



EXECUTIVE BOARD

Meeting to be held in Civic Hall, Leeds on
Wednesday, 7th March, 2012 at 1.00 pm

Councillors

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

MEMBERSHIP

S Golton

R Finnigan

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 K=Key Decision	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <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 K=Key Decision	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 10th February 2012.</p> <p><u>LEISURE</u></p>	1 - 16
6			<p>APPRENTICESHIPS IN PARKS AND COUNTRYSIDE</p> <p>To consider the report of the Director of City Development highlighting proposals to develop an apprenticeship programme for the Parks and Countryside service.</p> <p><u>ADULT HEALTH AND SOCIAL CARE</u></p>	17 - 22
7 K			<p>TELECARE EQUIPMENT FOR THE LEEDS TELECARE SERVICE 2012/2013</p> <p>To consider the report of the Director of Adult Social Services seeking authority to release capital expenditure of £1,000,000 on Telecare equipment for the Leeds Telecare Service from April 2012 to March 2013, in accordance with financial procedure rules.</p>	23 - 34

Item No K=Key Decision	Ward	Item Not Open		Page No
8 K	Burmantofts and Richmond Hill; Temple Newsam;	10.4(3) (Appendix C only)	<p><u>DEVELOPMENT AND THE ECONOMY</u></p> <p>ENTERPRISE ZONE UPDATE</p> <p>To consider the report of the Director of City Development providing an update on the Enterprise Zone in Aire Valley Leeds and detailing for approval, how the zone will operate and the benefits available to companies locating to the zone.</p> <p>Appendix C to this report is designated as exempt under Access to Information Procedure Rule 10.4(3).</p>	35 - 52
9 K	Burmantofts and Richmond Hill; City and Hunslet; Garforth and Swillington; Middleton Park; Temple Newsam;		<p>AIRE VALLEY LEEDS ENTERPRISE ZONE DRAFT LOCAL DEVELOPMENT ORDER 1: SOLAR PANELS</p> <p>To consider the report of the Director of City Development setting out a draft of a Local Development Order (LDO) proposed to support the Aire Valley Enterprise Zone and Urban Eco Settlement concept by simplifying the planning process in the area. The proposed LDO specifically relates to allowing the installation of solar panels on non-domestic buildings without the need to apply for planning permission.</p>	53 - 80
10 K			<p>CAMERA ENFORCEMENT OF BUS LANES - PHASE 2</p> <p>To consider the report of the Director of City Development seeking approval, in principle, to extend camera enforcement of bus lanes at the remaining bus lane sites across Leeds, in addition to allowing the introduction of cameras on new bus lane schemes.</p>	81 - 90

Item No K=Key Decision	Ward	Item Not Open		Page No
11 K	City and Hunslet;	10.4(3) (Appendix A and Plan 1 only)	<p>EASTGATE QUARTER - AMENDMENT TO LEGAL DOCUMENTATION AND COMMERCIAL DEAL</p> <p>To consider the report of the Director of City Development seeking approval to revise the terms of the Eastgate Development Agreement with Hammerson, who have requested that the Development Agreement be reviewed and that revised terms are agreed in order to facilitate the delivery of the project.</p> <p>Both Appendix A and Plan 1 to this report are designated as exempt under Access to Information Procedure Rule 10.4(3).</p>	91 - 108

Item No K=Key Decision	Ward	Item Not Open		Page No
12			<p>REQUEST FROM SCRUTINY BOARD (REGENERATION) FOR A LATE SUBMISSION TO DEFRA ON ITS CONSULTATION TO REFORM THE PROCESS OF REGISTRATION OF LAND AS TOWN AND VILLAGE GREENS AND TO INTRODUCE LOCAL GREEN SPACE DEVELOPMENTS</p> <p>(a) <u>Request from Scrutiny Board (Regeneration) for a Late Submission to DEFRA</u> To consider the report of the Head of Scrutiny and Member Development requesting that Executive Board make a late submission to Defra following its consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce Local Green Space Developments based on the submission made by the Open Space Society.</p> <p>(b) <u>A Response to a Request from Scrutiny Board (Regeneration) for a Late Submission to DEFRA</u> To consider the report of the Director of City Development informing Executive Board of the Council's response to consultation undertaken by Defra regarding the reforms to the registration of town and village greens; and the issues identified for the Council in relation to the registration and future management of land designated as a town and village green. This report also seeks approval to decline the request of the Scrutiny Board (Regeneration) for the Council to make a late submission to Defra following its consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce local Green Space Developments based on the submission made by the Open Space Society.</p>	109 - 154

Item No K=Key Decision	Ward	Item Not Open		Page No
13			<p><u>ENVIRONMENTAL SERVICES</u></p> <p>LEEDS CLIMATE ACTION COALITION DEPUTATION TO COUNCIL REGARDING THE IMPACT OF THE FEED IN TARIFF REVIEW ON JOBS, FUEL POVERTY AND CARBON REDUCTION IN LEEDS</p> <p>To consider the report of the Director of Environment and Neighbourhoods providing a response to the deputation to Council on 18th January 2012 by Leeds Climate Action Coalition regarding the impact of the Feed In Tariff review on jobs, fuel poverty and carbon reduction in Leeds.</p> <p><u>NEIGHBOURHOODS, HOUSING AND REGENERATION</u></p>	155 - 166
14	Beeston and Holbeck; City and Hunslet; Hyde Park and Woodhouse;	10.4(3) (Appendix B only)	<p>LITTLE LONDON, BEESTON HILL AND HOLBECK - PRE FINANCIAL CLOSE FINAL BUSINESS CASE AND SECTION 27 DELEGATION REQUEST</p> <p>To consider the report of the Director of Environment and Neighbourhoods outlining the progress made in respect of the Little London, Beeston Hill and Holbeck PFI housing project and highlighting the outcomes being sought to contribute towards the regeneration of three inner areas of the city.</p> <p>Appendix B to the report is designated as exempt under Access to Information Procedure Rule 10.4(3).</p>	167 - 182

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15 K	Armley; Bramley and Stanningley; Burmantofts and Richmond Hill; Chapel Allerton; Headingley; Hyde Park and Woodhouse; Killingbeck and Seacroft; Kirkstall;		<p>REDUCING REPORTED DOMESTIC BURGLARY IN LEEDS - UPDATE</p> <p>To consider the report of the Director of Environment and Neighbourhoods presenting a position statement on the delivery of the city's multi-agency Burglary Reduction Programme, which commenced in September 2011.</p>	183 - 192
16			<p>REPORT ON LEEDS ANTI-SOCIAL BEHAVIOUR TEAM</p> <p>To consider the report of the Director of Environment and Neighbourhoods providing an update on the work and progress made by Leeds Anti-Social Behaviour Team since its implementation in April 2011 and highlighting how the collective response to Anti-Social Behaviour across Leeds has improved during 2011/2012.</p>	193 - 200
17 K			<p><u>RESOURCES AND CORPORATE FUNCTIONS</u></p> <p>FINANCIAL HEALTH MONITORING 2011/2012 - MONTH 10</p> <p>To consider the report of the Director of Resources setting out the Council's projected financial health position after 10 months of the financial year.</p>	201 - 204

Item No K=Key Decision	Ward	Item Not Open		Page No
18			<p>REPORTS REGARDING DEVELOPMENTS IN RESPECT OF COMMUNITY INVOLVEMENT IN LOCAL AUTHORITY ASSETS AND SERVICE PROVISION</p>	205 - 260
K			<p>(a) <u>Assets of Community Value - Legislation and Implications</u> To consider the report of the Director of City Development detailing the provisions dealing with Assets of Community Value in the Localism Act and setting out the resultant requirements and the potential implications for the Council. In addition, the report seeks approval to publish the proposed 'List of Assets of Community Value' and also to delegate authority to the Director of City Development to authorise inclusion of community nominations in the list of assets of community value which satisfy the criteria as set out in the Act and those which would fall into the list of land nominated by unsuccessful community nominations.</p>	
K			<p>(b) <u>Community Asset Transfer</u> To consider the report of the Director of City Development setting out the background to community asset transfer and outlining the context in terms of Government policy; the benefits of community asset transfer; the Council's experience to date, together with any lessons learned. In addition, the report presents a draft policy and assessment framework for consideration by Executive Board for future community asset transfers.</p>	
			<p>(c) <u>Community Right to Challenge</u> To consider the report of the Director of Resources providing a summary of the requirements arising from the 'Community Right to Challenge' provisions of the Localism Act 2011, and providing an opportunity to debate and determine the way that the Council implements the legislation.</p>	

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19 K			<p>LOCAL AUTHORITY MORTGAGE SCHEME</p> <p>To consider the joint report of the Director of Resources and the Director of Environment and Neighbourhoods outlining the development of a new product, namely the Local Authority Mortgage Scheme, and its applicability to Leeds. In addition, the report seeks approval to establish the scheme in order to support the housing market in Leeds.</p>	261 - 270
20			<p><u>CHILDREN'S SERVICES</u></p> <p>LOOKED AFTER CHILDREN (LAC) REPORT</p> <p>To consider the report of the Director of Children's Services providing an update on the number of looked after children in the city and advising of the key outcomes for children, for whom Members act as a corporate parent. In addition, the report sets out the key initiatives that are being taken forward to reduce the number of looked after children and to ensure that those children looked after by the City of Leeds receive high quality care.</p>	271 - 288
21 K	Moortown; Roundhay;		<p>BASIC NEED 2012: CARR MANOR AND ROUNDHAY: ALL THROUGH SCHOOLS REVISED COSTS</p> <p>To consider the report of the Director of Children's Services outlining the reasons behind the increases in costs in relation to both the Carr Manor and Roundhay projects, identifying the additional funding, and seeking approval to the increased expenditure on both projects in order to deliver 90 pupil places in 2012.</p>	289 - 296
22			<p>IMPACT OF TUITION FEE RISES FOR LEEDS</p> <p>To consider the joint report of the Director of Children's Services and the City Development advising of the potential impacts of tuition fee rises and the wider changes to higher education for Leeds.</p>	297 - 320

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EXECUTIVE BOARD

FRIDAY, 10TH FEBRUARY, 2012

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

183 Late Items

There were no late items as such, however, it was noted that 2 pages which due to a printing error had been omitted from paper copies of the agenda, had been circulated prior to the meeting for consideration (Minute No. 197 referred).

In addition, with the agreement of the Chair, a response to agenda item 13 entitled, 'Deputation to Council: 16th November 2011: National Federation of the Blind', from the Leeds Branch of the National Federation of the Blind had been circulated to Board Members at the meeting for their consideration (Minute No. 187 referred).

184 Declarations of Interest

Although no declarations of interest were made at this point in the meeting, declarations were made at later points in the meeting (Minute Nos. 190 and 201 referred respectively).

185 Access to Background Papers

In responding to enquiries which had been recently raised, the Chief Executive confirmed that all statutory requirements had been fulfilled with respect to Background Papers on the current Executive Board agenda, but emphasised that further work would be undertaken into how the referencing of such background documents could be improved in the future.

186 Minutes

RESOLVED – That the minutes of the meeting held on 4th January 2012 be approved as a correct record.

ADULT HEALTH AND SOCIAL CARE

187 Deputation to Council 16th November 2011 - National Federation of the Blind

The Director of Adult Social Services submitted a report responding to the deputation made to Council on 16th November 2011 by the Leeds Branch of the National Federation of the Blind. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

With the agreement of the Chair, a response received from the Leeds Branch of the National Federation of the Blind had been circulated to Board Members at the meeting for their consideration.

Clarification was provided by the Director of Adult Social Services that the reference within Appendix 2 to the submitted report should read as 'Action for Blind People' and not 'Action for the Blind'.

Having responded to Members' enquiries regarding the transfer of information which had occurred between contractors, the Executive Member for Adult Health and Social Care together with the Director of Adult Social Services assured the Board that dialogue would continue with all relevant parties in order to address the concerns which remained in respect of this issue.

In concluding the discussion, it was requested that Scrutiny Board (Health and Wellbeing and Adult Social Care) continued to be involved in the resolution of this matter, and that Executive Board Members, together with Group Leaders were kept informed of any further developments.

RESOLVED –

- (a) That the contents of the submitted report be noted;
- (b) That the actions currently being undertaken by Adult Social Care and Leeds Vision Consortium to address the points raised by the Deputation be noted.

RESOURCES AND CORPORATE FUNCTIONS

188 Financial Health Monitoring 2011/12 - Month 9

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

Members highlighted the positive impact of the one-off sources income received by the Council during the financial year upon the current budgetary position.

In responding to a Member's specific enquiry, the Director of Environment and Neighbourhoods undertook to provide the Member in question with a briefing on an ongoing litigation matter within Housing.

In conclusion, the Board paid tribute to the robust management of the budget which had taken place throughout the current financial year.

RESOLVED – That the projected financial position of the authority after the three quarters of the financial year be noted.

189 Revenue Budget 2012/13 and Capital Programme

(A) Revenue Budget and Council Tax 2011/2012

Further to Minute No. 154, 14th December 2011, the Director of Resources submitted a report on the proposals for the City Council's Revenue Budget for 2012/2013, on the Leeds element of the Council Tax to be levied in 2012/2013 and on Council House rents for 2012/13, which had been prepared in the context of the Council's initial budget proposals agreed by Executive Board in December 2011, the Local Government Finance settlement and the results of the budget consultation. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Whilst introducing the report, the Chair paid tribute to all of those who had been involved in preparing the Council's budgetary proposals.

In responding to Members' enquiries, the Board received an update in respect of the current position regarding shared services with other local authorities, and an undertaking was given that a briefing note would be provided to Group Leaders on this matter. In addition, the Board also received clarification with regard to the Capital Receipts Incentive Scheme, which was to confirm that the scheme did not apply to the sale of assets already assumed within the Capital Programme. It was also confirmed that the budget proposed did not reduce current Area Management funding.

Members welcomed the proposed Council Tax freeze for 2012-13 and requested that representations were made to the Government regarding the need for such funding from the Government to continue into future years.

The Board highlighted the significant achievement that despite the Council's reduced workforce in recent years, there had been no enforced redundancies. The Chief Executive then paid tribute, both to those employees who had left the authority in recent years and also to those who remained.

Members discussed the proposed increase in the proportion of the Council's budget which was dedicated to Children's Services and Adult Social Care and also considered the impact of the increasing number of schools becoming academies upon the budget.

RESOLVED -

- (a) That Council be recommended to approve the Revenue Budget for 2012/2013 totalling £563,114,000, as detailed and explained within the submitted report and accompanying papers, with no increase in the Leeds' element of the Council Tax for 2012/13.
- (b) That in respect of the Housing Revenue Account, Council be recommended to: -

- (i) approve the budget at the average rent increase figure of 6.82%;
- (ii) increase the charges for garage rents to £6.93 per week;
- (iii) increase service charges in line with rents (6.82%).

(B) Capital Programme Update 2011-2014

The Director of Resources submitted a report setting out the updated draft capital programme for 2011-2014, which included forecast resources for that period. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- (a) That the following be recommended to Council:
 - (i) That the capital programme, as attached to the submitted report, be approved;
 - (ii) That the Executive Board be authorised to approve in year amendments to the capital programme, including transfers from and to the reserved programme in accordance with Financial Procedure Rules; and
 - (iii) That the proposed Minimum Revenue Provision (MRP) policies for 2012/13, as set out within 3.7 of the submitted report and as explained at Appendix E, be approved.
 - (iv) That the updated capital approval delegations in Financial procedure Rules, as shown in Appendix F to the submitted report, be approved.
- (b) That approval be given to the list of land and property sites, as shown within Appendix D to the submitted report, being disposed of in order to generate capital receipts for use in accordance with the MRP policy.
- (c) That the Director of Resources be authorised to manage, monitor and control scheme progress and commitments to ensure that the programme is affordable.

(C) Treasury Management Strategy 2012-2013

The Director of Resources submitted a report setting out the Treasury Management Strategy for 2012/2013 and outlining the revised affordable borrowing limits under the prudential framework. In addition, the report also provided a review of strategy and operations in 2011/2012. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- (a) That approval be given to the initial treasury strategy for 2012/13, as set out within Section 3.3 of the submitted report, and that the review of the 2011/2012 strategy and operations, as set out within Sections 3.1 and 3.2 of the submitted report, be noted.
- (b) That it be noted that the changes to CIPFA's Treasury Management Code of Practice and cross sectoral guide and Prudential Code of practice have been adopted and implemented by the Council.
- (c) That Council be recommended to set the borrowing limits for 2011/12, 2012/13, 2013/14 and 2014/15, as set out within Section 3.4 of the submitted report.
- (d) That Council be recommended to set the treasury management indicators for 2011/12, 2012/13, 2013/14 and 2014/15 as set out within Section 3.5 of the submitted report.
- (e) That Council be recommended to set the investment limits for 2011/12, 2012/13, 2013/14 and 2014/15 as set out within Section 3.6 of the submitted report.
- (f) That Council be recommended to adopt the revised Treasury Management Policy Statement.

(The matters referred to in parts A(a), A(b)(i) to (iii), B(a)(i) to (iv) and C(c) to (f) being matters reserved to Council were not eligible for Call In)

(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 referred to within minute Nos. 189(A) and 189(B))

190 Welfare Reform Strategy

The Director of Resources submitted a report setting out the overall strategy for ensuring that customers, service providers and stakeholders were prepared for, and able to respond to, the issues and requirements arising from the welfare reform programme. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Board welcomed the proactive approach which was being taken to ensure that all parties were prepared for the implications arising from the introduction of the welfare reform programme.

Following several detailed enquiries, officers undertook to provide a briefing on related matters to any Board Member who wanted one.

Members highlighted the increased demand which had already been experienced on some Council services as a result of the programme, emphasised the important role which could be played by Area Committees in

Draft minutes to be approved at the meeting
to be held on Wednesday, 7th March, 2012

this area and received details on the likely impact of the welfare reforms upon young people.

RESOLVED –

- (a) That the welfare reform strategy be approved.
- (b) That updates on progress with the strategy be received in due course.
- (c) That a welfare reforms' communications strategy to deliver timely, targeted information to customers and stakeholders, from March 2012, be supported.
- (d) That the proposal to work with Area Committees in order to ensure that the strategy reflects and meets needs at a local level, be supported.
- (e) That activity to ensure face to face services fully support customers and service users in meeting the requirements of Universal Credit, be supported.
- (f) That the exploration of opportunities to get involved with pilots around Universal Credit delivery where the Council would be able to add value and localise delivery arrangements, be approved.

(Councillor A Carter declared a personal interest in this matter, as his step-daughter was in receipt of benefits and would potentially be affected by the change in legislation)

191 State of the City Report and Full Council Meeting

The Assistant Chief Executive (Customer Access and Performance) submitted a report providing the background to the State of the City report and detailed the key cross cutting issues arising from the it, with recommendations to refer relevant issues to Leeds Initiative Board and/or the Strategic Partnership Boards. The report also reviewed the first State of the City Full Council meeting which took place on 7th December 2011 and which made recommendations for this to become an annual event. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members generally supported the principle of the State of the City Council meeting, but a view was put forward that further thought was needed in respect of the format used in future.

RESOLVED –

- (a) That, based on the issues highlighted in the State of the City report, particularly those relating to deprivation:-
 - i) a quality and completeness check be undertaken to ensure that each of the Strategic Partnership Boards have actions in place to address the relevant issues;

Draft minutes to be approved at the meeting
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- ii) the outcome of this work be reported back to the Leeds Initiative Board.
- (b) That an overview of progress on deprivation and poverty related issues across the city be reported to the Leeds Initiative Board after the 2011/12 year end, and through the publication of the next State of the City Report in the Autumn of 2012.
- (c) That a special additional Full Council meeting be held annually (a provisional date of 28 November has been set for 2012) to consider the State of the City report, with the active involvement of partners and with a number of changes being incorporated into the 2012 meeting based on feedback from participants:
 - the question session is dropped to allow further time for the seminar sessions;
 - the seminar themes are better integrated to reflect the issues highlighted in the State of the City report;
 - there is greater Member engagement in the preparation and design of the event; and
 - consideration is given to further ways to support members getting more involved in key strategic issues affecting the city.
- (d) That the key messages from the break-out sessions be shared with Members, partners and colleagues across the Council.

CHILDREN'S SERVICES

192 Annual Standards Report (Primary)

The Director of Children's Services submitted a report providing an overview of the performance of primary schools at the end of the academic year 2010-2011, as demonstrated through statutory national testing and teacher assessment. In addition, the report also outlined the action taken by the Council to fulfil its responsibilities to support, monitor, challenge and intervene as necessary. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to Members' enquiries, emphasis was placed upon the pivotal role of the Leeds Education Challenge and assurances were given in respect of the initiative's communications strategy.

RESOLVED – That the following be endorsed and supported:-

- (a) The progress which has been made at all key stages and in those areas that need further improvement;
- (b) The future provision of support, challenge and intervention in Leeds to ensure that progress continues to be made;

- (c) The centrality of the Leeds Education Challenge in securing improvement.

193 Annual Standards Report (Secondary)

The Director of Children's Services submitted a report summarising the progress achieved in secondary school improvement in Leeds, with a particular focus upon the outcomes achieved by pupils in 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Responding to Members' enquiries, assurances were provided on the momentum of change and focus being placed upon the educational element of Children's Services.

Following Members' questions, the Board received an update on the actions being taken to improve attainment levels within mathematics and also on the causal factors of the varying attendance levels amongst different ethnic groups.

RESOLVED – That the following be endorsed and supported:-

- (a) The progress which has been made, specifically in areas that need further improvement;
- (b) The future provision of support, challenge and intervention in Leeds to ensure that progress continues to be made;
- (c) The centrality of the Leeds Education Challenge in securing improvement.

194 Half Yearly Adoption Agency Report

The Director of Children's Services submitted a report detailing the work of Leeds City Council Adoption Service from April 2011 to September 2011 inclusive. The report considered the activity of the service in relation to the implementation and progression of children's care plans, the service offered to those seeking to adopt, in addition to those affected by adoption through the provision of adoption support. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- (a) That the contents of the submitted report be noted.
- (b) That the work of the Adoption Team continue to be supported in order to ensure that adopted children receive the best possible support.

ADULT HEALTH AND SOCIAL CARE

195 Leeds Local Account

The Director of Adult Social Services submitted a report introducing the Local Account of Adult Social Care Services for its citizens. The report provided an explanation of the new responsibilities placed upon Councils, whilst detailing

the Local Account's contribution towards enhancing local accountability to the public, and as a tool to supporting sector led service improvement. In addition, the report provided a summary of the main areas of achievement of Adult Social Care and indicated areas of service identified within the Leeds Local Account as requiring further development in order to sustain or improve performance. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- (a) That the content of the submitted report, together with the attached Local Account for Leeds, entitled 'Living Life Your Own Way', be noted.
- (b) That the statement by the LINK, as appended to the submitted report, on their perspective of the Council's progress and the extent to which local people have been actively engaged in prioritisation and planning, be noted.
- (c) That the areas for improvement, as set out within the attached Local Account be referred to the Scrutiny Board (Health and Wellbeing and Adult Social Care) for their oversight of performance.

DEVELOPMENT AND THE ECONOMY

196 Leeds (River Aire) Flood Alleviation Scheme

The Director of City Development submitted a report providing an update on the progress of proposals to provide flood defences for the city. In addition, the report sought approval to a phased approach to providing flood defences, the aim being to complete Phase 1 to achieve a 1 in 75 year Standard of Protection for the city centre area (between Leeds Station and Knostrop Weir), by the end of 2015. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Board welcomed the phased approach which had been proposed and emphasised the vital importance of an effective flood alleviation scheme for both the city and the regional economy. In addition, Members highlighted the inflexible nature of the criteria applied by DEFRA to flood alleviation and requested that representations were made to DEFRA on this matter.

RESOLVED –

- (a) That it be acknowledged that the original comprehensive flood defence scheme, costing £188,000,000 (whole life costs at 2011 figures), which would provide a 1 in 200 year standard of flood protection, will not be funded in the near future.
- (b) That in light of resolution (a) above, approval be given to a phased approach to providing flood defences as the most pragmatic way forward at this time, with the aim being to complete Phase 1 to achieve a 1 in 75 year Standard of Protection for the City Centre area, from Leeds Station to Knostrop Weir by the end of 2015.

- (c) That, should it be affordable and practicable, elements of Phase 1, as outlined within paragraph 3.9 of the submitted report, be progressed at the earliest opportunity.
- (d) That it be agreed that Leeds City Council, as lead Local Flood Authority, working with partners, should lead and procure further work to develop proposals and to secure funding in order to progress Phase 1, currently estimated by the Environment Agency at £75,800,000.
- (e) That Leeds MPs continue to liaise proactively with Defra and the Environment Agency in order to support Leeds City Council in its ambition to progress a flood defence project for the city by providing minimum match funding, seconding technical staff and sharing all relevant technical information.
- (f) That expenditure of £500,000, made available from the Council's Capital allocation of £10,000,000 to progress the recommendations of the submitted report, including further feasibility and associated work, be authorised.
- (g) That the phased approach, as highlighted within paragraph 3.9 of the submitted report be agreed, subject to detailed technical assessment.

197 LDF Core Strategy - Publication Document

The Director of City Development submitted a report presenting the Core Strategy, together with the sustainability appraisal report and other relevant supporting documents, for the purposes of public consultation and the formal invitation of representations. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Two pages from this report, which due to a printing error had been omitted from paper copies of the agenda, had been circulated to Board Members prior to the meeting for their consideration.

Responding to Members' enquiries, the Board received clarification in respect of Protected Areas of Search (PAS) sites. In addition, having emphasised the importance of local community and local Ward Member input within the consultation process, the Board received reassurances in respect of such matters.

Members' concerns regarding the projected population growth forecasts, and the basing of the proposed strategy on such forecasts were acknowledged, however, emphasis was placed upon the need for a Core Strategy to be established, which would be done using the most up to date statistics available.

The Chief Executive emphasised the extent to which pre-consultation had already taken place during the compilation of the strategy. It was noted that during such consultation, the issue of windfalls, the importance of local distinctiveness and the need for further co-operation and communication

Draft minutes to be approved at the meeting
to be held on Wednesday, 7th March, 2012

between developers and the locality, were all matters which had been highlighted.

RESOLVED – That the publication of the Core Strategy, together with the sustainability appraisal report and other relevant supporting documents, for the purposes of public consultation and the formal invitation of representations, be approved.

(The Development Plan Document is prepared within the context of the LDF Regulations and statutory requirements, and as the DPD is a Budgetary and Policy Framework document, the matters referred to within this minute were not eligible for Call In)

(Under the provisions of Council Procedure Rule 16.5, Councillor Finnigan required it to be recorded that he voted against the decisions referred to within this minute)

198 Refurbishment of Street Lighting on the A659 High Street, Boston Spa

The Director of City Development submitted a report advising of the background to the proposed scheme for the refurbishment of street lighting on High Street, Boston Spa, and which sought approval to continue with the installation of the latest scheme proposals, which were in accordance with British Standards for the design of road lighting, but contrary to local community representatives wishes. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED – That the installation of the latest scheme proposals for High Street, Boston Spa, which is in accordance with British Standards for the design of road lighting, but contrary to local community representatives wishes, be approved.

199 Leeds Bradford International Airport Taxi Access

Further to Minute No. 95, 12th October 2011, the Director of City Development submitted a report responding to the recommendations made by the Scrutiny Board (Regeneration) following its inquiry into the full design option for the provision of a taxi facility on Whitehouse Lane at Leeds Bradford International Airport. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In considering this matter, Members highlighted the need to secure a more flexible and inclusive approach towards taxi access at the airport and urged for an holistic and satisfactory resolution, befitting the airport's status. In this regard, Members made reference to the Forecourt Management Plan. The recommendations made by Scrutiny Board (Regeneration) were noted and it was highlighted that such recommendations could be revisited, should the need arise.

RESOLVED –

- (a) That the contents of the submitted report, together with the response made to the Scrutiny Board (Regeneration) report and comments, be noted.
- (b) That the Scrutiny Board (Regeneration) recommendations arising from their review of the design option previously prepared for providing a taxi facility on Whitehouse Lane at Leeds Bradford International Airport be noted.

200 Consultant's Report on the Future of Kirkgate Market

The Head of Scrutiny and Member Development submitted a report requesting that consideration was given to the major concerns of the Scrutiny Board (Regeneration) regarding the consultant's report on the future operation and management of Kirkgate Market. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

On behalf of the Board, the Chair thanked Scrutiny Board (Regeneration) for the work which it had undertaken on this matter. This was followed by Councillor J Procter, Chair of the Scrutiny Board, attending the meeting to present the Board's findings and key concerns.

RESOLVED – That the comments and observations of Scrutiny Board (Regeneration) on the consultant's proposals for the future operation and management of Kirkgate Market, be noted.

201 Kirkgate Market Strategy and Capital Works

The Director of City Development submitted a report providing an update on the strategy for Kirkgate Market, the recommendations of Quarterbridge Project Management Ltd. on the future management and ownership model for the market, its optimum size and various other matters which would secure its future. In addition, the report also detailed the capital maintenance works programmed for the market, whilst also outlining proposals for progressing some of the recommendations from the consultant's report regarding the replacement of some areas of the market and the refurbishment of other halls, together with proposed further consideration of the market's future management and ownership. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In considering the consultant's recommendations, the Board noted that such recommendations did not commit the Council to a single course of action and that all such recommendations would not be accepted as a matter of course. Responding to Members' comments and concerns, assurances were provided that the market would remain within Council ownership, that it was viewed as a great asset to the city and that it needed to adapt in order to meet the new challenges from within retail sector. Clarification was also given to the Board following enquiries in respect of a perceived conflict of interest regarding the consultants.

RESOLVED –

- (a) That the recommendations from market specialists, Quarterbridge Project Management Ltd. be noted.
- (b) That the Council's commitment to ensure a sustainable future for Kirkgate Market be reaffirmed.
- (c) That agreement in principle be given to the market being reduced by 25% and to proceed with a full feasibility study for a modern extension to replace the 1976, 1981 and George Street shops halls and for the refurbishment of 1904 and 1875 halls.
- (d) That agreement be given to retaining the open market and relocating it, following the redevelopment of the indoor market, so that it remains adjacent to the indoor market.
- (e) That agreement be given to hypothecate a proportion of the markets surplus in 2012/13 as a contribution towards the potential revenue and capital costs of redevelopment and refurbishment and to the injection of a scheme into the capital programme, in order to enable a full feasibility study to be undertaken.
- (f) That officers be requested to report back on the outcome of the feasibility study in order to advise the Board on the scope, scale and financial implications of the redevelopment and refurbishment proposals.
- (g) That officers be instructed to explore the advantages and disadvantages of a commercial partnership against the option of the market remaining in the Council's sole ownership and management.
- (h) That officers be instructed to consider further the feasibility of implementing other matters recommended by Quarterbridge.

(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 referred to within this minute)

(Councillor Golton declared a personal interest in this item, due to his involvement in the Markets Forum, and also as due to his family being frequent shoppers at the market)

NEIGHBOURHOODS, HOUSING AND REGENERATION

202 Towards More Integrated Locality Working 2: An Early Review of the Environmental Services Delegation

Further to Minute No. 199, 30th March 2011, the Assistant Chief Executive (Customer Access and Performance) submitted a report providing an early stage review of the delegation of environmental services and which articulated the views of Elected Members across the ten Area Committees, as reported

Draft minutes to be approved at the meeting
to be held on Wednesday, 7th March, 2012

by the three Area Support Teams. The report lent heavily on a range of discussions at environmental sub groups, tasking meetings, Area Committee meetings, ward meetings, the views of the Environmental Champions and from the Area Committee Chairs' Forum meeting. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members welcomed the progress which had been made in this area, but emphasised the need to ensure that there was sufficient resource available to undertake the delegated provision and the importance of a cohesive approach to be taken between directorates. In addition, Members highlighted the benefits that a performance management tool may have in respect of the effectiveness of the service.

RESOLVED –

- (a) That the gradually improving confidence of Elected Members in the delegated service be welcomed.
- (b) That activities which will do more to embed the service locally, be endorsed.
- (c) That the constitutional amendment, as shown within Appendix 1 to the submitted report be approved.
- (d) That officers be authorised to set out and agree with Area Committees other appropriate delegations for a further service level agreement in respect of Ginnel/Gully Cleansing and Graffiti.

203 Housing Revenue Account Self Financing and Business Plan

The Director of Environment and Neighbourhoods submitted a report presenting for approval the Housing Revenue Account (HRA) Business Plan. In addition, the report provided details of the key findings, priorities and principles contained within the Plan. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Board welcomed the proposals regarding the more structured, longer term strategy for rent increases. In addition, Members requested that a programme of housing stock improvements was considered which would ultimately lead to 'component decency' being achieved, whilst Members were assured that work continued in order to ensure that any budgetary shortfall experienced by an ALMO would be addressed equitably.

In conclusion, it was suggested that as this matter progressed, a Member seminar on this issue was scheduled.

RESOLVED –

- (a) That the HRA Business Plan, as appended to the submitted report, be approved.

- (b) That the key priorities and actions, as set out within the Plan, be approved.
- (c) That the rent strategy outlined for the next 5 years be approved in order to deliver essential investment.
- (d) That approval be given to ALMO cash reserves being utilised as required, in order to sustain the essential investment standard.

204 Investment in Affordable Housing in Leeds

The Director of Environment and Neighbourhoods submitted a report which provided an overview of affordable housing delivery in Leeds since 2008, detailed the context for ongoing discussions about investment, and moving forward, outlined the proposed approach to the delivery of priorities for affordable housing investment in Leeds. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members welcomed the number of affordable housing units which had been delivered as part of the Affordable Homes Programmes and considered the levels of new residential schemes established via Section 106 agreements.

RESOLVED –

- (a) That the affordable housing investment which Leeds has been successful in attracting over the period since 2008 be noted.
- (b) That investment in affordable housing delivery in Leeds be directed towards identified gaps and meeting the priorities, as identified within the Leeds Housing Investment Plan (LHIP).

DATE OF PUBLICATION: 14TH FEBRUARY 2012

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 21ST FEBRUARY 2012

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 22ND February 2012)

Draft minutes to be approved at the meeting
to be held on Wednesday, 7th March, 2012

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Report of the Director of City Development

Report to Executive Board

Date: 7 March 2012

Subject: Apprenticeships In Parks and Countryside

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. A Parks and Countryside apprenticeship programme was run in Leeds with final recruitment ending in 1984. A number of those former apprentices are now employed in many differing roles throughout the service. However, over the years many skilled staff have left the service, some as part of the early leavers initiative or indeed retired. In order to maintain a sustainable approach to skills development, there is a need to implement an expanded apprenticeship programme. This will ensure that future employees have the skills to plan, design, manage and maintain parks and green space in Leeds, as well as how to work with volunteers and manage park-based events safely.
2. There are several apprenticeship opportunities available within the service, all of which are work-based training programmes designed by a learning provider around specific needs, and leading to nationally recognised qualifications.
3. The proposal is to employ 21 apprentices in Parks and Countryside for a minimum of 2 years reflecting the roles and range of skills required in such a diverse service.
4. It is hoped that in due course employment opportunities can be offered to apprentices, so that they can further develop up to and beyond degree level, the future skills and knowledge required to help lead and deliver the service.

Recommendations

5. It is recommended that Executive Board supports the planned development of an apprenticeship scheme in Parks and Countryside.

1 Purpose of this report

- 1.1 This report highlights proposals to develop an apprenticeship programme for the Parks and Countryside service.

2 Background information

- 2.1 An apprenticeship is a learning framework which can be applied to a job role to either up skill an existing employee or train a new employee to the required standard. Instead of theoretical learning in the classroom, apprentices learn in the workplace, absorbing skills from experienced colleagues. Apprenticeships offer a framework of qualifications covering NVQ's, technical certificates, the theoretical side of the business and key functional skills in English and Maths. The framework can provide a development route for existing staff and it can also provide a route into employment and also an alternative viable route to higher education.
- 2.2 The Council's apprenticeship programme has been used to provide new opportunities for 173 previously unemployed young people and to skill, retrain and redeploy 531 staff to meet its changing workforce needs over the last 2 years. With over 700 new starts to date, the council is now one of the largest in the country in terms of supporting apprenticeships. The Council is committed to continued workforce development and even at a time of change and uncertainty will continue to make a substantial investment in key frontline services through its apprenticeship programme. HR Managers are working with service managers to identify workforce development needs to ensure future apprenticeship provision is targeted to meet the Council's changing business needs.
- 2.3 It is evident that a larger and broader mix of Leeds employers need to be engaged in Apprenticeships to grow the city's skills base, increase employment and improve business productivity, and the Council has a role in enabling this activity and acting as an exemplar employer. The Council has led work with local partners and the business community to increase the number of young people accessing apprenticeships and supporting employers to increase the number of apprenticeships offered in the city. Growing the number of high quality apprenticeship opportunities is a priority issue for the city to contribute improving skill levels, increase employment and improve business productivity. As a result of our activity there has been a 98% increase in the number of people starting apprenticeships in Leeds in the last year growing to a total of 7,031 apprenticeship starts by July 2011.
- 2.4 An apprenticeship programme was last run in Parks and Countryside in Leeds with final recruitment ending in 1984. This focussed primarily on giving young people horticultural skills by enabling them to experience a wide range of facilities and mentoring opportunities. A number of apprentices recruited up to 1984 are now employed in many differing roles throughout Parks and Countryside, including senior managers and highly skilled craft and landscape gardeners. The current Head of Parks and Countryside finished his apprenticeship in the mid-eighties, along with a number of other managers in the service. Many of the head and craft gardeners based in the 62 community parks across Leeds are also former apprentices, including some Estate Officers responsible for the high

horticultural standards achieved at Golden Acre, Roundhay Park, and Temple Newsam Estate. The current Nursery Manager and staff within the landscape construction team (who are currently delivering the Parks for People Heritage Lottery scheme in Middleton Park) are all apprentice trained.

- 2.5 Parks and green spaces are a key factor in demonstrating that Leeds is an attractive place to live, visit, work and invest. They provide places for relaxation and escape, exercise and recreation, and also build a sense of community. There are almost 4,000 hectares of parks and green space in Leeds which includes 7 major parks, 62 community parks, 95 recreation grounds, and 155 hectares of local green space. Leeds has achieved the Green Flag Award for 7 parks and has an ambition to manage all community parks to this standard by 2020. Currently, 21 out of the 62 parks (34%) achieve the standard and the creation of these apprenticeship opportunities will be crucial to maintaining a skilled workforce and help deliver the quality of horticulture to achieve this ambition.
- 2.6 However, over the years many skilled staff have left the service, some as part of the early leavers initiative or indeed retired. This situation is not unique to Leeds as other local authority apprenticeship programmes ceased at the same time. Recently 5 apprentices have been recruited within horticulture, forestry and animal care. However in order to maintain and develop a sustainable approach there is a need to expand an apprenticeship programme. This will ensure that future employees have the skills to plan, design, manage and maintain parks and green space in Leeds, as well as how to work with volunteers and manage events safely. There is therefore an opportunity for an expanded apprentice recruitment programme from within the local community which will help develop talent and improve skills. There are several apprenticeship opportunities available within the service, all of which are work-based training programmes designed by the partner provider around specific needs, and leading to nationally recognised qualifications.

