



EXECUTIVE BOARD

Meeting to be held in Civic Hall, Leeds on
Wednesday, 20th September, 2006 at 1.00 pm

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>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>LATE ITEMS</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>EXCLUSION OF PUBLIC</p> <p>To agree that the public be excluded from the meeting during consideration of the appendices to item 16 , appendices 1,2 and 4 to item 21 which will be circulated at the meeting and appendix 1 to item 24.</p>	
4			<p>DECLARATION OF INTERESTS</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>MINUTES</p> <p>To confirm as a correct record the minutes of the meeting held on 16th August 2006</p> <p><u>CENTRAL AND CORPORATE</u></p>	1 - 8

Item No K=Key Decision	Ward	Item Not Open		Page No
6			<p>COUNCIL CHANGE PROGRAMME</p> <p>a) Overview report b) Implementing the Children Act 2004 c) Guidance on the role of the Director of Adult Services d) Leeds Initiative, District Partnership and Local Area Agreement Update</p> <p>To consider reports on the Council's continuous change programme covering the over-arching objectives of the programme and supplementary reports covering Children's Services developments, Adult Services and an update on partnership working and the Local Area Agreement</p>	9 - 64
7			<p>GAMBLING ACT - UPDATE ON IMPLEMENTATION AND DETERMINATION OF A STATEMENT OF GAMBLING POLICY</p> <p>To consider the report of the Director of Legal and Democratic Services on the preparatory work being carried out for the implementation of the Gambling Act 2005 including steps taken to prepare a Draft Statement of Gambling Policy for consideration of the Overview and Scrutiny Committee prior to further consideration by this Board and reference to Council in December 2006</p>	65 - 148
8			<p>FINANCIAL HEALTH MONITORING - REVENUE</p> <p>To consider the report of the Director of Corporate Services on the financial health of the authority after four months of the new financial year, in respect of the revenue budget for general fund services and the Housing Revenue Account</p> <p><u>CHILDRENS SERVICES</u></p>	149 - 156

Item No K=Key Decision	Ward	Item Not Open		Page No
9 K	Alwoodley; Moortown;		<p>REVIEW OF PRIMARY PROVISION IN ALWOODLEY PRIMARY PLANNING AREA</p> <p>To consider the report of the Chief Executive of Education Leeds on further work undertaken in the Alwoodley Primary Planning Area leading to revised proposals for the area which the report recommends for public consultation</p>	157 - 166
10	Otley and Yeadon		<p>OTLEY PRINCE HENRY GRAMMAR SCHOOL - PROVISION OF SPECIALIST SCIENCE ACCOMMODATION</p> <p>To consider the report of the Chief Executive of Education Leeds on a proposed scheme to provide additional specialist science accommodation at Otley Prince Henry's Grammar School</p>	167 - 174
11			<p>LEEDS BUILDING SCHOOLS FOR THE FUTURE AND ICT STRATEGIC PARTNER PROCUREMENTS</p> <p>To consider the report of the Chief Executive of Education Leeds seeking support to scope changes to both procurements</p>	175 - 182
12	City and Hunslet; Hyde Park and Woodhouse; Kirkstall; Middleton Park;		<p>SCHOOL AND CHILDREN'S CENTRE DESIGNATION</p> <p>To consider the report of the Director of Learning and Leisure on the proposed re-designation of four primary schools in Leeds following the publication of statutory notices to formally change the age range for which education services are provided in the schools in order to facilitate the delivery of children's centre and extended services on these sites.</p> <p><u>LEISURE</u></p>	183 - 186

Item No K=Key Decision	Ward	Item Not Open		Page No
13			<p>DEPUTATION TO COUNCIL - SOUTH LEEDS SPORTS CENTRE</p> <p>To consider the report of the Director of Learning and Leisure providing contextual information in relation to representations made by the SPLASH group at full council on the 19th July 2006.</p>	187 - 198
14 K			<p>FUTURE GOVERNANCE OF LEEDS GRAND THEATRE AND OPERA HOUSE LTD</p> <p>To consider the report of the Director of Learning and Leisure on proposed transitional arrangements for the Board of Leeds Grand Theatre and Opera House Ltd pending the outcome of discussions on the long term arrangements for the Board</p>	199 - 256
15			<p>COUNCIL PARTICIPATION IN IGEN</p> <p>To consider the report of the Director of Learning and Leisure on proposed changes to the level of Council participation in IGEN</p> <p><u>DEVELOPMENT</u></p>	257 - 260
16 K		10.4(3)	<p>LEEDS CITY COUNCIL'S SHAREHOLDING IN LEEDS BRADFORD INTERNATIONAL AIRPORT</p> <p>To consider the report of the Director of Development updating Members on the progress made in determining the future of Leeds City Council's shareholding in the Airport and to obtain approval to Leeds City Council's participation in an outright (100%) disposal of the Airport Company in partnership with other participating Shareholders.</p> <p>In addition to this report 2 further appendices will be considered at the meeting on this matter 1 is attached to the agenda and 1 will be circulated at the meeting both are exempt under Access to Information Procedure Rules 10.4(3)</p>	261 - 280

Item No K=Key Decision	Ward	Item Not Open		Page No
17 K	City and Hunslet		<p>REGENT COURT, CALL LANE AFFORDABLE HOUSING SUBSIDY USING SECTION 106 COMMUTED SUMS</p> <p>To consider the report of the Director of Development on proposed expenditure of £705,000 of Section 106 monies on an affordable housing subsidy at the proposed Regent Court housing scheme at Call Lane in the City Centre</p>	281 - 284
18 K	City and Hunslet; Hyde Park and Woodhouse; Kirkstall;		<p>A65 QUALITY BUS INITIATIVE</p> <p>To consider the report of the Director of Development on the current status of the A65 Quality Bus Initiative and on proposals to progress the detailed development of a scheme</p>	285 - 290
19 K			<p>STRATEGY FOR TOWN AND DISTRICT CENTRE CAR PARKING</p> <p>To consider the report of the Director of Development outlining proposals for the future development of car parking strategies for town and district shopping centres in Leeds District.</p>	291 - 298
20			<p>THE LEEDS CITY REGION DEVELOPMENT PROGRAMME</p> <p>To consider the report of the Chief Officer, Executive Support seeking Executive Board's endorsement to the arrangements for securing the submission of the Leeds City Region Development Programme to the Northern Way Secretariat and Central Government by 29 September 2006.</p>	299 - 304

Item No K=Key Decision	Ward	Item Not Open		Page No
21 K	Burmantofts and Richmond Hill	10.4(3)	<p data-bbox="676 255 1390 286">REGENERATION OF CROSS GREEN PHASE 2</p> <p data-bbox="676 331 1401 656">To consider the report of the Director of Neighbourhoods and Housing presenting options for regeneration of the Cross Green area and on the proposed acquisition and clearance of 52 properties within Cross Green by utilising £2.4m of Regional Housing Board funding during 2006/8. Appendices 1,2 and 4 to this report are exempt under Access to Information Procedure Rule 10.4 (3) and will be circulated at the meeting</p> <p data-bbox="676 763 1230 795"><u>NEIGHBOURHOODS AND HOUSING</u></p>	305 - 322
22			<p data-bbox="676 904 1394 1008">GOVERNMENT GUIDANCE ON ESTABLISHING THE HOUSING NEEDS OF THE GYPSY AND TRAVELLER COMMUNITY</p> <p data-bbox="676 1052 1409 1265">To consider the report of the Director of Neighbourhoods and Housing on the key requirements placed on the Council by the Government, identifying risk to the authority and outlining the actions necessary to manage the risks and the indicative timescales.</p>	323 - 328
23 K			<p data-bbox="676 1339 1270 1442">THE FUTURE OF ARMS LENGTH MANAGEMENT ORGANISATIONS FOR HOUSING IN LEEDS</p> <p data-bbox="676 1487 1401 1700">To consider the report of the Director of Neighbourhoods and Housing advising members of the consultation with tenants on the alternatives of a single ALMO or three ALMOs and the result of the ballot of tenants on the alternatives of a single ALMO or three ALMO's.</p>	329 - 332

Item No K=Key Decision	Ward	Item Not Open		Page No
24	Burmantofts and Richmond Hill; City and Hunslet; Gipton and Harehills; Killingbeck and Seacroft; Temple Newsam;	10.4(3)	<p data-bbox="676 253 783 286">EASEL</p> <p data-bbox="699 331 1390 544">To consider the report of the Director of Neighbourhoods and Housing informing Members of the delegated decision taken by the Director of Neighbourhoods and Housing with the support of the EASEL Regeneration Project Board.</p> <p data-bbox="676 589 1406 656">Appendix 1 to this report is exempt under Access to Information Procedure Rule 10.4(3)</p>	333 - 338

Agenda Item 5

EXECUTIVE BOARD

WEDNESDAY, 16TH AUGUST, 2006

PRESENT: Councillor M Harris in the Chair

Councillors D Blackburn, R Brett, A Carter,
J L Carter, R Harker, J Procter and
K Wakefield

33 Substitute Member

Under the terms of Executive Procedure 2.3 Councillor R Lewis was invited to attend the meeting on behalf of Councillor Blake.

34 Exclusion of Public

RESOLVED – That the public be excluded from the meeting during consideration of Appendix 1 to the report referred to in minute 37 and Appendix 1 to the report referred to in minute 50 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information or confidential information, defined in Access to Information Rules as indicated in the minute.

35 Declaration of Interests

Councillor J L Carter declared a personal and prejudicial interest in the item relating to Adel Primary School (minute 38) as a governor of the school.

Councillors D Blackburn, J L Carter and Harker declared personal interests in the item relating to Leeds Grand Theatre (minute 45) as members of its board of management.

36 Minutes

RESOLVED – That the minutes of the meeting of the Board held on 6th July 2006 be approved and that those of the Access to Information Appeals Committee held on 19th and 20th June 2006 be noted.

DEVELOPMENT

37 Deputation to Council - Disposal of Drighlington Old School and Land

The Director of Development submitted a report 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.

Following consideration of Appendix 1 to the report designated exempt under Access to Information Procedure Rule 10.4(1) and circulated at the meeting, it was

RESOLVED – That the Board notes:

- (a) the concerns expressed in the deputation from Drighlington Conservation Group
- (b) the consultation which has taken place to date
- (c) 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
- (d) 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
- (e) 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
- (f) that the Council is the legal owner of the site and buildings and therefore does have the right to dispose of them
- (g) 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.

CHILDREN'S SERVICES

38 Deputation to Council - Adel Primary School

The Chief Executive of Education Leeds submitted a report 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.

RESOLVED – That the Board supports the recommendations which Education Leeds have made to the school as follows:

- (a) That the modified project be completed.
- (b) That 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.
- (c) That the school fully consult staff, pupils, parents and the local community prior to any future projects.
- (d) That 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.

(Having declared a personal and prejudicial interest Councillor J L Carter left the meeting during consideration of this matter)

39 Deputation to Council - Proposals for Meanwood Primary Planning Area

The Chief Executive of Education Leeds submitted a report 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.

RESOLVED – That the concerns expressed by the deputation and the next steps in the process, as described in the report, be noted.

40 School Clothing Allowances

The Director of Children’s Services submitted a report on action taken following a Council decision to increase the School Clothing Allowance budget.

RESOLVED – That the action taken as a result of the Council decision to increase the School Clothing Allowance budget by £400,000 be noted.

NEIGHBOURHOODS AND HOUSING

41 Office Accommodation - Neighbourhoods and Housing Department

The Director of Neighbourhoods and Housing submitted a report 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.

The report outlined the following options:

- 1 Remain in existing site with basic remedial works and essential maintenance only
- 2 Major refurbishment of South Point
- 3 Demolish and rebuild at South Point
- 4 Dispose of South Point and purchase alternative accommodation
- 5 Dispose of South Point and lease alternative accommodation
- 6 Dispose of South Point and new build on alternative sites
- 7 Dispose of South Point and refurbish one of two existing Council properties

The report detailed alternative courses of action in pursuit of the preferred Option 5.

RESOLVED –

- (a) That approval be given to the disposal of the site at South Point
- (b) That staff from South Point be decanted into existing sites within the Neighbourhoods and Housing Departmental portfolio (Housing Services, Environmental Health and Community Safety), involving the overall rationalisation of Neighbourhoods and Housing Departmental office accommodation portfolio and the best placing of staff to deliver services to their client groups.
- (c) That a new site be leased 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 View Point in Bramley

- (d) That the early negotiations for heads of terms in respect of View Point at Bramley and, as a fall back position, Temple Point at Colton be noted

42 Former Royal Park Primary School

Further to minute 152 of the meeting held on 12th November 2003 the Director of Neighbourhoods and Housing and the Director of Development submitted a joint report 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.

The report outlined the following options:

- 1 To seek approval for a further £904,000 in mainline Capital Programme funding for the original scheme.
- 2 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
- 3 To dispose of the building for refurbishment, 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.
- 4 To market the site for refurbishment or redevelopment, with the retention of Council interest through the freehold of the land, with guidance as to the general form of redevelopment required, including the incorporation of a library and other community space.

The report concluded that best consideration would be achieved through option 4 with any other option being likely to represent a less than best disposal.

RESOLVED –

- (a) That the work undertaken to test the viability of implementing the proposals considered at the November 2003 Executive Board meeting be noted.
- (b) That the decision made at the meeting of 12th November 2003 be rescinded.
- (c) That the property be marketed in accordance with option 3 above.
- (d) That the Board notes that the pursuance of any proposal resulting from this decision will require the Council to use its powers under the 2003 General Consent to dispose of the property at less than best consideration.

43 The Golden Triangle Partnership - Private Equity Model

The Director of Neighbourhoods and Housing submitted a report 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.

RESOLVED – That authority be given for the injection into the Capital Programme of £1,000,000 fully funded by Regional Housing Board grant and that expenditure in the same amount be authorised.

44 Ombudsman's Report - Adaptations to a Council House

The Director of Legal and Democratic Services and the Director of Neighbourhoods and Housing submitted a joint report on a recent finding of maladministration and injustice by the Local Government Ombudsman with regard to a complaint about adaptations to a Council house to meet the needs of the disabled tenant.

RESOLVED –

- (a) That the Ombudsman's report and findings be received and noted.
- (b) That the fundamental changes to procedure and policy instituted as a result of the case be noted.
- (c) That the Council's response to the Ombudsman as set out in paragraph 4 of the report be approved.

LEISURE

45 Leeds Grand Theatre Refurbishment Works

The Directors of Learning and Leisure and Development submitted a joint report 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.

RESOLVED –

- (a) That authority be given for an injection of £193,566 into the Capital Programme to be funded by £150,000 from Opera North Trust and £43,566 from Leeds Grand Theatre.
- (b) That the bringing forward of the £300,000 Arts Council England grant from phase 2 works into phase 1 be authorised subject to the ACE formal approval currently being sought.
- (c) That £1,294,881 of Leeds City Council funding be brought forward from phase 2 into phase 1.
- (d) That authority be given to incur 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).
- (e) That the Board notes expenditure of £175,000 on fees on phase 2 of the Grand Theatre (Capital Scheme Number 03611/PH2/000) for the preparation and submission of 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.
- (f) That the potential funding of £9.124m as outlined in detail within paragraphs 3.8 and 3.9 of the report be noted, and that a further report

be brought to this Board when both costs and funding have been subject to further determination.

- (g) That approval be given to 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.

46 Deputation to Council - Swimming Pool Horsforth

The Director of Learning and Leisure submitted a report 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.

RESOLVED –

- (a) That the request to support a feasibility study into the provision of a new swimming pool in Horsforth be part supported by the City Council up to a maximum of £2,500.
- (b) That recognised, bona fide consultants be engaged to undertake the feasibility study should match funding be found, and that the consultants' brief be drawn up in consultation with the Director of Learning and Leisure.

ADULT HEALTH AND SOCIAL CARE

47 Commissioning Plan for Mental Health Day Services

The Director of Adult Services submitted a report setting out proposals for the modernisation of mental health day services, based on a more person centred service model 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.

RESOLVED –

- (a) That the plan for day services as outlined in the report be approved.
- (b) That the implementation of the agreed service model within the time scales contained in the report be agreed.
- (c) That further reports be brought to this Board as the new service is implemented and further briefings be offered to Members through the course of the project.

CENTRAL AND CORPORATE

48 Capital Programme Monitoring Update

The Director of Corporate Services submitted a report 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.

RESOLVED – That the report be noted and endorsement given to the measures being taken by the Director of Corporate Services, in liaison with the other directors to ensure the affordability and sustainability of the Capital Programme.

DEVELOPMENT

49 Deputation to Council - Withdrawal of Bus Services from Wetherby to Tadcaster via Boston Spa

The Director of Development submitted a report in response to the deputation received by Council at the meeting on the 21st June 2006 in connection with the withdrawal of the 780 bus service between Wetherby and Tadcaster via Boston Spa.

RESOLVED – That the Director of Development write to North Yorkshire County Council and Metro informing them of this Council's support for the retention of this bus service.

50 Deputation to Council - Former Blackgates School at Tingley

The Director of Development submitted a report in response to the deputation to Council by local residents against the sale, demolition and redevelopment of the redundant Blackgates School at Tingley.

Following consideration of Appendix 1 to the report designated exempt under Access to Information Procedure Rule 10.4(1), and circulated at the meeting, it was

RESOLVED – That the concerns of the deputation be noted but that the disposal of the former Blackgates Infants School, Bradford Road, Tingley be progressed as detailed in the submitted report.

DATE OF PUBLICATION: 18TH AUGUST 2006
LAST DATE FOR CALL IN : 25TH AUGUST 2006

(Scrutiny Support will notify relevant Directors of any items called in by 12.00 noon on Wednesday 30th August 2006)

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Originator: James Rogers

Tel: 22 43579

Report of the Chief Officer (Executive Support)

Executive Board

Date: 20 September 2006

Subject: Council Change Programme

Electoral Wards Affected:

All

Specific Implications For:

Equality and Diversity

Community and Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

EXECUTIVE SUMMARY

1. This report updates Members of Executive Board on the next stage of Council's continuous change programme.
2. There are three other reports on today's agenda which supplement this report covering specific aspects of the Council's change agenda including: Children's Services developments, Adult Services and an update on partnership working and the Local Area Agreement.
3. The Council's approach to change and development recognises that continuous change is necessary if we are to meet the changing needs of citizens and society. As a learning organisation, we know that we must respond effectively to the priority needs of local people, meet the changing needs of government and also rise to the challenge of other external drivers such as external inspection and assessment outcomes.
4. During the course of the last couple of months, Corporate Management Team have been considering how best to bring together these different aspects of the change agenda within one organisational change framework. The aim being to ensure that a coherent approach is progressed, responding primarily, within the context of government policy and guidance, to the priority needs of local people.
5. This report, therefore, asks Members to endorse a proposed overarching framework for the Council's continuous change programme;

1.0 Purpose Of This Report

- 1.1 To update Members of Executive Board on the next stage of Council's continuous change programme and to seek Member endorsement to the over-arching objectives which will drive the next important phase of change within the organisation.
- 1.2 There are three other reports on today's agenda which supplement this report covering specific aspects of the Council's change agenda including: Children's Services developments, Adult Services and an update on partnership working and the Local Area Agreement.
- 1.3 Whilst these other reports provide more detailed information and specific recommendations, this report is prepared in order to provide an overarching framework to bring together these separate, but related, issues under the auspices of the Council's continuous change programme.

2.0 Background Information

- 2.1 The Council's approach to change and development recognises that continuous change is necessary if we are to meet the changing needs of citizens and society. As a learning organisation, we know that we must respond effectively to the priority needs of local people, meet the changing needs of government and also rise to the challenge of other external drivers such as external inspection and assessment outcomes.
- 2.2 In 2003, Members approved new organisational arrangements which saw significant change under the auspices of our Closer Worker: Better Services initiative. As a result of these changes we have continued to improve our delivery of services to the citizens of Leeds, and we have been recognised as a well performing authority having been judged a 4 star Council in the last round (December 2005) of the Comprehensive Performance Assessment results. Additionally, there are numerous examples of where the council is recognised for delivering excellent services and performing well.
- 2.3 We have learnt from these successes, and some things that have not gone so well, that people are a key priority. We know therefore that much of the success is driven by being clear about accountability, by providing excellent leadership at all levels, by being clear about the roles that people play, understanding the way that things work and most particularly by the behavior of those delivering services.
- 2.4 Our evaluation and learning also demonstrates that the best organisations continually evolve and develop so that they can respond to the changing needs of public service provision. We know, therefore, that it is important that we continue to develop a flexible, responsive and confident organisation.
- 2.5 We recognised in 2003 that the changes being implemented were the first steps in a long and continuing journey. Some of the drivers for further change (such as the developing Children's Services agenda) were known to us – but lacked sufficient detail to enable us to anticipate how best to respond. There is now greater clarity on these next set of drivers for change, which are detailed below with some context for each:
 - a) **Vision for Leeds** – The Local Authority is the lead partner within the Leeds Initiative and is the only partner with the democratic mandate of the city. We

must, therefore, ensure that we create capacity within the organisation to provide effective leadership of partnership developments and in so doing support the delivery of the aims and ambitions of the Vision for Leeds.

- b) **Children's Agenda** – The introduction of the Children's Act 2004 requires certain changes regarding the statutory role of the new Director of Children's Services (DCS). We need to ensure that our DCS has the proper accountability for all Children's Services and that this is done in such a way that the DCS has the capacity and appropriate support to provide effective strategic leadership for all Children in Leeds. The development of Children's Trust arrangements is an important aspect of this change agenda. A separate report on this agenda updates Members on Children's Services developments and makes proposals for the next phase of change in this area.
- c) **Adult Services** – The introduction of the Children's Act 2004 and statutory guidance following the publication of 'Our Health, Our Care, Our Say' white paper requires that consideration be now given to the proper role and accountability of the statutory post of Director of Adult Social Services, with consideration also being given to the possibility of a broader remit, on a similar basis to that of the Director of Children's Services, for all relevant Adult Services. A separate report on this agenda updates Members on the guidance now issued in respect of the Adult Services agenda.
- d) **Local Area Agreements** – Leeds signed its first Local Area Agreement (LAA) in March 2006. LAA's provide a new mechanism for strengthening our relationship with Government and strengthening our partnership activity in order to better meet the needs of local people. LAA's are an integral part of current Government policy thinking and we must, therefore, maximise the potential of LAA's. A separate paper on partnership activity and the LAA is also included on this agenda.
- e) **Area Management** – In 1999, the City Council introduced Community Involvement Team arrangements to respond to the growing need for localism and respond to the Local Government modernisation agenda. In 2004, these arrangements migrated into our existing Area Management arrangements and with the experience of two years operation and the advent of possible further Government policy change on localism and devolution, it is appropriate for the Council to now consider its next steps in terms of local area governance and service delivery. Whilst there isn't a report on this agenda covering specifically this area of activity, Members of Executive Board can be assured that this important aspect of the Council's change agenda will be progressed and reported to Members in due course. An officer based review team commenced meeting in August in order to start the review process.
- f) **Lyons Review** - The Lyons Enquiry was established by the Government in 2004 to consider how local government services are funded and whether the balance between local and central government funding is appropriate; Lyons was also asked to consider how Council Tax might be reformed. In addition to this, the Lyons Enquiry's remit was extended in 2005 to consider the wider role and functions of local government. The Enquiry is due to report at the end of 2006 and amongst other things is expected to recommend new financial powers for local government which will allow greater local autonomy and further income generating powers. This could provide authorities with greater freedoms to pursue local priorities.

- g) **The Way We Work** – As a result of the 2003 restructure, we benefited from a significant cohort of new senior officer recruits to the Authority. This provided us with an opportunity to conduct an ‘organisational health-check’ using their feedback on how we work and operate in comparison to their previous organisations – both local authorities and the private sector. As a result we now recognise that we can create a more rewarding working environment for our people that will improve service delivery for our customers. We intend to use this next phase of the change programme to significantly shift our internal culture so we enable our people to be more empowered and take ownership of decisions at the front line of service delivery. This cultural change is every bit as important and vital to our achievement of our other priority outcomes as any structural changes that may be made.

3.0 Main Issues

- 3.1 During the course of the last couple of months, Corporate Management Team have been considering how best to bring together these different aspects of the change agenda within one organisational change framework. The aim being to ensure that a coherent approach is progressed, responding primarily, within the context of government policy and guidance, to the priority needs of local people.
- 3.2 Whilst there are a number of external pressures influencing our change programme, Corporate Management Team also recognise that there are internal issues that need to be addressed if we are to fulfill our ambitions as laid out in the Vision for Leeds and the Council’s Corporate Plan.
- 3.3 In developing a framework for change, Members are asked to endorse the following set of overarching objectives to guide the next phase of developing and implementing our continuous change programme:

Our continuous change programme will seek to:

- a) *Create an organisation that is flexible and responsive, clearly focused on delivering improved outcomes for local people;*
 - b) *Increase organisational capacity to provide more effective strategic leadership and direction for both the organisation and the city;*
 - c) *Maximise the contribution of senior and middle managers to increase capacity and creativity within the organisation to better enable service improvement and modernisation;*
 - d) *Organise Council services in the most appropriate and effective way having regard to the outcomes being sought for the city and its people*
 - e) *Create an ethos of a one-council approach;*
- 3.4 In terms of the more detailed scope of the change programme, it is proposed that in consultation with key stakeholders, officers are asked to:
- a) bring forward recommendations for new senior officer arrangements and accountabilities which ensure our most senior officers have the capacity to provide the Council, and the city, with the strategic officer leadership it requires;

- b) work with senior Elected Members to ascertain the most appropriate Member arrangements for any new organisational arrangements proposed;
- c) bring forward proposals which enable Chief Officers and other senior managers to be empowered for the delivery of services, removing unnecessary bureaucracy and controls where appropriate;
- d) bring forward proposals which ensure that Chief Officers and other senior managers are fully accountable for service delivery and service performance;
- e) consider the most appropriate arrangements for the organisation of services and bringing forward a prioritised plan for service mergers and changes;
- f) bring forward 'change-management' proposals to ensure that appropriate capacity is provided to oversee and support implementation of any change agreed;
- g) develop an approach that ensures that we work effectively in partnership with others and establish mechanisms to ensure that the Council operates as a single coherent organisation;
- h) develop a culture that supports our people so they are empowered and willing to take ownership of the challenge to improve service delivery for our customers. In the People Strategy 2005-08 this is described as developing a culture of high performance and systematic learning in which employees have the right knowledge and skills to deliver the council's aims and objectives and a positive attitude to ensure continued improvement and excellent services;
- i) ensure that we respond appropriately to the Childrens Act 2004 and the guidance associated with 'Our Health, Our Care, Our Say' white paper;
- j) develop organisational arrangements that support our Area Management aspirations;
- k) influence the further development of our partnership arrangements as provided by the Leeds Initiative;
- l) influence other major projects/initiatives to ensure that they are progressed in the context of this major organisational and culture change, and;
- m) ensure that our organisational developments and improvements remain focused on delivering improved outcomes for local people.

3.5 In terms of timescale, it is likely that certain changes will need to be implemented in the course of the next eight months in order to respond appropriately to the developing Children and Adult agendas and provide the appropriate capacity to manage the implementation stage of the change agenda. Whilst further work is plainly required, it is anticipated that more significant organisational change might be ready for implementation in October 2007. There are, however, certain aspects of the change programme that will need to be up and running well in advance of the Corporate Assessment and Joint Area Review inspection, expected in late 2007 or early 2008, if we are to maximise our assessment and demonstrate a clear focus on priorities and the delivery of outcomes.

3.6 The change management programme will be supported by a robust and strategic communications and consultation plan. The plan will aim not just to build awareness of the planned changes but to heighten understanding of the purpose to the change, gain acceptance, and then engage and involve people in developing the programme of change. The council is committed to managing the change programme in an open, accessible and transparent way. It is vital that the council is brave in its communications to make sure that we effectively inform and engage staff at all levels of the organisation. We will look to employ new methods and techniques that challenge old ways of working. In particular, the methods and messages used in the communications plan will reinforce and reflect the values of being inclusive, respectful, enabling and responsible.

4.0 Implications For Council Policy And Governance

4.1 The change programme will be focused on creating a responsive and flexible organisation that is geared to focusing on the delivery of the priorities contained within the Vision for Leeds and the Council's Corporate Plan. It is likely that changes will be proposed in respect of the Council's constitutional arrangements in order to meet the objectives stated above.

5.0 Legal And Resource Implications

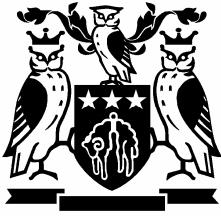
5.1 Whilst it is envisaged that there might need to be additional investment in capacity in certain areas of activity, it is assumed that this change programme will be delivered within the scope of our existing resources; therefore, any required investments will need to be met from efficiencies elsewhere.

6.0 Recommendations

6.1 Members of Executive Board are requested to consider the issues raised in this report and:

- a) Endorse the overarching framework for the Council's continuous change programme;
- b) Agree the objectives as detailed at paragraph 3.3 above, and;
- c) Note the more detailed scope of work being progressed as detailed at paragraph 3.4 above.

Version: final as at 11 September 2006



Report of the Director of Children's Services

Executive Board

Date: 20 September 2006

Subject: Proposed children's trust arrangements for Leeds

Electoral Wards Affected:

All

Specific Implications For:

Equality and Diversity

Community and Cohesion

Narrowing the Gap

Eligible for Call In

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

EXECUTIVE SUMMARY

Purpose

This report outlines the next developments to enable the council and its partners to fully deliver the requirements of the Children Act 2004. It proposes children's trust arrangements that provide a framework to deliver significantly improved outcomes for children and young people in Leeds.

Background

This report builds on the significant progress already made in Leeds to implement the Children Act by working in partnership. The foundations we have will enable successful implementation of the proposed children's trust arrangements. For example: Leeds already has some good services being delivered to children and young people; a genuine commitment from everyone involved to put children and young people and their parents and carers at the heart of services and improve outcomes; some excellent examples of innovative practice and local integrated working; many strong partnerships built on trust and shared vision; an understanding of what has been done and what remains to be done; and crucially, the first Children and Young People's plan for the city that all relevant partners are committed to deliver.

Proposal for children's trust arrangements

The proposals are a result of six months of review by the new Director of Children's Services to provide the leadership and direction necessary for improving outcomes further. This review has been done with the existing partnership, and also includes some work done by the Director of the Leeds Initiative. It sets a framework, to build on the good work already being done, for clearer roles to be established for commissioning, for ensuring that children and young people are at the heart of services, that integrated change is delivered locally, and that everything is done in partnership.

The elements proposed for the totality of the children's trust arrangements are embraced by the Children Leeds brand (part of the Leeds Initiative). These elements are: an Open Forum, Safeguarding Children Board, Children Leeds Partnership, Integrated Strategic Commissioning Board, Wedge Partnerships for Children Leeds, and arrangements for the new Director of Children's Services Unit. These arrangements need to be seen as a whole, because they can be most effective by the parts working together coherently, to deliver the changes required to improve outcomes. The leadership role of the Director of Children's Services Unit make the most of the proposed children's trust arrangements and this will be the subject of further work and then a delegated decision by the Chief Executive.

The approach taken for the children's trust arrangements, including the Director of Children's Services Unit, fits with the earlier decision made about the context for the appointment of the Director of Children's Services and how this role would be fulfilled in Leeds, that is, a strategic role rather than an operational management role. These arrangements will enable clearer roles to be established and therefore accountability to be better defined. A 'thin' Director of Children's Services Unit is proposed, rather than a large, new, operational department. The focus can then be on influencing the things that will make the most difference to outcomes for children and young people, such as better understanding needs, commissioning services accordingly and wrapping services around the child. There are resource implications of the proposals for the Director of Children's Services Unit, although not significant implications within the context of the overall spend in this area (within 1% of total children's services expenditure). However this will require resources to be realigned over time and cross the partnership. There will be a review of the effectiveness of these arrangements during 2007 to ensure that they will deliver improved outcomes.

Recommendations

- 1 Members of the Executive Board are asked to note and approve:
 - the proposed "children's trust arrangements" and associated governance structures, including the relationships between the elements and the Director of Children's Services Unit;
 - the overall role and approach to meeting accountabilities proposed for the Director of Children's Services Unit;
 - the approach to dealing with resourcing issues across the partnership; and
 - the intention to review the children's trust arrangements in 2007.
- 2 Members of the Executive Board are asked to note that the Chief Executive will use his delegated powers to establish the Director of Children's Services Unit once the final detail has been worked up.
- 3 Members of the Executive Board are asked to note and request further update reports in due course about the implementation of the arrangements and about specific significant issues.

PURPOSE OF THE REPORT

- 1 This report sets out the next set of decisions necessary to build on the good foundations in Leeds, to make further and faster progress in implementing the Children Act 2004. It contains the Director of Children's Services' proposals for children's trust arrangements for Leeds, including an outline of the proposed Director of Children's Services Unit to be established within the council.

BACKGROUND

- 2 The Executive Board has received and approved reports in respect of 'Change for Children' - the outcome of the review by the Office of Public Management (6 July 2005); implementing the Children Act 2004 (6 July and 21 September 2005); the appointment of a Director of Children's Services (21 September 2005), organisational arrangements leading from the appointment (17 February 2006) and regular reports on progress with implementation of Every Child Matters in Leeds. The Director of Children's Services took up her responsibilities on 1 March 2006, supported by a small seconded team of managers and staff.

Appointment of the Lead Member for Children's Services and Director of Children's Services

- 3 The Children Act 2004 places a statutory duty on local authorities to appoint a Director of Children's Services – responsible directly to an authority's chief executive. The details of the roles and accountabilities assigned to the Director of Children's Services were set out in some detail in the report of September 2005. The Children Act also requires the appointment of a Lead (Executive) Member. Leeds has assured strong political ownership by appointing a Lead Executive Councillor, a Support Executive Councillor and four 'lead' councillors.
- 4 The approach taken to the appointment of the Director of Children's Services in Leeds, as set out in September 2005, was to make the role strategically accountable, therefore avoiding the distractions of micro operational management which often overwhelm strategic directors both in the council and elsewhere. It also frees the Director of Children's Services (and sends a powerful signal to partners) that she is responsible across the partnership and not simply within the council.
- 5 The nature of this appointment set the context for the recent review work and in turn for the proposals for the children's trust arrangements. The accountabilities of the post mean that it is essential for it to be a part of the overall children's trust arrangements. Setting up the post in this way strengthens the right of the Director of Children's Services to be consulted on, and oversee, the allocation of all resources and budgets that support the provision of services to children and young people and their families. The approach will ensure that children and young people are at the centre of the work of the Director of Children's Services (and her support staff) and that she is able to be held to account by them. The key challenge will be to achieve real and lasting change by ensuring that providers play a full part in the partnership and through securing the integration of services locally.
- 6 With the focus on strategic leadership of integrated services and commissioning, it was not anticipated that the Director of Children's Services would require a large central unit, but it was seen to require significant skills. The approach to the Director of Children's Services role is to enable transformational change through distributed leadership – sharing the role with locality partners and providers. The Director of Children's Services will concentrate on having the capacity and clarity to be able to identify and set the overall direction, intervene to break log jams or ensure that poor performance is addressed.

Local partnership work and the Children and Young People's Plan

- 7 In response to the Children Act 2004 and in conjunction with city-wide partners, the council formed a strategic body, known as Children Leeds, to secure improvement in services to children and young people in the city. As an integral part of the successful Leeds Initiative partnership, this body has already helped to set the vision for children and young people within the city and is working to secure the best possible services to meet their needs. This partnership work has operated at a city-wide and a local level and has been very inclusive, for example through the Open Forum and around the Change for Children programme.

- 8 Following a major consultation involving over 8000 people, the majority of whom were children, young people and families, the first Children and Young People's Plan for the city was agreed and formally launched on 17 July 2006. The plan sets out agreed outcomes and priorities, within a national framework, for the involvement of children and young people and for the improvement of services for them. This plan is owned across the partnership and the Director of Children's Services is accountable for the delivery of the required outcomes through partners and service providers. The Children and Young People's Plan is also part of the Council's Budget and Policy Framework and approved by Full Council.

National guidance for children's trust arrangements

- 9 The Children Act and associated guidance requires relevant partners (all those principally involved in providing support to children and young people in Leeds) to co-operate in improving services for children and young people. It requires the local authority (through the Director of Children's Services) to make appropriate arrangements so that relevant partners and others can co-operate to the best effect for children and young people.
- 10 The guidance issued to help councils implement the Children Act has, over time, been modified in respect of how the improvement of services should be organised. These modifications, resulting from implementation in the pilot authorities and broader learning from other areas, have significantly changed the approach to be taken.
- 11 The initial guidance envisaged the formation of a formal (legal) trust and many authorities created new Children's Services Departments. This was modified in the light of experience to a requirement for children's trust "arrangements", in which a formal trust is a possible model, but where the significant emphasis is on "integrated, strategic commissioning" of services on a needs-led basis.
- 12 A report prepared for DfES by Price Waterhouse Coopers on developing the children's services market has just been published. One of its main recommendations is to separate strategic commissioning from provider services. This is exactly in line with the intended approach in Leeds. Adopting this approach will be very different from that taken by other authorities who have already created a single Children's Services Department (or, indeed, a provider trust).

Recent review work

- 13 Since her appointment, the Director of Children's Services and her support team have considered in some detail the matters covered by this report and looked at the options for improving services to children and young people within the context of Leeds, including reflecting on the way that the Director of Children's Services post was set out in Leeds in September 2005. There has also been advice from a wider leadership group drawn from the council, from relevant partners from all sectors across the city, and from specialist consultants provided by SOLACE Enterprises.
- 14 The Director of the Leeds Initiative has also undertaken some extensive review activity, both of the city wide partnership and of the more local arrangements around services for children and young people. This has been a detailed and inclusive review, which has informed these proposals from the widest and most objective basis possible. It has also helped to ensure greater ownership of the proposals across a broad range of individuals and organisations.
- 15 This combined review activity has also helped to identify and gain commitment to further work required in order to contribute to the transformation which will improve outcomes. A particularly significant aspect of this review was to suggest a separation between the 'harder' and 'softer' roles within partnership working (where the 'harder' is about commissioning and budgets and the 'softer' is about advocacy and influencing). Although an over simplification, this has been a very useful insight to help clarify roles and develop the various elements of the children's trust arrangements.
- 16 The review work to develop the proposals in this paper has been considered corporately in the context of the Leeds Initiative, the Local Area Agreement, the White Paper on providing services to adults and as part of the broader changes within the council. The work of the Director of Children's Services has fully informed these considerations and the proposals contained within this report are entirely consistent with wider proposals. Separate papers on this work are

included on the agenda for this meeting (an overview paper about proposed changes to the council, Role of Director of Adults' Social Services and current developments with the Leeds Initiative and the Local Area Agreement).

DEVELOPING THE CHILDREN'S TRUST ARRANGEMENTS FOR LEEDS

- 17 After much consideration, council officers and partners have concluded that the best approach in Leeds would be for children's trust arrangements to embrace the planning and delivery of services to improve outcomes, but without the creation of a legal trust. The proposed children's trust arrangements fully meet the requirements of the Children Act, are in line with national guidance, and importantly, build on the work already done in Leeds and the context of partnership working in the city. The primary driver for this review work and for these proposals is a judgement that this is what will make the biggest difference to outcomes. It is planned that there will be a further review of these arrangements in 2007 to check that they are working as planned.
- 18 The extent of the services that the Director of Children's Services has to 'wrap services around' the child is huge (as set out in the Children Act and documentation on contributions to the five Every Child Matters outcomes). In Leeds, it represents approximately £1.5 billion of revenue spending per year. All of this business could never be brought within a single provider trust, so a commissioning approach is likely to be most effective to influence the spending and activity of relevant partners. The integrated strategic commissioning model provides a common approach for all partners with whom the Director of Children's Services works.
- 19 The size of organisational change needed to create a new department as a Children's Trust would disrupt all services resulting in a concentration on organisational structures rather than focusing on improved outcomes at the front line from the outset.
- 20 These arrangements ensure that the Director of Children's Services can exercise her leadership role effectively and that she and the local authority can meet their accountabilities. The implementation of these arrangements will require ongoing development of the partnership arrangements and organisational structures. It will also impact on the role and cultures of all individuals and their organisations involved.
- 21 These proposals for children's trust arrangements should be considered alongside the Children and Young People's Plan which sets out the priorities and outcomes, the approach and principles and the transformation to be delivered in Leeds. This paper therefore is not intended to be a repeat of all that remains to be done to deliver the improvements, but rather to spell out how these new arrangements will provide the framework for the plan to be delivered. The following sections describe some of the most important considerations and conclusions from the review activity, set out the proposals and show how they can work effectively.

Clarity of roles

- 22 The proposed children's trust arrangements recognise that integrated strategic commissioning is a separate activity from the provision of services. It sees separate roles for the strategic commissioners and providers, whilst recognising that many activities are, and will continue to be, "commissioned" by providers.
- 23 The Director of Children's Services is accountable for the achievement of the national and local outcomes and will, in turn, hold partners to account for delivering the outcomes in the Children and Young People's Plan. Individual partners (including council provided services) will remain accountable (through their duty of co-operation) for ensuring that budget plans and spending within their organisations align with these priorities.
- 24 There will not be a "hard split" between the two roles. Providers within the council and across the partnership have formed part of the current leadership group for the Director of Children's Services and will continue to do so. The information they derive and their expertise and knowledge will be harnessed as plans and priorities are reviewed and revised. Indeed, it is envisaged that they will take such decisions, within the strategic framework set out in the Children and Young People's Plan, on a daily basis and across most of the services actually delivered, responding to identified need.

Involving children and young people and their parents and carers

- 25 One of the key areas for development is to increase the participation of children and young people and their parents and carers throughout the processes surrounding them, both at strategic commissioner and provider levels. This would be difficult to achieve fully within a traditional 'trust'. The proposed arrangements require that participation will be a major and direct part of identifying needs, prioritising outcomes and of designing and transforming services. Ultimately, the Director of Children's Services is accountable to children and young people in the city for ensuring these arrangements improve outcomes.

Locality and partnership

- 26 The council and the Leeds Initiative partners across the city have a real commitment to improve outcomes and services, improve equality and enable better standards of life for all. This is reflected in the Vision for Leeds, the Local Area Agreement, the Corporate Plan and in the more recent development of the Children and Young People's Plan with the identification of specific vulnerable groups. The essential focus for the impact being felt in neighbourhoods and communities has been a key consideration in developing these proposals. Furthermore, the government has made it increasingly clear that local choice and locality decisions are vital to public service improvement.
- 27 This requirement for local impact has been reflected through the creation of Area Committees by the council and District Partnerships within the Leeds Initiative, and is the focus of work in the National Health Service to move services from acute to community provision. The locality focus is increasingly seen through extended services clusters around schools and children's centres.
- 28 Whilst there is no doubting the emphasis on locality in all plans and strategies, many of these arrangements have been created as the specific need has arisen. There is a need for further work to simplify the partnership arrangements at locality level, recommended by consultants reporting on area management arrangements in Social Services and also in the more recent review work by the Leeds Initiative.

ELEMENTS OF THE CHILDREN'S TRUST ARRANGEMENTS

- 29 There are a number of elements proposed as part of the overall children's trust arrangements, brought together under the banner of Children Leeds. They are set out in the diagram at appendix 1 to this report and are the means for providing a better framework and clearer governance for improving outcomes across the city. These proposals have been agreed with the partners from all sectors across the city, build on some foundations already in place and take account of some of the main issues from the review activity – such as a separation of roles and working to integrate services locally. The elements of Children Leeds are:
- Open Forum
 - Safeguarding Board
 - Partnership
 - Integrated Strategic Commissioning Board
 - Children Leeds District Partnerships
 - Director of Children's Services Unit
- 30 Some of these elements are familiar and already in place or developing, others will be implemented in the coming months. In particular, further work is required to migrate from the current sets of subgroups at a city-wide and local level, to ensure that these are the right ones to meet the challenges set out in the Children and Young People's Plan. These children's trust arrangements need to be seen as a whole, because they will be most effective when the parts work together coherently. For example, leadership will be provided by each of the elements in different ways and on different areas. A key role of the Director of Children's Services Unit is to make the children's trust arrangements work smoothly and to provide the coherence.
- 31 The **Open Forum** is a continuation of an approach that has been running effectively for about two years. It takes the form of a series of events – either city-wide or local – open to those involved in, or interested in the way that services are delivered for children and young people. It helps to ensure that interaction with children and young people and their parents and carers is

comprehensive and effective. It helps with communications, sharing best practice and learning across the city. Getting professionals working alongside each other can help to break down barriers and enable the 'wrap around the child' that is required for the local transformation. One of these events took place in March this year and there two further 'events' currently being planned – the first is about local delivery of the Children and Young People's Plan and will be led by the Director of Children's Services. The second is being organised by children and young people themselves, as a way of raising awareness of their needs and preferred ways of working.

- 32 The **Safeguarding Board** has been the subject of an earlier Executive Board paper. This will be chaired by an independent person, appointed by the Director of Children's Services. The Board will have direct access, through its chair, to the Director of Children's Services. The day-to-day work of the Board will be managed by a safeguarding manager who will be line managed by the Chief Officer (Children and Families). The main roles of the Board are to set standards, identify best practice and investigate poor practice and complaints, for the purpose of safeguarding and promoting the welfare of children in Leeds.
- 33 The Leeds Initiative review described in paragraph 14 considered the work of partnerships centred around children's and young people's issues and looked at this against best practice guidance. The review recommended a better definition of roles between a 'softer' advocacy and challenge role, and the 'harder' role of commissioning. This would mean that those involved are able to deliver better outcomes. In these proposals, the **Partnership** has responsibility for the 'softer' side (of strategy and development) and the **Integrated Strategic Commissioning Board** will address the 'harder' issues of commissioning and budgets.
- 34 The **Integrated Strategic Commissioning Board** will be chaired by the Director of Children's Services and will comprise 'relevant partners', as laid down in the Children Act, and other key partners. Its role will be to commission services to meet the needs of young people, setting standards for service and monitoring performance. It will oversee and monitor the delivery of the Children and Young People's Plan through the Director of Children's Services Unit.
- 35 The **Partnership** will be responsible, as a subgroup of the Leeds Initiative, for providing advocacy and challenge to secure improved outcomes. In the short term, it will have a series of subgroups, many of which already exist, to drive specific aspects. These will be reviewed over the coming months to see if this can be done more effectively now that the Children and Young People's Plan is clear about outcomes and priorities. It is proposed that the Partnership be chaired by the Lead Executive Councillor for Children's Services with two additional places for councillors (one from the council's administrating alliance and one from the main opposition party).
- 36 Given the importance of making a difference at a local level and impacting on those services which affect outcomes for children and young people – such as housing or regeneration for example – the local aspects of the children's trust arrangements are crucial (see paragraphs 26-28). At a district level, the **five Children Leeds Wedge Partnership Groups** already established will develop further and operate within the context of the broader Leeds Initiative District Partnerships, linking into the council's area committee structure so that there is good member engagement in children and young people's issues.
- 37 The **Children Leeds Wedge Partnerships** need to be firmly linked to more localised arrangements developing around clusters of schools and children's centres, which are key to improving outcomes and integrating services at the front line. There is more work to do to better understand the 'hard' and 'soft' roles to be performed by these groups, but there is a commitment to this direction. The current range of sub groups and working groups will be reviewed within each district area in autumn 2006 to ensure effective arrangements at this level.
- 38 The proposed **Director of Children's Services Unit** structure (see appendix 2 for a broad outline of the main roles) has been designed to be an integral part of the children's trust arrangements and to provide capacity for clarity of thought and action. The detail of this will be taken through the normal processes to enable the Chief Executive to determine this as a delegated decision to be made. It has been developed within the context set out at the time of the Executive Board report in September 2005. The Director of Children's Services Unit will need to demonstrate effective decision-making, risk analysis and a capacity to manage performance at output and strategic levels. It must have the ability to identify and correct poor

performance and the foresight and organisational flexibility to know when and how to adjust its objectives or intervene in the provider market to secure the right services.

- 39 The **Director of Children's Services Unit** will need to model changed ways of working and lead by example in every way. It is designed to operate as a number of interlocking layers, each consisting of teams with inter-dependent roles, each with a clear accountability and remit but also capable of proactive work beyond that. This will require new skills, balanced with appropriate experience and knowledge. Individual team members will be constantly challenged to work differently and to provide solutions in a flexible way by working across traditional boundaries to facilitate change.
- 40 It is proposed that the **Director of Children's Services Unit** will not need to be large but it must be purposeful – able to focus on its key tasks as indicated above. The main structure will be created in two or possibly three phases, commencing immediately following the decision of the Executive Board. In the first phase, essential elements will be brought together to manage current priorities, further develop the thinking and identify resources required for the longer term. These resources will then be added as necessary in phase two. There may then be a final phase to adjust these arrangements on the basis of experience and review.
- 41 It is already envisaged that the **Director of Children's Services Unit** will require and benefit significantly from additional support beyond its basic establishment within the context of the children's trust arrangements. For example in looking at needs, in managing projects and in leading change to integrate front line services. Much of this will be done by working with various sets of arrangements with partners and providers, meaning that the strategic role of the Director of Children's Services Unit is informed by a range of organisations more closely linked to operations. This support and contribution is seen as a vital element, providing a flexible and dynamic unit that will reinforce the close inter-dependence of the whole set of children's trust arrangements. This approach builds on many good examples already in place of joint or multi-agency teams brought together for specific pieces of work – for example, children's centres, extended schools, developing the Children and Young People's Plan or the West Leeds Area Project.

MAKING THE CHILDREN'S TRUST ARRANGEMENTS EFFECTIVE

- 42 Clearly the most important – effectively the only – consideration, in designing the proposed children's trust arrangements is the improvement of services to children and young people. The proposals are built around a focus on the outcomes, both the current set and those to be developed in the future. The key roles of the Director of Children's Services Unit to support the effectiveness of the children's trust arrangements are:
- identify the outcomes required and agree these with partners;
 - commission the services required from providers to achieve the outcomes;
 - provide the leadership and the environment for service change and improvement;
 - monitor progress and manage performance; and
 - intervene when outcomes do not meet needs, or when service performance is poor.
- 43 In addressing each of these areas, the Director of Children's Services Unit will be structured to be the "driver" not the "doer" – setting the **outcomes** and the **standards** but not the **how** - except where the provider market proves unable to do this. The scale of the task to be undertaken is considerable. It can only be met by a focus on making the children's trust arrangements effective and better. This is dependent ultimately on the authority (and accountability) of the Director of Children's Services, which in turn will rest on the commitment of all those in the trust arrangements to achieving the outcomes.
- 44 This focus on achieving improvement through others is a key part of the approach and offers a significant opportunity for the Director of Children's Services Unit to be effective. First, the use of existing and successful service deliverers is cost effective. It makes full use of considerable expertise encouraging and supports a better and increasing focus on local integrated provision and the needs of the individual. Finally, it provides stability of provision - stability but not sterility.
- 45 It follows that there are a number of key areas for making these arrangements effective in practice. Crucial to the whole concept are the relationships to be formed, which will influence the ability of the Director of Children's Services Unit and all those in the trust arrangements, to

improve the lives of children and young people. The yardstick is the Children and Young People's Plan – the desired outcomes of which must be met. A major part of the work of the Unit is built around this and the capacity to drive the requirement of the Plan forward. Key to this will be the availability and interpretation of accurate and timely information. Finally, there needs to be understanding, and so guidance, of the approach taken.

Key relationships

- 46 There are **four key relationships** that must be built and continuously maintained through the work of the Director of Children's Services Unit, which are strongly reflected in the leadership roles. The **first** of these is the relationship with the **elected councillors**. Through the Children Act, the council is responsible for securing effective services for children and young people. Therefore, it is vital that all elected members are well informed (for example, through member briefings and area committees) and are used as a sounding board for issues (for example through scrutiny and area committees). The relationship with the Lead Executive Member is equally vital to ensure that the Executive Board members have the understanding and support to enable them to be effective in supporting their role in improving outcomes.
- 47 The **second** vital area is the relationship with **partners**. This is already strong in Leeds, but will need to be further enhanced in the future. There will be a need to grow and change relationships as we seek better integrated services and clearer structures. At a strategic level, the formation of the Partnership with its clear and simple links to the Leeds Initiative, and the Integrated Strategic Commissioning Board and the commitment of relevant partners, along with the Open Forum are significant in this respect.
- 48 It was outlined earlier that partnership is very important in localities, where partners, particularly those from a non-public sector background, make such a telling contribution. There is much to build on here and a tremendous commitment and energy. The work to be done here is to simplify and rationalise structures so that there is effective working on priorities. The key issue of integration of service provision must be led from the centre – but delivered by providers and locality partnerships. The role of locality enabler within the Director of Children's Services Unit will be crucial to this and we are learning much from the West Area Project and other initiatives in relation to this.
- 49 The **third** area is the relationship with **providers and potential providers**. This is crucial both inside the council and elsewhere. The need to maintain a coherent approach will be addressed by the continuation of the strategic management team concept with major providers meeting as part of the Director of Children's Services team and also with a broader set of partners meeting through the Partnership.
- 50 The **fourth**, but most important, is participation and engagement work which centres on **relationships with children and young people and their parents and carers**. As outlined earlier in the report, this is ongoing and will be built upon further. One of the key areas for development is to secure more participation of children young people and their parents and carers in the services that affect them. Participation will play a major and direct role in identifying needs, setting service priorities and designing services which meet their needs. Providers and localities as much as the Unit will be required to put children and young people at the heart of all they do and to demonstrate accountability to them for improving outcomes.

Securing improvement of services

- 51 There are a number of ways of securing improved services within the context of the children's trust arrangements. They are: managing through the Children and Young People's Plan; creating a context to achieve change; holding to account; and intervention. Because of the importance of these to improving outcomes, they are set out in more detail below.

Managing through the Children and Young People's Plan

- 52 The chief reference point for all concerned with support to children and young people in Leeds is the Children and Young People's Plan. This sets out what needs to be achieved, the priorities, the approach and the transformation to be achieved. As already indicated a major role for the Director of Children's Services Unit is to monitor performance and the realisation of these objectives and report on this to the appropriate part of the children's trust arrangements, such as

Children Leeds Partnership, the Integrated Strategic Commissioning Board and the Safeguarding Board.

- 53 Work has already begun to identify the detailed performance management structure for this and to provide for “early warning” for the Director of Children’s Services of any significant shortfall in performance or a failure to support children and young people. This will not require large numbers of staff within the Director of Children’s Services Unit – the key is the effective utilisation (and where necessary enhancement) of existing systems of management and reporting.
- 54 All those covered by the children’s trust arrangements will need information to ensure that the focus of the defined priorities remains appropriate and make any necessary adjustments within the term of the plan. Alongside this, work will be undertaken to analyse future needs and learn from existing experience.
- 55 Reporting mechanisms and systems (particularly integrated systems) for this are not yet well developed and significant work will be required before they can be fully effective. However, there is already a considerable body of excellent data, supported by good working relationships, from many sources and work is ongoing on information sharing and data flows. The sorting, wider use and broad analysis of raw data will be the key to future effective planning.
- 56 The added value of the Director of Children’s Services Unit is in ensuring these are in place, effectively used by providers and localities and in the use made by the outputs from the systems. The process has begun both in the compilation of the Children and Young People’s Plan and in the work now being undertaken through the West Area Project.
- 57 Although “hard” data analysis and performance data monitoring will be very important to managing the plan, the “soft side” will be equally important. The work undertaken within provider teams and in locality based partnerships, both as part of formal monitoring arrangements and through other learning, will be a source of vital input to understanding the relevance of the plan and the effectiveness of its implementation. Their learning will contribute significantly to future needs analysis and prioritisation

Creating a context to achieve change

- 58 The Children and Young People’s Plan sets out the aspirations and objectives of the partnership for children and young people. Partner organisations’ plans are recognised as the vehicles for achieving and managing outcomes influenced by strategic commissioning and the Director of Children’s Services Unit’s approach to securing effective provision. The emphasis will be to lead transformation by facilitating providers to work together as teams, so that there is integration and delivery that is wrapped around the child..
- 59 It is the intention to produce a “Commissioning Plan” which will set out the approach to commissioning at all levels. The plan will include :
 - how statutory, voluntary and community sector agencies can be provider/ commissioners and providers;
 - how service users will be involved in creating commissioning models eg the Budget Holding Lead Professional model;
 - a gradual and systematic approach to building integrated strategic commissioning plans related to service pathway planning. The Integrated Strategic Commissioning Board will be responsible for developing the specific proposals for joint commissioning by the partners;
 - a recognition that we have a city-wide need to build up preventive and early intervention services through a joint commissioning model;
 - high quality, common commissioning documentation; and
 - tool kits for good commissioning and for diagnostic checking of existing commissioning arrangements (eg decommissioning).
- 60 Work has already begun on the production of a “Provider Strategy”. Partners and colleagues have been consulted and a draft strategy has been developed. The Provider Strategy will set out:
 - the nature of the relationship between commissioners and providers;

- how children and young people and their parents and carers will be involved at all levels and in particular provision of services;
- an indication of performance and governance arrangements;
- the type of provider market which may be required;
- how partners' own provider roles will be used to support market development;
- how commissioners will support the development of new or changed services.

61 These documents are intended to be indicative views and approaches and it is expected that they will be modified in the light of experience, and certainly over time, to reflect changing plans and requirements. They also set out for providers, and potential providers, the current expectations of the Director of Children's Services and provide some degree of understanding about its approach.

62 The council has begun work to create a "Workforce Strategy" to set out the approach to managing the many changes which are required to support the change programme. A strategy of this nature is required by the statutory guidance relating to the Children Act and is supported by a national workforce change programme. The council strategy will cover not only the employees involved in support to children and young people, but will have wider application in other parts of the council and city. The intention is that the strategy will support wider change and reinforce those introduced as part of the Closer Working Better Services programme. The Corporate HR team is also leading work with partners, to ensure that wider workforce integration issues are addressed strategically across all partners.

Holding to account

63 One of the key roles of the Director of Children's Services and her staff will be to hold partners and providers to account for achieving outcomes. This is within the context of ultimately being held to account by children and young people themselves. The mechanisms for doing so are enshrined in the proposals for straightforward and clear governance and performance structures. At the Director of Children's Services Unit level these will be used to model a focus on the outcomes through meeting with and holding to account, not by endless reports or statistical analysis meetings.

64 Meetings with partners and providers will allow the Director of Children's Services to ask "simple" questions – focused on whether outcomes are improving. Where the improvement is not happening the Director of Children's Services will challenge providers and partners to say why – they will be held straightforwardly to account for delivering the service for which they exist and the outcomes to which they are committed.

65 This needs to be informed by accurate data and information and the Director of Children's Services Unit will have the capacity to obtain and use these. This will be all the more powerful because the data will be that of the provider or locality; asking questions will go to the root of the existing responsibility of the provider to deliver high quality, effective and most importantly, safe services to children and young people.

Intervention

66 It may not always be possible to meet the needs of children and young people and families simply by agreeing outcomes and monitoring the achievement of them. There are three likely ways in which this may arise. First, the performance of the provider may not meet required standards. Second, there may not be the capacity to provide the needed services and finally, the outcomes may not meet the needs of the subject. In each of these cases the Director of Children's Services Unit will have the capacity to respond.

67 Where poor performance is the issue this will be a matter for the providers themselves, managed by their own performance management systems and overseen by the Director of Children's Services Unit. The providers will have performance accountabilities within their own area – for example Children and Families Social Services are responsible to the Council, GP practices will account to the Primary Care Trust; the role of the Unit is simply to hold them to using these effectively. Where this fails to achieve the desired results there are tried and tested interventions which can be commissioned by the Director of Children's Services Unit – possibly using the experience and capacity of other providers.

- 68 If there is a requirement for market intervention – perhaps to deal with the geographical location of a service or to develop new services, it is envisaged that this will largely be achieved through provider services. The added value of the Director of Children’s Services Unit is identifying the need and stimulating the response. Growing a new service may involve the Director of Children’s Services Unit in direct leadership and management of a project but this will be passed to a provider at the earliest opportunity and in the mean time will almost certainly be achieved through temporary arrangements and direct involvement of existing resources.
- 69 Finally, if the outcomes set out do not meet the needs in the planned period – possibly because there are different needs or priorities in a particular area – the Director of Children’s Services Unit will have the capacity to understand this and respond. If this were the case, it is likely that the problems would be identified by local partners or providers. The clear pathways for such messages will enable this to be heard by the Director of Children’s Services and she will have the authority and channels to ensure a prompt response.
- 70 In each of these cases, the added value of the Director of Children’s Services Unit is its expertise, ability to create effective channels of communication and authority to match resources. Above all, the clarity and focus it can achieve through its leadership role in transformation and its commissioning role within the wider partnership make it a powerful driver for change.

IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

- 71 These proposals have a potentially significant impact on all that the council is trying to achieve through the Corporate Plan and the Vision for Leeds. There is a specific impact on Narrowing the Gap agenda, given the priorities in the Children and Young People’s Plan around some of the key vulnerable groups. These proposals are intended to secure delivery against the outcomes in that plan. There is a potentially positive impact on equality issues if these proposals are implemented effectively because they require that those receiving services be treated as individuals and in a way that they would want to be treated. This means that irrespective of gender, race, ethnicity, or sexual orientation, a person should receive the right services in the right way.
- 72 These proposals link into wider governance issues, both of the council and of the wider Leeds Initiative. The proposals are in line with the current constitution and delegation scheme. In terms of the establishment of the Director of Children’s Services Unit within the structure of the council, this falls within the delegated decision power of the Chief Executive and will be made in the normal way following specific legal, human resources and financial consultation on the detail.
- 73 In coming to these proposals, there has been extensive consultation and review work as already described. This includes council officers, member briefings, work with partners (across a range of sectors) at a city-wide and district level and children and young people and their parents and carers through the development of the Children and Young People’s Plan.

LEGAL AND RESOURCE IMPLICATIONS

- 74 The main element of the proposal with any specific cost attached to it is the Director of Children’s Services Unit. The estimated cost of the structure, to be set out in detail in the report to support the delegated decision, is approximately £2 million. This is compared to the approved budget for the current interim arrangements for the Director of Children’s Services Unit of £900,000. It is anticipated that the additional costs will be met from a realignment of existing resources as part of the budget strategy for 2007/08. It is worth noting that the full resource requirement equates to 1% of the total council expenditure on children’s services (excluding schools). The level of resourcing required to provide a sustainable effective Director of Children’s Services structure from 2008/09 will need to be reviewed as part of the Council’s Medium Term Financial Plan in the context of a wider Service Prioritisation review that ensures investment in key front line or preventive services.
- 75 In terms of the human resource issues and implications, the scale of the operations and partnerships require exceptional skills and managerial capacity. As with the Director of Children’s Services’s appointment, it will be important to secure the best available and the nature of these proposals require skills which will be at a premium. It is clear that other authorities operating on a smaller scale and from a different approach still have significant staff

numbers supporting this new role. The varied approaches mask the actual costs but it is clear these are significant.

- 76 The full costs will only become clear once those appointed in phase 1 have examined the support available through partners and providers and reached conclusions on internal support to their roles. However, it is clear that phase 1 will require approximately 25 staff (including the Director) and it is possible that the overall total will be up to 40. The current and more detailed implications, including the implementation, of these proposals will be dealt with through a report to the Chief Personnel Officer for consideration within her delegated decision-making powers. Staff potentially affected by the changes are being kept informed and trade union dialogue is ongoing.
- 77 These proposals embrace the leadership of strategic commissioning across the partnership, including major statutory public sector organisations such as the NHS in Leeds, Probation Service and the Police Authority. Key partners have indicated their commitment to Children Leeds (also recognising their statutory obligations under the Children Act) and willingness to address resourcing issues. The Primary Care Trust in particular has indicated an in principle commitment to fund a senior manager, a Locality Enabler post and to contribute to the cost of the support team. The current changes to Primary Care Trusts mean, however, that it is not yet possible to achieve formal agreement at this stage. Contributions by partners financially or through dedicated staff will be used to offset the costs outlined.
- 78 A current review of arrangements for Connexions in West Yorkshire is being undertaken as a result of Government changes to funding and will also provide opportunities to align resources locally within Leeds.
- 79 The proposals for the wider change programme within the council will be supported by the development of clearer cost structures. As the move to strategic commissioning is embedded across the council and new ways of working become effective there will undoubtedly be scope for cost reduction from the targeting of resources and removal of duplication.
- 80 The Director of Children's Services and the Director of Children's Services Unit will expect to be held to account by the council and through the children's trust arrangements to demonstrate that its own costs have resulted in significant improvement to service effectiveness and the capacity for cost reduction. It will be for the council to agree with its partners where such cost reduction falls but the achievement of the objectives of the Children and Young People's Plan will be a clear measure of this resource utilisation.

