



EXECUTIVE BOARD

Meeting to be held in Civic Hall, Leeds on
Wednesday, 4th January, 2012
at 1.00 pm

MEMBERSHIP

Councillors

K Wakefield (Chair)	A Carter	S Golton	R Finnigan
J Blake			
M Dobson			
P Gruen			
R Lewis			
A Ogilvie			
L Yeadon			

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</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>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as 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.</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>MINUTES</p> <p>To confirm as a correct record the minutes of the meeting held on 14th December 2011.</p>	1 - 14

Item No	Ward	Item Not Open		Page No
6	Ardsley and Robin Hood; Armley; Beeston and Holbeck; Bramley and Stanningley; Burmantofts and Richmond Hill; Chapel Allerton; City and Hunslet; Farnley and Wortley; Gipton and Harehills; Hyde Park and Woodhouse; Killingbeck and Seacroft; Kirkstall; Middleton Park; Morley South; Pudsey;		<p><u>NEIGHBOURHOODS, HOUSING AND REGENERATION</u></p> <p>COMMUNITY FIRST</p> <p>To consider a report of the Assistant Chief Executive (Customer Access and Performance) seeking to raise awareness of the Community First and Community Organiser programmes. The report also seeks Executive Board approval to support the Council's active engagement and cooperation in establishing the Community First Programme in Leeds and endorsement that other programmes are, where appropriate, aligned with Community First.</p>	15 - 22
7	Chapel Allerton;	10.4(3) (Appendix 1 only)	<p>60, SHOLEBROKE AVENUE, CHAPELTOWN, LS7</p> <p>To consider the report of the Director of Environment and Neighbourhoods seeking approval to sell 60, Sholebroke Avenue, Chapeltown, to Unity HA at a less than best consideration in order to bring the property back into use as a 7 bedroomed family house for a family to be housed from the housing register.</p> <p>Appendix 1 to this report is designated as exempt under Access to Information Procedure Rule 10.4(3).</p>	23 - 32

Item No	Ward	Item Not Open		Page No
8	Headingley; Killingbeck and Seacroft; Weetwood;		<p><u>LEISURE</u></p> <p>REVIEW OF LEEDS CITY COUNCIL GYMNASTICS TRAINING SCHEME</p> <p>To consider the report of the Director of City Development seeking approval to transfer the operations from the City Council and establish the City of Leeds Gymnastics Club as an independent Community Interest Company to undertake to develop gymnasts to reach their full potential, with a reducing contribution from the City Council.</p>	33 - 40
9			<p><u>ADULT HEALTH AND SOCIAL CARE</u></p> <p>RESPONSE TO THE DEPUTATION TO COUNCIL BY THE ACCESS COMMITTEE FOR LEEDS ABOUT CELEBRATING VOLUNTEERS OF LEEDS</p> <p>To consider the joint report of the Assistant Chief Executive (Customer Access and Performance) and the Director of Adult Social Services providing Executive Board with a response to the issues raised by the Access Committee for Leeds during the group's deputation to Council on 16th November 2011.</p>	41 - 48
10			<p>OUTLINE PLAN FOR BROOK HOUSE, ST ANNE'S ON SEA</p> <p>To consider the report of the Director of Adult Social Services seeking agreement for the outline plan for Brook House. In summary, this is to cease use of Brook House, sell the property and pass the proceeds of the sale to Leeds Community Foundation, to hold in trust for the people of Leeds (who broadly meet the requirements of the bequest) to support access to their individual choice of holiday arrangements.</p>	49 - 62

Item No	Ward	Item Not Open		Page No
11		10.4(3) (Appendix 1 only)	<p>RESPONSE TO THE CONSULTATION ON FOUNDATION TRUST APPLICATION BY LEEDS' NHS TRUSTS</p> <p>To consider the report of the Director of Adult Social Services enabling Executive Board to understand and respond to the potential impact on the local authority, of the Foundation Trust application process being undertaken by the Leeds NHS Trusts.</p> <p>Appendix 1 to the report is designated as exempt under Access to Information Procedure Rule 10.4(3).</p>	63 - 88
12			<p>PUBLIC REPORT OF THE LOCAL GOVERNMENT OMBUDSMAN REGARDING A COMPLAINT ABOUT A JOINT SERVICE PROVIDED BY THE COUNCIL AND LEEDS COMMUNITY HEALTHCARE NHS TRUST</p> <p>To consider the report of the Director of Adult Social Services informing Elected Members of a finding of maladministration with injustice, in a report issued by the Local Government Ombudsman.</p> <p><u>RESOURCES AND CORPORATE FUNCTIONS</u></p>	89 - 110
13			<p>FINANCIAL HEALTH MONITORING 2011/12 - MONTH 8</p> <p>To consider the report of the Director of Resources setting out the Council's projected financial health position after eight months of the financial year. The report reviews the position of the budget after eight months and comments on the key issues impacting on the overall achievement of the budget for the current year.</p>	111 - 114

Item No	Ward	Item Not Open		Page No
14			<p>LARGE CASINO - APPROVAL OF REVISED GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY 2010-2012</p> <p>To consider the report of the Director of Resources presenting comments from Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy which contains a statement of the principles that the Council will apply when determining the large casino licence. The report also presents comments from Scrutiny Board (Resources and Council Services) on the Consultation Report which is the proposed Council response to the public consultation exercise on the large casino section in the Policy, and the draft application pack.</p>	115 - 124
15	Chapel Allerton;		<p>RESPONSE TO DEPUTATION FROM SCOTT HALL AND SHOLEBROKE TENANTS' AND RESIDENTS' ASSOCIATION REGARDING THE NEED FOR A FORMAL CROSSING FACILITY ON SCOTT HALL ROAD</p> <p>To consider the report of the Director of City Development providing a response to the deputation from Scott Hall and Sholebroke Tenants' and Residents' Association regarding the need for proper crossing facilities on Scott Hall Road, which was presented to Council on 16th November 2011.</p>	125 - 138
16			<p>DEPUTATION BY LEEDS CYCLING ACTION GROUP</p> <p>To consider the report of the Director of City Development responding to the points raised by the Leeds Cycle Action Group during the organisation's deputation to Council at the meeting held on 16th November 2011.</p>	139 - 148

Item No	Ward	Item Not Open		Page No
17			<p>INTERIM AFFORDABLE HOUSING POLICY</p> <p>To consider the report of the Director of City Development providing a response to the recommendation of Scrutiny Board (Regeneration), which asks that Executive Board “reconsiders this interim housing policy as a matter of urgency with a view to reinstating the 2008 affordable housing targets in relation to Greenfield sites”.</p>	149 - 158
18			<p>BRADFORD'S CORE STRATEGY: FURTHER ENGAGEMENT DRAFT 2011</p> <p>To consider the report of the Director of City Development identifying a number of policies and proposals in Bradford’s Core Strategy: Further Engagement Draft 2011, which have the potential for significant impact upon Leeds, whilst also recommending the submission of the response to Bradford’s Core Strategy, as appended to the cover report.</p>	159 - 168
19			<p>NEIGHBOURHOOD PLANNING - CONSULTATION RESPONSE TO THE GOVERNMENT'S DRAFT REGULATIONS FOR REFORM</p> <p>To consider the report of the Director of City Development seeking approval of the draft response to the Government’s proposals for reform of Neighbourhood Planning; Community Right to Build and Neighbourhood Development Orders.</p>	169 - 198
20	Beeston and Holbeck; City and Hunslet; Gipton and Harehills; Guiseley and Rawdon; Horsforth; Morley South; Otley and Yeadon;		<p><u>CHILDREN'S SERVICES</u></p> <p>PRIMARY BASIC NEED 2013 - OUTCOME OF CONSULTATION ON PROPOSALS FOR EXPANSION OF PRIMARY PROVISION IN 2013</p> <p>To consider the report of the Director of Children’s Services detailing the outcome of the public consultation exercises undertaken on the expansion of primary provision across the city, and making recommendations for the next steps for each of the proposals.</p>	199 - 216

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EXECUTIVE BOARD

WEDNESDAY, 14TH DECEMBER, 2011

PRESENT: Councillor K Wakefield in the Chair

Councillors J Blake, A Carter, M Dobson,
R Finnigan, S Golton, P Gruen, R Lewis,
A Ogilvie and L Yeadon

139 Introduction of the New City Solicitor

The Chair introduced and welcomed Catherine Witham, the newly appointed City Solicitor, to her first meeting of the Executive Board.

140 Late Items

There were no late items as such, however, it was noted that supplementary information had been circulated to Board Members following the despatch of the agenda in the form of a schedule of changes to the Leeds Development Framework Annual Monitoring Report based on comments received at the meeting of the Development Plan Panel held on 6th December 2011. The schedule was considered as part of agenda item 22 entitled, 'Local Development Framework Annual Monitoring Report 2011' (Minute No. 155 refers).

141 Declaration of Interests

Councillors Blake, Dobson, Gruen, Yeadon, Wakefield, Ogilvie, Finnigan, A Carter, R Lewis and Golton all declared personal interests in the agenda item entitled, 'Dog Control Orders – Phase 2', due to their respective positions as school governors (Minute No. 143 referred).

Councillor Wakefield declared a personal interest in the agenda item entitled, 'Commission on the Future of Local Government', due to his position as Chair of the Commission (Minute No. 160 referred).

A further declaration of interest was declared at a later point in the meeting (Minute No. 143 referred).

142 Minutes

RESOLVED – That the minutes of the meeting held on 2nd November 2011 be approved as a correct record.

ENVIRONMENTAL SERVICES

143 Dog Control Orders - Phase 2

Further to Minute No. 110, 3rd November 2010, the Director of Environment and Neighbourhoods submitted a report presenting the outcomes arising from the consultation undertaken on changes to the Dog Control Orders for Leeds. The report also sought approval to implement further specified powers under the Clean Neighbourhoods and Environment Act 2005, with effect from 1st

Draft minutes to be approved at the meeting
to be held on Wednesday, 4th January, 2012

January 2012, in addition to an enforcement policy regarding the walking of more than four dogs at one time. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following enquiries raised regarding the level of consultation which had been undertaken with schools in respect of their potential inclusion within the updated Dog Exclusion Order, officers undertook to re-engage with those schools which to date had not expressed an interest in being included within the Order.

Responding to comments raised which related to the issue of dog fouling, officers undertook to do further work on this matter, specifically addressing the points made during the meeting, namely, the possibility of additional bin provision and also the potential inclusion within the Orders of those public parks affected by dog fouling which were used as play facilities by young people.

The Board received assurances in respect of the further issues which had been raised, specifically regarding the enforcement and prosecution processes, together with the highly visible approach required when publicising such Orders.

In conclusion, the Chair thanked the Scrutiny Board (Safer and Stronger Communities) for the related work which they had undertaken on this issue.

RESOLVED –

- (a) That the outcomes arising from the consultation be noted.
- (b) That a Dog Control (Dogs on Leads at All Times) Order in the prescribed form be approved, requiring that on the specified land, dogs should be on a lead at all times. (The specified land will comprise all carriageways and adjacent footpaths and grass verges within the Leeds City Council district and in cemeteries and crematoria as detailed within Appendix A to the submitted report).
- (c) That the existing Dog Control (Dogs on Leads by Direction) Order (requiring dogs to be put on a lead when the person in control of it is directed to do so by an authorised officer) be revoked and that a new Order in the same terms be approved, which applies throughout the Leeds district on any land to which the Dog Control (Dogs on Leads at All Times) Order does not apply and to which the public are entitled or permitted to have access (with or without payment).
- (d) That the existing Dog Control (Exclusion) Order be revoked and replaced with a new Order with an updated schedule of land, as detailed within Appendix A to the submitted report, including other land designated for a specific purpose such as remembrance and wildlife gardens and school grounds where the schools have opted in to have such an order.

- (e) That the process for future review and consultation on the schedules of land within the Orders be agreed.
- (f) That the proposed Enforcement Policy for the Dog Specified Maximum Order be approved.

(Councillor Golton declared a personal interest in the decisions referred to within this minute, due to being a dog owner)

144 Recycling Strategy

Further to Minute No. 123, 2nd November 2011, the Director of Environment and Neighbourhoods submitted a report outlining proposals regarding the next phase of implementation for the Council's recycling collection strategy. In summary, the report presented the progress made against the existing recycling strategy, highlighted the extent to which current, planned initiatives would contribute towards recycling performance, detailed the Council's medium and long-term targets for recycling and outlined the strategy which would enable the Council to move towards achievement of its medium-term and longer-term goals. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Board considered and received assurances in respect of a number of issues and implications arising from the proposals, including the need to tailor services to meet the differing demands of households, the capacity of the black bins, the need for services to adapt to any missed collections, issues regarding food waste collection, the potential use of neighbouring authorities' sorting sites, the winter cessation of garden waste collection, the financial implications arising from the proposals and the possibility of expanding the recyclable waste collection to include materials such as glass.

RESOLVED –

- (a) That the contents of the submitted report be noted and that the vision and key principles of the Integrated Waste Strategy for Leeds be reaffirmed.
- (b) That the proposed increases to the Council's household waste recycling target to 55% by 2016, with a long-term target to exceed 60% be approved.
- (c) That the proposed expansion of the Rothwell recycling collection service by up to 6,000 properties in 2012/13 be approved, which includes an injection into the Capital Programme of £27,000 for the purchase of food waste bins, and necessary authority to spend this amount.
- (d) That the proposal to implement a pilot of fortnightly collections of recycling and residual waste during 2012/13 be approved.

- (e) That the aim to roll-out of food waste collections to suitable properties city-wide, with the speed of roll-out in line with resource availability be reaffirmed.
- (f) That the need to procure a treatment solution for food waste alongside the city-wide roll-out of food waste collections be noted, together with the intention to undertake a technical options appraisal with a view to promoting the delivery of an anaerobic digestion solution for Leeds, should this represent the best value for money and environmental option.
- (g) That officers' intentions to seek further Member approvals regarding specific collection service roll-out plans be noted.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the decisions taken above)

145 Solar PV Initiative

Further to Minute No. 198, 30th March 2011, the Director of Environment and Neighbourhoods submitted a report advising of the Government's proposed changes to the Feed-In Tariff (FIT) arrangements for Solar PV and the impact of such changes upon the Council's proposals regarding Solar PV initiatives. The report also presented for approval a response to the Government's consultation on the proposed changes, and outlined proposals to undertake further work on developing cost neutral renewable schemes for council housing and the private sector (including PV), funded via FITs and the Renewable Heat Incentive, once further details of FITs for community schemes had been announced. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to Members' enquiries, the Board received details regarding the process and speed at which the Solar PV initiative had been progressed in Leeds.

Following Members' comments, the Chief Executive highlighted the potential benefits which could be realised from the adoption of an appropriate scheme and suggested that any representations made on behalf of the Council in respect of this matter should be focussed upon the Renewable Heat Incentive.

RESOLVED –

- (a) That the contents of the submitted report and the reasons for putting both PV schemes on hold be noted.
- (b) That the formal response to the Department for Energy and Climate Change consultation, as detailed within Appendix 1 to the submitted report, be approved.
- (c) That officers be requested to continue to investigate the development of cost-neutral renewable schemes for council housing and the private

sector (including PV), funded via FITs and the Renewable Heat Incentive, once further details of FITs for community schemes are announced.

NEIGHBOURHOODS, HOUSING AND REGENERATION

146 Gypsies and Travellers Site Options - Selection Criteria

Further to Minute No. 57, 27th July 2011, the Director of Environment and Neighbourhoods submitted a report seeking the Board's approval to use the proposed site selection criteria, as detailed within the report, for the purposes of identifying potential sites to accommodate Gypsies and Travellers. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to Members' enquiries regarding access to the list of those potential sites which had been identified across the city, it was confirmed that details of the prioritised sites only would be released once the process of identifying such sites had concluded. In addition, Members emphasised the need for such processes to be undertaken thoughtfully and robustly.

RESOLVED –

- (a) That the contents of the submitted report be noted.
- (b) That the site selection criteria, as detailed within the submitted report, be approved.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the decisions taken above, whilst Councillor Finnigan required it to be recorded that he abstained from voting on the decisions taken above)

147 Police Reform and Social Responsibility Act 2011 - Implications of Elected Police and Crime Commissioner

To consider the report of the Director of Environment and Neighbourhoods providing Executive Board with an overview of the Police Reform and Social Responsibility Act 2011, which received Royal Assent on 15th September 2011. In addition, the report highlighted the initial implications for Leeds arising from the introduction of a publicly elected Police and Crime Commissioner. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members highlighted the exceptional partnership which had been developed over time between the Police and the Council and emphasised the need for such a productive partnership to continue in the future.

In conclusion, the Chair requested that a report be submitted to a future meeting of the Board in respect of the Police Reform and an assessment of any associated risks to the Council.

RESOLVED –

- (a) That the Police Reform and Social Responsibility Act, which received Royal Assent on 15th September 2011 be noted, together with the fact that a public election will take place in the city in November 2012 to appoint a Police and Crime Commissioner for the West Yorkshire Police Force area.
- (b) That the initial implications associated with the introduction of an elected Police and Crime Commissioner from November 2012, as set out within the submitted report, be noted.
- (c) That it be noted that the West Yorkshire Police Authority will oversee the transitional arrangements in the preparation for the introduction of the Act, and that the excellent work which has taken place between the city and the Police Authority over the years be recognised.
- (d) That a project group be established to consider and make recommendations to the Safer Leeds Executive and the Council's Executive Board, on a range of issues, as outlined within section 5 of the submitted report, in preparation for the appointment of the Police and Crime Commissioner.
- (e) That a report be submitted to a future meeting of the Board in respect of the Police Reform and an assessment of any associated risks to the Council.

CHILDREN'S SERVICES

148 Leeds Youth Offer

The Director of Children's Services submitted a report providing background information about the broader vision for children and young people in Leeds, and how the proposed Leeds Youth Offer fitted into that vision. In addition, the report also presented a summary of current issues in relation to service delivery, service outcomes and investment, and suggested next steps. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following Members' enquiries, assurances were received in respect of greater emphasis being placed upon the role of the locality. In addition, it was proposed that an all party working group was established in order to progress the matters proposed.

RESOLVED – That the proposed outline vision and next steps for the delivery of a bigger, bolder, better offer for the young people of Leeds be supported.

149 The Ofsted Annual Assessment of Children's Services in Leeds

The Director of Children's Services submitted a report presenting the findings of Ofsted's Annual Assessment of Children's Services in Leeds. The Assessment was reported in the form of a letter to the local authority, as detailed at appendix 1 to the covering report, which was published on the Ofsted website on the 8th November 2011. In determining this matter, the

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Board took into consideration all matters contained within the accompanying report.

On behalf of the Board, the Chair thanked all of those who had been involved in achieving the improved Ofsted Annual Assessment for Leeds.

RESOLVED –

- (a) That the content of the Ofsted Annual Assessment letter, as detailed within appendix 1 to the submitted report be noted.
- (b) That the ongoing improvement work which is taking place across the service be supported.

150 Transfer of Council Owned Land and Buildings to Academies

The Director of Children's Services submitted a report which sought in principle approval to the disposal of land, by way of a 125 year lease, to schools converting to Academy status, in accordance with the Academies Act 2010. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In response to Members enquiries, the Board was advised that any restrictions placed upon land which was transferred to Academies would be included within the lease.

RESOLVED – That the principle of disposing of land to schools converting to Academies, on the basis set out within the submitted report, be approved, with the final approval of the terms of such disposals being delegated to the Director of City Development, in consultation with the Director of Children's Services, Lead Members and appropriate Ward Members.

LEISURE

151 Scrutiny Board Recommendations - Cemeteries and Crematoria Horticultural Maintenance

Further to Minute No. 85, 7th September 2011, the Director of City Development submitted a report detailing and considering the recommendations arising from the former Scrutiny Board (City Development) inquiry into 'Cemeteries and Crematoria Horticultural Maintenance' and setting out proposals in light of the recommendations made, with particular reference to recommendation 2 of the inquiry report. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Executive Member for Leisure thanked the former Scrutiny Board (City Development) for the work which it had undertaken and provided the Board with clarification on a minor error in respect of paragraph 4.6 of the submitted report.

RESOLVED –

- (a) That the contents of the submitted report be noted.

- (b) That approval be given to grave conditions being enforced on cemetery extensions and new cemeteries, following consultation on a site by site basis, in order to determine the proportion of lawned and non-lawned areas.
- (c) That approval be given to the enforcement process set out in paragraph 3.5 of the submitted report, which will take account of any specific faith issues that may be applicable when imposing grave conditions.
- (d) That approval be given to the provision of a designated area for memorials to be placed in strewing areas, as illustrated within Appendix 1 – 3(a) of the submitted report.

ADULT HEALTH AND SOCIAL CARE

152 Proposed Changes to Partnership Arrangements between Leeds City Council Adult Social Care and Leeds Partnerships NHS Foundation Trust

The Director of Adult Social Services submitted a report regarding the proposed integration of the specialist mental health social care services with the specialist secondary mental health service, which would include Leeds Partnership Foundation Trust (LPFT) acting as host organisation for the partnership. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- (a) That the proposal to integrate specialist mental health social care services with specialist secondary mental health service, with LPFT acting as host organisation for the partnership, be approved.
- (b) That the development of a Section 75 agreement, detailing the governance of the partnership between Adult Social Care and LPFT, be approved.
- (c) That the secondment of social care staff to LPFT from 1st April 2012 be agreed.
- (d) That it be noted that further detailed work will be undertaken to ensure the ongoing balance of social care management within the partnership.
- (e) That the review of roles and functions of social work within the partnership be noted.

RESOURCES AND CORPORATE FUNCTIONS

153 Financial Health Monitoring 2011/12 - Month 7

The Director of Resources submitted a report setting out the Council's projected financial health position after seven months of the financial year. The report reviewed the position of the budget after seven months and

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commented upon the key issues impacting on the overall achievement of the budget for the current year. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In presenting the report, the Director of Resources provided Members with more recent information which had been received regarding financial contributions from the health service and advised that further details on this matter would be submitted to the next meeting of the Board.

Members emphasised concerns which had previously been raised regarding the need for issues relating to city centre car parking provision to be further considered and addressed. In response, the Director of City Development undertook to liaise with the Director of Environment and Neighbourhoods and report back to the Board on this matter.

Following Members' enquiries, the Board received an update both on the current overall position regarding Looked After Children and also in respect of Residential and Nursing Care Placements.

RESOLVED –

- (a) That the projected financial position of the authority, after seven months of the financial year, be noted.
- (b) That a report be submitted to a future meeting of the Board regarding city centre car parking provision.

154 Initial Budget Proposals

The Director of Resources submitted a report presenting the initial budget proposals for 2012/2013, which together with a forecast for 2013/2014 and 2014/2015, would form the basis of the Council's new medium term financial strategy. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members were updated on the Local Government Finance Settlement, which had been announced following the publication of the report. The Board then thanked officers for all of their efforts on the savings which had been achieved to date.

RESOLVED – That the submitted report be agreed as the initial budget proposals and that such proposals be submitted to Scrutiny for consideration, with the proposals also being used as a basis for wider consultation with stakeholders.

(Under the provisions of Council Procedure Rule 16.5, Councillors A Carter and Golton required it to be recorded that they both abstained from voting on the decisions taken above)

(The matters referred to within this minute were not eligible for Call In, as decisions regarding the Council's budget are reserved to Council)

DEVELOPMENT AND THE ECONOMY

155 Local Development Framework Annual Monitoring Report 2011

The Director of City Development submitted a report presenting for approval the Leeds Local Development Framework (LDF) Annual Monitoring Report 2011 for the purposes of submission to the Secretary of State, which was pursuant to Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Full copies of the Leeds LDF Annual Monitoring Report 2011 had been provided to Board Members for their consideration at the time of the agenda despatch. In addition, following the circulation of the agenda, supplementary information in the form of a schedule of changes to the Monitoring Report, based upon comments received at the meeting of the Development Plan Panel held on 6th December 2011, had been circulated to Board Members for their consideration.

Members discussed the content of the submitted report with respect to the matter of localism.

RESOLVED –

- (a) That the contents of the submitted report be noted.
- (b) That the Leeds Local Development Framework Annual Monitoring Report 2011 be approved for submission to the Secretary of State by 31st December 2011.

156 The Community Infrastructure Levy - Background Information, the Leeds context, and consultation response to the Government's draft regulations for reform

The Director of City Development submitted a report presenting for approval the Council's proposed response to the Government consultation exercise being undertaken in respect of the Community Infrastructure Levy (CIL). In addition, the report also provided background to the CIL and its implementation in Leeds, whilst also addressing the recommendation of the Scrutiny Board (Regeneration) on the proportion of CIL that should be allocated to local communities, a matter which was previously considered at the Executive Board meeting held on 2nd November 2011 (Minute No 117 referred). In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Concerns were expressed that the level of the CIL which would be retained in local areas, as suggested within the submitted report as part of the draft response to the Government's related consultation exercise, may be too low and did not represent a 'meaningful proportion'. Concerns were also raised regarding the proposal, also within the draft response to the Government's related consultation exercise, to remove the cap on the amount of levy funding that charging authorities may apply to administrative expenses. In

Draft minutes to be approved at the meeting to be held on Wednesday, 4th January, 2012

response, the Chair requested that further work be undertaken in relation to all the concerns raised, with a further report on such matters being submitted to the Board in due course, in order to inform the Council's position.

RESOLVED –

- (a) That the background information relating to the implementation of the Community Infrastructure Levy in Leeds be noted.
- (b) That a Community Infrastructure Levy Charging Schedule be developed as a matter of priority, and that the necessary funding, as set out within paragraph 4.4.2 of the submitted report, be approved.
- (c) That further work be undertaken in relation to all the concerns raised during the discussion, with a further report on such matters being submitted to the Board in due course.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he abstained from voting on the decisions taken above)

RESOURCES AND CORPORATE FUNCTIONS

157 2011/2012 Quarter 2 Performance Report

The Assistant Chief Executive (Customer Access and Performance) submitted a report presenting a summary of the Quarter 2 performance data for 2011/12 which provided an update on progress in delivering the Council Business Plan 2011-15 and the City Priority Plan 2011-15. In addition, the report also provided an update on the related work undertaken to implement an Outcomes Based Accountability approach within the Council as considered by the Board, at its meeting on 22nd June 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- (a) That the five key issues which have been highlighted: Budget, Looked-after children, Rate of Domestic Burglary, Transport and Planning Performance be noted, together with the work underway to address such issues.
- (b) That it be ensured that all reports Executive Board receive clearly evidence that effective consultation has taken place as appropriate and that due regard has been given to equality.
- (c) That the intention for the strategic partnerships to ensure that the focus remains on delivery be noted and that they lead a robust debate with partners on the performance reports for the shared city priorities.

158 Response to Scrutiny Board (Resources and Council Services) Inquiry Report into Employees' Register of Interests

The Director of Resources submitted a report responding to the recommendations arising from the Scrutiny Board (Resources and Council Services) inquiry into Employees' Register of Interests and outlining the actions proposed as a result. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED – That the proposals, as set out within the submitted report, be adopted.

159 Equality Improvement Priorities 2011-2015

The Assistant Chief Executive (Customer Access and Performance) submitted a report presenting for approval the Equality Improvement Priorities 2011-2015, together with the revised Equality and Diversity Policy which outlined the Council's continued commitment to equality, detailed the Council's equality objectives, identified how progress would be measured and how the Council would continue to improve and further embed the equality agenda. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members discussed the involvement of the Member Working Group in the work undertaken on the Equality Improvement Priorities, whilst the Chair congratulated all of those officers who had been involved in the Diversity Peer Assessment, which had received an 'excellent' rating against the Equality Framework for Local Government.

RESOLVED –

- (a) That the contents of the submitted report be noted.
- (b) That the Equality Improvement Priorities for 2011 to 2015 be agreed and approved.
- (c) That the revised Equality and Diversity Policy be agreed and approved.
- (d) That the proposal to circulate the submitted report to Area Committees, so that all Members are aware of the Council's Equality and Diversity Policy and Improvement Priorities, be noted.

160 Commission on the Future of Local Government

The Assistant Chief Executive (Customer Access and Performance) submitted a report providing an update on the work of the Commission on the Future of Local Government, which was exploring the concept of Civic Enterprise as a way to respond to the extreme change and challenges facing local government. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Chair invited all relevant parties to provide their submissions to the Commission on the matters relating to the future role of Local Government, as detailed within the submitted report. The Chair advised that following further

work being undertaken by the Commission, the matter would be brought back to the Board for further consideration in the Spring of 2012.

RESOLVED –

- (a) That the work currently being undertaken by the Commission be noted.
- (b) That Executive Board continue to engage with the process, as detailed within the submitted report, with further updates being received by the Board as the Commission progresses.

DATE OF PUBLICATION: 16TH DECEMBER 2011

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 23RD DECEMBER 2011 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 28th December 2011)

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Report of Assistant Chief Executive (Customer Access and Performance)

Report to Executive Board

Date: 14th December 2011

Subject: Community First

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Ardsley & Robin Hood; Armley; Beeston & Holbeck; Bramley & Stanningley; Burmantofts & Richmond Hill; Chapel Allerton; City & Hunslet; Farnley & Wortley; Gipton & Harehills; Hyde Park & Woodhouse; Killingbeck & Seacroft; Kirkstall; Middleton Park; Morley South and Pudsey.		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- 1 Community First is a government initiative that was announced in late September. Over the next four years, this programme will provide modest levels of grants ranging from £33k-£203k per area across 15 wards aimed at helping communities improve their areas and build local confidence and capacity. Community First will run in parallel with the Government's Community Organisers Programme which will recruit and train 500 paid senior community organisers over the next three years to help mobilise local people to take action at a neighbourhood level.
- 2 Under Community First, local communities must demonstrate how they will match fund/contribute their own resources, in cash or volunteer time, to equal to the grant level requested.
- 3 Community First complements the Council's Integrated Locality Working agenda. Locality work focuses on the joining-up of corporate and local services, enabling local people to have a greater influence on citywide policy and practice and maximising the involvement of communities in setting local priorities. It is hoped that the consultation and community engagement models that have been established across the three administrative areas of the city will be fully utilised to support the implementation of this programme.

- 4 Community First will also support a wider civic pride agenda that is being actively promoted across Leeds helping to provide a structure within which other national and regional initiatives can be successfully implemented across the city e.g. neighbourhood planning, community budgets, etc.

Recommendations

Executive Board is asked to:

- § support the Council's active engagement and cooperation in establishing the Community First Programme in Leeds;
- § endorse the alignment of this programme with other relevant initiatives, and;
- § be aware of the Community Organisers' Programme and potential relationship with other related programmes.

1.0 Purpose of this report

- 1.1 This report seeks to raise awareness of Community First and Community Organiser programmes. It seeks Executive Board endorsement to support the Council's active engagement and cooperation in establishing the Community First programme in Leeds and endorsement that other programmes are, where appropriate, aligned with Community First.

2.0 Background information

- 2.1 As set out in the Vision for Leeds, the city has made a commitment that Leeds: will be a place where everyone can feel confident about doing things for themselves and others; local people have the power to make decisions that affect them, people are active and involved in their local communities; and, there is a culture of responsibility and respect among residents for each other and the environment.

3 Main issues

- 3.1 The Community First Programme aims to match-fund community projects in some of the most deprived areas in the country and will be administered through a national body, the Community Development Foundation. Appendix A shows the targeted wards and amount of funding available. The Programme will provide small amounts of funding to small groups who would not normally apply for grants (between £250 and £2,500 cash can be awarded to groups in any one year). The funds will be accessed through a registered Community First Panel designated for that ward. There is an expectation that the Panels will be representative of the local area, will help to raise awareness of the programme and work with the community to establish priorities and plan how they will match and spend the grants available.
- 3.2 Work is currently taking place to establish and register Community First Panels in designated wards. The development of Community First Panels includes the establishment of a Panel Partner whose role is to ensure the Panel is accountable and transparent in carrying out its responsibilities. Once registered, the Panels can begin to understand local priorities, how the funding will be matched, engage with the Community Development Foundation and establish an action plan for the area. It is recognised that Community First Panels may be registered by anyone within the area and there is no requirement to involve the Council in this. The Area Teams are currently working with local groups to ensure that appropriate Panels are registered in all areas.
- 3.3 In order to ensure a strategic view of Community First and appreciate the added value that this and other aligned programmes will bring to locality working, it is proposed that the Localities Partnership Board is regularly updated on work in this area.
- 3.4 Alongside the Community First initiative, the Government is establishing a Community Organisers Programme. This programme is being delivered by a national organisation called 'Locality' resulting from the merger between the British Association of Settlements and Social Action Centres and the Development Trusts Association. Under this programme Community Organisers are employed by Locality for 1 year and hosted by local organisations on a secondment basis. Appendix A shows where Community Organisers are likely to be located in Leeds.

Locality will recruit and train 500 senior community organisers and a further 4,500 voluntary organisers nationally over 3 years.

- 3.5 The role of a Community Organiser is to help residents, groups, associations and businesses in their area to develop their power to act together for the common good and take action to tackle local issues which are important to them. The intention is that Community Organisers will listen to residents in their homes, on the street and where they gather.
- 3.6 The Community Organisers programme has been specifically developed to promote the concept of local power for local people, without a direct input into its development or roll out from local authorities. However, it has been developed in parallel with Community First where there is a clear recommendation for local authorities to be involved.
- 3.7 Additionally, the Community Development Foundation (who are delivering Community First) have indicated that Community First will 'aim to link' to the Community Organisers programme wherever possible to further support social action in communities. The view is that Community Organisers provides an opportunity to more fully explore and understand local issues and improve the sustainability of local activities

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Projects which are taken forward via Community First funding will follow engagement routes established by the relevant Panel. Where the Community First Panel has significant Council involvement, it is anticipated that use will be made of the already established engagement channels set up within that particular neighbourhood/ward e.g. via Neighbourhood Improvement Boards. Work is on-going through the Area Teams to engage with local communities to refresh/produce Neighbourhood Improvement Plans. It would be appropriate for these Plans to also reflect local priorities funded through the Community First programme.
- 4.1.2 The relationship between the work of the Community Organisers, and how specifically it will contribute towards Community First is currently being considered.
- 4.1.3 The Community First initiative is a Government led programme which the local authority was not consulted upon prior to its announcement. Whilst the authority has some reservations about some aspects of the initiative and the way it is being introduced, it is providing new monies to the city which would not otherwise be available and officers are, therefore, seeking to maximise the benefits of the programme to support delivery of local priorities.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The premise on which Community First is founded is that there is a need to empower communities and improve the 15 identified eligible wards in Leeds. These wards have been targeted by the government based on the fact that they contain clusters of high levels of deprivation and have experienced significant (10%) increases in benefit claimants.

4.2.2 As part of the implementation of Community First, careful consideration will need to be given to cohesion and integration issues. It is not applicable to produce either a screening or equality impact assessment at this stage. Where the council is involved in the Community First Panels, encouragement will be given to giving due consideration to equality when assessing potential projects.

4.3 Council Policies and City Priorities

4.3.1 Through the Vision for Leeds and the City Priority Plan, the Council and its partners have set out a clear commitment to its residents that Leeds; will be a place where people can feel confident about doing things for themselves and others; local people have the power to make decisions that affect them, are active and involved in their local communities, and; where there is a culture of responsibility and respect for each other and the wider environment. This is particularly reflected in our 'Best City for Communities' and 'Best City to Live' priorities.

4.3.2 The Community First Programme will complement the new locality arrangements by enabling local people, through the Community First Panels to have a greater influence on citywide policy and practice and the impact this has on their local neighbourhoods, and by helping local people to develop the capacity needed to become more actively involved.

4.3.3 Community First will form part of a citywide programme of civic activities being developed in Leeds, that will help pave the way for a range of regional and national initiatives emerging as part of the Localism Act, many of which will have significant impact on Council policies and City priorities e.g. neighbourhood planning.

4.4 Resources and Value for Money

4.4.1 Community First money is new money which can be accessed by the community to fund small locally agreed projects. It must also be match funded, and this cannot be through local government funding. It is anticipated that Community First projects undertaken in an area will support the developing integrated service neighbourhood improvement plans where applicable.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal or access to information issues arising from this report. The report is subject to call-in.

5 Conclusions

5.1 It is intended that the Community First Programme will be aligned with related programmes to form part of a wider civic agenda aimed at putting local people firmly in the driving seat to bring about positive changes in their local neighbourhoods, and sharing responsibility for making Leeds the best City in the UK.

5.2 Community First focuses on maximising the involvement of local communities in setting local priorities for their area. The consultation and community engagement models that have been established across the three administrative areas of the city will be fully utilised to support its implementation.

5.3 The importance of engaging with the Third Sector and specifically the contributions that local groups and organisations can make to support the viability and sustainability of these programmes, has been, and will continue to be, recognised. It has informed the identification and registration of Community First Panels and the Third Sector will play a significant role in its implementation. In addition the emerging Community Organisers programme will be hosted by the Third Sector

6 Recommendations

6.1 Executive Board is asked to:

- support the Council's active engagement and cooperation in establishing the Community First Programme in Leeds;
- endorse the alignment of this programme with other relevant initiative, and;
- be aware of the Community Organisers' Programme and potential relationship with other related programmes.

7 Background Documents

7.1 Guidance on setting up a Community First Panel
<http://www.cdf.org.uk/web/guest/neighbourhood-matched-fund>

7.2 Community First Narrative – rationale for ward selection
<http://www.cdf.org.uk/web/guest/neighbourhood-matched-fund>

7.3 Community Organisers
<http://locality.org.uk/projects/community-organisers/>

Position of Community First and Community Organisers at November 2011

Community First Target Wards	Funds	Identified Panel	Community Organisers Planned	Community Organiser Host
Ardsley and Robin Hood	£50,865	Health for All	-	-
Armley	£152,595	TBC	-	-
Beeston and Holbeck	£152,595	Renew	1	Health for All
Bramley and Stanningley	£84,775	TBC	2	Barca
Burmantofts and Richmond Hill	£203,460	Council	-	-
Chapel Allerton	£67,820	Council	1	Chapelton Development Trust
City and Hunslet	£237,370	Renew	-	-
Farnley and Wortley	£84,775	TBC	-	-
Gipton and Harehills	£135,640	ENEHL	2	Gipsil and Touchstone
Hyde Park and Woodhouse	£33,910	Oblong	1	Burley Lodge Centre*
Killingbeck and Seacroft	£101,730	ENEHL	1	LS14 Development Trust
Kirkstall	£67,820	Council	-	
Middleton Park	£118,685	Renew	1	Health for All
Morley South	£33,910	Health for All	1	Groundwork Leeds
Pudsey	£67,820	TBC	-	-

*Burley Lodge Centre likely to work within Kirkstall too

Report of Neil Evans

Report to Executive Board

Date January 2012

Subject 60 Sholebroke Ave, Chapeltown LS7

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Chapel Allerton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4.3 Appendix number: Appendix 1	<input checked="" type="checkbox"/> Yes	No

Summary of main issues

1. The subject property was leased to the National Health Service (NHS) as offices until July 2009 and is now empty and secured.
2. Executive Board on 16 June 2010 gave approval to the Council to enter into negotiations with a Registered Social Landlord to sell the property to convert it to a socially rented family home.
3. Provisional terms for the sale at a less than best value have been agreed and this report seeks approval to sell the property in accordance with these terms.

Recommendations

4. It is recommended that approval is given to sell 60 Sholebroke Ave, Chapeltown Leeds LS7 to Unity Housing Association at a less than best consideration in accordance with the terms outlined in the confidential appendix to this report in order to bring an empty property back into use, fully renovated and providing a 7 bed roomed family house.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to sell 60 Sholebroke Avenue, Chapelton to Unity HA at less than best consideration and on the terms outlined in the confidential appendix to this report.
- 1.2 Unity HA will renovate the property and bring it up to Code Level 3 for Sustainable Homes and bring the property back into use as a 7 bed roomed family house for a family to be housed from the housing register.

2 Background information

- 2.1 The property, which comprises a large Victorian detached house in a row of similar residential properties, was formerly occupied by the NHS as offices which have been vacated and handed back to the Council.
- 2.2 Following an options appraisal undertaken by Environment and Neighbourhoods, with whom the property is vested, an Executive Board Report was considered on 16 June 2010 and approval was given to:
 - Declare the property surplus to operational requirements.
 - Enter into negotiations with a partner Registered Social Landlord with the aim of concluding a sale to them at a price which represents the value of the property and the level of refurbishment needed to bring the property to a decent homes standard.
 - To covenant the sale, in order that the property is retained in perpetuity as a social rented family home and that the Council retains nomination rights in respect of lettings.
- 2.3 In July 2010 negotiations commenced with Unity HA, a partner Registered Social Landlord which manages stock in the immediate neighbourhood of the subject property with a view to selling the property to them for refurbishment and bringing the property back into beneficial use.
- 2.4 The provision of a much needed seven bed roomed property within an area of high demand will greatly assist the number of families waiting for such accommodation. An analysis of the housing register reveals that there are 97 families awaiting 5 bedrooms plus accommodation. In the last five years only three, five bed roomed properties have become available for letting. There have not been any six or seven bed roomed accommodation available in the same time period.
- 2.5 Negotiations commenced regarding the value of the property and the cost of refurbishment which would be needed to bring the property up to decent homes standard.
- 2.4 Squatters took possession of the property in December 2009 and there was then a lengthy delay in the negotiations until the squatters could be removed through the court process which was achieved in October 2010.

