

Agenda for a meeting of the Regeneration and Environment Overview and Scrutiny Committee to be held on Tuesday, 5 September 2023 at 5.30 pm in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN	LIBERAL DEMOCRAT
K Hussain Rowe Wheatley Kauser Mitchell Steele	Herd	Watson	R Ahmed

Alternates:

LABOUR	CONSERVATIVE	GREEN	LIBERAL DEMOCRAT
Mohammed Choudhry Dodds S Khan	Davies	Warnes	Griffiths

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
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To:

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A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

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

2. DISCLOSURES OF INTEREST

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

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

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

Notes:

- (1) *Members must consider their interests, and act according to the following:*

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

interest; in which case speak on the item only if the public are also allowed to speak but otherwise do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 18 July 2023 be signed as a correct record (previously circulated).

(Su Booth / Louis Kingdom – 07814 073884 / 07890 416570)

4. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE

Any referrals that have been made to this Committee up to and including the date of publication of this agenda will be reported at the meeting.

5. 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.

(Su Booth / Louis Kingdom – 07814 073884 / 07890 416570)

B. OVERVIEW AND SCRUTINY ACTIVITIES

6. HOUSING GROWTH AND DELIVERY OF AFFORDABLE HOUSING UPDATE REPORT 1 - 14

The report of the Strategic Director, Place (**Document “H”**) will be submitted to provide Members with an update on the Housing Enabling and Growth agenda, the opening of the Housing Revenue Account and accelerating the delivery of Housing (including Affordable Housing) across the District.

Recommended –

That the report be considered and that Members request a further update on housing growth in 12 months.

(Angela Blake – 01274 432589)

7. EMPTY HOMES UPDATE 15 - 28

The report of the Strategic Director, Place (**Document “I”**) will be submitted to provide an update on the Council’s empty homes programme of work.

Recommended –

That the report be noted and Members request a further update on the work of the Empty Homes Team in 2 years.

(David North – 01274 437629)

8. HIGHWAYS SERVICES FUTURE PROCUREMENT PROGRAMME (2023-2025) 29 - 38

The report of the Strategic Director, Place (**Document “J”**) will be submitted to the Committee to provide information and to advise Members on the Highways Services Procurement plans for the financial years 2023/4 and 2024/5.

Recommended –

That the report be noted.

(Richard Gelder – 01274 437603)

9. BUILDING CONTROL SERVICES MEASURES IMPLEMENTATION REPORT 39 - 44

The report of the Strategic Director, Place (**Document “K”**) will be submitted to the Committee to provide an overview of the measures that Building Control Services have implemented and will implement in

response to a decision made by the Local Government Ombudsman to a complaint received about the outcome of a resident's application process for construction work inspected by Bradford Council's Building Control Service.

Recommended –

That the Committee note the actions in the report, which would allow Building Control Services to inform the LGO that their requirements have been met.

(Chris Eaton – 01274 432483)

10. WORK PROGRAMME

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The report of the Chair of the Regeneration and Environment Overview and Scrutiny Committee (**Document "L"**) will be submitted to present the Committee's Work Programme for 2023/24.

Recommended –

That the Work programme 2023-24 continues to be regularly reviewed during the year.

(Caroline Coombes – 07970 413828)



Report of the Strategic Director, Place to the meeting of Regeneration and Environment Overview and Scrutiny Committee to be held on 5 September 2023

H

Subject:

Update on Housing Growth and the Delivery of Affordable Housing

Summary statement:

This report provides an update on the Housing Enabling and Growth agenda, the opening of the Housing Revenue Account and accelerating the delivery of Housing (including Affordable Housing) across the District.

EQUALITY & DIVERSITY:

The provision of new and good quality affordable housing in the District has a positive impact on those groups and individuals who suffer multiple disadvantages associated with inadequate housing. All housing will be designed to meet the Council's 'Homes and Neighbourhoods - A Guide to Designing in Bradford' which provides for enhanced accessibility standards meaning they are suitable for people with a disability and more flexible and adaptable to meet the needs of current and future generations.

Angela Blake
Assistant Director of Economy and
Development

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Portfolio:

Regeneration, Planning & Transport

Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

- 1.1 Housing growth is central to the economic wellbeing and prosperity of the District. A housing offer which meets the needs and aspirations of our residents but is also attractive to investors and employers in making their investment decisions is pivotal to achieving our economic growth ambitions.
- 1.2 The Council Plan identifies 'Decent homes that people can afford to live in' and 'Ensuring the supply of homes is the right type and location to meet demand' as key priorities for the District. The Council has been a contributor to the delivery of affordable homes in the district over the last decade; the housing stock currently stands at 408 homes. These homes were delivered, with the permission of Government, outside of a Housing Revenue Account.
- 1.3 Government Guidance published on 14 March 2019 requires local authorities to open a HRA where their stock exceeds 200 units.

The Council's Executive approved the opening of a Housing Revenue Account at its meeting of 1 November 2022. This came into effect on 1 April 2023.

- 1.4 Further, the West Yorkshire Mayor's primary ambition for housing is to provide at least 5,000 affordable homes over the next three years in West Yorkshire. The Council is keen to facilitate and increase the delivery of quality housing in the District and to support the Mayor Pledge to increase the supply of affordable housing.

2. BACKGROUND

- 2.1 The Council is committed to ensuring the supply of homes is the right type and location to meet demand.
- 2.2 The Council has an existing Housing Strategy 2020 – 2030 which clearly sets out the priorities and an action plan to accelerate high-quality housing growth. The Strategy set its vision against 3 key themes:

1. More Homes
2. Quality Homes & Neighbourhoods
3. Homes for All

To supplement the Housing Strategy, the Council have commissioned a Housing Enabling Strategy (HES) to set out the detailed mechanisms of how to practically implement sustainable housing solutions. This enabling approach will also consider where the Council's Housing Revenue Account (HRA) can support Bradford's overarching strategy.

- 2.3 The Bradford Strategic Housing Market Assessment (SHMA) 2019 identified an overall housing need of 1,703 homes per year, 441 (26%) of which should be affordable. However, CBMDC are falling behind this target with an average delivery of below 14% over the past 7 years. The Council's Housing Delivery Test demonstrated a 1,139 disparity between the number of homes required and the number of homes delivered as of January 2022.

2.4 The Council is addressing this through a long-term strategy by looking to allocate land for more housing within sustainable locations through the Local Plan. However, viability challenges exist, and it is particularly challenging in relation to Brownfield land due to site abnormalities (such as contamination), lack of developer interest, absent landowners etc. This Housing Enabling Strategy (HES) will set-out the ways that CBMDC can facilitate to address the issues.

2.5 Housing Revenue Account – Business Plan

Increasing the supply of affordable housing owned by the council, within the HRA could increase the district's supply of affordable housing. A new-HRA business plan, adopted by the council prior to opening of the HRA during April 2023, shows three growth scenarios up to a possible stock over 800 by 2028:

Several factors will impact upon this aspiration, including site availability, interest in developing in the District shown by developers, availability of grant from the West Yorkshire Combined Authority, Homes England grant, affordable rent levels and construction cost inflation. However, there is an opportunity to grow the council's stock sustainably and help increase the supply of available affordable housing alongside the work of Housing Associations.

2.6 Housing Pipeline using Council Surplus Sites

The Council can play an important role in supporting and enabling new development delivery and economic growth by using its land supply and at the same time support a range of policy priorities such as the need for affordable housing, housing to meet the needs of a particular client group or providing new, suitable accommodation for business use.

To this end, a comprehensive review of sites in council ownership that have been declared surplus to requirements has taken place. This will be utilised to develop a pipeline of sites suitable for housing to enable us to take a strategic approach to land and assets; one that ensures best use of land to meet our strategic objectives and prioritises and maximises housing outputs.

This will include assessing the merits of packaging sites for disposal and development i.e., where some sites are deemed to attract higher risk in terms of demand, values or ground conditions to be packaged with less challenging sites. This will also include activity to de-risk sites by undertaking more intrusive ground investigations or site enabling works in order to accelerate delivery and/or maximise the capital receipt.

2.7 Housing Revenue Fund – Surplus Sites Package

The Council secured £126k funding through the WYCA Housing Revenue Fund to undertake site appraisals on six surplus council owned sites, suitable for disposal for housing development. The sites will deliver circa 200 homes, a percentage of which may go into the Housing Revenue Account, thereby providing additional social housing.

A number of council sites have been identified, that have the potential to deliver much needed housing across the District. A further 10 sites have been put forward to WYCA with the aim of securing further funding through the Housing Accelerator Fund (previously the Housing Revenue Fund) to ensure that we have a rolling programme of deliverable sites coming forward.

A soft market test exercise is currently being prepared to gauge developer interest.

2.8 New Bolton Woods

New Bolton Woods (NBW) is a long-term development and regeneration project (circa 1500 units) building on the existing Bolton Woods village with the aim of establishing a new, larger and socially sustainable community in an area covering some 170 acres, in which the control of the major development land ownerships split between the existing Bolton Woods Quarry and Canal Road Urban Village Ltd., (CRUVL).

CRUVL is an asset based joint venture company (JVCo) established in 2010 by the Council and a private sector development company, Urbo Regeneration Ltd., to promote and deliver the development of its land ownership to help create the New Bolton Woods neighbourhood within the Centre Section of the priority Bradford-Shipley Canal Road Regeneration Corridor.

2.8.1 Progress to Date

A development masterplan for the CRUVL element of the NBW Area was prepared and received outline planning permission in 2015, that alongside new housing development also proposed the creation of a neighbourhood local centre that would provide economic, shopping, and social amenity for the NBW community. The JVCo has already progressed the following elements of the general Masterplan proposals:

- (i) Two phases of residential development producing 200 new homes, including approximately 80 affordable housing units.
- (ii) A phase of commercial development that will anchor the new Local Centre element of the NBW neighbourhood 2018/19, that has provided some 3,000 sq. m of retail/commercial space off Stanley Road, including a Costa Coffee operation and an Aldi food store that opened in January 2020. This phase that will anchor the new Local Centre element of the NBW neighbourhood and will be complimented by future phases of further retail, healthcare, business, and housing space in later phases of the scheme.

