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LATE ITEM OF BUSINESS – EXECUTIVE BOARD – 9TH DECEMBER 2009

Report Entitled – ‘Decision Taken Under Special Urgency Provision’

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To Members of the Executive Board

Democratic Services

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Our Ref: A61/ISW
Your Ref:
4th December 2009

Dear Councillor

EXECUTIVE BOARD – 9th December 2009 – Late Item

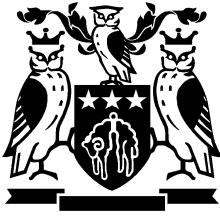
Please find attached to this letter a copy of a report relating to a Key Decision which has been taken under the Special Urgency Provisions of the Constitution. The Chair has admitted the report to the agenda for next week's Board meeting as a late item for the reason given at the beginning of the report. I would be grateful if you could include the report with your papers for next week's Board meeting.

With regard to item 20 on the agenda, the deputation spokesperson has contacted this office as to the accuracy of the verbatim report of his speech. Attached to this letter is a copy of the verbatim with track changes relating to the two specific points raised by the spokesperson. Please replace the version circulated with the agenda with the version attached to this letter.

Yours sincerely

Ian Walton
Principal Governance Officer

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Report of the Assistant Chief Executive (Corporate Governance)

Executive Board

Date: 9th December 2009

Subject: Key Decision Taken Under Special Urgency Provision

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Report to Council)

LATE ITEM

The Chair has admitted this report to the agenda as a late item in order that the Board be apprised of actions taken under the Special Urgency provisions of the Constitution at the earliest opportunity.

1.0 PURPOSE OF REPORT

1.1 To inform the Executive Board of a Key Decision taken under 'Special Urgency' provisions contained in the Constitution and to recommend the Board to forward this report to Council as the quarterly report on such decisions in accordance with paragraph 16.3 of the Access to Information Procedure Rules

2.0 BACKGROUND

2.1 The general requirement of the Council Constitution is that notice of Key Decisions will be given in the Forward Plan of Key Decisions. There is also provision for the five day notification of the intention to take a decision where it has been entered on the Forward Plan.

2.2 Paragraph 16 of the Access to Information Procedure Rules allows for 'Special Urgency' and states: "If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains

the agreement of the chair of a relevant Scrutiny Board that the taking of the decision cannot be reasonably deferred and the decision is urgent. If there is no chair of a relevant Scrutiny Board, or if the chair of the relevant Scrutiny Board is unable to act, then the agreement of the Lord Mayor of the Council, or in his/her absence the Deputy Lord Mayor will suffice”

- 2.3 Paragraph 16.3 of the Access to Information Procedure Rules requires that reports on special urgency decisions should be made in the following terms: “In any event, the leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken”
- 2.4 The last decision taken under the special urgency provisions was in 2008 and in view of this the view was taken that the quarterly report requirement was superfluous until such time as such a decision might be taken. This report is in relation to a decision taken under the Special Urgency provisions on 2nd December 2009.

3.0 THE DECISION TAKEN

- 3.1 On 2nd December 2009 the Chief Planning Officer approved the designation of Buslingthorpe Conservation Area, as identified on the map attached to the report, with immediate effect. The designation became effective at 00.01 hours on 3rd December 2009.
- 3.2 On 1st December 2009 the Chief Officer advised Councillor A Carter as Leader of Council and relevant portfolio holder as to the need for the decision to be taken as a matter of urgency. On 2nd December 2009 the Chair of Scrutiny Board (City Development) was advised of the circumstances and agreed that the decision could be taken forthwith.
- 3.3 The context for the urgency of the decision as contained in the associated report is as follows;

“Buslingthorpe is an area of important industrial heritage which is currently unprotected and little understood or valued by the local population. There has recently been incremental loss of significant historic buildings in the area. Balmforth’s Tannery building was demolished in April 2008 following a successful appeal against refusal of planning permission and now stands as an empty site which further blights the already bleak built environment of Sheepscar. Perseverance Mill, which was of very high quality, was also demolished following a successful appeal and replaced with new-build flats which do not make a positive contribution to the character of the area.

While a number of important buildings have been lost, the unique character of Buslingthorpe and the lower Meanwood valley does survive. However, unless further loss is arrested this special character will soon disappear.

As set out above, the three large tannery complexes in Buslingthorpe constitute a major part of the surviving standing building evidence for the tanning industry in Leeds, and probably in England. While one complex is still in operation as a tannery, none of the three sites is fully occupied and all are likely to come under intense pressure for site clearance and re-development in the near future.

The historic manorial mill site of Scott Hall Mill also is also vulnerable to loss to re-development.

While archaeological significance may be accounted for through preservation by record as set out in PPG 16, the standing historic buildings in Buslingthorpe not only function as historic artefacts but also make a considerable contribution to the area's character and sense of place. Control over their retention may only be given by conservation area status. It is clear from the successful re-use of other historic industrial sites in Leeds that there is considerable scope for the imaginative re-use of such buildings once an archaeological record has been made of their surviving industrial features."

3.4 The specific reason as presented to the Chair of Scrutiny was:

"The reason is that this is an area of important but vulnerable historic tanneries one of which has already been lost to development and a further two are the subject of current pre-application discussions with developers/owners. In both cases the agents have indicated that the owners wish to demolish all or most of the complexes and they have not been persuaded of the merits of keeping and converting at least part of them. There is a real fear that these and other buildings may soon be lost to the detriment of the city. Conservation area status prevents precipitate action and allows the merits of retention/demolition to be considered as part of the planning process. Speed is clearly of the essence as any premature publicity will reduce the chance of a successful outcome, hence the request to waive normal procedures."

4.00 RECOMMENDATION

4.01 That the Executive Board approve this report as the report of the Leader for submission to Council as the quarterly report in accordance with Access to Information Procedure Rule 16.3

Background papers

Delegated Decision Notification and report to the Chief Planning Officer.
Email message from Deputy Chief Planning Officer to Leader of Council.
Authorisation form signed by the Chair of the Scrutiny Board.
Access to Information Procedure Rules.

