



---

## SCRUTINY BOARD (CITY DEVELOPMENT)

---

Meeting to be held in Civic Hall, Leeds on  
Tuesday, 10th November, 2009 at 10.00 am

A pre-meeting will take place for ALL Members of the Board  
in a Committee Room at 9.30 am

---

### MEMBERSHIP Councillors

S Armitage	-	Cross Gates and Whinmoor;
C Beverley	-	Morley South;
R Downes	-	Otley and Yeadon;
T Grayshon	-	Morley South;
R Harington	-	Gipton and Harehills;
M Lobley	-	Roundhay;
T Murray	-	Garforth and Swillington;
A Ogilvie	-	Beeston and Holbeck;
R Pryke (Chair)	-	Burmantofts and Richmond Hill;
D Schofield	-	Temple Newsam;
S Smith	-	Rothwell;
N Taggart	-	Bramley and Stanningley;
G Wilkinson	-	Wetherby;

---

*Please note: Certain or all items on this agenda may be recorded on tape*

---

**Agenda compiled by:**  
**Stuart Robinson**  
**Governance Services**  
**Civic Hall**  
**LEEDS LS1 1UR**  
**Tel: 24 74360**

**Principal Scrutiny Adviser:**  
**Richard Mills**  
**Tel: 24 74557**

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information 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 press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes.)</p>	
4			<p><b>DECLARATION OF INTERESTS</b></p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To receive and approve the minutes of the previous meeting held on 13<sup>th</sup> October 2009.</p>	1 - 6
7			<p><b>PLANNING ENFORCEMENT SERVICE - UPDATE REPORT</b></p> <p>To consider a report of the Chief Planning Officer updating the Board on the Planning Enforcement Service.</p>	7 - 14
8			<p><b>LEEDS CITY REGION TRANSPORT STRATEGY VISION</b></p> <p>To consider a report of the Director of City Development on the Leeds City Region Transport Strategy Vision.</p>	15 - 32
9			<p><b>THE CURRENT POSITION WITH S106 PLANNING AGREEMENTS</b></p> <p>To consider a report of the Chief Planning Officer on progress in relation to S106 Planning Agreements.</p>	33 - 42

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10			<p><b>WORK PROGRAMME</b></p> <p>To consider a report of the Head of Scrutiny and Member Development regarding the Board's work programme, together with a copy of the Forward Plan of Key Decisions pertaining to this Board's Terms of Reference and the latest Executive Board minutes.</p>	43 - 68
11			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note that the next meeting of the Board will be held on Tuesday 8<sup>th</sup> December 2009 at 10.00am (Pre-meeting for Board Members at 9.30am)</p>	

# Agenda Item 6

## SCRUTINY BOARD (CITY DEVELOPMENT)

TUESDAY, 13TH OCTOBER, 2009

**PRESENT:** Councillor R Pryke in the Chair

Councillors C Beverley, R Downes,  
R Harington, T Murray, A Ogilvie,  
D Schofield, N Taggart and G Wilkinson

**48 Chair's Opening Remarks**

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

**49 Apologies for Absence**

An apology for absence was received on behalf of Councillor M Lobley.

**50 Minutes of the Previous Meetings**

**RESOLVED** – That the minutes of the previous meetings held on 1<sup>st</sup> September 2009 and 16<sup>th</sup> September 2009 be confirmed as a correct record.

**51 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 1<sup>st</sup> October 2009 to 31<sup>st</sup> January 2010 and the Executive Board Minutes of 26<sup>th</sup> August 2009 and 17<sup>th</sup> September 2009 were also attached to the report.

**RESOLVED-**

- a) That the contents of the report and appendices be noted.
- b) That the Executive Board minutes of 26<sup>th</sup> August 2009 and 17<sup>th</sup> September 2009, together with the Forward Plan of Key Decisions for the period 1<sup>st</sup> October 2009 to 31<sup>st</sup> January 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,
- d) That in relation to a recent Yorkshire Evening Post article on Section 106 payments, the Board's Principal Scrutiny Adviser be requested to circulate a copy of an e mail the Chair received from the Director of City Development in response to this article
- e) That a report be prepared on the issue of Section 106 payments for consideration at the next meeting on 10<sup>th</sup> November 2009.

**52 Provision of Shared Space and Shared Surface Streets**

The Head of Scrutiny and Member Development submitted a report on the review of the Street Design Guide and the provision of shared space and shared surface streets.

Appended to the report was a copy of a document entitled 'Adoption of the Supplementary Planning Document of the Street Design Guide and Response to the Deputation of the National Federation of the Blind – Report of the Director of City Development' which had been previously considered at the Executive Board meeting held on 26<sup>th</sup> August 2009 for the information/comment of the meeting.

Mike Darwin, Head of Highways Development Services, City Development was in attendance and responded to Members' queries and comments.

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

- clarification of the department's protocol and consultation process in relation to changes in street furniture following a recent ward incident involving concrete balls placed on a pavement without prior consultation with interested parties  
*(The Head of Highways Development Services responded and agreed to liaise with the Chief Highways Officer with a view to forwarding a response to the Board via the Principal Scrutiny Adviser)*
- clarification as to the rules which allow speed restriction signs to be used at 20 mph, but not 30mph  
*(The Head of Highways Development Services responded and confirmed that this was the case as the Traffic Signs Regulations and General Directions 2002 does not permit 30 mph repeater signs)*
- *reducing street furniture and signage*

**RESOLVED-** That the contents of the report and appendices be noted.

**53 Inquiry to Review the Method by which Planning Applications are Publicised and Community Involvement takes place - Draft Terms of Reference**

Referring to Minute 8 of the meeting held on 9<sup>th</sup> June 2010, the Head of Scrutiny and Member Development submitted a report on the proposed draft terms of reference in relation to an inquiry to review the method by which planning applications were publicised and community involvement takes place.

Appended to the report was a copy of a document entitled 'Scrutiny Board (City Development - Inquiry to Review the Method by which Planning Applications are Publicised and Community Involvement takes place – Draft Terms of Reference' for the information/comment of meeting.

The Board's Principal Scrutiny Adviser informed the meeting that Councillor A Carter, Executive Member with portfolio responsibility for development and regeneration and the Director of City Development had no comments to make on the draft terms of reference.

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

Martin Sellens, Head of Planning Services, City Development  
Helen Cerroti, Development Project Manager, City Development

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

- clarification as to why the department had made a decision to remove postal codes from planning applications advertised in local newspapers (*The Head of Planning Services responded and outlined the statutory responsibilities in relation to publishing planning applications. He agreed to address the general issue of how planning applications were advertised in local newspapers as there was scope to improve the current layout and presentation*)
- clarification of the Area Committee driver identified in Section 1.4 within the context of the inquiry in relation to their intention to strengthen their community engagement responsibilities (*The Head of Planning Services responded and made reference to Area Community Engagement Plans and a requirement to let the public know what was happening within their area in relation to planning applications*)
- clarification as to why planning applications relating to the Bramley and Stanningley ward can be only inspected in Armley library (*The Head of Planning Services responded and agreed to review the current process of inspecting planning applications at local libraries*)
- the need for the inquiry to address the issue relating to the amount of time spent on minor details at Plans Panel meetings
- the need to involve the public more within the democratic process and to make it more interesting from start to finish

**RESOLVED-**

- a) That the contents of the report and appendices be noted.
- b) That approval be given to the terms of reference in relation to the Board's Inquiry to review the method by which planning applications are publicised and community involvement takes place in accordance with the report now submitted.

(Councillor N Taggart joined the meeting at 10.35am during discussions of the above item)

**54 Performance Working Group**

The Head of Scrutiny and Member Development submitted a report on the targets set by the Board's Performance Working Group held on 2<sup>nd</sup> September 2009.

Appended to the report was a copy of the minutes of the Scrutiny Board (City Development) Performance Working Group held on 2<sup>nd</sup> September 2009, together with a list of all targets monitored by the Board, including comments on how the data was collected, for the information/comment of the meeting.

Paul Maney, Head of Policy, Performance and Improvement, City Development was in attendance and responded to Member's queries and comments.

He specifically referred to the minutes of the Working Group held on 2<sup>nd</sup> September 2009 and on a point of accuracy, he stated that Minute 2.2 should have read as follows:-

*'Paul Maney proceeded to explain to members the process by which targets were agreed. Within the Local Area Agreement there are up to 35 indicators agreed with the Government. Performance against these targets affects the amount of funding allocated to the authority, so clearly officers are reluctant to agree to targets which are too challenging.'*

He also referred to one or two further factual inaccuracies and the Board accepted the revised minute as now reported subject to any further factual amendments by the Head of Policy, Performance and Improvement .

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

- clarification as to whether or not the new Inspector Assessment process commencing in November 2009 would have an impact on the proposed changes  
*(The Head of Policy, Performance and Improvement responded and outlined the on-going inspection process, with specific reference to un-announced inspections)*
- clarification of the process arising in setting targets  
*(The Head of Policy, Performance and Improvement responded and outlined the current process with specific reference to national and regional targets imposed by Government, together with local area agreements and the Annual Audit process)*
- clarification of 'NI 18 Adult participation in sport' and how this was quantified and measured  
*(The Head of Policy, Performance and Improvement responded and outlined the current method of collection and reporting procedures)*
- clarification of 'NI 151 Overall employment rate (working age)' in relation to 'closing the gap' and how the Council was able to obtain the full picture arising from a 'two speed city' status  
*(The Head of Policy, Performance and Improvement responded and informed the meeting that there was no specific detail available on particular pockets of employment rates. However he suggested that in order to achieve the full picture and that the Job Seeker Allowance would be a better way to address this specific issue)*
- the need to implement an easy reporting mechanism about employment figures which would allow interested parties to have current and accurate data on this issue
- clarification as to why there was a difference in reporting periods i.e. either on a monthly, quarterly or annually basis  
*(The Head of Policy, Performance and Improvement responded and confirmed the difference in reporting periods and the reasons for it)*



## **RESOLVED-**

- a) That the contents of the report and appendices be noted.
- b) That the notes of the meeting of the Performance Working Group held on 2nd September 2009 be received.
- c) That the Chair consider and identify from the indicators provided at today's meeting a number of indicators which the Performance Working Group could examine in detail with a view to identifying specific indicators where improvements could be made.
- d) That the Principal Scrutiny Adviser be requested to invite the Head of Policy, Performance and Improvement to attend the Working Group in order to assist in its deliberations.
- e) That the Working Group consider what locally determined performance indicators could be applied to measure the performance of City Centre Management.

## **55 Legible Leeds Project**

The Director of City Development submitted a report on the Legible Leeds Project for the information/comment of the meeting.

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

Cath Follin, City Centre Manager, City Development  
Clare Owen, Project Manager, City Development

In addition to the above report, copies of the following documents were also circulated as supplementary information:-

- a copy of a visual presentation in relation to City Centre and Legibility
- 'Leeds Live It Love It Walk It – your shopping, strolling and leisure map to the city'

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

- clarification of the number of maps produced to date  
*(The City Centre Manager responded and informed the meeting that to date 15,000 maps had been produced. A further 50,000 had been printed and were being distributed to city centre hotels and visitor locations)*
- clarification as to whether the department had requested a fee from those shops identified on the map and the selection process undertaken  
*(The City Centre Manager responded and outlined the selection process. The Board noted that the department had not implemented a charging policy and accepted the point made that introducing too many shops on the map would have had a cluttering affect)*
- the need for the map to be distributed to all Members of Council  
*(The City Centre Manager responded and agreed to distribute the map via the Party Group offices)*

- the need for the department to consider looking at numbering city centre car parks when producing future maps to assist motorists and visitors to the city. It was also suggested that the department should look at producing a new city centre map showing the highway routes following the completion of the Inner Ring Road and for Elected Members to be involved within the process  
*(The City Centre Manager responded and agreed to discuss the above issues with the Director of City Development)*

**RESOLVED-**

- a) That the contents of the report be noted.
- b) That officers within City Centre Management be congratulated on producing the 'Leeds Live It Love It Walk It' map.
- c) That a progress report on this issue be submitted to the Board in February/March 2010.

**56 Date and Time of Next Meeting**

Tuesday 10<sup>th</sup> November 2009 at 10.00am in the Civic Hall, Leeds  
(Pre-meeting for Board Members at 9.30am)

(The meeting concluded at 11.25am)



---

**Report of the Chief Planning Officer**

**Scrutiny Board ( City Development )**

**Date: 10<sup>th</sup> November 2009**

**Subject: Planning Enforcement Service – Update Report**

<p><b>Electoral Wards Affected:</b></p> <p>All</p> <p><input type="checkbox"/> Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
---	--

---

**1.0 Purpose of this Report**

- 1.1 This report provides a further update to Scrutiny Board (City Development) on actions being taken to increase capacity in the planning enforcement service and improve process management to provide a faster throughput of cases and improve the responsiveness of the service to its customers. Scrutiny Board (City Development) first received a report on the planning enforcement service at its meeting of 22nd April 2008. Update reports were then considered at the Scrutiny Board meetings of 18th November 2008 and 21st April 2009. At the April 2009 meeting Members noted the contents of the update report and requested a further update report in the new municipal year.