Alongside the CRUVL element of the NBW scheme, outline planning permission was secured for the reclamation and development of the Bolton Woods Quarry site to provide up to 700 additional new homes.

2.8.2 Going Forward

Work is ongoing between Economy & Development Services (EDS) and our CRUVL colleagues in delivering further phases of the NBW scheme. This has involved dialogue with the Council's public sector partners WYCA and Homes England, who have identified the Canal Road Corridor as a Spatial Priority Area and are interested in collaborating with the Council and its JV partner on future elements of the scheme. Due to the challenging residential development market conditions that exist in parts of the Bradford District, particularly the inner urban areas, the support of these primary Public Sector partners will be essential if such developments are to progress to early delivery on a financially viable basis.

Emphasis is being placed on trying to bring forward proposals of a Ph4 of the NBW scheme in partnership with the owners of the adjoining Bolton Woods Quarry (BWQ) as the largest plot in that scheme of some 400 units can only be accessed through the CRUVL NBW Ph4 site.

The principal approach agreed by all parties is that this should be on a partnership basis both in terms of securing the maximum number of homes provided overall and establishing the most economically efficient and viable delivery mechanism. CRUVL and the preferred developers of the quarry site are actively engaged in exploring the best approach to establishing this partnership arrangement but with several issues including low market values and excessive abnormal costs attached to adverse topographical issues, site remediation/preparation and infrastructure costs affecting the overall viability of the proposals (on both an individual site and combined comprehensive development basis) it is recognised by both parties that any future delivery will almost certainly be dependent on significant Public Sector funding interventions.

As such the Combined Authority (CA) have funded essential feasibility, highway design and masterplanning works that will inform the process of producing an agreed comprehensive development scheme and delivery/funding mechanism that meet the requirements of all parties. It is anticipated that these measures will enable the two inter-related development schemes to move forward to delivery in 2024/25 and beyond.

2.9 City Village

The scheme's primary aim is to transform what was the historic shopping and trading area of the City and create a new City 'Village' - a green, healthy, sustainable and community friendly neighbourhood of 1,000 new homes that with the new Darley Street Market, safer roads, landscaped public spaces, revitalised independent shopping, and business spaces will become a place where people will choose to live, work and thrive and where businesses will want to invest, trade and grow.

The appointment of the English Cities Fund (ECF) to take the City Village scheme forward was announced at the UKREiif on the 16th May and the next steps will involve the following stages of work: ECF comprises of Morgan Sindall (Muse Developments), Legal and General and Homes England.

Stage 1: Pre-Development Management Services Agreement. a preliminary agreement with Muse and ECF involving pre-development works including public

consultation on the visioning of the City Village scheme, preparation of an agreed masterplan for City Village, scheme design, project planning together with a demolition, funding, and investment strategy. ECF will lead and manage this process in close collaboration with the Council and its public partners, Homes England, and West Yorkshire Combined Authority. It is anticipated that the Stage 1 works will be completed by December 2023.

Stage 2: Development Agreement. Subject to the satisfactory completion of Stage 1, the identification of an agreed funding and financing strategy and Executive approval. Stage 2 will involve the Council entering into a Development Agreement(s) with Muse/ECF to execute the implementation of the masterplan. It is hoped that demolition works, and a first phase of new housing construction may be commenced by early 2025.

2.10 Local Authority Housing Fund

The Local Authority Housing Fund Round 1 was launched by Government on January 9, 2023.

Bradford Council was allocated funding by Government to purchase 30 properties for people that have arrived under Afghan and Ukrainian Schemes. The Council has acquired 24 properties (3 x 2 bedrooms and 21 x 3 bedroom. The Council is also looking to purchase a further 4 x 4+ bedroom properties. The former is for the Afghan and Ukrainian households; the latter are for the Afghan households.

The council provided match funding of circa £3.3m to deliver the acquisitions. However, the properties will generate a robust rental stream and once no longer required for resettlement, will become part of the council's general needs housing stock, thus assisting to achieve the objectives of the HRA Business Plan.

During March 2023, it was announced that the Local Authority Housing Fund would be expanded by £250 million for a second round of funding (LAHF R2), with most of the additional funding used to house those on Afghan resettlement schemes (ARAP/ACRS) currently in bridging accommodation and the rest used to ease wider homelessness pressures.

2.11 WYCA Investment

In July 2020 the West Yorkshire Combined Authority (WYCA) secured £67m of funding from the government's Brownfield Housing Fund (BHF). The four-year Programme aims to help the building of a minimum of 4,500 new homes across West Yorkshire on brownfield land, delivering much needed housing and boosting the region's economy. The BHF offers grant funding to assist new housing to be developed on brownfield sites on a financially viable basis and is available to both Local Authorities and private developers/housebuilders alike. Following the Levelling Up White Paper in February 2022, an additional allocation of £22m was offered to the BFH Fund to deliver more homes across the Region".

To date four Bradford projects have been approved to receive BHF funding that collectively will deliver some 270 new homes including 139 social housing units. Three other Bradford projects are also currently being worked on within the

WYCA governance process, including phases within the New Bolton Woods regeneration scheme, and Council officers continue to work with potential developers/housebuilders and the Combined Authority to try and bring forward more projects into the programme.

2.12 Housing Completions

The adopted Core Strategy (Policy HO1) has a total housing requirement of at least 42,100 new dwellings over the plan period 2013 to 2030 which equates to 2,476 dwellings per annum. The Council has consulted through the emerging new Local Plan on a lower housing requirement of 1,704 dwellings per annum based on the Government Standard Method but without the application of the urban uplift variable.

As shown in the Table below, the total net additional dwellings built in Bradford between 1 April 2013 and 31 March 2021 was 9,266 which equates to approximately 1,158 dwellings per annum (average) over the eight-year analysis period.

Year	Core Strategy Requirement	Actual No. of Dwelling completions (net)*	Difference (+/-)
2013 -2014	2,476	874	-1,602
2014 – 2015	2,476	1,134	-1,342
2015 – 2016	2,476	907**	-1,569
2016 – 2017	2,476	1,488	-988
2017 – 2018	2,476	1,642	-834
2018 – 2019	2,476	1,689	-787
2019 – 2020	2,476	1,010	-1,466
2020 - 2021	2,476	522***	-1,954
Total		9266***	-10,542

Source: Bradford Metropolitan District Council *The figures shown are final figures used by CLG to calculate Bradford's Housing Delivery Test. **Please Note – the official CLG 'net additional dwellings' live tables for year 2015/16, shows an inaccurate net completion figure of 907. Although the Council has tried to have this changed to the correct figure of 1,338 completions for 2015/16, the inaccurate 907 figure remains on public record. The CLG tables are available at <https://www.gov.uk/government/collections/net-supply-of-housing>. ***Figure subject to change when CLG release figures for the Housing Delivery Test early 2022

2.12.1 Affordable Housing Completions

Policy HO11 (Affordable Housing) of the Core Strategy includes a target of 20-25% of total gross housing completions should be affordable housing.

As shown in the Table below, the total gross affordable housing completions in Bradford between 1 April 2013 and 31 March 2021 was 1,731 which is just under 14 per cent of the total housing completions which is below the Core Strategy target.

Year	Total no. of Dwelling completions (gross)	Affordable housing completions (gross)	Percentage (%)
2013 – 2014	1,449	279	19.25
2014 – 2015	1,621	258	15.92
2015 – 2016	1,625	92	5.66
2016 – 2017	1,686	194	11.51
2017 – 2018	1,775	274	15.44
2018 – 2019	1,923	267	13.88
2019 – 2020	1,634	309	18.91
2020 – 2021	755	58	7.68
Total	12,468	1,731	13.88

Source: City of Bradford Metropolitan District Council

2.12.2 Five Year Housing Land Supply

This 5 Year Housing Land Statement (5YHLS) provides an update on the housing land supply position for the period 2022 to 2027. The data within it is base dated to 31st March 2022 and updates the previous statement published by the Council in January 2021. The statement and calculations within it follow the guidance provided by the Government within the NPPF and NPPG. It describes the position relating to the scale and nature of the supply of deliverable housing land within Bradford District and the data and assumptions which underpin it.

The statement concludes that the 5year land supply requirement is 21,960 homes and the supply of deliverable sites as 9,130 homes which amounts to a 2.08-year (41.6%) supply. This represents a slight increase on the previous position for the period 2020-2025 where the supply was 2.03 years.

3. OTHER CONSIDERATIONS

Central Government measures designed to help housing growth have widespread disparity, especially across West Yorkshire, where viability challenges impact the ability to secure funding through some of these government initiatives.

Most Government Funding programmes require a significant level of match funding from Local Authorities, which is challenging in the current fiscal climate and thereby impacting our ability to secure funding to accelerate the delivery of housing across the District.

Austerity measures since 2010, which has seen a reduction in Local Authority budgets and a reduction in Government Funding, has severely impacted on the ability to drive an accelerated housing delivery programme.

4. FINANCIAL & RESOURCE APPRAISAL

- Financial issues are covered in the body of the report as relevant

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- Risk and governance issues will be managed.

6. LEGAL APPRAISAL

- There are no general legal issues arising from this report. Each individual project will have legal advice and support as required.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

All new housing developments will be constructed to meet the Building Regulations. All housing will be designed to meet the Council's 'Homes and Neighbourhoods - A Guide to Designing in Bradford' which aims to make new homes and neighbourhoods more sustainable and healthier places to live. Most of the properties delivered through the Council's new build programme have been designed and constructed with a 'fabric first' approach to the building envelope. This involves maximising the performance of the components and materials that make up the building fabric itself before considering the use of mechanical or electrical building services. Through good design, effective construction and aftercare we seek to make homes healthier and more enjoyable to live in - socially sustainable - and cheaper to run - economically sustainable. Further, providing homes that are climate-proof and energy efficient will help to minimise greenhouse gas emissions, reduce the running costs for our customers and mitigate against the impact of fuel poverty on our communities. We are also designing for adaptation to extreme weather and considering flood-risk, heatwaves and other risks to homes and the built environment. When disposing of Council land for housing delivery, the Council can elect to stipulate standards (energy efficiency / sustainability) to be achieved in respect of the development.