3 Main issues

- 3.1 The proposal is to take on 21 apprentices in Parks and Countryside for a minimum of 2 years reflecting the roles and range of skills required in such a diverse service as set below:
- **Catering and Retail – 2 apprentices** in food preparation and cooking at NVQ level 2. These apprentices will combine work experience at the 4 cafes based in parks and develop theoretical skills in relevant areas of hospitality. They will include a range of different cuisines including healthy options, special diets and practical food production. In addition they will also develop skills in menu creation, stock control, purchasing, storage, waste minimisation and will gain certification in basic food hygiene.
 - **City and Community Park horticultural teams – 11 apprentice gardeners** all at NVQ Level 2 in amenity horticulture. These apprentices will develop an in-depth knowledge of plant identification and use, a good understanding of soil science and practical horticultural skills including elements of design, planting, site preparation, pruning and propagation. They will also learn about fine turf management for use on sports pitches, bowling green and golf courses.

- **Landscape Construction – 3 apprentice landscape gardeners** at NVQ Level 2 in landscape construction. This will include site preparation, surveying and interpretation of architectural plans along with hard landscaping skills such as ground forming, paving, and block work. They will also develop skills in soft landscaping including planting, site preparation and turf laying.
- **Lotherton Hall Estate – 1 visitor assistant apprentice.** Hospitality training to help provide an excellent customer service, develop communication skills, interpretation, customer care and conflict resolution, site security, and cash handling.
- **Roundhay Park – 1 apprentice animal keeper** at NVQ level 2 in animal care. This will include gaining an understanding of the health and well being of animals including accommodation and enrichment, appropriate food choice and preparation, animal handling techniques, interpretation and presentation skills, and public safety.
- **Transport and Engineering – 1 apprentice mechanic** at NVQ level 2 in mechanical engineering. This will include developing basic engineering skills, including repair and maintenance of horticultural/agricultural machinery, health and safety, appropriate choice and care of tools and equipment. A good understanding of the storage and handling of oils and fuels and the COSHH implications will also be required.

3.2 Each apprentice will also learn the importance of the Council's values as well as how to develop productive working relationships with colleagues, and maintaining the health, hygiene, safety and security of the working environment. Apprentices will also work towards developing core skills qualifications including problem solving, improving learning and performance, as well as working with others.

3.3 It is anticipated that all the training requirement costs will be via the National Apprenticeship Scheme. The learning provider will be selected carefully depending on the apprenticeship being studied and will appoint a representative who will be able to offer support and guidance to the trainees. The learning provider would assist with the following:

- Choosing the correct apprenticeship pathway
- Recruitment of the apprentices including open evenings, interviews and tests
- Agree a training plan with the apprentice and the service
- Management of the training
- Evaluation to ensure that national quality standards are met

3.4 The Leeds Children and Young People's Plan 2011-15 recognises the particular challenges faced by looked after children. The service will seek to ensure that young people in these circumstances are given every opportunity to consider an apprenticeship with Parks and Countryside.

3.5 A programme will be put in place to ensure the apprentices have the necessary support networks by providing an appropriate mentor for each apprentice. They

will seek to support the apprentice and ensure that the structured programme of work based development is followed. The mentor will come from within the service and will work closely with the apprentice giving professional advice, guidance and work welfare support.

- 3.6 In addition to the standard work programme we will seek to ensure that opportunities to provide wider experience (where appropriate) are taken such as through working in the horticultural nursery, green keeping and golf course maintenance and assisting with forestry operations. In addition there are many unique features across the city such as the Chelsea Flower Show gardens, the Japanese garden at Horsforth Hall Park, sites specifically designated for their conservation value and the national plant collections, which will provide opportunities to develop specialist horticultural and conservational skills and experience. Apprentices will have the opportunity to supervise and facilitate community events (600 held in Leeds parks annually), participate during 'in bloom' preparations, and assist in other visitor service functions.
- 3.7 Apprentices will also learn vital skills to engage and work with the 44 volunteer / 'friends' groups who support the service by undertaking practical work which combined with the 50 'in bloom' groups and corporate volunteering equates to over 210,000 volunteer hours annually. Encouraging volunteers is an area that the service is seeking to develop and 12 new volunteer groups have been established in 2011 with 10 new groups likely to be formed in 2012.
- 3.8 It is hoped that in due course employment opportunities can be offered to apprentices, so that they can further develop up to and beyond degree level, the future skills and knowledge required to help lead and deliver the service.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Posts will be advertised along with open evenings held locally.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The appropriate Leeds City Councils policies and procedures on recruitment and selection will be followed and an EDCI screening or impact assessment will be completed prior to implementation.

4.3 Council policies and City Priorities

- 4.3.1 The proposals in this report contribute to the City Priority Plan and in particular the number of young people in employment, education or training. It contributes to the Council Business Plan and in particular improving the quality of Leeds' parks.
- 4.3.2 All staff with responsibility for mentoring will be CRB checked and given appropriate safeguarding guidance.

4.4 Resources and value for money

- 4.4.1 Funding to conduct training for the apprenticeship programme is available from the National Apprenticeship Service, depending on the age of the apprentice.

This is paid directly to the organisation that provides and supports the apprentice, which in most cases this will be a learning provider. Each apprentice will receive around £7k per annum funded from within the Parks and Countryside revenue budget, thus managing the overall staff resources in 2012/13, between permanent and seasonal staff, and the cost of providing these apprentice opportunities.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Council policies and procedures will be followed by ensuring the apprentices are recruited openly and fairly. There are no issues relating to confidentiality or access to information with the content of this report. Although the report does not require a decision it is still eligible for call-in.

4.6 Risk Management

- 4.6.1 There are no significant risks associated with the contents of this report.

5 Conclusions

- 5.1 The proposal to take on 21 apprentices in Parks and Countryside reflects the roles and range of skills required in such a diverse service. It provides an opportunity to provide training and employment particularly to young people finding it most difficult to find employment. This will ensure that future employees have the skills to plan, design, manage and maintain parks and green space in Leeds, as well as how to work with volunteers and manage park-based events safely.

6 Recommendations

- 6.1 It is recommended that Executive Board supports the planned development of an apprenticeship scheme in Parks and Countryside.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Report of: Director of Adult Social Services

Report to: Executive Board

Date: 7th March 2012

Subject: Telecare Equipment for the Leeds Telecare Service 2012/13 – Capital Scheme 15989/TEL/OI2

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

Summary of main issues

1. On 19th May 2010, Executive Board agreed to release capital expenditure of £1,000,000 for Telecare equipment for Leeds Telecare Service. By 31st March 2012, this capital release will have been spent.
2. The funds have been used to purchase Telecare equipment to meet the demand resulting from an increase in requests for Telecare from assessors. This increase in requests is the outcome of increased awareness of the benefits of technology to support older and disabled people to live independently, and of the promotion of Telecare to assessors across Health and Social Care as cost effective non-intrusive support, and the continued development of the range of types of Telecare sensors available. In April 2010 there were 2,069 customers using Telecare. In January 2012 there are 4,203 active customers using Telecare. Adults and older people primarily use the service but Telecare currently also supports 81 disabled children.
3. The impact of Telecare on the cost of individual care packages has been closely monitored. Assessors provide information on the service they would have expected to provide without the availability of Telecare. Since commencement of capital spend in May 2010, there have been indicative savings of £1.6m in reduced care packages, net of equipment costs of £780k. This assumes the average annual saving of £2,800 (net) per installation is achieved for 70% of Telecare service users.

4. The Local Authority is working with NHS Leeds to support the development of telehealth where monitors are used in people's own homes to measure a range of vital signs and allows the information to be monitored, and if necessary, responded to from a distance. There is potential to share a common infrastructure for telecare and telehealth services and therefore deliver efficient and co-ordinated services. Telemedicine, which allows clinician-to-clinician consultation across physical locations, including patients' homes, is also a related area of emerging technology.
5. The Director of Adult Social Care is seeking Executive Board authority to release further capital spend of £1,000,000 for Telecare equipment for the Leeds Telecare Service from April 2012 to March 2013. Capital funding of £3.1m in total was identified in 2010. Appendix 1 details instances where Telecare has made a significant difference to peoples lives.

Recommendations

1. That the Executive Board authorise the further release of capital expenditure of £1,000,000 for the Leeds Telecare Service from April 2012 to March 2013.

1. Purpose of this report

- 1.1 To seek Executive Board authority to release capital expenditure of £1,000,000 for Telecare equipment for the Leeds Telecare Service from April 2012 to March 2013 in accordance with financial procedure rules.

2. Background information

- 2.1 Telecare is the continuous, automatic and remote monitoring of real time emergencies and lifestyle changes over time in order to support vulnerable people living independently. It is a development of the Care Ring community alarm equipment, which Leeds has provided for older and vulnerable people for 25 years. Community alarms are considered as the “first generation” of monitoring equipment. Telecare is referred as the “second generation”. Currently there is no charge for the Telecare service. However, this is under review as part of the overall review, in Adult Social Care, of charging.
- 2.2 Telecare sensors are placed around the home on ceilings, doors and walls or may be worn by the service user in the form of a pendant, watch or belt. Sensors include smoke detectors, flood detectors, fall sensors, medication dispensers and wandering alerts.
- 2.3 If a Telecare sensor activates in an individual’s home an alert is automatically raised to the Council’s 24-hour Care Ring response centre, who will maintain contact with the service user to check on their safety. Often, practical advice and reassurance is all that is required, but on some occasions, a personal visit and or physical help may be needed. On these occasions the response centre staff will arrange the appropriate support by contacting a family member, mobile response, or if necessary an emergency service. The response centre has access to information on the service user and can identify what sensor in the home has activated to ensure the appropriate responses are arranged promptly.
- 2.4 Since October 2010 the Telecare Team has started to install “3rd Generation” Telecare equipment, consisting of lifestyle monitoring systems and GPS location systems. GPS location systems are aimed at improving safety and independence outside of the home and work through using satellite navigation to locate the whereabouts of the wearer. These systems also include fall detection and emergency buttons to alert the response centre if there is an emergency outside of the property. The lifestyle monitoring systems are supplied by the Telecare service for a period of assessment to assist assessors when setting up a care package. The system consists of a number of small Passive Infra Red sensors, which log the movements of a service user and uploads this data onto a secure website for carers/professionals to analyse. Both the GPS systems and lifestyle monitoring systems incur a monthly subscription fee. The service currently has 54 GPS systems and 12 location systems in use throughout Leeds.
- 2.5 The Preventative Telecare Grant was announced by the Department of Health in 2004 and paid to Local Authorities in 2006. This provided the opportunity to develop Telecare services in Leeds. As a result, a new service was established and significant experience and expertise has been gained.

- 2.6 From 1st April 2009, the Leeds Telecare Service has been a mainstream service funded by Leeds Adult Social Care. The current controllable budget is £526,150. Of this £120,000 is Supporting People funding for the provision of the Mobile Response Service.
- 2.7 The Leeds Telecare Service was developed as a project overseen by a multi-agency project board. The service employed two Telecare Technical Advisors (TTAs) who have built up considerable knowledge and expertise, including keeping up to date with new developments, and are able to advise referrers who have identified a need, but may be unsure about the best combination of equipment. They work closely with equipment providers including trialling new equipment and in some instances providers have accepted their suggestions about how equipment can be improved.
- 2.8 In December 2008, a report was provided to ASC Directorate Management Team, which outlined the work of the Telecare team, and provided the justification for the Telecare team to attract mainstream funding after the Preventative Technology grant expired.
- 2.9 The main financial justification for the Telecare team to attract mainstream Adult Social Care funding were the savings Telecare equipment could make to other care budgets. A review of how Telecare equipment will be funded, once the £3.1 million capital funding has been spent, will commence in financial year 2013/14. The review will look at annual spend on Telecare equipment and staffing for each of the user groups that use the service, and consider which budgets have benefited from the reduction in demand by the provision of Telecare.
- 2.10 The justification was produced by asking the assessor to outline the likely 'Alternative Outcome' that would have occurred in the absence of Telecare for each recipient of Telecare equipment. The alternative outcome might have been that the service user would have required residential care or additional Home Care hours for example.
- 2.11 The Telecare Service is continuing to gather information/evidence about the benefits of Telecare provision from both quality and cost effectiveness perspectives. Telecare in Leeds are currently involved in a research project with Leeds University Centre for International Research on Care, Labour and Equalities (CIRCLE), Telecare Oxford, Inventya and Tunstall, studying the Assisted Living Technologies for Older People at Home; creating a knowledge base for businesses and commissioners about falls and dementia patients. This project will provide controlled evidence of the use of Telecare equipment to improve older peoples quality of life and to sustain their independence whilst providing social care and/or support in a cost effective way.
- 2.12 Notwithstanding the need to respond to additional demand created by the directives for assessors, the level of activity has been increasing significantly. In April 2011, a monthly target of new installation was set at 160 per month. The service is currently installing at a monthly average of 157 and is predicted to have met the set target by 31st March 2012. The number of installations for December 2011 was 172. The average monthly installations for April 2010 to March 2011 was 144.

- 2.13 The Telecare Development Group meets monthly as a multi-agency group whose aims are to promote the use of Telecare, develop partnership working with NHS, Universities and Third Sector organisations to increase awareness of the service and its benefits and to monitor service performance via agreed service Performance Indicators.
- 2.14 To support further use of Telecare by the most vulnerable people, work was undertaken from September 2011 to December 2011 with Telecare Services and the Community Intermediate Care (CIC) Unit based on V ward at Seacroft Hospital. The aim was to trial Telecare with patients in a controlled environment, and to increase the number of Telecare packages of patients discharged from ICT and prevent readmission to hospitals. Further roll out of this activity within ICT units will begin in 2012 starting with Richmond House and will be rolled out throughout the city during 2012 and will be fully evaluated by late 2012.
- 2.15 The Local Authority is working with NHS Leeds to further the use of Telehealth, which monitors and reports on a range of vital signs. The use of Telehealth has been small scale in Leeds so far and the NHS is keen to explore its use further, based on emerging evidence. The “Whole Systems Demonstrator” for telecare and telehealth, a programme undertaken by the Department of Health since 2007 is due to report its findings in early 2012. The headline findings produced in December 2011 by DH indicated “that if used correctly, telehealth can deliver a 15% reduction in A&E visits, a 20% reduction in emergency admissions, a 14% reduction in elective admissions, a 14% reduction in bed days and an 8% reduction in tariff costs. More strikingly they also demonstrate a 45% reduction in mortality rates”.
- 2.16 In 2012 a range of assistive technology (AT) services provided by the Council and the NHS will be co located in a single building, to provide a “one stop shop” for customers and assessors and more joined-up, cost effective services for providers of AT. The second phase of this initiative will seek to bring in third sector and private sector AT partners. This innovative approach will support Leeds to continue to develop preventative, re-abling cost effective services to meet the needs of our ageing population, and to remain at the forefront of AT provision nationwide.

3. Main issues

- 3.1 The plan is to stimulate further the demand for Telecare via a process of increased promotion to service users and citizens in Leeds and the training of staff in health and social care. Assessors are required to consider the merits of using Telecare as a standalone service or part of a care package to support people to remain living independently in all their casework.
- 3.2 The predicted capital spent on Telecare equipment for 2012/13 is £1000.0K.

4. Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Two service user representatives sit on the Leeds Community Equipment and Telecare Service Board and there is a User Involvement Group who are active members of the board. Telecare equipment is selected, following an assessment, to meet the needs of the individual customer, and a range of equipment is available which is appropriate for use and cost effective.
- 4.1.2 Customer satisfaction questionnaires are completed at the 6-week service review and the annual review.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment screening tool has been used for the purposes of this recommendation, and this has indicated that an EIA does not need to be carried out. There will be no adverse effect on any particular groups of people within the city by the proposal.

4.3 Council policies and City Priorities

- 4.3.1 The service contributes to National Indicator 142: the percentage of vulnerable people supported to achieve independent living.
- 4.3.2 The service contributes to the City Priority Plan 2011 to 2015, best City for health and wellbeing: supporting more people to live safely in their own homes and give people choice and control over their health and social care services.
- 4.3.3 The service contributes to the Council Business plan 2011 to 2015, Adult Social Care Directorate Priorities and Performance Measures by ensuring more people with poor physical or mental health remain living at home longer.
- 4.3.4 The service supports adults whose circumstances make them vulnerable, to live safe and independent lives.
- 4.3.5 The service provides easier access to joined-up health and social care services.

4.4 Resources and value for money

4.4.1 Capital programme for Telecare

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2012 £000's	FORECAST				
			2012/13 £000's	2013/14 £000's	2014/15 £000's	2015/16 £000's	2016 on £000's
Land (1)	0.0						
Construction (3)	0.0						
Furn & eqpt (5)	1000.0	1000.0					
Design fees (6)	0.0						
Other costs (7)	0.0						
Totals	1000.0	1000.0	0.0	0.0	0.0	0.0	0.0

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2012 £000's	FORECAST				
			2012/13 £000's	2013/14 £000's	2014/15 £000's	2015/16 £000's	2016 on £000's
Land (1)	0.0						
Construction (3)	0.0						
Furn & eqpt (5)	1000.0		1000.0				
Design fees (6)	0.0						
Other costs (7)							
Totals	1000.0	0.0	1000.0	0.0	0.0	0.0	0.0

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2012 £000's	FORECAST				
			2012/13 £000's	2013/14 £000's	2014/15 £000's	2015/16 £000's	2016 on £000's
LCC Funded Supported Borrowing	3100.0	1000.0	1000.0	1100.0			
Total Funding	3100.0	1000.0	1000.0	1100.0	0.0	0.0	0.0
Balance =	0.0	0.0	0.0	1100.0	0.0	0.0	0.0

4.4.2 Revenue Effects

REVENUE EFFECTS	2012/13 £000's	SUBSEQUENT YEARS £000'S
Deferred Charge -Write Off	1000.0	

4.5 Legal Implications, Access to Information and Call In

4.5.1 No Legal implications. This is a key decision subject to call-in.

4.6 Risk Management

4.6.1 Without the release of further capital, the service would not be able to meet the demand for Telecare installations, and would have to rely upon recycling used equipment. This would result in a waiting list for installations and the service not being able to purchase up to date telecare equipment particularly to meet the needs of customers with more complex needs.

5. Conclusions

5.1 By agreeing to release further capital, Leeds Telecare Service will be enabled to continue to meet the demand for Telecare equipment.

6. Recommendations

6.1 That the Executive Board authorise the further release of capital expenditure of £1,000,000 for the Leeds Telecare Service from April 2012 to March 2013.

7. Background documents ¹

7.1 Report to DMT: 'Mainstreaming Telecare' – December 2008

7.2 Telecare Evaluation of Seacroft V Ward

7.3 Equality Impact Assessment screening tool

7.4 Whole System Demonstrator Programme- Headline findings- December 2011 (DoH)

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Telecare case study examples

James and Betty

James C suffers from Parkinson's disease and chronic obstructive pulmonary disease and is hard of hearing. His wife, Betty C, has previously suffered from lung cancer, stroke and heart failure and currently suffers from angina, dizzy spells, is partially sighted and has a history of pneumonia.

Despite both having complex medical needs, Mrs C is the main carer for her husband with support from her daughter who lives locally.

The Telecare Team became involved with Mr and Mrs C in November 2010. Mr and Mrs C were feeling vulnerable and unsafe in their home due to their remote location (next to a large open field) and there were concerns that Mr C would not be able to hear a standard smoke alarm should he be in the property alone.

Mrs C reported that she was feeling frightened as her husband had fallen in the cellar and outside trying to get down the set of steps leading up to their property.

The Telecare team provided a pendant alarm to Mr C, and installed two smoke detectors, a gas detector and a door alarm to provide reassurance should anyone try to access their property during the night. The gas detector is used to alert Mr and Mrs C if the gas fire is not ignited correctly or if there is any carbon monoxide in the property.

Since having the Telecare installed, Mr and Mrs C report feeling much safer at home, more independent and better able to cope. Their daughter Margaret says she feels a lot less stressed and more reassured. She said:

'I can relax a lot more now that I know they've got somebody at the end of a button that they can contact if need be. At nighttime, the door's locked, and I know they're safe. They use all their equipment well, and they would be lost without it. So would I. They need their independence – and I do too.'

Mrs G

Mrs G had a history of dementia and was prone to wandering. She was unsteady on her feet and had recently broken her leg and had to go to hospital following a fall.

Adult Social Care Telecare team installed gas, smoke and heat detectors. Mrs G also received a falls detector, which she wore on her wrist. The fall detector is waterproof, has a button on to call for help, and will automatically activate following an increase in acceleration and impact. Mrs G's daughter was going on holiday and was worried about her mother wandering at night, so a door alarm was also installed.

Not long after Mrs G received the fall detector, it activated one morning. The response centre contacted the customer's daughter to attend the property. When Mrs G's daughter arrived at the property, she could not enter, as the key had been left in the door. The police were called and the door was broken into.

Mrs G's daughter checked the property and found her mother in bed, with blood on her face. She was confused and unable to recall what had happened.

Mrs G was taken to Pinderfields hospital and made a quick recovery. Her daughter Denise believes that the fall detector and quick reaction from the Response Centre saved her mother's life.

She wrote in a letter to the Telecare team:

"The medical staff at Pinderfields were really impressed with the fall detector. It probably saved my mum's life. We cannot thank you enough."

Mary

Mary has always lived in Leeds and used to work in one of the local mills. She is diabetic and began forgetting to take her insulin, which caused her and her family a great deal of anxiety. She had difficulty cleaning her house and her son had to start doing this for her. Her family also had to step in and prevent her from cooking because they became concerned that she might leave the gas on.

Mary worried a great deal about falling, as she had begun to suffer falls frequently.

Mary's occupational therapist arranged for Telecare and other equipment to be provided to help her live more independently. Smoke and gas detectors were fitted and she was also provided with a pendant alarm. Mary now uses a dosette box (pill organiser) to help her remember to take her medication, which her son fills for her.

The Telecare has made a big difference to Mary's life.

"My family wouldn't let me cook," said Mary. "I was leaving the gas on. I could have died. Just seeing the alarm is enough to remind me, now."

Mary's family feel much more confident about her cooking for herself again, and feel reassured that if she falls, she would be able to use the pendant alarm to get help quickly. Her son used to need to visit up to three times a day to check on her, but has now been able to reduce this to every other day.

"I feel a lot more confident and independent now. If it weren't for this support I'd still be sat down on the settee being waited on, not doing anything – or I'd have had to go into a home."

Mrs Smith

Mrs Smith lives alone. She has a memory impairment due to Hepatitis C, and often forgot to turn off her gas fire. On occasions she left it on all night, sometimes unlit, leading to gas being emitted.

The Telecare team installed a gas detector and heat detectors. They also gave Mrs Smith a memo minder, to remind her to turn off her cooker. The Telecare items have successfully enabled Mrs Smith to live independently and safely in her home. They have also reassured Mrs Smith's family so they have been able to reduce the amount of times they need to visit to make sure that she is safe.

Linda

Linda is 43 and lives with her husband in Middleton, with support from her carer, Angela. She has mobility problems and after a spell in hospital last May, Angela has been helping to care for Linda and Paul with a combination of equipment around the home, and Telecare – including medication prompts and smoke alarms.

Linda's family had been extremely worried about her when she came out of hospital, but now feel much more reassured, knowing that she will receive prompting to take her medication.

"I'm still upset about not being able to do as much, but this technology has made such a difference to me." said Linda.

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Report of Director of City Development

Report to Executive Board

Date: 7th March 2012

Subject: Enterprise Zone Update

Capital Scheme Number: 16494 / 000 / 000

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Temple Newsam, Burmantofts and Richmond Hill		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4.3 Appendix number: C		

Summary of main issues

In June 2011 Executive Board considered a report on the selection, by the Leeds City Region Local Enterprise Partnership Board, of Leeds as host for an Enterprise Zone in the Aire Valley Leeds. Executive Board delegated to officers responsibility for developing the detail of the Enterprise Zone.

The Enterprise Zone provides targeted benefits to encourage companies to expand and to locate to Leeds and the zone in Leeds will include support for local people to access the jobs created in the zone. Provision is made in the new Localism Act for government to fund business rate relief through a locally administered Business Rates discretionary relief scheme. The Leeds scheme requires amending to include these provisions.

The council will provide funding support to deliver a new road which will enable public transport to link the Enterprise Zone with the adjacent East Leeds communities and this will be funded from business rates raised in the Enterprise Zone.

Recommendations

Executive Board is asked to:

1. approve the establishment of the Enterprise Zone in the Aire Valley Leeds with the benefits and support for companies and jobseekers identified in this report;

2. approve changes to the Business Rates discretionary relief scheme to authorise the delegated officer to approve applications for the discount for businesses located within the enterprise zone.
3. authorise the expenditure of £2.5m to support delivery of the spine road to the Logic Leeds site to be funded from business rates growth raised in the Enterprise Zone. This road will enable public transport links to East Leeds to be improved and enable local people easy access to the job opportunities created in the Enterprise Zone.
4. approve the contract heads of terms (included as confidential Appendix C) as the basis on which the funding will be provided to the developer of the Logic Leeds site and for Executive Board to delegate to the Director of City Development the responsibility for finalising the terms of the funding agreement.

1 Purpose of this report

- 1.1 This report updates Executive Board on the Enterprise Zone in Aire Valley Leeds and provides details, for approval, on how the zone will operate and the benefits available to companies locating to the zone.

2 Background information

- 2.1 In June 2011 the Leeds City Region Local Enterprise Partnership selected the proposal from Leeds to host a new Enterprise Zone in the Aire Valley Leeds. A map showing the Enterprise Zone is included as Appendix A to this report. In July 2011 the government announced their approval of the proposals for the Leeds enterprise zone and since then civil servants have been advising officers on the processes required for the zone to go live from April 2012.
- 2.2 The Enterprise Zone comprises four adjacent sites along the East Leeds Link road (the A63 Pontefract Road) where, from April 2012 to March 2015 a range of benefits will be available to companies moving to the zone. The main benefits have been set by government and include: business rate relief; simplified planning; and high speed broadband. The Department for Communities and Local Government is promoting the Enterprise Zone programme as part of the government's plan for growth.

3 Main issues

- 3.1 The Enterprise Zone offers the city with a unique opportunity to promote business growth, increase economic activity and boost jobs. It is proposed that Leeds will implement the core benefits set out by the government and enhance them by offering tailored support for companies moving to the zone. A package of business support and assistance with recruitment and training will be made available to the companies to promote their economic sustainability and secure jobs opportunities for local people.
- 3.2 The Aire Valley Leeds Enterprise Zone aims to attract growing companies in key sectors in manufacturing and logistics. The zone is especially targeting modern manufacturing companies in medical technologies, food production and packaging, and engineering companies involved in low carbon energy machinery.
- 3.3 The zone is central to the Leeds City Region with excellent highways links to the motorway network and Leeds city centre. The zone will be implemented in partnership with a small number of private sector developers who can offer tailored packages of development and construction support. A joint marketing approach with the developers will promote the zone to local, national and international markets to attract companies to locate to this premier location.
- 3.4 The Enterprise Zone will implement the government's scheme for business rate relief. The powers for this will be provided under the Localism Act 2011. The effect will be that companies in the enterprise zone will be eligible for business rate relief for a period of five years based on their operating from a rateable premises in the zone between April 2012 and March 2015. The funding will count

as State aid and eligibility is therefore dependant on the individual circumstances of the company. The maximum relief is set at the level for State aid which the law disregards which will be £55k per year and this will provide a total of £275k over five years. Companies will therefore be able to claim 100% business rate relief up to £55k per year.

- 3.5 Applications for discretionary rate relief are considered by The Chief Officer Revenues and Benefits with reference to the guidelines agreed by the Executive Board. It is proposed that all applications from eligible businesses within the enterprise zone be awarded the maximum level of discount available under the new discretionary relief powers.
- 3.6 It is proposed that the following be added to the current guidelines for the award of discretionary rate relief. The existing scheme is included as Appendix B.

“Enterprise Zones

The Council will offer relief to organisations which are located within the Leeds enterprise zone.

The amount of relief offered will be the full business rates up to a maximum of £55,000 per year.

The relief will be awarded for a period of five years from the date of entry into the zone, provided that this is before 1st April 2015.

Any application for relief must include a statement to the effect that the organisation is not in receipt of any other form of de minimus State Aid, or a statement of the monetary value of any such aid.”

- 3.7 The government has committed that all business rate growth in the Enterprise Zone for a period of at least twenty five years will be retained by the local area to be spent on locally agreed priorities. In practice the Local Enterprise Partnership is expected to determine how this funding is used. One hundred per cent of the increase of business rates raised in the Enterprise Zone can be retained and will be dealt with outside of the core system brought in from 2013 for the localisation of business rates.
- 3.8 The Council is developing a range of measures to simplify planning in the Enterprise Zone to make development quicker and more cost effective. The council will introduce a number of Local Development Orders, the first of which is dealt with elsewhere on this agenda, and will assist the developers by signing planning performance agreements.
- 3.9 High speed broadband is being encouraged by government as part of its plan to encourage business growth. £6.34m government funding is available to support the vision to ensure that 90% of the premises in the district has access to high speed broadband and established BDUK to support a public sector intervention programme in cases of market failure. The Leaders of the Leeds City Region local authorities have agreed in principle to match fund the government funding and are currently determining how the funding can be used to ensure adequate

super fast broadband coverage. The Enterprise Zone is a key priority for this implementation programme.

- 3.10 The Aire Valley Leeds Enterprise Zone is made up of 142 hectares of employment land in a sequence of sites to accommodate significant growth in jobs for the region. In the first three years the zone should deliver up to 3,000 new jobs and over time this could rise to 7,000 jobs. Success in the zone will help companies elsewhere and these supply chain benefits could add 2,000 additional jobs across the city region.
- 3.11 The Newmarket Lane site and parts of the Thornes Farm site are owned by the Council and provide serviced sites ready for development. The sites will be marketed to attract local companies looking for growing space as they can deliver new premises for small to medium sized buildings to very short timescales. The Logic Leeds and Temple Green sites are new employment sites and will need infrastructure works before new buildings can be constructed. They provide large scale opportunities for major expansions and new investments for the region and will be marketed to attract national and international investments.
- 3.12 It is proposed that the Council supports development on the Logic Leeds site by providing funding to Muse Developments Ltd so that it can be brought into production at the earliest opportunity. The site is bounded to the west by the Wyke Beck. This watercourse has been the subject of significant flood events upstream, notably flooding in the Dunhills three times in four years between 2004 and 2007. These events led to a review of the flood risk associated with the beck which has a major impact on the development cost and potential of the Logic Leeds site. An engineering solution has been agreed which will control the flood risk including a new flood relief channel and flood water storage on site. In addition more land is set aside and will not be suitable for development because of the continuing flood risk in the low lying areas next to the Beck. This combination of risks have restricted the ability to bring forward the infrastructure works needed before new buildings can be built.
- 3.13 It is proposed that the Council supports the development of the Logic Leeds site so that the infrastructure works package starts early and so that public transport can support access to the new jobs for the residents of East Leeds. Road and particularly public transport links from Aire Valley Leeds to East Leeds are currently poor. The development of the Logic Leeds site will provide a new access from the East Leeds Link road to Halton Moor and this will enable bus services from across East Leeds to run through to the Enterprise Zone. This will mean that travelling to the zone from a large part of East Leeds would be much simpler making it easier for people in those areas to travel to work in the Enterprise Zone.
- 3.14 Provision was made to inject £2.5m for this scheme into the capital programme agreed by Executive Board in February 2012. Executive Board is asked to authorise the expenditure of this sum to support the design and construction of the road and associated fees. The Council will use its prudential borrowing powers to provide the funding for the scheme and the cost of repaying the borrowing costs will be met from the business rates growth in the Enterprise Zone.

The LEP board has agreed that the council can retain the initial business rates raised by the scheme to pay the borrowing costs of the investment in the road.

- 3.15 The spine road will be built by the developer Muse Development Ltd in phases during the course of the development of the Logic Leeds site. The council's highways design and engineering teams will verify the site design and implementation as part of the overall capital scheme for the road. The council will make staged payments as sections of the road are completed. The programme for delivery of the road is currently set out as shown in the following table and changes will be agreed between the council and the developer.

Development phase	Phase Start	Phase End
Phase one	08/2012	11/2012
Phase two	12/2013	03/2013
Phase three	04/2013	07/2013
Phase four	08/2013	11/2013

- 3.16 It is proposed that the terms for the funding are incorporated within the section 38 agreement for the construction and adoption of the road. The funding for the developer will be provided solely for the design and construction of the road and will be repayable from overage achieved on the sale of plots on the development. The funding will be provided as staged payments through the development and will be secured by way of a company guarantee. The developer will be obliged to start the development of the site to an agreed programme and to indemnify the council against State aid compliance risk. The Council's Legal Services have reviewed the State Aid risk and have advised that it is unlikely that the funding will be considered to be unlawful in State Aid terms. The detailed heads of terms for the agreement are included as a confidential appendix to this report (Appendix C).
- 3.17 Executive Board is asked to authorise the spend from the capital programme for the provision of funding for the Logic Leeds spine road, to approve the Heads of Terms for the funding for the spine road and to delegate responsibility to the Director of City Development to agree the final contractual terms for the funding which will be in line with the approved Heads of Terms.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consultation on the Enterprise Zone has taken place with stakeholders and elected members. The Aire Valley Leeds Programme Board has considered and supported the proposed implementation of the zone and will continue to monitor efforts to attract and support companies and to ensure local people have access to the new jobs.
- 4.1.2 Ward Members for the affected wards have been consulted and supported the proposals for the zone.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 To comply with the Equality Act 2010 it is required that any impacts the Enterprise Zone policy has on protected groups are monitored.
- 4.2.2 An equality impact assessment screening document has been produced and the key findings show that in order to promote equality of opportunity the Council's Employment Leeds team have developed an Employment & Training Strategy to be delivered as part of the Aire Valley Leeds Enterprise Zone programme.
- 4.2.3 Employment Leeds provides support to any employer looking to expand, invest or develop in Leeds. To compliment the Employment Leeds' services, and to get people ready to take advantage of local job opportunities, outreach teams are working in those localities across the city with most unemployment. This targeted approach is informed by the ongoing use of local intelligence of the East Leeds communities including Halton Moor and Osmondthorpe.

4.3 Council policies and City Priorities

- 4.3.1 The Enterprise Zone contributes to the council's Growth Strategy and its strategic objectives to be recognised as the best city for business. The zone will assist with Leeds becoming a city where: significant new job opportunities are created; businesses are supported to start up, innovate, thrive and grow; people choose sustainable travel options; and we all benefit from a low carbon economy.

4.4 Resources and value for money

- 4.4.1 The proposed amendments to the business rates relief guidelines will not result in an increase in the cost of discretionary rate relief to the authority as the cost of the relief to businesses within the enterprise zone will be fully met by central government.

4.4.2 Capital Funding and Cash Flow.

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2011 £000's	FORECAST				
			2011/12 £000's	2012/13 £000's	2013/14 £000's	2014/15 £000's	2015 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2011 £000's	FORECAST				
			2011/12 £000's	2012/13 £000's	2013/14 £000's	2014/15 £000's	2015 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	2180.0		1500.0	500.0	180.0		
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	320.0		320.0				
OTHER COSTS (7)	0.0						
TOTALS	2500.0	0.0	1820.0	500.0	180.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2011 £000's	FORECAST				
			2011/12 £000's	2012/13 £000's	2013/14 £000's	2014/15 £000's	2015 on £000's
Departmental USB	0.0						
Corporate USB	2500.0		1820.0	500.0	180.0		
Any Other Income (Specify)	0.0						
Total Funding	2500.0	0.0	1820.0	500.0	180.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Council is implementing the Enterprise Zone in order to improve the economic social, environmental and conditions for the people of Leeds by attracting new jobs, improving economic performance and delivering a quality working environments.
- 4.5.2 The Enterprise Zone will be set up under the council's well being powers in order to implement the governments Enterprise Zone policies. The arrangements for business rates for the zone will be made under the Localism Act 2011.
- 4.5.3 Approval for amendments to the guidelines for discretionary rate relief requires approval by the Executive Board. Although such guidelines are not a legal requirement they are essential in ensuring consistency of approach in assessing applications for discretionary rate relief.
- 4.5.4 The detailed heads of terms for the funding for Logic Leeds are included as confidential Appendix C to this report. This appendix is confidential as it contains information which relates to Muse Developments Ltd as a business and its release would prejudice their commercial interests and withholding the information is considered to outweigh the public interest benefit or its release.

4.5.5 The report is subject to call in.

4.6 Risk Management

4.6.1 The provision of funding support for the Logic Leeds site carries a range of risks associated with the development and delivery of the road. The main risks for the council relate to the delivery of the road in the event that development does not take place or the road cannot be delivered. The council will obtain security and protection for the funding through the agreements it will reach with the developer. The road will pass to the council as an adopted highway once it is completed.

5 Conclusions

5.1 The Enterprise Zone provides a strategic opportunity to boost jobs and economic performance in the city and assist with the economic prospects for the Leeds City Region. The zone will provide benefits to companies locating to Leeds and the council with partners will ensure that access to the new jobs is made available to local people.

5.2 By supporting the Enterprise Zone the council is assisting with local economic recovery prospects. By providing support to the Logic Leeds site the council is facilitating the delivery of one of the key sites in the zone and enabling local people from East Leeds to access the new jobs in the zone.

6 Recommendations

6.1 Executive Board is asked to:

6.2 approve the establishment of the Enterprise Zone in the Aire Valley Leeds with the benefits and support for companies and jobseekers identified in this report;

6.3 approve changes to the Business Rates discretionary relief scheme to authorise the delegated officer to approve applications for the discount for businesses located within the enterprise zone;

6.4 authorise the expenditure of £2.5m to support the delivery of the spine road to the Logic Leeds site to be funded from business rates growth raised in the Enterprise Zone. This road will enable public transport links to East Leeds to be improved and enable local people easy access to the job opportunities created in the Enterprise Zone; and

6.5 approve the contract heads of terms (included as confidential Appendix C) as the basis on which the funding will be provided to the developer of the Logic Leeds site and delegate to the Director of City Development the responsibility for finalising the terms of the funding agreement.

