultralow emission fleet composition;
- enabling delivered deliveries of goods and freight to be made more efficiently, such as providing for distribution by less polluting modes or development of freight consolidation centres;
- delivery of additional clean growth projects and programmes with measurable emission reduction potential.

PART 2 -
THE COUNCIL'S DETAILED PROGRAMME FOR APPLYING ITS SHARE OF NET
PROCEEDS OF THIS SCHEME DURING THE OPENING FIVE YEAR PERIOD

The Council is required by paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 to include in the scheme a detailed plan relating to the application of any net proceeds of the scheme during a defined opening 'five year period' notwithstanding that the scheme may not be in force for the full period.

It is proposed that the scheme would commence on 26th September 2022. This plan therefore covers the period from 26th September 2022 to March 31st 2028.

As set out in Part 1 of this Annex, it is not anticipated that the proposed Scheme would generate substantial net revenues. The Council's detailed plan for applying any net proceeds during this period would therefore depending to a large extent on the level of net proceeds generated but improvements might include:

- Funding for transport related environmental assessments;
- Support for CAZ health impact assessments and school creativity labs carried out by Born in Bradford;
- Providing continuing support to upgrade vehicles in the district;
- Expanding the electric vehicle charging network in the district and facilitating all stakeholders in the district to switch to zero emission vehicles
- Creating a hydrogen test bed to support the transition of public service vehicles, such as buses and refuse collection vehicles, and supporting the production of renewable transport fuels
- Supporting exemplar fleets that can provide skilled jobs
- Supporting zero emission delivery networks including freight consolidation and zero emission last journey delivery
- Helping to reduce traffic emissions around schools
- Providing additional park and ride capacity facilities with high quality service connections to the city centre, including zero emission express busway
- Accelerating the transition to cleaner fuels and technologies through inward investment opportunities and increased access for stakeholder communities.

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Report of the Strategic Director Children's Services to the meeting of the Executive to be held on 6 June 2023

F

Subject:

Savings Account Policy for Children in Care

Summary statement:

This report sets out arrangements to formalise savings accounts for children in the care of the Local Authority.

EQUALITY & DIVERSITY:

This policy will ensure that all children and young people looked after by Bradford Council have a savings account set up within the required timeframe following their entrance into care. The policy will provide a requirement for consistent standards and expectations to be in place for all eligible children in our care.

Marium Haque
Strategic Director Children's Services

Portfolio:

Children & Families

Report Contact: Picklu Roychoudhury
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Overview & Scrutiny Area:

Children's Services

1. SUMMARY

- 1.1 This report sets out arrangements to formalise savings accounts for children in the care of the Local Authority.
- 1.2 The Local Authority's role is to ensure that this policy is in place, being reviewed and amended as required. Bradford Children and Families Trust is responsible for enacting the policy.

2. BACKGROUND

- 2.1 All young people placed in care placements are entitled to have a nominal amount of money put aside for them as savings during the length of their care experience. It is essential that children and young people looked after by Bradford Council have savings made available to them when they leave care and have had the opportunity to develop financial capability skills.
- 2.2 There is also statutory guidance underpinning savings for looked after children. Fostering National Minimum Standards 16 states: "*children are prepared for, and supported into, adulthood so that they can reach their potential and achieve economic wellbeing.*"
- 2.3 The Children's Homes Regulations, section 6.2 (VI) states: "*help each child to develop resilience and skills that prepare the child to return home, to live in a new placement or to live independently as an adult.*"
- 2.4 Children and young people need to be provided the opportunity to learn how to save money, have knowledge in regard to the cost of living and how to manage their finances accordingly. This learning takes place over the course of their childhood, initially through the use of pocket money and also through financial incentives for completing certain tasks (these can range from small jobs around the home through to 'employment' opportunities as they mature). However, it also includes savings to be made in a more secure account that they have access to as they prepare for independence.
- 2.5 To support this the Government set up Child Trust Funds (CTFs) in 2002 which were replaced with Junior ISAs in 2011.
- 2.6 Child Trust Funds are required to be in place for children who have been in care for an unbroken period of 12 months or more. These are managed by The Share Foundation (TSF) until they are 18 and leave care, or when they leave care below 18yrs whereby the adult with parental responsibility takes over responsibility for the account. The money in a CTF belongs to the child however neither the child nor person with parental responsibility has access to the money. A child cannot take money out until they are 18 years old.
- 2.7 All younger children and young people who have been in care for one year or more will have been set up with a Junior ISA by the Government with an initial payment of £200 regardless of their legal order or placement type.