7.2 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

All new housing developments are constructed to meet the Building Regulations. All housing will be designed to meet the Council's 'Homes and Neighbourhoods - A Guide to Designing in Bradford' which aims to make new homes and neighbourhoods more sustainable and healthier places to live. Most of the properties delivered through the Council's new build programme have been designed and constructed using 'Fabric First' principles; concentrating on improving the airtightness of the building fabric and the thermal performance of the structure results in reduced heat loss, carbon emissions and ultimately, savings on energy consumption thereby helping to minimise running costs to tenants. Electrical vehicle charging points have been included within all our recent developments. Further, many of the properties benefit from a Mechanical Ventilation Heat Recovery

(MVHR) system. It provides a constant supply of fresh filtered air for a healthier indoor air quality environment but also contributes to a reduced carbon footprint. The MVHR is designed to recover and re-use up to 95% of the waste heat within the property and filters the incoming fresh air. This is reputed to result in improvements for asthma sufferers but also benefits those with bronchitis, hay fever and chronic obstructive pulmonary disease (COPD). Further, it is reported that an MVHR helps to control moisture and condensation reducing instances of damp and mould growth, known to affect health and wellbeing.

7.3 COMMUNITY SAFETY IMPLICATIONS

There are no direct community safety implications; however, the delivery of housing growth and regeneration does seek to support the creation of safe, welcoming and sustainable neighbourhoods.

7.4 HUMAN RIGHTS ACT

The relevant Human Rights Act protections are the right to a private and family under article 8 and the right to free enjoyment of property under article 1 of protocol 1. The Council also has regard to good practice in housing particularly those that adhere to guidance contained in: 'Deciding Rights - Applying the Human Rights Act to Good Practice in Local Authority Decision-Making' (LGA).

7.5 TRADE UNION

No Trade Union implications have been identified.

7.6 WARD IMPLICATIONS

There are no specific ward implications as delivering housing growth is district-wide in its focus and will be led by land availability and intelligence on sites. Increasing housing supply that meets the needs and aspirations of the district will however generate social and economic benefits across all wards and localities.

7.7 AREA COMMITTEE LOCALITY PLAN IMPLICATIONS (for reports to Area Committees only)

None.

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

More Homes, Quality Homes, Homes for All are key priorities, increasing housing supply provides more opportunities for young people to find housing and remain in the communities in which they feel a belonging and a comfort.

Masterplanning work on proposed key spatial priority sites will consult with residents to ensure that we build neighbourhoods that meet the needs of our local communities.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

No specific issues arising from this report.

8. NOT FOR PUBLICATION DOCUMENTS

Not Applicable.

9. OPTIONS

9.1 Option 1 – that the Committee consider the report.

9.2 Option 2 – that the Committee considers the report and requests a further update on Housing Growth in 12 months.

10. RECOMMENDATIONS

That the Committee considers the report and requests a further update on Housing Growth in 12 months.

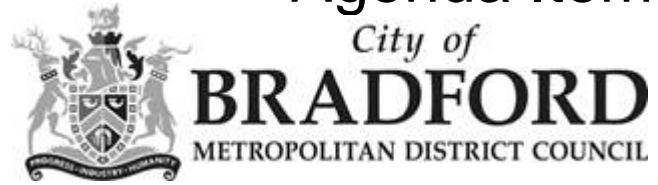
11. APPENDICES

None.

12. BACKGROUND DOCUMENTS

➤ None

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Report of the Strategic Director of Place to the meeting of Regeneration and Environment Scrutiny Committee to be held on the 5th September 2023

I

Subject:

Empty Homes Update

Summary statement:

This report provides an update on the Council's empty homes programme of work.

EQUALITY & DIVERSITY:

Bringing empty properties back into use has a positive impact on those groups and individuals who suffer multiple disadvantages associated with inadequate supply of housing.

In taking action to bring empty properties back into use the Council is always mindful of its Public Sector Equality Duty (PSED). Before taking any action, formulating or applying policy and exercising discretion the Council will always decide the extent to which the aims of the PSED are relevant and whether people with a protected characteristic may be impacted.

Decisions relating to the use of enforcement action are taken on a case by case basis and relate to a property and the need to bring it back into use.

However, where a specific case involves a person with a recognised shared characteristic, appropriate action will be taken to ensure that the information provided and support given ensures they are not placed at a disadvantage with regard to the process.

David Shepherd
Strategic Director of Place

Portfolio:

Regeneration, Planning and Transport

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Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

This report provides an update on the Council's empty homes programme of work.

2. BACKGROUND

2.1 First and foremost the Local Authority has a statutory responsibility to deal with various matters relating to empty residential dwellings, these include (with examples) the following;

- The prevention of statutory nuisance from an empty property, such as defects which cause the ingress of dampness to a neighbouring property or the temporary removal of a water supply to an occupied property on a shared supply, usually as a result of the supply being interrupted (turned off) or a defect such as a frozen supply pipe;
- Securing empty properties against unauthorised entry;
- Resolving defective drainage, such as defective rainwater goods / gutters resulting in dampness issues;
- The prevention of damage by pests, such as pigeons nesting in empty properties, infestations of pests and / or vermin (most commonly from overgrown gardens or dilapidated outbuildings).

2.2 Furthermore, the provision of quality and affordable housing and communities and neighbourhoods where people want to live is a key strategic priority within both the District Plan and the Council Plan. Tackling empty homes in the district contributes towards the issues of housing supply, housing quality and creating neighbourhoods which are clean and where people feel safe.

2.3 As the district has over 226,000 residential properties it is recognised that there are always a number of homes that are empty due to people moving home, ending tenancies, etc. Known as "transactional" empties, these properties are generally empty for less than six months (however due to the current housing market it is not uncommon for properties to remain empty for up to 12 months whilst being sold). These properties do not generally need any intervention from the Housing Service so resources are focussed on properties that have been empty for more than six months (known as long term empties). However, the statutory responsibility relating to empty properties applies irrespective of how long an empty property has been vacant for.

2.4 The responsibility and work around empty homes applies to properties of all ownership, both privately owned or social housing, however activity tends to be lesser in social housing as social housing providers generally take more responsibility for their stock and empty properties are usually as a result of a planned programme of lettings or strategic replacement.

The team does not have responsibility for empty commercial properties however will become involved in buildings which have a mixed use, i.e. a flat over a shop. Colleagues in the Environmental Health Service have responsibility for the enforcement around securing empty commercial buildings against unauthorised entry.

- 2.5 The empty homes function forms part of the wider Empty Homes and Loans Team within the Housing Service. For the purposes of this report, the staff dealing with empty homes will be referred to as the Empty Homes Team. The team consists of 3 Environmental Health Officers (2 FTE) and 2 Empty Homes Advisors.
- 2.6 The team has a very close connection with and works very closely with the Council's Revenues and Benefits Service (Council Tax) as this is the main source of statistical information relating to whether the Council 'classes' a property as empty and in which category. The team provides support to the Council Tax team in confirming that a property is empty but not a wider inspection service determining occupancy as this is a Council Tax function.
- 2.7 All local authorities provide a statistical return to central government on an annual basis (in October) of data extracted from the Council Tax database. This includes data on empty properties such as the total number of empty properties and the number of long term empty properties. Long term empty properties, for these purposes, are classed as any property empty for 6 months or more. These figures are published by central government and provide the Council's official position.
- 2.8 At October 2022 there were 3,416 long term empty properties compared with 7,302 long term empty properties in 2009, therefore the current figure shows a reduction of 3,262 long term empty homes since 2009.

3. REPORT ISSUES

- 3.1 The scale of the issue with empty homes can be partly represented by the number of them in the district, although the scale of the issues they create and the impact that it has on the neighbourhood, community and residents when a long term empty property is brought back into use is harder to represent and is immeasurable. The following points demonstrate the scale and nature of the empty homes landscape in the district.
- 3.2 Understandably, data and figures fluctuate from month to month, especially those relating to the housing market and empty properties. At July 2023, 3,484 empty properties have been empty for more than six months (long term). For those, the length of time they have been empty for is summarised below (including a comparison with 2020 data):

Length of time empty	Number of properties (2020)	Number of properties (2023)	% of long term empty properties (2023)
6 months – 1 year	1,559	1,157	33.2
1 - 2 years	1,345	1,160	33.3 (increase)
2 - 3 years	444	416	11.9 (increase)
3 - 5 years	467	378	10.9
5 - 10 years	264	242	6.9
Over 10 years	189	131	3.8
Total	4,268	3,484	

- 3.3 Of the 3,484 long term empty properties in July 2023, 2,481 properties were owned by individual owners, i.e. owners that only own one property. A further 137 owners only own two properties, 35 owners own three properties and 11 owners own 4 each (and so on). What this demonstrates is that, overwhelmingly, empty properties in the Bradford district are owned by people who are not large portfolio holders or landlords operating multiple properties, they are individuals who own single properties, most commonly as a result of inheritance, a family or relationship breakdown, older people going into care, financial difficulties, etc. There are some larger 'portfolio' holders that own 10 or more properties however these are very small in number (14).
- 3.4 The most significant portfolio owner in the district is Incommunities Housing Group, being the largest stock owning housing association in Bradford. Some of Incommunities strategic long term investment / regeneration plans currently contribute to the number of empty homes in Bradford. At July 2023, Incommunities owned 201 empty properties in the district, 147 of which are long term empty properties (empty for longer than six months). 79 of these units are flats contained within a development which is earmarked for demolition in 2024 and there are a smaller number located in other buildings where feasibility assessments are being carried out for either renovation or demolition. Incommunities have initiated a programme of review for all of their longer term empty properties with a view to categorising them for action in the future, this being either demolition, renovation, reconfiguring with adjoining properties, and so on.
- 3.5 The Council maintains close contact with Incommunities regarding their empty properties, their long term strategy and opportunities to work in partnership on either their own empty properties or privately owned properties.

In particular, the Council initially offers any property acquired through either compulsory purchase or voluntary acquisition that is located on the ex-local authority housing 'estates' to Incommunities for purchase so that they can increase their stock and manage them amongst their existing properties.