- 2.5 In June 2011 Unity HA went out to tender with a detailed specification for the refurbishment works required. The specification was to undertake works to Code Level 3 of Sustainable Homes.
- 2.6 The specification of works to be carried out and the lowest tender price submitted were then checked by a Technical Manager in Property Management Services in the Environment and Neighbourhoods Directorate who after examination felt the tender price to be reasonable for the works involved in a refurbishment of this size.

3. Main issues

- 3.1 The property which is in a residential area had been previously used as offices by the NHS until February 2009 before the property was returned to the Council.
- 3.2 60 Sholebroke is a large 7 bed roomed Victorian detached house. An option appraisal process was carried out in May 2010. The options considered included:
- Open market sale and capital receipt to the Council
 - The Council refurbishes the property and let it as a council house managed by the ALMO
 - The Council enters into negotiations with a partner RSL who manages other properties in the area. The RSL purchases the property, invests in it and creates a new affordable home.
- 3.3 The three options above were considered in the Executive Board report in June 2010 and the option to enter into negotiations with a partner RSL was the recommendation approved by Executive Board.
- 3.4 Following Executive Board approval in June 2010, negotiations have progressed with Unity HA and a sale price for the property has been provisionally agreed. The original Executive Board approval does not definitively state that the sale is for a 'less than best' value and the sum to be foregone in this transaction is above the delegated authority limits that can be approved by the Director of City Development.
- 3.5 Therefore a new Executive Board approval is required in order to approve the sale of the property to Unity HA at a less than best consideration and on the provisionally agreed terms detailed in the confidential appendix to this report.
- 3.6 The above sale will be on less than best consideration. However it is important to note that considerable expenditure will be spent by Unity HA on the property bringing it back into use.
- 3.7 Unity HA will be using local labour and creating training and employment opportunities. The Association will appoint a family run local contractor who will take on two local, long term unemployed people from the Chapeltown area, who will be trained to become general operatives.
- 3.8 The building control standards are at Code for Sustainable Homes Level 3 but due to the large size of the property, Unity HA have confirmed that a higher standard will be

achieved in order to tackle affordable warmth, so in addition to the remodelling there will be significant increases in internal insulation and solar power, in order to produce cheaper electricity and hot water which will reduce energy and fuel bills to prospective tenants.

- 3.9 The information contained in the Appendix attached to this report relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the disposal of the property/land then it is not in the public interest to disclose this information at this point in time. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to 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 this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

4 Chapeltown Investment Strategy

- 4.1 Unity HA are key players in the Chapeltown Housing Investment Strategy Investment Plan 2011-2015.
- 4.2 Unity HA has a strong desire to consolidate its position in Chapeltown and also is involved in stimulating partnerships and driving forward improvements in areas such as the Sholebrokes. For example Unity HA organise a daily litter pick and are very proactive in tackling fly tipping in the Sholebrokes. Unity HA takes early action by removing, clearing and recharging or removing and clearing at its own cost.
- 4.3 Unity HA is proactive in taking on additional stock in Chapeltown either through new development or bringing empty homes back into use. Larger family housing remains a key requirement, and therefore Unity HA are very well placed to bring back into use larger empty properties in order to provide additional affordable family accommodation.
- 4.4 One of the key objectives in the Strategy is the commitment to bring empty properties back into use. Unity HA will improve 60 Sholebroke and ensure that it is brought back into use.

5. Stock and Demand in the Area

- 5.1 There are approximately 452 council homes managed through East North East Homes in Chapeltown. In all over 50% of the housing stock in Chapeltown is made up of flats, with most being one bed roomed. Only 11.5% are homes with 4 bedrooms or more. There are 1,142 properties owned by RSLs in Chapeltown. Of these, nearly 49% are flats, and these are mostly 1 bedroom or bedsits. There are only 23% which are houses with 4 bedrooms or more.

- 5.2 There are currently 266 applications held from existing Council tenants seeking a transfer within Chapeltown and Harehills, or to Chapeltown and Harehills of these 90 (34%) applications were looking for properties of 3 beds or more.
- 5.3 There are currently in the region of 90 families on the housing register requiring 5 bed plus accommodation, 19 of which have requested Chapeltown. Large family accommodation is in short supply and so 60 Sholebroke Ave would provide much needed additional affordable accommodation

6.0 Corporate Considerations

- 6.1 The proposal contributes to the Councils Housing Strategy and the Departmental Asset Management Plan. The proposal also contributes to the objectives of the Chapeltown Investment Strategy.

7.0 Consultation and Engagement

- 7.1 Local ward members and the Executive Board Member for Environments and Neighbourhoods were consulted on the original report that was approved in June 2010 and have now been consulted on the options and continue to support the original proposals and the revised asset value to the Council, recognising that the provision of a seven bed roomed house is important to meet local needs through the Councils housing register.

8.0 Equality and Diversity / Cohesion and Integration

- 8.1 An equality, diversity, cohesion and integration screening exercise has been carried out. This has affirmed that equality, diversity, cohesion and integration considerations have been effectively considered in relation to selling this property at less than best consideration and that a full impact assessment was not required.
- 8.2 The BME Housing Strategy recognised the need to provide larger accommodation for families from ethnic groups. The provision of larger accommodation also meets the objectives in the Chapeltown Investment Strategy.

9. Council Policies and City Priorities

- 9.1 Bringing back into use a property which has been standing empty and has been subject to squatting will make an impact on the Housing and Regeneration City Priority Plan's overall objective of reducing the number of empty properties in the City.

10 Resources and Value for Money

- 10.1 The property is currently standing empty and costs for securing are being met by E&N. Unity HA will be spending a considerable sum on the property bringing it up to Code 3 for Sustainable Homes and back into use as a 7 bed roomed family property. The Council will also receive a capital receipt as detailed in the confidential appendix to this report.

10.2 The provision of a much needed seven bed roomed property within an area of high demand will greatly assist the number of families waiting for such accommodation. An analysis of the housing register reveals that there are 97 families awaiting 5 bedrooms plus accommodation. In the last five years only three, five bed roomed properties have become available for letting. There have not been any six or seven bed roomed accommodation available in the same time period

11. Legal Implications, Access to Information and Call In

11.1 Any disposal of land or buildings which is held by the Council for the purposes of the Housing Act requires consent of the Secretary of State pursuant to Section 32 of the Housing Act 1985. In addition Section 25 of the Local Government Act 1988 provides that a local authority cannot provide any person with financial assistance for privately let housing accommodation without the Consent of the Secretary of State.

11.2 The Council's City Solicitor has confirmed that consent to the disposal of this property and the provision of financial assistance by way of a disposal as less than best consideration is given by The General Consent under Section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing)) 2010"

11.3 In addition to the above it is necessary for a certificate to be given by Council (the Director of Environments and Neighbourhoods) that the aggregate number of dwelling-houses in the disposal and previous disposal by the council under this consent does not exceed a number equal to the greater of one quarter of one percent of the number of dwelling -houses owned by the Council at the commencement of the current financial year.

11.4 This report will be subject to call in

12. Risk Management

12.1 There is a risk that following refurbishment a Housing Associations tenant could purchase the property under Right to Acquire legislation and therefore negate the stated purpose of the sale to Unity HA to have a large family house available for social rent in this area. This risk will be mitigated by Unity HA having an obligation to invest any monies received, into providing another similar property in this area.

13. Conclusion

13.1 60 Sholebroke Ave, is currently standing empty. Unity HA are willing to purchase the property at less than best consideration to enable a considerable sum to be spent on the property, bringing it back into use as a much needed additional, affordable 7 bed roomed family house.

14 Recommendations

14.1 That 60 Sholebrook Ave is sold at a less than best consideration and on the terms detailed in the confidential appendix to this report to Unity HA in order that the

property can be refurbished to Code Level 3 for Sustainable Homes, and brought back into use as a 7 bed roomed family house

15 Background documents

Executive Board Report dated 22 June 2010

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Report of: Director of City Development

Report to: Executive Board

Date: 4 January 2012

Subject: Review of Leeds City Council Gymnastics Training Scheme

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Killingbeck & Seacroft, Headingley, Weetwood		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. This report proposes to transfer the operation of the Leeds City Council Gymnastics Training Scheme to an independent Gymnastics Club, to be located in new leasehold premises. It is intended that the transfer will realise savings of approx £165,000 per annum (after 4 years tapering support) and ensure:
 - Long term sustainability of performance gymnastics within the City;
 - Enhanced opportunities to create a successful gymnast pathway to sporting excellence;
 - Greater support from British Gymnastics the National Governing Body of the sport.
 - Greater community involvement and stronger social networks of support.

Recommendations

It is recommended that the Executive Board approve:

- (i) The transfer of the Leeds Gymnastics Training Scheme from Leeds City Council to the City of Leeds Gymnastics Club Community Interest Company from 1 April 2012.
- (ii) That Leeds City Council provide financial support to City of Leeds Gymnastics Club Community Interest Company up to a maximum of £250,000 over the next 4 year period

- (iii) That Leeds City Council acts as guarantor on the leasehold (Unit 1 Limewood Business Park) for a period of 4 years commencing on 1.2.2012 and terminating 31.1.2015.

1.0 Purpose of this report

- 1.1 To seek approval to transfer the operations from the City Council and establish the City of Leeds Gymnastics Club as an independent Community Interest Company to undertake to develop gymnasts to reach their full potential, with a reducing contribution from the City Council.
- 1.2 To help to establish the club in a converted leasehold unit, by the City Council acting as a guarantor for the initial 4 year period of a proposed 20 year lease.
- 1.3 The report explains the reasons for the change and that the current premises are required by LMU for development as a basketball facility.
- 1.4 British Gymnastics are to contribute to capital requirements of the new site.

2.0 Background information

- 2.1 The Sport Service has undertaken a number of challenging measures to achieve significant savings over the past 12 months. A review of the sports development budget concluded that significant savings could be made on the Gymnastics Training Scheme if it was delivered in a different way, rather than being directly provided by the Council. The Council has consulted extensively with all key stakeholders, including coaches, parents and the National Governing Body in formulating workable proposals and has spent the past 12 months working with a transition team from COLGC to develop proposals to establish a new independent club. The current operation of the GTS is explained below.
- 2.2 The Sports Service currently manages the GTS. The GTS has three sections namely Men's Artistic, Women's Artistic and Acrobatics/Tumbling. There are 135 gymnasts registered on the GTS who train on a regular basis, up to 24 hours per week. 23 of the participants do not reside within the LCC boundaries. There are further disciplines of gymnastics that are not catered for in the programme such as Trampolining and Rhythmic Gymnastics.
- 2.3 The GTS was established to help gymnasts reach their full potential and provide pathways to sporting excellence. Most of the gymnasts on the GTS have been identified for their sporting talent and invited to attend. The majority of those who are invited to attend have progressed through the entry-level programmes that exist in City Council leisure centres. The Scheme has an open policy and gymnasts from outside Leeds are considered on an equal basis to all others; if they are deemed to have potential talent, they will be offered a place. All gymnasts pay monthly fees based on the hours they train within the Scheme. Gymnasts from outside Leeds pay the same fees as Leeds residents. The fees in the Scheme are significantly below cost and those charged by other providers of performance gymnastics in the region and nationally.
- 2.4 The estimated income from fees for 2010/11 is approximately £85,000.

- 2.5 The GTS coaching sessions take place at the Regional Gymnastics Centre in Headingley, owned by Leeds Metropolitan University and from which Leeds City Council hire evening and weekend time. Use of the facility currently costs LCC approximately £55,000 per annum for 28 hours per week usage.
- 2.6 LCC covers all the costs associated with the training of the gymnasts and all gymnasts represent the City of Leeds Gymnastics Club in competitions. There is a close working relationship between LCC and the Club.
- 2.7 In 2009, LCC and British Gymnastics (the National Governing Body) commissioned Knight Kavanagh and Page (KKP) to strategically review the delivery of Gymnastics in Leeds. This included reviewing all levels of gymnastics from recreational through to elite performance. It extensively engaged with coaches, parents, the existing Gymnastic Club officials, other local clubs and British Gymnastics officers.

The review was designed to address a number of challenges but the main rationale was to establish ways to reduce the cost to LCC while securing sustainable and comprehensive performance Gymnastics training arrangements in Leeds.

- 2.8 In some cases, the logic of the council's current involvement is not clear-cut, and at a time of financial pressure, the justification for subsidising the development of sporting excellence needs to be examined particularly carefully, because protecting this area means deeper cuts elsewhere.
- 2.9 Over the years, the council has been involved in gymnastics development programmes from entry level up to high performance. The costs of operating the GTS increased over the years, peaking in 07/08 when the net cost was £231,000. Since then, costs have been reduced to £165,000 in 2010/11 without reducing the quality of the service provided. The Scheme has produced high quality international gymnasts although it has not achieved the same competitive success as (for example) the Leeds diving programme
- 2.10 Based on a report on the 1 November 2010 officers have been consulting and working with the COLGC to develop the preferred option of establishing an independent club
- 2.11 In broad summary this work has covered:
- 2.11.1 Working with British Gymnastics and the City of Leeds Gymnastics club to establish a club catering for all the gymnasts currently in the GTS in all three sections, that over 3 – 4 years can become fully independent; operationally and financially. This will involve developing the new club to a point where they are capable of employing staff (whether casual or as employees) and entering into contracts and developing a business plan. British Gymnastics have been invited to work with LCC and the Club in developing these areas.
- 2.11.2 Identifying new premises, which allows access to the facilities throughout the day and evening that are more cost efficient than the current arrangement with LMU.

The development of commercially remunerative programmes at a dedicated site will be a fundamental aspect of the business plan. It is not ruled out that some of the development level gymnastics programmes currently hosted in LCC leisure centre's might move into such a site and effectively join the club.

- 2.11.3 The target date to transfer the GTS to the club would mean LCC cease operational responsibility of the GTS from 31st March 2012 with the club taking on this responsibility from April 1st 2012. LCC will need to support the new Club financially in its early years on a diminishing sliding scale with a clear statement that, despite any circumstances, no further funding requests will be considered beyond the agreed period.
- 2.11.4 The proposed transfer date has been reinforced as LMU plan to redevelop the existing Regional Gymnastics Centre into a basketball facility, and for which they have secured funding from English Basketball. In practice, this means that the existing GTS will have to move out of Carnegie by 31st March 2012 at the latest.

3.0 Main issues

- 3.1 Meetings with the existing Coaches, British Gymnastics, Leeds Metropolitan University, City of Leeds Gymnastics Club and parents of the gymnasts in the GTS have taken place over the past 12 months and an excellent working relationship is established. COLGC (through the formation of a transition team) have fully accepted that it is in their long-term interests to establish a new independent club in the city if gymnastics is to flourish and reach its potential.
- 3.2 The transition team have been working exceptionally hard to address, namely:
 - 3.2.1 Transition Team explored numerous facility options, seeking a new venue that would meet the specification British Gymnastics recommend for a Gymnastics Centre. The preferred site is Unit 1 Limewood Business Park, Seacroft that is currently an industrial site with use permitted under B1, B2 and B8 categories. An application is currently in progress seeking permission for D2 use, which would allow conversion to a Gymnastics Facility.
 - 3.2.2 As Executive Member for Leisure, Councillor Ogilvie has been consulted with regard to the project. Local ward members for Killingbeck and Seacroft, Councillors Brian Selby and Graham Hyde have been consulted and noted the benefits that the facility could bring to the wider community.
 - 3.2.3 In order that the Club is able to secure funding from British Gymnastics to convert the new facility, a minimum 20 year lease is required. As the Gymnastics Club is a newly formed entity, the building owner has stipulated that LCC act as a guarantor for the lease. Due to the associated risks, it has been negotiated that LCC could guarantor a maximum of the first 4 years of the lease with the club being liable for the remainder.
 - 3.2.4 British Gymnastics have committed £120,000 capital funding towards the refurbishment of the site and equipment requirements, this funding must be spent

by 31 March 2012 and there is no scope for this date to extend. An element of the funding from LCC could support the capital costs, if required although; the intention is for this funding to support the revenue costs.

- 3.2.5 Leeds Metropolitan University have agreed to support the Club by donating the majority of their existing gymnastics equipment. This will significantly reduce the expenditure on equipment.
- 3.2.6 To develop revised governance arrangements for the new club through the establishment of an incorporated Community Interest Company (CIC) limited by guarantee. Through this arrangement, a statutory asset lock protects the assets of the Club. The CIC will be managed by a board of trustees who will be appointed through a fair and open process.
- 3.2.7 During the period that LCC fund the project, a review committee could be formed to oversee the progress of the organisation and monitor the sporting outcomes that would be agreed as part of the funding agreement. This committee could, for example, include elected members, officers from the council and COLGC to oversee progress over the period of the funding agreement.
- 3.2.8 To develop a business plan that is sufficiently robust for the council to act as guarantor and provide short term funding support.
- 3.2.9 The business plan will be required to include accurate, reasonable expenditure in terms of utilities, staffing and maintenance and similarly, an accurate income forecast. Income generating activity such as parent and toddler classes, recreational boys and girls classes, adult classes etc will be expected to ensure that sufficient income is generated.
- 3.3 Overall, officers are satisfied that the clubs draft business plan and outputs are sufficiently robust to allow the transfer to continue. Therefore subject to the submission of a satisfactory final business plan it is recommended to approve the transfer and for LCC to act as Guarantor based on the terms stipulated within this report.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The report has highlighted that extensive consultation has been undertaken with all the key stakeholders, including the City of Leeds Gymnastics Club, the transition team from the City of Leeds Gymnastics Club, coaches, parents, Leeds Metropolitan University. Killingbeck & Seacroft, Headingley and Weetwood ward members have been consulted in relation to the planning application for change of use of the premises for Unit 1 Limewood Business Park and the transfer from LMU's Carnegie site and are supportive of the proposals.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality impact assessment has been conducted and is included as part of the background papers. Consideration has been given to the impact of transferring

the gymnastics scheme from LCC to a new Club and on balance the opportunities afforded are likely to be enhanced compared to the current scheme, rather than diminished. Furthermore should the transfer not take place the likely outcome would be a curtailment of the gymnastics scheme as currently operated by LCC.

4.3 Council Policies and City Priorities

4.3.1 The project supports the City Priority Plan 2011-15 by supporting :

Best City... for health and wellbeing - healthy lifestyle choices
 Best City... for children and young people
 Best City... for communities - increase a sense of belonging that builds cohesive and harmonious communities

4.3.2 The project supports the Council Business Plan 2011 – 2015 by :

Supporting the Council’s values

- working as a team for Leeds
- working with communities
- treating people fairly
- spending money wisely

Supporting City Development priorities

- create the environment for effective partnership working
- market and promote the city
- develop the council’s cultural events and facilities including changes to sports centres and libraries
- maximise income to support the delivery of the budget

4.4 Resources and Value for Money

4.4.1 LCC will need to financially support and provide officer resource to the City of Leeds Gymnastics Club to develop and manage itself independently within a given time period. During this time (maximum four years) the target will be for it to become self sufficient.

4.4.2 Projected financial support required from LCC based on figures illustrated in the review is as follows:

	£000s
Current cost per annum	165 (approx)
2011/12	20
2012/13	80
2013/14	75
2014/15	50
2015/16	25
2016/17	0

The feasibility work will confirm the figures and phasing but it is proposed to work on the basis that the overall council allocation is capped at £250k. Thereafter the club could apply for further funding through the councils grant-funding programme, "Leeds Inspired".

4.4.3 In order that the Club is able to secure funding from British Gymnastics to convert the new facility, a minimum 20-year lease is required. As the Gymnastics Club is a newly formed entity, the building owner has stipulated that LCC act as a guarantor for the lease. Due to the associated risks, it is proposed that LCC could guarantor a maximum of the first 4 years of the lease with the club being liable for the remainder. This potential liability on LCC would include the underwriting of the lease for the period which would total £128,550, taking account of favourable terms proposed by the building owner for the first 4 year period. These terms are; Year 1: rent free, Year 2: 6 months rent free, Year 3: 6 months rent free, Year 4 onwards: full rent payable. Other costs that LCC would be required to meet (should the Club default on the lease) would include dilapidations, rates and service charges . Given that the facility will require buildings works to convert it to use for gymnastics the dilapidations charge could be in the region of up to £60,000. The club would require the lease to commence on the 1/02/2012 so that conversion works can be made prior to the new gymnastics centre opening to the public on the 01/04/2012.

4.4.4 As referred to in para 3.2.4, British Gymnastics have committed £ 120,000 capital funding towards the refurbishment of the site and equipment requirements (to be spent by 31st March 2012), and in para 3.2.5, LMU have agreed to donate the majority of their existing gymnastics equipment.

4.4.5 Approving the business plan will be a critical factor in the decision making process to ensure that it is a robust model and limits the probability of any liability to LCC.

4.5 Legal Implications, Access to Information and Call In

4.5.1 A legal agreement is being drawn up by the City Council to formalise arrangements with the Gymnastics Club.

4.6 Risk Management

4.6.1 As previously outlined attempts have been made to mitigate the risk associated with the transfer by capping the maximum amount of revenue funding to be made available to the club, as well as limiting the Councils exposure in terms of acting as guarantor. The transfer is not without some risk and is dependant on the new club being successful in delivering their business plan.

4.6.2 A contractual agreement will be signed between the Club and LCC, highlighting all conditions of the grant and lease guarantee arrangements.

5.0 Conclusions

5.1 The current level of subsidy to the GTS, particularly the high level of subsidy per participant, cannot be justified against other Sports Service priorities and is not

sustainable by LCC in the long term against the current financial climate. However the scheme is valuable and important to a number of people and proposals have been developed that would give the city a far better, more sustainable gymnastics training scheme, operated by the Gymnastics community themselves. The proposals have the support of all the key stakeholders.

6.0 Recommendations

It is recommended that the Executive Board approve:

- (i) The transfer of the Leeds Gymnastics Training Scheme from Leeds City Council to the City of Leeds Gymnastics Club Community Interest Company from 1 April 2012
- (ii) That Leeds City Council provide financial support to City of Leeds Gymnastics Club Community Interest Company up to a maximum of £250,000 over the next 4 year period
- (iii) That Leeds City Council acts as guarantor on the leasehold (Unit 1 Limewood Business Park) for a period of 4 years commencing on 1.2.2012 and terminating 31.1.2015

Background documents

1. KKP report British Gymnastics and Leeds City Council Strategic Review of Gymnastics - November report
2. EIA



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Report of the Assistant Chief Executive (Customer Access and Performance) and Director of Adult Social Services

Report to Executive Board

Date: 4th January 2012

Subject: Response to the Deputation to Council by the Access Committee for Leeds about celebrating volunteers of Leeds

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. A deputation to Full Council on 16th November 2011 was made by representatives of the Access Committee for Leeds about celebrating volunteers of Leeds. This report responds to the issues raised by the Access Committee for Leeds and informs Members of the range of work that is currently taking place to support volunteers and the Third Sector.

Recommendations

1. Executive Board is recommended to:
 - note the contents of this report;
 - note the work that is taking place to support volunteering and the Third Sector, and;
 - to consider and endorse Adult Social Care's approach to ensuring that a diverse care market thrives in Leeds, where localism and volunteering are valued and encouraged, alongside a wide variety of other providers.

1. Purpose of this report

- 1.1 The purpose of this report is to provide Executive Board with a response to the issues raised by the Access Committee about celebrating volunteers for Leeds.

2 Background information

- 2.1 The council recognises that volunteering is vital to the future of Leeds as it helps to connect friends, neighbours and communities as well as bringing considerable economic benefits. The annual value of volunteering in Leeds has been estimated to be worth over £70 million per year to the local economy.
- 2.2 Leeds have undertaken a two year campaign to support volunteering, under the Leeds Year of Volunteering 2010 and European Year of Volunteering 2011 initiatives.
- 2.3 This has been a city wide campaign and was developed as a partnership between the voluntary, public and private sectors in the city. The lead bodies are Voluntary Action Leeds and Leeds City Council.
- 2.4 The aim of the campaign has been to celebrate the efforts of people who give up their time and work to improve things in Leeds. The campaign has been recognised as a model for other cities to follow by both the UK government and the European Union and saw the opening of the new Volunteer Centre Leeds on St Paul's Street in the city centre.
- 2.5 The key successes in 2010 were :
- The first ten months of the Volunteer Centre Leeds yielded an estimated economic benefit to the Leeds economy of almost £1 million.
 - The average level of recorded volunteering in the city has increased by over 200% during the year.
 - 84% of those volunteering were workless, a sharp increase on the figures for 2009 (65%).
 - The level of corporate volunteering has increased during the year.
 - 102 events held with over 8000 people attending these.
 - 60 organisations received small grants to help them develop, celebrate or start to use volunteers.
 - Ten "themed" celebrations were held.
 - The Leeds Volunteering Kite Mark was introduced to help improve quality control in small volunteer organisations.
- 2.6 For 2011, the target in Leeds is to increase the number of recorded volunteering placements by 25%. This will be achieved through some of the following activities:
- Sustaining and developing the role of Volunteer Centre Leeds to provide volunteering opportunities and placements including outreach activities in local communities during 2011.
 - Running six volunteering themes in 2011 to promote volunteering.
 - Producing the new Leeds Involvement Strategy, which proposes a continuation of the support for volunteering and Volunteer Centre Leeds, along with a greater

focus on encouraging people to give money and to participate more in their local communities.

- Reviewing the way that organisations in the city use volunteers and develop their own employee volunteering.

2.7 The value that volunteering adds to the city continues to be of significant importance for Leeds. This work is being led and developed through The Third Sector Partnership Group which brings together health, council and third sector leaders to debate key issues affecting the city. Leeds is developing an involvement strategy that will set out our ambition to be the ‘best city for volunteering, giving and participation.’ This builds on the work that has taken place during 2011 to continue to promote volunteering, with a focus on increasing the range and number of volunteering opportunities available, as well as actively promoting employer supported volunteering in both the public and private sectors.

3 Main issues

3.1 A deputation was made to full council on 16th November 2011 by the Access Committee for Leeds asking the council to continue to recognise the important role that volunteers and carers make to the city. As well as the collaborative work that has been taking place with the Third Sector to “negate the worst of the Government cuts hitting those individuals, families and communities most in need.”

3.2 The group welcomed and thanked the council for the support provided for volunteering, but raised the challenge about whether or not there was more work that could be undertaken.

3.3 In particular, they raised their need to leave a meaningful legacy that will positively boost local volunteer capacity. There was also a strong view of the need to promote Leeds as a beacon of best practice, through developing a procurement and tendering framework that truly values and embraces the benefits and advantages of volunteer led procurement bids.

3.4 The group also requested that “we do everything possible to support our own Third Sector and enable their incredible energy, diversity and exemplar knowledge to be expressed and valued” in our procurement processes.

3.5 The group cited a recent volunteer led funding bid for Sensory Impairment Services which was not successful.

3.6 Following a review of sensory impairment services by Adult Social Care a decision was made to commission two separate services – one for deaf or hard of hearing people and one for blind or partially sighted people. A bid by a volunteer led organisation tendered for the blind and partially sighted services which is the one referred to by the deputation.

3.7 The volunteer led bid submitted a very strong application but the successful organisation scored significantly higher against the bid criteria. Both bidders, however, adopted a partnership approach involving a variety of stakeholders.

- 3.8 Volunteering has long been a significant dimension to sensory impairment services in Leeds and this was explicitly acknowledged and valued in this tendering exercise. Since the award of contract 33 volunteers have transferred to the new provider from the previous service provider. Negotiations are also on-going to explore and encourage potential partnerships between the new provider and the unsuccessful bidder.
- 3.9 Adult Social Care also recognise that small local voluntary organisations should not lose out to large national or regional charities. In recognition of this they have invested in a commissioning service to support business development, competitiveness and entrepreneurial skills of small local organisations in Leeds. This service has been highly successful and is strongly valued by the Third Sector in Leeds, serving to create a level playing field of all organisations seeking to provide not for profit social commissioning services in the City.
- 3.10 The challenge highlighted in the deputation concerning localism, partnerships and volunteering connects strongly with the newly emerging strategic vision for health and social care in Leeds. The government has issued a raft of guidance aimed at introducing engagement and co-production as key elements in the process of producing health and social care.
- 3.11 It is, therefore, envisaged that in future all services will be delivered via partnership arrangements. Provider organisations, including those in the statutory sectors of health and social care, will be encouraged to develop formal and informal collaborations and integrated services. New service models, including social enterprise and co-operatives will be supported, and ways of engaging business and commercial enterprises will be explored.
- 3.12 Issues around commissioning and procurement have also been raised as part of the review of third sector relationships which is currently taking place. This work is considering the council's approach and working arrangements with the third sector, to ensure that we can work together effectively, strategically and operationally and deliver the vision, the outcomes of the city priority plans and the council's business plan.
- 3.13 This work will consider specific actions that can be taken to strengthen and improve current commissioning and procurement arrangements with the third sector.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The approach to volunteering has been developed as a partnership between the voluntary, public and private sectors in the city who have been involved with and led on its development.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The work highlighted in this report will ensure that the arrangements, culture, policy and practice are in place that ensures that issues of equality, diversity and cohesion are considered in relation to volunteering and the third sector and the role that they have and should play in meeting the needs of all communities.

4.3 Council Policies and City Priorities

4.3.1 The development of work to support volunteering in Leeds and the Third Sector relationships review will contribute to the delivery of the Vision for Leeds and the city priorities. The production of the city wide strategy to promote volunteering will help to deliver the vision that Leeds will be the best city for volunteering, giving and participation. The Third Sector relationships review will identify any changes to policy that may be required to enable the council and the Third Sector to more effectively deliver the city's priorities.

4.4 Resources and Value for Money

4.4.1 There are no implications for resources and value for money arising from this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report does not contain any exempt or confidential information and is subject to call-in.

4.6 Risk Management

4.6.1 There are no significant risks arising out of this report.

5 Conclusions

5.1 There is a range of work that is already underway that recognises and celebrates the positive contribution to Leeds from volunteers and the Third Sector.

5.2 This work continues to be a priority for the council and the issues and challenges raised by this group will be considered as part of the work of the third sector relationships review and work by Adult Social Care to ensure that a diverse care market thrives in Leeds, where localism and volunteering are valued and encouraged, alongside a wide variety of other providers.

6 Recommendations

6.1 The Executive Board is asked to:

- note the contents of this report
- note the work that is taking place to support volunteering and the Third Sector
- to consider and endorse Adult Social Care's approach to ensuring that a diverse care market thrives in Leeds, where localism and volunteering are valued and encouraged, alongside a wide variety of other providers.

7 Background Documents

None.

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DEPUTATION FOUR – ACCESS COMMITTEE FOR LEEDS

THE LORD MAYOR: Good afternoon and welcome to today's Council meeting. Could you please make your speech to Council, which should not be longer than five minutes, and could you please begin by introducing yourself and then the members of your Deputation.

MR T McSHARRY: Thank you, Lord Mayor, and elected Members, and good afternoon. My name is Tim McSharry and supporting this Deputation is Mary Naylor MBE, Linda Watson, Phil Gleeson, David Cuthbert.

This Deputation is dedicated to the memory of our Big Dave Littlewood and the title is Celebrating Volunteers of Leeds.

Could I begin with a really difficult challenge for everyone in this Chamber today, by asking you to imagine, just for a moment, what our great city of Leeds would be without its volunteers? Who would notice? What would be missing? What would be lost? What would stop? Who would suffer? Who would pay the price?

The simple truth is, we all would pay and the cost would have an enormous impact at every level across the whole city. Every aspect of the Vision for Leeds, our future success, inclusion, equality, our communities, neighbourhoods and social cohesion would suffer, changing all Council priorities, strategies, partnerships and services. I think we had better stop there – it is quite a scary thought.

Happily and very thankfully we are blessed in our great city of Leeds with more than our fair share of dedicated, caring, expert and highly professional volunteers from across all communities, who share their time, energy, skills and understanding 24 hours a day, seven days a week, often not seen or recognised or really valued, which is incredible when you consider that volunteers' and carers' time is valued at around £137b a year to the UK economy. It also highlights the hidden savings that we all benefit from and possibly take a little for granted, although it does beg one question. As a Local Authority can Leeds truly say that we have done everything possible to underpin and support all that volunteers and carers contribute to the health, wellbeing, equality and success of our city, or could we do more to recognise and develop such an important and precious community resource?

I hope you have guessed the answer.

Against the backdrop of devastating Government cuts to our Local Authority Funding and the dismantling of welfare support and public services, the need to engage and utilise the Third Sector of Leeds has never been needed more and in support, this Council and its officers can take great pride in developing a close partnership with the Third Sector in an effort to negate the worst of the Government cuts hitting those individuals, families and communities in greatest need.

However, there is still more that can be done. In this European Year of Volunteering, as a city there is an opportunity to leave a meaningful legacy that will positively boost local volunteer capacity and innovation and promote Leeds as a beacon of best practice through development of a procurement and tendering framework that truly values and embraces the often hidden benefits and advantages of volunteer-led bids as exemplified in a recent bid that

was led by Leeds Involving People which, sadly, was unsuccessful because the tendering process could not comprehend or value the additional benefits which have been offered through expert volunteers, partnership and the critical application of local knowledge.

In a climate where well resourced national organisations are ready to seize any opportunity for funding, as a city it is essential we do everything possible to support our own Third Sector and enable their incredible energy, diversity and exemplar knowledge to be expressed and valued in any procurement process.

May I finish by saying, do not ever question the importance of volunteers. Noah's Ark was built by volunteers; the Titanic was built by professionals. Thank you. *((Applause))*

THE LORD MAYOR: Councillor Lewis.

COUNCILLOR J LEWIS: Thank you, I move that the matter be referred to Executive Board for consideration.

COUNCILLOR LOBLEY: I second, my Lord Mayor.

THE LORD MAYOR: *(A vote was taken)* That is CARRIED.

Tim, thank you for attending and for what you have said. You will be kept informed of the consideration which your comments will receive. Thank you very much indeed. *(Applause)*



Report author: Steve Hume / Janet Somers
Tel: 2478690

Report of: Director of Adult Social Services

Report to: Executive Board

Date: 4th January 2012

Subject: Outline Plan for Brook House, St. Anne's on Sea

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes X No
Are there implications for equality and diversity and cohesion and integration?	X Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	X Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes X No

Summary of main issues

1. In line with the proposals made by the Assistant Chief Executive (Corporate Governance) and the Director of Resources in their July report to Executive Board, on the transfer of dormant funds to launch a new `City of Leeds Fund`, administered and managed by Leeds Community Foundation, Adult Social Care are proposing to establish a trust fund that will be administered and managed by Leeds Community Foundation, based on the proceeds of the sale of a property known as Brook House.
2. Brook House is a property owned by Leeds City Council at 151 St. Andrew's Road St. Anne's on Sea (a map of the area is attached at Appendix 1). It was purchased in 1980 by Leeds City Council following a bequest for residue of the estate amounting to £64,000 in the will of Harry Brook. The bequest stipulated that the property be used "as a holiday home for aged, sick or infirm or disabled Citizens of the City of Leeds."
3. People staying at Brook House do not have to be eligible under the Fair Access to Care Services criteria and so there is no assessment of need in order to access the service. The provision of a holiday service is not part of the Adult Social Care's core business.
4. The use of Brook House has decreased over the years; in the past there were a number of regular users of Brook House but this reduced to one family in 2010.

Adult Social Care have fully subsidised this service since 2004. No bookings for Brook House for the financial year 2011/12 have been sought by the Council.

5. It is proposed that better use is made of the bequest through the sale of the property with the proceeds being held in a trust, and that alternative arrangements are put into place for people to access the trust. The expectation is that this would result in many more people benefiting from the bequest than the current arrangements are now achieving and also provide people with more choice and control in determining their own holiday arrangements and destination.

Recommendations

Executive Board Members are recommended to approve the following:

- 1 That the Council submit a proposal to the Charity Commission for the disposal of the property known as Brook House demonstrating why the intended new purpose is in the best interest of the charity.
- 2 That if approval is given by the Charity Commission to the Council's proposals, that the Council proceeds with the sale of the property known as Brook House.
- 3 That the Council continues to work with Leeds Community Foundation to further an agreement on the establishment of a trust fund to continue to meet the broad requirements of the bequest from Harry Brook.

1. Purpose of this report

- 1.1 The purpose of this report is to seek agreement for the outline plan for Brook House - as detailed in Section 3 of this report. In summary, this is to cease use of Brook House, sell the property and pass the proceeds of the sale to Leeds Community Foundation, to hold in trust for the people of Leeds (who broadly meet the requirements of the bequest) to support access to their individual choice of holiday arrangements.

2 Background information

- 2.1 Brook House is a property in St. Anne's on Sea that was purchased in 1980 by Leeds City Council following a bequest that the residue of the estate of Harry Brook be used for that purpose. The bequest stated that a property be used "as a holiday home for aged, sick or infirm or disabled citizens of Leeds" in memory of his mother and his sister.
- 2.2 The property is a double fronted detached bungalow that is fully accessible for disabled people. The property sleeps 7 people in shared rooms. Since it was purchased in 1980, Adult Social Care have maintained the essential aspects of the property and its contents, however, there has been no refurbishment of the property.
- 2.3 The residue of the estate of Harry Brook amounted to £64,500. After the purchase of the bungalow and the cost of equipping it to make it suitable for older and disabled people, approximately £17,000 remained. Although a charge has been made to those using Brook House, over the years financing has been required to

maintain the property over and above the income and so the funds were gradually eroded until they were exhausted in June 2004.

- 2.4 The Best Value Review of services for Older People in 2000/01 recommended that holiday provision for older people and vulnerable adults was not part of the core business of Social Services and that Brook House should become self financing.
- 2.5 A subsequent review of Brook House was undertaken by the Corporate Efficiency Team (CERT) in November 2004, and this recommended that "...tentative enquiries are made to the Charity Commission for an opinion on the disposal of Brook House..."
- 2.6 Counsel opinion was sought in 2006 and subsequent to this a letter was sent to the Charity Commission with proposals for the future of Brook House on 24th December 2008. Counsel advised that the proceeds of the sale must continue to be used to fulfil the requirements and spirit of the bequest and not to be used for mainstream services. Since that time there has been protracted correspondence between legal services and the Charity Commission that failed to find a way forward until recently with the involvement of Leeds Community Foundation as the potential trustees.
- 2.7 Brook House is the only holiday provision owned by Leeds City Council and Adult Social Care does not provide holiday funds outside of this provision to the people of Leeds. Adult Social Care does provide and commission some short break and respite services for people who are FACS eligible. Services can be provided in the Service Users home, the professional carers' home, or in a registered care home.
- 2.8 The money from the bequest that remained after the purchase of the property, ceased to contribute to the cost of the service in June 2004 and since then the service has been provided at a cost to the Local Authority. The contribution that we make to Brook House is from the overall budget that we have to meet the assessed needs of people in Leeds.

Details of the income and expenditure for Brook House from 1994/95 to date are provided on the next page:

Financial year	Income £	Expenditure £	Deficit £
1994/95	5158	17632	12474
1995/96	3511	4527	1016
1996/97	4476	4359	-117
1997/98	5228	5771	543
1998/99	4096	7358	3262
1999/00	4404	6544	2140
2000/01	4058	9813	5755
2001/02	9890	15769	5879
2002/03	9437	11300	1863
2003/04	4962	5665	703
2004/05	4844	15758	10914
2005/06	5198	7895	2697
2006/07	4602	11671	7069
2007/08	8572	8139	-433
2008/09	6613	19746	13133
2009/10	3119	9853	6734
2010/11 ¹	1199	6295	5096

It should be noted that the financial position does/did not take into account the cost of transporting people to and from Brook House; this service was provided free of charge. Even though such transport costs are not reflected in the above annual figures, they show that Brook House represented a cost to the Council in all but two of the last seventeen years.

Although the level of subsidy to this service on an annual basis has not been significant, the more important issue is that the service, and in particular a potentially valuable asset, is being underutilised and is only benefiting a very limited number of people each year.

- 2.9 Electronic records have been maintained, for booking and charging purposes, since 2002. The historical usage of the facility since 2002/03 and the financial year 2010/11 is shown in the table below:

Financial year	Number of weeks in use	Number of weeks used by ASC establishments
2002/03	23	14
2003/04	15	11
2004/05	17	10
2005/06	20	14
2006/07	10	4
2007/08	11	3
2008/09	10	1
2009/10	5	0
2010/11	3 weeks and 2 days	1

¹ Brook House was last used between the 6th and 10th September 2010 as no new bookings have been taken since then pending finalisation of the proposals outlined within this report.

2.10 Brook House is available for 52 weeks a year, but as shown in the above table Brook House has never been fully booked. There are number of issues that have impacted on the use of the service:

- Brook House did have people and organisations using it regularly but this has diminished over time. There was only 1 regular user of the service when bookings for the service were suspended in September 2010. Since 2005/06, APS Breakaway 2000, trading as Avalon, a national charitable organisation regionally based in Harrogate, had increasingly booked the majority of weeks in use up to the financial year 2009/10 and then ceased making bookings.
- The majority of bookings were taken during the months of May to September, outside of this period it is perceived that the weather conditions are not so attractive to people in using the service.
- In the past, people living in Local Authority hostels or group homes made up a significant proportion of the users of this service, however, that pattern changed and this can be evidenced in the table above.
- More recently there has been an increase in choice for people, with people choosing holidays in other geographical areas or more preferable facilities within the St. Anne's area for a similar price.
- The property was tired (as noted in the consultation feedback), and in need of refurbishment (See appendix 2).

