

SCRUTINY BOARD (CITY DEVELOPMENT)

TUESDAY, 10TH NOVEMBER, 2009

PRESENT: Councillor R Pryke in the Chair

Councillors S Armitage, C Beverley,
R Downes, T Grayshon, M Lobley,
T Murray, A Ogilvie, D Schofield, S Smith,
N Taggart and G Wilkinson

57 Chair's Opening Remarks

The Chair welcomed everyone to the November meeting of the Scrutiny Board (City Development).

58 Declaration of Interests

a) The following personal interests were declared:-

- Councillor R Downes in his capacity as Chair of the West Yorkshire Passenger Integrated Authority (Agenda Item 8) (Minute 64 refers)
- Councillor D Schofield in his capacity as a Member of 'Railfuture' (Agenda Item 8) (Minute 64 refers)

b) The following personal and prejudicial interest was declared:-

- Councillor N Taggart in his capacity as a Planning and Environmental Planning Consultant representing a number of groups outside the Leeds area in relation to consultation on rail services (Agenda Item 8) (Minute 64 refers)

59 Late Items

The Chair informed the meeting that in relation to the current position with regards to the Section 106 Planning Agreements item (Minute 63 refers), he had agreed to admit to the agenda an additional document as supplementary information providing a breakdown of the total uncommitted balances of Section 106 monies in respect to greenspace and play areas, affordable housing, education and community benefits on a ward by ward basis.

60 Apologies for Absence

An apology for absence was received on behalf of Councillor R Harington.

61 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 13th October 2009 be confirmed as a correct record.

62 Planning Enforcement Service - Update Report

Referring to Minute 108 of the meeting held on 21st April 2009, the Chief Planning Officer submitted a report updating the Board on the Planning Enforcement Service.

Minutes approved as a correct record at the meeting held on Tuesday, 8th December, 2009

The following officers were in attendance and responded to Members' queries and comments:-

Phil Crabtree, Chief Planning Officer, City Development
Martin Sellens, Head of Planning Services, City Development
Jim Wigginton, Planning Compliance Manager, City Development

In summary, specific reference was made to the following issues:-

- the importance of the department using plain English when writing to members of the public on planning issues
(The Chief Planning Officer responded that plain English was used in correspondence, where ever possible, however from time to time technical language was unavoidable particularly with regard to legal definitions)
- the value of the 'Key Cases report' which commenced at the end of 2008 and the department now provides to Councillors on a two monthly basis (the next report was due at the beginning of December). Members requested that as a 'one off' they should be advised of all enforcement cases within their ward and the progress of each to assist them when dealing with constituents on planning issues
(The Planning Compliance Manager responded and commented that this would be provided through the case liaison meetings that have been trialled and which were to be arranged with all Ward Councillors over the coming months)
- the suggestion that officers consider introducing a simple leaflet aimed at explaining to residents the enforcement process
(The Head of Planning Services agreed to discuss the possibility of introducing a process map with colleagues which would also be accessible through the Council's internet site)
- the resumption of the monitoring and enforcement of the additional controls over the display of landlords and property agent letting Boards in the Headingley/Hyde Park area now that a new direction had been issued by the Secretary of State; the original having expired in late 2007
(The Head of Planning Services responded and confirmed that this would require robust enforcement in the 2010 letting season and adequate resourcing.)
- clarification of a particular case near Otley involving garden extensions into the Green Belt which were operating contrary to planning policies
- the back log of cases, enforcement priorities and clarification as to whether the establishment level of the Compliance team of 13.5 FTE posts was adequate in relation to effectively progressing enforcement actions and how the numbers compared to other Core Cities
(The Head of Planning Services responded and confirmed that Leeds compared favourably with other Core Cities on enforcement, but that a budget deficit of £800,000 on planning fees meant the department was having to look at alternative sources of funding. They would shortly be asking Area Committees to consider pooling resources to employ a

dedicated enforcement officer for their areas to provide a more proactive service that would help reduce the backlog of cases and enable issues specific to those areas to be tackled more effectively. The Chief Planning Officer confirmed that with on costs an enforcement officer would cost in the region of £40k)