CONCLUSIONS

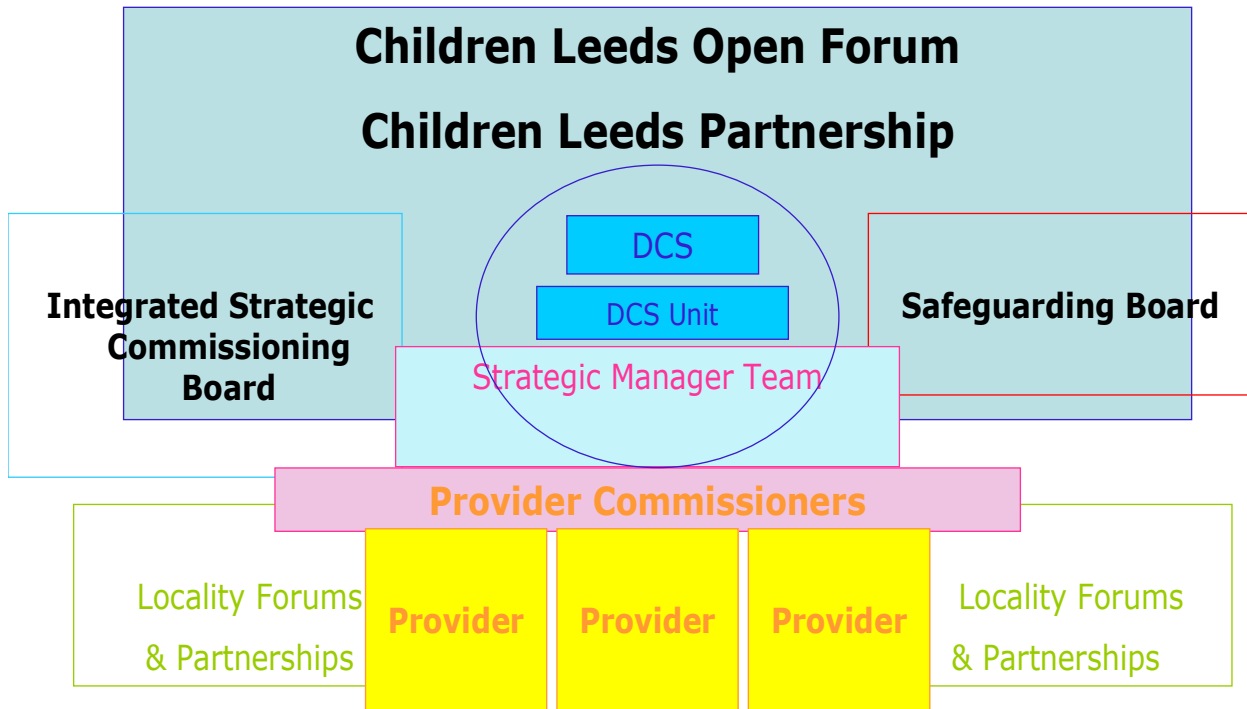
- 81 The proposals outlined in this report mark a significant milestone in the council's approach to meeting its obligations under the Children Act 2004. They follow a period of significant review and policy development activity and as such they represent an important step. However, it is likely that there will also be further steps. The governance arrangements are designed to comply with the broad approach of the Council and its partners under the Leeds Initiative. There will be further development activity, as outlined earlier, to implement these proposals in full. The experiences gained from operating the children's trust arrangements will be reviewed in 2007 to ensure their effectiveness.
- 82 The creation of a strategic commissioning unit reinforces the stability of successful providers, already delivering some of the best services in the country, sets the benchmark for new ways of working and ensures that the new Director of Children's Services Unit can and will focus on "strategic leadership". The demanding new roles will require a different approach both to resourcing and to the way that employees work.
- 83 Finally, there are two crucial ingredients which will make the difference between success and failure of these proposals. The first is the involvement of, and commitment to ownership of the Children and Young People's Plan and its implications, by Elected Members. The second is ensuring that the children and young people of Leeds and their parents and carers are involved at every level and are integral to the design and delivery of services to support their needs and that we allow them to judge our effectiveness.

RECOMMENDATIONS

- 84 Members of the Executive Board are asked to note and approve:

- the proposed “children’s trust arrangements” and associated governance structures, including the relationships between the elements and the Director of Children’s Services Unit;
 - the overall role and approach to meeting accountabilities proposed for the Director of Children’s Services Unit;
 - the approach to dealing with resourcing issues across the partnership; and
 - the intention to review the children’s trust arrangements in 2007.
- 85 Members of the Executive Board are asked to note that the Chief Executive will use his delegated powers to establish the Director of Children’s Services Unit once the final detail has been worked up.
- 86 Members of the Executive Board are asked to note and request further update reports in due course about the implementation of the arrangements and about specific significant issues.

Children Leads



Appendix 2 – Proposed Director of Children’s Services Unit structure and roles

1. It is proposed that the unit be made up of four main areas, leadership, unit support, strategic leaders and locality enablers. Each of these main areas will work as a team, supporting and informing other teams and individuals on a matrix basis to achieve the flexibility required for the task.
2. The senior management will comprise the Director of Children’s Services and three further posts:
 - Change and innovation
 - Commissioning and partnerships
 - A post to be filled and funded by the Primary Care Trust, to help lead the integration and commissioning with health for children’s services
3. There will be three elements of a support team within the Unit - Office support, Systems and QA, and support to achieve priorities. These teams will support both the leadership and the strategic leaders for specific areas, comprising:
 - 3.1. Lead for Resources and Assets, including Forward financial plan – revenue and capital; Financial monitoring; Value for money assessment; Asset planning.
 - 3.2. Lead for Needs Analysis and Research, including Macro data capture and analysis, Intelligence and horizon watching; Developing solutions; Future proofing.
 - 3.3. Lead for Performance and Change, including Children and Young People’s Plan implementation and monitoring; Performance, inspection and assessments; Leadership development; Workforce reform; Pilots and programmes; Market intervention - growing capacity; Contract management.
 - 3.4. Lead for Partnerships and Participation, including Communications strategy and PR; Support to Partnership Forum; Marketing.
4. There will be 5 locality enablers, one for each of the City’s wedges, including Communications and early messages; Rationalisation of locality arrangements; Facilitation of locality provision and integration; Focusing work on extended schools and children centres; Link to the Director’s strategic management.
5. All 3 leadership posts (the Director has already formally been appointed to this unit), the 4 lead officers and the 5 locality enablers need to be established in the first phase. The initial elements of the support roles are also first phase posts. The first tasks of both the locality enablers and lead officer team will be to consider and size their roles and decide what further resources will be required, either working directly to them or in the support teams. It is envisaged that these additional resources will be small in number.



REPORT OF Director of Adult Social Services

REPORT TO EXECUTIVE BOARD

DATE : September 2006

SUBJECT : Statutory Guidance on the role of the Director of Adult Social Services; implications for the Council

Electoral Wards Affected :

All Wards

Specific Implications For :

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Board Decision

Eligible for Call In

Not eligible for Call In
(details contained in the report)

1 PURPOSE OF THIS REPORT

Guidance has been issued by the Department of Health, which has implications for decisions about the future arrangements for adult social services within the Council. The Commission for Social Care Inspection has also published its intention to focus on an outcomes framework for adults, upon which it will base future performance assessment of services. The report discusses the key points from the guidance and makes recommendations regarding a future policy framework for adult services, based on nine service outcomes.

2 BACKGROUND

2.1 In March 2005 the Department of Health issued draft guidance on the role of the Director of Adult Social Services. This guidance was necessary following the Children Act, which established a statutory requirement for each authority with a social service responsibility to establish a post of Director of Children's Services, which replaced the statutory role of Director of Social Services. A period of consultation followed the issuing of the draft guidance, during which the white paper, 'Our health, our care, our say' was published. In May 2006 final guidance was published, consisting of two documents, the first the statutory guidance detailing the legislative implications and secondly Best Practice guidelines, which illustrates with examples how the accountabilities and responsibilities for the role can be interpreted by Councils.

- 2.2 The role of the Director of Adult Social Services is to provide strategic responsibility and accountability for planning, commissioning and delivery of social care services to all adult client groups, whilst also taking a leading role for delivering the vision for the future of social care and tackling social exclusion. The vision for the future of social care has been well articulated in recent reports to the Executive Board, including those on the future of day service provision for adult groups and in the recent launch of the Leeds 'Older Better' strategy. This vision, which seeks to promote independent living, life opportunities and tackling barriers, which lead to social exclusion, has been widely consulted on and endorsed within the city.
- 2.3 In summary the scope of the role of Director of Adult Social Services includes responsibility for adults who are vulnerable or otherwise disadvantaged because of a physical, sensory or mental health condition, including people who have reduced physical and mental capacity because of ageing or long term health conditions. In addition are those adults who are vulnerable because of their social circumstances, for example, homelessness or as an asylum seeker. This definition does not embrace the whole adult population, unlike the responsibility for children, however many people will fall within the definition at some point in their lives, most probably through the onset of a long term health condition or as people live longer through physical or mental frailty.

3 The Role of the Director of Adult Social Services.

- 3.1 The responsibilities of the post as set out in the guidance are:
- Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
 - Professional leadership, including workforce planning;
 - Leading the implementation of standards;
 - Managing cultural change;
 - Promoting local access and ownership and driving partnership working;
 - Delivering an integrated whole systems approach to supporting communities; and
 - Promoting social inclusion and wellbeing;
- 3.2 The Guidance, which is attached as appendix 1, provides some detail for each of these responsibilities, which is also cross-referenced in some instances with the Best Practice Guidance, where more detail can be found.
- 3.3 In laying out the context for the post the guidance draws attention to both the green paper 'Independence, Wellbeing and Choice' and the subsequent white paper, 'Our health, our care, our say' which together describes the government's strategy for adult social care. The DASS will have a key leadership role in delivering the local authority contribution, including;
- Improving preventative services and delivering early interventions
 - Managing the necessary cultural change to give people greater choice and control over services,
 - Tackling inequalities and improving access to services, and;
 - Increasing support for people with the highest level of need.
- 3.4 The guidance emphasizes the leadership role that the post should play beyond the boundaries of the local authority, for example through accountability for professional

standards staff development and workforce planning across the whole social care workforce. This requires Directors of Adult Social Services who are leaders and champions with the ability to work across the traditional departmental boundaries of local authorities and embed partnership working with for example the health service the voluntary sector and independent sector providers. The guidance refers to a specific requirement of the DASS to undertake a strategic needs assessment in partnership with the Director of Children's Services and the Director of Public Health. The process will require widespread consultation and participation and the outcome must improve the Council's overall performance in strategic commissioning and market development.

- 3.5 To deliver the accountability requirements of the post the guidance states that arrangements must be in place for the Director to have appropriate access to Members of the local authority with political leadership responsibility for adult social care and other services for adults, which promote well-being. However the primary focus of the post, as described by the guidance, is the responsibility for adult social care services. Further detail in the guidance makes clear that the Director should be directly responsible for key staff, specifically those with responsibility for planning and commissioning services and or service provision.
- 3.6 The responsibility for leading the implementation of standards including national standards in all aspects of adult social care. The Director must be the key point of contact for national organizations, for example the Commission for Social Care Inspection. Priority must be given to ensuring that there is a focus on the protection of vulnerable adults with the necessary resources and authority to ensure that there is a cultural vigilance against the possibility of adult abuse.
- 3.7 The emphasis given to leading cultural change is there to ensure that the Director has the vision and leadership so that priority is given to developing the well-being agenda for adults as well as balancing a focus on a range of preventative services alongside increasing support for those people in greatest need.
- 3.8 Whilst partnership working is a clear theme throughout the guidance a specific responsibility is placed on the Director to maintain clear and effective arrangements for joint planning, monitoring and delivering services in conjunction with the NHS, housing authorities, Supporting People and other relevant statutory agencies. There is clearly local discretion on how services for adults should come together within the arrangements for each local authority, the guidance seeks to emphasize the relationships which are important to delivering the well-being agenda for adults.
- 3.9 The guidance places a specific responsibility on local authorities to satisfy themselves that appropriate arrangements are in place that address the important inter-face between adult and children's services. The Directors of Adults and Children's services have a joint responsibility for ensuring that a 'whole system' approach to social care is taken. This extends to the partnership arrangements, which are in place, the contribution that all services can make to deliver well-being for vulnerable adults, and the arrangements which ensure a smooth transition between services for young people eligible to receive services through their transition to adults.
- 3.10 Finally, the guidance places a specific responsibility on the local authority to ensure that the Director of Adult Social Services has a specific responsibility for the promotion of social inclusion and well-being. The role should include the championing

of the needs of adults beyond the boundaries of adult social care as well as the organizational boundary of the local authority.

4 The Responsibilities of the Executive Lead Member for Adult Services.

- 4.1 In contrast to the draft guidance issued last year, the final guidance announces the intention to introduce legislation making it a requirement for authorities to appoint an Executive Lead Member for Adult services. This will ensure parity between adult and children's services and will enable 'strategic oversight' of the key issues facing communities. This political leadership will play a key role in cutting across boundaries between services and organizations, promoting well-being, the prevention of social exclusion and protection of vulnerable adults.
- 4.2 Prior to the introduction of legislation local authorities are asked to ensure that arrangements are in place for political accountability for adult social services, which also has responsibility for maintaining an overview of all relevant service provision for adults, alongside adult social services. Similarly they should provide political leadership and forge relationships with the wider community and other agencies, particularly the NHS and with service providers, including the voluntary and independent sectors. At a political level the Lead Member should also ensure that there is effective partnership working between the providers of adult and children's services and that the importance of safeguarding, particularly young people at risk of abuse in later life, is recognized and addressed effectively in both adult and children's services.

5 An Outcome Framework for Adult Services in Leeds.

- 5.1 In the green paper Independence, Well-being, Choice, a set of outcomes derived from a wide-ranging national consultation was proposed. These outcomes include;
- Improved health
 - Improved quality of life
 - Making a positive contribution,
 - exercise of choice and control
 - Freedom from discrimination and harassment
 - Economic well-being, and
 - Personal dignity.

Subsequently the White Paper, Our Health, our care, our say, confirmed that these outcomes would be adopted for adult social care services, as they had been widely endorsed through the consultation process.

- 5.2 The experience of Children's services has demonstrated that a straight-forward outcome based framework becomes the foundation upon which services can be planned, commissioned and delivered. This has also been the experience for adult services, as consultation has pointed to the importance that service users and carers attach to outcomes, for example those which improve their quality of life, (good transport facilities and feeling safe at home and in the local community) and personal dignity (independent living, privacy and respect). Recent policy developments within the Social Services Department, for example the commissioning frameworks for day services and home support, reflect the aspirations that service users and carers have.

- 5.3 As Appendix 2 demonstrates the City has already developed a series of policies, service objectives and performance targets which make a significant contribution to the delivery of outcomes for vulnerable adults, within this outcome framework. Significantly the Local Area Agreement, The Council Plan and strategies agreed within the Local Strategic Partnership are all contributing towards achieving these outcomes.
- 5.4 The Commission for Social Care Inspection has published a consultation document proposing new performance assessment arrangements for adult social services based on the outcome framework which brings adult services in line with the approach already adopted for Children's services. The document presents a revised methodology for the annual performance assessment, which balances progress in service delivery for different user groups, in arriving at the overall service judgment. This will involve separate consideration being given to for example mental health services, rather than the more generic assessment across all adult care groups applied at present.
- 5.5 An outcomes framework is not simply a tool for performance assessment. It must inform the whole process of service planning, commissioning and service delivery on the same way that it has done for Children's services. Furthermore it must be capable of flexibility and local discretion to add further local outcomes as appropriate or define those set at a national level to reflect local priority and need. Comments along these lines will be made as part of the national consultation process. As there is similarity between outcomes for children and those for adults the opportunity should not be lost to develop a coherent and integrated approach to improving well-being and tackling social inclusion in communities.
- 5.5 The proposed outcome framework can assist in interpreting and implementing the guidance on the role of the Director of Adult Social Services and the Executive Lead Member role. Whilst the assessment of performance for the seven main outcomes along with the two additional outcomes added by CSCI is mainly measured through achievement in the adult social services function, excellent status will require a more strategic and holistic approach in addressing the factors that contribute to well-being for vulnerable adults.
- 5.6 There is an important agenda for social services that must not be overlooked in shaping the future for adult services. The Government has set out four main goals for health and social care working together to improve community services. The White paper, Our health, our care, our say, published in January 2006, describes an extensive agenda for the improvement of community health and social care built around the achievement of four main goals. These goals are:
- Better prevention services with earlier intervention – PCT's working closely with local government services to ensure that there is early support to prevent people needing long term support and whilst improving mental and emotional well-being
 - More choice and a louder voice, - patients having choice, better information on which to base decisions, direct payments and individual budgets (direct payments which pool individuals benefits and grants)

- Tackling health inequalities and improving access to community services – addressing inequality for excluded or disadvantaged groups, and targeting resources to those localities or population groups where need is greatest.
- More support for people with long-term need, - improved service delivery through integrated teams with a greater emphasis on treatment options and self-management of care.

5.7 Undoubtedly the white paper presents many challenges for health and social care, which include the re-organisation of PCT's, of particular significance for Leeds, and a greater focus on commissioning. Services will become more integrated, through joint teams and aligned budgets and national priorities for health care will continue to have an impact for social care, for example the reduction in hospital beds, shortened lengths of stay and more care delivered in the patients home.

5.8 Whilst it will be a requirement to demonstrate performance through the nationally prescribed outcome framework their explicit adoption as a basis for local service planning and commissioning sends a strong message of the Council's commitment and leadership for adult social care. It will also provide an opportunity for wider local consultation and involvement with the aim of developing a stronger Leeds dimension to the framework and securing outcomes that have a real meaning for local people.

6 Conclusion:

6.1 The guidance produced by the Department of Health on the role of the Director of Adult Social Services represents a challenge to local authorities at a time of significant change for children's services and the health and social care inter-face. These challenges include:

- Achieving results through leadership and influence, recognizing that all services have the potential to contribute to the achievement of outcomes for people
- Ensuring that those people who are most vulnerable have their needs met, whilst mobilizing resources across all agencies and the community to prevent the loss of people's independence and to promote their well-being.
- Establishing a clear strategic and long-term direction for services, based on the involvement of vulnerable adults and a sound knowledge of need within the community.
- Ensuring that services for children and adults are working together to safeguard all those who are at risk of abuse and that services are designed to assist people with major life events, for example leaving school, or finding the first job.

6.2 To assist the Council in taking forward an agenda for change in adult services, which goes beyond the organizational boundaries, formal adoption of the national framework of outcomes for vulnerable adults is proposed, to provide strategic direction. As a statement of purpose this will enhance the authorities influence in future consultation with our partners, and provide a basis for accountability both within the organization and to service users and the wider community.

7 Recommendation.

The Executive Board is asked:

(a) to note the requirements of guidance regarding the role of the Director of Adult Social Services.

(b) To agree the adoption of the seven outcomes for adults, as described in paragraph 5.1, to provide strategic direction for the future of adult services and as a basis for ongoing consultation with service users and the wider community.

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*Guidance on the Statutory Chief
Officer Post of the Director of
Adult Social Services*

DH INFORMATION READER BOX

Policy HR/Workforce Management Planning Clinical	Estates Performance IM & T Finance Partnership Working
Document purpose	Regulations/Directions
Gateway reference	6141
Title	Guidance on the Statutory Chief Officer Post of Director of Adult Social Services
Author	Department of Health
Publication date	May 2006
Target audience	PCT CEs, Care Trust CEs, Directors of PH, Directors of Social Services, Local Authority Chief Executives
Circulation list	NHS Trust CEs, SHA CEs
Description	Statutory guidance on the role and responsibilities of Directors of Adult Social Services.
Cross ref	Best Practice Guidance on the role of the Director of Adult Social Services
Superseded docs	The Roles and Responsibilities of Directors of Social Services, A Letter to Directors of Social Services from Denise Platt, CBE, Chief Inspector of Social Services, Best Practice Guidance on the Role of Director of Adult Social Services, Consultation Document, March 2005
Action required	Councils with social services responsibilities are required to appoint a Director of Adult Social Services. Where a Director of Adult Social Services has been appointed ahead of the publication of this guidance the council should take any necessary steps to bring the roles and responsibilities of the postholder into line with this post.
Timing	Councils with social services responsibilities should ensure that a Director of Adult Social Services is appointed by 2008
Contact details	Rachel Swallow Care Services Directorate 8E28 Quarry House, Quarry Hill Leeds LS2 7UE 0113 2547376
For recipient's use	

Summary

1. This statutory guidance instructs local authorities about arrangements for establishing a Director of Adult Social Services (DASS) post, pursuant to the Children Act 2004 (which amended the Local Authority Social Services Act 1970), with responsibility for local authority social services functions in respect of adults. This guidance, is issued under section 7(1) of the Local Authority Social Services Act 1970 and follows consultation on 'Draft Best Practice Guidance on the Role of the Director of Adult Social Services', which closed in July 2005. Separate 'Best Practice Guidance on the Role of the Director of Adult Social Services' has also been published alongside this statutory guidance which builds on the minimum guidance set out in this document and is designed to support Directors of Adult Social Services in delivering the Government's Vision for Adult Social Care.
2. The intention of this guidance is to create, within each council responsible for providing social services, a post with strategic responsibility and accountability for the planning, commissioning and delivery of social services for all adult client groups and with a leading role in delivering the wider vision for social care and combating social exclusion. The local authority shall take steps to ensure that the postholder is given the necessary authority to pursue this agenda, is enabled/given the necessary resources to provide professional leadership (including delivering workforce planning) in social care and deliver the cultural change necessary to implement person-centred services and to promote partnership working, and such other responsibilities as the Authority determines.
3. The creation of the 'Director of Adult Social Services' post, alongside the Director of Children's Services, will ensure that all the social care needs of local communities are given equal emphasis and are managed in a co-ordinated way through joint strategic needs assessment and joint planning.
4. The DASS will provide a key professional leadership role for staff working in adult social care services. He or she will also have a key role in ensuring accountability of services to local communities through consultation with local people and, in particular, users of services.

Duty to Appoint

5. The Children Act 2004 requires every children's services authority in England to:
 - a. appoint a Director of Children's Services (DCS) (section 18(1) of the Act); and
 - b. designate a Lead Member for Children's Services (Section 19(1)).

6. The Children Act 2004 also makes an amendment to Section 6 of the Local Authority Social Services Act 1970 ("the 1970 Act"). This amendment requires a local authority with social services responsibility in England to appoint an officer as the Director of Adult Social Services, once a local authority exercises its power to appoint a DCS and, in any case once the duty to appoint a DCS is commenced¹. There will no longer be a requirement to appoint a Director of Social Services. The relevant provisions of Schedule 2 to the Children Act 2004 are reproduced at Annex A. This guidance applies only to local authorities with social services responsibilities in England. Arrangements for the administration of adult social services within local Government in Wales, Scotland and Northern Ireland are a matter for the relevant devolved administration.

7. The local authority shall ensure that the Director of Adult Social Services is made accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible, in respect of adults.

8. The Director of Adult Social Services is a politically restricted statutory chief officer post under Section 2 of the Local Government and Housing Act 1989 (as amended). This means that he or she may not be a Member of the local authority. As is the case with former Directors of Social Services, the appointment of the Director of Adult Social Services is not a function of the executive. This means that the full council can take the decision, or may choose to delegate the decision².

9. Local authorities shall ensure that the DASS is directly accountable to the Chief Executive of the local authority and comparable, in terms of seniority, with the Director of Children's Services.

1 See paragraph 9.

2 See the table in Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended.

10. The Local Authority Social Services Act 1970 (as amended), allows local authorities to jointly appoint a single Director of Adult Social Services to cover their local authority areas. The partnership arrangements provided for by the Health Act 1999 also enable joint funding of posts between a local authority and an NHS body. A joint appointment of a person to a DASS post and a post in the NHS is therefore possible. Where such a joint appointment occurs the DASS must remain an employee of the local authority for the full range of social services responsibilities. In addition, local authorities may extend the DASS's responsibilities to cover other local authority services and responsibilities (such as leisure, housing, transport and adult education). It is for authorities themselves to determine whether to utilise/make use of these provisions given their particular circumstances.

Timetable

11. From the day that an authority appoints a DCS under Section 18 of the Children Act 2004 the amendments in Schedule 2 come into effect (see paragraph 5 and 6 above), including the duty to appoint a DASS. The Secretary of State has the power to make an order appointing the date by which all local authorities should have made DCS appointments (i.e. when the duty to appoint comes into force), and consequentially DASS appointments. We expect that all local authorities will have appointed a DASS by 2008.

Status of this Guidance

12. This guidance, is issued by the Secretary of State for Health pursuant to section 7(1) of the Local Authority Social Services Act 1970. Where a local authority has designated a DASS in advance of this guidance being issued, the authority shall take the necessary steps to bring the functions of the post in line with this guidance.

Role of the Director of Adult Social Services

13. Local authorities shall ensure that the responsibilities of the DASS, as set out below, properly relate to the local authority's functions in respect of adult social services. These responsibilities include:
- (i) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
 - (ii) Professional leadership, including workforce planning;
 - (iii) Leading the implementation of standards;
 - (iv) Managing cultural change;
 - (v) Promoting local access and ownership and driving partnership working;

- (vi) Delivering an integrated whole systems approach to supporting communities;
and
- (vii) Promoting social inclusion and wellbeing;

Each of these aspects is detailed below.

Accountability

- 14. Local Authorities shall ensure that there are clear and appropriate accountability arrangements in place to scrutinise the work of the DASS in relation to the local authority's adult social services functions, including appropriate arrangements at Member level. They shall also take steps to ensure that the DASS has appropriate access to Members of the local authority with responsibility for political leadership in respect of adult social care and other services for adults which promote well-being, as well as relevant non-executive Members.
- 15. Local authorities shall take steps to ensure that the DASS delivers the local authority's responsibilities for assessing, planning and commissioning adult social care and well-being services to meet the needs of all adults with social care needs in the authority's area (including the specific needs of carers, people from ethnic minority backgrounds and people living in rural communities). This responsibility shall include ensuring that services comply with statutory requirements, including requirements in respect of carers and equality and anti-discrimination legislation. The local authority shall ensure that the DASS is responsible for the efficiency, effectiveness and value for money of the services provided or commissioned by the local authority. The local authority's responsibilities, to be delivered by the DASS extend to residents receiving services out of the council area.
- 16. Local authorities shall ensure that the DASS draws up clear lines of responsibility, within his or her staff team for managing the needs of all adult client groups. Further details of responsibilities that local authorities are recommended to include within the DASS's remit in respect of drawing up clear lines of accountability are set out in more detail at paragraphs 15 to 19 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.

Professional Leadership

- 17. The local authority shall make the DASS responsible for providing professional leadership for all local authority staff involved in delivering the council's social services functions for adults and across local networks and partnerships involved in the provision of adult social care services. The local authority should make the DASS

accountable for ensuring that relevant professional and occupational standards and standards of conduct are maintained across adult social care services provided by, or commissioned by the local authority.

18. The local authority should also make the DASS responsible for the management, welfare and professional development of all local authority staff involved in planning, commissioning and/or providing social services. This includes shared responsibility for staff appointed to jointly funded posts between the local authority and other agencies/organisations involved in adult social care or healthcare.
19. Local authorities shall make the DASS responsible for undertaking a strategic needs assessment for adults and families with actual or potential social care needs across the local authority area. The process will involve responsibility and authority for assessing the needs of all client groups, the range of services required and the balance between different services to be provided by the local authority, now and in the future. Among other things, the DASS shall be enabled by the Local Authority to use the results of this exercise to improve the council's performance in strategic commissioning and market development. The local authority shall direct the DASS to undertake this strategic needs assessment in partnership with the Director of Children's Services, the Director of Public Health and other statutory agencies/organisations and in consultation with the wider community, including independent and voluntary sector organisations involved in social care for adults and families. The responsibilities that local authorities are recommended to place on the DASS in respect of a strategic needs assessment exercise are set out in more detail at paragraphs 23 to 25 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.
20. Local authorities shall ensure that the DASS is given responsibility for strategic planning (in relation to the local authority's social services functions) for the adult social care workforce. These responsibilities shall include working in partnership with the Director of Children's Services to jointly plan the social care workforce needed to meet the needs of families and the community as a whole. This responsibility for strategic workforce planning shall not be limited to consideration of social services staff in isolation from the wider social care workforce and shall include consideration of workforce capacity within the private, independent and voluntary sectors. The responsibilities that local authorities are recommended to place on the DASS in respect of a workforce planning are set out in more detail at paragraphs 27 and 28 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.

21. Local authorities shall ensure that the DASS is made responsible for delivering services to relevant national and local standards, including monitoring the resource levels for adults' social services needed to maintain standards. The local authority shall ensure that the DASS has the responsibility and means to facilitate the achievement of national targets by the local authority, such as those set in the Public Service Agreement.

Leading the Implementation of Standards

22. Local authorities shall ensure that the DASS implements national standards in respect of corporate governance, probity, workforce and all aspects of the business of adult social services. This includes ensuring that the DASS acts as the principal point of contact within the local authority, below the chief executive, for the conduct of adult social services' business with national organisations, including the Commission for Social Care Inspection.
23. Local authorities shall ensure that the DASS has responsibility and authority for ensuring that the local authority maintains a clear organisational and operational focus on safeguarding vulnerable adults and that relevant statutory requirements and other national standards are met, including Protection of Vulnerable Adult (POVA) requirements. The local authority shall take steps to ensure that the DASS has the powers/resources necessary to encourage a culture of vigilance against the possibility of adult abuse.

Managing Cultural Change

24. The local authority shall ensure that the DASS is made responsible for managing the necessary cultural change to deliver the council's responsibility to promote well-being and for delivering pro-active services with an appropriate focus on prevention. Local authorities shall ensure that the DASS is responsible for taking account of the cultural needs of communities in planning and commissioning services in line with relevant national guidelines.

Promoting Local Access and Ownership and Driving Partnership Working

25. Local authorities shall ensure that the DASS is made responsible for effectively communicating information about the services available in the local authority area, eligibility criteria and charging policies to service users, including young people with long-term care needs and other potential users of adult social services, their families and carers in the most appropriate format. The DASS shall also be made responsible for ensuring appropriate involvement of, and consultation with, service users, their

families, carers and the wider community in the planning, design and provision of adult social care services and for considering how accessible services are to services users, their families, carers and the wider community. In taking forward such communication the local authority shall ensure that the DASS takes account of any national and local guidelines.

26. Local authorities shall also ensure that the DASS is responsible for maintaining clear and effective arrangements to support the joint planning, monitoring and delivery of local authority social services with the NHS, housing authorities, Supporting People programme and other statutory agencies. This is essential for ensuring well-being is being promoted effectively.

Delivering an Integrated Whole Systems Approach to Supporting Communities

27. Local authorities shall take steps to satisfy themselves that:
- (i) The DASS and the Director of Children's Services have adequate partnership working arrangements in place to enable a whole systems approach to social care to be taken;
 - (ii) Arrangements are in place to ensure that the contribution of all local authority services to meeting the needs of adults with social care needs is maximised;
 - (iii) The DASS and the Director of Children's Services have put adequate arrangements in place to ensure that all young people with long-term social care needs have been assessed and, where eligible, receive a service which meets their needs throughout their transition to becoming adults; and
 - (iv) All services falling within the DASS's remit remain focused appropriately on safeguarding both adults and children.

Promoting Social Inclusion and Wellbeing

28. Local authorities shall ensure that the remit of the DASS includes promotion of social inclusion and wellbeing, with a view to developing sustainable services that promote independence and minimise the need for intensive home care and residential services. They shall also be satisfied that arrangements are in place to promote social inclusion and wellbeing, including consideration of the needs of families and carers in the planning and delivery of the full range of services provided by the local authority. The local authority shall take the necessary steps to enable the DASS to provide a specific focus on the wellbeing of adults and this should involve a role in championing the needs of adults that goes beyond the organisational boundaries of adult social care.

29. Local authorities shall ensure that the DASS is made responsible for promoting equality of opportunity and eliminating discrimination in respect of adult social care services.

Discretion to Combine the DASS Function with Additional Functions

30. The DASS function is a statutory function and a local authority is required to appoint a statutory chief officer with responsibility for delivering that function. However, there is nothing to prevent local authorities from expanding the remit of the post held by the DASS to include other aspects of local authority business if they so choose, e.g. housing and leisure services. In some cases expanding the role may contribute to the DASS's capacity to deliver his or her responsibilities.
31. In certain circumstances responsibility for partner organisations, for example NHS organisations, might also be combined with the DASS role.

Providing a Political Focus on Adult Social Services

32. Local authorities shall ensure that effective political accountability arrangements for adult social care exist at member level. It is the Department of Health's intention to introduce legislation to require local authorities to appoint a Lead Member for Adult Services with responsibility at Member level for ensuring a strategic approach to services for adults provided by the local authority and, in particular, promoting wellbeing, preventing social exclusion and protection of vulnerable adults.
33. Until such time as any further guidance about political arrangements for overseeing adult social services are introduced, local authorities shall ensure that there is:
- Clear political accountability for the effectiveness, availability and value for money of all local authority adult social services (and preventing unnecessary use of healthcare resources);
 - The necessary political leadership to engage with local communities and ensure that adult social services are effective in meeting the needs of adults with social care needs, their families and carers; and
 - A political focus on safeguarding vulnerable adults and promoting a high standard of services for adults with social care needs across all agencies.
34. Local authorities shall ensure that there are effective and transparent relationships between the DASS and the political leadership of the local authority including arrangements to scrutinise the effectiveness of adult social care.

35. There shall also be clear political arrangements in place to ensure effective partnership working between children's social services and adults' social services and that a holistic approach to meeting the needs of communities is taken.

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Appendix 2. Outcomes Framework - Scope and indicative targets / indicators drawn from the Council Plan and Local Area Agreement.

Outcome	Scope	Targets / Indicators / Programmes.
Improved health	<ul style="list-style-type: none"> • Access to appropriate treatment and support in managing long term conditions independently • Opportunities for physical activity • Enjoying good physical and mental health. • Protection from abuse or exploitation. 	<ul style="list-style-type: none"> • % of adults participating in at least 30 minutes of physical activity on three or more days per week. • People over 75years receiving intermediate care • Emergency psychiatric re-admissions as % of number of discharges • The number of drug users in treatment per 1000, 15 -44 yrs. • Reduce premature mortality rates and inequalities in premature mortality between wards / neighbourhoods (LAA) • POPPS Programme
Improved Quality of Life	<ul style="list-style-type: none"> • Access to leisure, social activities and life-long learning • Security and feeling safe at home • Access to transport • Help to maintain independent living at home 	<ul style="list-style-type: none"> • Reduction in the number of people who have a fear of crime. • Take up of concessionary travel passes for older people (LAA) • Number of people with mental illness who take up and remain in employment for 13 weeks or more (LAA) • Telecare , Local Area Agreement
Making a Positive Contribution	<ul style="list-style-type: none"> • Active participation in the community through employment or volunteering. • Opportunity to contribute to planning and service delivery and to be heard. 	<ul style="list-style-type: none"> • Increase the % of local people who feel they can influence decisions affecting their area • Reduce unemployment – people claiming

		incapacity benefit <ul style="list-style-type: none"> • Number of older people becoming trainers / mentors (LAA) • Linkage Plus Programme
Exercise of choice and control	<ul style="list-style-type: none"> • Through access to information and advocacy if appropriate • Managing risk in personal life • Choosing which services and when and how they should be delivered. 	<ul style="list-style-type: none"> • The number of people who receive a direct payment
Freedom from discrimination and harassment	<ul style="list-style-type: none"> • Equality of access to services • Freedom from abuse, whether verbal, physical or emotional 	<ul style="list-style-type: none"> • The number of racial incidents recorded by the authority per 100k population • Protection of Vulnerable Adults (POVA)
Economic well-being	<ul style="list-style-type: none"> • Access to income and resources sufficient for a good diet, accommodation and participation in family and community life. • Sufficient resource to meet specific individual needs 	<ul style="list-style-type: none"> • Value of welfare rights benefit gains • Number of households who consider themselves as homeless • Reduce the % of Leeds households who are vulnerable and suffer from fuel poverty
Personal dignity	<ul style="list-style-type: none"> • Enjoying a clean and orderly environment • Availability of appropriate personal care • Ability to maintain cultural or religious beliefs • Privacy and respect at all stages in life 	<ul style="list-style-type: none"> • The number of people over 75 years helped to live at home



Report of the Chief Officer (Executive Support) and the Director of Neighbourhoods and Housing

Executive Board

Date: 20 September 2006

Subject: Leeds Initiative; District Partnerships; and Local Area Agreement Update

Electoral Wards Affected: All

Specific Implications For:	
Equality and Diversity	<input type="checkbox"/>
Community and Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input checked="" type="checkbox"/>

Eligible for Call In

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

EXECUTIVE SUMMARY

1. This report seeks to provide members of the Executive Board with a progress report on the Leeds Initiative, including the work of the district partnerships and the city's Local Area Agreement. In addition, it sets out new local and national challenges that will need to be addressed over the next twelve months. Importantly, it also seeks to promote improved understanding and engagement of Elected Members in the work of the partnership.
2. The Leeds Initiative is formally accredited as the local strategic partnership (LSP) for the Leeds local authority district. This accreditation is directly related to the city's allocation of neighbourhood renewal funds, which by 2008 will have brought with it £55m investment into the city's most deprived neighbourhoods. Members will recall approving the 2006/07 programme at its meeting in April 2006.
3. To achieve formal accreditation as the city's LSP, the Leeds Initiative must demonstrate compliance with Government's assessment criteria including:
 - developing and agreeing a sustainable community strategy for the city (Vision for Leeds 2004 to 2020);
 - agreeing a neighbourhood renewal strategy (Leeds Regeneration Plan 2005 to 2008);

- developing a Local Area Agreement setting out priorities and negotiating local freedoms and flexibilities with central Government;
 - making sure that the Leeds Initiative and its family of partnerships work towards best practice criteria – to be strategic; inclusive; action-focused; performance-managed; efficient; and a learning organisation; and
 - engaging stakeholders, communities and elected representatives in all aspects of the work of the partnership.
4. Over the next year, there will be a need for the partnership to evolve to respond to new challenges nationally and locally including:
- responding to the Government’s anticipated white paper on local government expected in Autumn 2006 – informed by the Audit Commissions 2005 report “bridging the accountability gap”, which contains a number of key issues for the consideration of LSPs as they go forward (some of these are described in section 6 of this report);
 - supporting local developments relative to strategy, development and new forms of governance needed to support the changing role of children and adult services and in the light of the council’s continuous change agenda;
 - further shaping the structures and governance arrangements needed to deliver the city’s Local Area Agreement;
 - maintaining a high-performing LSP in the light of more challenging criteria; and
 - making sure that the Vision for Leeds 2004 to 2020 and the Leeds Regeneration Plan 2005 to 2008 are delivered and where appropriate reviewed and refreshed over time

1.0 Purpose of the report

1.1 As Leeds City Council is the lead and accountable partner in the LSP, this report seeks the agreement of the Executive Board:

- that the partnership is adequately fulfilling its obligations as the city's formally accredited LSP;
- to receive six-monthly reports on key Leeds Initiative issues so that Elected Members are more closely engaged in the work of the partnership; and
- to note the future direction of travel for the partnership in responding to new national and local developments.

1.2 The report is divided into three sections that, taken together, provide details of progress against the LSP criteria outlined above. These are:

The corporate work of the Leeds Initiative - including the development of the Vision for Leeds 2004 to 2020, LSP accreditation and the engagement of Elected Members (section 3 of the report).

District partnerships - incorporating the Leeds Regeneration Plan 2005 to 2008, its priorities, progress and emerging issues (section 4 of the report).

The Local Area Agreement - its purpose and role, secondary objectives and governance arrangements (section 5 of the report).

1.3 And finally, as part of the discussions that are leading up to the publication of the anticipated local government white paper expected in Autumn 2006, the report raises some key issues that might require new ways of working particularly around issues such as corporate governance, performance management, joint accountability arrangements and multi-agency delivery.

1.4 This final section of the report seeks to demonstrate how partnership thinking needs to change in the light of new developments relative to children and adult services and the council's continuous change agenda which is focused on the potential for commissioning and delivering services in new ways. Sections 6 and 7 concentrate on this agenda, and section 9 draws together overall conclusions.

1.5 Executive Board members are encouraged to treat some sections of this report as a basis for discussion and consideration and note that others make recommendations for specific approvals.

1.6 The report is by no means a fully comprehensive account of all of the work of the Leeds Initiative, given the wide-ranging nature of activities. It does, however, cover the most important issues affecting the partnership at this time.

2.0 Background information

2.1 The Leeds Initiative is the city's principal partnership. It draws together public, private, voluntary, community and faith sectors to develop and deliver the Vision for Leeds - the city's community strategy. Led by the council, the Leeds Initiative aims to promote the economic, environmental, social and cultural wellbeing of the city and its many communities. The Local Government Act 2000 sets out a requirement that local

authorities should work with their partners to develop a community strategy in order that they can discharge their powers of wellbeing. The Vision for Leeds 2004 to 2020 and its sub-plans provide such a vehicle.

- 2.2 Established in 1990, the Leeds Initiative is one of the most mature and effective partnerships of its nature, recognised by Government and other local authorities as a trailblazer. It predates the Government's LSP initiative by twelve years and has a much broader and more comprehensive remit about the whole life of the city. The Leeds Initiative is also formally accredited by Government as the LSP for the Leeds district. Through the annual assessment process, the Initiative has been awarded 'green' for three years running against the traffic-light scoring system. The Government's agenda for LSPs remains firmly focused on tackling the issues of multiple deprivation in the country's most disadvantaged areas according to the index of multiple deprivation. Accreditation is a requirement to access the neighbourhood renewal fund, which will bring investment of over £55 million to the city's most deprived areas by 2007/08.
- 2.3 Whilst narrowing the gap remains a vital component of the work of the Leeds Initiative, it is important to reiterate that its role also spans a much wider set of issues – in fact, all issues facing the city set out within the aims, themes and priorities of the Vision for Leeds.
- 2.4 Over the years, the Leeds Initiative has gone through several evolutions to make sure that it reflects the changing local, regional, national and international environments. It has provided a means of galvanizing the city's stakeholders and communities together behind shared goals and objectives. It provides a united position for the city's ambitions which has assisted in growing confidence, encouraging investment from both private and public sectors, and has provided a common framework through which to promote the city.

3.0 Corporate work of the Leeds Initiative

3.1 Vision for Leeds

3.1.1 The Local Government Act 2000 included the power for local authorities to work with partners and communities to develop a community strategy. Community strategies aim to improve quality of life and contribute to achieving lasting and sustainable change. These are long-term inspirational plans grounded in shorter-term actions and activities and provide the means by which partners and communities can have a stake in their local areas.

3.1.2 The Vision for Leeds 2004 to 2020 was approved by Leeds City Council and the Leeds Initiative Board in April 2004 and launched in July 2004. The City's overall vision is as follows:

“Our Vision for Leeds is an internationally competitive European city at the heart of a prosperous region where everyone can enjoy a high quality of life.”

3.1.3 It further sets out three main aims, against which progress must be made if the Vision is to be delivered. These are:

- **going up a league as a city;**
- **narrowing the gap; and**

- **developing Leeds' role as the regional capital.**

3.1.4 The Vision also contains eight strategic themes covering culture, economy, learning, transport, environment, thriving places, health and wellbeing and harmonious communities, as well as twelve priority projects.

3.1.5 Since the launch of the Vision, the Leeds Initiative has undergone a restructure to make sure that it is fit for the purpose to deliver the Vision. It has established:

- two new executives – the Narrowing the Gap and Going up a League executives;
- a new strategy group for health and wellbeing; and
- a developing harmonious communities network.

3.1.6 It has absorbed the new Children Leeds partnership within the structure and carried out a major review of its effectiveness and role relative to the developing children's trust arrangements.

3.1.7 Task groups have been formed and have provided leadership to specific projects including:

- Olympics 2012;
- City Image
- cultural facilities; and
- the 'cleanest city', among others.

And importantly, we have established five district partnerships to deliver the Vision for Leeds in local areas through the Leeds Regeneration Plan 2005 to 2008.

3.1.8 Progress against the Vision for Leeds priorities is monitored regularly and there are specific measures and indicators which set out how the city performs in relation to the strategic themes identified above.

3.2 LSP accreditation and NRF

3.2.1 A positive LSP accreditation is required to access resources from the Neighbourhood Renewal Fund. A summary of key comments by Government Office as part of the last accreditation process are available on request. Members of the Executive Board will recall approving the 2006/07 programme at its meeting in April 2006.

3.2.2 In the current financial year the Neighbourhood Renewal Fund is bringing £12.8m investment into the city's most disadvantaged neighbourhoods. Leeds' indicative allocation for 2007/08 is £14.9m (dependant upon LSP re-accreditation which takes place in November 2006).

3.2.3 Since April 2006, the Neighbourhood Renewal Fund has been 'pooled' under the Leeds local area agreement (LAA) which is now expected to be a major tool in delivering neighbourhood renewal.

3.3 Partnership working and the council's standing

3.3.1 Leeds City Council is the primary funder and lead partner of the Leeds Initiative. The Board is chaired by Councilor Mark Harris and also has representatives from the

main political parties. The Chair shapes the agenda for the Leeds Initiative Board, advised by the deputy chairs, the council's chief executive, the director of the Leeds Initiative, and the chairs of the two executives. Partners engaged in the Leeds Initiative remain accountable to their own organisations for decisions and actions, but their engagement allows for greater influence over the decisions of others and in reaching consensus and commonly agreed objectives across the city

- 3.3.2 The Narrowing the Gap and Going up a League Executives include Elected Members nominated by the council's leadership. They provide a direct connection to the democratic frameworks and provide guidance and support to the partnership's work.
- 3.3.3 Other Elected Members play an active role in chairing and participating on many of its other groups, including all the strategy groups and the district partnerships.
- 3.3.4 The effectiveness of partnership working has increasingly formed part of the assessment criteria of local government inspection regimes including the comprehensive performance assessment and a range of other inspections such as OfSTED. The relevant comments from the most recent key inspection reports are available on request.

4.0 District Partnerships

4.1 Background

- 4.1.1 The Leeds Initiative and the council's Executive Board agreed to establish five district partnerships in October 2003. District partnerships have developed in parallel to the council's Area Committees and the Area Management arrangements. The five district partnerships were established in autumn 2004. Whilst there are regular reports on Area Committee agendas about district partnership matters this report does propose that all District Partnerships should report on a quarterly basis to each of their respective area committees.
- 4.1.2 The Leeds Initiative formally launched the Leeds Regeneration Plan 2005 to 2008 in November 2005 following approval of the Executive Board. The Leeds Regeneration Plan represents the city's Neighbourhood Renewal Strategy and forms a key component of the Government's accreditation for LSPs. Its primary objective is to deliver the narrowing the gap agenda of the Vision for Leeds. It is made up of one city-wide action plan and five district action plans, which form the framework for action for the five district partnerships.
- 4.1.3 All five district partnerships have established similar partnership structures. These include a decision-making board or executive representing the public, private and the voluntary, community and faith sectors which meet, on average, five times a year. All the partnerships have focused task groups that take forward specific activities, and all have a district conference at least once a year which draws together all strands of community representation and other local stakeholders. In most cases, a small group of officers from district partnership organisations have the responsibility for taking forward actions from board and executive meetings. Partners engaged in district partnerships remain accountable to their own organisations but are able to apply influence on the decisions of others and in joint activity

4.2 Membership of the Partnerships

4.2.1 Membership of each district partnership reflects the key issues in each area. In summary:

- public sector representation on all five partnerships includes ALMOs, Education Leeds, Primary Care Trusts, Jobcentre Plus and Leeds City Council (Social Services and Area Management), there are representatives from higher education on three of the partnerships and West Yorkshire Police on two;
- links to Area Committees are ensured through the inner and outer area committee chairs being members of the district partnership alongside area managers;
- the voluntary, community and faith sector are represented through Leeds Voice and from local voluntary and community sector forums; and
- three of the five partnerships have private sector representation and representatives are in the process of being recruited in the other areas.

4.3 Delivering Priorities

The District Action Plans set out the priorities for action locally across the 8 Vision themes. These plans reported in detail to the Executive Board in September 2005. Copies of the review reports can be made available on request. Progress against these priorities actions are tracked and reported on a quarterly basis to the Narrowing the Gap Executive and the district partnerships.

4.4 Issues to address

4.4.1 At the last meeting of the Area Committee chairs, progress on district partnerships arrangements was considered. Overall the view was that district partnerships were working effectively and making progress. There were good examples of partnership activity but concerns about the contribution and involvement of some partners. Particularly, there were issues raised about future PCT input in some areas and forthcoming changes in the health sector, ALMOs and the police. Work remains ongoing to address these issues.

4.4.2 In relation to the workload of the partnerships, it was acknowledged that there was some necessary targeting of work in inner areas but also a degree of concern that some issues in outer areas were not getting onto the agenda or receiving appropriate consideration. It was suggested that further work should be done to look at the balance of workload in more detail and consider if any alternative approaches may be required for particular issues.

5.0 Local Area Agreement

5.1 Purpose and role

5.1.1 Leeds' local area agreement (LAA) is a three-year agreement between the local authority and key partners with central government. Leeds' LAA was formally signed on 23 March 2006 and implementation commenced immediately. LAAs will

be in place for all upper-tier authorities in England by March 2007 and are perceived as the cornerstone of a new relationship between local and central government.

5.1.2 The primary objective of LAAs is to work together in a new way to achieve shared outcomes that make a difference to people's lives and localities. Leeds' LAA has focused on issues that impact most on the quality of life for individuals, families and communities in the city, primarily, but not exclusively, in areas with the highest levels of deprivation. The Vision for Leeds and the Leeds Regeneration Plan provide the evidence and priority base for the agreement and it builds on these aspirations by:

- accelerating delivery of key priorities and programmes of change in these plans and strategies; and
- developing multi-agency work to deliver more lasting changes where individuals, families and communities face particular obstacles that prevent them from living lives that are happy, healthy, safe, successful and free from poverty.

5.1.3 Secondary objectives include the following.

- **A better use of public money to solve problems.**

Funding streams to local areas can be 'pooled' in the agreement and used to meet the agreed set of priorities. Currently, Leeds is 'pooling' Neighbourhood Renewal Funding, Community Empowerment Network and elements of the Safer and Stronger Communities Fund under the agreement. A further twenty-three funding streams will automatically be pooled under the agreement in 07/08. The funding associated with achieving 'stretch targets' (LPSA2) is also integrated into the agreement. This provides for £1.5 million of pump-priming monies being available to support delivery of our LPSA2 targets for which there is up to £20.8 million reward for the city in 2008/9 should targets be met.

- **Strengthening partnership delivery.**

All partners to the agreement are individually responsible for the delivery of outcomes or targets that they agree to deliver as part of the four blocks of the agreement - Children and Young People, Safer and Stronger Communities, Healthier Communities and Older People, and Economic Development and Enterprise. In Leeds, partners are jointly planning service delivery and developing a unified approach to arrangements for performance management across public services in Leeds. Voluntary, community and faith sector representatives are fully involved in this process. Additionally, Leeds has been successful in achieving six enabling measures (previously known as freedoms and flexibilities) from government departments to remove barriers to joint delivery of outcomes.

- **A framework within which local authorities can enhance their community leadership role.**

Both the LSP and the local authority have key roles to play in ensuring that our local area agreement is effective. The LSP is responsible for the overarching development and delivery of the LAA and the local authority is the accountable body for the financial management of the LAA, assigning partners for each of the targets in the LAA and ensuring that robust performance management arrangements are in place. The Leeds Initiative Board / Executive, the Council's Executive Board and the Overview and Scrutiny Committee will all help to ensure that cross-cutting themes are implemented through the LAA. In Leeds,

elected members are effectively positioned through their roles in Area Committees, district partnerships and scrutiny, to lead, influence and enable the development of multi-agency approaches to service delivery in communities.

5.2 Governance arrangements

5.2.1 The Leeds LAA currently has a dual reporting arrangement to Leeds City Council's Executive Board and to the Leeds Initiative Board. Supplementary officer management arrangements have been established to support delivery and development of the LAA and these include:

- LAA Programme Management Board - responsible for overseeing the day-to-day implementation and delivery of the three-year agreement;
- LAA Strategy Group - responsible for the development of policy and governance of LAAs and ensuring there are strategic linkages between partners; and
- LAA Performance Management Group - responsible for the analysis and presentation of performance data assessing progress towards the outcomes of the LAA and developing an integrated approach to performance management across public sector partners.

5.2.2 Whilst Members of Executive Board are ultimately accountable for the LAA, Councillor Harris, in his capacity as Executive Member for Narrowing the Gap, will provide day-to-day political oversight.

6.0 Key issues

6.1. Effective partnership activity is a key criterion against which the effectiveness of the council's performance will continue to be measured. In preparing to publish the local government white paper expected in Autumn 2006, the Department for Communities and Local Government is carefully considering the future role of LSPs. As mentioned earlier, the recent Audit Commission report, 'bridging the accountability gap' has identified a number of issues for consideration. Taken together with changing local circumstances, it is clear that a review of the structures, governance, performance management and delivery arrangements will be required over the forthcoming 12 months.

6.2 Some of the key issues to consider are:

6.2.1 Governance

- The need for corporate and business plans of partner agencies to "have regard" to the community strategy. This currently only applies formally to the local authority. While the culture of the partnership means that partners do work to its aims, there is no requirement, or best practice review of partners' partnership working in the way that the council is reviewed by the Audit Commission. Such a requirement would assist in making sure that other partners are equal players in delivering action.
- The need to consider a further review of the structures of the Leeds Initiative in light of changes arising from the white paper, Local Area Agreement and other local developments within children's services, adult services and those arising from the council's continuous change programme, among others. These

developments require both hard-edged and softer partnership arrangements to secure effectiveness and wider engagement

- The need to make sure that all stakeholders and communities are engaged proactively in all aspects of the work of the LSP. In this regard, it is important that Elected Members are actively engaged demonstrating their clear remit for community leadership and their influence through their democratic mandate.

6.2.2 Performance management

- The support of partners to streamline, simplify and integrate existing performance management arrangements into an overall Leeds framework and rationalising performance monitoring and reporting at all levels.
- Leeds Initiative is subject to the ongoing accreditation regime, and it is expected that it will be more difficult to maintain the 'green' score, based on government guidance that the test will be far tougher in future assessments.

6.2.3 Delivery

- The need to use district partnerships to improve local community engagement and joined-up public services.
- The need to consider future commissioning of services by partnerships such as children's trust arrangements.
- The need to review how the voluntary and community sectors can be supported to play an active service delivery role in Leeds' partnership-based service delivery arrangements.
- The chair of Overview and Scrutiny is developing terms of reference in relation to Narrowing the Gap and how the local area agreement can add value to this key aim. All scrutiny boards are also considering the inclusion of the Local Area Agreement in their programmes.

7.0 Implications for council policy and governance

7.1 Whilst Elected Members have a clear community leadership role it is recognised that the public and stakeholders are often not able to easily understand which organisations are responsible for which public services and for improving conditions and solving problems within communities. In this regard, there is a growing expectation more generally that Elected Members ought to be in a position of strength relative to their influence on other services provided by other agencies – including police, health, transport services, further and higher education institutions, and the private sector. While the council is not directly responsible for these services - each of which have their own governance arrangements - partnership structures do provide powerful forums for influencing the policies and practices of other organisations. It is important to consider how this influence can continue to be constructively deployed.

7.2 There is an expectation that through the children's services agenda, and other budget-pooling arrangements such as through the LAA, a greater level of partnership decision-making power will emerge. Further thinking is needed to make sure that these partnerships are effective and efficient. In so doing, the council must be guided in playing its leadership role within these arrangements.

8.0 Legal and resource implications

- 8.1 Leeds Initiative is run by a small team led by the Director, and although semi-independent, is part of the wider structure of the Chief Executive's Department.
- 8.2 Work to date is based on an understanding that the main resource implications for the district partnership action plans will be met in the main through existing resources by improving and realigning mainstream services. External funding is also being sought to drive actions across some areas, including funds such as the Safer and Stronger Communities Fund, Neighbourhood Renewal Fund, National Lottery, European Funding and the West Yorkshire Sub Regional Investment Plan.
- 8.3 The LAA is being co-ordinated by a small team located in the Policy, Performance and Improvement Team in the Chief Executive's Department. It is being implemented by the contribution of officers across a range of City Council departments, the Leeds Initiative and from partners.

9.0 Conclusions

- 9.1 LSPs provide a mechanism for local collaboration, improved public service delivery and community participation and engagement. Their role is anticipated to grow in the Government's ten-year vision for local government expected to be published in the white paper in autumn 2006. Local developments within children and adult services and through the council's continuous change programme will also bring with them the need to review the structure of the Leeds Initiative over the forthcoming 12 months to make sure it supports new ways of working. Through the Leeds Initiative, the council can demonstrate a sound base for moving its partnership work forward. The flexibility and track record of the Leeds Initiative will be helpful in this regard.
- 9.2 Elected Members are already playing a key role and will be central to enabling change to take place to ensure the most effective impact on people and localities in Leeds. Further effort is needed to ensure all members are fully briefed and feel able to understand and contribute towards the work of the Leeds Initiative.
- 9.3 Each of the district partnerships is making considerable progress with the implementation of their three-year district partnership action plans. 43% of the actions in the plans were achieved in the first year. The plans will guide the work of the district partnerships over the next two years and provide a mechanism for directing local resources.
- 9.4 The district partnerships complement the work of the council's area management arrangements and functions delegated to the Area Committees. With changes to other public sector structures, it will be important to stress the benefits of locality working and secure the ongoing commitment from other partners to develop area-based approaches to working in partnership.

10.0 Recommendations

- 10.1 It is recommended that members of the Executive Board:

- I. endorse the approach taken by the Leeds Initiative in fulfilling the Government's requirements as the city's accredited local strategic partnership;
- II. endorse the progress made by the district partnerships and in developing the city's first local area agreement;
- III. agree to the proposal for all District Partnerships to report into their respective area committees on a quarterly basis;
- IV. approve the proposal to improve the engagement of elected members in the work of the Leeds Initiative through Executive Board receiving six-monthly update reports and more regular briefings from officers;
- V. approve the proposals for reviewing the structures, governance, performance management and delivery arrangements over the next 12 months in the light of new national and local developments;
- VI. agree that the council should consider how to consolidate the support of all service areas to maximise its leadership role in the work of the Leeds Initiative and to support the delivery of the Vision for Leeds 2004 to 2020; the Leeds Regeneration Plan 2005 to 2008, the local area agreement and other plans and strategies.



Originator:
Michael Romagnoli
Tel: 3951863

Report of the Director Legal and Democratic Services

Executive Board

Date: 20th September 2006

Subject: Update on implementation of the Gambling Act 2005 and determination of a Statement of Gambling Policy

Electoral Wards Affected:
All

Specific Implications For:

Equality and Diversity

Community and Cohesion

Narrowing the Gap

Eligible for Call In

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

EXECUTIVE SUMMARY

- The Gambling Act 2005 reforms the regulatory arrangements for all commercial gambling in Great Britain apart from the National Lottery and spread betting. Within this new regime local councils are appointed as licensing authorities and are responsible for issuing premises licences to gambling premises such as casinos, bookmakers and amusement arcades. Under the Act each licensing authority must publish a Statement of Gambling Policy showing how it will exercise its functions under the Act. Executive Board are advised that Leeds has recently completed a public consultation on its draft policy. Officers are now seeking approval to refer an updated draft policy to Overview and Scrutiny Committee for their comments. A final draft of the policy will then be brought back to Executive Board in November ahead of Full Council approval at a special meeting in December.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to advise Executive Board on the preparatory work being carried out for the implementation of the Gambling Act 2005 (the Act) including the steps taken to prepare a Draft Statement of Gambling Policy to meet the requirements of section 349 of the Act.
- 1.2 Executive Board are asked to note the attached report (labeled Appendix 2) which is the findings of the consultation on the Draft Statement of Gambling Policy and to authorise referral of the policy to Overview and Scrutiny Committee to oversee the amendment of the policy as necessary before bringing the final draft of the policy back to Executive Board in November. Executive Board will then be asked to refer the policy to Full Council for approval in accordance with the budgetary and policy framework rules.

2.0 Background Information

- 2.1 The Gambling Act 2005 gives effect to the government's proposals for reform of the law on gambling. The Act contains a new regulatory system to govern the provision of all commercial gambling in Great Britain, other than the National Lottery and spread betting.
- 2.2 The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity. Its principal role will be to issue operators licences and personal licences to gambling businesses and their staff.
- 2.3 Leeds City Council is appointed as the licensing authority for Leeds and has a local role to play issuing premises licences to gambling premises within the Leeds district. The council will also issue various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels. It should be noted that any operator wishing to provide gambling at a certain premises must have applied for the requisite operators licence and personal licences from the Gambling Commission before they can approach the licensing authority for a premises licence. This forms a screening process which means applicants for premises licences have already been vetted by the Gambling Commission to ensure they have the correct credentials to operate gambling premises.

2.4 Licensing objectives

The licensing authority will carry out its functions under the Act with a view to promoting the three licensing objectives set out at section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.5 Role of the Licensing Authority

2.5.1 Premises providing certain types of gambling will require a premises licence issued by the local authority. Within this framework the licensing authority's role is to ensure that given premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission.

2.5.2 The regulations which determine the detailed nature of the application process for existing gambling operators during transition and for new operators have yet to be made, however it is anticipated that the process will be similar to that of the Licensing Act 2003. Operators will have to submit copies of applications to all responsible authorities including West Yorkshire Police and the Local Safeguarding Children Board. Plans will also be required to show the areas where gambling will take place and if this includes different categories of gaming machines the exact areas where these machines will be located. It is also anticipated that new applications for premises licences will need to be advertised both on site and in a local newspaper. Any representations which responsible authorities or other interested parties wish to make will need to be based on one or more of the licensing objectives.

2.5.3 It should be noted that public nuisance is not a licensing objective and so issues of this nature may not be addressed by the Gambling Act 2005. The Act also states that the licensing authority may not take into account whether a premise is likely to be awarded planning or building consent, in its consideration of an application.

2.5.4 The Council will issue premises licences to:

- Bookmakers
- Casinos
- Bingo halls
- Tracks (eg. Racecourses, dog tracks)
- Licensed Family Entertainment Centers
- Amusement Arcades

2.5.5 The Council will also issue various permits and notices to authorise smaller scale and or ad hoc gambling at certain other premises. These permits are:

- Unlicensed Family Entertainment Center gaming machine permit
- Temporary use notices (to allow gambling temporarily at premises such as hotels, conference centers by gambling operators)
- Occasional Use Notices (for tracks)
- Club gaming and club machines permits
- Alcohol licensed premises gaming machine permit

2.6 Transitional arrangements

2.6.1 The transitional period is currently expected to commence on the 1st of January 2007. From this date Gambling operators will be able to approach the Gambling Commission to make applications for personal licences and operators licences. From the 31st January 2007 those organisations that have made the requisite applications with the Gambling Commission will then become eligible to approach the Licensing Authority to apply for the necessary premises licence(s). These applications must be made by the 27th April 2007. Existing operators that make the necessary applications in this transitional window will qualify for continuation rights

which will allow them to continue trading once the Act is brought into full force. It is anticipated that the Act will come into full force on the 1st September 2007.

2.7 Leeds Large Casino Bid

- 2.7.1 Following the announcement that Leeds City Council has not been short listed to go through to the next stage of the regional casino bid, the council is now focusing its resources on the bid for a large casino. Work is now being undertaken by the Development Department in preparing a case for this bid to the Casino Advisory Panel. The Casino Advisory Panel is an advisory group which is working under the authority of the Secretary of State for Culture, Media and Sport to recommend the areas where the new regional casino and eight large and eight small casinos would best be located. The primary criterion, as laid down by the Secretary of State is:

'to ensure that locations satisfy the need for the best possible test of social impact (which may require a range of locations of different kinds such as seaside resorts, edge of town developments or inner city centres)'

- 2.7.2 Work being undertaken to support the bid includes a 'Health, Economic and Social Impact Study' which will be used to measure the provision of current support available for problem gamblers as well as research into the likely impact of a large casino. The social impact study will be completed by late October 2006. In addition a PR and communications campaign is currently underway to raise awareness of the bid and to encourage debate and consultation on a new style 'large' casino.

3.0 **Main Issues -**

3.1 **Statement of Gambling Policy – Scope, Purpose and Approval**

- 3.1.1 Under the Act each licensing authority must prepare a Statement of Gambling Policy which outlines how the authority will seek to promote the Licensing Objectives. This document fulfils a similar role to that of the Statement of Licensing Policy. Before a statement is published, a draft statement must be consulted on with certain statutory agencies and various other organisations as defined in the regulations and accompanying guidance issued by the Gambling Commission. A policy must be published at least every three years however amendments can be made during this time as long as those elements which are being changed are also consulted upon. Members will find attached at **Appendix 1** to this report a copy of the Draft Statement of Gambling Policy as put out to public consultation.
- 3.1.2 Leeds City Council has recently completed a consultation on its Draft Statement of Gambling Policy. The consultation ran for 11 weeks ending on the 3rd September 2006. The draft statement together with consultation questionnaires were distributed to libraries and one stop centres as well as being available on the council website. An extensive mailshot was also sent out to our list of identified stakeholders. This included existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups. In addition an advert appeared in the Yorkshire Evening Post on the 22nd June advertising the consultation and a further advert appeared in the Leeds Weekly News on 6th July.
- 3.1.3 Approval of the policy is a matter reserved to Full Council however the consideration of the policy before approval must follow the budgetary and policy framework rules which requires the policy to be considered by the executive, referred to scrutiny and then further considered by the executive before being recommended for approval.

Members will find attached at **Appendix 2** to this report a report detailing the findings of the consultation on the Draft Statement of Gambling Policy which is presented as stage 1 of the approval process.

