

# Bristol City Council

## Minutes of the Growth and Regeneration Scrutiny Commission



29 September 2022 at 5.00 pm

### **Members Present:-**

**Councillors:** David Wilcox (Chair), Andrew Varney (Vice-Chair), Steve Pearce, Emma Edwards, Jenny Bartle, Mark Weston, Kevin Quartley and Amal Ali

### **Officers in Attendance:-**

John Smith, Director - Economy of Place  
Pete Anderson, Director - Property, Assets & Infrastructure  
David Grey, Energy & Environmental Performance Programme Manager  
Steve Ransom, Environmental Programme Manager - Energy  
Polly Brand, Energy Supply Project Manager  
Lowri Hughson-Smith, Temple Quarter Enterprise Zone Project Manager  
Clem Teagle, Communications and Engagement Manager (TQEZ)  
Gary Collins, Head of Development Management  
Steve Pearce, Group Manager – Development Management  
Johanna Holmes, Scrutiny Coordinator

## **1 Welcome, Introductions and Safety Information**

The Chair welcomed all those present.

## **2 Apologies for Absence and Substitutions**

Apologies were received from:

- Cllr Chris Jackson – Cllr Amal Ali substituted
- Cllr Tim Rippington

## **3 Declarations of Interest**

There were no declarations.



#### 4 Minutes of Previous Meeting

The minutes of the last meeting were approved as a correct record.

#### 5 Action Tracker

All actions from the previous meeting were recorded as complete.

#### 6 Chair's Business

There was no Chair's Business.

#### 7 Public Forum

The Members noted the following Public Forum that had been received as follows. Copies of all public forum submissions had been circulated to Members and relevant officers in advance of the meeting. They had also been published on the meeting webpage alongside the meeting papers here: [Growth & Regeneration Scrutiny Commission Public Forum](#)

##### Public Forum Questions:

Ref	Name	Topic
Q1	Mo Dymond (Cllr Plowden in attendance)	Item 12. Planning Enforcement
Q2 – Q4	Vassili Papastavrou - Bristol Tree Forum	Item 12. Planning Enforcement
Q5	Martin Rands	Metrobus AVTM 2014 planning consent and Avon Crescent - Item 12 enforcement

##### Public Forum Statements:

Ref	Name	Topic
PFS1	Martin Rands	Metrobus AVTM 2014 planning consent and Avon Crescent - Item 12 enforcement
PFS2	Cllr Richard Eddy – in attendance	Item 12. Planning Enforcement
PFS3	Cllr Ed Plowden – in attendance	Item 12. Planning Enforcement



PFS4	Mark CD Ashdown Chair - Bristol Tree Forum – in attendance	Item 12. Planning Enforcement
PFS5	Peter Wall – in attendance	Item 12. Planning Enforcement
PFS6	Cllr Tom Hathway	Item 12. Planning Enforcement
PFS7	Cllr Philippa Hulme	Item 12. Planning Enforcement
PFS8	Stephen Barrett	Item 12. Planning Enforcement
PFS9	David Redgewell	Bus Tenders

Mark Ashdown, Chair of Bristol Tree Forum was in attendance and asked supplementary questions to each of his original 3 questions as follows:

**Supplementary PFQ2:**

Mr Ashdown said that the provided written answer had been rather vague. For example, it was unclear what the phrase "secured additional planting" means. It is not stated whether any trees were actually planted, nor how numbers of replacement trees were calculated and there is no means of verifying whether any of these trees were ever planted or still exist. Are any of these 28 cases ones which we reported or formal planning enforcement cases, the details of which we can examine?

**Reply:** Officers said they would need to follow-up on this and would provide a written reply in due course. The written reply will be published with the Public Forum agenda item on the meeting webpage.

**Supplementary PFQ3:**

The tree removal was not linked to other unauthorised works as it was on a different location on the site. Why was the decision taken not to take action on the tree removal as a separate matter?

**Reply:** Officers said they were still in discussion with colleagues on that particular point but that the question was also part of a Freedom of Information (FOI) request and would be responded to via that process.

**Supplementary PFQ4:**

Sections 210(4A) and (4B) of the Town and Country Planning Act 1990 state that authorities may bring an action within six months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor's knowledge. Given the provided answer to Q3 above, it would appear that any action the authority might want to take to enforce the law is now time-barred. Why was legal action not commenced before this six-month deadline had expired given that you had 'established early in the process that this is a high-profile case that the breach had occurred'?