Bradford's Savings Policy

- 2.8 Bradford is committed to ensuring that every eligible child and young person looked after receives regular monthly payments into their Junior ISA (Child's Trust Fund). All children and young people who are in the care of Bradford Council for one year or longer are eligible for savings to be made into the Junior ISA.
- 2.9 Under Bradford's savings scheme £20 per calendar month is saved, therefore per annum each child/young person will have £240 saved.
- 2.10 There are a small number of children who are in the care of Bradford Council who would not be eligible for savings to be made into the Junior ISA. These are set out in the national guidance and relate to the following groups of children and young people:
1. Children and young people placed at home with parent(s) subject to a Care Order on the basis that:
 - Parents have a right to choose how they oversee savings arrangements for their child(ren).
 - Parents do not receive allowance from the local authority to fund weekly contributions for short or long term savings and may already have savings arrangements in place for their child(ren).
 - Child(ren) subject to these arrangements are likely to return to their parent(s) full time care, without a care order, in the short to medium term.
 2. Placed for adoption with adoptive parents on the basis that:
 - Adopters do not receive automatic allowances from the Local Authority to fund weekly contributions.
 - Adopters may already have savings arrangements in place for their child(ren).
 3. Receiving short term breaks under Section 20, on the basis that:
 - the child will not have been looked after for 12 months consecutively and parents retain parental responsibility for their child's needs.
 4. In residential education settings, whereby they return home to their parents on a weekend/ during school holidays, on the basis that:
 - the child will not have been looked after for 12 months consecutively and parents retain parental responsibility for their child's needs.
- 2.11 The final sum of the savings will depend on the rates of return provided by:
- Individual Junior ISAs;
 - The length of time a child is in care to the point when their care episode ceases;
 - The amounts of voluntary donations that the scheme partners can attract;
 - Any additional payments made into the Junior ISA by carers, parents or other relatives.

3. OTHER CONSIDERATIONS

- 3.1 For a period of time there will be some young people who have CTF's as there continue to be children and young people who are in care or entered care who are old enough to have benefitted from the CTF scheme. It will take a period of time for these to reduce so that children only fit the criteria for the Junior ISA.
- 3.2 Funding is already provided directly to Bradford foster carers and Bradford residential settings to put into a savings account for the young person they are caring for. This proposal will take the savings element out of that payment and be paid directly into a Junior ISA or Trust Fund.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 There are no anticipated financial implications based on the current cohort of Children Looked After.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 Not applicable.

6. LEGAL APPRAISAL

- 6.1 The Saving Accounts policy which is the subject of this report and the associated recommendation for the executive to adopt flows from a statutory guidance, 'Junior Individual Savings Accounts for looked after children in care' dated June 2022.
- 6.2 The statutory guidance is issued by the Department for Education (DfE) under section 7 of the Local Authority Social Services Act 1970, which requires local authorities in exercising their social services functions to act under the general guidance of the Secretary of State. The guidance states that 'this guidance should be complied with by local authorities when exercising these functions, unless local circumstances indicate exceptional reasons that justify a variation'.
- 6.3 Local Authorities are expected to comply with the June 2022 guidance. To this end guidance to independent reviewing officers has been issued under section 25B(2)(b) of the Children Act 1989. This guidance relates to section 22 of the Children Act 1989 and section 3(10) of the Child Trust Funds Act 2004 ("the 2004 Act").
- 6.4 Child Trust Funds were launched in 2005 and made available to all children born in the UK between 1 September 2002 and 2 January 2011. They have now been replaced by Junior ISAs. A number of council reporting responsibilities are set out in the consequential regulations to the 2004 Act.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

None.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

None.