**2.0 Enforcement action and outcomes**

- 2.1 The planning enforcement service has a number of successful outcomes in some high profile matters since the last update to Scrutiny Board and instructions to the Chief Legal Officer to issue enforcement notices are at a higher level than in previous quarters. A summary of actions and outcomes is set out below:

**2.2 Enforcement and other Statutory Notices**

- 2.2.1 During the six months of Quarters 1 and 2 of 2009 32 enforcement notices and 8 Breach of Condition Notices have been served. Also 2 Temporary Stop Notices were served and an injunction obtained to continue the effect of a Temporary Stop Notice in respect of use of land as a travellers site at Rothwell. 63 enforcement notices have been authorised for consideration by the Chief Legal Officer. These include 17 sites on two streets in Barwick in Elmet and West Ardsley involving garden extensions into

the Green Belt and 7 long stay car parks in the Holbeck area which are operating contrary to planning policies.

2.2.2 18 appeals against enforcement notices were received in the period and 17 appeal decisions were made, of which 13 (76%) were dismissed. Important dismissed enforcement appeal decisions include repair and restoration work at Mike's Carpets in Armley which is a key listed building in the West Leeds Gateway; to secure the removal of a large decked forecourt area to a restaurant in Pudsey and to progress the demolition of a house in the Fearnville's (East Leeds), which has been built larger and taller than approved. Of the four appeals allowed three had permission granted on their planning merits, though in one case conditions were imposed requiring the removal of harmful aspects of the development. In the fourth case the Inspector concluded that the extent of deviation from the approved plans, given their lack of details, did not amount to a breach of planning control. The Inspector also made an award of costs to the appellant in this case. Of the 13 appeals dismissed nine are still within the compliance periods, three have been complied with, one is now subject of prosecution action. A further six appeals were withdrawn or were invalid on receipt by the Planning Inspectorate. Of those, five notices are now in effect and in one case the notice was withdrawn because information came to light as to the lawfulness of the development.

### 2.3 Prosecutions

2.3.1 In the half year eight prosecution cases were brought before the Courts. Four resulted in convictions, three for non compliance with enforcement notices and one for the display of advertisement hoardings. The fines ranged from £16000 for multiple offences of non compliance with enforcement notices by two defendants where the breaches had not been remedied to £85 fines on two defendants where the matter had belatedly been dealt with before the Court hearing. Two cases remain adjourned at the end of Q2, one for sentencing pending the outcome of a legal challenge to a planning appeal decision and another for a trial scheduled for January 2010. In two other cases prosecutions were adjourned at the defendants' request and subsequently withdrawn on payment of the Council's costs where negotiated resolutions had been obtained. A total of £16770 was imposed in fines and £10,800 was recovered to the Council in costs. A further case is scheduled for a first hearing in November and three other matters are pending consideration by prosecution solicitors. Instructions are currently being prepared in respect of five alleged offences.

### 2.4 Publicity

2.4.1 In line with previous reports we have taken steps to publicise successful enforcement actions, particularly as a warning to others who are contemplating breaching planning controls. There has been some positive publicity in the press following the action taken at a Travellers' site in Robin Hood which involved a temporary stop notice, an injunction and an enforcement notice which is now at appeal. The prosecution of householders in East Leeds over a wall and garden structures resulting in substantial fines made the front page of the Evening Post with a supportive editorial comment.

### 3.0 Current Workloads

- 3.1 Workloads in Planning Compliance have not decreased in line with reductions in planning applications submitted to the Council. The table below shows the number of cases received and resolved over the last two and half years:

	Cases Received	Cases Resolved
2007/08	1500	1655
2008/09	1519	1265
2009 (Q1 and Q2)	795	931

Whilst there had been an 8% fall in cases between 2006/7 and 2007/8 with only a very slight increase in the following year the trend is now of a slight overall increase in the number of new cases. Within the last year there have been significant fluctuations in the amount of incoming casework and when new cases peak this further contributes to the difficulty of case progression where no spare capacity exists. For example 96 new cases have been received between 1<sup>st</sup> and 19<sup>th</sup> October 2009. The figures show that overall the number of cases resolved over the 2.5 year period has exceeded the numbers received, but not by many and so there has been little impact on the total number of cases in the system over that period.

- 3.2 A full review of all open enforcement cases has been carried out and as result 534 cases were resolved in Q1 of 2009 compared to 400 received. In Q2 the numbers received and resolved were about even (396 received and 397 resolved) There are currently some 1500 cases in the system, which has resulted in very high officer caseloads averaging about 165 per case officer but with two officers having over 200 cases each. These workloads are unsustainable and result in a slow turn round and difficulties in both progressing actions and keeping people informed. The issue of keeping complainants informed of the progress of cases is the dominant cause of customer complaint and is a matter of significant frustration to both officers and elected members.
- 3.3 It has been necessary to undertake further periods of overtime working, financed by savings from vacant posts, to reduce the numbers of old cases in the system and latterly to maintain the level of case resolutions at the same level as incoming cases. Clearly this is not a desirable way of working in the longer term and will have budgetary implications once vacant post are filled and the officer returns from maternity leave.
- 3.4 A commitment has been made to resume 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 has been issued by the Secretary of State. This work, which has been in abeyance since the original Direction expired in late 2007, is due to start in December 2009. It will be a priority to embed the restrictions on advertising and the associated the Code of Practice for acceptable property advertisements in the operating processes of landlords and agents. This will require robust enforcement through prosecution actions during the 2010 letting season, involving the allocation of sufficient staff resources to undertake the task.

## 4.0 Building Capacity

- 4.1 Staff availability in the enforcement team still remains a key factor in the ability to deliver and maintain service improvements and effectively progress enforcement actions. The establishment level of the Compliance team is 13.5 FTE posts (Planning Compliance Manager, Principal Compliance Officer, 3 Senior Compliance Officers and 8.5 Compliance Officers. It has been agreed that, notwithstanding budgetary constraints across all Council services, the establishment level of the planning compliance service will be maintained. However, due to staff turnover, problems of recruiting suitably qualified and experienced staff and absences due to maternity leave and long term sickness absences the service is still not yet at establishment level.
- 4.2 One of the two vacant compliance officer posts was filled in May 2009 through the Council's redeployment scheme. In the absence of any other suitable candidates the second post was cleared for external advertisement, which attracted over 200 applicants. Unlike previous recruitment rounds, there were over 30 candidates with a number of suitable skill sets for the post. 9 candidates were interviewed and the successful candidate, who will take up the post in November, has long experience in the Police service and has recently undertaken a Masters Degree in Planning. The appointee will bring valuable experience of the Police and Criminal Evidence Act processes. An officer employed part time, who has been on maternity leave since January will return to work by December, at which point all compliance officer posts will be filled.
- 4.3 The secondment of a Senior Planner to a long vacant Senior Compliance Officer post has made a significant contribution to the increased number of enforcement and other notices served and in dealing with appeals. The post holder also provides planning input into reviewing cases to determine whether or not it is expedient to take any further action. The secondment was for an initial period of six months, starting in mid May. It is anticipated that the arrangement will continue with a further six month secondment from November 2009.
- 4.4 Long term sickness absences have been a continuing issue for the enforcement service. An experienced officer was absent for four months during Q1 and Q2 of 2009 due to an injury from a non work related accident. The officer is only now being able to resume a full range of duties. In the light of this absence a further Senior Planner was seconded to Compliance for a period of five weeks and was able to contribute to moving forward older cases.
- 4.5 A dedicated administrative resource had been made available to help make up case files; to collate information for performance reports and provide general administrative support to the team. Following the departure of that officer the logging of new cases and making up the case files is being carried out in the Development Enquiry Centre (DEC). This system is working well as most cases now arise through e-mail complaints, or by direct contact with DEC staff over the telephone or at the public reception desk. The new process has resulted in less time being taken by senior enforcement officers in setting up new cases. However, increasing workloads in the DEC, combined with levels of staff availability, can result in some temporary backlogs in the process delaying acknowledgements and new cases coming through to officers. A recent review of the administrative requirements across Planning Services has identified the need for a dedicated administrative resource in the Compliance section.

## **5.0 Keeping people informed**

- 5.1 It is recognised that much still needs to be done to get to the point where we need to be on this aspect of customer service. Embedding a consistent approach by officers to updating complainants and keeping cases moving continues to be handicapped by the high case loads, as explained above. Reducing officers' case loads to more manageable numbers is therefore key to implementing a number of service improvements in a consistent and timely manner.
- 5.2 The Key cases report has been produced for Members on a two monthly basis for cases to the end of May, July and September with the next due for cases to the end of November. The September Key cases list contained some 270 cases, predominantly matters that members had brought to officers' attention or had subsequently expressed an interest in. The Key Cases list nonetheless contains less than 20% of all live cases in the system.
- 5.3 A supplementary document to the City Council's Charter with Parish and Town Councils has been drawn up setting out operational links between Parish and Town Councils and the Planning Service. The final draft sets out new arrangements whereby Compliance team will identify all enforcement cases arising from enquiries made by Parish and Town Councils where there has been a breach of planning control and provide regular updates on progress to Parish and Town Council Clerks, or other named contact, on the matters in their areas. Parish and Town Councils will indicate which of the case in their areas are important locally so that the City Council can take that into account in progressing individual cases. These cases will be included on the Key cases report so that Ward Members will be aware of those matters that are priorities for the Parish and Town Councils in their wards.

## **6.0 Ways forward to address the backlog of cases and to prioritise actions on new enforcement cases**

- 6.1 The Joint Plans Panel, at its meeting of 19th October 2009, considered a report by the Chief Planning Officer and Chief Officer, Legal, Licensing and Registration on "Enforcement - Outstanding cases". The report set out suggestions for a way forward to tackle the backlog of cases that has built up and to then maintain case loads within manageable levels once all posts on the structure are filled, either by permanent appointments or long term secondments of staff. The report set out background information on staffing and workloads in the Planning and Legal Services dedicated to enforcement tasks or available to take forward prosecutions and provide legal advice.
- 6.2 The information on current resources and workloads in the Compliance team and the recent outcomes of enforcement actions are also included in this report. The main purpose of the report was to set out in outline proposals to address the current backlog of cases and set parameters for establishing enforcement priorities to take actions forward beyond the point of the initial investigation, which would be applicable to the older cases that remained in the system and to "new" cases, both now and in the future. Members of the Joint Plans Panel were invited to comment on the elements ( set out in paragraphs 6.3 – 6.5 below ) that together offer an approach to deal with the issues that have been identified. There was a consensus of view that significant breaches of planning control should be pursued rigorously otherwise confidence in the planning process, and in the Council that administers it, would be lost. Members agreed to the proposals as a basis for further consideration and added that enforcement case reviews with Members in all wards should take place over the next six months.
- 6.3 Additional resources

It is considered that in the current difficult financial position, with a significant budget deficit in Planning Services due to the sharp decrease in income ( £800,000 down in planning fees after 6 months against target income in the budget ) it is unlikely that additional resources can be made available to undertake the planning enforcement function. It is intended to staff up to the structure (13.5 FTE ) and it may be possible to utilise some staff time from the area teams in the Planning Service. However, the reduction in establishment of 30 posts across Planning Services that has already occurred through various early leaver initiatives, secondments and by not filling posts as they are vacated, markedly reduces the scope for being able to do this without it impinging on the operation of other parts of the Planning Service. There is some suggestion that additional resourcing in both Planning Compliance and Legal Services may be possible through securing funding from the Area Committees. We will be preparing proposals for the Area Committees to consider.

#### 6.4 Better case load management

To improve the throughput of cases greater rigour is required in determining whether or not it is expedient to pursue an alleged breach of planning control, both in terms of dealing with the backlog and in new cases. This would involve scrutinising new complaints to see if sufficient information is provided to enable the matter to be investigated in the first instance. The Council's leaflet on the operation of the planning enforcement notice provides guidance on the sorts of information required to enable an effective investigation to be made. Enquiry Centre staff can assist in this process when advising customers over the phone or at the reception desk and when screening incoming e-mail traffic. Once the initial investigation is completed it is important to make early decisions as to whether the matter will be pursued in the light of the evidence, closing them at an early stage where little evidence exists of a material breach, or where the identified breach is not causing significant harm. Where new evidence comes to light the matter can always be pursued at that time. If there is an identifiable breach a Planning Contravention Notice can be served at an early stage to ensure an entry is put on the Land Charges Register, which will warn potential purchasers of that a matter is under investigation.

#### 6.5 Prioritising action

The Planning Service has a long established set of priorities for undertaking initial investigation which works well. However, there is no agreed process to inform what matters should be pursued as a priority once it has been established that a breach of planning control has occurred. It is therefore proposed to prepare a scheme of agreed priorities which will identify those issues that would apply city wide, such as protection of trees and Listed Buildings, or Green Belt protection in the outer areas and seek to address particular planning problems that are causing significant harm to the amenity of local communities. The establishment of a priorities list and a clear statement of what the Council will pursue would provide clarity and consistency in the approach taken in moving cases forward.

Officers have met Members from two wards to review all the current cases in those wards. This process has been helpful to both Ward Members and Compliance staff in giving Members a full picture of the current enforcement issues in their wards, in identifying priorities for action for compliance officers and in finding common agreement on those matters where it would not be expedient to take further action. It is proposed to invite Members from all Wards to meet with officers to undertake similar case reviews over the next six months.



6.6 Following the discussion at Joint Plans Panel officers will work up these proposals further as a basis for consultation with Members and with other stakeholders in the planning process including Town and Parish Councils and Area Committees as it is considered essential that Member approval and ownership is obtained if this issue is to be tackled successfully.