**Reply:** Officers said in their view that if action had been taken, even within 6-month period, it would not have passed test of public interest or likelihood of a successful prosecution.



Mr Ashdown commented on the amount of frustration there was with what he described as a lack of tree protection. He said the Council keeps saying it's still investigating long after perceived breaches and even though there is a clear time limit. He suggested this was just a 'stock answer' that things are still being investigated and in the meantime many trees were still being removed and this was very frustrating.

## 8 Annual Business Report

The Commission Members considered the Annual Business Report.

### The Commission Resolved:

1. To note the Commission's Terms of Reference
2. To note the Chair and Vice-Chair for the 2022-2023 municipal year
3. To note the membership of the Commission for the 2022-2023 municipal year
4. Confirmed the 2022-2023 meeting dates for the Scrutiny Commission

## 9 Quarter 1 Risk Report

Members noted the Quarter 1 Risk Report.

## 10 Quarter 4 Performance Report

The Scrutiny Coordinator confirmed the reason the Commission were receiving a Quarter 4 Report in September was due to a new approach to performance reporting, with performance progress reports for the Themes now being based on the Councils Corporate Strategy. It was confirmed that the Members would be receiving the Quarter 1 report via email in the next couple of weeks.

Members raises the following points:

FI1 BPC430a - Increase the number of new homes delivered in Bristol: A Member suggested that the number of new homes delivered should not include student accommodation units and this should be a separate measure.

WC1 BPC474 - Increase the number of journeys on Park & Ride into Bristol: A Member suggested that rather than the focus being on commuting, could they broaden the focus other other types of uses for this service?

Air quality measurements: do the figures measure pollution from wood burning stoves? **Action: Scrutiny Coordinator to seek a reply from officers.**



A Member commented on the planning application process times, i.e., that the report states what was completed on time but not about those applications that were overdue. Could the commentary be made more explanatory about that? Planning Enforcement officers present at the meet said they should be able to include more detailed information in future and will try to incorporate into the next quarterly report commentary.

## **11 BCC Energy Supply Contract Renewals 2021/22**

David Gray and Steve Ransom introduced the item to Members and said they were responsible for purchasing the Council's energy supplies. This was a retrospective report to clarify and set the scene for Members regarding the situation that had arisen in late 2021 and the decisions and arrangements that were made following on from that all of which are detailed in the published report.

Officers said that many lessons had been learned over the past 2 years. There had been significant impacts but the situation was now on a 'stable footing' and they had a plan for where they want to be in next 12 months. They added that there were genuine concerns about the supply of gas and electric for this winter and reliance upon renewables. But if there is little or no wind will be difficult.

Officers said they did not expect energy prices to not return to what would be considered 'normal' for many years. They said the Government's energy bill relief scheme would include support for the public sector. Also, that the scheme would pay suppliers for the difference between the actual grid price and wholesale price. They also added that they were unsure what happen with the scheme after April 2023.

It was asked if there were plans to further expand the Council's energy generation? Officers said that all Council activity in that area would now be undertaken via the City Leap project.

A Member said it appeared there was some flexibility in the current contracts now. But could there be a time when without Government support that the Council would have to have to 'switch off' energy supplies. Officers said that anything that could be done to save energy would certainly help. But they had already secured a locked-in price for electricity and were currently working on the gas contract.

A Member asked what the Council was doing to reduce how much energy it used? Officers said that energy efficiency of council buildings wasn't particularly good and there was without doubt a need to reduce usage going forward. But they were also investing in and considering new renewables technology. City Leap was focussed on wind and solar energy but there were also huge potential and benefits in improving the ability to store energy.

Members asked if it was possible to find a way to make a financial incentive to save energy? Officers said it could be possible but it would be very difficult to implement.



A Member said that it could be stipulated when buying that we want to purchase renewable sources. But when purchasing via a full sleeve contract can the buyer stipulate more renewables? Officers said that buying green energy can't be counted as carbon reduction target. It would be seen as double counting.

A Member asked about pump storage methods? Officers said yes that was possible however inter-seasonal heat storage was something it might be more productive to look at going forward though.

The Commission thanked the officers for all their hard work and sleepless nights.