7.3 COMMUNITY SAFETY IMPLICATIONS

None.

7.4 HUMAN RIGHTS ACT

Not applicable.

7.5 TRADE UNION

Not applicable.

7.6 WARD IMPLICATIONS

None.

7.7 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

This is a statutory requirement to assist central government to meet the needs of our children and young people in our care. This policy will ensure that these children and young people are not adversely impacted by being looked after.

7.8 ISSUES ARISING FROM DATA IMPACT ASSESSMENT

The data requested and being transferred to enable the implementation of the programme protected data is transferred from the Council to the Foundation. The Council and Foundation have ensured that all required measures are in place to ensure protection to such data.

8. NOT FOR PUBLICATION DOCUMENTS

8.1 None.

9. OPTIONS

9.1 Not applicable.

10. RECOMMENDATIONS

10.1 Executive are asked to approve the Savings Accounts Policy.

11. APPENDICES

11.1 Appendix A - Savings Policy including Junior Individual Savings Accounts (JISAs) and Child Trust Funds (CTFs).

12. BACKGROUND DOCUMENTS

12.1 None.

APPENDIX A

Savings Policy including Junior Individual Savings Accounts (JISAs) and Child Trust Funds (CTFs)

RELATED DOCUMENTS

[Child in Care Junior ISA](#)
[Child Trust Funds](#)
[The Share Foundation](#)

1. Why saving for a Looked After Child is important.

- 1.1 All young people placed in care placements are entitled to have a nominal amount of money put aside for them as savings during the length of their care experience. It is essential that children and young people looked after by Bradford Council have savings made available to them when they leave care and have had the opportunity to develop financial capability skills.

There is also statutory guidance underpinning savings for looked after children;

Fostering National Minimum Standard 16 states: children are prepared for, and supported into, adulthood so that they can reach their potential and achieve economic wellbeing.

The Childrens Homes Regulations, section 6.2 (VI) states: help each child to develop resilience and skills that prepare the child to return home, to live in a new placement or to live independently as an adult.

Children and young people need to be provided the opportunity to learn how to save money, have knowledge in regard to the cost of living and how to manage their finances accordingly. This is learning takes place over the course of their childhood initially through the use of pocket money and also through financial incentives for completing certain tasks (these can range from small jobs around the home through to 'employment' opportunities as they mature).

However, it also includes savings to be made in a more secure account that they have access to as they prepare for independence.

Purpose of Child Trust Funds and Junior ISAs

Child Trust Funds and Junior ISAs support children and young people to:

- Understand money and appreciate its value;
- Learn about managing their finances;
- Encourage them to think about financial planning and how to budget;
- Enhance their financial capability skills;
- Encourage them to save;
- Provide financial assistance to them in later life.

Savings should be discussed within the child in care reviews to ensure that there is consideration to supporting children and young people to learn how to use money over their lifetime in care.

2. What is a Child Trust Fund or Junior ISA

Child Trust Fund:

- 2.1 Child Trust Funds (CTFs) were introduced by the government in 2002 and replaced with Junior ISAs in 2011. They are tax-free savings and investment accounts for children. All children born between 1st September 2002 and 2nd January 2011 should have a Child Trust Fund in place opened by the person with parental responsibility claiming child benefit from the child's birth.

CTF Eligibility Criteria

To be eligible for a Child Trust Fund a child must have been:

- Born between 1 September 2002 and 2 January 2011;
- Has received Child Benefit or been looked after by a Local Authority, Health or Children's Trust;
- Under 18 years of age;
- Lived in the UK during that period and not subject to immigration restrictions;

In care for an unbroken period of 12 months or more.

Child Trust Funds for children in care for an unbroken period of 12 months plus are managed by the Share Foundation (TSF) until they are 18 and leave care or when they leave care aged under 18 and the responsible adult with parental responsibility takes over responsibility for the account. The money in a CTF belongs to the child, however neither the child nor person with parental responsibility has access to the money. A child cannot take money out until they are 18 years old.

A young person aged 16 or 17 can request to manage their own account by emailing: info@sharefound.org. TSF can also provide annual statements.