- 3.6 Prior to 2015 the only indicator relating to empty homes reported on the net number of long term empty homes in the district. This figure represented the number of long term empties as a net figure resulting from properties becoming empty and all those no longer being empty. This indicator did not easily illustrate how many empty properties were no longer empty in the district or allow us to appreciate the scale of the 'churn' of empty properties and the impact this would have on communities. Consequently, in 2015, the Council introduced an additional performance indicator relating to empty homes.

The additional indicator reports on the total number of long term empty properties that have ceased to be empty. This is reported on a monthly basis as a rolling 12 month figure. The July 2023 outturn for this indicator is 2,128, meaning that in the year July 2022 to July 2023, 2,128 long term empty properties ceased to be empty.

- 3.7 Demand for the investigations and action by the Empty Homes Team continues to be high with 311 service requests being responded to in the year 2022/23 and 95 so far (July) in the current year 2023/24.

- 3.8 The work of the team is a mixture of this reactive work as well as proactive work generated from the Councils' own data, intelligence and surveys of the district. The team are dealing with around 1,000 live cases of empty properties at any one time.
- 3.9 At the end of July 2023, the breakdown of the type of request for service or investigation relating to these live cases is given below:

Nature of Request / Intervention	No.
Long Term Empty Property – General Issues / Concerns	352
Request for Empty Property Advice	210
Proactive Empty Property Investigation	339
Defective Gutters at an Empty Property	11
Damp causing a nuisance from an Empty Property	25
Complaint of Pests from an Empty Property	20
Filthy & Verminous Empty Property	2
Request from Council Tax	9
Empty Property Referred from WY Police	7
Insecure Empty Property	1
Empty Property Loan Enquiry	13
Empty Property Loan or Assistance Case	2
Total	991

- 3.10 The activity of the team and the wards in which the team are most active mirror generally the wards which contain the higher number of long term empty properties, these being highlighted in Appendix 1. This table shows the number of long term empty properties at July 2023 by ward, compared with the figures in February 2020 (the last report presented to Committee). Positively, the number of long term empties has reduced considerably and this is spread across nearly all wards with the exception of 7 wards where there has been a small increase in each. The exception there is the 8th ward, Eccleshill, where there has been a significant increase of more than double. However, this increase is predominantly as a result of an Incommunities property which is discussed in item 3.4 above. Removing this figure of 79 flats results in a small increase of 5 from 2020.
- 3.11 The team's focus is on the most problematic long term empty properties and those considered to be of a higher risk (following a risk assessment by officers) are targeted more intensely by officers for action. Of the live cases being dealt with by the team there are currently 92 high risk long term empty properties. Every one of these properties is being dealt with according to the circumstances and the willingness/activity of the owner/s.
- 3.12 Again, the higher risk properties that the team are dealing with also tend to mirror the wards which contain the higher proportion of long term empty properties.
- 3.13 The team works with owners to explore the full range of options available to them to bring properties back into use. A proportion of the work and response provided by the team relates to resolving issues through formal enforcement powers such as nuisance from empty properties (i.e. dampness) and securing empty properties against unauthorised access.

- 3.14 Empty Homes Advisors work both reactively and proactively to investigate the circumstances surrounding empty properties and provide advice to owners on their options, including products available and organisations that may be able to help. They also provide investigative work which supports enforcement action carried out by Environmental Health Officers in the team.
- 3.15 The team has built up many years of experience in carrying out investigations into the ownership of empty properties, which can be complex. Owners are traced in a number and combination of ways involving access to and cross checking of systems such as Council Tax, Land Registry, Probate Registers, Companies House, the use of search agents, knowledge of the district and ownership and investigation skills using local intelligence. Where the team is permitted to, information is shared other enforcement agencies and internal Departments to help them resolve issues they are facing.
- 3.16 Such organisations and teams include WY Police, Adult Services, Environmental Health, Highways, Council Tax, DWP, Council Wardens and Yorkshire Water. The team attends ward partnership meetings to share intelligence about empties and pick up any issues that are being reported to other agencies and agree a joined up approach. The team also receives referrals from WY Police relating to empty properties that have been used as cannabis farms and shares intelligence relating to ownership. It also allows the team to follow up future use of the property with the owner, who is often unaware of the illegal activity.
- 3.17 The team is often the only Service or body that has the power to gain entry to abandoned empty properties that are causing severe issues that may be causing multiple problems for neighbourhoods and multiple organisations. This often involves obtaining warrants for entry.
- 3.18 The team is proud to be nationally recognised and have a strong presence and expertise in the field of long term empty properties and be a source of advice and guidance for other authorities. The team has been recognised nationally by the Empty Homes Network, being a standout winner of an award for 'Meeting the Challenge' because of the individual approach it takes to all empty homes cases and the variety of options available to empty homes owners within our area in addition to an Innovation Award for offering Sharia approved equity loans for the owners of empty properties. An individual member of the team has also been awarded 'Empty Property Practitioner of the Year' for their dedication and work in bringing empty properties back into use.
- 3.19 In some cases, normally those considered to be high priority, officers have to use the ultimate sanction against uncooperative owners which is compulsory purchase. Since 2010, the service has voluntarily acquired 53 properties and compulsorily purchased 47 properties. There are a further 26 cases currently ongoing where the Council is attempting to acquire properties, 18 of which are through compulsory purchase and 8 are through voluntary acquisition.
- 3.20 Should the compulsory purchase of an empty property be objected to by an interested party the case is subject to a Public Inquiry where the Council is required to make its case to the National Planning Inspectorate in pursuing the order, as is the owner for retaining ownership. There is one such case at this stage (July 2023) and the Council

is awaiting notification of a date for the public inquiry.

- 3.21 The team developed two financial products that can provide essential funding to an empty property owner to help bring their properties back into use. The Empty Property Loan (EPL) is an equity share loan which is repayable after a five year period and relies on their being spare equity in a property for the owner to borrow against. This acknowledges the lack of disposal income that many empty property owners have available to renovate their property. For the period of the loan the Council registers a charge against the property. In order to repay the loan, which has to be a serious consideration for the owner, they may consider using net income accumulated from renting the property, remortgaging the property, selling the property and so on. To date, just under 600 enquiries have been received and 36 loans have been completed.
- 3.22 Empty Property Assistance (EPA) is a small grant of up to £5,000 which owners can only access where they have been unable to access the Empty Property Loan due to a lack of equity. This is a none repayable grant and a last resort, providing help to empty property owners who have no other means of funding and who have exhausted all other ways to raise finance. It will only suit circumstances where works costing up to £5,000 will bring the property back into use. Since it was introduced in late 2014, 20 of these have been completed.
- 3.23 It is acknowledged that the take up of financial assistance products from the Council is disappointing and this is reflective of a number of factors, such as:
- There is often very little equity available in the empty property which affects the ability for the owner to take up a loan. Many owners are in fact in 'negative equity';
 - The work required to bring the property back into use often exceeds the loan or grant that can be offered;
 - Owners have a preference not to take out a loan against a property as they see this as lessening their asset;
 - Empty property owners are frequently indecisive about their long term objective for the property.
- 3.24 Overwhelmingly, empty property owners are notoriously very difficult to engage with. Officers have an accumulated wealth of experience in trying to engage with owners who have an asset but are commonly not in a position to or prepared to deal with that asset due to any one of a number or combination of barriers. As mentioned earlier in the report, owners suffer from inheritance anxiety, family or relationship breakdowns, older owners have gone into care, they have financial difficulties or mental health issues and many properties are linked with criminal activity. Owners who may appear to be responsible, professional and capable individuals often leave properties empty for sustained periods of time and many distant owners often fall into the 'out of sight, out of mind' category.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The service continues to recycle the capital funding for the empty homes programme through repaid Empty Property Loans and the sale of properties acquired through CPO and agreement. Properties that have been acquired are marketed and sold with

a condition of the sale being that the property must be renovated within 12 months. The funding supports the team going forward and bringing homes back into use.

4.2 The team contributes significantly to the reduction of debt to the Council through its activity.

- The team works closely with colleagues in Council Tax to identify debt, either Council Tax or other previous enforcement action where debt has been accrued and this provides cases for Enforced Sale where the sale of the property is forced through a legal process (by Council Tax and Legal Services) and the debt to the Council is recovered through the sale amount.
- Access to the financial assistance that the team offers through the Empty Property Loan and Empty Property Assistance is only allowed if the owner has cleared any outstanding debt to the Council first.
- In cases where the team acquires properties, either through CPO or voluntary acquisition, any debt associated with the property, whether this be care home fees (through a charge on a property), Environmental Enforcement default work, Housing default work, Council Tax, etc is recovered and brought back into the Council in that this debt is paid to the relevant department first before the owner or estate receives the remaining sale amount.

4.3 The financial benefit to the Council of bringing empty homes back into use can be measured in a number of ways with one of the most significant being its contribution to the New Homes Bonus (NHB) awarded by Government.

The NHB Scheme, which started in 2011, provides funding, based on an amount per property, for areas that allow new homes to be built and the number of empty homes brought back into use contributes to this. Government funding is set aside for local Councils that welcome new housing development and bring empty homes back into use. This funding does not come directly into the Housing Service or Empty Homes Team, it is received corporately and can be spent to benefit the local community.

Unfortunately the government has not confirmed whether there will be a further round of NHB payments in 2023/24 however civil servants have indicated to some sector representatives that payments are likely to continue.

4.4 Since April 2013 the Council has been charging a Council Tax premium on empty homes which have been vacant for more than two years.

4.5 At the Council's meeting of the Executive Committee on the 4th December 2018, and in accordance with The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 it was agreed that the Council would further increase Council Tax premiums on empty properties with this increase being phased in over three years. The purpose of the change was to incentivise owners to bring their property back into use.

The impact of these further premiums was:

- From **1st April 2019** properties empty for at least 2 years were charged 200% Council Tax.
- From **1st April 2021**:
 - properties empty for between 2 and 5 years are charged 200% Council Tax.
 - properties empty for between 5 and 10 years are charged 300% Council Tax.

- properties empty for 10 years or more are charged 400% Council Tax.

4.6 At any one time there are between 1,000 and 1,300 properties that have been empty for more two years. Using Council Tax data, the number of empty homes vacant for more than two years in 2013 was 1,756 and in July 2023 it was 1,167. This represents a drop of over 33% in the number of properties empty for over two years.