- 3.1.4 Redrafting work in accordance with the consultation feedback is now ongoing and Members are asked to note the contents of the consultation report and refer the policy to Overview and Scrutiny Committee for their comments. It is proposed that when Executive Board meet to consider the final draft of the policy, that Entertainment Licensing provide a summary document showing the key consultation messages along with any amendments made as a result. This document would need to be approved by Full Council as the definitive response to the consultation when it approves the final version of the licensing policy.
- 3.1.5 It is important to note that the research being carried out on the social impact of a large casino (see 2.7.2 above) will have implications for the Statement of Gambling Policy. As this research is being used to support a bid to the Casino Advisory Panel it is appropriate that any significant findings/recommendations from this research are incorporated into the draft policy before it is approved so that in the event that the council is successful in its bid, the policy is flexible enough to address the implications of this. Given this research will not be completed until late October it may be necessary to call an extra meeting of the Overview and Scrutiny Committee to consider any revisions made to the policy by/at this time before the final draft of the policy is passed back to Executive Board.
- 3.1.6 The adoption timeframe can be summarised as follows:
- Consultation ended (3rd September 2006)
 - Cover report, draft policy and consultation results appendix put before Executive Board (TODAY) Executive Board to refer item to Scrutiny
 - Scrutiny will consider consultation results and draft policy (9th October 2006)
NB: this date may need to be put back to late October to allow findings of Development research into social impact of gambling to be incorporated into draft policy
 - Scrutiny will report findings back to the Executive Board
 - Executive Board will consider final draft of policy (15th November 2006) and will consider recommendation to Full Council to approve the draft policy
 - Full Council approval (13th December 2006)
- 3.1.7 Executive Board should also note that Overview and Scrutiny Committee received a preliminary report on the Draft Statement of Gambling Policy at their meeting on 4th September. The committee did raise some concerns at this meeting as to the extent of the consultation undertaken, however the committee did not at this time, have a copy of the complete consultation list. A list of the stakeholders contacted was circulated to them after the meeting. Executive Board should now find the complete consultees list including all stakeholders as well as other organisations contacted during the consultation such as gambling businesses and all members clubs in the district, listed in Appendix 5 to the consultation results report. (Appendix 2)

4 Implications For Council Policy And Governance

- 4.1 Due to the strict timeframe, it will be necessary to call a meeting of Full Council in December of this year in order to approve the final Statement of Gambling Policy.
- 4.2 It is intended to make any necessary changes to the Constitution at the same time.

- 4.3 It may then be necessary to call a special meeting of Licensing Committee to deal with the necessary delegation of functions under the Act to sub committees and to officers.

5 Legal And Resource Implications

- 5.1 These new responsibilities will require additional legal support, to both the Committee and Entertainment Licensing Section, and a review of the existing resources within the Entertainment Licensing Section.
- 5.2 Approval of the policy must follow the budgetary and policy framework rules set out above in para 3.1.3. The policy must be taken into account when making decisions on applications for gambling premises licences and permits.

6 Recommendations

- 6.1 Members are requested to:

6.1.1 Note the methodology and timeframe for the adoption of the gambling policy detailed at 3.2.

6.1.2 Note the attached report at Appendix 2 which details the results of the consultation on the Draft Statement of Gambling Policy and to refer the policy and consultation results to the Overview and Scrutiny Committee .

Leeds Statement of Gambling Policy

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Please note:
This publication can be made
available in large print, on
computer disc and audio

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Appendices

Appendix 1 – Gaming machines

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PART A – The Gambling Act 2005

1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Leeds City Council is the licensing authority for the Leeds district and licences premises for gambling activities as well as granting various other gambling permits. In this document unless otherwise stated any references to the council are to the Leeds Licensing Authority.
- 1.2 The council will carry out its functions under the Act with a view to promoting the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the council will promote the licensing objectives in Part B and C of this document.
- 1.4 The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
 - in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the council's statement of gambling policy.

2. The Leeds district

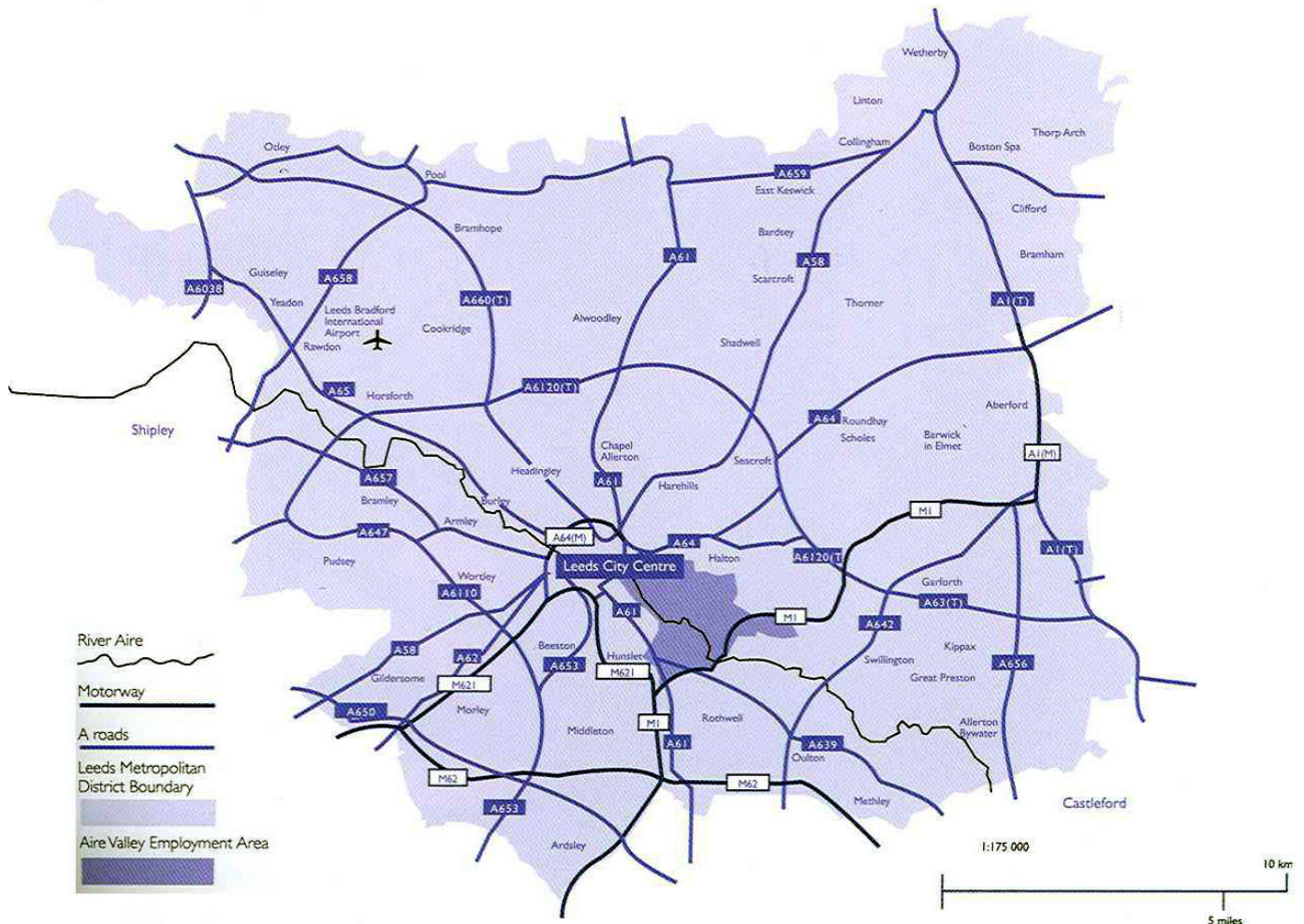
- 2.1 Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre. It is the second largest metropolitan district in England with excellent accessibility and transport connections and a population of 2.2 million people living within 30 minutes drive of the city centre.
- 2.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 715,000 (taken from the 2001 census). It includes the city centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 2.3 Over recent years Leeds has experienced significant levels of growth in entertainment use within the City coupled with a significant increase in residential

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development. The close proximity of a range of land uses and the creation of mixed-use schemes have many benefits including the creation of a vibrant 24-hour city. Leeds City Council has a policy promoting mixed use development including residential and evening uses throughout the city centre.

- 2.4 Leeds has strong artistic and sporting traditions and has the best attended free outdoor festivals in the country. The success of arts and heritage organisations including West Yorkshire Playhouse, Opera North, Northern Ballet Theatre, Phoenix Dance Theatre, Harewood House and the Henry Moore Institute, has helped to attract other major arts and heritage investments such as the award winning Royal Armouries and the Thackray Medical Museum. The city also boasts a wealth of community based sports heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.
- 2.5 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up almost 11% of the city population.
- 2.6 The Vision for Leeds 2004 - 2020 published by the Leeds Initiative, as the city's strategic partnership group, indicates that Leeds is now one of Britain's most successful cities. It boasts:
- a thriving economy
 - a vibrant city centre
 - a leading centre of learning, knowledge and research
 - a recognised regional capital
 - a positive image
 - a reputation for environmental excellence
 - a wide range of cultural facilities
 - a rich mix of cultures and communities.
- 2.7 The Vision for Leeds 2004-2020 has three main aims:
- going up a league as a city - making Leeds an internationally competitive city
The best place in the country to live, work and learn, with a high quality of life for everyone
 - narrowing the gap between the most disadvantaged people and communities and the rest of the city
 - developing Leeds' role as the regional capital contributing to the national economy as a competitive European city, supporting and supported by a region that is becoming increasingly prosperous.
- 2.8 This gambling policy seeks to promote the licensing objectives within the overall context of the three aims set out in Vision for Leeds 2004-2020.

2.9 Leeds metropolitan district



3. The purpose of the gambling policy

3.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

3.2 Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:

- West Yorkshire Police
- the Local Safeguarding Children Board
- representatives of local businesses (including Leeds Chamber of Commerce, the Federation of Small Business)
- local residents and their representatives
- town councils in the district
- parish councils in the district
- local Members of Parliament

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- national bodies representing the gambling trade
- national charities concerned with the social impact of gambling
- representatives of existing licence holders
- Yorkshire Forward (the regional development agency)
- Yorkshire Culture
- West Yorkshire Fire and Rescue Service
- Leeds Community Safety Partnership
- the Leeds' universities
- local financial / debt management agencies
- Department of Neighbourhoods & Housing, Environmental Health Services
- Leeds City Council Development Department
- The Leeds Initiative.

3.3 The consultation took place between June and August 2006 and followed the Cabinet Office code of practice on consultations published in April 2004. This document is available from the Cabinet Office website at:

www.cabinetoffice.gov.uk

3.4 A copy of the consultation report containing a summary of the comments received and the consideration by the council of those comments is available on request.

3.5 The policy was approved at a meeting of the Full Council on [X December 2006].

4. The licensing framework

4.1 The Gambling Act 2005 brings about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

4.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operators licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

4.3 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

5. Declaration

- 5.1 This policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 5.2 In producing the final statement of gambling policy, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

6. Responsible authorities

- 6.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 6.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 6.3 In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose.
- 6.4 The contact details of all the responsible authorities under the Gambling Act 2005 can be found in our application packs and on our website at:

www.leeds.gov.uk/licensing.

7. Interested parties

- 7.1 Interested parties are certain types of people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

- 7.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:
- 7.3 Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- 7.4 Within this framework the council will accept representations made on behalf of residents and tenants associations.
- 7.5 In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.
- 7.6 The council will provide more detailed information on the making of representations in a separate guidance note.

8. Exchange of information

- 8.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.
- 8.2 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

9. Licensing authority functions

- 9.1 Licensing Authorities are responsible under the Act for:
- licensing premises where gambling activities are to take place by issuing premises licences
 - issuing provisional statements
 - regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issuing Club Machine Permits to commercial clubs
 - granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
 - granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the

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Licensing Act 2003, where more than two machines are required

- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and Endorse Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- maintaining registers of the permits and licences that are issued under these functions.

9.2 The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operators licences.

PART B – Promotion of the licensing objectives

10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 10.1 The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operators licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see para 13.8 and 13.9) and whether conditions may be required such as the provision of door supervision. (see para 13.15)
- 10.2 There is a distinction between disorder and nuisance. In order to make the distinction, when incidents of this nature occur, the council will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.
- 10.3 Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.
- 10.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

11. Ensuring that gambling is conducted in a fair and open way

- 11.1 The council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 11.2 The council will however familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.
- 11.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

12. Protecting children and other vulnerable persons from being harmed or exploited by gambling

Protection of children

- 12.1 This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 12.2 This council will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.
- 12.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

Protection of vulnerable people

- 12.4 As regards the term “vulnerable persons”, the council is not seeking to offer a definition but will, for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, eg. alcohol or drugs. The council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 12.5 The council will promote this objective by publishing information on the council website about the symptoms of problem gambling and the various support

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organisations which are available to help problem gamblers. These webpages will be prepared in conjunction with these support agencies.

- 12.6 The council will also familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 12.7 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

PART C – Premises licences

13. Introduction to premises licensing

- 13.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 13.2 Premises licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

Definition of “premises”

- 13.3 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 13.4 The council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 13.5 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access; compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 13.6 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.
- 13.7 Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement. (see section 20)

Location

- 13.8 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in the area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 13.9 With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:
- the proximity of the premises to schools and vulnerable adult centres
 - the proximity of the premises to residential areas where there may be a high concentration of families with children
 - the size of the premises and the nature of the activities taking place
 - any levels of organised crime in the area.

such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

- 13.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Duplication with other regulatory regimes

- 13.11 The council will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Conditions

13.12 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for, and or related to the area where the premises is based
- fairly and reasonably related to the scale and type of premises and
- reasonable in all other respects.

13.13 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

13.14 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes.

Door supervision

13.15 The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are required at these premises it is the operators responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (CRB) check on potential staff and also to ensure that staff members have attended industry recognised training.

14. Adult gaming centres and licensed family entertainment centres (LFECs)

14.1 Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres. Licensed family entertainment centres are those

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premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set a side for adult only gaming machines with higher stakes and prizes.

- 14.2 Under the Act a premises holding an adult gaming centre licence will be able to make certain numbers of category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises. Licensed family entertainment centres will be able to make available a certain number of category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located. (see Appendix 1)
- 14.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in the above premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises or in the case of LFECs to the adult only gaming machine areas.
- 14.4 The council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- proof of age schemes
 - CCTV
 - door supervision
 - supervision machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours.

This list is not mandatory, nor exhaustive, and is merely indicative of examples.

- 14.5 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

15. Casinos

- 15.1 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players.
- 15.2 The Act introduces three new categories of larger casino; one super/regional casino, eight large casinos and eight small casinos. These 17 new casinos will be sited in various regions around Britain in line with decisions made by the Independent Casino Advisory Panel.

- 15.3 **Casino resolution** - In regard to the casinos referred to at para 15.2 each local authority is required to publish information in its statement of gambling policy about how the authority has taken or will take a decision to pass (or not to pass) a casino resolution. A casino resolution is a judgement made by a local authority about whether it will allow any small, large or the regional casino to be located in its authority area. At the time of publishing this draft document Leeds City Council has not taken a decision to pass a resolution. If and when such decision is taken this paragraph will be updated.
- 15.4 **Proposal for a casino** – Leeds City Council submitted a proposal for one large casino, to the Independent Casinos Advisory Panel. Details regarding this proposal can be found by contacting Leeds City Council’s Development Department.
- 15.5 **Casinos and competitive bidding** - Where a local authority area is enabled to grant a premises licence for a new style casino there are likely to be a number of operators which will want to run the casino. In such situations the council will have regard to Schedule 9 of the Gambling Act 2005.
- 15.6 **Licence considerations / conditions** - The Gambling Commission has indicated that further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. This guidance will be considered by the council when it is made available.
- 15.7 **Betting machines** – The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council , amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

16. Bingo premises

- 16.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there will be a new category of premises licence specifically for bingo premises which will be used by traditional commercial bingo halls for both cash and prize bingo. In addition they will also be able to provide a limited number of gaming machines in line with the provisions of the Act. (see Appendix 1)
- 16.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where the machines are located;

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- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

16.3 The council is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the council once it is made available.

17. Betting premises

17.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as normal high street bookmakers, bookmakers located in self contained facilities at race courses as well as the general betting premises licences that track operators will require.

17.2 **Betting machines** – The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

18. Tracks

18.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off course’ betting operators who may operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track. All tracks will require an overriding ‘general betting premises licence’ that the track operator will hold.

18.2 The council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The council is also aware that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences. The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 18.3 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 18.4 The council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- proof of age schemes
 - CCTV
 - door supervision
 - supervision of machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - the location of gaming machines.

This list is not mandatory, nor exhaustive, and is merely indicative of examples.

- 18.5 **Betting machines** – The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people. The council will also consider the special implications that may arise at a track due to the size of the premises and the possibility that machines may be scattered around the site making it more difficult for the track operator to comply with the law and prevent children from betting on the machines.
- 18.6 The council agrees with the Commission's view that it is preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This ensures that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
- 18.7 Condition on rules being displayed – The council will consider any Gambling Commission guidance about the application of conditions regarding rules being displayed. The council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that the rules are displayed in the race-card or made available in leaflet form from the track office.

19. Travelling fairs

- 19.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act.
- 19.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and / or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair. (see Appendix 1)
- 19.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 19.4 The council is aware that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

20. Provisional statements

- 20.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling, would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required.
- 20.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which is in the authority's opinion reflect a change in the operator's circumstances.
- 20.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations. Eg. The likelihood that planning consent will be granted.

PART D - Permits, temporary / occasional use notices and small society lottery registrations

Permits / Temporary & Occasional Use Notice

21. Unlicensed family entertainment centre gaming machine permits (statement of principles on permits)

- 21.1 The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide its category D machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.
- 21.2 The Gambling Act 2005 contains a provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states, “in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.”
- 21.3 In accordance with Gambling Commission guidance the council will give weight to child protection issues when considering applications for permits.
- 21.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises. The council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 21.5 The council is aware that an application for a permit may only be granted if the chief officer of police has been consulted on the application.
- 21.6 In line with the Act the council cannot attach conditions to this type of permit and the “Statement of principles” only applies to initial applications and not to renewals

22 Gaming machine permits in premises licensed for the sale of alcohol

- 22.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C

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and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

22.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

22.3 Measures which may satisfy the council that there will be no access may include the adult machines being in close proximity to the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

22.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the act.

22.5 The council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

22.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

23. Prize gaming permits – (statement of principles on permits)

23.1 The council will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

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- 23.2 In making its decision on an application for prize gaming permits the council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 23.3 There are conditions in the Gambling Act 2005 by which the permit holder must comply, but the council cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

24. Club gaming and club machines permits

- 24.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a 'club gaming permit' or a 'clubs gaming machines permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A 'club gaming machine permit' will enable the premises to provide gaming machines (three machines of categories B, C or D).
- 24.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 24.3 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 24.4 The council may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police

- 24.5 There is also a ‘fast-track’ procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming,
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”

25. Temporary use notices

- 25.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 25.2 The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

26. Occasional use notices (for tracks)

- 26.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.
- 26.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a ‘track’ and whether the applicant is entitled to benefit from such notice.

27. Small society lottery registrations

- 27.1 The Act creates two principal classes of lotteries. Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within

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the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

- 27.2 A small society lottery is a lottery promoted on behalf of a non commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Leeds and want to run such lottery.
- 27.3 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 27.4 To be 'non-commercial' a society must be established and conducted:
- for charitable purposes,
 - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.
- 27.5 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different category of lotteries please contact the council.
- 27.6 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

PART E - Enforcement

28. Enforcement principles

- 28.1 The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.
- 28.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act.

The council will endeavour to be:

- **proportionate**: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **accountable**: regulators must be able to justify decisions, and be subject to public scrutiny;
- **consistent**: rules and standards must be joined up and implemented fairly;
- **transparent**: regulators should be open, and keep regulations simple and user friendly; and
- **targeted**: regulation should be focused on the problem, and minimise side effects.

- 28.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 28.4 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 28.5 The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.
- 28.6 The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 28.7 The council's enforcement/compliance protocols/written agreements will be available upon request.

29. Reviews

- 29.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.
- 29.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:
- i) in accordance with any relevant code of practice issued by the Gambling Commission
 - ii) in accordance with any relevant guidance issued by the Gambling Commission
 - iii) reasonably consistent with the licensing objectives and
 - iv) in accordance with this authority's statement of gambling policy

In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or is substantially the same as previous representations or requests for review.

- 29.3 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Appendix 1 - Gaming machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non monetary prize	£5 cash or £8 non monetary prize

Table 1

(Appendix 1 continued)

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, within the total limit of 150 (subject to table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D or C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 4 machines in category B3 of B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 of B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit C or D machines	
Family entertainment centre (with Permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits					maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No Limit on Category D machines
	A	B1	B2	B3	B4	C	D

Table 2

Appendix 2 – Glossary of terms

<u>Term</u>	<u>Description</u>
Betting Machines	Betting Machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.

Further terms will appear here.

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Appendix 2

Consultation on the Draft Statement of Gambling Policy



September 2006

Executive Summary

This report details the findings of the consultation on Leeds' Draft Statement of Gambling Policy as put out to public consultation between the 19th June 2006 and the 3rd September 2006. The consultation exercise used a standard consultation questionnaire which was made available at libraries and leisure centres throughout the district as well as on the council's website. A large mail shot was also undertaken to contact an extensive list of identified stakeholders such as gambling businesses in the area, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups etc.

In total [100] items of correspondence were received related to the consultation (mostly consultation questionnaires returned by members of the public) and while this could be viewed as on the low side it does compare very favourably to the consultations undertaken by other local authorities.

In principal the questionnaire returns showed that the public were fairly happy with the tone and scope of the draft policy. A handful of replies took a sceptical view of the policy although further examination of the qualitative comments throughout the questionnaires showed a fairly negative view with regards to gambling generally and it appears such replies have been a means to vent this viewpoint.

The consultation process did however flag up some concerns regarding the suggested controls related to the protection of vulnerable persons. For example concerns were raised that that if vulnerable persons can not make informed or balanced decisions, the provision of guidance material about problem gambling on posters and websites would be ineffective. Also respondents offered suggestions as to other categories of persons that the authority should consider as potentially vulnerable such as the elderly, ethnic minorities, the families and the children of those who may have a gambling addiction, or people with learning disabilities.

Other recurring themes running through the consultation included concern about cash machines and the availability of credit on gambling premises while strong concerns were also raised about children being permitted to play any form of gaming machine whether low stake or otherwise. In this regard it is important to note that Leeds City Council has no power to restrict children playing Category D gaming machines, where the operator has the correct permit/licence, as this allowance is permitted by the Act.

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 - 2.3 Purpose of the Statement of Gambling Policy
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5. Breakdown of consultation replies
6. Questionnaire Analysis – prevention of crime and disorder licensing objective
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8. Questionnaire Analysis – protecting children and the vulnerable from harm
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Appendices

Appendix 1 – Consultation questionnaire

Appendix 2 – Consultation poster

Appendix 3 – Sample of press adverts

Appendix 4 – About Leeds – news article

Appendix 5 – Statement of Gambling Policy Consultees List

1. Introduction
 - 1.1 The Gambling Act 2005 (the Act) creates a new system of licensing and regulation for commercial gambling in Great Britain other than the National Lottery and spread betting. Within this new regime local councils are appointed as licensing authorities and are responsible for issuing premises licences to gambling premises such as casinos, bookmakers and amusement arcades. Under the Act each licensing authority must publish a Statement of Gambling Policy showing how it will exercise its functions under the Act. The Act also requires licensing authorities to consult certain statutory agencies and other interested parties before publishing a statement. This report contains the results of the consultation on Leeds' first draft statement of Gambling Policy. The consultation ran for a period of 11 weeks ending on the 3rd September 2006.
2. Background Information
 - 2.1 The Gambling Act 2005
 - 2.1.1 The Gambling Act 2005 completely overhauls the regulation of commercial gambling in Great Britain and gives effect to the governments proposals to reform and modernise the law on gambling. Within the new regime the Gambling Commission becomes the national gambling regulator taking over from the Gaming Board For Great Britain. From 2007 the commission will be responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. The Act sets out different types of operating licence that cover the full range of commercial gambling activities conducted in Great Britain. It also makes provision for the Commission to have powers of entry and inspection to regulate gambling, with safeguards for those subject to the powers.
 - 2.1.2 On the other side of this new licensing framework are licensing authorities that will have new powers to license gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines and clubs and miners' welfare institutes. The Act also provides for a new system of temporary use notices. These will authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling, for limited periods. This would for example allow a gambling operator to set up a temporary casino in a hotel.
 - 2.1.3 One of the key control measures within this framework is that if an operator wishes to provide gambling at a certain premises they must first apply for the requisite operators licence and personal licences from the Gambling Commission before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. Local authorities can only determine licensing applications once they are notified that the applicant has secured the necessary licences from the Gambling Commission.
 - 2.2 The licensing objectives
 - 2.2.1 The Act sets out three licensing objectives which underpin the Act:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way

- protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.3 Purpose of the Statement of Gambling Policy

2.3.1 Under the Act each licensing authority must prepare a Statement of Gambling Policy which outlines how the authority will seek to promote the licensing objectives and on what basis the authority will arrive at its decision making. This allows gambling businesses to prepare applications in a manner which reflects the requirements of the policy and also helps the public to clarify how the authority is approaching its licensing duties. The gambling policy fulfils a similar role to that of the Statement of Licensing Policy. A policy must be published at least every three years however amendments can be made during this time as long as those elements which are being changed are consulted upon.

3. Purpose of the consultation

3.1 The consultation was designed to survey a wide selection of the Leeds population to clarify the general consensus among Leeds residents about the content and suggested control measures detailed in the draft policy. In addition similar thoughts were sought from the responsible authorities as well as a list of identified stakeholders such as organisations concerned with the social impact of gambling, faith groups, national bodies representing the gambling trade, plus representatives of local businesses.

3.2 The use of a structured consultation questionnaire broken down to cover each of the licensing objectives was an attempt to focus consultee responses so that any redrafting of the policy could be done in an effective manner. The questionnaire and mail drops also encouraged any general comments on both the Gambling Act and gambling in general to allow people to express themselves as freely as possible. Attached at Appendix 1 to this report is a copy of the consultation questionnaire.

4. Consultation methodology

4.1 The following activities were undertaken to support the consultation exercise:

- The consultation began on Monday the 19th June. The draft policy and consultation questionnaire were loaded onto a specially prepared consultation webpage on the internet and a news items was arranged to appear on the homepage on the first day of the consultation. This news item remained on the homepage for the first two weeks of the consultation and was also reposted to the website for the latter stages of the consultation.
- An electronic version of the questionnaire which could be filled in and submitted online was also used.
- two versions of a full colour poster were sent, (along with copies of the consultation documents) to all libraries, one stop centres and leisure centres in the district. (see Appendix 2)
- Members were sent a copy of the policy along with the questionnaire, a short briefing letter as well as a copy of the report which was sent to the Licensing Committee on the 6th June regarding the new Act.
- A mailshot was sent out to an extensive list of identified stakeholders. This included existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups to name just a few. (see Appendix 5)

- A full colour advert appeared in the Yorkshire Evening Post on the 22/06/06 (page 26) advertising the consultation. (the colours matched the colours used in the consultation posters to try and give some form of synergy) The same advert also appeared in the Leeds Weekly News on 6/07/06 (page 4). (see Appendix 3)
- A press release was issued by the press office advertising the consultation on the 23/06/06.
- A mail drop was sent out to all registered clubs in Leeds (217) informing them about the changes to the licensing regime for gaming machines and pre-warning them about the new limit of £250 jackpot machines. The letter also alerted clubs to the consultation and enclosed a consultation questionnaire.
- In addition the Summer edition of the 'About Leeds' Newspaper carried a brief news article advertising the consultation. The newspaper was delivered to all households in Leeds between 5th and 16th June. (See Appendix 4)

5. Breakdown of consultation replies

- 5.1 In general there was a reasonable take-up of the consultation process. In total 112 individual items of correspondence were received in relation to the consultation. The breakdown of this correspondence can be seen in Table 2. Further detail on the different types of questionnaire returns can be seen in Table 3. Although this may seem on the low side research shows that this response rate is typical of that experienced across other local authorities during their consultations and in some cases is higher. Please find below a summary of the outcomes of other local authority consultations as at 8th September 2006. (Table 1)

Authority	Consultation period	Consultation response as at 8th September
Eastbourne Borough Council	9 June 2006 to 9 September 2006.	Circa 10 responses, 6 from organisations linked to the gambling trade, 2 public.
Basildon District Council	1 st July 2006 to 30 th September 2006	45 online questionnaire replies, 30 solicitors/trade replies in writing, 2 replies from faith groups.
Nottingham City Council	24 th July – 15 th October	4 trade responses received.
Birmingham City Council	June – Mid September. End date TBC	No public responses received as at 8/9/06 . Hoping to gather public responses by way of one of its public forum meetings prior to consultation close date.

Table 1 – Summary of other local authorities gambling policy consultations

5.2 Breakdown of correspondence

Type	Number	%
Detailed written responses	8	7
Email responses	1	1
Questionnaires	103	92
Total	112	100

Table 2 - Breakdown of correspondence received

Type	Number	%
Paper questionnaires (received from public)	31	30
Paper questionnaires (received from organisations/businesses/Cllrs etc)	58	56
Electronic questionnaires (received from public)	11	11
Electronic questionnaires (received from organisations/businesses /Cllrs etc)	3	3
Total	103	100

Table 3 – Detailed breakdown of questionnaire returns

6. Questionnaire Analysis – Prevention of crime and disorder licensing objective

Question 1 of the questionnaire related to the licensing objective of ‘preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime’. Consultees were firstly offered a brief overview of the steps proposed in the draft policy to promote this area. In summary the questionnaire explained that the licensing authority would assess each application on its merits paying particular attention to the location of the premises and the scale of the activities proposed and the authority would work closely with the police under an agreed enforcement protocol to ensure appropriate licensing conditions were considered for high risk premises. Consultees were then asked if they felt the draft policy did enough to promote this area and were given three options, ‘too little’, ‘about right’ or ‘too much’. Those respondents that choose to answer ‘too little’ or ‘too much’ were then asked to specify what changes they would like the licensing authority to consider.

6.1 Statistical analysis

	Too little	About right	Too much	Total
Question 1 - Does the policy do enough to promote the crime prevention licensing objective?				
	20	76	5	101
%	19.8	75.2	5.0	100

Table 4 – Statistical analysis of Question 1.

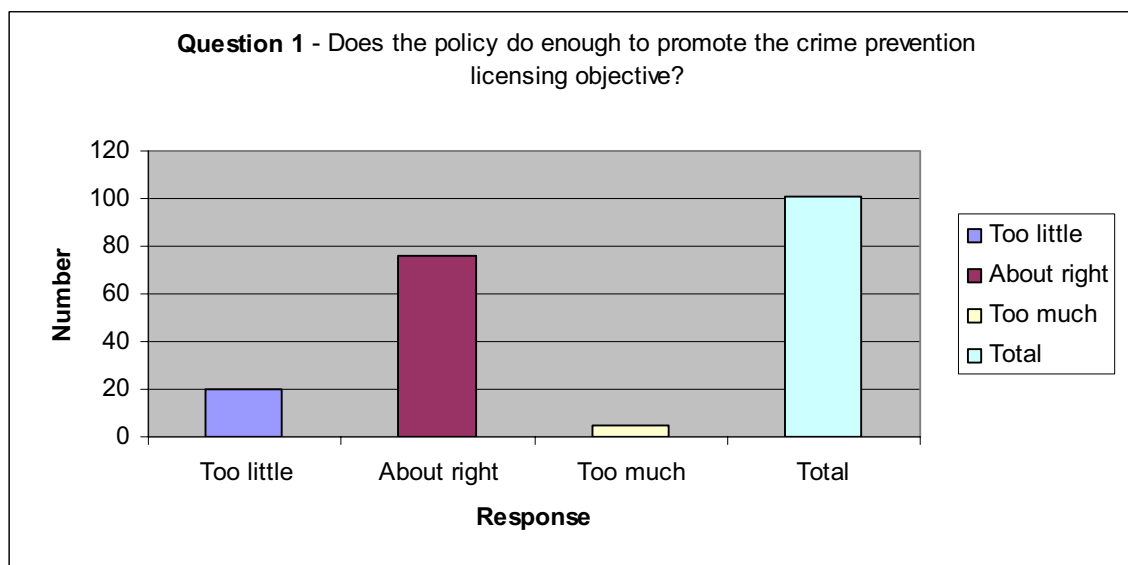


Figure 1 – Bar graph showing the statistical breakdown of responses to Question 1 of the consultation questionnaire.

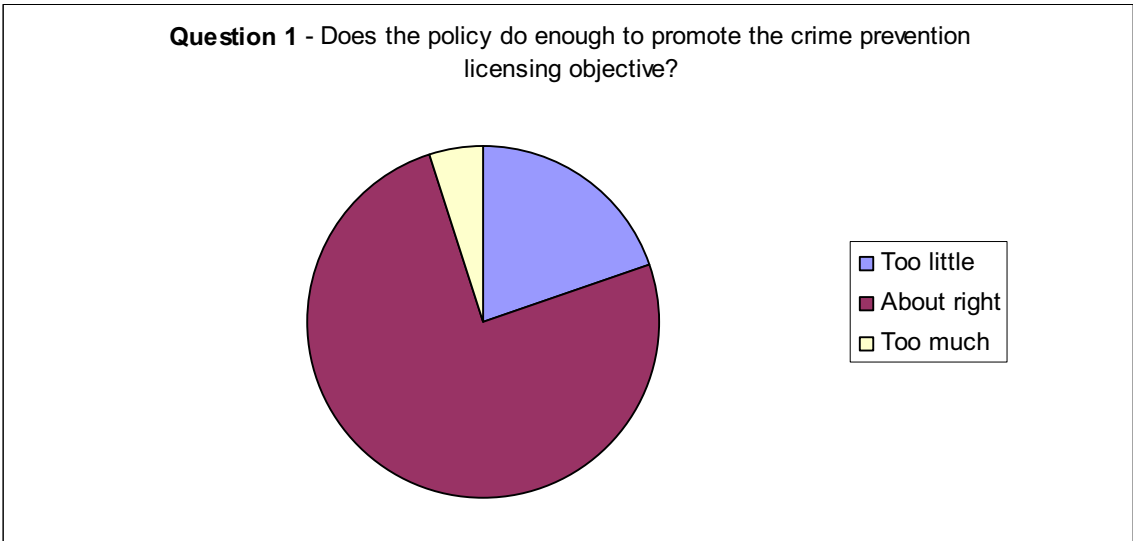


Figure 2 – Pie chart showing the statistical breakdown of responses to Question 1 of the consultation questionnaire.

6.2 Overall analysis

6.2.1 Generally the consultation responses showed that most parties were happy with the tone and content of the draft policy with regards to the crime prevention licensing objective with 75% of consultees stating the suggested measures were 'about right'. 20% of responses did however suggest the policy was lacking in this area. Suggested comments for the way in which this area could be strengthened generally focused on stricter regulation, proactive licensing visits and the withdrawal of licences where operators breach their licensing conditions.

7. Questionnaire Analysis – ensuring gambling is conducted in a fair and open way

Question 2 of the questionnaire related to the licensing objective of ‘ensuring gambling is conducted in a fair and open way’. Consultees were firstly offered a brief overview of the steps proposed in the draft policy to promote this area. In summary the questionnaire explained that the Gambling Commission would be the lead agency for this area but the licensing authority would in any case support the Commission by undertaking checks on signage about game rules on licensed premises. Consultees were then asked if they felt the draft policy did enough to promote this area and were given three options, ‘too little’, ‘about right’ or ‘too much’. Those respondents that choose to answer ‘too little’ or ‘too much’ were then asked to specify what changes they would like the licensing authority to consider.

7.1 Statistical analysis

	Too little	About right	Too much	Total
Question 2 - Does the policy do enough to ensure gambling is conducted in a fair and open way?	20	75	2	97
%	20.6	77.3	2.1	100

Table 5 – Statistical analysis of Question 2.

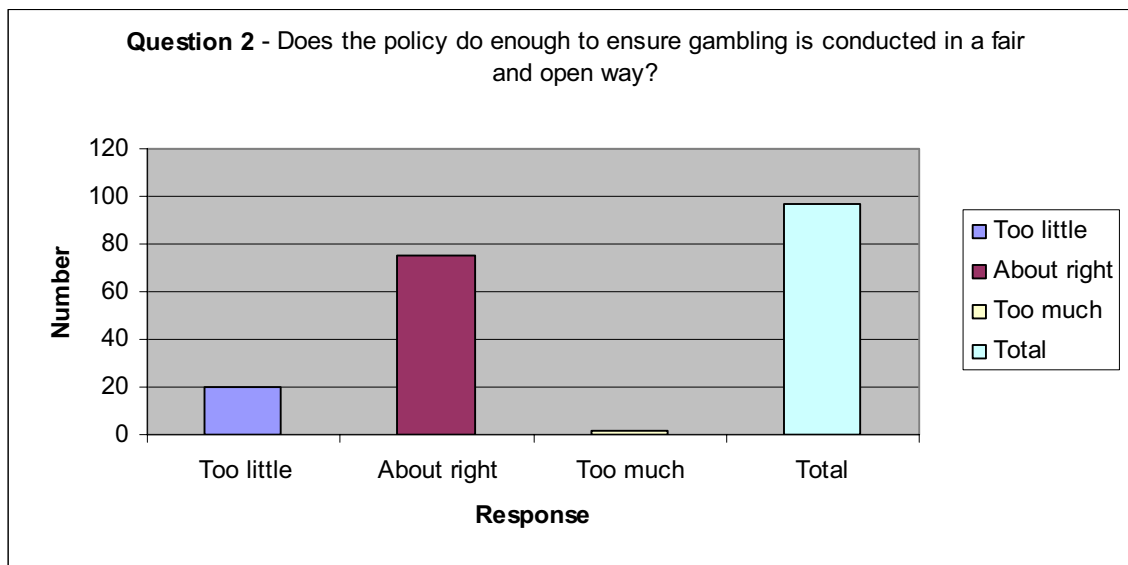


Figure 3 – Bar graph showing the statistical breakdown of responses to Question 2 of the consultation questionnaire.

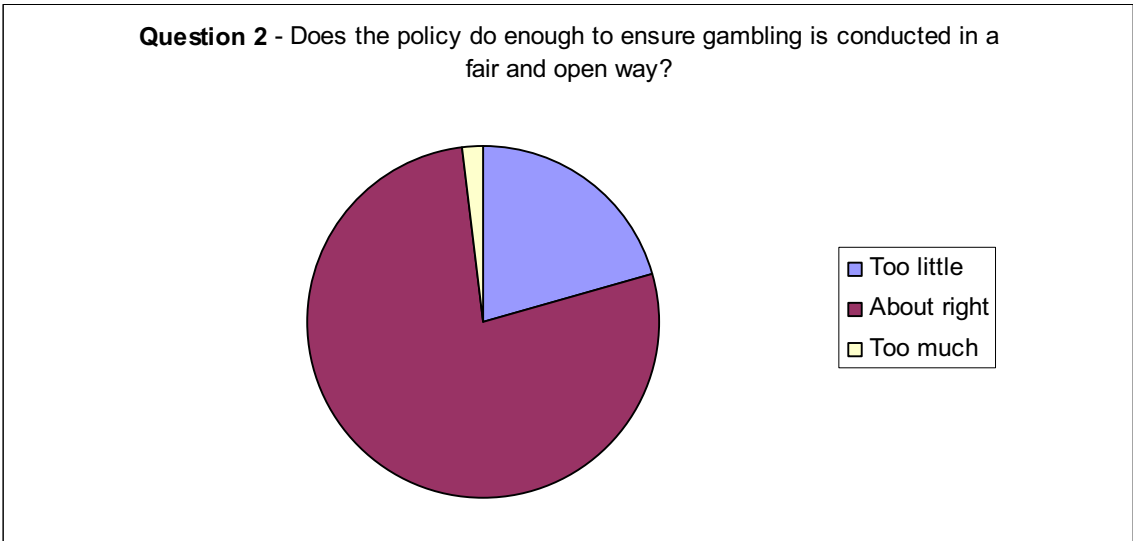


Figure 4 – Pie chart showing the statistical breakdown of responses to Question 2 of the consultation questionnaire.

7.2 Overall analysis

7.2.1 There was strong support from consultees for the approach taken to this area in the draft policy with 77% of respondents indicating the tone of the policy was ‘about right’. There was a handful of replies that indicated the draft policy did not do enough to promote this area however very few qualitative suggestions were made as to how the policy could be improved in this respect. The response to this question would indicate that people recognise that the promotion of this licensing objective will be a key objective for the Gambling Commission and that any assistance the council is able to provide will be an added benefit.

8. Questionnaire Analysis – protecting children and the vulnerable from harm

To gather responses regarding this licensing objective the questionnaire posed five separate questions reflecting the fact that this will be a key area of responsibility for the licensing authority:

- Question 3a summarised the general control measures suggested in the policy to protect children and the vulnerable such as proof of age schemes, CCTV and other provisions around notices and signage. The question then asked if the respondent felt the draft policy did enough to promote this area and gave three options, 'too little', 'about right' or 'too much'.
- Question 3b looked at the proposed control measures regarding gaming machines with special reference to those premises that are able to admit children, but can also provide both category C and D gaming machines. Respondents were asked to state whether they felt the proposed policy was 'too restrictive', 'about right' or 'not restrictive enough'.
- Question 3c explained the special approach suggested in the policy related to location issues and the application checks the licensing authority will do to ascertain proximity to schools or vulnerable adult centres upon receipt of relevant representations. The question asked respondents whether they felt the policy was required.
- Question 3d looked at the control measures suggested in the policy relating to vulnerable persons including explaining who the authority would view as vulnerable. The question summarised the general approach which would be to post information about problem gambling on the council website as well as undertaking checks on gambling premises to ensure any necessary information regarding responsible gambling is on display. Respondents were asked to state whether they felt the proposed policy was 'too restrictive', 'about right' or 'not restrictive enough'.
- Question 3e asked consultees to state whether they felt there were any other category of persons who we should consider as vulnerable.

8.1 Statistical analysis

8.1.1 Statistical breakdown of Question 3a.

	Too little	About right	Too much	Total
Question 3a - Does the policy do enough to protect children and the vulnerable from harm?	24	72	3	99
%	24.2	72.7	3.0	100.0

Table 6 – Statistical analysis of Question 3a

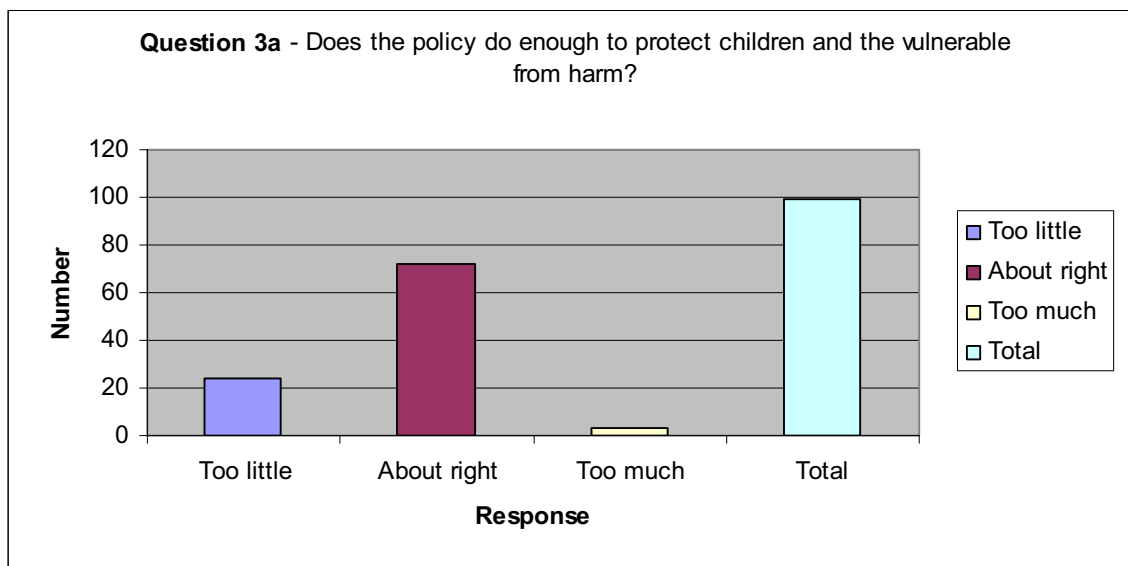


Figure 5 – Bar graph showing the statistical breakdown of responses to Question 3a of the consultation questionnaire.

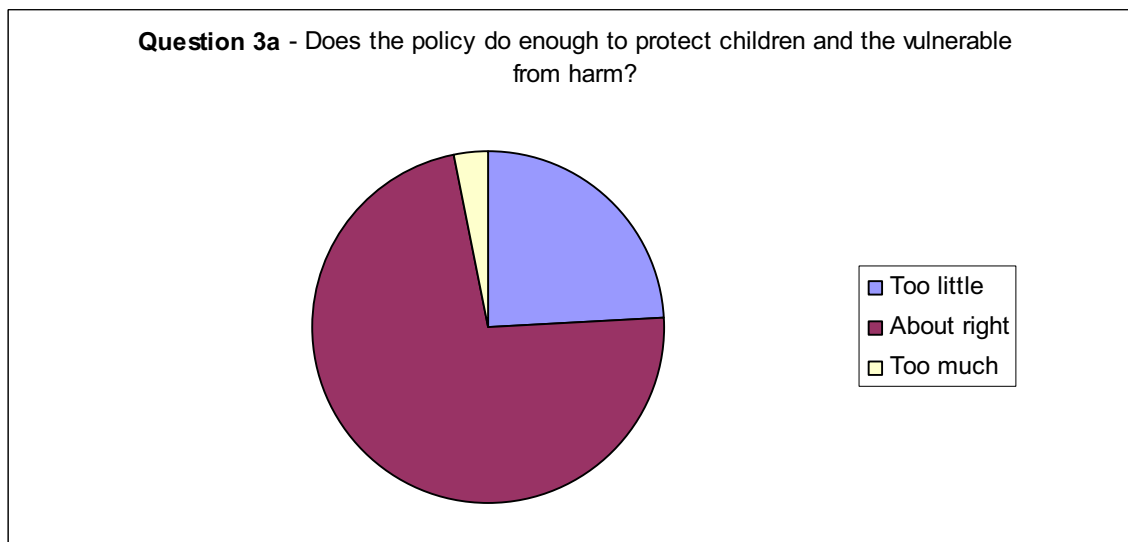


Figure 6– Pie chart showing the statistical breakdown of responses to Question 3a of the consultation questionnaire.

8.1.2 Statistical breakdown of Question 3b.

	Too restrictive	About right	Not restrictive enough	Total
Question 3b - What are your thoughts on our suggested approach regarding gaming machines?				
	1	73	23	97
%	1.0	75.3	23.7	100

Table 7 – Statistical analysis of Question 3b.

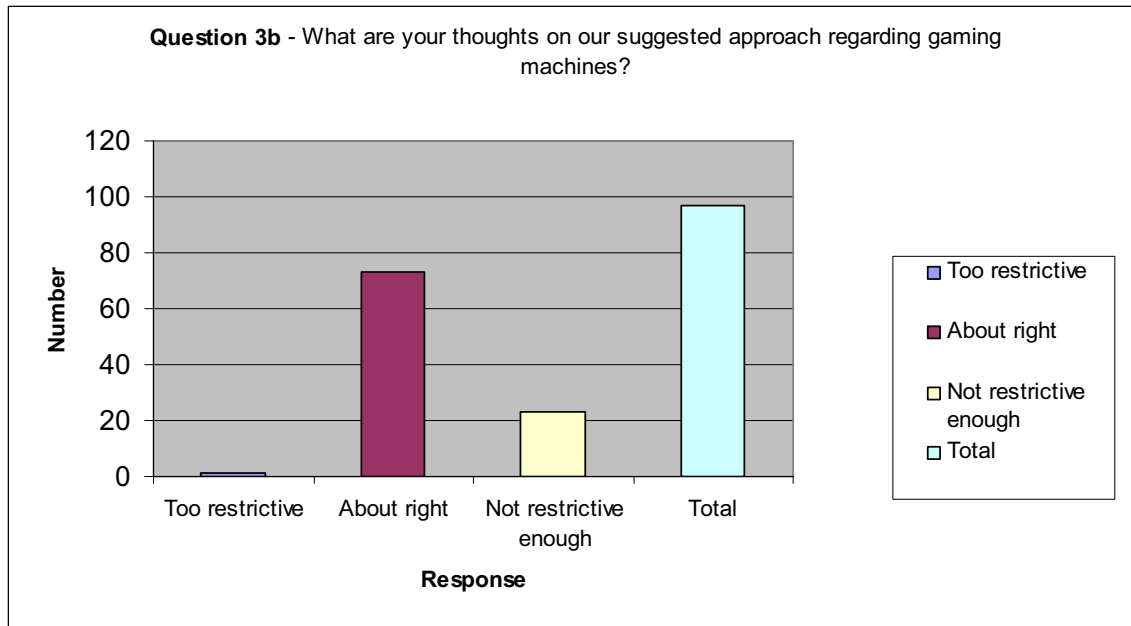


Figure 7 – Bar graph showing the statistical breakdown of responses to Question 3b of the consultation questionnaire.

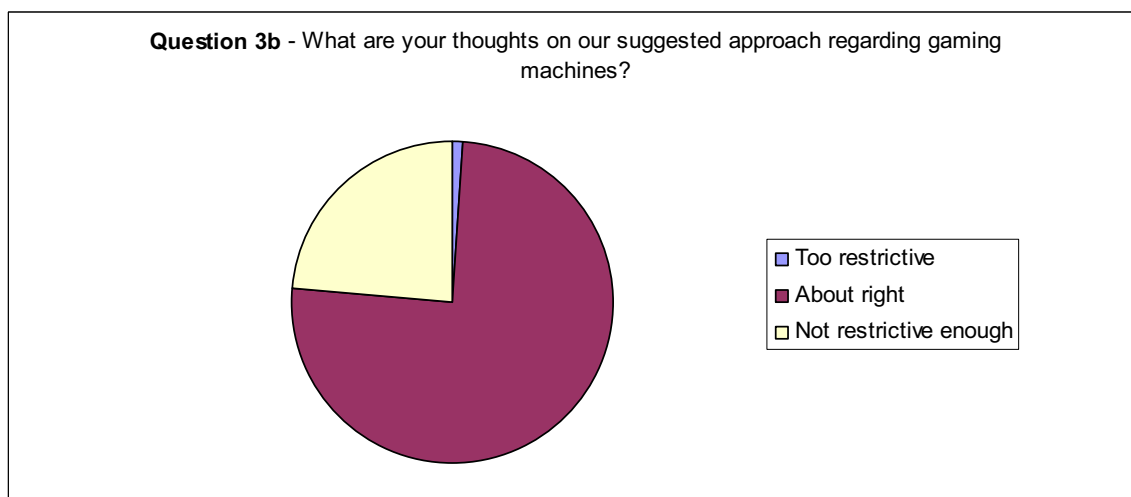


Figure 8 – Pie chart showing the statistical breakdown of responses to Question 3b of the consultation questionnaire.

8.1.3 Statistical breakdown of Question 3c.

	Yes	No	Not sure	Total
Question 3c - Do you think the suggested policy related to location issues is needed?				
	79	7	10	96
%	82.3	7.3	10.4	100

Table 8 – Statistical analysis of Question 3c.

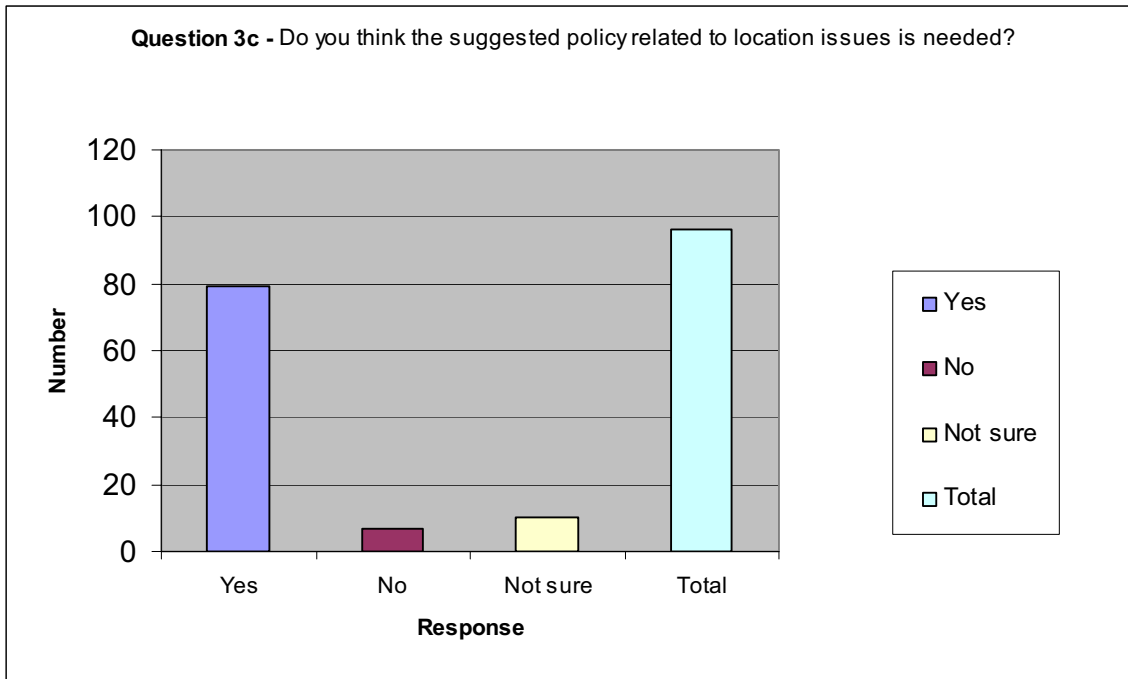


Figure 9 – Bar graph showing the statistical breakdown of responses to Question 3c of the consultation questionnaire.

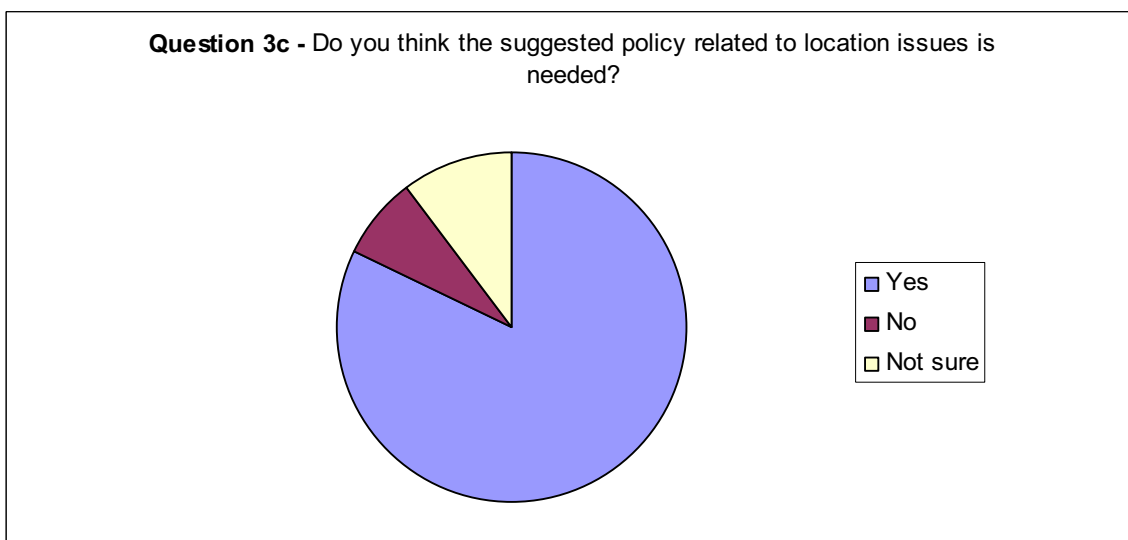


Figure 10 – Pie chart showing the statistical breakdown of responses to Question 3c of the consultation questionnaire.

8.1.4 Statistical breakdown of Question 3d

	Too restrictive	About right	Not restrictive enough	Total
Question 3d - What are your thoughts on our suggested approach regarding assistance to vulnerable persons?				
	5	63	29	97
%	5.2	64.9	29.9	100

Table 9 – Statistical analysis of Question 3d.

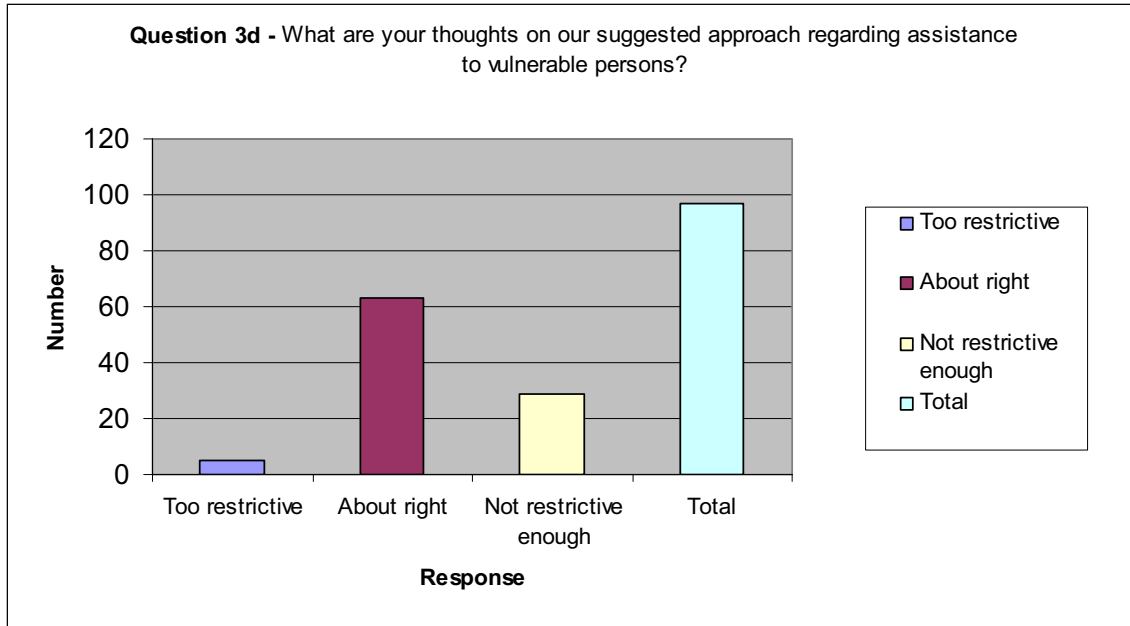


Figure 11 – Bar graph showing the statistical breakdown of responses to Question 3d of the consultation questionnaire.

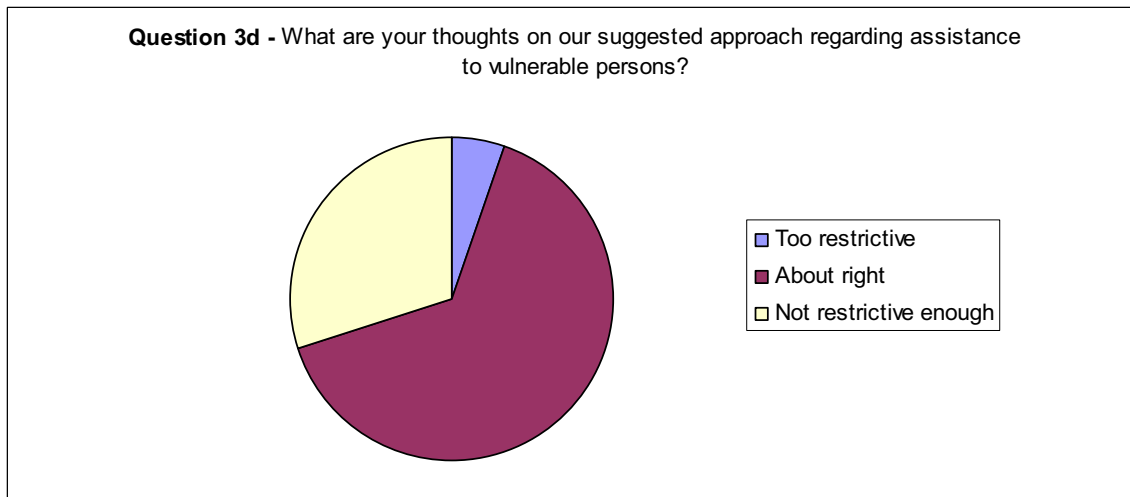


Figure 12 – Pie chart showing the statistical breakdown of responses to Question 3d of the consultation questionnaire.

8.1.5 Statistical breakdown of Question 3e

	Yes	No	Not sure	Total
Question 3e - Are there any other categories of person(s) who you feel we should mention in the policy who fall under the category of vulnerable?				
	16	49	26	91
%	17.6	53.8	28.6	100

Table 10 – Statistical analysis of Question 3e.

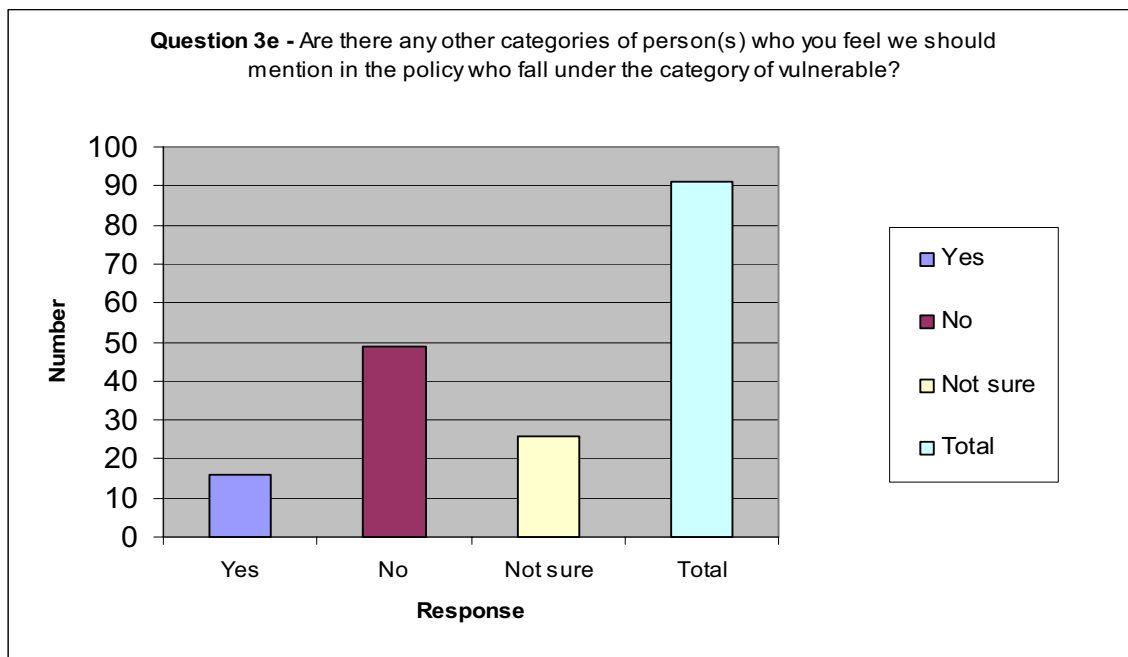


Figure 13 – Bar graph showing the statistical breakdown of responses to Question 3e of the consultation questionnaire.

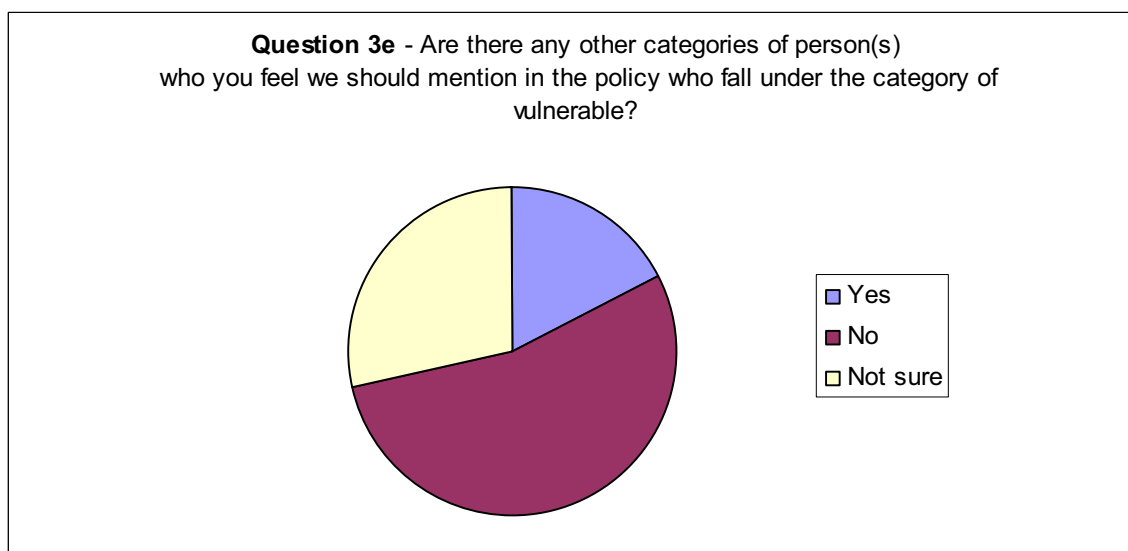


Figure 14 – Pie chart showing the statistical breakdown of responses to Question 3e of the consultation questionnaire.

8.2 Overall analysis

8.2.1 As you will see from the statistical analysis shown in the charts and tables above there was broad support for the approach taken to the protection of children and vulnerable persons in the draft policy. Where there was concern about the content of the policy, these responses usually centred around the policy not being restrictive enough. More detailed commentary is provided below for each of the five questions related to the protection of children and vulnerable persons licensing objective.

8.2.2 Question 3a showed strong support for the overall tone and content of the approach suggested in the policy related to the protection of children and vulnerable persons with 73% of respondents stating the policy was 'about right'. 24% of respondents did however feel the policy was lacking in some respects. Many respondents offering this view point went on to suggest possible control measures and repeated themes included the following:

- Reduced access to easy cash/credit once on gambling premises
- Positive/proactive approach from staff on gambling premises to try to identify and if necessary offer support to compulsive gamblers (one respondent suggested members of staff should be offered training in the understanding of addiction)
- Other respondents suggested children should not be allowed onto any type of gambling premises and also new gambling premises should not be situated near schools.