## 12 Planning Enforcement

Gary Collins (Head of Development Management) and Steve Pearce (Group Manager – Development Management) introduced the agenda item to Members. They briefly explained the role of the Councils Planning Enforcement Function within the context of the planning system and the legislation which it operates within. Officers said they had a responsibility to investigate any breach of planning but not to take action. They went on to explain how careful they have to be when investigating a reported breach of planning control and be very clear as to whether an alleged breach is definitely a breach before taking any action. It was said the Council can be severely penalised if it is found to have made the wrong decision, for example, they may have to pay compensation if a developer has ceased the work. So, when deciding whether to take action the Council has to decide if it is it 'expedient' to act.

It was said the current legislation was last reviewed in 1992 and was considered a 'blunt instrument'.

It was confirmed that the Planning Enforcement Team are funded by income from planning applications fees and do not generate any additional income as part of the function. If that income reduces, difficult decisions have to be made about the number of officers in the team. The team had previously consisted of 6.5 full-time officers but currently stands at 3.5 full-time officers with an additional officer seconded to the team to work on the specific area of Houses in Multiple Occupation (HMO).

Members enquired about the reduced number of enforcement notices being issued. Officers confirmed the numbers were down and that also Bristol were below other Core Cities as well on the number of notices issued. This it was said was mainly due to how the pandemic had impacted officer's ability to carry out site inspections. However, the figures were now said to be almost back to pre-Covid levels. It was also confirmed that the figures were now being tracked by the Council's Development Control Committees.

It was noted that officers had sent Commission Members a list of HMO case studies ahead of meeting. Officers said that work was very labour intensive and required considerable time to address and resolve those cases. It was said there were still a hard-core of 7 remaining cases where investigations were ongoing to see if there was enough evidence of them being used as HMOs.



A Member asked about 'Figure 3.7 Figure f) Enforcement Notices issued by Core Cities' in the published report and why Leeds appeared so different from most others? Officers said they undertook benchmarking exercises and that Leeds did receive more applications than Bristol and it appeared there was a correlation between the number of enforcement officers and the number of notices served.

It was then asked if cases were 'falling through the cracks' and was the problem widespread? Officers replied that this was a reactionary service and signalled to Table 3.2. in the report that indicated that a good service would show equity between the number of cases registered versus the number of cases closed. They conceded they were behind schedule but there was a need to manage expectations as well and provide some commentary about what is actually possible.

A Member raised concerns with Figure 3.5 in the report, which indicated that throughout 2021/2022 only 12 out of 556 cases registered had resulted in a legal notice being served. He then asked officers if they thought breaches were happening because Bristol had a reputation where enforcement wasn't very robust and developers thought they can get away with it? He added there were examples in his Ward regarding Tree Preservation Orders (TPOs) where mature trees were being felled with little or no punishment other being requested to plant a small young tree to replace it. It was concerning if the Council were perhaps giving the impression it was 'gun-shy' on these matters.

Members asked about existing TPOs and if it was known if all the trees were actually still there and was there a list of all current TPOs? The Bristol Tree Forum said it did have a ward-by-ward TPO map. Members expressed interest in receiving the if possible.

**ACTION: Bristol Tree Forum to forward a link to a list of all TPO's so it can be distributed to the Commission.**

The reduction in the number of enforcement notices being served was raised again and a Member asked if they were measured as a performance indicator. Officers said yes the number of notices served was a key performance indicator (KPI) and there was a 'sweet spot' they aimed to achieve but they were conscious of the figures going down.

The Director – Economy of Place acknowledged there were clear issues of concern and that staff resources were part of the issue. He said that the potential £30m gap in the Council's finances would not help either and the situation could potentially worsen. He agreed that the earlier suggestion during public forum of a voluntary route was a good one.

A Member said that it wasn't only Councillors but also many citizens who also had concerns about enforcement or the perceived lack of. He said it was not just planning but all kinds of enforcement such as graffiti, fly-tipping and parking that the public wanted to see more of. However, it was acknowledged there weren't currently enough funds to undertake it. He concurred that the Council was, as officers had described 'very reactive' and suggested that consolidating enforcement activity across the Council could be part of the solution.



A Member suggested that a random selection of checking developments would send a signal to builders that plans needed to be adhered to. Officers said that type of proactive enforcement used to occur when there were 6 or 7 Members of the team but with it now very trimmed down they were not able to deliver a more proactive type of service.