4.7 The government is taking steps to strengthen the existing long term empty homes premium and introducing a new second homes premium through the Levelling Up and Regeneration Bill. Consultation, which ends on the 31st August 2023, seeks views on a range of circumstances where it may not be appropriate for a council tax premium to apply (exemptions/exceptions). The main changes in the Bill for which this is relevant are:

- The Bill proposes to amend the definition of ‘long term empty homes for Council Tax purposes’ so that, for financial years from 2024/25 onwards, dwellings unoccupied and substantially unfurnished for a continuous period of at least one year are liable to the council tax premium (this currently starts at 2 years and the change would result in, using July 2023 figures, an additional 1,160 owners paying 200% Council Tax;
- The Bill proposes powers for Local Authorities to charge a discretionary council tax premium of up to 100% for second homes.
- The consultation asks Local Authorities for their views on the following as potential exemptions from the above premiums;
 - Following Class F exemption (awaiting probate after death of owner) the period before a premium would be charged after probate is obtained, for either an empty property or second home, is 12 months rather than the existing 6 months,
 - Where a property is empty for 12 months, or a second home, an exemption of 6 months from the premium where the property is being actively marketed for sale or to let,
 - Empty properties undergoing major repair works or structural alterations should be an exception to the premium for up to 6 months,
 - Owners may also combine the above exemptions to give longer periods of time without being charged the premium if relevant.

4.8 Colleagues in Revenues and Benefits are leading on the response to the consultation and at the time of writing this report a consultation response has not been finalised.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No significant risks have been identified.

6. LEGAL APPRAISAL

6.1 The team takes enforcement action under a number of pieces of legislation, the most commonly used are;

- The Local Government (Miscellaneous Provisions) Act 1982 – securing empty properties against unauthorised entry;
 - The Prevention of Damage by Pests Act 1949 – dealing with accumulations that can attract and harbour pests/vermin and infestations;
 - The Public Health Act 1936 – dealing with empty properties that may be filthy and/or verminous;
 - The Environmental Protection Act 1990 – dealing with statutory nuisance from an empty property;
 - The Building Act 1984 – dealing with defective drainage at an empty property;
 - The Housing Act 1985 – carrying out the compulsory purchase of empty properties.
- 6.2 The Housing Service provides funding for a Legal Officer to deal with all legal matters relating to empty homes activity. This work utilises 100% of the officers time and relates predominantly to the legal process and conveyancing around compulsory purchase and purchasing properties through voluntary acquisition.
- 6.3 The officer also advises on other property related matters and assists the service when empty property owners take up the legal assistance scheme.
- 6.4 When necessary, Legal Services also provide advice on the format of legal documents and procedures required to implement statutory responsibilities.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

The Councils work on bringing empty homes back into use supports the objective of making use of existing resources to provide housing wherever possible rather than using new materials to construct new housing. Significant CO₂ emissions occur through construction which may be avoided by maximising the existing housing stock. Greenfield sites in particular comprise a valuable resource for biodiversity, recreation and resilience to climate change which further strengthens the case for consolidating existing housing stock and previously developed land.

7.2 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

Inevitably, occupied homes will contribute additional emissions of around 6 tonnes of CO₂ annually, thereby increasing overall emissions for the district. The objective therefore will be to influence energy efficiency refurbishments including internal wall insulation, under floor insulation and an efficient new heating system.

7.3 COMMUNITY SAFETY IMPLICATIONS

- 7.3.1 The presence of empty homes within communities impacts significantly on community safety, the fear of crime and the feelings that residents have towards their neighbourhood. As a result, the success of the team, and returning a property into occupation, impacts significantly on whole streets and neighbourhoods.

- 7.3.2 Empty homes often attract antisocial behaviour, accumulations of refuse and also criminal activity, i.e. cannabis farms, squatting, drug related activity and fraud. The team often work with neighbourhood wardens, Neighbourhood Services and the police to highlight and tackle problematic properties, ensuring that action can be taken where possible.
- 7.3.3 The team attends Ward Partnership meetings, providing and gathering information about problematic properties and the service attends the Serious Organised Crime operational meetings and strategy meetings in order to share intelligence and strategies.

7.4 HUMAN RIGHTS ACT

- 7.4.1 A key element of the teams' work in the enforcement of legislation, and in particular in the compulsory purchase of properties is the consideration of individuals' human rights, both those of the property owner/s and the residents in the neighbouring properties or community.
- 7.4.2 All actions taken by the team are in line with the Private Sector Housing Enforcement Policy (reviewed and agreed by the Council's Executive Committee on the 8th March 2022).

7.5 TRADE UNION

No Trade Union implications have been identified.

7.6 WARD IMPLICATIONS

- 7.6.1 The team responds to all service requests across the district and works proactively to target the most problematic empties on a risk assessed basis regardless of location.
- 7.6.2 The team also attend Ward Partnership meetings, providing and gathering intelligence about problematic properties.

7.7 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

- 7.7.1 Tackling empty homes can have a significant impact on young people in the district by removing properties that impact adversely on the feeling of safety in a community and reducing the fear of crime. The anti-social behaviour often associated with empty properties can provide a source of anxiety for young people but also provide a temptation for young people to be drawn into this activity and even worse crime, ultimately risking their own safety and future potential.
- 7.7.2 In the longer term, bringing more properties back into use in the district and increasing housing supply provides more opportunities for young people to find

housing and remain in the communities in which they feel a belonging and a comfort.

- 7.7.3 The team works closely with a number of charities and has partnership agreements in place with them which enables, where appropriate, the disposal of properties acquired to them. In particular, one such charity is Bradford Youthbuild who take properties into a portfolio and renovate them for future affordable rental use, with the use of a partnering contractor who employs and trains young people, often from chaotic backgrounds, in building and technical trades. Trainees themselves have been offered housing in the resulting accommodation and the owner of the contracting company himself was an original Youthbuild trainee.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

The Housing service routinely completes Privacy Impact Assessments in line with legislation where there is a change in policy and/or practice. Any issues identified through those assessments are then addressed.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

None

10. RECOMMENDATIONS

That the Committee notes the report and requests a further update on the work of the Empty Homes Team in 2 years.

11. APPENDICES

Appendix 1 – Breakdown of long term empty properties at July 2023 and comparison with February 2020, by Ward

12. BACKGROUND DOCUMENTS

None

Appendix 1 – Breakdown of long term empty properties at July 2023 and comparison with February 2020, by Ward

Ward	No. Long Term Empty Properties Feb 2020	No. Long Term Empty Properties July 2023	Change Since 2020 (Increase / Decrease)
Baildon	48	63	↑
Bingley	86	102	↑
Bingley Rural	109	94	↓
Bolton And Undercliffe	118	107	↓
Bowling And Barkerend	213	159	↓
Bradford Moor	168	125	↓
City	680	355	↓
Clayton And Fairweather Green	85	94	↑
Craven	109	78	↓
Eccleshill	82	166	↑*
Great Horton	216	167	↓
Heaton	147	150	↑
Idle And Thackley	88	68	↓
Ilkley	106	98	↓
Keighley Central	211	182	↓
Keighley East	164	98	↓
Keighley West	189	101	↓
Little Horton	152	119	↓
Manningham	202	156	↓
Queensbury	86	77	↓
Royds	115	86	↓
Shipley	98	107	↑
Thornton And Allerton	109	105	↓
Toller	146	130	↓
Tong	116	110	↓
Wharfedale	44	31	↓
Wibsey	110	92	↓
Windhill And Wrose	79	60	↓
Worth Valley	114	116	↑
Wyke	78	88	↑
Total	4,268	3,484	↓ Overall

* See Report items 3.4 and 3.10

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Report of the Strategic Director, Place to the meeting of The Regeneration and Environment Scrutiny Committee to be held on 5 September 2023

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Subject:

Highways Services Future Procurement Programme (2023-2025)

Summary Statement:

The purpose of this report is to provide information and to advise members on the Highways Services procurement plans covering the financial years 2023/24-2024/25.

The report also provides information for members on the forthcoming procurement of contracts with a value in excess of £2m that will be undertaken in line with this programme in accordance with the requirements of Contract Standing Order 7.2.1 (CSO 2022/23).

EQUALITY & DIVERSITY

As part of the procurement process Equality Impact Assessments will be undertaken at key points in the process, where requirements necessitate. All work undertaken will address issues of equality and diversity as they apply to protected characteristic groups.

David Shepherd
Strategic Director of Place

Portfolio:

Planning, Regeneration & Transport

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Highways Services Manager
Phone: (01274) 437603
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Overview & Scrutiny Area:

Regeneration & Environment

1. SUMMARY

- 1.1 The purpose of this report is to provide information and to advise members on the Highways Services procurement plans covering the financial years 2023/24-2024/25.
- 1.2 The report also provides information for members on the forthcoming procurement of contracts with a value in excess of £2m that will be undertaken in line with this programme in accordance with the requirements of Contract Standing Order 7.2.1 (CSO 2022/23).

2. BACKGROUND

- 2.1 The Council's Corporate Procurement Strategy (2021-25) underpins all procurement activity and provides the mechanism to ensure that procurement takes place in accordance with the Council's Strategic aims, that it is effective and delivers best value to the district's residents. This means that procurement decisions under the corporate procurement process considers, as appropriate, quality and all the costs what will be incurred by the Council throughout the life of a contract period, or asset, not simply the price. Optimum results are achieved by early market engagement before commencing procurement, to achieve a good level of response from suppliers. Robust contract management also ensures that what has been procured is delivered to meet the initial requirements within the contracted terms and conditions, and represents value for money.
- 2.2 The Council's commercial approach to procurement activity is based on the requirement for efficiency, cost effectiveness and meeting needs. This approach reflects the wider economic context in which the Council operates and the risks and opportunities this offers.
- 2.3 Highways Services' contracts which have previously been reported to this committee and considered independently are not included in this report, or the Highways Services' Procurement Forward Plan as attached. Whilst every effort has been made to include all contracts which are likely to arise, it is possible that other, urgent requirements may emerge. Such cases will need to be reported separately to this committee if their value exceeds the £2m Contract Standing Order threshold.
- 2.4 Highways Services undertake frequent procurement activity to both maintain and improve the highway network within the district as well as support the Council in its role as Highway Authority. The frequency of procurements exceeding the £2m threshold for reporting to this committee is set to increase over the next two years as a number of major projects within the Council's capital portfolio reach their delivery stages, and specific framework contracts reach the end of their term. The forward plan also recognises the recent allocation of City Region Sustainable Transport Settlement funding to a further major programme of capital works over the plan period.