## **7.0 Recommendations**

7.1 Scrutiny Board is recommended to:

- (i) note the contents of this update report and to endorse 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.
- (ii) endorse an approach being made to the Area Committees to seek funding for additional resources for planning enforcement and Legal Services to address current case loads.

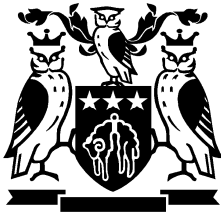
### Background papers

Report to Scrutiny Board 22<sup>nd</sup> April 2008 “Management and Capacity of the Planning Compliance Service”

Report to Scrutiny Board 18<sup>th</sup> November 2008 “Progress Report on the Management and Capacity of the Planning Compliance Service

Report to Scrutiny Board 22<sup>nd</sup> April 2009 “Update on the Management and Capacity of the Planning Compliance Service

This page is intentionally left blank



Author: Gary Bartlett

Tel: 0113 2475319

---

**Report of the Director of City Development**

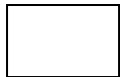
**Scrutiny Board (City & Development)**

**Date 10th November 2009**

**Subject: Leeds City Region Transport Strategy Vision**

---

**Electoral Wards Affected: All**



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

**1.0 Purpose**

1.1 Scrutiny Board is requested to review and comment on the proposed Leeds City Region Transport Strategy.

**2.0 Background**

2.1 As part of its Inquiry into Integrated Transport Strategies for Leeds and the Wider Region, this Scrutiny Board agreed to focus on the following:

- The governance arrangements for transport strategy within West Yorkshire and in the Leeds City Region and the way in which the needs of the people of Leeds are represented at each level.
- The recently announced forerunner status for the city region.
- The key priorities for local and regional transport as set out in the existing strategies, and the way in which these complement and interact with one another.

2.2 The first two were considered at the Scrutiny Board meeting on 8<sup>th</sup> October; the latter is covered by this report.

2.3 This particular piece of work is a refresh of the earlier Transport Vision, produced in 2006, which aims to produce a more focused strategy to link better with Local Transport Plans (LTP) and Major Schemes.

2.4 A Steering Group, comprising representatives from city region authorities, Metro, Government Office and Yorkshire Forward has overseen the work of Arup Consultants. Network Rail and the Highways Agency have also supported the Group. Each of the city region partners has also carried out local engagement as the strategy has been developed.

### **3.0 Information**

- 3.1 Since the earlier Vision, the Department for Transport (DfT) has published its new approach to strategic transport planning beyond 2014, incorporating the Eddington and Stern recommendations for transport and the economics of climate change. 'Delivering a Sustainable Transport System', DaSTS, published in November 2008, introduced 5 new national goals for transport:
- supporting economic growth
  - tackling climate change
  - better safety, security and health
  - greater equality of opportunity
  - improve quality of life
- 3.2 On behalf of city region partners, Arup Consultants have analysed the current and future demands on the transport network with particular focus on jobs and housing growth, and the transition to a lower carbon economy. The DfT have welcomed the Strategy moving forward from the earlier Vision, and its alignment with their new DaSTS approach.
- 3.3 The Strategy identifies the main issues and challenges for transport, the wider policy and spatial outcomes that it needs to support, and a framework for developing interventions to inform delivery and funding plans. The strategy will also inform the development of the next LTPs for April 2011.
- 3.4 Delivery of the Transport Strategy has been a key focus of this work. Recognising the uncertainty about future funding, the Strategy considers the implications of different funding scenarios and sets out some main principles for funding and delivery, for example, to secure funding freedoms and flexibilities through the ongoing negotiations for city region pilot forerunner status.
- 3.5 Alongside this work, the DfT have announced their support to fund a Leeds City Region DaSTS Connectivity Study that will form part of the implementation plan for the Transport Strategy. A brief is being agreed with DfT and the Inception Meeting will be held on the 9<sup>th</sup> November. It is anticipated that the study work can commence later in the month. The Executive Summary of the Transport Strategy with spatial priority and intervention plans is attached at Appendix A.
- 3.6 The draft Transport Strategy was presented to the Transport Panel on 5 October and the Leaders' Board on 8<sup>th</sup> October with the intention being to formally launch at the City Region Summit in November 2009.

### **4.0 Recommendations**

- 4.1 The Scrutiny Board is requested to review and comment on the proposed Leeds City Region Transport Strategy.

Leeds City Region  
Partners

---

**Leeds City Region  
Transport Strategy**

---

Executive Summary

ISSUE

Leeds City Region  
Partners

---

**Leeds City Region  
Transport Strategy**

---

Executive Summary

October 2009

**Ove Arup & Partners Ltd**

Admiral House, Rose Wharf, 78 East Street, Leeds LS9 8EE  
Tel +44 (0)113 2428498 Fax +44 (0)113 2428573  
[www.arup.com](http://www.arup.com)

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party

Job number 121525-23

Job title	Leeds City Region Transport Strategy	Job number	121525-23
-----------	--------------------------------------	------------	-----------

Document title	Executive Summary	File reference	
----------------	-------------------	----------------	--

Document ref

Revision	Date	Filename	0016Exec Summ 220909.doc		
Draft 1	22/09/09	Description	First draft		
			Prepared by	Checked by	Approved by
		Name	MT	IM	TB
		Signature			
Issue	07/10/09	Filename	0016Exec Summ 300909.doc		
		Description			
			Prepared by	Checked by	Approved by
		Name	MT	IM	TB
		Signature			
		Filename			
		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			
		Filename			
		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			

Issue Document Verification with Document

## Contents

Executive Summary	Page 1
-------------------	-----------



## Executive Summary

### Introduction

Securing improvements in transport and connectivity is vital to realising the ambitions for the future prosperity, cohesion and sustainability of the Leeds City Region. This strategy sets out how transport should support the future development and prosperity of the Leeds City Region in the context of the transition to a lower carbon economy. The strategy identifies the main issues and priority challenges for transport, the wider policy and spatial outcomes that transport needs to support, and a framework for developing interventions to inform a delivery and funding plan. The strategy has been produced through a process of strong partnership working between relevant local authorities in the Leeds City Region, Yorkshire Forward, Metro, Department for Transport, Network Rail, the Highways Agency and wider stakeholders.

This Leeds City Region Transport Strategy replaces the Transport Vision that was launched in 2006. This update has built on the strengths of the previous Transport Vision – its comprehensive approach, vision and aspirations – whilst also reflecting the changing policy, economic background and funding context. The Strategy seeks to be realistic as well as ambitious. It sets out the framework for transport as opposed to a wish-list of specific scheme proposals. It identifies the wider spatial development and policy priorities for transport to support, and outlines the main transport outcomes to be addressed through future work to develop and deliver proposals for transport capital schemes as well as revenue based measures to support transport services, and wider interventions to manage demand for travel.

### The Leeds City Region

The Leeds City Region is a diverse area, covering a significant part of the Yorkshire and Humber region. It comprises the local authority areas of Barnsley, Bradford, Calderdale, Craven, Harrogate, Kirklees, Leeds, Selby, Wakefield and York. It includes parts of North Yorkshire County and the Sheffield City Region (Barnsley is in both the Leeds and Sheffield City Regions).

With an annual economic output of around £46bn, and over 1.5m jobs, the Leeds City Region is the predominant economic driver of the Yorkshire and Humber region, with a substantial business and employment base in financial and business services and in other high value sectors and activities, including digital and media, higher education, research and development, tourism, advanced logistics, and government. The growth and expansion of the Leeds City Region economy in recent years has placed considerable pressures on the transport network to support and enable the commuter trips generated. Structural changes to the City Region's economy tend to mean that more jobs are being focused on fewer locations, with knock on impacts on highway and public transport capacity.

The City Region has several major cities, towns and business locations with a complex pattern of economic links between them, and several significant commuting destinations. Leeds is the largest economic centre and commuting destination. Other cities and towns are also important employment locations. The City Region also has significant areas of acute deprivation, particularly in some of the inner-urban areas, but also in some peripheral settlements. The City Region has rural areas and settlements, including National Parks, posing particular challenges for transport to provide access to jobs, services and tourism destinations.

The Regional Spatial Strategy forecasts over 350,000 new jobs would be created in the Leeds City Region between 2006 and 2026. However the recession has led to jobs growth stalling, and to the Leeds City Region reassessing likely trajectories for future economic growth. Whilst economic and jobs growth is forecast to resume, there will be longer timescales for achieving jobs growth targets set previously. Transport investment in the Leeds City Region is vital to ensure that the economic recovery is robust, to help put in place the underlying conditions for future economic competitiveness, and to meet increasing demand for travel that will stem from future economic and employment growth.

The Regional Spatial Strategy sets out the requirement to deliver over 14,000 net additional homes per annum in the City Region between 2008 and 2026, over 250,000 new dwellings in total. Almost one-third of these new homes will be located within the Leeds District. Bradford, Kirklees, Wakefield and York will become increasingly important areas of housing growth.

The congestion and overcrowding problems could be exacerbated in future years, given the scale of new houses and jobs forecast for the City Region.

### **Main Goals and Challenges**

This Transport Strategy does not seek to improve transport for its own sake; it seeks to support the delivery of wider policies. It aims to support the current economic and social roles and functions of key locations in the City Region, and to help stimulate and accommodate planned development and change. The Transport Strategy has been prepared in the context of the latest national approach to transport planning as set out by Government in *Delivering a Sustainable Transport System (DaSTS)* that has emerged following the Eddington report on transport and the economy the Stern report on the economics of climate change. DaSTS identifies five goals for transport and 16 challenges to address these goals. Seven of these challenges were identified as key priorities for the Leeds City Region:

- Deliver quantified reductions in greenhouse gas emissions;
- Reduce lost productive time;
- Improve the connectivity and access to labour markets of key business;
- Support the sustainable provision of housing;
- Enhance social inclusion and the regeneration of deprived or remote areas;
- Reduce the risk of death or injury due to transport accidents; and
- Contribute to the reduction in the gap between economic growth rates for different English regions.

Whilst the Transport Strategy needs to address each of the seven prioritised challenges, some of the challenges will need to be tackled at specific areas within the Leeds City Region. The urban areas, housing growth points and regeneration areas have been prioritised according to their importance to the City Region and the contribution they could make in the future. The identification of the City Region's spatial priorities has been influenced by the land use and housing policy framework for the City Region.

### **Spatial Priorities**

The spatial priorities for the Leeds City Region have been categorised into groups to reflect their relative importance. The spatial priorities include the main areas of economic activity and change, key transport corridors including those providing connectivity within the City Region as well as national links, and the priority regeneration areas. The spatial priorities are summarised below.

#### **Priority A:**

- developing an internationally recognised city region;
- developing the role of Leeds as a Regional City;
- transforming the Regional City of Bradford, improving access via TransPennine links to Manchester City region and Manchester airport and supporting movements within the Leeds City region along the TransPennine corridor; and
- Improving access to the Sheffield City region and London.

#### **Priority B:**

- developing enhanced and complementary roles for the Sub Regional cities and Towns (Barnsley, Halifax, Harrogate, Huddersfield, Wakefield and York) capitalising on their particular strengths and potential; and
- supporting the delivery of priority areas for regeneration and housing growth (Coalfield Regeneration Area in Wakefield District, Airedale – Bradford to Skipton, Aire Valley Leeds, South Dewsbury / North Kirklees, York NorthWest, East Leeds, East Bradford – West Leeds area; and
- Improving connectivity for rail freight to / from the Humber Ports.

### Priority C:

- Strengthening the service centre roles of the Principal Towns: Batley, Brighouse, Castleford, Cudworth, Dewsbury, Goldthorpe, Holmfirth, Hoyland, Ilkley, Keighley, Knaresborough, Penistone, Pontefract, Ripon, Selby, Skipton, Wetherby, Wombwell. These roles will be defined in more detail in local plans and priorities, in particular through Local Development Frameworks

The spatial priorities are set out in full Figure 1 and table 1 at the end of this Executive Summary.

### Interventions

The Transport Strategy sets out a framework for delivery that comprises:

- specific scheme proposals for which there is a strong degree of certainty or commitment to delivery in the short-medium term;
- Cross-cutting themes on which coordinated action and investment (including revenue funding) is needed; and
- Spatially specific outcomes which to be addressed through future development and delivery of (as yet unspecified) transport interventions.

The DaSTS challenges and spatial priorities were used to influence the work to consider options for intervention for transport. A number of options were generated which could improve transport on these corridors. These ranged from public transport and highway schemes through to “softer” measures encompassing ticketing. Some interventions were identified as a requirement across the Leeds City Region. These have been grouped together as a package of generic interventions which includes: local improvements, network management measures, safety enhancements, transport quality and integration measures. These schemes will be supplemented by a number of spatially specific interventions which will address known issues on key routes within the City Region. The level of detail provided for these schemes has been linked to the timescales for interventions which is strongly related to the availability of committed funding. The summary of interventions is set out in Figures 2 and 3.

The proposed options underwent a thorough sifting process followed by a review by stakeholders and partners (both local, regional and national) to ensure a deliverable programme of investment. The outcome of this stage highlighted that alongside development and delivery of transport capital schemes, concerted and coordinated action and investment in five key areas is required to tackle cross-cutting policy priorities:

1. reducing carbon emissions and improving energy resilience;
2. strengthening the coordination of bus;
3. tackling congestion;
4. developing a strategic framework for demand management; and
5. more effective land use policy/transport integration.