[Click here to access information leaflets.](#)

Unaccompanied asylum seeking children (UASC) of Child Trust Fund age may be eligible for a Junior ISA rather than a Child Trust Fund.

2.2 Child Trust Fund Accounts for Young People Aged 16+ in Care Less Than 12 Months

Young people can use the Share Foundation online form to find their CTF. Please see here: [Young person's simplified CTF Search \(Age 16 or over only\)](#). The Share Foundation email for queries is CTF@sharefound.org.

The National Insurance number, names and DOB are required to complete the online form. The telephone number for obtaining National Insurance numbers is 0300 200 3500.

The Share Foundation will respond to confirm which provider holds the Child Trust Fund. If further information is needed they will contact the young person by phone, email or post.

Junior ISA Eligibility Criteria

In November 2011, the Government introduced a Junior ISA scheme to support long term savings for all children who are looked after continuously for 12 months or more.

For each eligible child in care the Government pays £200 into a Junior ISA.

To be eligible, a young person must be:

- Under 18 years old;
- Continuously looked after for at least 12 months;
- Resident in the UK
- Children born between 1 September 2002 and 2 January 2011 are entitled to a Child Trust Fund. These can be converted into a Junior ISA (unless UASC);

Not in respite care.

2.3 Who Manages the Junior ISA Account?

For children up to the age of 16 years, the Share Foundation will manage and oversee the Account. Information on the account should be made available to the child/young person regularly so that they are fully aware of the savings that are being put aside on their behalf.

A young person aged 16 or 17 can request to manage their own account by emailing: info@sharefound.org. The Share Foundation can also provide annual statements.

When a young person, under the age of 18, is discharged from care, a discussion needs to take place with the person with parental responsibility to let them know there is an account and that they will receive information about it. This discussion must be recorded on the child's electronic file.

Further information is available on [The Share Foundation's website](#)

3. Who is eligible for savings to be made into their Junior ISA / Child Trust Fund?

All young children and young people who have been in care for one year will have been set up a Junior ISA by the Government with an initial payment of £200 regardless of their legal order or placement type.

Bradford is committed to ensuring that every child and young person looked after receives regular monthly payments into their ISA (Child's Trust Fund).

Under Bradford's savings scheme £20 per calendar month will be saved, therefore per annum each child/young person would have £240 saved.

All children and young people who are in the care of Bradford Council for one year and are not listed in the exclusions below are eligible for savings to be made into the Junior ISA.

1. Children and young people placed at home with parent(s) subject to a Care Order on the basis that:
 - Parents have a right to choose how they oversee savings arrangements for their child(ren)
 - Parents do not receive allowance from the local authority to fund weekly contributions for short or long term savings and may already have savings arrangements in place for their child(ren).
 - Child(ren) subject to these arrangements are likely to return to their parent(s) full time care, without a care order, in the short to medium term.
2. Placed for adoption on the basis that:
 - Adopters do not receive automatic allowances from the Local Authority to fund weekly contributions.
 - Adopters may already have savings arrangements in place for their child(ren).
3. Receiving short term breaks under Section 20, on the basis that:
 - the child will not have been looked after for 12 months consecutively and parents retain parental responsibility for their child's needs.
4. In residential education settings, whereby they return home to their parents on a weekend/ during school holidays, on the basis that:
 - the child will not have been looked after for 12 months consecutively and parents retain parental responsibility for their child's needs.

The final sum of the savings will depend on the rates of return provided by –

- Individual Junior ISAs
- How old the child is when the account is first opened (the age they are when their care episode ceases)
- The amounts of voluntary donations that the scheme partners can attract
- Any additional payments made into the Junior ISA by carers, parents or other relatives.

The Share Foundation will receive the money and will pay directly into each child/young person's account.

NOTE: To ensure this transaction can take place the Share Foundation has to be the Responsible Adult overseeing the account.

If there has never been notification that there is a Responsible Adult overseeing the account, it is automatically overseen by the Share Foundation.

Savings payments would stop at 17 and 11 months. This is due payments into the Junior ISA/CTF not being able to be made once the young person turns 18. The money would be returned.