Categories of Procurement and Routes to Market

- 2.5 Over the past five years the Highways Services teams have made increasing use of national frameworks to procure support and construction of their capital works

programmes. The increasing use of framework procurements presents many benefits and has proven a valuable route to market for many major programmes using frameworks such as Crown Commercial Services (CCS), PAGABO or SCAPE. The continued use of this procurement strategy is reflected in the procurement forward plan set out in this report.

- 2.6 The categories of procurement which are undertaken consist of a range of professional and technical consultancy services, materials supply, construction contracts and technical support. Some procurements are carried out by the service as part of a wider consortium of purchasers (e.g. the West Yorkshire Surface Dressing Contract) where the activity is led by one of the five constituent authorities on behalf of the group. The following categories are used in the Forward Plan to describe the goods/services being procured:

Type of Procurement	Definition and example types of procurements
Asset Management	Purchase of materials and/or services required for the maintenance of assets (e.g. replacement street lighting, CCTV cameras, traffic signals or resurfacing contracts).
Works Construction Contracts	Contracts for the construction of new capital assets (or modification of an existing asset) (e.g. Corridor Improvement Programme schemes, highway structures and junction improvements)
Professional Services	Contracts for the supply of professional services required to support the development of projects (e.g. legal advice, land negotiation, stakeholder engagement and communications, strategic delivery partners and transport modellers).
Technical Services	Services procured to support delivery of capital programmes through the delivery of technical reports or data (e.g. land survey, drainage survey, traffic census data, statutory undertaker's equipment and GPR surveys).
IT Systems	Procurement of specialist IT systems (e.g. Stock Control systems, route planning software, CRM solutions, Network co-ordination & management systems and mobile data connections 3G/4G)
Training	Procurement of training services to support the Road Safety team (e.g. Theatre in Education and Bikeability)

3. OTHER CONSIDERATIONS

Need for Procurement Forward Plan

- 3.1 As part of the Council's Procurement Strategy (2021-25) the Council has committed itself to publishing a pipeline of opportunities, market positions statements and commissioning strategies. By sharing these intentions and plans publicly the market will have an opportunity and time to engage with the Council pre-procurement in a considered and intelligent manner.
- 3.2 The publication of the Procurement Forward Plan for highways related activities does not in itself preclude members of this committee requesting that a more detailed

report on the procurement strategy for specific items or projects be presented to a subsequent committee meeting and does afford the opportunity for committee time to be more targeted in considering procurement matters.

Material and Supplier Shortage Impacts on Procurement

- 3.3 The impact of increasing inflation on the cost of materials and availability of resources to construct capital projects is continuing to impact on the ability of the Council to effectively procure infrastructure projects in line with budget allocations. Contractors and suppliers are continuing to deal with increasing material prices and reduced workforce availability and capability which means they are becoming more selective in which projects they supply bids for, and the duration they are willing to supply tender prices for. The publication of the Procurement Forward Plan for Highways & Transportation schemes gives increased visibility to the Council's plans in the short-to medium-term for procurement activities which in turn enables contractors to plan their workloads more effectively. Publication of the Forward Plan can also lead to earlier supplier engagement with the service which in turn can deliver efficiencies in the ultimate procurement undertaken.

Contracts over the £2m Threshold in the 2023-25 Plan

- 3.4 The forward procurement plan for 2023-25 contains a number of procurements over the £2m threshold level as identified in Appendix 1. Of particular note the major procurements for the immediate year include replacement of the current contracts for the supply and maintenance of CCTV and ANPR camera equipment and their associated network infrastructure. This is an area of the service which has seen significant growth over the past two years with the introduction of the Clean Air Zone and the recent upgrade of the Council's own CCTV camera infrastructure. Going forward there is likely to be both an increased maintenance spend as well as further expansion of the system to include new sites for enforcement of moving traffic offences under Part 6 of the Traffic Management Act.
- 3.5 Other procurements above the £2m threshold include development of the required business cases for the new City Region Sustainable Transport Settlement (CRSTS) projects which are being funded via the West Yorkshire Combined Authority. As part of the CRSTS funding obligations the projects listed in Appendix 1 must be fully constructed by the end of March 2027 and therefore the forward procurement plan includes reference to the delivery of these schemes which will be procured separately. The ultimate need for these delivery procurements will be based on successfully securing WYCA approvals at each stage of the assurance process. Therefore, it is possible that although listed in the forward plan these projects may not progress to the delivery stage and hence the requirement for the delivery procurement will not progress.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 All procurement is undertaken in accordance with the Contract Standing Orders irrespective of the source of funding. Where specific capital grant funding has been awarded to the Council to deliver its projects and programmes progression to

procurement will only take place following approval of the preceding requisite assurance process (e.g. Full Business Case).

- 4.2 Procurement documentation for large value contracts (i.e. those in excess of £2m) are generally developed by a working group comprising representatives from the procuring service, Legal Services, and Procurement to ensure that a robust procurement specification is developed. This arrangement has been used previously on the Smart Street Lighting project.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 Procurements associated with the delivery of specific projects are subject to oversight by both the Council and funding body. Governance, of delivery of these projects is typically mandated as part of any funding agreement with representatives of the funding body (e.g. WYCA) being a part of the board for transparency. Project specific risk registers are developed and routinely monitored through the development and delivery stages of the project and Quantified Risk Assessment (“QRA”) processes are adopted to ensure that an appropriate level of risk funding is secured within funding agreements to manage risks which cannot wholly be mitigated which may have a financial impact on the project.
- 5.2 Building on the work to develop the initial Highways & Transportation Procurement Forward Plan the service has continued its commitment to using a “live” process of planning and monitoring its procurement activity. The plan is updated frequently by managers responsible for the delivery of the highways function and shared with procurement officers who jointly review the programme with the service management team to ensure that early discussion on procurement strategies can take place.

6. LEGAL APPRAISAL

- 6.1 All procurement activity will be carried out in accordance with the Public Contracts Regulations 2015 and the Council’s Contract Standing Orders. All social value activity shall be carried out in accordance with the requirements set out in the Public Services (Social Value) Act 2012.

7. OTHER IMPLICATIONS

Sustainability Implications

- 7.1 The sustainability implications of any of the schemes or procurements described in this Forward Plan will ultimately be assessed as part of the procurement development activity. During this development process the service, via its procurement team approach, will ensure that contracts are developed which take due account of the sustainability requirements and undertakings of the Council.
- 7.2 As reported previously, all new infrastructure projects must now demonstrate increased provision for sustainable transport modes including cycling (which must comply with LTN1/20 segregation requirements) and the national Bus Back Better strategy. Failure to adopt these requirements to the maximum extent possible could impact on current and future funding of the service’s capital programmes.

Tackling the Climate Emergency Implications

- 7.3 Each procurement as set out in this Forward Plan will incorporate appropriate provisions to ensure that the works, services and products which are procured take due consideration of their contribution towards the Council's response to the Climate Emergency. The specific details of provisions incorporated within the range of procurements as set out in this report will be determined on an individual procurement basis as part of the specification development process. However, it should be noted that those contracts which relate to delivery of highway improvement schemes are now required to demonstrate to the scheme funders their contribution towards reducing CO₂ emissions.

Community Safety Implications

- 7.4 There are no community safety implications arising from this report.

Human Rights Act

- 7.5 The Human Rights Act 1998 provides a legal basis for concepts fundamental to the rights of people. There are no Human Rights Act implications arising as a consequence of this report.

Trade Union

- 7.6 There are no trade union implications associated with the contents and strategy outlined in this report.

Ward Implications

- 7.7 There are no direct implications in respect of any specific Ward arising from the contents of this report.

Implications for Children and Young People

- 7.8 There are no implications for corporate parenting associated with the contents of this report.

Issues Arising from Privacy Impact Assessment

- 7.9 A full Privacy Impact Assessment will be undertaken to determine specific areas of UK General Data Protection Regulations (UK GDPR) and information security as part of any commissioning process identified as meeting the applicable criteria for such assessment. Within the context of procurement activities within the Transportation & Highways disciplines it is unlikely that transfer of personal data to bidders is required.

8. NOT FOR PUBLICATION DOCUMENTS

- 8.1 None

9. OPTIONS

- 9.1 Whilst the predominant basis of this report is for information only on the future procurement activities of the highways service as set out in paragraph 3.2 above members may identify procurements which they believe may benefit specific consideration at a future meeting of the committee. Where such procurements are identified more detailed discussion of the procurement can be given to the committee in advance of any recommendation for a future item to be added to the forward work plan.

10. RECOMMENDATIONS

- 10.1 That the Committee note the report.