### **Funding and Delivery**

Recognising uncertainty around funding, the Strategy considers the implications of different funding scenarios. The City Region currently does not receive a proportion of national or regional transport funding commensurate with the size of its economy and population. Any reduction in future funding will result in scheme delivery being delayed and the scale of interventions being reduced, impairing the delivery of wider policy priorities for the City Region. The City Region will need to make its case for future funding based on its ability to deliver and its potential positive economic contribution it makes at national level.

The Transport Strategy sets out some main principles for future funding and delivery:

- Securing funding freedoms and flexibilities through the City Region's position as a fore-runner City Region, and exploiting existing scope for pooling and deploying funding more strategically – recognising that in the future the City Region will need to move beyond an "ask" for more funding to a proposition for greater freedoms for how it generates and uses funding;
- Establishing a clear position on what the City Region requires from the future development of national transport networks and influencing regional transport policy, including taking forward the DaSTS studies; and
- Prioritising scheme development so that the City Region has projects worked-up to a delivery-ready stage to exploit funding opportunities when they become available.

**Table 1. City Region Spatial Priorities.**

Priority		Description	Rationale (summary)
A	Conurbation	<b>To develop an internationally recognised City Region;</b> to raise our economic performance; to spread prosperity across the whole of our City Region, and to promote a better quality of life for all of those who live and work here.	The shared Leeds City Region vision, which provides the guiding framework for joint working at the City Region level.
A	Conurbation	<b>Develop the role of Leeds as a Regional City,</b> by accommodating significant growth in jobs and homes and continuing to improve the city centre’s offer of high order shops and services.	41,400 departures and 89,600 arrivals per day, plus 77,400 new houses and forecast additional 108,540 jobs. Wider Leeds economic role clearly recognised in wider policy.
A	Conurbation	<b>Transform the Regional City of Bradford</b> with significantly increased growth in economic development, jobs and homes through the renaissance of the city centre, and development and regeneration elsewhere.	36,900 departures and 40,100 arrivals per day, plus 48,600 new houses and 84,960 jobs. Significant transformation of Bradford proposed through RSS and RES policy.
A	Strategic National Corridor, Gateway	<b>Improve access via TransPennine links to Manchester City Region and Manchester Airport and support movements within the Leeds City Region along the TransPennine corridor.</b>	10,300 departures and 6,828 arrivals per day. Significant growth on this corridor is planned, both to the wider Manchester City Region and the Airport. Key links include the M62, A62 and the principal Transpennine rail route via Kirklees, and the Caldervale line.
A	Strategic National Corridor	<b>Improve access to the Sheffield City Region and London</b>	Links to London are critically important, particularly given the size of the business and financial services sector in Leeds. Connections to Sheffield are also important, given the size of the population catchment Key links include the M1, A1 and the East Coast Main Line
A	Gateway	<b>Improve access to Leeds Bradford International Airport</b> particularly by public transport.	7,150 passenger arrivals per day, with a significant increase in passenger numbers, with throughput expected to double by around 2015. The number of employees is also set to increase. Improving surface access links to support this growth is a clear policy priority for the City Region.
B1	Conurbation	Develop enhanced and complementary roles for the Sub Regional Cities and Towns, which capitalise on their particular strengths and potential:  <ul style="list-style-type: none"> <li>• <b>Barnsley</b> (including the Accessibility Improvement Zone and New Growth Point proposals)</li> <li>• <b>Halifax</b> (including Calderdale New Growth Point proposals),</li> <li>• <b>Harrogate</b></li> <li>• <b>Huddersfield</b> (including Kirklees Strategic Economic Zone)</li> <li>• <b>Wakefield</b></li> <li>• <b>York.</b></li> </ul>	<b>Barnsley:</b> 12,400 departures and 5,400 arrivals per day, 18,720 new homes and 25,740 new jobs.  <b>Calderdale:</b> 19,400 departures and 16,300 arrivals per day, at least 12,060 new homes and 10,980 new jobs. <b>Harrogate:</b> 14,400 departures and 7,900 arrivals per day, 7,020 new homes and up to 7,380 new jobs. <b>Kirklees:</b> 43,400 departures and 25,300 arrivals per day, 30,600 new houses and 27,900 new jobs. <b>Wakefield:</b> 35,400 departures 28,000 arrivals per day, with 28,800 new houses and 20,520 new jobs <b>York:</b> 9,000 departures and 9,300 arrivals per day, with 15,300 new homes and 38,340 new jobs.

Priority		Description	Rationale (summary)
B1	Conurbation	<b>Coalfield Regeneration Area in Wakefield<sup>1</sup></b> – focus housing renewal and development and employment opportunities on the Five Towns at an appropriate scale for individual communities with a particular emphasis on transforming the town centres.	2,000 new houses proposed. Significant regeneration priority to transform residential offer, quality of life and access to employment, including as part of the New Growth Points proposals.
B1	Corridor	<b>Airedale (Bradford to Skipton)</b> – increasing employment opportunities and focusing development in Keighley and Skipton and urban eco settlement.	15,000 new houses and 10,400 new jobs. Important economic development objective and housing regeneration, including Urban Eco-settlement proposals along the Shipley – Bradford Canal Corridor.
B1	Corridor	<b>Aire Valley Leeds</b> - deliver housing regeneration, housing growth and economic development and urban eco settlement	Proposed location for a pilot Accelerated Development Zone (ADZ) as part of New Growth Point and Urban Eco-settlement which extends towards the city centre as part of the growth point proposals. The area generates a limited number of trips at present, but with between 10-15,000 new homes and up to 20,000 new jobs, it is anticipated this will generate significant transport implications
B1	Conurbation	<b>South Dewsbury / North Kirklees</b> - develop Dewsbury's role by delivering regeneration and housing renewal and development and urban eco settlement	4,800 new houses. Significant regeneration priority to transform residential offer, quality of life and access to employment, including as part of the New Growth Point and Urban Eco-settlement proposals.
B1	Conurbation	<b>York NorthWest</b> – new homes and a new central business district in the Sub Regional City of York and urban eco settlement	4,300 new houses and 5,300 new jobs. Important policy priority to provide new commercial expansion of city centre and delivery of new homes, including as part of New Growth Point and Urban Eco Settlement Proposals. Significant transport intervention and investment.
B1	Gateway	Improve connectivity for rail freight to / from the <b>Humber Ports</b>	The link to the Humber Ports is significant as a freight corridor, with the connection to the Leeds City Region forming part of a longer distance route to the rest of the UK.
B2	Conurbation	<b>East Leeds</b> - deliver housing regeneration, housing growth and economic development	2,000 new houses and 2,000 new jobs – major regeneration and transformation priority with transport implications.
B2	Conurbation	<b>East Bradford – West Leeds Area</b> – restructure and regenerate east Bradford and west Leeds to better support economic growth of both cities and LCR conurbation core	Housing and economic regeneration priority for Leeds City Region – will be facilitated by transport interventions, and will have transport impacts as travel patterns change.
C	Conurbation	Strengthen the service centre roles of the Principal Towns: Batley, Brighouse, Castleford, Cudworth, Dewsbury, Goldthorpe, Holmfirth, Hoyland, Ilkley, Keighley, Knaresborough, Penistone, Pontefract, Ripon, Selby, Skipton, Wetherby, Wombwell. These roles will be defined in more detail in local plans and priorities, in particular through Local Development Frameworks.	

*Notes: Housing and jobs growth are based on the District wide numbers for net additional new homes set out in the Regional Spatial Strategy (RSS) for the period up to 2008 to 2026 (table 12.1 of RSS) with the exception of the Growth Point, Urban Eco Settlement and other priority regeneration areas (Aire Valley Leeds, Airedale, Coalfield Regeneration Area*

<sup>1</sup> The Coalfield Regeneration area in Wakefield also includes linkages to both Leeds and Wakefield, and Sheffield / Doncaster / Barnsley, as specified in policy LCR2 of the RSS

*in Wakefield, East Bradford – West Leeds Area, South Dewsbury / North Kirklees, York NorthWest) where the housing growth figures are derived from relevant regeneration strategies. Through the Growth Points initiative some Districts are planning to deliver in excess of the housing numbers set out in the RSS. There is therefore double-counting of housing numbers within this table – see table 4.5 for the total new homes.*

*Employment forecasts are 'potential' growth estimates from the RSS (table 11.6 of RSS) for the period 2008-2026, although the timescales to achieve these forecasts may be extended due to the current recession. The RSS policy is to focus delivery of new jobs and homes in existing urban areas.*

*The number of journeys is based on the estimates of trip rates from the 2001 Census matrix commuter movements between selected centres and areas, and all other parts of the City Region.*

Figure 1: Spatial Priorities in the Leeds City Region

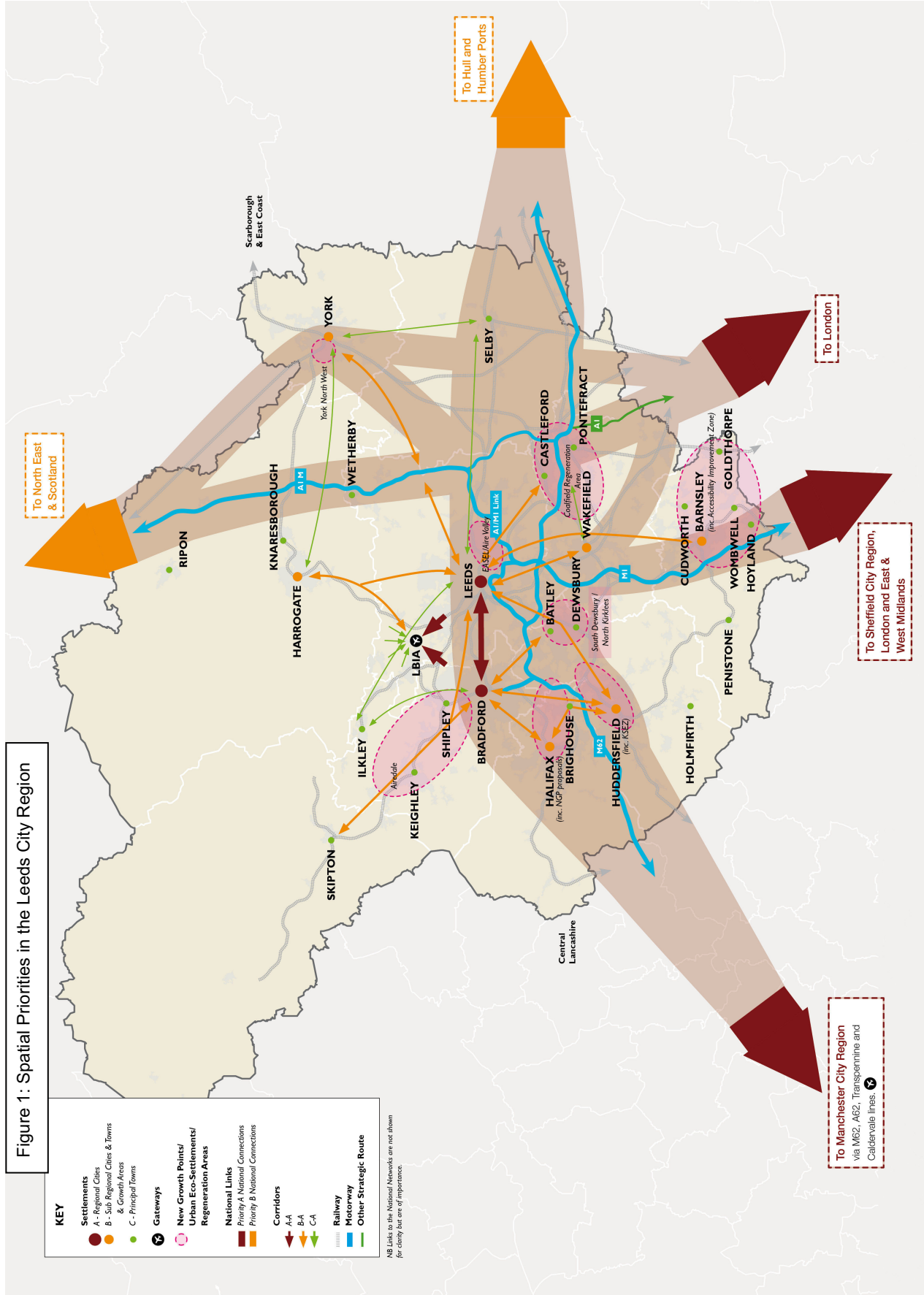




Figure 2: Summary of Interventions in the Leeds City Region (North, East, including Leeds)