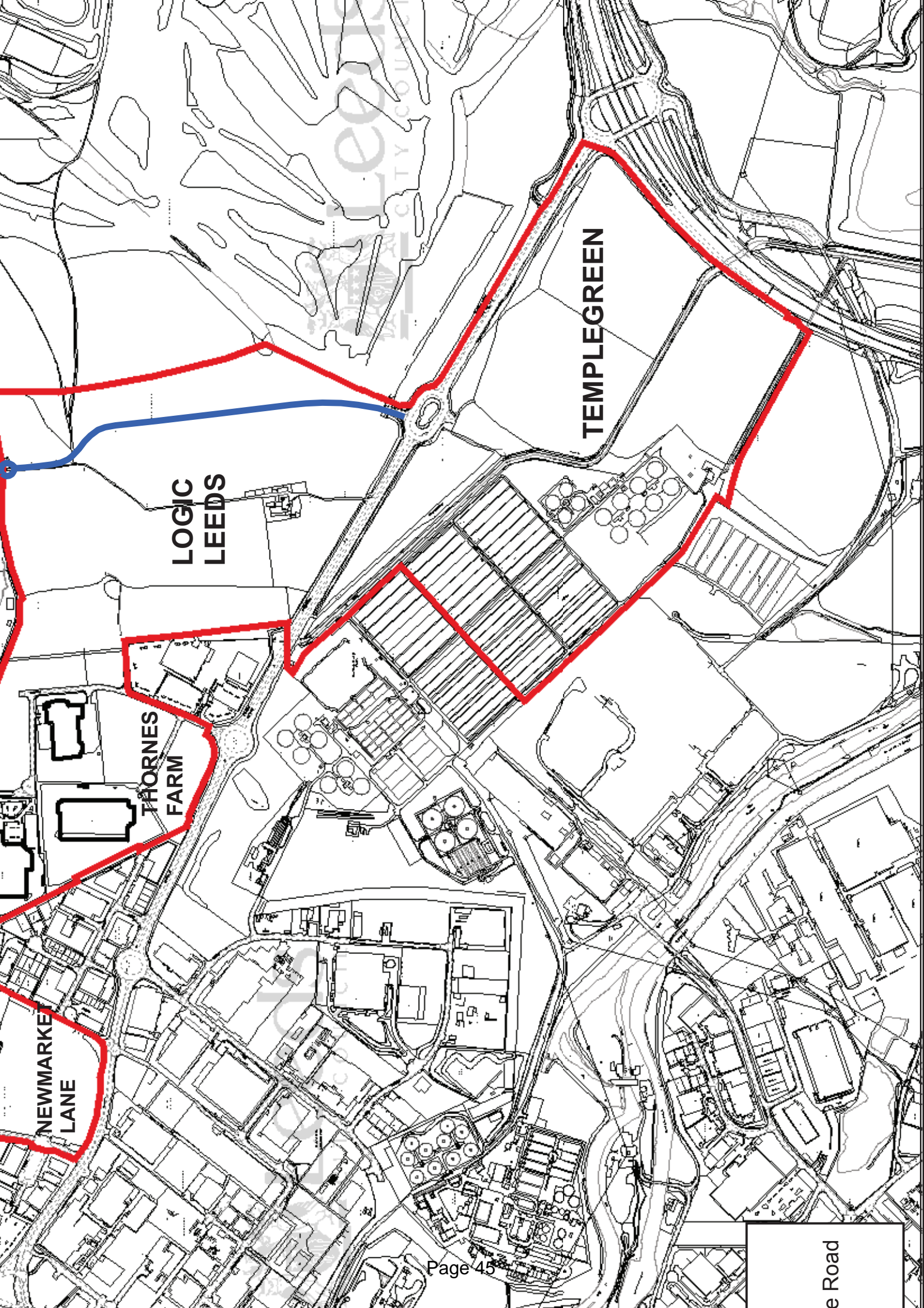
7 Background documents¹

7.1 Executive Board report June 2011

7.2 Enterprise Zone Prospectus is found at
<http://www.communities.gov.uk/regeneration/economicgrowth/enterprisezones>

7.3 Equality Impact Screening Form

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.



**LOGIC
LEEDS**

**THORNES
FARM**

**NEWMARKET
LANE**

TEMPLEGREEN

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CURRENT GUIDELINES FOR AWARDING DISCRETIONARY RATE RELIEF

SOCIAL CLUBS

The Council will offer relief to organisations where membership is open to the community. The Council will normally require affiliation to a body such as the CIU (Club and Institute Union) to demonstrate open access.

For such organisations the Council will provide 10% relief.

SPORTING ORGANISATIONS

The Council will investigate the possibility of obtaining mandatory relief for sporting organisations by advising them on the steps required to obtain Community Amateur Sports Club (CASC) status through HM Revenues & Customs.

The amount of relief offered to sporting organisations will reflect the extent to which organisations extended their facilities to the public and priority groups in particular. In the case of CASC registered organisations the amount of discretionary rate relief refers to the balance net of mandatory relief.

Organisations, which restrict membership, will not receive support

Organisations which provide sporting facilities for the general public but have limited involvement with priority groups will receive **10% (Category 1)**.

Where organisations have more extensive involvement with priority groups, such as through youth teams, they will receive **25% (Category 2)**.

Organisations which have taken special steps to assist the Community, for instance by making facilities available to schools or in partnership with the Directorate of Learning and Leisure will receive **50% (Category 3)**.

OTHER ORGANISATIONS WHOSE MAIN OBJECTS ARE CHARITABLE OR OTHERWISE PHILANTHROPIC OR RELIGIOUS OR CONCERNED WITH EDUCATION, SOCIAL WELFARE, SCIENCE LITERATURE OR THE FINE ARTS

The Council will investigate the possibility of obtaining relief for organisations with charitable aims by advising them on the steps required to obtain charitable status.

For those organisations which are not currently registered as charities, or which are ineligible, the amount of discretionary relief awarded will reflect the extent to which organisations extend their facilities to the public and priority groups in particular.

Organisations, which restrict membership, will not receive support

Organisations which provide facilities for the general public but have limited involvement with priority groups will receive **10% (Category 1)**.

Where organisations have more extensive involvement with priority groups, such as young persons, the elderly and disabled, they will receive **25% (Category 2)**.

Organisations which have taken special steps to assist the Community, for instance by making facilities available to schools or in partnership with Leeds City Council will receive **50% (Category 3)**.

For those organisations which are registered as charities, discretionary relief may be awarded in addition to mandatory relief for the following organisations

Scout and Guiding Associations – 50%

Leeds based charities occupying a single property with a rateable value under £5,000, excluding shops – 50%

Hospices

Applications will be considered from hospices that meet the following criteria;

Leeds based charities that provide buildings based palliative and end of care services, applications to be in respect of premises where hospice type services are provided. – 100% relief of the net balance

Social Enterprises

The Council will offer relief to organisations which are recognised as social enterprises.

The amount of relief offered to Social Enterprises will reflect the extent to which organisations extended their facilities to the public and priority groups in particular.

A social enterprise is defined as a company which reinvests its profits for a social purpose as opposed to redistributing them. This enables them to meet the not for profit requirement of section 47 of the Local Government Finance Act 1988.

Any application for relief must include copies of the organisation's constitution or Articles of Association, which must include statements to the effect that:

- 1 Any surplus raised by the organisation will be reinvested into a social purpose and not distributed to the owners, members or shareholders
- 2 Upon dissolution any remaining assets should be transferred to an organisation with similar aims and not distributed amongst the owners, members or shareholders.

Organisations, which restrict membership, will not receive support

Organisations which provide a service which is of benefit to the general public but have limited involvement with priority groups will receive **10% (Category 1)**.

Organisations provide a service which is of benefit to the general public and have more involvement with priority groups will receive **25% (Category 2)**.

Organisations which provide a service which is of benefit to the general public and which have extensive involvement with priority groups will receive **50% (Category 3)**.

Organisations which meet the criteria for category 3 relief and are in the first year of trading will receive relief of **80%** for the first twelve months.

Relief will be awarded up to the end of the financial year in which the application is received and a new application will be required for subsequent financial years.

Determination of the category of relief will be on the recommendation of the Business and Enterprise Team

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Report author: Rowena Hall /
Paul Bingham
Tel: 2477801 / 2478184

Report of City Development

Report to Executive Board

Date: 7 March 2012

Subject: Aire Valley Leeds Enterprise Zone Draft Local Development Order 1: Solar Panels

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Burmantofts & Richmond Hill; City & Hunslet; Garforth & Swillington; Middleton Park; Temple Newsam		
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. Four major sites in the Aire Valley Leeds regeneration area have been given Enterprise Zone status by the Government. The Enterprise Zone is proposed to start on 1st April 2012 for a period of 3 years. A mandatory requirement of having an Enterprise Zone is that the planning process is genuinely simplified to encourage business growth. The Government's preferred approach is the use of Local Development Orders (LDOs). The Executive Board meeting of 22nd June 2011 agreed that the details of LDO(s) be prepared by officers and submitted to Executive Board for approval.
2. A draft of the Aire Valley Enterprise Zone Local Development Order 1: Solar Panels is attached with this report (Appendix 1). The proposed LDO would give planning permission to the installation of solar panels on the roofs of non-domestic buildings within the Aire Valley Leeds Area Action Plan and Urban Eco Settlement area, subject to conditions. The LDO specifically excludes installation of solar panels on listed buildings and in conservation areas and has a proposed timescale of 5 years from 1st April 2012.
3. The LDO is considered to support the Enterprise Zone and associated Urban Eco Settlement ambitions to promote sustainable design, green energy production and low carbon economic development.
4. Subject to approval by Executive Board, the LDO will need to be referred to the Secretary of State for Communities & Local Government who has the authority to

approve, modify or reject the orders. Unless the Secretary of State rejects the LDO it can then be adopted by the Council as approved or in the modified form.

Recommendations

5. Executive Board is recommended to:

- i) Approve the draft of the Aire Valley Leeds Enterprise Zone – Local Development Order 1: Solar Panels set out in Appendix 1 of this report and agree that the Chief Planning Officer submits this together with the statement of reasons to the Secretary of State; and
- ii) Subject to the Secretary of State not making a direction under section 61B(1) of the Town and Country Planning Act 1990 as amended, to adopt the Aire Valley Leeds Local Development Order (1): Solar Panels with effect from 1 April 2012.

1 Purpose of this report

- 1.1 This report sets out a draft of a Local Development Order (LDO) proposed to support the Aire Valley Enterprise Zone and Urban Eco Settlement concept by simplifying the planning process in the area. The proposed LDO specifically relates to allowing the installation of solar panels on non-domestic buildings without the need to apply for planning permission.
- 1.2 A draft version of the LDO was subject to consultation with local ward members and a period of formal public consultation in December 2011 and January 2012. The responses to this consultation are summarised in this report. Minor amendments are proposed as a result of the consultation exercise.

2 Background information

Enterprise Zones

- 2.1 The Government announced in the March 2011 Budget, plans for new Enterprise Zones (EZs), and that a number of Local Enterprise Partnerships (LEPs) including Leeds City Region LEP would be invited to nominate a site and come forward with proposals.
- 2.2 Shortly after the Budget, the Department for Communities and Local Government (DCLG) published the Enterprise Zone prospectus which set out the Government's ambitions for the programme in the context of its wider plans for economic growth. Enterprise Zones are designed to stimulate business growth and investment and create new jobs through the provision of lower tax levels, reduced planning controls and a lighter regulatory and administrative burden.
- 2.3 All Enterprise Zones will benefit from:
 - a business rate discount worth up to £275,000 per business over a five year period;
 - all business rates growth within the zone for a period of at least 25 years will be retained by the local area to support the Local Enterprise Partnership's economic priorities;
 - Government help to develop radically simplified planning approaches for the zone using, for example, existing local development order powers; and
 - Government support to ensure that superfast broadband is rolled out throughout the zone.
- 2.4 The LEP Board meeting on 15th June 2011 determined that the Leeds proposal for the Aire Valley be submitted to Government as the City Region's Enterprise Zone. This was further endorsed by the ministerial announcement regarding the Aire Valley EZ on 23rd July 2011. The Enterprise Zone is due to commence on 1st April 2012 for a period of 3 years.
- 2.5 The prospect of an Enterprise Zone in Leeds presents a significant opportunity to deliver economic growth that will have a major impact on the city's and the city region's economy. A Enterprise Zone not only affords economic growth opportunities in the zone itself but also the potential for a catalytic effect in adjacent areas.

- 2.6 The above position was reported to the 22nd June Executive Board where it was agreed that the details of the LDOs would be prepared and presented to Executive Board for approval; prior to referring to the Secretary of State who has the authority to approve, modify or reject the order.

Aire Valley Leeds Enterprise Zone

- 2.7 The proposed Aire Valley Leeds Enterprise Zone covers an area of 142 hectares split over four major development sites and located on either side of the East Leeds Link Road (A63). The four sites are shown on the plan in Appendix A of the LDO. The sites are presently undeveloped except for three existing businesses located on the Thornes Farm site (marked as Site 2 on the plan)

Local Development Orders (LDOs)

- 2.8 DCLG has indicated in the guidance that Enterprise Zone status is conditional on putting in place a simplified approach to planning and recommends the use of LDOs. Local authorities are required to identify opportunities where deregulation can be adopted. This is to be developed with consideration for what will genuinely benefit growth, attract private sector investment and support sustainable economic development. Simplified planning is a mandatory requirement for Enterprise Zone status
- 2.9 LDOs are an existing part of the planning system which grant permission for the type of development specified in the LDO removing the need to apply for planning permission. If a type of development is not specified in the LDO, planning permission should be sought in the normal way. The LDO contains three parts; the order itself including conditions, a statement of reasons providing justification for the development to be permitted and conditions; and a plan showing the area covered by the LDO. Development falling under Schedule 1 of the EIA regulations (such as an Energy from Waste facility) or development affecting listed buildings cannot be included in an LDO.
- 2.10 The Government has produced a guidance note for local authorities to support the preparation of LDOs. This shows that the Enterprise Zones should not result in displacement of existing businesses from nearby areas onto the EZ sites. They recommend that local planning authorities look at opportunities to extend simplified planning into wider areas in order that those areas can benefit from the perceived opportunities as well as the EZ sites. The boundary of the LDO and EZ sites do not have to coincide.
- 2.11 The LEP agreed the initial scope of simplified planning for the Aire Valley Enterprise Zone in August 2011. This scoped out the potential for a number of LDOs across a range of themes initially covering the following type of development:
- Solar Panels on non-domestic buildings (LDO 1)
 - Extensions, alterations and changes of use of industrial properties (LDO 2)
 - Transport & site preparation works
 - New buildings

- 2.12 LDO 1 is set out in detail in this report. Officers are currently preparing a draft of LDO2 (Extensions, alteration and changes of use) which has been distributed to and discussed with local ward members and members of Plans Panel East and the Aire Valley Regeneration Board. As a result some amendments are being made to the document and it is anticipated that a draft will go out to formal consultation in February 2012. Following the consultation period the draft LDO would be reported to Executive Board.
- 2.13 The scope of simplified planning in the Aire Valley Enterprise Zone is somewhat complicated because all the sites already benefit from some form of planning permission (mainly in outline form) allowing development of a range of business uses including offices, industrial units and distribution warehouses. In early discussions relating to planning simplification for transport and site preparation works and new buildings some developers have expressed a preference for undertaking development through their existing outline permission rather than through an LDO. Officers are therefore considering whether a form of simplified procedure for determination of reserved matters of those outline approvals (potentially using a Planning Performance Agreement) would be better way of simplifying planning in these cases rather than the use of an LDO. In considering these issues it needs to be borne in mind that simplified planning is a mandatory condition of EZ status.

3 Main issues

- 3.1 A draft of Aire Valley Enterprise Zone – Local Development Order (1): Solar Panels is attached in Appendix 1. The proposed LDO would give planning permission to the installation of solar panels (either solar photovoltaic or solar thermal panels) on the roofs of non-domestic buildings within the Aire Valley Leeds AAP & Urban Eco Settlement Area without the need for the installer to apply for planning permission and subject to the proposal meeting the specific conditions set out in the LDO. For the avoidance of doubt, this LDO would not grant permission for any type of development other than solar panels and would not apply outside the boundaries of the areas shown in the plan in Appendix A of the LDO.
- 3.2 Solar panels can be installed on domestic properties (subject to restrictions) without the need to apply for planning permission using permitted development rights granted through the General Permitted Development Order.

Content, boundary and exclusions

- 3.3 The draft LDO is set out in a number of sections providing the detail and information required by the relevant procedures. It includes:
- Section 1-3: introduction and background;
 - Section 4: the order specifying the type of development permitted, the conditions attached to this and the timescales and other procedural requirements;
 - Section 5: the statement of reasons which includes a justification and a statement of key policies the LDO will implement; and
 - Appendix A: A plan showing the boundary of the area covered by the LDO

- 3.4 The LDO permits development of roof-mounted solar panels only. Separate conditions apply to pitched roofs (panels can protrude above the roof plane up to 200mm) and flat roofs (panels can be raised at an angle up to 1.5 metres above the roof).
- 3.5 The LDO specifically excludes installation of solar panels on listed buildings and buildings within the curtilage of a listed building and on buildings within conservation areas or within the boundaries of Registered Historic Parks & Gardens.
- 3.6 The LDO will be active for a period of five years following the date of adoption which is proposed to be 1st April 2012 to coincide with the start of the Aire Valley Leeds Enterprise Zone. The selection of a five year period allows sufficient time for building owners to implement development allowed by the LDO, if they wish, and for the Council to monitor its effectiveness and impact. This date could be extended in due course but revoking an LDO within the timescale set out may result in the Council having to pay compensation to businesses.
- 3.7 The boundary of the LDO will exactly align with the proposed boundary of the Aire Valley Leeds AAP and Urban Eco Settlement (see Appendix A of the LDO).

Justification

- 3.8 A justification for the LDO is set out in Section 5 of the order (page 6). The aim of the LDO is to encourage take up of micro-renewable energy systems. The LDO has potential benefits that extend beyond the Enterprise Zone sites themselves and it is therefore proposed that the boundary extends over a wider area. The Urban Eco Settlement / Aire Valley Area Action Plan is an appropriate boundary because the Council has high aspirations in the area to promote sustainable design, green energy production and low carbon economic development and life styles. The Aire Valley Urban Eco Settlement concept and boundary was agreed at Executive Board in July 2010. Government guidance on LDOs in EZs actively encourages local authorities to apply planning simplifications to a wider area than the EZ sites, if appropriate.
- 3.9 LDOs cannot be applied to development affecting a listed building or its setting. In this case it is proposed that the LDO will also not apply within designated conservation areas and registered historic parks and gardens. Existing listed buildings, conservation area and registered historic parks and gardens are shown in the plan accompanying the LDO but the exclusion would apply if any further designations are made in the area during the timeframe of the LDO. This exclusion will allow for proper consideration of the visual impact of solar panels on listed buildings and in conservation areas and registered historic parks and gardens through the normal planning process i.e. through submission of a planning application.
- 3.10 There is no requirement for LDOs to comply with existing policy but in this case the LDO is fully aligned with national, regional and local policies to encourage take up of low carbon sources of energy.

Internal & Public Consultation

- 3.11 The draft LDO has been subject to a formal public consultation process which took place between 16th December 2011 and 18th January 2012.
- 3.12 Prior to the public consultation, a letter was sent to local ward members and the Plans Panel East & Central Chairs accompanied by a draft of the LDO asking if they had any objection to the public consultation going ahead and for comments on the draft document. The following response was received:
- Cllr Nash (City & Hunslet): Supported the inclusion of solar panels and exclusion of wind turbines from the LDO. Had further queries regarding the location of listed buildings and whether money was available to support water turbines.
- 3.13 The Council was required to undertake public consultation on the draft document consistent with procedures set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010. This requires a minimum consultation period of 28 days, for the Council to serve written notice on any affected landowner/tenants, to consult with statutory consultees and other relevant bodies, to place an advert in the local newspaper and to put up site notices in the area covered by the LDO.
- 3.14 The details of the public consultation are set out below:
- The consultation went live on the Council's website on 16th December 2011. A response form could be downloaded from the website.
 - Letters serving notice on over 900 landowners/tenants of non-domestic properties (addresses were extracted from the Council's non-domestic rates data) were sent out on 16th December.
 - Letters were sent to other relevant consultees (mainly by email) on 19th December.
 - 9 site notices were posted in prominent locations in the LDO area on 19th December.
 - A public notice advertisement was placed in the Yorkshire Evening post on 21st December.
 - The last date for comment on the draft document was 18th January 2012. This ensured that a 28 day period was given from the date the last notice was served (newspaper advert) satisfying the minimum requirement but gave a few additional days to respond for those notified earlier.
- 3.15 7 written responses were received to the consultation, 2 from businesses located in the Aire Valley area and 5 from statutory consultees and other organisations. A detailed summary of the comments and officer's responses is set out in Appendix 2 of this report. In summary the comments received were as follows:
- 5 of the comments either supported or had no specific objections to the proposals including an Aire Valley based business who stated they intended to use the order to install solar panels in 2012.

- One comment saw this as an initiative for the Council to install solar panels and gave it support. For clarification the LDO only removes the requirement to apply for planning permission it is not an initiative to install solar panels.
- English Heritage supported the exclusion of listed buildings and conservation areas from the LDO but requested that the LDO also took account, by way of an additional condition, of the setting of listed buildings which can be adversely affected by development taking place outside the curtilage of the listed building. They also noted that two Grade II Registered Historic Park and Gardens Hunslet Cemetery and Temple Newsam exist within the immediate vicinity of the LDO and suggested an additional condition to restrict development where it would have an adverse effect upon the significance either of the Registered Parks and Gardens (e.g. through the impact on key views).

3.16 Officers have carefully considered the comments made by English Heritage, but are of the view that given the scope and nature of the development permitted by the LDO, such development would not adversely affect the setting of a listed building. The conditions proposed limit the height solar panels can project from the roof of a building which, in turn, will limit visual impact sufficiently whilst encouraging the uptake of low carbon energy production.

3.17 As the LDO is presently drafted development either complies with the order or does not comply by virtue of the type of development proposed, its positioning on a building and the use and location of that building. This will allow the installer of solar panels to notify the Council that development has been carried out in accordance with the LDO by completing the form provided. This procedure is relatively straightforward and meets the requirement to simplify planning in the Enterprise Zone. If a further condition was added to be added as proposed by English Heritage, this would introduce an element of subjectivity which could only be assessed by requiring the installer to submit details of the scheme to the local planning authority. This would introduce a time delay and additional costs in terms of the officer time required to make an assessment. These costs would have to be borne by either the installer through an administrative charge or the Council. It is considered that this additional procedure is disproportionate and unnecessary because the proposed conditions and exclusions will ensure that development permitted through the LDO has no significant adverse impact on listed buildings, conservation areas or their setting.

3.18 In terms of English Heritage's comments concerning the two Registered Historic Parks & Gardens, it is accepted that these areas should be excluded from the provisions of the LDO in the same way as listed buildings and conservation areas and, accordingly, an amendment to the LDO has been proposed. There is a small overlap between the Temple Newsam designation and the LDO boundary. However, for the same reasons as set out for listed buildings, officers do not consider that there should be an additional condition inserted in relation to an adverse impact upon the significance of a Registered Historic Park and Garden for development which takes place outside its boundaries. Given the scale and nature of development permitted by the LDO, officers do not consider that the impact that of such development would be significantly adverse.

3.19 Therefore, the following changes have been made in the attached version of the LDO from the draft that was subject to public consultation (these are underlined in red in the attached LDO):

- Amend Part A2 of the Order (section 4) to include a further exclusion (iii) Registered Historic Parks and Gardens
- Show the boundaries of Registered Historic Parks and Gardens on the plan set out in Appendix A of the LDO.
- Amend the Statement of reasons (Para 5.3) to make reference to Registered Historic Parks and Gardens.

3.20 Subject to approval of the document by Executive Board, the draft LDO has to be submitted to the Secretary of State for Communities and Local Government. He then has 21 days to make a determination to approve, reject or modify the order. If no response is received by the Council within 21 days the order is deemed to be approved. Subject to the Secretary of State's decision the LDO can then be adopted by the Council. The intention is for the LDO to be adopted to start on 1st April 2012 at the same time as the Enterprise Zone. The LDO and statement of reasons would then need to be placed on Part III of the planning register within 14 days of the adoption date.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Prior to the formal public consultation internal officers, local ward members and the chairs of the Central and East Plans Panels were consulted on a draft version of the document. The draft was discussed at Enterprise Zone Project Board, Planning Board, Aire Valley Programme Board and at Chairs Brief for Plans Panel East. The formal period of public consultation of 28 days was undertaken in accordance with the statutory procedures covering the making of Local Development Orders. The details of consultation undertaken, responses to the consultation and amendments made as a result of consultation are set out in detail in paragraphs 3.11 to 3.20 above.

4.1.2 The Council will be required to refer the LDO to the Secretary of State for Communities and Local Government before it can be adopted. The Secretary of State has the authority to approve, modify or reject the order within a 21 day period.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality Impact Screening Assessment has been undertaken and concluded that no negative equality, diversity, cohesion or integration issues are foreseen as a result of the LDO. The draft LDO has also been subject to both internal and public consultation. No negative equality issues were highlighted within these processes. The LDO applies to only non-domestic premises and the eligibility of a business/organisation to utilize the order is based entirely on property characteristics and geographical location rather than any personal or group characteristics.

4.2.2 The LDO is likely to have a positive impact on regeneration within the Aire Valley Leeds area. In particular benefiting the business community through encouraging the uptake in micro renewable technology which will help to lower business running costs, reduce the reliance on the national grid for energy needs and lower greenhouse gas emissions into the atmosphere. These businesses/organisations are key to success of the surrounding residential communities through providing jobs and key social infrastructure facilities which are integral to the creation of sustainable communities.

4.3 Council Policies and City Priorities

4.3.1 The preparation of the LDO is consistent with the Council's decision to bid for and support an Enterprise Zone in the Aire Valley and the local planning authority's agreement to prepare an LDO with the purpose of simplifying planning. This supports the City Priority Plan 2011-2015 objective to make Leeds the 'Best City for business' and in particular the priorities to create more jobs, support the sustainable growth of the Leeds' economy and raise the profile of Leeds nationally and internationally.

4.3.2 The adoption of the LDO will help to reduce the cost of businesses taking up low carbon energy by removing the need to apply for planning permission which is consistent with the City Priority to improve the environment through reduced carbon emissions.

4.4 Resources and Value for Money

4.4.1 The preparation of this LDO has had resource implications in terms of officer time and the cost of public notice advertising and sending notification and consultation letters. This cost has been met through the existing Aire Valley regeneration budget. On adoption of the LDO, the Council will not receive planning application fees for the types of development which would be approved through the order but after taking into account the associated cost that would have been incurred in processing the application the net resource implications to the Council will be minimal. The typical planning application fee for solar panels on a commercial building is £170. The use of a notification approach to determine compliance with the LDO should result in minimal future administration costs to the Council.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The LDO has been prepared in accordance with the Local Development Order procedures and statutory requirements. The advice of Legal Services has been taken into account during the preparation and consultation on the draft LDO.

4.5.2 Under the City Council's Constitution, a decision may be declared as being exempt from Call In if it is considered that any delay would seriously affect the Council's or the public interest. Given the Enterprise Zone will commence on 1st April 2012 the timescales for preparing and consulting on LDOs have been very tight. A delay in referring the LDO to the Secretary of State would not allow it to be adopted in time for the start of the Enterprise Zone.

4.6 Risk Management

- 4.6.1 There is considered to be a small risk associated with allowing the installation of solar panels on non-domestic buildings without the need for the installer to apply for planning permission. However, it is considered that the conditions specified in the order and the timescales attached to it should not result in lawful development which has an unacceptable visual impact.

5 Conclusions

- 5.1 The draft LDO has been prepared with the intention of making it simpler for businesses and other organisations to install solar panels on non-domestic buildings in support of the Aire Valley Enterprise Zone and Urban Eco Settlement Initiatives. The adoption of this LDO by the Council in time for the start of the Enterprise Zone will help to demonstrate the Council's commitment to genuinely simplifying planning in the EZ in response to the mandatory requirement.
- 5.2 Public consultation on the LDO identified a number of supports and one objection from English Heritage which has resulted in some minor proposed amendments to the document. However, officers did not consider it was appropriate to fully accept English Heritage's proposed amendment as this was considered to be unnecessary given the type of development permitted and conditions already included in the LDO.

6 Recommendations

- 6.1 Executive Board is recommended to:

- i) Approve the draft of the Aire Valley Leeds Enterprise Zone – Local Development Order 1: Solar Panels set out in Appendix 1 of this report and agree that the Chief Planning Officer submits this together with the statement of reasons to the Secretary of State; and
- ii) Subject to the Secretary of State not making a direction under section 61B(1) of the Town and Country Planning Act 1990 as amended, to adopt the Aire Valley Leeds Local Development Order (1): Solar Panels with effect from 1 April 2012.

7 Background documents¹

- 7.1 Equality, Diversity, Cohesion and Integration Screening Report.
- 7.2 Enterprise Zone Prospectus, DCLG, March 2011.

8 Appendices

- 8.1 Appendix 1: Aire Valley Leeds Enterprise Zone – Draft Local Development Order (1): Solar Panels.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

8.2 Appendix 2: Summary of representations from public consultation December 2011 – January 2012.



Aire Valley Leeds Enterprise Zone

Appendix 1

Aire Valley Leeds Enterprise Zone

Local Development Order (1)

Solar Panels

**Revised Draft Following Public Consultation
Version 1.2
January 2012**

Contents

	Page
1. Introduction.....	1
2. Simplified Planning in Enterprise Zones.....	2
3. Aire Valley Leeds.....	3
4. Aire Valley Leeds Enterprise Zone Local Development Order (1): Solar Panels.....	4
5. Statement of Reasons.....	6
Appendix A: Plan showing LDO boundary and Listed Buildings & Conservation Areas within the boundary	

DRAFT

1. Introduction

- 1.1 Enterprise Zones were announced by the Government in the March 2011 budget. The aim of Enterprise Zones is to stimulate private sector growth by reducing burdens for businesses. The specific benefits announced include:
 - A business rate discount worth up to £275,000 per business over a five year period for new businesses;
 - A simplified planning approach; and
 - Measures to ensure superfast broadband is rolled out
- 1.2 Enterprise Zones are selected and administered by Local Enterprise Partnerships (LEPs) and Aire Valley Leeds was selected as the Enterprise Zone candidate for the Leeds City Region LEP. The Government confirmed in July 2011 that Aire Valley Leeds was approved as one of the 22 areas in the country to benefit from Enterprise Zone status. The Enterprise Zone will commence on 1st April 2012 for an initial period of three years to 31st March 2015.
- 1.3 Aire Valley Leeds is located in the south east of the Leeds within the urban area and along both sides of the River Aire Corridor extending from the heart of the city centre to the M1 motorway and beyond. The Enterprise Zone incorporates four major development sites within Aire Valley Leeds which front onto the new East Leeds Link Road (A63) which opened in 2009. These are the sites that are eligible for business rates relief. Together the sites provide 142 hectares (*check*) of development land suitable for office, research & development, industrial and distribution uses.
- 1.4 All of the sites within the Aire Valley Leeds Enterprise Zone will benefit from a simplified planning approach, predominantly through the use of Local Development Orders (LDOs). Leeds City Council will prepare a series of LDOs across a range of themes covering different types of development. Together these LDOs will simplify planning requirements not only on the Enterprise Zone sites but over a wider area of Aire Valley Leeds.
- 1.5 This LDO covers one of those themes and sets out the details of solar panels which will be permitted on the roofs of non-domestic buildings within the wider Aire Valley area.

2. Simplified Planning in Enterprise Zones

- 2.1 Enterprise Zone status is conditional upon putting in place a genuinely simplified approach to planning and speeding up the planning process. The government advise that the approach taken to simplified planning should be ambitious and developed with consideration for what will genuinely benefit growth and attract private sector investment to Enterprise Zones. In order to simplify planning the government promotes the use of LDOs.
- 2.2 LDOs are an existing part of the planning system falling under the provisions of the Town & Country Planning Act 1990, as amended. LDOs were introduced by the Planning and Compulsory Purchase Act 2004 and commenced in 2006 and were amended by the Planning Act 2008. The detailed legal provisions for LDOs are contained in Article 34 and Schedule 7 to the Town and Country Planning (Development Management Procedure) (England) Order 2010 which came into force in October 2010.
- 2.3 LDOs grant planning permission for the type of development specified in the Order, and by doing so, remove the need for a planning application to be made. If development complies with the requirements of the LDO it can be implemented immediately. The Local Planning Authority has the right to apply conditions on the LDO similar to those that might be applied to a planning permission. Conditions ensure that the development is acceptable in planning terms.
- 2.4 The Government has produced a guidance note for local planning authorities to support the preparation of LDOs. This advises local planning authorities to avoid any conditions which are not absolutely essential to make the resultant developments acceptable in planning terms. The guidance also stresses the importance of minimising displacement i.e. businesses moving onto the Enterprise Zone sites from nearby areas stifling development in those areas. It confirms that the boundaries of LDOs do not have to match those of the sites subject to business rates relief and Local Planning Authorities should look for opportunities to bring the benefits of planning simplification to a wider area.
- 2.5 The scope and detail of the LDOs for the Aire Valley Enterprise Zone have been worked up having due regard to advice contained in the guidance.

3. Aire Valley Leeds

- 3.1 The Lower Aire Valley is a major economic development opportunity for Leeds City Region. In total it extends to over 1,300 hectares and contains some 400 hectares of land available for development in the short to medium term. Aire Valley Leeds is identified within regional and local strategic plans as a focus for future economic growth for Leeds and the City Region. It will provide opportunities for continued and sustainable employment growth for the region for years to come. The Enterprise Zone will provide a catalyst for development in the short term and will help to deliver the long term vision for this area of Leeds.

Urban Eco Settlement

- 3.2 The unique selling point for Aire Valley Leeds remains the delivery of a sustainable new district for the city delivering growth through an additional 30-40,000 jobs and up to 10,000 new homes. This is reflected in the granting of Urban Eco Settlement status for the area by the City Region. The Enterprise Zone in the Aire Valley Leeds will promote sustainable development in support of the Urban Eco Settlement by seeking the delivery of commercial areas which have a high quality environment with green infrastructure, carbon efficient buildings and energy production; low carbon and green businesses and a sustainable transport system.

Aire Valley Leeds Area Action Plan

- 3.3 Leeds City Council is preparing an area action plan for the Aire Valley Leeds . This document will have development plan status as part of the Leeds Local Development Framework when adopted. It has been out to previous rounds of consultation and is programmed to be published in draft form in Autumn 2012 with a view to adoption during 2013.

4. Aire Valley Leeds Enterprise Zone Local Development Order (1): Solar Panels

4.1 Leeds City Council make the following Local Development Order to commence on 1st April 2012:

Part A1: Permitted Development

This Local Development Order (LDO) hereby grants planning permission for the installation, alteration or replacement of the following types of solar panels on any non-domestic building within the Aire Valley Leeds area as indicated on the plan shown in Appendix A:

- (a) Roof mounted solar photovoltaic (solar PV) and/or solar thermal panels and supporting equipment on pitched roofs subject to the following conditions:
 - i) No panels or equipment shall project beyond the limits of the roofline in any direction.
 - ii) No panels or equipment shall protrude more than 200mm above the roof plane.
- (b) Roof mounted solar photovoltaic (solar PV) and/or solar thermal panels and supporting equipment on flat roofs subject to the following conditions.
 - i) No panels or supporting equipment shall project higher than 1.5 metres from the roof (allowing for panels to be raised at an angle).
 - ii) No panels or supporting structures shall be located less than 1 metre from the edge of the roofline in any direction when measured in a straight line.

Part A2: Development not permitted

- (a) Part A1 of this order does not apply to the installation, alteration or replacement of solar panels on:
 - i) Buildings within conservation areas.
 - ii) Listed buildings and buildings within the curtilage of a listed building.
 - iii) Buildings within Registered Historic Parks and Gardens

Lifetime of the Local Development Order

4.2 The LDO, and the terms within it, will be active for a period of five years following the day of its adoption, and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of the order.

4.3 Development which has started under the provision of the LDO will be allowed to be completed in the event that the LDO is revoked or revised or expires.

4.4 On expiration of this LDO, the local planning authority will either:

- (a) Extend the life of the order for an additional time period:
- (b) Revise the order and re-issue for a specific time period: or
- (c) Return to the established planning system.

Compliance with the Local Development Order

4.5 The LDO will be subject to continuous monitoring to assess its effectiveness. In order to monitor the effect of the LDO, any business/developer wishing to install solar panels under the provision of this LDO shall be required to complete a form to be sent to the Council upon completion of development. This LDO shall be accompanied by a template form (*link to website to be inserted*) to be completed by the business/developer and will require the following information on the development in question:

- Property address
- Types of development (e.g. solar PV, solar thermal etc)
- Brief description of development (area m²)
- Installation capacity (KW)

Informatives

4.6 The LDO does not remove the requirement for consents obtained under other legislation, such as Building Regulations.

4.7 The LDO does not prevent development taking place which is not explicitly covered by the order. Where this applies a planning application for such development would need to be made through the standard planning application process.

4.8 The existing permitted development rights that a building/site benefits from are not affected by the LDO.

5. Statement of Reasons

Description of Development Permitted by this Local Development Order

- 5.1 The Local Development Order (LDO) would grant planning permission for the installation of solar panels to the roofs of any non-domestic building within a defined area (see attached map), subject to conditions.

Justification for creating this Local Development Order

- 5.2 The primary aim of the LDO is to encourage the uptake in micro renewable technology amongst businesses and on community buildings. This would help to lower business running costs, reduce the reliance on the national grid for energy needs and lower greenhouse gas emissions into the atmosphere.
- 5.3 The LDO will offer certainty of outcome for the owner by reducing the requirement to obtain planning permission. It will ensure that the planning system will assist the aspirations of the Council and wider community to deliver green energy facilities within the area, whilst retaining important safeguards over the appearance of the new solar panel installations. Planning control would remain over applications for solar panels on listed buildings, buildings within the curtilage of listed buildings, buildings within registered historic parks and gardens and buildings within conservation areas as they are excluded from the scope of the LDO. It is considered that these measures will ensure that the LDO does not have a detrimental impact on any heritage assets. Existing conservation areas, registered historic parks and gardens and listed buildings within the LDO boundary are shown on the plan in Appendix A. If any further designations of conservation areas or listed buildings are made within the LDO boundary during the lifetime of the LDO then Part A2 of the order would apply.
- 5.4 The LDO boundary, which is significantly larger than the Enterprise Zone, would ensure that areas around the Enterprise Zone also benefit from a simplification of planning requirements. The area corresponds with the boundaries of the proposed Urban Eco Settlement (UES) which forms a key aspect of the emerging Aire Valley Leeds Area Action Plan. The UES has high aspirations for improving sustainability, developing green energy and promoting low carbon economic development. As such it makes an appropriate pilot area to focus action on. The time span of the LDO allows sufficient time for existing businesses to bring forward and implement solar panel developments.

Statement of Policies that this Local Development Order will implement

- 5.5 The LDO is consistent with and will help deliver a number of national and local planning policies and guidance.
- 5.6 The aspirations of the LDO are consistent with Planning Policy Statement (PPS) 1: Sustainable Development, the supplement to PPS1: Planning and Climate Change and PPS 22: Renewable Energy. The draft National Planning Policy Framework also supports the delivery of renewable and low-carbon energy and

recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

- 5.7 The LDO accords with saved Policy N54 of the Unitary Development Plan (Review 2006) and Building for Tomorrow Today (a Supplementary Planning Document) which both strongly encourage sustainable, renewable forms of energy generation. The LDO is also consistent with the environmental aspirations of several emerging Leeds Local Development Framework documents most notably the Core Strategy and Aire Valley Area Action Plan.