8.2.3 Question 3b demonstrated strong support for the suggested approach in the draft policy concerning gaming machines with 75% of the 97 consultees agreeing the suggested policy was 'about right'. Dissenting views often disagreed with the approach owing to the fact that they felt children should not be allowed to play any gaming machines at all and that to allow children to play low stake machines would inevitably be a pull towards the higher stake machines. One respondent suggested that higher stake machine centres should require membership schemes to prevent low income occasional gamblers from gaining access. Another strong theme was a call for any premises providing category C or higher machines to be adult only venues. One respondent suggested that "unlicensed Family Entertainment Centre gaming machines could be operated by tokens bought on site from a responsible human vendor. This would exercise control on use."

8.2.4 Question 3c asked respondents to consider the proposal in the draft policy around location issues. Again there was broad support for the suggested policy with 82% of consultees agreeing the policy was necessary. The remainder were closely split between a feeling that the policy was 'not necessary' or they were 'not sure'. Of those respondents that indicated the policy was not necessary a handful went on to state that the policy was 'heavy handed' or that if the other control measures in the policy were rigorously implemented then this approach would be superfluous.

8.2.5 The purpose of Question 3d was to ascertain whether the proposed measures in the draft policy related to support for vulnerable persons were adequate. The responses to this question showed mixed support for the proposals. 65% of consultees thought the proposals were 'about right' however a definite level of concern was raised from 30% of respondents who felt the approach was 'not restrictive enough'. A repeated theme which emerged was concern about how you determine who is a vulnerable person. There was general consensus that this may be achievable when the person is under the influence of alcohol or drugs but concern that other vulnerable persons

would be difficult to detect. Another repeated theme centred on concern that the proposals in the draft policy to make support information available on the council website would be ineffective for those with a mental impairment or persons affected by drugs and alcohol. One respondent noted that if vulnerable persons can not make informed or balanced decisions, the provision of guidance material about problem gambling on posters and websites would be useless.

8.2.6 The final question in the questionnaire sought to establish if respondents felt the policy should seek to classify any other categories of person or persons as vulnerable or if the definition used in the policy was adequate. Again support for the definition in the policy was mixed with 54% stating the parameters were adequate while 18% thought other categories should be considered and the remaining 29% of consultees were 'not sure'. Categories of persons who were suggested could be classed as vulnerable included the elderly, ethnic minorities, the families and the children of those who may have a gambling addiction, people with learning disabilities and the disabled.

9. Questionnaire Analysis – open ended comments

9.1.1 The questionnaire included a final question which allowed people to express any further open ended comments that they wished to make. Analysis of these comments revealed some respondents deeply held views regarding gambling (in both a positive and negative manner) which although not related to the licensing objectives deserve mention in this section of the report.

9.1.2 A handful of replies demonstrated a highly sceptical view of the policy although further examination of the qualitative comments throughout the questionnaires showed a fairly negative view with regards to gambling generally and it appears such replies were used as a means to vent this viewpoint. One respondent was clearly experiencing problems in her own family as a result of problem gambling explaining that her daughters marriage was breaking up as a result of gambling in casinos. Another respondent stated they had strong concerns about the problems associated with internet gambling. A handful of replies stated they would not support any new gambling establishments of any kind in Leeds and misinterpreted the draft policy as Leeds' willingness to licence. Two respondents expressed deeply held reservations about Leeds bid for a new style large or regional casino.

9.1.3 Other questionnaire replies offered a view contrary to the above reflecting that gambling is a legitimate pastime that should be treated no differently to the sale and consumption of alcohol. Indeed those supporting this view point felt that shielding gambling from the public view could cause more damage than good. One respondent stated thus, "By all means regulate it, but don't treat it as something that although legal is actually a bit shady/dubious. It is either ok or it is not. The world is full of risks and children and other vulnerable people are not best protected by being over protected and shielded from these dangers." Other replies reflected that there is a certain inevitability about the proliferation of gambling and it is best regulated rather than forced under ground.

10. Analysis of detailed written replies

10.1 Trade replies

1) The Race Course Association (RCA) – (2 page reply received 19 July 2006)

- The RCA asked for a flexible approach with regards to the policy statement given that specific guidelines for tracks have not yet been released.
- The RCA are concerned that local authorities may require delineation between areas covered by different betting premises licences and state that this may not be possible or practical on tracks. They argue that such delineation will not be necessary if the areas are covered by the racecourses betting premises licence.
- Conditions – The RCA note that council's may apply conditions to racecourse premises licences to try and create a suitable betting environment, given that operators may not be required to hold an operators licence. The RCA ask that these conditions do not exceed those conditions as are to be outlined by the DCMS.
- Also the RCA expressed concern that the provisional statement regime may not work for tracks, where areas of the premises may be developed or altered while other areas of the premises remain in operation. The RCA are addressing these concerns with the DCMS.

2) RAL Limited (Own a chain of 185 'Quicksilver' adult gaming centres and also have online gaming interests – 4 page reply received 19 July 2006)

- Door supervisors – RAL limited expressed deep concern at any suggestion that a condition should be imposed on adult gaming centre premises licences requiring door supervisors especially as a mandatory condition. A 4 page reply repeated this rhetoric throughout:
 - Various lines of argument, namely AGCs are currently adult only environments and the new Act continues this provision,
 - to impose door supervisors on the grounds of crime and disorder would be disproportionate given the tenuous link between AGCs and any crime or disorder,
 - AGCs are currently well managed premises who take their social responsibility duties with regards to children and vulnerable persons very seriously. To impose door supervisors would be unduly costly, onerous and burdensome on businesses that have already demonstrated their ability to uphold the licensing objectives.

3) British Beer & Pub Association (BBPA) (3 page reply received 18th August 2006)

- The BBPA emphasised in its letter that public houses have operated amusement with prize machines on licensed premises for many years and the BBPA have worked closely with licensees to draw up and implement an effective code of practice for its members to ensure effective management of the machines and to ensure minimum age requirements are complied with.
- The BBPA will support the code of practice which will be issued by the Gambling Commission to replace its code of practice and reiterate that there is no reason why permits for additional machines should not be granted on alcohol licensed premises. The BBPA comments that it may be useful for policy statements to reflect this.

- The letter goes onto suggest that it may be useful for BBPA members if policy statements include some guidance on the transitional arrangements regarding gaming permits for alcohol licensed premises as well as an outline of the procedure to apply for more than two permits.
- 4) The Association of British Bookmakers (ABB) – (4 page reply received 1 September 2006)
- The ABB offered a brief overview of the role of the association stating it is the representative association for businesses holding almost 7,000 betting office licences.
 - The ABB called for a light touch approach under the new Act given the effective self regulation that the industry has employed to date.
 - The ABB pressed for any conditions regarding door supervisors to only be used in exceptional cases where the particular circumstances of the case make it both necessary and proportionate. The ABB argued that historically door supervision has not been necessary at bookmakers.
 - The ABB sought to highlight the difference between fixed odds betting terminals and betting machines explaining that betting terminals are basically automated counter positions to place bets on real world events. The ABB would like to see the provisions in the Act regarding the power to limit the number or position of these terminals to be used carefully given that there is no evidence that such machines give rise to regulatory concerns.
 - The ABB asked for the authority to look favourably upon re-site applications. These are applications to move a bookmakers from one premises in an area to another premises where the principle aim of the move is to enhance customer facilities. The ABB request that the policy positively encourages or atleast gives sympathetic consideration to resites or extensions within the same locality in order to enhance the quality of the facility provided for the benefit of the betting public.
 - The ABB expressed some concern at the draft policy's statement regarding location issues.
- 5) Roger Etchells (RE) – (Chartered surveyors acting on behalf of Teddy Clark Limited and Riviera Leisure Limited – Amusement arcade operators) – (2 page reply received on 30th August 2006)
- Concern was raised in the reply that the draft policy did not include information on representations and just indicated that a separate guidance note would be issued. Roger Etchells argued that such guidance should be in the policy so it would be the subject of a thorough consultation.
 - RE argued that the final sentence of para 13.11 of the draft statement amounted to duplication of planning policy and was at odds with the first sentence of the paragraph. RE asked for it to be removed.
 - RE also raised concerns with regards to para 14 of the draft statement stating that to mention areas that might be made the subject of conditions was to create a presumption that conditions would be imposed in respect of those matters effectively creating a 'pool of conditions' contrary to the guidance.
 - The letter also sought to highlight that gambling premises of the sort envisaged under the new legislation have been operating successfully without conditions for almost 40 years

6) Montpelier Estates (Property investment and development company with financial interests in City 1 site which has outline planning permission for a new casino.) – (detailed questionnaire return with accompanying notes received 1st September 2006)

- Montpelier estates indicated that the draft policy did not include sufficient control measures to promote the crime prevention licensing objective. They suggested that a steering group should be established under the banner of the Leeds Initiative which could have an advisory role reporting to the council. The steering group would have regular contact with parties including gaming operators, key community groups and the public. This would enable the council, in the form of the steering group, to have an ongoing arms length influence on the industry and facilitate the assessment of the attitudes and policies of gaming operators towards preventing gambling becoming a source of crime and disorder. The steering group together with the police should be involved in the design and build stage of new gaming premises, particularly for casinos under the new act to ensure that the opportunities for crime and disorder are minimised from the outset.
- Montpelier estates also suggested measures to help bolster the policy in order to help children and vulnerable persons suggesting that operators of gaming establishments should be required to help fund education programmes and PR campaigns aimed at vulnerable members of the community. There could be varying degrees of involvement depending on turnover of the establishment and programmes could range from simple leafleting at the front desk of gaming venues through to organised educational schemes whereby disadvantaged children could be taught maths together with the potential hazards of gambling by means of learning about odds, multiplication, fractions, etc.
- In terms of gaming machines Montpelier estates felt the policy required more stringent policies to be drawn up, for example Category C machines should not be allowed in the same room as category D machines and the access point between the two rooms should be supervised to ensure children can not gain access to restricted areas. The reply highlighted concern that superficial measures such as a coloured lines on the floor or rope barriers to delineate two gaming areas where children can see the higher stake machines beyond the barrier would only serve as an enticement.
- Finally Montpelier Estates sought to highlight the advantages of locating any new casino developments in the city centre making the case that locating the casino in such an area would give the greatest chance of long term success for the casino, the entertainment complex and the city. They stated it would allow the most cost effective policing and monitoring, combined with an integrated design process which would minimise the detrimental effects of any such development.

7) British Casino Association (The BCA is the leading trade association representing over 90% of Britain's Licensed Casinos.) (2 page reply received 5th September 2006)

- The BCA sought to make some general observations about the casino industry through its consultation reply.
- The BCA stated that as the operation of casinos has been highly regulated over the past 40 years, the introduction of the 'new' legislation will not impact on the high level of integrity with which these premises have historically operated.

- The final point the BCA wished to make related to licence conditions and to draw specific attention to para 9.29 of the Gambling Commission's guidance to Licensing Authorities which identifies matters which cannot be the subject of conditions.

10.2 Other replies

8) GamCare (National association for gambling care educational resources and training) – (2 page reply received 31 July 2006)

- GamCare noted in its letter that they have been approached by nearly all licensing authorities for comments on draft gambling policies and while they have found various differences in all there are not too many discrepancies for concern.
- Gamcare explained that they are a gambling neutral charity that recognise that gaming can be a very entertaining form of relaxation.
- The letter asked the council to recognise that under the new Act it has a 'duty of care' to become corporate parents assisting residents of the authority with gambling addictions.
- The reply also included a summary document containing a list of inclusions, which form GamCare's viewpoint of what should be included in either the policy or as licensing conditions, these are as follows:
 - Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet such as toilets.
 - Self exclusion forms should be available
 - Operators should have regard to best practice issued by organisations that represent the interests of vulnerable people
 - Fixed Odds Betting Terminals (FOBTs) should clearly display odds
 - All ATMs or cash terminals should be separate from gaming machines so that clients will have to leave the machine area to acquire funds if so required. The ATMs should also display stickers with GamCare Helpline positioned prominently on the machine
 - Casinos should be obliged to provide compulsory non-gambling areas or 'chill out rooms'.
 - Posters should be displayed on gambling premises suggesting 'stay in control of your gambling' with details of GamCare telephone number and website.

11. Conclusions

- Generally the consultation process indicated broad support for the policies and proposals suggested in the draft policy.
- Some anti-gambling views were raised, such as concern about children being able to play low stake machines. It is important to note that there is nothing in the Act which allows Leeds City Council to prevent children from using category D gaming machines.
- Concern was raised within the questionnaire returns and also highlighted in GamCare's written reply about the provision of ATM machines on gambling premises with the consensus being that access to easy credit could be problematic. It should be noted that the Act does allow ATMs to be sited on certain gambling premises subject to certain provisions related to the financial arrangements between the gambling operator and the service provider and it is likely that the licensing authority will have some enforcement duties in this area. Please see recommendation 12.2.
- One repeated theme which ran through the consultation was concern that control measures in respect of vulnerable persons are weak and the policy should be reviewed to include more groups and that access to support information should be more widespread.
- Generally the trade responses sought to highlight their belief that the industry is well controlled and has operated without any serious problems for many years. For this reason the trade argue that conditions should not be imposed on a mandatory basis and in the exceptional cases where conditions are required, conditions should be tailored to the particular application in question. In particular strong concern was raised at the possibility that conditions related to door supervisors might be imposed on premises that have not historically been required to provide them such as amusement arcades and bookmakers. The trade argued that such conditions could be expensive, disproportionate and burdensome. In this regard it is important to note that the government will in due course publish a set of mandatory and default conditions. Mandatory conditions will, as the name suggests, be applied automatically depending on the particular premises licence class being dealt with. In addition the council will retain the discretion to impose/alter and or modify default conditions in line with the principles of the Act assessing each individual case on its merits. At the present time draft proposals regarding conditions are currently being consulted on including conditions relating to door supervisors and ATMs. Please see recommendation 12.2.

12. Recommendations

- 12.1 The consultation process highlighted a number of legitimate and very useful comments which should be considered during a thorough redrafting process, particularly around the protection of children and vulnerable persons licensing objective.
- 12.2 It may be useful to undertake further research into the powers available to Licensing Authorities with regards to ATMs/cash machines on licensed premises before redrafting the policy. In addition a detailed analysis should be undertaken of the current proposals related to mandatory and default conditions so the draft policy can, if required, be updated accordingly.
- 12.3 Given the number of responses which highlighted anti gambling sentiments and misinterpreted the purpose of the draft policy it may be worth while revisiting the title of the document. In its current form the 'Statement of Gambling Policy' fails to address the underlying purpose of the document which is to outline the principles for

the licensing of gambling premises, and a more appropriate title could be 'Statement of Gambling Licensing Policy'.

Appendix 1

Consultation questionnaire

Section 1

1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

The Gambling Commission will take the lead role in keeping gambling crime free. Our draft policy outlines how we will try and promote this area with regard to the actual premises. The policy states we will assess each application on its merits with specific regard to the location of the premises and the scale of the proposed activities. It states we will establish a local enforcement protocol with West Yorkshire Police and work closely with the police to ensure high risk premises or premises within areas with considerable crime or disorder are targeted for suitable licence conditions such as door supervision. The council will not issue any premises licences to businesses that have not already acquired the necessary personal and operators licences from the Gambling Commission.

1) Do you feel the policy does enough to promote this area?

too little about right too much

If you answered 'too little' or 'too much' what changes would you like us to consider?

2) Ensuring gambling is conducted in a fair and open way

The Gambling Commission suggests that local authorities should not become concerned with ensuring that gambling is conducted in a fair and open way. The policy does however contain an undertaking to communicate any concerns about fairness and openness to the Gambling Commission for example if we become aware that signage about game rules is absent at a particular premises.

2) Do you feel the policy does enough to promote this area?

too little about right too much

If you answered 'too little' or 'too much' what changes would you like us to consider?

3) Protecting children and the vulnerable from harm

3a) In our draft policy we say how we will protect children and vulnerable people from being harmed or exploited by gambling. In terms of children we will do this by considering attaching conditions to premises licences such as proof of age schemes, CCTV, door supervisors, supervision of entrances / machine areas, physical separation of areas, notices / signage etc. We also state that we shall pay particular attention to those premises that provide automated betting machines and consider special conditions relating to the number of such machines and there position on the premises.

3a) Do you feel the policy does enough to promote this area?

too little about right too much

If you answered 'too little' or 'too much' what changes would you like us to consider?

3b) The draft policy includes information about the different categories of gaming machine which will operate under the act in terms of the maximum stake and maximum prize. The policy indicates that we will expect operators to carefully consider how their choice of machines will impact upon the 'protection of children and vulnerable persons' licensing objective and that we may seek to impose special conditions on any premises licence where higher stake machines are offered. We will pay particular attention to premises such as bingo halls and licensed family entertainment centres where children are permitted to play low stake category D gaming machines but are not allowed to enter the area where higher stake category C machines are placed.

3b) Do you feel this approach is...?

too restrictive about right not restrictive enough

If you answered 'too restrictive' or 'not restrictive enough' what changes would you like us to consider?

3) Protecting children and the vulnerable from harm continued...

3c) The draft policy includes a special approach to location issues aimed at addressing the protection of children and vulnerable persons. The policy states that upon receipt of any relevant representations about a premises licence application the council will investigate issues such as:

- the proximity of the premises to schools and vulnerable adult centres
- the proximity of the premises to residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place

The policy goes on to state that such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

3c) Do you feel this approach is needed?

yes no not sure

If you answered 'no' what changes would you like us to consider?

3d) The draft policy does not include a definition of a vulnerable person but does state that it will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, such as alcohol or drugs. The policy states that the council will promote this objective by posting information on the council website about the support services available for problem gamblers and will undertake checks on gambling premises to ensure any necessary information regarding responsible gambling is on display.

3d) Do you feel this approach is...?

too restrictive about right not restrictive enough

If you answered 'too restrictive' or 'not restrictive enough' what changes would you like us to consider?

3e) Are there any other categories of person(s) who you feel we should mention in the policy who fall under the category of vulnerable?

yes no not sure

If you answered yes who else would you like us to consider?

Section 2

Please add any other comments on the draft policy or the new Gambling Act.

About you

For the purpose of making sure we get an effective sample:

Where did you see a copy of the draft policy?

Town Hall Civic Hall Library
One Stop Centre On the internet
Other Please state: _____

Please indicate if you are responding as?

Member of the public Community group representative
Gambling business Other business owner
Trade Association City, Town or Parish Councillor
Other Please state: _____

OPTIONAL INFORMATION

Name: _____ Gender: _____ Age: _____
Organisation (if applicable): _____
Address: _____
Postcode: _____

Thank you for completing this questionnaire.

Please return to Entertainment Licensing, Civic Hall, Leeds, LS1 1UR.
(using the pre paid envelope attached)

By Sunday the 3rd September 2006

T: 0113 247 4095 F: 0113 224 3885

An electronic version of this form plus the draft policy is available on:

www.leeds.gov.uk/licensing

Appendix 2

Consultation poster



Gambling Laws are changing...

**Leeds City Council will soon licence all
bookmakers, casinos, amusement
arcades and bingo halls.....**

**Please read our Draft Gambling Policy and see
how we plan to keep gambling crime free,
protect children, and the vulnerable
and ensure gambling is provided in a fair
and open way.**

**You can give us feedback on the policy by
filling out a consultation questionnaire.
The policy and questionnaire can be
accessed on our website:**

www.leeds.gov.uk/licensing

or please call: 0113 247 4095

Final date for replies: 3rd September 2006



Appendix 3

Sample of press adverts

20 YORKSHIRE EVENING POST THURSDAY 22 JUNE 2006

A new look at the old days ...every Thursday in the

Living... Retrospective

Jayne Dawson reports on a month when a hoaxer changed the direction of a murder inquiry and a Hollywood legend lost his final fight

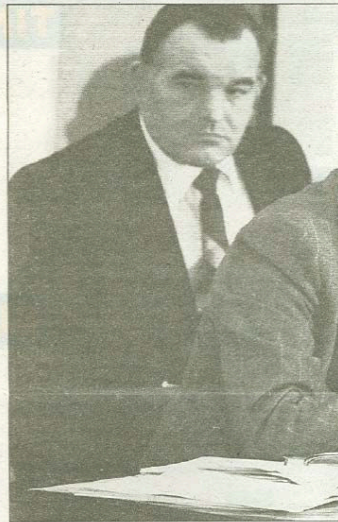
Fata

DATELINE: JUNE 1979

THE BIG STORY...

POLICE hunting the Yorkshire Ripper believed they had had a sensational breakthrough when they received a tape allegedly from the brutal killer. The man in charge of the murder hunt, Assistant Chief Constable George Oldfield, said he was convinced the tape – on which a man taunted the police in a north-east accent for their lack of success, plus three letters he had received earlier – were all from the killer. The police decided to make the tape public and played it at a press conference the following week, after which switchboards were

jammed with callers ringing in to say they recognised the chilling voice. Pop impresario Jonathan King came up with a scheme to make the tape into a record and sell copies to the public but changed his mind in the face of massive criticism. However, once the true killer Peter Sutcliffe was arrested, it became clear the tape and letters had been a hoax. His identity remained a mystery but eventually breakthroughs in forensic science meant that this year **John Humble**, of Sunderland, was jailed for eight years for perverting the course of justice.



THE HEADLINES...

- Former Liberal Party leader **Jeremy Thorpe** was cleared on June 22 of the attempted murder of male model Norman Scott after a trial lasting 31 days. Mr Thorpe and three other men had been charged with conspiracy to murder after a bungled assassination attempt on Mr Scott on a deserted moor in Southern England. All were found not guilty. Mr Thorpe, who resigned as leader in 1976 amid allegations that he had had a homosexual affair with Mr Scott, hailed his acquittal as "a complete vindication". It took the jury 15 hours of deliberation spread over three days to reach its verdict. Mr Thorpe said he would be taking "a short period of rest" away from the glare of publicity after the case but never resumed a high-profile political career.
- The father of Leeds nurse **Helen Smith**, who died at a party in Saudi Arabia said he believed his daughter had been murdered, despite official reports saying her death was accidental when she fell from a balcony. Former policeman Mr Smith, of Guiseley, Leeds, said he believed his daughter, who was working in Saudi, had become involved in a permissive society.
- Yorkshire-born sculptor **Henry Moore** announced he was to give Leeds, the city where he trained, £2m worth of his most important works. They were to be displayed in a Henry Moore Sculpture Gallery to be created on the Headrow, Leeds. He was also donating £100,000 to



Gambling Laws are changing...

Leeds City Council will soon licence all bookmakers, casinos, amusement arcades and bingo halls.....

Please read our Draft Gambling Policy and see how we plan to keep gambling crime free, protect children, and the vulnerable and ensure gambling is provided in a fair and open way.

You can give us feedback on the policy by filling out a consultation questionnaire. The policy and questionnaire can be accessed on our website:

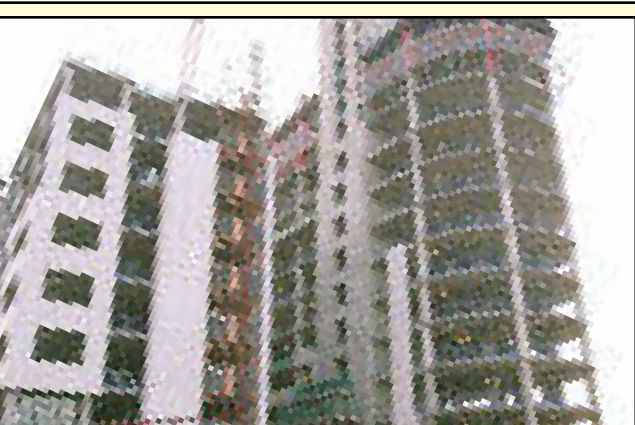
www.leeds.gov.uk/licensing
or please call: 0113 247 4095.

Final date for replies:
3rd Sept 2006

Appendix 4

About Leeds – news article

Workers benefit from city's building boom



Reaching new heights

Bridgewater Place **Iconic conclusion.**

105 metre peak, the landmark dominates

0,000 sq ft of office space – the equivalent of five football pitches – with half previously demolished before the new building was built for fit out in late

of 200 apartments, 10,000 sq ft of retail and underground

parking for 400 vehicles.

Landmark Development Projects and St James Securities are the joint developers, while Rob Forrester is project director.

“This scheme will radically transform the city skyline and, like all such iconic buildings, will reap well-deserved international acclaim and project a positive image of economic wealth and status,” said Chris Gilman, a Director at Landmark Development Projects.

A NEW partnership, Construction Leeds, has been set up by the Leeds Initiative to help more people in Leeds to benefit from the massive £5billion planned investment in construction projects over the next five to ten years.

The new scheme, to be launched later this summer, will coordinate and provide construction training for jobless and underemployed people to ensure a better supply of skilled workers for new projects such as major office and city centre schemes, new schools, housing schemes and road developments across the city.

Announcing the scheme, Steve Williamson, chief executive of re’new, the main sponsor of the scheme, said: “Leeds is still booming and we want to see more Leeds people benefiting from and contributing to that success.

“Jobs and sustainable employment, underpinned by solid skills training, are fundamental to local communities and any regeneration programme.

“We recognise the skill shortage within the construction industry and by engaging with employers we will have a more coordinated approach to construction training.”

Construction Leeds already has the support of key organisations across the city, including Leeds City Council, Leeds College of Building, Jobcentre Plus, Leeds Construction and Training Agency, the Construction Industry Training Board, Federation of Master Builders, Leeds YouthBuild, Leeds Learning Partnership and Leeds ALMOs, the management organisations owned by the council and responsible for all its housing stock.

Businesses

Resources to

Brooks

awaits criminals

region's shops

Council and

from 150 police

time partnerships

set in Leeds to

ing down harder

ly set up a new

ne Partnership

Business Against

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and businesses

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event organiser,

ow that sharing

both effective and

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ccess against

stent offenders

meeting.”

Leading lights tackle superbugs



the medical world. Hardly surprising as the medical lighting manufacturers carried off top prize at the recent Medilink awards.

Managing director Graeme Hall believes the company's latest innovations will help to maintain its lead and its impressive export record. “The material used is proven to kill the SARS-CoV virus and is based on silver ions that combat other superbugs such as MRSA and e-coli,” he said.

The firm's medical video provides a complete record of all theatre activities – allowing a consultant not in theatre to liaise with an operating team and providing an ideal archive record.

Brandon exports over 60 per cent of its products overseas to the Middle East, Europe, the Pacific Rim, South America, India and China.

“The success of Brandon

Euro am

A WIDE-ranging initiative identifying the areas in which Leeds needs to come to join the premier league of cities, has been announced by council chiefs.

The council's 'Case' highlights a discussion with the Mayor, including the need for financial autonomy, better skills and opportunities; sport problems and the development of mixed communities.

The document would benefit from freedom to move locally and should have a say on how regional budgets are spent. New mechanisms are explored for funding in transport, health, and culture.

It also looks at broader Leeds objectives to develop and encourage investment, economic competition.

Full consultation is necessary with the community, hoteliers, partners on positions and arrangements, and the Business Case ward with Government.

New ideas

A NEW, unique initiative for public sector and entrepreneurs is being launched by the Council.

Innovation Leeds will build on the success of Digital Pen and Ink, where innovative ideas and proven with made available on a recovery basis, public sector companies.

Ground breaking in Leeds is the first of its type within the public sector.

For more visit www.leeds.gov.uk from 14 July.

Take a gamble

FROM September the City Council will have new responsibilities under the Gambling Act, which permits the opening of new amusement arcades and halls.

As part of the

Appendix 5

Statement of Gambling Policy Consultees List

Statement of Gambling Policy Consultees List

Contact Name	Organisation Name	coverage -	
		L=Local	R=Region
		N=National	Organisation Type
The Manager	Northern Leisure Group Ltd, LS13 4LY	L	Amusement Arcade
The Manager	Mill Hill Amusements Ltd, LS1 5DQ	L	Amusement Arcade
The Manager	J Noble & Sons Ltd, LS1 6DQ	L	Amusement Arcade
The Manager	White Cross Amusement Arcade, LS20 8NJ	L	Amusement Arcade
The Manager	Metric Gaming Ltd, LS15 8DT	L	Amusement Arcade
The Manager	Warfedale Leisure Centre, LS19 7RE	L	Amusement Arcade
The Manager	Penny Arcade, LS2 7DY	L	Amusement Arcade
The Manager	AMF Bowling Leeds, LS2 8BT	L	Amusement Arcade
The Manager	L.A Bowl, LS11 9DB	L	Amusement Arcade
The Manager	Hollywood Bowl, LS4 2DG	L	Amusement Arcade
The Manager	Pleasuretime, LS1	L	Amusement Arcade
The Manager	Quicksilver, LS2 7HZ	L	Amusement Arcade
The Manager	Amusement King, LS1 7JH	L	Amusement Arcade
The Manager	Las Vegas, LS1 7DJ	L	Amusement Arcade
The Manager	Olympia Leisure, LS1 9XX	L	Amusement Arcade
The Manager	Annetler Ltd, LS21 3HE	L	Amusement Arcade
The Manager	Luxury Leisure, LS13	L	Amusement Arcade
The Manager	Pleasure Time, LS1 6DG	L	Amusement Arcade
The Manager	Dransfield Novelty Co.Ltd, LS9 8BP	L	Amusement Machines Supplier
The Manager	Storey Group Limited, LS1 7BH	L	AWP Operator
The Manager	Queensgate Leisure Services Ltd, BD1 3FF	L	AWP Operator
The Manager	Global Gaming Corp.ltd, KA30 8BG	L	AWP Operator
The Manager	Arcadia Amusements, LS27 8DT	L	AWP Operator
Alison Morris	Gamesgrid Ltd, BH1 1JU	L	AWP Operator
The Manager	Luxury Leisure, NE32 3EG	L	AWP Operator
The Manager	Leisurama Entertainments Ltd, HU13 0RB	L	AWP Operator
The Manager	Teddy Clark Ltd, HU8 7BF	L	AWP Operator
The Manager	Metsmatics Ltd, LS1 5DQ	L	AWP Operator
The Manager	Mecca Bingo, LS15 7PE	L	Bingo Club
The Manager	The Mayfair Club, LS2 7DY	L	Bingo Club
The Manager	New Western Bingo & Social Club, LS12 3BA	L	Bingo Club
The Manager	Mecca Bingo, LS10 2HP	L	Bingo Club
The Manager	Tivoli Bingo, LS10 4LF	L	Bingo Club
The Manager	Royal Bingo & Social Club, LS19 7PP	L	Bingo Club
The Manager	William Hill, LS1 5RD	L	Bookmakers
The Manager	William Hill, LS9 6PJ	L	Bookmakers
The Manager	William Hill, LS5 3BH	L	Bookmakers
The Manager	William Hill, LS25 1AA	L	Bookmakers
The Manager	William Hill, LS11 6AW	L	Bookmakers
The Manager	William Hill, LS1 6DL	L	Bookmakers
The Manager	William Hill, LS15 7HS	L	Bookmakers
The Manager	Ladbrokes Betting Shops, LS14 6JD	L	Bookmakers
The Manager	William Hill, LS6 4AY	L	Bookmakers
The Manager	William Hill, LS8 4HS	L	Bookmakers
The Manager	William Hill, LS10 2DJ	L	Bookmakers
The Manager	William Hill, LS8 1AP	L	Bookmakers
The Manager	Ladbrokes Betting Shops, LS1 6AL	L	Bookmakers

Statement of Gambling Policy Consultees List

		coverage -	
		L=Local	
		R=Region	
		N=National	
Contact Name	Organisation Name		Organisation Type
The Manager	William Hill, LS17 6LD	L	Bookmakers
The Manager	William Hill, LS8 3AY	L	Bookmakers
The Manager	William Hill, LS6 3HG	L	Bookmakers
The Manager	William Hill, LS4 2HU	L	Bookmakers
The Manager	William Hill, LS10 2AR	L	Bookmakers
The Manager	William Hill, LS11 8PN	L	Bookmakers
The Manager	William Hill, LS11 5HZ	L	Bookmakers
The Manager	Ladbrokes Betting Shops, LS27 8DW	L	Bookmakers
The Manager	William Hill, LS1 6PU	L	Bookmakers
The Manager	William Hill, LS6 1PY	L	Bookmakers
The Manager	William Hill, LS9 7ST	L	Bookmakers
The Manager	William Hill, LS17 6DW	L	Bookmakers
The Manager	William Hill, LS8 4LG	L	Bookmakers
The Manager	William Hill, LS1 4DS	L	Bookmakers
The Manager	William Hill, LS9 6QQ	L	Bookmakers
The Manager	Ladbrokes Betting Shops, LS1 6LY	L	Bookmakers
The Manager	William Hill, LS12 1HX	L	Bookmakers
The Manager	Ladbrokes Betting Shops, LS2 7JB	L	Bookmakers
The Manager	William Hill, LS1 5DQ	L	Bookmakers
The Manager	Ladbrokes Betting Shops, LS6 4HZ	L	Bookmakers
The Manager	William Hill, LS9 0BA	L	Bookmakers
The Manager	William Hill, LS6 2NY	L	Bookmakers
The Manager	William Hill, LS2 8NJ	L	Bookmakers
The Manager	William Hill, LS27 9EB	L	Bookmakers
The Manager	William Hill, LS8 5RL	L	Bookmakers
The Manager	William Hill, LS18 5LJ	L	Bookmakers
The Manager	William Hill, LS1 7JH	L	Bookmakers
The Manager	Ladbrokes Betting Shops, LS8 3ES	L	Bookmakers
The Manager	William Hill, LS15 8EU	L	Bookmakers
The Manager	William Hill, LS13 4JG	L	Bookmakers
The Manager	William Hill, LS2 8JA	L	Bookmakers
The Manager	William Hill, LS9 6NQ	L	Bookmakers
The Manager	William Hill, LS26 0NU	L	Bookmakers
Tha Manager	Fender Racing & Sport, LS25 7AJ	L	Bookmakers
Tha Manager	William Hill, LS12 1UZ	L	Bookmakers
Tha Manager	William Hill, LS13 2BW	L	Bookmakers
Tha Manager	William Hill, LS25 7AF	L	Bookmakers
Tha Manager	William Hill, LS9 7BG	L	Bookmakers
Tha Manager	William Hill, LS11 8HD	L	Bookmakers
Tha Manager	William Hill, LS7 3RA	L	Bookmakers
Tha Manager	William Hill, 187 Chapeltown Rd	L	Bookmakers
The Manager	Peter Smith, LS11 9LH	L	Bookmakers
The Manager	Regent Racing, LS9 9JQ	L	Bookmakers
The Manager	David Hurd, LS13 2ER	L	Bookmakers
The Manager	Gale Turf Accountants, LS28 6PA	L	Bookmakers
The Manager	John Burrows Racing, LS10 4HD	L	Bookmakers
The Manager	Maurice Barton, LS23 6BH	L	Bookmakers
The Manager	Sporting Investments, LS28 6ER	L	Bookmakers
The Manager	Coral Bookmakers, LS1 6DG	L	Bookmakers
The Manager	Coral Bookmakers, LS2 7EA	L	Bookmakers
The Manager	Coral Bookmakers, LS9 7TZ	L	Bookmakers

Statement of Gambling Policy Consultees List

		coverage -	
		L=Local	
		R=Region	
		N=National	
Contact Name	Organisation Name		Organisation Type
The Manager	Coral Bookmakers, LS9 7BJ	L	Bookmakers
The Manager	Coral Bookmakers, LS10 3QJ	L	Bookmakers
The Manager	Coral Bookmakers, LS14 6ER	L	Bookmakers
The Manager	Coral Bookmakers, LS15 8QR	L	Bookmakers
The Manager	Coral Bookmakers, LS18 4QD	L	Bookmakers
The Manager	Coral Bookmakers, LS16 7SR	L	Bookmakers
The Manager	Coral Bookmakers, LS27 9EB	L	Bookmakers
Ian Williams	Leeds Chamber of Commerce & Industry	L	Business support organisation
The Manager	Grosvenor Casino, LS17 6QD	L	Casino
The Manager	Gala Westgate Casino, LS3 1LW	L	Casino
The Manager	Grosvenor Casino, LS2 8PD	L	Casino
The Manager	City Centre CAB	L	Citizens Advice Bureau
The Manager	Crossgates CAB	L	Citizens Advice Bureau
The Manager	Garforth CAB	L	Citizens Advice Bureau
The Manager	Morley CAB	L	Citizens Advice Bureau
The Manager	Otley CAB	L	Citizens Advice Bureau
The Manager	Pudsey CAB	L	Citizens Advice Bureau
John Wright	Yorkshire Culture	R	Consortium
Mr Byron Evans	RAL Limited, MK9 2AF	L	Entertainment Company
Inderjit Singh Bhogal (Director)	The Yorkshire Humber Faiths Forum	R	Faith Group
Robert Beard (Policy Officer),	The Churches Regional Commission for Yorkshire and the Humber	R	Faith Group
Reverend Kathryn Fitzsimons	Urban Ministry	L	Faith Group
All 99 Leeds City Council Elected Members	Leeds City Council	L	Local Government
The Right Honourable John Battle MP for Leeds West	Leeds West MP	L	Member of Parliament
The Right Honourable Hilary Benn MP for Leeds Central	Leeds Central MP	L	Member of Parliament
Greg Mulholland MP for Leeds North West	Leeds North West MP	L	Member of Parliament
Colin Burgon MP for Elmet	MP for Elmet	L	Member of Parliament
Colin Challen MP for Morley and Rothwell	MP for Morley and Rothwell	L	Member of Parliament
Fabian Hamilton MP for Leeds North East	MP for Leeds North East	L	Member of Parliament
George Mudie MP for Leeds East	MP for Leeds East	L	Member of Parliament
Paul Truswell MP for Pudsey	MP for Pudsey	L	Member of Parliament
Miss Caroline Waites	Arthington Parish/Town Council	L	Parish/Town Council
Mrs S Reed	Bramhope & Carlton Parish/Town Council	L	Parish/Town Council
Mrs E M Swidt	Pool Parish/Town Council	L	Parish/Town Council
Mrs J Winn	Great & Little Preston Parish/Town Council	L	Parish/Town Council
Mr B Caulfield	Swillington Parish/Town Council	L	Parish/Town Council
Mrs R Reed	Aberford & District Parish/Town Council	L	Parish/Town Council

Statement of Gambling Policy Consultees List

Contact Name	Organisation Name	coverage -	
		L=Local R=Region N=National	Organisation Type
Mrs P G Gallant	Barsey cum Rigton Parish/Town Council	L	Parish/Town Council
Mrs Mary Teal	Barwick in Elmet and Scholes Parish/Town Council	L	Parish/Town Council
Mr G Robins	Collingham with Linton Parish/Town Council	L	Parish/Town Council
Mrs P J Gallant	East Keswick Parish/Town Council	L	Parish/Town Council
Mr T M Wadsworth	Harewood Parish/Town Council	L	Parish/Town Council
Mr P R Hart	Scarcroft Parish/Town Council	L	Parish/Town Council
Ms K Faherty	Shadwell Parish/Town Council	L	Parish/Town Council
Mr Steven Wood	Thorner Parish/Town Council	L	Parish/Town Council
Mr K A Donnelly	Horsforth Town Council	L	Parish/Town Council
Mr David Hagen	Allerton Bywater Parish/Town Council	L	Parish/Town Council
Mr Colin Child	Kippax Parish/Town Council	L	Parish/Town Council
Mr B Bennett	Ledsham Parish/Town Council	L	Parish/Town Council
Ms Michelle Crowther	Ledston Parish/Town Council	L	Parish/Town Council
Mrs Joanne Hebden	Micklefield Parish/Town Council	L	Parish/Town Council
Mr Derek Lacey	Drighlington Parish/Town Council	L	Parish/Town Council
Ms Sheila Leeman	Gildersome Parish/Town Council	L	Parish/Town Council
Ms Karen Barrett	Morley Town Council	L	Parish/Town Council
Mr Iain Plumtree	Otley & Yeadon Parish/Town Council	L	Parish/Town Council
Mrs Katherine Wilkinson	Boston Spa Parish/Town Council	L	Parish/Town Council
Mr Colin Pool	Bramham cum Oglethorpe Parish/Town Council	L	Parish/Town Council
Mr A C Pennington	Clifford Parish/Town Council	L	Parish/Town Council
Mrs S M Kitson	Thorp Arch Parish/Town Council	L	Parish/Town Council
Mrs G Bartle	Walton Parish/Town Council	L	Parish/Town Council
Ms B Ball	Wetherby Town Council	L	Parish/Town Council
Thea Stein (Chief Executive)	Leed North East PCT	L	Primary Care Trust
Lesley Smith (Chief Executive)	Leeds North West PCT	L	Primary Care Trust
Chris Reid (Chief Executive)	Leeds West PCT	L	Primary Care Trust
Liam Hughes (Chief Executive)	Leeds East PCT	L	Primary Care Trust
Dr George McIntyre (Chief Executive)	Leeds South PCT	L	Primary Care Trust
Don Stewart	Yorkshire Forward	R	Regional Development Agency
Mr Adam Turner	Pool Sports & Social Club	L	Registered Members Club
Mr Geoffrey Moore	Adel Sports & Social Club	L	Registered Members Club
Mr John R Burns	Headingley Golf Club Ltd	L	Registered Members Club
Mr Melvyn Reuben	New Rover Cricket Club	L	Registered Members Club
Mr Robert Martin Storey	West Park Bramhope RUFC	L	Registered Members Club
Mr Ronald A Mackenzie	Cookridge Cricket Club	L	Registered Members Club
Ms Tracy Brady	Old Modernians Association	L	Registered Members Club
Mr Andrew Stephen Webb	Moortown Rugby Union Football Club	L	Registered Members Club
Mr David Atkins	Alwoodley Community Association Social Club Ltd	L	Registered Members Club
Mr Iain Kerr	Sand Moor Golf Club Limited	L	Registered Members Club
Mr John Lawrence Hall	Moortown Golf Club	L	Registered Members Club
Mr Mike Haslam	Alwoodley Cricket Club	L	Registered Members Club

Statement of Gambling Policy Consultees List

Contact Name	Organisation Name	coverage -	
		L=Local	R=Region
		N=National	Organisation Type
Mr Nigel P Dickson	Alwoodley Golf Club	L	Registered Members Club
Mrs Pam Maude	Old Leodiensian Community Amateur Sports Club	L	Registered Members Club
Mr H Horner	Winthorpe Residents Association	L	Registered Members Club
Mr Julian P Smith	East Ardsley United Cricket & Athletic Club	L	Registered Members Club
Ms Beverley Kane	East & West Ardsley Social Club	L	Registered Members Club
Ms Phyllis Jowett	East Ardsley General Working Mens Club	L	Registered Members Club
Mr Alan Geoffrey Ashton	Armley Liberal Club Ltd	L	Registered Members Club
Mr Brian Joseph Bond	Gotts Park Golf Club	L	Registered Members Club
Mr David Cowling	West Leeds Railwaymens Club	L	Registered Members Club
Mr Michael Wokes	Armley Conservative Club	L	Registered Members Club
Mr Peter Askin	Bramley Band Working Mens Club & Institute	L	Registered Members Club
Mrs Dorothy Brabiner	New Wortley Labour Rep Club	L	Registered Members Club
Mrs Patricia M Pilkington	St Bartholomews Parish Centre Social Club	L	Registered Members Club
Ms Dorothy Brabiner	New Wortley Labour Representation Club	L	Registered Members Club
Ms Margaret Ruecroft	Denison Hall Club And Institute	L	Registered Members Club
Mr Brian Cawerley	Hunslet Nelson Cricket Club	L	Registered Members Club
Mr Leslie Butterwick	Holbeck WMC	L	Registered Members Club
Mr Peter Watson	Dewsbury Road Social Club	L	Registered Members Club
Mr Peter Watson	Dewsbury Road Social Club	L	Registered Members Club
Mr Terence David Coffey	Beeston Hill Social Club	L	Registered Members Club
Mrs C.A Burnell	Beeston Parish Social Club	L	Registered Members Club
Ms Delma Dixon	Cross Flatts Recreation Club	L	Registered Members Club
Ms Lorraine Holladay	Holbeck Bowling Club	L	Registered Members Club
Mr Brian Mulligan	Bramley Phoenix R F C	L	Registered Members Club
Mr David Parker	Stanningley Sports And Amatuer Rugby League Club	L	Registered Members Club
Mr J D Cox	Bramley Parish Social Club	L	Registered Members Club
Mr Keith Farrally	Bramley Working Mens Club	L	Registered Members Club
Mr Kieth Woodhead	Bramley Social Club	L	Registered Members Club
Ms Anne Doran	Rodley Social Club	L	Registered Members Club
Mr Paul Williamson	Torre Road Social & Welfare Club	L	Registered Members Club
Mr Peter Dawson	Edmund House Club & Institute Limited	L	Registered Members Club
Mr Tom Owen	Leeds & District Amalgamated Society Of Anglers	L	Registered Members Club
Mrs W H Olbison	East Leeds Cricket And Social Club	L	Registered Members Club
Ms Bernadett Colley	Yorkshire Rider Social Club	L	Registered Members Club
Ms Janet Roan	Leeds District Free Gardeners Club	L	Registered Members Club
Ms Marjory Palfreyman	North Leeds Working Mens Club	L	Registered Members Club
Mr Barry McCourt	Woodhall Hills Golf Club Ltd	L	Registered Members Club
Mr David Lawrence Alred	Calverley St. Wilfrid's Cricket Club	L	Registered Members Club
Mr G Petty	Farsley Cricket Bowling & Hockey Club	L	Registered Members Club
Mr Philip Paul Rothera	Farsley Conservative Club	L	Registered Members Club
Mr Roland Maurice Ian Butler	Calverley Conservative Club	L	Registered Members Club

Statement of Gambling Policy Consultees List

		coverage -	
		L=Local	
		R=Region	
		N=National	
Contact Name	Organisation Name		Organisation Type
Mr Brian Jackson	Woodhouse Cricket Club	L	Registered Members Club
Mr Ivars Muravskis	Latvian Welfare Fund Social Club	L	Registered Members Club
Mr Karl Blackburn	Yorkshire Amateur Association Football Club	L	Registered Members Club
Mr Malcolm Robertshaw	Chapel Allerton Club Ltd	L	Registered Members Club
Mr Nigel Stallworthy	Chapel Allerton Lawn Tennis & Squash Club	L	Registered Members Club
Mrs Sharron Smithen	Carribbean Cricket Club	L	Registered Members Club
Miss Sharon Burke	Hunslet Green Community Sports Club	L	Registered Members Club
Mr A Person	Testing Record	L	Registered Members Club
Mr Garry Haigh	Peggy Tub Social Club	L	Registered Members Club
Mr Gordon Williamson	St Joseph's Catholic Club	L	Registered Members Club
Mr Gordon Williamson	St. Joseph's Catholic Club	L	Registered Members Club
Mr Paul Chatterton	Leeds Social Centre	L	Registered Members Club
Mr Paul Dowdican	Leeds Deaf Social Club	L	Registered Members Club
Mr Peter Blimston	HASSRA Club	L	Registered Members Club
Ms Irene Liversidge	Plaza Club	L	Registered Members Club
Ms Sandra Padget	Hunslet Carr Sports And Social Club	L	Registered Members Club
Ms Suzi Armitage	Leeds City Council Members Club	L	Registered Members Club
Mr A Tate	Crossgates & District Recreation Hall Ltd	L	Registered Members Club
Mr Colin Whittaker	Barnbow Social Club	L	Registered Members Club
Mr Eric Chadderton	Amaranth Cricket Club	L	Registered Members Club
Mr James Walker	St Gregorys Social Club	L	Registered Members Club
Ms Denise Burland	Wellington Hill Recreational Club	L	Registered Members Club
I Webster	West Leeds High School Old Boys Society	L	Registered Members Club
Mr Ian Webster	West Leeds High School Old Boys Society	L	Registered Members Club
Mr Michael David Lawson	Mainline Social Club	L	Registered Members Club
Mr P Holdsworth	Mainline Social Club	L	Registered Members Club
Mr Steve Dalby	New Farnley Cricket Club	L	Registered Members Club
Mrs Josephine Frances Tearle	New Farnley Community Association	L	Registered Members Club
Ms Sharon Stephenson	Upper & Lower Wortley Liberal Club	L	Registered Members Club
Mr Alan Matthews	Swillington Miners Welfare Scheme	L	Registered Members Club
Mr Colin Frank Goldthorpe	Great Preston Miners Welfare Club	L	Registered Members Club
Mr Ian Edward Thornhill	Garforth Country Club	L	Registered Members Club
Mr Neil Thorp	Garforth Liberal Club	L	Registered Members Club
Mr Trevor Thompson	Oulton & Woodlesford Sports & Social Club	L	Registered Members Club
Mrs Samantha J Dickinson	Garforth Cricket & Social Club	L	Registered Members Club
Mr David Ruddock	Harehills Conservative Club	L	Registered Members Club
Mr Thomas Edward Baxter	Gipton Working Men's Club	L	Registered Members Club
Ms Debra Buck	United Services Club	L	Registered Members Club
Miss Angela Anderson	Yeadon RAFA Club	L	Registered Members Club
Mr Andy Evans	Green Lane Cricket Club	L	Registered Members Club
Mr Jeremy Milner Lester	Hawkhill Social Club	L	Registered Members Club
Mr Paul Kennedy	Guiseley Factory Workers Club	L	Registered Members Club
Mr R L Sissons	Guiseley Bowling Club Ltd	L	Registered Members Club

Statement of Gambling Policy Consultees List

		coverage -	
		L=Local	
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		N=National	
Contact Name	Organisation Name		Organisation Type
Mr Tom Booth	High Royds Sports & Social Club	L	Registered Members Club
Mr Trevor Eagle	Bradford Golf Club Ltd	L	Registered Members Club
Mrs Judith Thackray	Rawdon Cricket Club	L	Registered Members Club
Ms Anne Celia Midgley	Guiseley Liberal Club	L	Registered Members Club
Ms Michelle Durkin	Guiseley Cricket Club	L	Registered Members Club
Mr A. N. Harris MInstGCM	Wetherby Golf Club	L	Registered Members Club
Mr Darren Tear	Scarcroft Golf Club	L	Registered Members Club
Mr Darren Tear	Scarcroft Golf Club Limited	L	Registered Members Club
Mr James Denton	Moor Allerton Golf Club Ltd	L	Registered Members Club
Mr Keith David Leckenby	Barwick In Elmet Cricket Club	L	Registered Members Club
Mr Neil G Douglas	Garforth Golf Club	L	Registered Members Club
Mr Neil G Douglas	Garforth Golf Club Ltd	L	Registered Members Club
Mr Nigel Cooke	Collingham And Linton Sports Association	L	Registered Members Club
Mr Norman Overfield	Bardsey Sports Club	L	Registered Members Club
Mr Paul Richardson	Harewood Sports & Social Club	L	Registered Members Club
Mr Robert Smith	Brudenell Social & Recreational Club	L	Registered Members Club
Mrs Hazel Wright	Our Lady Of Lourdes Parish Club	L	Registered Members Club
Mr David Brown	Hall Park Cricket Club	L	Registered Members Club
Mr Duncan Burton	Horsforth Conservative Club	L	Registered Members Club
Mr Ian Scott	Horsforth Cricket Club	L	Registered Members Club
Mr John Peter Lawson	Rawdon Golf & Lawn Tennis Club	L	Registered Members Club
Mr Paul Trigg	Yarnbury (Horsforth) Rugby Football Club	L	Registered Members Club
Mrs Jennifer Miller	Rawdon Conservative Club	L	Registered Members Club
Mrs Lesley Harrison	Horsforth Golf Club Ltd	L	Registered Members Club
Mr Paul Roudhill	Jubilee Social Club	L	Registered Members Club
Mrs Ann Geldard	North West Ward Liberal Club	L	Registered Members Club
Mr Timothy Byrne	Seacroft Working Mens Club	L	Registered Members Club
Mr William Askin	Seacroft Village Hall Social Club	L	Registered Members Club
Mr Alan Sykes	Methley Ex-Servicemen's Club	L	Registered Members Club
Mr Anthony Booth	Kippax Central WMC	L	Registered Members Club
Mr Brian Fielding	Kippax Ex Service & Social Club	L	Registered Members Club
Mr Brian Fielding	Kippax Ex-Service & Social Club	L	Registered Members Club
Mr David Arthur Clegg	Methley Cricket Club	L	Registered Members Club
Mr Gary Webster	Garforth Town Football & Social Club	L	Registered Members Club
Mr Trevor Bowen	Kippax Band Social Club	L	Registered Members Club
Ms Glenys Elizabeth Varley	Kippax Welfare Sports & Social Club	L	Registered Members Club
Ms Susan McLachlan	Methley Working Men's Club	L	Registered Members Club
Mr Barry Riley	Hawkwood Conservative Club	L	Registered Members Club
Mr Duncan Eley	Burley RUFC	L	Registered Members Club
Mr Malcolm Joseph Nicholson	New Burley Club	L	Registered Members Club
Mr Margaret Dean	Assumption Social Club	L	Registered Members Club
Mr Michael George Whiteside	Milford R L Sports Club	L	Registered Members Club
Mr Paul Irwin	Kirkstall Educational Cricket Club	L	Registered Members Club
Mr Thomas Connors	Queenswood Social Club	L	Registered Members Club
Ms Carolyn Bellfield	Leeds Postal Sports Association	L	Registered Members Club
Mr Allan Collinson	Middleton St. Mary's Social Club	L	Registered Members Club

Statement of Gambling Policy Consultees List

Contact Name	Organisation Name	coverage -	
		L=Local	R=Region
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Mr Andrew Parker	Leeds Corinthians Rugby Football Club	L	Registered Members Club
Mr Brian Clayton	South Leeds Golf Club Ltd	L	Registered Members Club
Mr Brian Wells	Middleton Social & Welfare Club	L	Registered Members Club
Mr Ian Priestley	Middleton (Leeds) Conservative Club	L	Registered Members Club
Mr Peter Watts	Middleton Park Municipal Golfers Club	L	Registered Members Club
Ms Maureen Carter	Cranmore & Raylands Community Centre	L	Registered Members Club
Mr Allan Maurice Hainsworth	Corner House Club	L	Registered Members Club
Mr Paul Trigg	Immaculate Heart Social Club	L	Registered Members Club
Mr Semeon John Saffman	Moor Allerton Sports & Social Centre	L	Registered Members Club
Mr Stafford Smart	The Roundhegians Sports Association	L	Registered Members Club
Mr Alan Wood	Churwell Working Men's Club	L	Registered Members Club
Mr Andrew Geldard	Driglington Amateur Rugby League Club	L	Registered Members Club
Mr D J Fielding	Gildersome Taverners & Cricket Club	L	Registered Members Club
Mr Jack Langley	Cross Church Street W.M.C Institute	L	Registered Members Club
Mr Richard Ian Lindley	Adwalton Cricket Club	L	Registered Members Club
Mr Shane Kao	Tempest Constitutional Club	L	Registered Members Club
Ms Paula Dixon	Drighlington Cricket Club	L	Registered Members Club
Mr Alan Jackson	Morley Cricket & Sports Club	L	Registered Members Club
Mr Bernard Cooper	St Francis Of Assisi Community Centre	L	Registered Members Club
Mr Brian Michael Skinn	Morley United Services Club	L	Registered Members Club
Mr D.R. Elam	Morley Rugby Football Club	L	Registered Members Club
Mr David Jones	Howley Hall Golf Club	L	Registered Members Club
Mr Michael Webster	Morley Mercantile Club	L	Registered Members Club
Mr Nigel Bradley	Bruntcliffe Working Men's Club & Institute	L	Registered Members Club
Mr P Ineson	Ackroyd Street Working Men's Club	L	Registered Members Club
Mr Peter Thomas Durkin	Morley Masonic Hall	L	Registered Members Club
Mrs Margaret Anne Hewitt	Tingley Working Mens Club	L	Registered Members Club
Mr Andy Rayner	Old Othliensians RUFC Ltd	L	Registered Members Club
Mr Anthony Lazarus	Otley Cricket Club	L	Registered Members Club
Mr Anthony Walton	Grove Hill Club	L	Registered Members Club
Mr David Smith	Royal Wharfedale Masonic Club	L	Registered Members Club
Mr Geoff Sutcliffe	Yeadon Cricket Club	L	Registered Members Club
Mr George Harold Giks	Falcon Sports & Social Club	L	Registered Members Club
Mr Keith Urquhart	Otley Town Sports And Social Club	L	Registered Members Club
Mr Marc Lawrence	Otley Rugby Union Football Club Ltd	L	Registered Members Club
Mr Peter Jonathan Clarke	Otley Golf Club	L	Registered Members Club
Mr Ronald William Dawson	Royal Antideluvian Order Of Buffalos Club	L	Registered Members Club
Mr Stephen Ainley	Rufford Park Bowling Club	L	Registered Members Club
Ms Ann Whitehead	Clitherow Social Club	L	Registered Members Club
Ms Mandy Ann Cater	Otley Social Working Mens Club & Institute	L	Registered Members Club
Mr Brian Leonard	Troydale Recreational Club	L	Registered Members Club

Statement of Gambling Policy Consultees List

		coverage -	
		L=Local	
		R=Region	
		N=National	
Contact Name	Organisation Name		Organisation Type
Mr David Francis Hook	Pudsey Masonic Club	L	Registered Members Club
Mr John Allan	Fulneck Golf Club	L	Registered Members Club
Mr Keith Norman Watson	Tyersal Residents Association Community Centre	L	Registered Members Club
Mr Kenneth D'Alby	Pudsey Conservative Club	L	Registered Members Club
Mr Stephen Raistrick	Pudsey Congs Cricket Club	L	Registered Members Club
Mr Tony Moore	Pudsey St. Lawrence Cricket Club	L	Registered Members Club
Mrs Elizabeth Phizackerly- Sugden	Pudsey Royal British Legion Club	L	Registered Members Club
Mrs Sandra Rider	Pudsey Bowling And Table Tennis Club	L	Registered Members Club
Mr Alan Hedley	Rothwell Bowling Club	L	Registered Members Club
Mr Christopher David Stacey	Carlton Cricket Club	L	Registered Members Club
Mr R D Hazel	Rothwell Labour Club	L	Registered Members Club
Mr Richard Green	Rothwell Athletic & Cricket Club	L	Registered Members Club
Mr Stephen Kearnan	Carlton Working Mens Club	L	Registered Members Club
Mr Brian Stevens	North Leeds Cricket Club	L	Registered Members Club
Mr George Anthony Grimes	Parochial & Home Guard Club	L	Registered Members Club
Mr Kevin John Collier	Adrian Social Club & Institute	L	Registered Members Club
Mr Mike Bidgood	Leeds Rugby Union Football Club	L	Registered Members Club
Mr Robert McLauchlan	Roundhay Golf Club	L	Registered Members Club
Mr Stephen John Clarkson	Leeds Golf Club	L	Registered Members Club
Mr David Ryder	Colton Institute Sports & Social Club	L	Registered Members Club
Mr Michael John Harrison	Corpus Christi Catholic Mens Club	L	Registered Members Club
Mr Paul Harland	Chapel Street Social Club	L	Registered Members Club
Ms Christine Wood	Templenewsam Golf Club	L	Registered Members Club
Mr David Nigel Stobbs	Ireland Wood Social Club	L	Registered Members Club
Mr Donald Keighley	Meanwood Conservative Club	L	Registered Members Club
Mr Geoffrey Smith	Lawnswood Red Triangle Club	L	Registered Members Club
Mr Michael Paul Irving	Leeds Metropolitan University Students Union	L	Registered Members Club
Bramham & Clifford Cricket Club	Bramham & Clifford Cricket Club	L	Registered Members Club
Mr Anthony Waterhouse	Grange Park Sports Club	L	Registered Members Club
Mr John Toes	Walton Cricket Club	L	Registered Members Club
Mr Paul Quartemaine	Wealstun Prison Officers Staff Club	L	Registered Members Club
Mr Peter Hugh Jesty	Wetherby Masonic Institute	L	Registered Members Club
Mr Robin Johnston	Wetherby Sports Association	L	Registered Members Club
Ms Krystyna Clack	British Library Sports & Social Club	L	Registered Members Club
Paul Bellringer (Chairman)	The Society for the Study of Gambling	N	Research Agency
Mr Robert Patterson	West Yorkshire Police	L	Responsible Authority
Ruth Lees	Leeds City Council - Environmental Health Services	L	Responsible Authority
Sue Rossiter	Gambling Commission	N	Responsible Authority
Mr Mick Waters	West Yorkshire Fire and Rescue Service	L	Responsible Authority
Rosemary Archer (Director Of Children's Services)	Local Safeguarding Children Board	L	Responsible Authority
Susan Wraith	Leeds City Council - Development Department	L	Responsible Authority

Statement of Gambling Policy Consultees List

		coverage - L=Local R=Region N=National	
Contact Name	Organisation Name		Organisation Type
National Secretary	Gamblers anonymous	N	Support organisation
Head of Policy	GamCare	N	Support organisation
Head of Policy	Gordon House Association	N	Support organisation
Robin Burgess	Responsibility in Gambling Trust	N	Support organisation
The Manager	Leeds Addiction Unit	L	Support organisation
Head of Policy	BACTA (British Amusement Catering Trade Association)	N	Trade Association
Head of Policy	British Holiday & Home Parks Association	N	Trade Association
Ms Penelope Viscountess Cobham	British Casino Association	N	Trade Association
Caroline Davies(Racecourse Services Executive)	Racecourse Association Limited	N	Trade Association
Head of Policy	British Horseracing Board	N	Trade Association
Head of Policy	The Bingo Association	N	Trade Association
Ms Angela Ruggeri	Association of British Bookmakers	N	Trade Association
Director	British Beer and Pub Association	N	Trade Association
Head of Strategy and Policy	Northern Bookmakers' Protection Association Ltd	N	Trade Union

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Report of the Director of Corporate Services

Executive Board

Date: 20th September 2006

Subject: Financial Health Monitoring 2006/07 – Month 4 Report

Electoral wards affected:

Specific implications for:

Equality and Diversity

Community and Cohesion

Narrowing the gap

Eligible for call In

X

Not eligible for call in

(details contained in the report)

Executive Summary

1. The purpose of this report is inform members of the financial health of the authority after four months of the new financial year, in respect of the revenue budget for general fund services and the housing revenue account.
2. The report identifies that a number of council services are continuing to face financial pressures in 2006/0, often reflecting pressures which impacted on the Council's 2005/06 outturn.
3. A number of additional funding sources have been identified to mitigate against some of the pressures, and this enables additional allocations of £3.2m to be made to those areas of immediate concern.
4. It is crucial that all other budget pressures are addressed by departments who are required to continue to develop and implement action plans to manage identified pressures within available resources.
5. Members are asked to note the contents of this report and agree the proposals. It should be noted that as the proposals include virements in excess of £1m, these will require the approval of full Council.

1. PURPOSE OF REPORT

- 1.1 This report sets out for the Board the Council's financial health position for 2006/07 after four months of the financial year. The report covers revenue expenditure and income to date compared to the approved budget, the projected year end position and proposed actions to ensure a balanced budget by the year end. The report also highlights the position regarding other key financial indicators, including Council Tax collection and the payment of creditors.

2. BACKGROUND INFORMATION

- 2.1 Members will recall that the net budget for the general fund was set at £486.5m, which provided for a contribution of £0.3m to reserves. As a result, the level of general fund reserves at 31st March 2007 were estimated to be £12.3m.
- 2.2. As reported in the 2005/06 outturn report to Board in June 2006, spending for 2005/06 was £1.4m in excess of approved estimates. The effect of this was that reserves at 31st March 2006 stood at £10.6m, which was lower than the £12.0m forecast assumed in the Council's approved reserves policy. However, as reported, significant capital finance savings in 2006/07 had been identified, and it was agreed by Executive Board that reserves should immediately be replenished, with the balance allocated to the Council's contingency to provide some level of resource to deal with any recurring spending pressures.
- 2.3 The budget now takes account of the decision taken at Council to vire £400k from contingency to the School Clothing Vouchers budget.
- 2.4 Budget Monitoring is a continuous process throughout the year, and this report reviews the position of the budget after four months and comments on the key issues impacting on the overall achievement of the budget for the current year. However, it should be recognised that the forecasts are based on the position at a relatively early stage of the financial year.

3. MAIN ISSUES

3.1 Social Services

- 3.1.1 Budget pressures experienced in 2005/06 have continued to some degree in the current financial year and the 2006/07 budget includes challenging targets for service improvement and realignment with associated financial savings. Although much has been achieved in the current year, there has been some slippage in delivering the required actions and demand/demographic pressures continue to impact on the service.

- 3.1.2 The most significant areas of forecast variation are set out below:

Roseville Enterprises

The reduced volumes of uPVC windows and doors work undertaken by Roseville in 2005/06 have continued in 2006/07. Work is ongoing to secure firm commitments for window and door work in the current year and develop contingency actions for the extent to which this will not deliver financial balance. Based on the information currently available a year-end deficit of £1.3m is forecast at this time. A Chief Officer from Corporate Services has been seconded on a temporary basis to Roseville to provide additional management support. With regard to the wider perspective, an

inter-departmental working group is undertaking a fundamental review of Roseville Enterprises within the context of the Council's Workstep programme to support its disabled employees and its commitment to equality and social inclusion.

Joint Commissioning Service for People with Learning Disabilities

The learning disability pooled budget is continuing to face growing demographic pressures, with an increasing number of service users with very complex needs requiring expensive packages of care. Action is being taken to reconfigure services and deliver more cost effective care, but this will take time. For 2006/07 the additional cost of the pooled budget projected to fall to Social Services amounts to £0.3m, taking account of in-year cost reduction plans. There is also a close association with the steps being taken to manage the supporting people funding to this service area.

Supporting People

Early indications are that there may be a potential pressure of £0.8m relating to Supporting People funding in 06/07 should steps not be taken to generate efficiencies. However, measures are being put in place to address these concerns and, at this stage, it is anticipated that the potential pressure can be managed.

Community Care Packages

The projected cost of community care packages in 2006/07 is £0.6m less than budgeted, reflecting variations in the number of service users in residential and nursing care and the impact of revised contracts from April 2006 for placements and domiciliary care.

Transport

Expenditure on transport for service users is forecast to exceed budgeted provision by £0.5m, mainly relating to external hire of vehicles. This reflects some delays in delivering budgeted savings and demand pressures within frontline services.