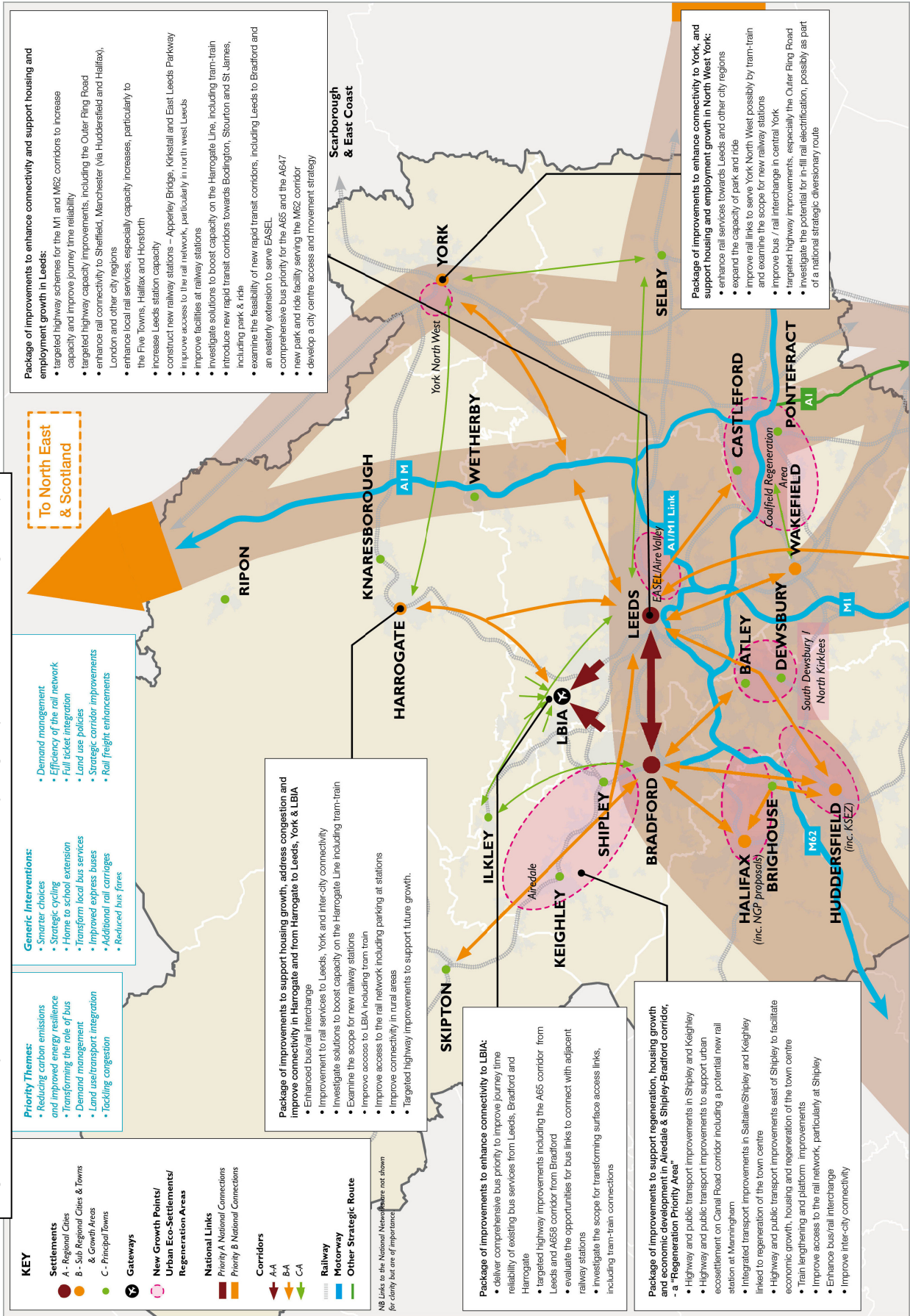


Figure 3: Summary of Interventions in the Leeds City Region (West)

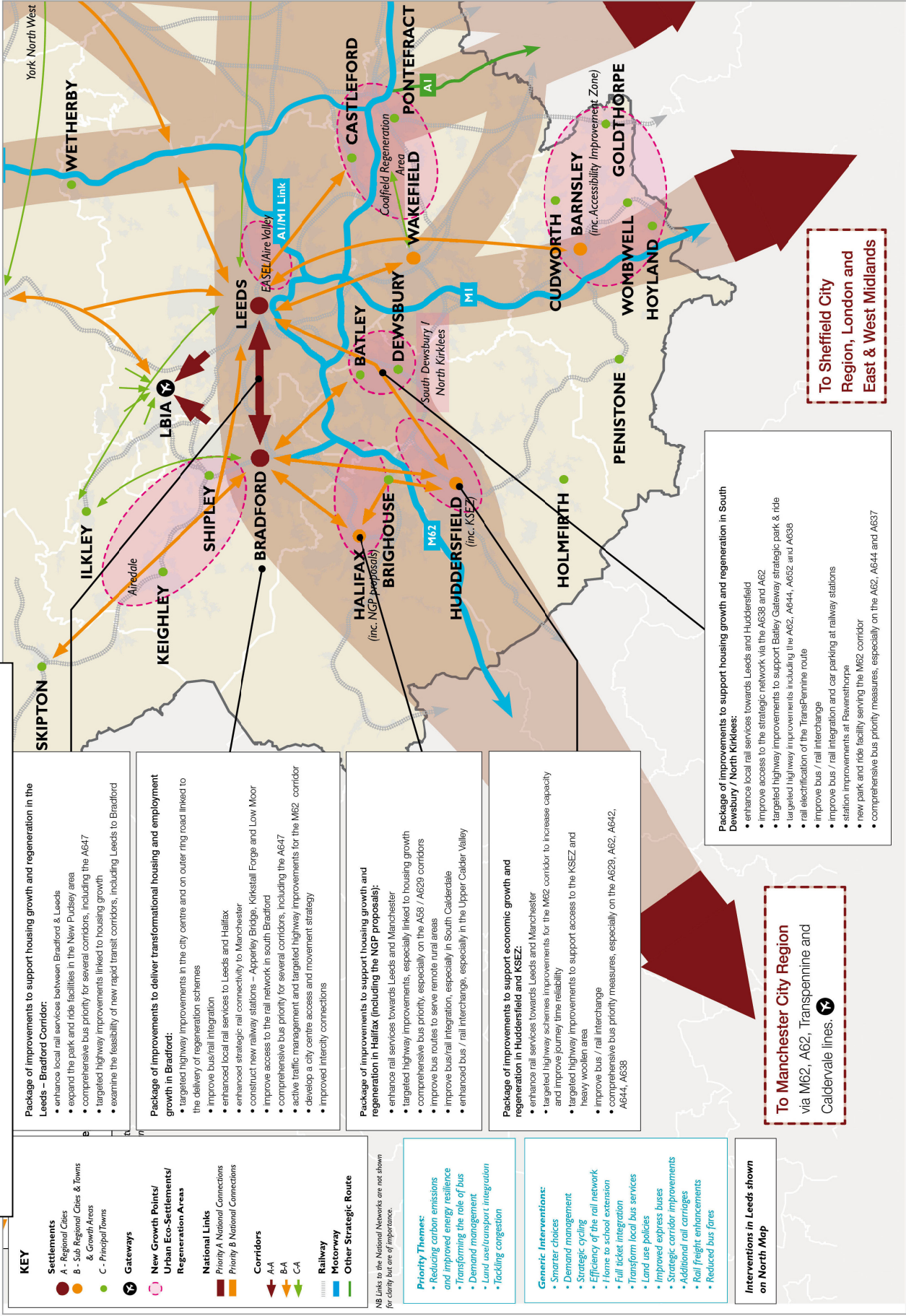
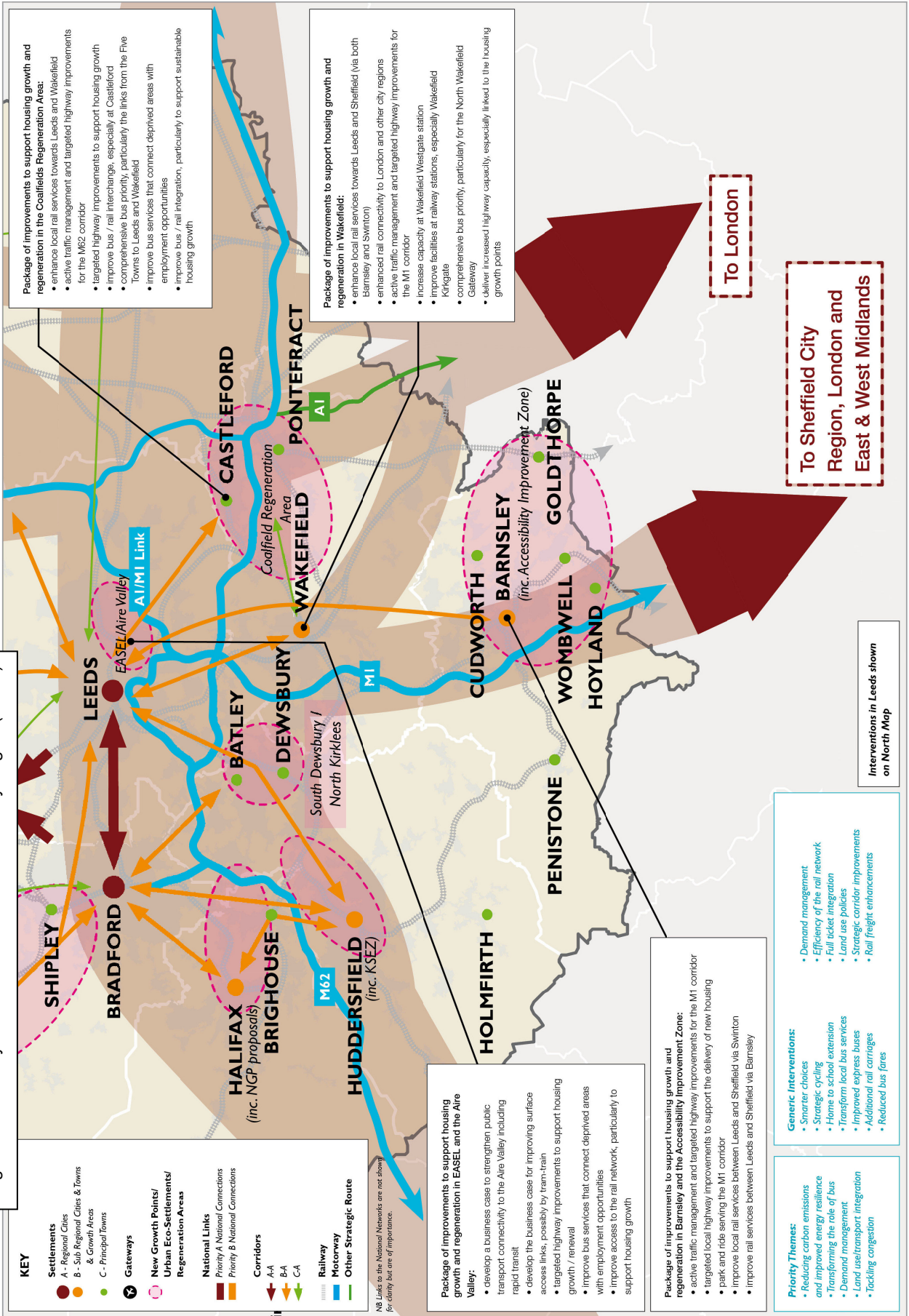


Figure 4: Summary of Interventions in the Leeds City Region (South)



This page is intentionally left blank



Originator: Clare Munnelly  
Paul Gough

Tel: 22-43261

---

## Report of Chief Planning Officer

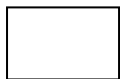
### Scrutiny Board: City Development

Date: 10<sup>th</sup> November 2009

Subject: **THE CURRENT POSITION WITH S106 PLANNING AGREEMENTS**

---

#### Electoral Wards Affected:



Ward Members consulted  
(Referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

## 1. PURPOSE

- 1.1 The purpose of this report is to provide the Scrutiny Board with;
- An overview of the current system for managing S106 Agreements in Leeds.
  - A breakdown of funds generated from S106 Agreements in Leeds and protocols for spending sums.

## 2. BACKGROUND

- 2.1 Planning Obligations, also known as S106 agreements, are typically agreements negotiated between local authorities and developers in the context of granting planning consent in order to mitigate their impacts and make them acceptable in planning terms. Direct provision, through on-site benefits, and/or commuted financial contributions may relate to transport provision, affordable housing, greenspace, education or other community benefit. The wording of each S106 agreement will vary depending upon the benefit being sought.
- 2.2 Circular 05/2005 sets out Government policy for the use of S106 agreements. A document entitled Planning Obligations: Practice Guidance published July 2006 by the Department for Communities and Local Government provides further guidance to all parties involved in the planning obligations process. Leeds Unitary Development Plan (UDP) policies carried forward as part of the emerging Local Development Framework (LDF) provide the local policy context in which the authority can seek planning obligations from developers. These policies are translated further within published Supplementary Planning Guidance (SPG) retained as part of the LDF or more recently through the draft Supplementary Planning Documents (SPDs) which are being produced as part of the LDF process.

- 2.3 The SPG/SPD documents provide information on the level of contribution, the method of payment and the monitoring of agreements. The level of contribution may be, for example, the provision of land laid out as Greenspace (on the development site) or a commuted sum in lieu of this but which has to be spent on the provision or enhancement of Greenspace in the same community area. The SPG/SPD documents primarily ensure a district wide approach to securing contributions, however, additional area specific guidance is also provided by a number of approved SPG and SPD documents (e.g. Eastgate) & Holbeck Urban Village.

### **3. PRINCIPLES GOVERNING THE MANAGEMENT OF PLANNING OBLIGATIONS**

- 3.1 The responsibility for monitoring S106 Agreements lies with the Chief Planning Officer, although a number of different service areas are involved at several stages. The Planning Agreement Manager is responsible for co-ordinating the different stages of this process and manages a database detailing information on all planning obligations. This information includes;
- monies received
  - monies due
  - monies spent
  - monies available to spend
  - restrictions on spend
  - any on-site works due/carried out

Previously, this information has been reported to Ward Members and key officers (from across the Council) on a quarterly basis. The database is updated on a daily basis and in order that accurate information can be continuously available to Members, Officers, developers and the public.