Legal advice

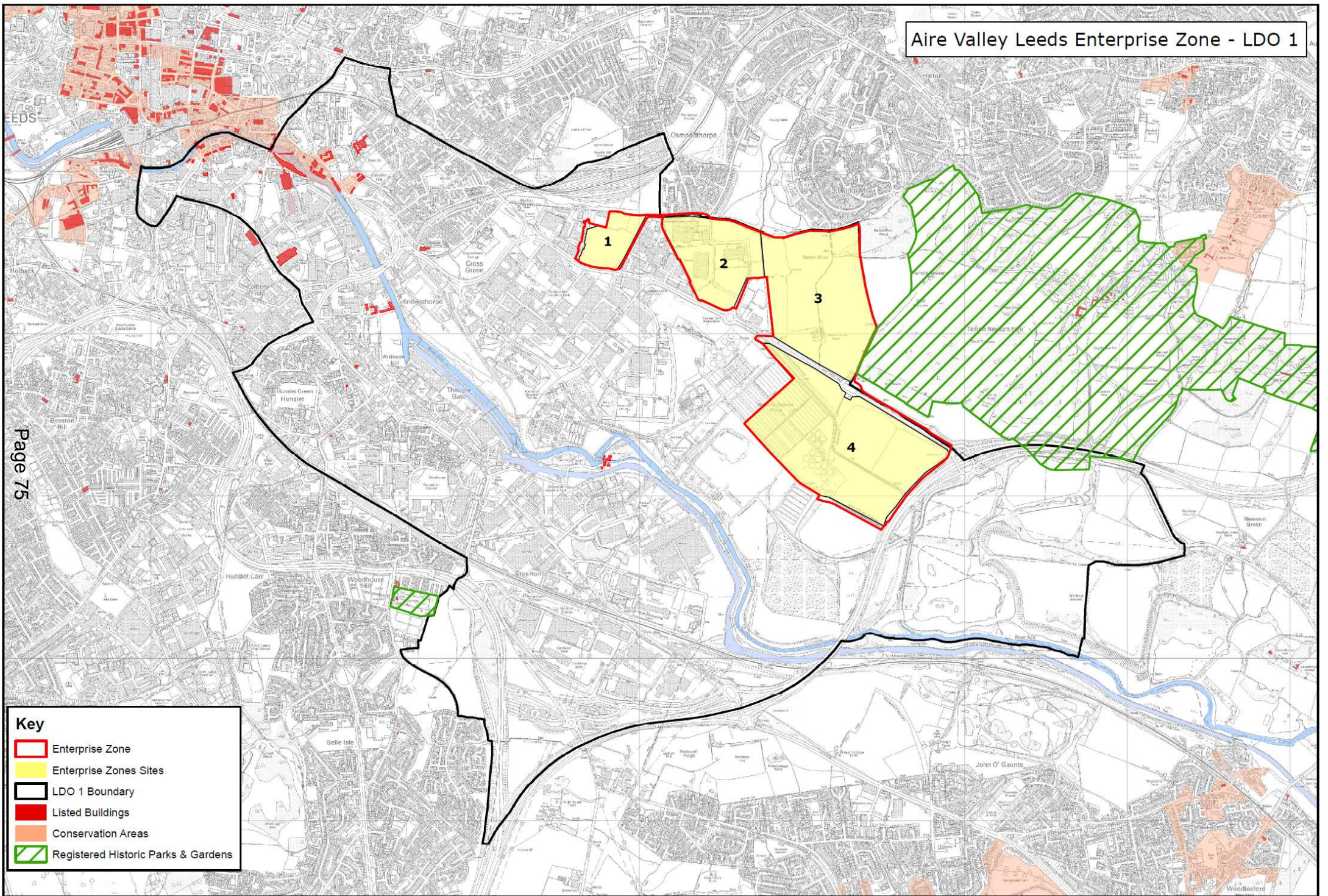
- 5.8 The LDO complies with the requirements of current Government guidance and has been reviewed by Leeds City Council's Legal Department.

DRAFT

APPENDIX A

PLANNING SHOWING LDO BOUNDARY

DRAFT



Key

- Enterprise Zone
- Enterprise Zones Sites
- LDO 1 Boundary
- Listed Buildings
- Conservation Areas
- Registered Historic Parks & Gardens

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Appendix 2

**Aire Valley Leeds Enterprise Zone - Local Development Order (1) – Solar Panels:
Summary of representations from public consultation December 2011 – January 2012**

Key to table

S = Support
O = Objection
C = Comments

RESPONDENT	S	O	C	SUMMARY OF COMMENTS	OFFICER RESPONSE
Consultation with local ward members					
Cllr E Nash			•	<ul style="list-style-type: none"> No comments to make except that there are only two listed buildings to my knowledge and intrigued to know if there are any more. Glad that solar panels are being promoted and not wind turbines. Wonder if there is any money for water turbines adjacent to the weirs on the River? 	<ul style="list-style-type: none"> All of the listed buildings within the area are highlighted on the appended map and are protected by the conditions set out in the LDO. Water turbines are not proposed as part of this LDO. However; renewable energy production is being promoted within the area as part of the emerging Aire Valley Area Action Plan and UES agenda, so opportunities may be present in future years.
Public consultation					
Corrocoat Ltd (Aire Valley business)	•			<ul style="list-style-type: none"> Fully support the proposals for the simplification of planning regulations. Intend to install solar panels on own premises in 2012. 	Not Applicable
English Heritage		•	•	<ul style="list-style-type: none"> Welcome the inclusion of Part A2 as it will help to ensure that the elements which contribute to the significance of these heritage assets are not harmed by inappropriately sited or designed solar panels. 	<ul style="list-style-type: none"> Note comments/concerns. It is considered that the nature of the development covered and the conditions

RESPONDENT	S	O	C	SUMMARY OF COMMENTS	OFFICER RESPONSE
				<ul style="list-style-type: none"> Highlight that the Town and Country Planning Order 2010 prohibits an LDO which would 'affect' a listed building. Circular 01/2006 makes it clear that this restriction also applies to development which would affect the setting of such a building. The planning guidance which accompanies PPS5 makes it clear that the setting of a heritage asset will generally be more extensive than its curtilage. In light of this it is recommended that the wording of part A2(a)(ii) is amended to include wording which states that they would not be acceptable where they are likely to harm the setting of a listed building. Two Grade II Registered Historic Parks and Gardens (Hunslet Cemetery and Temple Newsam) exist within the immediate vicinity of the LDO boundary. There is a presumption in favour of the conservation of heritage assets within PPS5 and inappropriate development within an assets setting can be harmful to its significance. State the LDO could permit developments which could harm the settings of these Historic Parks and Gardens (inc key views from these assets). Consequently it is suggested that an additional condition is attached to the order to restrict development where it would have an adverse effect upon the significance of the Registered Parks and Gardens at Hunslet Cemetery or Temple Newsam. 	<p>attached to the LDO are sufficient to ensure that development which is permitted will not affect any listed buildings, Conservations areas, Registered Historic Parks or Gardens and/or their settings.</p> <ul style="list-style-type: none"> The existing conditions which limit the projection of the solar panels on the roofline will help to ensure that the solar panels do not unduly increase the height or scale of the existing buildings. Any impact is likely to be minimal and not significant compared to the impact of the existing buildings on the heritage assets. The industrial nature of the area will also reduce any impact. The suggested conditions would create an element of subjectivity within the LDO which would require a detailed assessment to be made in order to check if the development complied. It is felt that the LDO will work best with little interaction with the LPA, enabling a truly simplified planning approach. The existing conditions and compliance process are considered to be sufficient to ensure that any heritage assets are safeguarded adequately.
Environment			●	● No objections.	Not applicable

RESPONDENT	S	O	C	SUMMARY OF COMMENTS	OFFICER RESPONSE
Agency					
Homes and Communities Agency (HCA)	•			<ul style="list-style-type: none"> Support the proposals being put forward but have no specific comments to make at this stage of the consultation process. 	Not applicable
Jacqui Sykes (Samnik Home Furnishings Ltd)			•	<ul style="list-style-type: none"> The contribution of the Council in installing the solar panels is invaluable for the people working and living in the above mentioned address (flat), encouraging a sustainable and low-impact living. The reduction of costs for heating and the environmental value of using green energy are highly appreciated. 	<ul style="list-style-type: none"> The LDO will only grant planning permission for certain types of solar panels. The Council will not be installing any solar panels as part of the order. It would be up to the landowners to finance any solar developments. The LDO will merely speed up the planning process and reduce associated costs. The LDO only applies to non-domestic buildings. Flats above shops do not currently benefit from any Permitted Development rights for solar panels. Consequently a planning application would be required for such development
The Coal Authority			•	<ul style="list-style-type: none"> No specific comments, given the nature of the development. 	Not applicable.
The Theatres Trust	•		•	<ul style="list-style-type: none"> Generally support the installation of solar panels on theatre buildings, provided that they are not visible. Highlight that the trust is currently delivering and has already undertaken several actions to improve its environmental sustainability. 	<ul style="list-style-type: none"> The LDO will not preclude solar panels which are visible, although conditions have been attached to ensure that any visual impact will be minimal. The LDO will just provide a simplified planning approach for the installation of solar panels. It is up to the landowner owners

RESPONDENT	S	O	C	SUMMARY OF COMMENTS	OFFICER RESPONSE
					to decide whether they would like to install such developments.

Report of DIRECTOR OF CITY DEVELOPMENT

Report to EXECUTIVE BOARD

Date: 7 MARCH 2012

Subject: CAMERA ENFORCEMENT OF BUS LANES - PHASE 2

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. In November 2005, new regulations enabled local authorities outside London to carry out camera enforcement of bus lanes under the provisions of Schedule 3 of the Road Traffic Act 1991. A number of local authorities have adopted these powers to enforce bus lanes using cameras.
2. The West Yorkshire Integrated Transport Authority (Metro) and the bus operators have reported the use of bus lanes by other vehicles as a major issue affecting service punctuality and encouraged the Council to adopt bus lane enforcement as a solution. Without such a scheme buses will continue to encounter delays and problems with reliability, making bus use an unattractive travel option to the car and undermining congestion measures and the beneficial impacts of bus priority schemes.
3. The Police have many competing demands for their resources and as a result it has not been possible for bus lanes to be enforced sufficiently to achieve the required reliability. In turn, this means that offence levels are higher than they would be otherwise.
4. Following approval of the Camera Enforcement of Bus Lanes - Pilot Scheme reported to the Chief Officer, Highways and Transportation on 9 March 2009, Leeds obtained type approval from the Department for Transport (DfT) and introduced a pilot scheme which started enforcement on 22nd July 2011, at city centre locations.
5. The pilot scheme has seen regular reductions of around 80% in the number of bus lane offences on the enforced sites in the city centre. The scheme has received positive feedback from Metro and the bus operators.

6. This report therefore seeks approval in principle to extend the camera enforcement of bus lanes and bus gates to the remaining sites across Leeds and extend the benefits gained from the pilot to other bus lanes. This will be done following detailed feasibility and analysis of each site based on the number of offences recorded in surveys carried out in June 2011. Sites will be introduced in phases with detailed plans being submitted for approval to the Chief Officer, Highways and Transportation before implementation proceeds.
7. As part of the implementation process, a review of the Traffic Regulation Orders will be carried out to ensure they comply with the camera enforcement criteria. Subject to approval being gained, amendments allowing Hackney Carriages to use the bus lanes will also be made where they are not already included.

Recommendations

8. Executive Board is requested to;
 - I. note the successful introduction of the pilot bus lane enforcement scheme in the city centre.
 - II. give approval, in principle, to extend camera enforcement of bus lanes to the remaining bus lane sites across Leeds, including the introduction of cameras on new bus lane schemes, based on individual site assessments and at nil cost to the council.

1 Purpose of this report

- 1.1 The purpose of this report is to gain approval, in principle, to extend camera enforcement of bus lanes at the remaining bus lane sites across Leeds, and allow the introduction of cameras on new bus lane schemes.

2 Background information

- 2.1 In November 2005, new regulations enabled local authorities outside London to carry out camera enforcement of bus lanes provided that their area had been designated as a permitted/ special parking area under the provisions of Schedule 3 of the Road Traffic Act 1991 undertaking enforcement by way of the Decriminalised Parking Enforcement (DPE) provisions. A number of local authorities have adopted these powers to enforce bus Lanes.
- 2.2 The West Yorkshire Integrated Transport Authority (Metro) and the bus operators have reported the use of bus lanes by other vehicles as a major issue affecting service punctuality and encouraged the Council to adopt bus lane enforcement as a solution. Without such a scheme buses will continue to encounter delays and problems with reliability, making bus use an unattractive travel option to the car, undermining congestion measures and the beneficial impacts of bus priority schemes.
- 2.3 The Police have many competing demands for their resources and as a result it has not been possible for bus lanes to be enforced with any regularity to achieve the required reliability. In turn, this means that offence levels are higher than they would be otherwise.
- 2.4 Since the development of the guided bus-ways in north and east Leeds, Leeds has developed further bus priority schemes primarily using bus lanes. Examples include Abbey Road, Wellington Road, Burley Road, Chapeltown Road and Beeston Ring Road (near the Tommy Wass junction). These schemes rely on the bus lanes being free of other vehicles to maximise the benefits of the investment.
- 2.5 Leeds utilised the new powers available to them to develop a pilot scheme enforcing city centre bus lane locations using cameras. The enforcement cameras are automated and then all recorded events are independently reviewed by two Parking Services personnel before a ticket is issued.
- 2.6 A report to the Chief Officer, Highways and Transportation details the pilot Camera Enforcement of Bus Lanes scheme and was approved on 9 March 2009. The pilot scheme has been successfully operating since 22 July 2011.
- 2.7 The pilot scheme has seen offences reduce consistently since commencement. Surveys carried out prior to enforcement and pre-publicity recorded 9431 offences per week across 5 city centre sites. The number of offences following a publicity campaign and approximately 13-19 weeks of enforcement was 1685 per week, that is a reduction of 82%. Examples from other authorities suggest that this will continue to rise to 85%.

- 2.8 Appendix A shows the reduction in offences at each site between the pre-implementation surveys, and those recorded recently.
- 2.9 Violation surveys at the remaining bus lanes were carried out in June 2011 and showed a number of bus lanes having high levels of infringement. Details are shown on the table in Appendix B and the figures will be used to carry out the cost benefit analysis at each site and subsequent monitoring.

3 Main issues

- 3.1 Leeds City Council is a partner in the West Yorkshire Local Transport Plan. The Local Transport Plan has identified a number of targets which are connected to increasing the use of public transport in general and buses in particular, within which improved punctuality and reliability are critically important. Increased use of buses contributes towards the priorities in the City Priority Plan for the Sustainable Economy and Culture Board.
- 3.2 A schedule of the Phase 2 bus lane and gate locations which have been surveyed to determine the level of violation is shown in Appendix B. However each site will be subject to cost benefit analysis to determine the method and level of enforcement required.
- 3.3 Subject to Executive Board approval, the sites will be developed and assessed on their individual merits and presented to the Chief Officer, Highways and Transportation prior to implementation and enforcement commencing.
- 3.4 The main operational points are:
- i) enforcement will continue using cameras;
 - ii) community safety cameras will not be used;
 - iii) it is an automated system where each offence is reviewed by two operators before a penalty charge notices is issued;
 - iv) penalties follow the same legal process as parking penalty charge notices;
 - v) sites will be self financing and introduced based on individual cost benefit analysis at nil cost to the council.
- 3.5 Operational responsibility will lie with Parking Services within Environment and Neighbourhoods Directorate. The schemes will be funded from the future revenue generated from the new sites at nil cost to the council and approval for funding will be sought as required from Environment and Neighbourhoods Directorate.
- 3.6 A review of the Traffic Regulation Orders will be required at each site to ensure they comply with the camera enforcement criteria. Proposals are also being developed to allow Hackney Taxis to use all bus lanes, and subject to final approval being gained, the Traffic Regulation Orders changes required for this will be undertaken at the same time.
- 3.7 High Occupancy Vehicle (HOV) lanes can not currently be enforced using cameras due to the inability of remote camera systems to prove the number of car occupants. Technology to do this is in development but remains some way off in terms of routine operational use. A partnership with the police will continue to be

used for the enforcement of this regulation until the necessary technology is available.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members will be notified as the proposals are rolled out across the city. Consultations will be carried out with, internal departments, key stakeholders and emergency services as the phases of the project progress. Public consultations were carried out in the form of a staged publicity campaign for the pilot scheme. The message conveyed was that bus lane enforcement would be carried out in Leeds using cameras, however no specific sites were identified.

4.1.2 A further publicity campaign will be conducted during the introduction of Phase 2. This will be supported by new enforcement signs and refreshing road markings where it is required, to inform motorists prior to enforcement. The Executive Member for Development and the Economy has been consulted on the proposal.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An EDCI Screening was undertaken for this project. This identified that there may be concerns from drivers who have routinely used these bus lanes illegally. However, this will be addressed by the erection of new enforcement warning signs and the renewal of bus lane markings where it is required. This will be carried out prior to enforcement.

4.2.2 The EDCI notes that the proposed enforcement will improve journey times for passengers on buses who can often be from lower socio-economics backgrounds, as this is their primary means of transport. Also that this will improve journeys for law abiding drivers in the general traffic lanes by reducing tension and frustration felt through seeing drivers breaking the law and gaining an advantage.

4.3 Council policies and City Priorities

4.3.3 Development of bus priority measures 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, particularly:

- Proposal 11: 'Strengthen demand management and enforcement to gain maximum benefit from measures to enable more sustainable choices' with a focus on the re-allocation of existing road space towards buses and improving the reliability and speed of buses;
- Proposal 13: 'Define and develop a core, high-quality, financially sustainable network of transport services that will provide attractive alternatives to car travel';
- Proposal 18: 'Improve safety and security, seeking to minimise transport casualties';
- Implementation priority - stronger demand management measures to encourage less car use;

- 4.3.4 This scheme supports the priorities of the City Priority Plan: to deliver an enhanced transport system, to improve the quality, use and accessibility of public transport services and to improve road safety for all our users.
- 4.3.5 Environmental Policy: The proposals contained within this report are in accordance with the Council's Environmental Policy to 'increase accessibility and connectivity through investment in a high quality transport system and through influencing others and changing behaviours'

4.4 Resources and Value for Money

- 4.4.1 Following preliminary analysis, each site will be financed by Environment and Neighbourhoods Directorate at nil cost, with revenue generated from penalty notices offsetting the implementation and ongoing costs at each site. This will occur in a financially sustainable way reflecting the knowledge gained from the pilot scheme.
- 4.4.2 Parking Services have confirmed that the present back office setup for the pilot, operated by Parking Services, is scalable and can easily be adapted to cater for the introduction of additional sites cost effectively due to offences being captured automatically using Automatic Number Plate Recognition (ANPR)
- 4.4.3 It is difficult to accurately evaluate the expected revenue that would be generated, as the proposals are expected to be introduced in a phased approach. Experience elsewhere suggests that offences are likely to reduce by 85% from those observed in the pre-enforcement surveys. Using the pre-enforcement surveys this would indicate that on average each site would take over a year to pay for installation, software and licensing, not taking into account any ongoing maintenance costs.
- 4.4.4 Section 55 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 indicates that any surplus revenue generated by Parking Charge Notices (PCN) and now Bus Lane Enforcement (BLE) should be used on Highway or Environmental Improvements.
- 4.4.5 The approved Council Budget for 2012/13 details that £9.11M will be identified for highway improvements next year. The projected income from PCNs and BLE is £4.45M (£3.2M from PCNs and £1.25M from BLE).

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications to this report, however it will be necessary to make an application to Department for Transport (DfT) to seek approval for each site. All Traffic Regulation Orders will be reviewed and amended where necessary to facilitate camera enforcement of the bus lanes along with the inclusion of Hackney Carriages where they are not already included. These will be reported to the Chief Officer, Highways and Transportation for approval prior to implementation.
- 4.5.2 The Bus Lane Enforcement Project Board has been established and will undertake a detailed feasibility and cost benefit analysis of each site before making recommendations to progress with camera enforcement.

4.6 Risk Management

- 4.6.1 The system adopted has received type approval from DfT and has been working successfully in Leeds during the pilot. A Post Project Review evaluation has been carried out and will inform the implementation of Phase 2.
- 4.6.2 Research suggests that sustained, intensive enforcement that is well explained and publicised has a long lasting effect on driver behaviour. Evidence also suggests that this improvement in driver behaviour is not sustained should the motivational effect of enforcement be removed, and that levels of compliance drop significantly when enforcement drops. Given this, it is considered likely that there will always be a requirement for enforcement to ensure sustained punctuality and reliability improvements.
- 4.6.3 All bus lanes will be assessed and reviewed to ensure the legal Traffic Regulation Orders, along with signing and lining are clear and correct, informing drivers of the restrictions and allowing any essential manoeuvres to be carried out.
- 4.6.4 As sites are taken forward they will be submitted to DfT for authorisation prior to enforcement. Appeals during operation will be dealt with by the established appeals process adopted by Parking Services on the individual circumstances around each offence, which is in line with national best practice. Appeals will also be subject to an independent adjudication process if required.

5 Conclusions

- 5.1 Bus Lane enforcement is an effective way of tackling the abuse of bus lanes. These proposals will have a positive effect on bus journey times and subsequently help to increase patronage. The proposals, which are expected to be self financing, are a fundamental element to reducing congestion and maintaining freer flowing traffic in bus lanes.
- 5.2 Particularly during times of austerity, locking in the benefits of previous expenditure on bus priority, will assist the Council in meeting its Local Transport Plan targets and air quality obligations.
- 5.3 The pilot is already having a significant effect on compliance at key congestion points in the city centre. Therefore this approval will extend the benefits gained from the pilot to current and future bus lanes in Leeds, maximising the value of the bus lane investment.

6 Recommendations

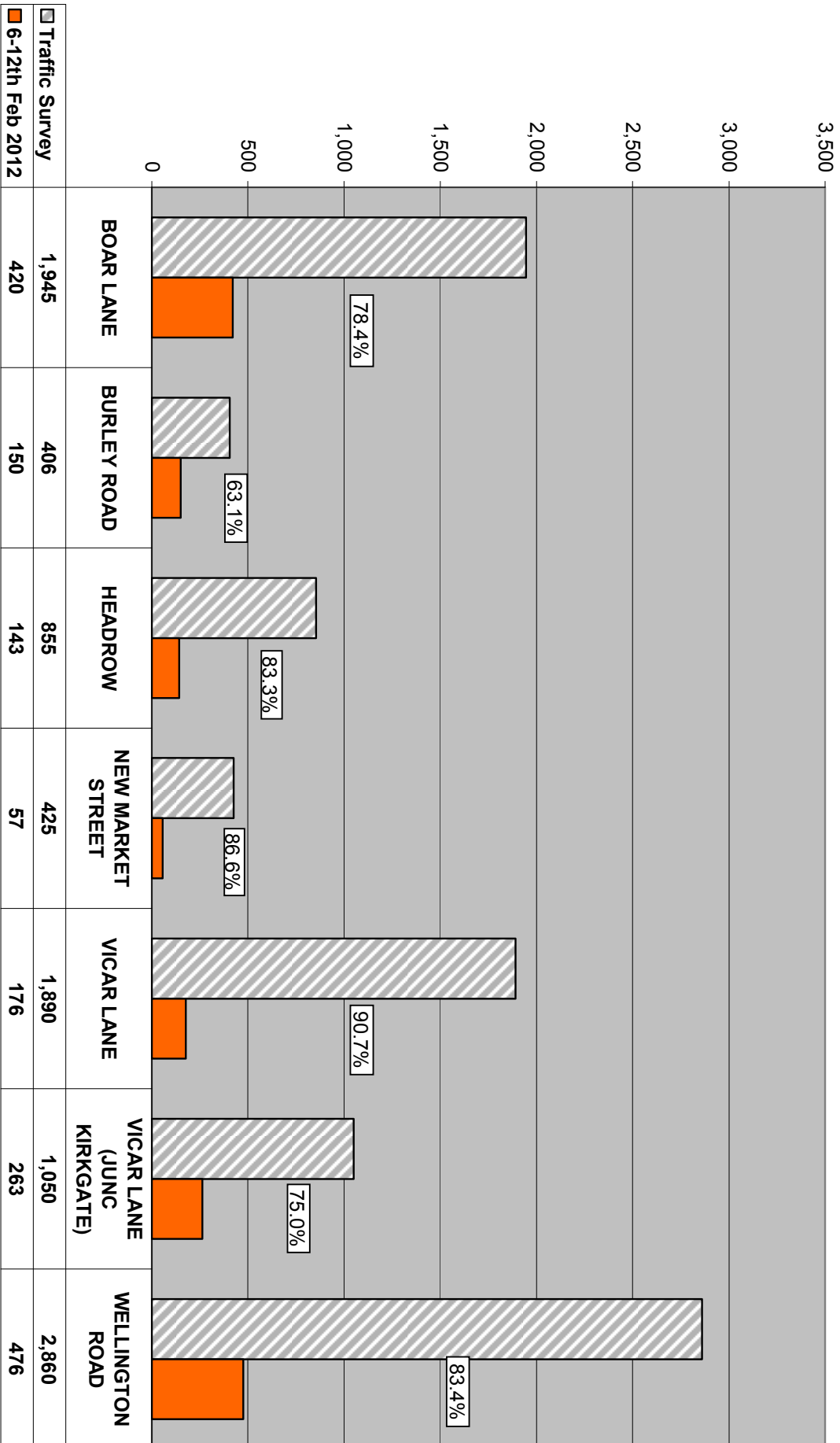
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 - II. give approval, in principle, to extend camera enforcement of bus lanes to the remaining bus lane sites across Leeds, including the introduction of cameras on new bus lane schemes, based on individual site assessments and at nil cost to the council.

7 Background documents¹

7.2 DCR 15360 - Camera Enforcement of Bus Lanes - report 9 March 2009

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Bus Lane Enforcement No. of offences (per site) and percentage reduction



Appendix B

No.	Location	Hours of operation	Violations per day
No 1.	A65 Abbey Road, Kirkstall, Inbound lane.	24 hours.	30
No 2.	Otley Road, Inbound lane towards Shaw Lane.	07.30 – 09.30	718
No 3.	B6154 Tong Road, Inbound towards Whingate.	07.30 – 09.30	397
No 4.	Jack Lane at j/w Sweet Street, Inbound.	24 hours	39
No 5.	Dewsbury Road, Outbound, Near Tesco Express.	16.00 – 18.30	100
No 6.	Low Lane, Inbound near Balmoral Chase.	24 hours	755
No 7.	Woodhouse lane, outside multi storey car park.	24 hours	17
No 8.	A660 Woodhouse lane, Outbound near St Marks Ave.	16.30 – 18.30	70
No 9.	Westgate toward j/w Oxford Row.	24 hours	16
No 10.	Woodhouse Lane Inbound j/w Rossington Street..	24 hours	47
No 11.	Woodhouse Lane Outbound, near The Hedley Verity.	24 hours	0
No 12.	Woodhouse Lane, Outbound j/w Rampart Road.	16.00 – 18.30	170
No 13.	Woodhouse Lane, Outbound, after j/w Fenton Street.	16.00 – 18.30	17
No 14.	Woodhouse Lane Outbound, Near the University.	16.30 – 18.30	9
No 15.	Chapelton Road Inbound near Leopold Street.	07.30 – 09.30	32
No 16.	York Road Inbound. Nr PDSA	24 Hours.	94
No 17.	North Street Bus Gate, Inbound.	24 hours	187
No 18.	A64 York Road Outbound, opposite Great Clothes.	24 hours	16
No 19.	North Street Inbound bus lane at j/w Grafton Street.	24 hours	7
No 20.	A64 York Road Inbound towards Marsh Lane.	24 hours	389
No 21.	York road Outbound.	24 hours	22
No 22.	York Road Outbound to Torre Road.	24 hours	15
No 23.	Cross gates Road Inbound towards York Road.	07.30 – 09.30	1
No 24.	Selby Road Inbound near Detroit Drive	24 hours	8
No 25.	Selby Road Outbound near Portage Avenue	24 hours	0
No 26.	Selby Road Inbound near Carden Avenue.	24 hours	12



Report author: Rowena Hall/
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Report of: Director of City Development

Report to: Executive Board

Date: 7 March 2012

Subject: Eastgate Quarter – Amendment to Legal Documentation & Commercial Deal

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City & Hunslet	<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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4 (3) Appendix number: A & plan 1	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. In September 2011, after securing revised outline planning permission for the development at Eastgate, Hammerson approached the Council with a revised proposal for their development of Eastgate which would help secure the potential delivery of the main anchor store, John Lewis.
2. To secure the delivery of a John Lewis store, a commercially viable scheme has to be developed which will enable John Lewis Partnership to be trading by 2016. Changes will be required to the existing legal documentation. These changes are now set out in the confidential Appendix A and Plan 1.

Recommendations

Executive Board is recommended to:-

1. Note the report and the current position of the project.
2. Approve the Heads of Terms set out in the report for the changes to the existing Development Agreement.
3. Authorise the Director of City Development and the City Solicitor to conclude all the documents required to amend the existing Development Agreement in accordance with this report, and to agree any further alterations that might be required in consultation with the Executive Member for Development and Regeneration and in accordance with the appropriate schemes of delegation.

1 Purpose of this report

- 1.1 The purpose of this report is to seek the approval to revise the terms of the Development Agreement with Hammerson. Hammerson have requested that the Development Agreement be reviewed and that revised terms are agreed to facilitate the delivery of the project.
- 1.2 The detailed Heads of Terms which relate to the proposed variation are detailed in the confidential Appendix A.

2 Background information

- 2.1 As reported to Executive Board in March 2011, the Eastgate project will be a flagship development which will further move Leeds towards being one of the top retail destinations in the UK. This will partly be achieved through the securing of a John Lewis department store as a main anchor for the development.
- 2.2 In March 2011 Executive Board agreed that the original 2006 legal documentation, which included a Development Agreement and a CPO Indemnity Agreement, should be varied. This was to take into account changes which were necessary due to Hammerson reappraising the project with the intention of creating a commercially viable scheme which would deliver the benefits originally intended; namely the regeneration of 10 hectares of the city centre and the creation of over 4,000 permanent new jobs.
- 2.3 The existing legal documents relating to the project were varied in April 2011; allowing Notices to Treat to be served for all the land interests required to enable the scheme to be delivered. The variation to the 2006 Development Agreement revised the terms of the commercial deal between the Council and Hammerson, details of which are set out in the confidential Appendix A.
- 2.4 Subsequent to the revisions noted above, in July 2011, Hammerson secured detailed planning permission for the erection of a Low Carbon Energy Centre at Bridge Street and on 6 September 2011 outline planning permission for a revised development consisting of a maximum of 117,000sq m and a minimum of 80,000 sq m of A1 retail use with associated ancillary uses. The permission allows flexibility of delivery within this size range.

3 Main issues

- 3.1 In September 2011 Hammerson presented the Council with a revised approach which would help secure the delivery of the main anchor store, John Lewis. Also at this time the John Lewis Management Board visited the city and stated that whilst they wanted to provide a flagship store in Leeds, a way to secure delivery of the project needed to be identified.
- 3.2 Since September 2011 a series of meetings have been held with a view to securing a commercially viable scheme which can be delivered and enable the John Lewis store to be trading by 2016. These meetings have established that to secure the delivery of the John Lewis store by 2016 changes are required to the existing legal documentation. Details of these changes are set out in the confidential Appendix A.

3.3 Hammerson's current outline planning permission provides the flexibility for this approach, but the existing legal agreements will need to be reviewed and varied.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 As part of the planning and CPO process Hammerson and the City Council have ensured that interested parties are as well informed as possible. Meetings have been held on a regular basis with the Civic Trust, the Kirkgate Market Forum (traders & members) and there has been dialogue with the Friends of the Kirkgate Market. Land owners affected by the CPO are being updated on a regular basis either through individual dialogue or by letter.

4.1.2 The Leader, the Executive Member for Development & the Economy and the Chief Executive have been kept apprised of the situation on a regular basis. Ward Members have also been informed of the current position.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 It is currently not applicable for an EIA or a screening form to be undertaken at this time.

4.3 Council policies and City Priorities

4.3.1 As indicated in the recently published Economic Growth Strategy, retail is one of the seven core priorities identified. This document sets out the determination to correct the fact that Leeds has slipped in the retail rankings, and that Leeds will work with developers and large retailers to address this situation with a view to understanding their needs, helping them to attract new stores to the city such as John Lewis.

4.3.2 Through the delivery of these large, high quality schemes, such as Eastgate and Trinity, the strategy highlights that it will move Leeds to near the top of the retail rankings. This, along with hospitality and catering will be a major draw for tourism and leisure trips to the city and coupled with the fact that over 1 in 5 businesses and more than 1 in 7 jobs in Leeds are in the wholesale and retail sector, will reflect on inward investment decisions to the city.

4.4 Resources and value for money

4.4.1 The existing legal documentation with Hammerson provides that specific fees for resources within the Council are paid by Hammerson. Agreement has been reached that all costs, both internal and external, in reviewing and agreeing changes to the documents, will be fully reimbursed by Hammerson.

4.4.2 Details regarding the financial implications relating to the commercial deal are highlighted in the confidential Appendix A. Officers are satisfied that, on the basis of the commercial terms proposed, the Council will satisfy the requirements of section 233 of the Town and Country Planning Act 1990 (i.e. that the Council is securing the best use of the land and/or that it is securing the constructions of buildings/works that are required for the proper planning of the area).

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Under the City Council's Constitution, a decision may be declared as being exempt from Call In if it is considered that any delay in implementing the decision would seriously prejudice the Council's or the public interest. Any delay in completing the legal documentation as soon as practically possible may have an impact on the critical path of approvals which are being sought both from Hammerson and John Lewis Boards in March.
- 4.5.2 All legal implications in respect to changes to the Development Agreement have been considered by Counsel and a brief summary of their advice can be found in the confidential Appendix A.

4.6 Risk Management

- 4.6.1 There are two options for the Council regarding varying of the legal documentation relating to the Development agreement:-
- To refuse the proposal - if the Development Agreement is not amended to allow for a revised commercial deal the Developer will be unable to bring forward a commercially viable scheme with John Lewis as the main anchor store.
 - To agree to the proposal - this is reasonable and consistent with the corporate priorities set out in the report to the Executive Board in April 2006.
- 4.6.2 Further risks are identified in the confidential appendix attached to this report which relate to the financial or business affairs of the Council. Disclosure of those risks would be prejudicial to the interests of the Council. In addition, disclosure of the terms set out in Appendix A would be prejudicial to the business interests of Hammerson in so far as they are continuing to negotiate agreements with landowners and tenants. It is considered that the public interest in treating this information as confidential outweighs the public interest in disclosing it and that these elements of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

5 Conclusions

- 5.1 Since completing the original Development Agreement in 2006, the Council and Hammersons, have strived to produce a commercially viable scheme which can be delivered in a challenging economic climate. It is believed that there is now a window of opportunity to secure the delivery of John Lewis in the not too distant future along with the improvement and regeneration of a significant part of the city which has housed poor quality 'at grade' car parking for a considerable period of time.
- 5.2 Also to be noted is that this development, if seen in conjunction with the proposed redevelopment of the Kirkgate Market and the Trinity development, will play a significant role in achieving one of the core Economic Growth priorities to raise the level of Leeds retail ranking and along with this the creation of a significant number of new jobs.

6 Recommendations

Executive Board is requested to:

- 6.1 note the report and the current position of the project.
- 6.2 approve the Heads of Terms as set out in this report for the variation of the Development Agreement.
- 6.3 authorise the Director of City Development and the City Solicitor to conclude all the documents required to amend the existing Development Agreement in accordance with this report, and to agree any further alterations that might be required in consultation with the Executive Member for Development and Regeneration and in accordance with the appropriate schemes of delegation.

7 Background documents¹

7.1 Previous reports to Executive Board

- 9 March 2011

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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Report of Head of Scrutiny and Member Development

Report to Executive Board

Date: 7th March 2012

Subject: A Request from Scrutiny Board (Regeneration) for a Late Submission to Defra on its Consultation to Reform the Process of Registration of Land as Town and Village Greens and to Introduce Local Green Space Developments

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. Scrutiny Board (Regeneration) on 29th November 2011 asked Executive Board to submit a late response to the Department for Environment, Food and Rural Affairs (Defra) consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce Local Green Space Developments based on the submission made by the Open Space Society.
2. Scrutiny Board on 31st October had previously asked the Chief Executive to make this late submission but this had been rejected on the advice of the Director of City Development, in consultation with the Executive Member for Development and the Economy and Legal Services in that a number of proposed changes set out in the Defra consultation document which the Open Space Society are opposing, but which officers would recommend, are supported by the Council.

Recommendations

3. That Executive Board consider making a late submission to Defra on proposals to reform the process of registration of land as Town and Village Greens and to introduce

Local Green Space Developments based on the submission made by the Open Space Society.

1 Purpose of this report

- 1.1 To ask the Executive Board to make a late submission to Defra following its consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce Local Green Space Developments based on the submission made by the Open Space Society.
- 1.2 To advise the Executive Board that the Chief Executive had been requested to make this submission but this had been rejected on the advice of the Director of City Development that a number of proposed changes set out in the Defra consultation document which the Open Space Society are opposing, but which officers would recommend are supported by the Council.

2 Background information

- 2.1 The Scrutiny Board (Regeneration) on 31st October considered a report from the City Solicitor (appendix 1) on proposals by Defra to reform the process for the registration of land as town and village greens and introduce local green space developments.
- 2.2 The Board took the view that the City Solicitor's response to the Defra consultation was inadequate and lacked any analytical quality in relation to the protection of green space. The Board was advised that it was likely other submissions had also been made by the Council and that Defra was still accepting late submissions to its consultation.
- 2.3 A copy of the Open Space Society submission was provided to all Members of the Board and is attached as appendix 2.
- 2.4 The Chief Executive was asked to make a late submission on behalf of the Board to Defra based on the Open Space Society submission which more accurately reflect the views of the Scrutiny Board.
- 2.5 The Scrutiny Board was subsequently advised by the Chief Executive that having taken advice from the Director of City Development (which was considered in consultation with the Executive Member for Development and the Economy and Legal Services) on the Scrutiny Board's proposal had determined that the Council could not support a submission to Defra based on that of the Open Space Society. This was because a number of proposed changes set out in the Defra consultation document which the Open Space Society are opposing, but which officers would recommend, are supported by the Council.
- 2.6 A copy of the legal advice received by the Director of City Development sets out the reasons why the Council cannot support a late submission to Defra based on the Open Space Society submission are set out in appendix 3.

3 Main issues

- 3.1 Scrutiny Board (Regeneration) at its meeting on 29th November 2011 was advised of the outcome of its request to make a late submission to Defra based on that submitted by the Open Space Society.
- 3.2 Scrutiny Board agreed that the original response submitted by officers was inadequate, ineffective and unreasonable. It lacked any analytical quality in relation to the protection of green space. The Scrutiny Board agreed to continue to seek the support of the Executive Board to a late submission to Defra based on that submitted by the Open Space Society regardless of the views expressed by officers.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 There are no specific consultation or engagement issues in the context of this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no specific issues in the context of this report.

4.3 Council policies and City Priorities

- 4.3.1 There could be implications for the Draft National Planning Policy Framework and Local Development Framework if the recommendation proceeds.

4.4 Resources and value for money

- 4.4.1 There are no specific issues which have been identified

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There may be legal implications if the recommendation proceeds.

4.6 Risk Management

- 4.6.1 It would be appropriate to consider further if the recommendation proceeds.

5 Conclusions

- 5.1 The Scrutiny Board continues to seek the support of the Executive Board to a late submission to Defra based on that of the Open Space Society submission regardless of the views expressed by officers.

6 Recommendations

- 6.1 The Executive Board is asked to consider making a late submission to Defra's consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce Local Green Space Developments based on the submission made by the Open Space Society.