- clarification as to whether there was a limit on the number of retrospective planning applications and the definition of the word 'harm' in this respect
(The Chief Planning Officer and the Planning Compliance Manager responded and gave a brief outline of the restrictions imposed for submitting repeat planning applications, together with the statutory and non statutory definitions of 'harm')
- the need for Enforcement Officers to take a more proactive role, especially in relation to those sites/buildings flagged by Elected Members e.g. Elmfield school
(The Chief Planning Officer responded and confirmed that in the case of the demolition of Elmfield school, no breach of planning control was involved and so no action could have been taken in that instance. Enforcement Officers would continue to monitor and visit sensitive sites with regular reports back to Elected Members)
- clarification if (i) cost was a consideration in taking prosecution action and (ii) if costs awarded to the Council could be disputed in relation to those prosecution cases brought before the courts
(The Planning Compliance Manager responded and confirmed that, (i) subject to determining that the evidential and public interest tests supported the action proposed, the cost of taking prosecution action was not a factor in deciding whether or not to proceed and (ii) costs awarded by the courts were subject to challenge and, if not paid, had to be recovered by the Council and so the Council may receive less than the headline figure in some cases)
- clarification of the 'out of hours' contingency arrangements for urgent planning matters
(The Head of Planning Services responded and outlined the current arrangements)
- the need for training to be enhanced and improved for relevant staff within the Council in planning and enforcement
(The Planning Compliance Manager and the Head of Planning Services responded and outlined that joint training had taken place involving Planning Services/Building Control/Streetscene Services and Legal Services. They accepted that more joint training could be provided in this important area)

RESOLVED –

- a) That the content of the report be noted.
- b) That this Board endorses the approach set out in Section 6.0 of the report to take forward measures to establish a clear set of priorities for taking enforcement actions and to establish a programme for dealing with the backlog of cases, utilising all available resources to assist in the process.

- c) That this Board endorses the approach being made to the Area Committees to seek funding for additional resources for planning enforcement to address current case loads.
- d) To note the arrangements being made to extend the case liaison meetings to all Ward Councillors which would include details of all enforcement cases in progress within their wards.

(Councillor N Taggart joined the meeting at 10.30am during discussions of the above item)

63 The Current Position with Section 106 Planning Agreements

Referring to Minute 51 of the meeting held on 13th October 2009, the Chief Planning Officer submitted a report on progress in relation to Section 106 Planning Agreements.

The purpose of the report was to provide the Scrutiny Board with:-

- i) an overview of the current system for managing Section 106 Agreements in Leeds
- ii) A breakdown of funds generated from Section 106 Agreements in Leeds and protocols for spending sums

A document entitled 'Uncommitted sums broken down by ward' covering Greenspace and Play areas; Affordable Housing Sums; Education Sums and Community Benefits Sums was circulated as supplementary information to assist the Board in their deliberations.

The following officers were in attendance and responded to Members' queries and comments:-

Phil Crabtree, Chief Planning Officer, City Development
Paul Gough, Team Leader, Strategy and Policy, City Development
Clare Munnely, Planning Agreement Manager, City Development

In summary, specific reference was made to the following issues:-

- clarification of the £17 million figure of unspent Section 106 monies and why the Yorkshire Evening Post decided to publish this misleading figure
(The Chief Planning Officer and the Team Leader, Strategy and Policy responded and provided the meeting with a breakdown of expenditure with specific reference to the ring fencing process)
- the view that on the evidence presented this was an extremely unbalanced and unfair article by the Yorkshire Evening Post on this matter and that consideration should be given to making a formal complaint to the Press Complaints Commission
- that ward members were required to be consulted on all Section 106 schemes involving expenditure on greenspace

