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## EXECUTIVE BOARD

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Meeting to be held in Civic Hall, Leeds on  
Wednesday, 16th August, 2006 at 1.00 pm

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### MEMBERSHIP

#### Councillors

M Harris (Chair)  
A Carter  
D Blackburn  
R Brett  
J L Carter  
R Harker  
P Harrand  
J Procter  
S Smith

K Wakefield  
\*J Blake

\*non voting advisory member

# A G E N D A

Item No K=Key Decision	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p>	
2			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
3			<p><b>EXCLUSION OF PUBLIC</b></p> <p>To agree that the public be excluded from the meeting during consideration of appendix 1 to item 18 and appendix 1 to item 19</p>	
4			<p><b>DECLARATION OF INTERESTS</b></p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 13 of the Members Code of Conduct</p>	
5			<p><b>MINUTES</b></p> <p>To confirm as a correct record the minutes of the Executive Board meeting held on 5<sup>th</sup> July 2006 and to note minutes of Access to Information Appeal Hearings of the 19<sup>th</sup> and 20<sup>th</sup> June 2006</p> <p><b><u>NEIGHBOURHOODS AND HOUSING</u></b></p>	1 - 10

Item No K=Key Decision	Ward	Item Not Open		Page No
6			<p><b>OFFICE ACCOMMODATION - NEIGHBOURHOODS AND HOUSING DEPARTMENT</b></p> <p>To consider the report of the Director of Neighbourhoods and Housing highlighting the outcomes of the Option Appraisal and business case for the demolition and disposal of South Point and the consequent relocation of Neighbourhoods and Housing staff into alternative accommodation within the Departmental Portfolio.</p>	11 - 20
7 K	Hyde Park and Woodhouse		<p><b>FORMER ROYAL PARK PRIMARY SCHOOL</b></p> <p>To consider the joint report of the Director of Neighbourhoods and Housing and the Director of Development seeking approval for the marketing of the Royal Park property for refurbishment or redevelopment as a mixed use development with the Council retaining an operational presence in the form of a library and some community space and retaining the freehold in the property but with no restriction as to the make-up of the scheme other than would be required through the planning process.</p>	21 - 26
8 K			<p><b>THE GOLDEN TRIANGLE PARTNERSHIP - PRIVATE EQUITY MODEL</b></p> <p>To consider the report of the Director of Neighbourhoods and Housing on proposed expenditure of £1,000,000 in 2006/07 in respect of a scheme to assist local people who are first time buyers, low income workers and households in need to purchase properties in the area defined as the Golden Triangle in the Leeds, Harrogate and York districts</p>	27 - 32

Item No K=Key Decision	Ward	Item Not Open		Page No
9			<p><b>OMBUDSMAN REPORT - ADAPTATIONS TO A COUNCIL HOUSE</b></p> <p>To consider the joint report of the Director of Legal and Democratic Services and the Director of Neighbourhoods and Housing on a recent finding of maladministration and injustice in a report issued by the Local Government Ombudsman with regard to a complaint about adaptations to a Council House to meet the needs of the disabled tenant</p> <p><b><u>CHILDRENS SERVICES</u></b></p>	33 - 52
10	Adel and Wharfedale		<p><b>DEPUTATION TO COUNCIL - ADEL PRIMARY SCHOOL</b></p> <p>To consider the report of the Chief Executive of Education Leeds in response to the comments made by the deputation to Council by parents of pupils at Adel Primary School with regard to building works at the school</p>	53 - 62
11	Chapel Allerton; Moortown;		<p><b>DEPUTATION TO COUNCIL - PROPOSALS FOR MEANWOOD PRIMARY PLANNING AREA</b></p> <p>To consider the report of the Chief Executive of Education Leeds in response to the deputation to Council about the Executive Board's decision to publish statutory notices proposing the amalgamation of Miles Hill Primary and Potternewton Primary with a new primary school occupying the Potternewton site.</p>	63 - 68
12			<p><b>SCHOOL CLOTHING ALLOWANCES</b></p> <p>To consider the report of the Director of Children's Services on action taken following a Council decision to increase the School Clothing Allowance budget</p>	69 - 70

Item No K=Key Decision	Ward	Item Not Open		Page No
13 K	City and Hunslet		<p><b><u>LEISURE</u></b></p> <p><b>LEEDS GRAND THEATRE REFURBISHMENT WORKS</b></p> <p>To consider the joint report of the Directors of Learning and Leisure and Development on the latest position in respect of phase 1 of the Leeds Grand Theatre refurbishment scheme, proposals for phase 2 of the scheme and the proposed heads of terms for the lease of the theatre to the Leeds Grand Theatre Company</p>	71 - 88
14			<p><b>DEPUTATION TO COUNCIL - SWIMMING POOL HORSFORTH</b></p> <p>To consider the report of the Director of Learning and Leisure in response to the comments made by the deputation to Council by local residents for the provision of a swimming pool in north west Leeds</p>	89 - 96
15 K			<p><b><u>ADULT HEALTH AND SOCIAL CARE</u></b></p> <p><b>COMMISSIONING PLAN FOR MENTAL HEALTH DAY SERVICES</b></p> <p>To consider the report of the Director of Adult Services setting out proposals for the modernisation of mental health day services, based on a more person centred service model meeting an individuals assessed needs flexibly, in their local communities and wherever possible, within mainstream services rather than in settings catering only for people with mental health problems</p> <p><b><u>CENTRAL AND CORPORATE</u></b></p>	97 - 106

Item No K=Key Decision	Ward	Item Not Open		Page No
16			<p><b>CAPITAL PROGRAMME MONITORING - UPDATE</b></p> <p>To consider the report of the Director of Corporate Services providing quarterly monitoring information on the Capital Programme and highlighting the continuing investment made by the Council in the city, explaining the pressures on future schemes and providing details on the latest resources and expenditure estimates for the capital programme.</p> <p><b><u>DEVELOPMENT</u></b></p>	107 - 112
17			<p><b>DEPUTATION TO COUNCIL - WITHDRAWAL OF BUS SERVICE FROM WETHERBY TO TADCASTER VIA BOSTON SPA</b></p> <p>To consider the report of the Director of Development in response to the deputation received by Council at the meeting on the 21 June 2006 in connection with the withdrawal of the 780 bus service between Wetherby and Tadcaster via Boston Spa.</p>	113 - 118
18	Ardsley and Robin Hood		<p><b>DEPUTATION TO COUNCIL - FORMER BLACKGATES SCHOOL AT TINGLEY</b></p> <p>To consider the report of the Director of Development in response to the deputation to Council by local residents against the sale, demolition and redevelopment of the redundant Blackgates School at Tingley. Appendix 1 to this report is exempt under Access to Information Procedure Rule 10.4(1) and will be circulated at the meeting</p>	119 - 132

Item No K=Key Decision	Ward	Item Not Open		Page No
19	Morley North		<p><b>DEPUTATION TO COUNCIL - DISPOSAL OF DRIGHLINGTON OLD SCHOOL AND LAND</b></p> <p>To consider the report of the Director of Development in response to the deputation to Council by the Drighlington Conservation Group regarding lack of consultation on the disposal of Drighlington Old School and land Appendix 1 to this report is exempt under Access to Information Procedure Rule 10.4(1) and will be circulated at the meeting.</p>	133 - 142

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## EXECUTIVE BOARD

WEDNESDAY, 5TH JULY, 2006

**PRESENT:** Councillor M Harris in the Chair

Councillors A Carter, R Harker, D Blackburn,  
R Brett, J L Carter, P Harrand, J Procter,  
S Smith and K Wakefield

Councillor J Blake – non-voting advisory member

**20 Exclusion of Public**

**RESOLVED** – That the public be excluded from the meeting during consideration of appendices 1 and 2 to the report referred to in minute 30.

**21 Declaration of Interests**

Councillor A Carter declared a personal and prejudicial interest in the item relating to Abbey Mills and St Ann's Mills (Minute 32) on the basis that, in the event that the mill buildings were offered for sale on the open market then a client of his company may make an offer to purchase. He also requested that it be recorded that he declared that he was supporting officers in a complaint to the Standards Board with regard to an individual member and he wished to avoid any perception that consideration of this report may be influenced by that fact.

Councillors Wakefield and Smith declared personal interests in the item relating to the Commissioning Plan for Learning Disability Day Services (Minute 24) as non-executive directors of the East and South Leeds PCTs respectively.

Councillor Brett declared a personal interest in the item relating to the future of Leeds ALMOs (Minute 30) as a board member of South East Leeds Homes.

**22 Minutes**

**RESOLVED** – That the minutes of the meeting held on 14<sup>th</sup> June 2006 be approved.

### **CHILDREN'S SERVICES**

**23 Improving Corporate Parenting in Leeds**

The Director of Children's Services submitted a report outlining proposals for the Council's arrangements to fulfil its responsibility as the Corporate Parent of all Looked After Children in Leeds, including a Looked After Children's guarantee and a proposed review/monitoring process.

**RESOLVED** – That the proposals contained in the report, and the resource implications arising from them, be approved.

## **ADULT HEALTH AND SOCIAL CARE**

### **24 Commissioning Plan for Learning Disability Day Services**

The Chief Social Services Officer submitted a report on the need to modernise learning disability day service provision in Leeds and presented the plan developed by the Joint Commissioning Service setting out proposals for further detailed consideration to develop day care services for learning disability.

#### **RESOLVED –**

- (a) That approval be given to the plan for day services as outlined in the report and to the development of a capital and revenue business plan to modernise day service provision for adults with learning disability in line with the principles outlined in the report and the Commissioning Strategy for Day Services.
- (b) That a programme of intensive local consultations with stakeholders and Ward Members be undertaken to ensure local plans reflect their concerns.
- (c) That further reports be brought to this Board as the change programme is rolled out.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

## **CENTRAL AND CORPORATE**

### **25 The Council Plan 2006/07**

Further to minute 5 of the meeting held on 14<sup>th</sup> June 2006, the Chief Officer (Executive Support) submitted a report presenting the completed Council Plan back to the Board as a final document.

**RESOLVED –** That the final Council Plan, as published by the statutory deadline of 30<sup>th</sup> June 2006, be received and endorsed.

### **26 Annual Efficiency Statement 2005/06**

The Director of Corporate Services submitted a report on the Council's proposed Backward Looking Annual Efficiency Statement for submission to the Department for Communities and Local Government by 6<sup>th</sup> July 2006.

**RESOLVED –** That the contents of the report be noted together with the decision of the Leader, the Chief Executive and the Director of Corporate Services to approve the Annual Efficiency Statement – Backward Look 2005/06 for submission to the Department for Communities and Local Government by 6<sup>th</sup> July 2006.

**27 Treasury Management Annual Report 2005/06**

The Director of Corporate Services submitted a report on Treasury Management for 2005/06, as required under the Prudential Code for Capital Finance in Local Authorities.

**RESOLVED** – That the outturn position for 2005/06 be noted.

**CITY SERVICES**

**28 Development of Primary School Catering Counter and Service Provision**

The Director of City Services submitted a report on a proposal to refurbish primary school dining counter and service facilities run by the Catering Services.

**RESOLVED** – That the Project Brief be approved as presented, that approval be given to the injection of £500,000 into the Capital Programme and expenditure in the same amount be authorised.

**NEIGHBOURHOODS AND HOUSING**

**29 The Use of Final and Initial Demolition Notices**

The Director of Neighbourhoods and Housing submitted a report on the purpose of Initial and Final Demolition Notices as introduced by the Housing Act 2004 and their potential to assist in relation to the management of regeneration initiatives and development opportunities and to prevent abuses of the existing right to buy legislation.

**RESOLVED** – That the report be noted and that the Director of Neighbourhoods and Housing be authorised, in consultation with the Director of Legal and Democratic Services, to issue Initial and Final Demolition Notices.

**30 The Future of Arms Length Management Organisations for Housing in Leeds**

The Director of Neighbourhoods and Housing submitted a report on the conclusions of the review of ALMOs in Leeds, detailing the background to the review and assessing the options of one ALMO, two ALMOs or one of two combinations of three ALMO's.

**RESOLVED** –

- (a) That the preferred options for the future of ALMOs in Leeds are the one ALMO option and the three ALMO option which would bring together, Leeds North East and East (to include all of EASEL), Leeds South East and South and Leeds West and North West, both options to have local panels.
- (b) That these options be put to tenants in a city wide ballot of all tenants.
- (c) That the preference of this Board is for the 3 ALMO option.

- (d) That the principle of local panels be agreed and that officers bring a further report on the detailed workings of local panels and governance arrangements for the main Board(s).

**31 EASEL: Outcome of Phase 1 Strategic Development Agreement Negotiations**

Further to minute 174 of the meeting of the Board held on 14<sup>th</sup> December 2005, the Director of Neighbourhoods and Housing and the Director of Development submitted a joint report on the results of the negotiation period with Bellway PLC, with particular reference to the Phase 1 Strategic Development Agreement and on proposed next steps in the EASEL procurement process.

Following consideration of appendices 1 and 2 to the report, designated as exempt under Access to Information Procedure Rule 10.4(3) it was:

**RESOLVED –**

- (a) That the EASEL Project Board, through the Deputy Chief Executive, and the Directors for Neighbourhoods and Housing and Development be authorised :-
  - (i) To accept, subject to contract and the resolution of the outstanding cost items, the commercial terms offered by Bellway PLC for the EASEL Phase 1 sites as described in the submitted report.
  - (ii) To delegate the award of the contract to Bellway PLC for the Phase 1 sites, only when progress has been made on the Joint Venture arrangements, as specified in the Preferred Bidder letter.
- (b) That a further report on progress of negotiations on the Joint Venture arrangements be brought to the September meeting of this Board.
- (c) That in the event of any significant change in the commercial offer from Bellway to the detriment of the Council, a further report on the options for the next steps in the procurement process be brought back to this Board for further consideration.

**32 Abbey Mills and St Ann's Mills, Kirkstall**

Referring to minute 147 of the meeting of the Board held on 15<sup>th</sup> December 2004, the Director of Development submitted a report on further work undertaken on the option preferred by the Board under that minute. The report identified a forecast increased cost in delivering the preferred option but indicated that it was still deliverable. The report also introduced an alternative option, as sponsored by a ward member, for the long term use of St Ann's Mills for leisure/community purposes in connection with Kirkstall Valley Park and the West Leeds Country Park, with short to medium term use as a community punishment centre and for the retention of Abbey Mills in Council ownership as a possible mixed use development following minor repairs.

The report presented the available options as being:-

- (i) Do nothing/minimum investment option on both sites. This option might facilitate the proposal put forward by the Ward Member but would not address the significant deterioration in the buildings or the need for quality employment units in Kirkstall. It would not, therefore meet the key objectives of the Council.
- (ii) Sell both sites. This option would provide significant funding to support the Capital Programme and would, over time, through third party investment, restore the buildings to their former glory. It would not, however, guarantee that employment units were retained in Kirkstall. Notwithstanding this a lease to a third party or partner could satisfy this requirement (see option (v) and (vi) below).
- (iii) Identify the required capital from the Mainline Capital Programme to deliver the original preferred option. Given other pressures this was not felt to be likely.
- (iv) Await the outcome of the bid to Yorkshire Forward for £3m of funding. If successful, such a sum of money combined with a capital receipt from the disposal of Abbey Mills, would enable a scheme to be delivered at St Ann's Mills.
- (v) Seek to formalise a partnership with one of the private sector providers of incubator units. Early discussions with these providers suggest that they have the capital to invest in St Ann's Mills subject to them receiving a satisfactory share of rental income. Within such a partnership the influence of the Council over lettings policy and management of the units may be restricted.
- (vi) Include one or both of Abbey/St Ann's Mills in the greater small industrial unit portfolio for which a partner is currently being sought. If the two sites are not seen by the prospective partners as sufficiently attractive in their own right then incorporation into the greater small industrial unit portfolio for discussion with potential partners might be more appropriate.

The report noted that none of the above options precluded the Council from also pursuing the service objectives as set down by the Ward Member, albeit that under some options the specific use of the St Ann's Mills building would not be possible.

The Ward Member attended the meeting and presented the alternative option sponsored by him as a ward member and answered questions put by Members of the Board.

**RESOLVED –**

- (a) That the key objectives of the exercise as previously approved by the Board and as set out in paragraph 2.4 of the submitted report be endorsed.
- (b) That the outcome of the bid to Yorkshire Forward for capital funding for St Ann's Mills be awaited. If this is successful, then officers be required to bring back a further report to this Board outlining the details of any proposal.
- (c) That should the bid to Yorkshire Forward be unsuccessful then officers be instructed to formally seek a private sector partner for the proposals and to then report back to this Board.
- (d) That should no suitable private sector partner be identified for this specific proposal, St Ann's Mills be included in the greater small industrial unit portfolio for which a private sector partner is currently being sought.
- (e) That the revised planning brief for Abbey Mills attached at Appendix J to the report be approved.
- (f) That Abbey Mills be marketed so as to determine its value more accurately for use in a future, more detailed project justification.
- (g) That the service aspirations outlined by the Ward Member in Appendix F and summarised in section 6 of the report be noted and that the possibility of them being delivered, other than through the use of the St Ann's Mills building, be the subject of further discussions and investigations.

(Having declared a personal and prejudicial interest in this matter Councillor A Carter left the meeting during consideration of this matter).

DATE OF PUBLICATION            7<sup>th</sup> July 2006

LAST DATE FOR CALL IN        14<sup>th</sup> July 2006

(Scrutiny Support will notify relevant Directors of any items Called In by 12.00 noon on 17<sup>th</sup> July 2006

## **Executive Board (Access to Information Appeals Committee)**

**Monday, 19th June, 2006**

**PRESENT:** Councillor D Blackburn in the Chair  
Councillors J L Carter, S Smith and  
K Wakefield

### **1 Access to Information Appeal**

The Committee heard an appeal by Councillor Illingworth following the refusal of the Director of Development to allow him access to the following documents:

The names of respondents to the St Ann's Mills/Abbey Mills public consultation exercise

Correspondence between Leeds City Council, Morrisons and Leeds Rugby Academy (including P Caddick and Sue Ansbro) since 2001

Designs and drawings for the redevelopment of St Ann's Mills and Abbey Mills – including details of any feasibility study

Written submissions by the Department and the appellant had been provided to the Committee in advance of the hearing and each presented their case to the Committee.

#### **RESOLVED –**

- (a) That with regard to the names of the respondents to the St Ann's Mills/Abbey Mills public consultation exercise the appeal be denied as the Council is not in possession of this information.
- (b) That arising from the discussions in association with the appeal the Director of Legal and Democratic Services be requested to liaise with the Head of Communications to ensure that the Community Engagement Policy has regard to government guidance on consultation practice.
- (c) That with regard to the correspondence between Leeds City Council, Morrisons and Leeds Rugby Academy (including P Caddick and Sue Ansbro) since 2001 the appeal be denied as it was a generalised wide ranging request covering a five year period rather than a request for specific information.
- (d) That with regard to the designs and drawings for the redevelopment of St Ann's Mills and Abbey Mills – including details of any feasibility study the Committee held that the appellant had received all the information the Department had on this matter.

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## **Executive Board (Access to Information Appeals Committee)**

**Tuesday, 20th June, 2006**

**PRESENT:** Councillor D Blackburn in the Chair  
Councillors J L Carter, S Smith and  
K Wakefield

### **2 Access to information Appeal**

The Committee heard an appeal by Councillor Gruen following the refusal of the Director of Legal and Democratic Services to allow him access to Counsel's advice in relation to the UDP review – response to inspector's report on Chapter 15 (East Leeds).

A written submission by the Department had been provided to the Committee, with the consent of the appellant, in advance of the hearing. Each party presented their case to the Committee.

#### **RESOLVED –**

- (a) That the appeal be refused
- (b) That Councillor Gruen be provided with a Confidential Note setting out the opinion of the Director of Legal and Democratic Services on the legal position relating to the Inspector's Report on Chapter 15 (East Leeds).

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**Report of the Director of Neighbourhoods and Housing Department**

**Executive Board**

**Date: 16<sup>th</sup> August 2006**

**Subject: Office Accommodation – Neighbourhoods and Housing Department**

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**Electoral Wards Affected:**

**Specific Implications For:**

- Ethnic minorities
- Women
- Disabled people
- Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

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**EXECUTIVE SUMMARY**

The report sets out the conclusions of the Option Appraisal undertaken in respect of office accommodation currently situated at South Point, South Accommodation Road which is occupied solely by Neighbourhoods and Housing staff. It focuses on the issues surrounding the imminent construction of IRR7 (Inner Ring Road Phase 7), and its proximity to South Point Offices, and the limitations of the building in respect of its current condition, life expectancy and DDA compliance.

The construction of IRR7 will improve the road infrastructure in Leeds and a recent feasibility study undertaken on South Point, by ADS, has highlighted areas which would need to be addressed to bring the existing accommodation up to a reasonable standard to allow for continued occupancy and to ensure continued service delivery from the site. The report identifies the level of construction work required to continue occupancy as office accommodation, whilst ensuring that service delivery is not impaired and a scheme that would extend the current lifespan of the building by 10 or 25 years.

A full option appraisal has been undertaken to identify the wider issues surrounding the building, including its retention within the Corporate portfolio as office or non-office accommodation, any costs associated to retention or disposal, the impact that the construction of IRR7 will have on the building and the ability for Neighbourhoods and Housing to continue to deliver their services both pre and post construction, alternative solutions to provide office accommodation for the occupiers, the overall costs of any scheme and the value the scheme will provide in respect of the community and regeneration.

An Asset Management Group Meeting was held on 6th June 2006 to discuss the issues at which it was agreed to recommend that Executive Board agree to,

a/ reduce the Corporate Office Accommodation Portfolio with the disposal of South Point the primary use of the land to be determined by market forces through the regeneration of the area.

b/ the relocation and decant of the existing occupiers of South Point into sites already within their Departmental portfolio and to lease a new site for the largest occupiers, Property Management Services at an alternative site as they are unable to relocate within the existing Corporate Portfolio. This will allow for a Net reduction in overall office space delivered.

## **SECTION 1**

### **PURPOSE OF THE REPORT**

1.0 The purpose of the report is to highlight the outcomes of the Option Appraisal and business case for the demolition and disposal of South Point and the subsequent relocation of Neighbourhoods and Housing staff into alternative accommodation within the Departmental Portfolio. It also addresses the issues surrounding the need for suitable, fit for purpose accommodation for the Property Management Service who cannot be accommodated within the current accommodation portfolio and the need to secure an alternative site to ensure service delivery.

1.1 The Option Appraisal included details about the current site and several other options for staff based at South Point – looking at the best use of:

- corporate assets,
- corporate funding and how any extended use of South Point or access to an alternative site would be funded,
- funding efficiencies that could be achieved through revenue savings on a year by year basis,
- the best use of office space, the best use of Corporate assets and their contribution to the regeneration of an area,
- the ability to deliver services from the right locations,
- the Health, Safety and well being of staff
- our ability to provide more flexible services by the use of modern technology and the promotion of flexible, mobile and home working solutions.

## **SECTION 2**

### **BACKGROUND**

2.1 South Point was built some 35 years ago and is constructed over seven floors, six of which are open-plan across the whole width of the floor, with a single storey glazed annexe provided to part of the ground floor. It has excellent parking facilities and is well-located about 1 mile to the south of the city centre on South Accommodation Road. There are currently 190 Neighbourhoods and Housing staff who work directly from the office location – approx 95 are employed by Property Management Service.

2.2 A Survey and Condition Report (February 04) included a Structural Engineer's report and it was noted that 'there had been some movement in the past' and that a visual inspection highlighted potential defects along the front South Western elevation facing South Point Road at the top and right hand side of the building. The building is not DDA compliant, does not meet relevant safety requirements for lone workers due to an inadequate fire system, has numerous ongoing and re-occurring faults, including sewer and general maintenance issues, suffers from

solar overheating, needs a new roof, complete rewiring and heating system and has inadequate ventilation. The cost to make the site fit for purpose is estimated at £2.9M and would take approximately 27 months for completion.

- 2.3 The building was acquired by the Council from its previous owners because of the impact of the proposed construction of IRR7 upon the value of the property. The building is estimated to have a minimum value of £870,000 and the site value is estimated at a minimum of £265,000, following demolition and clearance (estimated to cost some £136,000 subject to further asbestos survey). The cost of demolition may be absorbed as part of the IRR7 scheme as initial discussions with Mouchell Parkman indicate that provision may have already been made within the scheme and would therefore not be directly attributable to the Local Authority.
- 2.4 The planned new road will be in close proximity – 1.8m at its nearest point - to the building, particularly on its south-western elevation and will be a viaduct at this point. It is considered that the over-shadowing effect of the road at that point will mean that, from the fourth floor downwards, this part of the building will not be suitable, without substantial adaptation, for continued occupation for office use. There is also concern that the amount of spray produced from the volume of traffic predicted to use the road would impact on the glazed areas of the upper floors, floors 5 and 6, and could therefore reduce/limit the ability for use as formal office accommodation. If the long term decision to retain the site and renovate was made, work would need to take place in respect of noise reduction and ventilation in respect of the building and internal work would need to take place to realign the 'useable' office space. Staff would be required to relocate from the building during construction/renovation and the works required would include the need to;
- Create open plan office accommodation at the rear side of the building – away from the major road enhancements with no view of the IRR7.
  - Create meeting rooms, mess facilities and primarily storage space on the front elevation of the building facing the IRR7. As this will not be used for 'all day' occupancy this will limit the visual impact of IRR7 on staff working in the building and also make better use of the practical space.
  - Provide noise insulation to all parts of the building and suitable climate control to combat the factors of additional noise and inability to open windows to adequately ventilate the building
  - Under the DDA, compliance work set out as in the original Structural/Condition Report 2004
  - Make better use of the external facilities – car parking etc as the overall number of parking spaces will be reduced
- 2.5 Construction in anticipation of the new road has already commenced in April 2006 with sewer strengthening and a large section of the current car park has been acquired under statutory powers by Yorkshire Water for sewer improvements and revised car parking arrangements have been facilitated. Major works are due to commence around 01/09/06, and will last for up to some three years. The current Project Plan indicates that the phases relating to the pier construction from the River to Hunslet Road and the subsequent decking to these areas will cause the greatest amount of disruption to the occupants of the building and impact /stress on the structure of the building. Work on the demolition and site clearance for this phase has already commenced 24/04/06 with construction of the piers commencing early Autumn 2006. There will be a high degree of noise and disruption during the clearance/pre-construction process and during the construction period. There will also be additional issues that will affect staff surrounding traffic management and traffic flow during the pre-construction and construction phases, final timescales and consultation with the relevant bodies are still to be confirmed to gauge the overall impact in respect of the access/egress to the building.

## **THE OPTIONS CONSIDERED – Assessment of the Options**

### ***Site Specification***

- To accommodate 190 staff who provide a City Wide Service
- Ease of access to main road systems in Leeds
- Minimum space requirement of 9,149 feet squared
- Minimum number of 35 car parking spaces
- Open plan office space to allow for optimizing use of space and to allow for adoption of the Working without Walls concept
- Ease of access to public transport network for staff

A number of options to solve the problems identified above have been identified:

#### **3.1 *Option 1*** – Remain in existing site with basic remedial work and essential maintenance only

This is not seen as acceptable due to the extent of the work required and the increasingly unsatisfactory nature of the accommodation, which will be further degraded during the construction period of IRR7. However, this option is included to provide a base case from which to assess other alternatives.

#### **3.2 *Option 2*** - Major Refurbishment of South Point

Stripping out the building and carrying out the reconfiguration and refurbishment of the building, ensuring that DDA compliance for public and staff access, adequate acoustic insulation from noise from the IRR7 (during construction and post construction), major upgrade of lift, roof, kitchen, toilet facilities, windows and to address solar overheating in the building. Improved fire alarm system to be installed to replace inadequate manual system, overhaul of all electrics, IT, heating and provision of mechanical ventilation system. Substantial increase in lighting to accommodate for overshadowing that will be created by IRR7. Relocation of 'pure office space' to South side of building and to relocate lesser used communal spaces to the IRR7 road side of building as IRR7 proximity is 1.8 metres at closest point to building and runs parallel with 4<sup>th</sup> floor of building.

The above would be costly and a decant would be required for staff during the remodeling phase. The remodeled site would be larger than required for the PMS team and would only be viable should other LCC services relocate there. The close proximity of the IRR7 causes concerns for staff as does the prospect of having to move twice. The achievement of substantial revenue efficiencies would be delayed and would not allow recuperation of a capital receipt by the sale of the premise/land.

#### **3.3 *Option 3*** – Demolish and re-build at South Point

Demolishing South Point and constructing a purpose built site would deliver improvements in quality and flexibility of the accommodation and would address issues of proximity to IRR7. However, there would still be a need for substantial capital programme funding, decant during construction, concerns at moving twice and the delays in achieving revenue efficiencies and the potential loss of the capital receipt value. There are likely to be planning restrictions imposed on a new build that could have a direct impact on the number of parking spaces available on site – an element which is crucial as 95% of the staff are essential car users.

#### **3.4 *Option 4*** - Dispose of South Point and purchase alternative accommodation

Two sites were identified that met the client requirements for both geographical location, size of building, access to current and projected client group. The favoured site at this time was in the Colton area and would have allowed the Department to relocate all PMS staff to a suitable

sized site, to extend the use of flexible working and mobile working, to make substantial revenue efficiencies and to also allow for the sale of South Point and the capital receipt values. However, the site has since been taken off the market.

The other site identified at Barrack Road had serious limitations regarding parking and the site was too large for sole occupancy and would only be cost effective should another LCC team share the space and subsequent overheads.

### 3.5 **Option 5** – Dispose of South Point and lease alternative accommodation

Five sites were originally identified for potential lease occupancy, although the two meeting the 'best fit' for client requirements were both based at Colton. One was the Colton Mill site that has since been taken off the market and the other, Temple Point, is a similar but smaller office located on the adjoining business park.