2.11 In December 2008, the Council made its first contact with the Charity Commission proposing to sell Brook House and invest the proceeds of the sale in a trust fund for the people of Leeds, who broadly meet the bequest criteria, "*aged or sick or inform or disabled*" to access.

2.12 In April 2011, the Charity Commission advised whilst there is no power for the Council to sell the property, unless the plan is to purchase a replacement property, held for the same purpose, that they could authorise a 'Scheme' which would give the Council the power to sell the property and establish a new trust that would be more appropriate to the original purpose.

To make a 'scheme' the council is required to demonstrate:

- a) a failing trust and;
- b) the new trust that we propose is close to the original and;
- c) more appropriate to the original purpose and we are able to demonstrate how this is done (how it is managed).

This report makes it clear that the current arrangements represent a failed trust and it is the intention of officers, subject to approval of this report, to make representation to the Charity Commission on this basis. Should the Charity Commission accept that this is a 'failing trust', officers in conjunction with the Leeds Community Foundation will undertake the more detailed work with the Charity

Commission to establish a new trust that satisfies both the conditions b) and c) above.

2.13 Leeds Community Foundation is an independent, non-profit making, charitable company which was set up in 2002 to help tackle issues facing some of the most marginalised and vulnerable groups in Leeds. It has two key roles. One is to act as a “donor services agency”, working with individuals and companies to establish and then manage a wide range of charitable funds. The second is to act as the bridge between the local community and voluntary sector, ensuring that grants are used to address real needs, problems and issues.

3. Main issues

3.1 A number of options have been considered for the future of Brook House:

3.1.1 Making it self-financing

- To make Brook House a viable self-financing service, we would need to refurbish the home, both in terms of the fabric of the building and the facilities/contents in the property. The funding for this work would have to come from the general budget for meeting the needs of FACS eligible people of Leeds.
- As there is no statutory duty on the Council to provide this service, it is not a priority service area for the Council.
- There is no guarantee that a refurbishment, plus marketing, would make a difference to take-up of the service across the whole of the year. This would mean that the charge for the service would have to meet the cost of providing the service (which we have not sought to do in the past) and this may be too expensive to people who would consider using the service.
- In the financial year 2010/11, the service was offered at a reduced price, that is £400 per week instead of the normal price which was between £712 per week² and £825 per week³, to try and attract people to the service, yet we only had bookings for 3 weeks and 2 days.
- In 2001, the ‘Best Value Report of Social Services for Older People in 2000/1’ noted that:

“Judging by the latest figures that would involve increasing the charge by 50%, which might well defeat its object to provide a holiday home for aged, sick, infirm or disabled citizens.”

3.1.2 Outsourcing the management of the holiday service

- This may not resolve the issues around the under use of the service as there is no indication that the management of the service is an issue.

² The charge for an establishment using Brook House

³ The charge for a person living in the community

- We will need to refurbish the home and its facilities/contents, and this will be an additional cost to the Council; we will still need to pay for the regular maintenance and upkeep.
- It will add additional costs to the service as the Council will have to pay an organisation to manage it.

3.1.3 Disposing of Brook House as a going concern

- It is probable that we would be required to refurbish the home, both in terms of the fabric of the building and the facilities/contents in the property, prior to disposal, as a new organisation may not wish to incur these additional capital and revenue costs. The funding for this work would have to come from the general budget for meeting the needs of FACS eligible people of Leeds
- The need for Brook House to be self-financing or commercially viable would be an issue. There is no guarantee that future use will increase.
- There is no general market for this service. There are other facilities (hotels, self catering holiday homes and bed and breakfasts), that are now more accessible to disabled people; there are a number that are available in St. Anne's-on-sea
- If the property is to be subsequently sold, who would receive the benefit of the proceeds of the sale? Counsel opinion taken in 2006 would still apply, in that the proceeds of the sale would have to be used to fulfil the original bequest.

3.1.4 Sell the property and use the proceeds of the sale to set up a trust fund that can be accessed by the people of Leeds who broadly meet the bequest criteria. This is the Council's preferred option.

It would be the Council's intention to place the property on the market. In 2008 we had three valuations of the property from Estate Agents. The valuations were £195,000, £220,000 to £225,000 and £225,000.

- Counsel advice obtained in 2006 stated that the proceeds of the sale must continue to be used to fulfil the requirements and spirit of the bequest and not to be used for mainstream services but noted that approval should be sought from the Charity Commission.
- Leeds City Council, as trustees will need to demonstrate to the Charity Commission will need to submit a case under Section 13 of the Charities Act 1993, for the Charity Commission to consider making a scheme, a legal document that could extend the objects of the charity.
- In considering the submission of Leeds City Council, the Charity Commission will apply the legal doctrine of `cy-pres`⁴ to ensure that the spirit (or the underlying intention) of the existing objects and of current social and economic circumstance is accounted for.

⁴ Norman French for `close to`

- Whilst Leeds City Council is the current trustee of the charity, it would be our intention to enter into an agreement with Leeds Community Foundation for the future administration of the trust. Leeds Community Foundation has indicated their willingness to enter into this agreement. This organisation already manages a number of trusts and so it would be unlikely to represent an onerous task for the organisation.
- This option would provide Best Value in terms of the use of an asset as more people would be able to access the trust fund and it can be used to enable people to exercise choice.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation has taken place with Avalon and with the remaining regular user of the service. The feedback from the consultation is as follows:

- They understand the need to change the service
- The Council's preferred option would be a better use of resources and more in line with current needs and requirements, and
- Would provide people with more choice and control in arranging their holidays

4.1.2 Consultation with the Executive Member – Health and Adult Social Care will be maintained throughout the period of transition.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality Impact Assessment has been completed and the main findings from this are as follows:

- We have not requested equality and diversity information from people using the service as this service has not been part of the 'normal' business of the local authority and we do not have a duty to provide holiday services. We do know that people have met the broad conditions of being "aged, sick or infirm or disabled" as they have been referred either through care managers or through our internal service provision.
- There is only 1 person/family that has consistently used the service since we started maintaining records of the use of the service; we know and understand the equality characteristics of the family. We will ensure that the family has access to the trust fund and appropriate support to ensure holiday arrangements are maintained.
- We identified specific barriers in terms of 'Information and Communication', 'Cost' and 'Customer Care'. To mitigate the negative impact of the changes we will:

- Make the trust accessible to a wider number of people by providing a holiday fund.
- Once the trust is established we will raise awareness about the trust and how it can be accessed.

4.3 Council Policies and City Priorities

- 4.3.1 Local Authorities do not have a statutory duty to provide holiday services and nor did they at the time that the decision was made to use the bequest to purchase the property. However, in 2006 Counsel advised that it not being a social care duty to provide a holiday home does not absolve Adult Social Care from the responsibility to meet the requirements of the bequest, having agreed to the bequest at the time.
- 4.3.2 The proceeds of the sale must be used to meet the requirements of the bequest; they cannot be used for any other purpose. Our proposal is to use the proceeds of the sale to set up a trust fund for the benefit of the people of Leeds.

4.4 Resources and Value for Money

- 4.4.1 The proposals represent better value for money, in that a greater number of people who fit the broad criteria defined in the original bequest, will be able to access the trust fund.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Disposal of the building will be in accordance with Asset Management guidelines and in compliance with legal requirements. As the property is part of a bequest the sale or transfer of the property must be with the Charity Commission's consent and approval.

5 Conclusions

- 5.1 This report outlines the historical circumstances surrounding the Council's ownership of the Brook House property in executing the terms of the bequest made by Harry Brook in 1980, together with the declining use of the property as a holiday home for aged, sick or infirm or disabled citizens of Leeds in recent years. It also identifies the actions taken in an attempt to stimulate increased usage, reflects on the changed expectations of service users, and the potential future options.
- 5.2 In summary, the report concludes that the use of this property in the current way and its current condition clearly does not represent the best use of such a valuable asset to assist in meeting the current needs and expectations of vulnerable adults. The outcome of this review is for officers to recommend that the property is sold and the proceeds transferred to the Leeds Community Foundation, who will administer the funds via a trust arrangement that will better meet the intentions of the bequest and the current needs and expectations of vulnerable adults in Leeds.

6 Recommendations

- 6.1 Executive Board Members are recommended to approve the following, subject to the acceptance of the proposed course of action by the Charity Commission:

- That the Council submit a proposal to the Charity Commission for the disposal of the property known as Brook House demonstrating why the intended new purpose is in the best interest of the charity.
- That if approval is given by the Charity Commission to the Council's proposals, that the Council proceeds with the sale of the property known as Brook House.
- That the Council continues to work with Leeds Community Foundation to further an agreement on the establishment of a trust fund to continue to meet the broad requirements of the bequest from Harry Brook.

7 Background documents

7.1 Equality Impact Assessment

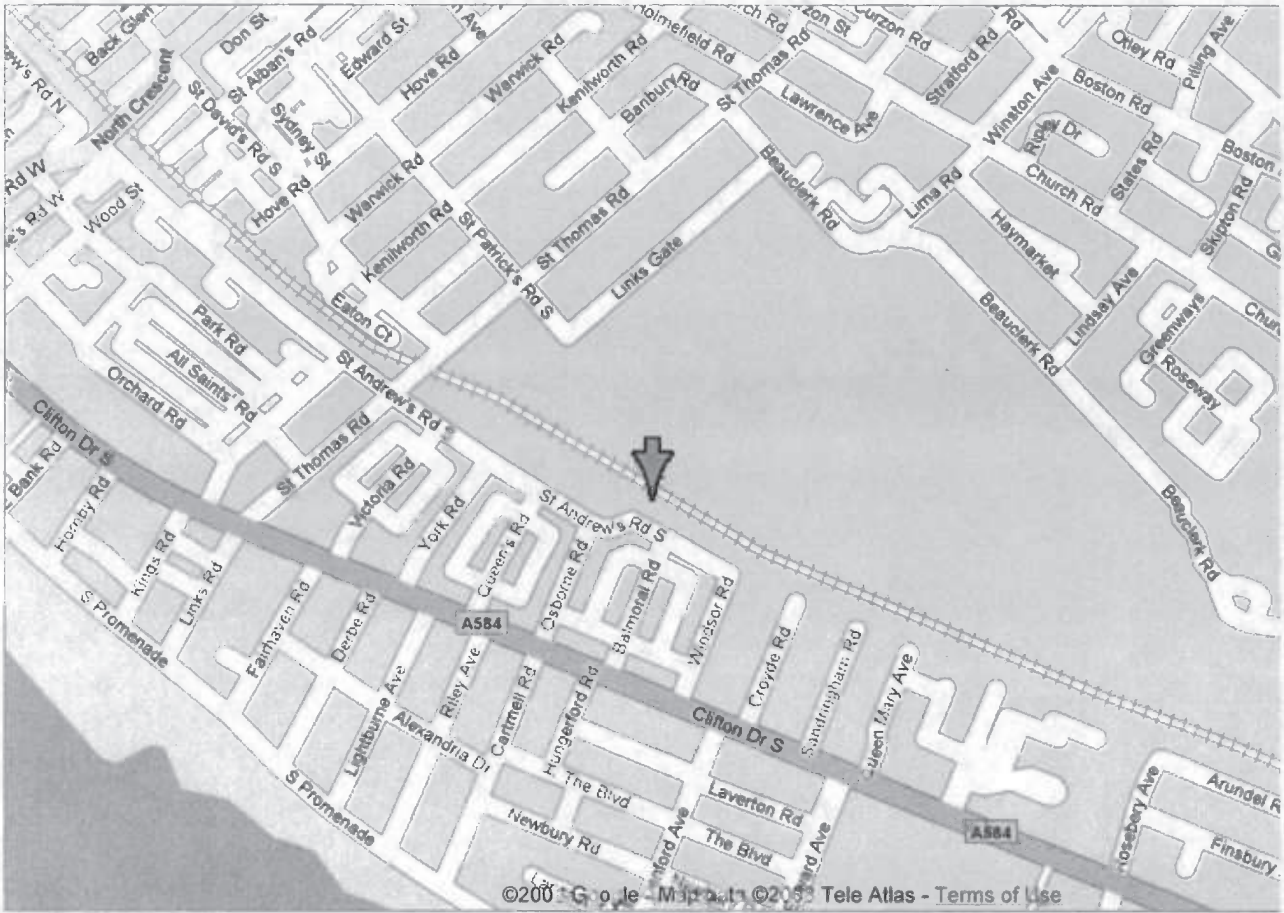
Appendix 1 - Map of the Brook House locality at Lytham St Anne's

Appendix 2 - Photographs of the internal aspects of Brook House



Address

Lytham St Anne's,
Lancashire



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Report of Director of Adult Social Services

Report to Executive Board

Date: 4th January 2012

Subject: Response to the consultation on Foundation Trust application by Leeds' NHS Trusts

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes x <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes x <input type="checkbox"/> No
Is the decision eligible for Call-In?	X Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4 (3) Appendix number: 1	x <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary of main issues

1. Three NHS Trusts (Leeds Community Healthcare, Leeds Teaching Hospitals and Yorkshire Ambulance Service) whose operational area covers the Leeds Metropolitan boundary are currently undertaking a consultation on their proposals to become Foundation Trusts. This papers sets out the consultation response of the Local Authority.
2. The government has set out expectations for all the remaining NHS Trusts across the country to become Foundation Trusts by April 2014.
3. Foundation Trusts are different to NHS Trusts and their constitution will mean that their relationship with the local authority, the public and other partners will change in future. It is important that the LA understands the implications of this change.
4. The local authority may wish to change how it commissions and provides health and social care services in future. The change from NHS Trust to Foundation Trust status may affect the plans that the local authority may wish to pursue. The impact is likely to vary across the aspirant FTs.
5. There is an opportunity via the consultation to formally influence the constitution of the aspirant FTs in Leeds.

Recommendations

6. The Executive Board is asked to:
 - 6.1 Take note of the implications for the Local Authority in relation to the Foundation Trust applications
 - 6.2 Approve the submission of the formal consultation responses subject to any amendments that the Executive Board may wish to make.

1 Purpose of this report

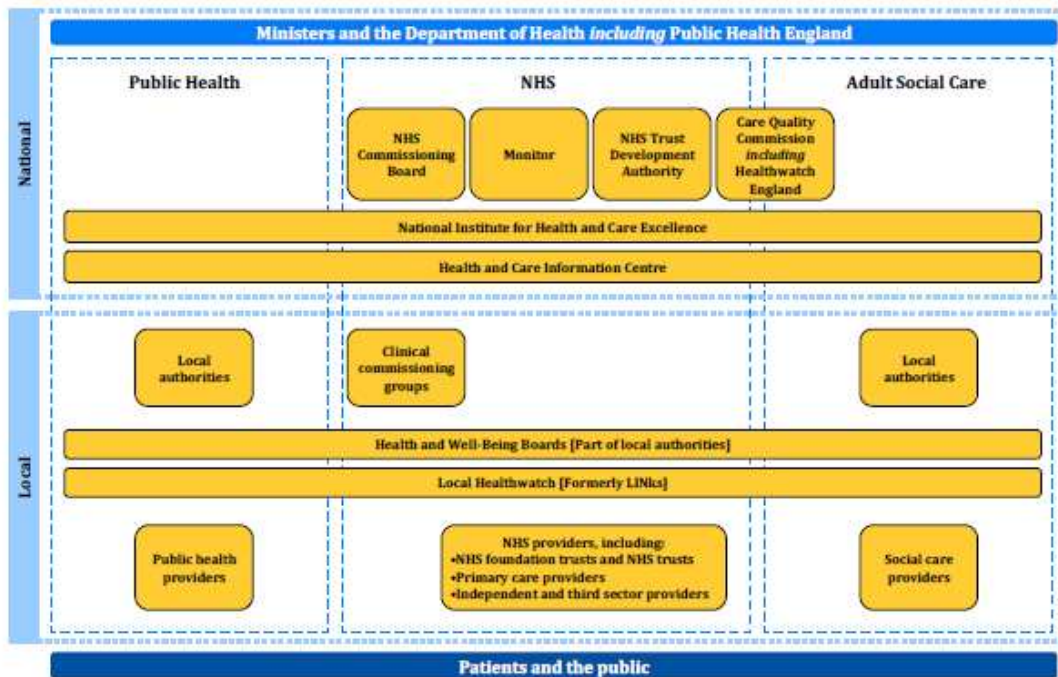
- 1.1 To enable the executive committee of the council to understand and respond to the potential impact on the local authority, of the Foundation Trust application process being undertaken by the Leeds NHS Trusts.

2 Background information

- 2.1 The NHS changes
 - 2.1.1 The Health and Social Care Bill was introduced into Parliament on 19 January 2011. The Bill seeks to enact the Government's vision to modernise the NHS so that it is 'built around patients, led by health professionals and focused on delivering world-class healthcare outcomes'.
 - 2.1.2 The Bill takes forward the areas of *Equity and Excellence: Liberating the NHS (July 2010)* and the subsequent Government response *Liberating the NHS: legislative framework and next steps (December 2010)*, which require primary legislation. It also includes provision to strengthen public health services and reform the Department's arm's length bodies. A summary of the main changes was included in a report to the Executive committee in September 2011 (*Shadow Health and Wellbeing Board for Leeds*).
 - 2.1.3 The government's position is that to safeguard its future the NHS needs to change to meet the challenges it faces and that '*only by modernising can the NHS tackle the problems of today and avoid a crisis tomorrow*'. The Health and Social Care Bill intends to; put clinicians at the centre of commissioning, free up providers to innovate, empowers patients and give a new focus to public health.
 - 2.1.4 The government say that modernisation is essential for three main reasons.
 - § Rising demand and treatment costs
 - § Need for improvement.
 - § State of the public finances.
 - 2.1.5 The solutions proposed within the Bill are designed to meet these challenges and include:
 - § Clinically led commissioning
 - § Provider regulation to support innovative services
 - § Greater voice for patients
 - § New focus for public health
 - § Greater accountability
 - § Streamlined arms length bodies

- 2.2 How the proposed system will work
- 2.2.1 From the point of view of patients and the public, the government maintain that access to NHS services on the basis of need and not ability to pay will continue. The reforms are intended to improve quality and efficiency by reforming the organisations that commission, regulate and support health and care services.
- 2.2.2 At local level, local authorities will have a much stronger role in shaping services, and will take over responsibility for local population health improvement.
- 2.2.3 New Health and Wellbeing Boards will bring together local commissioners of health and social care, elected representatives and representatives of HealthWatch (the new patient and public champion) to agree to an integrated way of improving local health and wellbeing.
- 2.2.4 Most NHS care will be commissioned by clinical commissioning groups, which will give GPs and other clinicians responsibility for using resources to secure high quality services.
- 2.2.5 NHS commissioners will be supported by a new body, the NHS Commissioning Board. The Board (which will be based in Leeds) will authorise clinical commissioning groups, allocate resources, and commission certain services, such as primary care and regional and national specialties. It will also host clinical networks (to advise on single areas of care) and clinical senates (providing clinical advice on commissioning plans).
- 2.2.6 NHS providers will no longer be performance managed by Strategic Health Authorities. The Care Quality Commission (CQC) will regulate all providers in the system and will ensure services meet safety and quality requirements. Monitor will promote efficiency, with powers to set prices, ensure competition works in patients' interests, and support service continuity.
- 2.2.7 Monitor (the previous economic regulator) will temporarily also retain oversight of foundation trusts, while the NHS Trust Development Authority (not in the Bill) will help the remaining NHS trusts achieve foundation status.
- 2.2.8 Health Education England (not in the Bill) will provide oversight and leadership for professional education and training.
- 2.2.9 The National Institute for Health and Care Excellence (NICE) will continue to provide independent advice and guidance to the NHS, and will extend its role to social care. The Information Centre will continue to act as the central, authoritative source of health and social care information.
- 2.2.10 Ministers in the Department of Health will still be ultimately accountable for the NHS. However, instead of directly managing providers or commissioners, Ministers will set objectives for the NHS through a mandate to the NHS Commissioning Board. It will hold to account all of the national bodies, with powers to intervene in the event of significant failure, or in an emergency.
- 2.2.11 Action to protect and promote the health of the population will be led nationally by a new public health service, Public Health England. When constituted this will be an executive agency of the Department of Health.

Overview of health and social care structures in the Health and Social Care Bill
April 2013



3 Main issues

3.1 NHS Provider reforms

3.1.1 The reforms to NHS service providers set out in the Bill aim to encourage innovation by granting them more autonomy. This will be achieved by building on the process started by the last government and will:

- § convert remaining NHS trusts into foundation trusts
- § relax a number of governance rules for foundation trusts
- § allow providers that are unable to compete to 'fail' and exit the market in which case Monitor will be responsible for ensuring continuity of 'designated' essential services.

3.2 Foundation trusts

3.2.1. The government has stipulated that all NHS providers must become FTs by April 2014. A Provider Development Agency (PDA) has been established to support NHS trusts that will struggle to achieve FT status. The Bill also relaxes controls on mergers and acquisitions, increasing the options available where FTs are struggling. The Kings Fund believe that it is unlikely that all NHS trusts will be able to become FTs by April 2014 or that all existing FTs will remain financially viable due to tightening of NHS finances. In some cases, the PDA will need to implement a planned reduction in services or transfer services from current providers which may provoke local opposition. It should be noted that no such concerns have been expressed about the Trusts in Leeds as all are currently deemed well above the limits required for financial stability- although this is yet to be formally tested.

3.3 What are NHS Foundation Trusts?

- 3.3.1 NHS foundation trusts are not-for-profit, public benefit corporations. They are part of the NHS and provide over half of all NHS hospital, mental health and ambulance services.
- 3.3.2 They were created to devolve decision making from central government to local organisations and communities. They provide and develop healthcare according to core NHS principles - free care, based on need and not ability to pay.
- 3.3.3 They differ from NHS trusts in a number of ways:
- § they are independent legal entities - Public benefit corporations.
 - § they are not directed by Government so have greater freedom to decide, with their governors and members, their own strategy and the way services are run
 - § They are set free from central government control and are no longer performance managed by health authorities. As self-standing, self-governing organisations, NHS foundation trusts are free to determine their own future
 - § They have new financial freedoms and can raise capital from both the public and private sectors within borrowing limits determined by projected cash flows and therefore based on affordability. They are expected to realise an operating surplus and can retain this financial surplus to invest in the delivery of new NHS services.
 - § They have unique governance arrangements and are accountable to local people, who can become members and governors.
 - § Each NHS foundation trust has a duty to consult and involve a board of governors (comprising patients, staff, members of the public and partner organisations) in the strategic planning of the organisation.
 - § they are accountable to
 - their local communities through their members and governors
 - their commissioners through contracts
 - Parliament (via an annual report)
 - the Care Quality Commission (via legal requirement to register and meet the associated standards for the quality of care provided)
 - Monitor, as their regulator
- 3.3.4 NHS foundation trusts are designed to be more responsive to the needs and wishes of their local communities. Anyone who lives in the area, works for a foundation trust, or has been a patient or service user, can become a member of the trust. These members elect the board of governors. Further information can be found in the background document *A Short Guide to NHS Foundation Trusts*.

3.4 Foundation Trusts in Leeds

- 3.4.1 In Leeds, there is one existing Foundation Trust (FT)- Leeds Partnerships Foundation Trust (LPFT) and two aspirant FTs- Leeds Community Healthcare NHS Trust (LCHT) and Leeds Teaching Hospitals NHS Trust (LTHT). In addition, Yorkshire Ambulance Service NHS Trust (YAS) whose operational area includes the Leeds Metropolitan Boundary is also applying to become a FT. Leeds Partnerships NHS Foundation Trust has been a FT since 1 August 2007.
- 3.4.2 Although the governments' position is that all remaining NHS Trusts should become FTs by April 2014, all three remaining trusts in Leeds are on a trajectory to achieve FT status by April 2013.

3.4.3 The key dates associated with this process will vary slightly across Trusts but will broadly be in line with the following:

- § Autumn 2011 Membership recruitment and consultation commences
- § December 2011 Consultation ends
- § Spring 2012 Feedback published
- § August 2012 Secretary of State approval
- § September 2012 Elections begin for Council of Governors
- § September 2012 Monitor starts its assessment
- § January 2013 Council of Governors appointed in 'shadow' form
- § April 2013 FTs established as legal entity by Secretary of State

3.5 What this means for the Local Authority

3.5.1 There are strong links between the local authority and the existing NHS Trusts both in the LA role as commissioner and/or service provider. Furthermore Leeds City council currently have financial relationships across all 4 of the NHS provider Trusts, comprising approximately £10 million of expenditure and £1 million in receipts.

In this context Members attention is drawn to a current landlord and tenant issue between the Council and the Teaching Hospital Trust which is outlined in the confidential appendix 1 of this report.

3.5.2 These relationships have been developed further via the Leeds Health and Social Care Transformation Programme (LH&SCTP) where CEOs and Directors from all statutory commissioners and providers (including the LPFT) come together monthly to work together to improve services for people in Leeds.

3.5.3 This body will be subject to increased local authority oversight as it will form part of the new arrangements for the Health and Wellbeing Board (H&WB)- currently operating in shadow form. The LH&SCTP has recently reported to both the Shadow H&WB Board and Scrutiny (Health & Wellbeing and Adult Social Care). The fundamentals of these relationships are unlikely to be changed by the advent of new Foundation Trusts.

3.5.4 The consultation documents supported by presentations at Scrutiny (Scrutiny minutes 28 October 2011) indicate a strong willingness from the 2 Leeds aspirant FTs to continue to work collaboratively with the local authority and other partners in the best interests of the citizens of Leeds. All have made commitments to support effective Local Authority arrangements. Scrutiny are preparing their own responses to the consultation. Their draft minutes noted a willingness to support the application and sought assurance over a number of issues including the need to; assure quality, limit non core income, promote governance arrangements, promote integration of health and social care services and to clarify future accountability via the Scrutiny process.

3.5.5 The local authority should be further assured that each aspirant FT will need to undertake a rigorous assessment process by Monitor (the independent regulator), before achieving FT status outlined below.

3.5.6 Notwithstanding the local and national NHS scrutiny of the process, the applications may lead over time to different relationships between these providers and the local

authority. The Local authority will continue to have an interest and relationship with the Trusts in its role as:

- § Strategic Leader for the city
- § Commissioner of health services (direct and indirect)
- § Provider partner
- § Citizen champion

3.5.7 The levels of involvement with each Trust will continue to vary according to a number of factors including:

- § their role in achieving the Vision for Leeds and associated City Priorities
- § the impact of each Trust locally, regionally and nationally
- § the nature of services that each FT will continue to provide
- § their role in partnership/joint working arrangements
- § the nature and value of contracts that the LA may commission
- § the relative size of the different organisations (turnover and staff)
- § the amount and location of the estate each Trust occupies/owns
- § the potential for further integration of services/functions in the future

3.5.8 The Trusts are also likely to have an increased relationship with the local authority as a result of the council taking on new responsibilities for Public Health. The Department of Health paper outlining the scope of the local authority's role in public health is due to be published at the end of 2011. It is anticipated that it will clarify the responsibilities that the council will lead on in contrast to those that will be discharged via Public Health England. Although this guidance will cover wider issues, in relation to the aspirant and current NHS Trusts it is likely to include roles to:

- § commission some services which used to be commissioned by the NHS and that the aspirant FTs provide (likely to increase over time)
- § ensure that public health messages pervade interactions between NHS staff and the public (via *Making Every Contact* count programme)
- § provide Public Health expertise and support
- § increase partnership working to ensure city resilience
- § encourage providers to collaborate to further enhance the development of the city's Joint Strategic Needs Assessment
- § work with partners including NHS Trusts to ensure coordinated services, health improvements and reduced inequalities

3.5.9 The main areas that the council will wish to seek assurance over relate to:

- § Their role in achieving the strategic Vision for Leeds and associated City Priorities
- § The financial viability of FTs as stand alone entities
- § The implications for staff and employment prospects for the city
- § The ability of Foundation Trusts to establish appropriate governance arrangements to adequately discharge statutory responsibilities of the local authority, including responsibilities for:
 - providing social care for children, young people and adults
 - public health functions including emergency planning
- § The continued cooperation from aspirant FTs to establish appropriate models of joint provision for integrated teams and facilities which take into account both current and future aspirations for how care is provided.
- § Their ability to continue to provide high quality care to the population of Leeds
- § Their continued relationship with Scrutiny
- § The ability of FTs to secure accountability to their local communities and to develop and grow a representative membership

3.6 Foundation Trust assurance

- 3.6.1 To become a foundation trust each NHS trust must ultimately satisfy the secretary of state for health on a number of measures which are assessed by the FT regulator – Monitor.
- 3.6.2 Monitor must be confident and able to provide assurance to Parliament and a wide range of stakeholders that NHS foundation trusts will be legally constituted, financially sustainable, well-governed and locally representative. These are deemed by Monitor to be the essential requirements for NHS foundation trusts to be able to operate with sufficient freedoms, to deliver national health priorities and to respond to local needs.
- 3.6.3 The local authority should be assured that Monitor is continuing to review its assessment process in light of some of the incidents in other established and aspirant FTs (*Lessons learned from recent NHS foundation trust applications, Jan 2011.*) in order to ensure that FTs are financially sustainable; with strong management, minimising the need for intervention.
- 3.6.4 Before trusts can be authorised by the Secretary of State as NHS foundation trusts, they move through three distinct phases of activity during the application and assessment process (a brief guide to which is attached *Overview of the NHS foundation trust application process*):
1. Strategic Health Authority (SHA)-led Trust Development Phase – to prepare NHS trusts for the application process and Secretary of State support;
 2. Secretary of State Support Phase – to determine whether applicant NHS trusts are eligible to apply to Monitor for assessment; and
 3. Monitor Phase – to assess and potentially authorise Secretary of State for Health supported NHS trusts as NHS foundation trusts.
- 3.6.5 The three local aspirant Trusts are currently in the SHA phase. Monitor’s involvement in the process starts at phase three, once an NHS trust has received approval from the Secretary of State to apply for NHS foundation trust status.
- 3.6.6 Whilst this should provide adequate assurance for the Local authority in relation to the underlying assessment process, the authority will still wish to seek to influence and respond to a number of the issues arising from the establishment of the FTs locally. In relation to the issues outlined above consideration has been given to:
- § The assurance that Monitor will be seeking related to each issue
 - § The statements made in the respective FT consultation document
 - § The draft response from the local authority
- 3.6.7 The table in appendix 2 provides a summary of the assessment of the issues included in the response from the Local Authority. This is followed by draft letters to each organisation at appendices 3 - 5.
- ### 3.7 Next steps
- 3.7.1 In order to meet the deadline set by the aspirant FTs in line with the governments assessment process, a draft consultation response from the local authority has been submitted to the respective NHS Trusts.

- 3.7.2 This response will be amended in line with Executive Committee's comments.
- 3.7.3 It is likely that FTs will invite the local authority to identify one or more representative to sit on their board of governors. Consideration may also be given to the appropriate level of Local Authority contribution at Trust Board. Once further details are established, a process will be undertaken to identify if any potential roles are best discharged by an elected member of officer of the council. In the case of an elected member, it is likely that the external appointments process will be followed.
- 3.7.4 Any further implications for the local authorities position in regard to FTs will be reviewed in light of emerging legislation (Health and Social Care Act- expected May 2012). It is likely that further details will emerge in regard to the role of Scrutiny committees and Foundation Trusts.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The respective NHS Trusts have embarked on a formal 3 month consultation process.
- 4.1.2 They have undertaken a number of road shows with members of the public and partners. Their consultations have been posted on their respective internet sites. At the time of writing this report the level of responses were not known.
- 4.1.3 The validity of their consultation process will be assessed as part of their application to become an FT.
- 4.1.4 The Scrutiny Board (Health and Wellbeing and Adult Social Care) has recently heard from each respective NHS Trust and has drafted a consultation response. The draft response included in this report reflects the issues identified by scrutiny.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The application to become an FT is considered to be a management change as each organisation must retain its existing portfolio of services as part of obtaining its licence agreement.
- 4.2.2 Therefore a full impact assessment has not been undertaken. However, each Trust will need to provide assurance as part of the assessment process that their membership is representative of the communities they serve.

4.3 Council Policies and City Priorities

- 4.3.1 Securing local, sustainable health care providers is consistent with the council's vision to be the Best city for.... Health and Wellbeing, Children and Business.
- 4.3.2 The Leeds based NHS Trust are already contributing to the City Priority plan 2011 to 2015.

4.4 Resources and Value for Money

- 4.4.1 Establishing local, financially viable health care providers contributes to the council's value to spend money wisely. Aspirant FTs will need to provide evidence that they

have a viable business plan, that this is consistent with commissioners intentions and provides value for money.

- 4.4.2 The existing Leeds FT already has an established track record of securing efficiency savings and the others will be required to do the same.
- 4.4.3 Furthermore they are required to generate a surplus which is reinvested in new services. The local authority may wish to consider influencing the spend of the surplus via the H&WB Board and Scrutiny arrangements.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The full legal implications to local authorities of the health and social care act will be established when/if it achieves Royal assent (expected May 2012).
- 4.5.2 There are no specific legal implications arising from this report.
- 4.5.3 The information contained in Appendix 1 is exempt under Access to Information Rule 10.4 (3) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that the public interest in maintaining the content of Appendix 1 as exempt outweighs the public interest in disclosing the information.

4.6 Risk Management

- 4.6.1 The main issues for the council are outlined in the main body of the report.

5 Conclusions

- 5.1 The applications from the remaining Leeds NHS Trusts to become Foundation Trusts are underway.

The local authority should be assured that the process governing the application process is rigorous, continually reviewed and led by an independent regulator.

The result will lead to Leeds securing financially viable and sustainable health care providers committed to providing quality care for the citizens of Leeds built around the needs of the care recipient.

The consultation response will seek to ensure that the aspirant FTs continue to play a key role in achieving the Vision and Priorities for the City and with an opportunity to influence the constitution of these bodies.

6 Recommendations

- 6.1 The Executive Board is asked to:
 - 6.1.1 Take note of the implications for the Local Authority in relation to the Foundation Trust applications
 - 6.1.2 Approve the submission of the formal consultation responses subject to any amendments that the Executive Board may wish to make.

7 Background documents

- 7.1 Report of Director of Adult Social Services, Director of Public Health and Director of Children's Services: Report to Executive Board: 7 September 2011, Shadow Health and Wellbeing Board for Leeds
- 7.2 A Short Guide to NHS Foundation Trusts
- 7.3 Draft consultation feedback report Scrutiny Board (Health and Wellbeing and Adult Social Care)
- 7.4 Minutes of the NHS Foundation Trust Proposals Scrutiny Board (Health and Wellbeing and Adult Social Care 28 October 2011, section 29)
- 7.5 Minutes of the NHS Foundation Trust Proposals Scrutiny Board (Health and Wellbeing and Adult Social Care 25 November
- 7.6 Foundation Trust consultation documents.

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Appendix 2 : Summary of the assessment of issues included in LA response to consultation

Issue	Monitor Assurance	FT position	LA response
Achieving the Vision for Leeds and associated City Priorities	NHS foundation trusts have a duty to cooperate with local authorities	LCH: [We work] closely with the local authority to ensure services in the city are transformed.	<p>The local authority seeks assurance that.....</p> <p>Foundation Trusts confirm their 'duty to cooperate with local authorities', and that this commitment includes acting as a strategic partner for the benefit of the citizens of Leeds and supporting the achievement of the Vision for Leeds and its associated priorities.</p> <p>In particular that the FTs play a lead role in supporting the priorities for Health & Wellbeing and Children</p>
		LTHT: [We will] make LTHT locally, nationally, internationally renowned as a centre of excellence	
		YAS: No reference	
Financial viability	Rigorous assessment will ensure that NHS foundation trusts are financially sustainable with strong management, minimising the need for intervention	LCH: We will use our resources wisely and efficiently. We need to drive up quality and make around 5% efficiency savings per annum.	<p>That through the commissioning process, FTs provide continued assurance of the financial viability of their organisations to the local authority.</p> <p>That, as part of their risk management process, FTs identify and plan for a failure (in line with Montor's processes) that will safeguard the investment of the local authority and services for the citizens of Leeds.</p> <p>That surpluses will be reinvested in the communities in which they were realised and not used to support less viable contracts in other areas.</p>
		LTHT: NHS Foundation Trusts [are] more efficient. we will be able to manage our money without some of the restrictions that currently apply, including making surpluses to reinvest in new or improved services, or borrowing money to build new facilities	
		YAS: We will need to run our services more efficiently and focus more closely on how we manage our finances. Our income will have to be the same as what we spend or, better still, be a little higher than what we spend so we can use the extra to fund future projects to benefit our patients. More financial flexibility will allow us to look at wider funding options for our work.	
Appropriate governance	Monitor checks whether the appropriate governing roles exist and	LCH: Governors will be elected from public and staff	Foundation Trusts confirm their 'duty to cooperate with local authorities', and that this

arrangements	are filled within each FT. Monitor looks for evidence that a collaborative but challenging relationship exists between the board of governors and the board of directors. NHS foundation trusts have a duty to cooperate with local authorities	<p>constituencies plus we will also have governors who are nominated from partner organisations in Leeds.</p> <p>LTHT: The local authority has three area health and wellbeing partnership boards that report to a single body with an important role to influence local health services, the health and Wellbeing Board. We would like our Member constituencies to align with these areas to tie in our work to that of other local health partners. We will appoint 1 Governor from Leeds City Council</p> <p>YAS: We will make decisions locally based on the views of staff and local communities. Two appointed governors will be from local councils [across Yorkshire]</p>	<p>commitment includes providing assurance to the LA that the necessary governance mechanisms are established to enable the Trust to discharge statutory duties on behalf of the local authority if commissioned to do so.</p> <p>That the numbers of Leeds City Council governors in the structure of the FT will be commensurate with the level of investment from the local authority (and in the case of YAS and LTHT) the population that the local authority covers. Should there be a rise in level of investment that the local authority makes in future, it would expect a commensurate increase in governor representation.</p> <p>That FTs note the importance of future proofing, particularly in relationship to the potential for undertaking statutory responsibilities and associated governance arrangements</p>
Cooperation to establish appropriate models of joint provision	NHS foundation trusts have a duty as part of their terms of authorisation to cooperate with a range of NHS bodies and with local authorities	<p>LCH: We will be a good partner. We are already working with Leeds City Council colleagues to look at how adult health and social care can be better integrated, as well as services for children. We will explore opportunities to integrate services with strategic partners such as the local authority.</p> <p>LTHT: We believe it is very important to make sure that the way we will be organised as a Foundation Trust reflects... new national proposals [for councils to] have the job of co-ordinating local organisations to improve public health and wellbeing</p> <p>YAS: We work with others to give the best care we</p>	<p>As the council's Health and Wellbeing Board will have a duty to promote integration in future, FTs should note the importance of integration of Health and Council services and not build any barriers to future integration into its constitution.</p> <p>Foundation Trusts confirm their 'duty to cooperate with local authorities', and that this commitment includes assurance that FTs will work in collaboration to deliver services built around the needs of the care recipient rather than the organisation.</p> <p>That aspirant FTs confirm that their duty to cooperate will extend to their full cooperation in emergency planning strategy and delivery (eg response to pandemics)</p>

		can. We [will] listening to and [act] on feedback from patients, staff and partners.	
Provision of high quality care to the people of Leeds	The FT board must be satisfied, and certify to Monitor, that their NHS foundation trust has effective measures and arrangements in place to monitor and continually improve the quality of healthcare it provides. Boards also have to confirm that they expect to be able to continue to provide mandatory services	LCH: We will work with children, adults and families to deliver high quality care. We have plans to further develop our services with a focus on improving patient outcomes, raising quality and improving efficiency	That FTs continue to work in partnership to improve quality, not only in regard to specific interventions but with regard to improve the priority outcomes for the city in line with the City priority plan for Health and Wellbeing. That in line with the Trusts licence agreement, the FT will not seek to discard services that are of value to the local community simply on the grounds of organisational alignment. And that variation of any services provision should involve extensive consultation and oversight by the relevant scrutiny committee.
		LTHT: Foundation Trusts have been able to improve the quality of care they provide. As a Foundation Trust we will have greater freedom to make decisions in the best interests of the local community.	
		YAS: We always give the highest level of clinical care. We want to grow and develop our services so that we can continue to provide high-quality patient care. Over the next five years, we will focus on three main areas which are linked to improving the clinical outcomes for patients who use our service. The Care Quality Commission inspects NHS foundation trusts against national standards and produces a yearly performance rating for each trust.	
Securing accountability to local communities	NHS foundation trusts are accountable to their local communities and must have plans in place to develop and grow a representative membership	LCH: We want our membership to represent the diversity of people in Leeds.	That the Leeds FTs should include representation from all the postcodes which cover the Leeds Metropolitan area in terms of the membership of the NHS Foundation Trust That local Council Ward boundaries should be used when seeking members to join the Trust FTs should adopt measures to ensure socially
		LTHT: We are ready to be held accountable for the delivery of our vision, and to be answerable to our local community for our performance. We are proposing to have four Governors elected from each [Local Authority] constituency.	
		YAS:	

		Members will work with us to represent their local communities or groups and tell us about their needs. They will be represented by a Council of Governors which will work with the Board of Directors to influence how we develop and provide services in the future. We want our members to reflect the varied background of the people we serve.	inclusive recruitment of members and governors to reflect the diversity of the population of Leeds in all of its areas. Attention should be given to encouraging membership to reflect the City priority to reduce health inequalities.
Implications for staff	FTs must demonstrate that they have the support and involvement of staff	LCH: We hope all our staff will want to become members of the community foundation trust. Staff who decide that they do not wish to be a member will need to 'opt-out'. Staff will elect their governor representatives. We will develop and value our staff	That FTs will continue to support Leeds business priorities including, encouraging innovation, creating job opportunities and promote sustainable travel options. That FTs will not use their new freedoms to seek to change the contracts of existing staff to their detriment.
		LTHT: Hospital staff will also be represented on the Council of Governors. Everyone working at the hospital will become a Member of the Foundation Trust unless they choose to opt out. They will then elect staff Governors to reflect the views of front line clinicians and support staff and to ensure strategic decisions take account of their experience	That FTs seek to support the continual professional development of staff around the holistic needs of the care recipient and community in line with improving their overall health and wellbeing and not just their specific area of specialty.
		YAS: All of our permanent employees, and people on contracts of more than 12 months will be eligible to become members. We are proposing an 'opt-out' scheme which means that staff will automatically become members unless they tell us they do not want to join	That FTs provide adequate training and support to governors and members to enable them to undertake their duties.
Ability to discharge commissioning intentions	FTs must demonstrate a strong business-focused relationship with commissioners underpinned by clear commissioning strategies and intentions.	LCH: We will continue to work with our commissioners and partners to explore opportunities to increase the range of services we provide.	That FTs actively support the emerging commissioning structures in Leeds to ensure that the Health and Wellbeing Boards' commissioning intentions (As described by the Joint Health and Wellbeing Strategy) are informed and discharged appropriately.
		LTHT: [Councils] will have the job of co-coordinating	

		<p>local organisations to improve public health and wellbeing... We believe it is very important to make sure that the way we will be organised as a Foundation Trust reflects this</p>	<p>That absolute priority is given to supporting the commissioning intentions of the local community before consideration is given to exploring business opportunities elsewhere.</p>
		<p>YAS: Following the agreement of our commissioners, we will be able to invest money back into developing local services. In general, NHS foundation trusts have continued to work with other NHS partners in the best interests of patients. That is what we want to do.</p>	

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Mr David Whiting
Chief Executive Officer
Yorkshire Ambulance Service NHS Trust
Trust Headquarters
Springhill 2
Wakefield 41 Business Park
Brindley Way
Wakefield
WF2 0XQ

Contact: Tom Riordan
Tel: (0113)
Fax: (0113)
Email: @leeds.gov.uk
Minicom: (0113)

Your Ref:
Our Ref:

RE: Yorkshire Ambulance Service NHS Foundation Trust consultation

Dear David

Leeds City Council welcomes the opportunity to respond to the consultation in relation to Yorkshire Ambulance Service NHS Trust's aspiration to become a Foundation Trust.