- 3.2 The process for tracking sums received, or works carried out and the allocation of monies varies according to the type of obligation (e.g. direct provision by developers on site or commuted sum benefits). In the case of Greenspace, the process for reaching agreement with Ward Members and local communities about how the money received should be spent and then securing the necessary formal approvals for schemes to progress is the responsibility of officers within Strategy & Policy but close working with colleagues in Parks & Countryside is essential. Other parts of the Council are responsible for delivering other benefits but a key element in all of this activity is the role of the Planning Agreement Manager who ensures that this range of work is properly co-ordinated. This includes;
- Education contributions,
  - Affordable Housing
  - New Generation Transport
  - Greenspace
  - Other Community Benefits.

### **4. ALLOCATION OF MONIES RECEIVED FROM S106 PLANNING OBLIGATIONS**

- 4.1 Although the system for managing planning obligations, is led by the Chief Planning Officer numerous parties and departments of the council are involved in the process, typically Planning & Development Services, Strategy and Policy, Finance and Legal Services and other external bodies such as Metro.
- 4.2 The process for the allocation of monies varies and can depend on the type of benefit the commuted sum is in lieu of or in contribution to (e.g. Greenspace, Affordable Housing, Education, Community Benefits, Highways and Public Transport Infrastructure).

- i) In the case of **Greenspace**, Ward Members, officers or the local community may first identify potential Greenspace projects. A corporate officer working group, the Greenspace Implementation Group (GIG), has been established to bring these schemes forward in accordance with agreed priorities and to ensure that there is Ward Member and community support for suggested schemes. Irrespective of where a particular scheme originates, the support of Ward Members is a pre requisite for it to progress.
- ii) Financial contributions received for **Education & Highways** are passed on directly to Education Leeds & Highways, respectively, as they are related to specific schemes or provision of facilities in the vicinity of the development.
- iii) Where sums are secured for **Affordable Housing**, they are in effect, 'banked' until sufficient funds are in place to implement schemes. However, the key aim of the policy to secure affordable housing is to ensure that provision is made on the application site.
- iv) **New Generation Transport** contributions are ring fenced for those schemes identified within the West Yorkshire Local Transport Plan and/or for specific measures in the vicinity of the application site.
- v) Other **Community Benefits**. These are developer contributions which are not specifically for a named project but must be spent in locations, which as closely as possible, meet the needs of the residents of the generating development, within the same or adjoining Community Area. An example might be a community centre.

## 5. THE YORKSHIRE EVENING POST ARTICLE

- 5.1 A recent lead article in the Evening Post stated that the Council is sitting on large sums of money given by developers following the grant of planning approval in order to undertake works which were deemed necessary as a consequence of their particular development. This includes sums for the provision or enhancement of greenspace, public transport, affordable housing, education provision etc. The newspaper claimed that the figure unspent was around **£17 m**, to the detriment of local communities who need the cash and that red tape is preventing it being spent.
- 5.2 It is considered that the article lacks balance and is inaccurate. The reporter at the EP based the article on figures which are significantly outdated as monies are received and spent on an ongoing basis. The sum of monies actually available to spend is currently **£4.9** million and not £17 million once account has been taken of sums ringfenced for Public Transport Infrastructure, specific works at Holbeck Urban Village, specific Highways & Education works, and sums currently going through an approval process for spending on Affordable Housing. These figures in fact change every day, as monies are received, committed and spent. It is important to understand that many of these funds are restricted geographically or tied to specific works or are currently undergoing the 'approval for spend' process. The breakdown of this £4.9 million is provided within Appendix 1. The key point is that there is an active programme to ensure that these monies are spent in accordance with the legal agreements concerned and that no funds are left "sitting" in the Council's bank account in the absence of plans being in place to invest these in local priorities.
- 5.3 The Evening post article strongly suggested that the City Council was in imminent danger of losing money through 'claw back' mechanisms in the legal agreements signed with the developer. This is not the case. Each s.106 agreement is closely monitored to ensure that the money is spent within the specified timescale (where this stated). The systems and procedures relating to s.106 and s.278 agreements was presented to Scrutiny Board on 18th December 2007 and that the conclusions of the Board were complementary about the procedures that are in place.

## 6. SPECIFIC SCHEMES IDENTIFIED WITHIN THE YEP ARTICLE

### 6.1 £20,000 received and not yet spent in Armley;

A total of £100,000 was paid in December 1998. £70,000 of this was spent on playing pitches, £30,000 was earmarked in the S106 Agreement for spending on Greenspace in Armley of which £10,000 has been spent on Victoria Pocket Park. The remaining £20,000 must be spent in the locality of the development and agreement has been reached with elected members to invest this to improve the greenspace at Armley Moor in line with the priorities for enhancement of greenspace contained in the West Leeds Gateway Area Action Plan.

### 6.2 £2,300 received and not yet spent in East End Park;

This is a residual sum. A total amount of £14,490 was paid in June 1996. £12,166 of this was used to refurbish a play area in East End Park. The remaining £2,324 is a contingency sum. This S106 Legal Agreement does not include a Clawback clause or the monies would have been returned. A potential scheme to invest this sum at Raincliffe Recreation Ground is being investigated. The £2,300 will part fund a scheme with a total value of £32,000.

### 6.3 £16,000 received and not yet spent in Rodley

This £16,046 has been earmarked for some time for a specific scheme and, during recent months, has been undergoing consultation. Ward Members and the local community have now given their approval to spend the sum and it has been committed to the refurbishment of Brookfield Recreational Ground which will be joint funded by other S106 receipts and from Playbuilder (a national play initiative).

### 6.4 £50,000 received and not yet spent in Alwoodley

Members of Alwoodley Community Association had been hoping to get a bowling green in the grounds of their community centre. Unfortunately, the site that has been identified is not large enough to accommodate a competition size bowling green and alternative schemes are being considered by the Community Association.

## 7. REASONS LEADING TO DELAYS IN SPENDING S106 COMMUTED SUMS

7.1 The article in the Yorkshire Evening Post suggested that there can be delays in spending S106 commuted sums. The Council's aim is not simply to spend these monies at the earliest opportunity but rather to invest the sums available on viable and sustainable schemes which meet local needs and priorities. This approach values consultation with ward members as a means to ensure that local communities are involved in these decisions. This whole process can take a considerable length of time. Listed below are some of the key reasons why monies may remain unspent for a period of time;

- i) Some monies have specific restrictions on where/how they must be spent. (*Obligations must also be directly related to proposed developments, for example, there should be a functional or geographical link between the development and the item being provided as part of the developers contribution'* - ODPM Circular 05/2005 Planning Obligations). These monies will then form part of a series of phased payments required to fund a particular scheme which is in line with the restrictions on how/where the money must be spent. Also, it is often the case that we need to fund priority schemes, or a more comprehensive project, from a number of different sources in the same locality. Consequently, some funds have



to remain untouched until **all** the funding is in place. The effects of the economic downturn have compounded this issue.

- ii) Some monies are earmarked for specific schemes which are programmed but not yet carried out.
- iii) Some of these monies have only been received recently, even though the planning approval was some years ago. This is because payment of the sums is tied to 'trigger points' the development process, e.g. commencement of works, first occupation, 50% occupation, amount of floorspace constructed etc.
- iii) The process for agreeing the implementation of the monies differs depending on what the money is to be spent on. The system for spending monies for Greenspace & Play Areas involves extensive consultation with the relevant Ward Councillors, communities and other council departments). There is then a tender process to follow and a construction period which is often seasonable by its very nature.
- iv) Commuted Sums are only identified as 'committed' once official approval has been achieved. The sums are then only identified as 'spent' when they are actually allocated, i.e. paid out. This is to ensure the transparency of the Council's accounting procedures and meet the requirement of auditors. Consequently, many sums which are left 'uncommitted' are currently going through the approval for spend process or are at the early stages of consultation.

7.2 In mid-October 2009, the total sum of greenspace monies received stood at £6,235,462. Of this, £2,207,421 is committed or spent with £4,028,042 available to spend which is termed uncommitted. All of this, however, is restricted in some way by the wording in the various section 106 agreements, either to a specific project or to the community area in which the development is located. If the sums of money or on-site benefits were not restricted in this way then they would not be in accordance with national and local policy and guidance. Thus, any attempt to utilise s.106 funds in locations which are remote from the funding development or to pay for unrelated, non-greenspace projects, would be open to challenge from developers and the legality of such actions would also be questioned by the Auditors.

## **8. SUMS NOT YET RECEIVED FROM SIGNED S106 LEGAL AGREEMENTS**

- 8.1 The current figure of sums pledged under S106 but not yet received by Leeds City Council is £31m. This sum is broken down further within Appendix 2.
- i) A considerable amount of these sums (just under £15m) have been recently pledged from several major developments which have either not hit appropriate trigger points in the development process or, owing to the current economic downturn, have been mothballed. There are, for example, several major developments which may not be implemented for the foreseeable future e.g. the Eastgate Quarter and sites within Holbeck Urban Village.
  - ii) On bigger schemes, S106 monies may be paid at different stages of development and this phasing may affect the speed at which payments are made. For example, the planning application may have been approved in 2008 and the Legal Agreement drawn up in 2008 when the planning permission was granted. Development on site, which is outside Leeds City Council control, may not commence until 2011 (especially due to the economic downturn), and monies may not be due to be paid to the Council until the development is fully occupied which may be 2013/2014 or some other future date. It's important to note that due to the current climate some sites are not progressing with speed.

- iii) Some Legal Agreements may be drawn up and monies agreed but developments are never implemented so these monies would then not be payable. Once again the economic climate has led to an increase in mothballed sites.
- iv) Some monies may be held as a bond and therefore may not be due unless onsite works are not carried out as agreed. If the onsite works are carried out these sums would then not be payable e.g. greenspace may be provided on-site by the developer instead and there is no default position.
- v) Some monies may only have been agreed recently and so are not due to be paid to the Council for some considerable time. Regular monitoring checks are carried out to ensure that triggers for payment are adhered to and any problems are identified and addressed.

## **9. CONCLUSION**

- 9.1 The situation is actually much less straightforward than suggested in the YEP article and officers are working continuously to invest this money for the benefit of Leeds people. For example, over the last two financial years the Council has made commitments to invest £1.2 m and £1.4 m. respectively in greenspace projects from money received through s.106 Agreements. Investing this money wisely takes time and effort. Officers will continue to be prudent in spending this cash in order to secure long term benefits to people living and working in Leeds and, in particular, those communities which are directly affected by the development process.
- 9.2 Officers will continue to maintain the s.106 database and calculations of contributions to ensure accountability and to maintain transparency. Robust procedures are in place to manage s.106 Agreements effectively, both in terms of securing the funding from developers and also in terms of investing these sums in accordance with the relevant legal agreements, good financial management and Government guidance.
- 9.3 Officers will also continue to report unspent balances to members, appropriate officers and departments, to ensure that monies continue to be utilized at the earliest opportunity in a way which meets local priorities. An interim update report was sent out in October 2009 and the next regular reports be issued in January and July 2010.
- 9.4 The continuing involvement of members and community groups in the allocation of greenspace monies will be maintained in order to ensure that the needs of local community are addressed in determining priorities for spending.

## **10.0 RECOMMENDATION**

- 10.1 Scrutiny Board is asked to note the contents of this report.

## **BACKGROUND PAPERS**

Town & Country Planning Act (1990)  
 Circular 05/2005  
 Planning Obligations: Practice Guidance (2006)  
 Leeds Unitary Development Plan (UDP)  
 Local Development Framework (LDF)  
 Internal Audit Report (2007)  
 Supplementary Planning Guidance

S106 Planning Agreements: Quarterly Schedule of Funds

## APPENDICES

### APPENDIX 1: A BREAKDOWN OF FUNDS GENERATED FROM DEVELOPERS UNDER S106 AGREEMENTS

This breakdown does not include works which are provided onsite as agreed under S106 of the Town & Country Planning Act. It only includes commuted sums paid in lieu of works being carried out.

Type Of Obligation	Total Sums received	Sums Committed* Or Spent	Sums which are ringfenced, tied or restricted to specific works	Total Uncommitted Balance**	Restrictions on Spend
Community Benefits	£126,232	£55,148	0	£71,084	
Greenspace & Play Areas	£6,235,462	£2,207,421	0	£4,058,042	
Affordable Housing	£1,104,431	£433,513	0	£670,917	
Other/Highways & Travelwise	£5,939,004	£4,505,957	£1,470,539	0	Tied to specific works.
Holbeck Urban Village	£839,577	£70,051	£769,527	0	Tied to specific works.
Education	£240,258	£60,000	0	£180,258	
New Generation Transport	£2,900,555	£15,000	£2,885,555	0	Rinfenced to be spent on NGT.
<b>TOTALS</b>	<b>£17,528,012</b>	<b>£7,422,089</b>	<b>£5,125,621***</b>	<b>£4,980,301</b>	

\*The term 'committed' only applies to monies which have been matched to specific schemes and approved by Panel. This does not include ideas in the pipeline. Therefore, some of the sums marked 'uncommitted' may be in the early stages of being matched to specific schemes.

\*\* These sums may be geographically restricted or may be in the early stages of consultation with members or may be within the approval process. \*\*\* The unspent balance is brought to the attention of Members and council officers on a quarterly basis with the aim of stimulating debate on how any available monies can be spent.