Barrack Road was reviewed but proved inadequate for parking and the site was too large for the PMS Team and would require co-occupancy to prove financially viable.

Gelderd Road - the reduced parking and larger space than required made this less favourable.

View Point Bramley- this is competitively priced accommodation within an office block of 3 units of a similar age to South Point although recently renovated. The space is above a local shopping centre that is currently in decline due to the relocation of Morrison's and, although there is adequate parking, access is via the shopping centre and a back stairwell to the designated area. Work would need to be undertaken to ensure that access/egress to the site is provided safely and security enhancements would need to be made which would also provide additional reassurance to this developing area. The office space has been on the market for nearly 3 years and has yet to be leased but the rates for lease are very favorable and the agent would be prepared to consider a 10 year lease with break clauses at year 3 and year 6 which would allow for decisions to be taken regarding continued occupancy. These break clauses would be tied in to coincide with the Decency deadline of 2010 and the future of the service after that date. Plans to regenerate the area are already been explored with a £1.6M regeneration scheme of the shopping complex to take place in the near future. The scheme would look to enhance the look of the shopping centre, to improve access and facilities within the centre and generate and encourage trade within the area with the addition of further shopping units. The offered office accommodation would provide a suitable site for the service as well as assisting with the regeneration of the area with relocation of 120 staff into the office, their use of goods and services and a commitment shown by LCC to assist with regeneration. Safety and environmental improvements

### 3.6 **Option 6** – Dispose of South Point and new build on alternative sites

LCC has a site at Wykebridge where it would be possible to build either a purpose sized building for sole occupancy or a larger unit which would then be dependant upon co-occupancy to make financially viable. The cost attributable to a new build is high and due to the restricted timescales before IRR7 construction commences, there would still be a need to decant staff from South Point. The length of time to complete a new build would involve the staff being decanted for a substantial period of time and would involve a second move later in the process. There are also concerns that planning restrictions may inhibit the number of parking spaces making the site unacceptable to allow service delivery.

The site could be sold if the N&H preferred option were to be pursued and the capital receipt value realised.

### 3.7 **Option 7 and 8** – Dispose of South Point and refurbish an existing LCC site

There are two potential LCC sites that could be refurbished – both old schools.

Hillside is in Beeston and offers accommodation that is over twice the size of the PMS needs therefore would only be cost effective if co-occupancy could be guaranteed. Parking is very

limited on site and there would be a need for a decant and in essence two moves to enable the team to realise the desired outcome. There would also be a delay for the team in realising revenue savings from existing sites. This site does not become empty until September of this year which would delay the process.

If there are no other interested parties internally for the site then there is scope to sell the property/land and realise the capital receipt value.

Wyther Park in Bramley is in an ideal location although too large for sole occupancy of PMS therefore would be dependant upon finding other occupiers to make it cost effective. Parking should be acceptable on site and there would be scope to realise the capital receipt value of part of the site by selling off the back playground for alternative use.

This site would again involve the service being decanted and then a move to final location and delay any immediate revenue savings from the rationalisation of existing sites.

If there are no other interested parties internally for the site then there is scope to sell the property/land and realise the capital receipt value.

## SECTION 4

### INITIAL OPTION APPRAISAL

The initial options were appraised, including net costs and non-financial factors (the Colton Mill options have been taken out of the table as it is no longer available)

#### 4.1 *Table 1 – Summary of Net Costs for each option*

Option	Net Cost £000	Non-financial weighting
1 – Repair existing site	£2046	Low
2 – Major refurbishment existing site	£4431	Medium
3 – Demolish and rebuild at South Point	£3146	Medium
4a – Dispose and purchase Barrack Road	£2842	Medium
5 – Dispose and lease Gelderd Road	£4060	High
5a – Dispose and lease Barrack Road	£5242	Medium
5b – Dispose and lease View Point	£2117	Medium
5c – Dispose and lease/purchase Temple Point	£4511	High
6a – Dispose and new build small Wykebridge	£3225	Medium
6b – Dispose and new build large Wykebridge	£5448	Medium
7 – Dispose and major refurbishment Hillside	£4135	Medium
8 – Dispose and major refurbishment Wyther Park	£3140	Medium

As a result of the initial option appraisal and the withdrawal of the Colton Mill options, only three of the options are considered worthy of further investigation for comparison to the base option (option 1) and these are options 5,5b and 5c,

## SECTION 5

### DETAILED OPTION APPRAISAL

5.1 A detailed appraisal of the options worthy of further consideration has been carried out. For the financial appraisal the net present value calculation has been done. The discounted rate used in the net present value calculations is a real rate of 3.5% as currently specified in the Treasury Green Book. The detailed calculations are show in Table 2.

**Table 2 – Detailed Option Appraisal – Summary of NPV costs**



Option	NPV Cost £000 (25 years)	Non-financial weighting
1 – Repair existing site	-£908	Low
5 – Dispose and lease Gelderd Road	-£3177	High
5b- Dispose and lease View Point	-£1870	Medium
5c – Dispose and lease/purchase Temple Point	-£3410	High

## 5.2 Risk Assessment

A full risk assessment has been undertaken on all the associated risks for each of the preferred options. The risks have been identified and their likelihood and significance assessed against a pre-determined scoring matrix.

The risks have been documented and the scoring and weighting has been used to determine their significance and likelihood. Where a risk is not applicable to a particular option a zero score has been assigned for both likelihood and significance. All the risks and their assessment are indicative and based on either evidence already obtained e.g. Feasibility Study recommendations or HR advice and guidance or the perception of risk determined by the business.

## SECTION 6

### AFFORDABILITY

- 6.1 Each of these options have been fully costed based on data provided by Asset Management and the Development Department on the norms for running costs and estimates of acquisition, lease, refurbishment costs etc. and these are discounted back by Corporate Services to provide the NPV of each option and sub option.
- 6.2 In strict financial terms the cheapest possible option at the present moment is to undertake minor refurbishments to the existing building to maintain occupancy, although this option scores extremely low on the other non- financial factors and has a high risk rating as far as ability to continue to deliver services. This option would not provide accommodation that was 'fit for purpose' and would not assist with raising the visual profile of the area as any works would be of an internal cosmetic nature.

In terms of funding each option would involve a mix of capital and ongoing revenue costs.

### 6.3 Capital

The costs of the capital attributable to relocation would be met via the HRA as the buildings would be occupied by HRA funded staff. Capital charges on the HRA currently stand at significantly in excess of £24 million for 05/06. There is sufficient scope, if necessary to undertake prudential borrowing which, for each £1 million borrowed would add capital charges of approximately £50,000 per annum. Such costs could be readily accommodated within the overall HRA budget of £170 million per annum.

### 6.4 Value for Money Summary

The three remaining viable options have been assessed based on the NPV over 25 years compared with non financial factors to produce a value for money rating figure (all options were subject to a value for money assessment and this information is available on request)

The results are shown in table 5 below.

SUMMARY NPV'S - INITIAL OPTION APPRAISAL				
Option	Description	25 Year option		
		NPV	Non financial Weighted score	VFM Rating
5b	Dispose and Lease Viewpoint Bramley	£1,870k	265	14.2
5	Dispose and Lease Gelderd Road site	£3,177k	356	11.2
5c	Dispose and Lease Temple Point Colton	£3,410k	374	11.0

6.6 The value for money assessment shows that the Viewpoint site at Bramley offers the best value for money solution.

## SECTION 7

### CONCLUSIONS

7.1 A full Option appraisal (copy available on request) has assisted the Department to conclude that continued occupancy at South Point does not best meet the Departmental needs in respect of service delivery or best placing of staff, and has also assisted with the focusing on opportunities for flexible, mobile and home working and revenue efficiencies that can be achieved as a direct result of a decant from South Point. In addition to this there will be Corporate efficiencies to be achieved by choosing not to remain at South Point and the proposal would be to demolish the existing building and dispose of the land. AMG have also discussed alternative uses for the site at South Point and the consensus of opinion indicates that the demolition of the building and the disposal of the land would offer the best solutions to reduce overall financial commitments in respect of the site, to assist with the regeneration of the area and to provide more suitable office accommodation for those currently housed there.

7.2 Factors influencing the assessment and conclusion include;

- The need for the Department to continue to deliver high level services and to achieve service continuity during and after construction on the Inner Ring Road Phase 7.
- The outcomes of the feasibility study and remedial works required to make South Point a long term home for the Department and other options identified.
- The impact on staff well being and safety once construction on IRR7 commences and during the pre-construction phase.
- The ability for the Department to review its overall office accommodation and the opportunity that has arisen as a direct result of the feasibility study and option appraisal. Work has already been undertaken to reduce overall space occupancy in Merrion House by 20% overall but also be reducing cellular space by 25%, and the proposals would allow for a reduction in the overall space utilised by the Department at South Point and better use of sites used to facilitate decants.
- A full option appraisal outlining a best preferred option to meet the Departmental needs and to meet Corporate pressures. The preferred option would be to re-locate all staff away from South Point and to demolish the site and sell the land.
- The opportunity to further embrace mobile, home and flexible working options to achieve the best use of accommodation and to generate efficiencies.
- The ability to achieve real efficiencies in respect of revenue hits to the Department – these will be year on year.
- The ability to dispose of an asset which is no longer fit for purpose, to reduce any further financial outlay in respect of the property and to free up land within the

regeneration area which can be utilized in line with market forces for the area.

## **SECTION 8**

### **RISKS**

- 8.1 The risks stem primarily from the need to achieve a suitable outcome as soon as possible, based on the fact that occupancy within the current site is already becoming very difficult for staff and once the full construction works for IRR7 commences the ability to deliver high profile services could be seriously impaired.
- 8.2 Further risks have already been highlighted in respect of the ability to commence negotiations for heads of terms. The Department has already missed the opportunity to pursue the Colton Mill option due to the timescales involved in this process and there is a danger that staff could not be relocated in time to avoid the road construction works. Initial steps are therefore being taken to negotiate heads of terms for both the Viewpoint option as the preferred option and the Temple Point option as a back up option.
- 8.2.1 To negotiate a lease for approx 9,530 square feet of open plan space over the first and second floor of the building at a cost of £7.50 per square foot per annum (exclusive of business rates, service charge, insurance and VAT) but inclusive of parking. Service charge is expected to be levied at 50p per foot squared per annum. The space will be greatly reduced the that already occupied by the service in South Point and a reduction in space will be achieved by applying flexible and mobile working initiatives as well as reducing the amount of cellular office space and adopting the principles of Working without Walls within an open plan environment. This will be a reduction of approx 3,387 square feet (26%) in overall space. Action is required at an early stage in order to minimize the risks and speed up the relocation timescales (continuation of negotiations would depend on the Executive Board decision)

## **SECTION 9**

### **RECOMMENDATIONS**

The Director, supported by Corporate Asset Management Group, proposes that Executive Board agree to the following;

- The disposal of the site at South Point
- The decant of staff from South Point into existing sites within the Neighbourhoods and Housing Departmental portfolio (Housing Services, Environmental Health and Community Safety), involving the overall rationalization of Neighbourhoods and Housing Departmental office accommodation portfolio and the best placing of staff to deliver services to their client groups
- The lease of a new site which will allow for all of the current Property Management Service to occupy one 'fit for purpose' site – the site identified for potential relocation being at Viewpoint in Bramley.
- To note the early negotiations for heads of terms in respect of View Point at Bramley and, as a fall back position, Temple Point at Colton

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Originator: Brian Lawless

Tel: 2474686

## Joint Report of the Director of Neighbourhoods & Housing and the Director of Development

### Executive Board

Date: 16 August 2006

Subject: the former Royal Park Primary School

**Electoral Wards Affected:**  
Hyde Park & Woodhouse

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In   
(Details contained in the re

## EXECUTIVE SUMMARY

1. The report seeks a decision from Executive Board regarding the marketing of this property for refurbishment or redevelopment as a mixed use development with the Council retaining an operational presence in the form of a library and some community space and retaining the freehold in the property but with no restriction as to the make-up of the scheme other than would be required through the planning process.
2. This approach would require Members to rescind the decision made at the Executive Board meeting of 12 November 2003.
3. Since that time, the gap between the estimated cost of refurbishment of the present building solely for Council use and the identified funding sources has increased from £351,000 to a current figure of £1,255,000.

### 1.0 The Purpose Of This Report

- 1.1 This report seeks Executive Board's view on the marketing of the Royal Park property for refurbishment or redevelopment by the private sector, with no restriction as to the make-up of the scheme other than would be required through the planning process, but with the Council requiring the provision by the developer of a library and some community space for its own purposes.

## **2.0 Background Information**

- 2.1 Executive Board, in November 2003, approved in principle the retention of the Royal Park building for Council purposes with some space for community use following the closure of the school in September 2004.
- 2.2 The Executive Board report gave the refurbishment estimate at £1.701m, whilst potential contributions to the scheme amounted to £1.350m. The shortfall, of £351,000 was to be funded from mainline Capital Programme resources.
- 2.3 Since that time, with the exception of the potential to move Burley Library and some youth office staff from Headingley Community Centre Annex, other possible users (and therefore funders) have withdrawn, reducing capital contributions by £270,000 to £1.08m.
- 2.4 A number of other possibilities have been looked at. These include:-
- i. potential use by community organisations: no funding identified;
  - ii. potential conversion of first floor for residential retaining ground floor for community space including a library: tested by a housing association – not considered viable;
  - iii. Independent Living accommodation: not considered suitable;
  - iv. relocation of the Teaching and Learning Service: not considered suitable;
  - v. private sector residential conversion retaining the current building: tested with a developer - not considered viable, but a mixed use scheme incorporating and potentially enhancing the Council's community requirements within a new building and with parking on the site was considered viable.
- 2.5 Costs have been updated and are now estimated at £2.335m, including the capital contribution that is required by Education Leeds: an increase of £634,000 over the figure reported in November 2003. This leaves a total funding gap of £1,255m.
- 2.6 In all of these circumstances, a solution has not been found that results in the retention of the building by the Council at a cost which officers feel would represent value for money.

## **3.0 Options**

- 3.1 In considering further options, officers have sought to continue to provide a focal point for community support in a deprived neighbourhood and reaffirm the Council's commitment to this principle.
- 3.2 In light of the current position there are three main options to consider. These are:
- i. to seek approval for a further £904,000 in mainline Capital Programme funding for the original scheme. This would secure the refurbishment and retention of the building but there are no identified occupiers, other than the library and possibly Youth Services. The revenue costs of maintaining the whole building would be significant and, without additional occupiers bringing revenue funding, these costs would fall entirely on these two services.

- ii. the retention of the building by the Council and its preservation and protection until such time as a sufficient range of Council and community uses and funding streams can be identified. This would require long term measures against building deterioration and more substantial physical measures to protect against unauthorised entry, damage and the possible public Health & Safety risks. It would still be necessary make good the forecast £250,000 receipt for Education Leeds to finance their expenditure on the Primary School Review proposals.
- iii. to try to dispose of the building for refurbishment. This could be enforced through the grant of a long leasehold interest, with the Council retaining the freehold interest and having the use of a library and some community space. However, private sector and housing association developers have considered the building and advised that such development is not viable. As such, therefore, any such disposal involving retention of the existing buildings is likely to constitute a less than best disposal. However, retaining the building was the original preference of Executive Board. There is still local community identification with this building and its enhancement may serve to increase local support and use of it.
- iv. marketing of the site for refurbishment or redevelopment, with retention of Council interest through the freehold of the land, with guidance as to the general form of redevelopment required. The guidance would require the incorporation of the library and other community space outlined in this report.

3.3 Best consideration would be achieved through the marketing of the property for refurbishment or redevelopment, which is Option 3.2 iv. If any other marketing option, i.e. solely for refurbishment, was selected, then the transaction would be likely to represent a less than best disposal.

3.4 Similarly, a disposal of the building with any conditions attached in respect of the requirement for the developer to exclude any elements which would be acceptable in planning terms, such as student housing or a modern convenience store, would represent a disposal at less than best consideration and would, therefore, be subject to approval by the Executive Board.

#### **4.0 Ward Member consultation**

4.1 The property is in the Hyde Park & Woodhouse ward but, at the time of the original Executive Board report, was in the Headingley ward. Accordingly, Members for both Hyde Park & Woodhouse and Headingley wards have been consulted. They have been advised of the changing circumstances and have accepted that it is not feasible to deliver the original aspirations and are supportive of marketing the property for refurbishment to include a library and some community space. They feel there is no lack of convenience shopping in the area and this should be excluded as should student housing.

4.2 Ward Members are not supportive of any options which would involve the demolition of the property even if such a disposal required the provision of a library and some community space.

## **5.0 Implications For Council Policy and Governance**

- 5.1 The option to change the focus of the development at Royal Park to a private sector development which includes an element of Council and community use would still comply with the Corporate Plan for 2005-08. The relevant theme would be that all communities are thriving and harmonious places where people are happy to live. This would be achieved through the provision of a modern library, other community facilities, and good quality residential or retail development.

## **6.0 Legal and Resource Implications**

- 6.1 The originally envisaged scheme, costing some £1,701,000, would have made a significant call, £351,000, upon the Council's flexible capital resources. The latest estimate for a similar scheme to that originally proposed implies that the call upon these resources would increase by a further £904,000 to a total of £1,255,000.
- 6.2 Marketing of the property for a commercially funded refurbishment or redevelopment would limit the cost to the Council to that related solely to the provision of a library and any other community space specified. In addition, the capital that could be raised through the disposal of surplus assets already identified may enable the new scheme to be cost neutral to the Council.

## **7.0 Best Consideration**

- 7.1 The Director of Development advises that the method of disposal set out in 3.2 iv above is the method most likely to result in the Council achieving the best consideration that can reasonably be obtained under section 123 of the Local Government Act 1972 (or under the Housing Act 1985).
- 7.2 The Council does have powers, where land is not held for housing accommodation purposes (as in this instance), to dispose of land and buildings for less than best consideration under the 2003 General Consent
- 7.3 There are strict limitations on the application of this General Consent. In particular, the purpose for which the property is being sold must be likely to contribute to the achievement/promotion of the economic, social or environmental well-being of the area and the value of any discount must be no more than £2m. The unrestricted value of the site is estimated to be £715,000 based upon the value achieved by the Council in the disposal of a similar site in the vicinity. The estimate is on the basis of a cleared site net of the cost of demolition.
- 7.4 If Members are minded to support the retention and refurbishment (by the private sector) of the existing buildings on site, then this would constitute a less than best disposal and Members would need to be satisfied that the economic, social and environmental benefits justified taking a reduced capital receipt. The following may be factors which Members would wish to consider:
- i. Notwithstanding the fact that the buildings are not listed or in a conservation area, Members may be of the view that the architecture of the property is worthy of retention and complements the street scene.
  - ii. Members may consider that the current building provides more of a focus and landmark for the community, giving a greater sense of community than would a



new build alternative even if that new building alternative included space for Council and community use.

## **8.0 Conclusions**

- 8.1 Officers cannot recommend that the original proposal for the retention of the building by the Council should be pursued. The costs of such a scheme are rising and no real demand for operational property, other than the library, by any Council department can be identified.
- 8.2 However, should Members of the Executive Board still wish to maintain a community element on this site, it is considered that many of the benefits of the original proposals can be achieved through the marketing of the site with a requirement being placed upon the developer to provide the community element. Officers are of the view, following the investigative work that has been undertaken, with a Housing Association and a private sector developer, that it is unlikely that any viable proposals will come forward if there is a requirement for the retention and refurbishment of the building.
- 8.3 Officers are mindful that the building has now been vacant for over two years, since the closure of the school, and there is a high risk that this period could be extended substantially if it were decided to market it, at this stage, solely on the basis of refurbishment
- 8.4 On this basis option 3.2 IV would maximise the likelihood that viable development proposals would be submitted. It does not rule out the opportunity for refurbishment proposals to be submitted but would avoid the necessity for further marketing should such proposals not be received. All proposals could then be judged against how well they met the Council's objectives for a library and some community space as well as against their financial aspects.
- 8.5 Such a disposal would not be for less than best consideration as the total receipt would be made up of the value attributable to the library and the community space as well as any capital sum itself. Further, the disposal would not represent a less than best disposal because there would be no restrictions imposed upon the content of the scheme other than would arise through the planning process.
- 8.6 Members may conclude, after consideration of matters such as those detailed at paragraph 7.4, that there are economic, social environmental benefits resulting from the retention of the existing school buildings which would justify a less than best disposal.
- 8.7 At this point in time, officers can only make Members aware that the marketing of the property with a requirement to retain the buildings would, if a desirable proposal was received, at some point in the future require a decision to dispose for less than best consideration.

## **9.0 Risk Assessment**

- 9.1 There is a risk that marketing the property in the manner for refurbishment alone would result in no viable offers being received, as this is the basis of all of the advice that has been received so far.
- 9.2 Marketing the property for refurbishment or redevelopment would be likely to minimise the period during which the future of the building would remain uncertain and during

which the Council would be exposed to financial and Health & Safety risks despite the efforts that have been made to limit these.

## **10.0 Recommendations**

- 10.1 That Executive Board notes the work that has been undertaken to test the viability of implementing the proposals considered at the November 2003 Executive Board meeting.
- 10.2 That Members should rescind the decision made at the meeting of 12 November 2003.
- 10.3 That Executive Board selects an option for marketing of the property for refurbishment as in 3.2 iii above or for refurbishment or redevelopment as in 3.2 iv above with each of these options including a library and community space.
- 10.4 That Executive Board should note, in the event that Option 3.2 iii is selected or if the use restrictions requested by Ward Members are supported, that pursuance of any resulting proposal would require the Council to use its powers under the 2003 General Consent to dispose of the property at less than best consideration.

Background information:

Executive Board report Primary School Review (Hyde Park area) July 2003

Executive Board report Royal Park Primary School Site 12 November 2003



**Capital Scheme No:**  
12136 / 000 / 000

**DCR Clearance No.**  
18996

## Design & Cost Report

Parent Scheme No:

**REPORT OF DIRECTOR OF NEIGHBOURHOODS AND HOUSING  
REPORT TO EXECUTIVE BOARD**

**SUBJECT: The Golden Triangle Partnership – Private Equity Model**

**Electoral Wards Affected:**

City Wide

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

### 1.0 Executive Summary

- 1.1 The purpose of this report is to inject this scheme into the 2006-07 capital programme and obtain authority to spend £1,000,000 to provide a private equity model, which will fund an equity stake of between 35% to 45% of the purchase price of a property to enable first time buyers to purchase a home on the open market, within the Golden Triangle area.
- 1.2 The scheme will be targeted at first time buyers, low income workers and households in housing need unable to access the housing market, who are living or working in the Golden Triangle area.
- 1.3 Eligible applicants are required to have a local connection to the Golden Triangle, whereby the scheme will assist local people to purchase a property. The average house purchase price guide is approximately £150,000 with a maximum purchase price of £170,000.
- 1.4 An applicant must either be registered on one of the LA waiting lists or an existing tenant of Leeds City Council, Harrogate Borough Council or the City of York Council, or a housing association in one of these areas.

### 2.0 Background Information

- 2.1 The Partnership was successful in securing £7.5m for years 2005/6 to 2010/11 from the Regional Housing Board's (RHB) transformational funding, to assist and increase the mechanisms available for the delivery of Affordable Housing within the Golden Triangle.
- 2.2 The first year's funds, £500k in 2005/06, were injected to the capital programme by the Director of Corporate Services under his delegated authority as a fully externally funded injection.
- 2.3 The Golden Triangle is a partnership between the regions of North and West Yorkshire. It brings together housing and planning professionals, initially from three local authorities of

Leeds, York and Harrogate and from two Registered Social Landlords (RSLs), Home Housing Association and Yorkshire Housing Association.

- 2.4 The Housing Corporation, Government Office for Yorkshire and the Humber and Yorkshire Forward also provide an advisory role to the Partnership.
- 2.5 In 2005/06, the £500k was used totally to provide a pilot Homebuy Plus scheme. The scheme was administered by Joseph Rowntree Housing Trust and proved highly successful. The scheme provided a 35-45% equity loan to assist with the purchase price of a property within the Golden Triangle area. The scheme successfully assisted eight applicants to purchase a property and there are approximately 84 people currently on a reserve list.
- 2.6 A person can sell their home at any time, at which time they will have to repay the percentage share of the agreed market value of the property at the date of repayment. The equity loan and any proceeds will be recycled to assist purchasers in the future to purchase a home.
- 2.7 In 2006/07, £1,000,000 is being made available by the RHB and again will be used to fund a Homebuy Plus scheme.
- 2.8 The Director of Neighbourhoods and Housing supported the proposals of the Partnership and the details of the scheme were approved in July 2005.
- 2.9 The scheme is fully funded by the allocation received from the Regional Housing Board's transformational funding. Leeds City Council is the accountable body and the banker of the allocation on behalf of the three local authorities.

### **3.0 Main Issues – Homebuy Plus**

- 3.1 The Partnership is currently in the process of procuring for a suitably qualified organisation, a Registered Social Landlord (RSL) to administer and invest in the Homebuy Plus scheme.
- 3.2 The grant will be used to develop a scheme to allow entry into the owner occupier market for people on low incomes in the Golden Triangle area. The grant will fund 35% to 45% of the purchase price of an eligible property. The percentage amount loaned will be determined by the RSL, who will be responsible for ensuring applicants meet the eligibility criteria and carrying out financial assessments. Applicants must be able to demonstrate that they are unable to buy a suitable home outright without the assistance of the Homebuy Plus loan.
- 3.3 Applicants who qualify for the scheme will need to contribute the remainder of the purchase price of a home through a mortgage and/or personal savings. The applicant is responsible for all costs associated with the purchase, for example, legal fees and removal costs.
- 3.4 There is no interest or monthly payments on the loan; instead the loan will be required to be repaid when the house is sold. The amount repaid will be equal to the percentage amount borrowed and based on the market value of the home at the date of repayment. The loan may be repaid before the house is sold, in which case the amount repaid will be based on the value of the home when the loan is paid back.[An independent valuation will be organised in order to set the sale price. This is at the expense of the applicant and not the RSL]
- 3.5 In order to stretch the money available and assist more people, the successful organisation in addition to administering the scheme on behalf of the Partnership, have been invited to invest into the scheme and match fund the Partnership's contribution. The successful RSL will hold the equity stake and the second legal charge in each of the properties. The legal charge will record that a person has bought their home with the help of Homebuy Plus and sets out certain responsibilities.
- 3.6 The equity loan provided through Homebuy Plus will be jointly funded by the successful organisation and the Partnership. It is anticipated the Partnership's contribution together with the match funded contribution by the RSLs will, assist approximately 30 people to

purchase a property. The RSL will be required to develop a marketing strategy and ensure the allocation is fairly distributed between each of the three local authority areas.

- 3.7 When a person sells their property they will repay (for example) 40% of the agreed market value of the property at the time of sale. This amount and any proceeds will be shared equally between the Partnership and the successful organisation.
- 3.8 The equity loan and proceeds following sale will be paid into a Golden Triangle Fund and will be recycled by the successful organisation to provide further Homebuy Plus loans /affordable housing opportunities in the Golden Triangle area, in the future. The contribution invested by the RSL will belong solely to the RSL and there is no restriction over how this can be used.
- 3.9 A procurement exercise is underway. Following submission of a Pre Qualification Questionnaire (PQQ) by interested organisations – five RSLs have been short listed and depending on satisfactory references – will be invited to tender for the administration of the scheme. It is envisaged the successful organisation will be awarded the contract by September/October 2006 (at the earliest).
- 3.10 The successful organisation will carry out all necessary affordability assessments based on income/outgoings and housing costs as a proportion of household income and expected to benchmark Homebuy Plus against average yield property prices across the Golden Triangle, whilst maximising the yield. The organisation appointed will be asked to provide the Partnership with regular quarterly updates including all financial details which would be used to provide the RHB with quarterly returns.
- 3.11 Leeds City Council will issue the Homebuy Plus funding and the equity loan and proceeds from any subsequent sales will be returned to the successful RSL who will be responsible for recycling the returns within a condition that the money is spent on providing Homebuy Plus equity loans or on affordable housing in the Golden Triangle area.
- 3.12 Legal Services representatives in each of the three authorities are considering the following documentation which has been prepared by Leeds City Council's Legal Services Department.
1. Delegation under Local Government Act 2000 and the Local Authorities (arrangements for the discharge of the Functions) (England) Regulations 2000.
  2. An agreement for York and Harrogate to formally delegate to Leeds City Council the function of the payment of loans under the Homebuy Plus scheme.
  3. The terms and conditions for the Homebuy Plus Scheme (between Leeds City Council and the RSL) and the draft specification of the Homebuy Plus Scheme.

#### **4.0 Consultations**

4.1 The Partnership itself is a consultation framework and links to the following bodies:

- Government Office for Yorkshire and the Humber,
- Yorkshire Forward
- Housing Corporation
- Leeds Housing Partnership
- Yorkshire and the Humber Regional Assembly

#### **5.0 Community Safety**

5.1 There are no implications for Community Safety.

#### **6.0 Programme**

6.1 The £1,000,000 is a grant allocation of Regional Housing Board monies.

## 7.0 Capital Funding and Cash Flow

Previous total Authority to Spend on this scheme	TOTAL £000's	O MARCH 2006 £000's	FORECAST				
			2006/07 £000's	2007/08 £000's	2008/09 £000's	2009/10 £000's	2010 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	500.0	412.7	87.3				
<b>TOTALS</b>	<b>500.0</b>	<b>412.7</b>	<b>87.3</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Authority to Spend required for this Approval	TOTAL £000's	O MARCH 2006 £000's	FORECAST				
			2006/07 £000's	2007/08 £000's	2008/09 £000's	2009/10 £000's	2010 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	1000.0		1000.0				
<b>TOTALS</b>	<b>1000.0</b>	<b>0.0</b>	<b>1000.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	O MARCH 2006 £000's	FORECAST				
			2006/07 £000's	2007/08 £000's	2008/09 £000's	2009/10 £000's	2010 on £000's
Regional Housing Board - Transformational Funding	1500.0	412.7	1087.3				
Total Funding	1500.0	412.7	1087.3	0.0	0.0	0.0	0.0
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Parent Scheme Number:

Title:

### 8.0 Revenue Effects

- 8.1 A Project Manager's post was established in 2005/06 to enable the scheme to be established. Two thirds of the revenue funding was contributed by Harrogate and York. Leeds was able to capitalise the proportion of staff time directly related to the set up of the scheme.
- 8.2 In 2006/07 – approval by the Government Office has been received, confirming the Project Manager post can be fully funded using the RHB grant. This decision means the Project Manager post will continue until 2010/11.