This letter sets out our formal response to the consultation and will be approved subject to any amendments by the council's executive committee at its next meeting on 4th Jan 2012.

Leeds City Council understands that the government has stipulated that all NHS providers must become FTs by April 2014. We welcome the fact that Foundation Trusts will continue to provide and develop healthcare according to core NHS principles - free care, based on need and not ability to pay.

We support the principle that Foundation Trusts will devolve decision making from central government to local organisations and communities and that this will be achieved through strong governance and accountability.

We are encouraged to hear that as self-standing, self-governing organisations, with increased financial freedoms that FTs will be free to spend money wisely and will be encouraged to promote further efficiencies, which can be reinvested for the benefit of the public.

We are assured that the assessment process, led by Monitor will ensure the establishment of financially viable and sustainable FTs and we look forward to continuing to work collaboratively with you in the best interests of our citizens during the transition period. We would welcome your continued cooperation to enable us to act together as strategic partners for the benefit of the citizens of Leeds and supporting the achievement of the Vision for Leeds and associated city priorities. In particular we welcome the role that the Yorkshire Ambulance Service can play in supporting the priorities for Health & Wellbeing and Children.

We are delighted to support your application to become a Foundation Trust and would like to draw your attention to a few matters below in relation to your future plans.

In response to the consultation the Leeds City Council would encourage the Yorkshire Ambulance Service to:

1. Consider establishing arrangements to ensure local authority representation on the board of governors from each of the four areas of Yorkshire.
2. Note the importance of future proofing, particularly in relationship to the potential for undertaking statutory responsibilities and associated governance arrangements and the duty to promote integration of Health and Council services via the Health and Wellbeing boards.
3. Ensure that the necessary governance mechanisms are established to enable the Trust to discharge statutory duties on behalf of the local authority if commissioned to do so.
4. Identify and plan for a failure (in line with Monitor's processes) that will safeguard the investment of the local authority, the reputation of Leeds and services for the citizens of Leeds.
5. Reinvest any surpluses in the communities in which they are realised rather than support less viable contracts in other areas. And in doing so, have due regard to the Joint Health and Wellbeing Strategy for Leeds.
6. Actively support the emerging commissioning structures in Leeds to ensure that the Health and Wellbeing Boards' commissioning intentions (as described by the Joint Health and Wellbeing Strategy) are informed and discharged appropriately and to support the commissioning intentions of the local community before consideration is given to exploring business opportunities elsewhere.
7. Continue to cooperate in emergency planning strategy and delivery (eg response to pandemics).
8. Endeavour to ensure representation from all the postcodes that cover the Leeds Metropolitan area in terms of the membership of the Trust and to ensure socially inclusive recruitment of members and governors to reflect the diversity of the population of Leeds in all of its areas.
9. Promote innovation, creating job opportunities and promote sustainable travel options

We are encouraged by the opportunity afforded by the change in organisational form and constitution, to strengthen further our partnership arrangements, and we look forward to working closely with Yorkshire Ambulance Service NHS Trust to enable us to achieve the Vision for Leeds 2030 and the associated City Priority plan 2011 to 2015.

Yours sincerely,

Tom Riordan.

CC: Catherine Arnshaw, Foundation Trust Engagement Manager

Attached:

[Vision 2030](#)

[City Priority Plan 2011 to 2015](#)

Mr Mike Collier
Chairman
The Leeds Teaching Hospitals NHS Trust
Chairman's Office
Trust Headquarters
St James's University Hospital
Beckett Street
Leeds
LS9 7TF

Contact: Tom Riordan
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Fax: (0113)
Email: @leeds.gov.uk
Minicom: (0113)

Your Ref:
Our Ref:

RE: Leeds Teaching Hospitals NHS Trust Foundation Trust consultation

Dear Mike

Many thanks for your recent letter inviting comment from Leeds City Council in relation to your consultation process as part of your application to become a Foundation Trust.

We welcome the opportunity to respond to your consultation. This letter sets out our formal response and will be approved subject to any amendments by the council's executive committee at its next meeting on 4th Jan 2012.

Leeds City Council understands that the government has stipulated that all NHS providers must become FTs by April 2014. We welcome the fact that Foundation Trusts will continue to provide and develop healthcare according to core NHS principles - free care, based on need and not ability to pay.

We support the principle that Foundation Trusts will devolve decision making from central government to local organisations and communities and that this will be achieved through strong governance and accountability. We are pleased to note that the way in which governors are to be elected aligns with the 3 local authority areas and that an appointment to the board of governors is sought from the local authority.

We are encouraged to hear that as self-standing, self-governing organisations, with increased financial freedoms that FTs will be free to spend money wisely and will be encouraged to promote further efficiencies, which can be reinvested for the benefit of the public.

We are assured that the assessment process, led by Monitor will ensure the establishment of financially viable and sustainable FTs and we look forward to continuing to work collaboratively with you in the best interests of our citizens during the transition period.

We would welcome your continued cooperation to enable us to act together as strategic partners for the benefit of the citizens of Leeds and supporting the achievement of the Vision for Leeds and associated city priorities. In particular we welcome the role that the Leeds Teaching Hospitals NHS Trust can continue to play in supporting the priorities for Health & Wellbeing and Children, both

through the respective partnership arrangements of the Leeds Initiative and through the Leeds Health & Social Care Transformation Programme.

We are delighted to support your application to become a Foundation Trust and would like to draw your attention to a few matters below in relation to your future plans.

In response to the consultation the Leeds City Council would encourage the Leeds Teaching Hospitals NHS Trust to:

1. Note the importance of future proofing, particularly in relationship to the potential for undertaking statutory responsibilities and associated governance arrangements, and the duty to promote integration of Health and Council services via the Health and Wellbeing boards.
2. Ensure that the necessary governance mechanisms are established to enable the Trust to discharge statutory duties on behalf of the local authority if commissioned to do so.
3. Identify and plan for a failure (in line with Monitor's processes) that will safeguard the investment of the local authority, the reputation of Leeds and services for the citizens of Leeds.
4. Reinvest any surpluses in the communities in which they are realised rather than support less viable contracts in other areas. And in doing so, have due regard to the Joint Health and Wellbeing Strategy for Leeds.
5. Actively support the emerging commissioning structures in Leeds to ensure that the Health and Wellbeing Boards' commissioning intentions (as described by the Joint Health and Wellbeing Strategy) are informed and discharged appropriately and to support the commissioning intentions of the local community before consideration is given to exploring business opportunities elsewhere.
6. Continue to cooperate in emergency planning strategy and delivery (eg response to pandemics).
7. Endeavour to ensure representation from all the postcodes that cover the Leeds Metropolitan area in terms of the membership of the Trust and to ensure socially inclusive recruitment of members and governors to reflect the diversity of the population of Leeds in all of its areas.
8. Continue to promote innovation (for example via the Leeds Health Hub), creating job opportunities and promote sustainable travel options
9. This item refers to the landlord tenant issue outlined in the confidential appendix 1 of the report.

We are encouraged by the opportunity afforded by the change in organisational form and constitution, to strengthen further our partnership arrangements, and we look forward to continuing to work closely with Leeds Teaching Hospitals to enable us to achieve the Vision for Leeds 2030 and the associated City Priority plan 2011 to 2015.

Yours sincerely,

Tom Riordan.

**CC: Maggie Boyle- Chief Executive Officer,
Ross Langford- communications manager**

Attached:
[Vision 2030](#)
[City Priority Plan 2011 to 2015](#)

APPENDIX 5

Mr Rob Webster
Chief Executive Officer
Leeds Community Healthcare NHS Trust
First Floor
Stockdale House
Headingley Office Park
Victoria Road
Leeds
LS6 1PF

Contact: Tom Riordan
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Fax: (0113)
Email: @leeds.gov.uk
Minicom: (0113)

Your Ref:
Our Ref:

RE: Leeds Community Healthcare NHS Trust Community Foundation Trust consultation

Dear Rob

Leeds City Council welcomes the opportunity to respond to the consultation in relation to Leeds Community Healthcare NHS Trust's aspiration to become a Community Foundation Trust.

This letter sets out our formal response to the consultation and will be approved subject to any amendments by the council's executive committee at its next meeting on 4th Jan 2012.

Leeds City Council understands that the government has stipulated that all NHS providers must become FTs by April 2014. We welcome the fact that Community Foundation Trusts will continue to provide and develop healthcare according to core NHS principles - free care, based on need and not ability to pay.

We support the principle that Community Foundation Trusts will devolve decision making from central government to local organisations and communities and that this will be achieved through strong governance and accountability. We are pleased to note the way in which governors are to be elected aligns with local authority administration and that an appointment to the board of governors is sought from the local authority.

We are encouraged to hear that as self-standing, self-governing organisations, with increased financial freedoms that CFTs will be free to spend money wisely and will be encouraged to promote further efficiencies, which can be reinvested for the benefit of the public. We are assured that the assessment process, led by Monitor will ensure the establishment of financially viable and sustainable CFTs and we look forward to continuing to work collaboratively with you in the best interests of our citizens during the transition period.

We would welcome your continued cooperation to enable us to act together as strategic partners for the benefit of the citizens of Leeds and supporting the achievement of the Vision for Leeds and associated city priorities. In particular we welcome the role that the Leeds Community Healthcare NHS Trust can continue to play in supporting the priorities for Health & Wellbeing and Children, both through the respective partnership arrangements of the Leeds Initiative and through the Leeds Health & Social Care Transformation Programme.

We are delighted to support your application to become a Community Foundation Trust and would like to draw your attention to a few matters below in relation to your future plans.

In response to the consultation the Leeds City Council would encourage Leeds Community Healthcare NHS Trust to:

1. Note the importance of future proofing, particularly in relationship to the potential for undertaking statutory responsibilities and associated governance arrangements, and the duty to promote integration of Health and Council services via the Health and Wellbeing boards.
2. Ensure that the necessary governance mechanisms are established to enable the Trust to discharge statutory duties on behalf of the local authority if commissioned to do so.
3. Consider arrangements for additional local authority representation within the board of governors and give due consideration to the potential role that the local authority could play at the Trust Board. And to ensure that the constitution is flexible enough to enable governor and board membership to reflect further integration of services should it occur.
4. Consider further realignment of structure to reflect the three local authority areas in particular with regard to the local health and wellbeing partnerships and the clusters of schools.
5. Identify and plan for a failure (in line with Monitor's processes) that will safeguard the investment of the local authority, the reputation of Leeds and services for the citizens of Leeds.
6. Reinvest any surpluses in the communities in which they are realised rather than support less viable contracts in other areas. And in doing so, have due regard to the Joint Health and Wellbeing Strategy for Leeds.
7. Actively support the emerging commissioning structures in Leeds to ensure that the Health and Wellbeing Boards' commissioning intentions (as described by the Joint Health and Wellbeing Strategy) are informed and discharged appropriately and to support the commissioning intentions of the local community before consideration is given to exploring business opportunities elsewhere.
8. Continue to cooperate in emergency planning strategy and delivery (eg response to pandemics).
9. Endeavour to ensure representation from all the postcodes that cover the Leeds Metropolitan area in terms of the membership of the Trust and to ensure socially inclusive recruitment of members and governors to reflect the diversity of the population of Leeds in all of its areas.
10. Continue to promote innovation creating job opportunities and promote sustainable travel options

We are encouraged by the opportunity afforded by the change in organisational form and constitution, to strengthen further our partnership arrangements, and we look forward to continuing to work closely with Leeds Community Healthcare NHS Trust to enable us to achieve the Vision for Leeds 2030 and the associated City Priority plan 2011 to 2015.

Yours sincerely,

Tom Riordan.

CC: Gillian Neild, CTF consultation manager

Attached:

[Vision 2030](#)

[City Priority Plan 2011 to 2015](#)

Report of Director of Adult Social Services

Report to Executive Board

Date: 04th January 2012

Subject: Public report of the Local Government Ombudsman regarding a complaint about a joint service provided by the Council and Leeds Community Healthcare NHS Trust

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report provides details of a public report by the Local Government Ombudsman.
2. The report relates to a complaint about the Joint Care Management Service, a joint service located within the Leeds Community Healthcare NHS Trust as a delegated statutory function of the Council. The Council retains overall accountability for the statutory social care functions carried out by the joint service.
3. The events complained about took place between December 2008 and February 2009.
4. The Council and the LCH Trust have considered the Ombudsman's Report and have accepted the findings and recommendations. The Ombudsman has commended the positive response of the Council and the LCH Trust, and the commitment of both organisations to joint working and shared responsibility.

Recommendations

Members are asked to consider the reports and the actions taken by the Council to remedy the issues raised.

1. Purpose of this report

- 1.1 The purpose of this report is to inform Elected Members of a finding of maladministration with injustice, in a report issued by the Local Government Ombudsman.

2. Background information

- 2.1 Section 31(2) of the Local Government Act 1974 requires that where the Local Government Ombudsman issues a report with a finding of maladministration causing injustice, the Local Authority will consider the report. This requirement is fulfilled by reporting to the Executive Board.
- 2.2 The Ombudsman's findings must also be advertised in two newspapers and copies of the report made available for public inspection. In this case notices were placed in the Yorkshire Post and the Yorkshire Evening Post on 07th December 2011. The report was also made available at the city centre library and the main reception at Merrion House for three weeks commencing from 07th December 2011.
- 2.3 The full public report and Action Plan for this case is attached as appendix 1 and 2.

3 Main issues

- 3.1 Ms B complained that officers from the Joint Care Management Service delayed in responding to her concerns that her mother's nursing home, acting upon the instructions of her brother, had prevented her from visiting her mother. As a result of delays in resolving the situation by the time Ms B was able to visit her mother had suffered a stroke and was unable to recognise her. Her mother died the next day.
- 3.2 An internal joint investigation by the Council and LCH Trust upheld all of Ms Bs complaints bar one. The internal investigation did not uphold a complaint about the service failing to challenge Ms B's brother or the care home about the restrictions they had imposed.
- 3.3 Ms B was dissatisfied with the Council's consideration of her complaint and asked the Ombudsman to investigate.

4 Ombudsman's findings

- 4.1 The Ombudsman found that the delays in resolving the situation amounted to maladministration. The Ombudsman found that officers from the service failed to respond to nine contacts from Ms B and this also was maladministration.
- 4.2 The Ombudsman found that Ms B had suffered the injustice of being deprived of the opportunity to speak with her mother before she died.
- 4.3 The Council and the LCH Trust have accepted in full the Ombudsman's recommendations:
- To make a full written apology to Ms B;

- to pay for a memorial bench with an inscription in a location of Ms B's choice;
- to help Ms B find out where her mother was laid to rest;
- pay Ms B £5,000 in recognition of the distress caused to her.

- 4.4 As a result of the Council's internal investigation a comprehensive management action plan had already been drawn up. The Ombudsman found that all the recommendations from the internal investigation had been implemented and made no further recommendations. The attached action plan therefore informs members of the actions taken in response to both the internal investigation and the Ombudsman's report.
- 4.5 The Ombudsman has commended the positive response of the Council and the LCH Trust, and the commitment of both organisations to joint working and shared responsibility.
- 4.6 The Director of Adult Social Services and the Chief Executive of LCH Trust have provided an unreserved apology in recognition of the distress caused to Ms B and has assured her that while the errors cannot be undone the remedies are offered in the spirit of sincere regret.

5. Corporate Considerations

5.1 Consultation and Engagement

- 5.1.1 It is regrettable that this case represents an individual occasion where the standards expected for consultation and engagement with a service users family were not achieved, resulting in a tragic outcome. There is no indication that this is other than an isolated incident. However, the implementation of the attached action plan will further strengthen practice.
- 5.1.2 In conducting the investigation into the circumstances extensive consultation has taken place between the Ombudsman, the complainant, the local authority and the LCH Trust.

5.2 Equality and Diversity / Cohesion and Integration

- 5.2.2 This report does not request a decision that would have implications in these areas.

5.3 Council Policies and City Priorities

- 5.3.1 The complaint, and the Council and the LCH Trust's response to the Ombudsman's report, has provided opportunities to promote partnership working with the LCH Trust. Members will note paragraph 40 of the Ombudsman's report where it is stated that "The combined internal complaints process for the Joint Service worked well...The Council and the Trust also responded positively to the draft of this report and demonstrated an impressive commitment to joint working and shared responsibility."

5.4 Resources and Value for Money

5.4.1 A one off payment of £5,000 has been made and the Directorate has undertaken to erect an inscribed memorial bench. These remedies were offered after taking the advice of the Ombudsman and are believed to offer best value in concluding the complaint and mitigating any future costs should the complainant pursue a legal claim. The Director of Adult Social Services has secured the agreement of the LCH Trust to contribute 50% towards the compensation payment. Members will note that the Ombudsman has commended the Council and the LCH Trust for responding positively to her report. The Directorate has been keen to adopt a positive stance in order to offset, and avoid any further, negative publicity.

5.5 Legal Implications, Access to Information and Call In

5.5.1 The Local Authority Social Services and National Health Service Complaints (England) Regulations (2009) place a duty on Councils and the NHS to establish and implement a procedure for dealing with complaints and representations. The complaints procedure is a two-stage process, the first stage being consideration by the Council, and the second being investigation by the Health or Local Government Ombudsman.

A person is eligible to make a complaint under the statutory complaints procedure where the Local Authority and the Health Service have a power or duty to provide or secure a service.

5.5.2 The courts would normally expect a complainant to have exhausted the statutory complaints process before initiating legal proceedings. It is possible that the complainant will take the admission of liability provided by this complaint outcome as grounds to make a legal claim. As the Council retains the statutory responsibility for the service provided by the Joint Care Management Team the liability for any settlement would remain with the Council (and not the LCH Trust). Should the complainant choose to make a legal claim the Council would submit its acceptance in full of the Ombudsman's recommendations as mitigation for any further financial settlement.

5.5.3 The Ombudsman's report does not contain the complainants full name and the report is a public document. The Council has fulfilled its obligations to publicise the report.

5.6 Risk Management

5.6.1 The decision to accept in full the recommendations made by the Ombudsman was made after considering the risk of reputational damage to the Council and of the potential for future legal proceedings.

6. Conclusions

6.1 The Ombudsman's proposed remedies have been implemented immediately where possible or form part of the longer term action plan.

6.2 A detailed action plan is in place. Details are attached.

7. Recommendations

7.1 Members are requested to:

- Receive and note the Ombudsman's Report and findings and the Council's response.
- Note that this case dates back as far as 2008 and since then the Council has provided a significant training programme to workers in the areas of Safeguarding Vulnerable Adults and the Mental Capacity Act.

8. Background documents

None.

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Report

on an investigation into
complaint no 10 012 561 against
Leeds City Council

November 2011

Investigation into complaint no 10 012 561 against Leeds City Council

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Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

This report has been produced following the examination of relevant files and documents and interviews with the complainant and relevant employees of the Council.

The complainant and the Council were given a confidential draft of this report and invited to comment. The comments received were taken into account before the report was finalised.

Report summary

Adult Care Services – Residential Care

Ms B was estranged from her family. Shortly before Christmas she learned that her mother was in a care home and not likely to live long. Her brother wrote to the Home saying that Ms B would try to remove their mother from the Home and would upset her by talking about money. The Home passed the information on to Council officers and told Ms B that she could not visit her mother.

A couple of days later an officer asked Ms B's brother about his allegations. He withdrew them but said he was concerned that his mother would be upset by seeing Ms B.

A manager says that the officer concerned was told that Ms B could not be prevented from seeing her mother and that, because of the concern that her mother (Mrs B) might be distressed, staff should assess Mrs B's capacity to decide whether or not to see her daughter.

In the event:

- the Home continued to tell Ms B that she could not visit her mother;
- Ms B had to stand outside the Home and hand a Christmas gift for her mother to staff;
- the officer arranged for a specialist to assess Mrs B's capacity and this took a month.

By the time that the assessment was done and Ms B could visit, her mother had had a stroke and was unable to recognise or communicate with her daughter.

Finding

Maladministration causing injustice

Recommended remedy

The Ombudsman found maladministration in:

- preventing Ms B from seeing her mother between 19 December 2008 and 02 February 2009;
- failing to review the situation after any of the nine contacts from Ms B.

This maladministration deprived Ms B and her mother of the opportunity to speak with each other before they were separated forever by death. The Ombudsman found that the nature and scale of this injustice was difficult to express or quantify.

The Council accepted the Ombudsman's recommendation that it should:

- make a full written apology to Ms B;
- pay for a bench with an inscribed plaque in a location of Ms B's choice;
- help Ms B to find out where her mother is buried or was cremated;
- pay Ms B £5000 in recognition of the distress caused to her.

There has been comprehensive staff training since the events in Ms B's complaint and so the Ombudsman has not recommended any further action.

Introduction

1. Ms B complains that the Council delayed in responding to her concerns that the staff of a care home had prevented her from visiting her elderly mother (Mrs B) who was a resident. As a result, by the time Ms B was allowed to visit her mother, Mrs B had suffered a stroke and was unable to recognise her daughter. Mrs B died the next day.

The law relating to the Ombudsman

2. The Ombudsman's role is to consider complaints of service failure and maladministration causing injustice. The Ombudsman must consider whether the council has acted reasonably in accordance with the law, its own policies and generally accepted standards. Where a council has acted with maladministration, the Ombudsman considers whether it has caused injustice and can recommend an appropriate remedy.

The law and administrative background relevant to this complaint

3. An underlying principle of the Mental Capacity Act 2005 is that, unless there is reason to doubt it, someone must be presumed to have capacity to make their own decisions. Where it is believed that someone lacks capacity to make a decision, then the person's capacity must be tested against the specific decision which needs to be understood and made: if the person is found to lack capacity to make the decision, then a decision needs to be made in the person's best interests. Part of the information needed to make a decision in someone's best interests includes the knowledge of any wishes they may have expressed previously.
4. An assessment of capacity about a specific decision is usually made by the person who would otherwise have to make the decision on their behalf (so a carer or relative, for example) but where a more complex assessment is required, that can be made by a social worker, doctor, solicitor or other relevant professional.
5. The purpose of the Independent Mental Capacity Advocate (IMCA) service is to help particularly vulnerable people who lack the capacity to make important decisions about serious medical treatment and changes of accommodation, and who have no family or friends that it would be appropriate to consult about those decisions.
6. Nationally an increasing number of partnerships between Councils and Health Trusts are delivering integrated social care and health services. In Leeds the Council and the Leeds Community Healthcare Trust (and before it the Leeds Primary Care Trust) work in partnership to deliver social work services to older

people who are recovering from periods of acute poor health, via the Joint Care Management Service. The Joint Care Management Service is made up of workers from different professional backgrounds and includes employees of the Council and the Trust. The service is located within the Trust. Under the partnership arrangement, the responsibility for day to day operational management of the Joint Care Management Service lies with the Trust, but the Council retains overall accountability for the statutory functions of all social care services in the city.

7. In this case, employees of both the Council and the Trust were involved throughout. The Care Manager and Service Manager were employees of the Trust and a senior manager from the Trust provided the formal response to the Council's complaint investigation.
8. Article 8 of the Human Rights Act 1998 offers protection for a person's private and family life from arbitrary interference by the State.

Investigation

9. My investigator has met Ms B to discuss her concerns. She has also examined relevant evidence including the Council's records and interviewed officers who were involved in the events about which Ms B complains.
10. In this report I have not referred to all of the information examined in the course of the investigation but I am satisfied that nothing significant to the complaint or my finding has been omitted.

The events of December 2008 – January 2009

11. Ms B, who works in the field of children's social work, says that she has had a difficult relationship with her parents throughout her life and they have not always been in frequent contact. She says that her brother took over responsibility for their mother's financial affairs when their father died as she herself did not want to do so. She says that there is no history of conflict between herself and her brother despite their infrequent contact with each other.
12. In mid-December 2008 Ms B learned (from another relative) that her mother, whom she had not seen for over two years, was now resident in a care home where she had been placed by an officer of the Joint Care Management Team. When her brother (Mr B) telephoned her the same day, he told her that their mother was nearing the end of her life. Mr B withheld his telephone number so Ms B was unable to contact him subsequently.
13. On 19 December the staff at the Care Home where Mrs B lived contacted the Council's emergency duty team to say that they had received a letter from Mr B (the relative whose details they had as next of kin) saying that Ms B should not

be allowed to visit their mother as she might try to take her from the home and she would upset her by trying to talk about money. The officer who took the phone call advised that Ms B should not be allowed to take Mrs B from the Home, but she did not believe that Ms B could be prevented from seeing her mother. The officer made an electronic record of the call and did not pass any information on to the Council's safeguarding team.

14. Ms B telephoned the Care Home later on 19 December to ask about her mother's welfare but was told that they could not give her any information about her mother, that there had been safeguarding issues raised about her contact with her mother and that she should speak to the Care Manager (who had arranged the placement) if she wanted to know anything further. Ms B says that she spoke to the Home's manager on two more occasions before Christmas and was told that she could not see her mother or come into the home's grounds because of the concerns which had been raised, but that if she wanted to bring a Christmas card or present then she could wait at the entrance and a member of staff would collect it from her.
15. Ms B says that she wanted her mother to know she was thinking of her but did not want to distress her so, very reluctantly indeed, she did as the Home's manager asked and delivered a present to a member of staff at the home's entrance.
16. On 22 December, after the weekend, Ms B spoke to the Care Manager who had been responsible for her mother's placement at the home. She says that the Care Manager said that she would telephone Ms B back and clarify the situation when she had more details: Ms B says that the Care Manager never called her back and that was the only conversation they ever had.
17. Immediately after Christmas 2008, Ms B emailed the Care Manager to follow up her telephone call asking for information. She said that she had no intention of doing anything that would distress her mother and that she genuinely believed that her mother should be allowed to live in peace and free from any conflict which appeared to have arisen between herself and her brother, but of course she wanted to see her mother and know how she was. She also wrote to the Care Home and sent copies to the Care Manager and to an officer in the Safeguarding Adults Unit, whom she also telephoned. The Safeguarding Officer completed an electronic call log when he received her call and, from the record created when the home had telephoned the Emergency Duty Team, noted the type of alleged abuse on the log as 'financial'. The Safeguarding Officer e-mailed a copy of the call log to Ms B on 6 January 2010.
18. On 7 January Ms B complained to the Council and also asked for her brother's role in the matter to be investigated. The Council formally began an investigation of her complaint on 8 January. Ms B was told that an advocate would be

assessing her mother to see whether she was able to make a decision to see her daughter. Ms B wrote again to the service on 12 January to ask about the role of the advocate but did not receive a reply.

19. On 19 January Ms B wrote again to the Care Manager to find out what was happening with her complaint and the progress in arranging for her to see her mother, and asked for a response to her previous emails. She met with officers on 26 January and was told that she could have contact with her mother if she agreed for the contact to be supervised by an advocate or a member of the nursing home staff. She was told that if she did not agree to this, her contact would be 'revoked'. On 2 February the Joint Care Management Team wrote to the Care Home and to Ms B explaining that an advocate had assessed Mrs B as able to make the decision that she wanted to see her daughter, and agreeing an arrangement for Ms B to visit.
20. Ms B says that she was finally able to see her mother on 4 February, but on 3 February Mrs B had suffered a stroke and was unable to recognise or communicate with her. Mrs B died the next day.
21. Ms B specifically asked the Council not to show any of her complaint correspondence to her brother - because of his part in the events. As part of her ongoing complaint Ms B viewed the files about her mother's placement in the Home. She was given an 'open' file which included minutes of meetings between her brother and the officers dealing with the complaint. She was concerned that if her brother had been given the same open access to files he would now have access to personal information about her including her address and contact details. She asked the Joint Care Management Team to clarify this but the response was that she should make it part of her complaint instead.

The Council's response

22. My investigator was not able to interview the Care Manager during this investigation. However, the Service Manager who the Care Manager reported to in her manager's absence gave an account of what happened when Ms B telephoned the Council to say she was being denied access to see her mother.
23. The Service Manager recalls that the Care Home had reported receiving a letter from Mr B (Ms B's brother) saying that he was concerned that his sister would turn up at the home and possibly try to remove her mother, and that at the very least she would distress their mother by wanting to talk to her about money. The Service Manager says she asked the Care Manager to contact Mr B and find out what reason he had for making that statement. She says that the Care Manager reported back (after speaking to Mr B on 23 December) that he had retracted the statement; he said he had no evidence to believe that his sister would try and

take their mother from the home or persuade her to make decisions about her money, but that he was still concerned that her visit after so long would distress their mother.

24. The Service Manager says that even though Mr B had retracted his allegation she felt she could not ignore the matter, which was evidence of a family conflict. She asked the Care Manager about Mrs B's capacity to make the decision about seeing Ms B herself but says that the Care Manager was unsure of Mrs B's capacity and did not feel able personally to assess it. The Service Manager asked the Care Manager to make an urgent referral for an advocate to carry out the assessment of Mrs B's capacity and asked her to tell Mr B that it was not a safeguarding matter.
25. The Service Manager says she also asked the Care Manager to contact Ms B straight away and tell her that they were not in a position to tell her that she could not see her mother; to inform her that the Joint Care Management Team was arranging for an advocate to ascertain whether Mrs B had capacity to make the decision or whether a decision would have to be made in Mrs B's best interests, but that they couldn't say in the meantime that she could not visit her mother. She says she also told the Care Manager to let the Care Home know that they had no reason to stop Ms B seeing her mother. The Service Manager says that although she believes the Care Manager told her that she had telephoned the Care Home, there is no record of the call and she now has no confidence that her advice to have those telephone conversations – to the Care Home or to Ms B – was ever followed.
26. In January 2009 when the Social Work Team Manager (the Care Manager's line manager) returned to work, the Service Manager asked him to let her know what the progress was with the advocate seeing Mrs B. She says that at that point it became clear that the Care Manager had specifically asked for an Independent Mental Capacity Advocate (IMCA) to visit Mrs B despite being asked to refer the matter to a general advocate – the Service Manager says that there was several weeks' delay at that time in being able to arrange for an IMCA and so it was the end of January before the assessment visit could take place.
27. The Service Manager says that with hindsight, although there was no deliberate intention to cause any delay, officers lost sight of the focus of the matter which was Mrs B's right to see her daughter. She also acknowledges that the Joint Care Management Service failed to tell Ms B that it could not prevent her from visiting her mother.
28. The Safeguarding Officer says that there was an unfortunate error in the way the log of Ms B's call was made. He says however that the log was properly completed on the basis of the call which had been made by the home to the duty

team and it was sent to Ms B in an effort to make all possible information available to her.

The Complaint Investigation

29. The Council appointed an independent officer to investigate Ms B's complaint who reported on 12 April 2010. Ms B had complained that staff did not return her calls or respond to her letters; that no-one had ascertained her views before her mother was placed in the Care Home; that the Joint Care Management Service had failed to challenge Mr B's and the Care Home's decision to deny her access to see her mother; that there was a delay in being told what the allegations against her were and what the outcome was; that the Joint Care Management Service had failed to respond to her request that her brother be investigated; that an advocate was used inappropriately, and that confidentiality had been breached.
30. An independent investigating officer (IO) upheld all but one part of Ms B's complaints. The part that the IO did not uphold was Ms B's complaint that the Joint Care Management Service had failed to challenge the Care Home's decision to deny her access to see her mother. He said *"The effect of the decision to go through a best interests process to assist (Mrs B) to come to a decision was to freeze any further decision making....It was inevitable that the freezing of the decision making prevented (Ms B) from seeing her mother until the best interests process had been completed."*
31. A senior manager who was responsible for the service provided by the Care Manager wrote to Ms B on 23 July 2010 apologising for the way in which the service had failed. She said that once it had been established that Ms B was not a risk to her mother, the Care Manager was required to establish whether Mrs B wanted to see her. She apologised that this was not properly explained to Ms B and there was also an unacceptable delay in finding an advocate – she added that staff uncertainty about the advocacy process (which had recently been introduced) led to a delay in the process.
32. Ms B met a senior manager after receiving this letter but says that she still was unable to provide all the answers which Ms B sought as to why the Care Manager had failed to respond to all her contacts.
33. Ms B says she knows the originator of the allegations was her brother but because of her own work, she recognised the importance of any allegations being made about her and she was especially concerned that these should be resolved quickly because of the professional implications. For that reason also, she says, she felt she had to "work within the process" and comply with the requests which were made of her by the Care Home staff and the Joint Care Management Service, even when she felt humiliated by the expectation that she had to be supervised when visiting her mother. She also says that as a result of

the failure to keep her details confidential, she felt compelled to change her contact details.

Findings

34. Relatives and friends have the right to visit and see each other without undue interference and the right to respect for family life is enshrined in law. Ms B was told unexpectedly – and without there being any evidence – that she was regarded as a threat to her own mother, denied access to her, made to hand over a Christmas gift outside the Home and made to wait for over a month for the Council's processes before finally being told that she could see her mother. By then her mother was unable to recognise or communicate with her daughter.
35. Two days before Christmas, officers of the Joint Service knew that Ms B's brother had withdrawn his allegation that she was a risk to their mother. From then there were no grounds for preventing mother and daughter from seeing each other.
36. Knowing that Mrs B was dying, officers of the Joint Service arranged a specialist assessment of whether she had the capacity to decide whether she wanted to see her daughter. During the month that it took for this assessment to be done, Mrs and Ms B were prevented from seeing each other – although there was no legal power to stop Ms B from visiting her mother. The Investigating Officer was wrong to say that the effect of requesting the assessment was to 'freeze any further decision-making'.
37. It was maladministration to
 - prevent Ms B from visiting her mother from 19 December 2008 to 02 February 2009 and to tell her on 26 January that she could visit if supervised, and
 - fail to review the action taken by the Care Manager and the Home after any of Ms B's nine contacts between 19 December and 26 January.

It is no mitigation to say that the delay in arranging to assess Mrs B was because the Mental Capacity Act was new – there was no need for a 'specialist' assessment and the Service Manager says she said so at the time.

38. The maladministration deprived Ms B of the opportunity to speak with her mother before they were separated forever by death. The nature and scale of this injustice is difficult to express or quantify. Ms B can never be put back in the position she would have been in but for the maladministration.
39. The Council has accepted my recommendation, made after consulting Ms B, that it should:

- make a full written apology to Ms B;
- pay for a bench with an inscribed plaque in a location of Ms B's choice;
- help Ms B to find out where her mother is buried or was cremated;

pay Ms B £5000 in recognition of the distress caused to her.

I have not made any recommendation about staff training because the Joint Service has already undertaken sufficiently comprehensive staff training on the issues of capacity since these events took place.

Comment

40. The combined internal complaints process for the Joint Service worked well and the Council and the Trust accepted the findings, implemented the recommendations and made sincere apologies for the failings that had been identified. The Council and the Trust also responded positively to the draft of this Report and demonstrated an impressive commitment to joint working and shared responsibility.

Anne Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
York

YO30 5FZ
November 2011

Actions from Internal Investigation			
Issue	Action	Timescale	Action Implemented
Failure to communicate effectively with family members	<ul style="list-style-type: none"> Review standards of communication within JCM Implement changes as necessary across the service Ensure all staff are aware that correspondence must be filed as hard copy/scanned into electronic format Ensure staff are aware that decisions must be shared with service users and families (where appropriate) in a timely manner 	<p>Sept 2010</p> <p>Oct 2010</p> <p>Aug 2010</p> <p>Aug 2010</p>	<p>Manager briefing held with JCM Team directly involved in the case.</p> <p>Discussion held at OOHC Business Meeting for manager awareness.</p> <p>JCM Team Managers reviewed standards to ensure consistency.</p> <p>Learning from Complaint Memo issued across OOHC Services</p>
Errors in care management of case especially timeliness of response and intervention	<ul style="list-style-type: none"> Individual meetings with staff involved in case to identify training needs Monitor individual practice through supervision / case file audit / service user satisfaction / Personal development Plans Anonymised learning to be shared across the JCM service Legal advice to be obtained where necessary 	<p>Completed with exception of Team Manager (to be completed on return to work)</p> <p>On-going</p> <p>Aug 2010</p> <p>Aug 2010</p>	<p>Meeting held with individual JCM</p> <p>Manager briefing held with JCM Team directly involved in the case.</p> <p>Team Manager and JCM have subsequently left the service.</p> <p>New Team Manager in post.</p>

			<p>Processes in place across the service for case supervision and professional supervision.</p> <p>Learning from Complaints Memo issued across OOHC Services.</p> <p>Managers and JCMs aware of how to obtain legal advice when required.</p>
Failure to respond appropriately to safeguarding allegations	<ul style="list-style-type: none"> • New multi-agency procedures in place across Leeds • All JCM staff in process of attending revised training programme at level appropriate to their role 	<p>In place</p> <p>On-going - all staff must be trained by March 2011</p>	<p>JCM attendance on Safeguarding Training monitored through Quality Framework.</p> <p>Care management response and individual practice monitored through supervision.</p>
Error in monitoring procedure for calls made to the Safeguarding Unit	<ul style="list-style-type: none"> • All enquiries to be logged as 'type of alleged abuse' in future not 'type of abuse' 	In place	Changes introduced to Safeguarding Unit referral log. Now refers to 'alleged' perpetrator. Confirmed by Emma Mortimer.
Incorrect advice provided regarding data protection / release of information	<ul style="list-style-type: none"> • Learning from this complaint to be shared with Local Authority (LA) • Recommend LA review information governance arrangements 	<p>August 2010</p> <p>August 2010</p>	Issues/ recommendations identified to Local Authority via Independent Complaint Investigation Report.

	<ul style="list-style-type: none"> Managers across JCM Service to receive additional training on Data Protection / release of records 	October 2010	<p>JCM compliance with statutory/ mandatory training - Information Governance Training - monitored through Quality Framework.</p> <p>Learning from Complaints Memo issued across OOHC Services.</p>
Failure to utilise archived case records	<ul style="list-style-type: none"> All JCM staff to be reminded of need to retrieve and use archived case files 	Aug 2010	<p>Learning from Complaints Memo issued across OOHC Services.</p> <p>JCM Team Managers reviewed practice to ensure consistency. Agreed access to past case records as standard.</p>
Failure to follow Complaints Procedure	<ul style="list-style-type: none"> New Complaints Procedure in place across health and social care agencies which provides consistency of approach Refresher training to be provided for JCM Service Managers and Team Managers 	<p>In place</p> <p>Sept 2010</p>	Compliance monitored through Quality Framework.
Actions from Ombudsman Investigation			
Make a full written apology to Ms B.	Joint letter of apology from the Director ASC and the Chief Executive of LCH Trust.	06 December 2011	Completed.
Pay for a bench with an inscribed	The letter of apology to Ms B	06 December 2011	Completed.

plaque in a location of Ms B's choice.	includes an invitation to contact the LCH Trust General Manager Out of Hospital Care to pursue this offer.		
Help Ms B find out where her mother has been laid to rest.	The letter of apology to Ms B includes an invitation to contact the LCH Trust General Manager Out of Hospital Care to pursue this offer.	06 December 2011	Completed. The details of the date and place of cremation, and the Funeral Director have been obtained and passed onto the General Manager Out of Hospital Care.
Pay Ms B £5,000	Cheque enclosed with letter of apology.	06 December 2011	Completed.