A Member referred to section 5.1 of the Council's Local Enforcement Plan (published on the meeting webpage) processes and said they could understand that some breaches were genuine mistakes. However, other breaches were likely to be serial rogue landlords or cowboy builders who perceived they could get away with it. Was there anything that could be done to crack down on repeat offenders? Officers said they were working within the powers of the Enforcement Plan. The Member suggested in future it could reference that if the Council knows who they are and they have poor track record it will be factored into how future cases are dealt with.

A Member asked about retrospective permission and fees. They suggested that if work was done differently than they had originally stated, then they should be paying a fee or it should be increased if permissions is granted retrospectively. Officers confirmed there was currently no financial or legal penalty for permission be granted retrospectively but this was something that the Government could potentially consider in future when they reviewed nationally set fees.

Members asked if there were plans to review the Local Enforcement Plan as it appeared there were clear indications that the public wanted the Council to be more robust in its enforcement. Officers confirmed that the Plan was ready to be reviewed again.

A Member suggested the matter required some joint lobbying to Government and offered to write a statement that the commission could all sign. There appeared to be general agreement from other Members and it was also suggested that other Core Cites could be invited to do the same. The officers said they were meeting with them soon and could include this on the agenda.

**Actions:**

- **Commission Members to confirm if they wish to write a statement on the subject to central Government.**
- **Scrutiny Coordinator to ask Bristol Tree Forum to forward a link to a list of all TPO's.**

The Chair thanked officers for their time and the valuable discussion.

## **13 Temple Quarter**

Lowri Hughson-Smith - Temple Quarter Enterprise Zone Project Manager introduced the item to Members and explained the focus of the up-date would be on developments since February 2022 when this was last brought before the Commission. Lowri talked Members through the information on the published slide deck.





John Smith - Director Economy of Place added that the development was now taking shape and under the current economic climate that was quite an achievement. He thanked Members for attending the tour of the area earlier that week and said that the main take away had been the comments made by Members about the transport elements of the project. He added that the Council was determined to talk to the community about new developments because they want people to know that that is being done with them not to them. He said that the legal agreements with Homes England had been signed this year and that that the Council is also proposing to enter into a legally binding collaboration agreement between four partners (BCC, Network Rail, Homes England and the West of England Combined Authority) for delivery plans for the 4 sites.

The Reinvestment Strategy was highlighted and it was said that the proceeds of sales of BCC owned land would be reinvested into Phase 2 of the project. Also, that the Bristol Avon Flood Strategy was one of the key enabling blocks to move the project forward.

It was said that the Joint Delivery Team had helped take the project to this point and that an application for a further 4 years funding would be submitted. This would also help to de-risk aspects of the development going forward. They were also as previously reported to the Commission, looking to set up a 'joint delivery vehicle'.

It was stated that the project had moved to RIBA Stage 1 details of this and the outputs were included on the published slide deck.

The Delivery Framework was said to set out the long-term vision of area. The vision had now also been updated.

Members were taken through the details of the Communication, Engagement and Consultation Strategy which it was said would be a phased approach. A number of tours of the site had taken place recently and more were being arranged.

A Member asked about the funding for the Redcliffe Way reconfiguration that was completed recently and asked if it was different to the previous plans. Officers said that the funding bid for it was written years ago and so it was unlikely that everything in there would now be undertaken. It was now more focussed on integrating housing provision with other aspects such as cycle paths. There would now be a funded transport officer imbedded in the project to ensure it linked into other transport projects within the area.

A Member thanked officers for the informative tour that week and said they understood there would be a new multistorey carpark built. Was it possible to have a repurposed roof on that? Officers said they would need to look into that after the meeting and would provide an up-date and feedback about the roof.

**Action: officers to enquire about the planned multistorey carpark and the possibility of a repurposed roof.**



A Member asked about the Building Bristol Initiative point on the published slides and whether that was new? The Director said yes it was new and aimed at increasing the number of local people entering the construction industry in Bristol. Bristol City Council has taken steps to change its planning requirements meaning all major applications must include an Employment and Skills Plan (ESP). This was a very good employment and skills initiative and was about increasing social value in all future local development schemes.

The Chair thanked officers for their time.

## **14 Work Programme**

Members noted the scrutiny work programme.

A Member referenced the Commission's meeting due to take place in March and said that he had recently been informed that the planned train stations were not due to be completed until at least a year after the Brabizon Arena would open. This he said would causing major disruption to the area for around 18 months and residents would understandably be very unhappy.

**CHAIR** \_\_\_\_\_