### 9.0 Risk Assessments

- 9.1 The funding model does not attract sufficient interest. The current housing market and future projections of growth meant that investment via the scheme is likely to provide a reasonable return that will enable the funding to be recycled in future years.
- 9.2 Equity Investment potential loss. The partnership is willing to accept the loss of funding in the event that the sale of the house does not repay its initial equity investment.
- 9.3 Private sector funding is not secured in future years - 2006/07 and beyond. The commitment by the Regional Housing Board to provide a potential five years public funding to support affordable housing opportunities in high value areas is a significant commitment. The Partnership believes that this will act as a catalyst to lever in private funding to create further opportunities. This will assist the Partnership to achieve the now DCLG - "Homes for All" agenda.
- 9.4 The Regional Housing Board withdraws the remaining years funding- This is unlikely. The Government Office is actively promoting the partnership. A high level event was held in March 2005 by the Government Office where lead members were invited from the respective

local authorities to receive a presentation on the partnership and how it can influence the wider issues in relation to creating opportunities for affordable housing in high value areas.

- 9.5 Harrogate and York withdraw from the Golden Triangle Partnership - Both local authorities have much higher pressures on their existing housing due to the size of their stock. (Harrogate 3,500 and York 8,800). The pressure to provide solutions is paramount to the management of existing housing need within the authorities.

## **10.0 Recommendations**

- 10.1 It is recommended that Executive Board authorise the injection of £1,000,000 fully funded by the Regional Housing Board grant and give authority to spend of same.

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Originator: Nicole Jackson  
Tel: 2474537

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## Joint Report of the Director of Legal and Democratic Services and the Director of Neighbourhoods and Housing

### Report to Executive Board

Date: 16<sup>th</sup> August 2006

Subject: Local Government Ombudsman report on adaptations to a Council house to meet the needs of the disabled tenant.

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#### Electoral Wards Affected:

#### Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

## 1.0 PURPOSE OF THE REPORT

1.1 To inform Members of a recent finding of maladministration and injustice in a report issued by the Local Government Ombudsman.

## 2.0 BACKGROUND

2.1 Section 31(2) of the Local Government Act 1974 requires that where the Ombudsman issues a report with a finding of maladministration and injustice, the Authority will consider the report.

2.2 In relation to executive functions, this requirement is fulfilled in Leeds by reporting to the Executive Board. A copy of the Ombudsman report is attached as Appendix A.

2.3 The Ombudsman's findings must be advertised in two newspapers and copies of the report made available for public inspection. Notices setting out the Ombudsman's findings were placed in the Yorkshire Post and Yorkshire Evening Post on Thursday 11<sup>th</sup> May 2006 and the report was available for inspection at the Civic Hall Information centre Leeds, at Merrion House, Leeds and the Head Office of Leeds East Homes, Deacon House for three weeks from 11th May 2006

### **3.0 COMPLAINT SUMMARY**

- 3.1** The complaint, from a disabled tenant of the Council, relates to delays in providing adaptations to his home to meet his needs as a disabled person. The following is the Ombudsman's summary of the complaint.
- 3.2** The complainant's needs were assessed in September 2002. Over three years later, he had still not had those needs met. The delay is clearly maladministration. The Council accepts that in the period between September 2002 and June 2003 the case drifted with no decision being taken, because there was no clear procedure for dealing with such adaptation cases where no agreement had been reached either between the officers involved or between those officers and the applicant. The lack of a clear written policy in such circumstances is also maladministration.

The Council's response to these comments by the Ombudsman are provided in paragraph 4.1 and 4.2.

- 3.3** Supervision of the officer dealing with the complainant's case was also inadequate which in turn was maladministration.

The Councils response to these comments by the Ombudsman are provided in paragraph 4.4.

- 3.4** Communication with the complainant was also poor and was additional maladministration. The Councils response to these comments by the Ombudsman are provided in paragraph 4.5.

- 3.5** The Ombudsman has stated that the Council has, to its credit, accepted the maladministration identified and has made some fundamental changes in its procedures and policy.

- 3.6** The complainant has also been offered alternative accommodation which meets the complainant's and his family's needs, or that facilities are otherwise provided to meet those needs.

- 3.7** The Ombudsman recommends the following:-

- a) To offer alternative accommodation to the complainant as a way of meeting his needs. The Council should now find a property which the Occupational Therapist agrees meets the needs of the complainant and his family. It should ensure that it is up to the Decent Homes Standard and is in excellent condition throughout. If this is not possible, it should ensure the POD (a temporary prefabricated extension) is fitted to the existing family home as soon as possible,. The Council should also ensure that in the meantime the upstairs bathroom is in a usable and good condition. It should then offer the complainant one of the new bungalows to be built on the site around his home. It should also

agree with the complainant and provide floor coverings and main items of furniture and fittings. The Council should fully facilitate the complainant's and his family's move, beyond that provided for by its policies. The Council should arrange for an Advocate to help Mr. Walker, and his family, through this process.

- b) The complainant has been subjected to significant delays. For the injustice caused to him, the Ombudsman recommends that the Council pay the complainant's family £5,000. This is not to reflect any personal injuries alleged to have been caused to the family by the housing conditions.
- c) The Council should recognise the strain placed upon family life and relationships and pay for a two week UK holiday during the summer 2006 school holidays for the family. This should include a payment for the family's travel. The holiday details should be agreed with the family.

#### **4.0 DEPARTMENTAL RESPONSE**

The departmental response to the Ombudsman's comments are provided below.

- 4.1 The Council accepts that in the period between September 2002 and June 2003, the case stalled with no decision being taken, due to there being a disagreement on the most appropriate form of adaptation between the officers involved and between those officers and the applicant. It is accepted that there was no clear written policy to deal with cases where such agreement cannot be reached. As part of a current review of cross tenure service provision for people with disabilities, there are proposals to establish a standing group to ensure the sharing of good practice. This group will have broad representation and will potentially act as an "Appeals Panel" to hear such cases and make recommendations. Whilst these proposals have still to be agreed, revised arrangements have been operating in the interim so that all referrals have gone initially to the local housing office for approval in principle. With effect from July 2006, all public sector housing schemes will be handled direct by the relevant ALMO, with issues of disagreement on appropriate and necessary works being resolved locally, subject to the overview of the Department through its Strategic Landlord function.
- 4.2 The adaptation required to the property was significant, ie providing a ground floor extension to the house through a built extension or the provision of a prefabricated module. Delays in meeting the complainant's needs continued over the months as plans were drawn up, planning permission was sought and tenders sought from contractors to carry out the work. Fairly late in the process in December 2004, the plan to build an extension was reviewed in light of the future of the housing stock in the area, having regard to the implications of the emerging EASEL regeneration project. The ALMO was justified in undertaking this review to ensure value for money in how resources are invested into stock with a probable limited life.
- 4.3 The Council fully accepts that the delays in adapting the complainant's home were unnecessarily lengthy, however it does not accept that the needs of the complainant were forgotten, rather that the process of meeting his needs took too long. Throughout the process, Mr. Walker has been offered a number of alternative properties in Leeds which would have met his needs, all of which have been rejected by him. The original solution was for the provision of alternative accommodation, followed by a proposal for the installation of a through floor lift. Both options were turned down by the

complainant. More recently at the end of 2005, a further offer of an adapted property around the corner from his current home was offered to the complainant and prior to that, a new build bungalow in the area. Again, these suggestions were rejected by the complainant. In June, the complainant wrote to the Ombudsman to request a move to a coastal location.

- 4.4 It is accepted that there was inadequate supervision of the case and that this would have highlighted the need to progress the case more quickly had it been in place. A system of regular monitoring of cases by senior managers in the Adaptations Agency has now been introduced.
- 4.5 The Ombudsman reported that some delays were due to the ALMO not having been able to obtain information from the Adaptations Agency. This has been looked into internally and the Council and ALMO do not accept that the circumstances in this case are as a consequence of a breakdown in relationships between officers in the Council or East Leeds ALMO.

The Departmental response to the Ombudsman's recommendations are provided below:

- 4.6 A prefabricated extension was agreed upon as the most appropriate solution and this was installed at the complainant's home in early May 06.
- 4.7 The Council is arranging for the complainant to receive £5,000 and a holiday in the UK this summer, in accordance with the Ombudsman's recommendations.

## **5.0 LESSONS LEARNED AND SERVICE IMPROVEMENT**

- 5.1 Since the inquiry, changes in procedures/developments have been implemented which address the issues raised. These are described below.
- 5.2 Tracking arrangements for each case have been introduced in the Adaptations Agency to ensure that all schemes are routinely progressed against performance criteria and set service delivery standards and clients are kept informed of progress. Direct monitoring by a senior manager in the Agency will ensure that no one case will be allowed to drift in future. From 1 July 2006, the ALMOs will manage the full process of adaptations to Council stock and the ALMOs and the Strategic Landlord Group have been working to develop a new city wide procedure and performance framework that will adhere to the DCLG and Department of Health good practice performance targets as well as the Audit Commission CPA targets for Social Services. The framework developed by the ALMOs will encompass how customers can access and be processed for Social Services screening for an adaptation, the referral to an ALMO, the managing of the adaptation by the ALMO, and the rehousing process if the current home cannot be adapted. This framework is currently used by the ALMOs, although it will be formally launched later in the year. In addition, the Adaptations Agency is reviewing its procedures for private sector housing. The Council will ensure that the performance outcomes and high level process is the same for customers whether in the public or private sector. Finally, a Good Practice group will be established that will involve ALMOs, Strategic Landlord Group, the Adaptations Agency, Social Services and service users.

- 5.3 Details of performance standards drawn from ODPM guidance published in November 2004 are included in customer guidance which is issued to all applicants. This informs customers of what they can reasonably expect by way of assistance from the Council, as well as advice on the key stages in the procedures. Information on making complaints is also included.
- 5.4 The Adaptations Agency is now performing within ODPM performance targets on the speed of delivery of adaptations.
- 5.6 A comprehensive review of guidance, procedures and policy documentation and the introduction of a quality management system is actively in progress in the Adaptations Agency.

## **6.0 RECOMMENDATIONS**

Members are requested to:

- 6.1 Receive and note the Ombudsman's report and findings.
- 6.2 Note that fundamental changes to procedure and policy have resulted from the complaint.
- 6.3 Approve the Council's response to the Ombudsman set out in paragraph 4 above.

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# Report

on an investigation into  
complaint no 04/C/16622 against  
Leeds City Council

4 May 2006

# **Investigation into complaint no 04/C/16622 against Leeds City Council**

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## **Key to names used**

Mr and Mrs Walker	the complainants
Officer A	Occupational Therapist
Officer B	Principal Disability Access Officer
Officer C	Senior Environmental Health Officer
Officer D	Surveyor
Officer E	Adaptations Manager
Officer F	ALMO Regeneration Manager
Officer G	ALMO Chief Executive
Officer H	ALMO Principal Partnering and Capital Surveyor.



## Report Summary

The complaint is from a tenant of the Council who is a disabled man who says that the Council delayed in providing adaptations to his home to meet his needs as a disabled person.

The complainant's needs were assessed as long ago as September 2002. Over three years later he has still not had those needs met. The delay is clearly maladministration. The Council accepts that in the period between September 2002 and June 2003 the case drifted with no decision being taken, because there was no clear procedure for dealing with such adaptation cases where no agreement had been reached either between the officers involved or between those officers and the applicant. The lack of a clear written policy in such circumstances is also maladministration.

Supervision of the officer dealing with the complainant's case was also inadequate which in turn was maladministration.

Communication with the complainant was also poor and was additional maladministration.

The Council has, to its credit, accepted the maladministration identified by the Ombudsman, and has made some fundamental changes in its procedures and policy.

The complainant has also been offered alternative accommodation which meets the complainant's and his family's needs, or that facilities are otherwise provided to meet those needs.

The Ombudsman has also recommended that the Council pay the complainant's family £5,000 as well as funding a two week holiday with travel during the school holidays of summer 2006.



## Introduction

1. Mr Walker who is a tenant of the Council complains that the Council has delayed in providing adaptations to his home to meet his needs as a disabled person.
2. For legal reasons, the names used in this report are not the real names of the people and places concerned<sup>1</sup>.
3. An officer of the Commission has visited the complainant, has examined the Council's files and has interviewed officers of the Council.
4. An opportunity has been given for the complainant and the Council to comment on a draft of this report prior to the addition of the conclusion.

## Legal and Administrative Background

5. If a council is satisfied that a disabled person has certain needs, including the need for assistance in carrying out works of adaptation in his or her home, it has a duty to make provision for those works<sup>2</sup>.
6. Leeds City Council is a social services authority and has a duty to assess a person with disabilities on request and to decide whether that person has a need for welfare services<sup>3</sup>.
7. The responsibility of a social services authority to make arrangements for home adaptations can be discharged on its behalf by a housing authority. The housing authority has a choice of how to deal with the adaptations works in properties it owns. It may either give a Disabled Facilities Grant or by doing the work itself. Government advice is that, if the Council decides to undertake the works itself, they should be carried out on the same terms as if a disabled facilities grant has been awarded<sup>4</sup>.
8. A disabled facilities grant involves an assessment of what is necessary and appropriate, and reasonable and practicable to meet the applicant's needs<sup>5</sup>.

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1 Local Government Act 1974, section 30(3)

2 Chronically Sick and Disabled Persons Act 1970, section 2

3 Disabled Persons ( Services Consultation and Representation ) Act 1986, section 4

4 DoE Circular 10/90 Annex I para 11

5 section 24(3) Housing Grants, Construction and Regeneration Act 1996

9. The Department of Health has issued guidance to health authorities and social services authorities which says:

“An authority may take into account the resources available when deciding how to respond to an individual’s assessment. However, once an authority has indicated that a service should be provided to meet an individual’s needs and the authority is under a legal obligation to provide it or to arrange for its provision, then the service must be provided. It will not be possible for an authority to use budgeting difficulties as a basis for refusing to provide the service.”<sup>6</sup>

10. The Council can take into consideration the age and condition of the building<sup>7</sup>. If the Council has options how it can meet the person’s needs, it can take into account the respective costs of each option<sup>8</sup>.
11. Another Local Government Ombudsman has said she would be critical of delays of more than six months from the social services referral to the execution of the works<sup>9</sup>.
12. On 1 February 2003 Leeds City Council transferred over the management of its housing stock to six Arms Length Management Organisations (ALMO’s). The management of Mr and Mrs Walker’s home was transferred to Spotlands Area Homes<sup>10</sup>. The Council still owns the home and the land it is on.
13. At the time, in April 2002, an occupational therapy (OT) assessment was started in this case. The Council does not have a written policy or procedure for dealing with adaptations cases for Council tenants. It did, however, have a standard, but unwritten, practice, which is described in the paragraph below. It also had guidance for the OT and Environmental Health Officer on the decision whether to grant an extension or a through lift.
14. Before April 2005, the Council’s OT carried out an assessment to decide what was necessary and appropriate for Mr Walker. At the time of the assessment, September 2002, a Council environmental health officer would

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6 DoH letter CO(92) 34 1992 the ‘Lamming letter’ para 13

7 s24 (3)(b)(i) Housing Grants and Construction Act 1996

8 R v Kirklees MBC EP Daylin (1998) 1 CCLR 512

9 Local Government Ombudsman report into complaint number 04/C/12312 and 02/C/8679

10 Local Government Act 1974, section 30(3)

then decide what was a reasonable and practicable way to provide for those needs. If adaptations to a property were required and would cost more than £10,000, the case was passed to the Property Services Department for its decision, who would then carry out the construction. The manager says that generally they would agree with the environmental health officer's decisions. From June 2003 onwards the case was passed from the OT to a newly set up Council department called the Adaptations Agency. Its role was to decide what was reasonable and practicable to meet the assessed needs and to then take the scheme forward including drawing up the plans, tendering the work and monitoring it. Leeds City Council had total control over what adaptations were carried out on its homes managed by each of the six ALMOs, albeit the cost came out of the ALMO's budget. In April 2005 Spotlands took control of its own adaptations budget. This means that once it receives an OT assessment, it carries out its own survey and progresses the case. The Council's Adaptations Agency is not involved.

## Investigation

15. Mr and Mrs Walker are Council tenants. They live in a two bedroom detached two storey house. They have twins, a boy and a girl, who were born on 8 March 1996.
16. In April 2001 Mr Walker suffered a stroke and was taken into hospital. On 18 April 2001 Officer A (an Occupational Therapist) visited Mr Walker's home. He decided that Mr Walker needed some minor adaptations to his home. These included a ramp to the house's front entrance and hand rails on the internal staircase. At the time Mr and Mrs Walker told Officer A that a councillor had told them they would be able to move to a three bed roomed bungalow being built nearby.
17. By March 2002 Mr Walker's condition had deteriorated. Following an MP's letter to a councillor, in which he said that Mr Walker was sleeping on a sofa, and a letter to the Council direct, Officer A visited Mr and Mrs Walker on 31 May 2002. He recalls that he referred the provision of a bed to the District Nurse. He then wrote to the complainant's GP. The GP's response stated:

"...his mobility has deteriorated significantly to the point where he requires an electric wheel chair for virtually all mobility."
18. Officers A, B (a Principal Disability Access Officer), C (a Senior Environmental Health Officer) and D (an Agency Surveyor), attended a site

meeting on 22 August 2002. They looked at the option of a through lift from the living room straight up to the bedroom. Some officers did not believe this was the best option. Although it may have met Mr Walker's needs in the short term, once his children reached 10, they would require a three bed-room house. The family would not be statutory overcrowded, but under the Council's housing policy they would be entitled to a three bed-room house. Although a through lift would technically fit, some officers believed it would be very cramped. Mr and Mrs Walker are clear that they explicitly told the Council they did not want a through lift. Their understanding was that an extension was the best way to meet their needs.

19. Officer C sent a memo the next day to Officer B to say that she thought a through lift would be reasonable and practicable. She came to this view because technically it would fit and they had fitted such lifts in properties she believed were much smaller than Mr Walker's. She could not take into account the children's age, as she believes the policy within her department was clear that adaptations could not be used to deal with overcrowding. She had been told to deal with Council and private tenants in the same manner, which meant that she could only consider the statutory overcrowding rules and not the Council's policy. Officer B wrote to the complainants the next day. He explained it was now for Officer A to submit his recommendations. He did so on 9 September 2002. Officer A said that the Council should:

"...provide access to level showering, toileting, a double bedroom and access to living facilities in the house."

20. In October 2002, Officer B told Officer C that the case would go to a Housing Panel for a decision on how Mr Walker's needs could be met. On 22 November 2002 a letter was sent to the MP explaining that the case would go to the Housing Panel. On 8 January 2003 the Director of Social Services wrote to Mr Walker and explained that the case would go to the next Housing Delegation Decision Panel. It did not do so, as no such panel existed at that time. Officer C's understanding was that the case had been passed to Officer I (Head of Property Services) for his decision. She says that she requested his decision by email. Officer I has no recollection of the case.
21. In March and June 2003 the complainant's MP asked the Council for an update. Officer A and Officer E (the manager of the newly set up Adaptations Agency) discussed the possibility of rehousing the complainants. In May Officer B told the complainants of one property to which they could be transferred but Mr and Mrs Walker did not like it and no formal written offer was made. Officers then visited the complainants in early July 2003. Officer

E wrote to Mr Walker on 15 July 2003 to confirm he thought that the best option would be to build an extension to one side of the property. He allocated the case to Officer D to progress it. It seems from the drawings he made that he visited the complainants in September, October and December 2003 and January 2004. The approved plans are dated January 2004. The complainants say that Officer D had to visit the house again once he had drawn up plans because the initial plans were inaccurate.

22. Officer D applied for both planning permission and building control consent in mid January 2004 and they were both obtained by 24 February 2004. On 5 March 2004 Officer E signed an application for Director Approval for the expenditure. Tenders for the extension were sent out in May. These said the start date would be 16 August and it was to be completed by 3 December 2004. In June the contractor's Health and Safety statement was signed. Which was required before work could be started. They sent their costing to the Council on 20 June: the total cost would be £47,788.60. On 29 July 2004, Chief Officers' Approval of the costs was approved by the Council's Corporate Services Director, the Legal and Democratic Services Director and the Deputy Chief Executive.
23. Mr and Mrs Walker say they were told that work would be completed in April 2004. When that did not happen they were told it would be in September. When no work started they approached their MP again who wrote to the Council at the beginning of December. There is no evidence on the Adaptations Agency file that Mr Walker was ever kept up to date between June 2003 and December 2004.
24. The Council informed the ALMO that work was due to start in the New Year. As the cost was to come out of the ALMO's budget, they had to formally approve the scheme and wanted to have a say in how its budget would be spent. On 22 December 2004, Officer F, (the ALMO's Regeneration Manager), emailed Officer B. She said that Officer G, the ALMO's Chief Executive, had decided that:

“...Mr Walker's re- housing option should be re-visited. This is for two reasons, cost effectiveness of building an extension and long term future needs of Mr Walker”.

She went on to request that the decision to build the extension be deferred until after the ALMO's board meeting on 10 January 2005. Officer B replied and agreed to the deferment. Officer F agreed to let Mr Walker and the MP know.

25. The ALMO's Chief Executive asked Officer H, (the ALMO's Principal Partnering and Capital Surveyor, who as part of his role had to appraise whether a property could meet the decent homes standard) to provide a report on the benefits of building a bungalow for this complainant, and another case, rather than building an extension. Officer G claims this is because he believed that the original assessment was to provide a new purpose built home. Officer F wrote to the complainants on 23 December 2004 to explain that they were now investigating the possibility of building a new home rather than an extension. The ALMO's Chief Executive wrote to the MP on 2 February 2005. He said that:

“ on examining the scheme we expressed concerns about the cost, which appears to be on a level with the provision of a new bungalow, the suitability of the adapted property to meet Mr Walker's long term needs, and future demand and use for the adapted property. Our conclusion was that provision of a new build bungalow was a better option for Mr Walker and the stock profile of the area.”

26. On 20 January 2005 Officer H's report went to the ALMO's board. The report did not mention Mr Walker's physical condition, nor the length of time he has had been waiting for his needs to be met. It contained a detailed assessment of the options for an extension against the provision of alternative accommodation. They recommended that the ALMO go ahead with building new homes rather than building extensions. In order for this to happen the Council, which owns the property, had to give permission for it to be demolished and for a new property to be built. A report was sent to the Council's Director of Housing and Neighbourhoods in February 2005. He wanted more information on the history of the adaptation application before granting permission. Officer H claims he made a number of telephone calls to the Council's Adaptations Agency to get the information needed. When he failed to get it, he decided to email instead. He emailed Officer B on 5 and 13 May 2005. He sent further emails in June. On 10 June Officer E replied. But he gave only a summary of what had happened. Officer H replied to explain he needed a complete chronological account. On 6 July 2005 Officer H emailed Officer E again and asked for a date for a meeting to discuss it. One date he had proposed had been declined by Officer E. Officer E replied by saying he was due to go on leave and other officers had more knowledge than him. Officer H then requested by email on 22 July to inspect the files so he could get the information for himself. He received no response. He then emailed the ALMO's Chief Executive on 27 July 2005 and passed the case



back to him with an explanation that he could not get the information he was requesting which he needed to progress the case. The officers involved in this case, told my investigator when interviewed that the relationship between the ALMO and the Adaptations Agency was not good and had deteriorated during 2005.

27. Following my investigating officer's interviews in early September, the Council's Adaptations Agency sent its file to the ALMO. In September the ALMO sent a further report to the Director of Neighbourhoods and Housing. It put forward proposals to meet Mr Walker's needs. The Council authorised these on 28 September 2005. The details of proposals have been provided to me under a Section 32(3)<sup>11</sup> notice and are not, therefore, included in this report. Officer G denies having seen this document.
28. Spotlands wrote to Mr Walker on 8 November 2005 offering him an alternative property half a mile away from his current home. The property has three bed rooms one of which is on the ground floor and has bathroom facilities attached to it. It is in need of repairs and improvements, but Spotlands claim it would have been available in a matter of weeks. Mr Walker viewed the property. He decided not to take it, because of its location, because in his view he could not access the long steep driveway in his wheelchair and also because he is reluctant to leave his home particularly when he has been promised an extension. On 28 November 2005, Spotlands wrote to Mr Walker again. They explained that Mr Walker's home is on land that the Council has identified as having development potential. They are intending to appraise whether Mr Walker's current home is 'sustainable'. The results were considered at Spotland's Board meeting on 26 January 2006. It goes on to say that:

“ given the information that we have at the moment it is likely that the option appraisal will result in a recommendation to the Council that your home is demolished ”.

The letter goes on to urge Mr Walker to accept the offer made in its letter of 8 November 2005 and that Spotlands is looking at a temporary extension to Mr Walker's home. Council officers visited Mr Walker's home on Saturday 10 December 2005 to measure for the installation of a temporary prefabricated

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<sup>11</sup> Section 32(3) Local Government Act 1974 allows a Council to provide information but declare that it should not be disclosed to any third parties due to public interests concerns.

extension, known as a POD. This would contain a bedroom and bathroom. Mr Walker says he was told this would not be installed until January 2006.

## **Conclusion**

29. Mr Walker's needs were assessed in September 2002. Over three years later, he still has not had those long term needs met. This is maladministration.
30. Between September 2002 and June 2003 there was no clear procedure for dealing with adaptations cases where no agreement had been reached between the officers involved, or between the Council and the applicant. The Council accepts that during this period the case drifted with no final decision being made. This may have been because the departments were aware the new Adaptations Agency was to be established and because of a wish to meet Mr Walker's desires. Mr Walker's case seems to have been a victim of reorganisations. The lack of a clear written policy is maladministration.
31. Once the Adaptations Agency became involved, the case was moved on, but at a very slow rate. It took 18 months for plans to be drawn up, planning permission applied for and tenders submitted. During this time there appears to have been no supervision of the officer dealing with the case, or any tracking of older cases. This process took a year too long, which is maladministration. Although the Council says the Housing Office was kept informed of progress the complainants say they were not informed of progress. This is also maladministration.
32. It came as a complete surprise when the complainants learnt at Christmas 2004 that the extension they were expecting to be built imminently, and had been promised, would no longer be built. It is not clear how Spotlands managed to stop this process or why they were allowed to. At the time the Council could have just carried on and built it. But it did not. The Council now says it agreed to the works being stopped in order for a review to be carried out into the proposals to take into account all the circumstances pertaining to the case. No evidence of this decision has been provided. It is also not clear why the Adaptations Agency did not consult the ALMO before December 2005. By not doing so they seem to have added to the delays and carried out what has now proved to be unnecessary work. This is maladministration.
33. The ALMO's January 2005 board meeting's decision was flawed, because it had no knowledge of Mr Walker's condition or the background to the Council's request for approval for the extension. From December 2004 to

September 2005 the case was not progressed because the ALMO could not get the information it needed from the Council to progress its ideas and the Council seems to have decided to leave the meeting of Mr Walker's needs to the ALMO. It took my investigating officer's insistence to get the information passed to the ALMO. The ALMO, though, has to take some responsibility for the delay during this period. It is now clear from the ALMO's letter of 28 November 2005 that the ALMO was concerned about the long term plans for the land Mr Walker's home occupied. As it has taken the ALMO some time to finalise its plans, this appears to have been the motive for its delay in extending Mr Walker's property. This is also Mr Walker's view.

34. While the ALMO's relationship with the Adaptations Agency was deteriorating, and the ALMO was planning its long term redevelopment plans, the needs of Mr Walker, who spent from October 2002 sleeping on a duvet on the floor and is now sleeping on a small camping bed in his living room every night, seem to have been forgotten. Whatever the relationship between the ALMO and the Council, the Council had a duty to meet Mr Walker's needs and it has failed to do so. Since April 2002, Mr Walker has not been able to use the bathroom facilities. Throughout this time he has, therefore, had to cope with strip washes. Mrs Walker says this is very difficult to do. He has also had to use a commode in the living room, which he says has been unpleasant for the whole family. There has also been a wider detrimental effect to his family who have had to cope with Mr Walker camping in the living room. Mrs Walker believes the childrens' special educational needs have been badly affected by the housing conditions. Mr Walker's increasing and understandable frustration, and now disappointment in not getting the promised extension, cannot be overestimated. He claims he has suffered three extra strokes because of having to sleep on the floor and that Mrs Walker has attempted suicide on five occasions.

## **Remedy**

35. The Council has to its credit accepted the maladministration outlined in this report and the remedy proposed below. It has also made some fundamental changes in procedure and policy as a result of this report and Mr Walker's case.
36. The ALMO has now proposed to offer alternative accommodation to Mr Walker as a way of meeting his needs. The Council should now find a

property which the OT agrees meets the needs of Mr Walker and his family. It should ensure that it is up to the Decent Homes Standard and is in excellent condition throughout. If this is not possible, it should ensure the POD is fitted as soon as possible, I understand one has been ordered. The Council should also ensure that in the meantime the upstairs bathroom is in a usable and good condition. It should then offer Mr Walker one of the new bungalows to be built on the site around his home. It should also agree with Mr Walker, and provide floor coverings and main items of furniture and fittings. The Council should fully facilitate Mr Walker's and his family's move, beyond that provided for by its policies. The Council should arrange for an Advocate to help Mr Walker, and his family, through this process.