7 Background documents¹

7.1 There are no background papers

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Report of the City Solicitor

Report to Scrutiny Board (Regeneration)

Date: 31 October 2011

Subject: Proposals to reform the process for the registration of land as town and village greens and to introduce Local Green Space designations

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 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

The government has put forward proposals to reform the registration process relating to towns and village greens. The most significant of these include a proposal to add a character test to the existing criteria for the registration of village greens and a bar on applications for village green status on land which is either subject to a planning application or planning permission or which is designated for development or as Local Green Space in a local or neighbourhood plan.

Complementary proposals are also included in the draft National Planning Policy Framework which were trail blazed in the recent Natural Environment White Paper. These propose that a new designation of land as Local Green Space should be introduced into the plan making process through both local and neighbourhood plans. The effect of designation would be to rule out new development except in very special circumstances.

Recommendations

Members are asked to note the contents of this report.

1.0 Purpose of this report

1.1 This report outlines proposals contained within recent government consultation documents to make changes to the current system for the registration of land as

town or village greens together with proposals to create a new designation of land as Local Green Space.

2.0 Background information

2.1 The government has produced three consultation documents over recent months which propose both reforms to the current statutory system for registering new village greens and also propose the creation of a new designation to protect green areas of particular importance to the community. These consultations are:-

- The Natural Environment White Paper
- Defra consultation on the registration of new town and village greens
- The draft National Planning Policy Framework (NPPF)

2.2 The aim of these reforms is to establish whether a better balance can be struck between ‘protecting high quality green space valued by local communities and enabling the right development to occur in the right place at the right time’¹. It is important to note that as all three consultations have only very recently closed it is too early to say to what extent the proposals will be taken forward in their current form.

3.0 Main Issues

3.1 Registration of land as Town or Village Greens – the present position

3.1.1 The statutory provisions - Section 15 of the Commons Act 2006:

Section 15 provides that anyone can apply to register land as town or village green where:-

“a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years”

Other conditions also apply, but for simplicity, are not included here.

3.1.2 The process –

The Council is the registration authority for the purposes of the Commons Act and is required to fulfil a quasi-judicial function in determining whether the criteria set out in the legislation has been met and whether the application for registration can be granted. Although the initial steps which the Council is obliged to take are set out in regulations, (for example serving notices on landowners and advertising in the press) there is no prescribed statutory procedure for resolving the complex questions of fact and law that often arise in such cases.

It has become the accepted practice amongst registration authorities that where an application is contentious in nature and the evidence requires testing, an oral hearing will be necessary as part of the process. Best practice is to hold non-

¹ Richard Benyon, Minister for the Natural Environment and Fisheries in the foreword to the Defra Consultation on village greens

statutory hearings before an appointed 'Inspector' (usually counsel instructed for that purpose) where the evidence can be independently tested, with the Inspector producing a comprehensive report with recommendations for the Council. The substantive decision on such applications is taken by the Plans Panels in this authority.

3.2 Defra consultation on the registration of new town or village greens.

3.2.1 The consultation document identifies the following objectives of the proposed reforms:

- To strike a better balance between protecting high quality green space, valued by local communities, and enabling legitimate development to occur where it is most appropriate, and
- To ensure that when land is registered as a green, because of the exceptional protection afforded to new greens, the land concerned really does deserve the level of protection it will get.
- To improve the operation of the registration system where applications to register land as a green are made so as to reduce the burden on local authorities which are responsible for implementing the registration system, and on landowners.

3.2.2 The key proposals are:

- **Streamline sifting of applications:** This proposal would enable registration authorities to reject applications at an early stage where insufficient evidence had been submitted or where there was strong evidence that the application could not meet the criteria for registration.
- **Declarations by landowners:** Landowners would be given the opportunity to make a statutory declaration to negate any evidence of use of a claimed green during the period while the declaration remained in effect.
- **Character:** New legislation would add a 'character' test to the existing criteria for the registration as a green. Only land which is unenclosed, open and uncultivated would be eligible for registration.
- **Integration with local and neighbourhood planning:** This proposal would take decisions on the future of sites into the planning system. It would prevent registration of land which was subject to a planning application or permission for development of the site, or which was designated for development or as a green space in a local or neighbourhood plan.
- **Charging fees:** An applicant would be required to pay a fee when making an application. Legislation would allow each registration authority to set its own fee subject to a prescribed ceiling. It is not intended that the fee would allow for full cost recovery. Fees could be refundable if the application were granted.

3.2.3 The consultation document explains that it does not consider any proposals to relax the criteria for registration of new greens, or any proposals to diminish the level of protection afforded to greens. It further emphasises that the measures proposed are each intended to contribute to the achievement of the objectives for the review, but that only reform containing a comprehensive package of measures, together with the Government's proposals for a new Local Green Spaces designation, and

for neighbourhood planning set out in the Localism Bill, will fully deliver the objectives sought.

3.2.4 Defra expect to announce their conclusions following the consultation, early in 2012.

3.3 The Natural Environment White Paper, 'The Natural Choice'

3.3.1 On 7 June 2011 the government published the Natural Environment White Paper which included proposals to give communities new powers to designate protected green areas as part of local neighbourhood plans.

3.3.2 Little detail on this was contained in the White Paper which explained that consultation would take place later in the year through publication of the draft NPPF.

3.4 Draft National Planning Policy Framework – open space, sports and recreational facilities

3.4.1 Consultation on the draft NPPF took place between July and October this year, and the draft document has received a great deal of media coverage during this time. It is a wide ranging document seeking to replace over a thousand pages of national planning policy with around fifty pages. A consultation response to the document was considered by the Council's Executive Board on 12 October.

3.4.2 The document makes reference to the designation of land as Local Green Space within the Section of the NPPF headed 'Planning for People/Sustainable Communities' at paragraphs 130 - 132. This state:

"130. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and planned so that they are capable of enduring beyond the end of the plan period.

131. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- Where the green space is in reasonably close proximity to a centre of population or urban area
- Where the green area is demonstrably special to a local community and holds a particular local significance because of its beauty, historic importance, recreational value, tranquillity or richness of its wildlife
- Where the green area concerned is local in character and is not an extensive tract of land; and
- If the designation does not overlap with Green Belt.

132. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.”

4.0 Observations

- 4.1** The Defra consultation makes it clear that in order to meet their objectives, the measures proposed in their review and the government’s proposal to create a new designation of Local Green Space must be viewed as a package. They conclude that the collective impact of these proposals will be to:
- Focus applications on sites which are more likely to be successful
 - Increase landowners’ powers to safeguard their land from registration (particularly where development is already in train)
 - Ensure that sites that remain eligible for registration are likely to conform to popular perception of a green
 - Increase the efficiency of the registration process by both discouraging speculative applications and swiftly rejecting those which persist
 - Ensure that communities can continue to protect valued green spaces through the planning system, even where registration as a green is no longer possible
- 4.2** The Council’s position – As a registration authority the Council is legally obliged to determine town and village green applications. Experience has demonstrated that such applications are often controversial and in the majority of cases landowners will oppose the applications. In many cases the applications lead to a public inquiry and we have also had experience of legal challenge to the eventual decision in the courts. The cost to the Council in dealing with a town or village green application can therefore be substantial. Additional costs may be incurred by the Council in cases where the Council is also the landowner of the application site.
- 4.3** The proposed changes to town and village green procedures relating to the introduction of streamline sifting, fees and landowner declarations are considered as welcome changes but minor ones, the impact of which are not expected to be significant.
- 4.4** However, it is anticipated that if a ‘character test’ is introduced, this would have a greater impact. The effect of the proposed character test would be to place a further restriction on the eligibility of applications for village green status by limiting these to land which is ‘unenclosed, open and uncultivated’, the aim being to limit village green status to those parcels of land which are popularly perceived as ‘village greens’ in character. The difficulty with this is that by prescribing further particular criteria, a potential application may fall foul of one or more of the limitations (possibly on a technicality) and would automatically be ruled as ineligible. For example, a number of application sites are enclosed with access points such as stiles and unlocked gates, so would these be considered as ‘enclosed’?. A change to primary legislation will be required to bring this into force, and it will be of

particular interest to note whether any new legislation seeks to further define these terms.

- 4.5** The second substantive change put forward is the proposal to integrate the registration process with local and neighbourhood planning. What this would mean is that an application to register a green could not be made in respect of land which had the benefit of planning permission or was subject to a planning application or even statutory pre-application consultation. This measure is aimed at preventing village green applications being submitted for the purpose of blocking proposed development. Similar restrictions are also proposed in respect of land designated for development or protected by a Local Green Space Designation in a local or neighbourhood plan. By introducing a proposal in these terms, there is a risk that this may encourage a race between residents and developers to submit speculative village green and planning applications respectively. This proposal is linked very closely however with the NPPF proposal to designate Local Green Space which is considered to be a better route to ensure that the consideration of a site's future is placed in the hands of local people and the Council.
- 4.6** The proposals for the designation of Local Green Space do however raise a number of questions which go unanswered in the current draft of the NPPF. Firstly, it is not clear what areas of green space it would apply to and the terminology is open to differing interpretation. It is also not clear who, if anyone would be responsible to maintain the land in its current form once designated or whether for example the local authority would hold any powers of enforcement. Importantly, no rights of access are created or protected through the designation; this is not an alternative route to establish village greens. It is also unclear how it would be ensured that identifying land as Local Green Space 'would be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services' (Para 131).
- 4.7** The process of designation however would be through the plan making process for local and neighbourhood plans. Proposals for neighbourhood plans themselves are new and untested, and are contained within the Localism Bill currently being debated in the House of Lords as part of its parliamentary process.
- 5.0 Conclusions**
- 5.1** It is too early to say whether all of these proposals will be brought in in their current form, and at present it is a case of maintaining a watching brief. It is apparent however that the proposed changes to village green legislation and the planning process are comprehensively interlinked in respect of their relationship with and impact on proposed development. As such the consequences will be different if these are only partly implemented, or even if there is a significant delay between introducing different parts which could be the case due to the need for primary legislation.
- 6.0 Recommendations**
- 6.1** Members are asked to note the contents of this report.

7.0 Background documents

Commons Act 2006

Defra consultation on the registration of new town or village greens

Draft National Planning Policy Framework

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Appendix 2

RESPONSE FOR MEMBERS

DEFRA'S CONSULTATION ON THE REGISTRATION OF NEW VILLAGE GREENS

The Open Spaces Society (formally the Commons, Open Spaces and Footpaths Preservation Society) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's right to enjoy them.

Introduction

The society, over the past two years, has held discussions with ministers including the former Environment Minister, Huw Irranca-Davies, about the process of registering land as a village green under section 15 of the Commons Act 2006. We are disappointed that our proposals for straightforward changes in regulation, such as time limits, have been ignored. It is accepted that the system could be improved to benefit all those involved; however, we would question the objectives and aims of the reforms, which appear to be predicated on reducing costs to local authorities, who have a duty to determine applications, and to landowners.

The planning system is not undermined by greens' claims, in particular because a process requiring 20 years use to mature cannot be used in an attempt to frustrate a planning application which is determined in a small fraction of that time. The Countryside and Community Research Institute (CCRI) study in 2009 found a majority (52%) of applications were not triggered by a planning application to develop a site and 61% of cases were not triggered by a proposal for development of the site in the Local Plans. There is no evidence base for such a radical reform.

The Government's commitment to introduce a Local Green Space Designation is cited as a reason for reforming the village green registration system. However, the 'commitment' has already been weakened as the designation will not be statutory.

This consultation proposes measures which will severely restrict village green applications and trumpets the new green space designation as a 'suite' of measures in mitigation. The designation is not yet in force and given the criteria, proposed mechanism, the lack of public access and the impact of the presumption in favour of development, it should not be regarded as either an additional or substitute tool to protect land for local communities to use.

Q1 Taking account of the Government's plan for the new Local Green Spaces designation, do you agree that the problems identified with the present greens registration system are sufficient to justify reform –so that the no change option should be rejected?

We believe it is not appropriate to link the proposed new green space designation with the review of the village green registration system.

The designation is an entirely new process and there is no evidence to suggest that new areas will be designated. The new designation will not give access to the land for the public to use.

The National Planning Policy Framework (NPPF) states (paragraph131) that the new designation will not be appropriate for most green areas or open space and can only be instigated when a plan is prepared and reviewed. This would appear to limit the opportunity for land to be designated. It is not clear how local communities are to engage in the process or how the local authority will decide which areas of land will be designated. The criteria appear extremely subjective, i.e. land seen as 'special' (paragraph131). Also, the Impact Assessment of the NPPF (page 81) states 'the presumption in favour of sustainable development will ensure that the new designation does not restrict development'.

In view of the above, it is misleading to use the proposed new designation as justification for reviewing the village green process; they are entirely separate issues.

Q2 Do you support the proposal to streamline the initial sifting of applications?

The initial sifting of applications could be improved provided the necessary safeguards as to impartiality, fairness and transparency could be guaranteed.

We support a basic evidence test by which applications are rejected on grounds of insufficient evidence as long as an applicant could submit a better substantiated claim within a specified period. However, there must be detailed guidance for all parties involved.

Once an application has been accepted as duly made, there should be early consultations between the registration authority, applicant and landowner to see if agreement can be reached.

Clear standards need to be established otherwise there is a risk that applications will be rejected in error or without due consideration. Any process resulting in permanent removal of cases without a proper hearing needs to be very carefully thought through.

Q3 Do you agree that an initial determination should be made by the registration authority after inviting initial comments from the owner of the land affected by the application?

We do not agree with this proposal as it stands. Applicants should be allowed to respond to the owner's comments. Applications must be considered on merit and there should be a full investigation of each case.

Any new process must be seen to be fair and reasonable and formal guidance should be introduced to ensure national consistency across all registration authorities. Safeguarding of the applicants' interest must be paramount.

How objective will a landowner's 'initial' comments be in the light of constraints on his future use of the land? Also, what influence will resource and budget factors have on the weight given to landowners' comments?

Q4 Do you support this proposal to enable landowners to make a deposit of a map and a declaration to secure protection against future proposals to register land as a green?

We agree that there should be a mechanism closely based on, or even linked with, section 31(6) of the Highways Act 1980, but only if the process is clear and there are safeguards to make the public aware of land which is subject to a declaration.

The declaration should not take effect until two years after it has been made and it should only be deemed to have been made on the date the declaration is publicised.

The declaration must be made public together with clear details of how to challenge it. Declarations should not be capable of being made in respect of land registered as common land.

Q5 Should landowners or registration authorities be required to take additional steps to publicise a declaration, to ensure that potential users know that they have limited time to make an application to register the land as a green? If so, what steps do you propose?

Additional steps should be taken to publicise any declaration, sending information to a parish council is not sufficient to protect the public interest. A site notice should be erected and either a dedicated website set up or information published on the council's website. Local groups, such as scouts and guides, should be informed as well as the Local Access Forums.

Q6 Do you support a proposal to introduce a character test to ensure that greens accord with the popularly held traditional character of such areas?

We oppose the introduction of a 'character test' to ensure that greens accord with the popularly held traditional character of such areas. The concept misses the point of registration of land as a green and is contrary to the law. Local people have to show that they have established a right to use the land over a 20 year period, in accordance with the section 15 criteria.

The test is subjective and ambiguous. Many areas have fenced or partially fenced boundaries but there are open access points. Many sites include woodland and scrub. It is unreasonable to exclude post-industrial sites which, in some cases, are the only spaces available to local communities.

The tests would be disastrous for the registration of land as greens as many areas that could currently satisfy the section 15 criteria would fail the 'character test' and not be able to be registered, with the local community losing land that they have established a right to use.

Q7 Do you agree with the character test in para 5.5.9 above, i.e. that land must be open and unenclosed in character? Do you support the adoption of additional criteria such as those in para 5.5.11 above?

We object to this proposal and believe it would be contrary to the public interest. The present criteria are stringent and complex and the introduction of additional tests would make the system unworkable, and would lose rather than maintain public support in the system.

Q8 Do you support the proposal which would rule out making a greens registration application where a site was designated for development in a proposed or adopted local or neighbourhood plan?

We do not support the proposal and believe there is no justification for introducing it given the CCRI findings. 61% of cases were not triggered by a proposal for development in a plan. It appears that development will be allowed at the expense of protection as a village green.

Q9 Do you support the proposal that a greens register application could not be made after application for planning permission has been submitted in respect of a site, or on which there was statutory pre-application consultation, until planning permission had itself been refused or implemented, or had expired?

We object to this proposal. More than half of applications in the CCRI report were not triggered by a planning application. Better links should be established between commons registration officers and planning departments.

One of the major problems in the planning system is that planning officers frequently do not allow consideration of village green issues (ie use by local people under section 15, or an on-going village green application) to be given as a material issue for planning purposes.

Section 38 of the Planning and Compulsory Purchase Act 2004 states that decisions on planning applications ‘must be made in accordance with the development plan unless other material considerations indicate otherwise’. A greens registration claim is entirely consistent with this statutory directive.

All material considerations must be related to the purpose of planning legislation which is to regulate the development and use of land in the public interest. The very nature of qualifying use in the case of greens claim demonstrates the public interest.

If this proposal is given effect, no planning application should be permitted to be made where land is designated as an open space or has been awarded the proposed new green space designation in a local or neighbourhood plan, and an application for a village green should be allowed within a prescribed time limit of a planning application being submitted.

Q10 Do you support the proposal to charge a fee for applications?

We do not support the charging of a fee because applications are made for public benefit and there should not be a charge for registering a right that has already been established.

Q13 Do you support the adoption of all the proposals set out in chapter 5.3 to 5.7 above?

No, we do not support the adoption of all the proposals set out in chapters 5.3 to 5.7.

We believe that the introduction of the proposals as above would be sufficient to address the perceived problems raised in the consultation.

Q14 Do you support the adoption of the character test in relation to the voluntary registration of land as a green, under section 15(8) of the 2006 Act?

There is no justification for subjecting landowners to passing a character test for land they wish to register voluntarily as a village green.

Views invited 15 Do you have any other proposals for reform to the greens system which would help deliver the objectives set out in paragraph 1.3.5 above?

We believe the introduction of time scales for every stage of the process would be the most effective method of dealing with concerns about delay. At present the only time limit is the six week objection period.

There should be a basic evidence test subject to the provisos raised in response to questions 2 and 3.

The authority should have the power to dismiss irrelevant objections.

There should be consultation between the registration authority, applicant and landowner at an early stage.

There should be much greater liaison between planning authorities and registration authorities and village green user of land should be a material consideration in planning applications.

We support the recommendations in the CCRI paper

- Duly made greens applications to be logged with planning departments and planning departments to inform registration authorities of any planning applications affecting a potential green (para 77.7.1 and 2).
- Successful greens applications logged with planning department (7.7.3).
- Local planning authority to consult commons registration officers in preparing local development framework/plan (7.7.4).

A panel of experts should be set up to avoid the employment of costly barristers to determine applications.

Consideration should be given to informal hearings and greater consideration of written representations.

Once an application has been determined, to avoid judicial review, applications could be considered by the Lands Tribunal or other relevant body.

Views invited 16/17 Do you wish to see any of the reforms set out in paragraph 5.11.1 above addressed in new legislation on greens?

If so, which of these reforms are a priority for action, and what outcome do you seek to achieve?

We do not believe there is any need to deal with reassigning title to greens vested in local authorities.

We believe section 29 Commons Act 1876 and section 12 Inclosure Act 1857 allow the provision of certain facilities on land registered as a green where it is 'with a view to the better enjoyment of the green'. There is therefore no need to consider this issue.

Parking issues do cause problems on village greens. In principle, we would be opposed to granting consent for temporary parking as it may interfere with the rights of local people to use the land. However, it may be considered with very strict conditions.

We would ask that consideration be given to the following:

- Section 14 of the Commons Registration Act 1965 should be properly repealed nationally by national rollout of Part 1 of the Commons Act 2006. It

is prejudicial to people who have registered land as greens and are outside the current seven pioneer areas where section 14 has been repealed. Prejudice is also being caused where the registration authority has an interest in the outcome of a decision. At present it is only the seven pioneer areas where an application can be referred to the Planning Inspectorate for determination,

- Introduction of new powers for local planning authorities to issue enforcement notices in respect of breaches of section 29 Commons Act 1876 and section 12 Inclosure Act 1857. This would be a pre-court option which could then be pursued through the courts or any other prescribed action if the notices are not complied with. This was proposed in the Common Land Policy Statement 2002 (Defra).
- Where land is provided as open space as part of a development (possibly under Community Infrastructure Levy) it should be required to be registered as a village green
- Express power for local authorities to accept withdrawal of applications
- Express power for local authorities to register part of an application area where the criteria have not been satisfied for the whole of the area.

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**NOTE RE THE OPEN SPACES SOCIETY'S RESPONSE TO DEFRA'S
CONSULTATION ON THE REGISTRATION OF NEW VILLAGE GREENS**

The Open Spaces Society campaigns to protect common land, village greens, open spaces and public paths, and people's right to enjoy them. The Council has a much broader role in respect of its responsibilities as commons registration authority for village greens and also as landowner with a responsibility for managing and maintaining green space provision and public access across the district. There is therefore the potential for a conflict of interest and/or a disparity of views with the Council in its capacity as landowner where there is the possibility of an application being made to register land owned by the Council as a village green.

There are a number of proposed changes set out in the Defra consultation document which the Open Spaces Society are opposing, but which officers would recommend are supported by the Council. The main ones are summarised below :-

Proposal to streamline the initial sifting of applications

The Society recognises that this could be improved, but only supports a basic evidence test by which applications are rejected on grounds of insufficient evidence as long as an applicant can submit a better substantiated claim within a specified period. Officers recommend that as landowner, and as commons registration authority, the Council supports a basic evidence test without conditions. If an application is substantially defective then it should be rejected – the applicant always has the ability to make a further application.

Proposal to introduce a character test that land is “unenclosed, open and uncultivated”

The Society opposes the introduction of a “character test” which is proposed to ensure that greens accord with the popularly held traditional character of such areas. They also oppose the proposed wording of the test, namely whether the land is “unenclosed, open and uncultivated”. In addition, the Society opposes the adoption of additional criteria (as set out in the consultation document) to determine if land should be registered or not.

Officers recommend that as a landowner, the Council supports the principle of introducing a “character test”, which would allow applications for traditional greens and greens which are perceived to be traditional in character e.g. greens which are the focal point of the community and easily accessible. The wording of such a test would need to be clear and specific to ensure that it was not open to interpretation and officers would recommend that the proposed wording of “unenclosed, open and uncultivated” is refined and includes further criteria, including a criterion that the land is needed by the local community and will be of benefit to them. Officers consider that the introduction of a character test would ensure that the village green application process remains available to communities in appropriate cases, whilst allowing the Council as guardian of a significant amount of green space, managed and maintained for the wider public use, to carry out that role without the potential for

that broader use to be diminished or restrained as a result of registration as a village green.

Proposal to rule out making a greens registration application where a site was designated for development in a proposed or adopted local or neighbourhood plan

The Society opposes this proposal. Officers recommend that as a landowner, the Council supports this proposal - provided that the designation of the land is sufficiently well publicised and that there is a period of time for consultation before the designation comes into effect during which an application to register the land could be made. This proposal would act to clarify the status of the land and enable any proposals for the development of the land to proceed to a natural determination.

Proposal that an application to register land could not be made after an application for planning permission has been submitted until either planning permission has been refused or implemented or had expired

The Society opposes this proposal. Officers recommend that as a landowner, the Council supports this proposal – again, this proposal would act to clarify the status of the land and enable any proposals for the development of the land to proceed to a natural determination.

Proposal to charge a fee for applications (suggested ceiling of £1,000)

The Society opposes the principle of a fee, but without prejudice to that, their case is that if a fee is to be imposed then a ceiling of £200 should be set. As a landowner, and commons registration authority, officers recommend that the Council supports this proposal – the introduction of a fee would deter spurious or vexatious applications. From recent experience, the cost to the Council of dealing with a contested application, (including the holding of a non statutory inquiry) has been in the region of £30,000, and officers recommend that the cost and administrative burden of processing such applications is a relevant consideration which Members to should have regard to.

Report of: Director of City Development

Report to: Executive Board

Date: 7 March 2012

Subject: A response to a request from Scrutiny Board (Regeneration) for a late submission to Defra on its Consultation to Reform the Process of Registration of Land as Town and Village Greens and to Introduce Local Green Space Developments

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. During July to October 2011, Defra undertook consultation on the reform of the registration of town and village greens. Following discussions with officers from City Development, the City Solicitor submitted responses to the consultation both as Commons Registration Authority and as landowner,.
2. Subsequently on 31 October 2011, and at the request of Scrutiny Board (Regeneration), the City Solicitor prepared a report which summarised the key changes proposed by Defra in its consultation document on the reform of the registration process together with the proposal in the draft National Planning Policy Framework (NPPF) to introduce Local Green Space Designations. Although the report itself was not intended as a response to the consultation, it was confirmed to the Board that an officer response had previously been submitted. The Board took the view that the Council should prefer and therefore support representations to the consultation made by the Open Spaces Society (OSS) who generally oppose the reform proposals put forward by Defra, and determined to seek Executive Board support to a late submission to Defra based on that of the Open Space Society (OSS),
3. The consultation document explains that it does not consider any proposals to relax the criteria for registration of new greens or any proposals to diminish the level of protection afforded to greens. The reforms are aimed at ensuring that more applications submitted are legitimate applications for the nature of the land being

applied for and will reduce the burden on local authorities responsible for implementing the registration system.

4. If land is registered as a town and village green, there are several potential areas of conflict between the local inhabitants' use of the land and the Council's role as land manager. The Council's role is to manage greenspace to the equal benefit of all citizens yet Defra's guidance makes a distinction between 'local inhabitants' and the public at large. The right to enjoy lawful sports and pastimes on a green is only afforded to local inhabitants. Therefore the rights of the local inhabitants are greater than the rights granted to the public at large.

Recommendations

5. Executive Board is requested to note:

- the Council's response to consultation undertaken by Defra regarding the reforms to the registration of town and village greens;
- the issues identified for the Council in relation to the registration and future management of land designated as a town and village green;

and seek approval to:

- decline the request of the Scrutiny Board (Regeneration) for the Council to make a late submission to Defra following its consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce local Green Space Developments based on the submission made by the Open Space Society.

1.0 Purpose of this report

1.1 The purpose of the report is to inform Executive Board of:

- the Council's response to consultation undertaken by Defra regarding the reforms to the registration of town and village greens;
- the issues identified for the Council in relation to the registration and future management of land designated as a town and village green.

and seek approval to:

- decline the request of the Scrutiny Board (Regeneration) for the Council to make a late submission to Defra following its consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce local Green Space Developments based on the submission made by the Open Space Society.

2.0 Background information

2.1 This report outlines for Members some of the background to Town and Village Green registration and comments specifically on the appropriateness of using the Open Spaces Society's response on behalf of the Council. The report considers the definition of a Town and Village green, their protection, the Council's role as a landowner, the Open Spaces Society's response to Defra and some of the generic and specific issues that this gives rise to for the Council.

2.2 Definition and Registration

2.2.1 Town and village greens have developed under customary law as areas of land where local people indulged in lawful sports and pastimes. These might include organised or ad-hoc games, dog walking, picnics, fetes and similar activities.

2.2.2 Section 15 (1) of the Commons Act 2006 provides that:-

Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2) (3) or (4) applies.

2.2.3 Applications will ordinarily be made under the provisions of Section 15 (2) of the Act. This subsection applies:-

(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years, and

(b) they continue to do so at the time of the application

2.2.4 It is also possible for applications to be made under either:-

- (i) Section 15 (3) where a minimum 20 year period of use ceased before the time of the application but after the 6th April 2007 and the application is made within 2 years of the date that the use coming to an end, or

- (ii) Section 15 (4) where a minimum 20 year period of use ceased before 6th April 2007 and the application is made within 5 years of the date that the use came to an end.

2.2.5 Each of the criteria set out in Section 15 (2) must be satisfied in order for a village green application to be satisfied.

2.2.6 Any application for the registration of a village green will:

- need to show on a map the area to register and the locality or neighbourhood in which those using the green 'as of right' live;
- need to show that a significant number of those people who live in the locality or neighbourhood have used the land for lawful sports and pastimes;
- need to show that those people living in the locality or neighbourhood using the green have done so without permission, without being stopped or seeing notices which stop them, and without being secretive about it, and that between them they have done this for a continuous period of 20 years.

2.3 Protection of Town and Village Greens

2.3.1 Town and Village greens once registered, are protected by Section 12 of the Inclosure Act 1857 against injury or damage and interruption to their use or enjoyment as a place for exercise and recreation. It is a criminal offence to cause injury or damage to village greens i.e.

- Wilfully cause injury or damage to any fence on a green;
- Wilfully take any cattle or other animals onto a green without lawful authority;
- Wilfully lay manure, soil, ashes, rubbish or other material on a green;
- Undertake any act which causes injury to the green (e.g. digging turf);
- Undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation (e.g. fencing a green so as to prevent access).

2.3.2 Under section 29 of the Commons Act 1876, together with section 12 of the Inclosure Act 1857, a person who:

1. encroaches on, or encloses a town or village green or a recreation ground allotted by an inclosure award, or
2. erects anything on, disturbs or interferes with that green or ground otherwise than for its better enjoyment for its proper purpose may, on the information of any inhabitant of the parish in which the green is situated, be summarily convicted by the magistrates' court and fined at level 1 on the standard scale.

2.3.3 Where an offence has occurred, a prosecution in respect of section 12 of the 1857 Act can be brought by a churchwarden, the owner of the green, or by a parish, town or district council. Any inhabitant of the parish can bring a prosecution under section 29 of the 1876 Act.

2.3.4 In addition, the owner of a green cannot do anything that interferes with the lawful recreational activities of the local inhabitants. Village greens in local authority ownership are often managed under the Open Spaces Act 1906 by the imposition of bylaws or with a scheme of regulation under the Commons Act 1899.

2.4 The Council's Role in Land Management

2.4.1 City Development through the Parks and Countryside service is responsible for managing all of the city's public open space, almost 4,000 hectares of land. This includes 7 major parks, 62 community parks and 95 recreation grounds, and 155 hectares of local green space, which include 144 playgrounds and 500 sports facilities ranging from skateboard parks to golf courses, and which play host to 600 events annually. There are also 96 allotment sites, 812km of public rights of way and 156 nature conservation sites, as well as 22 cemeteries and 3 crematoria managed by the service.

2.4.2 The Parks and Greenspace Strategy for Leeds sets out the key priorities to 2020 to achieve a vision where 'quality, accessible parks and greenspaces are at the heart of the community, designed to meet the needs of everyone who lives, works, visits or invests in Leeds, both now and in the future'. The Strategy is centred on the following key aims:-

- Places for People: to engage communities in promoting parks and greenspaces as accessible spaces for everyone to enjoy;
- Quality Places: to provide good quality parks and greenspaces that are well managed and provide a range of attractive facilities;
- Sustaining the Green Realm: to plan for, develop new and protect existing parks and greenspaces that will offer lasting social, cultural and environmental benefits for the people of Leeds;
- Creating a Healthier City: to promote parks and greenspaces as places to improve health and well-being and prevent disease through physical activity, play, relaxation and contemplation;
- Supporting Regeneration: to promote liveability and the economic benefits of quality parks and greenspace provision as an integral part of major regeneration projects;

2.5 The Open Spaces Society (OSS)

2.5.1 The Open Spaces Society (OSS) campaigns to protect common land, village greens, open spaces and public paths and people's right to enjoy them. Generally, the OSS do not support the proposals for reforming the registration process for town and village greens.

3.0 Main issues

3.1 Defra Consultation on Reforms for the Registration of Town and Village Greens

3.1.1 In July 2011 Defra undertook consultation on the registration of new town of village greens. The scope of the consultation was to seek views on reforming the arrangements for the registering of new town or village greens. The Defra

consultation on the registration of new town and village greens ended on the 17th October 2011.

3.1.2 The Defra consultation document sets out measures which Defra propose to adopt, to reform the registration system of Town and Village Greens. The consultation is to test whether the proposed reforms are appropriate and proportionate. The objectives of the reforms, as stated in the consultation document are:

- To strike a better balance between protecting high quality green space, valued by local communities, and enabling legitimate development to occur where it is most appropriate;
- To ensure that when land is registered as a green, because of the exceptional protection afforded to new greens, the land concerned really does deserve the level of protection it will get;
- To improve the operation of the registration system where applications to register land as a green are made so as to reduce the burden on local authorities which are responsible for implementing the registration system, and on landowners.

3.1.3 The key reform proposals from Defra, consist of:

- **Streamline sifting of applications:** This proposal would enable registration authorities to reject applications at an early stage where insufficient evidence had been submitted or where there was strong evidence that the application could not meet the criteria for registration.
- **Declarations by landowners:** Landowners would be given the opportunity to make a statutory declaration to negate any evidence of use of a claimed green during the period while the declaration remained in effect.
- **Character Test:** New legislation would add a 'character' test to the existing criteria for the registration as a green. Only land which is unenclosed, open and uncultivated would be eligible for registration.
- **Integration with local and neighbourhood planning:** This proposal would take decisions on the future of sites into the planning system. It would prevent registration of land which was subject to a planning application or permission for development of the site, or which was designated for development or as a green space in a local or neighbourhood plan.
- **Charging fees:** An applicant would be required to pay a fee when making an application. Legislation would allow each registration authority to set its own fee subject to a prescribed ceiling. It is not intended that the fee would allow for full cost recovery. Fees could be refundable if the application were granted.

3.1.4 In considering the issue of Town and Village Greens, it is important to note the position of the Council as a landowner and in particular as the main provider of public open space in the city. Paragraph 2.2.3 highlights that any application needs to show that those people living in the locality or neighbourhood using the green have done so without permission, without being stopped or seeing notices which stop them, and without being secretive about it, and that between them they have done this for a continuous period of 20 years. With respect to public open space provided by the Council, officers would promote that its use is usually with the consent of the Council as landowner on the basis that the land has been managed and provided expressly for the purpose of public open space and lawful sports and pastimes.

- 3.1.5 It is the case that there may be specific circumstances where it is appropriate for the Council to support the conversion of its land to Town and Village Green status. However, given the importance placed on public open space in the city, officers feel that care needs to be taken in considering the potential impact of converting land to Town and Village Greens.
- 3.1.6 Accordingly, to help exemplify some of the issues that Members are advised to consider, outlined below are some of the generic issues that arise when considering Town and Village Green status and also the specific issues that relate to the OSS consultation response.

3.2 Generic Issues

- 3.2.1 In considering the generic issues that arise when looking at Town and Village Green issues Members are asked to consider the Defra publication, “the Management and Protection of Registered Town and Village Greens, published in January 2010 (Appendix 1).
- 3.2.2 Defra’s publication highlights some of the frequently asked questions that arise when considering Town and Village Greens and consequently a number of issues for Members to consider:
- Firstly it is clear that the rights afforded through Town and Village Green status apply only to those people who live in the community defined in the application for registration. Defra highlight that “the right to enjoy lawful sports and pastimes on a green does not extend to the public at large, but is only exercisable by inhabitants of the locality in which the green is situated.” Currently, the Council provides public open space on an equal basis for all the people of Leeds. Officers would therefore recommend that care is taken when considering Town and Village Green proposals for the Council’s public open space, given that it will change the rights upon which people use the space and the impact of this change over the long term is difficult to predict with certainty.
 - Registration of Council land could impact on the way that it is managed by the Council and the way in which the Council sometimes charges for use, particularly for organised team sports and events. Defra indicate that “Inhabitants of the locality within which a green is situated have the right to use that green for lawful sports and pastimes. By definition any right can be exercised free of charge.” Given that the Council charges for pitch hire and sometimes the use of land for events, any such change may alter the way in which the Council charges in the future and its freedom to do so.
 - The Council may not be able to undertake works to land that is registered as a Town or Village Green with the freedom that it does now. Members will be aware that the Council has placed fences around public open space on an increasingly frequent basis to prevent unauthorised vehicular access. In addition, sports team also often need spectator rails to be erected to ensure that they comply with the relevant sporting governing body standard. However, should Council land be registered as a Town and Village Green then any such proposals will need to be considered in the context of the rights of the defined locality to use the space for lawful sports and pastimes and as such the Council may not have the same freedoms to undertake works in the way that it does now.

- Members will also need to consider the relative permanency of Town and Village Green status. Defra indicate that “Under section 16 of the Commons Act 2006 an owner of a green may apply to the Secretary of State for land to be released from registration. If successful, such an application would result in the land no longer being subject to protection as a green.”
Defra also indicate that, “if the ‘release land’ is more than 200 square metres in area, an application must be made to register ‘replacement land’ as a green in its place. If the release land is smaller than 200 square metres, a proposal for replacement land may be included, but there is no absolute requirement.”

3.2.3 In view of the above Members are advised to consider the long term impact of changing Council land to Town and Village Green status. Consideration should not only be given to any current issues that arise with respect to the management and provision of public open space, but also to how they may develop in the future and the level of uncertainty that this brings.

3.3 Specific differences between the OSS consultation response and the response submitted by officers on behalf of the Council as landowner and Commons Registration Authority

3.3.1 In the context of the generic issues highlighted above, there are a number of specific issues on which the previous response by officers differs from that of the OSS. These are highlighted below.

The Proposal to streamline the initial sifting of Applications

The OSS recognises that this could be improved, but only supports a basic evidence test by which applications are rejected on grounds of insufficient evidence, as long as an applicant can submit a better substantiated claim within a specified period. As landowner and Commons Registration Authority, officers recommend that the Council supports a basic evidence test without conditions. If an application is defective, it should be rejected – the applicant always has the ability to make another application.

The Proposal to Introduce a Character Test

The OSS opposes the introduction of a ‘Character Test’ and also the proposed wording of the test, namely whether the land is ‘unenclosed, open and uncultivated’. Officers recommend that as landowner, the Council supports the principle of the introduction of a ‘Character Test’ which would allow applications for greens which are perceived to be traditional in character – i.e. those that are the focal point of the community and easily accessible. Officers consider that the introduction of a character test would ensure that the village green application process remains available to communities in appropriate cases, whilst allowing the Council, as guardian of a significant amount of green space, managed and maintained for the wider public, to carry out that role without the potential for that broader use to be diminished as a result of registration as village green.

The Proposal to rule out making a greens registration application where a site was designated for development in a proposed or adopted local or neighbourhood plan.

The OSS opposes this proposal. Officers recommend that as landowner, the Council supports this proposal, provided that the designation of the land is

consulted on and publicised during which time an application to register that land could be made.

The proposal that an application to register land could not be made after an application for planning permission has been submitted until either planning permission has been refused or implemented or had expired.

The OSS opposes this proposal. Officers recommend that as landowner, the Council supports this proposal as it gives clarity to the status of the land and enables development proposals to proceed to a natural determination.

The proposal to charge a fee for applications (suggested ceiling £1000)

The OSS opposes the principle of a fee but without prejudice, if a fee were to be imposed then a ceiling of £200 should be set. As landowner and Commons Registration Authority, officers recommend the Council supports this proposal as it would discourage spurious or vexatious applications.