The total sum that would be saved will not exceed any limitations set by the Government when considering savings when making claims for Universal Credit, even if an entire childhood was spent in the care system. Nor would the total amount be above the £9000¹ that can be saved within each financial year the Junior ISA exists.

3.1 What happens in the Event of a Child Death or terminal illness whilst in Care?

'Terminally ill' means the child or young person have a disease or illness that's going to get worse and are not likely to live more than 6 months. In this case, if the child has been assessed by medical experts as having less than 6 months left to live the Junior ISA account can be accessed to provide funds to improve the child's care in their last months. In such circumstances and after authorisation by Bradford, an appropriate person (who specifically?) should contact The Share Foundation to discuss the process for claiming the funds. In all cases The Share Foundation will require a copy of the medical opinion.

[Click here for advice](#)

For a deceased child whilst in care the money in the Junior ISA or Child Trust Fund becomes part of their estate and will become the property of whoever is entitled to that estate. This will usually be the next of kin. After

¹ Note: this figure may be reviewed annually

authorisation by the authority, the next of kin are asked to contact us to start the procedure for claiming the accounts. They will be asked to provide proof of identity and entitlement to the funds as well as a copy of the death certificate. Has legal overseen this section as there are some restrictions on benefitting from another's estate e.g. crime been committed against persons deceased and benefitting from their estate?

5. Can additional financial contributions into a Junior ISA or Child Trust Fund be made where the account is managed by the Share Foundation?

Ultimately anyone can contribute to a Child Trust Fund or Junior ISA up to the sum of £9,000² per tax year. A contribution form can be accessed online [here](#) for the accounts of young people (in care only) managed by the Share Foundation.

² *Note: this figure may be reviewed annually

Appendix 1

Child Trust Fund and Junior ISA Checklist for Social Workers and IROs

Has the child been in care continuously for more than 12 months?

If yes, they are eligible for a Child Trust Fund or Junior ISA managed by The Share Foundation.

Has this been reflected in the child's Care Plan and discussed at the Child in Care Review?

Do you know the details for the Child Trust Fund or Junior ISA?

For CTF or JISA account details for children in care continuously for 12 months the details are with the data analyst team).

For CTF for children in care under 12 months please see guidance.

Who is the responsible adult with parental responsibility (PR) for them who is managing the *Child Trust Fund* on their behalf?

The Share Foundation will manage the account while the child is in care until the child is either 16 and takes over responsibility for the CTF or until 18 years when it changes to an adult ISA.

Or

Contact the responsible adult with PR to confirm if they want to manage the Child Trust Fund account on behalf of the child and supply the Data Analyst Team with the name of the responsible adult with PR.

Note: TSF will manage *all JISA accounts* until a child leaves care or becomes 16 and wishes to take control of the account themselves.

Aged 16 or Over?

A young person (aged 16 or over) who has been in care continuously for 12 months or more can take control of their account by completing one of the following online forms:

Age 16 & 17:

Web: [Sharefound.org](https://www.sharefound.org)

Email: CTF@sharefound.org

Turns age 18 after 1 September 2020

Web: [Sharefound.org](https://www.sharefound.org)

Email: CTF@sharefound.org

A care leaver who became age 18 before 1 September 2020 (born since 3rd January 1994):

Web: [Sharefound.org](https://www.sharefound.org)

Email: info@sharefound.org

Note – if the Responsible Adult for the CTF or Junior ISA is not the Share Foundation then this will mean that saving payments cannot be made by Bradford.

In care less than 12 months with a CTF?

Young people can use the Share Foundation online form to find their CTF. Please see here: [Young person's simplified CTF Search \(Age 16 or over only\)](#). The TSF email for queries is CTF@sharefound.org

They need their National Insurance number, name and DOB to complete either form. Reflect the discussion and plan for this within the young person's Pathway Plan.

Making a contribution to the Child Trust Fund or Junior ISA for a child in care continuously for more than 12 months?

See Section 7 of the Child Trust Fund and Junior ISA guidance. Ensure any contributions are reflected on the child's file and carers and family members are notified of this process to encourage contributions. A [contribution form can be accessed here](#).

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