- that Section 106 monies obtained from planning applications would normally only be spent in the Ward in which the applications were located. However, occasionally, the proposals could be of a scale and/or location where their impact could affect one or more wards. In such cases, the Section 106 contributions could be spent outside the immediate ward in which the application was located e.g. large City Centre schemes in City & Hunslet
(The Chief Planning Officer responded and confirmed that a meeting on this specific issue would be held with interested parties in the near future)
- clarification of the £31m figure in relation to sums not yet received from signed Section 106 agreements with specific reference to funding the Eastgate Quarter development
(The Chief Planning Officer and the Team Leader, Strategy and Policy responded and outlined the current funding criteria. The Board noted that the Eastgate Quarter development had not yet started and as a result it was notional money until the development commenced)
- the concern expressed that 'trigger points' were not rigorous enough with specific reference to Thorpe Park as an example
(The Chief Planning Officer responded and confirmed that the process was extremely rigorous, robust and transparent from start to finish)
- clarification if the Council negotiated thoroughly on certain types of buildings
(The Chief Planning Officer responded and informed the meeting that the department were more stringent than other Core Cities in respect of affordable housing)
- clarification if it was an acceptable practice to move from greenspace to highways developments in relation to Section 106 legal agreements
(The Team Leader, Strategy and Policy responded and informed the meeting that this practice was not possible as new agreements would be required)
- the need for Board Members to be provided with a series of process maps on income, expenditure and enforcement
(The Team Leader, Strategy and Policy responded and agreed to e mail Members with details via the Board's Principal Scrutiny Adviser)
- clarification of a specific scheme which showed expenditure of only £200
(The Planning Agreement Manager responded and thought that it could be a residual amount left from a scheme. She agreed to check this amount and e mail Members with the specific details via the Board's Principal Scrutiny Adviser)
- clarification of what the department had done to respond to the newspaper article
(The Chief Planning Officer responded that a detailed response had been provided to the Editor of the Yorkshire Evening Post on each of the points raised in the article. In addition, the Deputy Leader of Council and a senior officer had met with the Editor to explain the position and refute the allegations made)

- the need to include in any publicity the schemes that are funded or part funded by Section 106 monies in order to raise the profile of this important funding source
(The Team Leader, Strategy and Policy acknowledged that more could be done in this regard)
- the view that the Chair should write to the Executive Member, Development and Regeneration seeking the outcome of his meeting with the Editor of the Yorkshire Evening Post and whether he considered taking this matter further with the Press Complaints Commission

RESOLVED –

- a) That the content of the report be noted.
- b) That the Chair, on behalf of the Board, be requested to write to the Executive Member, Development and Regeneration seeking the outcome of the meeting with the Editor regarding the newspaper article and whether he intended to pursue this further through the Press Complaints Commission.

(Councillor T Grayshon joined the meeting at 11.30am during discussions of the above item)

(Councillor C Beverley left the meeting at 11.40am during discussions of the above item)

(Councillor R Downes and Councillor N Taggart left the meeting at 11.50am at the conclusion of the above item)

64 Leeds City Region Transport Strategy

The Director of City Development submitted a report on the Leeds City Region Transport Strategy.

Appended to the report was a copy of a document entitled 'Leeds City Region Partners – Leeds City Region Transport Strategy – Executive Summary' for the information/comment of the meeting.

The following officers were in attendance and responded to Members' queries and comments:-

Gary Bartlett, Chief Officer, Highways and Transportation, City Development
Dave Gilson, Head of Transport Policy, City Development

In summary, specific reference was made to the following issues:-

- clarification as to whether other city regions were working on the same timescales in relation to producing a Transport Strategy Vision
(The Head of Transport Policy responded and informed the meeting that, as far as he was aware, Leeds City Council was currently a little ahead of everyone else in this matter)