11. APPENDICES

- 11.1 Appendix 1 – Highways Services Procurement Forward Plan (2023-25)

12. BACKGROUND DOCUMENTS

- 12.1 None

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APPENDIX 1 - Highways Services Forward Procurement Plan (2023/24-2025/26)



Team Name	Programme	Project Name (if applicable)	Procurement Title	Description of Goods, Services or Works	Procurement Timescales	Approximate Value	Planned Procurement Approach	Procurement Type	Category
CCTV	Various		CCTV/UTMC/CAR PARKS/CAZ New Works Contract	Procure a service contract with a single supplier for technical resources to assist with supply and install of new CCTV/UTMC/CAZ infrastructure (installation of CCTV/UTC cameras, switches,routers, fibre etc. Plus the maintenance of existing equipment on various networks	Within the next 12 months	£4,733,252+	Restricted Procedure	Services	Asset Management
CCTV	various		CCTV/UTMC/CAR PARKS/CAZ EQUIPMENT CONTRACT PROCUREMENT	Purchase of hardware equipment for use by CCTV/UTMC/CAR PARKS/CAZ and other teams	Within the next 12 months	£189,320-£2,000,000	Open Procedure	Goods	Asset Management
D&C (City Centre & Regeneration)	West Yorkshire+ Transport Fund	CIP Thornton Road / Toller Lane	CIP Thornton Road / Toller Lane - Delivery	Works - to deliver the project	Within the next 12 months	£4,733,252+	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
D&C (City Centre & Regeneration)	West Yorkshire+ Transport Fund	CIP2 - A6177 Cutler Heights / Dick Lane	Advice in relation to the promotion of a Compulsory Purchase Order	Provision of advice in relation to the promotion of a Compulsory Purchase Order and in relation to valuation and compensation matters.	Within the next month	£0-£24,999	Exception to Competition	Services	Technical Services
Maintenance (North)	Local Transport Plan - Highway Maintenance Block		Provision of Highways Asset Treatment Inspections and Associated Technology	Collection of video imagery and highway condition analysis	Within the next 12 months	£189,320-£2,000,000	Corporate Contract, Framework Agreement or DPS	Services	Technical Services
Network Resilience & Management	Service Revenue	Network Resilience	Network Resilience Communications Strategy Contract (2023-2025)	Professional Services – provision of communications and stakeholder engagement support for major highways projects	Within the next 12 months	£189,320-£2,000,000	Open Procedure	Services	Professional Services
Road Safety	Service Revenue	Theatre in Education - Road Safety	Theatre in Education - Road Safety	Require a company to deliver Theatre in Education drama sessions with road safety theme to young people across West Yorkshire	Within the next 12 months	£25,000-£189,320	Corporate Contract, Framework Agreement or DPS	Services	Training
Service	Corporate		City Centre Ducting Expansion	Expansion of existing city centre ducting network to facilitate future super connected cities broadband expansion and potential accommodation strategy proposals for the Council.	Within the next three months	£189,320-£2,000,000	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
Service	Service Revenue		AutoCAD Training	The procurement is to purchase the provision for Autocad Training for multiple users (13no) to assist them with their daily duties.	Within the next month	£0-£24,999	Exception to Competition	Services	Training
Structures	Parks and Recreation funds	Marley Playing Fields Riverbank Repair Works	Marley Playing Fields Riverbank Repair Works	River bank repair works using rock revetment and earthwork batter	Within the next three months	£189,320-£2,000,000	Open Procedure	Works	Works Construction / Highway Improvement
Structures	City Region Sustainable Transport Settlement		General Structures Works Framework Contract 2023 to 2027	The framework contract is for the appointment of Contractors to carry out various construction works in Annual Bridges and Retaining Walls Capital Programme. The contract will also be used for the appointment of Contractors to carry out planned and reactive maintenance works required on bridges and retaining walls on the district's road network.	Within the next three months	£4,733,252+	Open Procedure	Works	Works Construction / Highway Improvement
Traffic & Road Safety (South)	Safer Roads		Traffic Surveys	Loop detector surveys. To be procured in 2 batches/yr. Value of each around £5000	Within the next 12 months	£0-£24,999	Open Procedure	Services	Technical Services
UTMC	City Region Sustainable Transport Settlement		Purchase of Pollution Detectors	Purchase of Pollution Detectors	Within the next 12 months	£25,000-£189,320	Open Procedure	Goods	Asset Management
UTMC	Service Revenue		3g/4g sim requirement	purchase of sims	Within the next three months	£0-£24,999	Open Procedure	Goods	Technical Services
UTMC	Local Transport Plan - Highway Maintenance Block		bluetooth devices	supply of bluetooth detectors	Within the next three months	£0-£24,999	Restricted Procedure	Goods	Asset Management
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	Wakefield Road Sustainable Transport Corridor	Wakefield Road Sustainable Transport Corridor - Delivery	The Works are to deliver the project	Unknown	£4,733,252+	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	Wakefield Road Sustainable Transport Corridor	Wakefield Road Sustainable Transport Corridor - OBC & FBC Development	The Services are to provide a compliant OBC & FBC	Within the next 12 months	£2,000,001-£4,733,252	Corporate Contract, Framework Agreement or DPS	Services	Professional Services

APPENDIX 1 - Highways Services Forward Procurement Plan (2023/24-2025/26)



Team Name	Programme	Project Name (if applicable)	Procurement Title	Description of Goods, Services or Works	Procurement Timescales	Approximate Value	Planned Procurement Approach	Procurement Type	Category
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	Kings Road Sustainable Transport Corridor	Kings Road Sustainable Transport Corridor - Delivery	The works will be to deliver the project	Unknown	£4,733,252+	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	Kings Road Sustainable Transport Corridor	Kings Road Sustainable Transport Corridor - OBC & FBC Development	The services will be OBC & FBC Development	Within the next 12 months	£2,000,001-£4,733,252	Corporate Contract, Framework Agreement or DPS	Services	Professional Services
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	Steeton & Silsden Walking & Cycling Improvement Project	Steeton & Silsden Walking & Cycling Improvement Project - Delivery	Works contract - Project Delivery	Unknown	£4,733,252+	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	Steeton & Silsden Walking & Cycling Improvement Project	Steeton & Silsden Walking & Cycling Improvement Project - FBC Development	FBC development of project via the Assurance Framework	Within the next 12 months	£2,000,001-£4,733,252	Corporate Contract, Framework Agreement or DPS	Services	Works Construction / Highway Improvement
West Yorkshire+ Transport Fund	Levelling Up Fund 2 (LUF2)	LUF2 Bus Hotspot Programme	LUF2 Bus Hotspot Programme - Delivery	Works - Delivery	Unknown	£2,000,001-£4,733,252	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	CRSTS Bus Hotspot Programme	CRSTS Bus Hotspot Programme - Delivery	Works - Delivery	Unknown	£2,000,001-£4,733,252	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
West Yorkshire+ Transport Fund	West Yorkshire+ Transport Fund	Bradford Shipley Route Improvement Scheme (BSRIS)	BSRIS - Delivery	Works contract to deliver the scheme	Unknown	£4,733,252+	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
West Yorkshire+ Transport Fund	West Yorkshire+ Transport Fund	A650 Tong Street	A650 Tong Street - Delivery	The works is to deliver the A650 Tong Street Scheme	Unknown	£4,733,252+	Corporate Contract, Framework Agreement or DPS	Works	Works Construction / Highway Improvement
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	Kings Road Sustainable Transport Corridor	Kings Road Sustainable Transport Corridor - SOC Development	The services & works will be to develop the scheme in accordance with the West Yorkshire Assurance Framework and provide compliant business cases that is approved at all key decision points and the delivered on site within the timescales and allocated budget	Within the next month	£189,320-£2,000,000	Corporate Contract, Framework Agreement or DPS	Services	Professional Services
West Yorkshire+ Transport Fund	City Region Sustainable Transport Settlement	Wakefield Road Sustainable Transport Corridor	Wakefield Road Sustainable Transport Corridor	The Services are to provide a compliant SOC	Within the next month	£189,320-£2,000,000	Corporate Contract, Framework Agreement or DPS	Services	Professional Services

NOTE
 * Reference to the use of an existing **Corporate Contract, Framework Agreement or DPS** in this plan this DOES NOT relate to the procurement of that contract, framework or DPS arrangement, merely the procurement of the named project listed via this route to market.



Report of the Strategic Director of Place to the meeting of Regeneration Overview & Scrutiny Committee to be held on 5th September 2023

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Subject: Building Control Services implementation of measures in response to a Local Government Ombudsman's decision.

Summary statement:

This report provides an overview of the measures that Building Control Services have implemented and will implement in response to a decision made by the Local Government Ombudsman to a complaint received about the outcome of a resident's application process for construction work inspected by Bradford Council's Building Control Service

EQUALITY & DIVERSITY:

The measures described in this report are to be applied to all applications for construction developments received by Building Control Services and, as such, will benefit all residents of Bradford district.

David Shepherd
Strategic Director of Place

Portfolio:

Regeneration Planning & Transport

Report Contact: Chris Eaton
Phone: (01274) 432483
E-mail: chris.eaton@bradford.gov.uk

Overview & Scrutiny Area:

Regeneration & Environment

1. SUMMARY

The Local Government Ombudsman (hereafter referred to as LGO) received a complaint from a resident of Bradford district regarding the outcome of their application process for construction work inspected by Bradford Council's Building Control Service. The LGO's decision required the following.

- a. Building Control services review its practice, procedures, record keeping and use of document management systems to avoid problems identified occurring again; and
- b. Report the findings of its review and any changes it makes as a result to the Ombudsman and to the relevant Council scrutiny committee.

The LGO requires an update on the above within three months of the decision letter, hence the need for this report coming to the Regeneration & Environment Overview Scrutiny Committee.

2. BACKGROUND

A Bradford resident complained that the Council's Building Control Officer (BCO) failed to check the sewer that serves her house was connected to the main drain before giving Building Regulations approval.

The resident said she bought and moved into her new house and after several months, undrained sewage had backed up the drain and flowed into her garden.

The Council accepted it was at fault and offered a small sum in compensation, but The resident considered this inadequate for the disruption, trauma, distress, and significant impact on her amenities from sewage.

3. REPORT ISSUES

Most building work requires building regulation approval. Building Regulations set out requirements and guidance that builders and building owners are required to follow. The purpose of the regulations is to make sure buildings are safe for those that use them or live around them.

Building Regulations approval can be granted by councils acting as building control authorities, or by independent 'approved' inspectors. The Council employs building control officers (BCOs) to carry out this work.

There are two ways a building owner can get building regulations approval. These are:

- Full plans application. The owner or their agent submits plans. The plans are checked for compliance with building regulations.
- Building notice application. The owner or their agent informs the council or approved inspector of their intention to begin building work. The BCO/approved inspector will visit the site at various stages of the work to check compliance with building regulations.

There have been court challenges where owners of buildings have sought to hold council building control authorities liable for defects in building work they have inspected. The courts have decided that council building control authorities are not liable to ensure compliance with building regulations – the duty to comply with

regulations lies with the building owner, who may be able to take legal action for the consequences of poor/non-compliant work against their contractor, architect or builder.

Several years ago, a builder sought Building Regulation approval for the development of houses, one of which would eventually be bought by the resident who complained to the LGO.

The Council said that its records show its BCO inspected the site and made a note on its computer record database that a further visit was needed to ensure the drains were connected to the main sewer. There is no further record to show whether a visit had taken place or, if a visit had happened, what was found.