37. Mr Walker has been subjected to significant delays. For the injustice caused to him detailed above I recommend that the Council pay Mr Walker's family £5,000. This is not to reflect any personal injuries alleged to have been caused to the family by the housing conditions.
38. The Council should recognise the strain placed upon family life and relationships and pay for a two week UK holiday during the summer 2006 school holidays for the family. This should include a payment for the family's travel. The holiday details should be agreed with the family.

**Anne Seex  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
York  
YO30 5FZ**

**4 May 2006**



Originator: Tony Palmer

Tel: 24 75342

## Report of the Chief Executive of Education Leeds

**Executive Board: 16 August 2006**

**Subject: Storage units at Adel Primary School**

**Electoral Wards Affected:**  
Adel and Wharfedale

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

### EXECUTIVE SUMMARY

1. Parents of children at Adel Primary School were granted a deputation to the Council on 21 June 2006. The deputation was in relation to the lack of consultation in relation to ongoing building work which compromises the amount of natural light in a number of classrooms.
2. Executive Board is asked to note the concerns expressed in the deputation.
3. Executive Board is asked to note that the authority's involvement and influence regarding this project is restricted as this is a school funded scheme.
4. Executive Board is asked to support Education Leeds' recommendation to the school that:
  - The modified project be completed.
  - The school review the success of the scheme during the next academic year and prioritise any potential alterations, to be funded by the school, through a premises development plan.
  - The school fully consult staff, pupils, parents and the local community prior to any future projects.

- The Authority use the issues raised by this project as a case study to highlight the importance of stakeholder consultation on Capital schemes to other schools.



**Agenda Item:**

**Originator:** Tony Palmer

**Telephone:** 2475342

## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

**EXECUTIVE BOARD: 16 August 2006**

**SUBJECT: Storage Units at Adel Primary School**

### Electoral wards Affected:

**ALL WARDS**

### Specific Implications For:

Ethnic Minorities

Women

Disabled People

Narrowing the Gap

Eligible for Call-in

Not Eligible for Call-in

### 1.0 Purpose of This Report

- 1.1 To outline the concerns of parents of Adel Primary school (raised at the deputation to Council) and put forward recommendations to be considered by Executive Board.

### 2.0 Background Information

- 2.1 In April 2005, Adel Primary School commissioned a project to provide additional storage units which was an acknowledged priority for the school. The council's Architectural Design Services designed the scheme which went on site in March 2006 and is due for completion over the summer.
- 2.2 The school fulfilled its principal responsibilities in that:
- The project addresses agreed priorities for the school (improved storage facilities and classroom supervision).
  - Professional advice was sought (from Leeds City Council's Architectural Design Service).
  - Planning permission was granted.

### **3.0 Main Issues**

- 3.1 A number of parents at the school are concerned that the new scheme restricts natural light in three of the rooms. Parents were granted a deputation to the Council on 21<sup>st</sup> June 2006, in relation to this issue, the management of the scheme and the perceived lack of consultation with parents and pupils. The deputation requested that the school governors, Architectural Design Services and Education Leeds identify funding for a more appropriate solution.
- 3.2 The Education Leeds Health and Safety Team have established that light levels within the classrooms are above the legal minimum. This, combined with the project being funded fully from the school's devolved capital budget restricts the Authority's responsibility for this project.
- 3.3 The Head Teacher has listened to the concerns of parents (outlined below) and as a result the design has been modified. All stores now have roof lights and three have high level windows.

### **4.0 Implications For Council Policy And Governance**

- 4.1 Responsibility for this project lies principally with the Headteacher and the Governing Body of Adel Primary school. The authority's role is principally to advise and support, at the school's request.

### **5.0 Legal And Resource Implications**

- 5.1 The project was funded entirely from school devolved capital. Central funds would not normally be made available to finance a more appropriate solution, particularly as it has been established that light levels are above the legal minimum (see 3.2).
- 5.2 Any additional alterations will have to be funded from the school's 2008/9 devolved capital budget as the school has 'drawn down' their 2007/8 allocation to fund the scheme. Education Leeds will support a request to draw down the 2008/9 budget to fund a new scheme if it addresses any recognised health and safety concerns.

### **6.0 Conclusions**

- 6.1 Education Leeds and the Development Department are in agreement that there are alternative design solutions which could have addressed the storage problem without impacting on natural light, although such solutions would have been more expensive. Stopping the work at this late stage could make the situation worse for the school and would probably add to the cost of the scheme.

### **7.0 Recommendations**

- 7.1 Executive Board is asked to support Education Leeds' recommendation to the school that:



- The modified project be completed.
- The school review the success of the scheme during the next academic year and prioritise any potential alterations, to be funded by the school, through a premises development plan.
- The school fully consult staff, pupils, parents and the local community prior to any future projects.
- The Authority use the issues raised by this project as a case study to highlight the importance of stakeholder consultation on Capital schemes to other schools.

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## Delegation to Leeds City Council

21<sup>st</sup> June 2006

Good afternoon I will be referring to this sheet throughout my presentation.

We are here as extremely concerned parents of children at Adel Primary School.

As I speak there are 3 classes of children watching as their windows are being bricked over. Just over a year ago, a decision was made to demolish internal store cupboards in classrooms and to replace them with solid brick stores outside the classrooms.

There appears to have been a series of unfortunate events leading to the current situation.

1. Leeds Architectural Design Services were employed to design the scheme. They ignored DfES guidelines which require 'daylight' to be 'the prime means of lighting', and unbelievably came up with this solid brick box. Please see diagram 1 (*Front elevation on approved plans*)
2. They produced drawings submitted for planning approval which did not show existing windows in the classrooms. Please see diagram 2. (*Proposed floor plan without windows*) The plans were accompanied by a photo which was taken at such an angle that 2 large windows were obscured. Please see photo 3 (*Photo as submitted with plans*).
3. Leeds City Council Planning Department granted planning permission on the basis of these grossly inaccurate drawings.
4. Planning Notices were posted in 2 cul-de-sacs during the school summer holidays so parents were not alerted to the potential impact of the stores on the classrooms. No plans were displayed for us to have a look at, not even a letter describing the detail of the wonderful new stores outside the classrooms, so that someone might have picked up the fact that they would obstruct the existing windows completely. The first we knew about it all was when construction started. See photo 4 (*Year 4 photo as worked started*).
5. Parents immediately raised concerns with the school and were assured that all correct procedures had been followed and that nothing could be done until the governing body met on 12<sup>th</sup> June.

*Photo 5 year 5 blocked up windows*

6. A petition was drawn up to stop the blocking of daylight from classrooms and within 36 hours it was signed by some 81 parents. Before the governors could meet, costly ad hoc alterations have been started, deviating from the approved planning permission. These alterations include adding external doors, velux windows in the roof and high level slit windows. Please see photo 6 (*Today's photo*) . Since the parents had been told right from the beginning that no changes could be made to the approved building work unless there were health and safety issues, it is a mystery how such alterations could have been started before the governors meeting. We simply do not understand on whose authority this was done and why some changes have been made while other suggestions for improvements have been ignored.
7. Parents have attempted to get Minutes of sub committee meetings, a formal meeting with parent governors and a parent with professional experience to be invited to speak at the Governors meeting.

All have been ignored or rejected.

8. After the meeting on 12<sup>th</sup> June the governors gave no undertaking that the situation will be effectively addressed, merely stating in a letter to all parents that the current building work would be completed, and then a costing undertaken for the insertion of a 4 foot square window underneath the high level one.
9. What we are left with is
  - 1 woefully inadequate storage – because as you will appreciate with doors and windows added and the original windows being one whole wall, there is not a huge amount of wall left that can actually be used for shelves.
  - 2 pupils having virtually no view outside
  - 3 pupils are unable to grow plants from seeds on the windowsill as part of the National Curriculum and
  - 4 parents being unable to check their children are safely in the classroom or even to wave them goodbye.
10. This whole fiasco was originally costed at **£54,000**. Is it

**good use of public funds???**

*1 Our primary concern now is that since the governors' next scheduled meeting is in September, the whole of the summer holidays, when of course this work should ideally be done, will be wasted, and even if further changes are eventually agreed to be made, the whole process will drag on and disrupt the childrens' educational environment for yet another term*

**We are here to appeal directly to you to work with the school governors, Education Leeds, the Planning Department and Leeds Architectural Design Services to come up with the funding for a more appropriate solution to the storage problems.**

**Thank you for your attention.**

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**Agenda Item:**

**Originator:** George Turnbull

**Telephone:** 2243239

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## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

**EXECUTIVE BOARD: 16<sup>th</sup> August 2006**

**SUBJECT: Primary Review: Proposals for Meanwood Primary Planning Area – Deputation to Council**

### EXECUTIVE SUMMARY

#### 1 INTRODUCTION

- 1.1 Representatives from Miles Hill Primary School were granted a deputation to the Council on 19<sup>th</sup> July 2006. The deputation was in relation to the review of primary provision in the Meanwood Primary Planning Area and the proposal to amalgamate Miles Hill and Potternewton Primary Schools in September 2007.

#### 2. THE ISSUE

- 2.1 The deputation reiterated concerns about the effect of the closure of Miles Hill Primary School on the local community, particularly the loss of a focus for community support, drawing on the success of Surestart who are now established on site. Concern was also expressed about the timing and clarity of the whole process

#### 2.2 Education Leeds response

The report to Executive Board in June 2006 fully acknowledged concerns about potential impact on the community. It emphasised that for the proposal to successfully proceed, there will need to be very careful management of the transition period to support parents, staff and pupils. Education Leeds will engage with local agencies and Council departments to plan implementation to minimise the negative impacts on the community. An important element of this will be to consider how current facilities can continue to be accessible to all members of the community. Options for consideration include continued use of the Miles Hill site and use of other facilities within the locality. Education Leeds will also work with all schools in the area, including the new school, to provide extended school provision that can be tailored to the community's needs.

Whilst the Meanwood planning area has experienced a protracted period of review, this reflects the complexity and sensitivity of the issues that are being addressed.

### **3. NEXT STEPS**

- 3.1** Statutory Notices will be published in September 2006. Following the representation period, all representations received will be reported back to Executive Board. The proposal will be finally determined by the School Organisation Committee later in the Autumn term

### **4 RECOMMENDATION**

- 4.1** Executive Board is asked to note the concerns expressed in the deputation and the next steps described in the report.



## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

**EXECUTIVE BOARD: 16<sup>th</sup> August 2006**

**SUBJECT: Primary Review: Proposals for Meanwood Primary Planning Area – Deputation to Council**

**Electoral wards Affected:**  
 Chapel Allerton  
 Moortown

**Specific Implications For:**

Ethnic Minorities

Women

Disabled People

Narrowing the Gap

Eligible for Call-in

Not Eligible for Call-in

### 1.0 PURPOSE OF THE REPORT

1.1 Representatives from Miles Hill Primary School were granted a deputation to the Council on 19<sup>th</sup> July 2006. The deputation was in relation to the Executive Board's decision to publish statutory notices proposing the amalgamation of Miles Hill Primary and Potternewton Primary with a new primary school occupying the Potternewton site. A copy of the deputation is attached.

### 2.0 BACKGROUND

2.1 Executive Board received a report on primary provision in the Meanwood Area at its meeting on 18<sup>th</sup> May 2005. At that meeting it was agreed to undertake public consultation on a proposal to amalgamate Miles Hill and Potternewton Primary Schools on the Potternewton site. This consultation took place in summer 2005 and was reported to Executive Board at their meeting on 21<sup>st</sup> September 2005. At the request of the Board, Education Leeds undertook further work exploring the potential for a federation involving the schools in the area. Executive Board received a further report on 14<sup>th</sup> June 2006 at which it was agreed to publish statutory notices proposing the closure of Miles Hill Primary, Potternewton Primary and the establishment of a new school on the Potternewton site in September 2007. This decision was called-in and considered afresh by a special meeting of the Overview and Scrutiny Committee on 3<sup>rd</sup> July 2006, where it was released for

implementation without referral back to the Executive Board.

### **3.0 THE ISSUE**

- 3.1** The deputation reiterated concerns about the effect of the closure of Miles Hill Primary School on the local community, particularly the loss of a focus for community support, drawing on the success of Surestart who are now established on site. Concern was also expressed about the timing and clarity of the whole process

#### **Education Leeds response**

- 3.2** The report to Executive Board in June 2006 fully acknowledged concerns about potential impact on the community. It emphasised that for the proposal to successfully proceed, there will need to be very careful management of the transition period to support parents, staff and pupils. Education Leeds will engage with local agencies and Council departments to plan implementation to minimise the negative impacts on the community. An important element of this will be to consider how current facilities can continue to be accessible to all members of the community. Options for consideration include continued use of the Miles Hill site and use of other facilities within the locality. Education Leeds will also work with all schools in the area, including the new school, to provide extended school provision that can be tailored to the community's needs.

Whilst the Meanwood planning area has experienced a protracted period of review, this reflects the complexity and sensitivity of the issues that are being addressed.

### **4.0 NEXT STEPS**

- 4.1** Statutory Notices will be published in September 2006. Following the representation period, all representations received will be reported back to Executive Board. The proposal will be finally determined by the School Organisation Committee later in the Autumn term

## **5. IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

- 5.1** Planning primary school places is relevant to a number of key priorities identified in the Children and Young People's Plan, the Asset Management Plan and the Corporate Plan, in terms of managing the supply and demand of school places and school improvement. It is also relevant to the Closing the Gap agenda, with the planning of school places taking consideration of wider socio-economic factors and regeneration.

## **6.0 LEGAL AND RESOURCE IMPLICATIONS**

- 6.1** This report provides information on deputations to the full Council on proposals considered as part of the statutory responsibility of the LEA to manage the supply and demand of school places.

## **7.0 RECOMMENDATION**

- 7.1** Executive Board is asked to note the concerns expressed in the deputation and the next steps described in the report.

**Deputation from the school community at Miles Hill Primary to  
Leeds City Council Meeting: 19th July 2006**

I am a community governor of Miles Hill Primary and Minister of the local church. I am speaking on behalf of the school community.

At the Executive Board Meeting on 14th June 2006, the proposal, re-submitted by Education Leeds, to close Miles Hill Primary was confirmed. Following this decision I would like to make three points.

1.

The actual proposal is to:

- Close Miles Hill primary
- Close Potternewton Primary
- Re-open a new school on the Potternewton site

Please note that although both schools are to be closed we are not actually talking about any new premises for the proposed new school – we are talking about the existing premises currently used by Potternewton Primary. I have noticed that assumptions are made by many councillors, unfamiliar with the area, that we are actually talking about either a new school or greatly enhanced buildings. This is not the case and it does make a difference – to *both* schools.

2.

Consistently, over the four year period that the school has been under threat of closure we have asked questions concerning community cohesion and trust-building. Yet again the community feels undermined. Miles Hill serves many special needs children. This school is a family which provides much needed stability in a community where stability/security is a scarce commodity. Ofsted and SATS *are* important but in such a community they do not tell the whole story. Some of us may find it hard to understand – but for such families academic excellence cannot be the most important criterion – other needs are paramount.

Governing bodies in such a community do not find it easy. Where do we find professional parents able and willing to take on such a role? And if our governors do not come out of the local community – how do they ever begin to understand it?

Standards in this school *are* rising and parents are increasingly active and confident in the life of the school and in taking responsibility for their children's education. Such development does not happen in such a community overnight. It takes time, patience and consistency. And consistency in this school situation has been sadly lacking. In fact there has been a continuing erosion of resources and support which has led us to this point. An uncertain future does not encourage a school to flourish.

**Surestart** are now successfully established in the school bungalow and doing excellent work with parents. Even if they are allowed to remain on this site – with no school they will hardly be a focus for parents – another resource set to diminish in the local situation?

All local agencies are working actively on these estates – meeting regularly and supporting one another. One such meeting is that of the Beckhill Implementation Group - established by the North East District Partnership in recognition of the multiple issues the community experiences. Membership includes LNEh, Area Management, Police and other agencies. They state, *'Whilst the partnership recognises the economic factors, Beckhill is a priority neighbourhood for the District Partnership. Because of the geographic difficulties and vulnerability of the community, residents face difficulties in accessing facilities that appear to be close by.'*

Other meetings include those addressing the extended schools agenda. Miles Hill school is ideally situated as a central and much needed focus for this work. It is a natural focus. But in spite of all the right words there has been little help to make this happen. A policy which removes help at the point of need in such a vulnerable community does not appear to encourage the regeneration and cohesion we all seek.

3.

Finally we question the timing and the clarity of this whole process. Leak, rumour, lack of clear fact and process really have not helped either this school community or Education Leeds. Rather they have fostered a lack of trust and confidence – yet another set-back.

We understand that falling roles raise financial challenges but we urge Council yet again to request Education Leeds to re-evaluate the role of smaller schools such as Miles Hill and Potternewton within their local communities.

*Revd Angela Hughes, 12th July 2006*



Originator: Keith Burton

Tel: 0113 39 50216

## Report of the Director of Children's Services

### Executive Board

Date: 16<sup>th</sup> August 2006

Subject: School Clothing Allowances

<b>Electoral Wards Affected:</b>          
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<b>Specific Implications For:</b>
Ethnic minorities <input type="checkbox"/>
Women <input type="checkbox"/>
Disabled people <input type="checkbox"/>
Narrowing the Gap <input type="checkbox"/>

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

### 1.0 Purpose Of This Report

- 1.1 To update Executive Board on action taken following a Council decision to increase the School Clothing Allowance budget.

### 2.0 Background Information

- 2.1 At the Council Meeting held on the 19<sup>th</sup> July 2006 it was resolved unanimously that:-
- a) the budget for the school clothing award scheme 2006-07 be increased by £400,000
  - b) this increase be met by a virement from the Council's contingency budget; and
  - c) in the light of these determinations, the Executive Board is requested to revoke the decision of the Director of Corporate Services made on the 27<sup>th</sup> June 2006 with respect to that scheme.

### 3.0 Update on action following the Council decision

- 3.1 It was felt important and necessary to make any changes to the scheme as soon as possible so that eligible parents who could benefit from an increase in the budget for the school clothing allowance scheme could be contacted quickly.

3.2 The Director of Children's Services, therefore, following the necessary consultation, used her delegated powers to approve changes to the school clothing allowance scheme. The delegated decision in this regard was made on 1<sup>st</sup> August 2006. The decision was made exempt from call-in due to the urgent need to amend the scheme and contact eligible parents with a view to making payments in time for parents and carers to purchase school clothing ahead of start of the school year.

3.3 As a result of that delegated decision, school clothing allowances will be paid as follows:-

- £27.50 for Reception Class
- £20.00 for years 1-6
- £37.50 for year 7
- £30.00 for years 8-11

The decision retains the commitment to increase payments for reception class and year 7 pupils, re-instates the 2005-06 scheme for the other years whilst harmonizing the year 6 payment with the values for years 1-5.

3.4 It is estimated that 17,700 pupils will now qualify for payments under the Leeds School Clothing Allowance scheme.

3.5 Immediately following this Delegated Decision, Leeds City Council wrote to claimants updating them on the changes and outlining what money and support will be available this year and the intended timetable for making these payments.

3.6 Whilst this additional expenditure will be initially funded from the Council's contingency budget, it will be necessary to identify a more specific funding source and the Director of Corporate Services will report back to the September Executive Board meeting with proposals.

#### **4.0 Recommendations**

4.1 Executive Board is asked to note the action that has been taken as a result of the Council decision to increase the School Clothing Allowance budget by £400,000.

**Design & Cost Report**

**REPORT OF** JOINT REPORT OF THE DIRECTOR OF LEARNING AND LEISURE AND DIRECTOR OF DEVELOPMENT

**REPORT TO** EXECUTIVE BOARD  
**DATE** 16 AUGUST 2006

**SUBJECT :** LEEDS GRAND THEATRE REFURBISHMENT WORKS

**Electoral Wards Affected :**

City and Hunslet

**Specific Implications For :**

Ethnic Minorities   
Women   
Disabled People

Executive   
Function

Eligible for Call In

Not eligible for Call In   
(Details contained within the report)

**EXECUTIVE SUMMARY**

The report advises the Executive Board of the current anticipated budget shortfall of £1.788m on the Phase 1 refurbishment works to the Leeds Grand Theatre, which is due for completion on 17 September 2006. The report details a number of areas that have contributed to the anticipated budget shortfall including the unforeseen, but extensive presence of asbestos throughout the building, additional health and safety requirements relating to fire suppression systems, additional mitigation costs to seek to ensure the theatre is completed by 17 September 2006 and additional making good works, particularly in the front of house areas of the theatre.

A proposed approach to be pursued to address the anticipated shortfall is detailed in the report, which involves the Council authorising additional expenditure of £1,788,447.

The report advises Executive Board that if the request for additional funding from Arts Council England (ACE) is unsuccessful, that the City Council as employer under the Phase 1 building contract will be responsible for any budget shortfall on the project.

The report seeks to establish a budget provision totalling around £9.1m for Phase 2 and a scope of works considered to be realistically achievable, involving works primarily to the front of house (public) and backstage areas, improvements to the facades of the buildings and the renovation of the Assembly Rooms.

**ORIGINATORS NAME:** Chris Coulson  
**TELEPHONE NUMBER:** 74459

**DATE:** 7th August 2006  
**FAX NUMBER:** 39 51461

The report summarises and seeks authority to conclude negotiations with the Leeds Grand Theatre Company for their new lease of the Leeds Grand Theatre following completion of the Phase 1 works and the arrangements to be concluded with Opera North and ACE relating to the new rehearsal rooms.

## **1.0 THE PURPOSE OF THE REPORT**

**1.1** The purpose of the report is to:

- (i) Update members as to the latest position in respect to Phase 1 of Leeds Grand Theatre refurbishment scheme.
- (ii) Make proposals for the development of Phase 2 of the refurbishment of the Leeds Grand Theatre, including identifying the funding streams that are potentially available, to include the funding of the identified overspend on Phase 1 from these streams. The report also seeks approval in principle to the Council using its prudential borrowing powers to be funded by reducing the Council's grants to the Leeds Grand Theatre and Opera House Ltd and to Opera North. The report outlines the potential scope of works that could be undertaken within the proposed funding package, with the intention of bringing a further report to the Executive Board with finalised proposals prior to entering into a works contract.
- (iii) Approve the Heads of Terms that have been provisionally agreed with the Leeds Grand Theatre Company for the lease of the Leeds Grand Theatre.

## **2.0 BACKGROUND**

**2.1** The City Council owns the Leeds Grand Theatre building and the adjoining Assembly Rooms. In March 2000, the City Council's Executive Board agreed to a request from Opera North for the Council to support the preparation and submission of a bid to the (ACE) for grant aid for the proposed refurbishment of the Leeds Grand Theatre and adjacent Assembly Rooms and new build development to provide new headquarters and rehearsal space for use by Opera North.

**2.2** In January 2005, Executive Board was advised that it was intended to undertake the proposed theatre refurbishment and new build works in two phases, with the Phase 1 works costing an estimated £20.610 m and comprising:

- DDA Compliance works.
- Health and Safety works.
- New seating in the theatre stalls, with refurbished seating elsewhere in the auditorium, combined with improved ventilation systems in the theatre auditorium.
- Provision of a lift to the Front of House.
- Development of new production rehearsal rooms, scenery bridge and vehicle get in lift.
- Extended fly tower and provision of a new flying system.
- Reconfigured Orchestra Pit.
- Shell works to provide new music coaching rooms.

**2.3** Members were advised that whilst the Phase 1 works detailed in paragraph 2.2 would conserve the theatre complex, making it fully accessible for the benefit of all, the proposed scope of works would not make provision for a full refurbishment of the



Grand Theatre. Large areas of the theatre complex including much of the front of house, decoration in the theatre auditorium, the building's services (mechanical and electrical services) and backstage areas would remain untouched by the Phase 1 works. It was noted that the proposed Phase 2 scope of works would seek to deliver the visible improvements to the building, particularly, in the public areas of the theatre complex by renovating the Assembly Rooms, undertaking fabric repairs/restoration work to the exterior of the buildings, restoration works to the theatre's front of house areas and undertaking improvements to the backstage areas and dressing rooms.

2.4 In June 2005, Executive Board was advised that ACE had confirmed a grant of £13.5m towards the cost of the Phase 1 works and that ACE was holding a further allocation of £1.5m for future commitment to the Phase 2 works. Executive Board authorised that a contract could be concluded with Laing O'Rourke, the preferred participating contractor for the Phase 1 works. A total budget provision of £20.610m was identified to be available to cover construction costs, fees, closure costs (Leeds Grand Theatre and Opera North) and property transactions.

2.5 The funding profile for the Phase 1 works identified in June 2005 may be summarised as follows:

Arts Council England (ACE)	£13.500m
Leeds City Council (1)	£ 5.000m
Opera North/Leeds Grand Theatre Development Trust	£ 1.210m
Leeds Grand Theatre (2)	£ 0.400m
Yorkshire Forward	£ 0.500m
<b>Total</b>	<b>£20.610m</b>

Note

- (1) Inclusive of the former Leeds City Development Company gift aid of £2.5m to Opera North to purchase Premier House and the adjacent car park site
- (2) The contribution of £0.4m from the Company was a net contribution and was exclusive of a £100,000 grant paid to the Opera North and Leeds Grand Theatre Development Trust.

2.6 Executive Board, at its meeting in June 2005, was also advised that in an effort to mitigate cost/programme risks to the Council for the Phase 1 works, that the design team and the mechanical and electrical (M&E) sub-contractor had carried out preliminary investigations into the services and systems in areas of the theatre affected by the Phase 1 works, but which for budgetary reasons were excluded from the project. The investigations subsequently revealed the need to undertake additional M&E works costing in excess of £1m which were not included within the Phase 1 scope of works and which could not be funded from the Phase 1 budget. Executive Board, at its meeting in December 2005, authorised further expenditure totalling £1.075m on additional M&E works, to be incorporated in the Phase 1 contract, with the Leeds Grand Theatre and Opera House Ltd agreeing to fund the City Council's costs for borrowing £672,000, by way of a reduced annual grant from the Council. This included £577,000 for expenditure on the additional M&E works and the balance (£95,000) to be spent by the Grand Theatre Board of Management as

it determined as 'client direct works' on the refurbishment of the theatre. This element (£95,000) has been excluded from the Phase 1 figures.

### 3.0. CURRENT POSITION

#### A. Phase 1 Works

##### Programme

- 3.1 The contractor started on site on 15 August 2005 and it is envisaged that works to the new rehearsal rooms will be complete by 14 August 2006, with works to the theatre complete by 17 September 2006. It is proposed that the theatre will reopen to the public on 7 October 2006 with a performance by Opera North. Members of the Executive Board should note that the contractor has been granted a five (5) week extension of time for works in the theatre, which is reflected in the revised practical completion dated of 17 September 2006. The programme also incorporates the inclusion of the additional M&E works referred to in paragraph 2.6 above.

##### Costs/Budget

- 3.2 At the time of report preparation, the Council's retained design team advises that the anticipated final cost for the Phase 1 works is £23,419,447, which is £1,716,447 in excess of the budget of £21,703,000, (inclusive of the provision of £1,075,000 for the additional M&E works). Members of Executive Board should note that the anticipated final cost of £23,419,477 includes £717,000 costs in terms of advance warnings and unapproved estimates which may or may not ultimately be incurred but excludes an additional £72,000 that has been added as a contingency sum to meet any further unforeseen costs that may arise prior to practical completion of the phase 1 works (see paragraph 7.1 below), giving a total anticipated budget shortfall of £1,788,447. An updated cost statement will be presented to the meeting.
- 3.3 Although the approved estimates provided for contingencies, this has not proved sufficient. The retained design team has advised that the projected cost increase has arisen for a number of reasons, but primarily to address health and safety and discovery issues within the theatre that only became apparent once the theatre was closed and works started on site; mitigation/delay recovery measures implemented with respect to works on the rehearsal rooms and theatre to ensure the building works would be completed on programme and making good and final clean works to ensure, as far as is practically achievable within the Phase 1 works, that the theatre is made good to a standard that is "no worse than before the start of construction". The following outlines the key areas where project cost increases have occurred;
- (i) **Asbestos:** Prior to works starting on site a number of partial type 2 asbestos surveys had been undertaken in the theatre and the need for a type 3 (fully intrusive) asbestos survey had been identified. However, the type 3 survey could not be carried out whilst the theatre remained occupied and open to the public.

Once the theatre closed, a type 3 asbestos survey was undertaken which revealed further asbestos contamination. However, it became apparent that a type 3 survey does not necessarily reveal all contamination, since it is based on opening up and testing sample areas of each surface that appear typical. The problem encountered was that the coverings on the theatre walls concealed contamination (principally in textured coatings) which only became apparent during the course of work on services and demolitions in areas that had previously been surveyed. As a consequence of the

significantly increased presence of asbestos, works on site had to be halted, delays incurred and new working practices had to be introduced at a significant extra cost to the project.

- (ii) **Groundworks:** Excavation on the new build rehearsal room site revealed contaminated ground and unforeseen ground conditions. Initial trial pits were undertaken during scheme design, supplemented by further trial trenches during the pre construction stage of the project in an attempt to establish a ground profile. Regrettably, neither of these investigations revealed lack of rock and soft spots. The design of the foundations of the rehearsal rooms was modified on site in an attempt to mitigate the cost and programme impact on the project.
- (iii) **Drencher/Sprinkler System:** At the design stage of the project, the design team based their calculations and proposed installations on advice received from the water authority. Subsequent water pressure tests on site in early 2006 revealed that the pressure had fallen below previously advised levels and because of the likelihood that the pressure could be reduced even further, it was necessary to enhance the system supplying water to the sprinklers in the fly tower and the drencher system serving the safety curtain. This entailed installing a water tank and pumps into the works at a very late juncture in the construction programme and at a significant additional cost to the project.
- (iv) **Mitigation/Delay Recovery Measures:** The problems encountered with the existing fabric and building services have led to additional works, which have increased the scale of the project above that originally envisaged. The increased scope of work could not be contained within the original contract programme. The contractor has already been granted a five week extension of time, with practical completion now scheduled for 17 September 2006. Whilst the design team and the contractor have worked together through re-sequencing works and design modifications to mitigate further delays to the programme, it has been necessary to instruct weekend/out of hours working (as appropriate) to reduce the risk of further programme delays. The Leeds Grand Theatre/Opera North Project Board, when authorising such essential mitigation/delay recovery measures, recognised the additional cost implications to the project, but felt that such action represented value for money when compared to the cost that any extension of time would have incurred.
- (v) **Making Good Works:** As Executive Board has previously been advised, the scope of the Phase 1 works is limited and excludes the refurbishment of front of house areas and backstage accommodation. However, works in Phase 1 namely to the fly tower, new lifts and auditorium, combined with general construction access, has inevitably affected these areas. At tender stage, the extent of making good that would be necessary could only be estimated and subsequently, the provisional sums in the contract have proved to be inadequate.