Report of the Director of Resources

Report to Executive Board

Date: 4th January 2012

Subject: Financial Health Monitoring 2011/12 - Month 8

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to inform members of the financial health of the authority after eight months of the financial year 2011/12 in respect of the revenue budget.
2. The overall projected overspend at month 8 is £2.4m, an improvement of £3.9m from the position at month 7.
3. All Directorates will continue to develop and implement action plans, and the position will be monitored closely.

Recommendations

4. Members are asked to note the projected financial position of the authority after eight months of the financial year 2011/12.

1. Purpose of this report

- 1.1 This report sets out for the Board the Council's projected financial health position after eight months of the financial year.
- 1.2 Budget Monitoring is a continuous process throughout the year, and this report reviews the position of the budget after eight months and comments on the key issues impacting on the overall achievement of the budget for the current year.

2. Background information

- 2.1 The month 7 projected overspend was £6.3m and the main areas of concern were:-
- Non achievement of assumed procurement savings for residential and nursing care packages within Adult Social Care
 - The number of externally provided residential and fostering placements in Children's Services
 - Income shortfalls mainly relating to planning and building regulation fees, car parking, advertising and children's centres

3. Main Issues Month 8

- 3.1 The overall position at month eight has improved by £3.9m from the month 7 position. As members will be aware, the 2011/12 budget assumed £90m of savings, and after eight months of the financial year an overspend of £2.4m is now projected, as detailed in Table 1 below.

Table 1

		(Under) / Over Spend for the current period					Previous Month (Under) / Overspend
Directorate	Director	Staffing £000	Other Spend	Total Expenditure £000	Income £000	Total Under /Overspend £000	£000
Adult Social Care	Sandie Keene	(844)	2,946	2,102	(231)	1,871	2,070
Children's Services	Nigel Richardson	(321)	4,197	3,876	399	4,275	4,367
City Development	Martin Farrington	250	(100)	150	1,475	1,625	1,542
Environment & Neighbourhoods	Neil Evans	1,907	(1,174)	733	839	1,572	962
Resources	Alan Gay	(200)	309	109	(277)	(168)	4
Legal Services	Robert Pritchard	737	153	890	(576)	314	156
Customer Access and Performance	James Rogers	(13)	(11)	(24)	(81)	(105)	(2)
Total		1,516	6,320	7,836	1,548	9,384	9,100
Corporate issues							
Debt						-2800	-2800
Section 278 shortfall						1800	
Health service contribution to Adults and Children's social care						-6000	
Total						2,384	6,300

- 3.2 Directorate projections are largely in line with the month 7 position, however within Environmental Services, there has been an increase in the projected overspend of £0.6m, primarily reflecting an increase in the volume of waste tonnes disposed and the delay in the withdrawal of the back up refuse collection service.
- 3.3 The Council receives income from developers to fund highways works which are required for new development schemes. These are known as section 278 agreements and the Council's 2011/12 revenue budget provides for income of £5.2m for such schemes. A review has been undertaken of anticipated receipts in 2011/12 and there is likely to be a £1.8m shortfall which reflects the continuation of the difficult economic climate.
- 3.4 Plans are in place to address the rising cost of looked after children placements in the city. These plans involve relevant partners working together in different ways. In recognition of the significant role the health service plays in this partnership and the improved health outcomes which will arise, NHS Leeds have allocated £2m of transitional funding for 2011/12 in order to support the Council in these matters. In a similar way the health service is working closely with Adult social care to ensure that improved outcomes for older people are sustainable and can be achieved through changes in the way in which services work together and transitional funding of £4m has been set aside to assist the process. These contributions are now reflected in the year end projection for 2011/12.
- 3.5 As part of the budget monitoring process, action plans built into budgets have been reviewed and the above projections assume the continuing delivery of action plans both corporately and within directorates.

4. Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This is a factual report and is not subject to consultation

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Council's revenue budget for 2011/12 was subject to Equality Impact Assessments where appropriate and these can be seen in the papers to Council on 23rd February 2011.

4.3 Council Policies and City Priorities

- 4.3.1 The 2011/12 budget targeted resources towards the Council's policies and priorities. This report comments on the financial performance against this budget.

4.4 Resources and Value for Money

- 4.4.1 This is a revenue financial report and as such all financial implications are detailed in the main body of the report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications arising from this report. In accordance with part 4 (f) of the Council's Constitution (Budget and Policy Framework Procedure Rules) Executive Board shall be entitled to vire across budget headings subject to value limits set out in the Financial Procedure Rules. There are no requests this month.

4.6 Risk Management

4.6.1 The Council has prepared and maintained a financial risk register for a number of years. The register details the risk and consequences, existing controls to mitigate against the risk, the value in monetary terms of the risk, review dates and progress towards managing the risk within existing resources. The register is prepared before the start of each financial year and is monitored on a regular basis.

4.6.2 Based on the month eight projections there are now no high risks.

5. Recommendations

5.1 Members of the Executive Board are asked to note the projected financial position of the authority after eight months of the financial year.

6. Background Documents

6.1 Financial risk register 2011/12



Report author: Susan Holden
Tel: 51863

Report of the Director of Resources

Report to Executive Board

Date: 4 January 2012

Subject: Large Casino - Approval of revised Gambling Act 2005 Statement of Licensing Policy 2010-2012

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Gambling Act 2005 provides Leeds City Council with the opportunity to grant a Large Casino Premises Licence. Over the last year officers from Entertainment Licensing and City Development have been preparing the process and related documents. This includes a new section to be inserted in the Gambling Act 2005 Statement of Licensing Policy (“the Policy”) and a full application pack.

2. The council has undertaken a public consultation on the revised Policy, and the application pack. Approval of the revised Policy is a matter reserved to Full Council. Executive Board considered the revised Policy in November and referred the matter to Scrutiny Board (Resources and Council Services). Under Budgetary and Policy Framework the comments from Scrutiny Board and the amended policy should now be considered by Executive Board before being considered for approval by full Council.

Recommendations

3. Consider the comments made by Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 and the consultation report as the council’s response to the public consultation; and,

4. Refer both documents to Council for approval.

1.0 Purpose of this report

- 1.1 To present the comments from Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy which contains a statement of the principles the council will apply when making the determination of the large casino licence (background papers).
- 1.2 To present the comments from Scrutiny Board (Resources and Council Services) on the Consultation Report (background papers) which is the proposed Council response to the public consultation on the large casino section in the Policy, and the draft application pack.

2.0 Background information

- 2.1 The Gambling Act 2005 (the Act) changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences were to be granted, each of which are to be significantly larger than existing casinos. The DCMS formed a special Casino Advisory Panel (CAP) to recommend where the new casinos should be located.
- 2.2 In April 2008 Parliament approved the eight small and eight large casinos in line with the CAPs original recommendations. Leeds was awarded the right to issue a large casino licence.
- 2.3 The Act, associated regulations and a Code of Practice describe the process the council and the applicant must complete before issuing a large casino licence. This includes:
 - Updating the Statement of Licensing Policy to include a statement of the principles the council will apply when determining the casino applications.
 - Development of an application pack which describes the procedure the council proposes to follow and the principles that will be applied when determining the licence.
 - Commencement of the application process with an advertisement of the “competition” and a two stage application process:
 - Stage 1 follows the same process as for any other premises licence application under the Act.
 - Stage 2 in which the council’s Licensing Committee determines which of the competing applications would provide the greatest benefit to the area.
- 2.4 The approval of the revised Policy is a matter reserved for full Council and follows the Budgetary and Policy Framework.
- 2.5 The approval of the application pack is a matter for the Licensing Committee. The draft application pack is available as background papers.
- 2.6 Providing the policy receives approval by Council and the application pack approval by Licensing Committee in January, it is intended that Stage 1 of the competition will commence in February and complete at the end of June 2012. If there are no

appeals, Stage 2 will commence at the end of July and it is planned to complete the process and grant the licence within the 2012/13 financial year.

3.0 Main issues

Scrutiny Board Comments

3.1 Executive Board referred the revised Statement of Licensing Policy and the consultation report to Scrutiny Board (Resources and Council Services) on the 7th November. Scrutiny Board concluded:

3.1.1 That the Executive Board be advised that this Scrutiny Board recommends that Executive Board and full Council should be confident that there are clear economic benefits in having a large casino and that these benefits are not outweighed by any negative social/economic impacts.

3.1.2 That the Executive Board and full Council note the recommendation made by NHS Leeds during the consultation exercise.

Socio-Economic Impact

3.2 It is expected that as Leeds is the only core city with the ability to grant a casino licence, the licence could bring a major boost to the leisure, visitor and night time economies. This in turn will bring jobs and investment to the city.

3.3 In relation to 3.1.1 Executive Board is advised that during the second stage of the application process, applicants are required to provide extensive documentation describing the benefits their proposal will bring to the Leeds area.

3.4 These benefits will be evaluated under the criteria of financial, socio-economic and deliverability. The determination of the licence will be decided on the evaluation of this information.

3.5 Should the council feel that the proposals put forward do not meet their expectations full Council can pass a no casino resolution. This is described at paragraph 16.53 of the Statement of Licensing Policy:

16.14 The council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. It may choose to exercise this option should there be only one application for a large casino premises licence or should, where there is more than one application, those applications fail to meet the council’s aspirations for benefit for the Leeds metropolitan area. Should the council decide in the future to pass such a resolution, it will update this policy with details of that resolution and any such decision will be made by full Council.

3.6 In relation to negative social/economic impacts, applicants are required to provide a strategy setting out:

^w An assessment of diversity issues for the chosen location including identification and assessment of potential positive and negative impacts of establishing the casino (and wider developments where applicable) at this location.

- w Any mitigating factors to reduce the negative impact of the development at their chosen location.
- w Approach to how measures/mitigations of negative impacts will address the requirements outlined in the policy and the Code of Practice.
- w Management arrangements to address social and equality issues including monitoring of mitigation of potential adverse effects of the development
- w Key areas of where cooperation could take place, specifying the nature of activities/programmes, partners to be involved, the role expected of the council.
- w The form that this cooperation would take (e.g. funding/sponsorship, staff time/benefits in kind, development, management/administrative support, facilities, etc).
- w Who will be responsible for the costs of mitigation.
- w Any constraints or dependencies (e.g. support and input from the council or other organisations).

3.7 In addition, where applicants already have an Operating Licence they are required to identify where the actions set out in their strategy are additional to those already required under the DCMS Code of Practice, which are at the discretion of the applicant and which will form part of the Schedule 9 Agreement to be signed with the council.

3.8 In order to support this the Statement of Licensing Policy states:

16.49 Applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

NHS Leeds Recommendations

- 3.9 With regard to point 3.1.2, the consultation response considered the recommendations made by NHS Leeds, and incorporated them into the application pack as follows:
- 3.10 NHS Leeds specifically raised the concern that the policy does not acknowledge the potential negative impact that a large casino development could have. Their comprehensive response describes the potential health impacts associated with gambling, problem gambling and casinos.
- 3.11 The licensing process is undertaken in two stages. Stage 1 is the same regulatory process undertaken by all premises licence applicants. Stage 2, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing

Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process rather than look at the mitigation of harm.

3.12 However, the Stage 2 evaluation considers negative effects in a number of ways:

- w Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
- w The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.

3.13 During the stage 2 evaluation process, a number of criteria are considered including:

- w health impacts
- w strategies and safeguards to negative impacts.
- w employment and skills strategies
- w details on how the most disadvantaged could benefit from their proposal
- w job ring-fencing proposals

3.14 These are considered under the socio-economic criteria, whilst commitments on mitigation are required in the schedule 9 agreement (risk and deliverability). Contractual commitments will be sought to ensure that any strategies promised by applicants are delivered.

3.15 The large casino licence operator will fund a Social Inclusion Fund which will support projects that help the financial and economic inclusion agenda (which will include work on health). It is anticipated that some aspects of the Social Inclusion Fund will be used to mitigate social costs brought about by the casino, above and beyond the commitments from operators and may be used to fund such activities away from the boundary of the casino..

3.16 In addition, the social impact of the casino will be monitored through research using a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator. The council is already working on this with leading academics and the other 15 authorities who will grant new casino licences.

3.17 Before a premises licence can be granted, which is required before the casino can open, the operators must have an operating licence - a highly regulated licence that requires commitments to mitigating negative effects. More information on the requirements of an operators licence can be obtained from www.gamblingcommission.gov.uk.

3.18 The policy was amended to include the following additional paragraph:

16.49 The applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most

vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

- 3.19 In addition officers from City Development met with NHS Leeds to discuss their specific concerns relating to the issuing of a large casino licence and as a result of that meeting it is hoped that NHS Leeds will be able to provide expert advice on health mitigation during the evaluation process.
- 3.21 Since the Policy was presented to Scrutiny Board, officers have made one amendment to paragraph 16.43, replacing the word signature with completion.
- 3.22 The Statement of Licensing Policy and the full Consultation Report are provided as background papers and available from the author of the report. Both documents have been circulated to the Executive Board.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The large casino section of the Policy underwent a public consultation which ran from 9th May to 29th July 2011. The consultation was advertised through Talking Point and with posters placed in public spaces such as libraries, one stop shops and leisure centres. A press release was produced, and the consultation was advertised on the council's website. The consultation was advertised by letter directly to 457 people and organisations. The consultation response is provided in the Background Papers.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Gambling Act 2005 has three licensing objectives:
- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - b) ensuring that gambling is conducted in a fair and open way, and
 - c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.2.2 The licensing authority, in exercising their functions under the Act, shall aim to permit the use of premises for gambling in so far as it thinks its reasonably consistent with the licensing objectives.
- 4.2.3 Therefore the council has produced the revised Policy with this in mind and has taken special consideration of the protection of children and vulnerable people.

4.3 Council Policies and City Priorities

4.3.1 The revised Policy sets out the principles the council will use to exercise its functions under the Gambling Act 2005. Applicants for the large casino are expected to read the Policy before making their application and the council will refer to the Policy when making its decisions.

4.3.2 The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and Value for Money

4.4.1 Legal Services has provided advice at each stage of the policy development. They have also provided advice during the composition of the consultation report and the development of the application pack.

4.4.2 The large casino provides the council with the opportunity to secure benefits for the city. Although the development of the revised Policy and application pack, as well as the upcoming application process has had a cost associated with it, the project is being delivered within the budget approved at Executive Board on 3rd March 2010.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The development of a Policy under the Gambling Act 2005 is a matter for full Council and follows the Budgetary and Policy Framework which requires that Executive Board refers this matter to Scrutiny Board (Resources and Council Services) and then for it to be further considered by Executive Board before being recommended to full Council for approval. As such this report is exempt from call in by Scrutiny.

4.5.2 The revised Policy and the associated documents (i.e. the application pack and the consultation document), have received internal legal assurance from Legal Services and external legal assurance from Counsel.

4.5.3 The only recourse for applicants is appeal to the Magistrates Court at the end of Stage 1 and Judicial Review of the decision made at the end of Stage 2. Therefore, the revised Policy, application pack, public consultation and the consultation report have been developed with transparency and fairness as a prime consideration.

4.6 Risk Management

4.6.1 Executive Board has the option of not referring the revised Policy to full Council at this time, and requesting that further work is undertaken. This would impact on the project timescales and may incur additional costs for the council.

5 Conclusions

5.1 A revised Gambling Act 2005 Statement of Licensing Policy has been developed to include a section on the large casino in accordance with the DCMS Code of Practice and the Gambling Act 2005. The revised Policy describes the principles the council will use when determining a large casino licence, particularly at stage two of the process where the test is which application would provide the greatest benefit to the city. The council has consulted with the public in accordance with the legislation and HM Government Code of Practice on Consultations. The responses to the consultation, plus suggested amendments are attached in the Consultation Report.

5.2 The revised Policy is now following the Budgetary and Policy Framework. The next step is for Executive Board to consider the recommendations made by Scrutiny (Resources and Council Services) and to refer the matter to full Council for approval.

6 Recommendations

6.1 That Executive Board members are asked to:

6.1.1 Consider the comments made by Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 and the consultation report as the council's response to the public consultation; and,

6.1.2 Refer both documents to Council for approval.

7 Background documents (available from the report author)

7.1 Revised Gambling Act 2005 Statement of Licensing Policy 2010-2012

7.2 Consultation Report - Large Casino Section - Gambling Act 2005 Statement of Licensing Policy

7.3 Gambling Act 2005 Statement of Licensing Policy 2010-2012 (as currently published)

- 7.4 Insert into the Gambling Act 2005 Statement of Licensing Policy - This report accompanied the public consultation. It explains the background to the legislation, and how the draft policy was developed.
- 7.5 Equality, Diversity, Community Cohesion Impact Screening (October 2011)
- 7.6 Draft Application Pack

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Report of: Director of City Development

Report to: Executive Board

Date: 4 January 2012

Subject: Response to Deputation from Scott Hall Road for a Formal Crossing Facility on Scott Hall Road.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Chapel Allerton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The report is submitted in response to a Deputation from the Scott Hall and Sholebroke Tenants and Residents Association, requesting the provision of a signal controlled pedestrian crossing on Scott Hall Road, near Scott Hall Grove.
2. The report describes the analysis conducted for the Pedestrian Crossing Review for 2011, which investigated the request for a crossing at this location.
3. The report then outlines the recent further investigations to ascertain whether there had been any significant changes at the location since the Pedestrian Crossing Review.
4. The report concludes that, having reviewed the position following the deputation, on balance officers conclude that a signalised crossing facility could not be justified at this time. However, it is proposed that a further survey is undertaken at a different time of year to capture any potential additional seasonal pedestrian demand.

Recommendations

1.1 The Executive Board is requested to:-

1.1.1 Note the contents of this report,

1.1.2 To acknowledge the concern of residents

1.1.3 Consent to a further survey at a different time of year to capture any potential additional seasonal pedestrian demand.

1 Purpose of this report

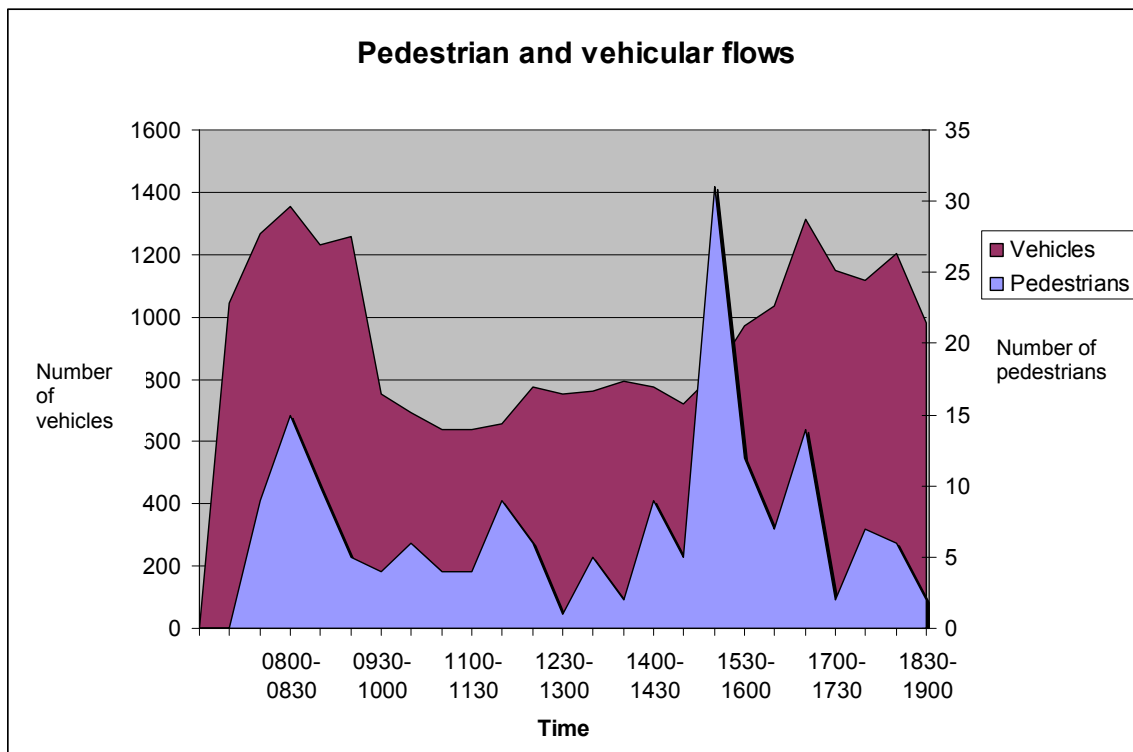
- 1.1** The purpose of this report is to provide a response to a recent residents' Deputation to the Council Meeting on 16th November 2011, concerning the lack of a signalised pedestrian crossing on the A61 Scott Hall Road, near Scott Hall Grove.

2 Background information

- 2.1** The Deputation presented a request from Scott Hall and Sholebroke Tenants and Residents Association for the provision of a signal controlled crossing, which would replace the existing informal facility. The Deputation stated that there is no way of safely accessing the pedestrian refuge, that the crossing is dangerous and is used by a large number of children from the east side of the Scott Hall estate to access Mill Field Primary School on the west side of the road. They further stated that parents with buggies find it very difficult to negotiate the heavy traffic.
- 2.2** A formal pedestrian crossing was requested in this location in 2010 by residents and a local ward member. The request was included in the Annual Pedestrian Crossing Review for 2011. The review considered the site in its wider context, including existing infrastructure, access to local amenities (bus stops, church hall, community centre, sports fields, school and nursery/ playgroup). The review looked at the existing crossing facilities and how these met the current demand from pedestrians, including those groups who might find crossing particularly difficult (elderly people, children and disabled people).
- 2.3** Where the Pelican crossing is requested, there is currently an informal crossing facility (a staged crossing point on the dual carriageway, with dropped kerbs and tactile paving and some guard rail), located between formal crossing facilities just South of the Potternewton Lane roundabout and at the junction with Sholebroke Mount.
- 2.4** This informal crossing point facilitates access to a church hall, a small playgroup, sports/ recreational fields, bus stops and the residential area to the east of Scott Hall Road (See Drawing 1).

3 Main Issues

- 3.1** The site was surveyed, with vehicle count and pedestrian demand survey taken in winter 2010. The analysis showed that there was a high volume of traffic travelling at significant speeds, but that corresponding overall demand from pedestrians was low throughout the day, other than in the one peak hour close to school closing time. However, there was a high proportion of children crossing at this location (approximately one third of the 170 pedestrians at this location were children). The time of the greatest demand from pedestrians does not overlap with the time when the traffic is at its heaviest, and therefore the time when the difficulty of crossing would be the greatest. The highest proportion (just below one third) of all pedestrians cross between 15:00 and 16:00 whereas the traffic increases significantly between 07:30 and 09:30 in the morning peak, and 16:30 and 18:30 in the evening peak. However, as the survey was conducted in winter, there is a possibility that additional seasonal demand from pedestrians may exist, which the count did not reflect.



- 3.2** There were no pedestrian injury accidents within the five year period prior to the Annual Pedestrian Crossing Review in the vicinity of the site. However, since the review, one pedestrian casualty was recorded close to the crossing point, where a young passenger got off the bus and ran in front of the vehicle to cross the second lane of the dual carriageway. The pedestrian, masked by the bus, was struck by a vehicle travelling in that lane and sustained light injuries. However, given the circumstances and the location in which the collision occurred (away from the informal crossing point), it is extremely unlikely that a signal controlled crossing point would have helped to prevent the accident. This incident displays a marked similarity to a pedestrian injury accident which occurred at an existing Pelican crossing at the Sholebroke Mount junction, which also involved a pedestrian running into the road.
- 3.3** The road has a 40 mph speed limit; although the average (mean) speed is just above that at 41.7 mph, the 85th percentile of vehicles travel at 48 mph. During the site visits, regular gaps appeared between traffic allowing pedestrians to cross with relative ease. During the time of peak pedestrian demand, the majority of users did not have to wait longer than 10-20 seconds for a suitable opportunity to cross the road.
- 3.4** The analysis undertaken as part of the Pedestrian Crossing Review demonstrate the range of issues affecting the site, which make finding an appropriate solution relatively complex. Given the volumes and speed of traffic, there is little doubt that the dual carriageway can be, at peak times, a barrier to at least some pedestrians.
- 3.5** The speed and volumes of traffic make this site unsuitable for a Zebra crossing, which would have been the most effective type of facility given the level of demand

from pedestrians. However, the introduction of a signal controlled pedestrian facility is likewise far from straightforward, and likely to produce some disbenefits to other road users and some pedestrians alike. Such a facility benefits pedestrians most where current waiting times for pedestrian trying to cross a dual carriageway are excessive (around one minute), and where pedestrian flows are high. If a Pelican crossing is installed at a location where there is little demand and little difficulty in crossing (short waiting times), there is a significant risk that the crossing will actually introduce a delay to those pedestrians who obey the signals. A formal facility may therefore falsely increase the perception of safety while pedestrians cross on a red man exploiting the gaps in traffic, thus generating conflict with traffic signals. This may actually lead to an increase in pedestrian casualties.

- 3.6** It appears that very few school children who live in the area would benefit directly from an additional signal controlled crossing on Scott Hall Road on their journey to school. In line with where most pupils live, the school's travel plan identifies the crossing of Potternewton Lane as their main concern, and does not mention a crossing at Scott Hall Road. Nine children were observed crossing in the morning, with a further 24 children crossing at the end of the school day. This would suggest that, when the difficulty of crossing increases, the children use the existing Pelican near the school. There are also concerns about the appropriate use of such facility, should one be provided. Research shows that older children and young people are the group the least likely to wait for the green man and check for levels of traffic before crossing the road, and are also most likely to cross at a run.
- 3.7** The findings of the Pedestrian Crossing Review, the school travel plan and subsequent site surveys do not bare out the Deputation's view that the crossing is difficult, dangerous and used by large numbers of school children. It can be argued that the formal crossing facility would do little to improve crossing at this location for much of the day, given the current waiting times. There would, however, be a likely benefit to the small number of pedestrians who wish to cross at the busiest traffic times, particularly between 08:00 and 08:30, and to the few elderly pedestrians recorded on site.
- 3.8** Given the low demand from pedestrians, the road safety record, the presence of signal controlled crossings close to key community facilities and minimal delay to the majority of pedestrians crossing the road throughout the day, coupled with the disadvantages a formal crossing may have in terms of extended waiting times and potential resulting casualties, the recommendation to maintain the current crossing arrangement reached through the Pedestrian Crossing Review would appear to be justified. However, a further survey in the busier summer season is recommended to assist with in the re-evaluation of this site.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Pedestrian Crossing Review provides a framework whereby requests for crossing facilities from residents, service providers and ward members, can be given full, impartial assessment and consideration. The outcome of the Pedestrian Crossing Review 2011, including the recommendations to retain the existing

facilities at this site, was consulted on, internally within Highways and Transportation and approved by delegated authority.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The outcome of this report (i.e. the recommendation not to provide a formal crossing facility) was subject to Equality Screening. The Screening identified small impacts, both positive and negative, associated with the potential replacement of informal crossing facilities on Scott Hall Road with a formal, signal controlled crossing. The Screening document noted that a formal facility could potentially be of greater benefit to some groups within the protected equality characteristics, e.g. some disabled and older people, children and women (particularly women with children). Those groups could be more reliant on walking, lack confidence to cross, have difficulties in judging the speed of traffic and require more time to complete the crossing. However, the introduction of a formal facility could, at the same time, increase the risk of collision for older boys and young men in particular, who are likely to continue to cross away from the facility or not on the green man.
- 4.2.2 The main impacts of non-provision would affect elderly and disabled pedestrians who would require more time to cross and may therefore have to wait longer for a larger gap in traffic before crossing with confidence. However, this would be likely to affect four out of 170 pedestrians counted at this location. Children may also be affected as they find it more difficult to judge the speed of traffic, thus lacking skills to identify a suitable gap.
- 4.2.3 The Pedestrian Crossing Review Framework was subject to an Equality Impact Assessment in 2011. The outcome of the original request for a crossing at Scott Hall Road is consistent with the recommendations of the Assessment:
- give due regard to road safety history,
 - undertake further study at more marginal locations where there is a significant proportion of vulnerable pedestrians and where difficulty of crossing/ road safety history justifies this, and
 - continue to note and give consideration to the needs of disabled people when recommending sites for the provision of a crossing

4.3 Council Policies and City Priorities

- 4.3.1 By applying an impartial and transparent assessment process as defined by the Assessment Framework to all requests, the decision also reflects Corporate Priorities expressed in the city's Business Plan:
- Providing clear, accountable civic leadership (...) to produce better outcomes for people in Leeds
 - Commissioning and delivering quality and value for money public services; as well as:
 - The Core Values of treating people fairly and spending money wisely

4.3.2 The outcome of this request, as a result of the outcomes of the Pedestrian Crossing Review, is consistent with the Proportionality principle in Article 13 of the Council's Constitution (i.e. that the action must be proportionate to the desired outcome). On the basis of the current information available, the measure requested would not be proportionate to the level of pedestrian demand and the difficulties in crossing experienced by pedestrians.

4.4 Resources and value for money

4.4.1 The cost of a further survey can be met from existing Highways and Transportation revenue budget.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications. The report is eligible for Call-In.

4.6 Risk Management

4.6.1 There is a risk that there may be future road injuries at this location; however, the review presented here does not suggest that altering the present crossing arrangement would help prevent those. Indeed, evidence from other sites suggests that the risk of pedestrian casualties could increase where an inappropriate facility is provided; i.e. where the site does not meet the guidelines for provision.

4.6.2 If a further survey indicates a markedly different situation then that information will be included for consideration in the future programme.

5 Recommendations

5.1 The Executive Board is requested to:

5.1.1 Note the contents of this report,

5.1.2 To acknowledge the concern of residents

5.1.3 Consent to a further survey at a different time of year to capture any potential additional seasonal pedestrian demand.

6 Background documents

6.1 Pedestrian survey results

6.2 Pedestrian Crossing Site Assessment Guidelines – Summary Paper

6.3 Equality, Diversity, Cohesion and Integration Assessment Form

7 Appendices

7.1 Appendix 1 – Snapshot Survey of Crossing Difficulty

7.2 Appendix 2 – Location Map

Appendix 1

Snapshot survey of crossing difficulty

Time slot	Number of pedestrians crossing (in both directions)	Delay on stage 1 (in seconds)	Delay on stage 2 (in seconds)
14:45 - 15:00	2	35	15
	5 (2 children)	10	0
	2	10	5
	1	0	0
	1	0	0
	1 (child, away from crossing point)	0	0
15:00 - 15:15	1	19	5
	1	8	0
	1	30	10
	1	0	0
	1 (away from crossing)	20	0
	2 (1 child) - away from crossing and on a diagonal	15	0
	1 (child) - crossing on a diagonal	0	5
15:15 - 15:30	1	27	0
	1	12	0
	4	30	25
15:30 - 15:45	3 (1 child)	6	0
	1	5	0
	3 (2 children)	0	4
	2 children crossing on a diagonal	0	0
	2 (adult plus child)	0	0
	5 (2 adults with 3 children)	14	6
	1	6	10
	1	6	2
	1 child (running on a diagonal away from crossing)	0	0
15:50			

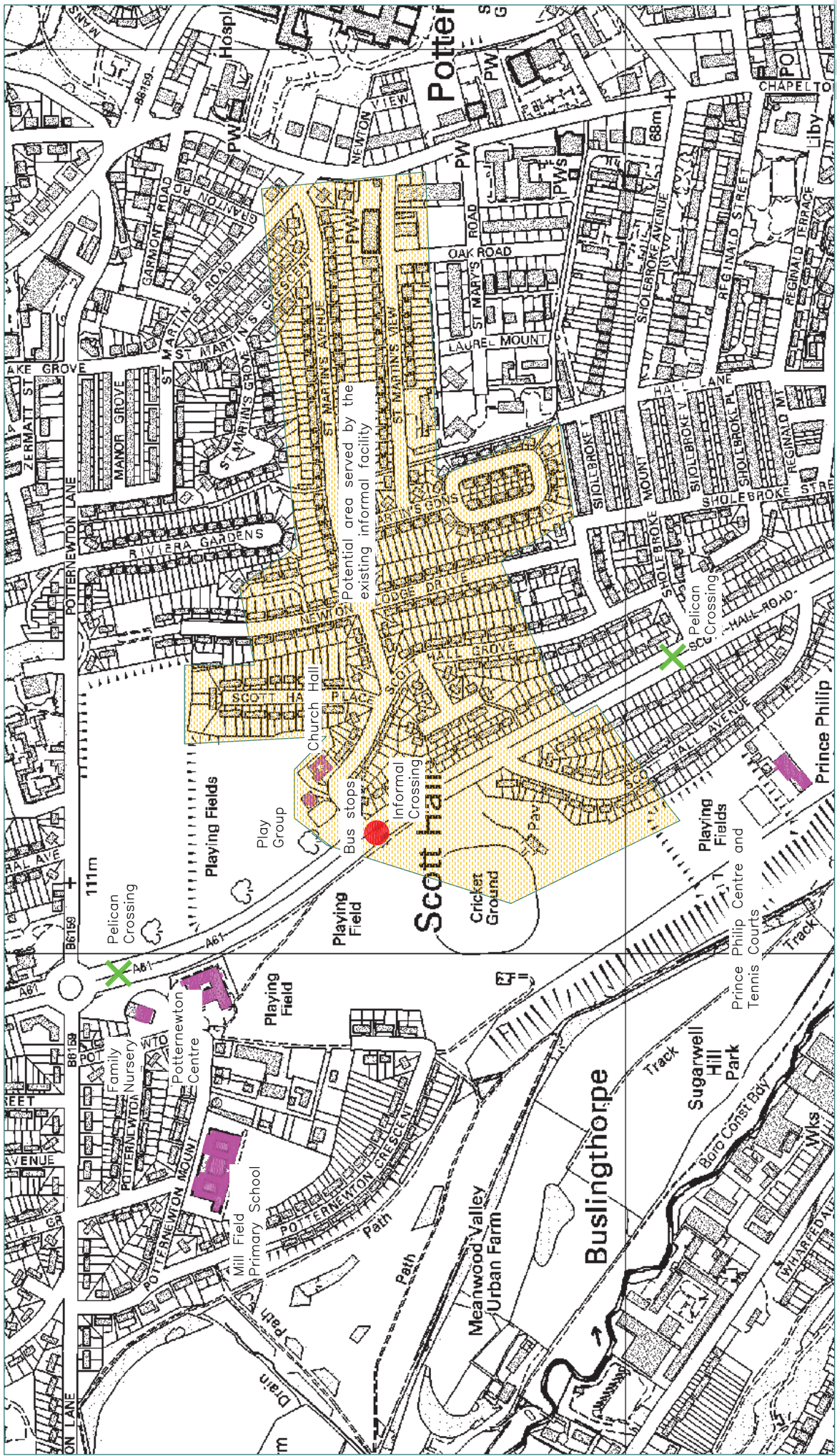
Appendix 2 – Scott Hall Location Plan

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APPENDIX 2 - LOCATION PLAN

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PEDESTRIAN CROSSING FACILITIES
SCOTT HALL ROAD

INITIALS	DATE	SCALE
KS	11/11	N.T.S
KS	11/11	ORIGINAL SHEET A3



DRAWING NUMBER:

DRAWING1

DATE: November 2011

FIRST APPROVED AMENDMENTS	KS	DRAWN	CHECK	DATE

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DEPUTATION TWO – SCOTT HALL TENANTS AND RESIDENTS ASSOCIATION

THE LORD MAYOR: Good afternoon and welcome to today's Council meeting. Could you please make your speech to Council, which should not be longer than five minutes, and could you please begin by introducing yourself and the people in your Deputation.

MS R ELLIS: Good afternoon, my Lord Mayor and fellow Councillors. My name is Rosemary Ellis and I am supported by Barbara Charles and Christine Tiffany.

We are from Scott Hall & Sholebroke Tenants & Residents Association

We are here to petition you on behalf of our community for a proper light-controlled pedestrian crossing of the A61 Scott Hall Road at Scott Hall Grove.

There is currently a pedestrian refuge at this point, in the middle of the dual carriageway, but no safe way of accessing it from the bus stops on either side.

A large number of children from the east side of the Scott Hall estate use this dangerous crossing to access Mill Field Primary School, which is on the west side of the road. They are often accompanied by parents with prams and buggies who find it very difficult to negotiate the traffic. Since the withdrawal of the lollipop warden at this crossing, the situation has become even more difficult.

The Year 6 pupils at Millfield Primary School created a series of leaflets about the need for a crossing, one of which is before you but they are actually outside on a table and I have various others here. They drafted these leaflets after interviewing local residents, including Ms Killeen, who has been struggling to cross the road for 62 years. As Ms Killeen says, she isn't getting any faster but the traffic isn't getting any slower.

So seriously, the whole community, young and old alike, respectfully request that you provide us with a very safe way to cross the road at this point.

Thank you for listening to our petition. Good afternoon. *(Applause)*

THE LORD MAYOR: Councillor Lewis, please.

COUNCILLOR J LEWIS: Thank you, I move that the matter be referred to Executive Board for further consideration.

COUNCILLOR LOBLEY: I second, my Lord Mayor.

THE LORD MAYOR: *(A vote was taken)* That is CARRIED.

Rosemary, thank you for attending and for what you have said. You will be kept informed of the consideration which your comments will receive. Good afternoon to yourself and thank you again. *(Applause)*

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Report of The Director of City Development

Report to The Executive Board

Date: 4 January 2012

Subject: DEPUTATION TO COUNCIL BY LEEDS CYCLING ACTION GROUP

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. In their deputation, Leeds Cycling Action Group (LCAG) points to the substantial benefits that cycling could bring to the Council's objectives on health and wellbeing, climate change and economic growth.
2. LCAG considers that the Council's strategy documents are positive about walking and cycling, but that the modes of transport are not prioritised in implementation, and that highway designs do not address cycling, with the result that few people are prepared to cycle.
3. The Council has been very active in promoting cycling through training and publicity and in providing the infrastructure to encourage more cycling, through implementation of the Leeds Core Cycle Network and other routes and by integrating good cycling conditions into highway schemes wherever possible.
4. The key difference between the position of the cyclists' deputation and the Council's position is perhaps one of degree rather than substance. There is limited funding and road space to accommodate the requirements of all road users and the Council's work reflects this situation in practical work programmes and initiatives.

Recommendations

5. Executive Board are requested to:

- i) Note the contents of the report.
- ii) Acknowledge Leeds Cycling Action Group's concerns and the programmes and initiatives being pursued by the Council to satisfy them, while maintaining a balance of provision for all road users.
- iii) Invite the Chief Officer Highways & Transportation to address the Cycling Consultation Forum.

1 Purpose of this report

1.1 To consider the points raised in a deputation from LCAG to Executive Board

2 Background information

2.1 A range of authoritative national bodies has called for measures to increase levels of cycling, for health, safety, social equity, congestion, environmental and sustainability reasons over a period of years. The previous Local Transport Plans, and predecessor transport plans have recognised the demand for better conditions for cycling in Leeds.

2.2 Consultation for the West Yorkshire Local Transport 3 (LTP) found cycling issues were frequently raised by respondents and were rated relatively importantly, especially in response to protecting and developing infrastructure. It found that:

- lack of appropriate infrastructure discouraged cycling;
- cyclists' safety was a key issue that discouraged more cycle use;
- the paucity of cycling trips was a key transport issue for carbon reduction in West Yorkshire;
- two thirds of adults do not meet recommended activity levels, which could be tackled by greater levels of cycling.

2.3 In 2009 LCC Executive Board approved in principle the first phase of a Leeds Core Cycle Network consisting of 17 mainly radial routes covering 71 miles. The core cycle network is designed to encourage more people to cycle in the main urban areas for utility purposes, e.g. to get to work and school, as well as to access the countryside. More routes are being planned which together will form a second phase of the Core Cycle Network making for a more comprehensive district wide network.

2.4 Since approval of the Leeds Core Cycle Network (LCCN), four of the routes have been provided with funding from the Local Transport Plan and from external sources administered and controlled by Sustrans. An additional three routes are to be provided this financial year, subject to approval with additional funding made

available through the Department for Transport's (DfT) Local Sustainable Transport Fund, resulting in parts of further routes being provided this year.

- 2.5 In the context of current funding pressures it is anticipated that the 17 route core cycle network will take a further five years to complete, depending on future funding allocations. Phase 2 of the network is presently unfunded and progress will therefore be contingent on future funding allocations.
- 2.6 To alleviate the funding pressures on the LCCN the Council has engaged with partners in the funding of schemes. Extensive working has already occurred with the environmental charity Sustrans and the Council will continue to seek funding partners to accelerate the delivery of the LCCN.
- 2.7 There has been a strong upward trend in the number of cyclists entering the city centre during the morning peak period between 2004 and 2010; data shows an increase of 118% over the period. Much of this increase has been on routes, including main roads, on which facilities for cycling have been introduced when opportunities have arisen but which are not on the core cycle network.