**APPENDIX 2: A BREAKDOWN OF SUMS PLEDGED UNDER S106 IN LEEDS**

Type of Obligation	Total Sums Agreed
<b>Greenspace</b>	£4,908,099
<b>Education</b>	£423,784
<b>Public Realm</b>	£204,090
<b>Highways</b>	£3,899,107
<b>New Generation Transport</b>	£4,978,849
<b>Affordable Housing</b>	£702,500
<b>Other Community Benefits</b>	£1,134,954
<b>Major Developments</b>	£14,903,013*
<b>TOTAL</b>	<b>£31,154,396</b>

\*Holbeck Urban Village, Eastgate Quarter, Sharp Lane, Wellington Place, Bellway, High Royds, Kirkstall Forge, Headingley stadium

This page is intentionally left blank



Originator: R L Mills

Tel: 2474557

---

## Report of the Head of Scrutiny and Member Development

### Scrutiny Board (City Development)

Date: 10th November 2009

Subject: Work Programme, Forward Plan of Key Decisions and Latest Executive Board Minutes

---

**Electoral Wards Affected: All**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

## 1.0 Introduction

- 1.1 Appendix 1 to this report provides Members with a copy of the Board's current Work Programme.
- 1.2 Appendix 2 is the current Forward Plan of Key Decisions for the period 1st November 2009 to 28th February 2010.
- 1.3 Appendix 3 provides Members of the Board with the latest Executive Board minutes.

## 2.0 Recommendations

- 2.1 The Board is requested to:
  - (i) Determine from these documents whether there are any additional items the Board would wish to add to its work programme.
  - (ii) Receive and make any changes to the attached work programme following decisions made at today's meeting.

### Background Papers

None used

This page is intentionally left blank



**Scrutiny Board (City Development) - Last Revised 22nd October 2009**

Appendix 1

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
<b>Meeting date: 10th November 2009</b>		Reports required by 21st October 2009	
<b>Leeds City Region Transport Strategy Vision</b>	To consider a report of the Director of City Development	The Board requested this at their meeting on 9th June 2009	DP
<b>Planning Enforcement Service Update</b>	To consider an update report of the Director of City Development	The Board requested this in June 2009	RP
<b>Review of the City Centre Loop</b>	To consider an initial report by the Director of City Development	<p>Advised in December 2008 that modelling work would commence in January 2009 and would not be completed until the summer.</p> <p>The Director has further advised that consultants have recently produced their technical report and work is now underway to produce a paper for consideration by this Board in January 2010</p>	DP/RP
<b>Section 106 Agreements</b>	To consider a report of the Director of City development on Section 106 Agreements	The Board requested a report on this following adverse publicity in the YEP. An email was circulated to all Board members on this matter in advance of the report	RP/B

**Scrutiny Board (City Development) - Last Revised 22nd October 2009**

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
<b>Meeting date: 8<sup>th</sup> December 2009</b>		Reports required by 17th November	
<b>Recommendation Tracking</b>	To monitor progress on meeting the recommendations agreed on the A660		MSR
<b>Quarterly Accountability Reports</b>	To receive quarter 2 performance reports		PM
<b>Review of Conservation Unit &amp; Conservation Areas</b>	To consider a report of the Director of City Development	The Board requested this at their meeting on 9th June 2009	RP
<b>Climate Change</b>	To consider the development of control processes to ensure that developments of over 10 dwellings or 1000m2 have at least 10% on-site Low / Zero Carbon (LZC) technologies	The Board agreed to consider 3 key issues on 1st September 2009. This is the first. Key issues 2 & 3 will be considered on 9th March 2010	DP

**Scrutiny Board (City Development) - Last Revised 22nd October 2009**

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
<b>Meeting date: 12<sup>th</sup> January 2010</b> Reports required by 23rd December 2009			
<b>Scrutiny of the Budget</b>	To receive budget proposals under the budget and policy framework rules		
<b>Session 1 Inquiry to Review the Method by which Planning Applications are Publicised and Community Involvement takes place</b>	To consider a report of the Director of City Development	The terms of reference for this Inquiry was agreed by the Board at its meeting on 13th October 2009	RP/DP
<b>Consultation document on the Agenda for an Improved Economic Performance</b>	To consider a consultation document on the Agenda for improved Economic Performance	Was to be considered by Scrutiny Board in the Autumn 2009 before final submission to Executive Board at the end of the year but the timetable has been moved to the New Year	RP/DP

**Scrutiny Board (City Development) - Last Revised 22nd October 2009**

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
<b>Meeting date: 9th February 2010</b> Reports required by 20th January 2010			
<b>Session 2 Inquiry to Review the Method by which Planning Applications are Publicised and Community Involvement takes place</b>	To consider further evidence		RP/DP
<b>Legible Leeds Project</b>	To consider a progress report	The Board on 13th October 2009 considered a report on this issue and requested a further update in February/March 2010	
<b>Meeting date: 9th March 2010</b> Reports required by 17th February 2010			
<b>Session 3 Inquiry to Review the Method by which Planning Applications are Publicised and Community Involvement takes place</b>	To consider the Board's final report and recommendations		RP/DP
<b>Recommendation Tracking</b>	To monitor progress on meeting the recommendations agreed in 2009/2010		MSR
<b>Quarterly Accountability Reports</b>	To receive quarter 3 performance reports		PM

**Scrutiny Board (City Development) - Last Revised 22nd October 2009**

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
<b>Playbuilder Initiative</b>	To consider a further update from the Director of Children's Services with on this initiative	An initial report was considered by the Board on 1st September 2009	DP
<b>Performance Indicator NI 157 - Majors</b>	To consider a report of the Director of City Development on this National Indicator in detail	Scrutiny Board on 1st September 2009 in considering the performance reports of the department in Q1 requested to consider this target on major planning applications including some case studies.	RP/B
<b>Climate Change</b>	<p>To evaluate the options for installing LZC energy as part of the corporate estate with a focus on small, medium and large scale projects</p> <p>To consider the appropriate delivery structure to ensure that LZc energy, particularly large grid connected or on-site in major regeneration areas, was delivered</p>	The Board agreed to consider 3 key issues on 1st September 2009	
<b>Meeting date: 6<sup>th</sup> April 2010</b>		Reports required by 17th March 2010	
<b>Annual Report</b>			

**Key:** CCFA / RFS – Councillor call for action / request for scrutiny  
 RP – Review of existing policy  
 DP – Development of new policy  
 MSR – Monitoring scrutiny recommendations  
 PM – Performance management  
 B – Briefings (Including potential areas for scrutiny) SC – Statutory consultation  
 CI – Call in

**Scrutiny Board (City Development) - Last Revised 22nd October 2009**  
**Issues Identified but not yet included in Work Programme**

1. Leisure Centres and Vision for Sport /sport centre closures- report going to Executive Board July 2009. Scrutiny Board would like to consider to have input to the 5 year vision and perhaps do some further scrutiny
2. Report requested updating members on work to improve signage in the station area and city centre and the Civic Trust proposals.
3. Agreed that arrangements be made for Members of the Scrutiny Board to visit the building site of the new well being PFI leisure centre site at Morley as soon as the new build has progressed to make the visit worthwhile.
4. Report requested on Review of Libraries - new technology, opening hours, greater use of mobile libraries, building maintenance.
5. Update report requested from Marketing Leeds and the role it plays in marketing Leeds nationally and internationally
6. Concerns expressed by Members as to the lack of publicity and promotion of "gems" in the city some privately owned (Wetherby racecourse, Harewood House) and the many events like concerts, Chapeltown Carnival, St George's Day
7. Report on the outcome of the trial of a designated barbecue area on Woodhouse Moor probably September 2010
8. The Board in December 2008 asked that further scrutiny be undertaken of the work being carried out to the City Varieties during 2009.
9. Possible issue raised by the Board in June 2008 for consideration later in the year - Review of the Environmental Policy and EMAS.

Appendix 2



**FORWARD PLAN OF KEY DECISIONS**

1 November 2009 – 28 February 2010





**LEEDS CITY COUNCIL**

**FORWARD PLAN OF KEY DECISIONS**

For the period 1 November 2009 to 28 February 2010

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
Highway Structures Capital Maintenance, Assessment and Strengthening 2010/11 Approval of Design and Cost report and authority for the design and implementation of a programme of Highway Structures Capital Maintenance works, comprising maintenance, assessment and strengthening works for the 2010/11 financial year.	Chief Officer (Highways and Transportation)	1/11/09	Standard internal consultation	Design and Cost Report	Chief Officer (Highways and Transportation) carolyn.walton@leeds.gov.uk
Supply of agricultural, Horticultural, arboricultural and commercial grounds care equipment Award of contract	Chief Recreation Officer	1/11/09		Award Report	Chief Recreation Officer chris.simpson@leeds.gov.uk

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
Pudsey Town Hall Conditions Survey Work To approve a Design and Cost Report for various works to Pudsey Town Hall	Chief Officer, Corporate Property Management	2/11/09	Executive Member/Ward Member	Design and Cost Report	Chief Officer, Corporate Property Management david.graham@leeds.gov.uk
Morley Town Hall, Condition Survey Works To approve a Design and Cost Report for various works to Morley Town Hall	Chief Officer, Corporate Property Management	2/11/09	Executive Member/Ward Member	Design and Cost Report	Chief Officer, Corporate Property Management david.graham@leeds.gov.uk
Council Leisure Centre Prices for 2010 To agree to new prices for leisure centre activities and the Bodyline membership card scheme from 1 January 2010, to coincide with the return of VAT to 17.5%	Director of City Development	2/11/09	Executive Member, Sport for the Future Project Board.	Analysis of prices of competitors and neighbouring councils; Current statistics of existing prices, volume of use and income; report of options for pricing and discussion of likely effects. Council policy on Fees and Charges.	Director of City Development mark.allman@leeds.gov.uk

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
Highways and Transportation Annual Capital Programme To approve the Projects estimated to cost in excess of £5,000 for inclusion in the Highway Maintenance Capital Programme 2010/2011	Chief Officer (Highways and Transportation)	3/11/09	Each Elected Member will be consulted on the proposed streets in their ward during September/October 2009	Report to Chief Highways Officer	Chief Officer (Highways and Transportation) andrew.bellamy@leeds.gov.uk
Proposed development of new Middleton Enterprise Centre Executive Board approval to incur expenditure on a new Enterprise Centre in Middleton	Executive Board (Portfolio: Development and Regeneration)	9/12/09	Ward members, stakeholder groups and local residents	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development neill.fishman@leeds.gov.uk
A65 Quality Bus Initiative Authority to spend up to £2million pound advance payments for Statutory Undertakers Diversions . Subject to full approval, authority to construct the A65 QBI at a cost of £16million	Executive Board (Portfolio: Development and Regeneration)	9/12/09	Ongoing consultation	The report to be issued to the decision maker with the agenda for the meeting	Chief Officer (Highways and Transportation) paul.russel@leeds.gov.uk

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
Sustainable Buildings Strategy Approval requested	Executive Board (Portfolio: Development and Regeneration)	9/12/09	September Strategic Investment Board	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development john.ramsden@leeds.gov.uk
Community Asset Strategy Approval requested	Executive Board (Portfolio: Development and Regeneration)	9/12/09	Asset Management Board 24 <sup>th</sup> July	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development john.ramsden@leeds.gov.uk
Middleton Park Restoration Project; Submission of Stage 2 Bid to the Heritage Lottery Fund To approve the submission of the Stage 2 Bid to the Heritage Lottery Fund (HLF) for Middleton Park.	Executive Board (Portfolio: Leisure)	9/12/09	Consultation with communities in the area, the Executive Member, with Local Ward Members and with the Heritage Lottery Fund will be ongoing during the development phase between March and July.	The report to be issued to the decision maker with the agenda for the meeting.	Chief Recreation Officer richard.mond@leeds.gov.uk

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
Asset Management Plan and Capital Strategy Approval of the Capital Strategy and Asset Management Plan	Executive Board (Portfolio: Development and Regeneration)	12/2/10		The report to be issued to the decision maker with the agenda for the meeting	Director of City Development john.ramsden@leeds.gov.uk
A653 Dewsbury Road Bus Priority Measures, Ring Road, Beeston Park Bus Lane Permission to construct the scheme, subject to satisfactory funding arrangements being in place on return of tenders. The works are required to provide a quality bus corridor identified in the LTP and are an intrinsic part of the Yorkshire Bus Initiative.	Executive Board (Portfolio: Development and Regeneration)	12/2/10	Initial Member consultation has taken place.	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development jean.dent@leeds.gov.uk



## EXECUTIVE BOARD

WEDNESDAY, 14TH OCTOBER, 2009

**PRESENT:** Councillor R Brett in the Chair

Councillors A Carter, J L Carter,  
R Finnigan, S Golton, R Harker, P Harrand,  
J Procter, K Wakefield and J Monaghan

Councillor R Lewis - Non-voting advisory member

### 88 Exclusion of the Public

**RESOLVED** – That the public be excluded from the meeting during consideration of the following parts of the agenda designated as exemption 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 so designated as follows:-

- (a) Appendix 4 to the report referred to in minute 94 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it is considered that it is not in the public interest to disclose this information at this point in time as it could undermine the method of disposal, should that come about, and affect the integrity of disposing of the property/site. Also it is considered that that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to this or other similar transactions in that prospective purchasers of this or other similar properties would have information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of any transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (b) Appendix 1 to the report referred to in minute 106 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosure in that the appendix, and the Outline Business Case, include commercial information where publication could be prejudicial to the Council's interests.
- (c) The appendix to the report referred to in minute 99 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in disclosing the alternative funding strategy outlined in the appendix could be prejudicial to the Council's ability to finalise the

funding plans for the scheme and would therefore outweigh the public interest in disclosure of the information.