The extent of making good has also increased because of additional works undertaken to address the presence of asbestos and other problems with the existing fabric discovered during the course of construction. The inclusion of the additional M&E works has only added to the complexity of the problem. As a consequence, the Leeds Grand Theatre and Opera North Project Board have authorised additional essential making good works to be undertaken, with the aim being to ensure as far as practical and, giving due regard to the nature of works proposed under Phase 2, that the theatre is left in a condition that is no worse than before the start of construction. Clearly, areas of the theatre affected by the Phase 1 works will look incomplete pending the start and completion of the proposed Phase 2 works.

- 3.4 Executive Board should note that as soon as significant cost increases were identified the Project Board gave detailed consideration to the potential of reducing specifications/omitting areas of work from the project altogether in order to contain the project in budget. The options considered by the Project Board ranged from omitting the vehicle get in lift or the comfort cooling in the theatre auditorium through to omitting improvements to the orchestra pit or reducing the seating specification.
- 3.5 The Project Board concluded that there was little real opportunity to reduce the scope of works/specifications given that there had already been extensive value engineering to identify cost savings and that given the stage in the construction programme considerable abortive and reinstatement costs would be incurred in order to restore parts of the building to its original condition. The Project Board was also conscious that if major scope omissions were pursued, there was a real danger that such action would not deliver the scheme that ACE had agreed to support and, as such, the ACE grant could be put at risk.
- 3.6 In order to address the forecast budget shortfall of £ 1,788,447 for the Phase 1 works, the Leeds Grand Theatre and Opera North Project Board has supported the following proposals:
- (i) That the City Council bring forward £ 1,294,881 Leeds City Council funding from the Phase 2 scheme to contribute to the projected budget shortfall.
  - (ii) That the Opera North and Leeds Grand Theatre Development Trust contribute an additional £150,000 towards the Phase 1 project costs. Members of Executive Board should note that the Trust has confirmed its willingness to make available the additional £150,000.
  - (iii) That the Leeds Grand Theatre and Opera House Ltd contribute a further £43,566 towards the cost of the Phase 1 works.
  - (iv) That ACE be requested to provide £300,000 towards the projected shortfall. Executive Board should note that ACE has indicated a willingness to consider such a request for funding, though their contribution would be sourced from their £1.5m allocated to the Phase 2 works, thus reducing their base contribution to the Phase 2 works to £1.2m. An application for an additional £300,000 grant towards the Phase 1 project costs has been submitted to ACE and their response is currently awaited. Executive Board should, however, note that if ACE determine it is not prepared to contribute to the anticipated budget shortfall, then the City Council, as employer under the building works contract, will be responsible for any cost overruns that occur on the project which cannot be contained within the project budget or funded from third parties.
- 3.7 Taking the funding sources outlined in paragraphs 3.6 above into account, the details of the funding package being established for the Phase 2 works are contained below.

## **B Phase 2 Works**

### **Budget Provision**

- 3.8 The current assumed composition for the funding envelope for Phase 2 may be summarised as follows:

- (i) **Leeds City Council:** The City Council's Executive Board at its meeting in February 2006 agreed to provide an additional £1m, and increased the overall contribution to £3.5m. Phase 1 approvals of £ 1.581m are already in place, and when this approval of £1.295m is added, this increases the overall contribution on Phase 1 to £2.876m. This leaves a balance of £ 0.624m available for Phase 2.
- (ii) **ACE:** ACE to be requested to provide an additional grant of £1m to the Phase 2 project. ACE has advised that the City Council would need to pursue a formal application to secure an additional award of £1m. The application process is currently being discussed with ACE with a view to submitting an application by November 2006 and securing a decision in January 2007.
- (iii) **Opera North and Leeds Grand Theatre Development Trust:** The Trust has successfully raised their contribution to Phase 1 and their fundraising target for the Phase 2 works is £3m, with £1.6m net secured/pledged to date. The Trust's £3m target no longer assumes income from the £1 ticket levy operated at the Grand Theatre. The Trust has a number of other funding applications on going, and it will be necessary to review the position on their fundraising prior to entering into any works contracts, and if necessary seek appropriate guarantees for any identified shortfalls.
- (iv) **Opera North:** The Board of Opera North has resolved to request the Council to utilise its prudential borrowing powers for up to £0.5m, subject to satisfactory terms being agreed, to progress Phase 2 of the capital project. The cost of the borrowing will be funded by the Council by reducing its annual grant to Opera North (around £35,000 per annum at forecast interest rates) for a period of 25 years.
- (v) **Leeds Grand Theatre and Opera House Ltd:** The Leeds Grand Theatre Board of Management at its meeting on 11 April 2006 agreed to support the City Council in undertaking prudential borrowing of £1m, to be funded by a reduction in the Council's annual grant to the Company (around £70,000 per annum at forecast interest rates) for a period of 25 years. Members of Executive Board should note that in reaching this decision, the Grand Theatre's Board of Management has sought an assurance from the Council to the effect that "In anticipation of the Board of the Leeds Grand Theatre and Opera House Ltd using all reasonable endeavours to operate within its annual grant funding from the City Council and its other sources of income, the Council recognises its commitment to the on-going operation of the Company. Should at any time the Company go into cumulative deficit, such that its going concern is brought into question, then the Council working with the Board, will ensure that it meets its statutory obligations and duties. The Council will also work with the Board to monitor the finances of the Company and the Board will be responsible for providing the Council with a report on its financial position of a quarterly basis".

Executive Board should also note that given the on-going commitment to proceed for four (4) years with the £1 ticket levy and, the Development Trust's statement that its £3m target excludes income from such a levy, then a further £800,000 may be available towards the cost of the Phase 2 works.

- (vi) **Heritage Lottery Fund:** The City Council will submit a bid to the HLF for up to a maximum of £1m towards the cost of restoring the Assembly Rooms, works to the building facades and the theatre's front of house areas. The grant application if successful will not only contribute to the conservation and restoration of the historic theatre complex, but will also be combined with proposals that will seek to maximise public access to the buildings, so as to ensure that everyone can learn about, have access to and enjoy the heritage and architectural environment of such buildings. It is

programmed to submit the bid to the HLF in December 2006, with a decision on the bid being made in June 2007.

3.9 In summary a funding package totalling around £9.124m and comprising the following potential contributions may be identified for the Phase 2 works:

ACE	£2.200m
LCC	£0.624m
ON/LGT Development Trust	£3.000m
Opera North	£0.500m
Leeds Grand Theatre	£1.000m
Ticket Levy	£0.800m
HLF	£1.000m
<b>Total</b>	<b>£9.124m</b>

3.10 Assuming the forecast budget shortfall for Phase 1 remains as detailed in paragraph 3.2 above, a scope of works may be progressed for Phase 2 which would deliver: -

- Restoration of the Assembly Rooms
- Restoration/improvements to the facade of the Grand Theatre and Assembly Rooms
- Improvements/restoration to the theatre's front of house areas
- Fit out of the music rooms
- Pedestrian bridge over Harrison Street between the theatre and Opera North's offices
- Refurbishment to the backstage/dressing room areas
- Fit out works in the theatre

3.11 Members of Executive Board should note that the budget provision for the Phase 2 scope of works detailed in paragraph 3.9 above makes no provision for any future theatre closure costs that may be required to facilitate the proposed Phase 2 works. Also, the proposed scope of works represents a mathematical assessment of the works that may be progressed based on Stage D costings updated for inflation and a significantly increased contingency to reflect the knowledge gained and the condition of the building complex under the Phase 1 works. The estimated cost of the works will need to be checked and substantiated by the design team as part of the HLF bid preparation, as will the allowance made for professional fees to progress the scheme proposals through to completion. It should also be noted that if the forecast overspend on Phase 1 increases beyond the figure quoted in this report, a reduction in the Phase 2 budget and hence the scope of works would result, unless new additional funds are identified.

## **C. Operational Arrangements**

3.12 In May 2002, Executive Board was advised that ACE had indicated that there needed to be a more integrated operational structure between Leeds Grand Theatre and Opera North regarding their future occupancy of the theatre building post completion of the refurbishment works. Executive Board authorised officers to commence negotiations with both organisations regarding the property arrangements to be concluded between the parties for their future occupation of the properties and, to report back on the outcome of these negotiations. The following summarises the current position regarding the negotiations relating to the property agreements to be

concluded for the occupation of the respective properties following completion of the Phase 1 works.

**Leeds Grand Theatre:**

3.13 Terms have been provisionally agreed with the Leeds Grand Theatre Board of Management for the Company's lease of the Grand Theatre and Executive Board is requested to approve the Heads of Terms for the Company's lease of the property on the basis detailed below:

(i) Demise:- As detailed in plan No. 1 attached. The lease will include the current theatre ticket office, the adjacent retail unit at 42 New Briggate and also the new Scenery Bridge linking the theatre to the adjacent rehearsal rooms and, the vehicle get in lift on Harrison Street.

(ii) Term:-99 years

(iii) Rent:- Peppercorn

(iv) Use:- The premises to be used as a theatre only, with associated licensed bar and ticket office

(v) Repairs:- The tenant to be responsible for maintaining and insuring the whole of the premises. The tenant will be required to establish and maintain a reserve fund and a planned maintenance schedule.

(vi) Sub-Letting:- The tenant shall grant a sub lease to Opera North for designated areas of the premises for a term of 25 years, at a peppercorn rental.

The tenant shall, at the request of the City Council, grant a sub lease to the City Council of the retail unit, 42 New Briggate, Leeds for a term of 25 years at a peppercorn rent. The Council shall be permitted to sub let the retail unit. A break clause will be included in favour of the Grand Theatre Company and will permit the Company to terminate the Council's lease at any time after the third anniversary of the term, providing:

(i) the Company has sufficient funding to convert 42 New Briggate to an improved box office facility.

(ii) the company has served 12 months prior written notice upon the Council of its intention to break the sub lease.

All sub-lettings to be contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954.

(xi) Alienation:- The tenant will not be permitted to assign, sub-let, charge (other than the ACE legal charge referred to later in this report) or, part with possession of the whole or any part of the theatre. However, in the event of the tenant's insolvency and Arts Council England seeking to exercise their power of sale under the charge referred to below in relation to the theatre, the Council will consent to the assignment of the lease in such circumstances to another theatre company acceptable to the Council, such consent not to be unreasonably withheld or delayed.

- 3.15 Members of Executive Board should note that the Grand Theatre Company's lease of the theatre will also refer to a residency agreement to be concluded between the Company and Opera North. The residency agreement will seek to set out the working arrangements for the building on a day-to-day basis, detailing how the two parties will operate together in the theatre.
- 3.16 The restriction on use (see 3.13(iv)) to theatre only, with associated licensed bar and ticket office, might be argued not to constitute the most valuable use of the property. In such circumstances, the granting of a lease at a peppercorn to the Grand Theatre Company would constitute a less than best disposal. The Council is able to grant such a lease using the following powers:
- 3.17 The General Disposal Consent (England) 2003 allows local authorities to dispose of any interest in land at less than the best consideration that can reasonably be obtainable subject to the following conditions:
- (i) the authority must be of the opinion that the disposal is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area or people living or working there; and
  - (ii) the difference between the unrestricted value of the land ( basically the unrestricted market value of the land ignoring any conditions voluntarily imposed by the authority which might constrain its use) and the actual consideration for the disposal must not exceed £2m
- 3.18 If these conditions were not met in any particular case, the Council could still apply to the Secretary of State for a specific consent.
- 3.19 The specific consent of the Secretary of State therefore is not required for a disposal of land at less than best consideration provided that the authority decides it is likely that the disposal will help to secure the promotion or improvement of the economic social or environmental well being of its area and the amount of the "discount" in value does not exceed £2m. The lease terms are specifically designed to protect the Council's investment in the fabric and future use of the theatre for the cultural benefits of the residents of the City of Leeds and to protect the theatre's heritage.
- 3.20 Notwithstanding this the voluntary imposed conditions upon use might under normal circumstances be argued to constitute a disposal for less than best consideration. The Director of Development has carried out a valuation of the building drawing upon information about other listed theatre buildings in the United Kingdom and their likely conversion costs for alternative use. The conclusion from this exercise is that the value of the Grand Theatre buildings is unlikely to be positive because of the high cost of conversion and the need to protect/mothball the many key features of the listed building. As such, therefore, the grant of a lease at a peppercorn to the Grand Theatre Company would constitute a disposal for best consideration.

## **Rehearsal Rooms**

- 3.21 The site on Harrison Street, on which the new rehearsal rooms have been built is opposite the Grand Theatre stage door entrance and immediately adjacent to Premier House, a 1960's built office block. The freehold interest of the site and the adjacent Premier House office block was purchased by Opera North using gift aid money from the former Leeds City Development Company. The new build rehearsal rooms form an integral part of Premier House, with shared access and service facilities. Consequently, when construction of the new build rehearsal building is complete, the



building will be owned by Opera North. It has been provisionally agreed that Opera North will enter into a deed granting rights of support to the Council for the scenery bridge over Harrison Street linking the rehearsal rooms to the main theatre complex.

- 3.22 Executive Board should note that it is proposed and has been provisionally agreed with Opera North that the City Council will be granted a licence for a period of 99 years, at nil consideration, in order to permit the Council, or its nominees, to use the new build rehearsal space for up to 30 days per annum.
- 3.23 In recognition that, when complete the new rehearsal rooms will pass into the ownership of Opera North, Council officers have sought to protect the original Leeds City Development Company investment, which allowed Opera North to purchase Premier House and the adjacent site upon which the rehearsal rooms have been built. Given the conditions of the Grant Aid requiring a first legal charge in favour of ACE to secure repayment of grant aid (see later in this report), the Council has, therefore, provisionally agreed with ACE an arrangement to the effect that if ACE enforces its rights under the Legal Charge agreement (see below) to be concluded between Opera North and ACE on the Premier House/rehearsal rooms/new build site and sell, that the City Council would be entitled to payment of £2.5m (plus allowance for inflation) from the receipt, to recompense it for the equivalent level of investment provided to Opera North which enabled them to acquire the car park site in the first instance.

### **Legal Charges**

- 3.24 In accordance with standard practice, ACE is seeking a commitment to secure repayment of grant aid in the event of the theatre and the rehearsal rooms new build ceasing to be used for those purposes within a specified period of up to twenty years. The Grant Aid conditions provide for a legal charge in favour of ACE to the full value of its investment against the assets of the applicant receiving any capital award (£13.5m grant). In this instance, as there is in effect two end user beneficiaries to the award (the Grand Theatre Company and Opera North) and, the calculation of benefit to each party is complex, ACE proposes to split equally, the charge between the Grand Theatre Company and Opera North i.e. a fixed charge of £6.75m in each case.
- 3.25 With regard to the Grand Theatre Company, ACE propose to place a charge for £6.75m on the Company's leasehold interest that it will have in respect of the theatre building. It should be noted that the proposed charge is a fixed charge against the Company's leasehold interest in the theatre and, is not a floating charge against the rest of the company's assets.
- 3.26 Against this background, the City Council has agreed with ACE that it shall use its best endeavours to procure from the Grand Theatre Company a first registered fixed charge over the interest the Company will have in their leasehold interest in the theatre, but limited to its market value or £6.75m, whichever is the lower, subject to:
- (i) the Charity Commission granting consent to such a fixed charge (but only if the Company provides ACE with evidence that such Charity Commission consent is required) and
  - (ii) the Grand Theatre Company obtaining full independent advice on all relevant issues relating to the proposed charge, with the Company being permitted to refuse to consent to the grant of a charge if it receives either independent advice that the grant of a charge over the lease will of itself have a materially adverse effect on the balance sheet/solvency of the Company.

- 3.30 If the Company is unable to provide a charge to ACE, the company's liability as outlined above will fall and, ACE will rely upon the covenants and obligations of the Council under the Grant Aid condition as the freehold owner of the theatre for the repayment of that part of the grant identified as the responsibility of the Grand Theatre Company.

## **Assembly Rooms**

- 3.31 Whilst the refurbishment of the Assembly Rooms does not form part of the Phase 1 works and will only be addressed during Phase 2, Executive Board should note that upon completion of the Phase 2 works, it is proposed that the lease of the Assembly Rooms would be offered to Opera North at a peppercorn on terms similar to those provisionally agreed with the Grand Theatre Company for their occupancy of the theatre. As with the lease of the theatre building to the Grand Theatre Company this lease to Opera North would constitute a less than best disposal and will require the Council to utilise the General Disposal Consent (England) 2003 detailed in paragraphs 3.17 to 3.20. A report will be presented to the Director of Development in due course to approve the Heads of Terms using her delegated powers. Pending completion of works to the Assembly Rooms, both the Leeds Grand Theatre Company and Opera North have completed licence agreements for their continued occupation and access to the Assembly Rooms respectively.

## **4.0 CONSULTATIONS**

- 4.1 A wide range of consultation was undertaken in the preparation of scheme designs for both phases 1 and 2 of the project. The organisations/bodies consulted included the Theatres Trust, English Heritage, Civic Trust, The Victorian Society, Fire Authority and statutory undertakers.
- 4.2 ACE has been consulted on the strategy to address the projected budget shortfall on Phase 1 and the assumed funding profile and scope of works for Phase 2.
- 4.3 The Leeds Grand Theatre and Opera House Ltd Board of Management have been consulted on the proposed funding strategy for phases 1 and 2, the proposed Phase 2 scope of works and the proposed operational arrangements for the building post completion of the Phase 1 works. Executive Board should note that the Board of Management do not support the inclusion of the pedestrian bridge over Harrison Street in the Phase 2 works, until such times as the adequacy of the Phase 2 assumed budget has been fully tested against the actual cost of the proposed works.
- 4.4 Opera North has been consulted and has indicated support on the proposed funding strategy for phases 1 and 2 of the project and, the proposed scope of works for phase 2 as detailed in paragraph 3.10 of the report above.
- 4.5 The Leeds Grand Theatre and Opera North Project Board have endorsed the proposed funding strategy for phases 1 and 2 of the project as detailed in the report.

## **5.0 PROGRAMME**

- 5.1 It is currently envisaged that works to the new rehearsal rooms will be complete by 14 August 2006, with works to the theatre complete by 17 September 2006.

5.2 The strategic programme for the Phase 2 works incorporating the decision making timescales for the respective third party funding organisations remains under discussion at this time and has yet to be determined.

## **6.0 CAPITAL FUNDING AND CASHFLOW Phase 1**

6.1 At the time of report preparation, the anticipated final cost for the Phase 1 works is £23,419,447, representing an anticipated overspend of £1,716,447 against a budget provision of £21,703,000, inclusive of the additional M&E works. In addition to this a contingency sum of £72,000 has been identified (see paragraph 7.1) in order to cover any unforeseen costs that may arise prior to practical completion of the phase 1 works. This brings the overall total estimate for overspend to £ 1,788,447. A funding package has been agreed as per paragraph 3.6 of this report to address the anticipated budget shortfall for phase 1..

6.2 In order to progress the proposed Phase 2 works, the City Council's retained design team and specialist consultants need to prepare the design proposals/costings and the business case for a bid to the HLF and, to secure a supplementary award from ACE. At this time, it has only been possible to estimate the fees the consultants will seek for undertaking the work which is estimated to be in the region of £175,000. Full details of the fees to be paid to the consultants will only become available on receipt of formal fee proposals from the respective consultants.

6.3 Given the uncertainty regarding a number of these funding streams, further work will be undertaken as part of the development of Phase 2 and reported to Executive Board prior to seeking authority to enter into a works contract.

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2006 £000's	FORECAST				
			2006/07 £000's	2007/08 £000's	2008/09 £000's	2009/10 £000's	2010 on £000's
Phase 1	18203.2	11666.4	6336.8	200.0			
Notional Contributions	3500.0	3500.0					
TOTALS	21703.2	15166.4	6336.8	200.0	0.0	0.0	0.0

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2006 £000's	FORECAST				
			2006/07 £000's	2007/08 £000's	2008/09 £000's	2009/10 £000's	2010 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	1788.4		1788.4	0.0	0.0		
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	1788.4	0.0	1788.4	0.0	0.0	0.0	0.0

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2006 £000's	FORECAST				
			2006/07 £000's	2007/08 £000's	2008/09 £000's	2009/10 £000's	2010 on £000's
LCC Funding	1581.0	1409.9	150.3	20.8			
Leeds City Council AMG	417.0		417.0				
Unsupported Borrowing	577.0	577.0	0.0	0.0			
Arts Council Grant	13500.0	8133.6	5209.5	156.9			
Yorkshire Forward	500.0	500.0					
Leeds Grand Theatre	418.1	261.5	151.1	5.5			
Opera North	1210.1	784.4	408.9	16.8	0.0		
Heritage Lottery	0.0		0.0	0.0			
Notional Contribution	3500.0	3500.0					
Total Funding	21703.2	15166.4	6336.8	200.0	0.0	0.0	0.0
<b>Shortfall =</b>	<b>-1788.4</b>	<b>0.0</b>	<b>-1788.4</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
This will be funded as follows:-							
Injection Opera North	150.0		150.0				
Injection Grand Theatre	43.5		43.5				
B/F Arts Council From Phase 2	300.0		300.0				
B/F Leeds City Council fm Ph2	1294.9		1294.9				
<b>Balance =</b>	<b>0.0</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## 7.0 RISK ASSESSMENT

7.1 There remains a risk that other unforeseen costs will arise that will contribute to the anticipated budget shortfall on Phase 1. Whilst this risk can not be eliminated completely, as at the date of report preparation, the project is approximately 8 weeks away from practical completion and, therefore, all discovery issues should have been identified and, any additional costs that may have to be incurred would primarily relate to the making good works to the theatre and ensuring works are completed on site by 17 September as programmed. In recognition that a risk remains an additional contingency allowance of around £72,000 has been incorporated into the forecast final cost of the Phase 1 works (see paragraph 6.1 above) It should be noted that if the additional contingency allowance is not required, then such funds would be held for expenditure on the proposed Phase 2 works.

7.2 There is a risk that the proposed Phase 2 scope of works as outlined in paragraph 3.10 above cannot be contained within the budget considered to be realistically

available to the project. It would be the intention to undertake as much pre-contract survey (intrusive) work as possible in the buildings, in order to establish both the condition of the fabric and existing services/systems, in an effort to mitigate cost risks to the Council. However, if it subsequently transpires after undertaking value management to reduce the scheme costs that the project can not be contained within budget, the Leeds Grand Theatre and Opera North Project Board would need to review the scope of works and reduce it accordingly.

- 7.3 There is a risk that the condition of the building fabric and services in the areas covered by the proposed Phase 2 works will be in as poor a condition as discovered under the Phase 1 contract. In an effort to mitigate the risk, the level of proposed project contingency provision has been increased to reflect the problems encountered elsewhere in the building as part of the Phase 1 works.
- 7.4 There is a risk that the Opera North and Leeds Grand Theatre Development Trust may not secure the balance (£1.4m net) of its £3m contribution to the proposed phase 2 budget. Whilst officers remain confident based on the Trust's proven track record to date and having regard to the fundraising strategy being pursued that the Trust will achieve its £3m fundraising target, the risk can not be completely eliminated. In order to mitigate the risk to the Council, officers will closely monitor the on-going fundraising campaign and will examine the Trust's accounts on a regular basis to gauge fundraising progress.
- 7.5 There is a risk that the HLF and supplementary ACE bids for funding may be rejected or not secure the level of funding sought for the Phase 2 works. Whilst the risk may be mitigated through Council officers working with the respective lottery bodies to ensure the best applications are made that meet the strategic objectives of each organisation, the risk can not be completely eliminated and, if it ultimately proved to be the case, the Grand Theatre Project Board would need to determine a reduced scope of works that could be delivered within the budget available.
- 7.6 Members of Executive Board should note that before any building contract for the works proposed under Phase 2 are let, Council officers will undertake a full risk assessment of progressing the works in advance of any element of the third party funding support being secured. If the risk exposure to the Council is considered manageable, it may be possible to recommend proceeding with the works with the Council cash flowing the costs until funding is secured. Alternatively, if the financial risk is considered unacceptable, the project may need to be delayed until funding is secured or a reduced scope of works is identified.

## **8.0 COMPLIANCE WITH COUNCIL POLICIES**

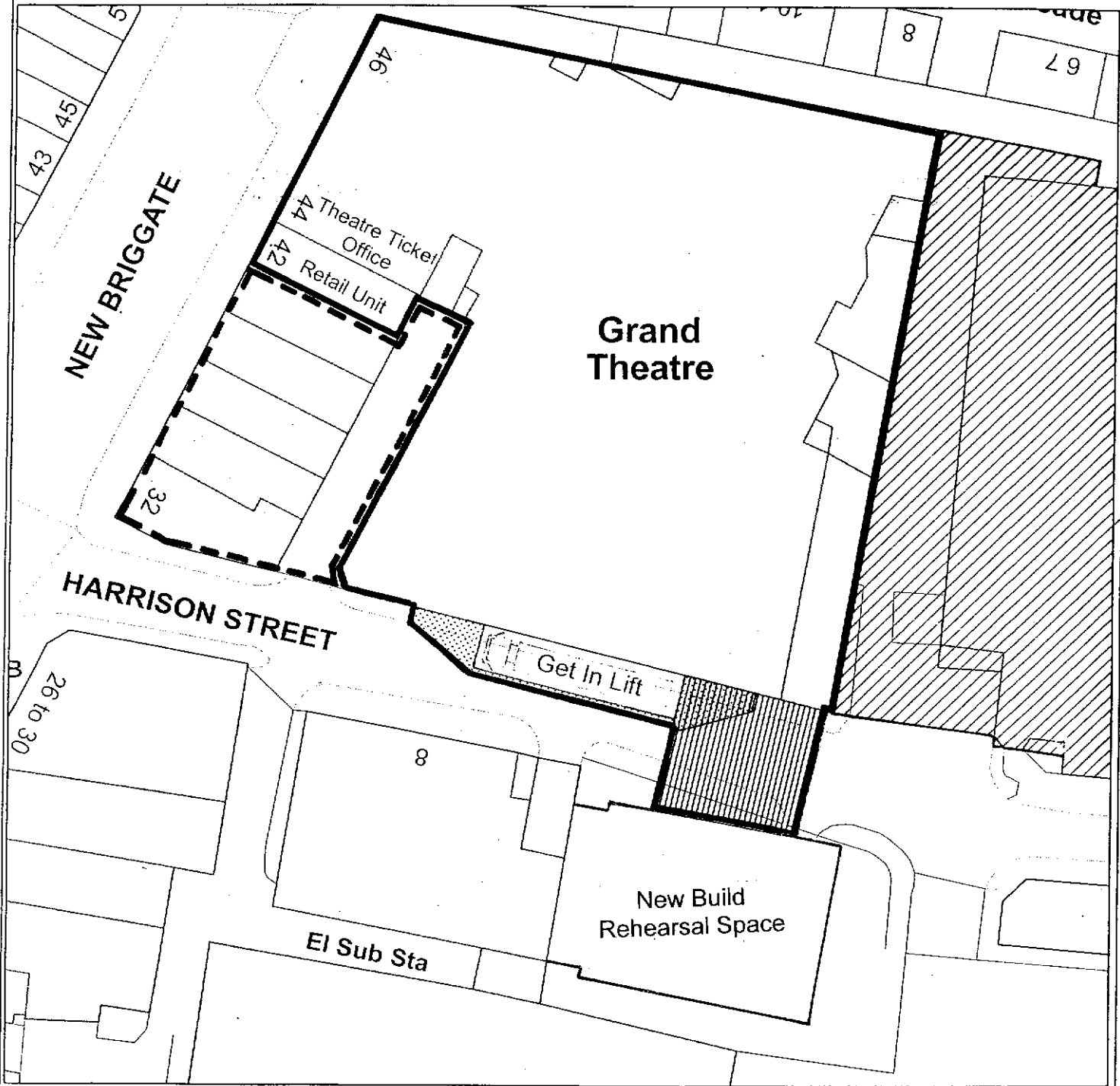
- 8.1 The Council's Corporate Plan identifies the need to maximise the potential facilities which improve the quality of life and which add to the attractiveness of the City and the region. Moreover, the Corporate Plan acknowledges the role of cultural attractions in promoting the economic prosperity and overall profile of the City.

## **9.0 RECOMMENDATIONS**

- 9.1 Executive Board is requested to:
- (i) Note the contents of the report;

- (ii) Authorise an injection of £193,566 into the Capital Programme to be funded by £ 150,000 from the Opera North Trust and £ 43,566 from Leeds Grand Theatre;
- (iii) Authorise the bringing forward of £300,000 Arts Council England grant from Phase 2 works into Phase 1, subject to the ACE formal approval which is currently being sought.
- (iv) Authorise the bringing forward of £1,294,881 of Leeds City Council funding from Phase 2 into Phase 1;
- (v) Authorise the incurring of additional expenditure of £1,788,447 on costs associated with the Phase 1 refurbishment works at Leeds Grand Theatre. (Capital Scheme Number 03611 / PH1 / 000)
- (vi) Note expenditure of £175,000 on fees on Phase 2 of the Grand Theatre (Capital Scheme Number 03611/PH2/000) to prepare and submit applications to the Heritage Lottery Fund and Arts Council England for grant aid towards the Phase 2 works involving the selective refurbishment of the Grand Theatre and the restoration of the Assembly Rooms.
- (vii) To note the potential funding of £ 9.124m as outlined in detail within paragraphs 3.8 and 3.9, and that a further report will be submitted to Executive Board when both costs and funding have been subject to further determination.
- (viii) Approve the Heads of Terms that have been provisionally agreed with the Leeds Grand Theatre and Opera House Ltd for their lease of the Leeds Grand Theatre.