Children's Placements

The budgeted impact of the planned reductions in Looked After Children have not been fully achieved and demand pressures continue in relation to expensive outside placements for those children with the most complex needs. Expenditure at the year-end is currently forecast to be £0.9m higher than the Latest Estimate.

Staffing

The staffing budget has experienced pressure resulting from the very tight control of spend during 2005/06 to help to offset other budget pressures within the Department. Some of the service improvement plans also require staffing savings to be delivered and there has been some slippage. Staffing costs are currently projected to exceed budgeted provision by £1.2m at the year-end.

Meals Service

The meals service is the subject of a major service reconfiguration programme and demand for meals is also affected by the ongoing review of service users in relation to the line of eligibility for social care services. There have been some delays in implementing planned changes within the service and the year-end expenditure forecast is £0.7m higher than the Latest Estimate.

Income

Income across the Department is forecast to be £1.0m lower than the Latest Estimate. This mainly relates to client contributions and income from Housing Benefit, Supporting People and funded nursing care.

3.2 City Services

- 3.2.1 The department is currently forecasting a deficit in the Property Maintenance agency of £0.6m, although projected surpluses generated on other trading services partially offset this to give an overall trading deficit of £0.5m. The department is currently developing a strategy for the service to address this underlying problem.
- 3.2.2 Other pressures include a projected shortfall of Decriminalised Parking income of £0.3m as a result of payment rates being lower than anticipated, and increased energy costs of £0.4m, which reflects the street lighting electricity contract being higher than budgeted. Disposal costs are projected to be £0.4m over budget due to an increased volume of tonnages, although partially offsetting these pressures are staffing savings across the department of £0.6m.
- 3.2.3 Overall, the department are currently forecasting an overspend of £1.0m, but are continuing to work up action plans to address these pressures, which are expected to deliver significant savings towards the potential overspend.

3.3 Learning and Leisure

- 3.3.1 There are a number of identified pressures which in total amount to £2.9m. As Members will be aware, the most significant of these is the loss of the New Deal contract within Jobs and Skills, leading to a projected net cost to the service of £1.8m in the current year.
- 3.3.2. Additional costs incurred in respect of Sport PFI and Sport Trust development work are projected to be £0.3m, and the ongoing pressure on the Community Centres budget of £0.4m reflects low income achievement and caretaking costs. Other minor budget variations have been managed through the department's action plan.

3.4 Neighbourhoods and Housing

- 3.4.1 The department has identified a number of pressures, including a forecasted loss of adaptations fee income of £0.5m which reflects Council house adaptations now undertaken by the ALMOs, but after identifying a number of savings actions, the department are currently projecting that all pressures can be managed within existing resources.

3.5 Schools PFI/BSF

- 3.5.1 The 2005/06 outturn report identified that the Council's strategy for funding the development costs of schools' PFI/BSF schemes by borrowing short term from the PFI reserve and schools reserves was no longer sustainable as schools reserves had fallen significantly in 2005/06. Officers are currently working to formulate a viable alternative strategy to fund these development costs.

3.6 Children's Services Directorate

- 3.6.1 Work is ongoing to establish the Council's new Children's Service Directorate. Additional provision was included in the 2006/07 budget but it has now been identified that additional provision of £280k is required to ensure that the Council is able to properly respond to the new agenda.

3.7 Houses in multiple Occupancy (HMO)

- 3.7.1 A potential shortfall in licence fee income from Houses in Multiple Occupancy (HMO) is projected of up to £2.9m due to a lower number of applications for licences than forecast, although further publicity work is being taken to raise the profile of the licences and to ensure the maximum number of applications are generated. These licences relate to a five year period and cover the costs of the inspection and enforcement team. Staffing requirements over the five year period will be reviewed and amended to reflect the income derived from the actual numbers of licences issued.
- 3.7.2 It appears that there are considerable numbers of HMOs in parts of the City where few applications have been made, and further action is currently being undertaken to target these premises.

4 **PROPOSALS**

- 4.1 It can be seen from the above that there are a number of potentially significant pressures facing the Council in 2006/07, although the forecasts are based on a position at a relatively early stage of the financial year. It is proposed that funding is made available from the central contingency fund as detailed below.
- 4.2 The Council's 2006/07 budgeted central contingency stands at £3.2m. However, members will be aware that a significant element is earmarked to account for specific departmental pressures identified during the budget cycle, but not provided for in departmental estimates. The effect of this is that only £600k of the budgeted contingency can be properly regarded as free.
- 4.3 However, added to this can be capital financing savings over and above the level required to replenish reserves as detailed in paragraph 2.2 above. These are now forecast to be £4.0m, of which £1.4m needs to be used to replenish reserves and £400k has been vired by Council to the School Clothing Vouchers budget. In addition, the Council has been notified by the Department for Communities and Local Government that following a data correction exercise additional income of £1.2m will be received under the LABGI scheme.
- 4.4 Taking account of all these factors, it can be reasonably assumed that £4.0m could be made available through the contingency to support departmental pressures.
- 4.5 A number of the identified pressures are subject to review and are actively being worked on by departments. However, in those areas where there is a high degree of certainty over the projections, it is proposed that some initial funding is allocated from contingency as follows:
- £1m to Roseville – the department are to be requested to contain the 2006/07 deficit to this level.
 - £280k to Children's Services – for the ongoing development of the Children's agenda.
 - £1.5m to Jobs and Skills – to address the shortfall of grant income on this service, pending a structure review.

4.6 It is proposed that the remaining balance on the central contingency after the releases detailed at paragraph 4.5, be retained and its use subject to review in the light of ongoing budget monitoring during the rest of the year. It should be noted that the extent to which the above proposals are not effective in containing spending within approved estimates, will impact on the Council's reserves, which are estimated to stand at £12.3m at 31st March 2007.

5 REVENUE BUDGET MONITORING POSITION - HOUSING REVENUE ACCOUNT (HRA)

5.1 After four months of the new financial year, income is projected to exceed the budget by £4.9m, reflecting additional property numbers compared to the budget and a significantly improved voids position. This is partly offset by increased staffing costs, negative subsidy and additional management fees payable to the ALMOS by way of incentive payments, especially in relation to voids. An in year surplus of £1.1m is currently forecast which will be added to working balances.

5.2 This projection assumes that there will be sufficient right to buy, demolitions and other disposals to allow the Authority to hit the trigger of 3000 property movements over two years. Failure to hit this trigger results in a cost of £2.4m in 06/07 and in each subsequent year the trigger is not met. Reserves of £2m are held to alleviate the first year impact. This significant risk is being regularly reviewed.

5.3 The projection reflects the re-distribution to the ALMOs of savings generated through a reduction in disrepair claims in 2005/06, for which a specific provision of £1.9m was made at outturn, as reported to Members in the 2005/06 outturn report.

5.4 The working balance brought forward from 2005/06 was £3.4m, and after allowing for the projected surplus, it is anticipated that working balances carried forward into 2007/08 will be £4.5m.

6. COLLECTION OF LOCAL TAXATION

6.1 The level of Council Tax collected at the end of July 2006 is 37.7% of the debit for the year of £213m. This is in line with the same period last year and the performance target of 96.60% is expected to be achieved.

6.2 The collection of non-domestic rates for the first four months is 42.9% of the current net debit of £276.7m, which is 1.6% ahead of the same period last year. Again, the performance target of 98.6% is expected to be achieved at the year end.

7. PROMPT PAYMENT OF INVOICES

7.1 A local target of 92% for paying all undisputed invoices within 30 days of receipt of agreed terms was set for the year. For the period 1st April to 31st July the actual performance was 90.9%, compared with 91.6% for the equivalent period last year. It is anticipated that performance will improve through the continued development of electronic ordering and invoicing of goods, and expanding the use of purchasing cards, will over time reduce the number of paper invoices passing through the Council and hence speed up the process. This is in addition to other efficiency proposals which are being worked up as part of the ongoing Support Services review.

8. RECOMMENDATION

8.1 Members of the Executive Board are asked to

- Note the projected financial position of the Authority.
- Recommend to the Council the appropriate budget adjustments as described within Section 4.
- Request that departments continue to develop and implement action plans.

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Agenda Item:

Originator: George Turnbull

Telephone: 2243239

REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

EXECUTIVE BOARD: 20th September 2006

SUBJECT: : Primary Review: Proposals for Alwoodley Primary Planning Area

EXECUTIVE SUMMARY

- 1 Introduction**
 - 1.1 The report follows on from a previous report received by the Executive Board in November 2005. That report summarised a consultation which had taken place in Autumn 2005 on a proposal to close Fir Tree Primary School. In the light of some of the representations received during that consultation, Education Leeds sought authority to undertake further work in the area.
 - 1.2 The purpose of this report is to seek approval to undertake public consultation on revised proposals for the Alwoodley Primary Planning Area.
- 2. Proposals for the Alwoodley Primary Planning Area**
 - 2.1 Education Leeds proposes a reduction of 30 Reception places in the primary provision in the area. This would be achieved through the closure of both Fir Tree Primary School and Archbishop Cranmer CE (Aided) Primary School and the establishment by the Church of England Diocese of a voluntary controlled 1.5 FE primary school on the Archbishop Cranmer school site, with a newly established children's centre for the community.
- 3. Recommendation**

The report seeks approval to undertake formal public consultation on:

 - The closure of Fir Tree Primary School in August 2007,
 - The closure of Archbishop Cranmer CE Primary School in August 2007,
 - the establishment of a 1.5 FE voluntary controlled Church of England primary school on the Archbishop Cranmer site in September 2007, allied to the establishment of a children's centre

Agenda Item:

Originator: George Turnbull

Telephone: 2243239

REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

EXECUTIVE BOARD: 20th September 2006

SUBJECT: Primary Review: Proposals for Alwoodley Primary Planning Area

Electoral wards Affected:
 Alwoodley
 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

The purpose of this report is to seek approval to undertake public consultation on a proposal affecting primary schools within the Alwoodley Primary Planning Area.

2.0 Background

2.1 The Alwoodley Planning Area comprises two community schools - Alwoodley and Fir Tree Primary Schools, and three voluntary aided schools - Archbishop Cranmer Church of England Primary School, St Paul's Catholic Primary School and the Jewish Primary School, Brodetsky. Informal consultation has been undertaken with the Heads and Chairs of Governors of these schools, the Alwoodley Ward Members and the Church of England and Catholic Dioceses. The objective of these meetings was to seek stakeholder views on the future of primary provision across the area and in the community.

3.0 Main Issues

3.1 The purpose of any review of provision is to ensure that all schools are thriving and sustainable and that school buildings provide an inspiring environment in which to learn. A comprehensive analysis of surplus places, admission numbers, accommodation needs, standards and community links of all schools serving the

area has been undertaken in developing options for the future pattern of provision.

- 3.2** Fir Tree Primary School is the smallest in the area with only 106 pupils on roll having experienced falling rolls over several years. The school has the highest percentage of surplus places of all of the schools at 32%. Archbishop Cranmer Primary School has also suffered falling rolls and currently has 192 on roll, and although notionally the school has a surplus of 19%, it is in a building that could accommodate up to 315 pupils. Effectively the school is currently operating as a one form of entry school (Table 1). Intakes into both Fir Tree and Archbishop Cranmer Primary Schools are significantly lower than the schools' admission numbers of 30 and 45 respectively – only 11 children were admitted into Reception at Fir Tree and 19 into Reception at Archbishop Cranmer in September 2005 (Pupil Level Annual School Census (PLASC) January 2006). Allocations for September 2006 indicate figures of 17 and 8 respectively (August 2006). All primary schools in the area serve pupils from a variety of ethnic backgrounds. Around 40% of pupils at Alwoodley (around 155) and Fir Tree Primary Schools (around 40) are from non-white backgrounds and 35% of pupils at Archbishop Cranmer (around 65).
- 3.3** Wigton Moor planning area adjoins Alwoodley on the eastern side. Of the schools in this area, Highfield is the nearest to Fir Tree, about 10 minutes walk away. It has 45 places per year group and was filling until 2005/6. In January 2005 the school had 31 pupils in Reception. Allocations for September 2006 indicate that the school will again be full at 45.
- 3.4** There is more denominational provision in Alwoodley than most other planning areas, with a Catholic primary, a Voluntary Aided Church of England primary school and a Jewish primary school. All of the faith schools have felt the impact of falling demographic demand to some degree and have seen reduced intakes in recent years. For example, in September 2003 the admission number of Brodetsky reduced from 60 to 45. An important consideration in this review of provision has been to ensure that sufficient places are available for families living in the area for which there is no faith requirement as part of the admissions policy.
- 3.5** Given the reduced primary population and the fact that its impact is not felt evenly across all schools, there remains a longstanding concern over the viability of the current pattern of provision in the area. Popular schools tend to continue to fill when pupil numbers decline by attracting pupils from a wider area and less popular schools tend to see an acceleration in the decline in their rolls. Current intakes into the five schools (157 pupils in September 2005, 143 allocated in September 2006) and future projections of around 150-160 pupils suggest that the 210 places currently available need to be reduced to around 180 (Table 2). This strongly indicates the need to consolidate provision into fewer, more sustainable schools.
- 3.6** During informal consultation it was suggested that the Alwoodley area is undergoing demographic change with an increasing number of families with a high number of children moving into the locality. In addition some asylum seekers are being placed in the area. There would need to be significant and sustained in-migration of families, however, for future reception demand to equal the current number of places available. In addition there are no significant housing developments in the area that have planning permission at this stage that would significantly increase the primary population.
- 3.7** Low pupil numbers have a direct impact on school budgets as funding is based on

pupil enrolment. Due to economies of scale and protective elements within the school budget formula, however, small schools also tend to cost more per pupil than larger schools. In 2005/6 budget, Fir Tree School costs £4,018 per pupil, compared with the Leeds average of £3,056, Archbishop Cranmer costs £3,329 per pupil. Managing falling rolls can place schools in an increasingly vulnerable situation. Lower pupil numbers results in lower funding, and consequently fewer staff and fewer resources and opportunities for the children. Small schools can find themselves having to make staff reductions in order to manage budget pressures and this can lead to difficulties in delivering a full curriculum.

3.8 Table 3 in the Appendix provides data on the improvement of schools at the end of Key Stage 2 at Level 4 from 2001 to 2005, and compares the results with the Leeds and national averages. In the most recent results all of the schools in the area show profiles above the LEA average. Table 4 provides a measure of value added between Key Stage 1 SATs and Key Stage 2 SATs for the 2003-5 KS2 cohorts. In recent years, results at Archbishop Cranmer have fluctuated close to the city average, whereas those of the other schools have been consistently above. Both Archbishop Cranmer and Fir Tree schools have similar percentages of pupils receiving free school meals, which are higher than the other schools in the area and the city average (Table 4).

3.9 Options for primary provision in the Alwoodley area

3.10 Options for rationalising provision in the area focus on the schools that have been most affected by demographic decline - Fir Tree and Archbishop Cranmer. During informal consultation three options have been suggested for consideration:

Option 1: Downsizing current provision to remove places, but retaining all schools.

Option 2: An amalgamation of Fir Tree and Archbishop Cranmer Primary Schools.

Option 3: Closure of Fir Tree Primary School

A brief commentary on these options is provided.

3.11 Option 1: Downsizing current provision to remove places, but retaining all schools

- This option would retain the existing choice of provision and there would be minimal disruption for pupils and their families and staff.
- The admission number of Archbishop Cranmer could be reduced to 30, reducing reception places by 15. Apart from Alwoodley Primary School, all other schools are already one form of entry. Alwoodley Primary Schools is a popular school and fills to its current admission number of 60.
- The number of surplus places would reduce only if appropriate adjustments to net capacities are possible, for example, through meaningful alternative use of surplus space. Archbishop Cranmer has recently redesignated its use of surplus space and this has resulted in a reduction in the number of surplus places in the school based on the net capacity formula.
- Current projections for Reception intakes indicate around 160 pupils across the schools in the area, whereas down-sizing Archbishop Cranmer to 30 places would still leave 195 places available (Table 2). It is not likely that this proposal would increase intakes to Fir Tree, because recent admissions to

Archbishop Cranmer are already fewer than 30. Therefore there would be very little change in the sustainability of provision, unless downsizing was also considered at Alwoodley Primary School.

- Retaining both Fir Tree and Archbishop Cranmer does not represent best value in the school estate because both schools would continue to operate in buildings that are too large for their pupil populations.
- Whilst the area would clearly benefit from provision of a Children's Centre, with a school site always the preferred location, to choose either school site in these circumstances could further undermine the viability of the other
- This option would not produce a capital receipt to reinvest in the school estate either locally or across the city.

3.12 Option 2: An amalgamation of Fir Tree and Archbishop Cranmer Primary Schools, on the Archbishop Cranmer site

- This option would reduce the number of reception places in the area by 30, leaving 180 reception places available.
- A good geographic distribution of schools in relation to where pupils live would be achieved.
- There is considerable overlap in the populations served by the two schools, but the Archbishop Cranmer site would be more central to the pupil population. The school building is sufficiently large to accommodate all of the pupils currently in both schools.
- Pupils at the two schools would benefit from coming together in a larger school that will have the resources to offer more opportunities
- The Archbishop Cranmer site is ideally situated for the establishment of a Children's Centre being central to the target population.
- The site has the additional advantage of offering the potential to develop a 0-19 campus because of its proximity to Allerton High School.
- The Church of England Diocese has indicated that it would support, subject to the outcome of formal consultation, an amalgamation of the two schools as a voluntary controlled school, on the current Archbishop Cranmer site, on the understanding that the governing body of the new school gives careful consideration to its name as a reflection of its C of E status.
- A site would be declared surplus to education requirements and could produce a capital receipt for reinvestment into the school estate.

3.13 Option 3: Closure of Fir Tree Primary School

- The number of reception places would reduce by 30 to 180.
- This option would provide a good geographic distribution of schools in relation to where pupils live.
- Future intakes could choose to access community provision at Alwoodley or Highfield Primary Schools or denominational provision, such as at Archbishop Cranmer Primary School. There are 17 pupils currently allocated to the Reception class of Fir Tree, including two placements (as at August 2006). All 17 would have gained admission to Alwoodley or Highfield if Fir Tree were not open and parents had preferenced these schools. Some children currently allocated to Alwoodley Primary School will be coming some distance and in future children from outside of the Alwoodley community could be expected to attend schools nearer to their homes.
- A few pupils that attend Fir Tree Primary School live on the Queenhills and Highwoods estates on the opposite side of the ring road. Other families living

in this locality already send their children to a variety of schools in the area, including Alwoodley, Archbishop Cranmer, Brodetsky, Moortown and Highfield Primary Schools.

- The Fir Tree site and location do not offer the best opportunity to develop Early Education, childcare, play activities and family support within a Children's Centre. It would not be as centrally located in relation to the majority of its target population.
- This option would probably require transitional arrangements that would provide a choice of community or church provision to pupils in the school at the time of closure.
- Pupils currently at Fir Tree Primary School could benefit from attending larger schools that have the resources to offer more opportunities.
- The Fir Tree site would be declared surplus to education requirements and could produce a capital receipt for reinvestment into the school estate.
- This option has already been subject to public consultation

3.14 Preferred Model of Provision

3.15 Education Leeds and the Church of England Diocese believe that to proceed with Option 2, the amalgamation of Fir Tree and Archbishop Cranmer Primary Schools, as a voluntary controlled school, would be the most appropriate way forward to secure a viable school in the heart of its community. This would provide a model of primary provision for the area based on a 60-place community primary school (Alwoodley), a 45-place Church of England (Voluntary controlled) Primary School (the new amalgamated school), a 30-place Catholic primary (St Paul's) and a 30-place Jewish primary (Brodetsky).

3.16 Education Leeds has been in extended discussion with the Church of England Diocese over the future status of the new primary school. Education Leeds and the Diocese's preference would be to establish a Voluntary Controlled primary school. This would reflect the historical links that Archbishop Cranmer has with the Church, while allowing the new school to reflect the strengths of both of the existing schools. In this case the school would have a church ethos, but the Local Education Authority would be the Admissions authority. Parents of future intakes would apply through the normal admissions process for a place in the school. Children on the roll of the existing schools at the point of closure would automatically be offered a place in the new school.

3.17 The proposed model would provide four viable schools for the future with a good geographical distribution to serve the needs of the local community. Fir Tree Primary School currently offers some specialist facilities, such as the Speaking and Listening facility (Oracy unit), and a community nursery is co-located with the school. These facilities are highly valued and it would be the intention of Education Leeds and the Early Years service to retain the services they offer, preferably on the site of the amalgamated school.

3.18 Fir Tree has a Pupil Development Centre (PDC) to support children who would benefit from early intervention in order to remove barriers to learning. Over the past 4 years a member of staff has worked alongside a PDC specialist with children at the school. Currently a member of staff is attending training that will enable the school to become a 'satellite PDC' that can operate independently, without the regular contact with the PDC specialist team. This does not have any outreach responsibilities, and requires one room to be refurbished, the cost of which will be met by the PDC

programme and Fir Tree jointly (£2,000 each). The facility could be relocated on the new site.

3.19 The Speaking and Listening unit at Fir Tree was established in February 2005 as part of the Oracy Project that includes eight primary schools in total. The facility at Fir Tree represents a model of good practice on how to improve speaking and listening skills among children who have English as a second language. The unit is used to provide training for teachers from the other seven schools in the Oracy Project. The only children who access the unit are those at Fir Tree. It is envisaged that all children at the eight schools, whatever their mother tongue, would benefit from this facility and would improve their oral skills through the programme. About £37,000 has been invested in the centre at Fir Tree, but a large proportion of this is in movable equipment that could be relocated on the new site without great expense or difficulty.

3.20 One option considered in similar situations might be the development of a federation of two or more of the schools in the area. Whilst this option may go some way to addressing the viability of education provision in small schools, there is no clear evidence that a federation would resolve the sustainability issues of the two schools, or protect the longer term interests of all of the schools in the area. The local population is no longer large enough to sustain two separate schools in either the medium or the long term.

3.21 Early Years

3.22 There is a community nursery based at Fir Tree primary school. In the Children's Centre Plan 2006-2008 provision has been identified for a Children's Centre in the Alwoodley area, meeting the needs in particular of families living on the Cranmer Bank Estate and the Lingfield Estate. Education Leeds and the Early Years Service believe that the location of the Children's Centre on the Archbishop Cranmer site would make the best contribution to the core offer for both an extended school and a Children's Centre. Whilst the Fir Tree site could also provide a Children's Centre, it is not as centrally located in relation to its target population, and does not offer the same potential to develop 0-19 provision as part of a campus that exists with the Archbishop Cranmer site adjacent to Allerton High School.

3.23 Special Educational Needs

3.24 Careful management of the impact of this proposal on pupils with Special Educational Needs will be built into the implementation phase, should it proceed.

4.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

4.1 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.

5.0 LEGAL AND RESOURCE IMPLICATIONS

5.1 Financial Implications

There would be an annual revenue saving of approximately £120,000 from the closure of Fir Tree Primary School, although initially this could be reduced due to

potential costs incurred during the transitional period.

5.2 Over £430,000 was spent in 2002/3 at Fir Tree, in an attempt to downsize the accommodation available and create a smaller school that would be viable for the long-term. Unfortunately this has not happened and the enrolment of the school has continued to fall, to a point where it is about half the enrolment of a full 1FE school. In addition intakes in neighbouring schools are also feeling the effects of falling rolls and Education Leeds believes that clear strategic action is required to ensure that primary provision in the area is sustainable. There have been other, less substantial sums invested on various works for the day-to-day running of the school. Details are given in Table 5 of the Appendix.

5.3 It is acknowledged that there has been investment in the Fir Tree building. If this proposal proceeds, Education Leeds would declare the building surplus to educational requirements and it would be for the City Council to decide on the most appropriate future use of the building. If there is a capital receipt generated from the site, this could be used to fund primary review works, including improvements at the Archbishop Cranmer School site.

5.4 Legal Implications

5.5 The review of primary provision fulfils the LEA's statutory requirement to keep under review the supply and demand of school places.

5.6 Following consultation this proposal may lead to a statutory process being followed.

5.7 Equality Implications

5.8 The proposals have been subject to equality impact assessment. There are no anticipated significant differential impacts on the basis of ethnicity, disability or gender associated with the proposals. The five schools in the area have a variety of ethnic composition and the percentage of White/British pupils ranges from 60% in Alwoodley Primary to 99% in Brodetsky. The schools likely to be most impacted on by this proposal all have mixed ethnicity, the balance of which could shift. It is not likely, however, that this will impact negatively on pupils attainment.

5.9 Indicative Timescale

October/November 2006 – consultation meetings

December 2006 – Report to Executive Board summarising consultation

January 2007 – Statutory Notices published

April 2007 – School Organisation Committee decision

September 2007 - New school opens

6.0 RECOMMENDATIONS

6.1 Executive Board is asked to approve that formal public consultation is undertaken on:

- the closure of Fir Tree Primary School in August 2007
- the closure of Archbishop Cranmer CE Aided Primary School in August 2007
- the establishment of a 1.5 FE voluntary controlled primary school on the Archbishop Cranmer site in September 2007

Appendix

Demographic Data

Table 1: Current Position

	Type of School	Nursery Roll Jan 2006	Ad. Limit	Reception (Jan 2006)	Number on Roll (Jan 2006)	NET Capacity	Surplus Places Jan 2006 (%)
Alwoodley	3 -11 primary	76	60	60	401	420	19 (5%)
Archbishop Cranmer (VA)	5 - 11 primary		45	19	192	236	44 (19%)
Brodetsky (VA)	3 - 11 primary	31	45	38	276	315	39 (12%)
Fir Tree	5 - 11 primary		30	11	106	156	50 (32%)
St Paul's	5 - 11 primary		30	29	186	209	23 (11%)
Totals		107	210	157	1161	1359	175 (13%)

Table 2: School Intake Projections

School	2006	2007	2008	2009	Admission limit
Alwoodley	60	55	60	62	60
Archbishop Cranmer CE	18	18	19	18	45
Brodetsky	36	38	41	38	45
Fir Tree	11	11	13	12	30
St Paul's RC	24	25	26	25	30
Area totals	149	147	159	155	210

Table 3: Improvement Measure - Key Stage 2 combined SATs results Level 4+

	2001	2002	2003	2004	2005
Alwoodley Primary	247	271	286	271	273
Archbishop Cranmer CE Prim	235	228	230	246	256
Brodetsky Primary	277	275	297	290	278
Fir Tree Primary	200	229	230	193	248
St Paul's RC Primary	282	241	264	273	259
LEA Average	234	236	238	238	241
National Average	233	234	234	237	240

Table 4: KS2 SATs data summer 2005

	KS2 percent Level 4+
--	----------------------

	% Free School Meals (whole school)	English	Maths	Science	No. Pupils Tested	3 year average Value Added	SEN (cohort) %	
							With statements	Non-statemented SEN
Alwoodley Primary	14	85	88	100	60	101.7	1.7%(1)	20%(12)
Archbishop Cranmer CE Primary	32	84	81	91	32	99.7	0%(0)	15.6%(5)
Brodetsky Primary	4	88	94	97	32	101.0	0%(0)	15.6%(5)
Fir Tree Primary	27	78	83	87	23	100.7	0%(0)	8.2%(2)
St Paul's RC Primary	11	89	74	96	27	100.3	0%(0)	22.2%(6)
LEA Average	19	79	76	85		100.3	2.4%	15.5%
National Average		79	75	86		100.2	3.3%	18.9%

Table 5: Investment in Fir Tree Primary School over the period 2002 - 2004

FIR TREE PRIMARY CAPITAL PROJECTS		
Fin Year	Project Description	£000s
2002-03	Surplus Place Removal Scheme	432.7
2003-04	Electrical Works	16.6
2003-04	Kitchen Ventilation Works	33.3
2002-03	Devolved Capital (Various Works)	25.8
2003-04	Devolved Capital (Various Works)	5.4
2004-05	Devolved Capital (Various Works)	37.7
2005-6	Devolved Capital (various works)	20.6
2002-03	Seed Challenge: Staff Toilets Refurbishment	6.0
2003-04	Seed Challenge: Refurb New Library Windows	10.0
2005-6	DFES Travel Plan Grant	4.4
2006-7	Essential Electrical Works	60.0
		652.5

Report of: The Chief Executive of Education Leeds

To: Executive Board

Date: 20 September 2006

Subject: **Executive Summary**

1. Purpose

This report updates Members on the proposed scheme to provide a new build specialist science block at Otley Prince Henry's Grammar School, and seek approval to proceed with the scheme.

2. Main Issues and Options

The school has a number of significant condition and suitability issues, most notably in the provision of specialist science accommodation. In addition, the 2004 Ofsted Report was highly critical of the accommodation, stating that this put constraints on the ability of the school to raise standards further. This scheme will provide new specialist teaching accommodation in the form of eleven science laboratories, preparation rooms and associated administration and staff facilities.

In January 2005, Executive Board approved the ring fencing of the Capital Receipt from the sale of the Newall Annexe adjacent to the school. The auction has now raised £1,655,000. In view of the fact that the Asset Management Plan ranks the school as the highest priority secondary school in terms of condition, Education Leeds has earmarked a further £3,085,000 from the Education Capital Programme to deliver the scheme.

3. Recommendations

Members of the Executive Board are requested to:

- a) Approve the design proposals and give authority to proceed with the scheme
- b) Approve the injection of £55,000 of Capital Receipts for the sale of the Newall Annexe into the approved Capital Programme
- c) Authorise expenditure of £4,325,000 for the provision of specialist science accommodation and associated enabling works from scheme 12051.

Report of: The Chief Executive of Education Leeds

To: Executive Board

Date: 20 September 2006

Subject: **Design & Cost Report**

Scheme Title OTLEY PRINCE HENRY GRAMMAR SCHOOL – PROVISION OF SPECIALIST SCIENCE ACCOMMODATION

Capital Scheme Number 12051/000/000

Electoral Wards Affected:
 Otley & Yeadon

Specific Implications For:

Ethnic minorities

Women

Disabled people

Eligible for Call In

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

1.00 Purpose of this Report

1.01 The purpose of this report is to:

- a) Seek approval to the design proposals in respect of the scheme to provide additional specialist science accommodation at Otley Prince Henry’s Grammar school
- b) Seek approval to inject Capital Receipt from the sale of the Newall Annexe adjacent to the school in the sum of £55,000 into the approved Capital Programme
- c) Obtain authority to incur expenditure of £4,325,000 in respect of the above scheme to provide specialist science teaching accommodation and associated enabling works from Capital Scheme no 12051.

2.00 Background Information

2.01 Otley Prince Henry’s Grammar School will be one of the last High Schools to receive major investment through the Building Schools for the Future (BSF) initiative and it is likely that they will have to manage their current accommodation for at least the next fourteen years.

- 2.02 The school was built in 1893 with additions in the 1970's and has significant problems in respect to condition and suitability. Recent condition surveys have highlighted particular concerns around roofing, curtain walling, mechanical and electrical services, asbestos and windows. Current priority backlog maintenance work across the site has been estimated in the sum of £2.56 million, which makes it the highest ranked secondary school in terms of condition.
- 2.03 In addition, suitability surveys have acknowledged issues in specialist teaching and in particular in science provision. The existing laboratories are in poor condition and, in terms of their layout and location across the school site, are not appropriate to deliver the modern curriculum. This fact has received criticism in the school's 2004 Ofsted Report. In addition, the School Improvement Plan highlights that the very poor quality of buildings has a major impact on learning, compounded by a lack of space and high room occupancy resulting in too many classes being taught out of specialist areas. An up to date curriculum analysis has also confirmed a shortage of ICT rooms and practical art and science spaces.
- 2.04 In recognition of the Ofsted criticism with regards to specialist science accommodation, in May 2005 Education Leeds submitted a Targeted Capital Fund bid to the DfES for £6m of funding to provide new state of the art science and technology accommodation, in addition to new social, library and dining areas. However due to the criteria set by the DfES, the bid was unsuccessful. However, in recognition of the high priority of this scheme, Education Leeds has allocated additional funding from the Education Capital Programme in order to provide the school with improved science accommodation.
- 2.05 In order to assess the most beneficial solution to the science accommodation issues at the school, an Options Appraisal has been carried out. This identified four alternatives options: a) do nothing, b) refurbish existing accommodation, c) remodel accommodation or d) build new science block. It was determined that the provision of a new build science block presents the best value option in delivering modern, fit for purpose, specialist accommodation, with the minimum on disturbance to the school.
- 2.06 A Project Board has been established to oversee delivery of this project. As part of its responsibilities, a risk analysis workshop took place with key stakeholders and Project Board Members. The key risks identified include cost and project overrun. Project Management is being provided by an external Project Manager according to an approved project management process.
- 2.07 In recognition of the significant accommodation issues facing the school, in January 2005 the Executive Board approved the proposal to ring fence the capital receipt (up to the maximum value of the current valuation) arising from the sale of the 'Newall' Annexe to Otley Prince Henry's Grammar School. The approved Capital programme of 17 February 2006 included the injection of £1.6m of capital receipt for this scheme. Following the approval to dispose of the Newall building, it was subject to a public auction on 27 July 2006. This auction resulted in a capital receipt in the value of £1,655,000.
- 2.08 In preparation for the main scheme of works and in order to enable the school to re-open after the summer school holiday period this year, a series of preparatory and enabling works have been required including highways works, provision of temporary accommodation and provision of security fencing.
- 2.09 The highways works, required as a condition of the land sale, include upgrading the existing roadway off Newall Carr Road which leads up to the school, and formation of a junction to lead off to the future development area. Once the Newall Annexe has been vacated by the school, it will be necessary to provide additional temporary

accommodation in order to offer the required level of teaching bases until the major works are complete. Security fencing works are also required in order to create a boundary between the school and the Newall site and to provide safe pathways for pupils to access the school. Approval was given for these works by the Lead Chief Officer (Commissioning) on 4 July 2006.

3.00 Design Proposals / Scheme Description

- 3.01 This scheme forms the first phase of a long term plan to develop Otley Prince Henry's Grammar School site (subject to available funding). As a large part of the site is within a Conservation Area, the overall plan will retain buildings within this area. All phases will be designed using BSF principles, and can therefore be incorporated within a future BSF scheme.
- 3.02 The objective of the scheme is to create eleven new science laboratories and preparation rooms. The benefits expected include the provision of modern, high quality, specialist teaching accommodation as a vehicle for improved standards and attainment, adjoining faculty accommodation, reduced backlog of maintenance, and better support accommodation.
- 3.03 The eleven new science laboratories and preparation rooms will bring the faculty into one block and form an access spine to areas of existing accommodation. This new spine will also create a new entrance with ancillary offices.
- 3.04 The new science block comprises of 2,300m² of additional accommodation. The two storey steel framed building will be externally clad with brickwork and terracotta tiles, and steel roof. The new block will provide 11 laboratories, fully fitted with island units and preparation rooms, entrance lobby and associated office space and toilets. The creation of an 'access spine', with a lift together with links to the existing building will vastly improve disabled access to the school.
- 3.05 The building is to be heated by underfloor heating and controlled by a building management system. Environmental considerations have been addressed by the inclusion of a grey water harvesting system, triple glazed windows and passive ventilation. In addition, the school is currently in the process of submitting a bid to fund the purchase of solar panels to heat water. These can be incorporated into the design or retro fitted at minimal costs and disruption. The new building will also be protected from the serious effects of a major fire by the inclusion of a sprinkler system, which will be tank fed to overcome problems of low water pressures in the area.
- 3.06 As stated in Para. 2.08, due to the sale of the Newall Annexe, and a subsequent shortfall in school accommodation until the main scheme is delivered, it is necessary to provide the school with additional temporary accommodation. As the scheme design and programme details have been developed, and the conditions of the land sale finalised, the duration the temporary accommodation is required for has been extended by 23 weeks to 69 weeks.
- 3.07 In addition to the existing enabling and preparation works currently in progress, further works are required to the gas and electrical services connections. For a number of years, the school has functioned with a shortage of electric power to the site. The additional power requirements of the new block will take this shortage beyond a manageable level. It is therefore necessary to build a new electricity sub station to service to school. Furthermore, the gas meters will need to be upgraded to meet the demands of the site.

4.00 Consultations

4.01 This scheme has been the subject of extensive consultation with all stakeholders. In addition, a Communication Strategy has been developed to detail how all stakeholders involved with or affected by the project will be kept informed of progress and have an opportunity to input into the project or raise issues. Stakeholders consulted include:

- a) Ward Members: Leeds and Otley Councillors have been informed of scheme details and progress on a regular basis
- b) Police: 'Security by Design' services are currently being engaged
- c) Fire Brigade: A Fire Consultant has been employed and Education Leeds is currently in consultation with the Council's insurers Zurich
- d) Statutory Undertakers: Discussions have been held with all statutory undertakers, resulting in the identification of the need for enabling works to be carried out to electricity and gas services
- e) Head Teacher: The Head Teacher is a member of the Project Board
- f) Governing Body: Regular meetings have been held with the Governing Body to ensure their opinions are incorporated into the scheme design
- g) School and Pupils: The school is represented on the design team and pupils have been fully consulted as to their aspirations for the new accommodation

5.00 Programme

5.01 The strategic programme for the new build scheme is as follows:

Tenders out:	13/10/06
Tenders in	24/11/06
Start on Site	26/02/07
Practical Completion	23/11/07

5.02 The programme has been designed in order to minimise disruption on service delivery within the school. Major works such as connection to the existing building and services shutdown have been programmed to take place during school holidays, whilst any accommodation pressures as a result of the sale of the Newall Annexe have been mitigated by the provision of temporary accommodation. This will remain on site until the new block is available for occupation.

6.00 Implications for Council Policy and Governance

These works will contribute to the following themes outlined in the Vision for Leeds 2004-2020.

Cultural Life:

To enhance and increase cultural opportunities for everyone.

Enterprise and the Economy

To contribute to the development of a future healthy skilled workforce.

Environment City

Provide a better quality environment for our children.

Harmonious Communities

Contribute to tackling social, economic and environmental discrimination and inequality. To make sure that children and young people have a healthy start to life.

Health and Wellbeing

Contributing to the protection of people's health and support people to stay healthy.

Learning:

Contribute to the development of equal educational achievement between different ethnic and social groups.

Improving numeracy, literacy and levels of achievement by young people throughout the city.

Make sure that strong and effective schools are at the heart of communities.

Promote lifelong learning to encourage economic success, achieve personal satisfaction and promote unity in communities.

Thriving Places

Actively involve the community.

Improve public services in all neighbourhoods

Regenerate and restore confidence in every part of the city.

7.00 Legal and Resource Implications

7.01 Scheme Design Estimate

Estimated costs for this scheme have been determined by qualified Quantity Surveyors based on an approved costing system, using base date for estimate of August 2006.

7.02 The estimated construction cost for the new science block is £3,500,000, equating to £1,520 per m². Design and project management fees and associated surveys, planning and building regulation costs are estimated at £585,000. This report seeks approval to spend for these costs.

7.03 As stated in Para 2.08, prior approval has been given for enabling and preparatory works. This report seeks further approval for additional costs to these works in the sum of £80,000 for the temporary accommodation and £25,000 for the highways works. Further Approval to Spend is required for enabling works to upgrade the Electrical supply to the school at £121,900 and Gas Diversion works at £15,000.

7.04 Additional Authority to Spend is therefore sought of £4,325,000. An analysis of the additional approval required is shown in the table below.

Scheme	Original Approval	Current Estimate	Additional ATS Required
New Science Block - Construction	0	3,500,000	3,500,000
Provision of Temporary Accommodation	130,000	210,000	80,000
Highways Works	275,000	300,000	25,000
Fencing	10,000	8,100	-1,900
Electrical Upgrade	0	121,900	121,900
Gas Services Diversion	0	15,000	15,000
Fees, Planning and Project Management	0	585,000	585,000
Total	415,000	4,740,000	4,325,000

7.05 The Capital Programme, approved on 17 February 2006 including injection of £1,600,000 of Capital Receipts, being the lower valuation at that time. Following the successful auction of the Newall site, realizing a capital receipt of £1,655,000, it is necessary to inject a further £55,000 into the Approved Capital Programme.

8.00 Capital Funding and Cash Flow

8.01

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	
LAND (1)	0.0							
CONSTRUCTION (3)	372.5		372.5					
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	42.5	8.5	34.0					
OTHER COSTS (7)	0.0							
TOTALS	415.0	8.5	406.5	0.0	0.0	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)	3705.7			3588.0	117.7			
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	600.8	0.2	360.3	225.3	15.0			
OTHER COSTS (7)	18.5		18.5					
TOTALS	4325.0	0.2	378.8	3813.3	132.7	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	
Capital Receipt	1655.0		0.0	1655.0				
Modernisation All Schools SCE R (1001)	8.7	8.7						
New Pupil Places SCE R (1247)	750.0		750.0					
Modernisation Secondary SCE R (12042)	2326.3		35.3	2158.3	132.7			
Total Funding	4740.0	8.7	785.3	3813.3	132.7	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Parent Scheme Number : 12051/000/000
Title : Otley Prince Henry's Grammar School Specialist Science Accommodation

8.02 Revenue Effects

It is anticipated the school will benefit from revenue savings in maintenance costs as a result of the addition of the new block and sale of the Newall Annexe.

8.03 Risk Assessments

Operational risks will be addressed by effective use of CDM regulations, close supervision with the contractors and continual liaison with the school.

9.00 Recommendations

9.01 The Executive Board is requested to:

- Approve design proposals in respect of the scheme to provide additional specialist science accommodation at Otley Prince Henry's Grammar school
- Authorise injection of £55,000 of Capital Receipt into the approved Capital Programme
- Authorise scheme expenditure of

Construction £ 3,705,700
 Fees £ 600,800

Other Costs	£ 18,500
Total	£ 4,325,000

Agenda Item:

Originator: Robert Douglas

Telephone: 0113 2475364

REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

REPORT TO: EXECUTIVE BOARD:

SUBJECT: Leeds Building Schools for the Future and ICT Strategic Partner Procurements

EXECUTIVE SUMMARY

PURPOSE OF THE REPORT

1. The purpose of this report is to seek the support of the Executive Board to scope changes in both the procurement of the ICT Strategic Partner (SP) and the procurement of the Leeds Local Education Partnership (LEP). These changes principally involve the removal of the maintenance and procurement of the ICT hardware from the Building Schools for the Future (BSF) Local Education Partnership (LEP) procurement and placing it within the SP Procurement. The ICT SP will thus be responsible for all in-school ICT once the new buildings are delivered.

BACKGROUND

2. The model for delivery of ICT in schools adopted by Education Leeds was set out in the Executive Board report dated November 2005. This model was predicated upon the need to ensure that the partners involved in BSF can deliver the educational transformational agenda and offer the greatest degree of choice to schools, as well as providing the opportunity to take forward the ICT strategy for education in the city. The model involves a three way service delivery by an ICT SP, the LEP and LCC IT Services.
3. The BSF LEP procurement has progressed through the initial evaluation stage resulting in Environments for Learning (E4L) and Investors in Communities (IIC) moving forward to the Optimum Bid stage. These bidders are now refining their bids which are due to be submitted at the end of August.
4. The SP procurement currently has two bidders (Serco & RM) and the Council, through Education Leeds, who are managing this procurement, are proposing to engage in a Best and Final Offer (BAFO) stage.
5. Following the initial evaluation of the bids for BSF, the BSF Project Team has re-evaluated the respective roles and responsibilities, interface issues and Value for Money (VfM) of the a three way delivery arrangement for ICT to ensure that tasks are allocated to the partner that is best able to manage them and the Council

maximizes its ability to achieve a VfM outcome. Following this review and discussions with Partnerships for Schools (PfS) the team are recommending that the hardware procurement and maintenance requirements for ICT are removed from the LEP procurement and placed with the SP as this provides a better value for money solution and significantly reduces the interface issues.

6. This change in scope will have no additional financial implications although approximately £16 million of BSF capital funding for hardware procurement will move from the LEP to the SP procurement
7. Under the Council's governance arrangements for Public Private Partnership/Private Finance Initiative (PPP/PFI) contracts – and under the separately approved arrangements for the SP procurement – change in project scope is a matter for Executive Board. The current point in both procurements mean this the most suitable time to give effect to the changes in scope, while bidders are pricing their bids and while there is still competitive pressure. Also, in both cases, it is likely that later changes will impact on the delivery of both procurements, including particularly the delivery of the BSF phase 1 schools in September 2008. Accordingly, the support of Executive Board is sought to the making of the changes in scope at this time so far as bidders are concerned.

RECOMMENDATIONS

Executive Board is asked to:

- i) agree to support the movement of the procurement and maintenance of ICT hardware from the LEP to the ICT SP, and the issue of appropriate instructions at this stage to bidders in both procurements;
- ii) note the financial implications.

Agenda Item:

Originator: Robert Douglas

Telephone: 2475364

REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

REPORT TO: EXECUTIVE BOARD

DATE: 20 SEPTEMBER 2006

SUBJECT: Leeds Building Schools for the Future and ICT Strategic Partner Procurements

Electoral wards Affected:
ALL

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

The purpose of this report is to seek the support of the Executive Board to scope changes to both procurements, principally the removal of the hardware maintenance and procurement from the BSF Local Education Partnership (LEP) procurement and placing it within the procurement for the ICT Strategic Partner (SP) to ensure a more holistic ICT service to BSF schools and to reduce interface issues and simplify longer term management.

2.0 BACKGROUND INFORMATION

2.1 The model for delivery of ICT in schools adopted by Education Leeds was set out in the Executive Board report dated November 2005. This model was predicated upon the need to ensure that the investment provided through BSF can deliver the educational transformational agenda and offer the greatest degree of choice to schools, as well as providing the opportunity to take forward the ICT strategy for education in the city. The model involves a three way service delivery by an ICT SP, the LEP and Leeds City Council (LCC) IT Services. The roles of the three partners are summarized below:

- i) The SP will have a key role in developing the use of ICT as a tool to effect a step

change in educational performance of schools throughout the Leeds estate and ensuring the technology does not act as a barrier in this process. The SP will also provide key technical support services to the BSF schools and to other Leeds schools as a traded service and will work with LCC IT services to maximise the potential of the Leeds Learning Network (LLN) learning platform with Education Leeds and schools;

- ii) The LEP will have responsibility for the physical installation of ICT into the new buildings and all hardware purchases and maintenance within the BSF schools;
- iii) LCC IT Services will have responsibility for the wide area network and the delivery of email and internet access together with associated services such as citywide learning platform.

This original model was agreed as a compromise with PfS as it did not follow their preferred national model.

2.2 The BSF LEP procurement has progressed through the initial evaluation stage resulting in Environments for Learning (E4L) and Investors in Communities (IIC) moving forward to the Optimum Bid stage. These bidders are now refining their bids which are due to be submitted at the end of August. This is therefore a suitable point in the programme to make any proposed scope changes.

2.3 The SP procurement currently has two bidders (Serco & RM). The Council through Education Leeds, who are managing this procurement, are proposing to engage in a Best and Final Offer (BAFO) stage. This would be a suitable time to make any scope changes with regard to the SP. The Council will receive a better outcome whilst it can maintain the competitive process. It is anticipated that the SP project team will be in a position to name its preferred bidder in October 2006.

3.0 **MAIN ISSUES - PROPOSED SCOPE CHANGE**

3.1 Following the initial evaluation of the BSF bids the respective roles and responsibilities, interface issues and Value for Money (VfM) issues surrounding the three partners was re-evaluated to ensure that tasks are allocated to the partner that is best able to manage them and that the Council maximizes its ability to achieve a VfM outcome. Following this review and discussions with PfS the team are recommending that the hardware procurement and maintenance requirements for ICT are removed from the LEP procurement and placed with the SP as this provides a better value for money solution and significantly reduces the interface issues. The reasons for this change in strategy are set out below

3.2 Removal of ICT hardware maintenance from the LEP Procurement

- This will significantly reduce the interface issues within ICT provision to BSF schools as the SP would then be responsible for, and take the risk for, specifying the hardware and providing for its maintenance thereby reducing the risk of conflict throughout the BSF programme life cycle.
- The current model has both LEP and SP potentially providing on-site technical support to schools. This does not sit well with a more integrated model of support provision, especially given the practical difficulties, in many cases, of identifying the source of an issue with individual items of ICT equipment;
- The removal of hardware maintenance from the LEP has clear benefits in terms

of the reduction of risk, VfM and service quality for schools. The SP will already have staff on the ground in the city and there will be no need for a second tier of support engineers provided through LEP to deal with the relatively small number of hardware faults which are identified. Nor will there be a need for a second tier of helpdesk support services provided by the LEP;

- Both SP bidders have indicated that they feel, for the reasons of service quality, VfM and interface management that it would be more appropriate to take this approach.
- E4L in particular as a LEP bidder has already suggested that hardware maintenance should sit with the SP and not the LEP.

3.3 Removal of hardware procurement from the LEP procurement.

The ICT technical team have carried out a qualitative VfM assessment of procuring the hardware through the SP and believe that this would be the most appropriate route for the following reasons:

- Simplification of the contractual arrangements which will assist an efficient procurement process
- Interface issues significantly reduced as all hardware risks are bundled and now sit with a single party which should provide VfM for the Council
- More incentive for SP to select the right hardware as it has full responsibility for all hardware related problems to either the Council or the LEP
- Should the hardware be procured by the LEP we may pay a price to cover the LEP's operating costs. The SP's costs are spread over a much larger cost base.
- Moves closer to the original PfS model with all ICT sitting with a single partner albeit not in the LEP;
- Should ensure that preferred bidder negotiations are reduced and proceed quicker, again leading to a more efficient procurement process.
- The interface for schools is simplified with schools having a single point of contact (the SP) for all ICT related issues.

It should be noted that the SP will only act as an agent in respect of the hardware procurement with a responsibility to set up an appropriate supply chain which provided VfM and meets Education Leeds' current and ongoing requirements.

3.4 Colleagues in corporate procurement have been consulted surrounding the change in the LEP and the SP procurement and have confirmed that the original Official Journal of European Union (OJEU) notice has sufficient flexibility to allow the SP to procure the hardware on the Council's behalf providing that they do this via an European Union (EU) procured route either separately or using Office of Government Commerce/British Educational & Technology Communications (OGC/BECTA) frameworks. Corporate procurement has also confirmed that hardware maintenance is also covered by the SP OJEU notice.

4.0 FINANCIAL IMPLICATIONS

- 4.1 This change in scope will have no additional financial implications although approximately £16 million of BSF capital funding for hardware procurement will move from the LEP to the SP Procurement

5.0 APPROVALS PROCESS

- 5.1 The BSF team has for some time been convinced of the need to make the proposed changes in the scope of the BSF and SP procurements. The case for the changes has been reported to, and has the support of, the 4 July 2006 Education PFI/BSF Project Board. However, it has been necessary to have the backing of PfS to the change, and this was only received on 5 July 2006.
- 5.2 Under the Council's governance arrangements for PPP/PFI contracts – and under the separately approved arrangements for the SP procurement – change in project scope is a matter for Executive Board. While appropriate reports will be submitted to Executive Board on these scope changes in due course, the project programmes for both procurements make this the most suitable time to give effect to the changes in scope, while bidders are scoping and pricing their bids, and while there is still competitive pressure. Also, in both cases, it is likely that later changes will impact on the delivery of both procurements, including particularly the delivery of the BSF phase 1 schools in September 2008. Accordingly, the support of Leader Management Team (LMT) is sought to the making of the changes in scope at this time so far as bidders are concerned.

6.0 RECOMMENDATIONS

- 6.1 Executive Board is asked to:
- agree to support the movement of the procurement and maintenance of ICT hardware from the LEP to the ICT SP, and the issue of appropriate instructions at this stage to bidders in both procurements;
 - note the financial implications.

	Glossary of Abbreviations
BAFO	Best and Final Offer
BECTA	British Educational Communicative and Technology Agency
BSF	Building Schools for the Future
E4L	Environments for Learning
ICT	Information and Communication Technology
IIC	Investors In the Community
LCC	Leeds City Council
LEP	Local Education Partnership
LLN	Leeds Learning Network
LMT	Leader Management Team
OGC	Office of Government Commerce
OJEN	Official Journal of the European Union
PFI	Private Finance Initiative
PFS	Partnerships for Schools
PPP	Public Private Partnership
RM	RM- (formerly Research Machine)
SP	Strategic Partner
VFM	Value for Money

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Originator: Sally Threlfall

Tel: 74334

Report of the THE DIRECTOR OF LEARNING & LEISURE

Executive Board

Date: 20 September 2006

Subject: SCHOOL & CHILDREN'S CENTRE DESIGNATION

<p>Electoral wards affected:</p> <p>Kirkstall Hunslet Hyde Park and Woodhouse Middleton</p>
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<p>Specific implications for:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the gap <input checked="" type="checkbox"/></p>

Eligible for call In

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

Executive Summary

The Early Years Service delivers children's centres on the site of 15 primary schools. Four of those schools have already been re-designated by statutory notice as primary schools for children aged 4 to 11 years with an attached children's centre for children aged 0 to 4. Four additional primary schools are now seeking to transfer full management of the children's centre to the Early Years Service. The schools concerned will now provide education for children aged 4 to 11 years and the attached children's centre will provide fully integrated and inclusive early education services for children aged 0 to 4. The school nursery classes providing early education for children aged 3 and 4 are fully integrated into the children's centre to provide seamless services for children and families.

Schools choosing to transfer the management of early education to the Children's Centre need to formally re designate the school as a primary school for children aged 4 to 11. The Secretary of State requires the publication of a Statutory Notice and if no objections are received final approval from the Council's Executive Board.

This report seeks final approval of the re-designation of age range of four primary schools in Leeds and an acknowledgement of a school based Children's Centre.

1. Purpose Of This Report

- 1.2 The Early Years Service and Education Leeds seek the final approval of Executive Board of the re-designation of four Leeds primary schools following the publication of statutory notices to formally change the age range for which education services are provided in order to facilitate the delivery of Children's Centre and extended services on these sites.

2. Background Information

- 2.1 The Early Years Service has managed the early education provision as an integral part of a children's centre on four primary school sites since 2000. Parklands, Seacroft Grange, Hillside and Quarry Mount Primary Schools have re designated the age range of the school from 3 to 11 years to 4 to 11 years. A fully integrated children's centre on site provides early education services for children aged 0 to 4. The nursery classes in these schools were integrated into the children's centre. There is no loss of service on the school site. The children's centres can offer a wider range of more flexible services throughout the year, including family support, health and social care. They are a key element in the schools extended service provision. Governance arrangements are mutually beneficial. The schools and children's centres are considered models of best practice.
- 2.1 In the next phase of the children's centre programme from 2004- 06 the Early Years Services has developed a further 12 children's centres on the site of primary schools. During the construction of the centres, discussions were held with School management, governors and Education Leeds around how services would be delivered and managed in each instance.
- 2.2 Four primary schools in this group are now seeking to transfer the management of early education to the Early Years Service as part of the children's centre programme. As a result the Early Years service will deliver fully integrated and inclusive services for children aged 0 to 4 years of age on behalf of Hawksworth Wood, Middleton, Windmill and Little London Primary Schools.
- 2.3 The four schools noted above now need to formally change the designation for the age range of pupils they provide services for. Currently each school is designated to deliver services for children aged 3 to 11. The designation will change to 4 to 11 years of age with an attached children's centre for children aged 0 to 4.

3 Main issues

- 3.1 The Secretary of State sets out the arrangements for making changes to designation of schools. This required Executive Board to:

Approve the issuing of statutory notices as done so in May 2006,

Consider all issues raised in the period of notice. No issues have been raised

Confirm the request for re designation made jointly by Education Leeds and the Early Years Service on behalf of the four primary schools.

4 Implications For Council Policy And Governance

- 4.1 When a school is re-designated for children aged 4 to 11 years the Governing Body is

no longer responsible for the delivery of early education to children aged 3 and 4. The responsibility is passed to the children's centre which must undertake to meet regulations laid down by the DfES and OfSTED on issues of curriculum and staffing. There is no change to the quality of the service provided. The children's centres employ qualified teachers, nursery nurses and ancillary staff. The staff – child ratio in children's centres is set higher than for schools. The children's centre can offer wider and more flexible services that support schools with their extended services aspirations. Whilst responsibility has transferred the headteacher and Governing Body retain a major influence on the management of the children's centre. The school and the children's centre are jointly inspected by OfSTED.

- 4.2 The location of children's centres and the management and governance of centres on school sites is the subject of full and lengthy consultation. Full implications are considered and appropriate arrangements put in place for day to day site management, governance and mutual support and partnership. Schools and children's centre have trial periods for arrangements before any statutory changes are sought or community facilities powers invoked. Trial management arrangements have been in place in all four primary schools seeking re designation. They have been successfully managed under partnership arrangements for at least a year in each case before the school Governing Body has sought re designation.

5 Legal And Resource Implications

- 5.1 The guidance issued by the Secretary of State establishes the legal basis for re designation of age range for each school and children's centre and the subsequent governance and delivery of services.
- 5.2 The establishment of a children's centre places no pressure on school budgets and in most cases relieves pressures on staffing and other budgets in school where there are surplus nursery class places. Where centres are managed fully by the Early Years Service on behalf of schools the pupil funding for children aged 3 and 4 transfers to the children's centre but so do all of the staffing and resource costs of providing the education service. Children's centres have service level agreements with schools to cover all soft facilities management to ensure they present no pressure to the school budget.

6 Conclusions

- 6.1 The re –designation of age range for Windmill, Middleton, Hawksworth Wood and Little London Primary School is the chosen option of the schools and children's centres developed on those sites and the option recommended by Education Leeds and the Early Years Service. A statutory notice has been served to the public providing details of re designation where no objections have been received.

7 Recommendations

- 7.1 Executive Board is asked to approve the re designation of the following Primary Schools: Hawksworth Wood, Middleton, Windmill and Little London to reflect the change the age range for from 3 to 11 years of age to 4 to 11 years of age with an on site children's centre for children aged 0 to 4.



Originator: Mark Allman

Tel: 2478323

Report of the Director of Learning and Leisure

Executive Board

Date: 20th September 2006

Subject: South Leeds Sports Centre Deputation

Electoral wards affected:

Specific implications for:

Equality and Diversity

Community Cohesion

Narrowing the gap

Eligible for call In

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

Executive Summary

Following the withdrawal of a Sure Start grant for a major refurbishment of South Leeds Sports Centre options have been considered as to its future. In determining whether to reopen or permanently close the site a number of key factors have been considered, namely participation trends, budgets, future capital investment needs, views of the local community and impacts of the new Swimming and Diving Centre.

After considering all of the information provided and taking into account the public opinion expressed over recent weeks, it is proposed to re-open the Sports Centre, as soon as is practically possible.

On re-opening throughput and income/expenditure will be monitored in detail over the coming months in order to assess the value of the facility to the local community and the impact of the new 50m Swimming and Diving Centre at the John Charles Centre for Sport.

1.0 Purpose of this report

1.1 The report provides contextual information in relation to representations made by the SPLASH group at full council on the 19th July 2006.

1.2 The report seeks to inform members of;

- Summary of the deputation
- The background to the current closure of South Leeds Sports centre
- The options considered for its future
- The ongoing budget and capital challenges the service faces.

2.0 Background information

2.1 The deputation made by the SPLASH group asserted that the existing South Leeds Sports Centre should reopen as soon as possible. Their key arguments can be summarised as follows;

- The sports centre plays a valuable social role in the local community and is well used
- Proposals to shut the centre are being based on very recent throughput figures, that are misleading
- Local people, schools and community groups will be deprived of their local sports centre

2.2 South Leeds Sports centre was built in 1980 and consists of a 25m swimming pool, sports hall and multi use rooms. There is also outdoor changing provision for the grass pitches adjacent to the centre. Its design is almost identical to Scott Hall and Fearnville Leisure Centres. Access to changing rooms for the outdoor pitches stopped 10 years ago.

2.3 Early in 2004 a scheme was developed that sought to refurbish the changing rooms at South Leeds Sports Centre using a mixture of council capital and SRB funding. Approximately £500k was allocated to the scheme from both Council and SRB sources. From September 2004 the Sport and Active Recreation Service also started to further review the funding position of all of its sports centres supported by a Scrutiny Board working party.

2.4 Informal discussions with SureStart local programme commenced in 2003 with more formal approaches being made in 2004 to Learning and Leisure Department to consider the possibility of co-locating facilities at South Leeds Sports Centre.

The planned scheme;

- Provided the means to build a brand new entrance/reception facility
- Created a way of specifically generating new sustained usage through greater family involvement during the daytime and evenings.
- Provided a mix of additional facilities that could be utilised in the evening by leisure centre users

2.5 Unfortunately Sure Start decided not to proceed with this scheme although the centre had already closed in preparation for work to commence. It has remained closed since. Sure Starts contribution towards the total scheme was to be approximately £800,000. Sure Start investment is now being directed towards other initiatives in the immediate local area.

3.0 Main issues

3.1 Falling levels of use and increasing costs

During 2003, 2004 and then into 2005 the leisure centre began to experience falls in levels of use. Some of the falls in usage in 2005 were attributable to the potential closure of the site for refurbishment but the figures for 2003 and 2004 still show falling numbers of visits and relatively low numbers of visits overall.

Table 1 below illustrates the usage levels of South Leeds Sports Centre. It is also compared with Scott Hall Sports Centre which is an identical design but sits on a main arterial route in and out of the city.

Table 1

Throughput levels of South Leeds Sports Centre.

	2002/3	2003/4	2004/5	2005/6
South Leeds Sports Centre	114700	103659	98991	N/A
Scott Hall Sports Centre (similar sports centre)	232161	283970	264222	233016

It was anticipated that the new combined scheme would significantly help increase levels of use from their levels in 2003 and 2004. A simple refurbishment of the leisure centre changing rooms would not have had the same level of impact.

3.2 The impact of falling attendances and increasing costs (utility costs) have had the overall effect of increasing the costs of providing the service. Prior to the December 2005 closure, the Centre was operating at an increasing deficit. In 2002/2003 the annual deficit for the Centre was £145,155.* This increased to £216,000* in 2003/2004 and increased again to £297,704* in 2004/2005. This was despite efforts by Management and Staff taking steps to halt the trend. At the time of closure, at Period 9, the deficit was £236,481*.

* Figures excluding Support Services.

3.3 Potential impact of new Swimming and Diving centre

The new swimming and diving centre is due to open in 2007. Whilst it is accepted that some local residents in and around the existing South Leeds Sports Centre may not travel to the new facility it is without doubt that its opening will affect the levels of use of South Leeds Sports Centre further. The prospect of a further declining user base must be an important consideration. The majority of the schools current usage can be accommodated at the new Swimming and Diving Centre (a much shorter distance than having to travel to Morley as some now have to do). A new bus route will run from Holbeck to the new Swimming and Diving Centre every half an hour.

3.4 City wide Capital investment needs

Through 2005 the ongoing review of Leeds leisure centre provision helped pave the way for the existing PFI bid currently in development. In terms of the investment needs of the cities leisure centres there is currently a significant funding gap between money confirmed or potentially available and money yet to be found. It's estimated that there is at least £90m required to invest in the city's leisure centre stock and this

excludes £23m worth of investment already underway. The £30m PFI credits the city has been allocated will help address part of the gap but there remains a huge challenge.

3.5 In terms of the condition of South Leeds Sports Centre it's estimated that at least £1.75m will be required to invest in refurbishment to at least secure a 20 year life and to provide the significant levels of improvement needed.

3.6 Recent surveys have identified essential works that are recommended to be undertaken prior to the Centre reopening. The level of funding required to address these works is estimated by Property Management Section at £71,000 for maintenance and repairs and a further £70,000 to adapt the passenger lift to conform to DDA requirements. It must be stressed that these works are for essential works only and in no way address refurbishment costs. The funding for refurbishment will still need to be identified.

3.7 Any decision to reopen South Leeds Sports centre must consider the pressures on capital funding city wide and the increasing and relatively large operating costs of the existing site as it stands.

3.8 Regeneration of South Leeds

A critical tension to be considered with South Leeds Sports Centre lies in the fact it is located in the heart of a highly deprived area. This point is justifiably highlighted by the SPLASH deputation. Like other sites in similar areas of the city the costs of providing the service are high due to the relatively low numbers of users. Whilst a key strategic aim of the Council is to protect vulnerable groups and help regenerate local communities there are limited funds to meet all the possible requirements when it comes to the provision of major sports facilities such as swimming pools.

3.9 Whilst considerable investment is being made in school sport through Central Government the same is not true in terms of community sport. In addition to the challenge of providing swimming pools and sports halls there is a real challenge to try and invest in voluntary sector sports facilities and playing pitches. All things considered it is fully recognised that the community sports infrastructure in South Leeds should be developed to coincide with the wider regeneration aspirations. The City Council has been relatively successful in recent years in securing funding for other community based outdoor sports facilities in this area, such as Cross Flatts Park £450K and Hugh Gaitskell £1 million.

3.10 The future challenge for the City Council is to ensure that its leisure facilities are both effective and sustainable within the resources it has available. Increasingly, too, there has been a reduction in special funds that can be used to support sport in these disadvantaged communities e.g. lottery, and therefore any future sports provision must be carefully planned.

3.11 Options considered

In light of the current position it is sensible to review the future of South Leeds Sports Centre given the difficult investment choices that need to be made to secure a network of good quality, accessible leisure centres across Leeds in the future. A range of options have been considered. However the overriding consideration must be the long term sustainability of the current South Leeds Sports Centre. The main options to consider therefore are as follows;

- **Centre to reopen** - If the site was to reopen some critical works will need undertaking prior to opening. These could then be followed by further essential works identified. The total approximate cost for the works is approximately £70k. Estimates are currently being updated and need to take into account the length of time the building has remained closed. It will take between 3 and 4

months to be operational given the time to procure the works and recruit the staff needed. The operating costs are likely to continue to rise without a major refurbishment (hence the original planned scheme) and are likely to be further adversely impacted upon by the opening of the new swimming and diving centre.