3 Main issues

- 3.1 In its deputation LCAG has identified a series of actions that it considers the Council should take and these are discussed below.
- 3.2 **LCAG** *Allocate a fair and proper proportion of road space in all improvement schemes. Excellent guidance is available from the Department of Transport, but this is mostly ignored by Leeds planners who aim to maximise capacity and speed, effectively pushing vulnerable users off the road.*

LCC. The guidance for cycling is taken alongside guidance for other users and all highway schemes are a balance of the needs of the various users. Schemes are routinely examined to investigate what can be done to improve conditions for cyclists.

- 3.3 **LCAG.** *Implement all the planned Core Cycling Network routes, maintain them properly, and ensure they can easily be accessed by cyclists on all types of bike.*

LCC. The development of the Leeds Core Cycle Network has formed a model for provision in the region. Four of the seventeen routes of the LCCN have been implemented and implementation of others, or parts of others, will commence soon subject to approval.

- 3.4 Funding pressures have limited the extent of the LCCN that can be undertaken. During this financial year and the previous financial year a total of £2.3m has been allocated to the LCCN. Of this over £1M of this has been funded by Sustrans and the Local Sustainable Transport Fund. Completion of the LCCN has been identified for approximately 2017, external funding may allow an earlier completion. Maintenance requirements are identified when detailed approvals are given.
- 3.5 Some of the routes use cycle tracks away from roads at places, and it is sometimes considered necessary to install barriers designed to prevent or deter use of the track by motorcycles. The design of these can inhibit access by some designs of bicycles, e.g. recumbents or three wheelers. In implementing the barriers, access for as

many types of cycles as possible is maintained, consistent with maintaining access for pedestrians and wheelchair users while inhibiting motorcycles.

- 3.6 **LCAG.** *Limit speeds to 20mph in all residential areas; this has local benefits far beyond cycling and walking.* 20mph speed limits and zones are being introduced to many areas of Leeds.

LCC. Funding pressures and regulations previously limited the scope for treatment, but the relaxation in the regulations now means that more 20mph schemes can be introduced in the future with the available funding. Six school pilot schemes have been introduced this year and a further six schemes are anticipated this financial year. It is anticipated that 12 schemes or more can be introduced in future years.

- 3.7 **LCAG** *Use the planning system to ensure employers and businesses provide cycle parking for customers, and changing facilities for their staff.*

LCC Through the Leeds UDP Review: policy T7A (adopted July 2006) all developments of offices, businesses, schools etc are required to provide cycle parking for long and/or short stay for their workforce/residents and for visitors/customers. New developments are also obligated through the planning system to implement travel plans, including measures to promote cycling and to provide adequate cycle parking and other facilities i.e. changing / shower facilities and lockers at workplaces (Supplementary Planning Document Travel Plans revised August 2011). Consequently the number of buildings with good quality cycling facilities is increasing.

- 3.8 **LCAG .** *Use existing Council communications to publicise the benefits of cycling, and the new routes and facilities already available.*

LCC A wide range of route leaflets and maps are produced that are also available on web site pages. Wider circulation Council publications regularly carry pro-cycling articles such as Bike Week events and have promoted cycling routes. The Council has led by example by operating the 'Bike to Work' scheme for its employees for four years, and it actively promotes cycling to the 100+ business members of the local Travel Plan Network.

- 3.9 Across the city the Council and School Sports Partnership together deliver Bikeability Level 2 training to over 5000 school children per year, and provide additional Bikeability Level 3 and adult Bike Buddy services to young people and adults. The Council has participated in national Bike Week in June for over 12 years providing opportunities to cycle and promoting its benefits to schools, workplaces, and the wider public.

- 3.10 A step increase in levels of promotion and support for cycling will take place over the next two years as part of the "Getting Transport to Work"; West Yorkshire's successful Local Sustainable Transport Key Component Bid. This will provide a revenue resource to promote cycling and cycle routes and provide training. The Council is working in partnership with Sustrans and Devon County Council to develop a £1.2m thematic Education bid for submission in 2012. It will promote cycling in clusters of schools and higher and further education establishments. The package includes enhancement to cycle parking and improved cycle access.

3.11 In view of the work now being undertaken it is therefore suggested that the key difference between the points raised in the cyclists' deputation and the Council's position is one of degree rather than substance. Nonetheless, the wide range of benefits to Leeds that cycling offers is both formally and informally recognised by the Council, and the rapid growth in levels of cycling that Leeds has been experiencing is welcomed. The long-standing positive contributions made by local cyclists and cycling organisations to developing cycling in Leeds is an exemplar of the community engagement that makes Leeds a great city, and it is beyond doubt that cycling will play an ever increasing role in Leeds in the future.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 All highway schemes are subject to consultations, the scale of which is dependent on the individual scheme.

4.1.2 Cyclists are consulted on a range of schemes and other matters principally through the Leeds Cycling Consultation Forum. This is a forum that has met quarterly (formerly bi-monthly) since 1992. The Forum is chaired by a City Council councillor and is attended by relevant officers. It is an open meeting for anyone with an interest in cycling matters and it is proposed that the Chief Officer, Highways & Transportation be invited to attend a future meeting to discuss the issues surrounding the deputation.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The LCAG deputation considers that by not promoting cycling more than it already is promoted, people who wish to cycle more, including women and children, are disadvantaged. An Equality Impact Assessment recently completed (available as a Background paper) identifies that the introduction of cycling infrastructure addresses a number of equality and diversity issues.

4.2.2 The Equality Impact Assessment identified positive impacts of cycling projects on children, women, older people, ethnic minorities and some disabled people, who benefit most from safe cycling routes. Specific benefits are:

- Encouraging these (currently underrepresented) groups to engage with cycling as a form or regular physical activity, helping to reduce incidence of illness related to sedentary lifestyle
- Minimising the negative effects of traffic
- Helping foster independence of travel while ensuring road safety

4.2.3 Some potential small negative impacts have also been identified; specific concerns were focused on cycling facilities being shared with pedestrians, which has a potential negative impact on the perception of safety by blind, deaf and elderly pedestrians.

4.3 Council Policies and City Priorities

4.3.1 The development and promotion of cycling is consistent with the 'A Healthy City, Physical Activity Strategy for Leeds 2008 to 2012'. The strategy recognises that physical inactivity is one of the top ten leading causes of death and disability in the developed world. Active Travel provides one of the four key components of the strategy.

4.3.2 Development of the core cycle network and cycling in general supports the Local Transport Plan objectives to improve connectivity to support economic activity, to make substantial progress towards a low carbon transport system and to improve quality of life. Furthermore, the scheme is consistent with the detailed aims and proposals of LTP3 specifically:

- Proposal 22: 'Define, develop and manage networks and facilities to encourage cycling and walking'.
- Implementation Priority: 'Investment in low carbon modes of travel'.

4.3.3 The development and promotion of cycling is in line with the Leeds Vision 2030 which sets out plans for 'increased investment in other forms of transport, such as walking and cycling routes, to meet everyone's needs'.

4.4 Resources and Value for Money

4.4.1 There is a wealth of evidence from the Cycle Demonstration Towns and other research on the benefits of schemes to promote cycling. These include:

- Health benefits with cost savings to the National Health Service
- Direct productivity benefits to firms through better employee health and therefore reduced absenteeism (recent Transport for London research suggests that this reduction can be between 33% and 50%)
- Conventional transport related benefits of user and non-user time savings and reduced emissions
- There is a safety benefit in providing improved conditions for cycling.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications and the report is subject to call-in.

4.6 Risk Management

4.6.1 In terms of risk, the Council's cycling programme are considered at several levels. Cycling infrastructure programmes are assessed carefully including road safety audits. Similar promotional events and initiatives are subject to risk assessment procedures.

4.6.2 In terms of road safety recently there has been an upward trend in cycle injuries. However, this increase should be seen in the context of the increase in the levels of

cycling. Furthermore there is strong published evidence that the greater the total distance cycled, the lower the rate of cycling casualties.

- 4.6.3 There are also wider and well understood significant health benefits from cycling. Studies have shown that the extra beneficial health benefits can outweigh safety risks by a ratio of 20:1. Walking and cycling to school and work especially is authoritatively recognised as an excellent way of incorporating physical activity into everyday life and so address heart disease, obesity and other prevalent serious conditions.
- 4.6.4 In this regard the Council would endorse the general point made by the Deputation about the potential impact of greater levels of cycling on the wellbeing of the city.

5 Conclusions

- 5.1 This report has outlined the key areas of activity that are being undertaken by the Council working with its partners to deliver a step change in the levels of cycling and to maintain safe levels of cycling for all users. In this respect the key difference between the position set out in the LCAG deputation and the Council's work is perhaps one of degree rather than substance. There is limited funding and road space to accommodate the requirements of all road users and the Council's work reflects this situation in practical delivery work programmes and initiatives.

There is therefore considered to be a measure of agreement between the deputation and the policies now being pursued by Leeds City Council. The difference is in the degree and pace of implementation where it is necessary to work within the funding pressures on the Council and around the practical limitation and demands on the limited road space available for users.

6 Recommendations

- 6.1 Note the contents of the report.
- 6.2 Acknowledge Leeds Cycling Action Group's concerns and the programmes and initiatives being pursued by the Council to satisfy them, while maintaining a balance of provision for all road users.
- 6.3 Invite the Chief Officer of Highways & Transportation to address the Cycling Consultation Forum.

7 Background documents

- 7.1 The following background documents relate to this report:
- West Yorkshire's Local Sustainable Transport Fund bid "Getting Transport to Work".
 - West Yorkshire Local Transport Plan 2011 – 2026.
 - Leeds UDP Review – Adopted July 2006
 - Supplementary Planning Document – Travel Plans (Consultation Main Report August 2011)

- Equality Impact Assessment on the development of cycling schemes.

DEPUTATION THREE – LEEDS CYCLE ACTION GROUP

THE LORD MAYOR: Good afternoon and welcome to today's Council meeting. Could you please make your speech to Council, which should not be longer than five minutes, and could you please begin by introducing yourself and then the people in your Deputation.

MS E REATHER: Thank you. My Lord Mayor and fellow Council Members, my name is Lizzie Reather and with me are Chris Boulton, Dave Holt, Kevin Cooney and Martin Bennett. We represent Leeds' cyclists and are here to bring the Councillors' attention to the contribution cycling can make to the Council's objectives on health and wellbeing, climate change and economic growth and to the current poor consideration of cycling within the Council's programmes.

Although in recent years cycling has become a pleasant, popular and convenient way of getting around many cities, in Leeds take-up is still extremely low. Leeds's strategy documents are positive about walking and cycling but these modes of transport are treated as afterthoughts in policy implementation.

The benefits of a large shift away from private motor vehicles to cycling include

1. better health and wellbeing through increased physical activity;
2. environmental benefits, improved air quality and reductions in carbon emissions; and
3. reduced traffic congestion.

Sixty per cent of all journeys are less than five miles, a distance that can easily be cycled by most adults. Many European cities have levels of cycling far greater than the UK and even within the UK Leeds compares unfavourably with many other cities. We are failing to give Leeds people choice in transport, especially those who are financially stretched or do not have access to a car. Instead of aspiring to put more cars on Leeds's roads, vulnerable and disadvantaged groups could be enabled to travel easily and cheaply by bicycle.

Why do so few people cycle in Leeds? A recent survey concluded that the biggest barrier is the perceived danger from traffic, especially for those new to cycling. At present motor vehicles are prioritised, but cyclists are – and need to be seen to be – legitimate users of the roads. While off-road routes are helpful, especially for new cyclists, they cannot be used after dark or in bad weather.

If the road environment were to be made as welcoming as possible, Leeds could move to a virtuous circle where many people engage in cycling and walking as normal and sensible transport choices.

Five obvious actions are

- 1 Allocate a fair and proper proportion of road space in all improvement schemes. Excellent guidance is available from the Department for Transport, but this is mostly ignored by Leeds; planners, who aim to maximise capacity and speed, effectively pushing vulnerable users off the road;

2. Implement all the planned Core Cycling Network routes, maintain them properly and ensure they can easily be accessed by cyclists on all types of bike;
3. Limit speeds to 20 mph in all residential areas. This has local benefits far beyond cycling and walking.
4. Use the planning system to ensure employers and businesses provide cycle parking for customers and changing facilities for their staff;
5. Use existing Council communications to publicise the benefits of cycling and the new routes and facilities that are already available.

Leeds lags woefully behind other Authorities in making good use of cycling as a sensible transport choice. Cycling can make a vital contribution to your targets on climate change, health and wellbeing and economic growth.

Please, seize the opportunity to put active travel at the heart of your policy developments. It is time for action rather than warm words. If you challenge the present dismissive attitude towards cycling, the people of Leeds will get on their bikes. Thank you for your attention. *(Applause)*

THE LORD MAYOR: Councillor Lewis.

COUNCILLOR J LEWIS: Thank you, I move that the matter be referred to Executive Board for further consideration.

COUNCILLOR LOBLEY: I second, my Lord Mayor.

THE LORD MAYOR: *(A vote was taken)* That is CARRIED.

Lizzie, thank you for attending and for what you have said. You will be kept informed of the consideration which your comments will receive. Thank you and good afternoon. *(Applause)*

Report of Director of City Development

Report to Executive Board

Date: 4 January 2012

Subject: Interim Affordable Housing Policy

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. Scrutiny Board is seeking a change to the Interim Affordable Housing Policy targets agreed by Executive Board in May 2011. The change sought is that these lower targets should not apply to greenfield sites; instead the higher targets from the 2008 Policy should apply. Scrutiny Board suggests that developers are taking advantage of the lower targets when they had previously committed to providing affordable housing at the higher target levels.

2. The Director of City Development considers that it will not be straightforward to treat greenfield planning applications differently because the current evidence of viability concludes that greenfield sites would not be viable at higher levels. Until the housing market improves, the viability situation is also unlikely to improve. In any case, early indications from applications submitted suggest that the policy is having an effect in stimulating early starts on site which in turn should result in a meaningful increase in the number of affordable homes which will be delivered through S106 Agreements.

Recommendations

3. Executive Board is requested to:
 - retain the existing 2011 Interim Affordable Housing policy targets as agreed by Executive Board in May 2011
 - receive a monitoring report on progress of the revised policy in Summer 2012.

- Clarify that the implementation period is 2 years from the date of the decision to grant planning permission subject to Section 106 obligations to secure the early delivery of affordable housing and that at the end of 2 years if not implemented the % of affordable housing will revert to whatever the policy is at the time.
- On those Greenfield sites granted at appeal with higher levels of affordable housing, and where lower levels of affordable housing is sought in accordance with the interim policy, regard is had to the content of the overall package of Section 106 package and local priorities in consultation with Ward Members and local communities.

1 Purpose of this report

- 1.1 This report provides a response from the Director of City Development to the recommendation of Scrutiny Board (Regeneration). This asks that Executive Board:

“reconsiders this interim housing policy as a matter of urgency with a view to reinstating the 2008 affordable housing targets in relation to Greenfield sites”

2 Background information

- 2.1 At its meeting on 18 May 2011, Executive Board approved an amended interim Affordable Housing Policy which introduced revised affordable housing targets across Leeds. All other aspects of affordable housing policy remained unchanged. This change was made in the light of the findings of the Economic Viability Appraisal carried out by DTZ consultants on behalf of the Council which provided an up to date assessment of what affordable housing can be delivered in the current market.
- 2.2 Prior to adopting the revised policy, a four week public consultation exercise was carried out. Details of the draft policy were placed on LCC’s website and notifications were sent to hundreds of consultees and circulated in Renew’s monthly newsletter. An Equality Impact Assessment was carried out. Twenty eight responses were received including three from City Councillors.
- 2.3 The Draft Policy was revised to address a number of comments received. In particular, a time limit of 2 years for schemes permitted was introduced. This was to deter speculative schemes taking advantage of the low targets and land banking until the housing market improves.
- 2.4 After the policy was adopted, a number of developers who already had planning permission with agreements for provision of affordable housing at the previous higher percentage targets submitted new planning applications to take advantage of the lower percentage targets of the interim policy. This included some of the UDP Phase 2 and 3 Allocated Sites, which were granted planning permission on appeal with schemes that included provision of affordable housing at the higher target levels. Scrutiny Board members are critical of this practice, expecting housebuilders to honour the terms of the original permissions; they believe the interim policy should be modified to prevent this practice. They are concerned that these developments might still be viable at the higher affordable housing target levels.

3 Main issues

Why the interim policy change was necessary

- 3.1 The main reason for revising the affordable housing targets was to reflect the state of the housing market after the credit crunch; first time buyers were unable to get mortgages and developers found it more difficult to raise finance for new developments. Housebuilding dried up, particularly for schemes aimed at investors or first time buyers and particularly for higher risk schemes either in lower market areas or with brownfield land costs. It appeared that developers were unable to build housing schemes at all, let alone with affordable housing.
- 3.2 In the context of Leeds City Council preparing a Supplementary Planning Document on affordable housing, the perilous state of the housing market was a prompt for commissioning consultants DTZ to undertake an Economic Viability Assessment (EVA) of affordable housing policy targets. This concluded that in current market conditions, next to no affordable housing would be viable in the city centre and inner areas, that up to 15% would be viable in outer areas and up to 40% viable in the “Golden Triangle” area.
- 3.3 It was understood that as soon as the DTZ Economic Viability Assessment report became public, developers would expect the amount of affordable housing they provide on their schemes to reflect the amount concluded to be viable in the report. It was understood that developers would seek this regardless of whether there is an interim policy or not. The evidence provided a strong case to over-ride the prevailing higher targets set out in the informal policy of 2008.
- 3.4 Hence, the introduction of lower affordable housing targets would have been very difficult to contest. At least if introduced through a policy, the application of the viability evidence would be consistent, there would be a clarity of expectation and it would provide opportunity to introduce additional policy provisos, including the limiting of permissions to 2 years to help kick-start the market and deter speculative schemes which could be land banked and not built out in the short term.
- 3.5 Getting the house building market moving is a key aim which will provide homes at a time when the supply has substantially diminished and help towards the targets for new housing set in regional and local policy to meet the needs of the city in the years ahead. Of equal importance is that increased supply at a time of economic downturn will provide construction jobs and help stimulate the local economy. Allowing schemes to proceed with lower affordable housing levels in the short term will aid the delivery of market housing and the provision of some affordable housing delivered as part of those schemes which otherwise might not be built.

Distinction between previously approved schemes and new schemes

- 3.6 Scrutiny Board members are concerned that developers who already have the benefit of planning permissions with affordable housing agreed at higher levels are submitting new planning applications in order to obtain permissions with lower affordable housing requirements according to the interim policy. The legal position is that a planning application must be judged on policy and material considerations applicable at the time.

A new planning application cannot be rejected on the basis that the applicant should be expected to implement an earlier planning permission. If there are new and changed circumstances which are material to a decision these have to be taken into account in determining any new planning applications.

- 3.7 In this case, the new circumstances include new evidence and new affordable housing policy targets. The new evidence on viability (the DTZ Report) provided the reason for introducing the revised targets. The new interim policy does not expressly encourage developers to submit new applications for sites with extant permissions; but it has no way of preventing or refusing re-submissions that accord with the new policy.

Distinction between Greenfield and Brownfield land

- 3.8 The Economic Viability Assessment (EVA) did not conclude that greenfield sites should be treated differently. The EVA assessed viability on the basis that developments have no abnormal development costs. In that sense, the EVA conclusions reflect greenfield assumptions and are a “best case” scenario. Existence of abnormal development costs – eg demolition, remediation, decontamination – in individual development proposals would reduce viability further.

- 3.9 If the policy targets were to be changed to apply only to brownfield land, there would need to be a justification for that approach supported by evidence. Further public consultation may also be required on that change.

National Government’s stance

- 3.10 In the lead-up to Executive Board agreeing the interim affordable housing policy in May 2011, the Government urged local planning authorities to respond positively to developers who want to renegotiate section 106 commitments to reflect the current harsher economic climate.

- 3.11 On 31 March the Government’s Chief Planner wrote to all Chief Planning Officers. The letter included two Annexes, one from Gregg Clark on Planning for Growth (Annex A) and the other on Planning Obligations (Annex B). Annex A states:

“To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.”

- 3.12 Annex B advises that:

“Understanding the impact of planning obligations on the viability of development will be an important consideration when obligations are reviewed, particularly where they were reached in different economic circumstances. An appropriate review of obligations, which takes account of local planning priorities, could allow development to proceed on stalled schemes.”

- 3.13 Not satisfied with only *urging* local authorities, the Government has now set in motion commitment to *require* local authorities to renegotiate S106 Agreements.

The Government's new housing strategy "Laying the Foundations: A Housing Strategy for England" published in November 2011 states:

"We will encourage action on stalled development by allowing developers to require local authorities to reconsider those S106 agreements agreed in more prosperous market conditions prior to April 2010. We will consult on this proposal shortly. We will ensure that any resulting appeals are dealt with promptly by the Planning Inspectorate, to give certainty to both developers and local communities. The Government will also encourage a flexible approach to planning obligations, to safeguard against substantial and unexpected change in market conditions."

- 3.14 It is clear that the Government is providing a strong message to local authorities that they need to have regard to the changed economic conditions and the need to kick start development and this should be reflected in the level of s106 obligations required. A policy shift by the Council now, to increase the amount of affordable housing provided by developers would appear to run contrary to that approach and would need to be clearly distinguished on a robust and credible evidence base. Otherwise, there would be a strong possibility that the Council would find that refusals based on the failure of a developer to provide the higher level of affordable housing would be successfully appealed against by developers.

The importance of encouragement

- 3.15 Whilst it is considered that the Council cannot refuse to consider new planning applications that are submitted in respect of sites with extant planning permissions, the Council is able to exert influence in other ways. The interim policy makes it clear that permissions granted with the benefit of the revised affordable housing targets will normally be time limited to two years implementation to ensure that permissions are implemented reasonably swiftly. It is also clear that the City Council expects to review the affordable housing targets again through a Supplementary Planning Document, and it is hoped that the housing market will have strengthened to justify higher targets. Whilst developers cannot be compelled to make early commencements, the 2 year implementation period is one way of encouraging it. There are already examples of where developers, in seeking approval for schemes with lower affordable housing, have been prepared to commit to early starts on site and to provide additional financial contributions for other matters as a result of updated policies since permission was originally given.

Stimulating the housing market to deliver affordable housing

- 3.16 One of the effects of lowering affordable housing targets is to make it easier for housing development to come forward now. This generates a number of potential benefits, such as employment and potential business for related firms, but it should not be overlooked that this will create opportunity to deliver more affordable housing in absolute terms than would otherwise have been the case. In 2010/11 only 40 affordable dwellings were completed using planning powers. In the 6 months since the Interim Policy has been in operation, ten applications have been or are being determined which, if implemented, will deliver 120 affordable dwellings at the new percentage target levels.

Whilst all of these are unlikely to complete within the next 2 years, the policy to apply a 2 year implementation period would help achieve commencements of a large proportion of the affordable dwellings on site. And if the next 6 months sees a similar level of activity with further greenfield sites and brownfield sites, an equivalent amount of affordable dwelling commitments may be expected.

Practicalities

- 3.17 If Executive Board were to agree to the Scrutiny Board recommendation, a number of practicalities need to be borne in mind. Without any public consultation on the change, the return to the 2008 affordable housing targets would have diminished status in determining planning applications. Of particular significance, the 2008 targets do not reflect the up to date evidence on viability. Also, as a matter of protocol, it is normal procedure to undertake Equality Impact Assessment for changes in policy. To revert back to the 2008 targets for greenfield sites, would create potential for confusion, particularly if the change cannot be effected immediately because of the need for further public consultation and EIA.
- 3.18 There is a great need for clarity and consistency on the issue amongst members and officers. At present the interim policy agreed in May is being applied in West Plans Panel and approval has been given in recent months to Greenfield housing schemes at Netherfield Road, Guiseley (87 dwellings with 15% affordable provided in the first phase on the site frontage) and Greenlea Close, Yeadon (30 dwellings with 15% affordable housing) where commitment has been given to an early start on site by the house builders involved. Both sites were originally granted permission on appeal for 30% affordable housing. In addition West Plans Panel have received a pre application presentation at Holt Avenue, Adel for a detailed housing proposal for 45 dwellings on a Greenfield site allowed on appeal in May but now proposing 15% affordable housing in accordance with the present policy and are hoping to be on site in spring 2012. Members at East Plans Panel have been more critical of the interim policy and requested that it be referred back to Executive Board and this is now creating uncertainty and protracted timescales in considering some applications and will be delaying some developments which might otherwise have been brought forward for implementation. At the last East Plans Panel meeting on 2 December Members did resolve to approve an outline application on a phase 3 greenfield site at Haigh Moor Road, West Ardsley, with 15% affordable housing in accordance with the Interim Policy. The site had not been to appeal and the developer had not previously committed to a higher level affordable housing provision.
- 3.19 The Scrutiny recommendation is in relation to Greenfield sites but it is clear that the prime concern is with sites where developers have previously committed to higher levels of affordable housing and now seek to take advantage of lower levels because the policy has changed. In total there are 10 allocated Phase 2 sites and 34 allocated Phase 3 sites specified in the UDP (Review 2006). Of these 12 sites have planning approvals granted on appeal – 4 on Phase 2 sites and 8 on Phase 3 sites. Of the 12 sites 2 are not large enough to require affordable housing (below 15 dwellings) and a further 1 is in the Outer area where in the interim policy the affordable housing requirement has increased. Of those where previous commitments have been given in legal agreements therefore there are 9 sites where the interim policy could result in a lower provision of affordable housing.

Bagley Lane at Farsley is now on site and under construction and the house builder has not sought to change the affordable housing requirement.

Two of the other sites have been granted a lower percentage through detailed applications approved at West Plans Panel and a further site has been to members at pre application stage with a lower percentage which has resulted in a much improved layout which Members were supportive of. That leaves 5 sites. There are 32 other Phase 2 and 3 sites where applications have not yet been determined for housing and the Section 106 ask for affordable housing established in a legal agreement.

- 3.20 Of the 5 sites that have permissions granted at appeal but which have not yet submitted new planning applications for reduced contributions there is scope for the Local Planning Authority to reconsider the Section 106 package as a whole and what needs to be provided in accordance with local priorities in consultation with local Members and communities. Members can, therefore, seek increased affordable housing contributions as a priority, at the expense of other funding areas, so long as the total cost of these contributions is not increased.
- 3.21 In implementing the Interim Policy officers have been stressing to developers the emphasis on delivery and seeking to ensure that an early start on site and delivery of both market and affordable housing is reflected in the S106 agreement.
- 3.22 A question was raised recently by Members about the 2 year implementation period and how this is interpreted i.e. 2 years from the 1 June 2011 or that the interim policy should be seen as such until the Core Strategy is published but that adequate time needs to be allowed for implementation – 2 years from the date of decision is therefore reasonable with commitment for early delivery being secured through the relevant S.106 Agreement. We will report back to Executive Board in Summer 2012 on the impact of the revised policy.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.11 The Interim Affordable Housing Policy approved by Executive Board in May 2011 had been subject to a 4 week period of public consultation that ended Friday 18th March 2011.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment screening has been carried out and is detailed in the Background Papers. The conclusion is that if the policy is not changed, as recommended by the Director of City Development, it is likely that fewer housing units will be delivered and consequently, fewer affordable housing units. This will be to the detriment of those on lower incomes seeking access to new homes.
- 4.2.2 If Executive Board decide that the City Council ought to change the policy as recommended by Scrutiny Board (Regeneration), a full equality impact assessment and public consultation of the new proposed policy should be undertaken before a decision is taken to adopt a new policy.

4.3 Council Policies and City Priorities

4.3.1 Part of the Vision for Leeds 2011-30 that expects Leeds' economy to be prosperous and sustainable by 2030 expects sufficient affordable housing to be provided. Planning policy in the Unitary Development Plan expects affordable housing to be negotiated on development sites to meet identified needs. Further supplementary and informal policy targets on how much affordable housing is the subject of this report.

4.4 Resources and Value for Money

4.4.1 There are no resource or value for money considerations

4.5 Legal Implications, Access to Information and Call In

4.5.1 Legal advice has been taken into account in the drafting of the report.

4.6 Risk Management

4.6.1 The risk concerns the strength/status of policy and the robustness of underlying evidence to determine planning applications.

5 Conclusions

5.1 It is understandable that in respect of those Greenfield sites where planning permission was granted on appeal with a higher proportion of affordable housing, some Members may feel aggrieved that developers are now being seen to take advantage of the lower 2011 policy targets by re-submitting planning applications. However, the interim policy targets merely reflect underlying evidence, and in this case, the Economic Viability Assessment concludes that higher levels of affordable housing are not currently viable in most areas of Leeds. As such, even if the 2011 policy were changed to raise targets back up to 2008 policy levels, officers consider that given the underlying evidence this could not be made to work in practice. Developers making re-submissions would challenge any attempt to apply the higher targets and would seek to rely on the national policy position and Leeds' own Economic Viability Assessment in support.

5.2 The current interim affordable housing policy is only intended to provide a transitional policy position which will be reviewed and replaced by the Core Strategy and Affordable Housing SPD. Permissions granted which benefit from the reduced affordable housing targets are linked to requirements for earlier commencement of development compared to extant permissions and experience to date is that through negotiations, developers are starting to provide real commitments to early starts on site. Any change in affordable housing policy without a robust evidence base would be putting the Council at risk of appeal with associated costs. Members are therefore urged to retain the current policy position previously agreed in May 2011.

6 Recommendations

6.1 Executive Board is requested to:

- retain the existing 2011 Interim Affordable Housing policy targets as agreed by Executive Board in May 2011
- receive a monitoring report on progress of the revised policy in Summer 2012.
- Clarify that the implementation period is 2 years from the date of the decision to grant planning permission subject to Section 106 obligations to secure the early delivery of affordable housing and that at the end of 2 years if not implemented the % of affordable housing will revert to whatever the policy is at the time.
- On those Greenfield sites granted at appeal with higher levels of affordable housing, and where lower levels of affordable housing is sought in accordance with the interim policy, regard is had to the content of the overall package of Section 106 package and local priorities in consultation with Ward Members and local communities.

7 Background documents

7.1 Equality Impact Assessment

7.2 Report to Scrutiny Board (Regeneration), 29th November 2011, entitled, 'Inquiry to Consider Affordable Housing by Private Developers - Interim Recommendation to Executive Board'

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Report of Director of City Development

Report to Executive Board

Date: 4 January 2012

Subject: Bradford's Core Strategy Further Engagement Draft 2011

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. Bradford's Core Strategy Further Engagement Draft is out for public consultation until 20 January 2012. Bradford's strategy for dealing with growth is very similar to Leeds, but there are proposals for significant housing development at Holme Wood and Menston which would be damaging to the Green Belt gap between Leeds and Bradford and would generate excessive traffic congestion in Leeds.

Recommendations

2. Executive Board is recommended to formally object to Bradford's Core Strategy Further Engagement Draft on the basis that:
 - i) proposals for redrawing the Green Belt boundary to enable development at Holme Wood and Menston would encroach into the strategic gap between Leeds and Bradford leading toward a merging of the two cities.
 - ii) traffic congestion and hazards would be created to roads in Leeds, particularly the A657 and routes to Drighlington and beyond, and the A65.

1 Purpose of this report

- 1.1 This report identifies a number of policies and proposals in Bradford's Core Strategy Further Engagement Draft 2011 which have the potential for significant impact on Leeds. A recommendation is made to submit comments to Bradford as set out in Appendix 1.

2 Background information

- 2.1 Bradford MDC has been preparing its Core Strategy over a number of years and Leeds made comments on the Further Issues and Options stage in 2008. Concerns then included possible urban extensions into Green Belt land in Wharfedale, including Menston, and at Holme Wood and a possible new settlement at Esholt. A further concern was loose wording to their employment growth policy which could be interpreted to accept office development in out-of-centre locations. This could be damaging to Leeds which is trying to focus new office development in to centres, to support their overall health and vitality.
- 2.2 The current consultation on the Further Engagement draft runs until the 20th January 2012
- 2.3 The Further Engagement draft sets out detailed plan policies and proposals in a document of over 360 pages, covering the full range of planning matters – locational strategy, housing, employment, green spaces and infrastructure, centres and retailing, Green Belt, regeneration, transport and minerals.

3 Main issues

Housing location strategy

- 3.1 Like Leeds, Bradford is having to plan for a considerable increase in population and housing growth, but considers that the current state of the housing market warrants a reduction in the requirement. Bradford's approach is to use the housing requirement set out in the RSS, but reduce the annual requirement by 10% for the early years up to 2016. As such, it will be planning to provide for 48,500 dwellings over the plan period to 2028. It expects 3000 dwellings (600 p.a.) to be made up of windfall provision during the years 2023 to 2028. This leaves 45,500 dwellings to be found through planned allocations.
- 3.2 Like Leeds, Bradford's priority is to focus development in areas that would assist regeneration and make best use of previously developed land. However, it is unable to accommodate all of the housing growth in this way and needs the help of an urban extension to south east Bradford and some local Green Belt deletions to the Principal Towns of Ilkley, Burley and Keighley and the smaller settlements. This will involve use of greenfield allocations, safeguarded land (known as "protected areas of search" in Leeds) and Green Belt. The distributions are balanced so that most growth is centred on Bradford (61%), the Principal Towns take a good proportion (17.5%), the Local Growth Centres take 13.5% and the smaller settlements take 7.5%.

- 3.3 In terms of impact on Leeds, significant growth is proposed for South East Bradford which is apportioned 6000 dwellings for the plan period. The Core Strategy is unspecific about how many of these dwellings would form part of the Holme Wood proposals. Recent consultation on the Holme Wood and Tong Neighbourhood Development Plan Consultation draft would suggest an urban extension of some 2700 dwellings. There would also be impact on Leeds from the proposal to apportion 900 dwellings to Menston, which is designated as a “Local Growth Centre”.

Green Belt

- 3.4 Bradford is proposing a selective review of its Green Belt to accommodate up to 9000 dwellings as local Green Belt deletions related to the settlements forming part of the housing location strategy and an unspecified number associated with an urban extension at Holme Wood. The exact distribution of proposed Green Belt take is not quantified in the Core Strategy draft.
- 3.5 Policy SC7 recognises that the Green Belt has a valuable role in supporting urban renaissance, transformation and concentration of development, as well as conserving countryside. Policy HO7 seeks to minimise the amount of Green Belt land take and to minimise the impact on the landscape context including the character and setting of the settlement. However, no policy acknowledges the role of Green Belt to prevent coalescence of settlements.
- 3.6 On the positive side, Policy BD1 intends to enhance the role of the green belt between Bradford and Leeds as a high quality Country Park for active recreational leisure for residents of both districts.

Employment

- 3.7 Policy EC3 notes that Green Belt land may be needed to bolster Bradford’s portfolio of high quality employment sites in north Bradford tied to locational benefits of Leeds-Bradford Airport and in South East Bradford to accompany housing development at Holme Wood.
- 3.8 Bradford also expects to allocate some employment land in the Leeds-Bradford Corridor which is recognised by both cities as a regeneration priority.

Transport

- 3.9 Analysis of the preferred spatial development option considers that the strategy of growth would place pressure on a number of strategic roads, including the A647 between Leeds and Bradford and the M606 and M62.
- 3.10 Bradford’s transport infrastructure priorities that could impact on Leeds include the following:
- Proposed new train station at Apperley Bridge
 - Bus priority corridors as part of new sustainable urban extensions, which would include Holme Wood
 - Road and Rail networks protected and enhanced, specifically for access to Leeds-Bradford Airport

- 3.11 The impact of large scale land releases adjacent Leeds will have a significant transport implications to the district's highway network. Comments made below are within this wider context.
- 3.12 Although not specified in the Core Strategy, the regeneration opportunities and urban extensions for Holme Wood might provide up to 2,700 new homes. This will have a significant traffic impact that will extend into the Leeds District irrespective of any public transport enhancements that could be delivered. The effect of traffic on Leeds' network need to be better understood and Leeds City Council needs to reserve the right to make further representations. The obvious routes into the Leeds District that need to be considered are the A647 Bradford Road to the north of the site, and routes to Drighlington continuing to the SRN and Leeds City Centre.
- 3.13 Many question marks have already been raised by Leeds City Council specifically about the feasibility of delivering the public transport infrastructure needed to support Holme Wood proposals. In summary, these include concerns about the viability of proposed bus services, deliverability of the disused rail line for public transport, the feasibility of providing a new Laisterdyke station on the existing rail network and the appropriateness of the location of the proposed park and ride.
- 3.14 With reference to 900 dwellings apportioned to Menston, road traffic congestion on the A65 corridor from Menston to Leeds would be worsened and the capacity of peak-hour travel on the rail line through Leeds to Menston would be exceeded. In particular, the proposal is likely to generate including safety and capacity concerns at Horsforth Roundabout.

Environment

- 3.15 Policy EN4 expects plans and proposals to make a positive contribution towards the management and enhancement of the diversity of recognised landscapes at Esholt, Tong Valley, Rombalds Ridge and Wharfedale. These all link through to or border similar landscapes in Leeds.

Retail

- 3.16 As expected Bradford plans to focus most growth in Bradford City Centre with some growth to the Principal Towns too. In terms of smaller centres near to the boundary with Leeds, Policy EC5 says that Greengates and Thornbury should be the focus for convenience retail and limited comparison retail in order to enable people to meet their day to day needs without the need to travel, and will not adversely impact upon the vitality and viability of Bradford City Centre and other nearby Town Centres.

Minerals

- 3.17 Policy EN10 provides support for sandstone quarrying in areas to be designated in Bradford's future site allocations plan. Policy EN12 safeguards land for mineral extraction in areas of reserves identified on a map. A number of these areas border the Leeds boundary.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Bradford's consultation lasts until 20 January 2012. The next stage of Bradford's Core Strategy will be to take account of comments received and publish a Submission Plan for further consultation, prior to submission and examination in public.
- 4.1.2 Consultation with Ward Members regarding a specific proposal at Holme Wood, arising from a separate consultation on a neighbourhood plan, indicated concerns for the loss of green belt and the traffic implications of development on the Leeds boundary.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An EDCI Screening Form has been completed. It notes that the visual and character impacts of Green Belt incursion and the traffic impacts in Leeds might pose issues for health, but none of the impacts weigh disproportionately upon any one equality group.

4.3 Council Policies and City Priorities

- 4.3.1 None of relevance

4.4 Resources and Value for Money

- 4.4.1 Not applicable

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Not applicable

4.6 Risk Management

- 4.6.1 No risks

5 Conclusions

- 5.1 Overall, Bradford's Core Strategy Further Engagement Draft sets out a vision and approach that will be positive for the Leeds City Region, particularly in terms of its general housing strategy that prioritises the main urban areas and previously developed land first. However, the proposals to take Green Belt land for development at Holme Wood and at Menston are considered to be harmful to Leeds. Bradford's Core Strategy offers no recognition of the important role of Green Belt to prevent neighbouring settlements from merging into each other. If it did, the Holme Wood and the Menston proposals could lead to coalescence of parts of Leeds and Bradford. Also, highway congestion and potential safety hazards would be created on roads in Leeds.

6 Recommendations

6.1 Executive Board is recommended to formally object to Bradford's Core Strategy Further Engagement Draft on the basis that:

i) proposals for redrawing the Green Belt boundary to enable development at Holme Wood and Menston would encroach into the strategic gap between Leeds and Bradford leading toward a merging of the two cities.

ii) traffic congestion and hazards would be created to roads in Leeds, particularly the A657 and routes to Drighlington and beyond, and the A65.

7 Background documents

7.1 Completed representation forms

7.2 Bradford's draft Core Strategy

7.3 EDCI Screening Form

Core Strategy DPD: Further Engagement Draft Comment Form

28th October 2011 until 20th January 2012

For Office Use only:	
Date	
Ack	
Ref	

This response form is for your views on the Core Strategy DPD – Further Engagement Draft and accompanying background documents. Please read these documents before filling in this form.

PLEASE SUBMIT ELECTRONICALLY IF POSSIBLE TO: ldf.consultation@bradford.gov.uk

A Guidance Note on Page 4 of this form provides information on where to find the consultation documents, how to fill in this form and how to submit your comments.

PART A: PERSONAL CONTACT DETAILS

1. YOUR DETAILS		2. AGENT DETAILS (*if applicable)
Title	Mr	
Forename	Robin	
Surname	Coghlan	
Organisation	Leeds City Council	
Address	City Development, Leonardo Building, 2 Rossington St, Leeds	
Postcode	LS2 8HD	
Email Address	robin.coghlan@leeds.gov.uk	
Telephone No.	0113 247 8131	
Email Address		

Which is your preferred method of contact?	By Email	<input checked="" type="checkbox"/>	By Post	<input type="checkbox"/>
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Completed comment forms should be sent to the LDF Group by:

Email: ldf.consultation@bradford.gov.uk

Freepost: LOCAL DEVELOPMENT FRAMEWORK GROUP
FREEPOST NEA 11445
PO BOX 1068
BRADFORD, BD1 1BR

Fax: (01274) 433676

Comment Forms should arrive no later than 4pm on Friday 20th January 2012.