A manager for the Building Control service explained to the LGO that there should be a record and there probably should also have been a test to show the sewer was properly connected, but there is no evidence that either of these things happened before the Council gave Building Regulations approval for the work.

It was also confirmed that BCOs use a calendar on separate software to record site visit dates and other details. Clearly if details from the calendar and/or site visit notes are not copied across to its record keeping database, it is possible that important information could be lost.

After the resident moved into the house and began using its facilities, it was discovered that the drain for the house had not been connected to the mains sewer. Foul water including human waste backed up the drain, causing obnoxious odours and outflows of waste. It took over two years for the problem to be resolved, with long discussions between the insurers and the builders, excavations, removal of floors, and cost and disruption from redecorating and refurnishing.

The resident complained to the Council, which admitted its error, apologised and offered compensation. The resident said that if the Council had done its job properly in the first place, none of this would have happened.

The BCO kept a record to say that a further visit was necessary to check the drain connection to the mains sewer. There is no evidence this happened. The LGO found that this was a fault of the Council that would need to be remedied. But for the fault, the Council would have kept a proper record and it is likely it would have also carried out tests to check the connection.

The LGO concluded that while the Council was at fault, this does not mean that it is responsible for what has happened. This is because of the way that council building control responsibilities are framed in law. The purpose of the Council's power is to protect the public generally, not the private rights and interests of individual builders and landowners. Responsibility to comply with the Building Regulations lies with these private individuals, not with the Council. When things do go wrong, responsibility and liability for the costs and losses that follow are a private matter which may eventually be determined by civil courts.

For these reasons the LGO has not recommend any further remedy for the personal injustice caused to the resident. However, the LGO made recommendations to avoid

recurrence of similar faults in the future, and the Council has agreed to carry them out.

To avoid recurrence of the fault the LGO found, the Council has agreed to:

a) review its practice, procedures, record keeping and use of document management systems to avoid problems identified in this report occurring again. The Council uses a system called Uniform Idox to process all Building Regulations applications, and the building control section are engaging with that company to use the mobile app. This app enables the BCO to log inspections and capture data in real-time, thereby reducing the incidence of surveyors missing actions from previous inspections. All surveyors have been reminded the importance of keeping site notes of inspections up-to-date and acting on previous requirements made to builders. This will be reviewed monthly by the principal surveyors; and

b) report the findings of its review and any changes it makes as a result to the Ombudsman and to the relevant Council scrutiny committee. The Council will provide the LGO with evidence it has complied with the above actions within three months from the date of our final decision, i.e. after their 5th September 2023 meeting.

4. FINANCIAL & RESOURCE APPRAISAL

- All Building Control staff can access Uniform Idox, the cost of which is already covered by the service and IT Services as arrangements have been in place for some considerable time. The equipment/licenses required to use the mobile app would be for 23 Surveyors in total. The cost for the licences would be £6,000 per year, and the equipment plus service support would be £300 per device, i.e., £6,900. These costs would be met by the annual increase in application charge levels set each year by the service.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no significant risks arising out of the implementation of the proposed recommendations.

6. LEGAL APPRAISAL

- There are no legal issues arising from this matter.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

- There are no sustainability implications.

7.2 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

- The wider District's carbon footprint and emissions from other greenhouse gasses is central to the Building Regulations.

7.3 COMMUNITY SAFETY IMPLICATIONS

- There are no community safety implications.

7.4 HUMAN RIGHTS ACT

- There are no human rights implications.

7.5 TRADE UNION

- The Director of Human Resources may advise on this aspect.

7.6 WARD IMPLICATIONS

- There are no Ward or area implications.

7.7 AREA COMMITTEE LOCALITY PLAN IMPLICATIONS (for reports to Area Committees only)

- N/A

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

There are no implications for children and young people.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

The complainant is anonymous, and only the matters and actions raised by the LGO have been reported.

8. NOT FOR PUBLICATION DOCUMENTS

- None

9. OPTIONS

Not applicable

10. RECOMMENDATIONS

- 10.1 That the Committee note the actions in the report, which would allow Building Control Services to inform the LGO that their requirements have been met.

11. APPENDICES

None.

12. BACKGROUND DOCUMENTS

- None

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Report of the Chair of the Regeneration and Environment Overview and Scrutiny Committee to the meeting to be held on 5 September 2023

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Subject:

Regeneration and Environment Overview and Scrutiny Committee Work Programme 2023-24

Summary statement:

This report presents the Committee's Work Programme 2023-24

Cllr Kamran Hussain
Chair – Regeneration and
Environment O&S Committee

Report Contact:
Caroline Coombes
Overview and Scrutiny Lead
Phone: 07970 413828
E-mail: caroline.coombes@bradford.gov.uk

Portfolios:
Regeneration, Planning & Transport
Education, Employment and Skills
Healthy People and Places

1. SUMMARY

1.1 This report presents the Committee's Work Programme 2023-24

2. BACKGROUND

2.1 Each Overview and Scrutiny Committee is required by the Constitution of the Council to prepare a work programme (Part 3E – Overview and Scrutiny Procedure Rules, Para 1.1). The Committee adopted its work programme at its meeting of 18 July 2023.

2.2 Appendix A of this report presents the Work Programme for 2023-24.

3. OTHER CONSIDERATIONS

3.1 The Regeneration and Environment Overview and Scrutiny Committee has the responsibility for “the strategies, plans, policies, functions and services directly relevant to the corporate priorities about Better skills, more jobs and a growing economy, Safe, clean and active communities and Decent homes that people can afford to live in (Constitution of the Council Part 2, Article 6, para 6.5.1).

3.2 Best practice published by the Centre for Public Scrutiny suggests that ‘work programming should be a continuous process’. It is important to regularly review work programmes so that important or urgent issues that come up during the year are able to be scrutinised. In addition, at a time of limited resources, it should also be possible to remove projects which have become less relevant or timely. For this reason, it is proposed that the Committee's work programme be regularly reviewed by Members throughout the municipal year.

3.3 The Regeneration and Environment Overview and Scrutiny Committee Work Programme 2023/24 reflects the priority outcomes of the Council Plan in particular: ‘better skills, more good jobs and a growing economy’, ‘decent homes’, ‘better health, better lives’, ‘safe, strong and active lives’, ‘and ‘a sustainable district’ (Our Council Plan: Priorities and Principles 2021-25).

3.4 The work programme as adopted by the Committee on 18 July 2023 forms the basis for the Committee's work during the year but will be regularly reviewed and amended as issues arise.

4. FINANCIAL AND RESOURCE APPRAISAL

None

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None

6. LEGAL APPRAISAL

None

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

None

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None

7.7 IMPLICATIONS FOR CORPORATE PARENTING

None

7.8 ISSUES ARISING FROM PRIVACY ASSESSMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. RECOMMENDATIONS

9.1 That the Work programme 2023-24 continues to be regularly reviewed during the year

10. APPENDICES

10.1 Appendix A – Regeneration & Environment Overview and Scrutiny Committee Work Programme 2023-24

11. BACKGROUND DOCUMENTS

Bradford Council Constitution

Democratic Services - Overview and Scrutiny

Appendix A

Regeneration and Environment O&S Committee

Scrutiny Lead: Caroline Coombes tel - 432313

Work Programme

Agenda Items	Description	Report Author	Comments
Tuesday, 3rd October 2023 at City Hall, Bradford Chair's briefing 11/09/23. Report deadline 21/09/23			
1) Darley Street Market	Update	Colin Wolstenholm	Resolution of 20 Sept 2022 (site visit to be arranged)
2) Transport Delivery Plan Performance Report	Annual update	John Davis	Resolution of 20 Sept 2022
3) Skills for Work	Update	Phil Hunter	Last report 22 Feb 2022
Tuesday, 28th November 2023 at City Hall, Bradford Chair's briefing 06/11/23. Report deadline 16/11/23			
1) Bradford's Becks	Update to include the issue of main river status for Bradford Beck. Environment Agency to be invited	Ed Norfolk	See resolutions of 18 October 2022
2) Water management and resilience in the Bradford District	Annual update	Ed Norfolk	Resolution of 18 October 2022
3) Clean Air Zone	Update	Andrew Whittles	Resolution of 26 July 2022
Tuesday, 5th December 2023 at City Hall, Bradford Report deadline 23/11/23			
1) Museums and Galleries Service	Update	James Steward	Resolution of 6 Dec 2022
2) Libraries Update	Update	Christine May	Resolution of 6 Dec 2022
3) Climate and environment / sustainable green growth	Update	Andrew Whittles	Resolution of 15 Nov 2022
Tuesday, 30th January 2024 at City Hall, Bradford Report deadline 18/01/24			
1) Waste Services Performance	Update	Richard Galthen	Resolution of 17 Jan 2023
2) Biodiversity and Environment Act	Update to include an update on the Local Nature Recovery Strategy	Danny Jackson	Resolution of 17 Jan 2023
3) Use of glyphosate for weed control within Bradford MDC	Update to include info on the trails in Shipley parks and learning from other councils	Stuart Russo	Resolution of 31 Jan 2023

Regeneration and Environment O&S Committee

Scrutiny Lead: Caroline Coombes tel - 432313

Work Programme

Agenda Items	Description	Report Author	Comments
Tuesday, 13th February 2024 at City Hall, Bradford			
Report deadline 01/02/24			
1) Active Bradford JU:MP programme	Update	Zuby Hamard	Resolution of 21 Feb 2023
2) Squire Lane Health and Wellbeing facility	Progress update	Ian Smart	Resolution of 21 Feb 2023
3) Towns Fund Update	Update	Angela Blake	Added to work programme 18 July 2023
Tuesday, 19th March 2024 at City Hall, Bradford			
Report deadline 07/03/24			
1) Fly-tipping in Bradford District	Update	Amjad Ishaq / Stuart Russo	Resolution of 21 Mar 2023
2) Housing Standards	Update on the work of the Team	David North / Ruth Hudson / Shonu Miah	Resolution of 21 Mar 2023
3) Active Travel: school streets and play streets	Update	Angela Hutton / Andrew Smith	Resolution of 21 Mar 2023