- **Centre remains closed** - Savings, both revenue and capital can be used to reinvest city wide and support local sports development work.
- **New Outdoor Sport development** - This option would be to keep the leisure centre closed and work up a proposal to develop the outdoor sports facilities. With the possibility of retaining the sports hall. A feasibility study is required.

4.0 Implications for council policy and governance

4.1 None

5.0 Legal and resource implications

5.1 Savings from the closure of the South Leeds Sports Centre could be utilised to support Council sports initiatives city wide, as well the development of new outdoor sports facilities in the South Leeds area.

5.2 Any re-opening of the facility will need to include a certain amount of capital expenditure to bring the facility back to a useable condition. This will lead to a further pressure on already stretched resources. Revised estimates of the necessary expenditure required for the facility will be obtained as soon as possible.

5.3 If South Leeds Sports Centre is to reopen then the situation must be kept under regular review to monitor levels of usage, costs and the impact of other developments, namely the new 50m pool at the John Charles Centre for Sport.

6.0 Conclusions

6.1 The choice to close South Leeds Sports Centre would be a difficult one, but could be taken in recognition of its cost to run, falling attendances and the absence of capital funding to address major investment requirements city wide.

6.2 Furthermore with a new swimming and diving centre due to open shortly the operational viability of the existing facility will be severely compromised, without a different sports focus.

6.3 Equally however, a final opportunity could be provided for the sports centre to demonstrate its' value within the local community and show that it can be an important local sports resource.

7.0 Recommendations

7.1 Members are asked to consider, after taking account of the information provided, if they wish to reopen South Leeds Sports Centre.

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SPLASH deputation to Leeds City Council meeting

Monday 19th July 2006

Thank you for the opportunity to speak to the council meeting today.

I am here as a representative of SPLASH the acronym stands for Save our Pool and Sports Hall and we're a campaign supported and backed by a whole host of local community organisations, schools, churches, mosques, parents, children and local people – young and old. We started out a couple of months ago – with a meeting of just 4 people – and our objective is to get South Leeds Sports Centre re-opened.

In those few short weeks a lot has happened – our campaign has had a stall at the Beeston Festival and Mela, a couple of days before the last council meeting we had a successful protest outside this building and then marched to the Art Gallery. We've organised a public meeting attended by well over 100 people – that was a week last Monday, and on Monday evening of this week we held a demonstration around Beeston attended by 150 local people. We've collected thousands of signatures and messages from school children in a very short time and signatures are still rolling in.

All the activities we've organised have received excellent press and local tv coverage.

To say that our local community is angry about the current situation regarding South Leeds Sports Centre would be an understatement!

I don't know how much you all know about what's going on – although I suspect some know a lot more than others so I'll use a bit of my 5 minutes to briefly go over what's happened.

Our sports centre has been closed since last December – a period of 7 months. If you ring the centre you get a message that says

"thank you for calling. Unfortunately we are now closed for refurbishment"

A notice stuck in a window at the Centre says:-

"South Leeds Sports Centre closed in December 2005 for major refurbishments.

The anticipated start date has now been delayed further and the centre will remain closed to the public during this time.

Other essential maintenance and repair work will be taking place in the mean time.

Sorry for any inconvenience"

To add insult to injury a big banner outside the sports centre proclaims:

"Smarten up to sport – Leeds City Council"

Another banner says:

"50p swim for kids at Leeds City Council swimming pools – 19th July to 5th September"

....we wish!!

Leeds City Council is quite rightly concerned about obesity in young children – in having a healthy population. We are all concerned that our young children engage in healthy activities whilst at school and in the school holidays which by the way start next week. For the kids of Beeston and Holbeck there's nowhere for them to swim during the long six weeks they're off school this year – the closure has had a massive effect on school swimming programmes – my stepson has to spend an extra hour travelling to Morley – time which could be used for education - local school sports coordinators and head teachers could express this all a lot better than I can and are fully supporting our campaign – my step son's mum took him to swim at South Leeds Sports Centre every week from when he was six months old – he's now almost eight until it closed down – she's tells me that if you didn't get down to the Centre on the day registration for summer swimming courses started you'd be too late to get your child in, that's how popular the Centre was with local people.

And of course there's a host of other activities apart from swimming which used to take place. I haven't got time in 5 minutes to cover all the activities that used to populate the centre – but suffice is to say that our sports centre was central to our community.

I've got to mention that the very future of the Beeston Broncos junior amateur rugby league club is threatened by the current situation. Since the closure they haven't been able to host home fixtures on the sports fields adjoining the centre because they can't provide adequate facilities which used to be provided by the sports centre.

The TV coverage I saw just over a week ago on the anniversary of 7/7 described Beeston and Holbeck as one of the most deprived areas of Europe. I don't know if that's true or not but what is true is that the area South Leeds Sports Centre covers does have a very high proportion of low income families and poverty. Are we really saying that it's ok to say to the people of Beeston and Holbeck that it's ok for your sports centre to be shut for 7 months – and who knows how much longer – it's ok that you can't take your kids swimming in the school holidays.

So the \$64000 question is why is our sports centre shut – with no apparent sign of opening or indeed of any refurbishment having taken place – or indeed timetabled to happen as far as we are aware.

We've followed the words of Councillor Procter over the last few weeks very closely not least because I'm lead to understand he's the only person who can explain what's going on – noone else in Leeds City Council is qualified to explain to the people of South Leeds why our centre is shut!

Those may sound unfair words for me to say so let me explain.

We invited Councillor Procter and Councillor Harris as leader of the Council to attend the public meeting I mentioned earlier. Councillor Harris sent his apologies. Councillor Procter's office at first said he was otherwise engaged and could not attend, then they said that he could not attend because his wife was expecting a baby at the same time as the meeting. This being the case we replied that if – for obviously very reasonable reasons he could not attend could he please send a deputy who could tell us what was going on and

answer questions. Despite reiterating this request several times noone from the Council came to the meeting – Councillor Procter did however send a statement to be read out to the meeting.

In a nutshell Councillor Procter argues that the centre's future was linked to a Surestart project to build an extension on the side of the sports centre to form a children's centre. When this funding fell through – and Councillor Procter has not held back from stating that National Government is to blame for this situation – the whole project to refurbish South Leeds Sports Centre fell through. His other arguments at various times over the last few weeks have been – and I apologise if I miss anything out – It's not my decision the officers will decide – the sports centre is badly positioned – the sports centre is not well used. I want to say something briefly about the last point. It's no doubt true that before the centre closed down for refurbishment numbers using it were down. This is mainly because it was closed down by stealth – with activities at the centre being cut bit by bit. And even if it were true that less people were using it, are the council saying this is a reason to close it down. How about some better marketing?

When he said the stuff about Surestart we started doing a bit of digging although I do have to say that we didn't have to dig very far – in fact only as far as the Council's web site – to find the council report and minute of the Executive Board meeting which took place on 8th June 2005 which clearly refutes what Councillor Procter is saying.

What's clear from this report is that the scheme to refurbish South Leeds Sports Centre predated the Surestart scheme. It's also clear that £478,500 worth of funding had been approved for the refurbishment of South Leeds Sports Centre by something called the Council's Asset Management Group. (Could I add here that the £10.5m which has unfortunately appeared in the Yorkshire Evening Post on a couple of occasions is in fact a misreading of one of our press releases which referred to £.5m – that is the 478,500 I've just mentioned) I'm not an expert on Council procedures and I couldn't find the minutes of the Asset Management Group's meetings on the web site – but I presume they're available for some form of public scrutiny?

As you don't all have these minutes in front of you the councillors present at the 8 June 2005 Executive Board meeting were Councillors Harris, Blackburn, A Carter, J L Carter, Harker, Harrand, Jennings, Procter, Smith and Wakefield.

I don't know the ins and outs of the Surestart situation although I've tried very hard to find out without much success over the last few weeks – but what I do know and what our campaign is saying is that Surestart is a red herring. If the funding has been allocated to South Leeds Sports Centre for refurbishment our message to Leeds City Council is spend it and reopen our Centre.

Yesterdays YEP referred to using sports centres as a political football. The last thing I'd like to say is that our campaign unites people of different political colours and persuasions with the vast majority of people who are involved I suspect who do not vote in elections. Some people call these people apathetic. I don't. They're our people, our community. Their message – through me today is reopen our sports centre!

Thank you for listening

Phil Goodfield on behalf of SPLASH
19 July 2006

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Report of the Director of Learning and Leisure

Executive Board

Date: 20 September 2006

Subject: Future Governance of Leeds Grand Theatre and Opera House Ltd

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

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

Executive Summary

Leeds Grand Theatre and Opera House Ltd is a company with responsibility for three of the city's important cultural institutions; Grand Theatre, City Varieties and The Hyde Park Picture House. The Council wishes to support the company to become fit for purpose so it can deliver a high quality product in today's competitive environment.

A fundamental review has taken place of the governance arrangements, as requested by Executive Board, exploring options for improvement.

The outcome of the review is to recommend that the Board moves to a more independent method of operation. There are a number of ways of doing this which are outlined, however most require detailed and time intensive discussions with various stakeholders including the Charity Commission.

This report therefore recommends a transitional Board which can be implemented immediately. This board would comprise individuals representing a defined skills mix with 5 Councillors and 4 independent members representing business and the community. This report also suggests the appointment of a vice chair from amongst the external board members to facilitate this more independent working .

This transitional Board would be tasked to oversee the development of Phase II of the building work and implement any further changes and developments to the board deemed necessary.

1.0 Purpose of This Report

This report assesses a wide range of options, identifying the key benefits and challenges of each, and recommending the immediate implementation of a transitional board. The roles, responsibilities, skills and processes of this Board are defined and proposed as the basis for both the transitional and any future Boards. These are presented for approval in the form of a Board Manual which will provide a framework of good governance.

2.0 Background Information

2.1. Executive Board Review Request

On the 17th May 2006 Executive Board requested “a fundamental review of the governance arrangements [of Leeds Grand Theatre and Opera House Ltd] which are in place at Leeds Grand Theatre and Opera House Ltd, to assess a range of options ... to ensure governance arrangements are fit for purpose”. The scope of the review was defined as;

- Options regarding the legal form for the company and any implications for cross funding between the companies (see 3 and appendix 1)
- Board membership and structures (see 3 and appendix 1)
- Roles, responsibilities and skills of board members (see 5 and Board manual)
- Office structures (roles and responsibilities) to support the Board (see 5)
- Accountability arrangements with the Council (see 5)
- Support requirements necessary for the Board (see Board manual)

2.2. Charitable Status

The Grand Theatre and Opera House Ltd as a wholly owned company of Leeds City Council, is a controlled company as defined in the 1989 Local Government Housing Act. The Grand Theatre is a registered charity covered by the rules and regulations of the Charity Commission. The Articles of Association of Leeds Grand Theatre allow for up to nine Boards members of whom a minimum must be five elected members. There is therefore provision within these articles to make modest changes. For more fundamental change approval would be required from The Charity Commission.

2.3. Relationship with Leeds City Council

The Council provides a number of significant services to the company usually free of charge. These include;

- Senior financial support
- Creditors and payroll services
- Advice on VAT, legal and property matters
- Secretarial services and committee rooms
- Advice from Arts and Events team
- Interest free cash flow
- Admission to the West Yorkshire Pension Fund and potential related liabilities

The company uses Council systems to pay its staff and suppliers with payments being made from the Council's bank account. The Company uses its own bank accounts to receive cash from its trading activities. All bank accounts are controlled by the Council. The company reimburses the Council on a monthly basis, giving the company an interest free loan of up to £400,000 in any month. The company receives bank interest on its cash balances. There is no charge by the Council for the use of its cash in this way. When the company went from deficit funding to grant funding in 1997 the beneficial cash flow advantage of this

mechanism was discussed by the Council and felt to be a gift in kind along with the grant. The grant is not paid to the company in strict cash terms. It is netted off against the reimbursements.

2.4. Finance

Currently the City Council provides a grant to the company of approximately £300,000 pa.

The table below shows the financial performance of the three venues. The Grand Theatre venue consistently generates trading surpluses and the City Varieties and Hyde Park Picture House are both trading with deficits.

Financial year ending 31 st March	Leeds Grand Theatre	City Varieties	Hyde Park Picture House	Company total	LCC Grant	Net trading position	Company reserves
	£	£	£	£	£	£	£
2001	73,647	(210,433)	(43,800)	(180,586)	297,000	116,414	836,827
2002	97,777	(188,154)	(36,742)	(127,119)	297,000	169,881	1,006,708
2003	98,128	(163,156)	(82,080)	(147,108)	324,420	177,312	1,184,020
2004	34,890	(221,100)	(79,747)	(265,957)	310,000	44,043	1,228,063
2005	(18,674)	(182,736)	(65,409)	(266,819)	304,425	37,606	1,265,669
2006	(876,703)	(188,136)	(12,229)	(1,077,068)	304,425	(772,643)	493,026

Key points:

- Grand Theatre has only required subsidy from combined resources of accumulated reserves and annual grant in the last two year financial years, which for 2005/06co-incides with the theatre closure.
- Annual revenue grant of circa £300,000 per annum over these six years is primarily to cover City Varieties and Hyde Park Picture House deficits.

2.5. Current Board process

The current Board is made up of Leeds City Councillors. There has been no audit of skills and it is very operationally focused. There is no delegation scheme to officers, resulting in Board meetings being required for insignificant and low level delivery decisions which should be the remit of the General Manager or Venues Managers. As a result decisions can often be very slow. Decisions need to be at a much more strategic level following principles of good governance outlined in the Board manual in appendix 3. There needs to be consistent And experienced Company Secretary support for example.

3.0 Options for future board arrangements

- 3.1 There are a range of possible options for the future governance of the company. Each option has been assessed on how well it;
- achieves the company's aims and objectives
 - delivers sound financial management and direction
 - ensures sustainable and well maintained buildings
 - enables dynamic and challenging programming
 - supports community engagement and a strong learning focus
 - delivers the funding agreement
 - delivers the charitable objectives
 - ensures clear parameters for decision making for the board and officers
 - maintains the service level agreement with Leeds City Council.
- 3.2 The benefits and challenges of each of the options considered are laid out in Appendix 1. In summary these options are;
- a) Status Quo
 - b) Implement in full current Articles of Association with 9 members, 5 of which are Councillors and 4 independent. All appointed to a skills matrix with new schemes of delegation and responsibilities. Vice Chair to be independent, 3 Council staff acting as advisors on finance, legal and culture matters.
 - c) Move to an independent trust where Councillors are in the minority. All appointed to a skills matrix with new schemes of delegation and responsibilities. Chair to be independent. No Council advisors.
 - d) Move to an independent trust for The Grand Theatre and another one for City Varieties and Picture House.
 - e) Move to an independent trust for The Grand Theatre, another one for City Varieties and find an alternative operator for Picture House.
 - f) Replace current charitable company with 3 charitable companies
 - g) Maintain a single Management Board as in a-c and have 3 separate venue sub Boards without elected member representation.
 - h) Find a commercial operator to run The Grand Theatre

4.0 Proposed Approach to create a Board 'fit for purpose'

4.1. Immediate Action

The appraisal of the options available has indicated that;

Option a is not viable for the short medium or long term success of the Leeds Grand Theatre it does not ensure the Board is more strategic or assist in the positioning of the Theatre within the business sector as there is no drivers on the Board to deliver this. The Charity Commission has already identified concerns about the extent of the Council 's involvement which it would be unlikely to ignore.

Option b requires no change to the Articles of Association, it delivers the requirements outlined in 3.1. providing the best means for progressing the challenges for the group of theatres and can be implemented immediately.

All other options require time intensive negotiations with the Charity Commission. A further fundamental consideration with **Options c - h** must be that The Grand Theatre and City Varieties are about to embark on extensive refurbishment works with Leeds City Council as major funder. Therefore moving the company to a fully independent status at this time would not be prudent.

Option d, e and f have the additional concern in relation to the extent of the current cross-funding. This would need to be addressed before these options become viable.

Immediate implementation of **Option b** is therefore recommended as the best way forward to ensure a more independent operation. This will create a Board with five places for City Councillors, four places for independent members and with the advisory support of officers from legal services, finance and cultural policy. Board members will be matched against a skills matrix, the chair will be an Executive Member of Leeds City Council and the Vice Chair will be an independent member. Some additional provisions are required to embed the various terms of appointments for Board Members and for the role/position of Vice Chair. The Board would also need to agree a scheme of delegation to venue managers and other designated officers. It is proposed that this Board is transitional and that it should assess over the next two years, whether the other forms of governance detailed in Appendix 1 were more appropriate to sustain the long term viability of the Grand Theatre. This would allow time for the required negotiations with the Charity Commission (approximately one year), preparation of the necessary processes to appoint the new board (approximately 6 months) and then the implementation of a shadow board to ensure a smooth handover which will particularly vital as the building works will be coming to a close.

5.0 A Framework for Good Corporate Governance

It is recommended that the new Board adopts good governance approaches. Using good practice guides from the Charity Commission, the Hub of Expertise on Governance and Leeds City Council a framework has been created around which all future planning and work of the Board should take place. This framework is encapsulated into a Board Manual Appendix 3. The key elements of good corporate governance are summarized below;

5.1 Clear Aims and Objectives

A board needs to really understand what the company is there to achieve. Currently the Board of Leeds Grand Theatre and Opera House Ltd has identified its aims and objectives as to:-

- Present an eclectic programme of attractions on stage to appeal to the broad spectrum of the region's population
- Feature the highest artistic standards and quality of entertainment from drama, ballet, dance and musical companies and concerts promoted by the commercial sector, or supported by the arts Council and the regional Arts Councils;

- Provide a production and administrative base for its resident company Opera North, to present its annual series of operatic performances;
- Provide a theatrical home for Northern Ballet Theatre;
- Support, provide and maintain first class rehearsal, administrative and technical facilities for both its resident and visiting artistic companies cater for and provide hospitality facilities for artists, staff, audiences and sponsors alike;
- Make accessible both artistic work and physical facilities by keeping under review and implementing new pricing, education and diversity and equal opportunities policies for all sectors of the community including the young, unemployed, elderly, black and Asian minority groups, disabled and disadvantaged
- Train and empower staff and provide effective customer care programmes; access awareness and diversity programmes;
- Maintain the highest standards of Health and Safety for the public and personnel required to use , enjoy and work within the venue;
- Promote and market the programme with confidence to the community and maintain good relations with the external funding bodies, the media and the general public at large;
- Balance its annual budget by prudent management, financial control and direction of all its affairs

5.2 Clear responsibilities and arrangements for accountability

The Board's basic responsibilities		
To focus on impact and outcomes	To be clear and confident about why The Grand Theatre exists and what it aims to achieve. What are its values and beliefs which guide its work? In partnership with staff it is the board's role to decide the theatre's purpose and how it will achieve it.	<ul style="list-style-type: none"> • Approve business and marketing plans
To ensure the Grand theatre is fit for purpose	The structure policies and procedures of an effective charity enable it to achieve its mission and aims and deliver its services efficiently	<ul style="list-style-type: none"> • Set goals for venues • Approve artistic policy and agree programming. Assess performance against programme
To ensure sound governance	Ensure the right balance of skills and experience to run the charity effectively	<ul style="list-style-type: none"> • Set boundaries between responsibilities of staff and board • Work to skills matrix
Maximises potential	To be responsible for establishing plans and policies that will provide long term stability. The Board is trusted with responsibility to provide continuity of management, to set parameters within which staff can make day to day decisions	<ul style="list-style-type: none"> • Appoint Manager • Set employment policies and code of conduct • Build relationship of mutual respect with staff • Strong financial strategy including fund raising • Review quarterly operational income/expenditure for current period and year to date against budget and forecast to year end

		<ul style="list-style-type: none"> • Review annual performance against budget • Analyze and approve future annual budget
Accountable and transparent	Accountable to the public and other stakeholders in a way that is transparent and understandable	<ul style="list-style-type: none"> • Comply with legal obligations • Clear about activities • Monitors performance
To establish and promote Leeds Grand Theatre's role in the community	Building and promoting the identity of The Grand Theatre is one of the board's most important tasks. Board members are expected to inform and enthuse friends, acquaintances and strangers about the work of the Theatre. It has the responsibility to encourage the greatest possible involvement of the local community and look for opportunities to increase income.	<ul style="list-style-type: none"> • Protect public interest • Review audience development, marketing and education strategies and targets

For detailed information on responsibilities see The Board Manual

5.3 Clarity about Senior Officer roles

Due to forthcoming changes in management of Leeds Grand Theatre the board should consider whether it wishes to replace the post as currently configured or whether the appointment of a Chief Executive may be more appropriate to take a significant leadership role across all three venues as well as a more particular focus on The Grand Theatre. This post would lead and provide a link between the Board, external stakeholders and the operational requirements of the company.

5.4 Ensure informed, transparent decision making and management of risk

The Board needs to work within agreed schemes of delegation which clearly define what decisions the board is expected to make and as a result allows venue managers to make day to day decisions. The need to be mindful of risks and take decisions having considered and assessed real and potential risk.

5.5 A Board whose members have aligned their skills to organisational need and who work within a code of conduct

A high performing Board is made of up of board members who have a clear understanding of their role. They need to be committed to the company's aims, objective, policies and programmes, aware of individuals strengths and skills. They need to be loyal to Board decisions, independent, service the company as a whole not an interest group within it. They should be able to lead an area of work as well as work as part of a team.

The Board needs to be representative of the diverse community of Leeds and have an interest in and broad expertise in the arts. To be fit for purpose The Board need to be skilled in education and learning, property management and development, finance and fundraising, legal issues, human resources, public relations, marketing and communication, business management and administration and cultural policy.

In addition Board members also need to be accountable, think strategically, monitor and evaluate performance, develop policy, make decisions, network, work as a team.

It is recommended that all Board Members be appointed against a skill matrix (Appendix 2). All Councillors would be elected for 1 year with a potential of 5 further re-elections so sitting for a maximum of 6 years.

It is recommended that an advertisement should be placed, following processes described in the Board Manual (Appendix 3) for a further four independent Board members. Again these posts must fill the gaps in the skills matrix. Independent members would normally be elected for 3 years, but to enable a rota to be established so not all Board and members leave at the same time it is proposed 2 are elected for 2 years and 2 for three years. This will enable in years to come 1/3 of Board being replaced or re-elected each year. An independent member will take the Vice Chair. The Senior Manager of the company will work with the chair to set agendas and prepare papers.

The transitional Board must be able to cover the priority skills of Learning, Property Management, Finance or Legal.

Three officers from the Council will also advise the Board covering legal, financial and cultural policy issues and to help it continue to review its working as a more independent company.

6.0 What needs to happen next

To bring about the changes suggested in this report the Leeds Grand Theatre Board will have to undertake the following actions as a priority with support and guidance from Council officers;

- Place advertisement for Independent members
- Start member selection process
- Set date for Current board to select independent members

The new Board will then have to ;

- Work to the new Board Manual
 - Review roles and responsibilities and aims and objectives
 - Establish scheme of delegation
- Seek replacement for current General manager considering value of a Chief Executive officer role
- Task the General Manager or replacement to represent board at Project Board for Phase 2 and report back
- Keep an active interest in Phase 2 including fundraising
- Consider the best option for the future governance of the company and initiate action to achieve it

7.0 Risk Analysis

There are a number of risks attached to introducing the proposed transitional Board which would make Leeds Grand Theatre and Opera House Board to a more accountable, independent organisation fit for purpose for the foreseeable future. The key risks in this process are:

- 7.1 Inadequate project management to enable the new board to function in a new way.** This will be mitigated by providing three senior level council officers who are experts in legal, financial and cultural policy issues. The Department of Learning and Leisure will run the initial advertisement and appointment process for the independent members and Council processes will be introduced with immediate effect to enable appropriate and rapid decision making. These can be extended, revised or adopted by the new board at a later date
- 7.2 The skills matrix is not used for all board members and the priorities are not met.** The skills approach to appointing board members is recommended as best practice by the Charity Commission. If Executive Board approve its introduction it will be used by Member Services for the appointment of Councillors to the Board and as part of the recruitment process for the independent members. The process recommended in the Board Manual follows an approach adopted by other leading companies
- 7.3 Size of board too small to represent adequately all the skills required for the complex mix of venues which make up the company.** The current Memo of Understanding allows for 9 members it is proposed to implement the new skills approach alongside the appointment of five Councillors and four Independent members. It will then be possible to see how well the skills required can be covered and the new board can consider increasing the size of the board to add more skills as part of its review of its future operation. In the first instance the skills identified have been prioritized in terms of need to ensure the Board can meet its basic requirements
- 7.4 Inability to recruit and retain independent members and lack of clarity of their role.** To mitigate this risk the roles and responsibilities of all members have been defined in the Board Manual. The Charity Commission also produce a number of very useful booklets and leaflets on their website. Prospective candidates for these posts will be sent either the leaflets or web addresses.
- 7.5 Delegated decision making arrangements not fully considered or implemented so board continue to take operational rather than strategic decisions.** The three council advisors will assist in the development and implementation of a scheme of delegation. Initial elements of this have already been introduced through a more rigorous decision making process. This process appears to be working well although some initial problems have been identified and resolved.

8.0 Recommendations

Executive Board is asked to approve;

- The establishment of a transitional Board of five City Councillors and four independent members all appointed using a skills matrix and nomination form. The independent members will be attracted through external advertisement. Three senior council officers representing Legal, Financial and cultural policy will advise the transitional board. The Chair to be an Executive Board member
- The adoption of the Board manual to guide future Board actions and maintain Good Governance principles

Leeds Grand Theatre: Potential Governance Options

Background & Introduction

Following a review of a number of documents relating to proposed governance arrangements for the Leeds Grand Theatre & Opera House Ltd and its relationship with the Council (LCC), it is clear that a number of options are viable. The table below outlines the 'pros' and 'cons' of each option and provides recommendations in both the short- and longer-terms. An identification of key risks has then been included on the basis of the recommendations made. As such, the Working Group should consider:

- (a) Whether the options and their 'pros' and 'cons' are complete, accurate and timely;
- (b) Whether additional risks should be added;
- (c) What level of detail the risk assessment should go into; and
- (d) How, by whom and by when the risk assessment will be completed and reported in its first and ongoing iterations.

Options

1. Do nothing
2. Change existing structure to have 5 elected members on Management Board with 4 independent members. Chair to be elected member and vice-chair to be independent.
3. Change existing structure to increase size of Board to 12-15 members.
4. Change to single Independent Trust.
5. Change to 2 Independent Trust: one for Grand Theatre, the other for City Varieties and Hyde Park Picture House
6. Change to 3 Independent Trusts, one for each venue.
7. Replace single charitable company with 3 charitable companies.
8. Maintain a single Management Board but have 3 separate Venue Sub-Boards without elected member representation on them and potentially 1 Executive Officer reporting on behalf of all venues to Mgt Board.
9. Contract a commercial operator to run Leeds Grand Theatre on LCC's behalf.
10. Carry out either option 2-9 above but find a partner for the Picture House (e.g. Leeds Metropolitan University) to maintain it
11. Carry out either option 2-10 above but introduce some LCC officers to the Board as well as elected members and independent members.
12. Carry out either option 1-12 above but remove LCC officers from acting as Advisors.
13. Carry out either option 1-13 above but appoint an independent Chair rather than an elected member.

High-Level Option Appraisal

No.	Option	Pros	Cons
1	Do nothing	<ul style="list-style-type: none"> No changes need to be made, therefore no delays in liaising with Charity Commission and at a time of significant capital works Retains LCC influence and LCC more likely to put cultural and reputational impact higher than commercial gains of LGT Continued opportunities for cross-subsidy/mutual support between venues Continuation of pooled resources and economies of scale in purchasing etc. LCC can closely monitor and controls costs Direct link to Council priorities 	<ul style="list-style-type: none"> LGT is not and is not perceived to be independent of LCC & political considerations may subsume appropriate management considerations Board may lack range of skills required to run such an organisation Board may lack contacts in the business world restricting its access to skills, experience and funding opportunities Potential for poor governance and management As a 'controlled company', LGT may continue in 'cautious' mould, bringing its own artistic and financial restrictions Operational issues dominate Management meetings LCC liable for unplanned deficits
2	Move to 5 elected members on Management Board with 4 independent members: NB - elected member as Chair & independent member as vice-chair with LCC officers acting as Advisors	<ul style="list-style-type: none"> If appropriately selected, Board members will have right range of skills and experience Some independence with 4 non-LCC members, favourable to Charity Commission Easy to implement as no major change so little liaison with Charity Commission required and little impact on capital works. This will allow time for longer-term arrangements to be put into place if required. Executive Board has already agreed in Jan 05 to reduce no. of elected members from 9 to 6 with 3 independent members Retains LCC influence and LCC more likely to put cultural and reputational impact higher than commercial gains of LGT Continued opportunities for cross-subsidy/mutual support between venues Continuation of pooled resources and economies of scale in purchasing etc. 	<ul style="list-style-type: none"> LGT is not and is not perceived to be fully independent of LCC as elected members in majority and hold the Chair & LCC officers act as advisors. i.e. conflicts of interest. Also, political considerations may subsume appropriate management considerations. Good practice documents recommend larger Board (see option 3 below) so 9 may be too small to accommodate breadth and depth of skills required Charity Commission's preference is 'not to confer a power on local authorities to nominate all or a majority of trustees' As a 'controlled company', LGT may continue in 'cautious' mould, bringing its own artistic and financial restrictions Operational issues dominate Management meetings LCC liable for unplanned deficits
3	Increase size of Board: 12 -15 members and restrict elected members to	<ul style="list-style-type: none"> If appropriately selected, Board members will have right range of skills and experience and by increasing size of Board, opportunity provided to inject substantial additional mix of skills and expertise. 	<ul style="list-style-type: none"> Financial implications as more members on Board If elected members in majority, see cons for option 2 above As a 'controlled company', LGT may continue in 'cautious' mould, bringing its own artistic and financial restrictions

No.	Option	Pros	Cons
	either majority or minority with or without LCC officers acting as Advisors (see option 13 below)	<ul style="list-style-type: none"> • If elected members in minority, significant independence achieved, favourable to Charity Commission • Liaison is required with Charity Commission so this will be a longer-term option. • Retains some LCC influence and LCC more likely to put cultural and reputational impact higher than commercial gains of LGT • Continued opportunities for cross-subsidy/mutual support between venues • Continuation of pooled resources and economies of scale in purchasing etc. 	<ul style="list-style-type: none"> • LCC liable for unplanned deficits
4	Move to single Independent Trust (IT) status with 12-15 members on Mgt Board (elected members in minority with 1 as vice-chair) and an independent chair either with or without LCC officers acting as Advisors (see option 13 below)	<ul style="list-style-type: none"> • Significant independence achieved, favourable to Charity Commission and more likely to attract inward investment, corporate sponsorship and support from Trusts & Foundations. • Freedom from administrative and financial restraints of LCC. • Well-established model used by many other regional repertory and presenting theatres & recommended by AEA report [with caveat that should be a gradual change] • 12-15 members on Board recommended • Continued opportunities for cross-subsidy/mutual support between venues • Continuation of pooled resources and economies of scale in purchasing etc. • LCC no longer viable for paying off deficits [although LCC subsidy may have to increase to cover any such deficits] 	<ul style="list-style-type: none"> • Winding-up of existing controlled company structure and transfer of assets to new company • Delays incurred by need to involve Charity Commission of up to 1 year • Increased financial exposure (through either nil/reduced annual funding or unfavourable allocation of reserves at outset or no safety net in years of deficit) • Loss of continuity in management, chair and governance structures
5	Move to 2 Independent Trusts, 1 for Grand Theatre, 1 for City Varieties & Hyde Park Picture House	<ul style="list-style-type: none"> • As for option 4 above • Allows dedicated Board to concentrate on Grand Theatre and another for other City Varieties & Hyde Park Picture House, benefits in profile and programming terms • Limited continued opportunities for cross- 	<ul style="list-style-type: none"> • Financial implications: increase in resource requirements and running costs due to loss of economies of scale, cross-subsidy, increased administrative functions and loss of purchasing strength • More trustees needed • More complex governance arrangements required

No.	Option	Pros	Cons
		subsidy/mutual support between venues <ul style="list-style-type: none"> • Limited continuation of pooled resources and economies of scale in purchasing etc. 	<ul style="list-style-type: none"> • Significant input required from Charity Commission leading to approve new structures and transfer assets as appropriate leading to delays of >1 year. • City Varieties and Hyde Park Picture House may struggle more on their own due to their historical deficits • Potential for direct competition between Grand Theatre and City Varieties • Transfer of assets required from existing to new structure plus between the 3 venues • Loss of continuity in management, chair and governance structures
6	Move to 3 Independent Trusts, one for each venue	<ul style="list-style-type: none"> • As for option 4 above • Allows dedicated Board to concentrate on each venue, benefits in profile and programming terms • Current financial administrative arrangements already mostly based on 'three venue' model 	<ul style="list-style-type: none"> • Financial implications: increase in resource requirements and running costs due to loss of economies of scale, cross-subsidy, increased administrative functions and loss of purchasing strength • More trustees needed • More complex governance arrangements required • Significant input required from Charity Commission leading to approve new structures and transfer assets as appropriate leading to delays of >1 year. • City Varieties and Hyde Park Picture House may struggle more on their own due to their historical deficits • Potential for direct competition between Grand Theatre and City Varieties • Transfer of assets required from existing to new structure plus between the 3 venues • Loss of continuity in management, chair and governance structures
7	Replace current charitable company with 3 charitable companies	<ul style="list-style-type: none"> • Allows dedicated Board to concentrate on each venue, benefits in profile and programming terms • Current financial administrative arrangements already mostly based on 'three venue' model 	<ul style="list-style-type: none"> • Financial implications: increase in resource requirements and running costs due to loss of economies of scale, cross-subsidy, increased administrative functions and loss of purchasing strength • More trustees needed & may not be able to find sufficient with appropriate skills and experience • More complex governance arrangements required • Significant input required from Charity Commission to approve

No.	Option	Pros	Cons
			<p>new structures and transfer assets as appropriate leading to delays of >1 year.</p> <ul style="list-style-type: none"> • City Varieties and Hyde Park Picture House may struggle more on their own due to their historical deficits • Potential for direct competition between Grand Theatre and City Varieties • If elected members continue to act as sole trustees - see cons for option 1 above. • Loss of continuity in management, chair and governance structures
8	<p>Maintain a single Management Board (size & no. of elected members to be determined) but have 3 separate Venue Sub-Boards without elected member representation on them and potentially 1 Executive Officer reporting on behalf of all venues to Mgt Board</p>	<ul style="list-style-type: none"> • Allows dedicated Sub-Board to concentrate on each venue, benefits in profile and programming terms • Current financial administrative arrangements already mostly based on 'three venue' model • This model tried and tested at Yorkshire Museums, Libraries & Archive Council • Retains benefits of cross-subsidy, purchasing power and pooled administration • Board meetings freed up to consider strategic and integration issues, not operational management considerations • Minimal resource input to implement and, if found to not be working, easy to remove this model • Opportunity to increase participation of non-Council representatives • Continuity for operational management even if Management Board changes (e.g. due to political change at LCC, unable to recruit appropriate independent members, sickness etc.) 	<ul style="list-style-type: none"> • Potential financial implications due to increase in staff resource requirements • Possible delays incurred by input from Charity Commission • Potential for competition between Grand Theatre and City Varieties • Venue managers would compete for same resources from Board • If elected members continue to act as sole trustees - see cons for option 1 above. However, if some independent members on Board, see pros for options 2 and 3 above. • If lottery funding dependent on venue-specific constitution, this model does not satisfy that condition
9	<p>Find a commercial operator to run Leeds Grand Theatre on LCC's behalf</p>	<ul style="list-style-type: none"> • This model already in place elsewhere - however, most commercial operators principally seek to run large-scale theatres • Commercial operator can achieve economies of scale and negotiate block bookings of shows • LCC protected against any deficits - losses met by operator 	<ul style="list-style-type: none"> • This could result in the ACE grant (13.5m) having to be repaid as well as prejudicing any further award for phase 2 • Most commercial operators principally seek to run large-scale theatres so unlikely to want to take on City Varieties & Hyde Park Picture House • Without adequate contract/SLA/documented KPIs, a commercial operator may not focus on best interests of Leeds,

No.	Option	Pros	Cons
			audience requirements etc. <ul style="list-style-type: none"> Limited number of commercial operators outside London's West End Costs to LCC could increase: e.g. payment of annual management fee plus fixed subsidy and loss of any profit (which would all go to operator) Opera North and Northern Ballet (NBT) may lose out as commercial operator may not wish to continue allocating set weeks of programming at Grand Theatre to them without significant financial incentive from LCC
10	Do either options 2-9 above but find a partner for the Picture House (e.g. Leeds Metropolitan University) to maintain it	<ul style="list-style-type: none"> Currently, greatest deficits and falling audience figures in Hyde Park Picture House: with a partner who could regenerate it and introduce additional uses of it (e.g. as film studies resource), it would be used more often and provide greater benefits to Leeds Partner could focus solely on needs of the Picture House without distraction by Grand Theatre's & City Varieties' considerations 	<ul style="list-style-type: none"> The transfer arrangements required by the Charity Commission may limit the potential for the partner to make it more viable. Partner inherits a financially unviable business
11	Do either options 2-10 above but don't have any elected members on the Board: Management Board could be LCC officers and/or independent members	<ul style="list-style-type: none"> Complete independence from LCC, potentially favourable to Charity Commission and other funding bodies Less political implications Potential for greater continuity as elected members subject to change in local elections and annual reelection to board Potential for greater skills mix 	<ul style="list-style-type: none"> Current Articles state there must be elected member involvement If no LCC involvement, Board may not focus on best interests of Leeds, audience requirements etc.; financial implications may subsume all other considerations. If no LCC involvement, potential for no or little link to LCC priorities and Vision for Leeds. LCC officers may not have the time to take on this dual role. If LCC officers on Board, may lead to conflict of interest.
12	Do either options 2-10 above but have some LCC officers on Board as well as elected members and independent members	<ul style="list-style-type: none"> As for all options above (with exception of Option 9) 	<ul style="list-style-type: none"> LCC officers may not have the time to take on this dual role. If same officers providing advice, significant conflicts of interest. [However, this could be negated if Option 13 below implemented]
13	Do either options 1-12 above but have no LCC officers acting as	<ul style="list-style-type: none"> Increased independence and no conflict of interest, favourable to Charity Commission Frees up LCC officers' time 	<ul style="list-style-type: none"> Venues would have to seek this experience (e.g. financial & legal) externally leading to increased costs and possible increase in grant/subsidy from LCC to cover this

No.	Option	Pros	Cons
	Advisors	<ul style="list-style-type: none"> • Potential to source external advisors with more specific expertise in theatres 	
14	Do either options 1-13 above but with an independent Chair rather than an elected member	<ul style="list-style-type: none"> • As for all options above bar 5, 6, 7 and 11. • Independence from political considerations easier to prove • Free from possible disruption to management continuity due to LCC elections 	<ul style="list-style-type: none"> • Potential for no or little link to LCC priorities and Vision for Leeds • Loss of LCC control

Recommendations

Short- to medium-term: undertake either option 2 or 3 above as transitional arrangement until longer-term arrangements can be made. However: neither stage should be rushed - it is essential to appoint the right people to the Board utilising appropriate structures even for a transitional arrangement.

Longer-term: move to Independent Trust **or** stick with transitional arrangement if this has worked well. However, if an Independent Trust model is agreed, further consideration is required as to the number - e.g. 1 or 2 Independent Trusts or even 3. Again, for all options, there is the further need to consider the Board makeup (e.g. number and elected member representation plus possible representation from LCC officers [Option 12]), whether an independent member should act as Chair [Option 14] whether LCC officers should continue to act as Advisors (financial, legal etc.) [Option 13], whether a partner should be found for the Picture House [Option 10] and whether separate Venue Sub-Boards should be established [Option 8].

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General Skills required by all board members

1. **ACCOUNTABILITY** - Understand board financial duties and legal (statutory) obligations
 - Act in a lawful, ethical and justifiable manner
 - Demonstrate personal integrity, discretion and reliability
 - Maintain confidentiality
 - Participate in board activities in an informed way
 - Review and ensure action is taken on audit reports
 - Ensure compliance with statutory and legal requirements
2. **STRATEGIC THINKING**
 - Contribute to the development of a shared vision and corporate direction
 - Take a long term, broad view of situations in decisions and actions
 - Understand government, business and cultural systems relevant to the board's activities
 - Formulate strategic goals and targets
 - Identify the impact of external trends and changes; and adapt goals and targets accordingly
 - Understand principles of organisational change
 - Promote a customer focus ethos
3. **MONITORING**
 - Analyse and interpret financial statements and management reports
 - Review organisational performance and customer satisfaction on a regular basis
 - Assess and provide feedback on executive performance
 - Assess and improve board/committee performance
 - Assess and manage risk
4. **POLICY DEVELOPMENT**
 - Assess and determine broad policy objectives
 - Take account of the impact of policy decisions on stakeholders and customers
 - Endorse standards and regulations
 - Establish and review priorities for resource allocation
5. **DECISION MAKING**
 - Adopt and comply with ethical decision making processes
 - Consider opposing points of view and alternative solutions
 - Present a balanced perspective on issues and decisions
 - Take account of diverse community attitudes, opinions, values and cultures
 - Resolve conflict appropriately
 - Empower people to achieve goals by delegating sufficient authority and resources
 - Delegate day to day management to CEO – set parameters for decision making
6. **NETWORKING**
 - Access business, community and government networks on behalf of the board
 - Develop alliances and partnerships within and outside the industry or community sector
 - Represent and promote the board within the industry and to the community
7. **ADVISING**
 - Evaluate needs, priorities, alternatives and consequences
 - Interpret information and draw conclusions
 - Suggest proposals and solutions to improve board processes and outcomes
 - Present information, ideas and opinions to others in a convincing way
8. **TEAMWORK**
 - Understand individual and team roles and responsibilities
 - Communicate clearly and effectively
 - Engage in constructive discussion to reach an agreed position
 - Work cooperatively with board members and employees to achieve organisational goals
 - Apply effective time management
 - Foster mutual respect and trust

Specific Skills required by Board members

Specific expertise in one or more of the following areas in priority order

- Learning
- Property management and development
- Finance and fund raising
- Legal issues
- Human Resources
- Public relations, marketing and communication
- Business management
- Administration and project management

- Represent Leeds diverse community

- Demonstrate interest in and possess a broad expertise /knowledge of the performing arts industry and facilities

- Ability to devote time required to Board Meetings and for pre meeting study and review of agenda and papers

- Show no real or perceived bias respecting any special interest group; have in mind the best interests of the entire performing arts community

- Willing to maintain and active interest in the affairs of the Grand Theatre and to become familiar with its programmes, resources, clients and staff

What is expected of a Board member

Know the Theatre's mission, aims, objectives, policies, programmes, services, strengths and needs

Be willing to take a lead in an area or work or a special project

Remain aware of developments in the performing arts

Bring a sense of humour to deliberations

Be loyal to board decisions

Support senior staff and never criticise them in front of their colleagues

Serve the organisation as a whole rather than a particular interest group within it

Don't accept favours related to your work as a board member

Maintain your independence, avoid conflicts of interest

With thanks to Arts Council: Basics of Board Management



Leeds Grand Theatre

Board Manual

Draft

This document has been produced by combine advice from three sources

- The Charity commission for the majority of the general advice, copyrighted by Charity Commission but available for reproduction for Board members
- In terms of guidance The National Hub of Expertise on Governance again copyrighted but available for reproduction to Board Members
- Leeds Grand Theatre board proposals for specific details

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- **Copyright Notice, Disclaimer and Privacy Statement**
- Charity Commission 2003

- Guidance from the Charity Commission for all who serve as Board members

Foreword

As a board member your skills and energy will help to make a difference to your chosen cause and charity. You will become responsible for the charity's mission, for its property, finances and the employment of any staff or volunteers. Without good and committed Board members, no charity can hope to succeed.

Being a Board member can be hard work and in most cases it is unpaid. But by contributing you should also gain. Board membership should be rewarding, providing many opportunities for personal development. As you give your skills to the running of your charity, you will at the same time gather new skills and experience.

For instance, you will need to plan the strategic future of the charity and its work. You will need to take the lead in developing and managing staff and volunteers – for most charities, their most important resource. You may also need to become involved in policy decisions within the charity, in the local community, regionally or nationally. Innovation, problem-solving and representing the charity in public may also be needed.

You will of course be joining a team of Board members. To be effective, the team will need a range of people with a good mix of skills. It will also be diverse, with people who understand the needs to be served, and others with business and management experience. This should also be positive – you will be meeting and working with new people with different backgrounds, and from different walks of life.

Geraldine Peacock, Chairman Charity Commission

Andrew Hind, Chief Executive Charity Commission

The Hallmarks of a successful charity

Summary

Leeds Grand Theatre Board's basic responsibilities		
To focus on impact and outcomes	To be clear and confident about why The Grand Theatre exists and what it aims to achieve. What are its values and beliefs which guide its work? In partnership with staff it is the board's role to decide the theatre's purpose and how it will achieve it.	<ul style="list-style-type: none"> • Approve business and marketing plans
To ensure the Grand theatre is fit for purpose	The structure policies and procedures of an effective charity enable it to achieve its mission and aims and deliver its services efficiently	<ul style="list-style-type: none"> • Set goals for venues • Approve artistic policy and agree programming. Assess performance against programme
To ensure sound governance	Ensure the right balance of skills and experience to run the charity effectively	<ul style="list-style-type: none"> • Set boundaries between responsibilities of staff and board • Work to skills matrix •
Maximises potential	To be responsible for establishing plans and policies that will provide long term stability. The Board is trusted with responsibility to provide continuity of management, to set parameters within which staff can make day to day decisions	<ul style="list-style-type: none"> • Appoint Manager • Set employment policies and code of conduct • Build relationship of mutual respect with staff • Strong financial strategy including fund raising • Review quarterly operational income/expenditure for current period and year to date against budget and forecast to year end • Review annual performance against budget • Analyze and approve future annual budget
Accountable and transparent	Accountable to the public and other stakeholders in a way that is transparent and understandable	<ul style="list-style-type: none"> • Comply with legal obligations • Clear about activities • Monitors performance
To establish and promote Leeds Grand Theatre's role in the community	Building and promoting the identity of The Grand Theatre is one of the board's most important tasks. Board members are expected to inform and enthuse friends, acquaintances and strangers about the work of the Theatre. It has the responsibility to encourage the greatest possible involvement of the local community. The board will also be expected to look for opportunities to increase income.	<ul style="list-style-type: none"> • Protect public interest • Review audience development, marketing and education strategies and targets

Focus on impact and outcomes

1. An effective charity considers the impact that it wants to have and actually has on the people who benefit from it, is clear about its objects, vision, mission and values, and how it will achieve them.

In order to demonstrate this, the charity:

- complies with the law by ensuring that its aims and planned activities are within the objects set out in its governing document;
- has a clear idea of its vision, mission, and values (e.g. set out in a written statement that is regularly reviewed) which gives the charity focus, direction and clarity and involves stakeholders both in defining and measuring its efficacy;
- prepares and regularly reviews a written plan outlining the steps it will take to achieve its mission;
- has considered methods of identifying, measuring and learning from the charity's achievements and outcomes, including the positive and negative effects that it has on the people who benefit from the charity, other stakeholders and the community as a whole;
- sets achievable targets and indicators against which success is measured based on the aims of the charity, the needs of the people who benefit from it, the quality of its services and the resources available;
- Regularly reviews whether the charity's objects (as set out in its governing document) are up to date and relevant.

Aims and Objectives of Leeds Grand Theatre and Opera House Ltd

- Present an eclectic programme of attractions on stage to appeal to the broad spectrum of the region's population
- Feature the highest artistic standards and quality of entertainment from drama, ballet, dance and musical companies and concerts promoted by the commercial sector, or supported by the arts Council and the regional Arts Councils;
- Provide a production and administrative base for its residence company Opera North, to present its annual series of operatic performances;
- Provide a theatrical home for Northern Ballet Theatre;
- Support, provide and maintain first class rehearsal, administrative and technical facilities for both its resident and visiting artistic companies cater for and provide hospitality facilities for artists, staff, audiences and sponsors alike;
- Make accessible both artistic work and physical facilities by keeping under review and implementing new pricing, education and diversity and equal opportunities policies for all sectors of the community including the young, unemployed, elderly, black and Asian minority groups, disabled and disadvantaged
- Train and empower staff and provide effective customer care programmes; access awareness and diversity programmes;
- Maintain the highest standards of Health and Safety for the public and personnel required to use , enjoy and work within the venue;
- Promote and market the programme with confidence to the community and maintain good relations with the external funding bodies, the media and the general public at large;
- Balance its annual budget by prudent management, financial control and direction of all its affairs

Fit for purpose

2. The structure, policies and procedures of an effective charity enable it to achieve its mission and aims and deliver its services efficiently.

In order to demonstrate this, the charity:

- reviews its organisational and board member structures and evaluates its achievements and performance against its targets on a regular basis to ensure that it is maximising its potential;
- identifies and regularly assesses the risks that it is exposed to and decides how it will manage them;
- regularly reviews its governing document to ensure that it is up to date and that the board members have the powers that they need in order to achieve the charity's objects and manage its resources;
- identifies and complies with relevant legislation and takes professional advice where necessary;
- develops and uses written policies and procedures for its employment practices, including the appointment, appraisal, training and development of staff;
- recognises and promotes diversity in beneficiaries, staff and volunteers;
- where it utilises volunteers, cultivates an environment which attracts volunteers to support the aims of the charity and puts in place policies and procedures which recognise their worth and maximise their contribution to the charity;
- has policies and procedures to protect vulnerable groups that it works with including, for example, children and people with a learning disability.

Sound governance

3. An effective charity is run by a clearly identifiable board member body that has the right balance of skills and experience to run the charity effectively, acts in the best interests of the charity and its beneficiaries, understands its responsibilities and has systems in place to exercise them effectively.

In order to demonstrate this, the charity:

- complies with the law by ensuring that the board member body is constituted in accordance with the governing document;
- identifies the mix of skills, knowledge and experience necessary for the efficient and effective direction of the charity and ensures that the rotation of board members provides adequate opportunities for re-assessing that mix;
- recruits and selects board members on the basis of the mix of skills, knowledge, experience and the diversity that they bring to the board member body, as well as the time they have to do the job well; undertakes all appropriate checks to ensure that a prospective board member is both eligible and suitable to act in that capacity;
- has a policy for managing conflicts of interest on the board member body and ensures that board members understand that they must act solely in the best interests of the charity;
- has an induction programme for board members which enables them to rapidly become effective and valuable board members;
- has a board member body that takes responsibility for evaluating its own performance and for identifying and addressing the individual training needs of board members;
- has a board member body that is the right size for the charity – large enough to include the right balance of skills and experience needed to run the charity effectively, but small enough to facilitate discussion and effective decision making;
- has a clear understanding of the respective roles of the board member body and staff with written role descriptions for board members and board member officers (such as the Chair and Treasurer), and has systems in place that the board member body use to monitor and oversee the way in which their delegated powers are exercised;

- is able to take decisions which further the work of the charity while recognising and managing the risks to the charity's beneficiaries, to itself and to other stakeholders.

Maximises potential

4. An effective charity manages and uses its resources so as to optimise its potential.

In order to demonstrate this, the charity:

- plans to manage its resources (including finance, skills, knowledge, experience and assets), considers appropriate methods of controlling costs and generating new funding, and monitors actual performance so as to identify any potential problems in good time and take corrective action;
- has robust systems in place for internal financial control and the protection of its funds;
- diversifies its sources of income, for example, to reduce the risk of over dependence on one or two sources;
- has a fund-raising strategy that works within recognised good practice frameworks and considers which methods of fund-raising are appropriate for the charity;
- has robust processes in place for the management and control of all fund-raising activities undertaken by the charity or on its behalf;
- has a strategy in place for both its investments and its reserves which takes into account and plans for the needs of current and future beneficiaries;
- considers and plans for the use of non-cash resources such as volunteers, donated goods, and physical assets for own use or investment;
- considers collaborations and partnerships with other organisations and mergers with other charities to improve efficiency and the better delivery of benefits and services.

Accountable and transparent

5. An effective charity is accountable to the public and other stakeholders in a way that is transparent and understandable.

In order to demonstrate this, the charity:

- complies with its legal obligation to produce an annual report and accounts which includes an explanation of what the charity has done during the year and, as a matter of good practice, the extent to which it has achieved its charitable aims in a way that internal and external stakeholders can understand;
- complies with relevant legal and good practice obligations for financial reporting, including the Charities [Statement of Recommended Practice \(SORP\)](#) and has reporting practices that are honest, open, even-handed (not hiding the bad), clear and comply with the appropriate standards;
- explains its activities and decisions in an open and transparent way while maintaining confidentiality where appropriate, and is able to demonstrate its independence from other bodies. Independence in this context means that the charity must act to carry out its own charitable purposes, and not for the purpose of implementing the policies or directions of a governmental authority, or of any other bodies;
- welcomes both positive and challenging feedback from its stakeholders and has well-publicised, effective and timely procedures for dealing with complaints about the charity and its activities. These explain rights to complain and appeal and give details of the process and likely timescales;
- has a communications strategy that ensures that accurate and timely information is given to stakeholders including the media, donors and beneficiaries.

Flexible

6. An effective charity is flexible enough to influence and adapt to changes in the environment in which it works in order to meet the changing needs of those who use its services.

In order to demonstrate this, the charity:

- has systems in place to gather and analyse information about emerging trends in the environment in which it operates, and their likely impact on the activities of the charity and partner organisations, and uses these to inform its planning processes;
- welcomes feedback from its beneficiaries about the services it provides and the areas where improvements could be made;
- identifies and uses opportunities to influence the environment in which it works to be more conducive to its aims, following the law and good practice when campaigning or lobbying;
- is not complacent but is engaged in a process of continual improvement, using techniques and tools best suited to its size and activities, e.g. recognised quality systems and benchmarking, to improve its own future performance;
- is ready to share good practice with other bodies;
- investigates and makes appropriate use of new technologies to carry out its activities more effectively;
- considers from time to time different methods of carrying out its administrative work, for example buying in external services or collaborative working such as sharing resources such as staff, offices or transport.

List of Board Member Skills and Attributes required by Leeds Grand Theatre

General Skills required by all board members

1. ACCOUNTABILITY - Understand board financial duties and legal (statutory) obligations.

- Act in a lawful, ethical and justifiable manner.
- Demonstrate personal integrity, discretion and reliability.
- Maintain confidentiality
- Participate in board activities in an informed way.
- Review and ensure action is taken on audit reports.
- Ensure compliance with statutory and legal requirements

2. STRATEGIC THINKING

- Contribute to the development of a shared vision and corporate direction.
- Take a long term, broad view of situations in decisions and actions.
- Understand government, business and cultural systems relevant to the board's activities.
- Formulate strategic goals and targets.
- Identify the impact of external trends and changes; and adapt goals and targets accordingly.
- Understand principles of organisational change
- Promote a customer focus ethos.

3. MONITORING

- Analyse and interpret financial statements and management reports.
- Review organisational performance and customer satisfaction on a regular basis.
- Assess and provide feedback on executive performance.
- Assess and improve board/committee performance

4. POLICY DEVELOPMENT

- Assess and determine broad policy objectives.
- Take account of the impact of policy decisions on stakeholders and customers.
- Endorse standards and regulations.
- Establish and review priorities for resource allocation.

5. DECISION MAKING

- Adopt and comply with ethical decision making processes.
- Consider opposing points of view and alternative solutions.
- Present a balanced perspective on issues and decisions.
- Take account of diverse community attitudes, opinions, values and cultures.
- Resolve conflict appropriately.
- Empower people to achieve goals by delegating sufficient authority and resources.
- Delegate day to day management to CEO – set parameters for decision making

6. NETWORKING

- Access business, community and government networks on behalf of the board.
- Develop alliances and partnerships within and outside the industry or community sector.
- Represent and promote the board within the industry and to the community.

7. ADVISING

- Evaluate needs, priorities, alternatives and consequences.
- Interpret information and draw conclusions.
- Suggest proposals and solutions to improve board processes and outcomes.
- Present information, ideas and opinions to others in a convincing way

8. TEAMWORK

- Understand individual and team roles and responsibilities.
- Communicate clearly and effectively.
- Engage in constructive discussion to reach an agreed position.

- Work cooperatively with board members and employees to achieve organisational goals.
- Apply effective time management.
- Foster mutual respect and trust.

Specific Skills required by Board members

Specific expertise in one or more of the following areas in priority order

- Learning
- Property management and development
- Finance and fund raising
- Legal issues
- Human Resources
- Public relations, marketing and communication
- Business management
- Administration and project management

Represent Leeds diverse community

Demonstrate interest in and possess a broad expertise /knowledge of the performing arts industry and facilities

Ability to devote time required to Board Meetings and for pre meeting study and review of agenda and papers

Show no real or perceived bias respecting any special interest group; have in mind the best interests of the entire performing arts community

Willing to maintain and active interest in the affairs of the Grand Theatre and to become familiar with its programmes, resources, clients and staff

What is expected of a board member at Leeds Grand Theatre

Know the Theatre's mission, aims, objectives, policies, programmes, services, strengths and needs

Be willing to take a lead in an area or work on a special project

Remain aware of developments in the performing arts

Bring a sense of humour to deliberations

Be loyal to board decisions

Support senior staff and never criticise them in front of their colleagues

Serve the organisation as a whole rather than a particular interest group within it

Don't accept favours related to your work as a board member

Maintain your independence, avoid conflicts of interest

Suggest the names of board members who could make a significant contribution

Leeds Grand Theatre Board Members Skills Audit

Profile	Chair	Deputy	1	2	3	4	5	6	7	8
Age										
18 – 25										
26 – 35										
36 – 45										
46 – 60										
60+										
Gender										
Male										
Female										
Ethnicity										
Use CRE definitions										
Geographic residency										
Leeds										
Yorkshire										
England										
Other										
Expertise										
Learning										
Legal										
Financial										
Fundraising										
Marketing										
Business										
PR										
Artistic										
Administrative										
HR										
Organisational experience										
Private										
Theatre										
Public										
Voluntary										

Potential sources for new members

- Existing board contacts
- Senior staff suggestions
- Funding body suggestions
- Volunteers
- Friends
- Key client groups
- Board members of other cultural organisations
- Arts and Business
- Trade Unions
- Chamber of Commerce
- Sponsors

Charity Commission recommended

Role of Board members

Board members are the people who serve on the governing body of a charity. They are responsible for controlling the management and administration of a charity.

The great majority of Board members serve as volunteers, and receive no payment for their work.

Charity Board members come from all walks of life, and are united by their wish to create positive change in society. Most people are eligible to serve as Board members. The work of a Board member should be rewarding and enjoyable, and an opportunity to serve the community while learning new skills.

To be a Board member requires time, understanding and effort. It is also a rewarding opportunity to serve the community and develop personal skills.

Board member duties at a glance

This page summarises the main duties and responsibilities of charity Board members. Again, it is not a legal document, but sets out the legal principles in everyday language. The headings on this page are also used for sections of the more detailed guidance that follows.

Board members and their responsibilities

(1) Board members have and must accept ultimate responsibility for directing the affairs of a charity, and ensuring that it is solvent, well-run, and delivering the charitable outcomes for which it has been set up.

Compliance – Board members must:

(2) ensure that the charity complies with charity law, and with the requirements of the Charity Commission as regulator; in particular ensure that the charity prepares reports on what it has achieved and annual returns and accounts as required by law.

(3) ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purpose and objects set out there.

(4) comply with the requirements of other legislation and other regulators (if any) which govern the activities of the charity.

(5) act with integrity, and avoid any personal conflicts of interest or misuse of charity funds or assets.

Duty of prudence – Board members must:

(6) ensure that the charity is and will remain solvent.

(7) use charitable funds and assets reasonably, and only in furtherance of the charity's objects.

(8) avoid undertaking activities that might place the charity's endowment, funds, assets or reputation at undue risk.

(9) take special care when investing the funds of the charity, or borrowing funds for the charity to use.

Duty of care – Board members must:

(10) use reasonable care and skill in their work as Board members, using their personal skills and experience as needed to ensure that the charity is well-run and efficient.

(11) consider getting external professional advice on all matters where there may be material risk to the charity, or where the Board members may be in breach of their duties.

What should I do before I become a Board member?

You should take all reasonable steps to find out as much as you can about the charity, and about what will be expected of you as a Board member.

Finding out more: Before you become a Board member, you should learn as much as you can about the charity, and what being a Board member will mean for you. For instance, for an existing larger charity, we advise you to read annual reports, important policies and the annual accounts; we also advise that you meet existing Board members, senior staff and perhaps some of the people who benefit from the charity's work. Some charities may also invite you to sit in on a Board members' meeting as an observer before you formally join. You may wish to find out what training and support the charity offers its Board members.

The governing document: You should also get a copy of the charity's governing document, and read it. It will probably be a dry legal document, but it is the charity's main constitutional document, and governs key aspects of the charity's work. If it isn't clear what it means, then one of the existing Board members or the charity's Secretary should explain it to you.

Am I eligible to become a Board member?

Most people over 18 years of age can become Board members, but a few are not eligible.

Ineligible people: Those who have already been disqualified as company directors and those who have been convicted of an offence involving dishonesty or deception are some of the people who cannot usually become Board members. In some cases, people who receive benefits from the charity may also be ineligible.

Appointments

Eligibility Criteria To be eligible to serve on the Board you must live or pay council tax to Leeds City Council. You must be willing to work to the general skills list and demonstrate tangible experience in the specific skills required for The Grand Theatre

Appointments	Councillors will be elected through the members appointments committee All other board members will be selected by the current board
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How long does the appointment of a Board member last?

Terms of Office Councillors will be selected annually. All other appointments will be for three years with the eligibility of reappointment for one additional term. For all a maximum of 6 concurrent years. (A rota of appointments will be required at outset to ensure all members do not come up for election simultaneously).

Can a Board member resign?

Yes – it is usually straightforward for a Board member to resign. But in some situations, especially with unincorporated charities, it is important to check the charity's governing document carefully. Sometimes legal advice will be needed to ensure that things are done properly.

How do Board members make decisions?

All decisions by the Board members concerning a charity are taken by all the Board members, acting collectively and as a team. However, the decisions need not be unanimous; a majority decision is sufficient unless the charity's governing document states otherwise.

Collective responsibility: Subject to any power of delegation there is a general rule that Board members must take personal responsibility for their decisions, and that all decisions concerning the charity must be taken by the Board members acting together.

Setting up groups or committees: Board members can always invite some of their number to look into particular matters and make recommendations. The decision whether or not to act on the recommendations is for the Board members to take together. *In some cases the governing document of a charity may permit the Board members to set up committees with delegated powers to carry out particular functions.* Check with legal

Delegating to employees: The Board members of will need to delegate decisions on day-to-day management matters to employees. In these cases the scope of the authority should be clearly laid down in writing and instructions given for decisions on important matters to be reported to the Board members. Board members should establish proper reporting procedures and clear lines of accountability. More needed

What do the Chair and Treasurer do?

Some Board members are known as 'officers' and have special responsibilities. These include the Chair, Treasurer, and in some cases there may also be other designated officers.

Special responsibilities: The Treasurer and the Chair of the charity will have wider responsibilities than other Board members.. The Chair, as well as helping to plan and chair Board member meetings, may also be the link between the Board members and the employees and representing the charity at appropriate events. However, when it comes to making decisions about the charity, the Board members must take them together.

Treasurer support is provided by Leeds City Council who will ensure that proper accounts are kept, and help set financial and investment policies check with Doug

Compliance

Board members must:

- ensure that the charity complies with charity law, and with the requirements of the Charity Commission as regulator; in particular ensure that the charity prepares reports, annual returns and accounts as required by law.
- ensure that the charity does not breach any of the requirements or rules set out in its governing document and remains true to the charitable purpose and objects set out there.
- comply with the requirements of other legislation and regulators which govern the activities of the charity.
- act with integrity, and avoid any personal conflicts of interest or misuse of charity funds or assets.

Can Board members be paid for their duties?

Generally, no. Most Board members are unpaid, and must not benefit in any way from their connection with the charity. There are limited exceptions to this rule.

Prohibited benefits: Board members are not entitled to receive any payment out of the charity's funds other than reasonable and necessary out-of-pocket expenses, such as the cost of travel to attend Board member meetings. Additionally, they must not benefit, either directly or indirectly, from the charity by, for instance:

- taking a lease of the charity's property;
- borrowing money from the charity; or
- making contracts to do business with the charity.

When Board members abuse their position: This is a legal rule and any Board member who breaks it may have to make good any loss that results to the charity out of their own pocket. Even if there is no loss, a Board member who makes a profit from breaking the rule may have to pay the amount of any profit to the charity.

Can a Board member be employed by the charity?

Generally, no because Board members must not gain from their position. Again, there are limited exceptions to this rule.

The legal position: Generally, a Board member cannot become an employee of their charity nor can an employee become a Board member. The exceptions are where the governing document of the charity explicitly authorises it, or if permission has been given by us or a court of law.

When Board members abuse their position: This is a legal rule and a Board member who breaks it may have to repay to the charity any benefits they have received, such as salary. The rule still applies even where the Board member has resigned as a Board member, before or after taking up employment.

The exception: The only instance in which special permission may not be needed is where the charity can show that the Board member has not obtained the employment by reason of being a Board member and there is no ongoing conflict of interest. This would mean that the Board member concerned:

- has no significant involvement with the charity's decision to create or retain the post, or with any material aspect of the recruitment process; and
- had resigned as a Board member to apply for the post in advance of a post being advertised publicly in a fair and open competition.

Do Board members have to keep accounts?

Yes. All charities must prepare annual accounts. Different rules apply to different sizes and types of charity. Preparing accounts is of course only one part of proper financial planning and control.

The legal position: There are legal requirements (in the 1993 Act and associated regulations) for charities, relating to:

- maintenance and retention of accounting records;
- preparation of charity accounts and annual reports;
- audit or independent examination of accounts;
- submission of accounts, annual reports and annual returns to us; and
- availability of accounts to the public.