Data Protection Act 1998: Personal information provided as part of a representation cannot be treated as confidential as the Council is obliged to make representations available for public inspection. However, in compliance with the Data Protection Act the personal information you provide will only be used by the Council for the purpose of preparing the Local Development Framework (LDF).

Core Strategy DPD: Further Engagement Draft Comment Form

For Office Use only:	
Date	
Ack	
Ref	

PART B – YOUR REPRESENTATION

Please fill in the questions below and clearly explain your comments in the relevant sections. **Use one form per comment.** Further comment sheets are available to download and you may use as many additional sheets as necessary.

Q1. Which part of the Further Engagement Draft document does your comment relate to?

Section Number		Page Number	
Policy Number	SC7	Paragraph Number	

Q2. Do you wish to support or object to this part of the Further Engagement Draft document?

Support		Object	x
---------	--	--------	----------

Q3. Briefly explain what you are supporting or objecting to:

The policy fails to recognise that one role of Bradford's Green Belt should be to prevent neighbouring settlements from merging.

Q4. What are your reasons for supporting or objecting to the issue?

National Planning Policy on Green Belts, PPG2, states that one of the five purposes of Green Belt is to prevent neighbouring towns from merging into one another. The Draft National Planning Policy Framework maintains this purpose of Green Belt. It is important for this to be recognised in Policy SC7 in order to plan the strategy of housing growth distribution to avoid proposals that would encroach on open land separating settlements. Land at Holme Wood and around Menston are examples of where Green Belt land take will close the strategic gap with Leeds, leading toward the merging of Leeds and Bradford.

Q5. What alterations or amendments would you suggest, if any?

Part A of Policy SC7 should be re-written to state: "...The Green Belt has a valuable role in supporting urban renaissance, transformation, **keeping towns separate** and concentration of development, as well as conserving countryside..."

Are you attaching any additional sheets that relate to this comment form?	No	Yes	No. of sheets:	0
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Signed/Name:		Date:	
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Thank You for taking the time to complete this Comment Form.

Core Strategy DPD: Further Engagement Draft Comment Form

For Office Use only:	
Date	
Ack	
Ref	

PART B – YOUR REPRESENTATION

Please fill in the questions below and clearly explain your comments in the relevant sections. Use one form per comment. Further comment sheets are available to download and you may use as many additional sheets as necessary.

Q1. Which part of the Further Engagement Draft document does your comment relate to?

Section Number		Page Number	
Policy Number	HO2	Paragraph Number	

Q2. Do you wish to support or object to this part of the Further Engagement Draft document?

Support		Object	x
---------	--	--------	----------

Q3. Briefly explain what you are supporting or objecting to:

The policy identifies Holme Wood as an urban extension and Menston for growth of 900 dwellings.

Q4. What are your reasons for supporting or objecting to the issue?

The significant scale of development proposed at Holme Wood and Menston will require significant encroachment into the Green Belt gap between Bradford and Leeds which would be contrary to the role of Green Belt

Q5. What alterations or amendments would you suggest, if any?

Are you attaching any additional sheets that relate to this comment form?	No	Yes	No. of sheets:	0
---	----	-----	----------------	---

Signed/Name:		Date:	
--------------	--	-------	--

Thank You for taking the time to complete this Comment Form.

Core Strategy DPD: Further Engagement Draft Guidance Note for Completing this Comment Form

WHERE CAN I FIND THE CONSULTATION DOCUMENT AND SUPPLEMENTARY DOCUMENTS?

The consultation documents can be found at: www.bradford.gov.uk/LDF under 'Current Consultations'.

Other documents which are available include:

- A Summary Leaflet: **Your District in 2028**.
- Supplementary documents e.g. Sustainability Appraisal; Equality Impact Assessment; Engagement Plan.
- Evidence Base

Alternatively hard copies can be viewed at the **main local libraries** at: Bradford, Shipley, Bingley, Keighley, and Ilkley, and at the Council's main **Planning Office** at Jacobs Well, Bradford.

HOW DO I COMMENT ON THE CONSULTATION DOCUMENT?

Please ensure that you read the Core Strategy DPD: Further Engagement Draft consultation document before filling in this comments form.

This form is divided into 3 sections. Please ensure that you complete at least Part A and B.

- **Part A – Your personal details**
- **Part B – Your representation** to the consultation document
- **Part C – Your comments** on the background documents that accompany the Core Strategy document.
- **Part D – Equality and Diversity Monitoring Form**. Please fill in this form and send back with your comments.

For Parts B and C, please use a separate form for each comment. These additional forms can be downloaded from the Council's website above.

HOW DO I SUBMIT MY COMMENTS?

Details of how to submit your comments can be found on Page 1 of this form.

The Council is keen to promote the submission of comments electronically and would encourage anyone with appropriate facilities to make their responses in this way.

An electronic copy of this comment form can be found on the Council's website at: www.bradford.gov.uk/LDF.

This form is in 'Word' format and you can type in your response and return it as an **email** attachment.

[Comment Forms should arrive no later than 4pm on Friday 20th January 2012.](#)

WHAT WILL HAPPEN TO MY COMMENTS?

Representations cannot be treated as confidential; it is a legal requirement that all representations are made available for public inspection. Your comments will be published in a 'Summary of Representations' document and will be available for viewing on the Council's website. Personal information and equality and diversity monitoring information will only be used by the Council for the purpose of preparing the LDF.

All representations received by the deadline will be considered and will assist in the preparation of the next version of the Core Strategy – the Submission draft.



Report author: Kathryn Holloway
2478076

Report of: Director of City Development

Report to: Executive Board

Date: 4 January 2012

Subject: Neighbourhood Planning - consultation response to the Government's draft regulations for reform

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	All Wards	
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The Government is consulting on the draft regulations governing the process for establishing neighbourhood areas and forums, the requirements of Community Right to Build and the preparations of Neighbourhood Plans and Neighbourhood Development Orders. The Consultation opened on 13th October and closes on 5th January 2012. This report sets out the City Council's proposed response.

2. The key issues and questions relevant to Leeds are based around the following points:
 - The identification and designation of neighbourhood areas and Neighbourhood Forums (non-Parished areas)
 - The 'Duty to Support' communities.
 - Leeds to finance 'light touch' examinations and referendums in the production of Neighbourhood Plans and adopting Neighbourhood Plans as statutory Development Plan Documents.
 - Neighbourhood development orders/ community right to build.

3. Neighbourhood Planning in Leeds is in the very early stages. A broad background to the issues around Neighbourhood Planning and the identification of four pilot areas under the DCLG Neighbourhood Planning Frontrunner grant scheme was set out in a previous report "Developing a response to Neighbourhood Planning in Leeds"

presented to Executive Board on 2nd November 2011. This report duplicates some of the key issues but focuses on the issues in the DCLG consultation document on the draft Regulations.

4. Most of the reforms around Neighbourhood Planning are welcomed in giving greater flexibility and involvement in planning to the local community. However, there are concerns and uncertainties on a number of points that are raised in this report.

Recommendations

Executive Board is recommended to:

- 1 Note the contents of this report (in association with the previous background information in the executive Board report, 2nd November).
- 2 Approve the response to the Government's proposals for reform of Neighbourhood Planning; Community Right to Build and Neighbourhood Development Orders as set out in section 3 of this report and in the questionnaire attached at Appendix 1 and submit to DCLG before 5th January 2012.
- 3 Agree that this report be circulated to Town and Parish Councils for information.

Purpose of this Report

- 1.1 The Government recently published a consultation paper on the draft regulations for Neighbourhood Planning (13th October 2011) which includes the general principles of setting minimum requirements; ensure consistency across the country; engender trust; minimise the burden on communities and Local Planning Authorities; provide local flexibility and meeting EU environmental and human rights legislation.
- 1.2 The introduction of Neighbourhood Planning arises directly from the Localism Bill now enacted (15th November 2011) which was subject to considerable debate and amendment as it progressed through Parliament. The previous report to Executive Board (2nd November 2011) sets out the context and background of Neighbourhood Planning and suggested that the Council will need to develop a response to Neighbourhood Planning in Leeds and review its position in the light of emerging regulations.
- 1.3 The Government consultation runs until 5th January 2012. This report sets out our suggested response to the consultation on the draft Regulations. The main purpose of this report is for Executive Board members to consider and agree the City Council's response. Please note that due to the 5th January deadline this report is not eligible for call-in.

2.0 Background information

What is Neighbourhood Planning?

- 2.1 The Government sees Neighbourhood Planning as central to its decentralisation, Localism and Big Society agenda which aims to ensure that local people have the opportunity to shape and influence planning in the areas they live and work and have more reasons to say "yes" to sustainable development, supporting economic and housing growth. The fundamental principle of Neighbourhood Planning is that the plans are community-led with support from the Local Authority.
- 2.2 Neighbourhood Plans can set out policies for the development and use of land within a particular neighbourhood. For example, it could indicate where new shops, offices, or homes should go, which green space should be protected or created and where new pedestrian walkways should be created. Plans could include local design standards such as the type of materials, scale and character that must be used for any new property. A neighbourhood plan would be subject to an independent "light-touch" examination (paid for by the local authority). The examiner would approve or reject a plan by considering whether it is in accordance with national planning policy and the local plan.

If the plan passes this conformity stage, the examiner will recommend a local referendum. The local authority will then be responsible for organising and paying for this. The neighbourhood plan needs to gain 50% or more support from those voting in the referendum. If the plan is successful in gaining over half the votes the local authority, must adopt the plan and it will form part of the statutory local planning framework, and any future planning applications for that area should be compliant with its contents.

The governments approach to Neighbourhood Planning aims to provide an effective and transparent system which inspires communities to get involved and influence development. The regulations aim to ensure that the system works, is legally robust and that there is a level of consistency across the country.

The Government has also produced a short guide "*An introduction to Neighbourhood Planning*", 13th October 2011 which provides an easy to read introduction to neighbourhood planning and the key elements, including what neighbourhood planning is; why it matters and how it will work and provides information about the sources of advice and support for communities interested in doing neighbourhood planning.

3.0 Main issues

- 3.1 The Draft Regulations on Neighbourhood Planning, Neighbourhood Development orders and Community Right to Build propose "Minimum information requirements" to allow Local Planning Authorities the flexibility to adapt and devise their own procedures. Whilst this flexibility is welcomed there are a number of concerns and key issues that are flagged up in this report and picked up in more detail in our Response to DCLG (see Appendix 1). The main issues are highlighted below:

Resources

- 3.2 There is concern that Local Planning Authorities are being asked to speedily produce up to date local plans, in our case the Leeds Core Strategy and Site Allocations DPD which will provide the context for the production of Neighbourhood Plans at a time when there is considerable pressure on staffing and finance. Without further resources this strategic priority will severely constrain LCC's ability to meet the "duty of support" in providing technical advice to those communities that are expressing an interest in progressing a Neighbourhood Plan. To date Leeds has had interest from twenty groups, but this is expected to grow. Additional staff resources will be needed to progress and deliver the Core Strategy and Site Allocations Development Plan Document work programme priorities and simultaneously provide time and resources to Neighbourhood Planning as well as other planning work. The production of Neighbourhood Plans will require technical input from across the Council's departments through the "duty to support". This will primarily include Planning Policy, Planning Services and Sustainable Design (SDU) but could also include Highways; Drainage; Parks & Countryside; Regeneration; Asset Management; Legal; Finance; Policy and Performance (Census and demographics) etc as well as a range of external stakeholders such as the police, NHS.
- 3.3 Additional funding will be required for the examination and referenda. Section 4 of this report highlights some of the anticipated costings associated with examination and referenda. Further, there will be the time and cost implications associated with advertising and adopting documents.
- 3.4 The Council will need to establish a clear protocol and methodology setting out how Leeds will assist communities and what we can provide by way of technical assistance. This needs to manage communities expectations in a manner that does not stifle community interest or enthusiasm, but does not impact negatively on the progress of the statutory planning functions and work programme priorities and

ensures compatibility with the Core Strategy, site allocations document and wider City Council programmes.

- 3.5 As an example of the level of staff resources Neighbourhood Planning could involve, one of the pilot areas that was put forward in the 2nd November 2011 Executive Board Report (still awaiting a response from DCLG) is well established and under way with collecting community views. This group has already approached the council requesting data on a number of issues, including population change (going back 50 years) and associated changes such as average house prices, social housing numbers and stock turnover; implemented planning permissions, including the total numbers of affordable housing and specialised housing (elderly) along with an update on the retail health check for the town centre.
- 3.6 For each Neighbourhood Plan area, similar data requests are likely to require bespoke data analysis which is time consuming. Particularly where the request will involve the input of other directorates and sections, such as the GIS team for mapping work. Whilst the authority provides a lot of data on the web we are getting more requests to provide data analysis.
- 3.7 Though the Government are providing some grant aid for organisations that have a key role in assisting and training community groups the skill set needed for communities to lead on complex planning documents could be quite demanding and should not be underestimated. Preparation could take longer than Government anticipates. Best practice in Leeds on the preparation of Village and Neighbourhood Design Statements (which are seen to be less complex documents that can take on average 2 years to adopt as supplementary planning guidance. This is without the examination and referendum requirements.
- 3.8 The regulations, as currently drafted, will require the Local Planning Authority (LPA) to publish notification of the application for the designation of Neighbourhood Areas and where Parish and Town councils do not exist the designation of Neighbourhood Forums. The guidance suggests that LPAs will only have to deal with one area designation at a time on a first come first serve basis.
- 3.9 Leeds has had considerable interest in the production of Neighbourhood Planning and out of our 31 Parish and Town Councils we have had 16 expressions of initial interest in pursuing a Neighbourhood Plan and an additional six areas representing inner urban areas. There are likely to be significant further interests from organisations wishing to pursue a community plan.
- 3.10 The Government's emphasis on the production of Neighbourhood Plans is that they must be community-led. However, the regulations will require that Leeds City Council publishes notification of the application for the Neighbourhood Forum on its website along with a statement of any other application(s) for the relevant neighbourhood area (within 28 days of publishing the first application). The Council will need to consider how it manages this process once the regulations are in force.
- 3.11 Once a Neighbourhood Plan is adopted it becomes part of the statutory planning process and it will be for the Council to implement, monitor and enforce the neighbourhood area's plans and proposals. This will have ongoing implications in

terms of time and resources for officers in Planning and Sustainable Development in particular.

- 3.12 The organisation and the costs of the Neighbourhood Planning examination process and referenda will need to be covered by the Local Planning Authority and these cost are not insubstantial. These are covered below.

Examinations and Referendums

- 3.12 Neighbourhood Plans are aimed to be documents that carry real weight in the determination of development and land use proposals for an area and as such will be adopted as Development Plan Documents and carry legal status. The process of an independent examination is an important element in the process. The regulations anticipate that Neighbourhood Plan examinations will be “light- touch” and as such the draft regulations are minimal in setting out what is expected, leaving it to Local Planning Authorities to “best decide how to undertake this activity”.
- 3.13 The appointment of an inspector from PINS can charge over £1k/day. The normal rule is 4 days writing up time for every day of a hearing. The CLG impact assessment suggests examination costs of £5-8k. In practice, Inspectors costs start before the examination, as they are appointed on submission to do preparatory work. If the Inspector decides to undertake the examination in public then additional costs will rise (room hire costs etc).
- 3.14 The Government believes it will be for the examiner to decide when to hold public hearings and therefore the Regulations do not attempt to prescribe the criteria which will determine if a hearing should be held. A reserved power is to be available in case experience shows that public hearings are not happening when they should. Where an examiner decides that matters be dealt with in writing with no public hearing then in these circumstance the costs will be greatly reduced. However this raises questions in regard to what rights of appeal land owners; agents and developers and others have in regard to putting forward alternatives and evidence as part of a “lighter-touch” inquiry process.

Referendums

- 3.15 Throughout the process of Neighbourhood Planning the emphasis is on the community being in the driving seat of planning their area. A referendum at the end of the process would ensure that the community has the final say on whether a neighbourhood plan or development order or community right to build order comes into force in their area. The arrangements for referendums are not included in the draft regulations and therefore there are a number of uncertainties about this part of Neighbourhood Planning at this stage.
- 3.16 Clearly the local costs of referendums will vary depending on the size of the area concerned and whether it can be linked to local elections. The CLG impact assessment offers some indicative costs of £1.50/head or around £7k per ward.

Implementation & Monitoring

- 3.17 The Localism Act provides the power and right for communities to produce their own Neighbourhood Plan for their area allowing communities to have a say on where they think new houses, business and greenspace should go and what they should look like provided that this is in general conformity to national planning policy and the Local Plan and other legal requirements. Guidance needs to provide greater clarity that Neighbourhood Planning is only one part of a wider toolkit for local communities to get involved in planning and that areas not producing a plan are not seen to be vulnerable to development pressures or at a disadvantage.
- 3.18 The guidance must be clear on the requirements of the preparation, consultation and evidence needed to progress a Neighbourhood Plan in a manageable way that communities can work with. It will be essential that Local Planning Authorities work closely with communities at the beginning of the process in order to provide clarity on the statutory requirements and “general conformity issues”. The publication of best practice and our own pilot schemes within Leeds will help to enable capacity building and build upon the skills needed for community groups to take the lead in the preparation of what could be quite complex plans and Neighbourhood Development orders.
- 3.19 Clarification is needed on the constitutional and representative arrangements for setting up and running a Neighbourhood Forum and the Council’s response to DCLG seeks further information in regard to how planning powers are to be assigned, managed, enforced and if necessary removed from Neighbourhood Forums and Parish/Town Councils.
- 3.20 In deciding Neighbourhood Areas there is no discussion within the guidance or the Regulation on how to respond to cross boundary issues where one community might be affected by proposals in an adjoining area. For example traffic impacts or major retail proposals. Although the draft regulations allow for an inspector to recommend extending an area for the purposes of a referendum to ensure that all those that may be affected can have a right to vote, this may disproportionately sway the results and may be too late in the process for communities to feel that they have had any real involvement in the process of a plan that could have most impact on them.

Neighbourhood Development Orders and Community Right to Build

- 3.21 Neighbourhood Development Orders (NDOs) are designed to allocate specific areas where certain types of development will be permitted without planning permission. Such development could include certain types of household extensions, shop fronts and ‘green energy’ proposals. NDOs can apply to all or part of an area and can form part of a neighbourhood plan. Community Right to Build (CRtB) provides local community groups (with a minimum of 5 unrelated members) who live in a particular area, the opportunity and power to deliver local development that provides benefits to the local community in perpetuity. The development will not need to meet traditional planning application requirements.
- 3.22 Both NDOs and CRtB must meet certain criteria, which are still to be determined in further regulations to be issued by the Secretary of State, but this will include a

number of statutory restrictions on their scope. An independent check must be carried out to ensure that the NDO does not breach any EU obligations, or rights under the European Convention of Human Rights. They both have to receive majority support via a local referendum and NDOs.

- 3.23 The regulations require that applications for NDOs and CRtB are submitted to the Local Planning Authority who will then publish in such a manner as it considers appropriate to bring the application to the attention of people who live, work or carry out business in the area to which the application relates and it will be for the Local Planning Authority to decide on whether the order is acceptable or not. There will need to be clear procedures and governance arrangements established in Leeds to undertake this work.
- 3.24 Concern is expressed that the community groups that are entitled to put forward CRtB orders may not necessarily be affiliated with a designated Neighbourhood Forum or Parish/Town council and conflicts may arise between a smaller group interest and the wider local proposals in a Neighbourhood Plan.
- 3.25 The implementation of Neighbourhood Development Orders may encourage growth away from areas that do not have NDOs in place. This is a potential disadvantage to those communities that can not afford to progress Neighbourhood Plans or NDOs yet may be areas that most need to new development to meet, for example, the need for new housing and schools.
- 3.26 The Council's response (see Appendix 1) is also seeking clarity from DCLG on the issue of how appeals from landowners or developers could be dealt with for both NDOs and CRtB orders.

Community Right to Buy and Right to Challenge

- 3.27 Leeds already has a strong track record of community ownership of assets and the council are responding to expressions of interest and is making the procurement and commissioning process more accessible for community organisations.
- 3.28 The Council's response to DCLG (See Appendix 1) seeks clarity on what facilities and services communities can express an interest needs to be provided as expressions of interest will automatically trigger the procurement processes and it needs to be made clear that expressing an interest does not guarantee that communities can find the funding within the timescales. Community Right to Buy and the Right to Challenge will raise local communities expectations in terms of bidding for community assets and involve the Council in additional time and expense in determining the best future use for an asset.
- 3.29 It is likely that the number of requests for asset transfer will increase and this will impact on the Councils capital receipt program and ability to raise revenue from the sale of buildings/land. There is the potential conflict with competing Leeds City Council priorities .I.e. should the asset be sold to raise a capital receipt rather than going to a Community use and the receipt being invested in other Council projects.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The consultation on the draft regulations for reform on Neighbourhood Planning has been subject to national public consultation since 13th October and the deadline for representations is 5th January 2012.
- 4.1.2 The Government's consultation is open to any one to respond. At the Parish and Town Council seminar held on 17th October 2011 Leeds city council officers opened up the opportunity for comments to be submitted to the Council for a joint response. This opportunity was also given to the Leeds Planning and Development Forum held on 18th October. The closing date for responding to officers was held until the 25th November. No comments were received and therefore the opinions put forward in the report are those made by officers.
- 4.1.2 As discussed at Section 1.2, a report on 'Developing a response to Neighbourhood Planning in Leeds' was considered by Executive Board on 2nd November 2011. This set out the context of Neighbourhood Planning in Leeds.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Bringing forward Neighbourhood Planning in Leeds is seen to be a beneficial mechanism to help promote equality and engagement in planning which would be improved if the government recognises the Council's concerns for those communities that have little or no funding or skills to bring this forward.
- 4.2.2 The Government's proposed changes to the Regulations may have some potential implications for equality and diversity, and cohesion and integration, particularly around the provision of Community Right to Build and Neighbourhood Development Orders that may bring forward affordable housing. There is also the concern that inner city areas with high ethnic populations and disadvantaged residents and which are not covered by an existing Parish or Town Council may not possess the resources and skills required to prepare their own proposals and advocate the case for investment in their communities.
- 4.2.3 The Council will ensure that whichever proposals in the Government's consultation document become the final Regulations, that decisions and priorities enacted by the Council will be in the interests of equality and diversity.
- 4.2.4 The preparation of Neighbourhood Plans will require input from a wide range of partners alongside the Local Planning Authority, including Area Committees; Asset Management; Finance; Legal; infrastructure providers and statutory consultees and partners, businesses and developers as appropriate.
- 4.2.5 A high level of community consultation and engagement will be required in order to prove that all sections of the local community have been involved in the neighbourhood planning process. It appears that local authorities would make this judgement through an Equality Impact Assessment.
- 4.2.6 In preparing this report due regard has been had to equality and diversity issues and a screening assessment has been carried out. This considered potential

consequences, but could not suggest any particular action(s) until such time as the Regulations are published. The Council will ensure that whichever proposals in the Government's consultation document become the final Regulations, that decisions and priorities enacted by the Council will be in the interests of equality and diversity.

4.3 Council Policies and City Priorities

- 4.3.1 Some Neighbourhood Plans are already in progress in some areas and interest in starting the process is incredibly high. In particular the Council has submitted bids to the DCLG Front runner pilot grant scheme to seek funding support for four pilot areas across the City.
- 4.3.2 Until the final regulations emerge and further best practice guidance is available, there is much uncertainty about the details of the process of Neighbourhood Planning which is confusing for the community, members and officers. What is certain is that the process of Neighbourhood Planning should not be seen to hold up the process of delivering the Core Strategy or Site Allocations DPDs which will set the context for Neighbourhood Plans and will be key in determining the "general conformity" of Neighbourhood Plans.
- 4.3.3 A neighbourhood plan would form part of the statutory planning policy framework and as such would be a material planning consideration when determining planning applications. Designating neighbourhood planning powers to parish and town councils may require a strengthening of existing governance arrangements. Designated neighbourhood forums would have to have a constitution but it is unclear what status they would have. This issue has implications for a number of our city and cross council priorities across areas such as regeneration, housing growth, consultation and engagement and locality working.
- 4.3.4 The proposed changes set out in the draft regulations broadly reflect Council policies and city priorities in that they have an increased emphasis on community engagement and localism and an intent to increase the amount of community infrastructure, including affordable housing.

4.4 Resources and Value for Money

- 4.4.1 There are clear resourcing costs and constraints in terms of the work needed to set up Neighbourhood Planning in Leeds, including the technical work involved in the duty to support communities, the costs of examination and potential organisation and costs associated with referendums. However, the government appears to recognise that costs will be incurred and the Localism Act established that the Secretary of State may make regulations for the "imposition of charges for the purposes of meeting expenses incurred (or expected to be incurred) by Local Planning Authorities in, or in connection with, the exercise of their Neighbourhood Planning functions". It is not clear what the government's intentions are in this regard and this position will need to be made clear, particularly at this time of extreme financial pressure and shortage of planning officers and the loss of the Housing and Planning Delivery Grant.
- 4.4.2 It is difficult to be precise about the scale of costs likely to arise from Neighbourhood Planning. The CLG has set out a range of possible costs for

examinations £30-40k; and referendums printing £1.5k. This does not include any assessment of in-house staff resource costs nor does it include any arrangements that may be needed to set in place for governance procedures or addressing the longer term monitoring.

- 4.4.3 For an authority the size and complexity of Leeds it can reasonably be assumed that costs will be at the upper end, if not beyond, indicative national averages depending on the number of Neighbourhood Plans and Neighbourhood Development and Community Right to Build Orders coming forward.
- 4.4.4 If early progress is to be made on the four pilot areas and the Council is successful in its bid for the CLG Front Runner pilot grant funding of £20k/pilot then some of the costs covering examination and referendums will be provided for. Although this would leave the communities themselves to fund plan preparation. However, no decision has been made on exactly how this money will be spent if the council is successful in its bid.
- 4.4.5 It is envisaged that the majority of costs (apart from staff resources) for the Local Planning Authority (examinations and referendums), associated with the four pilot areas and any other areas wishing to progress a Neighbourhood Plan are most likely to fall in the 2013/14 period and onwards. For areas wishing to propose a Neighbourhood Development Order or a Community Right to Build Order these could come forward sooner (after the final Regulations are published) and costs could be incurred in 2012/2013 onwards.
- 4.4.6 The implementation of Neighbourhood Planning will need to have clear references to CIL and the Infrastructure Delivery Plan in Leeds as community aspirations arising from community priorities should influence the “meaningful proportion” of CIL (see separate Report to executive Board on “The Community Infrastructure Levy”, 10th December). The Council’s recommended responses to the Government’s consultation document on CIL recognises that neighbourhood funds have a very important role to play in mitigating the local impacts of development and allowing communities to set their own priorities but that this must be replaced against strategic needs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Once the Government adopts the Regulations the situation will become clearer as regards the detail and will enable a better understanding in Leeds of how neighbourhood Planning and Neighbourhood Development Orders and Community Right to Build Orders can progress.
- 4.5.2 The Council will be responsible for ensuring a Neighbourhood Plan has been produced in line with the relevant National and Local policy and legislation and will be required to arrange for an external examination of any proposed plans and organise the local referendums. There will be a need to fully assess the legal implications of Neighbourhood Planning at an appropriate time.
- 4.5.3 With regard to the pilots proposed, given that the necessary legislation relating to Neighbourhood Planning is not yet in place, the advice from CLG is that councils will need to operate within the restraints of the current system for producing

development plan documents (DPDs) and local development orders. This is different in some significant respects to that anticipated for neighbourhood planning. For example, there is no requirement for a referendum as part of the process, and the examination requirements are also different. The legal requirements for taking DPDs through to adoption are also proposed to change (a consultation on draft regulations has recently closed), in addition to the introduction of new regulations for neighbourhood planning. Given this 'transitional legal framework', legal advice will be required both in the early stages of any pilots as part of any project plan and at key points through the life of the pilot to ensure that the appropriate legal framework is being complied with in order to deliver their anticipated aims.

4.5.4 Due to the 5th January 2012 deadline for responding to the DCLG consultation on the draft neighbourhood planning regulations this report is not eligible for call-in.

4.6 Risk Management

4.6.1 There is a high risk that Neighbourhood Planning is led in areas where there is a strong desire to block development and will attract those people who are already engaged in the planning system and also more likely to engage with the new process and powers available to them to further pursue their interests and wider community voices may be lost. There is concern expressed in the Councils response that there needs to be clarity on the representation of Neighbourhood Planning forums and the controls the Local Planning Authority may have on governance arrangements, as there may be inappropriate power given to people who are not appointed or removable through any democratic process.

4.6.2 If the Council does not develop an overall approach to Neighbourhood Planning council resources may become less focused and interrupt the council priorities of preparing the Core Strategy and Site Allocations DPD. There is also the concern that the more affluent areas will be able to progress sooner, leaving other areas behind. In order to manage this risk it is recommended that officers continue to work on establishing a clear protocol for the delivery and implementation of Neighbourhood Planning.

5.0 Conclusion

5.1 The concept of Neighbourhood Planning as envisaged in the Localism Bill is to give local communities the opportunity to influence the future development of places where they live. However, generally neighbourhood plans are envisaged to be pro-development and will also need to reflect the strategic vision and especially housing targets for the city. Neighbourhood planning builds upon a strong track record in Leeds of working with communities on local planning documents, it aligns with our locality working agenda and has the potential to help us to deliver a number of our strategic priorities. However, alongside these opportunities there are a number of important risks including the potential resources required to respond to this from across the authority including planning, referenda and legal as well as the fact that the legislation is still being amended and will be supplemented by further regulations and guidance.

5.2 Neighbourhood planning is extremely high on the agenda with national and local debate and there is significant interest and concern within communities, parish and

town councils and elected members surrounding all aspects of the planning reform agenda. There is therefore an urgent need to develop the council's response to neighbourhood planning and the proposed pilots will help to do this.

- 5.3 Most of the proposed reforms around Neighbourhood Planning, Neighbourhood Development Orders and Community Right to Build as set out in the draft regulations can be supported for the reasons set out in this report but there are still a number of uncertainties around outstanding details to be subject to further consultation and draft regulations.

6 Recommendations

6.1 Executive Board is recommended to:

1. Note the contents of this report (in association with the previous background information in the executive Board report, 2nd November).
2. Approve the response to the Government's proposals for reform of Neighbourhood Planning; Community Right to Build and Neighbourhood Development Orders as set out in section 3 of this report and in the questionnaire attached at Appendix 1 and submit to DCLG before 5th January 2012.
3. Agree that this report be circulated to Town and Parish Councils for information.

7.0 Background Documents

- 7.1 'Neighbourhood Planning Regulations' Consultation, October 2011
- 7.2 Executive Board Report "Developing a Response to Neighbourhood Planning in Leeds, 2nd November 2011.
- 7.3 EDCI Screening Form

8.0 Appendices

- 8.1 Appendix 1 - Questionnaire response to 'Neighbourhood Planning draft regulations'

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Response form

Proposals for new neighbourhood planning regulations Consultation

We are seeking your views on the following questions on the Government's proposed approach to new regulations on neighbourhood planning. **If possible, we would be grateful if you could please respond by email.**

Email responses to: neighbourhoodplanning@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post.

Written responses to:

Neighbourhood Planning Regulations Consultation
Communities and Local Government
Zone 1/J1
Eland House
Bressenden Place
London
SW1E 5DU

(a) About you

(i) Your details

Name:	Kathryn Holloway
Position (if applicable):	Senior Planner
Name of organisation (if applicable):	Leeds City Council
Address:	2 Rossington Street, Leeds LS2 8HD
Email Address:	Kathryn.Holloway@leeds.gov.uk
Telephone number:	(0113) 2478076

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

- Organisational response
- Personal views

(iii) Please tick the one box which best describes you or your organisation:

- Private developer or house builder
- Housing association
- Land owner
- Voluntary sector or charitable organisation
- Business
- Community organisation
- Parish council
- Local government (i.e. district, borough, county, unitary, etc.)
- National Park
- Other public body (please state)
- Other (please state)

(iv) Please tick the one box which best describes which viewpoint you are representing:

- Rural
- Urban

(b) Consultation questions

Question 1:

Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on:

a) designating neighbourhood areas

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Existing Parish and Town Councils are considered to be more straight forward in regard to establishing boundaries for designated Neighbourhood areas. Although some of the parish/town boundaries in Leeds cover larger areas than would normally be associated with a neighbourhood, the constituency of the groups and the boundaries are already established. For inner areas and those areas not covered by a parish/town council the setting of boundaries could create some friction between neighborhoods where there are significant cross boundary issues.

The regulations do not explain how neighborhoods' should work across boundaries. The guidance should address cross boundary issues where one community might be affected by an adjoining area's proposals. For example traffic impacts or those arising from major retail proposals. Although it is recognised that an inspector can recommend extending an area for the purposes of a referendum to ensure that all those that may be affected can have a right to vote (see examination below) this may disproportionately sway the results and may be too late in the process for communities to feel that they have had real involvement in the process that could have most impact on them.

b) designating neighbourhood forums

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Clarification is required on the constitutional and representative arrangements for setting up and running a Neighbourhood Forum. Concern is raised also that the powers given to some communities may provide inappropriate powers to people who are not appointed or accountable through any democratic process.

There is some concern that the period of notification suggested in the draft regulations for a Neighbourhood Forum (28 days for alternatives to come forward) and the 6 week notification period for the designation of a neighbourhood area do not necessarily complement each other. It is considered more than likely that the application for the designation of a neighbourhood area and a neighbourhood forum will come in hand in hand and therefore there needs to be clarity on the process of determination.

However, it is welcomed that the Local Planning Authority will have the flexibility to devise and adapt the minimum requirements to be set out in the regulations in order to devise our own procedures, but greater clarity should be provided on how planning powers are to be assigned, managed, enforced and if necessary removed from Neighbourhood Forums as well as Parish/Town Councils.

c) Community Right to Build organisations

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Concern is expressed that the community groups that are entitled to put forward Community Right to Build orders (minimum of 5 un-related individuals) may not necessarily be affiliated with, or represent a designated Neighbourhood Forum or Parish/Town council area, and conflicts may arise between what is proposed through a smaller group with an interest in a particular site and the wider local proposals through the Neighbourhood Plan. Although the use of Local Referendums and the submission for LPA approval should remove these concerns, greater clarity on what can come forward and what issues need to be addressed through a CRtB should be set out.

Clarity needs to be provided on the minimum criteria to ensure that what is built takes account of the potential impacts and constraints. It is also uncertain as to whether the regulations will provide clarity on how any conditions or S106 requirements may be dealt with and enforced and what part the Local Planning Authority will play in guiding the process and potentially being involved in monitoring and enforcement when the council won't be receiving the traditional planning fee for these schemes. How will the LPA be notified of the schemes?

Clarity is also sought on the issue of how appeals will be dealt with (by whom and within what context). What is the role of the Local Planning Authority?

d) preparing the neighbourhood plan

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

Guidance needs to recognise that Neighbourhood Planning is only one part of a wider toolkit for local communities to get involved in planning and that areas not producing a plan are not seen as being vulnerable to development pressures or at a disadvantage. The guidance must be clear on the requirements of the preparation, consultation and evidence needed to progress a Neighbourhood Plan in a manageable way that communities can work with. It will be essential that Local Planning Authorities work closely with communities at the beginning of the process in order to provide clarity on the statutory requirements and “general conformity issues”.

There is concern that LPA’s are being asked to speedily produce up to date local plans which will provide the context to the production of Neighbourhood Plans in a time of reduced staff numbers and this could conflict with our ability to have a duty of support in providing technical advice to those communities that are expressing an interest in progressing a Neighbourhood Plan. There are serious concerns about the staff resources needed to progress and deliver the Core Strategy and Site Allocations Development Plan Document work programme priorities and being able to provide time and resources to Neighbourhood Planning in addition to the costs of the Inquiry and referenda.

To date Leeds City Council has had interest from 16 Parish/Town Councils and 4 community Groups and potentially one business led interest group wishing to prepare a Neighbourhood Plan for their areas. There is a potential that the rest of the 31 Parish/Town Councils will wish over time to prepare a Neighbourhood Plan and there are an untold number of community groups covering the rest of Leeds that may wish to form a Neighbourhood Forum.

The Council will need to establish a clear protocol and methodology setting out how we aim to be able to assist and what we can provide in way of technical assistance. This needs to manage communities expectations in a manner that does not stifle community interest or enthusiasm, but does not impact negatively on the progress of the statutory planning functions and work programme priorities.

As an example of the level of staff resources Neighbourhood Planning could involve, one of the areas, undertaking a Neighbourhood Plan in Leeds, which is already well established and under way in collecting community views have already approach the council requesting data on a number of issues, including population change (going back 50 years) and associated changes such as average house prices, social housing numbers and stock turnover; implemented planning permissions, including the total numbers of affordable housing and specialised housing (elderly) along with an update on the retail health check for the town centre. For each Neighbourhood Plan area, similar data requests are likely to require bespoke data analysis which is resource intensive and time consuming. Particularly where the request will involve the input of other directorates and sections. Whilst the authority provides a lot of data on the web we are getting more requests to provide data analysis. It is rare that the larger consultants would ask for this as they usually know how to use the data, but for smaller consultants and community groups that do not have the skills to do the analysis themselves is a real problem, furthermore we would want to avoid the risk that the information could be misinterpreted which would subsequently raise additional questions, and increase officer time spent in dealing with enquiries.

The Regulations and guidance on Neighbourhood Planning focuses on the process being community led, but there is a concern expressed in Leeds that communities on their own will not have the capacity to bring forward a Neighbourhood Plan. Similar

concerns are expressed in regard to the potential disparity between the more affluent communities who may be able to afford professional advisors and more deprived communities where the pressure to provide new homes is greatest.

Although the Government are providing grants and funding to organisations that have a key role in assisting and training community groups the skill set needed for communities to led on complex planning documents could be quite demanding and should not be underestimated. Nor should the time it takes be underestimated. Best practice in Leeds on the preparation of Village and Neighbourhood Design Statements that can take on average 2 years to adopt as supplementary planning guidance. This is without the examination and referendum requirements.

There is concern that the messages about Neighbourhood Planning are too simplistic and there needs to be greater clarity about the role of Neighbourhood Plans supporting the Government s growth agenda and not restricting development. It is understood that some of the areas that have expressed interest in preparing a Neighbourhood Plan in Leeds, did so on the mistaken understanding that they could control and restrict further housing growth and development in their neighbourhoods. There may have been concern that without a Neighbourhood Plan in place they would be left vulnerable to developers seeking to build in the Green Belt given the draft NPPF and the presumption in favour of sustainable development.

Whilst the empowerment and provision of a planning tool to enable those communities that wish to pursue a Neighbourhood Plan is broadly welcomed, Leeds has concerns that the guidance on the production of a Neighbourhood Plan is too simplistic and that the bottom-up approach advocated by Localism is actually quite constrained by the top-down conformity of the Local Plan. This needs to be made much clearer. There has also been concern expressed to date by Leeds in it's response on the draft National Planning Policy Framework that the NPPF reforms provides conflict between Localism and the governments growth agenda.

There is certainly a need to provide guidance on the interim arrangements and transition between the NPPF and the adoption of Core Strategies.

e) preparing the neighbourhood development order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

The regulations will need to clarify the relationship between Neighbourhood Planning and Neighbourhood development orders. Unlike Community Right to Build the inference is that only Neighbourhood Forums and Parish/Town Councils have the ability and power to formulate a Neighbourhood Development Order.

There will need to be clear procedures and governance arrangements established in Leeds to undertake this work. The Local Planning Authority will also have the right to revoke or modify an order which is welcomed but in itself will require staff resources from planners and lawyers.

Clarity needs to be provided on the minimum criteria to ensure that what is to be built has full consideration of the potential impacts and constraints. It is also uncertain as to whether the regulations will provide clarity on how any conditions or S106 requirements may be dealt with and enforced and what part the Local Planning Authority will play in guiding the process and potentially being involved in monitoring and enforcement when the council won't be receiving the traditional planning fee for these schemes.

f) preparing the Community Right to Build order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Concern is expressed that the community groups that are entitled to put forward Community Right to Build orders may not necessarily be affiliated to a designated Neighbourhood Forum or Parish/Town council, and conflicts may arise between what is proposed through a smaller group interest for a particular site, than the wider local proposals through the Neighbourhood Plan. A process for dealing with these potential conflicts needs to be established.

Clarity needs to be provided on the minimum criteria to ensure that what is to be built through Community Right to Build has full consideration of the potential impacts and constraints. It is also uncertain as to whether the regulations will provide clarity on how any conditions or S106 requirements may be dealt with and enforced and what part the Local Planning Authority will play in guiding the process and potentially being involved in monitoring and enforcement when the council won't be receiving the traditional planning fee for these schemes. How will the LPA be notified of any conditions and S106 requirements?

Clarity on the issue of how appeals could be dealt should be provided. The role of the Local Planning Authority needs to be made clearer in this regard.

g) Community Right to Build disapplication of enfranchisement

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

h) independent examination

- Strongly agree
- Agree

- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

The organisation and the costs of the Neighbourhood Planning examination process will need to be covered by the Local Planning Authority and these cost are not insubstantial. The appointment of an inspector from PINS can charge over £1k/day. The normal rule is 4 days writing up time for every day of a hearing. So even for a “light-touch” hearing based on a single day the costs could come to over £5k. The CLG impact assessment suggests examination costs of £5-8k. In practice, Inspectors costs start before the examination, as they are appointed on submission to do preparatory work. If the inspector decides to hold a public hearing additional costs will arise.