- 3.3.2 The consultation document explains that it does not consider any proposals to relax the criteria for registration of new greens, or any proposals to diminish the level of protection afforded to greens. It further emphasises that the measures proposed are each intended to contribute to the achievement of the objectives for the review, but that only reform containing a comprehensive package of measures, together with the Government's proposals for a new Local Green Spaces designation, and for neighbourhood planning set out in the Localism Bill (now the Localism Act 2011), will fully deliver the objectives sought.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report outlines the Council's response to date on a consultation undertaken by Defra with regards to proposed reforms to its registration of town and village greens, in its role as Commons Registration Authority and landowner. As such it is not a Council proposal and therefore not something that can be consulted on at this point in time.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 As this report is seeking a decision on whether to submit a late response to a consultation undertaken by DEFRA regarding the process of registration of land as Town and Village Greens it is not relevant for an EIA or screening form to be undertaken at this time.
- 4.2.2 Equality Impact screening and/or EIA will be required however, for the assessment of individual applications for Town and Village Green status, on receipt of an application for a specific site.

4.3 Council policies and City Priorities

- 4.3.1 As yet this issue does not have any direct links to Council Policies or City Priorities. However there could be implications for the Draft National Planning Policy Framework and Local Development Framework if the recommendation proceeds.

4.4 Resources and value for money

4.4.1 From recent experience, the cost to the Council of dealing with a contested application, including the holding of a non statutory inquiry, has been in the region of £30,000. Officers request that the cost and administrative burden of processing such applications is a relevant consideration which Members should have regard to.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There may be legal implications in the future if the recommendation proceeds, however these are as yet unknown.

4.6 Risk Management

4.6.1 The risks associated with the response to the reforms proposed by the Defra consultation at this stage are unknown. These will be better understood once the outcome of the consultation is known.

5.0 Conclusions

5.1 The importance of greenspace within the city should not be underestimated, particularly the premise that greenspace is provided for all residents on an equal basis. In certain circumstances, Council land may be appropriate for designation as a town or village green. However, this needs careful consideration and the needs of all people in the city need to be taken into account in addition to the relative permanent nature of any change and any long-term issues that this may give rise to.

6.0 Recommendations

6.1 Executive Board is requested to note:

- the Council's response to consultation undertaken by Defra regarding the reforms to the registration of town and village greens;
- the issues for the Council in relation to the registration and future management of land designated as a town and village green;

and seek approval to:

- decline the request of the Scrutiny Board (Regeneration) for the Council to make a late submission to Defra following its consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce local Green Space Developments based on the submission made by the Open Space Society.

7.0 Appendices

7.1 Defra – Management and Protection of registered town and village greens

8.0 Background documents¹

8.1 None

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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Management and protection of registered town and village greens

Frequently asked questions

January 2010

Management and protection of registered town and village greens Frequently asked questions

This guidance note explains Defra's view on a number of issues relating to the management and protection of town and village greens which have been recorded in a register of town or village greens. These registers are held by commons registration authorities (i.e. county councils, unitary authorities, metropolitan borough councils and London borough councils) and are available for public inspection. Guidance on how to apply to register 'new' town or village greens can be found on Defra's website¹.

Please note that this guidance is non-statutory and has no legal effect. It should not be regarded as a definitive statement of the law. Furthermore it does not provide a comprehensive explanation of every issue. Defra cannot provide advice on individual circumstances and anyone needing this should consider taking independent expert advice. Please also note that references in this guidance to 'a green' refer to a registered town or village green.

1. How are greens protected?

Greens receive considerable statutory protection under the following two Victorian statutes².

Section 12 of the Inclosure Act 1857 makes it a criminal offence to:

- wilfully cause injury or damage to any fence on a green;
- wilfully take any cattle or other animals onto a green without lawful authority³;
- wilfully lay any manure, soil, ashes, rubbish or other material on a green;
- undertake any act which causes injury to the green (e.g. digging turf); or
- undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation (e.g. fencing a green so as to prevent access).⁴

Section 29 of the Commons Act 1876 makes it a public nuisance to:

- encroach on a green (e.g. extending the boundary of an abutting property so as to exclude people from that area);
- inclose a green (i.e. by fencing it in, whether or not the effect is to exclude public access);

¹ www.defra.gov.uk/rural/protected/commonland/tvg.htm.

² In *Trap Grounds* (Oxfordshire County Council v. Oxford City Council & another - www.bailii.org/uk/cases/UKHL/2006/25.html) the House of Lords ruled that all land registered as town or village green is subject to the protection afforded by these two statutes.

³ In Defra's view a local inhabitant who takes an animal onto a green in exercise of their right to enjoy lawful sports and pastimes does not commit a criminal offence under section 12. In this context a lawful pastime would include dog walking and might include horse-riding. Lawful authority would also include grazing cattle or other animals in exercise of a registered right of common exercisable over the green.

⁴ It is not clear whether '*mens rea*' (a guilty mind) is required for all of the offences in section 12, although in the Chancery division judgment of *Trap Grounds* (<http://www.bailii.org/ew/cases/EWHC/Ch/2004/12.html>) Lightman J appears to suggest (albeit *obiter dicta*) that there is no exposure to prosecution under the Victorian statutes unless the existence of the green is established and known. As far as we are aware, this issue has not been considered in subsequent case law.

- erect any structure other than for the purpose of the better enjoyment of the green; or
- disturb, occupy or interfere with the soil of the green (e.g. camping) other than for the purpose of the better enjoyment of that green.

If the above provisions were to be interpreted strictly, an act which causes any injury to a green would appear to be an offence under section 12 of the 1857 Act and any disturbance or interference with the soil of the green (other than for the purpose of better enjoyment of the green) would technically be deemed a public nuisance under section 29 of the 1876 Act. However, in Defra's view, in considering whether or not any given development or action contravenes either or both of these statutes a court is likely to be concerned with whether material harm has been caused to a green and whether there has been interference with the public's recreational enjoyment. Other issues that might be relevant include the proportion of a green affected by the development or activity and the duration of the interference.

2. What happens if an offence has been committed?

Where an offence has occurred under section 12 of the 1857 Act criminal proceedings can be instigated by the owner of the green, any inhabitant of the parish, the parish council or, where there is no parish council, the district council⁵. An offence under this section of the Act can be prosecuted in the Magistrates' Court.

An offence under Section 29 of the 1876 Act is deemed to be a public nuisance at common law and as such can be the subject of criminal proceedings as well as, in limited cases, civil actions.

It may be possible for an individual to commence private criminal proceedings for an offence under section 29 of the 1876 Act. A public nuisance can be prosecuted in either the Magistrates' Court or the Crown Court⁶.

Alternatively, civil proceedings for a public nuisance may be brought by an individual or a local authority in their own name provided they have suffered special damage. A local authority may also bring civil proceedings for public nuisance where they consider it expedient for the promotion or protection of the interests of the inhabitants of their area⁷. All other civil proceedings in respect of a public nuisance should be brought with the sanction of and in the name of the Attorney-General.

In addition to the powers to prosecute described above, local authorities⁸ also have powers under section 45 of the Commons Act 2006 to protect land which is registered as

⁵ The 1857 Act provides that only the churchwarden or overseer of the parish or the owner of a green may prosecute an offence under section 12. However, under Section 189(3) of the Local Government Act 1972 reference to a churchwarden or overseer of the parish made in section 12 of the 1857 Act is to be construed as reference to: (a) with respect to a green in a parish, the parish council or, where there is no parish council, the parish meeting; and (b) with respect to any other green, the district council. Section 29 of the Commons Act 1876 added 'any inhabitant of the parish' to the list of those who could prosecute an offence under Section 12.

⁶ Section 17 and Schedule 1 (Offences Triable on Indictment or Summarily) of the Magistrates Court Act 1980.

⁷ Section 222 of the Local Government Act 1972.

⁸ In the context of section 45 'local authority' means a county, district, parish or London borough council, and a National Park authority (see paragraph 1(2) (d) of Schedule 9 to the Environment Act 1995).

a town or village green where that land has no owner recorded in the register of title at the Land Registry and the authority cannot otherwise identify the owner. In such cases, the local authority is able to take any steps to protect the land against unlawful interference that could have been taken by the owner of the land.

Court action can be costly and generally the burden of proof lies with the claimant (in civil proceedings) and the prosecution (in criminal proceedings). Therefore, before taking action through the courts it may be helpful to seek the removal of the works, or the termination of the activity which you consider to be unlawful, through correspondence or negotiation. If you decide to take action through the courts you would be well advised to seek independent legal advice. If you consider court action to be necessary but too burdensome, you may wish to contact your local authority which may be willing to take action in the interests of the community.

3. Can vehicles drive over or park on greens?

Section 34 of the Road Traffic Act 1988 makes it a criminal offence to drive over, or park on land (including a green⁹) not forming part of a road without lawful authority to do so. In this context 'lawful authority' includes either the lawful permission of the owner of the land or a private vehicular right¹⁰. Those who have lawful permission, a private right or some other form of lawful authority may drive over, or park on, a green without committing an offence under the 1988 Act. Furthermore it is not an offence under the 1988 Act to drive on a green within 15 yards of a public road solely for the purposes of parking on the green¹¹.

However, irrespective of whether an offence has been committed under the 1988 Act, driving over or parking on a green may still be an offence under section 12 of the 1857 Act or section 29 of the 1876 Act (see question 1). For example, if a court adopted a strict interpretation of section 12 of the 1857 Act, any interruption of the use or enjoyment of a green would be an offence under that provision. However, in Defra's view, occasional driving of private vehicles over a green in exercise of a private right of way, for the purposes of parking on private land beyond the boundary of the green, is unlikely to be viewed by a court as giving rise to an offence under the 1857 and 1876 Acts, if the interference with recreational enjoyment is very brief. In our view, a court is more likely to find that vehicular use contravenes section 12 or section 29:

- if the use is very frequent;
- if the use is by very large or slow moving vehicles;
- if the vehicle is parked on the green; or
- if damage is caused to the green by the vehicular use.

⁹ In *Massey and Drew v Boulden* [2003] (<http://www.bailii.org/ew/cases/EWCA/Civ/2002/1634.html>), the Court of Appeal held that the phrase 'land of any other description' in section 34(1)(a) of the 1988 Act applied to greens.

¹⁰ The House of Lords in *Bakewell Management Ltd v Brandwood and Others* (<http://www.bailii.org/uk/cases/UKHL/2004/14.html>) established circumstances in which it is possible to claim a prescriptive right (right of long-user) of vehicular access over common land notwithstanding the prohibition in section 34, although the issue of establishing prescriptive rights for vehicular access over greens was not specifically addressed in this case. For further information on this issue please refer to Defra's non-statutory guidance note entitled 'Vehicular access across Common Land and Town or Village Greens' (www.defra.gov.uk/rural/countryside/crow/vehaccess.htm.)

¹¹ This provision does not confer a right on any person to drive on a green for this purpose, or to park there: it merely provides that an offence is not committed under the 1988 Act.

A court would need to consider each case on its merits in order to decide whether the vehicular use was an offence, but in one case decided in the Court of Appeal, it was observed that there was 'no sufficient reason to regard the existence and use of [an access track] as injuring the green or interrupting its use or enjoyment by others'¹².

Further information regarding vehicular access over greens can be found in Defra's non-statutory guidance note entitled 'Vehicular access across Common Land and Town or Village Greens'¹³.

4. Who owns our green?

Like other types of land, greens can be owned by private individuals and organisations as well as by public bodies. There are two sources of information which you may find particularly helpful in ascertaining who owns a green.

The first of these sources is the register of title, which is maintained by the Land Registry. Much, but not all, land in England is registered in the register of title. You can find out more information about this register on the Land Registry's website¹⁴. The title to (*i.e.* ownership of) this registered land is guaranteed by the state. Broadly, the guarantee means that if a mistake occurs in the register and the owner suffers loss, the Land Registry may have to pay indemnity (*i.e.* compensation).

The second source of information regarding ownership is the register of town or village greens. These registers not only describe the extent of each green but they also give details of claims to ownership of those greens which were recorded during the first wave of registrations in the late 1960s. Unlike the register of title, the ownership information in the registers of town and village greens is not guaranteed, nor is it conclusive. The reliance which can be placed on the accuracy of this part of the register is dependent upon how that information came to be recorded:

- Where the claim to ownership was unopposed, the registration was confirmed without any further scrutiny. In such cases the information in the registers is only a statement of the claim made to ownership at that time.
- Where the claim to ownership was either opposed or no claim was registered, the matter was referred to the Commons Commissioners. If, following a hearing, the Commissioner was able to determine the owner of the green, that information was recorded in the register. However the Commissioner's decision only gave rise to a presumption of the ownership at the time of that decision: it was not conclusive.
- If no claim to ownership was registered, but on referral to the Commissioner, a local authority successfully demonstrated ownership of the land, it became vested in that local authority (reinforcing the authority's ownership of the land). Again, in such cases the registers are good evidence of the ownership of a green at the time of the Commissioner's decision.
- If the Commissioner had insufficient evidence before him to determine the ownership of the land, it became vested in the parish council, or where there was

¹² Paragraph 31 of *Massey and Drew v. Boulden* - www.bailii.org/ew/cases/EWCA/Civ/2002/1634.html.

¹³ www.defra.gov.uk/rural/countryside/crow/vehaccess.htm.

¹⁴ www.landreg.gov.uk

no parish council, in the district or borough council¹⁵. In such cases the registers are good evidence of the ownership of a green at the time of the Commissioner's decision.

It should be noted that, however ownership details came to be recorded on the commons registers, they can only be used as evidence of ownership at the time of the registration. Since the initial wave of registrations in the late 1960s, registration authorities have been able to update the ownership section of the registers only where they have been informed by the Land Registry that the ownership of the green has been recorded in the register of title. On receipt of this information a registration authority is required to delete any details of ownership in the register of town or village greens¹⁶. Where the ownership information has been deleted in this way, you should inspect the register of title, but it is a good idea to check the register of title even if there is a subsisting entry as to ownership in the register of town or village greens.

5. Who has the right to enjoy lawful sports and pastimes on a green?

The right to enjoy lawful sports and pastimes on a green does not extend to the public at large, but is only exercisable by inhabitants of the locality in which the green is situated¹⁷. The courts have held that the term 'locality' includes a legally recognised unit of land, such as a parish¹⁸. Unfortunately, identifying the relevant locality can, in practice, be difficult.

Where a green has been added to the registers since 1970, the commons registration authority should hold records of the application for registration and these may indicate what the locality was claimed to have been for the purposes of registration. When determining whether or not to register a parcel of land the registration authority will have considered the extent of the locality, and in some cases details of their conclusions may also have been included in a report or decision¹⁹. Furthermore, since 6th April 2007 all applications to register new greens must have been supported by a description or plan of the relevant locality or neighbourhood²⁰. These descriptions and plans should also be held by the registration authority.

Similar records are unlikely to exist for the majority of greens which were registered in the first wave of registrations in the late 1960s. Where such a registration was disputed, it would have been inquired into by a Commons Commissioner. The decision of the

¹⁵ The vesting of land in the local authority was provided for by Section 8(4) of the Commons Registration Act 1965. This section was repealed by the Commons Act 2006, but the effect of any vesting is preserved by paragraph 9(1) of Schedule 3 to the 2006 Act.

¹⁶ Section 12 of the Commons Registration Act 1965 or paragraph 8(2) of Schedule 3 to the Commons Act 2006 and Regulation 48 of the Commons Registration (England) Regulations 2008.

¹⁷ It was ruled in *Earl of Coventry v Wille* [1863] 9 LT 384 that 'A customary right can only be applicable to certain inhabitants of the district where the custom is alleged to exist and cannot be claimed in respect of the public at large'.

¹⁸ *Edward v Jenkins* [1896] 1 Ch 308.

¹⁹ In determining the application for registration, the registration authority may have adopted a definition of the locality which is different to that proposed by the applicant.

²⁰ Regulation 3(2) of The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 and paragraph 9 of Schedule 4 to The Commons Registration (England) Regulations 2008. This requirement does not apply to land which has been voluntarily dedicated as a town or village green under section 15(8) of the Commons Act 2006.

Commissioner may in some cases make reference to the locality²¹. In practice, the majority of greens registered during the first wave were either not inquired into (and became final without objection), or the Commissioner did not make clear the precise locality which he adopted for the purposes of determining the registration. If the green is located in a village, then it may reasonably be assumed that the right to enjoy lawful sports and pastimes on the green is exercisable by the inhabitants of that village. But if the green is located in a suburb or on the edge of a town, the locality may be much less certain.

The position is further complicated by amendments made to the criteria for registration of a green by the Countryside and Rights of Way Act 2000²², and now contained in section 15 of the Commons Act 2006, which enable a green to be registered on the basis of long-term use (at least 20 years) by "the inhabitants of any locality, or of any neighbourhood within a locality". In effect, it seems that, where a green was registered on the basis of long-term use by the inhabitants of a neighbourhood within a locality, the right to enjoy lawful sports and pastimes on that green will be confined to the inhabitants of that neighbourhood, and not to the inhabitants of the locality as a whole. In such cases, the extent of the neighbourhood should be apparent from the application for registration of the green, or any subsequent report or decision on the application.

Ultimately, where an issue cannot be resolved by other means, it will be for the courts to determine the extent of a locality or neighbourhood. Their decision will be based on the evidence available to them (this may include evidence of use, any relevant documentation and the physical characteristics of the surrounding area etc.).

6. Can the owner of a green charge people for using it?

Inhabitants of the locality within which a green is situated have the right to use that green for lawful sports and pastimes²³. By definition any right can be exercised free of charge. Therefore, although the owner of a green may ask a local inhabitant to pay a donation for their use of a green, that person would be under no obligation to pay. This principle would apply equally to a request for a contribution to maintain a green as it would to a request for a payment to enter an organised event such as a fête or sports match which was being held on the green. A local inhabitant cannot be required to pay a fee to exercise a right.

The right to take part in lawful sports and pastimes on a green extends only to local inhabitants, not the public at large. Those who are not inhabitants of the locality can be restricted from, or charged for, using a green unless they have some other right to be there (e.g. if they are crossing a green using a public right of way). However a landowner is likely to face considerable practical difficulties in preventing the general public from using a green owing to the difficulty of distinguishing local inhabitants from the general public.

7. What are lawful sports and pastimes?

Local inhabitants have a right to take part in any lawful sport or pastime on a green. Lawful sports and pastimes are not restricted to those activities which were

²¹ Most decisions of the Commons Commissioners are available at: <http://www.acraew.org.uk/index.php?page=commissioners-decisions>.

²² Section 98 (now repealed).

²³ Earl of Coventry v. Willes [1863] 9 LT 384.

enjoyed during the period of use which led to the green being registered²⁴. Ultimately it is for the courts to decide whether or not an activity is 'lawful'. However in Defra's view where an activity is so inappropriate for an area that it is deemed to be a public nuisance by virtue of section 29 of the Commons Act 1876, it is unlikely to be treated as lawful. So, for example, in Defra's view horse riding on a small, vulnerable green in wet conditions might be a public nuisance and therefore unlawful.

8. Do I need permission to carry out works on a green and to whom do I need to apply?

If the intended works do not contravene either section 12 of the Inclosure Act 1857 or section 29 of the Commons Act 1876 (e.g. if they were for the better enjoyment of the green) then no special permission is required. That is to say that no application is needed solely because the land is a town or village green. However, other consents may still be required. For example, if works were for the better enjoyment of a green then they may not be in contravention of either of the 19th century statutes but depending on their nature may still require planning permission.

However, it is a criminal offence to undertake any works on a green which contravene the 1857 Act and works in breach of the 1876 Act will be deemed to be a public nuisance. Neither Defra nor any other body is able to give consent for illegal works to be undertaken on a town or village green.

Some greens are regulated by a scheme of regulation made under either the Metropolitan Commons Acts 1866–1898 or the Commons Act 1899. Your commons registration authority or district or borough council should be able to let you know whether a green is regulated under a scheme. The scheme may confer powers on the local authority to carry out improvements to the green, although in some cases the local authority may be required to obtain the consent of the Secretary of State before undertaking the works. You will need to inspect the terms of the scheme to see what, if any, improvements are permitted.

On a green managed under a scheme of regulation, section 38 of the Commons Act 2006 enables the Secretary of State to consent to other works, not permitted by the scheme. It is unclear whether a local authority may carry out works on a green managed under a scheme, where the works are either permitted by the scheme or consented to under section 38, but would contravene either the 1857 or the 1876 Act. However, in Defra's view, works proposed by a local authority on a green will generally be for the better enjoyment of the green, and the conflict will seldom arise. Guidance on how to make an application under section 38 can be found on the website of the Planning Inspectorate²⁵.

If the planned works do contravene either the 1857 or the 1876 Act, then it may be possible to seek consent to deregister the land (please see below).

²⁴ Paragraph 50 of *Oxfordshire County Council v Oxford City Council & another* (www.bailii.org/uk/cases/UKHL/2006/25.html). It should however be noted that, in the same judgement Lord Scott suggests that the rights acquired should reflect the user (paragraphs 84 and 85).

²⁵ www.planning-inspectorate.gov.uk/pins/common_land/guidance/index.htm.

9. Can I deregister a green?

Under section 16 of the Commons Act 2006 an owner of a green may apply to the Secretary of State for land to be released from registration. If successful, such an application would result in the land no longer being subject to protection as a green.

If the 'release land' is more than 200 square metres in area, an application must be made to register 'replacement land' as a green in its place. If the release land is smaller than 200 square metres, a proposal for replacement land may be included, but there is no absolute requirement²⁶. However, it is the policy of the Secretary of State to avoid the net loss of town and village greens. Therefore the Secretary of State generally expects that land will be offered in exchange even where the release land is less than 200 square metres²⁷.

A proposed exchange under section 16 will be considered by the Secretary of State and will not be approved automatically. The Secretary of State will wish to take into account the impact of the exchange having regard (amongst other things) to the public interest. Further guidance on applications to deregister town and village greens is available on the website of the Planning Inspectorate²⁸. Please note that there is a fee of £4,900 for an application to deregister land under section 16.

It may also be possible to apply to deregister land under section 149 of the Inclosure Act 1845 where such land is unsuitable or inconvenient for the purpose for which it was allotted. Applications must be made to the Secretary of State and can only be made in relation to land which was allotted under an inclosure award. No fee is charged for an application under section 149 but it must include exchange land which would be registered in place of the release land. The exchange land must be more convenient or beneficial than the release land.

10. Who is responsible for maintaining greens?

Greens in local authority ownership are often managed by the authority under the Open Spaces Act 1906 or by a scheme of regulation under the Commons Act 1899. Some greens which are not owned by a local authority are also managed by a local authority under the 1899 Act. In such cases, the local authority is under a duty to maintain the green.

The law makes no provision regarding the maintenance of privately owned greens. Therefore, unless it is specifically provided for by some other form of regulatory instrument or legal agreement (such as a scheme of regulation or inclosure award), there is no obligation on a landowner, or any other party, to actively maintain a town or village green. However the landowner, or any person licensed by the landowner, does have the power to maintain a green as they see fit so long as they do nothing to interfere with the lawful recreational activities of the local inhabitants.

A district council, unitary authority or National Park authority may make a scheme of regulation for a green under the Commons Act 1899. The effect of the scheme, if confirmed, is to place management of the green in the hands of the council or authority.

²⁶ Section 16 of the Commons Act 2006.

²⁷ A full copy of the Secretary of State's policy guidance on statutory consents can be found on our website: www.defra.gov.uk/rural/protected/commonland/guidance.htm.

²⁸ www.planning-inspectorate.gov.uk/pins/common_land/guidance/index.htm.

The owner of the green may veto a scheme before it is confirmed. But if the owner is content to see the management of the green transferred to the local authority, or if there is no known owner, making a scheme may help resolve uncertainty over management.

11. Can a neighbouring landowner acquire part of a green by adverse possession?

Defra has produced a separate non-statutory guidance note on adverse possession in relation to common land and town and village greens. This guidance note is available on our website²⁹.

²⁹ www.defra.gov.uk/rural/protected/commonland/guidance.htm#5.



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Report of Director of Environment & Neighbourhoods

Report to Executive Board

Date: 7th March 2012

Subject: Leeds Climate Action Coalition Deputation To Council Regarding The Impact Of The Feed In Tariff Review On Jobs, Fuel Poverty And Carbon Reduction In 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. This report provides a response to the issues raised by a deputation to Council on 18 January 2012 by Leeds Climate Action Coalition regarding the impact of the feed in tariff review on jobs, fuel poverty and carbon reduction in Leeds.
2. The government's Phase 2 Feed in Tariff Consultation proposes a series of further significant reduction in solar PV payment rates from July 2012.
3. The deputation also highlighted opportunities presented by the Green Deal/Energy Company Obligation, Renewable Heat Incentive and mini Stern (Economics of Low Carbon Cities report).
4. The issues raised by the Leeds Climate Action Coalition are important to the Council and requests for action are broadly in-line with existing and emerging Council policy as outlined above.

Recommendations

5. Delegate responsibility to the Director of Environment and Neighbourhoods to oversee the formal response to Phase 2 of the Department of Energy and Climate Change's consultation on Feed-In Tariffs.

6. Continue to coordinate the Council's low carbon programmes through the Environment Programme Board.
7. Delegate authority to the Director of Environment and Neighbourhoods to engage with the PV market to seek competitive proposals from potential PV installers and appoint the installer that can deliver best value, which is cost neutral or better for the Council.

1 Purpose of this report

- 1.1 This report is in response to the deputation to Council made by Leeds Climate Action Coalition on 18 January 2012 regarding the impact of the feed in tariff review on jobs, fuel poverty and carbon reduction in Leeds and the opportunities presented by the Green Deal and Energy Company Obligation (ECO), Renewable Heat Incentive (RHI) and mini Stern (Economics of Low Carbon Cities report).

2 Background information

- 2.1 The deputation requested, in summary, that:
- 2.2 The Executive, together with other councils across the city region, increases dialogue with central government to press the case for a higher community feed-in tariff;
- 2.3 Leeds City Council investigates all potential sources of funding from the Green Deal, Energy Company Obligation and the Renewable Heat Incentive and acts with urgency to use them to reduce energy use, bills, and carbon across the city; and
- 2.4 Leeds City Council's Corporate Leadership Team owns this opportunity as a strategic initiative, and ensures all departments fully participate in making it happen.
- 2.5 In the course of their speech they also requested that:
- 2.6 Executive Board require Leeds City Council to resurrect the (Solar PV) scheme, should further tariff changes or funding opportunities enable this to be done as a cost neutral scheme.
- 2.7 Leeds City Council closely examine the clear business case of mini Stern and move quickly to realise the opportunities for the people and businesses of Leeds.

3 Main issues

- 3.1 With regards to 2.2 above, dialogue with central government is ongoing at both City Region and City Council level. In November 2011, via the Leeds City Region (LCR) office, the Council responded to a request from the Department for Energy and Climate Change for informal feedback on a range of detailed questions regarding the potential impact of their proposals on the social housing stock. In December 2011 Executive Board approved a formal response to DECC's consultation on proposed changes to the Feed-In Tariff (FIT) regime. Both responses stressed the need for a higher level of FIT than that proposed to make community schemes financially viable.
- 3.2 Formal consultation on Phase 2 of the governments proposed changes to FITs was announced on February 9th 2012. This consultation is in two parts: Part A covers proposals for solar PV generation tariffs from 1 July 2012 and how tariffs will reduce thereafter; Part B covers all other FIT eligible technologies, together

with broader scheme administration issues. Key proposals related to Solar PV include:

- 3.2.1 Further reduction in generation tariffs in July and October 2012 and half-yearly thereafter, with reductions triggered earlier if greater capacity than anticipated is installed;
- 3.2.2 To pay commercial multi-installations (private sector roof-rental schemes) schemes a 'stand alone' tariff starting at 4.5p/kWh in October 2012 and dropping to 2.7p/kWh by April 2015;
- 3.2.3 To define multi-installation 'community' projects and allow them to claim 80% of the standard tariff.
- 3.3 This will result in the following rates being available (p/kWh) for installations from the following dates:

	Tariff Pt 1	Tariff Pt 2	Tariff Pt 3	Tariff Pt 4	Tariff Pt 5	Tariff Pt 6	Tariff Pt 7	Tariff Pt 8
	Apr-12	Jul-12	Oct-12	Apr-13	Oct-13	Apr-14	Oct-14	Apr-15
Worst case	21	13.6	12.9	11.6	10.4	9.4	8.5	7.7
Best case	21	16.5	15.7	14.1	12.7	11.4	10.3	9.3
Community - worst case	16.8	10.9	10.3	9.3	8.3	7.5	6.8	6.2
Community - best case	16.8	13.2	12.6	11.3	10.2	9.1	8.2	7.4

- 3.4 A consultation response is being drafted on behalf of the Council and, in summary, our key points are:
 - That we believe that the cost of equipment is unlikely to fall much further and to note our concern that the proposed degression mechanism is not flexible enough to address this. We would prefer to see lower degression rates if less capacity is installed than anticipated.
 - That we believe that the proposed 20% cut in generation tariff rates for multiple installation social housing schemes will make them unaffordable where free electricity is provided to the tenant. This is a missed opportunity to address fuel poverty in the social housing sector.
- 3.5 The two previous consultations that this government has run regarding FITs for solar PV have largely ignored formal responses and instead implemented the proposals put forward in the consultation documents. We have no reason to believe that the approach will be significantly different this time.
- 3.6 We have undertaken some initial market sounding and a small number of companies still claim to be able to run fully funded social housing schemes, even with the revised April 2012 rate. However, with the likelihood that rates will drop dramatically in future, we appear to have a small window of opportunity when a scheme for ALMO properties may still work.

- 3.7 We have continued to engage with the market and are now actively pursuing this with the aim of appointing a contractor before future depressions make this unaffordable. In order to facilitate this, it is proposed to delegate authority to the Director of Environment and Neighbourhoods to formally engage with the PV market to seek competitive proposals from potential PV installers and appoint the installer that can deliver best value.
- 3.8 With regard to 2.3, the Council's recent work on Wrap Up Leeds and the solar PV schemes for ALMOs and corporate buildings demonstrates our commitment to develop funded programmes to reduce energy use and carbon emissions.
- 3.9 The Council is working closely with LCR to develop a collective approach to the Green Deal and ECO. LCR Chief Executives and Leaders have supported the appointment of a full-time officer specifically to develop and deliver a business case to establish a LCR relevant Green Deal/ECO programme. The Council is actively supporting this work and has already led the initial work to get the officer in place. We are also working with housing associations, landlords and third sector organisations to design a suitable approach for Leeds and are in regular dialogue with government to provide local evidence from this work to improve the Green Deal.
- 3.10 The RHI offers fixed payments for heat generated from renewable energy sources, in the same way that FITs does for renewable electricity. It supports a range of technologies including biomass, ground source heat pumps, solar thermal and biomethane. Payments vary by technology and by installation size, again in the same way as for FITs. The highest tariffs are for solar thermal (8.5p/kWh) and small biomass (7.9p/kWh). Phase 1 of the RHI targets big heat users such as industry, business and the public sector. Phase 2 will see it expanded to include more technologies and provide support for households.
- 3.11 Whilst installing technologies under the RHI is more technically complex than FIT technologies (they must either replace or supplement an existing heating system) there appear to be good opportunities for cost-effective installations, particularly for biomass and solar thermal. The Council is actively investigating biomass opportunities in several buildings across our portfolio (including Homes for Older People, visitor attractions and schools) and is considering solar thermal in several buildings, particularly leisure centres.
- 3.12 In regard to 2.4, we would recommend that the Council's Environment Programme Board is more appropriately placed to oversee all the low carbon initiatives across the city. The Director of Environment and Neighbourhoods chairs the group and both the Director of Resources and Director of City Development are attendees, with a remit to coordinate activities across the Council. Specific opportunities emerging from this group will be developed through the normal channels, including both Corporate Leadership Team and Executive Board.
- 3.13 Examples of the type of work that the Environment Programme Board contributes to include:

- 3.13.4 **Wrap Up Leeds.** Launched on the 3rd January, Wrap Up Leeds will provide free loft insulation and cavity wall insulation to 15,000 private sector residents by the end of October. It is managed by a local social enterprise, Yorkshire Energy Services, delivered by local contractors and funded by EDF and the Council. Over 2,000 enquiries have been received in the first 6 weeks.
- 3.13.5 **Aire Valley Eco settlement.** The Aire Valley provides a hugely exciting opportunity to develop a truly sustainable neighbourhood in Leeds. A recent housing development was built to Code 5 using CHP and the Recycling and Energy Recovery Facility will be sited there. Plans for an area wide district heating network are under development, as are plans for an innovative biomethane refuelling network.
- 3.14 In respect to 2.6, Executive Board resolved in December 2011:
- 3.15 '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'.
- 3.16 The Council is in dialogue with a number of solar installers and other local authorities and is determined to progress genuine cost-neutral opportunities where they arise.
- 3.17 With respect to 2.7, Prof Andy Gouldson, the author of the Economics of Low Carbon Cities report, has already presented findings to the Leeds Climate Change Partnership. The Council has invited him to discuss findings with a small group of senior officers and members and he is due to present at the Sustainable Economy and Culture Board later in the year. The forthcoming refresh of the Leeds Climate Change Strategy has been slightly delayed in order to allow the findings of the report to be properly reflected.
- 3.18 In addition, the Leeds City Region's recently established Green Economy Partnership is focussing their early work on interpreting the report and taking the opportunities that it presents.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.6 As discussed above, the Economics of Low Carbon Cities report and work on the Green Deal/ECO for LCR are being progressed in partnership with many organisations across the city and wider city region.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) was carried out in August 2011 on the Council's proposed solar PV project. This concluded that a full impact assessment was not required as inclusion/exclusion is based entirely on property characteristics rather than any personal or group characteristics.

4.2.2 An equality screening has been completed to accompany this report and concluded that there were no concerns with the overall policy direction. Instead, EDCIs will be completed for each specific opportunity as they are developed.

4.3 Council policies and City Priorities

4.3.3 Installing solar PV and other renewable technologies, together with whole-house retrofit opportunities under the Green Deal/ECO will have direct impact on the Housing and Regeneration City Priority Plan, specifically the priority to 'Improve housing conditions and energy efficiency' and the headline indicator to 'Increase the number of properties improved with energy efficiency measures'.

4.3.4 They will also, in turn, contribute to the Vision for Leeds' aim to reduce the city's carbon emissions.

4.4 Resources and value for money

4.4.1 The utilisation of FITs, Green Deal, ECO and/or RHI to finance or subsidise the installation of energy efficiency and renewable technologies will reduce the levels of capital investment required from the Council and/or private sector building owners. The installation of these technologies on corporate buildings will reduce the fuel bills and carbon taxes paid by the Council.

4.4.2 The recent Economics of Low Carbon Cities report (commissioned by Leeds City Region) identified the potential to reduce emissions by c40% across the Leeds City Region by 2022. This would require a local investment of over £11bn over 10 years, but every £1bn invested would reduce energy costs by £220m pa and generate 1,000 new jobs and £50m of additional economic benefits.

4.4.3 The Council is not expected to make this level of investment. Instead, the Council has the opportunity to use planning powers, regeneration programmes, strategic investments and community leadership to attract private sector investment.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no specific legal implications.

4.5.2 This report is open for Call In.

4.6 Risk Management

4.6.1 Each individual programme of work has it's own risk profile and these risks will be managed through the normal project management processes.

4.6.2 However, the much larger risk is the risk of doing nothing. Rising energy prices, rising carbon taxes and increased competition for resources will punish cities that fail to develop a low carbon economy. The city may also miss out on significant inward investment if businesses perceive that the city is not open for low carbon business.

5 Conclusions

- 5.1 The issues raised by the Leeds Climate Action Coalition are important and many of their views are shared by the Council. Their requests for action are broadly in-line with existing and emerging Council policy as outlined above.

6 Recommendations

- 6.1 It is recommended that Executive Board:
- 6.1.3 Delegate responsibility to the Director of Environment and Neighbourhoods to oversee the formal response to Phase 2 of the Department of Energy and Climate Change's consultation on Feed-In Tariffs.
- 6.1.4 Continue to coordinate the Council's low carbon programmes through the Environment Programme Board.
- 6.1.5 Delegate authority to the Director of Environment and Neighbourhoods to engage with the PV market to seek competitive proposals from potential PV installers and appoint the installer that can deliver best value, which is cost neutral or better for the Council.

7 Background documents¹

- 7.1 Solar PV Executive Board Report – 15 December 2010
- 7.2 Solar PV Executive Board Report – 30 March 2011
- 7.3 Solar PV Initiative Executive Board Report – 14 December 2011
- 7.4 The Economics of Low Carbon Cities (Centre for Low Carbon Futures, 2012)

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

DEPUTATION 2 – LEEDS CLIMATE ACTION COALITION

THE LORD MAYOR: Good afternoon and welcome to today's Council meeting. Could you make your speech, please, which should be no longer than five minutes and could you begin by introducing first of all yourself and then members of your delegation.

MR S BOWENS: Good afternoon. My name is Simon Bowens and I am from Friends of the Earth but I represent today the Leeds Climate Action Coalition. To my right I have Gavin McNaughton, who is a member of the Roundhay Environmental Action Programme; Lorna Arblaster, to my left; and Nigel Jones, to my left. Shall I start? Yes.

My Lord Mayor and fellow Councillors, we have been working as a group collaboratively for several years now with Members from all parties and officers towards achieving the Council's commitment to reduce the city's carbon emissions by 40% by 2020. We welcome this commitment and the excellent work done by the Sustainable Development Unit to develop a strategy for implementation.

Action to tackle climate change, fuel poverty and energy security must combine central Government policy with local action co-ordinated through strong, ambitious civic leadership. With over 30% of carbon emissions in Leeds coming from our homes and over 65,000 households living in fuel poverty, this action needs to address our energy use and how we generate our energy in the first place.

The Council's commitment to tackle energy efficiency is welcome. The Wrap Up Leeds Scheme will not only address carbon emissions and fuel poverty but will boost the city's resilience to rapidly increasing energy prices. Energy costs make up 10% of the city region's GDP, a figure likely to rise to at least 15% by 2022.

Locally generated energy has grown massively in the last two years, mainly coming from the rapid growth in solar photovoltaics by nearly a thousand families incentivised by the Feed In Tariff Scheme. A scheme whereby residents can claim 43p per kilowatt hour generated has led to greater resilience to energy prices, the installation of over three megawatt of renewable energy and a significant growth in this innovative sector of the local economy.

Within a ten mile radius of this building 64 companies are now registered to fit solar panels. All were expanding, creating new jobs and building new skills, creating wealth for the local economy. The Feed In Tariff Scheme gave an opportunity to the Council to install solar panels on 5,000 of the Council's housing stock, delivering free electricity for many of our city's most vulnerable residents, providing resilience against last autumn's double digit energy price rises and generating a revenue stream enabling the Council to improve the energy efficiency of our city's homes.

Then in October the Government announced plans to reduce the Feed In Tariff for solar PV by over 50%, with the changes becoming effective within six weeks. These changes sent the industry into a tail spin. Previously financially viable schemes became unaffordable and these bright new business ventures face the prospect of issuing redundancy notices in the weeks before Christmas.

The Council's initiative to tackle fuel poverty in our own city is now in tatters as the financial case for the Feed In Tariff's case has been destroyed. Friends of the Earth, along with two solar installers, has taken the Government to court over the retrospective nature of this consultation and we await the decision of the Appeal Court.

Nobody is proposing that the Feed In Tariff for solar PV should be maintained at the current level. We have seen a 30% reduction in the costs of installation since the inception of the scheme. Tariff reductions should be made at that level with further reductions in line with costs. Particular dispensation should be made for social housing and community schemes where the revenue generated is used for social good. Leeds City Council's plans would come under this community tariff. A minimum tariff of 31 pence per kilowatt hour would enable Leeds City Council to deliver this important programme.

