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Late item for 21st June 2013 Scrutiny Board (Health and Well-being and Adult Social Care)

Pages 1-6: Agenda item 6 – Minutes of the Scrutiny Board (Health and Well-being and Adult Social Care) meeting held on 10th June 2013.

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Agenda Item 6

SCRUTINY BOARD (HEALTH AND WELL-BEING AND ADULT SOCIAL CARE)

MONDAY, 10TH JUNE, 2013

PRESENT: Councillor J Illingworth in the Chair

Councillors G Hussain, J Walker, C Fox,
S Varley, J Lewis, E Taylor, C Towler,
S Lay and B Anderson

1 Chair's Opening Remarks

The Chair welcomed everyone to the first meeting of the new municipal year for the Scrutiny Board (Health and Well-Being and Adult Social Care).

2 Late Items

There were no formal late items of business to consider, however the Scrutiny Board agreed to accept the following supplementary information previously provided by way of a supplementary agenda (Minute 6 refers):-

- Letter from Sport England (11 September 2012);
- Email from Sport England (12 November 2012) and associated policy on planning applications for development of playing fields;
- Letter from Sport England (25 April 2013);
- National Planning Policy Framework (March 2012) – members' attention is specifically brought to Section 8 – Promoting healthy communities (Paragraphs 69 – 78 (inclusive)); and,
- Public Health England – Priorities for 2013/14

The documents were not available at the time of the agenda despatch, but made available to the public on the Council's website. Copies of the papers were also made available at the meeting.

3 Declaration of Disclosable Pecuniary Interests

There were no disclosable pecuniary interests declared to the meeting, however in relation to the item entitled, 'Health and Wellbeing of People Living in Hyde Park and the Need for Local Schools and Community to Access Sports and Leisure Facilities', Councillor Walker drew the Board's attention to her role as a member of South and West Plans Panel – currently the relevant body that would consider any future planning application related to the site highlighted in the agenda papers (Minute No 6 refers).

Clarification regarding pre-determination of planning applications was provided by the Legal Services officer in attendance at the meeting (Minute No 6 refers).

4 Apologies for Absence and Notification of Substitutes

Apologies for absence were received on behalf of Councillors K Bruce, M Robinson and C Towler.

Notification had been received that Councillor B Anderson was attending as a substitute for Councillor M Robinson.

5 Minutes - 24th April 2013

RESOLVED – That the minutes of the meeting held on 24 April 2013 be approved as a correct record.

6 Health and Wellbeing of people living in Hyde Park and the need for local Schools and Community to access Sports and Leisure Facilities

The Head of Scrutiny and Member Development submitted a report introducing a joint report from the Director of Public Health and the Chief Planning Officer, presented to the Executive Board at its meeting on 9 May 2013.

This report to Executive Board responded to the deputation presented to the full Council meeting on 12 September 2012 from the Hyde Park Olympic Legacy Committee regarding the health of people in Hyde Park and the need for local schools and community to access sports facilities. Details of the deputation along with the relevant extract of the draft minutes from the Executive Board were also appended.

The report set out that following representation from a number of Councillors, a meeting of the Scrutiny Board¹ had been convened to discuss a number of issues raised in the Executive Board report in relation to the Council's duties as a Planning Authority and its Public Health role.

A note setting out the legal position around the Council's duties as a Planning Authority and its Public Health role was appended to the report.

Members of the Scrutiny Board had also been provided with a supplementary report that presented the following additional information relevant to the issues under discussion:

- Letter from Sport England (11 September 2012);
- Email from Sport England (12 November 2012) and associated policy on planning applications for development of playing fields;
- Letter from Sport England (25 April 2013);
- National Planning Policy Framework (March 2012) – members' attention was specifically brought to Section 8 – Promoting healthy communities (Paragraphs 69 – 78 (inclusive)); and
- Public Health England – Priorities for 2013/14

¹ All references to 'the Scrutiny Board' refer to Scrutiny Board (Health and Wellbeing and Adult Social Care) unless otherwise stated.

The following representatives and Council officers were in attendance to help the Scrutiny Board consider the matters before it:

- Cllr Neil Walshaw (Headingley Ward, Leeds City Council)
- Mr. Lutel James (Strategic Leader, Chapeltown Youth Development Centre (CYDC))
- Bob Pritchard (Leeds City Council, Legal Services Section Head (Development))
- Phil Crabtree (Leeds City Council, Chief Planning Officer)
- David Feeney (Leeds City Council, Head of Forward Planning & Implementation)
- Brenda Fullard (Leeds City Council, Public Health Consultant)
- Dr Stephen Morton (Centre Director for Public Health England, Yorkshire and the Humber)

It was noted that apologies had been received from Sport England, as representatives were unable to attend the meeting. However, it was also noted that with sufficient notice and a clear purpose for attending, Sport England had provided a commitment to attend a future meeting of the Scrutiny Board (if required).

The Chair thanked the representatives and Council officers attending the meeting and reminded members of the Scrutiny Board of the potential wider implications of the Boards discussions, making specific reference to:

- The increase in school academies across Leeds;
- The (potential) future loss of playing pitches;
- The current low provision/ prevalence of sports pitches across parts of inner city Leeds and the correlation with current health issues, such as obesity; and,
- The Council's new Public Health role resulting from the Health and Social Care Act 2012.

The Legal Services officer outlined that the issue of predetermination around planning applications had been clarified by the Localism Act 2011 and that any comments made by members in a Scrutiny Board would not preclude any future participation in any Plans Panel consideration / decision related to the specific issues identified in the Executive Board report and presented to the Scrutiny Board.