LEEDS GRAND THEATRE  
NEW BRIGGATE  
LEEDS LS1



LEEDS GRAND THEATRE  
DEMISED AREA



LAND OWNED BY  
LEEDS CITY COUNCIL



AREA OF SCENERY  
BRIDGE ABOVE



LAND SOLD BY  
LEEDS CITY COUNCIL



AREA OF HIGHWAY  
TO BE STOPPED UP



**Leeds**  
CITY COUNCIL

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Leeds City Council LA07621X 2006

PREP BY Michael Christian

DATE 25/07/06

OS No SE3033NW

Scale 1:500



**PLAN No 7073/E**

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Originator: Mark Allman

Tel: 2478323

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**Report of the Director of Learning and Leisure**

**Executive Board**

**Date: 16<sup>th</sup> August 2006**

**Subject: Horsforth Swimming Pool Deputation**

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**Electoral wards affected:**

**Specific implications for:**

Ethnic minorities

Women

Disabled people

Narrowing the gap

Eligible for call In

Not eligible for call in  
(details contained in the report)

---

**Executive Summary**

The City Council has major investment challenges to renew its existing ageing swimming pools. This report responds to the deputation by local residents in Horsforth for the provision of a swimming pool in the area and suggests that £2500 is made available to assist in the development of a feasibility study.

## 1.0 Purpose of this report

- 1.1 To provide contextual information in relation to;
- The demand for new swimming facilities in the Horsforth area based on Sport England's facility planning model ("Active Places")
  - The Councils position in terms of investment needs for the cities leisure centres.

## 2.0 Background information

2.1 Discussions between officers in Learning and Leisure have previously taken place with local residents campaigning for a pool in Horsforth as well as local ward members. In considering the provision of a new swimming pool in Horsforth there are a number of issues to be considered;

- What are the current swimming pool facilities provided in the North West of the Leeds local authority area?
- Is there sufficient demand for a new pool in the Horsforth area?
- What would be the impact of the new development on existing facilities?
- What other new facilities might be planned within the proposed catchment area?
- Is the funding in place to build the new swimming pool?
- Is the funding in place to pay for the ongoing revenue costs of running a swimming pool?

2.2 The following response is a summary objective assessment of the current proposals.

## 3.0 Main issues

### 3.1 Value of Sport

It is agreed with the deputation that sport has a hugely valuable role to play in local communities. It is fun, it unites communities, it can help learning and self development. Whilst outreach sports development programmes are relatively inexpensive major capital projects are not.

Nationally there is a backlog investment need in local authority leisure centres of more than £3bn. In Leeds the figure is currently about £90m and this excludes the investment already underway with the new 50m pool in South Leeds and the new John Smeaton Leisure Centre in East Leeds. Whilst the allocation of £30 million of PFI credits and some capital receipts can help address part of this £90m gap there remains a major shortfall. Working with our partners the Council needs to be able to plan ahead with a network of affordable leisure centres in areas where there are clear supply problems, most notably where leisure centres are in need of replacement. The current PFI credits are not available for a new pool development in Horsforth.

### 3.2 Sport England assessment

Recent discussions with the residents referred them to Sport England's facility planning tool, known as "Active Places". It outlines the facilities that already exist within a given catchment of the proposed new facility and allows an informed assessment on the potential level of supply and demand.

Appendix 1 provides a list of facilities drawn from the Active Places website. It clearly shows that there is sufficient supply in the immediate area. The provision of additional waterspace would create excess supply and lead to unsustainable facilities in the longer term elsewhere in the locality.

### 3.3 Other Local Developments

Plans exist to replace Holt Park swimming pool within the next 3 years, as part of the redevelopment of the entire Holt Park district centre. This will have an affect on demand patterns. Furthermore Leeds Metropolitan University is also considering the provision of a new swimming pool, ideally on the Beckett Park campus. Furthermore the potential partnership with Trinity and All Saints and in turn their connection to the University of Leeds may create difficulties for the campaigners in that the University of Leeds is also planning to build a new swimming pool which is likely to restrict available capital funds to any development in Horsforth.

### 3.4 Impacts on other local swimming pools

Whilst the provision of new pools is welcomed consideration must be given to the potential impact on the Council's Kirkstall, Holt Park and Aireborough leisure centres. An increased supply of facilities in an area already well covered for swimming pools would dilute demand and result in lost revenues for the City Council run swimming pools.

Swimming lessons with schools are a key element of existing leisure centre programmes. It's not uncommon for schools to travel away from their local leisure centre as it often depends on the schools timetable and swimming pool availability. Again if schools change their pattern of use then it will impact on existing Council run facilities.

### 3.5 Build costs and Revenue costs

The deputation have requested support for a feasibility study to look at the potential funding sources and revenue affordability. Capital costs associated with building swimming pools to modern day standards are expensive. A stand alone 6 lane 25m pool with a small fitness suite would cost in the region of £6-8m. Furthermore the costs of running and staffing the pool would be considerable. Typically most Local Authority new swimming pools run at a deficit of at least £200k pa, excluding ongoing repairs and maintenance. This figure could be reduced depending on staffing regimes/rates of pay/programming/opening hours/pricing charges/ admissions policy (i.e. targeting use by disadvantaged groups or not).

Any feasibility study would have to address the fundamental question of funding the capital costs and meeting the annual running costs.

A suitable feasibility study itself would cost in the region of £8,000.

## **4.0 Implications for council policy and governance**

4.1 None.

## **5.0 Legal and resource implications**

5.1 £2500 funding support to be offered to the residents' action group to be used as part payment of a bona fide consultant to prepare a feasibility study.

## **6.0 Conclusions**

6.1 In the context of the supply pattern demonstrated via "Active Places" and the investment needs of the existing leisure centres in the city it is doubtful that there is sufficient strategic demand to satisfy the need for a new swimming pool in Horsforth. Rather than fully fund a feasibility study, it is proposed that a funding contribution is made towards the engagement of a bona fide consultant to produce a feasibility study. This support does not imply future support of either funding or land to realise any proposal that may be forthcoming. Should the residents action group raise the required match funding then the appointment of a recognised, bona fide consultant and the consultants' brief must meet with the Director of Learning and Leisure's approval. Page 91

**7.0 Recommendations**

- 7.1 That the request to support a feasibility study into the provision of a new swimming pool in Horsforth is part supported by the City Council up to a maximum of £2500.
- 7.2 That recognised, bona fide consultants are engaged to undertake the feasibility study, should match funding be found and the consultants' brief should be drawn up in consultation with the Director of Learning and Leisure.

## APPENDIX 1

### 1. HOLT PARK LEISURE CENTRE

1004396

1.65 mile(s)

☎ 0113 267 9033

Leeds, LS16 7QD

[show ↗](#)

### 2. ESPORTA HEALTH & FITNESS (LEEDS - COOKRIDGE HALL)

1000130

1.8 mile(s)

☎ 0113 203 0000

Leeds, LS16 7NL

[show ↗](#)

### 3. BRAMLEY BATHS

1004369

2.01 mile(s)

☎ 0113 214 6034

Leeds, LS13 3DF

[show ↗](#)

### 4. VILLAGE LEISURE CLUB (LEEDS)

1000087

2.19 mile(s)

☎ 0113 278 1000

Leeds, LS16 5PR

[show ↗](#)

### 5. LEEDS METROPOLITAN UNIVERSITY

1004442

2.24 mile(s)

☎ 0113 283 3160

Leeds, LS6 3QS

[show ↗](#)

### 6. WOODHOUSE GROVE

1201802

2.43 mile(s)

☎ 0113 250 2477

Bradford, BD10 0NR

[show ↗](#)

### 7. KIRKSTALL LEISURE CENTRE

1004403

2.47 mile(s)

☎ 0113 214 4555

Leeds, LS5 3BE

[show ↗](#)

### 8. DRAGONS HEALTH CLUB (LEEDS)

1000124

2.56 mile(s)

☎ 0113 239 1155

Leeds, LS19 7EN

[show ↗](#)

### 9. SEBASTIAN COE HEALTH CLUB (LEEDS)

1001317

2.61 mile(s)

☎ 0113 269 9010

Leeds, LS16 8AG

[show ↗](#)

### 10. ECCLESHILL SWIMMING POOL

1004381

3.18 mile(s)

☎ 01274 612329

Bradford, BD10 0QE

**11. SPIRIT HEALTH & FITNESS (LEEDS)**

1000712

3.19 mile(s)

☎ 0113 202 7433

Leeds, LS16 9JJ

[show ↗](#)

**12. AIREBOROUGH LEISURE CENTRE**

1004361

3.39 mile(s)

☎ 01943 877131

Leeds, LS20 9BT

[show ↗](#)

**13. DAVID LLOYD CLUB (LEEDS)**

1000115

3.41 mile(s)

☎ 0113 203 4000

Leeds, LS6 4QW

[show ↗](#)

**14. PUDSEY LEISURE CENTRE**

1004420

3.42 mile(s)

☎ 0113 256 8903

Pudsey, LS28 7BE

[show ↗](#)

**15. VIRGIN ACTIVE CLUB (LEEDS)**

1002786

3.57 mile(s)

☎ 0113 224 6601

Leeds, LS4 2DG

[show ↗](#)

**Dooley,J**

**From:** james bovington [jdbov@hotmail.com]  
**To:** Dooley,J; lj.chappell@ntlworld.com  
**Cc:**  
**Subject:** SWIM POOL PRESENTATION 21ST JUNE  
**Attachments:**

**Sent:** Mon 29/05/2006 17:56

The text below has been adapted from previous submissions most notably that for the Well-Being application. You both need to be 'schooled' in it and when familiar we can reduce it to a series of major bullet points. JDB

### SWIMMING POOL PRESENTATION 21ST JUNE 2006

#### 1. PROPOSAL

The aim is to increase swimming provision in north-west Leeds by identifying a site for a pool and then developing it in Horsforth which would both serve Horsforth and offer extra choice to residents of surrounding parts of north-west Leeds.

The project involves funding in 2006/7 for a feasibility study costing around £5,000. Horsforth Town Council has offered to fund half the costs of the feasibility study up to £2,500.

#### 2. NEED

The existing pool provision is simply inadequate for the demand. There is a thriving sporting life in Horsforth involving sports as diverse as rugby, cricket, golf, archery and horse-riding, which would be both complemented and enhanced by a pool which would allow new clubs in swimming, lifesaving, water polo and possibly diving. At present all Horsforth residents who want to swim need to access facilities some distance away and not quickly accessible other than by car and not at all on foot. Public transport access to pools in nearby areas of Leeds is difficult, especially for target groups like youngsters, the elderly and disabled.

To develop their swimming primary schools have to spend considerable amounts of time and money on travel to and from pools some distance from Horsforth which limits provision. At secondary level, Horsforth School also has keen competitive swimmers who for reasons of distance are unable to train effectively. Other groups, including senior citizens with mobility problems, would likely take advantage of a community pool as would several thousand students based at TASC and Park Lane College Horsforth.

As well as providing a facility which could help reduce anti-social behaviour, a pool would greatly contribute to communities in north-west Leeds reaching the national target of increasing participation in active fitness activities by 2% each year over a three-year period, this equating to five half hour sessions per week.

#### 3. CONTEXT

A group of residents and people working in Horsforth have recently come together to campaign for improved sports facilities centred around a swimming pool but they lack the resources to commission a feasibility study.

The study would need to demonstrate:

- a. why there is a need for a pool in Horsforth and how it would better meet the needs of various groups who presently face difficulties in getting to pools elsewhere in Leeds.
- b. where a pool might be constructed given questions of land ownership, construction costs and access on foot and by both public and private

<http://owa.intra.leedslearning.net/exchange/dooleyj01/Inbox/SWIM%20POOL%20PRES...> 06/06/2006

transport with special regard to access by both primary and secondary school students.

- c. what the likely overall costs and sources of funding for a pool would be and how ongoing repair and maintenance costs could be met.
- d. which adult community groups would also use the pool and how much help they might provide in its operation as volunteers

#### 4. THE TADCASTER MODEL

Following advice from Glen Johnson, manager of the Tadcaster Community Swimming Pool, which co-ordinated the project which led to the opening of a brand new pool in Tadcaster in 1994 a number of residents are in the process of setting up a charity to be called the Horsforth Community Swimming Pool Trust. Like Tadcaster's this would be administered by a number of local trustees. The Chair of the Trust is John Dooley, Horsforth Town Councillor and Deputy Head at Horsforth School. The secretary/treasurer James Bovington also teaches at Horsforth School. The trustee with responsibility for fund-raising is Mrs Lynn Chappell who has been active in Aireborough Swimming Club for some years. It is not the intention for the pool to become an additional recipient of scarce subsidy finance from Leeds Leisure.

#### 5. CONCLUSION

The panel is asked to make funding for a feasibility study available in conjunction with Horsforth Town Council on the basis that benefits from a new pool in Horsforth would accrue to residents throughout north-west Leeds by offering enhanced choice and improved accessibility.

This message has been processed by MAILSweeper for Exchange.





Agenda Item:

Originator: Dennis Holmes

Tel: 74959

Report of the: Director of Adult Services

Executive Board

Date: 16<sup>th</sup> August 2006

Subject: **Commissioning Plan for Mental Health Day Services**

**Electoral Wards Affected: All**

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

## Executive Summary

In December 2005, Executive Board agreed the principles on which the Department's Commissioning Strategy for Adult Day Services would be based. It also agreed to the preparation of a commissioning plan for day services for each of the four main adult service user groups (older people, people with learning disability, disabled people and people experiencing mental illness) for approval by Executive Board.

This report presents the plan for mental health day services. This has been developed by the mental health day services modernisation project, in line with the agreed principles contained in the Commissioning Strategy for Adult Day Services. The project is called 'i3' ('Inspire, improve, include') and is closely linked with the city-wide Mental Health Modernisation Team in order to ensure effective engagement of all stakeholders.

The vision for day services as set out in this report will enable people with mental health problems in Leeds to be less isolated and marginalised. They will have greater access to the same non-segregated, mainstream community, social, leisure and educational opportunities enjoyed by non disabled residents in Leeds.

The report indicates the current position with regard to mental health day services in Leeds and sets out the proposed new service model. It recommends that members adopt the new service model outlined and agree its implementation based on a phased approach and the timescales given.

## **1.0 Purpose of the Report**

1.1 The purpose of this report is to set out proposals for the modernisation of mental health day services. It describes a more person centred service model based on meeting an individual's assessed needs flexibly, in their local communities and, wherever possible, within mainstream services rather than in settings catering only for people with mental health problems. This is what potential users of such services and their carers say they want.

## **2.0 Background**

2.1 At any time one in four adults may experience some form of mental illness, people experiencing such difficulties typically have mental health care needs which can be treated but also have significant social care needs associated with the impact of the illness. Although there are similarities in the needs of people experiencing episodes of illness which affect their health and wellbeing with those people with learning disabilities, both the causation and experience of the two groups are quite distinct.

2.2 The recent White Paper "Our Health, Our Care, Our Say" calls for a radical and sustained shift in the way health and social care services are delivered to do more to tackle inequalities and improve access to community services through a greater emphasis on individualised provision. This also recognises the continuing move away from former models of institutional care.

2.3 "From segregation to inclusion: commissioning guidance on day services for people with mental health problems" (Department of Health, Feb 2006) requires that there should be a comprehensive range of day service provision for people with mental health problems designed to promote recovery, social inclusion and self determination.

2.4 In Leeds the necessary work to plan the modernisation of mental health day services in line with the strategic direction set by Government policy and guidance and the Commissioning Strategy for Adult Day Services has been taken forward by the 'i3' project. In close consultation with all stakeholders, including the 5 Leeds Primary Care Trusts and the Leeds Mental Health Teaching Trust, it was decided to redesign day services across all provider sectors in line with the overarching principles.

2.5 Currently, mental health day services in Leeds are provided by four agencies: Social Services, Leeds Mind, Touchstone and Leeds Housing Concern, representatives of all of these agencies have recently met with the Lead Member for Social Care with regard to the development of the service models set out in this report.. Over 85% of the current service is directly provided or commissioned by Social Services and the rest of the service is commissioned by the PCTs. Approximately 1400 people use the current service and there are about 80 whole time equivalent staff employed by the various agencies. The overall cost of these combined services is in the region of £2.5 million.

2.6 Over the past year the 'i3' project has completed a substantial amount of planning work and has undertaken a number of major audits of current services and their users. Consultation has continued in many different forums in the past year with a series of day service consultations, information events and open forums with service users, carers and staff. (see Addendum 2) These have told us that although people value the chance to meet with other service users and with staff in the building based settings, they would also like more access to mainstream community facilities and services, employment and education.

### **3.0 Main Issues with the current service**

3.1 The majority of day service resources in Leeds are building based with the majority of staff time devoted to providing support within the building in group settings. The size and location of these centres creates barriers to independence and social inclusion for the majority of service users. It is difficult for staff to go out from the building to help individual service users pursue goals in their local communities or in mainstream services.

3.2 Geographical distribution of services is very uneven, with the East of the city and the outer areas being particularly badly catered for. Some sections of the population are also poorly catered for, particularly young people.

3.3 In addition, there are a substantial number of people who are unwilling to use the current services because they consider them too stigmatising and limited in terms of choice and range of opportunities. About half of the people who start attending a centre give up their place within a month. Of the people on the Care Programme Approach in Leeds, which effectively includes the majority of people with serious mental health problems, only about one in ten attend a centre, the proposals contained in this report set out different service models designed to address this trend.

### **4.0 Key Components of the New Service**

4.1 In line with the commissioning guidance "From segregation to inclusion" (2006) The service will aim to provide opportunities for social contact and support, support to retain existing roles and relationships support to access new roles and relationships, opportunities for service users to run their own services and to support one another. (The 'user led crisis centre' is a good current example of this approach).

4.2 A new proposed service model was developed by the project managers with advice from a consultant from the National Development Team. This is a national organisation with a track-record in similar service redesign projects across local authorities and PCT's. The main components of the model are:

- A person centred, individualised service (run by a set of locality based community teams). These teams will gate keep the service. They will help service users access mainstream services and the other components of the model as appropriate.
- A network of drop ins / user run groups. Existing service users tell us that they value the opportunity to meet with other service users and this will enable them to continue doing this in a community setting.
- An employment service. In line with the vocational service guidance (Vocational Services for People with Severe Mental Health Problems, Commissioning Guidance (2006) DOH) mental health day services will work towards developing a "place and train" employment service. This evidence based way of working is currently not available in Leeds and its remit implies the engagement of other agencies with a responsibility for employment (e.g. DWP, Job Centre +).
- A smaller building based service component. Some people will still need a building based service, either short term to meet their therapeutic needs or longer term because their mental health needs will be such that they will not be able to access mainstream provision. This may be provided from several localities in the city to ensure equitable access and we hope this will increasingly involve a service-user run element.

- Access to direct payments. Individuals will be offered the opportunity to receive a Direct Payment from the Local Authority as an alternative to direct service provision.
- An outcome focused approach. Both service users and staff will know why someone is using the service and know when they have achieved their goal.
- An integrated approach to access and assessment. The service as a whole will contain both a preventative element which users will be able to access directly and an eligible needs element which will be accessed on the basis of an assessment. All services will operate together as a whole system with shared assessment protocols and policies.

## 5.0 Consultation.

5.1 Consultation to date has been extensive (see Addendum 2). It has raised a number of issues, particularly from existing service users. It has already been indicated how the concerns of individual service users will be addressed in the implementation process. Future consultation and planning will take these views into account within the context of the overall approach being taken to the design of the new service .

5.2 Meetings and briefings for all elected members will be arranged to inform them of the city-wide process.

5.3 Local day service development will take place in each area of Leeds in consultation with all stakeholders. in the service and with local Ward Members. Modernisation plans will be developed and implemented on a local level to best respond to the individual needs of service users and their carers.

5.4 A collaborative approach to the day services improvement programme in Leeds is being developed with NIMHE (National Institute for Mental Health in England) to assist service users, other individuals and relevant organisations in taking an active part in the development of local solutions to the implementation of the proposals.

## 6.0 Proposal for implementation

6.1 We recognise that ambitious changes cannot be implemented with undue haste , a three year timescale for implementation of the project is therefore proposed, which would involve a phased shift of resources from buildings-based towards individualised, community based working as outlined in the table below:

Deployment of staff in service areas	Year 1 2007- 08	Year 2 2008 – 09	Year 3 2009 – 10
Individual Person centred work	20%	40%	60%
Group work in community settings	20%	30%	20%

Building based setting	60%	30%	20%
------------------------	-----	-----	-----

6.2 There will be two strands to the implementation process: new users who will access the individual service as soon as it is available and existing service users. Existing service users will be offered extra support as some of them have been using the service for many years and may find it hard to adjust to a new approach. They will receive a review of their needs and those requiring ongoing support will receive this in the new service model.

6.3 Another feature of the plan is that the East / North-East sector of the city will be an early implementer site. The fact that the Roundhay Road Day Centre has to leave its existing premises because of the disposal of the Roundhay Road site creates an opportunity to introduce the new model in that part of the city.

## 7.0 Resource Implications

7.1 A business case will identify how current resources (both revenue and capital) can be re-invested in order to deliver the new service model on a cost neutral basis.

7.2 An options appraisal will be carried out as part of the business plan to ensure that the proposals for the new service design will offer “Best Value” for the people of Leeds

## 8.0 Specific Implications for Ethnic Minorities & Disability Groups

8.1 This plan places significant emphasis on person centred planning for individuals and on the development of services and support networks within a person’s local community. Those from ethnic minorities should be able to access services that reflect their cultural and religious backgrounds as well as their care needs.

8.2 At present there is a substantial group of people who have multiple needs, (for example people with both mental health and learning difficulties, or mental health and physical disabilities and so on). A more individualised service will be able to support these people to meet their needs in the community. Parallel processes in other service areas should also help with this.

## 9.0 Conclusion

9.1 We have to modernise our day services for adults with mental health problems in order to achieve better outcomes for the users of the service. We need a new service model which promotes independence and which will better reflect the expectations of a new generation of services users. This service redesign will ensure opportunities for users to access locally based universal and specialist day services as a replacement for large outdated centres. This increase in choice and control will support greater social inclusion and increasing participation in people’s local communities.

9.2 In addition it is necessary to respond to a number of other drivers:

- to comply with statutory guidelines,
- to ensure that the service contributes to the corporate health, well being and social inclusion agenda,
- to achieve consistency in all adult day services through the application of the agreed commissioning strategy ,

- to contribute to the inter-agency Leeds Mental Health Strategy.

## **10.0 Recommendations**

Members are asked to agree the plan for day services as outlined in this report.

Members are asked to agree the implementation of the agreed service model within the time scales contained in this report.

Members are invited to receive further reports as the new service model is implemented.

Members are invited to request further briefings through the proposed course of the project.

## Addendum 1.

### Case studies used in consultation

The following two scenarios illustrate what a modernised day service could mean for a person with a mental health problem:

1) Kevin is 47 years old, is married and has two children. He has been on the sick for six months following a breakdown and has been diagnosed as depressed. He has worked as a warehouseman for most of his life and is keen to return to work but finds that for some reason he is quite anxious about returning. His employers are reasonably sympathetic to him but are finding it hard to understand why he is not back yet as he is clearly a lot better than he was six months ago. His wife is finding she is getting used to having him at home; it makes it easier for her at work knowing that he is at home when the children get back from school.

The imminent end of Kevin's sick pay prompts the family to seek help from secondary mental health services. The GP refers to the mental health day service community team who after meeting with Kevin realise that his primary wish is to get back to work so they refer him to the employment team. In addition they tell him about depression support group that meets in the evening and so is particularly useful for people who are working. The employment team meets with his employer and provides them with information and support around mental health issues. They negotiate a phased return for Kevin, six months later Kevin is on a 30 hour a week contract although he sometimes works overtime when his employers are particularly busy. Kevin's support worker has helped him to be aware of the signs of feeling over stressed and he knows that he can always ask for support in the future if he needs it, with this back up he is happy to continue at work and plans to go to the support group for another couple of months and then probably stop going there too. Kevin is assured by this availability of supportive services.

2) Gemma is 26; she had been supported by Aspire, the early intervention team, for 5 years but is now too old for their service. She had learnt some strategies for dealing with her intrusive voices and had a range of activities in place but over the past year she had found it increasingly difficult to get out of bed and was tending to be less engaged. Her Community Psychiatric Nurse referred her to the community team.

Her community team worker discovered that she was finding it harder to manage her voices than in the past, and helped Gemma to discuss this at the Care Programme Approach meeting; she was then able to get some specific support around this which slowly began to help. The thing that Gemma missed most was her art class but as this been in the morning, her worker helped her to find another mainstream group in the evening and did some work with her to reduce her anxieties about public transport so that if the weather was bad she could go on the bus. Gemma liked this group. In addition the worker introduced her to a culturally specific service (Gemma was of afro Caribbean background) which would visit her at home and was looking for a befriender for her. At present this was all Gemma wanted so the worker withdrew making sure that Gemma and her other workers knew that they could access the service at any time they needed it.

## Addendum 2

In January 2004 a multi-agency group produced a report `Leeds Mental Health Day Services Review` reviewing the current provision of mental health day services in Leeds and making some recommendations for the way forward. This resulted in the establishment of a 2-year project to modernise mental health day services which started in March 2005.

This project has worked with stakeholders to produce an agreed vision of day services based on 3 key principles of recovery, social inclusion and service user involvement. A model was produced on how to achieve these outcomes through a process of a whole-systems redesign of day services.

There was clearly a need and desire on behalf of the Authority to consult with current and potential service users, and staff about the future of day services. A communications and consultation strategy for this project has been produced which details the different ways in which stakeholders' views are contributing to the modernisation process. All formal consultation events have been written up and disseminated, these documents are available separately.

A summary of the consultation undertaken so far is as follows:

Date	Type of Event	Who For?	Numbers attending
May – Dec. 2004	Several (20) consultation events at 13 day centres and services Questionnaire	Service users of existing services People not using day services	200+ ~20
15th June, 2005	Launch Stakeholder Event to explain the purpose & aims of the project	All stakeholders	~ 60
November 2005	Stakeholder event to present proposed model	All	~ 50
Jan 2006	2 half-day stakeholder events	Staff working in day services	~ 60
Feb 2006	Stakeholder event	Service Users	~ 60
May 2006	Stakeholder event for E/NE early implementation site	Potential & existing providers, service users, carers & agencies in E/NE Leeds	~ 50

In addition to the formal consultation events, we have been engaged in a rolling programme of public information sharing events which are held either in response to requests or on a bi-monthly basis at various venues throughout the city:

July 2005	Mental Health Lunchtime Forum	All – public event	~ 30
September 2005	Open Forum at Vale Day Centre	All	~ 20
December 2005	Open Forum at Touchstone Support Centre	All – mainly attended by BME service users & carers	~ 20



March 2006	Open Forum at Stocks Hill Day Centre –	All	~ 60
“	East Leeds Mental Health Forum	All	~ 20
“	Invited speakers at DOSTI AGM	All – mainly BME service users	~ 40
May 2006	Open Forum at Wetherby Drop-in centre	All	~ 20
June 2006	Meeting with provider agencies and elected members and commissioners	Voluntary sector providers Social Services Elected members Commissioners	
July 2006	Race Equality Forum	BME Community Groups	

## Outcomes

i) The outcomes from the initial May – Dec. 2004 events demonstrated a variety of needs and wishes of existing service users and non day centre users. There was support for change in a number of directions particularly around improving links and pathways between services and in the direction of social inclusion. Other suggestions were more user run services and services that meet the diverse needs of our varied population. The diversity of need suggested that a wider range of services than we had, including more socially inclusive services, would be better able to meet people’s needs.

ii) Outcomes from the Stakeholder Events in June and November 2005 indicated that most people were in favour of more staff time being committed to social inclusion (i.e improving access for people with mental health difficulties to “universal” services), and that planning should be based on the needs of the whole service rather than the needs or wishes of individual agencies. There was widespread agreement that although the current service has many strengths it needs to change. There was broad support for the principles of change although the details of how this would impact on individual services will still need to be worked out.

iii) Outcomes of the service user and staff events have been written up separately. They generated an anticipated degree of concern regarding the fear of losing services (mainly in the form of closure of buildings) and this has made the project team realise that more effort needs to now be directed at producing details of possible implementation proposals. Service users and staff will be involved at all stages of this.