Financial thresholds: How far any individual charity must comply with these requirements depends on the level of gross income and/or total expenditure. Board members must familiarise themselves with the appropriate requirements. Registered charities with gross income or total expenditure of over £10,000 per year must submit their accounts annually, within 10 months of the end of the relevant financial year.

Non-submission of accounts: If Board members fail to submit their accounts and annual return on time, this could lead to us taking action against the Board members. This action could include conducting an investigation into the charity or publishing the charity's details on our website as defaulting in the submission of annual accounts and returns.

Incorporated charities: Different accounting rules apply to charities that are companies. Further information is available from Companies House.

Do charity accounts need external audit or scrutiny?

All charities with income or expenditure of more than £10,000 must have their accounts scrutinised by "an independent person". Larger charities will need a full external audit. Charities that are companies must comply with company law.

Independent person: In general statutory requirements mean that all charities with an income or expenditure over £10,000 must have their accounts scrutinised by an "independent person". This can be by independent examination or an audit by a registered auditor. To be "independent" the person concerned should not be:

- a Board member;
- involved in the administration of the charity;
- a major donor or beneficiary; or
- a close relative, business partner or employee of any of the above.

External audit: If a charity's income or expenditure exceeds £250,000 in the current year or either of the two preceding years, the accounts must be audited by a registered auditor.

Incorporated charities: Different rules apply to charities which are companies. Further information can be obtained from Companies House.

What charity Board members' duties in relation to fundraising?

Board members must ensure that any fundraising activity carried out by, or on behalf of, their charity is properly undertaken, and that all funds collected are properly accounted for.

The legal position: Where Board members allow or employ people to undertake fundraising on their behalf, all funds raised should be paid into a bank account in the charity's name before deduction of the fundraiser's expenses. In certain circumstances this is a legal requirement. Board members must always:

- ensure that any appeal properly describes what donations from the public will be used for; and
- ensure that where professional fundraisers are employed as agents for the charity, a proper contract is drawn up.

Good practice: In addition to these legal requirements, Board members should always:

- insist on approving both the fundraising methods and any appeal literature that will be used on their behalf;
- be prepared to be open and honest about the costs of such an appeal if asked; and
- explain in their annual report the effectiveness of fundraising activities to explain the figures given in the accounts.

What if the charity's objects no longer serve a useful purpose?

If a charity's objects are no longer relevant there are ways of changing them. Where charities don't have the powers themselves to make the changes, they must contact Charity Commission

Regular review: Board members should regularly review whether their charity is still meeting a useful purpose. Sometimes a charity can become more effective by changing the way it works. In other cases it may need to change the objects or provisions (or both) in its governing document.

Amending the governing document: The governing document of most unincorporated charities contains a power enabling its amendment. In some cases the charity can amend the objects without Charity Commission intervention, subject to what is said in the governing document and the general law; in many others any amendment will require our written consent. In either case, any new objects should be kept close to the charity's original intention and must remain legally charitable.

Contacting the Commission: Any Board members intending to make or propose an alteration are strongly advised to seek our views beforehand. If the charity's governing document has no amendment provision, or one that does not allow the objects to be amended, Board members should contact Charity commission help.

Incorporated charities: Section 64 of the 1993 Act requires a charitable company to seek our prior consent to any amendment of the company's objects or provisions relating to the way the company's property is used.

After the objects have been changed: Whether or not our prior authorisation is needed Board members must give us details of any change to the objects of the charity.

With what other laws and regulations must Board members comply?

Like all organisations, charities are subject to the law of the land. Aspects of their work may be regulated by other government bodies. Board members need to be aware of these requirements, and must ensure that the charity complies.

Some examples: The exact answer will depend on the type of charity, and the activities it undertakes. The following list gives examples of key areas that may apply to your charity:

- For charities that are companies, company law.
- For charities employing staff, employment law.
- Health and safety legislation, for instance as relating to staff, volunteers and beneficiaries.
- Legislation concerning racial equality, disability discrimination, equal opportunities and similar areas.
- For charities providing registered care, the requirements of the Commission for Social Care Inspection.
- For charities working with children or other vulnerable people, the range of legislation protecting those clients.
- For charities that are housing associations, the requirements of the Housing Corporation.

External advice: We emphasise that this is not a full list, and that many other regulators and Inspectorates may be involved with certain charities. Board members may need to seek external advice to be sure they are aware of all their compliance responsibilities.

Duty of prudence

Board members must:

- ensure the charity is and will remain solvent.
- use charitable funds and assets reasonably, and only in furtherance of the charity's objects.
- avoid undertaking activities that might place the charity's endowment, funds, assets or reputation at undue risk.
- take special care when investing the charity's funds or borrowing funds for it to use.

What are the financial duties of Board members?

The Board members of every charity must ensure that its finances are used appropriately, prudently, lawfully and in accordance with its objects.

Financial management: This could include making decisions about fundraising, the provision of services, and investments. This is an important duty in any charity. Whatever the size of the capital and income of the charity, proper financial management is the key to the success of the charity and its ability to help its beneficiaries.

What are the principles for Board members?

Board members must act reasonably and prudently in all matters relating to the charity and must always bear in mind that their prime concern is the charity's interests. The charity's income and property must be applied only for the purposes set out in the governing document.

Fairness and objectivity: The charity's expenditure must be applied fairly among people who are properly qualified to benefit from it.

Accumulation of surpluses: The income of a charity must be applied for its purposes within a reasonable period of receipt, unless the Board members have explicit power to accumulate it. Without such a power, the Board members should not allow the charity's income to accumulate unless they have a specific use for it in mind.

Personal conduct of Board members: Board members must act reasonably and prudently in all matters relating to the charity and need always to bear in mind that their prime concern is its interests. They must not let any personal views or prejudices affect their conduct as Board members. They must exercise an appropriate degree of care in administering their charity.

Conflict of interest: Where Board members are required to make a decision that affects the personal interests of one of the Board members, the charity's governing document may require that that person should not be present at any discussion or vote on the matter. Even if the governing document does not require this, Board members should follow this procedure as a matter of good practice.

What duties do Board members have towards charity property?

Board members must always act to protect property owned by the charity. If a charity has permanent endowment, particular care must be taken to maintain its value.

The Board member role: Board members are accountable for the charity's solvency, continuing effectiveness and the preservation of its endowments. They must exercise overall control over its financial affairs. They should ensure that the way the charity is administered is not open to abuse by unscrupulous associates or employees; and that their systems of control are rigorous and constantly maintained..

Land and buildings: If the charity owns land or buildings, Board members need to know on a continuing basis what condition it is in, that it is being properly used, and that adequate insurance is in place. The Board member Act 2000 confers a power to insure property but it does not impose a duty to do so. However, the trusts of many charities do impose a positive duty to insure: if Board members fail to insure property this will be a breach of trust.

Cash management: Money not needed for immediate expenditure should be invested. It is recommended that if expenditure is expected in the near future, surplus cash is deposited to earn interest. Investments need to be reviewed periodically to ensure they remain suitable for the charity's needs. Wherever possible, we suggest that funds are placed in a range of investments so as to avoid substantial losses caused by the failure of a single investment or institution.

Bank accounts: **Dougs advice needed** Board members must follow any relevant clause in the charity's governing document that specifies who is authorised to sign cheques. If there is no provision in the governing document which relates to the operation of bank accounts, the bank mandate must specify at least two Board members as signatories, unless the Board members can reasonably claim that it is necessary for employees to sign cheques to allow the charity to operate.

Protecting endowed property: In particular, Board members need to ensure that property which is permanent endowment is used in a way that produces enough money for expenditure while at the same time safeguarding the value of the investment.

Debts and money due: Board members must ensure that all income due to the charity is received and that all tax and rating relief due is claimed.

Duty of care

Board members must:

- use reasonable care and skill in their work as Board members, using their personal skills and experience as needed to ensure that the charity is well-run and efficient.
- consider getting external professional advice on all matters where there may be material risk to the charity, or where the Board members may be in breach of their duties.

What is the statutory duty of care?

This general duty on Board members means they must give enough time, thought and energy to their duties as Board members, and make reasonable use of their skills and experience.

The law says: The Board member Act 2000 sets out what it calls the “duty of care” – to exercise such care and skill as is reasonable in the circumstances having particular regard to:

- any special knowledge or experience that the Board member has or professes to have; and
- where a Board member acts in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

Application of duty of care: Narrowly speaking, the statutory duty of care only applies to Board members of unincorporated charities who are exercising specified powers conferred on them by the Board member Act 2000. It also applies when such Board members exercise the same type of powers derived from a source other than that Act. An example might be when they exercise investment powers set out in the governing document. More generally, legal precedent and good practice mean that the duty of care should be considered as applying to all aspects of Board members’ work in making decisions about their charity. As noted above, Board members should ensure that they know and understand how the Board member Act 2000 applies to them and their charity.

Incorporated charities: The Board member Act 2000 does not apply, but the principles of general charity law impose similar duties and requirements on Board member directors.

How often do Board members need to meet?

They must meet as often as needed to do justice to the affairs of the charity, and make well-informed decisions. Board members who do not meet often enough risk breaching their duty of care.

Need for regular meetings: Not every charity conducts all its business at meetings of the Board members, but many do. If the charity does so, it cannot be administered properly unless the Board members meet regularly.

Quorum of Board members: **Check legal** The governing document may require a quorum for meetings of the Board members. If so, the Board members must ensure that their number does not fall below the minimum required for a quorum or, if it does, that it does not stay below that number. If there are no such requirements in the governing document, then the number of Board members needs to be kept to an effective working strength. This number will depend on the charity’s administrative requirements and the legal rule (if the governing document does not specify otherwise) that no decision can be taken except by the agreement of all or a majority of the Board members.

How much time will be needed?

Many Board members of larger charities find that they need to give the equivalent of about a day a month.

Giving adequate time and energy: Being a Board member will involve preparation for and attendance at Board member meetings, and often also at other meetings and functions. It is essential that Board members are able to devote enough time to these essential duties of being a Board member. This means they should be aware of their responsibilities and duties and how much time they will need to give.

What else do Board members need to think about?

Running a charity can be complex and Board members need to be up to date on the operating environment for their charity. This may involve wider networking, taking up training opportunities, or reading the relevant newsletters or specialist trade papers.

Collaboration: Board members should find out what work is being done by similar organisations working in the same area. In some cases they can do this by joining an umbrella association co-ordinating work in a particular field. Board members should try to collaborate with other charities and avoid duplicating their efforts..

Strategy and risk: Board members are also responsible for setting the charity's strategic aims, objectives and direction. Identifying risks arising from its activities and managing those risks is important in helping to ensure that the charity achieves its strategic aims and objectives. Board members of charities with gross annual income in excess of £250,000 must make a statement in their annual report as to whether they have considered the major risks to which the charity is exposed and systems designed to minimise those risks..

If things go wrong

The Charity Commission offers information and advice to charities to help them operate as effectively as possible and to prevent problems arising.

What are the liabilities of charity Board members?

As stated above, a conscientious and committed Board member need have few worries about personal liability. But it is important for all Board members to understand their position.

The normal position: If Board members act prudently, lawfully and in accordance with the governing document, then any liabilities (ie debts or financial obligations) that they incur as Board members can normally be met out of the charity's resources. However, if Board members incur liabilities or debts that amount in total to more than the value of the charity's assets they may not be able to cover themselves in full out of the charity's property, even if the liabilities have been properly incurred.

If Board members act imprudently: If the Board members act imprudently, or are otherwise in breach of the law or the governing document, the position is different. Here, Board members may be personally responsible for liabilities incurred by the charity, or for making good any loss to the charity. Since Board members act collectively in running a charity, they will usually be collectively responsible to meet any such liability.

Charity Commission powers: CC can take proceedings in court for the recovery, from Board members personally, of funds lost to charity as a result of a breach of trust by the Board members. However, there is only a small likelihood that Board members will have to pay out of their own pocket towards compensating a third party who has suffered a financial loss as a result of their dealings with the charity. Despite this, we appreciate there are genuine concerns about the risk of personal liability.

Reducing risk: We strongly recommend that Board members are particularly careful when entering into substantial contracts or borrowings to ensure that the charity has the means to meet its obligations. If Board members are clear about all the potential risks and identifying the areas, if any, where their charity might be exposed, Board members can take preventative action to lessen the possibility of personal liability. For example, we recommend that Board members:

- familiarise themselves with the governing document;
- establish effective induction procedures for new Board members;
- take professional advice when needed or required by statute;
- take advice from the Commission or a professional expert when unsure about their duties;
- clarify what powers they have to delegate authority either to an agent or employees;
- implement effective internal management and financial controls;
- find out what areas of law might affect the charity's activities, such as employment, health and safety, human rights and data protection; and
- before they enter into a contract, satisfy themselves that the charity has the resources to meet its part of the contract and understand the consequences of breaching the contract.

Incorporated charities: Different rules apply to the directors of charitable companies, as company law also applies; this confers limited liability on Board member company directors. The general principles of prudence are, however, the same.

Can a charity be wound up?

In certain situations, a charity can be wound up, or its assets transferred to another charity. This is a complex area of law, and Board members must ensure that they act lawfully.

Remaining assets: The governing document will normally require the assets remaining on dissolution to be passed to a charity with similar purposes.

What is 'governance'?

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"the systems and processes concerned with ensuring the overall direction, effectiveness, supervision and accountability of an organisation."¹

Board members take ultimate responsibility for the governance of their organisations. However, governance is not a role for board members alone. More, it is the way Board members work with chief executives and staff (where appointed), volunteers, service users, members and other stakeholders to ensure their organisation is effectively and properly run and meets the needs for which the organisation was set up

The key principles of good governance

Underlying each of these principles is the additional principle of equality – that of ensuring equity, diversity and equality of treatment for all sections of the community. We see this as fundamental rather than creating a separate 'Equality' section,

Board leadership Every organisation should be led and controlled by an effective Board of Board members which collectively ensures delivery of its objects, sets its strategic direction and upholds its values.

The Board in control The Board members as a Board should collectively be responsible and accountable for ensuring and monitoring that the organisation is performing well, is solvent, and complies with all its obligations.

The high performance Board The Board should have clear responsibilities and functions, and should compose and organise itself to discharge them effectively.

Board review and renewal The Board should periodically review its own and the organisation's effectiveness, and take any necessary steps to ensure that both continue to work well.

Board delegation The Board should set out the functions of sub-committees, officers, the chief executive, other staff and agents in clear delegated authorities, and should monitor their performance.

Board and Board member integrity The Board and individual Board members should act according to high ethical standards, and ensure that conflicts of interest are properly dealt with.

The open Board The Board should be open, responsive and accountable to its users, beneficiaries, members, partners and others with an interest in its work.

What is good governance

1. Good governance means focusing on the organisation's purpose and outcomes for citizens and users

- Being clear about the organisation's purpose and its intended outcomes for citizens and service users
- Ensuring that users receive a high quality service
- Ensuring that taxpayers receive value for money

2. Good governance means performing effectively in clearly defined functions and roles

- Being clear about the functions of the governing body
- Being clear about the responsibilities of non-executives and the executive and ensuring those responsibilities are carried out
- Being clear about relationships between governors and the public

3. Good governance means promoting values that underpin good governance and upholding these through behaviour

- Putting organisational values of good governance into practice
- Individual governors behaving in ways that uphold and exemplify effective governance

4. Good governance means taking informed, transparent decisions within a framework of controls

- Being rigorous and transparent about how decisions are taken
- Having and using good quality information, advice and support
- Having effective controls in place, including managing risk

5. Good governance means developing the capacity of the governance team to be effective

- Ensuring that appointed and elected governors have the skills and experience they need to perform well
- Developing the capacity of people with governance responsibilities and evaluating their performance
- Striking a balance, in the membership of the governing body, between continuity and renewal

6. Good governance means engaging stakeholders and making accountability real

- Understanding formal and informal accountability relationships
- Taking an active and planned approach to accountability to the public
- Taking an active and planned approach to responsibilities to staff
- Engaging effectively with institutional stakeholders

Reproduced with thanks to The Independent Commission for Good Governance in Public Services

Equality and diversity

The Board should ensure that it upholds and applies the principles of equality and diversity, and that the organisation is fair and open to all sections of the community in all of its activities.

The Board should ensure that its organisation upholds and promotes equal opportunities and diversity in all areas of its work, including:

- the identification and assessment of needs to be met;
- allocation of resources, making of grants or provision of services;
- membership of the Board and any sub-committees;
- staff recruitment, selection, training and conditions of service;
- communication with stakeholders and the public;
- accessibility of meetings and communications; and
- the buying of goods and services.

The Board should set strategies for and receive regular reports on the organisation's work to achieve equality and diversity, against clear targets where practicable. These reports should be used to help develop the organisation's overall strategies.

Where the organisation is set up to serve a specific section of the community, this should be clear and the above principles should be interpreted and applied as appropriate.

The Role of Chief Executive

The Board should ensure that formal arrangements are set up for the regular supervision, appraisal and personal development of their chief executive. This may be carried out by the chair, another Board member or by a small group of Board members and be linked to the achievement of measurable targets.

The Board should ensure that there is a formal mechanism for setting the remuneration of the chief executive, which should be ratified by the Board. The remuneration package for the chief executive should: be adequate to attract and retain the quality of staff required, but no more; be openly disclosed in the organisation's accounts, including pension and other benefits.

The Board should seek independent expert or professional advice when required concerning sensitive matters relating to the chief executive's employment.

The key principle:

The Board should set out the functions of sub-committees, officers, the chief executive, other staff and agents in clear delegated authorities, and should monitor their performance.

Supporting principles:

Clarity of roles The Board should define the roles and responsibilities of the chair and other honorary officers, in writing.

Effective delegation The Board should ensure that staff, volunteers and agents have sufficient delegated authority to discharge their duties. All delegated authorities must have clear limits relating to budgetary and other matters.

Terms of reference The Board should set clear terms of reference for subcommittees, standing groups, advisory panels, etc.

Monitoring All delegated authorities must be subject to regular monitoring by the Board.

Clarity of other roles

The Board should define and write down the role of the chair, and that of other honorary officers such as vice-chair, treasurer and the secretary to the Board; it should be noted that for companies the role of secretary is partly defined by the relevant legislation.

The role of the chair should include, as a minimum, to ensure:

- the efficient conduct of business at the organisation's Board and general meetings;
- that the organisation's business is efficiently and accountably conducted between Board meetings;
- that the organisation complies generally with its responsibilities
- specifically that the appraisal and remuneration of the organisation's chief executive is conducted appropriate
- that the employment of the chief executive complies with employment legislation and good practice; and
- that the appraisal of board and Board member performance is conducted

Where the Board has delegated specific roles to honorary officers or to other Board members, ultimate responsibility rests with the Board as a whole. In such situations the Board member(s) concerned should separate the specific roles from their wider Board member role.

Effective delegation

The Board should ensure that staff, volunteers and agents have sufficient delegated authority to discharge their duties. All delegated authorities must have clear limits relating to budgetary and other matters.

The Board will need to delegate parts of its work to others in a clear, practical and legal manner. Delegations may be made to individual Board members, sub-committees the chief executive, other staff, volunteers or agents and consultants.

Delegations must comply with the terms of the organisation's governing document and any relevant legislation.

Where there is a chief executive, delegations to other staff and volunteers should normally be through that individual.

Delegations should always be in writing, and should set clear limits on matters such as expenditure, authority and decisions that can be made. Delegations may be written in Board minutes, terms of reference for sub-committees, staff job descriptions, or in a separate list.

Terms of reference

The Board should set clear terms of reference for sub-committees, standing groups, advisory panels, etc. The Board may wish to set up sub-committees, advisory groups, panels or other bodies to assist its work. Such bodies should have clear written terms of reference in addition to any delegated authority.

Monitoring

All delegated authorities must be subject to regular monitoring by the Board. The Board must remain in ultimate control of all delegations:

- Honorary officers and other Board members should report back to the Board promptly on any use of delegated authority;
- the Board should receive regular reports and minutes from all sub-committees etc;

- mechanisms established for internal control and performance reporting should be used to monitor use of delegated authority by the chief executive, or other staff or volunteers

Nolan Principles (useful base for board members approaches)

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

Reproduced with thanks to the Committee on Standards in Public Life

Appendix 1 Gaining new members

EXPRESSIONS OF INTEREST INVITED

Purpose of Advertisement

The Leeds Grand Theatre invites nominations from women and men interested in serving on the Leeds Grand Theatre Board

Role of the Organisation and Board

Leeds Grand Theatre is <explain organisation mandate, role and/or structure
The role of the Board < is to details of primary purpose

Selection Criteria

Nominations are sought from people with <quals, skills or experience> in <list areas of interest or expertise>.

Other selection criteria include <list selection criteria>.

<target group> candidates are encouraged to apply.

Membership Details

There are number vacancies.

Appointments are for a period of 3 years with the opportunity for one further term of three years

Nomination Process

Nomination forms and further information can be obtained from <contact person>, address and phone number.

Nominations close at <time and date>.

Background Information for Candidates (Pro-Forma)

The following information may be included in background information to send out to interested people to give them a clear idea of what's involved, what's expected and how to submit a nomination.

Tick U	
	Function Enabling legislation Organisation vision and objectives Purpose of board
	Board Structure Terms of reference Number and roles of members Committees reporting to the board/committee
	Meetings Frequency, duration and location of meetings
	Duties and Responsibilities Summary of members' duties and responsibilities Expectations regarding members' availability and time commitment
	Selection Outline of selection process Selection criteria Statement that nomination does not guarantee selection

	Remuneration and Expenses Remuneration rates (if applicable) Expenses policy.
	Directions Mailing address for nominations Closing date Contact person and phone number.

Nomination Form (Pro-Forma)

The following information may be included in the nomination form.

Background Information
Contact Details
 Name
 Address
 Telephone
Demographics (if required)
 Date of birth
 Country of birth
Qualifications
 Work Experience
 Current and previous jobs
 Voluntary experience
Areas of Expertise or Interest
Board Experience and Community Involvement
 Current and past membership of business, professional or community organisations, and positions held
Statement Addressing the Selection Criteria, and/or
Statement in Support of Nomination
Why does this position interest you ?
Leeds Grand Theatre's Board role is to . . . How do you feel you can contribute to achieving this role ?
Any other information you would like to give in support of your nomination.

- Attach a copy of curriculum vitae.
- Nominate 2 or 3 people who can be contacted to provide a reference in support of application
- Forward nominations to, name and address by <closing date>.

Induction Checklist

Tick U	
	<p>1. Information</p> <p>1.1 On the Grand Theatre</p> <ul style="list-style-type: none"> Enabling legislation Corporate plan Annual report Current policy documents Briefing papers on operations Glossary of terms
	<p>1.2 On the Board</p> <ul style="list-style-type: none"> Terms of reference Board structures Member details Meeting arrangements Standing orders or meeting procedures Administrative support
	<p>1.3 On Roles and Responsibilities</p> <ul style="list-style-type: none"> Statement of duties and performance expectations Relationship to Chair, other members, General Manager, Statutory obligations and legal duties
	<p>2. Familiarisation</p> <p>2.1 Briefings</p> <ul style="list-style-type: none"> From the Chair, General Manager From industry, government and community experts.
	<p>2.2 Site Visits</p> <ul style="list-style-type: none"> To see first hand the organisation's operations To meet employees.
	<p>2.3 Seminars, Functions or Meetings</p> <ul style="list-style-type: none"> Arrange special induction seminars for new members. Attend industry seminars or internal meetings. Establish networks.
	<p>3. Training</p> <ul style="list-style-type: none"> Training in board duties, responsibilities and skills. Training in industry specific skills or knowledge areas. Training in general management and or personal competence.
	<p>4. Socialisation</p> <ul style="list-style-type: none"> Interact informally with board members and key stakeholders to establish collaborative working relationships.

Invitation to Nominate (Pro Forma)

Invitation to Nominate

Introduction and Purpose

Announce that the <appointing authority> is seeking to make appointments to the Leeds Grand Theatre Board.

Explain role and function of the Board.

Clarify Status of Invitation

Insert one of the following sentences, depending on whether approaching individuals or organisations:

As a significant <industry/regional/local government/community> body your organisation is invited to submit nominations for Leeds Grand Theatre Board for consideration We are seeking people with board general skills and with experience in <area of expertise>. or

The <appointing authority> is keen to appoint women and men with <key skills, attributes and expertise>. You may wish to consider nominating for Leeds Grand Theatre Board, or alternatively suggest other people who may be willing to nominate.

For versions 2 and 3, include a proviso that receiving an "invitation to nominate" does not imply that a nomination from that person or group will be successful.

Encourage Nominations

Tell them what a great opportunity it is to contribute to the work of the XYZ Board/Committee, to serve the community and to gain professional and personal satisfaction.

Nomination information

Attach background information and a nomination form. State closing date and where to send nominations. Give name & contact number for enquiries.

Nomination requirements

Specify that nominees must be of a high calibre, meet time and availability requirements and meet other selection criteria

Key Charity Commission publications

The Charity Commission produces a wide range of publications and website guidance giving information and advice to charity Board members and the general public on issues relating to charity law, regulation and best practice. The [full list of publications](#) is on our website and in our publication [CC1](#), but the list below is a selection based on the issues covered in this guidance.

Charity Commission Publications

CC8 Internal Financial Controls for Charities
CC11 Payment of Charity Board members
CC14 Investment of Charitable Funds: Basic Principles
CC20 Charities and Fundraising
CC21 Registering as a Charity Commission
CC24 Users on Board: Beneficiaries who become board members
CC28 Disposing of Charity Land
CC30 Finding New Board members
CC33 Acquiring Land
CC36 Amending Charities' Governing Documents: Orders and Schemes
CC42 Appointing Nominees and Custodians: Guidance under s.19(4) of the Board member Act 2000
CC44 Small Charities: Transfer of Property, Alteration of Trusts, Expenditure of Capital
CC48 Charities and Meetings
CC49 Charities and Insurance
CC61 Charity Accounts: The framework
CC64 Receipts and Payments Accounts Pack
CC65 Accrual Accounts Pack
RS2 Charities and Commercial Partners
RS4 Collaborative Working and Mergers
The Charity Commission and Regulation
SORP 2005

Website publications

[Charities and Risk Management](#)
[Guidance on electronic banking](#)
[A Guide to Conflicts of Interest for Charity Board members](#)

To obtain copies of these or any publications you can:

- View and print them from Charity Commission website
- Order during office hours (0830 – 1800 weekdays) by phoning us on 0845 300 0218; or
- Write to the Charity Commission, PO Box 8585, Adamsway, Mansfield, NG18 9AJ

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Report of the Director of Learning and Leisure

Executive Board Executive Board

Date: 20 September 2006

Subject: COUNCIL PARTICIPATION IN IGEN

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

Executive Summary

This report proposes the Council reduces its participation in igen from a 40% stake at company Member and Board level with the right to appoint up to three Directors, to membership of igen with the right to appoint one Director, whilst maintaining protection for the not-for-profit status, and public purposes of the Company.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to propose changes to the level of Council participation in igen

2.0 Background Information

- 2.1 Igen is a private company limited by guarantee which has, as its core business, responsibility for the delivery of careers guidance to young people across the city. Igen's purpose is to manage and deliver contracts for public services which are free at the point of delivery to service users. Funding is secured through a range of Government streams including Connexions. The Company was formed in 1995, prior to this, the Council was responsible for the provision of careers education with the city.
- 2.2 The Council is a Member of igen, and has a 40% holding in igen. This enables the Council to appoint three Directors to the Board, and to have 40% of the votes at Board Meetings and General Meetings. It is also a requirement that the Council has a presence at Board and General Meetings in order for those meetings to be quorate. Other than the Council, Directors of the Company are also Members. None of the other Members or Directors of the Company, e.g. schools, business sector representatives or colleges have reserved voting arrangements.

3.0 Main Issues

- 3.1 The Corporate Governance Task Group of igen has recently reviewed the Company Membership arrangements as part of an overall assessment of the Company structure. In particular, the group considered the appropriateness of the current Membership model to meet existing and future business requirements. It recommended that igen should aim for a balanced Board drawn from the public and business sectors. There should however be no requirement for any specific organization (as is the case for the Council) to be a Member.
- 3.2 Igen has approached the Council to request consideration be given to revising existing arrangements. Potential conflict of interest through existing contractual arrangements between the Company and the Council (through its role in Connexions) has been cited as a factor.
- 3.3 Igen has stressed that whilst it wishes to seek the Council's support to amend the Company's Memorandum and Articles of Association to remove the existing reserved arrangements, the Company would wish to continue to have Directors from the Council.
- 3.4 Legal advice has been taken on igen's proposals from the Director of Legal and Democratic Services.

4.0 Implications For Council Policy And Governance

- 4.1 The implications of the reduced participation would be Council representation by a single Director on the Board and the removal of the requirement for a Council presence at meetings in order for such meetings to be quorate. The Director appointed by the Council would also be subject to the same retirement requirements as the other Directors.

4.2 The reduction in the Council's participation would mean the Council would not be able to 'block' any future Company changes, for example in relation to how Members or Directors of the Company were appointed. However the Council could still safeguard the Company's purposes and status. The Council would not require any payment from igen for reducing the level of its participation. By virtue of its status as a company limited by guarantee, igen is prohibited from making any payment to any of its Members or Directors (apart from items such as proper remuneration, out of pocket expenses etc).

5.0 Legal And Resource Implications

5.1 Under section 2 of the Local Government Act 2000, the Council has the power to do anything which it considers is likely to achieve the promotion or improvement of the economic, social or environmental well-being of the whole or part of its area, or all or any persons resident or present in its area, having regard to its community strategy (Vision for Leeds). This power includes power to participate in a limited company.

5.2 The proposals in this report represent a saving of resource at Member and Officer level, whilst maintaining an appropriate level of participation in igen.

6.0 Consultation

6.1 Consultation on the recommendations has taken place with existing Elected Members representing LCC on the igen Board, the Support Executive Member (Children's Services), the Chair and Chief Executive of igen.

6.0 Conclusions

6.1 Although the current arrangements were appropriate at the time of the Company formation, given the passage of time and the Council's reduced profile in the Company, there is little benefit to be gained in maintaining the current level of involvement.

7.0 Recommendations

7.1 It is recommended that:

- A: the Council reduces its participation in igen to being a Member of igen with the right to appoint One Director to the Board
- B: the Council should have the same voting rights as other Members and Directors, and that meetings should be permitted to be quorate without a Council presence
- C: the Council should safeguard its original 'investment' in igen and igen's public purposes by a provision in igen's constitution that any change to the fundamental objects of igen or to its status as a not-for-profit company, would require the agreement of the Council.

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Originator: M Farrington

Tel: 22 43816

Two appendices are included in this report which are not for publication under the Council's Access to Information Procedure Rules 10.4 (3)

Report of the Director of Development

Executive Board

Date: 20 September 2006

Subject: LEEDS CITY COUNCIL'S SHAREHOLDING IN LEEDS BRADFORD INTERNATIONAL AIRPORT

<p>Electoral Wards Affected:</p> <p>Citywide</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
<p>Eligible for Call In <input checked="" type="checkbox"/></p>	<p>Not Eligible for Call In <input type="checkbox"/> (Details contained in the report)</p>

EXECUTIVE SUMMARY

This report considers the Council's 40% shareholding in Leeds Bradford International Airport (the Airport). The report outlines the increase in passenger numbers in recent years and in turn the growing contribution that the Airport makes to the sub region. However, in recognition of increased competition in the aviation market, the Airport's need for sustained capital investment across all of its service areas, and the likely impact on future dividend returns to shareholders, the report concludes that the Airport's future success would be best served by a change in the current ownership model. In consideration of the issues outlined, and in the light of the detailed advice provided by the Council's retained consultants, Ernst and Young LLP, the report scores different options for a majority/outright disposal and, based upon the objectives set by the shareholders, recommends a 100% majority disposal of the Airport Company, subject to the agreement of the other shareholders. Alternatively, should such an agreement not be reached, it is recommended that Leeds City Council participates in a disposal of 60% or more of the company's shares that would allow Leeds to sell all of its interest in the Airport Company.

This report also makes recommendations for the:

- option to include land held by the West Yorkshire Districts in the transaction.
- proposals to protect the pension arrangements of the Airport Company's current and future employees.
- proposals for a joint indemnity agreement between the shareholders to govern the apportionment of any abortive fees should the sale not proceed
- proposals to allow bidders to come forward with their plans for retaining, developing and incentivising employees, which could include an employee share ownership scheme.
- timely disposal of the shares so as to limit the disruption to Company business and to take advantage of the current market appetite for airport disposals.

The value ranges that could accrue from a share disposal of the Airport Company will also be provided to Members of Executive Board.

1.0 PURPOSE OF THIS REPORT

- 1.1 To update Executive Board on the progress made in determining the future of Leeds City Council's shareholding in the Airport and to obtain approval to Leeds City Council's participation in an outright (100%) disposal of the Airport Company in partnership with other participating Shareholders.

2.0 BACKGROUND INFORMATION

- 2.1 Members of Executive Board will recall that they considered a report concerning the Council's interest in the Airport in February 2006. The report considered the Council's shareholding in the Airport in the context of:

- the ownership profile of the Airport;
- the current and projected performance of the Airport Company;
- comparisons with other airports;
- an assessment of the main issues facing the aviation market.

- 2.2 Further to consideration of the report, Executive Board resolved:

- That the City Council participate in a majority or outright disposal of its shares in the Leeds Bradford Airport Company.
- That the decision to participate in a disposal be subject to a decision by one or more of the other shareholding authorities to dispose in order to enable at least 51% of the Company to be offered to the market.
- That the City Council, in partnership with the other shareholding authorities, procure appropriate financial and legal advice to project manage the disposal.
- That the precise form of the disposal to be progressed be subject to financial advice from the retained financial consultants and be reported back to this Board at a later date.
- That the cost of financial and legal advice be charged to the purchaser as fees over and above the final capital receipt.

- That, subject to the agreement of the other participating shareholders, Leeds City Council undertakes the project co-ordination function for the disposal and that this be charged to the purchaser as part of the disposal fees.
- That the proposal to procure financial and legal advisers through the Office of Government Commerce's existing S-Cat framework be noted.
- That it be noted that the submitted report had been shared with the other shareholding authorities to aid them in their decision making on this matter.

2.3 Following the Executive Board resolution detailed above, the other four shareholding authorities have all taken decisions to participate in a majority or outright disposal subject to the outcome of appropriate financial and legal advice on the precise form of the preferred disposal option.

2.4 In order to progress this work, officers from Leeds City Council have procured advisors to act on behalf of the shareholders. Following a procurement exercise using the Office of Government Commerce's S-Cat framework, Ernst and Young LLP has been appointed.

2.5 As outlined in the February report to Executive Board, the disposal exercise has been split into three phases, namely:

- Phase 1 - financial and legal advice (after which all participating authorities will be able to take a view on their inclusion in either a majority or outright disposal)
- Phase 2 - Preparation of the Airport for marketing, the marketing of the offer and the receipt of offers
- Phase 3 - Acceptance of an offer through to completion

2.6 Accordingly, Ernst and Young LLP has completed Phase 1 of the exercise and presented their report for consideration by the shareholders.

2.7 All tenderers were invited to make proposals on the basis of both a capped fee and a fee based upon a percentage of sale price. Details are given in the confidential section of this agenda.

3.0 MAIN POINTS

3.1 In determining the future of the five West Yorkshire Districts' shareholding in Leeds Bradford International Airport, it is essential to define the shareholders' objectives for the future of the airport. In this context it is important to note that recent sales of publicly owned airports have tended to adopt bespoke transaction structures developed to meet specific operational/market circumstances and shareholder objectives. In this regard, the current operational/market position of Leeds Bradford International Airport is similarly unique, which necessitates the development of a tailored transaction structure.

3.2 In view of this situation, Ernst and Young LLP has worked with the shareholders of the five West Yorkshire Districts to define their future objectives for the Airport. In summary, the shareholder objectives that have been defined are:

- **Objective 1: To maximise the financial value to the current shareholders.**
This objective includes the need to:
 - Objective 1.1 - maximise the value of projected cash flows to current Shareholders in terms of either a lump sum capital receipt, or future revenue flows.
 - Objective 1.2 – avoid significant levels of risk to projected cash flows to current Shareholders, including trading performance, capital cost overruns, security costs risks and new legislation.
 - Objective 1.3 – avoid material value leakage to any new owners

 - **Objective 2: Avoid future capital commitment by current Shareholders**
 - It is recognised that LBIA’s future success and growth in an increasingly competitive market will require significant levels of capital investment over future years. However, it is also evident that whilst the current shareholders want LBIA to enjoy capital investment, they do not want to be called upon to provide additional equity funding, given the capital investment pressures in the core service areas of the five West Yorkshire Districts’ activities .

 - **Objective 3: Maximise growth and success of the Airport to support the future socio-economic development of the region**
 - The Airport is an asset which is key to supporting the future socio-economic development of the City Region, with its future success being closely linked to the economic prosperity of the sub-region.
 - To achieve this objective, the five West Yorkshire Districts will need to ensure that the transaction structure identified maximises the likelihood that the business will be both robust and grow efficiently for the benefit of the sub-region and lead to:
 - improved aeronautical services, for example through enhanced numbers of routes or frequencies.
 - improved non-aeronautical services for consumers at the Airport including wider retail provision,
 - improved access to the Airport, for example through supporting regional initiatives to improve bus and rail connectivity.
- 3.3 In addition to the three primary objectives identified above, the five West Yorkshire Districts have also identified two further objectives that need to be incorporated into the preferred transaction structure, namely:
- the name of the Airport remains Leeds Bradford International Airport
 - the Airport continues to operate as an international airport business
- 3.4 Based on the objectives identified above and building on the option appraisal presented to Executive Board in February 2006, Ernst and Young LLP has reviewed the options for the most appropriate transaction structure in terms of a majority or outright share disposal.

3.5 The options that have been considered are:

- 100% share disposal
- 80% share disposal (purely for illustration, assuming Leeds City Council (LCC) and Bradford Metropolitan and District Council (BDMC) each retain 10% shareholdings)
- 60% share disposal (purely for illustration, assuming LCC and BDMC each retain 20% shareholdings)
- Do Nothing – business as usual

3.6 These options have been appraised in terms of their ability to achieve the shareholders' objectives, in terms of the Airport's current operational performance, and the future challenges to be addressed by the Airport Company. Given the significant commercial sensitivity attached to this appraisal, it is considered that the public interest in maintaining this information as exempt, outweighs the public interest in disclosing this information, as disclosure may prejudice the outcome of the disposal. Accordingly, the options appraisal is contained in the confidential section of this agenda under the Council's Access to Information Procedure Rules 10.4 (3).

3.7 The option appraisal concludes that, on balance, a 100% disposal of shares would best meet the objectives agreed by the five West Yorkshire districts and this is the option that is recommended. However, should a 100% disposal not have the agreement of all of the five shareholders, then it is proposed that Leeds participates in any disposal which can offer 60% or more of the company to the market, on the basis that Leeds City Council disposes of 100% of its shares.

4.0 **ADDITIONAL CONSIDERATIONS**

4.1 In addition to identifying the percentage of shares to offer to the market, there are a number of other considerations to be taken into account in finalising the final transaction structure of the disposal exercise. Specifically, the shareholders need to consider their approach to:

- protecting the pension arrangements for existing and future employees of the Airport Company.
- the potential for an employee share ownership scheme as part of the transaction
- the future of land held by the five West Yorkshire Districts in the vicinity of the Airport's operational boundary.
- competition issues associated with the disposal of a controlling interest in the Airport Company.

4.2 **Pension arrangements** – The Airport Company currently participates in the Local Government Pension Scheme. Currently, the Airport is able to participate in this scheme by virtue of regulation 130 of the Local Government Pension Scheme (LGPS) Regulations 1997. On the basis that more than 50% of the shares will be disposed of under the transaction structure proposed, the Airport Company would no longer be able to participate in the pension scheme under this regulation.

4.3 To continue to participate in the LGPS, the company must either:

- continue to be a public airport company
- become a resolution body under Regulation 4 of the LGPS
- assume admitted body status under Regulation 5A

- 4.4 Of the options identified above, the airport company would not continue to be publicly owned and the company does not fall within the scope of Regulation 4. Admission as a transferee admission body under Regulation 5A is the route normally taken on the outsourcing of public service activities. In order to become a transferee admission body, the Company must provide a service or assets in connection with the exercise of a function of a Scheme employer, as a result of the transfer of the service or assets by means of a contract or other arrangement. Ordinarily this would operate on a best value outsourcing arrangement and it appears unlikely that a sale of the Company or the Company's business in the circumstances contemplated, could fall within the terms of this Regulation. However, there may be scope for a special approval allowing the Company to continue as a participant.
- 4.5 An alternative to continuation with the LGPS would be for a bidder to set up a Government Actuary Department approved scheme (GAD). Some bidders may already have established such schemes. Under this scenario, the new scheme would provide fully equivalent benefits.
- 4.6 Subject to compliance with dual workforce regulations, it is likely that a new owner will expect future employees to join a new pension scheme. The code of practice for a two tier workforce provides that new joiners should be offered access to a 'good quality' pension scheme, which offers fair and reasonable terms and conditions.
- 4.7 **Employee share ownership scheme** – As part of the disposal exercise, the five West Yorkshire Districts could decide to include an employee share ownership scheme as part of the transaction structure. In essence, this provision would provide a pre-determined percentage of shares in the Airport Company, for purchase by existing employees of the Airport Company at market value. The advantage of such a scheme to the shareholders is that it would help to incentivise employees during the disposal process, on the basis that employees had the opportunity to directly benefit from the exercise. However, introducing a scheme of this nature would lengthen the disposal timescale, could be viewed negatively by a future owner and be reflected in the value realised during the disposal.
- 4.8 In view of the above, it is proposed that, as part of the offer put to the market, bidders are asked to outline their approach to retention, development and incentivisation of employees, which might include the introduction of an employee share ownership scheme.
- 4.9 **The future ownership of land held by the five West Yorkshire Districts** – Historically, the five West Yorkshire Districts have owned a number of land parcels within the vicinity of the Airport. Largely, this land is let for agricultural purposes. Some of this land lies within the Airport Operational Boundary and some lies outside of it.

- 4.10 The published Master Plan of the Airport identifies the planned long-term development of the Airport within the operational boundary defined by the Adopted Unitary Development Plan for Leeds (see Appendix 1). Given that bidders may be keen to ensure that they have the ability to deliver the Airport's Master Plan, it is considered appropriate for the transaction structure to include that land owned by the five districts, which falls inside the Airport Operational Boundary. At the same time, Members are also requested to delegate authority to officers to dispose of other five districts' land outside of the Operational Boundary as appropriate and subject, as always, to the requirement to achieve best consideration.
- 4.11 **Competition Issues** – One of the risks associated with the transaction is that a new or subsequent owner of the Airport Company may own a material interest in a competing airport.
- 4.12 During the sale process, it is proposed that the five West Yorkshire Districts implement a transaction structure that allows for bids which give rise to competition issues to be managed effectively. It is proposed that bidders will be required to provide a certificate, or reasoned statement, with supporting evidence, demonstrating to the shareholders' satisfaction that all competition clearances required are likely to be received, and that the impact of acquisition will not impact on competition issues in the market.

5.0 TRANSACTION TIMETABLE

- 5.1 The advice received from Ernst and Young LLP is that there is currently significant appetite in the market for regional European airports like Leeds Bradford International. In this sense it is considered timely to bring forward a share disposal to the market. However, it is also recognised that this situation could change. An international incident, that affects the aviation industry, could dampen market appetite. Similarly, there is the prospect that BAA could be broken up by the Competition Commission (and become a distraction for potential LBIA bidders) and the potential for aviation fuel excise duty to increase over time, is also a consideration.
- 5.2 Added to the above, bidding for this share offer is likely to be an expensive and time consuming exercise. It is recognised that bidders will need confidence that the transaction will be completed on a timely basis. Also a timely disposal will limit any disruption to the continuity of the Airport's business caused by the disposal process. Accordingly, Ernst and Young LLP has proposed a transaction timetable that will aim to achieve financial close in March/April 2007. It is proposed that the share offer is marketed on an international basis and, given the shareholders' objectives outlined, short-listed bidders will be asked to submit detailed business plan proposals. This will enable the shareholders to assess the potential for bidders to achieve the socio-economic objectives that they are seeking to achieve through the disposal exercise.

- 5.3 In order to achieve financial close within the timescale outlined, it is proposed to invite best and final offers from bidders in February 2007. This will enable officers to report to Members in March/April 2007 on:
- the value of the best and final offers received.
 - the identity of the two bidders who have made the best final offers.
- 5.4 It is proposed that at this point in the transaction process, Members of Executive Board will be asked to consider whether they wish to proceed with the highest scoring best and final offer made and appoint that bidder as the “preferred bidder” and (at their discretion) appoint a second ranked bidder as “reserve bidder”, with the Directors of Development and Corporate Services being given delegated authority to complete the transaction with the preferred bidder nominated within a set value range of the best and final offer.

6.0 RISK MANAGEMENT

- 6.1 There are a number of risks associated with the Council’s future shareholding of the Airport Company. Progressing the disposal brings with it the potential that the exercise is not completed. This could occur for a variety of reasons, including:
- A change of intent by one or more shareholders
 - An international incident affecting the aviation industry
 - A lack of market appetite for the Airport Company
- 6.2 In addition, there are risks to the five West Yorkshire Districts over the future operation of the Airport Company once the transaction is completed.
- 6.3 Not progressing a disposal at this time also carries a number of risks. The shareholders would miss out on a sizable receipt and not take advantage of the current market conditions. In addition, the Airport Company would not attract a strategic investor who would invest capital to enable LBIA to optimise its future growth potential. On the basis that the five West Yorkshire Districts have no appetite to invest capital into the business, this scenario could severely hamper the ongoing development of the Airport.
- 6.4 In recognition of the strategic importance of the Airport to the sub-region, it is proposed that the greater risks are associated with not progressing a disposal at this time. Whilst there are a number of risks associated with progressing a disposal, it is considered that, for the benefit of the future development of the Airport, there is an imperative to act at this time and take the share offer to the market.
- 6.5 Phase 1 is a key stage in the process. It is essential that a firm decision is taken on the structure of any transaction to provide certainty and thereby credibility to bidders. It is important to understand that if bidders start work on the basis of an “in principle” decision at Phase 1, any reversal in that decision will have a very detrimental effect on the credibility of shareholders in any future transaction.

7.0 CONCLUSIONS

- 7.1 Leeds Bradford International Airport is at a pivotal point in its development. The Airport has experienced strong passenger growth in recent years and this trend is forecast to continue. Critically, the future success of the Airport contributes to the economic prosperity of the sub-region and in order to maintain its growth in a competitive market place, it is recognised that a new strategic investor is required to optimise the significant growth potential that exists in the business.
- 7.2 To optimise the Airport's growth potential, any new owner will need to invest capital into the business and be confident that they will have sufficient flexibility to guide its future direction. To best achieve this outcome it is proposed that the five West Yorkshire Districts progress the disposal of 100% of the shares in the Airport Company. However, should a 100% disposal not have the agreement of all of the five shareholders, then it is proposed that Leeds participates in any disposal which can offer 60% or more of the company to the market, on the basis that Leeds City Council disposes of 100% of its shares.

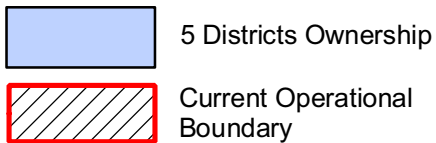
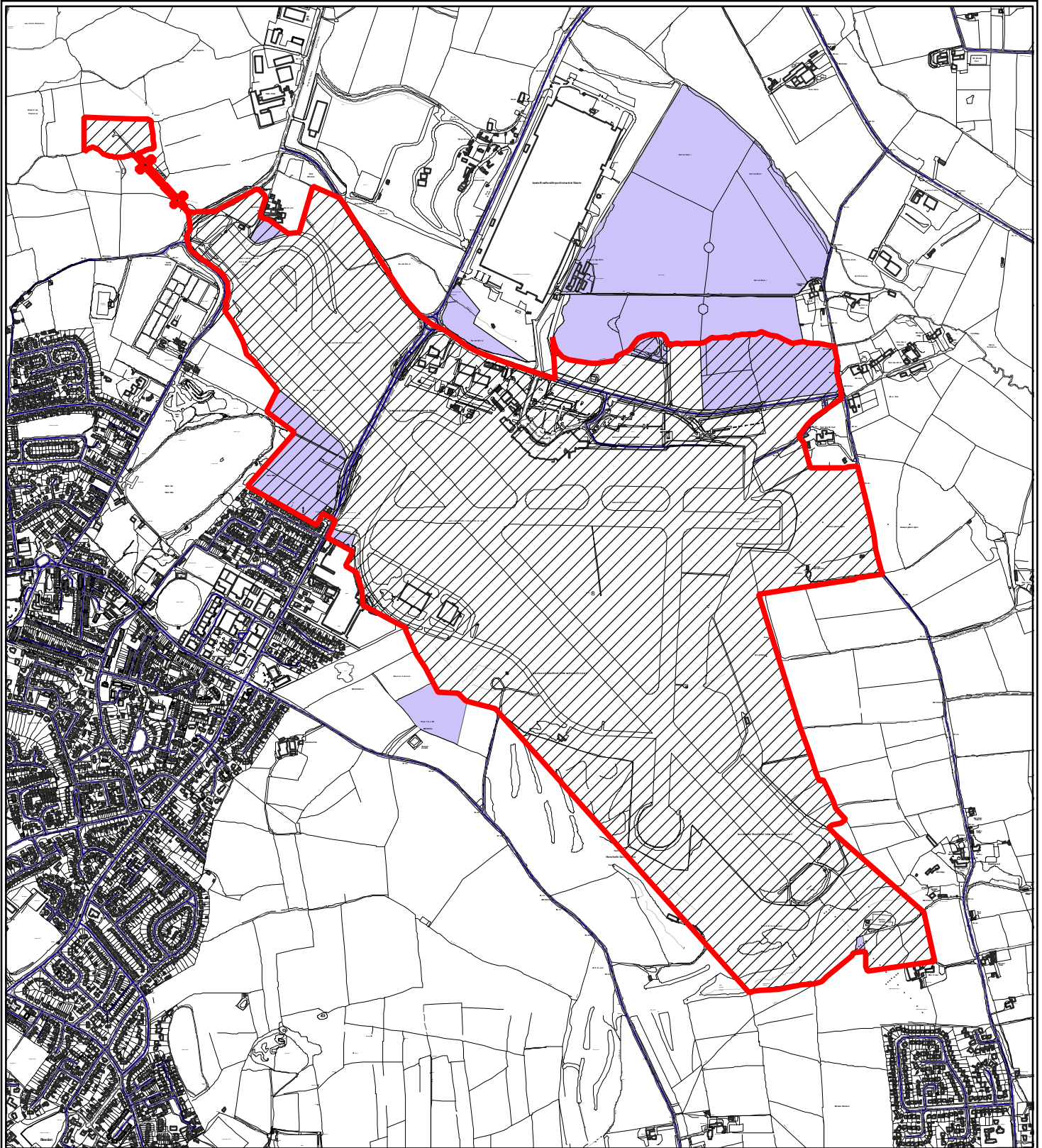
8.0 RECOMMENDATIONS

- 8.1 Members of Executive Board are asked to:
- approve that Leeds City Council will, subject to the agreement of the other West Yorkshire Districts, participate in the disposal of 100% of shares in the Leeds Bradford International Airport Company and, subject to the agreement of the four other West Yorkshire districts, instruct officers to progress such disposal in a timely manner.
 - In the event that not all of the five shareholders agree to participate in a 100% disposal, to approve that Leeds City Council participates in a share disposal of 60% or more in the Airport Company, on the basis that Leeds City Council would sell 100% of its interest in LBIA.
 - agree that officers of the five West Yorkshire districts draw upon the objectives detailed in this report to determine the criteria to be used in the future assessment of the submitted bids.
 - Approve that, subject to proper consultation and compliance with legal requirements, the proposal that bidders will be asked to implement pension arrangements that grant, for existing employees, fully equivalent pension benefits to the existing Local Government Pension Scheme and offer new employees, at the option of the new owner, membership of a final salary scheme, or a money purchase scheme.
 - approve the proposal that bidders, as part of their submissions, be asked to explain their company culture with regard to staff retention, development and incentivisation.
 - approve that any land owned by the five West Yorkshire districts which lies within the Airport's Operational Boundary be included with the disposal of the Airport Company, and that officers be given delegated authority to determine whether it is appropriate to also include other five districts' land which is in the vicinity of the Airport Operational Boundary in the disposal, subject, as always, to the requirement to achieve best consideration.

- instruct that officers bring back a report to Executive Board seeking endorsement of the preferred bidder identified and the acceptance of the best and final offer made, to enable the transaction to be completed.
- and, with reference to the confidential appendix (Appendix 2) to be circulated at the meeting:
 - note the scale of the potential receipt that could accrue to the Council from a share disposal of Leeds Bradford International Airport.
 - note and agree the Ernst and Young LLP scales of fees that will be incurred during the three phases of the disposal exercise and which will be charged to the purchaser upon completion of the transaction, and to delegate to officers the authority to select that fee structure which best incentivises the consultants to optimise the disposal proceeds.
 - delegate authority to officers to commission the vendor due diligence work required and also other technical consultancy advice as appropriate.
 - approve that Leeds City Council enters into an indemnity agreement with the other West Yorkshire districts, as set out, to govern the apportionment of any abortive fees incurred should the disposal transaction not complete and to instruct the Director of Corporate Services to make provision for any liabilities arising under this agreement and for any other abortive Leeds City Council costs.

Background Papers used in the preparation of this report:

Leeds Bradford International Airport Share Disposal Phase 1 Report to Shareholders, August 2006 (This report has been classified as confidential under Access to Information Procedure Rule 10.4(3)).



LEEDS BRADFORD INTERNATIONAL AIRPORT OWNERSHIP



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Capital Scheme No:
13150

Parent Scheme No:

DCR Clearance No.
19034

Design & Cost Report

REPORT OF DIRECTOR OF DEVELOPMENT

REPORT TO: EXECUTIVE BOARD
DATE: 20TH SEPTEMBER 2006

SUBJECT : REGENT COURT, CALL LANE; AFFORDABLE HOUSING SUBSIDY USING SECTION 106 COMMUTED SUMS

Electoral Wards Affected :

City & Hunslet

Specific Implications For :

Equality and Diversity
Community Cohesion
Narrowing the Gap

Executive Function X Eligible for Call In X Not eligible for Call In
(details contained within the report)

EXECUTIVE SUMMARY

The purpose of this report is to obtain authority to spend £705,000 of Section 106 monies on an affordable housing subsidy at the proposed Regent Court housing scheme at Call Lane in the city centre. This will enable Yorkshire Housing Association to construct 12 one-bedroom apartments upon land they currently possess, aiding the provision of affordable rented property for households in need. This is fully funded from section 106 monies.

1.0. BACKGROUND

- 1.1 The City Council has available over £2.5m of Section 106 commuted sum money to use towards the provision of affordable housing in Leeds. An opportunity has arisen for Yorkshire Housing Association to provide 12 affordable rented properties through development of land owned for almost 20 years at the site on Call Lane. Leeds City Council has worked successfully with Yorkshire Housing Association in the past, delivering affordable housing in the City Centre through providing commuted sums at locations including City Island and Mill Hill/Boar Lane.
- 1.2 To make the homes genuinely affordable at an economic weekly level of rent, a subsidy of £700,000 would be required to ensure the schemes viability. Additionally, there will be legal costs in connection with this that should be no more than £5,000 (see sections 6 & 9).

ORIGINATORS NAME: Robin Coghlan **DATE: 17th July 2006**
TELEPHONE NUMBER: 247 8131 **FAX NUMBER:**

- 1.3 It is proposed that money generated through the granting of planning permissions for the following housing developments be used:

Application No.	Location	Amount
20/440/00	10-12 Park Row	£179,067.00
20/559/99	Dock Street	£277,500.00
20/646/99	Wellesley Hotel	£182,500.00
20/65/01/FU	Lovell Park Road	£65,933.00
	TOTAL	£705,000.00

- 1.3 These commuted sums arise from S106 Agreements which state that money may be spent in the city centre on provision of affordable housing.

2.0 DESIGN PROPOSALS / SCHEME DESCRIPTION

- 2.1 The development at Call Lane is being led directly by the Yorkshire Housing Association who have existing ownership of the site in question. The project has already obtained detailed Planning Permission and Building Regulation Approval. The scheme comprises 12 newly built one-bedroom apartments in a new build element known as "Regent Court", to be built to a 'cube' design, and located at the busy Calls district of the city centre.
- 2.2 The 12 dwellings proposed for construction by Yorkshire Housing Association are designed to alleviate potential problems of city living, including sound insulation and ventilation solutions. Additional problems to overcome have included poor ground conditions. While land costs are nil, this has led to relatively high overall costs of £1.59m and hence necessary provision of the £700,000 commuted sum. Yorkshire Housing Associations aim to thus make all 12 properties in the development affordable dwellings; this would allow provision of 6 apartments at £67.50 per week social rent levels and 6 apartments at the intermediate rent level of £95.00 per week as opposed to market rents of £165 per week. The affordable rents would be allowed to increase by an annual factor to account for inflation in accordance with Housing Corporation standard guidance applicable at the time.
- 2.3 The intermediate units will be available for people who are on low incomes and are workers key to the economy of Leeds, residing in Leeds, or who have a local connection to Leeds. The social rented units will be available for those people on the Leeds Housing Register. These properties will be advertised in the Leeds Homes magazine and applicants will be able to bid for the units through the Choice Based Lettings system.

3.0. CONSULTATIONS

- 3.1 The proposal has been considered by officers of both the Development Dept and Neighbourhoods & Housing Dept who deal with affordable housing schemes on a regular basis. The scheme is considered to make good value for money as Yorkshire Housing are providing the land at no cost, allowing the dwellings to be provided at affordable rather than market rent levels.

4.0 COMMUNITY SAFETY

- 4.1 There are no direct implications for community safety arising from the contents of this report. Certain subjects, such as the availability of residential parking and building security, or the lack thereof, were not discussed in the report.

5.0. PROGRAMME

5.1 With Planning Permission secured, construction is scheduled to start in October 2006, with a contract running for 10-12 months and an estimated target for completion stated as September 2007. Although appropriate legal agreements have not yet been drawn up to ensure the transaction takes place and the dwellings remain affordable, legal fees are already addressed in the total costs budgeted for the later completion of such processes. As the development progresses, it will be essential to monitor the programme to ensure the proposal and affordability criteria are being adhered to.

6.0. SCHEME DESIGN ESTIMATE

6.1 The £1.59m full capital costs calculated by Yorkshire Housing Association to complete the proposal in question require the aforementioned commuted sum of £700,000 to ensure the scheme provides affordable rents for the dwellings to be constructed. Without this additional input, the scheme is financially viable only at market rent levels of £165 per week (£715 per month). With provision of the monies suggested, rents on the housing would be affordable under current conditions, at the levels outlined previously.

6.2 At present, all Yorkshire Housing Associations additional costs, including legal fees, are already accounted for under the full capital costs of £1.59m calculated.

6.3 Leeds City Councils legal fees in connection with this are expected to be no more than £5,000, this will be funded from section 106 funds collected on application 20/65/01.

7.0. CAPITAL FUNDING AND CASHFLOW

Previous total Authority to Spend on this scheme	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Authority to Spend required for this Approval	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	705.0			705.0			
TOTALS	705.0	0.0	0.0	705.0	0.0	0.0	0.0

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
LCC Funding	0.0						
Section 106 / 278	705.0			705.0			
Total Funding	705.0	0.0	0.0	705.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

8.0. REVENUE EFFECTS

8.1. The proposals in this report are for capital works only. There are no revenue implications arising.

9.0. RISK ASSESSMENTS

9.1. There are limited risks associated with the payment of this subsidy. Given the direct control of Yorkshire Housing Association over the development, monitoring should ensure the proposal is carried out to the criteria determined. A grant agreement will be agreed to ensure the council can recover the sum or seek appropriate redress should the Housing Association fail to provide & maintain the housing at affordable levels to households in need. The safety nets shall comprise of a legal charge of the grant value on the title of the land.

10.0. COMPLIANCE WITH COUNCIL POLICIES

10.1. By introducing opportunity for a wider mix of people to live in Leeds city centre, the scheme would help fulfil the objective of the Corporate Plan 2005-08 to make all Leeds' communities thriving and harmonious where people are happy to live and help "narrow the gap" between different parts of Leeds.

10.2 The scheme would also comply with Policy H9 of the Unitary Development Plan which states that the City Council will seek to ensure a "balanced provision" of size & types of dwellings, including for households on low incomes and students to whom the property in question should appeal.

11.0 COUNCIL CONSTITUTION

11.1 The scheme is eligible for call-in.

12.0. RECOMMENDATIONS

12.1 Executive Board :-

- Are requested to approve the release and injection of £705,000 section 106 monies into the Capital Programme at scheme 13150 to fund the grant for affordable rented housing and legal costs, as outlined above.
- Grant authority to spend £705,000 of section 106 monies on scheme 13150 which is to be fully funded from section 106 monies.

On Land	CPRH (1)
On Construction	CPRH (3)
On Furniture & equipment	CPRH (5)
On Internal Fees	CPRH (6)
£705,000 On Other Costs	CPRH (7)

£705,000 TOTAL



Originator: A W Hall

Tel: 247 5296

Report of the Director of Development

Executive Board

Date: 20 September 2006

Subject: A65 QUALITY BUS INITIATIVE

Electoral Wards Affected:

Hyde Park and Woodhouse
Kirkstall
City and Hunslet

Specific Implications For:

Equality and Diversity	<input type="checkbox"/>
Community and Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

Eligible for Call In

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

EXECUTIVE SUMMARY

1. On the 6 July the Secretary of State for Transport announced that the A65 Quality Bus Initiative had been granted “programme entry” to the LTP major schemes programme as part of the first round of Regional Funding Allocation approvals.
2. This report seeks approval to progress the detailed development of the A65 QBI scheme through design and statutory procedures to final procurement.
3. The proposed scheme will provide the following:
 - 4 kilometres of new bus lane
 - Improvements and bus priority measures at two major junctions and bus priority pre-signals at the exit points from the new bus lanes
 - New pedestrian and cycle facilities including cycle lanes
 - Improvements to bus passenger and information facilities along the route
4. Benefits from the scheme include:
 - Bus passenger journey time improvements of 4-6 minutes in the peak periods and up to 3 minutes in the off-peak periods
 - A projected increase of 9% in bus patronage
5. The Department for Transport has approved the scheme at a total cost of £20.746 million excluding project design and development costs.
6. Approval is sought to fund the detailed design at a cost of £834,000 from the Local Transport Plan programme, a proportion of which may be recouped from the DfT

1.0 Purpose Of This Report

- 1.1 This report updates Members on the current status of this project and seeks approval to progress the detailed development of a scheme for the A65 Quality Bus Initiative.

2.0 Background Information

- 2.1 The A65 Quality Bus Initiative scheme is part of a comprehensive project to establish the A65 route as a Quality Bus Corridor serving the North West of the Leeds District.
- 2.2 The Quality Bus Corridor is divided into three sections, covering the A65 corridor from Leeds city centre to Aireborough as follows:
- A65 QBI – Inner Ring Road to Kirkstall Lane (the subject of this report)
 - Abbey Road bus priority scheme – Kirkstall Lane to A6120 Horsforth Roundabout. Scheme and funding of £1.5 million previously approved by Executive Board and currently on site for completion by 31 March 2007.
 - A65 Rawdon Road scheme – A6120 Horsforth Roundabout to Guiseley. Proposals deferred subject to finalisation of the strategy for the A6120 and options for highway links to the airport. Further detailed evaluation of the options for providing improved bus priority to be evaluated.
- 2.3 A scheme for the A65 QBI was submitted to the Government as part of the Local Transport Plan 2001-06 submission and was Provisionally Approved in December 2001. Subsequent discussions with the Department for Transport (DfT) led to the submission of a revised scheme proposal which was developed to take on board the emerging redevelopment proposals for the Kirkstall Road corridor and further minimise the need for future land acquisition.
- 2.4 This revised scheme was remitted for regional advice on transport priorities by the DfT in December 2004 and subsequently was identified as a priority in the Regional Transport Board's submission to the Secretary of State in January 2005.
- 2.5 The proposed scheme is illustrated on the attached plan, the main elements of which are as follows:
- A total of 4 km of new bus lanes covering inbound and outbound journeys
 - Bus priority signal arrangements at two major junctions
 - Provision of additional pedestrian and cycle crossing facilities and cycle lanes
 - Pre-signal arrangements to give buses priority at the exits from the bus lanes
 - Improvements to bus passenger facilities including new shelters and information displays (in real time at the busiest stops)
- 2.6 Scheme benefits predicted for bus and other users are as follows:
- Reductions in bus journey times in the order of 6 minutes in the morning peak; 4 minutes in the evening peak and 3 minutes in the off-peak periods.
 - A forecast increase of 9% in bus patronage
 - Improvements in the safety and movement of pedestrians, cyclists and traffic

3.0 Main Issues

- 3.1 On 6 July the Secretary of State announced the details of the first round of schemes approved under the Regional Funding Allocation process and confirmed the granting of “Programme Entry” status for the A65 QBI scheme.
- 3.2 Programme Entry signifies the first step in the three stage process of Government approval for Local Transport Plan major schemes and indicates the DfT’s present intention to provide funding towards the cost of a scheme subject to the satisfactory development of the scheme, completion of statutory processes and confirmation of final costs. At this stage it is not however a firm commitment to provide the funding.
- 3.3 Subsequent stages of the Government approval process are as follows:
- Conditional Approval – this will be granted once the scheme development process is complete and all statutory approvals have been granted, including securing any necessary planning consents, and confirmation of the estimated scheme cost.
 - Full Approval – is granted on completion of the scheme procurement process and submission of the preferred bidder and final tender offer details to the DfT.
- 3.4 This report is seeking approval to commence the detailed development of the scheme in order that Full Approval can be sought and ultimately construction can be progressed.
- 3.5 As this report indicates the scheme has had a protracted gestation period during which the proposals have had to be modified in order to achieve a scheme with the necessary adaptability to meet the emerging redevelopment of sites along the Kirkstall road corridor. At the same time the Government developed and introduced new arrangements for consultation and review at the regional level including the appointment of a new Regional Transport Board, which has again had an impact on the development of this scheme.
- 3.6 The scheme approval has been based on the financial position submitted to the DfT in the autumn of 2005 and is based on an out-turn position assuming a start of the project development in the spring of 2006. This approach was taken in the absence of any firm advice from the Government in terms of a timetable for determining the outcome of the Regional Funding Allocation bids. The draft programme for delivery of the scheme therefore assumes a start of construction works in the later half of the 2008-09 financial year. At present the works are expected to take between 2 and 3 years to complete, but this will be subject to more detailed review as the project is progressed and the procurement arrangements are finalised.
- 3.7 A key consideration in taking the scheme forward will be the rate at which redevelopment of the Kirkstall Road corridor progresses. A land use planning brief has been prepared for this area which identifies an aspiration for the creation of a “boulevard” as part of the overall vision for future development. Whilst the A65 QBI will provide a dual carriageway layout with the flexibility to establish this, the DfT approved project budget cannot meet the costs for the full upgrade that will be needed to both deliver this aspiration and meet the likely future requirements for access to the new developments as they emerge through the planning process.
- 3.8 The processes for managing the project are set out in the following sections.