We ask that the Executive Board require Leeds City Council to resurrect the scheme should further tariff changes or funding opportunities enable this to be done as a cost-neutral scheme.

The Green Deal Energy Company obligation and Renewable Heat Incentive, all due to be introduced this year, address the 50% of our domestic energy use which is used to heat our homes. Combining an effective energy efficiency programme to reduce heat loss from our homes with the deployment of new technology, such as ground and air source heat pumps across the city will reduce energy bills and fuel poverty, create new jobs and new skills and reduce carbon emissions and energy dependency.

We ask that Leeds City Council moves quickly to maximise the use of these Government initiatives.

The recent mini-Stern report for Leeds City Region demonstrated that significant investment in energy efficiency and the low carbon economy would pay for itself very quickly, bringing enormous economic, social and environmental benefits.

An opportunity like this requires joined-up action between all parties and all Council departments to ensure that Leeds is a thriving, sustainable city fit for the challenges of the 21st Century.

In summary, we ask three things. The Executive, together with other Councils across the city region, increases dialogue with central Government to press the case for a higher Community Feed In Tariff. We ask that Leeds City Council investigates all potential sources of funding from these and act with urgency to use them to reduce energy use, bills and carbon across the city.

THE LORD MAYOR: Simon, could you move to your final statement, please?

MR S BOWENS: Yes. Finally, we ask that Leeds City Council's Corporate Leadership Team sees this opportunity as a strategic initiative and ensures that all departments fully participate in making it happen. Thank you very much. (*Applause*)

THE LORD MAYOR: Councillor James Lewis.

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

THE LORD MAYOR: Councillor Loblely.

COUNCILLOR LOBLEY: I second, my Lord Mayor.

THE LORD MAYOR: (*A vote was taken*) CARRIED. Simon, 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, thank you.

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Report author: Christine Addison / Iain Kyles
 Tel: 2474233 / 2475692

Report of Director of Environment and Neighbourhoods

Report to Executive Board

Date: 7th March 2012

Subject: Little London, Beeston Hill & Holbeck – Pre Financial Close Final Business Case and Section 27 Delegation Request.

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Beeston & Holbeck, City & Hunslet and Hyde Park & Woodhouse.		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Access to Information Procedure Rule 10.4(3).		
Appendix number: B (Finance and Affordability Update)		

Summary of main issues

1. The procurement of the Little London, Beeston Hill and Holbeck Private Finance Initiative Project is close to conclusion with financial close programmed for later this month.
2. Government approval for the Preferred Bidder Final Business Case (PPB FBC) was received on 18th October 2011 following scrutiny of the document by the Homes and Community Agency, the Department of Communities and Local Government and Treasury.
3. The Director of Environment and Neighbourhoods approved the submission of a revised Pre Financial Close Final Business Case and Section 27 Application (Authority to delegate housing management functions) on 3rd February 2012, to seek the final government approvals and PFI credit promissory note to permit the Council to proceed with the letting of the contract.

Recommendations

4. This report requests that Members note the progress made and the outcomes being sought to contribute to the regeneration of three inner areas of the City.

1 Purpose of this report

- 1.1 This report confirms outcomes being sought for the for the Little London, Beeston Hill and Holbeck Private Finance Initiative Project (Project).
- 1.2 The Project remains within the final scope confirmed by Executive Board on 27th July 2011 and within the maximum limits on affordability re-affirmed by the Board at its meeting on 9th March 2011 (The Budget limits were set originally as part of the Outline Business Cases by Executive Board in February 2008).
- 1.3 The Executive Board resolutions on 9th March 2011 confirmed authority for the Project to proceed to financial close, and this report is not intended to affect that authority, or resolutions made.

2 Background information

- 2.1 The Pre Preferred Bidder Final Business Case for the Project was approved by Government on 18th October 2011. The PPB FBC included changes that had to be incorporated into the Project following a review of the Project costs and deliverables as part of the Governments 'value for money' review of housing PFI Projects. The scope of the amended PPB FBC was confirmed by Executive Board at their meeting on 27th July 2011.
- 2.2 The next stage of the procurement process subsequent to Government approval of the PPB FBC was to appoint the selected consortium as Preferred Bidder to allow them to finalise all contract approvals and proceed to financial close of the Project.
- 2.3 The consortium, Sustainable Communities for Leeds (Sc4L) was confirmed as Preferred Bidder for the Project on 27th January 2012. The consortium members are Cyrill Sweet Investments, Keepmoat Investments and the Bank of Scotland.
- 2.4 As part of the confirmation of the Preferred Bidder and a consequence of the delays to the Project, a number of changes had to be made. Frank Haslam Milan, part of the Keepmoat Group will now oversee all the operational services alongside undertaking the works and lifecycle programme, as part of the confirmed sub-contracting arrangements for the Project.
- 2.5 The continuing finance market difficulties experienced towards the latter part of 2011 led to changes in the ability and willingness of funders to lend money on the long term basis necessary to support PFI Projects. As a result the club of banks funding the Project changed and their funding terms have changed, as explained later in the report.
- 2.6 The overall delay in the final stages of the procurement following final tender receipt, principally around the implementation of a 'value for money' review by Government,

the approval of the Pre Preferred Bidder Final Business Case and latterly in the confirmation of the Preferred Bidder has resulted in a net increase in costs.

- 2.7 This net increase in overall costs to the City Council is principally through the impact of construction inflation, increased funding terms and increased consortium costs. The Project however remains within the affordability limits set by Executive Board and has retained the saving of £9m in PFI credits identified for Government as part of their 'value for money review (as reported to Executive Board on 27th July 2011).
- 2.8 The final scope of the Project has not changed since it was ratified by Executive Board on 27th July 2011, with the detailed outcomes noted below.

3 Main issues

- 3.1 The original Pre Financial Close Final Business Case was submitted to Executive Board on 9th March 2011, with a follow up report to the Board on 27th July 2011 confirming the Project changes following the Government 'value for money' review.
- 3.2 The revised Pre Preferred Bidder Final Business Case was scrutinised by the Homes and Communities Agency, the Department of Communities and local Government and Treasury, with overall Government approval confirmed on 18th October 2011.
- 3.3 The Preferred Bidder for the Project was not able to be confirmed straight away as had been planned, as market changes had an impact on the proposed sub-contract arrangements and the banking arrangements to provide loan funding support for the Project. The Preferred Bidder was able to finally be confirmed on 27th January 2012 with all parties approving the arrangements to move forward to financial close (the letting of the contract).
- 3.4 The Preferred Bidder consortium will be funded by a club of banks: Nationwide Building Society, Norddeutsche Landesbank Girozentrale (Nord) Bank and the Co-operative Bank, all of whom have extensive experience of housing and private finance investment programmes.
- 3.5 The works programme and operational services will be sub-contracted to Frank Haslam Milan (FHM), part of the Keepmoat Group. FHM have a long history of supporting successful renovation and social housing development in the City. The contract operations, covering repairs and maintenance, grounds maintenance, caretaking and cleaning will be undertaken by Milnerbuild Ltd (part of FHM and the Keepmoat Group) who are experienced contractors within the City, with future life cycle works undertaken direct by FHM.
- 3.6 The local Arms Length Management Organisations will continue to provide the tenancy management services to the homes: Aire Valley Homes for Holbeck and Beeston Hill and West North West Homes for Little London.
- 3.7 Subject to final approvals from Government and confirmation of the required funding support for the Project it is intended that the contract will be let by the end of March 2012, for the contract to commence from 1st July 2012 (after a 3 month contract mobilisation period).

- 3.8 The main programme of works include refurbishment of the existing 1245 Council homes, construction of 388 new Council homes to rent (to replace 222 obsolete and unsustainable existing homes) with follow up environmental improvements to the estate environments. Works undertaken to the structure and communal facilities of blocks of flats will benefit all tenants in the blocks together with 51 leaseholders. The programme will commence in 2012, with an initial focus on the refurbishment of the existing homes, and be completed overall by early 2016.
- 3.9 The consortium will be required to maintain the homes and the estate environment for the whole period of the 20 year contract, sustaining the required housing and operational standards throughout the contract length.
- 3.10 The main outcomes sought from the Project are outlined below

Little London :

- § 848 homes to be refurbished (includes removal of 16 bed-sit flats)
- § 113 new homes built (Carlton Gate site)
- § Renovation and improvement of the estate environment

Holbeck :

- § 373 homes to be refurbished, plus conversion of Ingram Court to 23 self contained units and the Ingram Gardens sheltered housing community facility.
- § 108 new homes built (Holbeck Towers site)
- § Renovation and improvement of the estate environment

Beeston Hill :

- § 167 new homes built (on 8 in fill sites)

- 3.11 Additionally two aspects, formerly part of the original proposals, but now separate from the PFI Project, are to be pursued to support the overall regeneration action.

- § Little London Community Hub – options currently are under consideration for the redevelopment of the existing site, covering a parade of estate shops, neighbourhood housing office and community centre, to enhance the facilities for the future.
- § Future Redevelopment sites - following clearance action in both Little London (part of the Carlton Gate clearance site) and Holbeck (part of Holbeck Towers clearance site) for the PFI Project there will be opportunities for additional development in both areas on land not required for the PFI proposals, to further invest in the communities.

- 3.12 Additional benefits sought from the programme include :

Energy Efficiency and Sustainability

- § All new homes to be built to Sustainable Homes Code 4 standards;
- § All existing homes to fully meet the Decent Homes standard with minimum improved energy efficient standards; and
- § The energy efficiency targets of the homes support a reduction in fuel poverty.

Safer and secure environments

- § Neighbourhoods to meet the Secured by Design and Design for Life environmental standards, helping transform the homes and environment in these areas.

Wider Community Benefits

- § sc4L's opportunities and learning strategy, in conjunction with Employment Leeds, will aim to achieve the following opportunities for employment and training throughout the life of the Project:
 - 99 apprenticeship/traineeships in Construction and Grounds Maintenance;
 - safeguard up to 174 jobs for existing sc4L and supply chain staff currently working in Leeds;
 - create an additional 260 employment opportunities for local skilled people;
 - provide a minimum of 48 construction work experience placements plus additional work experience opportunities through the development of an Education Liaison Strategy; and
 - create a number of social enterprise opportunities linked to the Project.

Community Involvement

- § The consortium, with the City Council and the local Arms Length Management Organisations will work with the local communities (tenants and residents) to maximise the local benefits from this regeneration project and ensure that it links to other complementary action.

3.13 The final stages of the procurement process are in progress, to be completed to allow the contract to be let.

- § Approval (by HCA) of the Pre Financial Close Final Business Case and confirmation of the allocation of PFI credits (by DCLG) to financially support the Project;
- § Approval (by DCLG) of the delegation of the range of housing management functions to be delegated to the contract as required by Section 27 of the Housing Act 1985;
- § Approval of the bank funding through the credit committees for the 3 banks supporting the Project; and

§ Finalisation of the relevant contract documents including contractors proposals, payment mechanism, funding agreements and sub-contracting arrangements for the Project.

3.14 Prior to proceeding with the letting of the contract (financial close) the Director of Environment and Neighbourhoods will be required to give authority to the contract final terms, in accordance with the process approved by Executive Board at their meeting in March 2011 (see Appendix A for details of this).

3.15 The submission of the Section 27 application will seek to amend the current delegation authority covering those housing management functions delegated to Aire Valley Homes and West North West Homes in respect of the properties within the Project. This will allow the required delegation of functions to Sc4L and the sub-delegation of sub-contracted functions to FHM for the Project

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation has been undertaken throughout the Project development and the procurement process, varying in intensity according to the stage reached

4.1.2 The key lines of consultation and involvement over the Final Business Case stages have been :

§ Environment and Neighbourhoods Housing PFI Project Board – for procurement governance;

§ Strategic Investment Board – for corporate oversight;

§ Executive Member – overall over sight and progress reporting;

§ Local Members – progress reporting ;

§ Internal Stakeholders – progress reporting and preparation for contract mobilisation;

§ Community Advisory Group – informal role giving local input into preparation for tenant and resident consultation including presentation of tenant choices; and

§ Resident Groups and Individual Enquiries – enquiry responses.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The Project has been subject to an Equalities Impact Assessment, which was completed in January 2010 and reviewed in June 2011. The outcomes of the assessment are:

- § the Project has identified actions to ensure all services will be accessible to a wide range of users based on age, ability and ethnicity/language;
- § consultation and engagement will be designed to be inclusive of tenants, residents and other stakeholders in the Project areas;
- § 'Plain English' will be used in all publications; and
- § all works and services are to meet the requirements of the Disability Discrimination Act 2004 and Equality Act 2010.

4.3 Council Policies and City Priorities

4.3.1 The PFI scheme also contributes to the City Priority Plan, by making this part of the City a 'better place to live', contribute to the improvement of 'health and welfare' and contribute to improving local communities. In particular, it will address key issues to:

- § Increase the number of affordable and decent homes;
- § Improve energy efficiency of those homes and reduce the number of people who are not able to adequately heat their homes;
- § Improve the quality and sustainability of the built and natural environment;
- § Address neighbourhood problem sites; improve cleanliness and improve access to and the quality of green spaces;
- § Provide opportunity for community engagement in the regeneration of their community;
- § Offer options for training and employment linked to the regeneration programme, and
- § Create safer environments and aid the tackling of crime.

4.4 Resources and Value for Money

4.4.1 The proposed costs for the Project are detailed in confidential Appendix B to this report.

4.4.2 There have been changes to the overall costs as a result of the change in financial market terms and as a result of the delay to the Project timescales

4.4.3 The new funding arrangements are considered to be reflective of the current financial market, and are therefore different to those anticipated during the preparation of the PPB FBC or those known at final tender stage. Generally the cost of loans, in terms of fees and charges has increased. However this is balanced to an extent by the fact that the general market borrowing rates, SWAP rates, have reduced mitigating some of the increase in loan terms.

- 4.4.4 The delayed timescales have had two impacts. Additional construction inflation has been incurred to increase the fixed price for the capital works programme. Further the additional timescales have led to an increase in the overall costs for the consortium to conclude the contract proposals for the letting of the contract.
- 4.4.5 The net result of all the cost changes is confirmed in Appendix B, with the Project remaining within the affordability limits previously set by Executive Board. The costs also include a buffer against the risk of market interest rates being higher at financial close than current rates.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Proceeding with the letting of the contract for the Little London, Beeston Hill and Holbeck PFI Project is subject to final Government approvals of the Pre Financial Close Final Business Case and the application to delegate the required housing management functions to the Project under Section 27 of the Housing Act 1985.
- 4.5.2 A final report to the Director of Environment and Neighbourhoods on the contract terms and costs will be required to confirm that the contract terms are capable of being signed by the City Council and enforceable, and confirm the proposed costs for the contract as noted in Appendix B.
- 4.5.3 Appendix B to this report contains exempt information under Access to Information Rules 10.4 (3) as it contains commercially sensitive information on the Council's approach to procurement issues (including Project affordability position) and commercially sensitive information in relation to the Preferred Bidder, where the benefit of keeping the information confidential is considered greater than that of allowing public access to the information.

4.6 Risk Management

- 4.6.1 An updated risk management position was provided to the Homes and Communities Agency alongside the PFC FBC submission to confirm that the City Council is appropriately managing the risks for the Project.
- 4.6.2 The Housing PFI Project Board is provided with monthly updates on risk management, with details provided on increasing risks and all high or very high risks.
- 4.6.3 The principal risk to the Project relates to the risk that market funding interest rates may increase resulting in the Project becoming unaffordable. This risk is currently set at 'very high' status, with the market being volatile at the current time. As noted above, a limited financial buffer has been included into the costs to seek to mitigate against the risk that the Project becomes unaffordable at financial close.

5 Conclusions

- 5.1 The Little London, Beeston Hill and Holbeck PFI Project is nearing the conclusion of a long development and procurement process. Subject to the final stages being completed successfully, the contract is due to be let by the end of March 2012, with a start on site in July 2012.

- 5.2 The Project will bring much needed benefits to three local inner city communities, with the renovation and improved energy efficiency of the retained Council housing stock, replacement of unsustainable homes with new higher standard energy efficient new homes, improvement of the local environment and opportunities for training, employment and involvement for the local residents.
- 5.3 Despite all the delays and review processes the Project will be able to deliver the necessary improvements and redevelopment sought of the proposals and remains affordable at this time despite facing higher than anticipated inflation and funding reductions.

6 Recommendations

6.1 Members are asked to:

- i. note the progress made and the intention to let the contract by the end of March 2012 to allow a start on site by July 2012 ;
- ii. note the actions required to be taken to secure all required approvals and seek final authorisation to let the contract, and in particular note and endorse the action taken by the Director of Environment and Neighbourhoods to seek revised section 27 Housing Act 1985 consents in support of the Project;
- iii. note the financial implications and affordability position outlined in the exempt appendix B.

Appendix A – Final Report and Authorisation for Financial Close

Appendix B (Confidential) - Updated Affordability

7 Background documents¹

Other Background documents :

- Little London Outline Business Case
- Beeston Hill & Holbeck Outline Business Case
- Executive Board Report Aug 2002
- Approval to submit Little London OBC
- Executive Board Report April 2006
- Approval to submit Beeston Hill & Holbeck EOI
- Executive Board Report May 2006
- Approval of Little London Project Scope and OBC
- Executive Board Report Nov 2006
- Little London OBC Progress

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

- Executive Board Report March 2007
 - Preparation of Beeston Hill & Holbeck OBC
- Executive Board Report Nov 2007
 - Submission of Beeston Hill & Holbeck OBC and approval of joint procurement with Little London
- Executive Board Report Feb 2008
 - Land Assembly, Scope Update and Revised Affordability Position
- Executive Board Report Feb 2009
 - Project Rescope and Procurement Update
- Executive Board Report Dec 2009
 - Demolition of Holbeck Towers and Carlton Gate
- Executive Board Report March 2011
 - Little London and Beeston Hill & Holbeck PFI Housing Project – Final Business Case and Contract Award
- § Delegated Decision of Director of Environment and Neighbourhoods 24th June 2011
 - Little London and Beeston Hill & Holbeck PFI Housing Project – Revision of Pre Preferred Bidder Final Business Case
- Executive Board Report July 2011
 - Little London and Beeston Hill & Holbeck PFI Housing Project – Confirmation of Pre Preferred Bidder Final Business Case and VFM Outcome
- § Delegated Decision of Director of Environment and Neighbourhoods 3rd February 2012
 - Little London and Beeston Hill & Holbeck PFI Housing Project – Revised Pre Financial Close Final Business Case
- Little London Development Framework
- Beeston Hill & Holbeck Land Use Framework
- Beeston Hill and West Hunslet Regeneration Plan
- Holbeck Regeneration Plan
- Little London and Beeston Hill & Holbeck Equality Impact Assessment
- Little London and Beeston Hill & Holbeck Pre-Preferred Bidder Final Business Case – provided as an Exempt Document in the Member’s Library

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

APPENDIX A : FINAL REPORT AND AUTHORISATION

- 1 Some elements of the detailed contract remain to be finalised and will be confirmed in a final report to the Director of Environment & Neighbourhoods seeking authority to enter into the contract.
- 2 This will be supported by a report from the City Council's external legal advisers, DLA Piper, which is anticipated to:-
 - § confirm the City Council's statutory powers to enter into the contract;
 - § provide advice on the terms of that contract documentation;
 - § advise on the steps taken to check the terms of supporting financing documents and sub-contracts, that they are satisfactory from the City Council's point of view and due diligence undertaken; and
 - § comment on the enforceability of the payment mechanism.
- 3 It is also anticipated that the report will support the proposed certification of the PFI contract and of the direct agreement between the City Council and the contractor and senior lender under the Local Government (Contracts) Act 1997, together with any other certificates deemed necessary. These certificates are required to provide protection to the PFI contractor and senior lender against the consequences of the transactions being outside the City Council's statutory powers.
- 4 Authority for any necessary additional arrangements for execution and certification of documentation at close will be sought from the Director of Environment & Neighbourhoods. The Director is authorised under part 3 section 3E of the officer delegation scheme approved in February 2010 to:-
 - (a) approve the terms of all project related contractual, property and other documentation; and
 - (b) make arrangements for and approve any delegations necessary to effect commercial and financial close including any amendments to such documentation at commercial and financial close;subject to:-
 - § approval by the relevant Government Department or other relevant body of the Final Business Case for the project (if applicable); and
 - § the Director being satisfied that the project remains within scope and affordability limits approved by Executive Board.
- 5 It is proposed that the Director of Environment & Neighbourhoods will continue to approve all project specific issues to financial close, and give such final approvals to the project, in relation to the approval of the terms of the transaction and the conclusion of the contracts. This would be conditional on the outcome of the receipt of the report from DLA Piper as outlined above.

- 6 Confirmation of such decisions and approvals will be provided for information to Executive Board following contract signature.

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Report of : Director of Environments and Neighbourhoods

Report to: Executive Board

Date: 7 March 2012

Subject: Reducing Reported Domestic Burglary in Leeds - Update

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>If relevant, name(s) of Ward(s): The Burglary Reduction Programme, operates across the city. However, focused activity takes place in priority Wards. At present these include: Burmantofts & Richmond Hill, Chapel Allerton, Armley, Kirkstall, Bramley & Stanningley, Hyde Park & Woodhouse, Headingley and Killingbeck and Seacroft.</p>		
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
<p>If relevant, Access to Information Procedure Rule number: Appendix number:</p>		

Summary of the Main Issues

1. Leeds has had a longstanding burglary problem. To address this issue, in June 2011 Executive Board approved expenditure of £1.326m from the Community Safety Fund to support the delivery of the Leeds Burglary Reduction Programme, which aims to deliver a targeted and co-ordinated approach to tackling domestic burglary across the city.
2. This report provides Executive Board with an update on the impact of the Burglary Reduction programme since delivery commenced in September 2011.

Recommendations

3. Executive Board is asked to:
 - 3.1 Note the success of the programme to date to address the city's domestic burglary problem.
 - 3.2 Provide on-going support to promote and help sustain the multi-agency approach that has been adopted across the city.
 - 3.3 Provide on-going commitment to targeting activity to strategic areas of concern in 2012/13.
 - 3.4 Receive a further report on progress and the outline forward strategy for the Burglary Reduction Programme in the autumn of 2012.

1 Purpose of this report

- 1.1 This report provides the Executive Board with a position statement on the delivery of the city's multi-agency Burglary Reduction Programme, which commenced in September 2011.

2 Background information

- 2.1 Leeds recorded its highest ever burglary figure of 16,937 in 2002/3. Significant reductions were subsequently achieved to the low of 7,670 burglaries in 2005/6. This period of reduction then reversed over the following four years until 2010/11 when Leeds again saw an approximate 7% reduction on the previous year, recording 8,869 crimes.

- 2.2 Sustaining improvements to reduce domestic burglary has proved to be problematic for the city and in April 2011 the Safer Leeds Executive (the City's statutory Community Safety Partnership) set-out its ambition to reduce recorded burglary over the next four years in the Leeds Burglary Reduction Strategy (2011 to 2015). Central to the strategy is the partnerships' desired outcome ~ *Residents of Leeds are safe and feel safer in their homes.*

- 2.3 The strategy focuses on six priority strands:

- Offender Management & Criminal Justice
- Reduce/Disrupt the Stolen Goods Market
- Co-ordinated & Targeted Enforcement
- Crime Prevention & Standards of Security
- Reduce the impact of Burglary on Emerging Communities and Vulnerable Groups
- Ensure Value for Money in Tackling Burglary

- 2.4 Clear milestones to mark the transition from sustainable to ambitious reductions were identified within the strategy. The first milestone is to sustain improvements on the 2010/11 out-turn. The second milestone is then to move into a phase of ambition, bringing offence levels below the previous best performance. Once offence levels have stabilised, the challenge is then to reduce comparative burglary rates to a level closer to the national average.

- 2.5 The Partnership agreed an ambitious stretched improvement target of 8,200 for 2011/12, 259 less than the West Yorkshire Police Leeds burglary reduction target for 2011/12 (4.6% reduction on the 2010/11 out-turn).

3.0 Performance

- 3.1 The Burglary Reduction Programme has brought together key partners from the city's main crime reduction and prevention agencies in to one focused city wide team. The team involves Probation, YOS, the Signpost Family Intervention project, the Persistent Prolific Offenders (PPO) burglary team, and Police IOM teams.

- 3.2 This multi-agency approach ensures collaboration between agencies who manage burglary cases across the Leeds district. Bi-Monthly strategic partnership meetings and weekly tactical meetings have been taking place to ensure that all activity is co-ordinated and targeted at those areas and individuals which will achieve the greatest impact.

3.3 The table (1) demonstrate the improvements on a monthly basis that have been made to reduce domestic burglary in 2011/12 in comparison to 2010/11. This becomes noticeable from September 2011 when the Burglary Reduction programme commenced. It also demonstrates a degree of sustainability month on month since this time. Importantly, over the last few years, the period of dark nights has seen significant increases in levels of crime – this pattern has been reversed this winter. Contributory to this has been a renewed focus by the police on domestic burglary, particularly in the West and North West of the city, which has contributed to a considerable reduction in burglary in some of the Wards of concern.

(1) Table showing monthly comparative domestic burglary figures for Leeds for 2010/11 & 2011/12

2010/11		2011/12		Diff from Previous Year
Feb-10	704	Feb-11	747	43
Mar-10	779	Mar-11	746	-33
Apr-10	653	Apr-11	708	55
May-10	570	May-11	762	192
Jun-10	690	Jun-11	642	-48
Jul-10	634	Jul-11	767	133
Aug-10	689	Aug-11	773	84
Sep-10	668	Sep-11	603	-65
Oct-10	841	Oct-11	678	-163
Nov-10	946	Nov-11	601	-345
Dec-10	744	Dec-11	511	-233
Jan-11	941	Jan-12	634*	-307
	8859**		8172**	-687

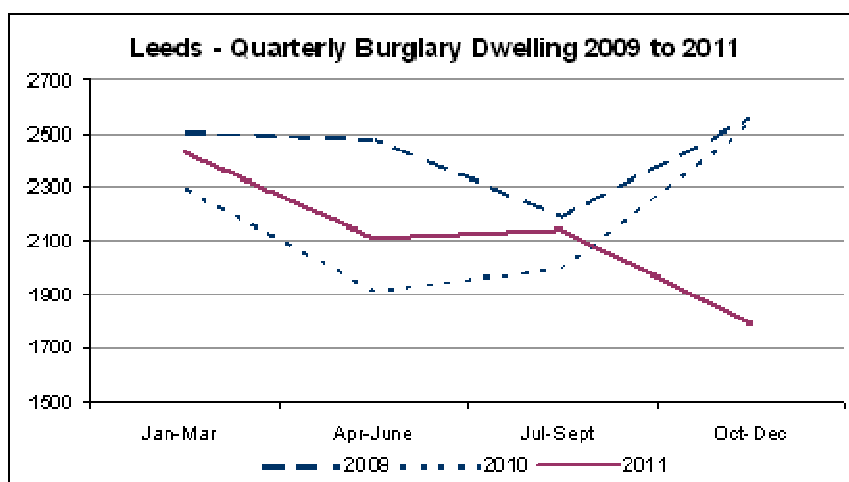
Denotes start of Burglary Reduction Programme

*Estimated outturn

**Full year outturn based on year Feb 11 – Jan 12

3.4 Chart (2) shows that Leeds is beginning to show sustained improvement since September 2011, correlating with the implementation of the projects described earlier in this report

(2)



- 3.5 There were 6,045 recorded burglary dwelling offences across the city between April and December 2011, down 6% (390 fewer offences) on the same period last year. Results for Q3 are even more significant, showing a 29.3% improvement (741 fewer victims) when compared to the same period last year and December 2011 saw the lowest recorded burglary count in the last ten years.
- 3.6 In the 3 month period to November 2011, Leeds improved its Most Similar Families position by one place, moving from last position, 43rd, to 42nd. This demonstrates that despite the improvement there is a considerable distance to travel. It is proposed as the next milestone, that Leeds sets the target to better its best ever result in 2012/13 achieving a target of under 7500.

4. Burglary Reduction Programme ~ Project Deliverables

- 4.1 An open and transparent commissioning process was used to identify five key projects to take forward. Alongside funding from the Council and other partners, this brings in excess of £2m of additional dedicated resources to March 2013. The projects commissioned by Safer Leeds seek to address one or more of the priority strands outlined in the strategy, with all projects being required to demonstrate value for money. Delivery for most projects commenced early September 2011.
- 4.2 An overview of the five projects receiving funding through the programme is outlined here.

4.2.1 West Yorkshire Police – Burglary Taskforce

The Burglary Task Force works across Leeds to deliver practical measures to help reduce domestic burglary. The team consists of staff from the Police, Probation, Crown Prosecution Service, Youth Offending, Signpost and Safer Leeds. The team have adopted an intelligence led approach to dealing with prolific offenders in localities of concern; adding value to the existing Integrated Offender Management Model. Work strands include:

- Identification and disruption of offenders causing the most harm
- Production of intelligence assessments to direct and support the delivery of work in localities of concern
- Work with the CPS to ensure appropriate outcomes for victims and communities and
- Dealing with organised crime groups and higher level crime activities

The team have specifically focused on investigating travelling Organised Crime Groups (OCGs) with the aim of disrupting and ultimately dismantling them through a combination of control measures including bail conditions, licence conditions, management of prison releases, overt and covert policing activity, prosecution and imprisonment.

4.2.2 Youth Offending Service (YOS) – Targeted Work with Young Burglars and their Families

The YOS have been commissioned to deliver tailored activity to the perpetrators of burglary, specifically the 'ThinkSmart' cognitive behaviour programme, which is an intensive programme of activity aimed at reducing the overall number of burglaries committed by young people aged between 10 – 17 years old. The project aims to

support a minimum of 50 young offenders to successfully complete the programme over the lifetime of the project (to March 2013).

4.2.3 West Yorkshire Probation Service - Desistance Project

The West Yorkshire Probation Trust's project aims to reduce the number of younger burglars aged between 18-21 years, becoming more entrenched offenders. 18-21 year olds form the majority of burglars on the probation caseload in Leeds

This targeted approach tracks young burglars as they progress from supervision by the Youth Offending Service to the Probation Service. By intervening more intensively with this age group, the number of burglary offences committed can be reduced by offering interventions to deter them embarking into a burgling career.

4.2.4 Safer Leeds - Addressing Burglary in Priority Locations

The Burglary Reduction Strategy placed an emphasis on targeted work initially in wards with over 400 burglary dwelling offences in the previous year. As part of this a renewed focus on local partnership work, using outcomes based accountability (OBA) methodology has been undertaken, with turning the curve exercises with local partners. Using intelligence assessments, tailored locality action plans have been compiled, progressed and reviewed monthly. These include turning the curve data and milestones, clear actions that have been prioritised and that add value to existing core work, with named lead officers, who are accountable to the overall action plan sponsors. Partnership actions have been supported by an allocation from the burglary reduction programme (typically £7,500 per locality) plus partnership match funding e.g. ALMOs, Area Committees.

The project aims to deliver practical actions at a very local level to address domestic burglary, embed good practice, and develop closer working amongst key delivery partners and link across to other areas of work such as young people not attending school and those not in education, employment or training (NEET).

4.2.5 Leeds University Union – Knowledge Project

The city's large student population are one of the most vulnerable victim groups for burglary. The Leeds University Union have expanded their existing 'Knowledge Student Safety' project which aims to reduce the number of burglaries within insecure properties through innovative communication methods, increase the number of students involved in burglary prevention work, and work with private landlords to improve the security of rental properties. The project is working closely with other partners involved in the burglary reduction programme such as West Yorkshire Police and Safer Leeds.

5. Activity and Successes to Date

5.1 In relation to activities, a summary of some of the key work areas progressed to date is provided below:

- **5 Organised Crime Groups (OCG) have been targeted** – Examples of activity include an OCG, centred in North East Leeds. Four of the five members have been recalled to prison as a result of policing activity in co-operation with

Probation colleagues. A further OCG, was in North West Leeds. Of the five members, one offender was recalled to prison to serve a further year, one was recalled to prison and then electronically monitored on Licence prior to being convicted for Handling Stolen Goods and a third has now been convicted.

- **Stolen Goods Market** - Several Operation Bulls-eye took place in conjunction with Divisional resources targeting Handlers of Stolen Goods across Leeds. In the December, 24 Search Warrants were executed, 12 offenders arrested and placed on bail with stolen goods exceeding £35k being recovered. Preliminary financial enquires are underway to assess criminal benefits from the proceeds of crime.
- **Offender Management** - Across Leeds in December, 70 offenders were managed as part of their prison release into the community; 6 were recalled to prison within a matter of days, 4 refused Home Detention Curfews based on negative attitudes at prison visits, 25 addresses provided by prisoners proved to be unsuitable, false or they had no actual connection to, alternative addresses were identified so they could be properly policed, 7 that would otherwise have been released with no fixed abode were provided with accommodation, and 6 were given additional licence conditions, exclusions and non associations based on activity and intelligence.
- Closer working has been established with HM Prison Leeds which has enabled a more managed and better co-ordinated approach to the release of offenders back in to the community. The Governor of HM Prison Leeds now sits on the Safer Leeds Executive, and work to improve the links between officers and agencies operating inside the prison and those undertaking post release work is now taking place. An example of this is the secondment of a Prison officer to work as part of the Signpost Family Intervention project. The officer will be working more closely with families to improve the integration of offenders back in to the community, thereby reduce the likelihood of reoffending.
- A Cognitive Behavioural Therapy programme has been adopted by the Probation service in consultation with Leeds YOS and will be delivered during February 2012 to a cohort of burglary offenders.
- Early identification of young burglars through the court system is evolving with a view to these cases being 'pre-allocated' prior to sentences so that work can begin during their bail period. This should be in place during February. If convicted, the probation officer in the team will write the court reports and the sentenced offender will be managed in the scheme.
- **Work in Priority Localities** - Outcome Based Accountability sessions have been delivered and action plans developed for Burmantofts & Richmond Hill (Sept 2011), Chapel Allerton (Dec 2011), Armley (May 2011), Kirkstall (July 2011), Bramley & Stanningley (Sept 2011), Hyde Park & Woodhouse (Oct 2011), and South Leeds (Sept 2011), with Headingley (Feb 2012) and Killingbeck and Seacroft to follow (April 2012).
- A 'target hardening' programme to improve the security measures of properties and streets at risk continues. £50k has been allocated by East North East Homes for ALMO properties and £15k for private rented /owner occupiers. A similar programme of activity has taken place in Bramley and Stanningley over the last 2 months, supported by resources from Safer Leeds and West North West Homes.
- A pilot scheme using intelligence to deploy Council security patrols has been funded by East North East Homes. This provides high visibility reassurance to

local residents and links patrol staff to LeedsWatch CCTV and the police control room, enabling a police response if required. Early evaluations show a decrease in burglary on streets patrolled with no significant displacement and free police resources to be deployed elsewhere.

- In South Leeds, the Neighbourhood Policing Teams and ALMOs now share details of burglary victims enabling housing officers to routinely follow up with visits to offer practical support. As part of a funded 'Darker Nights' initiative timer switches and security products were distributed and burglary reduction advice to local residents in key hotspot areas.
- **Multi Agency Work with Individuals at High Risk of Offending** - Following a positive pilot scheme (Feb-August 2011), further work has taken place to support early intervention with individuals at risk of escalating offending. Monthly multi-agency case conferences now take place targeting emerging problematic offenders not already involved in Offender Management processes. Detailed intervention plans have been drawn up to divert and help reduce offending behaviour of those selected. This has aided relationships between key partners, enabled a Better understanding of services and identified joint opportunities for partnership work. Training for police officers at a neighbourhood level is to be rolled out across the division.
- **Property Marking** - Both Universities have purchased a number of sets of property marking equipment to use in student halls of residence. Work is underway to promote immobilise.com through the universities, community groups, door knocking operations, tenants and resident groups. The property marking kit consists of a laptop and scanner which will record property which is added to the national property database (immobilise.com). The second product is a police scanner linked to the national property database, which will inform the police if property is reported as stolen. To date Operation Alison has been held in Headingley and Hyde Park linked to crime prevention messages (insecure doors, etc) and promotion of registration of 'goods' on immobilise.com. This was undertaken by student volunteers with 83 doors knocked, 175 immobilise registrations and 450 items placed on the register.
- **Work with Young People** - In Armley, a joint partnership project to target young people who have received a police caution or reprimand, and or are known to be at risk or are involved in criminal activity has progressed. The Revizit programme commenced on 25th January 2012, offering positive diversionary learning opportunities to targeted young people aged 11 +.
- In Rothwell and Holbeck, a pilot programme targeting a 'top 10' cohort of young people at risk of becoming involved in burglary has been initiated. Risk assessments have been completed on the individuals and intervention plans activated. A review of outcomes and any issues to address difficulties in accessing support will take place in February with the potential to roll out and extend the approach to include younger siblings.
- **Work with the Student Community** - Through the Knowledge project, 26 student volunteers have been recruited to support / deliver a wide range of crime reduction related initiatives. A further recruitment drive is currently underway. Four 'hot spot' events have taken place to promote crime reduction in areas of concern within the student wards.
- 12,728 'hits' have been received on the Knowledge website to date.

- Following a tender exercise, a film company have been appointed to develop a number of short 'viral' films covering subjects such as burglary, robbery, theft and personal safety.

6. Engagement with the Media and Public Awareness

- 6.1 Media and Marketing resources from both LCC and WYP have been collaborating and a relocation of WYP resources into Leeds Community Safety has enabled a co-produced plan to be formulated to deliver a co-ordinated strategy to address media needs. The first bus advertising campaign went live in Feb 2012 and a timeline is now in place to deliver media campaigns over the next 12 months.

7. Corporate Considerations

7.1 Consultation and Engagement

- 7.1.1 Regular meetings have been taking place via weekly and bi-monthly tasking meetings with all the partners involved in the delivery of the overall burglary programme.
- 7.1.2 Local partners, including Ward Members and key local agencies such as ALMO's, have been invited to the Outcome Based Accountability (OBA) sessions that Safer Leeds staff have been delivering across priority areas. These have been followed up with individual meetings and briefings with Ward Members to update them on the action plans that have been developed as a result of the sessions.
- 7.1.3 A briefing session has been held with the Safer and Stronger Scrutiny Board which all members were invited to attend. A further session was scheduled in February 2012 to outline progress to date, as part of the member development programme.

7.2 Equality and Diversity / Cohesion and Integration

- 7.2.1 An EIA screening will be undertaken as and when appropriate to ensure that due regard is given to issues raised in the report as the work progresses'.

7.3 Council policies and City Priorities

- 7.3.1 The 1998 Crime & Disorder Act provides a statutory obligation on Leeds City Council to tackle crime & disorder in partnership with certain other agencies.
- 7.3.2 Reducing recorded burglary will contribute to people feeling safer in their homes, which the people of Leeds have identified as their top priority.
- 7.3.3 Reducing burglary is identified as one of the city's main priorities. The Safer and Stronger Board will oversee the strategic delivery of the Safer and Stronger City Priority Plan, which will feature high level targets and milestones to be delivered over the next four years in relation to burglary reduction.
- 7.3.4 The Safer Leeds Plan is owned by the Safer Leeds Executive and provides a framework for the delivery of the City's three Community Safety priorities: Reducing Burglary; dealing with Anti-Social Behaviour; and Improving Safeguarding and Reducing Vulnerability.