The Legal Services officer summarised the legal position around the Council's duties as a Planning Authority and its Public Health role as:

- Health considerations were a material consideration in terms of the planning process/ decision-making (specific reference was made to paragraph 69 in the National Planning Policy Framework);
- The Health and Social Care Act 2012 reinforced public health considerations being material to planning decisions;
- The process/ judgement of 'weighting' material considerations was an issue for decision-makers in the planning process.

Councillor Walshaw addressed the meeting and:

- Thanked the Chair and other members for the opportunity to address the Scrutiny Board;
- Welcomed the Executive Board report (9 May 2013);
- Gave a description of the site and proposed development;
- Outlined some of the public health issues/ challenges facing the local area and associated needs of the ward;
- Highlighted that a number of schools in the locality did not have sufficient playing pitches/ greenspace;
- Noted a number of recent changes (such as the publication of National Planning Policy Framework (March 2012) and implementation of the Health and Social Care Act 2012) that suggested this was an appropriate time for the Scrutiny Board to consider the issues before it.

Mr Lutel James addressed the meeting and outlined the work of the Chapeltown Youth Development Centre, which had been working across some challenging local communities since 2002. Mr James highlighted the following issues for the Scrutiny Board's consideration:

- The social development of local communities and the need to respect local populations;
- Engaging communities in policy development and associated implementation;
- Wider costs to the community associated with imposing policy decisions;
- Whether or not all community assets (including potential assets) were 'saleable'.

The Chief Planning Officer addressed the meeting and clarified the current position regarding Leeds Girls High School. A number of other points were made, including:

- There was no disagreement with the sentiments expressed by other at the meeting;
- Clarification of the position regarding the Council's Core Strategy that had been submitted and was currently being considered by government;
- There was a need to balance consideration of the city-wide position with individual applications;
- Reference to the National Planning Policy Framework (March 2012) and specifically the guidance/ restrictions (paragraph 74) relating to the development of existing open space / sports pitches;
- In terms of the specific application referred to in the Executive Board report, there was clearly a different community view to that expressed by Sport England: It was necessary to hear the community views as part of the process;
- A brief outline of the process for determining planning applications;

The Director of Public Health's representative addressed the meeting and made a number of points, including:

- Clarification that the specific issue highlighted in the Executive Board report, and the associated planning application process, had commenced before the transfer of Public Health responsibilities to the Council;
- Confirmed the main role/ purpose of the Public Health function across the Council was to embed public health and public health outcomes across the work of the Council and through its policies;
- The full implications and practicalities associated with the Health and Social Care Act 2012 had not yet fully worked through.

The Centre Director for Public Health England addressed the meeting and provided an outline of the public health changes that have arisen as a result of the Health and Social Care Act 2012, including the different responsibilities of local authorities and Public Health England.

An outline of the work of Public Health England was also provided, including:

- Delivering some specific public health services;
- Provide leadership across the public health system;
- Development of the public health workforce across the system;
- Building capacity across the public health system.

On questioning from members of the Scrutiny Board, it was confirmed there was no intention for Public Health England to comment on individual planning applications, as this would be a function undertaken as part of the local authority public health responsibilities/ function.

A discussion followed the presentations from representatives/ Council officer's attending the meeting, with members of the Scrutiny Board making a number of comments and observations relating to the written information and verbal contributions made, including:

- The potentially time-limited opportunity for Public Health England to establish itself as a significant and credible organisation within planning and development processes;
- Queries around the ability of Public Health England to deliver/ achieve its priorities without more direct involvement/ consideration of issues affecting local communities;
- Through its planning function, it was incumbent on the local authority to actively 'do good' for local communities and not only to 'avoid harm';
- Concern around how Public Health England would fully address some of its priority areas without considering the potential impact of planning/ development proposals on local communities;
- Concern that Sport England's definition/ interpretation of 'local provision' of sports pitches/ open space, appeared to limit the

opportunity/ ability of local authorities to 'reclaim' or 'create' green space for the benefit of local communities;

- The principles applied by Sport England appeared to be most significantly concerned with the impacts of development proposals on organised sports, and not necessarily the general physical and mental health and wellbeing of local communities. Hence the importance of Public Health England's role as a national body concerned with improving health and wellbeing of communities.
- The challenges facing the Council in balancing its stated aim of 'Narrowing the health gap' between communities and the need for new development across the City;
- The challenges for Plans Panels to balance the weighting factors of all material considerations;
- The importance of considering the mental health needs and wellbeing of communities, in addition to physical health and wellbeing;
- The role of statutory bodies in reflecting community concerns when considering development proposals.

The Chair reiterated his opening remarks regarding potentially wider implications that the specific issue forming the basis of the Scrutiny Board's discussion may give rise to in the future.

Specific reference was also made to the potential pivotal roles of Sport England and Public Health England when proposals to develop greenspace and/or existing sports pitches were put forward. Members were concerned about Sport England's existing policy in this regard and Public Health England's position (as stated at the meeting).

The Chair proposed that, on behalf of the Scrutiny Board, he write to Sport England and Public Health England expressing the concerns of the Scrutiny Board, requesting that each organisation reconsider its current policy/ position.

The Chair thanked all those in attendance for their contribution to the discussion.

(Cllr S Lay joined the meeting at 1:50pm (approx.) during consideration of this item.)

RESOLVED –That the contents of the report and appendices be noted.

7 Date and Time of the Next Meeting

RESOLVED – To note the date of the next meeting as Friday, 21 June 2013 at 10.00am (with a pre-meeting for members of the Scrutiny Board from 9:30am).

(The meeting concluded at 3:15pm (approx.))