4.0 Implications For Council Policy And Governance

- 4.1 The A65 QBI scheme proposal is an integral part of the Local Transport Plan programme which contributes to the delivery of the Council's corporate objectives for transport and those of the Vision for Leeds. The scheme, as the main component of the larger package of measures for the A65 Quality Bus Corridor, will make a major contribution to improving the attractiveness and quality of bus travel and will significantly increase bus patronage and public transport mode share.
- 4.2 Progress will be reported to the Executive Board at the key stages in the delivery process. Oversight of the scheme will be provided by a Project Board chaired by the Director of Development and including Government Office, Metro and public transport operator representatives.
- 4.3 An initial briefing for Ward Members was held on 8 September and further briefings will be undertaken as the project is progressed.

5.0 Legal And Resource Implications

- 5.1 As part of the detailed development of the scheme a full evaluation of the necessary statutory requirements will be made. This will review the requirements for planning consents, processes needed to acquire any third party land and the highways and traffic Orders necessary to construct and implement the scheme.
- 5.2 The scheme business case submitted to the DfT set out the estimated costs of the proposal as follows:
- | | |
|--|-------------|
| Construction works and site supervision fees | £20,746,000 |
| Design fees and procurement costs | £834,000 |
- 5.3 As referred to in Section 2 of this report, the DfT no longer automatically fund the design and preparatory costs of major schemes. In the first instance it will therefore be necessary for the Council to meet the estimated £834,000 development costs needed to develop the scheme to the final procurement stage. This report proposes that these costs are met from the Local Transport Plan Integrated Transport scheme 99609 within the approved capital programme.
- 5.4 There is a limited opportunity to recover a proportion of the scheme development costs from the DfT, however in the case of this scheme which has been approved under the existing major scheme funding rules (rather than the revised rules now being drafted by the DfT) such a contribution would be entirely on merit at the DfT's discretion and in any event cannot exceed a maximum 60% of the eligible costs. An indication of any intention to reclaim future preparatory costs was requested as part of the scheme approval and the DfT has been advised that the Council would wish to seek repayment of a proportion of its preparatory costs at a future date.
- 5.5 Cost along with the completion of the necessary statutory processes represent a key area of risk for this project. The proposals for project management and governance have been set out in Section 4 of the report and robust risk management processes will be incorporated into these arrangements. The approved scheme costs set out above were calculated to out-turn years for the expected construction programme at the time of the Regional Transport Board's submission to the Government.

5.6 The report also notes in Section 3 that during the project development period very significant redevelopment proposals are likely to emerge through the planning process for sites adjacent to the section of Kirkstall Road extending from the Inner Ring Road to Canal Road. It is the intention that the scheme will be developed in conjunction with the developers and landowners to offer the necessary flexibility to meet their needs as they emerge through the planning process and associated agreements and obligations. This process will also need to have regard to the fact that the budget for the A65 QBI is essentially a fixed sum and that costs associated from slippage cannot be expected to be borne by the Department for Transport.

6.0 Conclusions

6.1 The A65 QBI is the major component of the package of measures required to deliver a comprehensive Quality Bus Corridor for the A65. Approval to the “programme entry” stage by DfT marks the first formal step in the process of delivering this scheme. As this report has set out, the Council is required to fund the development costs for the scheme to the point where a final tender offer is agreed. Although there is some potential to recover a proportion of these costs from the DfT, this is not guaranteed.

6.2 This report has set out the proposed arrangements for progressing the scheme’s development to tender and the Final Approval stage. A robust process of project and risk management is being put in place to support this. A major consideration in the detailed development of the proposals is the redevelopment proposals which are continuing to emerge and take shape for major sites along the Kirkstall Road. The scheme proposals have been designed with the flexibility to accommodate the changes that may be required to facilitate these developments as their details are finalised.

6.3 Approval is therefore sought to progress the scheme and fund the development costs.

7.0 Recommendations

7.1 Members of the Executive Board are requested to:

- i. Note the contents of this report and the Government’s decision to grant “programme entry” status to the A65 Quality Bus Initiative scheme.
- ii. Give approval to commence the development of the scheme, including detailed design, statutory procedures and procurement planning.
- iii. Approve scheme development costs of £834,000 to cover detailed design fees and the preparation and consultation costs necessary to secure the statutory approvals for the scheme.
- iv. Agree the submission of a further progress report once scheme development has progressed.

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Originator: A W Hall

Tel: 247 5296

Report of the Director of Development

Executive Board

Date: 20 September 2006

Subject: CAR PARKING STRATEGY IN TOWN AND DISTRICT CENTRES

Electoral Wards Affected:

All

Specific Implications For:

Equality and Diversity

Community and Cohesion

Narrowing the Gap

Eligible for Call In

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

EXECUTIVE SUMMARY

The planning principles that influence car parking policy in Leeds' town and district centres is set out in the Council's adopted Unitary Development Plan and the West Yorkshire Local Transport Plan.

At present the 28 individual centres identified in the UDP do not have specific local parking strategies. It is considered that a more integrated approach could provide a greater consistency when reviewing parking issues and considering developments in the future.

This report sets out proposals for a future approach to the development of local car parking strategies for town and district shopping centres in Leeds District, in particular:

1. the possibility of developing a general approach to car parking in towns and district centres based on interventions to control provision and short/long stay including on and off-street parking.
2. use of parking controls for the management and improvement of car parks
3. priorities for any more detailed consideration of particular centres.
4. sources of funding to allow the strategy work to be progressed, including appropriate use of the Town and District Centres fund.

1.0 Purpose Of This Report

- 1.1 To outline proposals for a strategy approach to the future development of car parking strategies for town and district shopping centres in Leeds District.

2.0 Background Information

- 2.1 The planning principles that influence car parking policy in Leeds' town and district centres is set out in the Council's adopted Unitary Development Plan, key policies being:

- Policy S2 supports measures to enhance the vitality and viability of 28 identified town centres (Appendix 1).
- Policy S3 aims to secure improvements to parking, recognising the primary role of the centres for retailing.

- 2.2 These policies are operated alongside the strategic transport policies for parking set out in the West Yorkshire Local Transport Plan 2006-11.

- 2.3 Shoppers and visitors need good quality short-stay parking (typically 1-3 hours) and a secure, good quality central location is required.

- 2.4 Employees need long stay car parks. A peripheral location is satisfactory where central space is limited and utilised for short stay.

- 2.5 Much of the parking stock in towns - typically 50% - is privately owned and not available for public use.

- 2.6 Town centres often have a supply of car park spaces which are available for both short and long stay use. Long stay users can quickly fill up central spaces and sterilise them for short-stay use.

- 2.7 General objectives of Town Centre Parking (identified by the Institution of Highways and Transportation (IHT) in their "Parking Strategies & Management" 2005 guidelines) are as follows:

- To provide parking to support the local economy
- To manage parking to encourage short stay visits in the town centre – Choices need to be made as to whether long stay spaces for workers and traders in the town should be available at the expense of short stay spaces provided for those visiting the town.
- To charge for parking to ensure a reasonable balance between demand and supply of parking at all times – Controls on the length of stay will differentiate between long and short stay use. Charging is required to control the overall demand for parking and provide a source of revenue for the operation of the parking business. The current view is that it is generally preferable to charge a modest amount for short stay parking rather than attempting to provide a readily enforceable system that is free.
- To integrate any charges for parking with objectives for other modes of transport – Costs of car travel are only likely to be comparable with those for public transport if parking charges are levied. This objective reflects an integrated approach to the management of transport demand by all modes.
- To ensure that parking revenues cover parking costs – There is pressure from central government that parking enforcement should be self financing.
- To ensure that parking supply is consistent with good traffic and pedestrian access – Inadequate turnover of spaces can cause extensive traffic circulation,

resulting in congestion and a poor pedestrian environment. Adequate and well enforced short stay spaces which are close to core facilities are important in meeting this objective.

- To ensure parking supply does not sterilise positive land-use development that can assist the economy of the town

2.8 The general strategy for a town centre is seen as using parking management to influence the location of where people park, and their length of stay, as follows:

- Favour on and off-street central spaces for short-stay only
- Use parking controls to favour short stay parking and promote good compliance.
- Provide for long-stay use in peripheral areas, either on-street or off-street.
- Control, where necessary, the use of kerb-side parking space on residential streets.
- Separate parking where it is dedicated to park and ride use (i.e. rail stations), from parking available for general town centre use
- Recognise the role that alternative public transport modes (which might include park and ride for some suburban centres), and walking/cycling can play in reducing parking demand..

Any management of on-street spaces will of course need to consider other demands on the kerbspace of the highway, such as bus boarding and deliveries.

2.9 The total amount of parking for a town centre needs to be related to the size of retail and office (or employment) floorspace in use, and local characteristics. A general strategy will include a comparison of parking supply and floorspace figures across many towns to reveal those that are relatively well provided with parking, and those which are underprovided. This can also be combined with the available intelligence in terms of centre vitality and economic performance, although this information may well be sparse and have a very limited relationship to the parking supply.

2.10 All towns and district centres will have individual characteristics that will need to be assessed to refine this initial comparative view of the adequacy of provision. These characteristics will be the key determinant in formulating and tailoring future action plans to local circumstances.

2.11 Consultation is expected to form an integral part of determining both the priorities and also informing the proposed course of action. In terms of the local centre parking strategies it is envisaged that there would be close collaboration with the Area Management Teams. This will be especially important in understanding the needs of the local economy (where detailed data may not be available) and facilitating an effective dialogue with the local community.

2.12 Any actions to address a shortfall in car parking will require a sound policy basis, and mechanisms established to secure parking through capital expenditure or within new development. Regard will need to be given to the overall policy framework in terms of the Local Transport Plan and the aforementioned planning guidance.

3.0 Main Issues

- 3.1 At present individual S2 centres do not have specific local strategy statements, rather reliance is placed on the overarching policies provided within the Local Transport Plan and Unitary Development Plan when considering new development and changes in management. This approach can lead to seemingly ad hoc solutions which can sometimes appear different and inconsistent to those at other locations. The development of a more integrated strategy framework that could be applied across the District would have value as a guide to the use of parking controls and charges; to assist in realising improvements; and to inform decisions about new provision through public or private investment and development.
- 3.2 Based on the information under Section 2 above, it is proposed that the way forward with respect to developing parking strategies for the town centres should be to:-
- Agree the parking management principles as set out in para 2.8 above.
 - Commission the next stage of study work to develop assessment criteria and a framework that can be applied to the consideration of parking issues, then use these in conjunction with stakeholder consultation to prepare and agree an action list of town centres to inform priorities for the development of proposals..
 - Identify the funding sources needed to support further strategy development and implementation (noting that the preparation of detailed strategies and fully worked proposals with the associated surveys, research and consultation will involve the allocation of significant financial resources)
 - Develop action plans and scheme proposals for the priority town centres based on the agreed priority action list.
- 3.3 Appendix 2 outlines recent work in Otley which illustrates a case study of potential strategy application and implications. It is intended that future detailed work for priority centres will look in a similar way at:
- Parking spaces and availability both public and private
 - The needs of visitors, retailers and employers
 - Quantum of retail and employment uses
 - Present and forecast levels of new development
 - Measures of economic and community vitality
 - The role of other forms of transport including public transport
 - Associated highway matters including traffic congestion and road safety considerations.
- 3.4 This information will then be used to prepare a report and recommendations for action for the centres under study which will form the basis of parking strategy proposals.

- 3.5 Although the assessment framework will form the impartial basis for targeting key problems, in the first instance due regard will be given to existing work and discussions with the local area management teams to identify those major centres likely to benefit most from the early introduction of parking policy changes.

4.0 Implications For Council Policy And Governance

- 4.1 National, regional and local policy is supportive of promoting the vitality and viability of town centres. Provision of long-stay car parking essentially to be used by car commuters is not supported, particularly as town centres generally have a relatively high level of public transport accessibility and large walk-in catchment. Each town centre would, however, need to be considered separately as their situations vary considerably. The character of towns and district centres varies widely between the inner suburban centres such as Headingley and Beeston
- 4.2 Provision of car parking for long stay use in town centres can only be justified against a strategy which, through re-allocation of spaces, effectively delivers central short stay spaces to the benefit of the town's economic vitality.
- 4.3 In developing and applying parking strategies, full account must be taken of compatibility with Local Transport Plan objectives, concerned with accessibility, congestion, safety, air quality and asset management.
- 4.4 New development, especially in the larger towns, may provide opportunities to negotiate the provision of public car parking in private schemes. A firm strategy basis which is soundly rooted in policy will be required which can support such negotiations, and preferably retain such parking in Council control. Where such proposals are significant, a general strategy may need to be refined by in-depth local investigations to support the Council's case.

5.0 Legal And Resource Implications

- 5.1 This report does not have any specific legal implications. The development of appropriate strategies will require additional revenue resources in 2007/08 for which the Department does not have specific budget provision. The funding of these one off costs will be identified as a budget pressure in 2007/08, as part of the Department's overall budget submission. The initial work to develop assessment criteria and a framework can be funded from the Development Department's Transport Policy revenue budget.

6.0 Conclusions

- 6.1 The lack of a defined car parking strategy, either at a general level or for specific town centres, is likely to lead to increasing dissatisfaction with parking. Whilst parking management and intervention may have some effects that may initially prove unwelcome, the overall consideration is to ensure that parking can contribute to the well-being of a town or centre. The preparation of effective strategies and measures will entail careful and well informed research which will be aided by effective consultation through the Area Management Teams.

7.0 Recommendations

7.1 Members of Executive Board are requested to:

- i. note the content of this report;
- ii. endorse the development of a general approach to car parking in towns and district centres based on the principles described in paragraph 2.8 of this report;
- iii. subject to the endorsement of recommendation (ii), give approval for the initial work to establish the appropriate parking assessment criteria and framework and to identify an action list of town centres, together with cost estimates for the strategy development work.

APPENDIX 1

UNITARY DEVELOPMENT PLAN – SHOPPING POLICY S2 CENTRES

Policy S2: “The vitality and viability of the following town centres will be maintained and enhanced, in order to secure the best access for all sections of the community to a wide range of forms of retailing and other related services”:

1. Armley
2. Boston Spa
3. Bramley
4. Chapel Allerton
5. Cross Gates
6. Hunslet
7. Kippax
8. Kirkstall
9. Middleton (Ring Road)
10. Moor Allerton
11. Dewsbury Road
12. Farsley
13. Garforth
14. Guiseley (Otley Road)
15. Halton
16. Harehills Corner
17. Headingley
18. Holt Park
19. Horsforth (Town Street)
20. Meanwood
21. Morley
22. Oakwood
23. Otley
24. Pudsey
25. Rothwell
26. Seacroft
27. Wetherby
28. Yeadon

Note: This UDP based list does not differentiate between the different character and functions of these centres. But in parking policy terms the needs of the “suburban district centres” (e.g. Dewsbury Road) will be markedly different from the more established free standing town (e.g. Otley) and major retail centres (e.g. Cross Gates)

APPENDIX 2

EXAMPLE OF PARKING STRATEGY APPLICATION AND IMPLICATIONS FOR OTLEY

Using recent parking survey information in Otley and applying the principles identified in paras 2.7 and 2.8 of the report for Otley shows that:

- Overall parking supply is generally adequate but long stay use diminishes the number of central short stay spaces available. On Market Days, the only available parking is mainly on-street in peripheral, residential streets.
- The modest charges (now 40p per hour) at some Council car parks are effective in confining those car parks to short stay use.
- Imposing charges or time limits on other central on- and off-street car parking to inhibit long stay use would displace around 100 cars.
- The main effect would be for long stay parking to take place on peripheral residential streets. Whilst this is a resource generally available during the working day, it is likely to result in concern for residents and requests for residents permit parking.
- Alternatives are to:
 - seek provision of new off-street long-stay spaces in the periphery, through either public car parking in new development, or new Council-run sites.
 - maximise use of private non-residential spaces in the town centre through co-operative arrangement with site owners.
- Additional car park revenue from extending current charges to other Council car parks could be used to improve parking quality.
- Whilst Otley has a relatively high accessibility by public transport, it also has high car ownership which results in parking demand.
- There are several active development proposals on car park sites which raise issues of replacement car parking.



Originator: Nicole Brock

Tel: 24 74568

Report of the Chief Officer, Executive Support

Executive Board

Date: 20 September 2006

Subject: Leeds City region Development Programme

Electoral wards affected:

All

Specific implications for:

Equality and Diversity

Community Cohesion

Narrowing the gap

Eligible for call In

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

Executive Summary

The purpose of this report is to seek Executive Board's endorsement to the proposed arrangements for securing the submission of the Leeds City Region Development Programme to the Northern Way Secretariat and Central Government by 29 September 2006. In that context, Executive Board is also requested to authorise the Chief Executive, in consultation with the Leader, to agree the final terms of the document in concert with the other local authorities that make up the Leeds City Region Partnership.

The draft Leeds City Region Development Programme is being prepared in response to a request from the Northern Way Secretariat. It is intended to inform a pan regional narrative for influencing Government, RDAs and other delivery organisations into putting city region priorities at the heart of their decision making, and to feed into the 2007 Comprehensive Spending Review.

The City Region Development Programme will be formally launched at a regional event being planned for Friday 3 November in Halifax, and a national event being held on Monday 20 November in Westminster.

1.0 Purpose of this report

- 1.1 The purpose of this report is to seek Executive Board's endorsement to the arrangements for securing the submission of the Leeds City Region Development Programme to the Northern Way Secretariat and Central Government by 29 September 2006. In that context, Executive Board is also requested to authorise the Chief Executive, in consultation with the Leader, to agree the final terms of the document in concert with the other local authorities that make up the Leeds City Region Partnership. Finally, the report also outlines proposals for the formal launch of the document at a regional event on Friday 3 November in Halifax, and a national event being held on Monday 20 November in Westminster.

2.0 Background information

- 2.1 The draft Leeds City Region Development Programme is being prepared in response to a request from the Northern Way Secretariat.
- 2.2 The Regional Development Agency (RDA) led Northern Way seeks to transform the North into "an area of exceptional opportunity, combining a world class economy with a superb quality of life". The Strategy sets out how, over a twenty-five year period, it will bridge the £30 billion productivity gap between the North and the average for England.
- 2.3 The Secretariat published its first Northern Way Business Plan 2005-2008 in June 2005. The Business Plan outlines pan-northern activities under ten investment priorities to deliver the first three years of the growth strategy. At the same time, each of the eight Northern Way city regions published their City Region Development Programmes (CRDPs) setting out their first cut analysis of their city region economy and their proposals for accelerating its growth.
- 2.4 Following these publications there have been a number of feedback discussions between the city regions, the RDAs, the Office of the Deputy Prime Minister (and subsequently the Department for Communities and Local Government) and the Northern Way Secretariat. In addition, the Government has announced its decision to call off a Spending Review in favour of a Comprehensive Spending Review in 2007. Both of these factors necessitated a revision of the series of CRDPs.
- 2.5 The Northern Way Business Plan stated that the CRDPs will play a major part in closing the £30 billion output gap and that the Northern Way would:
- "...continue to work with the city regions to further develop the programmes into robust and realistic narratives, reflecting the latest research and evidence about city region economic development, and capable of convincing a wide audience."
- 2.6 The second iteration of the CRDPs are intended to provide the analysis for identifying and prioritising policy and programmes that will accelerate economic growth using the real world economic geography of the city regions, based on robust and relevant data and evidence. The Northern Way Secretariat will use the CRDPs to inform a pan regional narrative for influencing Government, RDAs and other delivery organisations into putting city region priorities at the heart of their decision making.

3.0 The Leeds City Region Development Programme

- 3.1 The draft Leeds CRDP is being prepared by the Leeds City Region Secretariat (Leeds City Council's Regional Policy Team) in conjunction with the City Region Policy Advisers Group (whose membership consists of policy advisers drawn from each of the city region local authorities together with key sub-regional and regional representatives).
- 3.2 The document is being informed by meetings and work undertaken by the following pan city region Themed Groups (which include partner representation):
- Transport Connectivity (led by METRO – West Yorkshire PTE)
 - Innovation (led by York City Council)
 - Business Infrastructure (led by Wakefield Metropolitan District Council)
 - Skills (led by Kirklees Metropolitan Council)
 - Housing (led by Leeds City Council)
 - Clusters (led by Bradford Metropolitan District Council)
 - Quality of Life (led by North Yorkshire County Council)
- 3.3 The document will also be informed by the following commissioned pieces of research:
- A 20 Year Vision for Transport in the City Region undertaken by Arups.
 - Research by Leeds University (Roger Henderson) on the emergence of Leeds city region as a national centre for financial and business services, and actions to promote its enhanced growth.
 - Research on the links between the economic growth trajectory and the city region's housing offer undertaken by CURS, and subsequently Professor Ian Cole's (Sheffield Hallam University) work on policy implications.
 - Research on mapping innovation capabilities undertaken by SQW on behalf of the Key Cities.
 - Work by the White Rose Consortium on the European Spallation Source project at Selby.
 - Econometrics modelling undertaken by Yorkshire Forward in conjunction with the city region local authorities.
- 3.4 It is intended that the draft Leeds CRDP will put forward a scenario to achieve 4% per annum growth in GVA per capita across the city region over the coming ten years. This growth rate is sufficient to close the productivity gap with the England average over the same time period. This rate of growth will create around 150,000 net new jobs and result in a £21.5 billion increase in GVA across the city region.
- 3.5 To achieve this level of growth, the developing CRDP proposes actions under three key areas:
1. Maximising the city region's key economic assets:
 - Financial and business services
 - Electronics
 - Bioscience and medical research
 - Digital and creative industries
 - Science hub and the European Spallation Source

2. Addressing underlying inhibitors:

- Transport connectivity (20 Year Transport Vision for the City Region)
- Skills and labour market
- Business infrastructure and support
- Housing and sustainable communities
- Quality of life, quality of place, culture, marketing and image

3. Developing the Leeds – Manchester – Sheffield economic core

3.6 The series of research outcomes and the draft CRDP document will be presented to a meeting of all eleven City Region Leaders on 11 September 2006. It is intended that final editing of the document will then take place prior to its submission to the Northern Way Secretariat and Central Government by 29 September.

4.0 Launching the City Region Development Programme

4.1 Given the critical importance of 2007 Comprehensive Spending Review and the likelihood of other city regions stepping up their communications activity and media profile over the coming months, it was considered vital that the Leeds City Region Partnership maximises the opportunity of the launch of the CRDP document to raise the profile of the city region and bring the issues to a wider constituency. In this context, a glossy version of the CRDP document will be published.

4.2 City Region Leaders were therefore asked to agree a programme for disseminating the priorities contained within the CRDP document. These are:

- A regional launch at HBOS Headquarters in Halifax coordinated by Calderdale Metropolitan District Council, scheduled for Friday 3 November 2006.
- A parliamentary event at the Palace of Westminster, scheduled for Monday 20 November.
- Related launch activity in London.

4.3 Calderdale Council have secured the support of HBOS who have kindly agreed to support a regional launch event for the CRDP document to be held in Halifax at their Headquarters building. This event would mark the high profile public launch of the document and provide an opportunity for city region stakeholders including private sector organisations, individuals and public bodies involved in the city region baseline research, MPs and selected local journalists to be presented with the document and to use the associated press and media interest to raise the profile of the Leeds city region as a major economic driver in the north.

4.4 The CRDP will be presented to a parliamentary audience via a Parliamentary tea event on Monday 20 November. The event is intended to attract a high profile audience, providing a platform for City Region Leaders and Chief Executives to meet with Ministers, MPs, special advisers and Civil Servants, particularly those who have an influence in terms of the Spending Review, including HM Treasury. The event will be held in the large heated Terrace Marquee at the Palace of Westminster. Rt Hon Hilary Benn MP has agreed to sponsor the event.

4.5 The launch of the document also presents an opportunity to build a package of related activity particularly at Westminster which might bring added value to Leeds city region's profile. An example of this would be arranging a meeting with the Department for Transport to discuss issues arising from the City Region 20 year

Transport Vision, and Gillian Merron MP has already been approached with a view to facilitating this meeting.

5.0 Implications for council policy and governance

- 5.1 The proposals outlined in the developing CRDP are consistent with the “Going up a league as a city” and “Developing Leeds’ role as the regional capital” aims of the Vision for Leeds 2004 to 2020. The CRDP will also contribute towards the “Leeds is a highly competitive, international city” strategic outcome of the Council’s Corporate Plan 2005 to 2008.
- 2.5 Submission of the Leeds CRDP will meet the following key activity outlined in the Council Plan 2006/07: “The Leeds City Region Development Plan will be completed and submitted in autumn 2006 to feed into the 2007 Comprehensive Spending Review”. Its associated launch will also contribute towards “A lobbying and advocacy strategy for Leaders to take forward and promote communication of the Leeds City Region”.

6.0 Legal and resource implications

- 6.1 The proposals outlined in the draft CRDP will seek to influence the 2007 Comprehensive Spending Review, with a view to securing greater resources into the Leeds city region, aimed at securing greater economic competitiveness and addressing regional economic disparities.

7.0 Recommendations

- 2.6 Members of Executive Board are requested to:
- a) endorse the arrangements for securing the submission of the Leeds City Region Development Programme to the Northern Way Secretariat and Central Government by 29 September, and, in that connection,

authorise the Chief Executive, in consultation with the Leader, to agree the terms of the final document, in concert with the other authorities which make up the Leeds City Region Partnership, and,
 - b) note the proposals for the formal launch of the City region Development Programme as set out in the report.

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Originator: Sue Morse

Tel:0113 3951398

Not for publication: Report exempt from Access to Information Procedure Rules by reason of 10.4(3)-Appendices 1,2 & 4 only

Report of the Director of Neighbourhoods and Housing

Executive Board

Date: 20 September 2006

Subject: REGENERATION OF CROSS GREEN (Phase 2)

Electoral wards affected:
Burmantofts & Richmond Hill

Specific Implications For:

- Equality and Diversity
- Community Cohesion
- Narrowing the Gap

Eligible for call in

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

Executive Summary

In line with the objectives of the Vision for Leeds 2004-2020 and the Leeds Housing Strategy an allocation of £7.18 million has been secured from the Regional Housing Board to be spent during the financial year 2006/7. This funding is available for the purpose of tackling poor quality, pre 1919 housing stock in the priority regeneration areas of Beeston Hill, Harehills and Cross Green with an in principle allocation of £6.39m for 2007/8. The proposals set out in this report will utilise £2.4m of this allocation and will form the basis of a wider regeneration project which, linked to service delivery and neighborhood management initiatives being pursued by the to'gether partnership in East Leeds, will improve the quality of life and long term sustainability of Cross Green and East End Park.

This report advises Executive Board of the options considered for an area encompassing 52 properties in Cross Green (as shown on Appendix 1 Plan 1 and labelled 'target area phase 2') and details the results of an option appraisal. Addresses of affected properties are identified at Appendix 2. The report sets out recommendations for acquisition and clearance of 52 properties and seeks in principle approval to proceed with the acquisition of the properties within the target area by agreement with their owners. In the event that agreement cannot be reached with owners authorisation is requested from Executive Board to make and promote any necessary Compulsory Purchase Orders.

1 Purpose Of This Report

A capital grant of £7.18m has been allocated by the Regional Housing Board (RHB) for a long term housing market renewal programme to tackle poor quality, pre 1919 housing stock in areas including Harehills, Beeston Hill and Holbeck and Cross Green/East End Park. It is anticipated that a further £6.39m will be allocated to the Leeds Housing Partnership in 2007/8. The purpose of this report is to consider the options for regeneration of the Cross Green area and to seek approval for the acquisition and clearance of 52 properties within Cross Green by utilising £2.4m of this funding during 2006/8.

2 Background Information

- 2.1 The Cross Green area (as outlined on plan 1 at Appendix 1) is included within one of the worst 3% Super Output Areas nationally. These areas have been prioritised in agreement with national government through the cities Local Area Agreement for focused intervention. This intervention aims to bring the area up to a level of quality comparable with other neighbourhoods in the rest of the city. The area suffers from a number of deep-seated issues which need to be addressed – environmental quality, access to transport, traffic conditions, community safety, poor housing conditions and mix, lack of facilities, general health and well-being. The area has been experiencing the signs of decline for several years. Crime and anti social behaviour have combined with obsolescent and poor quality older housing stock to affect the popularity of the area.
- 2.2 The challenges the area faces in seeking to revive its fortunes are bound up with the concentration and the condition of the older housing and the social and economic decline that is linked to it. Only through a major intervention to physically improve the area and change its existing socio-economic profile will enduring improvements be achieved. This will involve retaining existing stable population elements and attracting new higher income residents to the area. In looking at potential opportunities an important consideration is the interdependency between the future of Cross Green (currently an isolated area) and the future development of the adjacent former Copperfields College site (which has a frontage to the East Leeds Link Road.). The former has an influence on the latter not only in terms of helping to address issues relating to links and connectivity but also potential value.
- 2.3 In addition to this housing regeneration opportunity there is also now new capacity to provide better management and policing of the neighbourhood to achieve and sustain improvements which tackle the existing community safety issues and poor quality environment.
- 2.4 It is proposed that a comprehensive regeneration strategy for the Cross Green area is prepared. It is envisaged that a number of options would be likely to be generated and that subsequently these would need to be fully evaluated before any decision on the way forward could be made. Of vital importance in any process leading up to a producing a strategy is the involvement of local people from the outset. The intention would be to use and build upon existing consultation networks and arrangements in the area rather than developing anything separate.
- 2.5 A partnership arrangement (to'gether) has been established with the aim of bringing together services to tackle the anti social behaviour blighting the area, stem the decline and stop people moving out. Membership of the to'gether partnership includes re'new, Leeds South East Homes, LCC Area Management, West Yorkshire Police, Fire Service. Education Leeds, LCC Anti Social Behaviour

Unit, LCC Street Scene Services, LCC Environmental Health Services. The area is the focus of a programme of intensive neighbourhood management

2.6 The potential for regeneration in this area is enhanced by the interrelationship of the proposals contained within this report and a number of other initiatives within the area,

- The Copperfields College site is a key site within the boundary of the **Aire Valley Leeds** regeneration area and is located on Cross Green Lane opposite to the Cross Green Housing area.
- **East and South East Leeds (EASEL)**
The area lies within the EASEL regeneration area. The EASEL initiative aims to provide and maintain decent housing and sustainable communities.
- **East Leeds Link Road**
The route of the East Leeds Link Road skirts the area and will help to alleviate traffic conditions within the residential area. Construction is anticipated to commence in November 2006 and be completed in November 2008

The geographical context of these initiatives is illustrated at Appendix 1 Plan 2.

2.7 Borrowing approval of £0.5m was awarded by the RHB to commence regeneration of the Cross Green/East End Park area for the year 2005/6. On 17 May 2006 Executive Board approved a proposal which utilised this funding to acquire 5 privately owned properties with a view to demolition of 21 properties in Cross Green. Work is currently underway by council officers, on behalf of the Leeds Housing Partnership, to acquire these properties with the agreement of their owners. The clearance of this small triangle of properties alone, while an important starting point, will have only limited impact without further phases of interventions such as group repair enveloping and more selective demolition.

A small site adjacent to the Cross Green housing area has recently been acquired by Nixon Metropolitan who have secured planning permission for a residential development on this site.

3 Main Issues.

3.1 The area which is the subject of this report comprises of 52 brick terraced back to back houses. It is proposed that the properties, as identified in Appendix 2, are acquired and demolished to produce a cleared site suitable for the provision of new housing and much needed open space. The Executive Board report of 17.5.06 which proposed the acquisition and demolition of 21 properties (i.e. phase 1) advised that "The size and shape of the cleared site would, in isolation, be unviable for the re-provision of housing. It is therefore, proposed that the site be grassed over for use as open space. Ultimately, in the longer term further phases of demolition, if approved, will enhance the site to ensure an appropriate size for a housing development incorporating open space provision". The proposals contained within this report will help to consolidate the site which will ultimately be cleared by phase 1

3.2 These properties are in relatively poor condition and of low demand; the only demand coming from private landlords and speculative investors. While property prices are comparatively low investors are able to see the potential return from private lettings. A concentration of privately rented property can often lead to an over representation of vulnerable, mobile and anti-social residents.

3.3 The Vision for Leeds 2004 to 2020 identified as one of its aims the intention to “Regenerate and restore confidence in every part of the city” and to “Make sure that local neighbourhoods provide choice in the types and costs of housing available so that people do not have to move out of an area to meet their housing needs and choices by:

- Reducing the amount of housing that is unpopular or unfit
- Providing housing that is more suitably matched to needs and choice
- Improving the image of all types of rented accommodation
- Making it easier to move between different types of rented housing and promoting renting as an alternative to buying.

The vision of the Leeds Housing Partnership as detailed in The Leeds Housing Strategy 2002/3 – 2006/7 is

“To create and maintain decent homes in decent neighbourhoods”
The relevant core aims of the Leeds Housing Strategy are to

- Provide and maintain decent housing
- To support the creation and maintenance of decent neighbourhoods
- To sustain healthy, accessible housing markets

These reflect the

- national policy priorities of quality, choice and social inclusion
- Regional and sub regional priorities of providing housing and services to meet needs, demands and economic requirements
- Local priorities of closing the gap

The proposals contained within this report consider how best to address these aims with the resources available. The option appraisal has considered 3 options for the area with reference to their ability to meet the defined objectives:

- Option A: Do minimum to meet legal conformity
- Option B: Group Repair and internal remodeling
- Option C: Acquisition and redevelopment of the site.

3.4 **Option A: Do minimum to meet legal conformity**

Generally in terms of the older housing stock, the Leeds South East Homes (LSEH) business plan does not support major refurbishment. Whilst LSEH will maintain and repair stock, they are unlikely to undertake any significant improvement where investment in housing stock is considered to be uneconomical. The estimated cost of bringing the 32 properties owned by LCC up to the Governments Decent Homes Standard is approximately £25,000 per property. Turnover is high in the Cross Green area and demand for the area is relatively low. Investment in these properties would therefore, prove financially unviable and their sustainability questionable.

Despite the uncertainty surrounding the sustainability of investment in this area LSEH have a legal obligation to ensure that all the housing stock that they managed meets the Governments Decent Homes Standard by 2010.

LSEH have calculated that they will need to spend £800,000 by 2010 to bring the 32 council properties in the target area up to the Decent Homes Standard. However, this standard does not address the issue of poor design, layout, the lack of gardens/private space and poor built environment. Refurbishment of LSEH properties alone would provide only a piecemeal solution. It would also mean that an opportunity to contribute to the regeneration of the wider Cross Green area is missed.

Evidence suggests, therefore, that the expenditure required to comply with the above **minimum** standard would

- **not** address all of the issues identified by residents as unsatisfactory
- **not** prove to be cost effective
- **not** prove to be sustainable
- **not** enable the levels of change required to regenerate the area to be achieved

3.5 **Option B: Group repair and internal modeling.**

Enveloping works to the exterior of the properties would create a visually superior and uniform street scene. This, coupled with major remodeling of the properties may create through terraces with better layout and room sizes which would meet (potentially exceed) the Decent Homes Standard. Consultant Architects (West & Machell) working in the Harehills area of Leeds have estimated that the remodeling of two back to backs to form 1 family house would costs £65,000 per conversion in construction costs alone. The cost of remodelling all 52 properties in the target area, including acquisition and conversion costs, is estimated at £5,642,000 (see Appendix 4).

Even if ultimately these properties were sold on the open market for an optimistic £100,000 each this could potentially result in a **net loss** to the Council of approximately £3m. It is also doubtful whether **long term** demand exists even after conversion. Whilst this option may address some of the issues with poor conditions and potentially the lack of gardens as raised by some residents (see Appendix 3); it cannot address issues of poor housing mix, over density or poor environment and amenity. It is highly questionable whether such extensive works and expenditure would be cost effective, justifiable, or sustainable when compared with other options.

In view of the high costs involved, the fact that limited funding is currently available from RHB, and that regeneration priorities in other areas of the city require funding this option has been ruled out as a viable option on the grounds of affordability.

3.6 **Option C. Acquisition, Clearance and redevelopment of the site for housing**

- 3.6.1 Housing conditions and property types vary across the Cross Green Housing area. In general however, the properties surrounding the phase 1 target area are in a worse condition and are considered to be less sustainable than those in other parts of the Cross Green area. The properties which are the subject of the proposals contained within this report are type 2 back to back terraced properties (i.e open directly onto the street without any private external space)

- 3.6.2 Acquisition of the 20 privately owned properties within the target area and clearance of all 52 houses would form the next phase of the longer term strategy to consolidate action already underway in Cross Green. Clearance in order to provide new housing will help to arrest the decline of surrounding properties and provide a catalyst to the regeneration of the wider area.
- 3.6.3 Redevelopment of the cleared phase 1 site combined with the area of clearance proposed within this report creates the potential for a development of quality new homes and open space provision. Assuming that demolition could be completed by 2008 construction of the new homes could potentially be complete by 2010. Initial indications are that the combined sites could accommodate between 40 and 50 new homes. As the Cross Green area falls within the EASEL regeneration area this presents one option of delivery, i.e development by the Joint Venture of these cleared sites. Although further appraisal work is required to determine issues surrounding property type, mix and tenure an opportunity to promote low cost home ownership initiatives and further social housing provision is created by further clearance in this area.
- 3.6.4 A formal Option Appraisal in accordance with the corporate procedure has been carried out to assess Options A and C (option B having been ruled out on grounds of affordability). Both financial and non financial aspects of Options A and C have been considered.

A discounted cash flow exercise has been carried out for options A and C and the net present values are as follows

Option	Description	NPV £000
A	Do minimum to meet legal conformity	788
C	Acquisition and redevelopment of the site for housing	2036

This exercise and the table above illustrates the cost of each option over the next 25 years at todays value. Although the financial element of the option appraisal would suggest that Option A is preferable the pursuance of the stated objectives of this project are critical to the achievement of the strategic aims of the Vision for Leeds and the Leeds Housing Strategy.

- 3.6.5 Option C (Acquisition, clearance and redevelopment) scores highly against each objective as outlined in paragraph 3.3. Clearance and reprovision of housing facilitates the potential to create high quality housing, which is of a type and size matched to the needs and choices of residents, in an attractive environment which would as a consequence contribute to the improved image and regeneration of the area and community. Option A (Do minimum to meet legal conformity), is able only to meet some of the objectives to a limited extent and potentially for a limited timescale. Other objectives, i.e. matching housing to needs and choice and tackling poor environmental quality, are not met at all by Option A. This is due to the fact that the governments Decent Homes Standard is a minimum standard which focuses on fitness, disrepair and the provision of modern facilities within the dwelling. It does not consider the external environment or the internal layout, size or number of rooms.

- 3.6.5 Whilst the financial analysis in isolation would seem to support option A the assessment of non financial factors must be given careful consideration also. The contribution of Option C to key strategic objectives outweighs the differential in financial terms in this instance. Option C is, therefore, the one recommended to Executive Board.

4 Implications For Council Policy And Governance

- 4.1 The Leeds Housing Strategy has identified the regeneration and renewal of areas with frail housing market conditions, poor quality or obsolete housing and issues with multiple deprivation as a key priority. This has also been identified as a key priority both in the Regional Housing Strategy and the West Yorkshire Housing Strategy. This proposal forms part of a housing market renewal component of the comprehensive regeneration programme for Cross Green/East End Park, which will also be subject to selective licensing.

If the acquisition of privately owned properties is approved valuations will be carried out on each individual property by a chartered surveyor to determine its current market value.

The public interest in maintaining the exemption in relation to appendices 1,2 and 4 attached to this report outweighs the public interest in disclosing the information by reason of the fact that:-

- a)Appendix 1 and 2 - The success of the scheme could potentially be prejudiced by speculative investors acquiring properties in advance of the Councils action.
- b)Appendix 4 - The costs attributed to the purchase of private properties are purely estimates at this stage and their disclosure could prejudice the councils ability to reach an agreement on the purchase price with owners.

Copies of the exempt appendices 1,2 and 4 will circulated to members of the Executive Board once members of the public have been excluded and will be collected in at the conclusion of the meeting.

4.2 Consultation

- 4.2.1 The to'gether Partnership has developed a Residents Network, with a current membership of over 450 people living in the area. Initial consultation was carried out with the residents network to gauge their opinions on whether the available funding should be targeted towards Cross Green or East End Park. The results of a workshop session attended by the representatives of the Residents Network indicated that 55% of those present were in favour of targeting the Cross Green area. The workshop also concluded that attendees were, in general, in favour of some selective demolition.
- 4.2.2 During July 2006 attempts were made by Council officers to contact and visit **all residents** whose homes are directly affected by the proposals. These visits established that of the 52 properties in the target area 8 are currently unoccupied. Of the remaining 44 face to face interviews were carried out with 34 householders.

- 4.2.3 Attempts were also made to make contact with the private landlords in the area, of which there are 12. 8 private landlords have responded so far and of the owner occupiers in the area, of which there are 8, 7 have been contacted and face to face interviews conducted.
- 4.2.4 Details of the results of the questionnaires are set out in Appendix 3. In summary, 22 out of 34 respondents were either dissatisfied or very dissatisfied with the area and 23 out of 34 respondents were in favour of demolition. 8 of the 34 respondents stated that they would not favour demolition. In addition 4 of the 8 private landlords who responded stated that they would not favour demolition.
- 4.2.5 If approval is secured to acquire and demolish these properties a number of methods will be utilised by Council officers in order to ensure that residents and stakeholders have the opportunity to be involved and informed:-
- Existing arrangements already in place to consult with and involve local residents will be utilised wherever possible. I.e. Area Forums, the to'gether partnership and local community action groups.
 - Regular liaison between project officers and the officers of LSEH and other RSLs will ensure that rehousing of residents is co-ordinated effectively.
 - Regular written updates for, residents and property owners in the form of a newsletter and briefing notes for Ward members, MP for Leeds Central, ALMO officers and Housing Associations.
 - A suite of information leaflets is available to advise residents of the procedure and the assistance, including compensation, which is available to them.
 - If required local surgeries will be held in the area to ensure that project officers are easily accessible to residents and stakeholders. In addition this will encourage the development of trust resulting from personal contact.

5 Legal And Resource Implications

- 5.1 The estimated scheme costs of £2.4m are detailed at Appendix 4. This estimate includes acquisition of the 20 privately owned properties; compensation for owners and residents, disturbance payments for all residents, and site clearance including temporary work to secure the site.
- 5.2 The preference is to acquire properties by agreement with the property owners. A compensation package equivalent to that which would be available in the event of a Compulsory Purchase Order being made will be offered to residents and owners. Details of the compensation payments available to which owners and tenants may be entitled are outlined at Appendix 5.
- 5.3 Negotiations to acquire the privately owned properties will be undertaken by Council officers. The aim will be to conclude acquisition of all properties and rehousing of all residents prior to commencement of site clearance for the sake of financial

prudence. However, management of the partially vacated site will be carefully monitored to ensure that safety and security is maintained for the remaining residents. A provisional timescale has been devised with the aim of acquiring and securing vacant possession of all properties by the end of 2007, with demolition taking place early in 2008.

5.4 Although the preference is to acquire properties by agreement with owners, ultimately, if agreement cannot be reached, authorisation is sought from Executive Board to make any necessary Compulsory Purchase Orders. Should Compulsory Purchase action become necessary, in this instance, Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004) is the most appropriate legislation in the circumstances. These powers are intended to help authorities to assemble land where this is necessary to implement the proposals in their Community Strategies and where the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion of the economic, social and environmental well-being of an area. This report seeks authorisation from Executive Board to make and promote any necessary compulsory purchase order required as a last resort in the event that voluntary agreement cannot be reached with owners to sell.

5.4.1 Regard must be had to the Human Rights Act 1998 including Article 8 (respect for private family life and home). The recommendation to authorise officers to make and promote any necessary CPOs strikes a clear balance between the public interference with private rights, which will arise if a CPO is pursued. Compensation would be payable to the person affected, and the provision of the Acts in paragraph 5.4 above are considered to be compatible with the Human Rights Act

5.5 Risks

5.5.1 A contingency fund of £230,280 is available to cover potential overspend on this project; if this is not required it may be made available to future phases in the longer term strategy for the regeneration of the Cross Green area.

5.5.2 While the intention is to acquire the 20 privately owned properties in this area with the agreement of owners there is always the possibility that Compulsory Purchase action may be required in the event of an inability to reach agreement. Five out of the eleven owners who responded to the questionnaire were not in favour of demolition. If Compulsory Purchase action is required this will inevitably have implications for the timescale of the project. Compulsory Purchase action would also involve additional costs i.e. publicity costs, officer time including legal fees, and the costs incurred surrounding the staging an Inquiry if objections are made.

5.5.3 If this project is delayed due to a requirement for CPO or due to any other issue, there is the risk that this years grant allocation could be lost. In addition the success of the Leeds Housing Partnership to secure further funding from the RHB may be jeopardized by failure to deliver on current projects. However, in order to ensure that these risks are minimized a compensation package equivalent to that which would be payable if a Compulsory Purchase Order was in place is offered to owners. Valuations are carried out by independent chartered surveyors in an attempt to demonstrate the Councils fairness and impartiality and thus gain the trust of owners.

5.5.4 In addition delay could also be caused by the incapacity of the ALMO or RSL to rehouse displaced residents. Displaced residents who apply for tenancies through the Leeds Homes register are awarded 'Priority Extra' in recognition of their additional housing need caused by the action of the Council. Council officers will liaise regularly with officers of the ALMOs and RSLs to progress rehousing requests as efficiently as possible in an attempt to minimize this risk.

6 Conclusions

An allocation of £7.18 million has been secured from the Regional Housing Board for the purpose of tackling poor quality, pre 1919 housing stock in the priority regeneration areas of Cross Green, Harehills, and Beeston Hill and Holbeck. It is proposed that £2.4m of this funding be used to tackle poor quality, obsolete housing in Cross Green. Three options have been considered for the target area encompassing 52 back to back properties. The option appraisal has identified Option C - acquisition, clearance and ultimately redevelopment of the site for new housing as the preferred option. This option is considered to be the most effective as it represents the second phase of positive change and improvement which will contribute to and help consolidate work and initiatives already ongoing to regenerate the wider area. It will also complement and add value to other regeneration initiatives ongoing in the area. Of the three options acquisition, demolition and redevelopment will make the most effective contribution to local and regional strategic aims. Consultation with local stakeholders has identified a majority view which is not opposed to acquisition and demolition.

It is envisaged that the proposals within this report will form one of a number of phases which will contribute to developing and implementing a long term strategy to regenerate the whole of the pre 1919 housing area of Cross Green. This of course is subject to the allocation of further funding and approvals. The menu of interventions proposed as part of this strategy will include not only acquisition and clearance but also enveloping schemes to improve the external fabric of properties and remodeling to improve the internal layout but yet retain the character of the area and provide diversity of property types and tenures.

7 Recommendations

Executive Board is requested to note the contents of the report and:

1. Approve the injection into the Capital Programme of £2.4m of Regional Housing Board money
2. Authorise Scheme Expenditure to the amount of £2.4m
3. Authorise officers to commence acquisition of properties by voluntary agreement with the owners. In the event that agreement cannot be reached with the owner of any property within the target area for its acquisition, authorise officers to make and promote any necessary Compulsory Purchase Orders.

Appendices

1. Plan 1 target area (Exempt from FOI Act 10.4(3))
Plan 2 relationship to Copperfields College Site, East Leeds link Road
2. Address list (Exempt from FOI Act 10.4(3))
3. Summary of residents survey results
4. Costs associated with option B and C (Exempt from FOI Act 10.4(3))
5. Compensation Payments

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ST HILDAS**SUMMARY OF RESIDENTS SURVEY RESULTS .****Tenure.**

Total of 52 Properties in the target area. 12 Private Landlords, 8 Owner Occupiers, 32 properties owned by LCC, 31 of which are managed by LSEh.

Occupation.

44 Occupied properties (8 Owner Occupiers, 8 Private Landlord tenancies & 28 LSEh).
7 Void properties (3 LSEh, 4 Private Landlord)

Respondents.

34 respondents (including 7 owner occupiers, 5 private tenants, & 22 LSEh) out of a possible 44 respondents. **77% response rate from the residents**

Private Landlords

5 out of the 12 Landlords have responded. 42% response rate.

Length of Occupation.

Less than 1 year	7 households
Between 1 – 5 years	13 household
Between 5 -10 years	7 households
More than 10 years	7 households.

Satisfaction with Home.

6 respondents very satisfied with home	(18%)
12 respondents satisfied with home	(35%)
8 respondents dissatisfied with home	(23.5%)
8 respondents very dissatisfied with home	(23.5%)

Problems with homes.

In order of importance to residents .

ITEMS	POINTS
Lack of Garden	69
Dampness	65
General Repairs	58
Kitchen size	35
Refuse/ Bin yards	37
Roof	25
Central Heating	21
Room size / number of rooms	21
Clothes Drying	19
Staircase	17
Insulation	16

Satisfaction with the Area

2 respondents very satisfied with area	(6%)
10 respondents satisfied with area	(29%)
11 respondents dissatisfied with the area	(32%)
11 respondents very dissatisfied with the area	(32%)

Problems with the area.

In order of Importance to residents

ITEM	POINTS
Anti social behaviour	103
Crime	66
Dumped rubbish	59
Empty properties	48
Poor quality housing	30
Lack of facilities for teenagers and children	19
Communal areas	19
Burglaries	14
Layout of the area	12
Poor parking	8
Narrow Roads	3

Positive points about the area.

In order of number of times chosen by residents:

- Sense of Community x 9
- Being close to family / relations x 6
- Being near town x 5
- Local shops and facilities x 4
- Good bus routes x 2

Options for improvements.

In order of importance to residents

ITEM	POINTS
Demolition of selective properties	99
Play facilities for teenagers & children	93
Repairs to properties	80
Improve car parking	20
Improve Traffic calming	11

In favour of demolition – owner occupiers.

Yes	4 respondents
No	3 respondent
Don't Know	0 respondents

In favour of demolition – Private Landlords (out of 5 who responded).

Yes	1
No	3
Don't know	1

In favour of demolition – LSEH Tenants

Yes	15
No	4
Don't Know	3

In favour of demolition – Private Tenants

Yes	3
No	1
Don't Know	1

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Appendix 5

Compensation payments payable	Owner Occupier	Owner not occupier	Tenant
Value of the land taken (open market value in the absence of the scheme) less sum due in respect of any mortgage	✓	✓	
Homeless payment if resident for one year or more (Owner =10% of value of property Max £38,000-Min £3,800 Tenant = flat rate £3,800)	✓		✓
Basic Loss payment (7.5% of value of property)		✓	
Fees (reasonable surveyors and legal fees for dealing with the claim and transfer)	✓	✓	
Disturbance (costs and losses as a result of being disturbed from occupation, e.g. removals, redirection of post, disconnection of services)	✓		✓
Costs of re-investment if incurred within one year		✓	

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Originator: Tom Wiltshire
Tel: 2476073

Report of the Director of Neighbourhoods and Housing Department

Executive Board

Date: 20th September 2006

Subject: Government guidance on establishing the Housing Needs of the Gypsy and Traveller Community.

Electoral wards affected:

Specific implications for:

Equality and Diversity	<input checked="" type="checkbox"/>
Community Cohesion	<input type="checkbox"/>
Narrowing the gap	<input checked="" type="checkbox"/>

Eligible for call In

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

Executive Summary

In February 2006 the Government published their guidance for all Local Authorities to undertake an assessment of the housing needs of the Gypsy and Traveller Community. The guidance requires the Council to undertake a comprehensive assessment of the community's needs, for inclusion in the overall Housing Strategy. Where unmet need is identified it places a requirement for the planning process to identify potential new sites. The Government has indicated that the Regional Housing Board will have a key role in providing funding, and in ensuring that the unmet need is included within the Regional Spatial Strategy.

This report identifies the key requirements placed on the council by the Government, identifies the risk to the authority, outlines the actions necessary to manage these risks and the indicative timescales.

1. Purpose of this report

The purpose of this report is to:

- 1.1** Provide information to the Executive Board on the implications of the Government's policy direction on the Gypsy and Traveller community and the supporting legislation and guidance.
- 1.2** To indicate the process this Authority is required to undertake to meet our legal requirements.

2 Background information

The government guidance (Guide to responsibilities and powers) sets out the following principles

- There should be adequate provision of authorised sites in line with need.
- The planning system and property rights must be respected and effective enforcement must be taken against problem sites.
- That the small minority who indulge in Anti-Social behaviour must be dealt with promptly and effectively before they cause further harm to relationships between the communities.
- Ensure effective enforcement powers are available to Local Authorities and are utilised (including Anti-Social behaviour powers) against unauthorised encampments.
- Minimise unauthorised development and the problems they cause
- Identify key priorities for action with other Government Departments to tackle inadequacies in access to service provision experienced by Gypsies and Travellers.

2.1 The Governments Policy

In February 2006 the DGLC (Department of Communities and Local Government) provided the following updated guidance on the requirements on Local Authorities.

- Planning for Gypsies and Travellers sites circular 1/06, replacing circular 1/94, which provides updated guidance on the requirements of planning authorities to identify potential locations for Gypsies and Travellers sites should a local need be identified.
- A Guide to effective use of enforcement powers (part 1)
- Draft Practice Guidance for 'Gypsy and Traveller Accommodation assessments'.
- A Guide to responsibilities and powers.

2.1.1 The guidance expands on the legislative requirements set out in the Housing Act 2004 section 225 as follows:

- There is a requirement on a Local Authority to undertake an assessment of Gypsies and Travellers accommodation needs
- That this assessment must be included in the authority's statutory housing strategies.
- That the authority must develop a strategy to meet the needs of Gypsies and Travellers (in line with section 87 of the local Government act 2003).

Taken together the legislation and the guidance require the Council to comply with s. 225 Housing Act 2004, s.1-3 Homelessness Act 2002 and the DCLG Guidance (in particular planning guidance 1/06). This will require an assessment of housing need, the formulation,

development and review of a strategy in relation to gypsy/traveller issues and, if required the identification of specific sites, via the planning process.

This section of the Act is not yet enacted. The DCLG has advised this will be enacted in October 2006

2.2 The DCLG plan that the measures taken together will work as follows:

- The Housing Act 2004 will require Local Authorities to assess the need for Gypsies and Travellers Accommodation in their areas when they assess the housing requirements of the rest of the population.
- Local Authorities must then develop a strategy which addresses the need arising from the Accommodation Assessment through public or private provision.
- The Regional Planning Body, on the basis of Local Authority assessment of need will determine how many pitches are to be provided across the region. It will then specify in the Regional Spatial Strategy how many pitches need to be provided by each Local Authority, ensuring collectively Local Authorities make provision in a way which is equitable and meets the assessment pattern of need.
- Local planning authorities will be obliged to identify sites in their development plan in line with requirements identified with the Regional Spatial Strategy. It will no longer be acceptable just to specify planning criteria for sites; Local Authorities will be expected to identify land.
- Where there is a clear need, if local planning authorities fail to identify sites in their development plan documents, the secretary of state has the power to direct them to do so.
- Local Authority's are encouraged that in areas where there is an urgent demand for authorised site provision, that they should not wait until the completion of the planning process to provide more sites.

2.2 Time scales

2.2.3 There are no definite timescales within the legislation. However an indicative timeline for providing a rounded assessment and following through to the planning cycles is as follows:

2.2.4 The Regional Housing Board/ Assembly sponsored research has been completed and gives give some indication at a regional level of headline pitch numbers required and common assessment methodology. The completion of this was timed to link to the Examination in Public for the Regional Spatial Strategy.

2.2.5 During the 4th qtr 06/07 the Development Department plan to commence preparation of a Core Strategy ensuring inclusion of Gypsy Travellers needs.

2.2.6 Due to the movements of the population the Neighbourhoods and Housing Department would anticipate undertaking the specific housing needs assessment for Gypsy's and Travellers in 2 phases. The first phase in the winter 06/07 when travelling has ceased, the second in summer 07/08 in the middle of the travelling season.

2.2.7 This assessment could then be submitted for ratification by the Regional Housing Board in the 3rd quarter 07/08. If need for housing is established this outcome would be submitted to Planning to assess potential site locations.

2.2.8 At the end of 08/09 the draft Planning will submit the Core Development Strategy for the City to the Secretary of State with a view for commencement in the 4th quarter 09/10.

3. Local, regional and sub regional focus

- 3.1 Within the guidance and legislation there is strong encouragement from the DCLG to develop a regional focus both in respect of the assessments of need and the planning of provision. The Gypsy Traveller community is by its nature in part a mobile and transient population. Therefore consideration must be given to both the needs of the 'local' population and of those who move through the region.
- 3.2 This Regional and sub regional approach is being promoted through the Government office for Yorkshire and the Humber. A series of sub regional events have provided policy updates, examined sub-regional progress and its associated barriers.
- 3.3 The LGA and the DCLG support a sub-regional and regional approach and will work towards this to promote parity of provision, consistency, and a robust approach to tackling anti-social behaviour.
- 3.4 Within the region there are sites within 3 of the 5 partner authorities (Leeds, Wakefield and Bradford). Within the context of the region there is clearly a need to ensure that every local authority plays its part in the provision of sites and it is hoped that within the Regional Spatial Strategy (RSS) this aspiration is recognised. The Regional Assembly has undertaken and published research to support the development of the RSS. This research indicates the need to undertake the assessment on a sub-regional basis.
- 3.5 Under the umbrella of the West Yorkshire Housing Partnership the West Yorkshire authorities have begun meeting with the aims of:
- Sharing information and good practice.
 - Developing understanding of the sub regional issues
 - Engaging in and supporting a consistent use of relevant enforcement powers.
- 3.6 The funding for development of future sites has been placed into the Regional Housing Board pot. The funding allocated across the region for such developments is £846k in 2006/7 and £1786K for 2007/8. For 2006/7 and 7/8 the DCLG have indicated that 100% funding is available for bids to provide additional sites (both static and transit). There is no advice for future years but it would be reasonable to assume that funding of a similar nature would be made available.
- 3.7 The West Yorkshire Police have developed a force wide policy on the use of S61 of the Criminal Justice and Public Order Act 1994. This policy has been developed to ensure that a consistent approach is taken to the use of key Police powers and is being led through the Community Safety Department of the force. The policy indicates a closer working relationship between the Police and the local authority. This is welcomed by the local authority and the service will be working with the nominated Inspectors to develop a clear understanding of the needs of local communities when faced with unauthorised encampments.

5. Risk Assessment

- 5.1 Failure to undertake the assessment of need, develop a strategy and or plan to identify sites would lead to:
- A potential for an increase in the legal challenges
 - A potential for intervention by the Regional Housing Board who may seek to impose a level of sites onto the local authority that we do not accept is needed.
 - A potential for intervention by Government should we fail to robustly assess the need and if required identify sites.
 - A potential impact on the overall assessment of the authority by the Audit Commission.

6. Recommendations

- 6.1 To note the contents of the report and for Executive Board's approval to undertake the accommodation needs assessment and to develop a strategy for Gypsy and Travellers in Leeds as an element of the wider housing strategy for the city.
- 6.2 To note that for a shared assessment to be undertaken by the 5 West Yorkshire authorities, the estimated total cost for the sub region would be £70,000 - £100,000. Leeds would have to make a proportionate contribution to this cost.

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Originator:
John Statham/Neil Evans

Tel: 43233/74721

Report of the Director of Neighbourhoods and Housing Department

Executive Board

Date: 20th September 2006

Subject: The Future of Arms Length Management Organisations for Housing in Leeds

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

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

EXECUTIVE SUMMARY

The report sets out the result of the ballot of tenants on the two options for the future of ALMOs in Leeds and asks the Executive Board to approve the three ALMO option

1.0 Purpose of the Report

1.1 This report advises members of the Executive Board of the :

- Consultation with tenants on the alternatives of a single ALMO or three ALMOs
- Result of the ballot of tenants on the alternatives of a single ALMO or three ALMO's.

1.2 The report seeks the approval of the Executive Board to proceed with the establishment of three ALMOs in Leeds.

2.0 Background

2.1 A report to the Executive Board of 5th July 2006 set out the reasons for changing the configuration of ALMOs in Leeds. The report highlighted the :

- Changes to DCLG guidance on the size of ALMOs
- Reductions in stock numbers to date and the potential future reduction
- Difficulties in the governance relationships
- Financial viability for ALMOs in Leeds
- The DCLG's future vision for ALMOs

2.2 For all of the above reasons it was concluded that Leeds should not continue to operate with six ALMOs.

2.2 A report to the Executive Board in July recommended that the Council should ballot tenants on the options of 1 or 3 ALMOs. The 3 ALMO option will be constituted by W and NW, NE, E and the EASEL area of SE, and S with the remainder of SE. There was a broad consensus across the boards and amongst Members in favour of 3 ALMOs. It was agreed that the Council signalled its preference to tenants for this option and that tenants should be balloted on the two alternatives.

3.0 Information Events

3.1 Prior to the ballot commencing, Council officers, together with colleagues from the ALMOs, embarked upon three weeks of information sharing events at which an objective presentation of the options was given.

3.2 513 tenants attended 24 events across the city. The events were supported by an explanatory newsletter to all tenants which set out the pros and cons of the two options and explained why the review was necessary.

4.0 Ballot Result

4.1 The ballot ran from 14th August until 7th September and was conducted by the Electoral Reform Society. All tenants were allowed to vote, including joint tenants. In all 71,143 people received ballot papers. Tenants were able to vote by post, telephone and the internet in order to maximize the turn out.

4.2 The ballot paper gave a simple explanation of the reason for the ballot and asked tenants to choose between a single ALMO and three ALMOs. Tenants also received a newsletter to help them make a decision. The result of the ballot was :

Total number of eligible voters	71,143	100%
Total votes cast	25,192	35.7%

Votes cast for one ALMO	10,776	42.8%
Votes cast for three ALMOs	14,416	57.2%

4.3 Three ALMOs is, therefore, the preferred option of tenants.

5.0 RECOMMENDATIONS

- 5.1 In view of the arguments set forward in the July report in favour of three ALMOs and the ballot result, the Executive Board is asked to agree that three ALMOs are created in Leeds.
- 5.2 The Director of Neighbourhoods and Housing is requested to begin the implementation process and to bring back proposals on future governance to the next meeting.

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Originator: Phil Joyce

Tel: 2475692

Not for Publication: APPENDIX 1 Exempt / Confidential – Access to information procedure rules 10.4(3)

REPORT OF: Director for Neighbourhoods and Housing

REPORT TO: Executive Board

DATE: 20th September 2006

SUBJECT: EASEL Regeneration Project Update

<p>Electoral Wards Affected: City and Hunslet Killingbeck & Seacroft Burmantofts & Richmond Hill Gipton & Harehills Temple Newsam</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input checked="" type="checkbox"/></p>
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Eligible for Call In

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

1.0 Purpose of report

1.1 The purpose of this report is to inform Executive Board of the delegated decision taken by the Director for Housing and Neighbourhoods with the support of the EASEL Regeneration Project Board.

2.0 Background

2.1 Bellway PLC accepted the requirements of the Councils Preferred Bidder letter on 20th January 2006 and a period of negotiation and clarification on key matters has been underway since that date.

2.2 Initially negotiations concentrated on resolving the commercial issues relating to the Phase 1 sites, and these were subject to a report to Executive Board on 5th July.

2.3 Executive Board agreed the officer recommendations relating to the Phase 1 sites and to bring a further report on progress on the negotiations on the Joint Venture arrangements to September Executive Board.

2.4 The decision has been taken with advice from the Director of Legal and Democratic Services, and the Council's external legal advisers for the project procurement. The decision is a significant operational decision, not subject to call in, but given the scale of the proposed regeneration scheme, is being reported to Executive Board as per the Executive Board resolution on 5th July 2006

3.0 Summary of Position

3.1 The public interest in maintaining the confidentiality of the details of this report outweighs the public interest in disclosing the information. The Council have a duty in terms of commercially confidential information entered into with the Preferred Bidder. This would be adversely affected by disclosure of this information. This disclosure of commercially sensitive information could also jeopardise the Council successfully concluding the procurement process.

3.2 Following conclusion of the Exclusive Negotiation period with Bellway PLC on 1st September 2006, the EASEL Regeneration Project Board met on the 4th September 2006 to consider the submissions.

3.3 A discussion of the issues and the detail of the decision are contained in the confidential part of this report.

4.0 Recommendations

4.1 Members are referred to the recommendations contained in the confidential appendix.

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