- clarification of the governance arrangements for the transport strategy and when they would become operative
(The Chief Officer, Highways and Transportation responded and outlined the current position. He referred to the inquiry being undertaken by the Scrutiny Board (City and Regional Partnerships) on the Transport Governance Arrangements. He suggested that his report on transport governance issues considered by Scrutiny Board (City & Regional Partnerships) on 8th October be circulated to all Members of this Board for information)
- clarification of the split of funding that Leeds City Region receives compared to the contribution it made to the Region as a whole in GVA terms
*(The Head of Transport Policy responded that he did not have this information at the meeting, but would circulate details on returning to the office. The Head of Transport Policy subsequently advised all Members of the Board that Leeds City Region contributed around 60% of the total GVA for the Yorkshire and Humber Region, but was only currently receiving around 40% in transport funding. Also, the latest Treasury figures showed that total transport spend per head in Yorkshire and the Humber was just **£239 compared to £826 in London** (that was less than 30% of the expenditure in London). Yorkshire and the Humber also fared less well than other regions (the North West received £309 and the West Midlands £269 per head respectively)*
- clarification of the current status in relation to road pricing
(The Head of Transport Policy responded and confirmed that this was being considered as part of the ongoing Transport for Leeds Study. The DfT had indicated that they were still in a position to consider bids against the TIF fund, provided the bid included a charging proposal as part of any future strategy)
- clarification if walking/cycling would be better addressed within the Transport Strategy Vision
(The Chief Officer, Highways and Transportation responded and confirmed that walking/cycling would be encouraged at all times and that he was keen to develop proposals in these areas within the document, subject to funding requirements and delivering the strategic themes)
- clarification if there would be more Park and Ride schemes in areas where there was a fundamental need and were suitable
(The Chief Officer, Highways and Transportation and the Head of Transport Policy responded and confirmed that there would be more Park and Ride schemes developing, but no timescales could be given at this present time)
- clarification of the latest position in respect of the new East Leeds Link (Junction 45)
(The Head of Transport Policy responded and outlined the current business case needs)
- clarification of whether the current recession has had an impact on road usage

(The Head of Transport Policy responded and confirmed that there had been around a 2% drop in peak flows since last year)

RESOLVED –

- a) That the content of the report and appendices be noted.
- b) The Board's Principal Scrutiny Adviser be requested to e mail Board Members with a copy of the report entitled 'Session 1 Inquiry on the Integrated Transport Strategies for Leeds and the Wider Region – Transport Governance Discussion and Options Paper' previously considered at the Scrutiny Board (City and Regional Partnerships) meeting held on 8th October 2009, together with a copy of the Board's resolution for their information/retention

(Councillor T Grayshon left the meeting at 12.05pm during discussions of the above item)

65 Work Programme

The Head of Scrutiny and Member Development submitted a report providing Members with a copy of the Board's current work programme. The forward plan of key decisions for the period 1st November 2009 to 28th February 2010 and the Executive Board minutes of 14th October 2009 were also attached to the report.

RESOLVED –

- a) That the content of the report and appendices be noted.
- b) That the Executive Board minutes of 14th October 2009, together with the forward plan of key decisions for the period 1st November 2009 to 28th February 2010 be noted.
- c) That the Board's Principal Scrutiny Adviser be requested to update the work programme to incorporate those updates requested at today's meeting and to invite both Councillor A Carter and Councillor J Proctor to the next Board meeting to discuss the Quarter 2 Performance report.
- d) That this Board notes that the report on the review of the City Centre Loop would be presented to the January 2010 meeting for consideration.
- e) That a report be prepared by the Board's Principal Scrutiny Adviser and the Chief Highways Officer for consideration at the next Board meeting in December 2009 on a request for Scrutiny from Councillor S Bentley concerning measures that can be introduced to reduce Leeds' highest accident rate of killed or seriously injured in West Yorkshire, particularly by introducing 20mph/30mph zones both near schools and in residential areas.

66 Date and Time of Next Meeting

Tuesday 8th December 2009 at 10.00am (Pre-meeting for Board Members at 9.30am)

(The meeting concluded at 12.20pm)