It is understood that it is obligatory to appoint a PINS inspector, but it may be more appropriate to appoint a suitable person which could bring the costs down and clarity is sought on this point.

i) referendum

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

The arrangements for referendums are not included in the draft regulations and therefore there are a number of uncertainties about this part of neighbourhood Planning.

It is interesting to note that in the debate in Lords before the enactment of the Localism Bill, Baroness Hanham appeared to be suggesting that where the Local Planning Authority agree that a Neighbourhood Plan conforms to the local plan then a referendum will not be necessary. As it is a pre-condition that neighbourhood plans are in “general conformity” this would greatly reduce the need for referenda. This discussion is not reflected in the published consultation material but it is important that clarity is provided about the status of Baroness Hanham’s comments.

j) making the plan or order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

k) revoking or modifying the plan

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

The power for Local Planning Authorities to modify a plan or revoke it seems appropriate and sensible. Clarity should be provided for when this may be appropriate so that the communities understand the reasons for LPA's need to make alteration. There are issues around monitoring and enforcement that are not picked up here, as it for the LPA to make and publish the amendments, but in order to do this, monitoring will need to be undertaken of the policies in each Neighbourhood Plan. As stated early in regard to the powers of appointing a Neighbourhood Forum, there needs to be clarification on the constitutional arrangements for setting up and running a Neighbourhood Forum and how planning powers are to be assigned, managed, enforced and if necessary removed from Neighbourhood Forums. This needs to equally apply to Parish/Town Councils.

l) parish councils deciding conditions

- Strongly agree
- Agree

- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Clarity needs be given on the constitutional arrangements for setting up and running a Neighbourhood Plan/ Neighbourhood Development Order/ Community Right to Build Order and how the planning powers are to be assigned, managed and enforced and if necessary removed.

It is considered that there will be considerable training needs to enable Parish Members and Neighbourhood Forums to take the lead on establishing conditions and in appropriate circumstances S106 requirements. It is not clear how Neighbourhood Forums fit within this point.

The regulations state that the Parish Council has 28 days to determine whether they will be making the decision. If they chose not to, or fail to notify the Local Planning Authority within that 28day period they will not then be entitled to make a decision and it is assumed that the decision powers falls back to the Local Planning Authority. This could add considerable delay to the determination of an application under a NDO, which is supposed to be a simplification of the process and could lead to criticism of the Local Planning Authority.

Question 2:

Our proposition is that where possible referendums should be combined with other elections that are within three months (before or after) of the date the referendum could be held. We would welcome your views on whether this should be a longer period, for example six months.

- Three months
- Six months
- A different period

Explanation/Comment:

Clearly the local costs of referendums will vary depending on the size of the area concerned and whether it can be linked to local elections. Leeds City Council agrees that for cost savings to be made it may be best to combine with local elections, but there may be concern that local communities will see the period of six months or more as an unnecessary delay in the production process of a Neighbourhood Plan and the council could be criticized for losing local momentum if the period is more than six months.

The regulations do not currently provide any detail on when a referendum should be held and it is considered unnecessary for the regulations to be specific on the timing of holding a referendum, leaving it to the Local Authority and community to decide on the most appropriate course.

Question 3:

The Bill is introducing a range of new community rights alongside neighbourhood planning – for example the Community Right to Buy and the Right to Challenge. To help communities make the most of this opportunity, we are considering what support measures could be made available. We are looking at how we could support people in communities, as well as local authorities, other public bodies, and private businesses to understand what each right can and cannot do, how they can be used together, and what further support could be made available for groups wanting to use them.

We would welcome your views on what support could usefully be provided and what form that support should take.

Explanation/Comment:

Leeds already has a strong track record of community ownership of assets and the council are starting to respond to expressions of interest which links to work already underway to make procurement and the commissioning process more accessible.

Clarity on what facilities and services communities can express an interest needs to be provided. Expressions of interest will automatically trigger complex procurement processes and it needs to be made clear that expressing an interest does not guarantee that communities can find the funding within the timescales. Leeds City Council have examples where the transfer of assets becomes a very long drawn out process with local community and political support for a community project but no funding and /or business case and in the meantime buildings deteriorate and the costs to look after the buildings are a drain on Council resources.

Community Right to Buy and the Right to Challenge will raise local communities expectations in terms of maintaining community assets and involve the Council in additional time and expense in determining the best future use for an asset. Being community requests, they do also tend to involve a level of emotion/aspiration that may not take on the reality or responsibility of taking on such an asset . This all takes time and resources to deal with.

Concern is expressed over the potential that this could lead to the fragmentation of services with some sectors of the community effectively cheery-picking parts and making it difficult for the council to deliver and run the rest. This could result in increased costs and uncertainty in regard to accountability and responsibility.

Query whether there is fairness in the approach between different sector's ability to apply and undertake this right. Some sectors will clearly need assistance.

Where private assets are involved, the owner has the right of appeal and if they incur loss the Council will have to pay compensation. This places additional financial pressure on the Council. It is also likely that the number of requests for asset transfer will increase and this will impact on the Councils capital receipt program and ability to raise revenue from the sale of buildings/land. There is the potential conflict with competing Leeds City Council priorities .I.e. should the asset be sold to raise a capital receipt rather than going to a Community use and the receipt being invested in other Council projects.

Question 4:

Do you have any other comments on the proposals?

(Please begin with relevant regulation number and continue on a separate page if necessary)

Explanation/Comment:

The Regulations seek to remove barriers and provide new tools to assist bottom-up plan making for neighbourhood and local communities but there are a number of 'barriers' in regards to the skills and experience needed. The Government should not underestimate the value being placed on the amount of volunteer time and commitment needed by communities to undertake and run these new powers.

There is inequality between those areas that can afford to undertake the new tools available to them, and there is the potential that those communities that are less affluent and do not have existing groups in place (most likely inner urban areas) are immediately at a disadvantage and there will be associated time delays whilst these areas seek the necessary funding.

Neighbourhood Planning will have clear links to Community Infrastructure Levy/S106 agreements and this needs to be made clear. It is clear in the consultation document that those communities that support new growth should see the benefits but this must be balanced against strategic infrastructure needs. The Council has provided comment on this in response to the CIL consultation.

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Report author: Sarah Sinclair
Tel: 0113 3950216

Report of Director of Children’s Services

Report to Executive Board

Date: 4 January 2012

Subject: Basic Need Programme 2013 – Outcome of consultation on proposals for expansion of primary provision in 2013

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Morley South, Horsforth, Gipton and Harehills, City and Hunslet, Beeston and Holbeck, Guiseley and Rawdon, Otley and Yeadon		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

Summary of main issues

1. Leeds City Council has a statutory duty to ensure sufficiency of school places. The basic need programme represents the Council’s response to the demographic pressures in primary school provision. Through this programme it has delivered 675 new reception places since 2009. In July 2011 the Board agreed to hold a public consultation on four statutory proposals, including competitions for two new schools and two expansions of existing schools. It also agreed to earmark land at Florence Street in Harehills, and the site of the former South Leeds Sports Centre for the new schools. In addition it agreed a third expansion proposal should be included in the annual consultation on admissions arrangements as it did not require a statutory process. These proposals would create a further 120 reception places for 2013, and 60 in 2014. This report details the outcome of those consultations, and makes recommendations as to the next steps for each proposal.
2. The July report also identified areas where further work was required to meet anticipated further need for 2013. This report provides an update on that work.

Recommendations

3. Executive Board is asked to:

- 3.1. Approve the publication of an 'invitation to bid' statutory notice for a proposed new 420 place school with 26 place nursery on land at Florence Street to serve families in that area.
- 3.2. Approve the publication of an 'invitation to bid' statutory notice for a proposed new 420 place school with 26 place nursery on land at the former South Leeds sports centre to serve families in that area.
- 3.3. Approve the publication of a statutory notice for the expansion of Morley Newlands Primary School from 420 pupils to 630 pupils
- 3.4. Note that the authority will commission temporary increases in a number of areas whilst further evidence is gathered to identify permanent expansion proposals.

1 Purpose of this report

- 1.1 This report describes the outcome of public consultations on the expansion of primary provision across the city, and makes recommendations for the next steps for each of the proposals.

2 Background information

- 2.1 At its meeting on 27 July 2011 the Executive Board considered a report requesting permission to consult on a range of proposals for the expansion of primary provision in 2013 and 2014, and approved those consultations. They included the creation of two new schools and expansion of two existing schools. It also agreed to earmark land at Florence Street and at the former South Leeds sports centre for this purpose. The proposals were brought forward as part of a range of measures to ensure the authority meets its statutory duty to ensure sufficiency of school places. Under the Education and Inspections Act 2006 these proposals all constitute prescribed changes requiring a statutory process, the first step of which is public consultation.
- 2.2 Subject to Executive Board approval, the new schools require a competition to be held. The consultation formed the first part of that process, and the next stage would be the publication of specification alongside an 'Invitation to Bid', a statutory notice inviting those interested in running the school to submit bids against that specification.
- 2.3 The expansion proposals require a separate process, and subject to Executive Board approval, the next step would be the publication of a statutory notice before a final decision is made.
- 2.4 The July paper also noted further work was ongoing to identify further actions needed to address any remaining shortfall in 2013. This report describes the outcome of that work.

3 Main issues

- 3.1 The consultation was conducted from 12 September 2011 to 21 October 2011 in line with government guidance and local practice, and ward members in all wards were consulted during the formal consultation period. A number of public meetings were held, and information distributed widely including through schools, early years providers and websites, post offices, libraries, doctors surgeries, community groups and area management officers. A summary of the issues raised follows, and copies of the verbatim responses, public meeting notes and additional analyses referred to can be found at www.educationleeds.co.uk/schoolorganisation , or requested from the school organisation team via educ.school.organisation@leeds.gov.uk
- 3.2 **Proposal one. Creation of a new 420 place primary school through competition in the Harehills planning area** with 26 place nursery, on land at Florence Street to serve families in that area.
 - 3.2.1 There were 11 written responses, five for the proposal, four against, and two neutral. There was a positive engagement with the existing learning community and community representatives, but relatively low attendance from members of the

general public at the public meetings, despite a range of times and venues being offered. Additional meetings were therefore set up with the help of Harehills Youth In Partnership (HYIP) which provided some additional participation. A counter proposal to expand Harehills Primary School by using the land at Florence Street was received.

- 3.2.2 **Concern:** That the site was not satisfactory, with contamination, traffic and access issues, proximity to the existing refuse site, and nature of the surroundings all raised as concerns. It was felt to be too small. That it was at best 'good enough' and not what we should aspire to.
- 3.2.3 **Response:** It is acknowledged that the site has contamination issues to address. Screening of the adjacent waste site will be important to ensure a suitable environment for the school, including outdoor play areas. This applies to other inner city sites, and we have experience of managing such projects. We have investigated the suggestion of previous explorations making the land unusable, and have not found this to be the case. A high level cost estimate for decontamination has been included, but this would need to be refined if the project progresses. Screening would be required for the refuse site, and initial conversations with highways officers have identified options to explore to address traffic and site access. Parking would be provided inline with current Planning policy, which is 1 space per 2FTEs. Traffic impact would be minimised because of the proximity of the site to the population; more than enough families live within half a mile of the site to fill it without undermining existing schools, increasing the likelihood that families will walk to school. The site would be considered a confined site under current guidance, as are many of our inner city schools. Any planning process required will address the sufficiency of school sporting provision via Sport England in their role as a statutory consultee. Children would not be in the wider surroundings unsupervised, and safeguarding measures would ensure safety in the school environment. The potential benefits seemed to outweigh any concerns for many local residents who participated in the meetings.
- 3.2.4 **Concern:** That the use of the site for other community facilities, most notably public green space and play area should be prioritised over school use.
- 3.2.5 **Response:** Over a number of years there have been proposals and ideas to develop this land, but none have been developed. Whilst the detailed plans for any school have not yet been developed, any options for allowing managed community use of the site will be explored. Aspirations for community use of the school facilities would be an element of the specification against which proposals would be evaluated. Those local families who participated in the consultation saw this as an important benefit. In particular they felt it offered an opportunity for local employment, which would ensure the school was truly central to the community. Overall, this presents an opportunity to improve the presentation of the site, and explore options for local community use of the asset.
- 3.2.6 **Concern:** That other sites have not been fully investigated, may be better suited and should be reconsidered. Specific sites raised included the expansion of existing schools on their current sites including Woodlands, Harehills and Shakespeare, the former Primrose High School site, the former Roseville School site, and the former Compton Arms pub site for expansion of the Children's Centre to deliver the nursery

places. Others were suggested that may become available in future, notably Archway.

- 3.2.7 **Response:** To deliver places for 2013 any site must be available now, so that the relevant statutory processes and build programmes can be completed in time. This rules out speculative sites such as Archway, but they could be considered at a later date should they become available and should there be continued need for further places. Compton Arms pub site and Roseville School site are not in council ownership. Aside from any land acquisition costs this may entail, site acquisition is contrary to council policy at this time. Existing schools have been extended as far as possible at this point in time, though the circumstances for all schools are constantly reviewed and proposals will be brought forward if this changes. Woodlands could not be expanded on its current site, and certainly not by 2FE. Shakespeare is on a constrained site, and land adjacent to it is protected N1 green space so would not be suitable for use. Land adjacent to Harehills Primary is not in council ownership. Other sites meet the demographic need less well, with only half the number of children living within half a mile of the former Primrose site compared to Florence Street (see appendix 1). Several participants noted and accepted these practical constraints. Land adjacent to Harehills Children's Centre could be considered for the nursery provision if this proves prohibitive at the Florence Street site, however there are benefits to the inclusion of an integrated Early Years Foundation Stage unit within the new school, which also offers the opportunity to design an integrated building solution rather than adapt a current site.
- 3.2.8 **Concern:** A counter proposal for a split site Harehills Primary School was received. This would utilise the Florence Street site, and be managed with Reception to Year 3 at the existing site, and Years 4 to 6 at Florence Street (full response available with all consultation responses at www.educationleeds.co.uk/schoolorganisation).
- 3.2.9 **Response:** The response was detailed and considered, and had several strengths to it. Most notably it would build on existing leadership and teaching practices and community relationships, and avoid any concerns about the isolation of pupils during the opening stages of a new school. It described ideas for management of a split site. This would undoubtedly reduce some of the risks compared to starting a new school. It would however, mean a very large school, with concerns about the impact on a very large number of children should there at any stage be any difficulties at the school. Whilst there was a clear view at the main public meeting that overall size was not a barrier, it is known to concern many parents, and must bring with it a different style of management and leadership. A new school offers the opportunity to increase choice and diversity for the community, which the authority had legal duty to promote, and which many of the families attending the additional meetings saw as a positive opportunity to shape something for their needs.
- 3.2.10 **Concern:** That the demographic information is not reliable: that it has changed in the past, and that housing plans for the area were not taken into consideration.
- 3.2.11 **Response:** Whilst it is clear birth rates will fluctuate over long periods of time, they have seen a sustained increase for over 10 years, putting them at record high levels. All available analysis suggests a continued upward trend to the end of the decade. This has resulted in a considerable mismatch in the places available in the local community, and the number of children requiring places. Historically much of

this has been compensated for by families choosing to travel out of the area for school places. This proposal provides an opportunity to put provision back into the heart of the community, and for that community to have a voice in shaping that provision. There are no confirmed current demolition or rebuilding plans for immediate area, although it has been the subject of regeneration plans in the past. The Strategic Housing and Land Availability Assessment (SHLAA) represents long term housing aspirations, and does not guarantee development. Should it's proposals come to fruition, the need for further new provision does not remove the need for this proposal. Further demographic analysis is in Appendix 1.

3.2.12 **Specification issues arising:** Specific suggestions for the specification upon which bids would be invited were:

- Describing how the buildings and play area would be made available for community use
 - Including single sex changing facilities for community use
 - Describing how the school would offer local employment opportunities
 - Describing how it would serve the local community through its admissions policy
- There were also some views that the authority should submit a bid to run the school. Concerns were also raised that the school should be held accountable ongoing regarding those specification details. There would also be further work required to analyse and address the issues regarding screening of the adjacent waste site.

3.3 **Proposal two. Creation of a new 420 place primary school through competition in the Beeston and Holbeck planning area** with 26 place nursery, on land at the former South Leeds sports centre to serve families in that area.

3.3.1 There were 9 written responses, 7 opposed the proposal, 1 supported it and 2 were neutral. There was a relatively low attendance from members of the general public at the public meetings, despite a range of times and venues being offered. There was widespread acknowledgement of the need for more places, and the debate focussed almost entirely on the relative merits of different sites and their uses.

3.3.2 **Concern:** Many respondents felt very strongly that the sports centre, and in particular the swimming pool should be re-opened, and this was a priority over a school on that particular site. Some felt sports use should be resolved first. Many thought the proposal meant demolition of existing buildings or building on the playing fields.

3.3.3 **Response:** The sports centre was closed prior to any proposal for a new school, and this proposal did not influence the closure in any way. At this stage there are no viable proposals for sports provision for that site, although have been ongoing discussions with at least one provider. The overall site size is large enough to contain both sports provision and a primary school, however delivery of both would be complex and would require some compromise. Whilst the respondents expressed some strong views about the future of a swimming pool on the site, these have been considered in the extensive consultation that took place about the closure of the leisure centre. It is possible, in bringing forward a specification for a new primary school, to include an aspiration that a viable business plan to also run, and refurbish, the sports centre would be favoured. Should no such bid be

forthcoming priority could be given to bidders supporting continued community access to the sports pitches on the site. The potential exists for both uses although delivery of a primary school that provides value for money, where there is no viable business case for continued use of the sport centre, would only be achieved as the only building occupying the site.

- 3.3.4 **Concern:** Relative merits of the site and other sites. In addition to the competing interest for use of this site as sports provision, concerns about this site included: proximity to other schools, over provision in the immediate area, implication should numbers decline in future, air pollution, and impact on traffic congestion at peak times. Lack of investment and need for places in the Holbeck area, i.e. other side of motorway was also commented on.
- 3.3.5 **Response:** This site is the only available site large enough to provide for a primary school that is in council ownership, not already earmarked for other uses or occupied by existing users. This site is located close to a large number of families homes, and so should minimise traffic impact by allowing for walking to school. Demographic pressures do change over time, and the authority would seek to work flexibly with partners in future to meet the demand for places in the long term. Pollution levels don't cause undue issues for other schools or housing in the area, or indeed for the former sports centre. The site is located at a dead end which also forms access for other schools in the area, and traffic management issues would be addressed through the planning application. The school would be required to create a green travel plan. The former Matthew Murray site was suggested, but in addition to its very close proximity to Ingram Road Primary School, has also been identified for commercial developments. On balance, the creation of a new 2FE school on the former sports centre site allows for greater choice and diversity of provision, flexibility for the future, and a strong sustainable school without damaging other schools. Other sites identified as owned by the council and available were the Parkside Road site, Brown Lane West, and Thwaite Gate. Parkside Road is separated from the area it is intended to serve by industrial developments, Brown Lane West is surrounded by industrial developments and also close to Ingram Road, and Thwaite Gate is further into Hunslet where the places are not needed. Data on children within 0.5 miles of these sites is in appendix 1. Maps showing the site are available on request, or from www.educationleeds.co.uk/schoolorganisation
- 3.3.6 **Concern:** Demographic justification and sustainability; existing schools have spare places, and the authority has closed schools in the area in the past so there is concern about the ongoing need. The motorway was noted as a significant barrier to travel.
- 3.3.7 **Response:** The birth rate in the area shows there is a need for these places, and Office of National Statistics projections suggest this upward trend will continue to the end of the decade. The proposal is to build capacity for that rising demographic, and not add to capacity in existing year groups. Existing schools have capacity in higher year groups only, and we are already finding it harder to offer places to Reception children within reasonable distance of their homes. Whilst there may need to be change to capacity in future the authority would seek to do this in a manner which retained flexibility and choice and diversity of provision. One respondent challenged whether the data really showed a need in Holbeck rather

than Beeston, this confusion is in part due to the use of Super Output Areas in describing planning areas, and in fact the Holbeck planning area covers both sides of the motorway including the area east of Cross Flatts Park.

- 3.3.8 **Specification issues arising:** Specific suggestions for the specification upon which bids would be invited were:
- Describing how the site could also provide sports usage, in particular a swimming pool
 - Describing how the school would facilitate ongoing community access to the sports pitches
 - Describing how it would serve the local community through its admissions policy
- 3.4 A number of people also expressed the view that the authority should submit a bid to run the school. Concerns were also raised that the school should be held accountable ongoing regarding those specification details.
- 3.5 **Proposal three. Expansion of Morley Newlands Primary School** from 420 places to 630 places, that is an admission number of 60 to 90.
- 3.5.1 Eleven written responses were received, ten in favour and one against. The governing body fully support the proposal, and other local schools are supportive provided the proposal does not undermine them. The responses were broadly supportive, including those of local members.
- 3.5.2 **Concern:** Impact on class size, staffing and funding. Concerns this would mean bigger class sizes and have a negative effect on overall funding.
- 3.5.3 **Response:** The proposal would not increase class sizes, which would continue to be based on classes of 30 in line with funding models and current infant class size legislation. All schools receive funding based on the number of children attending, thus ensuring the required level of teaching a non teaching staff can be recruited in a phased manner. The school would introduce an appropriate management structure, and are confident they can deliver high quality provision with appropriate support and nurture as a larger school. Some respondents also noted the positive benefits of a larger staff body with an increased range and depth of expertise and skills.
- 3.5.4 **Concern:** Effect on learning environment. The proposal was recognised as presenting a positive opportunity to rationalise existing temporary and modular units, and create a more efficient and appropriate learning environment. There were concerns that the built solution should not compromise the play area and open space on site, and a strong body of opinion that the overall solution should consider the best long term value for money when considering full or partial rebuild options. There were also concerns about management of the site and pupils during the construction phase, and concern about phasing of the project. Some felt their support was conditional on the appropriate capital funding being available.
- 3.5.5 **Response:** The detailed building design will be managed in parallel with this process, with some detailed work carried out at risk in recognition of the complexity of any scheme at the site. This will reflect consideration of value for money and overall budget constraints, and will deliver a high quality, fit for purpose solution, however the detailed design is not part of this consultation. It is anticipated that the

rationalisation of existing individual units as part of the project will ensure outdoor play space is not adversely impacted, and this will be addressed in any planning process. The Children's Services delivery team have considerable experience of managing such projects, and health and safety and wellbeing of children during the build will be paramount. The use of modular units constructed off site minimises the disruption on site. We aspire to deliver the project in as few phases as possible to minimise disruption, however the detail of phasing is subject to confirmation. The school have noted the likely improvements in energy efficiency of any new building.

- 3.5.6 **Concern:** Traffic, access and highways issues. The roads were felt to need traffic calming measures, and requests were made to look at the pedestrian and vehicular access routes.
- 3.5.7 **Response:** These issues will be considered through the design and any planning process. At this stage we believe the issues can be addressed.
- 3.5.8 **Concern:** Importance of ongoing community use of the buildings, and any new facilities.
- 3.5.9 **Response:** Although no additional dedicated community space is being planned as part of this proposal the head teacher and governing body have indicated their desire to continue to make the school accessible to the community.
- 3.6 **Proposal four. Expansion of Rawdon St Peter's Church of England Voluntary Controlled Primary School** from 315 pupils to 420 pupils, that is an admission number of 45 to 60.
- 3.6.1 There were 34 responses, 20 of which opposed the proposal. Approximately 50 people attended the public meeting. The school governors, staff and school council of Rawdon St Peter's were very supportive of the proposal but did have some concerns around increased traffic and parking. The governing bodies of Rawdon Littlemoor and Rufford Park Primary schools have both submitted counter proposals to expand those schools instead of Rawdon St Peter's. The responses below therefore include some of the key comparisons between the schools, and the full details of the counter proposals are with all of the consultation responses at www.educationleeds.co.uk/schoolorganisation
- 3.6.2 **Concern:** Traffic, access and parking issues. Concerns were raised about the volume and speed of traffic on Rawdon Town Street which is also used as an alternative route to the A65 (Leeds Road). The safety of the children getting to school has been a concern for a while and it was felt that expanding the school will increase this issue. Residents have complained previously about parents parking in side streets and blocking access to properties. It was felt that additional parking and/or drop off areas should be made available.
- 3.6.3 **Response:** The Highways department are aware of the issues on Rawdon Town Street and have been consulted with as part of this process. The school are responsible for a green travel plan, and do promote a park and walk scheme for parents who are able to use the local pub car park. Early consultation with planning and highways has confirmed that creation or expansion of parental drop off zones are discouraged at any school as a general principle. The other schools submitting

counter proposals also face similar issues, although Rufford Park does have more options for parking away from the school, and Littlemoor has an existing drop off area. Although pupils typically travel a slightly greater distance to St Peter's, the average travel distance for all 3 schools is less than 1 mile, which is a reasonable walking distance.

- 3.6.4 **Concern:** Condition of the current building and impact of adding extra accommodation. In particular concerns that the hall, ICT suite and outside play area would not be able to cope with the increased pupil numbers, and the relative quality of new accommodation and need for improvements to the existing buildings.
- 3.6.5 **Response:** Rawdon St Peter's has the most appropriate infrastructure for the expanded size of the three schools. If the proposal is agreed the authority would look closely at current space utilisation internally and externally in determining the project requirements. Extra classrooms and toilets are expected to be the main priority at this stage. There is no additional funding to cover the upgrade of existing buildings through basic need. However the new units would be of a high standard and very energy efficient, offering an enhancement to the overall buildings. Planning regulations and any planning process required would address impact on outdoor play and green space, and in this regard the impact at St Peter's is likely to be the least of the three schools.
- 3.6.6 **Concern:** Lack of engagement with Rawdon Littlemoor and Rufford Park Primary Schools prior to the public consultation. Both schools felt that meetings should have taken place with them to discuss the proposal and obtain their views before requesting permission to consult.
- 3.6.7 **Response:** Permission to consult was not agreed until 27th July, which fell into the school summer holidays and made it difficult to meet with schools during this time. Meetings with both Rawdon Littlemoor and Rufford Park schools took place during the 6 week consultation period to remedy this. Although all options have been considered equally, it is acknowledged there should have greater engagement with the schools during the proposal development phase.
- 3.6.8 **Concern:** Demographics do not support the expansion of Rawdon St Peter's, but suggest the real issue is around Rufford Park. New housing was more likely to be around the Rufford Park area than in Rawdon. Concern over accuracy of preference data. Belief that Rawdon Littlemoor and Rufford Park have been unfairly excluded from consideration due to their PFI buildings, without full reflection of the issues.
- 3.6.9 **Response:** There is significant mobility across the areas where Rawdon St Peter's, Rawdon Littlemoor and Rufford Park primary schools are located, and any of the schools could therefore be reasonably considered for expansion. Across the 3 schools there are currently 120 reception places, and 176 children living in these combined areas that will be eligible to start school in September 2013. Of these, 88 have Rufford Park as their nearest school. Both Rawdon St Peters' and Rawdon Littlemoor have been oversubscribed for the past 2 years and many parents request St Peter's school as the only Church of England primary school in the whole Guiseley / Yeadon / Rawdon corridor. At present there are no confirmed housing applications for the area, and we continue to work closely with planning colleagues

to understand any likely future impact. The preference data presented in the booklet was at offer day, and thus relevant to parents applying on time in the normal cycle. It was acknowledged that there are often additional preferences expressed for school later in the year.

3.6.10 The PFI status of the other two schools is not sufficient reason on its own to rule out expansion of any school, it is one of the many factors taken into consideration. Whatever the capital costs of delivery at a PFI school, there will be increases to the annual charges which must be considered. In this instance early high level estimates suggest this to be of the order of £0.75m over the contract lifetime, but this would be subject to further investigation. Although both PFI buildings were designed with possible expansion in mind, the practical delivery carries some planning risks, which affect the delivery timeframe. The proposal was initially brought forward after balancing all of the risks and benefits, and value for money was one of the considerations.

3.6.11 **Counter proposal:** Proposals for Rawdon Littlemoor and Rufford Park to be expanded instead were received.

3.6.12 **Response:** The original proposal would not resolve all sufficiency issues in that wider area, and would represent one part of an overall solution. In July, a need for a further 30 places was identified in the Guiseley / Yeadon / Rawdon corridor for 2103. Option appraisal work has been conducted for the area, however a number of risks have been identified that may make it difficult to deliver permanent places for 2013. A new Admissions Code was published in November, which will have implications for determining the appropriate size of any expansions. In the light of the consultation feedback, counter proposals and emerging new options, it is recommended that further work be conducted before making any decisions on proposals for this area to ensure the best holistic solution is found. This will mean a temporary solution will need to be found for 2013, as any permanent solution could only be delivered for 2014.

3.7 **Outstanding issues in the South area.** The previous report identified proposals for Beeston / Holbeck, and Morley, and noted there remained some concern about places in Temple Newsam and Middleton wards.

3.8 Colton remains a particular pressure point within the Temple Newsam ward. It has not been possible to offer places to all children for whom it was their nearest school this year. Its geography means that some 'village' residents receive priority for Whitkirk as their nearest school, which is a difficult journey from Colton. New housing in the area is likely to add to this pressure. It was previously reported that the school could not be expanded to deliver 30 additional Reception places. This work has been reconsidered and a possible scheme has been identified which could deliver 15 extra reception places. The scheme does carry some planning risks, and there would be issues to resolve around the appropriate size for expansion and potential impact on neighbouring schools. It is therefore recommended that a temporary cohort be admitted for 2013, whilst the option of permanent expansion is evaluated further.

3.9 Within the Middleton ward there is significant pupil movement between Belle Isle and Middleton. There is also continued pressure from new housing in the area. Having concluded the investigation into potential additional sites in the Middleton area, it has

not been possible to bring forward a proposal for expansion of provision in that area. It is therefore recommended that a temporary cohort be admitted to one of the schools for 2013 if the admissions data supports this, and that the option of permanent expansion be evaluated further.

3.10 Outstanding issues in the East / North East. There is considerable pressure in the inner east and inner north east, and high levels of pupil movement between the areas add a degree of uncertainty to place planning for the area, particularly between Harehills and Roundhay. There is a proposal under consideration for a new school in Harehills which is intended to serve one of the highest pressure areas. A proposal for new provision at Roundhay was approved for 2012, but a proposal for 2012 to create primary provision at Allerton Grange was brought forward and paused following traffic, highways and site access concerns raised during the consultation. Having investigated the site issues at Allerton Grange it has not been possible to identify a solution to these issues, and the proposal is now being withdrawn. It is proposed to wait until the outcome of Harehills proposal is known before bringing forward any further proposals for permanent expansion in this area, to allow the collective effects of these changes to be understood. Discussions will be held with the schools in the area about the possibility of temporary cohorts being admitted to cover any shortfall which emerges.

3.10.1 Outstanding issues in the West / North West. A proposal for the expansion of Little London Primary School for 2012 was put on hold following a counter proposal from the governing body for expansion on their existing site. The Little London area is subject to regeneration, and officers from various council departments have worked together to identify all options to meet the overall needs of the community, including for school places, and the preference to expand on the same site. At this stage it is not possible to finalise details of such a proposal, and it therefore recommended that temporary solutions be found at Little London for 2013 while a permanent proposal is developed for 2014.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The consultation has been managed in accordance with all relevant legislation and local practice. Ward members in all wards city wide were formally consulted at the public consultation stage, both individually, and through area committee meetings to ensure awareness of all proposals city wide and improved understanding of the impact of proposals in adjoining areas. The use of the Family Hub website was successfully piloted, and awareness was promoted through various community groups particularly for the Harehills proposal. These avenues will be used in future.

4.1.2 We routinely ask all respondents for their views on how we can improve the consultation process. Since we seek to apply lessons learned to all future consultations these have been addressed in some detail in Appendix 2.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The EDCI assessments were completed and are available from the Capacity Planning and Sufficiency Team.

4.3 Council Policies and City Priorities

- 4.3.1 The proposal is brought forward to meet the Council's statutory duty to secure sufficient school places. In providing places close to where the children live the proposals will allow improve accessibility of local and desirable school places, and thus reduce any risks of non attendance. Energy efficient modular buildings close to the centres of population will minimise the carbon footprint of any new provision associated with increasing capacity.

4.4 Resources and Value for Money

- 4.4.1 The high level estimated cost delivery of the proposals is £18.91m which will be funded through the education capital programme. This has increased from the initial estimates due to the inclusion of nursery provision in the two new school proposals. This is based on modular accommodation and will be subject to significant development through detailed design. It includes only high level estimates for the Harehills remediation costs, and otherwise no provision for any site specific conditions, risk or abnormalities.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The changes described in the proposals constitute prescribed changes under the Education and Inspections Act 2006 (EIA 2006). The consultations have been managed in accordance with that legislation, and local practice.
- 4.5.2 The Education Act 2011 received Royal Assent in November, and changes the process for establishing new schools. It requires the authority to seek an Academy provider in the first instance. Should this not be possible, a competition may then be held with the consent of the Secretary of State. The local authority cannot bid, and the authority is the provider of last resort should no other providers be found. This legislation will come into force in Spring 2012. Until then, where notices have already been published under the EIA 2006, competitions can continue unaffected. Continuing to publication of notices now would allow the authority to publish an invitation to bid, and conclude a competition under the prior legislation.

4.6 Risk Management

- 4.6.1 The most significant delivery risks are around the two new school proposals. In the case of the Harehills proposal they surround the decontamination costs, and resolution of the design including traffic and access issues within a relatively constrained site, and may incur some expenditure at risk ahead of any final decision being taken. In the case of South Leeds they surround marrying the timing of any proposals to reopen the site for any sports use with the timing of any school proposal.
- 4.6.2 Should the proposals proceed, project officers will manage a detailed risk register for each project.
- 4.6.3 The proposals have been brought forward in good time to allow places to be delivered for 2013 and 2014. Any delay in the process may increase the amount of

detailed planning work required to be done at risk of the proposal not ultimately proceeding.

5 Conclusions

- 5.1 The issues raised in consultation have been considered for each proposal. The sites for the two proposed new school competitions are well located for the populations they are intended to serve, available to the council now, and could deliver places for the required timeframes. Although they each carry some delivery risk, officers believe at this stage the issues can be addressed. Expansions of existing schools in those areas could not deliver the number of places needed, and no better alternative sites which are available in the required time frame have been identified. In order to meet the need for places in time, and to continue under the old legislation with a wide ranging competition, it is therefore recommended that each proposal progresses to the next stage of the relevant statutory process.
- 5.2 The Morley Newlands expansion proposal has been shown to be a strong proposal which would meet the need for the area and is broadly supported, it carries some risk around the complexity of the project, but at this stage officers believe the issues raised can be addressed.
- 5.3 Whilst the proposal to expand St Peter's was brought forward in the belief it offered the best proposal for expansion, in the light of the counter proposals, and the need to ensure the right overall balance of places in the area, it is recommended that further work be conducted to allow consideration of the best holistic solution for the wider area before making any further recommendation. Temporary solutions will be sought to cover the inevitable delay to delivery. Temporary solutions will also be sought whilst further work is completed for Colton and Middleton / Belle Isle.

6 Recommendations

Executive Board is asked to:

1. Approve the publication of an 'invitation to bid' statutory notice for a proposed new 420 place school with 26 place nursery on land at Florence Street to serve families in that area.
2. Approve the publication of an 'invitation to bid' statutory notice for a proposed new 420 place school with 26 place nursery on land at the former South Leeds sports centre to serve families in that area.
3. Approve the publication of a statutory notice for the expansion of Morley Newlands Primary School from 420 pupils to 630 pupils
4. Note that the authority will commission temporary increases in a number of areas whilst further evidence is gathered to identify permanent expansion proposals.

7 Background documents

These documents are available on request by calling 0113 2243867, or from educ.school.organsiation@leeds.gov.uk . Executive Board reports are also available at www.leeds.gov.uk .

Executive Board Reports

- 7.1 17 June 2009 Expanding Primary Place Provision
- 7.2 22 July 2009 Proposed increases in Admissions Limits for September 2010
- 7.3 19 May 2010 Outcome of statutory notices for changes to primary provision for September 2010, 2011 and 2012
- 7.4 21 July 2010 Outcome of statutory notices for proposals for expansion of primary provision for September 2011, and
- 7.5 Outcome of statutory notices for changes to primary age provision in Horsforth for September 2011
- 7.6 15 Dec 2010 Primary provision for 2012
- 7.7 30 March 2011 Basic Need Programme 2012 – Part A Outcome of consultation on proposals for primary provision for 2012 and Part B Request for Authority to spend.
- 7.8 18 May 2011 Basic Need Programme 2012 – Outcome of consultation on proposals for primary provision in 2012
- 7.9 27 July 2011 Primary Basic Need 2012 – Permission to consult on proposals for expansion of primary provision on 2013 and 2014

Officer reports

- 7.10 21 May 2010 and 5 November 2010 SIB reports
- 7.11 7 May 2010 and 17 September 2010 AMB reports
- 7.12 EDCI impact assessments

Consultation Documents and Statutory Notices

- 7.13 Consultation Documents for the four proposals

Other

- 7.14 Maps showing locations of alternative sites and the 0.5 mile radius zones around them.

Appendix 1. Additional demographic analysis.

Numbers of under 5's living within 0.5 miles of sites in Harehills and South Leeds

Site	Under 5s by year they enter Reception			
	2011	2012	2013	2014
Florence Street	386	454	439	473
Former Primrose High School	145	208	220	250
Former Roseville School	232	310	284	335
Former south Leeds sports centre	129	131	131	160
Former Mathew Murray site	70	91	88	112
Brown Lane West	49	76	73	97
Parkside Road	88	102	91	97
Thwaite Gate	23	28	22	30

Appendix 2. Consultation Improvements

Changes to consultation implemented this time.

- Member engagement was improved to include both email and hard copy notification of the consultations and documentation. In addition, a paper and officer attendance to discuss all the proposals to all area committees city wide was made. This has ensured the impact of proposals in adjacent areas is fully considered. Both these measures will be adopted ongoing.
- The family hub website was used to promote the consultations for the first time, targeting the young families for whom future provision is intended. This had a positive impact, with over 120 viewings of the page from a front page link. This is something we will seek to develop ongoing.

Process concerns raised for future consultation.

- Several respondents noted a concern that there should have been a wider debate about the alternatives, especially for the sites of new schools. This process would constitute an informal consultation, which must be concluded prior to the statutory consultation phase. Whilst this can assist in making the process feel more transparent, it also increases the time taken to deliver the final proposal, and adds to the costs. This work is conducted by officers, and reported during the public meetings, and forms part of the report on the outcomes of consultation.
- There were comments that the meetings were not advertised well enough, and that the low turnout at some meetings was evidence of this. It is impossible to be sure of the reasons why people do not turn up to consultations, and unwise to draw any conclusions about the level of support or otherwise for proposals from this. The meetings were offered at a range of times and days to maximise opportunity for attendance, and were advertised in the usual manner to schools, early years providers and families of children in school or early years settings in the area. They were also advertised in post offices, doctors surgeries and libraries, and other community venues through area management officers. We will continue to work with those partners to ensure the information is displayed prominently. We also worked with a local community group in the Harehills area to promote the consultation and offer additional meetings, which drew a modest attendance. We constantly review our methodology to ensure the widest possible audience in the most cost effective manner, and implemented several new measures as outlined above. We have explored the use of local radio, a range of local press options and the use of public transport advertising space, but all has proven prohibitively expensive. Many commented that local press publications are not widely read anyway, supporting the view they would not be efficient use of public money. We will look again at advertising in supermarkets, and other locations at the immediate sites. Other methods suggested are very resource intensive without guaranteeing any better response. One respondent suggested the use of drop in sessions for those who may feel intimidated by the impersonal surroundings of a large meeting. These have been trialled previously, and not attracted large numbers of participants. At the one meeting where half a dozen or so people turned up, it ended up being a group meeting anyway as they all turned up at the same time, all had the same questions, and none could wait. We will continue to review whether these may have a place on a case by case basis. Some

suggested the use of door to door canvassing. This is not targeted at pre school families, very time intensive, and could be perceived as intrusive.

- One respondent suggested there should have been public meetings in the adjoining ward. There was no conscious policy to exclude the ward; rather venues were selected on proximity to the proposed site, and availability cost and suitability of venues. All were close to the proposed site, and reasonably accessible to residents from that ward.
- There was a suggestion that demographic information was not up to date. The data used in the consultation document was for the population snapshot and birth cohort to September 1 2010. During the consultation an update for the year to September 2011 was published. Although not available in time to use in the consultation it has been considered in forming these recommendations. Although there has been a slight levelling off of the birth rate city wide, the details in each of these areas do not suggest any of the proposals should not proceed.
- Some respondents were unhappy with the level of detail supplied, particularly around the buildings plans for the site. There is always a tension between providing sufficient detail for the consultation to be meaningful and have a degree of certainty about its deliverability, against not wasting public money developing proposals that may not proceed. The main focus of the initial consultation phase is to test the proposal from an educational perspective, not approve the buildings plans. Full opportunity to comment on any buildings is provided through any planning process required. We review the wording in future to add clarity about what is outside of this process and why as one respondent suggested.