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**Report of the Director of Corporate Service**

**Executive Board**

**Date: 16<sup>th</sup> August 2006**

**Subject: Capital Programme Monitoring - Update**

**Electoral Wards Affected:**

All

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

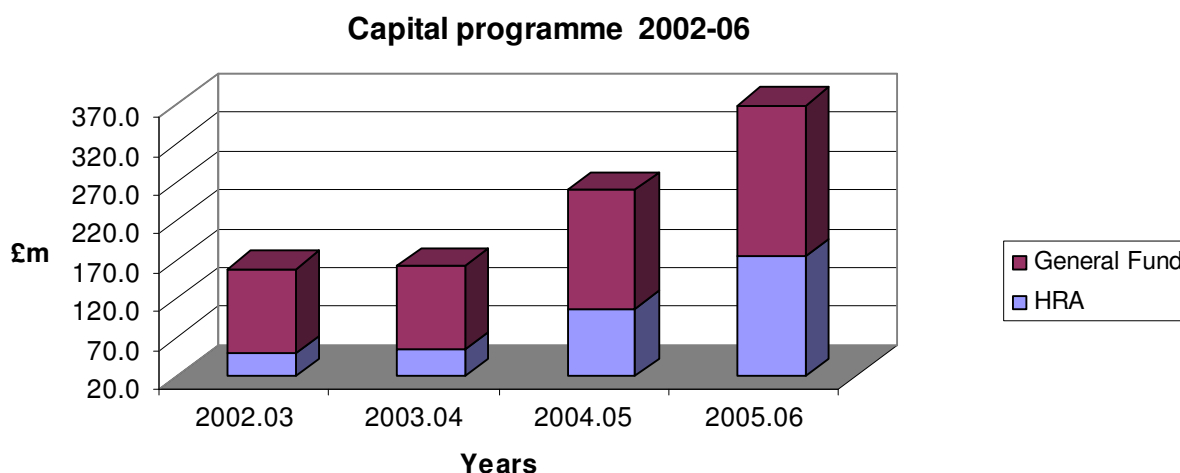
1. This report provides an update on the resources and estimated spend on the capital programme between 2006 and 2009. The report highlights the continued success in delivering investment across the city. Members are asked to note the continuing pressure on capital resources into the medium term and sets out measures which the Director of Corporate Services is taking to manage spend within available resources.

## 1 Purpose Of This Report

- 1.1 The capital programme was approved by Executive Board and Council in February 2006. At their meeting, Executive Board requested quarterly monitoring reports on the programme. This is the first of these reports and seeks to highlight the continuing investment made by the council in the city while explaining the pressures on future schemes and providing details on the latest resources and expenditure estimates for the capital programme.

## 2 Background Information

- 2.1 The capital programme sets out the investment the council makes on assets across the city of Leeds. The level of investment by the council has grown significantly in recent years and the following graph illustrates the increases.
- 2.2 The capital programme has increased from £158.2m in 2002/03 to £369.2m in 2005/06.



- 2.3 The level of investment delivered by general fund services, rose from £108.4m in 2002/03 to £194.8m. In 2005/06 this includes investment in land and buildings through which council services are delivered (schools and civic buildings for example), on the city's infrastructure (highways maintenance and parks for example), and on other programmes for example by supporting disadvantaged groups in private sector housing (by disabled aids and adaptations, other grants and housing renewal).
- 2.4 Investment delivered through the Housing Revenue Account, including the ALMOs has increased rapidly as the decency programme (commenced in 2004/05 and aiming to ensure all council houses meet the decency standard by 2010) has shown investment rise from £49.8m in 2002/03 to £174.4m in 2005/06.
- 2.5 The capital programme is funded from a number of sources, notably from government (as supported borrowing or through grants), from grants and contributions from other sources (from developers for example), from the sale of council assets (as capital receipts) and more recently from additional unsupported borrowing the council has determined that it can afford to take out to support investment in the city.
- 2.6 A number of different funding sources have contributed to the council's investment in the city. For developments delivered through the HRA, there has been a significant increase in supported borrowing for the decency programme. For schemes delivered by general fund services, the growth in delivery has been made possible from increased supported borrowing, capital receipts and unsupported borrowing.

### **3 Main Issues**

- 3.1 In February 2006, the capital programme assumed total spend between 2005/06 and 2008/09 of £1.3bn, this included £703.7m general fund spend and £597m by the HRA. At that time funding for general fund projects amounted to £670.8 which assumed a reasonable level of overprogramming at £32.9m. However, as much of this overprogramming was in the first two years of the programme (£34.8m, £11.1m in 05/06 and £23.7m in 06/07) Executive Board asked the Director of Corporate Services to monitor and control the release of uncommitted schemes to ensure the overall programme was affordable.
- 3.2 In the report to Executive Board in June 2006 on the outturn position for 2005/06, it was noted that the total general fund capital spend and resources were £194.8m, including the provision for equal pay. Total spend on capital schemes was actually £174.4m which compared to the £185.4m considered by Executive Board in February 2006. This meant that £11m spend on schemes slipped to 2006/07.
- 3.3 The latest estimate of general fund spend in 2006/07 is for £256.5m, but this assumes overprogramming of £35.2m. For the programme from 2006/07 to 2008/09 the total estimated spend is now £541.7m with available resources of £508.9m. This means that overprogramming up to 2008/09 is now estimated at £32.7m. The overall level of overprogramming therefore is still considered to be supportable, but the level in 2006/07 is not considered reasonable or sustainable.
- 3.4 The Director of Corporate Services will therefore be liaising with directors to ensure that their estimates of expenditure on committed schemes are realistic. He will also take steps to ensure that schemes relying on the council's controllable capital funding are only released or committed when there is reasonable certainty that sufficient funding is available. In the first instance, the emphasis will be to slip sufficient schemes from early years of the programme to balance the risks and the affordability of the overall capital programme.
- 3.5 A similar exercise was effective in re-profiling departmental spend in preparation for the current capital programme. Departments will be involved in determining their priorities within the council's overall affordability limits.
- 3.6 The delivery of capital investment by the ALMOs and by the HRA strategic landlord in 2005/06 has illustrated that they have developed their capacity to deliver the significant challenges of the decency and other programmes in their portfolios. Shortly after the Executive Board approved the capital programmes in February 2006, the DCLG (then ODPM) advised that ministers had approved the additional allocation of supported borrowing for the decency programme. This was approximately equivalent to an addition of 20% on the previously announced resources and amounts to £18.7m for 2005/06 and 2006/07.
- 3.7 In 2005/06 the HRA delivered £174.4m of investment. They were able to use £13.5m of this additional supported borrowing. This was £2.5m more than estimated in February 2006, but this has been managed within available resources. The Director of Corporate Services will continue to work with the ALMO chief officers to ensure that the most effective mix of resources are available to support their agreed programmes.
- 3.8 One of the key challenges in managing the council's capital programme is the uncertainty on the timing and size of some of the funding sources the council uses. The biggest area of uncertainty is with capital receipts. Disposal of sites can be complex and take time to deliver. This is particularly so for the larger, high value sites. A risk based approach is adopted in valuing sites and estimating when a

receipt will be realised and when it can be assumed to be available to fund the capital programme.

- 3.9 A review of the capital strategy and asset management plan is now underway and the results of this will be fundamental to understanding the pressures for capital spend. There are likely to continue to be significant resources required to maintain the effectiveness and sustainability of the council's asset base. In addition, services will come forward with new schemes which will need to be assessed and appraised to provide detailed information for the prioritisation of future capital resources.

#### **4 Implications For Council Policy And Governance**

- 4.1 The capital strategy, which sets out the framework for the distribution of capital resources is currently being reviewed. Changes will be reported for approval to Executive Board at a future meeting.
- 4.2 When there is greater certainty on available resources, and taking account of update to the corporate asset management plan, the director of Corporate Services will release uncommitted schemes and will assess and advise on the scope for and timing of future injections of schemes requiring the council's capital resources.
- 4.3 To assist in this process risk assessments are carried out both in relation to individual projects and in formulating the overall programme. The main risk in developing and managing the overall programme is that insufficient resources are available to fund the programme. A number of measures are in place to ensure that this risk can be managed effectively:
- monthly updates of capital receipt forecasts prepared by the Director of Development;
  - the use of a risk based approach to forecasting of capital receipts;
  - a target for additional capital receipts for 2008/09 has been assumed, sites or other funding for which is still to be confirmed. Work will progress in 2006/07 to identify suitable disposals, however, should receipts not be forthcoming, schemes will not be able to progress as planned;
  - monthly monitoring of overall capital expenditure and resources forecasts alongside actual contractual commitments;
  - quarterly monitoring of the council's VAT partial exemption position to ensure that full eligibility to VAT reclaimed can be maintained;
  - ensuring that written confirmation of external funding is received prior to contractual commitments being entered into;
  - provision of a contingency within the capital programme to deal with unforeseen circumstances;
  - promotion of best practice in capital planning and estimating to ensure that scheme estimates and programmes are realistic;
  - compliance with both financial procedure rules and contract procedure rules to ensure that the Council's position is protected;
  - consideration of additions to schemes or the introduction of new or reserved schemes into the capital programme will only be made in the context of available resources.
- 4.4 Further work on the governance of capital projects is being undertaken to provide greater assurance that the council's strategic outcomes and best value will be achieved.

## **5 Legal And Resource Implications**

- 5.1 The council has been successful in attracting a range of addition funding sources since the capital programme was approved in February 2006. This funding includes monies to support specific schemes and for other investment proposals. Funding from Yorkshire Forward has been received to support works at the City Art Gallery and Central Library and for the development of proposals for the Leeds Arena in total amounting to £1.7m. Schemes which are funded from developers contributions with a total value of £2.9m are now been included in the programme. Three major government grants have been confirmed, for the intensive neighbourhood management scheme (£2.1m), for school travel plans (£275k) and for the joint affordable housing scheme with Harrogate and York council's, the golden triangle scheme (£1m).
- 5.2 In addition, the Department for Education and Schools has agreed to revise the funding they are providing for the Building Schools for the Future programme and will now provide funding in the early years as capital grant rather than as borrowing. They have indicated grant support in excess of £103m for the programme with total resources they are providing (not including PFI credits) of £128m.
- 5.3 The Government Office for Yorkshire and Humber has recently announced the allocation for Leeds under the youth opportunities fund and youth capital fund for 2006/07. The capital allocation is for £429k which will be used to allow young people to develop projects and initiatives.
- 5.4 The latest resources and expenditure estimates for the capital programme therefore, show that the level of overprogramming is sustainable over the life of the programme. However, as £11m of expenditure was slipped from 2005/06 to 2006/07 the level of overprogramming in the current year is too high and directors will be asked to re-profile an equivalent amount of their schemes from 2006/07 into future years. In addition, the Director of Corporate Services will continue to monitor and control schemes as council capital resources are confirmed.

## **6 Conclusions**

- 6.1 The capital programme continues to be sustainable and affordable and is delivering significant benefit through long term investment across the city.
- 6.2 Effective monitoring and control of capital spending will continue to be updated and immediate steps will be taken with the cooperation of directors to ensure the capital programme is correctly profiled and is delivering the council's priorities.

## **7 Recommendations**

- 7.1 The Executive Board are asked to note the contents of this report and to endorse the measures being taken by the Director of Corporate Services, in liaison with the other directors to ensure the affordability and sustainability of capital programme.

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Originator: L Holliday

Tel: 0113 3950428

**DRAFT Report of the Director of Development**

**Executive Board**

**Date: 16 August 2006**

**Subject: DEPUTATION TO COUNCIL, 21 JUNE 2006  
WETHERBY TO TADCASTER BUS SERVICE**

**Electoral Wards Affected:**  
All

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

This report informs Executive Board in relation to the deputation received by Council on the 21 June 2006 concerning the withdrawal of the 780 bus service between Wetherby and Tadcaster, via Boston Spa.

Harrogate and District Travel, the local operator, withdrew the 780 bus service between Wetherby and Tadcaster in April 2006.

The 780 bus service provides a cross-boundary route between West Yorkshire and North Yorkshire. Responsibility for the service lies with North Yorkshire County Council and the West Yorkshire Passenger Transport Authority (Metro).

Following representations by the local community North Yorkshire County Council have provisionally agreed to fund a two hourly service (781) between Wetherby and Tadcaster, via Boston Spa, which has operated on an experimental basis since April 2006.

North Yorkshire County Council are currently considering an extension of the experimental service whilst the long-term future of the route is reviewed.

**1.0 Purpose Of This Report**

- 1.1 This report provides information relating to the deputation received by Council at the 21 June 2006 meeting in connection with the withdrawal of the 780 bus service between Wetherby and Tadcaster via Boston Spa.

## **2.0 Background Information**

- 2.1 A deputation from Boston Spa and Clifford Parish Councils was heard by the 21 June 2006 meeting of Council. The subject of this was the recent withdrawal of the 780 bus service between Wetherby and Tadcaster via Boston Spa. A copy of the deputation is attached.
- 2.2 The 780 bus service operated hourly between Wetherby and Tadcaster but was withdrawn by Harrogate and District Travel in April 2006. The service provided a link to Wetherby and Tadcaster from the south east part of Boston Spa. Harrogate and District Travel withdrew the service on the basis that there were insufficient passengers using it to support a commercial service between the towns.
- 2.3 Concerns have been raised by the local community, including Councillors and MPs, regarding the implications of the withdrawal of the service for local residents.
- 2.4 As Members will be aware Leeds City Council does not have a statutory responsibility for the co-ordination, provision or financial support of bus services which, in West Yorkshire, lies with the West Yorkshire Passenger Transport Authority working through the Passenger Transport Executive (Metro).
- 2.5 As a Local Transport Authority and Highway Authority the Council works with Metro to develop and implement a Local Transport Plan in line with the requirements of the Transport Act 2000. Metro has also produced a Bus Strategy which forms part of the Local Transport Plan. Through the Local Transport Plan process the Council has an input to Metro's public transport policies but does not have any powers in relation to the provision of services.
- 2.6 The 780 bus service provides a cross-boundary route between West Yorkshire and North Yorkshire; the majority of the route falls within North Yorkshire. Responsibility for the service lies with the transport authorities North Yorkshire County Council and the Metro. As an interim measure an experimental two hourly service has been funded by North Yorkshire County Council since April 2006 whilst the future of the route is investigated.

## **3.0 Main Issues**

- 3.1 The deputation's concerns regarding the effects of the withdrawal of the 780 bus service on the residents of Boston Spa, Clifford and Braham were as follows:
- The excessive time which will be required to make the journey to Tadcaster which will involve taking a bus into Leeds to connect to an alternative service
  - Access to facilities, services and employment for those reliant on public transport
  - Access to Tadcaster for connections to York and Selby
  - Loss of the only regular bus service serving the eastern end of Boston Spa
  - The environmental impacts of additional journeys by car
- 3.2 Within the Leeds City Council area the service provides a link to Wetherby from the south east part of Boston Spa. However, most of the village is served by the service 770 which provides half hourly links to Wetherby and Leeds.
- 3.3 North Yorkshire County Council are funding a two hourly service (781) between Wetherby and Tadcaster, via Boston Spa, which has operated on an experimental basis since April 2006.

- 3.4 Passenger surveys were carried out on the service in May 2006. The evidence suggests that the service benefits approximately 50 people per day, mostly travelling for shopping/personal business. 25% of people used the service for work travel, with Tadcaster being the most popular destination for work purposes.
- 3.5 North Yorkshire County Council are currently considering an extension of the provisional service until April 2007 whilst the long-term future of the service is reviewed.
- 3.6 Metro is working with North Yorkshire County Council to consider options for the long-term future of the service.

#### **4.0 Implications For Council Policy And Governance**

- 4.1 This report does not raise any specific implications for Council policy and Governance. The issue of public transport provision is an issue for the Local Transport Plan and the Bus Strategy, which has been prepared by Metro in conjunction with its local authority partners. The issue of bus service provision is one which affects all members of the community and is a key transport policy issue.
- 4.2 The issues raised in this report may have implications for the policies of North Yorkshire County Council and Metro, as the public transport authorities responsible for the provision of the service.

#### **5.0 Legal And Resource Implications**

- 5.1 This report has no specific legal and resource implications.

#### **6.0 Conclusions**

- 6.1 This report has outlined the issues relating to the deputation to Council concerning the withdrawal of the 780 bus service from Wetherby to Tadcaster, via Boston Spa. Leeds City Council does not have statutory powers to intervene in relation to the procurement and specification of bus services.
- 6.2 North Yorkshire County Council and Metro are the transport authorities responsible for the provision of the 780 bus service. Since April 2006 North Yorkshire County Council has funded an experimental service to allow further investigation to take place into the long-term future of the route.
- 6.3 Metro is working with North Yorkshire County Council to consider options for the long-term future of the service.

#### **7.0 Recommendations**

- 7.1 Members are requested to note the contents of this report.

#### **8.0 Background Information**

- 8.1 The following documents provide background information for this report:

i) Deputation to Leeds City Council concerning the withdrawal of the 780 bus service from Wetherby to Tadcaster via Boston Spa.

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DEPUTATION TO LEEDS CITY COUNCIL CONCERNING THE  
WITHDRAWAL OF THE 780 BUS SERVICE FROM WETHERBY TO  
TADCASTER VIA BOSTON SPA.

As chairman of Boston Spa Parish Council I am here to speak about the effects that the withdrawal of the 780 bus service will have on those residents of Boston Spa and those of Clifford and Bramham who have to make journeys to Tadcaster.

For anyone who has an absolute necessity to travel to Tadcaster the alternative route would be to take a bus to Leeds before connecting to the Leeds-York service. Total time taken, in the region of 70 to 80 minutes. Distance from Boston Spa to Tadcaster 4 miles! Then, there is the return journey.

One member of this deputation – Mr Barry Ward is reliant on this service and yesterday I spoke to a neighbour who is also reliant on the service as he has eyesight problems which prevent him from driving and also cycling, which he was considering. He has to visit a health clinic in Tadcaster once a fortnight at various times of the day and week.

There are also at least two people that I know of who work in Tadcaster and who rely on this bus service.

People with relations and friends in York or Selby can catch a connecting service from Tadcaster and vice versa.

This is also the only regular service that serves the eastern end of Boston Spa.

We on Boston Spa Parish Council believe that people in this area who do not have personal transport should have reasonable access to travel services in order that they can enjoy facilities that others enjoy. Furthermore it is in all our future interests that unless we reduce the pollution in our environment our quality of life will undoubtedly suffer and this can only be achieved by reducing the number of cars and lorries on our roads.

I notice that this council has resolved that “It recognises urgent need for public investment in bus services and supporting infrastructure”. With this in mind Council has instructed its Chief Executive to write to the Secretary of State for Transport

to ask that legislation be enacted to allow local bus services to be regulated so as to safeguard that investment.

I find this resolution very encouraging as it shows that all the major political parties in this city have the same thinking on the question of subsidising and regulating the bus services.

Thankyou for giving us your time to hear our concerns.



**LEEDS**  
CITY COUNCIL

# Agenda Item 18

Originator: E J Rowland

Tel: 77886

**REPORT OF THE DIRECTOR OF DEVELOPMENT**

**REPORT TO: EXECUTIVE BOARD**

**DATE: 16 AUGUST 2005**

**SUBJECT: REPORT - FORMER BLACKGATES PRIMARY SCHOOL, TINGLEY  
DEPUTATION TO FULL COUNCIL 19 JULY 2006**

**APPENDIX - To be circulated at the meeting  
Exempt under Exemption 1 (Commercial Interests)**

**Electoral Wards Affected:**

**ARDSLEY AND ROBIN HOOD**

**Specific Implications for:**

Ethnic Minorities	<input type="checkbox"/>
Women	<input type="checkbox"/>
Disabled People	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

Executive  
Board  
Decision

Eligible for call in

Not Eligible for call in  
(details contained in the report)

Summary

This report has been prepared at the request of Council following a deputation to Full Council on 19 July 2006 by local residents opposed to the sale, demolition and redevelopment of the redundant Blackgates Infants School, Bradford Road, Tingley.

The report provides information relating to the closure of the school and the chosen method of disposal. Responses to questions raised by the deputation are contained in the report. The report concludes that the Council is acting correctly and recommends that Executive Board supports the proposed disposal as approved by the Director of Development.

## 1.0 INTRODUCTION

1.1 Local residents made a deputation to Full Council at its meeting on 19 July 2006 "against the sell off, demolition and redevelopment of the redundant Blackgates School, Tingley." This report details the concerns of the deputation and contains responses to those concerns. The main points that were brought to the Council's attention are contained in section 2.

## 2.0 THE DEPUTATION

2.1 The main points raised by the deputation are listed below:

- i) "Why isn't the school being offered for sale freely on the open market to be tendered for and why has this developer been allowed by the City Council to apply for planning permission to demolish the school and infill the space with housing you may well be asking."

- ii) "Requests have been made to the City Council for information relating to the property disposal and some of the requests made under the Freedom of Information Act have been turned down, so much for transparency!"
- iii) The developer's planning application was rejected. "What now disturbs us Tingley residents now is that the Council has given this developer the opportunity to consider appealing against the refusal of the planning application. We have now been informed by the Development Department that the builder has now considered the Council's suggestion and has decided to lodge an appeal."
- iv) "This appeal is going forward against the wishes of the public and it flies in the face of the decision made in February this year to reject the planning application by the Plans Panel East."
- v) "Whilst we understand that the Council has an obligation to obtain 'best consideration' for the redundant school we feel that the Council have poorly consulted with the local community regarding how this could be achieved without upsetting and distressing our community. The school has now become a target for vandals, substance misuse and yobbish antisocial behaviour and Tingley residents deserve some answers."
- vi) "We would like to see the Development Department agree a planning brief detailing that all traffic enters and exits the site via the school gates. We ask that this Council places the safety of our children before the profits of any future development taking place at the site."
- vii) "We request that this matter is referred to Scrutiny Board for development and that an inquiry is set up which will allow local residents to make representations to. Provide local residents the proper, decent, meaningful and transparent consultation regarding the disposal of this redundant community property and allow them to jointly agree the remit into this Scrutiny inquiry."

2.2 A copy of the deputation paper is attached as appendix 1 to this report. This report will address the items detailed above and provide Members with other information.

### **3.0 BACKGROUND**

3.1 In delivery of its 'Making the Most of People' corporate objective, the Council has invested over £68 million upgrading and replacing primary school facilities across the district under the Primary School Review and Leeds Primary Schools PFI programmes. On 16 October 2002 and 21 July 2004 Executive Board approved the disposal of the surplus school properties which are being replaced and the ring fencing of capital receipts to the scheme as part of the funding package.

3.2 Blackgates Infants School was declared surplus to requirements by the Chief Education Officer in the Department of Learning and Leisure on 31 January 2005. The school closed at the end of the summer terms 2005. The school comprises a building of approximately 784sqm (8,436sqft) situated within a site extending to approximately 0.32 hectares (0.8 acres) as shown edged black on the attached plan.

### **4.0 NEGOTIATIONS FOR THE DISPOSAL OF BLACKGATES INFANTS SCHOOL**

4.1 Prior to the school becoming surplus the adjoining site (shown on the plan) was being purchased by Minton Homes (a residential development company). The company proposed a residential development. In order to achieve satisfactory access arrangements Minton Homes had to achieve sight lines to provide unrestricted visibility along Bradford Road for drivers leaving the site. One of the sight lines fell across the front





informal tender.

- 4.7 The school subsequently became surplus to requirements and negotiations took place between the Council and Minton Homes for the sale. A redevelopment scheme was proposed by the company which was considered by Planning and Highway Officers. Agreement was reached in principle as to the content of the scheme and negotiations took place for the purchase price that would be paid by Minton Homes.
- 4.8 A purchase price was provisionally agreed with Minton Homes. An independent valuation was commissioned by the Council due to the high value of the site and the nature of the disposal being on a one to one basis. The independent valuation was undertaken on 2 bases, for redevelopment of the property and for refurbishment for residential use. These valuations are detailed in section 1 of the confidential appendix to be circulated at the meeting. The appendix is designated Exempt under Exemption 1 (Commercial Interests) as disclosure of the information is commercially sensitive and may jeopardise the current transaction. The purchase price agreed with Minton Homes is the same as the independent valuation for a redevelopment scheme.
- 4.9 It was proposed that the terms of the disposal be reported with a recommendation that the property be sold to Minton Homes. The sale being conditional on the company obtaining a satisfactory detailed planning permission for residential redevelopment in the form provisionally agreed with Council officers.
- 4.10 A detailed planning application was then submitted by Minton Homes for redevelopment of the school site for residential use (including demolition of the school) with vehicular access being taken across the Minton Homes' newly constructed adjoining housing estate (Shancara Court).

## **5.0 BEST CONSIDERATION**

- 5.1 The Council is under a statutory duty to obtain 'best consideration' (the highest price) when it disposes of property assets under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985). In relation to Blackgates Infants School the Council will realise best consideration in the event of the property being sold for residential redevelopment. The values for redevelopment and refurbishment are confirmed independently and reported in section 1 of the confidential appendix.
- 5.2 There are certain times when the Council can sell at less than best consideration, but only in exceptional circumstances. In the event of the building being sold for refurbishment a lower price would be realised than if it had been sold for refurbishment, and if the building is put to community use the Council would not realise any capital value.

## **6.0 CONSULTATIONS**

- 6.1 Prior to closure of the school a statutory consultation process must be undertaken by the Council. The process was undertaken which resulted in approval being obtained by the Council to the closure.
- 6.2 Ward Members were consulted on the proposal to dispose of the school. Two of the Ward Members advised that they wished to retain the school building and both favoured its retention for local community use. One Ward Member wished to see the building retained because of its visual merit and historic significance in the area.
- 6.3 The proposal to dispose of the school and the Planning Statement for the school prepared by Planning Officers were referred to the South (Outer Area) Committee on 14 February 2005 for consideration. Support was given to the Ward Members' comments that the building should be retained for community use, but recognition was given that Executive

Board had already taken the decision that the property should be disposed of.

## **7.0 PLANNING APPLICATION**

7.1 The detailed planning application submitted by Minton Homes initially showed vehicular access for all 11 proposed houses via the newly constructed Shancara Court. Shancara Court had been designed and constructed to adoptable standards and to a specification in accordance with the Council's West Yorkshire Highways Design Guide to be capable of serving this additional development.

7.2 The planning application was advertised and notices posted adjacent to the site. Objections were received and Planning Officers requested Minton Homes to reduce the number of houses that would be served from Shancara Court. The application was amended to show 5 houses being access directly from Bradford Road and 6 houses via Shancara Court. The application was presented to a meeting of the Plans Panel East on 9 February 2006 with a recommendation that it be approved. Members of the Panel did not accept the recommendation because of concerns of the impact on the street scene, over development of the site and detriment to highway safety. Members instructed that the application be brought back to Panel with details of reasons for refusal based on the Panel's considerations.

7.3 The planning application was then presented to a meeting of the Plans Panel East on 9 March 2006. The report, from the Chief Planning and Development Services Officer, detailed the reasons given by Members as to why the application should be refused. It also contained further advice that Members of the Plans Panel should consider prior to determining the application. The main points raised were:

- i) Mews Court cul-de-sac arrangements (such as Shancara Court) are designed in accordance with the Council's own West Yorkshire Design Guide and are suitable for use by up to 25 units. These mews court arrangements are common throughout Leeds and have been used since 1985.
- ii) The additional 6 extra dwellings accessed via Shancara Court would be likely to result in only an extra 4 vehicle movements in peak periods.
- iii) Design Bulletin 32 states that a study of local accident records for such mew court arrangements found that no accidents had been reported.
- iv) Shancara Court has only recently been built and was specifically laid out to enable access for future development of the school site.

7.4 The report concluded:

- i) Highways Officers are of the opinion that a highways safety reason for refusal could not be substantiated on appeal.
- ii) Members should have regard to advice of Circular 8/93 'Award of Costs in Planning Proceedings' where the circular states that an award of costs is likely when the Local Planning Authority has acted unreasonably; which could include an unreasonable refusal of planning permission.
- iii) Circular 8/93 also states that Members are not bound to adopt professional or technical advice by their Officers, but they will be expected to show that they had reasonable grounds for taking a decision contrary to advice, and be able to produce relevant evidence to support their decision in all respects. If they fail to do so, costs may be awarded.

- 7.5 Minton Homes planning application was refused by Members of the Plans Panel. The reasons for refusal being
- i) Loss of the Victorian School building and its replacement by modern detached two storey houses fails to reinforce local distinctiveness, and that the design, by reason of its modern, two storey, predominantly brick materials, is inappropriate in its context, and fails to take the opportunities available for improving the character and quality of the area. As such the proposal is considered to be contrary to policy.
  - ii) The proposal constitutes overdevelopment of the site, causing harm to the character and amenity of the area, contrary to policy.
- 7.6 The refusal was considered by the Development Department Departmental Management Team. A report containing options was considered. The options were:
- i) As Minton Homes did not achieve a satisfactory planning permission the Council could withdraw from the sale and market the property. Marketing literature could contain an explanation of the planning history and specify that access has to be taken from Bradford Road and the building retained. This would result in the Council realising a lower capital receipt. Also, it is likely that offers would be received for demolition and redevelopment with access being taken in numerous different locations. These schemes would be accompanied by higher offers than those for refurbishment.
  - ii) English Heritage could be requested to consider listing the building. If listed, the only possible scheme would be refurbishment. The sale price in these circumstances, although lower than a redevelopment scheme, would be considered to be best consideration. Any scheme proposing demolition could be rejected.
  - iii) To continue to pursue the best consideration option through further negotiations with Minton Homes. Minton Homes had expressed an interest in appealing the refusal of the planning application. As the applicant this is a right available to the Company.
- 7.7 It was agreed that for reasons of best consideration the Council would continue to negotiate with Minton Homes to see if the Company could secure an appropriate planning consent. One course of action available to the Company is to appeal against the refusal of the planning application and the Company has subsequently confirmed that it does wish to appeal the decision. Minton Homes is now preparing to lodge the appeal, which the Council has requested should be conducted by written representations.
- 8.0 FURTHER CONSULTATION**
- 8.1 Local residents are aware of the situation, which is clearly demonstrated through the deputation to Full Council on 19 July 2006. Ward Members are also aware.
- 8.2 Ward Members advise that local groups are interested in the building for community uses. A meeting was held with two of the Ward Members on 17 May 2006. On a confidential basis these Members were advised of the sale price that had been agreed with Minton Homes. The Members advised that they would have further discussions with some known community groups and return to officers. Following the meeting a member of one of the groups had a brief discussion with an officer who was involved in the meeting with the Ward Members. No further contact has since been made by Ward Members or the representative of the community group.

## 9.0 ADDRESSING THE POINTS RAISED BY THE DEPUTATION

9.1 Section 2 of the report detailed the concerns raised at Full Council by the Deputation. This section will summarise how the Council can respond to those concerns:

- i) Concern - "Why isn't the school being offered for sale freely on the open market to be tendered for and why has this developer been allowed by the City Council to apply for planning permission to demolish the school and infill the space with housing you may well be asking."