**89 Late Item**

A late item on the subject of Yorkshire Forward funding for the Leeds Arena had been admitted to the agenda as a late item as a result of emerging information which required that the Board consider possible alternative funding arrangements in relation to the Arena development. If these matters were not considered at this meeting delays in the programme already commenced could result which would be detrimental to the scheme.

**90 Declaration of Interests**

Councillor A Carter declared a personal interest in the item relating to the New Generation Transport Scheme (minute 101) as a member of the Regional Transport Panel.

Councillor Wakefield declared a personal interest in the items relating to Special Educational Needs (minute 95), The National Challenge and structural change to secondary provision (minute 96) and the September 2009 school admissions round (minute 105) as a school and Leeds College governor (Councillor Wakefield declared an interest in the same terms during the discussion under minute 93).

**91 Minutes**

**RESOLVED –**

(a) That the minutes of the meetings held on 26<sup>th</sup> August and 17<sup>th</sup> September 2009 be approved.

(b) That in receiving the minutes the Board noted that the four members referred to in the minute of 17<sup>th</sup> September had met on 1<sup>st</sup> October and received a paper on matters which had been agreed within the terms indicated by the Board and that consequently those members had authorised officers to proceed to conclude the transaction.

(c) That it be also noted that the Chair had agreed that a verbal update be received in the private part of the meeting with regard to the matters referred to in (b) above. Such verbal report to be exempt in the terms previously agreed for this matter and the imminence of the conclusion of the transaction being the reason for admission of the item.

**NEIGHBOURHOODS AND HOUSING**

**92 Reform of Council Housing Finance - Leeds City Council's response to the CLG consultation paper**

The Director of Environment and Neighbourhoods submitted a report on the Council's response to the Department for Communities and Local Government's consultation paper.



**RESOLVED** - That proposed response to the Governments consultation paper "Reform of council housing finance" be approved in accordance with the submitted report.

**93**     **Bangladeshi Community Centre: Community Asset Transfer**

The Director of Environment and Neighbourhoods submitted a report on the outcome of discussions which had taken place with the Bangladeshi Management Committee over a number of months in relation to the possible transfer to the Committee of the Bangladeshi Community Centre on a 50 year Full Repair and Insurance lease at less than best consideration.

**RESOLVED –**

(a) That approval be given to the principle of a fifty year lease for the Bangladeshi Community Centre at peppercorn rent to the Bangladeshi Management Committee to operate the premises as community facility for the benefit of the local residents.

(b) That the Director of City Development be authorised to approve the detailed terms and conditions of the lease.

(During the discussion of this item Councillor Wakefield declared a personal interest as a school and Leeds College governor).

**DEVELOPMENT AND REGENERATION**

**94**     **The Former Royal Park Primary School**

The Director of City Development submitted a report on the current position with regard to the former Royal Park Primary School and on the preferred options for the future.

The report identified the following six possible options:

- i       Traditional marketing of the refurbishment opportunity
- ii       Convert to Council use
- iii      Deal exclusively with one interested party or invite best and final offers
- iv      Community Asset Transfer
- v       Disposal by way of auction
- vi      Immediate demolition of the main school buildings and the retention of the site until such time as the property market improves

Following consideration of Appendix 4 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion to the meeting it was

**RESOLVED –**

(a) That the withdrawal of the preferred developer be noted.

(b) That the decision made at the meeting held on 22nd August 2007 be rescinded.

(c) That this Board declines the Royal Park Community Consortium's request that no action be taken for a period of six months to allow the consortium time to develop funding applications which might, subsequently, lead to the lease or transfer of the ownership of the property.

(d) That this Board notes the negotiations that have taken place with the two organisations seeking to acquire the property, at market value, and refurbish it for subsequent use, instructs that the Director of City Development invites unconditional best and final financial offers from these two organisations in accordance with the terms of the report including business plans illustrating the ability of the bidder to guarantee the long term sustainability of the building, the latter representing 30% of the marks in any assessment, notwithstanding the outcome of any assessment, the bidders be advised that the Council will be under no obligation to accept either of the offers and that the purchaser must demonstrate the financial capacity not only for the purchase but also to address the very substantial cost of the refurbishment that would be required.

(e) That the decision at (d) above shall not preclude the consideration of a bid from another party submitted in the same terms as those detailed above.

### **CHILDREN'S SERVICES**

**95 The Development of Specialist Provision and Support for Special Educational Needs in Learning Environments - A Discussion Document**

The Chief Executive of Education Leeds submitted a report providing an overview of the recent activity undertaken as part of the Leeds Inclusive Learning Strategy and introducing a new discussion document and accompanying appendices aimed at progressing the strategy.

**RESOLVED –**

(a) That current and ongoing discussions with partners, stakeholders and parent/carers during the Autumn Term 2009 on the discussion document be noted and approved.

(b) That the developmental priorities and emerging Action Plan for 2009/10 be noted.

**96 The National Challenge and Structural Change to Secondary Provision in Leeds**

Further to minute 217 of the meeting held on 4<sup>th</sup> March 2009 the Chief Executive of Education Leeds submitted a report presenting options and recommendations for delivering the next phase in structuring secondary provision in Leeds, and in particular, the response to the Government's National Challenge initiative.

Members also had before them a letter from the NUT, NASUWT and ATL trade unions regarding the same matter

**RESOLVED** – That the proposals detailed in section 5.2 of the submitted report be adopted.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted against this item).

### **CENTRAL AND CORPORATE**

**97 Joint Service Centres - Formal Approval to the Next Stages of the Joint Service Centre Project, Capital and Revenue Budget Implications**

The Deputy Chief Executive submitted a report providing an update on progress and providing budget implications associated with the delivery of the Chapeltown and Harehills Joint Service Centres.

**RESOLVED** –

(a) That the successful financial close on 12<sup>th</sup> June 2009, which was within the maximum affordability deficit of £396,000 approved at Executive Board of 4<sup>th</sup> March 2009, be noted.

(b) That the final affordability position at financial close, as set out in Table A of the report be approved.

(c) That the £600,000 capital receipt, received from LIFT Co (Community Ventures Leeds Ltd) for the sale of the two Joint Service Centre sites at Chapeltown and Harehills, be formally ring fenced to the JSC project and used for Stamp Duty Land Tax, temporary library bus and other ICT costs, as set out in Table B of the report.

(d) That the revenue expenditure for the provision of ICT and furniture and fittings to the new Joint Service Centres, as set out in Table B of the report be approved.

**98 2010: A Year of Volunteering**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report on the background to the '2010: A Year of Volunteering' initiative in Leeds and outlining progress in relation to developing a programme of activities and arrangements in this respect.

**RESOLVED** –

(a) That the proposal to make 2010 Leeds Year of Volunteering be endorsed.

(b) That additional activities and events that will contribute to making the year a success for the city be sponsored and endorsed.

## **DEVELOPMENT AND REGENERATION**

### **99 Leeds Arena - Yorkshire Forward Funding**

The Director of City Development submitted a report on the potential outcome that the Government would not agree to authorise the Yorkshire Forward funding, in whole or in part, for the above scheme and on an alternative strategy to secure progress of the scheme in the event of that outcome.

Following consideration of the appendix to the report, designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion of the meeting, it was

#### **RESOLVED –**

(a) That the alternative funding strategy as outlined in the exempt appendix to the report be approved in order to ensure that the Leeds Arena scheme can progress as planned, should the government not agree to the release of the whole of the £18,000,000 Yorkshire Forward funding which had been proposed.

(b) That a Design and Cost Report for the scheme be brought back to this Board upon completion of RIBA Stage D design by the Council's design team in order that the design and cost freeze for the project can be agreed.

### **100 Leeds Core Cycle Network Project**

The Director of City Development submitted a report providing an overview of proposals being developed to implement a strategic approach to the longer term development of cycle facilities and routes within Leeds.

#### **RESOLVED –**

(a) That the design and implementation of the proposed Leeds Core Cycle Network Project be approved, subject to financial approvals and regulation.

(b) That authority be given to incur £1,311,500 works and £135,500 supervision fees and monitoring, for the following routes that form part of the proposed Core Cycle Network Project, to be funded from the Integrated Transport Scheme 99609 within the approved Capital Programme:

- (i) Route 16 Wyke Beck Way (Roundhay Park to Easterly Rd section)
- (ii) Route 5 Cookridge - City Centre
- (iii) Route 3 Middleton – City Centre
- (iv) Route 15 Alwoodley – City Centre.

### **101 Submission of the Major Scheme Business Case (MSBC) for the New Generation Transport Scheme**

The Director of City Development submitted a report outlining the progress made to date on the development of the New Generation Transport (NGT) proposals and detailing the key information for inclusion within the project's Major Scheme Business Case (MSBC) proposed for submission to the Department of Transport in the latter half of October 2009.

**RESOLVED –**

(a) That a Major Business Scheme Case for NGT be submitted in October 2009, based on the scheme options as set out in Section 2.4 of the submitted report.

(b) That the proposed approach for delivering the 10% local contribution to the scheme as set out in Section 3.4.4 of the report be approved.

(c) That the City Council share of the 'Additional Risk Layer' of the project be underwritten as set out in Section 3.4.6 of the report.

**CHILDREN'S SERVICES**

**102 Playbuilder Initiative Update**

The Director of Children's Services submitted a report on the proposed locations of the six remaining playbuilder sites as recommended by the Strategic Play Partnership and on proposals to progress to development of those six sites.

**RESOLVED –**

(a) That the proposed six sites as recommended by the Strategic Play Partnership be approved.

(b) That scheme expenditure for Cross Flatts, Seacroft Gardens, Horsforth HIPPO and Naburn Close Park be authorised.

(c) That authority be given to proceed with Tinshill Garth and Butcher Hill subject to agreement on long term maintenance and inspection being secured.

**103 Proposal for Statutory Expansion of Primary Provision for September 2010**

The Chief Executive of Education Leeds submitted a report on the proposed statutory consultation process for the expansion of primary provision.

**RESOLVED –**

(a) That statutory formal consultation be undertaken on the prescribed alterations to permanently expand the primary schools identified in paragraph 3.3 of the submitted report.

(b) That formal consultation be undertaken on a proposal at New Bewerley Primary School, in addition to the proposed expansion within (a) above, to add community specialist provision for up to 14 pupils with complex medical, physical needs.

(c) That a report detailing the outcome of these consultations be brought back to this Board in Spring 2010.

(d) That it be noted that proposals for further primary school expansion from 2011 onwards are being developed and will be the subject of further reports to this Board.

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

- 104 Proposal for Expansion of Primary Provision in the Richmond Hill Area**  
The Chief Executive of Education Leeds submitted a report on proposals to undertake consultation with respect to permanently expanding Richmond Hill Primary School by one form of entry from September 2012.

**RESOLVED -**

(a) That formal consultation be undertaken on the proposal to permanently expand Richmond Hill Primary School by one form of entry to three forms of entry with effect from September 2012.

(b) That a report detailing the outcome of these consultations be brought back to this Board in Spring 2010.

- 105 Report on the September 2009 Admission Round for Community and Controlled Schools**

The Chief Executive of Education Leeds submitted a report providing a range of statistical information on the 2009 admission round for community and controlled schools.

**RESOLVED –** That the report and the statistical information therein be noted.

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

**ADULT HEALTH AND SOCIAL CARE**

- 106 Holt Park Wellbeing Centre - Outline Business Case and Affordability Position**

The Director of Adult Social Services and the Director of City Development submitted a joint report on the proposed submission of the Outline Business Case for the Holt Park Wellbeing Centre to the Department of Health for approval.

Following consideration of Appendix 1 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion of the meeting it was

**RESOLVED –**

(a) That the report be noted and approval given for the submission of the Outline Business Case for the Holt Park Wellbeing Centre project to the Department of Health.

(b) That approval be given to the affordability implications over the life of the proposed PFI contract for the Centre, summarised in table 1 of the exempt appendix to the report, and that officers be authorised to issue the Council's affordability thresholds relating to the PFI project to the LEP and to Environments for Learning.

(c) That the governance of the Centre be under the Education PFI Project Board in accordance with paragraph 8.7 of the report.

(d) That the decision of the Director of City Development to approve the delivery of the project through the LEP, as described in paragraph 8.2 of the report, be noted and supported.

(e) That the Project Initiation Document for this project be noted

### **DEVELOPMENT AND REGENERATION**

#### **107 Leeds United Thorp Arch Academy**

Further to minute 87 of the meeting held on 17<sup>th</sup> September 2009 the Board received a verbal update on progress of the above transaction in private at the conclusion of the meeting and

**RESOLVED** - That the Chair, the Executive Member (Development and Regeneration), and the Leaders of the Labour and Morley Borough Independent groups be briefed on 15<sup>th</sup> October 2009 as to the position prior to the conclusion of the transaction on the same day.

DATE OF PUBLICATION: 16<sup>th</sup> October 2009

LAST DATE FOR CALL IN: 23<sup>rd</sup> October 2009

(Scrutiny Support will notify Directors of any items called in by 12:00 noon on 26<sup>th</sup> October 2009)

This page is intentionally left blank