Response – A sale directly to Minton Homes for redevelopment of the site with vehicular access being taken via Shancara Court will result in the Council meeting its statutory obligation to achieve best consideration from the disposal of its property asset.

- ii) Concern - "Requests have been made to the City Council for information relating to the property disposal and some of the requests made under the Freedom of Information Act have been turned down, so much for transparency!"

Response – Access has been given to the files in accordance with the terms of the Freedom of Information Act. The only information that was withheld was that relating to the valuation and to the terms agreed with Minton Homes. This information is exempt from disclosure under section 43 of the Act as information likely to prejudice commercial interest. The refusal by the Council to disclose this information was appealed. The decision was reviewed at a senior level in accordance with the Council's procedure and the original decision was upheld. The applicant was also notified at that time that an application may then be made to the Information Commissioner for a decision as to whether the request had been dealt with in accordance with the requirements of part 1 of the Act, and contact details for the Commissioner were given.

- iii) Concern - The developer's planning application was rejected. "What now disturbs us Tingley residents now is that the Council has given this developer the opportunity to consider appealing against the refusal of the planning application. We have now been informed by the Development Department that the builder has now considered the Council's suggestion and has decided to lodge and appeal."

- iv) Concern - "This appeal is going forward against the wishes of the public and it flies in the face of the decision made in February this year to reject the planning application by the Plans Panel East."

Response to iii and iv – The initial recommendation of the Chief Planning and Development Services Officer was that the application should be approved. It was at the direction of Plans Panel Members that the application was re-presented with reasons for refusal. The scheme proposals were unchanged. An appeal against the refusal can be made by the applicant with or without the landowner's consent. In this case the developer is prepared to take the matter further at its own risk.

- v) Concern - "Whilst we understand that the Council has an obligation to obtain 'best consideration' for the redundant school we feel that the Council have poorly consulted with the local community regarding how this could be achieved without upsetting and distressing our community. The school has now become a target for vandals, substance misuse and yobbish antisocial behaviour and Tingley residents deserve some answers."

Response – The Council is attempting to achieve best consideration from the

disposal of this property. In terms of consultation:

- a) Ward Members were consulted on the Council's intention to dispose of the property, and
  - b) The proposed disposal and the Planning Statement relating to the property were referred to the South (Outer Area) Committee on 14 February 2005 for consideration. This committee is open to members of the public to attend.
- vi) Concern - "We would like to see the Development Department agree a planning brief detailing that all traffic enters and exits the site via the school gates. We ask that this Council places the safety of our children before the profits of any future development taking place at the site."

Response – Highways Officers have considered whether traffic could access the site directly from Bradford Road. It has been concluded that only the number of vehicles that used that access point whilst the school was operational could continue to access via that route. This will limit the development potential of the property to either refurbishment of the building to provide 10 apartments, or 5 new build properties. Both these options would result in the Council receiving less than best consideration, something which by law, it is required to achieve. In addition the restricted number of residential units would not assist in meeting the target for delivery of housing numbers set by central government.

- vii) Concern - "We request that this matter is referred to Scrutiny Board for development and that an inquiry is set up which will allow local residents to make representations to. Provide local residents the proper, decent, meaningful and transparent consultation regarding the disposal of this redundant community property and allow them to jointly agree the remit into this Scrutiny inquiry."

Response – The Full Council meeting on 19 July 2006 considered that it was appropriate that the matter be referred to a meeting of Executive Board.

## **10.0 PROPOSAL**

- 10.1 It is proposed and recommended that Members of Executive Board note the contents of this report and agree that the proposed disposal of the former Blackgates Infants School, Tingley should continue with Minton Homes in the way detailed.
- 10.2 The Director of Development confirms that the proposed method of disposal set out above is the method most likely to result in the Council achieving the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).

## **11.0 OPTIONS**

- 11.1 There are other options available to the Council in dealing with the former Blackgates Infants School. These are detailed below:
- i) The Council could withdraw from the sale to Minton Homes and advertise the property for sale on the open market. The planning history could be provided in the marketing literature and a requirement that access only be taken directly from Bradford Road. This will severely reduce the value of the property due to the limited nature of the development that can be accommodated on the site. Should offers be invited on this basis then it is quite likely that schemes will be received indicating vehicular access via Shancara Court which will be accompanied by higher offers.

This option is not considered appropriate and should not be pursued.

- ii) The Council could market the building as a refurbishment opportunity only with vehicular access only being taken from Bradford Road. This would result in the Council receiving less than best consideration. Should the property be sold on this basis there is the possibility that the new owner could submit a planning application for demolition and redevelopment. The Council could be put in a position where it had sold the property for a price which then did not reflect the value of a site if a planning permission was granted for redevelopment, but the more intensive scheme opposed by the objectors still resulted.

This option is not considered appropriate and should not be pursued.

- iii) The property could be made available for community purposes. Neither the Department of Neighbourhoods and Housing nor the Department of Learning and Leisure have indicated a requirement for community facilities to be provided on the old school site. Should demand become apparent then these Council departments would have to sponsor any group's occupation of the property and identify a budget to provide financial support. There is no such budget available to enable support to be given. If the building was made available for community use the Council would not receive a capital receipt. The building has already been vacated by the Council as it is considered inappropriate as modern teaching accommodation and it will be more costly to occupy and maintain than any modern building.

This option is not considered appropriate and should not be pursued.

- iv) Continue with the sale to Minton Homes. This is the option that is most likely to achieve best consideration.

It is recommended that this option be pursued.

11.2 It is recommended that the sale to Minton Homes is continued.

## **12.0 RISK ASSESSMENT**

12.1 In continuing with the sale to Minton Homes the following risks have been considered:

- i) Costs may be awarded against the Council if Minton Homes' planning appeal is successful. The costs will have to be borne by the Council, however, in the event of a detailed planning permission for residential redevelopment being granted then the Council will achieve a higher capital receipt for the site which will more than off set the costs incurred.
- ii) The property will remain vacant and vulnerable to vandalism whilst it remains in the Council's ownership. The costs associated with continued maintenance will have to be borne by the Council. There is a risk that people may enter the property without authority and injure themselves. This risk is mitigated by regular inspections being undertaken and if any repairs or additional security is required then these are attended to.

## **13.0 RECOMMENDATION**

13.1 It is recommended that Members of Executive Board note the concerns of the deputation made to Full Council on 19 July 2006, but agree that the disposal of the former Blackgates Infants School, Bradford Road, Tingley should progress as detailed in the report.

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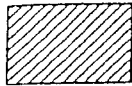
SUBJECT SITE



LAND OWNED BY  
LEEDS CITY COUNCIL



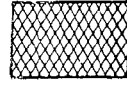
LAND LEASED BY  
LEEDS CITY COUNCIL



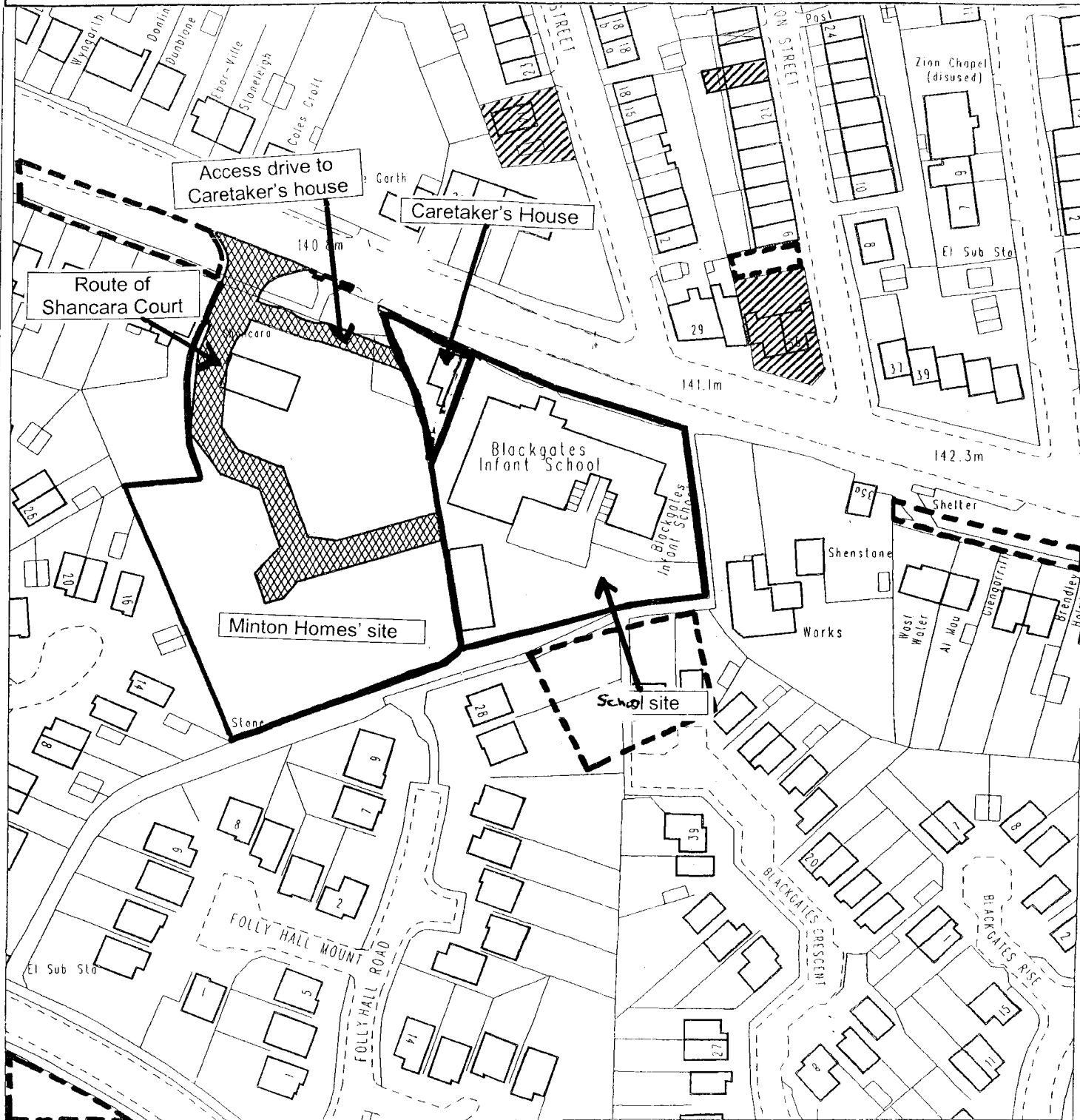
LAND SOLD BY  
LEEDS CITY COUNCIL



LAND OWNED BY  
APPLICANT

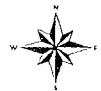


PROPOSED  
ACCESS ROUTES



LAND AT  
**BLACKGATES INFANT SCHOOL**  
**BRADFORD ROAD**  
**TINGLEY WF3**

PREP BY Ida039  
 DATE 16/04/2003



OS No SE2826SW  
 Scale 1: 1250

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This Deputation is being presented by local residents who are against the sell off, Demolition and Redevelopment of the Redundant Blackgates School at Tingley.

Several years ago Leeds City Council undertook a review of Primary School Services and in 2003 a decision was made by the City Council to close and sell off Blackgates Infants School at Tingley. This School closure eventually took place in July 2005. Local residents waited for the Advertising Boards to be erected detailing the sale of the School yet nothing happened.

It came as quite a surprise for Tingley residents in September 2005 when planning notices were displayed locally detailing that a private housing developer wanted to demolish the School which had served our community since 1894 and wanted to infill the space with housing. Instead of submitting plans to bring all of the access traffic to the site via the School gates this Developer has been allowed by the City Council to submit plans detailing that additional traffic will be brought onto the site through the tiny cul de sac where our small children play.

So why isn't the School being offered for sale freely on the open market to be tendered for and why has this developer been allowed by the City Council to apply for planning permission to demolish the School and infill the space with housing you may well be asking. Let me tell you why.

Back in 2003 this Developer showed an expression of interest in purchasing Blackgates School and was given the first option to negotiate with over the purchase of the redundant School. Requests have been made to the City Council for information relating to the property disposal and some of the requests made under the Freedom of Information Act have been turned down, so much for transparency!

The planning application to demolish the School and infill the space with housing went before the Planning Panel FAST on Thursday 9th

February this year and local residents rightly raised their concerns. Tingley residents were pleased when the plans to redevelop this site were turned down. The development department has set about forming an options appraisals report regarding the disposal of the school. Seeking transparency a request was made to inspect the options appraisal report and the request made under the terms of the Freedom of Information Act was turned down. What disturbs us Tingley residents now is that the Council has given this developer the opportunity to consider appealing against the refusal of the planning application. We have now been informed by the development department that the Builder has now considered the Council's suggestion and has decided to lodge an appeal. Who exactly is running this Council we ask? This appeal is going forward against the wishes of the public and it flies in the face of the decision made in February this year to reject the Planning Application by the Plans Panel East.

Whilst we understand that the Council has an obligation to obtain 'best considerations' for the redundant school we feel that the Council have poorly consulted with the local community regarding how this could be achieved without upsetting and distressing our community. The school has now become a target for vandals substance misuse and yobbish antisocial behavior and Tingley residents deserve some answers.

We would like to see the development department agree a planning brief detailing that all traffic enters and exits the site via the school gates. We ask that this Council places the safety of our children before the profits of any future development taking place at this site. We request that this matter is referred to a scrutiny board for development and that an enquiry is set up which will allow local residents to make representations to. Provide local residents with proper, decent, meaningful and transparent consultation regarding the disposal of this redundant community property and allow them to jointly agree the remit into this scrutiny enquiry.



**LEEDS**  
CITY COUNCIL

# Agenda Item 19

Originator: Sean Smith

Tel: 77871

**REPORT OF THE DIRECTOR OF DEVELOPMENT**

**REPORT TO: EXECUTIVE BOARD**

**DATE: 16 AUGUST 2005**

**SUBJECT: REPORT - FORMER DRIGHLINGTON PRIMARY SCHOOL, DRIGHLINGTON DEPUTATION TO FULL COUNCIL 19 JULY 2006**

**APPENDIX - To be circulated at the meeting  
Exempt under Exemption 1 (Commercial Interests)**

**Electoral Wards Affected:**

**MORLEY NORTH**

**Specific Implications for:**

- Ethnic Minorities
- Women
- Disabled People
- Narrowing the Gap

Executive Board Decision

Eligible for call in

Not Eligible for call in  
(details contained in the report)

Summary

This report has been prepared at the request of Council following the deputation by representatives of Drighlington residents which raised specific points regarding the ownership of the school and consultation which has been undertaken. It provides background information on the disposal of the former Drighlington Primary School as part of the Council's Primary School Review, the consultation undertaken and the Council's ownership of the land and buildings.

**1.0 ISSUE**

1.1 Representatives of the Drighlington Conservation Group were granted a deputation to the Council on 19<sup>th</sup> July 2006. Specific concerns that the deputation raised were:

- (i) Representatives of the local residents of Drighlington have not been consulted by officers, and that a petition raised to save the school has not been considered by officers.
- (ii) The Council do not have legal ownership of the site.

**2.0 PURPOSE**

2.1 The purpose of this report is to inform Members about concerns raised in the deputation granted to representatives of Drighlington residents regarding the disposal of the former Drighlington Primary School. This will enable Members to make an informed response to the deputation made by Drighlington Conservation Group.

2.2 A copy of the deputation paper is attached as appendix 1 to this report. This report will

address the items detailed above and provide Members with other information.

### **3.0 BACKGROUND**

- 3.1 In delivery of its 'Making the Most of People' corporate objectives, the Council is investing over £68 million in upgrading and replacing primary school facilities across the district under the Primary School Review and Leeds Primary Schools PFI programmes. On 16 October 2002 and 21 July 2004 Executive Board approved the disposal of the surplus school properties which are being replaced and the ring fencing of capital receipts to the scheme as part of the funding package.
- 3.2 The disposal of Drighlington Primary School as part of the Primary School Review will fund replacement school provision in the area through the refurbishment of the former infants school at Moorlands Drive in Drighlington, which will become the new primary school.
- 3.3 A Planning Statement was prepared which indicates potential alternative uses to be residential, office, light industrial, storage or distribution, or community uses such as dentists, doctors surgery or nursery. The building is not listed or in a conservation area
- 3.4 Drighlington Junior School was declared surplus to requirements by the Chief Education Officer on 31<sup>st</sup> January 2005. The Director of the Development Department gave approval on 11 March 2005 that the above site be advertised for sale on the open market and that offers received be reported to the Director of Development for consideration. Prior to the marketing of the property Ward Members were consulted (see below).
- 3.5 The property has been marketed and by the closing date of 18<sup>th</sup> August 2005, 8 valid offers were received. A further offer was received on the same day. The schemes have been referred to Planning and Highways officers within the Development Department for consideration.
- 3.6 The Director of Development gave approval on 8<sup>th</sup> November 2005 to undertake further discussions with a shortlist of 3 parties whose submissions were accompanied by the 3 highest financial offers.
- 3.7 The shortlisted schemes have been discussed further with Planning and Highways Officers and a report to the Chief Asset Management Officer has been prepared recommending disposal for the highest offer which has been received.

### **4.0 MAIN ISSUES**

- 4.1 Representatives of the Drighlington Conservation Group were granted a deputation to the Council on 19<sup>th</sup> July 2006. Specific concerns that the deputation raised were:
- (i) Representatives of the local residents of Drighlington have not been consulted by officers, and that a petition raised to save the school has not been considered by officers.
  - (ii) The Council do not have legal ownership of the site.
  - (iii) The buildings should not be demolished under any change of use of the site.
  - (iv) The clock in the clock tower was recently installed through public subscription and should be retained within the community.

## 5.0 CONSULTATION

- 5.1 Ward Members were consulted on 28<sup>th</sup> January 2005 on the proposal to dispose of the property and have commented that the buildings should be retained and used for community uses that should be restricted to either the provision for Early Years/Childcare facilities or sheltered housing provision. The normal period for consultation with Local Ward Members is 10 days, although a request was agreed from Local Ward Members to extend the consultation period to the end of February to enable Drighlington Parish Council to provide their views to Local Ward Members.
- 5.2 The proposal to dispose of the surplus school, and the Planning Statements was referred to the Outer South Area Management Committee on 14<sup>th</sup> February 2005 for consideration. The Area Committee supported Ward Members desire to retain the building for community use but recognised the Executive Board decision to sell the property.
- 5.3 Drighlington Parish Council submitted a petition signed by local residents on 22<sup>nd</sup> June 2005 to retain the building for use within the community, and together with local school governors, have expressed a desire for the clock face to be relocated to the new school as this was a memorial to a previous headmaster. Education Leeds have discussed this with the school governors and arrangements are being progressed for the relocation of the clock and weather vane separately. Officers are also currently examining whether the clock tower itself can also be reconstructed as a part of these arrangements. The petition was included with the report to the Chief Asset Management Officer on 8<sup>th</sup> November 2005 outlining the offers which have been received and recommending a shortlist of interested parties for further discussion.
- 5.4 Since then, further meetings have taken place between one Local Councillor for Morley North and Senior Officers of the Council regarding progress of the sale and he has expressed support for affordable housing within any scheme. Affordable housing will be provided where schemes exceed the threshold of 25 dwellings, although given the size of the site it is unlikely that the threshold will be exceeded.
- 5.5 Local communities are not consulted on the principle of retention or disposal of buildings. Rather, they are consulted on an ongoing basis by service departments regarding the need for services in their areas. Where the case can be made for new facilities then these are incorporated into the appropriate departmental asset management plan. Neither the Department of Neighbourhoods & Housing nor the Department of Learning & Leisure have identified a need for additional community facilities on the old school site.
- 5.6 With regard to the design, environmental and usage issues relating to any future development of the site, representatives of Drighlington residents will have the formal opportunity to make objections to the Council (as Planning Authority) once a planning application has been submitted by the successful purchaser.
- 5.7 The petition raised to save the school was discussed with the Executive Member for Development. The concerns of the community were noted. However, on balance the Executive Member concurred with the view of officers that:
- (i) The substantial sum offered for the site (see confidential appendix) was an important element of the funding to deliver the Primary School Review programme. Any decision to retain this site in Council ownership would have necessitated the deletion of one or more other important schemes from the Capital Programme.
- and

- (ii) The difference between the highest offer for demolition/new build on the site and the highest offer involving retention/refurbishment by the developer of the existing school buildings (see confidential appendix) was too great to justify pursuing the latter option. It was also noted that the buildings are neither listed, nor in a conservation area.

## **6.0 BEST CONSIDERATION**

6.1 The Council is under a statutory duty to obtain 'best consideration' (the highest price) when it disposes of property assets under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985). There are certain times when the Council can sell at less than best consideration, but only in exceptional circumstances. In relation to Drighlington Primary School the Council will realise best consideration in the event of the property being sold for residential redevelopment. The values for redevelopment and refurbishment are given in the confidential appendix.

## **7.0 OWNERSHIP**

7.1 The Council's Legal and Democratic Services Department have investigated the claims in respect of ownership by the Margetson Estate and have found no evidence to suggest that the land is not within the Council's ownership, and the Council has registered its legal interest in the ownership of this land with the Land Registry.

7.2 The Parish Council have been invited to submit any evidence to suggest otherwise for further consideration, however no further evidence has been forthcoming.

7.3 The Charity Commission have written to the Council to confirm they are satisfied that the school site and buildings are owned by Leeds City Council as the lawful successor to the School Board of Drighlington.

## **8.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

8.1 Any consideration for the rightful ownership of land and consultation undertaken as proposed in the deputation by the representatives of Drighlington residents should be considered within the context of the Primary Schools Review, Asset Management Plan, and the Corporate Plan.

## **9.0 LEGAL AND RESOURCE IMPLICATIONS**

9.1 The ownership of the School has been investigated by the Council's Legal and Democratic Services Department and the Council's title has been registered at the Land Registry. The Charity Commission have confirmed they are satisfied the Leeds City Council are the owners of the site and buildings.

9.2 The disposal of this school as part of the Primary School Review will fund replacement school provision in the area through the refurbishment of the former infants school at Moorlands Drive in Drighlington, which will become the new primary school through the generation of a capital receipt for the Council.

## **10.0 RECOMMENDATION**

10.1 Executive Board are asked to note:

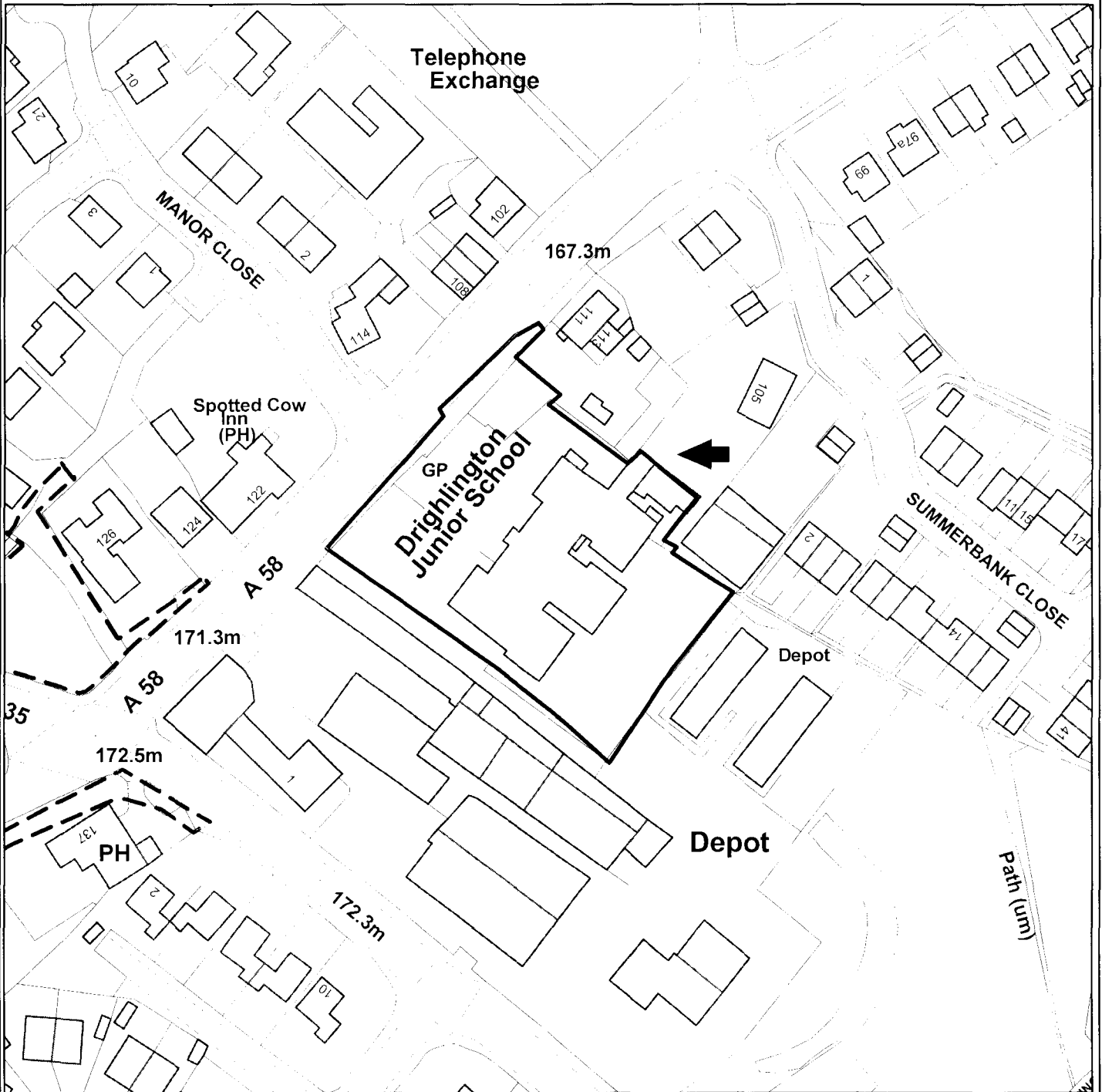
- (i) The concerns expressed in the deputation from the Drighlington Conservation Group.



- (ii) The consultation which has taken place to date.
- (iii) That the petition from Drighlington residents did receive due consideration from officers and the Executive Member for Development, but that on balance the view was taken that it was necessary to progress the disposal in order to deliver the Primary School Review programme.
- (iv) That representatives of Drighlington Parish Council will have a further formal opportunity to submit any objections on the development of the school upon submission of a planning application by the successful purchaser of the site.
- (v) That discussions are underway to secure the rebuilding of the clock tower, the clock face and mechanism, and the weather vane in appropriate locations within the community.
- (vi) That the Council is the legal owner of the site and buildings and therefore does have the right to dispose of them.
- (vii) That Development Department will continue to progress the disposal of the school to meet the targets of the Primary School Review, and maintain an ongoing dialogue with Local Ward Members.

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**FORMER DRIGHLINGTON PRIMARY SCHOOL  
WHITEHALL ROAD  
DRIGHLINGTON BD11**



**← SUBJECT SITE**



**LAND OWNED BY  
LEEDS CITY COUNCIL**



**LAND LEASED OUT BY  
LEEDS CITY COUNCIL**



**LAND SOLD BY  
LEEDS CITY COUNCIL**



**LAND OWNED BY  
APPLICANT**



**Leeds**  
CITY COUNCIL

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Leeds City Council LA07621X 2006

PREP BY A. GINNAW  
DATE 26/07/2006  
OS No SE2229SE  
Scale 1:1,250



**PLAN No 10009**

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**DEPUTATION TO COUNCIL- DRIGHLINGTON CONSERVATION GROUP, LACK OF CONSULTATION RE DISPOSAL OF DRIGHLINGTON OLD SCHOOL AND LAND.**

The site of the old school Drighlington is of great historical importance to the residents of Drighlington. In the 1600's the famous son of Drighlington , James Margetson left his home and journeyed south to Cambridge where he was befriended by a wealthy merchant who paid for his education at college. He took holy orders and eventually was elected Archbishop of Armagh ,primate of all Ireland.

He did not forget his roots however and having purchased an area of land in the centre of the village he had a school built which he called it the Free School of James Margetson and also set up the Margetson Trust Fund where moneys were paid annually from his estates into the fund which is still in operation today.

When the fund was run by the West Riding and after that by Morley Borough Council, many pupils benefited by grants from the fund to go to higher education but we have not discovered any applicants who have been successful since Leeds City Council administered the fund.

The Parish Council have applied to LCC to be trustees of the fund in order that the pupils of the new school can derive benefit. We trust this can be achieved.

In the will of James Margetson he left the land and School to the people of Drighlington and in 1904 records show that the trustees handed the administration of the School to the West Riding Education Dep't.

No mention of any Deeds, title or Freehold being passed to the West Riding has been found in any of the records.

The land has never been registered at the Land Registry.

The people of Drighlington feel that now the old school and land are no longer used for Educational purposes, possession should be returned to them as the original owners.

This building is the only monument Drighlington has to the memory of its famous son and we should not allow it to be demolished.

The building is a stone Victorian building of architectural merit with a central clock tower with a clock recently installed by public subscription as a memorial to a previous headmaster.

Over a year ago a petition was raised bearing 1500 signatures by Drighlington residents to save our school from sale and possible demolition, however the officers concerned appear to have ignored this.

In a recent report to the Director of Development recommending the sale of the school and land to the highest bidder, Shaun Smith of the Development Dep't Leeds says his report was delayed to enable consultations with Drighlington Parish Council and Drighlington Conservation Group. Neither of these groups have been invited to sit round a table and put forward the views and needs of the villagers and suggestions for the use of

our land and property for the benefit of our community.

Moves are afoot to raise funding to finance a legal challenge on ownership grounds and in the Governments directive with openness and transparency, we suggest that the officers concerned inform the prospective purchaser of this.

We believe in not seeking consultation with the representatives of the residents of Drighlington we believe these officers of LCC have failed in their duty .