7.4 Resources and value for money

- 7.4.1 The Home Office have allocated the Community Safety Fund over the next three years (to 2013/14). The funding allocation for the current financial year (2011/12) is £846,779 (net of £100k allocated to the VCFS hardship fund). However, this drops by almost 50% to £478,978 in 2012/13, and by a further 13.5% in 2013/14 to £415,403.
- 7.4.2 Funding allocations for 2013/14 are at present subject to the Police Reform and Social Responsibility Act 2011, which will see West Yorkshire appoint its first elected Police and Crime Commissioner in November 2012. The Commissioner will be responsible for the allocation of all crime reduction funding via the Home Office from March 2013, this includes the Community Safety Fund which currently supports the delivery of the Burglary Reduction Programme.
- 7.4.3 A separate piece of work is taking place through a sub-group of the Safer Leeds Executive to provide a better understanding of the implications of this Act to the city. This will include the development of case studies and evidence to demonstrate the effectiveness of priority projects / activity, which will include the Burglary Reduction programme.

7.5 Legal Implications, Access to Information and Call In

- 7.5.1 There are no legal, access to information issues associated with the contents of this report.
- 7.5.2 This report is subject to call in arrangements.

7.6 Risk Management

- 7.6.1 The overall delivery of the Burglary Reduction Programme, is managed through local tasking arrangements, overseen by the North West Leeds Divisional Commander.
- 7.6.2 All projects are required to submit quarterly performance management reports which are verified by the Commissioning and Strategy and Resources services.
- 7.6.3 This overall approach enables risks to be managed effectively, and where appropriate escalated to the appropriate level to agree actions to mitigate and manage risks in a transparent and effective manner.
- 7.6.4 Police budgets will continue to be under significant pressures in the medium term (at least to 2015). Safer Leeds are working closely with the city's Divisional Commanders to minimise any potential implications on the Burglary Reduction Programme and thereby sustain improvements in the level of domestic burglary over this period.

8. Recommendations

- 8.1 Executive Board is asked to:

- 8.1.1 Note the success of the programme to date to address the city's domestic burglary problem.
- 8.1.2 Provide on-going support to promote and help sustain the multi-agency approach that has been adopted across the city.
- 8.1.3 To provide on-going commitment to targeting activity in strategic areas of concern for 2012/13.
- 8.1.4 Receive a further report on progress and the outline forward strategy for the Burglary Reduction Programme in autumn 2012.

9. Background documents¹

- 9.1 Leeds Partnership Burglary Reduction Strategy 2011 – 2015 – this is protectively marked as a restricted document under the Government Protective Marking Scheme and is not available to members of the public. The key themes of the strategy are found in section 3.12 of the main report.
- 9.2 Safer Leeds Plan 2011
- 9.3 Audit Commission / HMIC Burglary Inspection report 2009/10, 2010/11
- 9.4 Leeds Burglary Reduction Programme Commissioning Document
- 9.5 Quarter 3 CPP Report Card – Tackling Burglary

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author. The Burglary Reduction Strategy includes details of tactics which would compromise the ability of agencies to disrupt and detain offenders and is therefore not available for publication.

Report of Director of Environment & Neighbourhoods

Report to Executive Board

Date: 7th March 2012

Subject: Report on Leeds Anti-Social Behaviour Team (LASBT)

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. Implementation of LASBT following a comprehensive multi-agency review.
2. Key performance outcomes during Quarters 1 to 3.
3. Future development of LASBT including noise nuisance integration.

Recommendations

4. Members are requested to:
 - Note the impact of the new Leeds Anti Social Behaviour Team since implementation.
 - Note the transfer of the domestic noise service to Safer Leeds.
 - Request Scrutiny to examine the development of the noise service in the new Municipal Year.

1 Purpose of this report

- 1.1 The purpose of this report is to inform the Executive Board of the work and progress made by Leeds Anti-social behaviour team since its implementation on 04/04/11.
- 1.2 The report will highlight how our collective response to ASB across Leeds has improved during 2011/12.

2 Background information

- 2.1 In January 2010, strategic managers from Leeds City Council, West Yorkshire Police, Leeds ALMOs/BITMO and partner agencies, recognising the sometimes disjointed approaches to ASB, agreed to conduct a comprehensive review of partner agency protocols and processes in place to respond to and tackle ASB in Leeds.
- 2.2 Under the guidance of a review governance board (*The Director of Environment & Neighbourhoods, West Yorkshire Police's Assistant Chief Constable, the Assistant Council's Chief Executive*), a multi-agency review team was established to identify any service delivery issues, prepare a business case for change and recommend any required changes.

3 Main Issues : LASBT Implementation

- 3.1 Consultation took place with both key stakeholders and frontline staff, the review team examined current processes, analysed ASB data, audited casework and undertook extensive research both locally and nationally.
- 3.2 Ten priority themes emerged that shaped both the direction of the review and provided the rationale for change. The response to each priority theme is shown below:

1. Adopting a Joined up approach

Leeds Anti-Social Behaviour Team (LASBT) created comprising staff drawn from across the partnership including former ASBU (LCC) staff, Housing (ALMO) staff, Victim Support, West Yorkshire Police ASB link officers and West Yorkshire Fire & Rescue Service Arson Task Force officers.

LASBT provides a cradle to grave, multi-disciplinary response to ASB with staff working to shared service standards that ensures consistency of delivery across the city.

2. Improving Communication

All LASBT cases are managed using a single case management system, (HubSolutions) Caseworks®.

LCC's corporate contact centre ASB call handling has been improved through the use of a more detailed script designed to capture more information at the outset.

3. Agreeing a **Definition of Anti-Social Behaviour**

LASBT has adopted a harm centred approach to ASB, consistent with current government thinking, where reported incidents are allocated to the most appropriate agency, recognising the distinction between tenancy issues, ASB and criminality.

4. **Engendering Community Ownership**

LASBT officers link in with a range of both professional and community meetings including area tasking, intervention panels and community forums to ensure community issues are recorded and responded to. Community groups have been consulted regarding the revised policy and procedure manual.

5. **Understanding the Causes of Anti-Social Behaviour**

LASBT's core performance team are helping team managers to better understand how ASB affects different communities through the provision of data and analytical reports that highlight emerging hotspots, trends and prevalence.

6. **Improving Information Sharing between partners**

West Yorkshire Police Researchers have improved the flow of information between WYP and LCC and has ensured WYP ASB link officers are more customer facing. Weekly reports identifying vulnerable victims are cross referenced against case management systems to ensure LASBT's response is proactive not reactive.

7. **Making the best use of Resources & Finance**

LASBT's three area based teams are co-located across premises at Landmark Court and Tribeca House whilst the performance 'Core' is based within Community Safety, reducing the services overall accommodation costs.

Further efficiencies have been made by training LASBT officers to complete court documentation prior to referral to Legal Services, with legal costs projected to come in at around £158k during 2011/2 compared to the 2010/11 figure of £195k.

8. **Developing better ASB Services & Products**

Service delivery is supported through regular management meetings and joint training with all staff continuing to make use of a full range of tools, powers and services to effectively tackle ASB.

LASBT works closely with Signpost to rehabilitate ASB offenders through Family Intervention Tenancies (FIT), Mediation Leeds to resolve disputes, Independent Living Teams to support tenants and a full spectrum of local projects to divert perpetrators from ASB.

9. **Coordinating approaches to Media Management**

A memorandum of understanding has been created to ensure agencies work jointly on major press stories.

10. **Building knowledge through better ASB Evaluation**

LASBT has a robust performance framework that provides managers and partners with a comprehensive overview of service actions and outcomes.

Regular case auditing, dip sampling and analysis of customer satisfaction surveys, are undertaken to identify and feedback to teams in relation to both best practice and areas for improvement.

3.3 Key Performance Outcomes

3.3.1 ASB Call/Enquiry Logs

3.3.2 During quarter 1-3 LASBT has received 2,572 anti-social behaviour enquiries, West Yorkshire Police (who have revised their ASB grading system) have received 26,694 during the year to date.

3.3.3 The response to customers making reporting incidents of ASB has improved continually throughout the year with 97.3% of customers contacted within 1 or 2 days during December 2011.

3.3.4 ASB Case data

3.3.5 LASBT have, during quarters 1-3, opened an average of 313 new cases per quarter, a significant increase on what was previously referred into the former ASBU.

New Cases Opened	Ave. per Quarter during 2010/11	2011/12 QTR 1	2011/12 QTR 2	2011/12 QTR 3	2011/12 QTR 4	YTD
ALMOs & ASBU	136 +119	-	-	-		765
LASBT		335	354	251		940
% of Cases attributed to ALMO tenants.		66.5%	67.2%	60.9%		65.3%
% of Cases attributed to Other tenures.		33.5%	32.8%	39.1%		34.7%

3.3.6 The table below shows the distribution of these new cases across the top 6 wards within each team area.

EAST Area	No.	SOUTH Area	No.	WEST Area	No.
Burm & Richmond Hill	108	Middleton Park	62	Armley	58
Killingbeck & Seacroft	100	Beeston & Holbeck	46	Kirkstall	48
Gipton & Harehills	92	City & Hunslet	40	Farnley & Wortley	32
Temple Newsam	40	Cr. Gates & Whinmoor	29	Bramley & Stanningley	31
Chapel Allerton	33	Morley South	19	Pudsey	24
Alwoodley	14	Garforth & Swillington	17	H Park & Woodhouse	23

3.3.7 Rowdy behaviour, Threats of or Actual violence, Verbal Abuse and Noise Nuisance were the most prevalent case types during quarters 1-3, The top six ASB types for each team area are shown in the table below.

EAST Area	No.	SOUTH Area	No.	WEST Area	No.
Rowdy Behaviour	63	Rowdy Behaviour	45	Verbal Abuse	58
Noise	56	Threats/Actual Violence	39	Threats/Actual Violence	55
Threats/Actual Violence	51	Verbal Abuse	33	Rowdy Behaviour	53
Verbal Abuse	44	Alcohol related	31	Noise	35
Misuse of Public Space	38	Noise	30	Drug/substance misuse/dealing	34
Drug/substance misuse/dealing	37	Drug/substance misuse/dealing	28	Alcohol related	22

- 3.3.8 Whilst our developing picture of ASB across Leeds is helping partners understand the scale and context of ASB problems, it is perhaps the response provided to customers and the positive feedback received from them that best demonstrate the impact of the new service.
- 3.3.9 Service standard data for quarters 1-3 show that 98.65% of customers were contacted and visited at the start of their case of which 70.18% were visited within 10 working days. 98.81% of victims have received regular case updates and 96.28% of perpetrators were contacted to ensure a balanced and impartial investigation followed.
- 3.3.10 Since April 2011 LASBT has closed 1088 cases during Quarters 1-3 of which 75% were resolved through actions that lead to an improvement of the situation or enforcement action to prevent further ASB. 21% of cases were closed where there was found to be insufficient evidence to prove ASB and approx 4% of cases were closed after allegations were withdrawn or complainants had relocated away from the area.
- 3.3.11 It is also worth noting that average case duration has reduced significantly under the new structure, falling from a pre-implementation (ASBU) figure of 241 days to a combined quarter 1-3 figure of **154.8** calendar days. Where cases were opened and closed since April 2011, the average case duration was **70.1** days.
- 3.3.12 Customer satisfaction Data
- 3.3.13 The introduction of a **4 week case survey** to monitor initial responses and early case stage satisfaction (collated from all new cases opened since LASBT implementation) shows the following results to date based on 420 surveys from 922 identified victims (*giving a survey response rate of 45.5%*).

No. of surveys completed	420
% of Victims happy with initial response time	93.8%
% of victims who reported having had the investigation process explained	95.5%
% Customers satisfied with Case Officer Investigation	93.6%
% of customers told when they would receive an update.	77.0%
Overall Satisfaction Rating	85.9%

3.3.14 347 of 1219 named victims linked to 1088 closed cases have also completed a LASBT 'Closed Case survey' in the year to date, (a 28.5% response rate).

		2010/11 ALMO Tenant Survey	2010/11 ASBU	2011/12 LASBT	Variation from previous best
KPI 1	% rating of customers/victims re: satisfaction with promptness of initial response	44.0%	71.9%	84.5%	+12.6%
KPI 2	% rating of customers/victims re: satisfaction with case officer investigation undertaken (Ability to deal with problem)	50.0%	65.7%	83.3%	+17.6%
KPI 3	% rating of customers/victims re: satisfaction that they were consulted and able to influence key decisions taken during the investigation.	N/A	N/A	81.4%	<i>New KPI</i>
KPI 4	% rating of Customers re: satisfaction with frequency of Case officer updates regarding progress of case.	47.0%	68.8%	82.3%	+13.5%
KPI 5	% rating of customers/victims re: satisfaction with the case outcome.	41.0%	60.2%	78.0%	+17.8%
KPI 6	% of customers/victims contacted prior to closing the case?	N/A	N/A	99.1%	<i>New KPI</i>
KPI 7	% rating of customers/victims re: satisfaction that their needs were considered and appropriate support provided.	47.0%	N/A	77.7%	+30.7%
KPI 8	Overall Satisfaction Rating (Scale 1-5)	50.0%	70.0%	80.7%	+10.7%

4.0 Noise Service

4.1 As shown in the tables at 3.3.7, noise nuisance represents a substantial proportion of complaints. To date, noise has been treated as a problem for Environmental Health, rather than as anti social behaviour. The expertise in Environmental Health has been directed at determining whether noise levels exceed statutory limits rather than resolving domestic noise disputes. In view of the scale of the problem and the wish to find better solutions for people experiencing domestic noise problems, some staff have now transferred to the Anti Social Behaviour Service. The Environmental Health Service will now concentrate on commercial and industrial noise issues, where statutory control is more relevant. Domestic noise will be treated as anti social behaviour, with a range of remedies available, rather than sole reliance on legislation. The transfer of staff into the Anti Social Behaviour Service, nevertheless, still provides the option for the Council to serve noise abatement notices if appropriate. The inclusion of the noise service within anti social behaviour should result in

improvements to responses to the public in this area. It is proposed that the Department reports progress to the relevant Scrutiny Board.

- 4.2 Safer Leeds is now also providing a night service for noise. Over the last number of years, there has been a skeleton service delivered by Environmental Health Officers, in receipt of overtime. Whilst often welcomed by those who the service reached, many calls were not capable of being responded to, and again the expertise of staff was not strictly relevant to the nature of the incidents. Noise calls are now responded to through the night time Security Service, who have achieved greater coverage. Safer Leeds is also working to ensure that local policing teams engage with dealing with this problem.

In view of these changes, it is proposed to amend the constitution to clarify that the Executive Member for Neighbourhoods, Housing and Regeneration has responsibility for domestic noise.

5 Corporate Considerations

5.1 Consultation and Engagement

- 5.1.1 Extensive consultation took place with project partners, key stakeholders including service users, affected staff, HR and Unions prior to full implementation. Further public consultation has taken place with tenant and resident representatives drawn from across the city prior to sign off of the revised ASB Policy & Procedure document.

5.2 Equality and Diversity / Cohesion and Integration

- 5.2.1 Full Equality Impact Assessments were undertaken in relation to both personal (staffing/Accommodation) and procedural changes prior to full implementation. Work is ongoing to ensure equality and diversity data sets are included within all performance reports and additional work is nearing completion to clarify Hate Crime reporting procedures (originally excluded from the ASB review)

5.3 Council policies and City Priorities

- 5.3.1 Effectively tackling and reducing Anti-Social Behaviour is a strategic objective within the one city priorities plan, the vision for Leeds and forms a key strand of the Safer Leeds Plan 2011-2015 that aspires to create safer and stronger communities.

5.4 Resources and value for money

- 5.4.1 Having facilitated a full restructure broadly within existing budgets, and secured where necessary minimal funding support from all project partners (to facilitate changes to ASB case management systems, relocate staff in shared accommodation and reallocate existing resources) the net outcome is a restructured service that it is hoped through more efficient joined up working will demonstrate significant value for money in the longer term.

5.5 Legal Implications, Access to Information and Call In

5.5.1 This report is subject to call in.

5.6 Risk Management

5.6.1 Partners will continue to assess and evaluate the outcomes of implemented changes to determine any risks to service delivery and additionally identify any opportunities for further developmental improvements.

6 Recommendations

6.1 Members are requested to:

- Note the impact of the new Leeds Anti Social Behaviour Team since implementation.
- Note the transfer of the domestic noise service to Safer Leeds.
- Request Scrutiny to examine the development of the noise service in the new Municipal Year.

7 Background documents ¹

7.1 None

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Report of the Director of Resources

Report to Executive Board

Date: 7th March 2012

Subject: Financial Health Monitoring 2011/12 - Month 10

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 ten months of the financial year 2011/12 in respect of the revenue budget.
2. The overall projection at month 10 is an underspend of £0.5m, an improvement of £1.0m from the position at month 9.
3. General fund reserves carried forward to 2012/13 are therefore estimated to be £24.5m.
4. At the end of period 10 the HRA is projecting a surplus of £1.2m.

Recommendations

4. Members are asked to note the projected financial position of the authority after ten 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 ten 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 ten 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 9 projected overspend was £0.5m 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 10

- 3.1 The overall position at month ten has improved by £1.0m from the month 9 position. As members will be aware, the 2011/12 budget assumed £90m of savings, and after ten months of the financial year an underspend of £0.5m is now projected, as detailed in Table 1 below.

Table 1

(Under) / Over Spend for the current period							Previous Month (Under) / Overspend £000	
Directorate	Director	Staffing £000	Other spend £000	Total Expenditure £000	Income £000	Total Under /Overspend £000		
Adult Social Care	Sandie Keene	(1,115)	2,431	1,316	(110)	1,206	1,262	
Children's Services	Nigel Richardson	(1,685)	3,766	2,081	1,149	3,231	3,840	
City Development	Martin Farrington	(65)	1,753	1,688	247	1,935	1,838	
Environment & Neighbourhoods	Neil Evans	1,564	(1,958)	(394)	1,923	1,529	1,510	
Resources	Alan Gay	(276)	649	373	(1,065)	(693)	(323)	
Legal Services	Catherine Witham	740	122	862	(813)	49	75	
Customer Access and Performance	James Rogers	(192)	(129)	(321)	28	(292)	(235)	
Total		(1,030)	6,634	5,605	1,360	6,965	7,968	
Corporate issues								
Debt							(3,300)	(3,300)
Section 278 shortfall							1,800	1,800
Health Service contribution to Adult and Children Social Care							(6,000)	(6,000)
Total							(535)	468

- 3.2 Directorate projections are largely in line with the month 9 position, however within Children's Services the projection for externally provided placements has increased by £0.4m to £10.65m. This has been offset by savings in the staffing budget of £1.7m, an improvement of £0.8m from the projection at month 9.

Within the Resources Directorate, the provision for doubtful debts within housing benefits has been reduced by £0.2m due to better in year collection rates and more debt being collected via ongoing recovery, and further running cost savings across the directorate account for the balance of £0.2m.

- 3.3 The Department of Health recently announced national funding for local authorities to be provided via their health authorities for investment in social care services that also benefit the health system. £2.159m has been allocated to Leeds and it has been agreed with NHS Airedale, Bradford & Leeds that this funding will be utilised to support the increased budget provision made for residential and nursing care placements, home care services and the Adult Social Care contribution towards intermediate care. The extent to which this income will require additional spend in 2011/12 or contribute towards reducing the overall projection for Adult Social Care is still being determined and the Period 10 figures assume a neutral impact.
- 3.4 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 ten projections there are now no very high risks.

5. Recommendations

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

6 Background documents¹

6.1 Financial risk register 2011/12

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Report of **Director of City Development**

Report to **Executive Board**

Date: **7 March 2012**

Subject: **Assets of Community Value – Legislation and Implications**

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. The Localism Act became law on 15 November 2011 and sets out more detail underpinning proposals to give community organisations an opportunity to make a bid to acquire assets and facilities that are important to them known as Assets of Community Value.
2. Applications will be made to the local authority to include an Assets of Community Value on the 'List of Assets of Community Value'. The Council will be required to publish and maintain its list and any asset once placed on the list, will remain on it for a period of 5 years. Assets nominated unsuccessfully must also be retained on a separate list for a period of 5 years with reasons why the nomination was unsuccessful.
3. It is expected that there may be in excess of the 15 Assets of Community Value applications per year estimated by the Department for Communities and Local Government (DCLG) with the potential for this to increase as awareness rises and if service reviews result in council assets potentially becoming available.
4. The main implication for the Council for the sale of listed assets or assets that are nominated in response to any sale proposals, will be at least a six month delay on the disposal process. This could have an impact on the phasing of capital receipts and potentially the availability of capital receipts to fund the council's investment programmes.
5. Although Regulations to be made by the Secretary of State for the DCLG (Secretary of State) are awaited which will regulate how the scheme operates in practice, it is understood that the resolutions propose that landowners will be able to claim compensation for costs directly incurred in complying with the scheme; to be paid

by the Council. The Council may be able to claim compensation for its own affected assets but this has not been confirmed.

Recommendations

The recommendations of the report are:

6. to note that the Localism Act 2011 dealing with Assets of Community Value is expected to come fully into force later this year, once all the Regulations have been made by the Secretary of State, which will have implications for the Council and give approval to the publishing of the proposed field list attached at Appendix 1, for the published 'List of Assets of Community Value' and also the 'List of land nominated by unsuccessful community nominations'.
7. delegate authority to the Director of City Development, in consultation with the Executive Member for Development and the Economy, to authorise inclusion of community nominations which satisfy the criteria set out in the Act in the list of assets of community value and those which would fall into the list of land nominated by unsuccessful community nominations.

1 Purpose of this report

1.1 The purpose of this report is to detail the provisions dealing with Assets of Community Value in the Localism Act to Executive Board and set out the following requirements and potential implications to the Council:

- nominations from groups or individuals that have a 'local connection' (including a Parish Council) will need to be assessed to determine if the asset is of 'community value';
- resources required to set up and maintain the 'List of Assets of Community Value' and list of land nominated by unsuccessful community nominations;
- the potential delay of the disposal of listed and nominated assets of at least 6 months while application are assessed or business cases and funding applications are developed;

1.2 The report seeks approval to:

- the publishing of the proposed field list attached at Appendix 1, for the 'List of Assets of Community Value'
- delegate authority to the Director of City Development to authorise inclusion of community nominations in the list of assets of community value which satisfy the criteria set out in the Act and those which would fall into the list of land nominated by unsuccessful community nominations.

2 Background Information

2.1 Part 5 Chapter 3 of the Localism Act 2011 provides the statutory framework for Assets of Community Value. The Localism Act became law on the 15th November 2011 and sets out more detail underpinning proposals to give community organisations an opportunity to bid to acquire an Asset of Community Value. It is expected to come fully into force in either April or October 2012 once Regulations made by the Secretary of State have been issued.

2.2 Assets of Community Value give community organisations an opportunity to bid to acquire assets and facilities that are important to them. These facilities could include community facilities such as the local shop or the last pub in the village, the community centre, children's centre or library building. The opportunity is only available if the landowner gives notice to sell.

2.3 Community interest groups will have the right to apply for any land or buildings that they consider to be of community value to be registered as community assets. Applications will be made to the local authority to list those of community value. A successful application will result in the asset being registered as an asset of community value for a period of five years. A local land charge will then be placed against the land, notifying any prospective purchase that the asset is on the List of Assets of Community Value.

2.4 Much of the detail within the Assets of Community Value is subject to further clarification to be issued in Regulations to be made by the Secretary of State.

3 Main issues

3.1 Community Nominations of Assets of Community Value

3.1.1 The Assets of Community Value provisions in the Localism Act 2011 will entitle community groups to identify and nominate public or private assets of community value, in their local area.

3.1.2 Nominations for Assets of Community Value can only come from a parish council or by a person that is a voluntary or community body with a 'local connection'. Regulations to be made by the Secretary of State will give more detail as to what is meant by a "voluntary or community body" and "local connection", but may be community organisations or neighbourhood planning forums. Similarly, the detail that must be included with any such nomination has not yet been set out. However, at the very least it is suggested that any nomination should provide details including:

- a description of the asset including address sufficient for it be identified;
- the owner of the property including a copy of the land registry entry for registered land;
- reasons why the asset should be considered as having community value;
- confirmation that the nominator is eligible to nominate.

3.1.3 Local authorities could also request additional information considered to be relevant.

3.1.4 To assist community groups in preparing nominations, the Council will produce a nomination form, which will be available to download from the Council's website or sent directly by request.

3.2 Definition of an Asset of Community Value

3.2.1 The Act states that a building or land is of community value if, in the opinion of the Council:

- an actual current use of the building or land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
- it is realistic to think that there can continue to be a non-ancillary use of the building or land which will further the social wellbeing or social interests of the local community, although the use does not have to be in the same way.

3.2.2 Land is also of community value if it is not currently used to further the social wellbeing or interests of the local community, but was used for such purposes in the recent past and is realistic to think it could be used again for such purposes in the next five years.

3.3 Assessment Procedure for Assets of Community Value

3.3.1 Once a nomination for an Assets of Community Value listing is received, it will be assessed by Asset Management. A robust assessment procedure will be used to assess requests to nominate community assets. Subject to Regulations to be made by the Secretary of State, the proposed process is:

1. Application received by the Council and logged onto a database

2. Nominator checked for eligibility. Ineligible nominations will be rejected.
3. Application checked for completeness. Incomplete applications will be returned to the nominator.
4. Ownership checks take place.
5. Owner notified of application and offered opportunity to object. Deadline of two weeks to be given
6. Appraisal undertaken by officers in City Development and a report passed to the Chief Asset Management Officer for authorisation. This formally approves the inclusion of the subject property in the register of community assets or in the list of unsuccessful community nominations.
7. Community group and landowner notified of decision
8. Property entered into register
9. Local Land Charge registered against the land
10. Leeds City Council website updated weekly

More detail on the proposed process is included in the flowchart at Appendix 2.

3.4 List of Assets of Community Value

- 3.4.1 As mentioned above, as part of the Assets of Community Value proposals, a local authority is required to maintain a 'List of Assets of Community Value' (this wording must be used), including both public and private assets. Unsuccessful nominations must also be published in the 'List of land nominated by unsuccessful community nominations'
- 3.4.2 Once an asset is nominated by an eligible person or group, the local authority will consider whether the nominated asset meets the definition of 'community value'. If it does, the asset must be placed on the list.
- 3.4.3 Once placed on the list, an asset will remain on it for a period of 5 years. If an asset is placed on the list, this means that when the owner decides to sell their property, they must inform the local authority of their intention to do so.
- 3.4.4 The lists will be updated weekly and published on the Council's main website. They will also be available in hard copy format. Data for inclusion in the lists will be decided by the local authority. This information needs to be recorded in a way that allows maps of Assets of Community Value properties to be produced, although the lists will be published as tables. Leeds are proposing to publish the fields as shown in Appendix 1.

3.5 Implications to Leeds City Council from Administering Assets of Community Value

- 3.5.1 There will be a resource implication for the Council in administering the scheme. This will largely be dependent on the scheme's popularity in the district, which is very difficult to predict. In assessing the impact of the proposed scheme the DCLG undertook an exercise to measure the cost implications for all Local Authorities. The DCLG figures found that for the average local authority, officer time needed to be spent on the scheme breaks down as follows:

Setting up the list of community assets including 7 days (one off)
publicising the list.

Assessing what goes on the list	18 days per year
Publicity and queries	4 days per year
Handling moratorium and sale periods	18 days per year
Five yearly review of listed assets	4 days per year (years 5-10 only)
Total year 1 (assuming full year)	47 days
Total years 2-4	40 days
Total years 5-10	44 days

3.5.2 These figures are based on the average local authority. Leeds has a population of around five times¹ the average local authority, so potentially could require five times the resources stated above (except for setting the list up which should take the same amount of time). This would give

Total year 1 (assuming full year)	207 days
Total years 2-4	200 days
Total years 5-10	220 days

3.5.3 The DCLG impact assessment estimates a total of 1,048 applications to nominate assets in England per year for the first six years (an average of 3.2 per authority). Applying the same formula as used above, this would result in 15/16 applications being made per year in Leeds, with an expected two per year going through the full process to sale.

3.5.4 Leeds City Council has a high level of community related activity, with high numbers of community centres and community asset utilisation. The authority manages 51 community centres and has a further 24 on lease to local organisations. Ongoing asset rationalisation is leading to increased enquiry levels from community groups. There are currently 11 asset transfer requests currently being progressed by the Council. These figures suggest that take up of the scheme in Leeds could be higher than the DCLG estimate. However, the administration will be managed within existing resources in Asset Management.

3.5.5 The DCLG impact assessment estimates a total of 1,048 applications to nominate assets in England per year for the first six years (an average of 3.2 per authority). Applying the same formula as used above, this would result in 15/16 applications being made per year in Leeds, with an expected two per year going through the full process to sale.

3.6 Appeal by Landowner

3.6.1 In these circumstances the process will require the Council to notify the landowner and any occupier of the land when an Assets of Community Value nomination to list their asset has been received in writing. The landowner will then have a set period to submit an objection. If the objection is unsuccessful

¹ Total estimated England population 2008 = 51,456,400. Total estimated Leeds population 2008 = 787,700. 326 local authorities affected by ACV. 51,456,400 divided by 326 = 157,842. 787,700 divided by 157,842 = 5

and the asset included in the list of community assets, the landowner will have a right to appeal. If the request is made in accordance with the Act and any timescales set out by Regulations made by the Secretary of State, the Council has to review the decision.

3.6.2 The review process is by way of an internal review. Again Regulations to be made by the Secretary of State will set out the procedure to be followed on any review. It is anticipated that the landowner will be able to present any relevant evidence for consideration by the local authority, (including anything that has come to light since the decision to list the asset was made, the review should be undertaken within six weeks and the decision on the review should be taken by an officer who is equal in rank or more senior to the officer who took the decision to list the asset and who wasn't involved in the original decision. The Secretary of State may also allow the landowner to request an oral hearing as part of the internal review.

3.6.3 Should the landowner still be dissatisfied, Regulations may provide for an appeal to be made to a court or tribunal, but the decision would always be open to a claim for judicial review..

3.7 Notifying an Owner with No Known Name or Address

3.7.1 It is likely that for some nominations the owner of the property will be unknown. The Act enables a local authority to take reasonable alternative steps to bring the notice to the person's attention. Depending on the nature of the land, it is proposed that this would be addressed by the Council:

- placing a notice on the land or building itself; and/or
- placing a notice in the local newspaper; and/or
- posting a notice on the Council's website.

3.7.2 Councils can also use powers under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. However, whether local authorities choose to make use of these powers would be at their discretion. Using these powers has a cost implication. Land Registry searches can be undertaken for £8. This will be the preferred method. Searches which identify the land as not being registered at the Land Registry will cost £5.

3.7.3 It will be for the Council to decide the period to give an unknown landlord to respond to any notice issued. It is proposed that the Council will place a notice on the land or building and post a notice on the Council website.

3.7.4 Ultimately if the landowner cannot be identified, this should not prevent the registration of an asset on the list of assets of community value.

3.8 Removal of Assets from List of Community Assets

3.8.1 The Council must remove an asset from the list of assets of community value when:

- the specified listing period has ended (currently proposed to be five years);
- the asset is disposed of under the terms of the Act

- an internal review or other appeal decides that the asset has been wrongly listed;
- the Council may also be granted powers to remove an asset from the list if the asset is no longer of community value.

3.8.2 The Council must inform the landowner and any nominator that the asset has been removed from the list. There is nothing to prevent an asset that has been removed from the list from subsequently being re-listed.

3.9 Procedure for Disposal of Listed Assets

3.9.1 Once an asset is included in the register, the owner must give the Council notice that a relevant disposal is intended. A relevant disposal is defined as the sale of the freehold or assignment of a lease of at least 25 years, only when the disposal grants vacant possession. Upon receiving the notice the Council must:

- enter details on the list of community assets including that the Council has received the notice, the date the notice was received, the end of the initial moratorium period, the full moratorium period and the protected period; (as defined in the Act and below)
- if the asset was listed in response to a community nomination, then the nominator must be informed in writing;
- arrangements must be made to publicise the matter in the area where the asset is situated.

3.9.2 Once the Council has received notice for the owner the initial moratorium period (also known as the interim window of opportunity period) will begin. This gives community groups a period of time to register with the Council to be treated as a potential buyer. The timeframe for this is six weeks. If no eligible group registers written interest in that time period then the owner will be free to dispose of the asset.

3.9.3 If an eligible group submits an expression of interest then the full moratorium period (also known as the full window of opportunity period) will begin. This will give the community group six months (including the interim window of opportunity period) to put an offer together for the property. The owner may only make a relevant disposal within this period if the disposal is to an eligible community group.

3.9.4 Once the full moratorium period is over the owner is free to dispose of the asset to whoever they wish. There is absolutely no obligation on the landowner to dispose to an eligible community group. This process is set out in Appendix 3.

3.9.5 The owner will have a period of time known as the protected period to dispose of the asset without having to incur another delay. The time specified for this period is eighteen months from the date notice to sell was provided to the Council. Therefore, if the full window of opportunity period is six months, the owner will have a further twelve months to dispose without having to go through the process again.

3.9.6 Failure by the owner of an asset to follow the correct procedure could lead to enforcement action. It is the responsibility of a local authority to take action to enforce the provisions of this part of this Act in accordance with Regulations to be

made by the Secretary of State. This might, for example, enable any group that would have considered themselves as an eligible bidder under the provisions of the scheme to lodge a complaint in Court on the grounds that the owner has not complied with the statutory requirements of the scheme. This could potentially result in the sale being set aside, rendering the transaction ineffective and compensation being paid.

3.10 Implications for LCC as landowner

- 3.10.1 It is likely that a high percentage of assets included in the Leeds list of community assets will be owned by Leeds City Council.
- 3.10.2 The main implication as per Assets of Community Value for the sale of a listed asset will be a six month delay in the disposal process. However, it is considered very likely that the six month period will not be sufficient for community groups to raise the necessary finance. At this stage the Council could legally dispose of the building on the open market. However, if a community group has taken six months to work on a bid, it would be a reasonable approach to provide either an extension of time for funding to be raised or a transfer could be considered on a less than best consideration basis subject to a business case. Both options would have a impact on the capital receipts programme. It is impossible to accurately anticipate the level of implications at this time, but Property Services have been fully briefed on Assets of Community Value and are considering it as part of their plans. Their business unit will be treated as the landowner for any Council owned Assets of Community Value nominations so will be informed if any Council assets are placed on the list of community assets.
- 3.10.3 It should be noted that although the Assets of Community Value process requires that a relevant disposal does not take place for six months, marketing could continue throughout this period.
- 3.10.4 The Localism Act 2011 has significant implications for local communities throughout Leeds. Consultation has taken place with area leaders and Area Committees to inform them of the detail of the Act and its implications for local communities, landowners and the Council as a whole.
- 3.10.5 A separate report on this issue deals with the potential impact on the Council in terms of its approach to community asset transfer.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 DCLG consulted widely on Assets of Community Value at the national level. A response was submitted by Asset Management on behalf of the Council.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Assets of Community Value forms part of the Localism Act dealing with community empowerment and is being implemented by central government. Locally, equality considerations need to ensure that the published list is produced in an accessible format. An EIA Screening Form has been completed in relation to the proposed decisions being taken.

4.3 Council policies and City Priorities

4.3.1 Although a central Government piece of Legislation, implementation of Assets of Community Value contributes to the Vision for Leeds and the City Priority Plan priorities that Leeds will be fair, open and welcoming and that all Leeds communities will be successful. The strategic outcomes for these priorities include:-

- increase a sense of belonging that builds cohesive and harmonious communities;
- Leeds will be a city where there is a strong community spirit and a shared sense of belonging, where people 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;

4.4 Resources and value for money

4.4.1 The scheme could delay the disposal of any Council asset included in the list by up to six months. During this time the Council will continue to be liable for NNDR (business rates), security costs (where appropriate) and utility standing charges. The major cost is likely to be NNDR, especially since empty property rates are payable at 100%.

4.4.2 It is possible that Assets of Community Value will result in an increase in less than best consideration requests from community organisations. The Community Asset Transfer Policy, set out separately in this agenda, will mitigate this risk by setting out when the Council will consider requests for community asset transfer.

4.4.3 CLG's impact assessment sets out the likely demand for Assets of Community Value and the resources required to administer the scheme. Their figures show that Leeds City Council will need to allocate 200-220 hours per year officer time to administering the scheme. Internal estimates agree with DCLG's overall assessment of required officer time.

4.4.4 It is proposed that landowners will be able to claim compensation for actual costs incurred in complying with the scheme. The compensation will be paid by the Council. The budget for this will be considered and budgeted through the New Burdens Assessment. Compensation claims will have to be submitted within a stipulated time limit, proposed to be 90 days.

4.4.5 It is unclear whether the Council itself would be able to claim compensation for its own affected assets. There is nothing in the Act itself that excludes this, although DCLG's consultation document stated that "private landowners" could claim compensation and sought consultation on the definition of "private landowners".

4.4.6 The average compensation claim is estimated at £2,000. The DCLG impact assessment estimates one successful compensation claim for every 4.5 successful transfers. Using the estimated take up figures from this assessment, this would result in less than one successful claim on average in Leeds each year. Total estimated compensation would therefore be £2,000 allowing for one successful claim.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Council is responsible for introducing these arrangements in accordance with the requirements of the Localism Act 2011 and subsequent Regulations. The Council would be in breach of its' statutory obligations if it did not do so.
- 4.5.2 There will be a need to fully assess the legal implications of this part of the Localism Act once the Regulations are in place.
- 4.5.3 Legal advice will be required in the event of any challenge regarding the compliance with the requirements set out in the Act, and in particular in relation to listing of an asset as an Assets of Community Value.
- 4.5.4 Under the Council's Constitution, a decision may be declared as being exempt from Call In if it is considered that any delay in implementing the decision would seriously prejudice the Council's or the public interest. Any delay may prevent the Council from introducing the arrangements set out in this Report, but the Council has no option but to do so.

4.6 Risk Management

- 4.6.1 Much of the detail within the legislation is subject to regulations that have not yet been published. However, this is limited to technical details and not issues that should affect the process of assessing nominations.
- 4.6.2 There is a risk of confusion among local communities about what Assets of Community Value actually allows community groups to do, and that this leads to raised aspirations among communities that they will have a right to take over a property. All documents produced for Assets of Community Value and the Assets of Community Value section of the website will make clear that Assets of Community Value only grants the limited rights to register an asset of being of community value and that if the landowner decides to market the property, it only gives them the right to a six months period to develop a bid that may or may not be accepted.
- 4.6.3 The same risk applies to landowners whose assets are nominated. This risk will be mitigated by making the rights and their implications clear in all correspondence, especially when a landowner is informed that: a nomination has been made; when a decision has been taken to list an asset; and, when setting out the appeals procedure.

5 Conclusions

- 5.1 Assets of Community Value is a right within the Localism Act for communities to bid to take over assets and facilities they consider to have community value, from either April or October 2012. It will have implications for Leeds City Council in terms of both staff resources and from compliance as landlord. It is very difficult to estimate the likely take up so the impact on staffing resources or the capital receipts programme are unknown at present. Community use of assets is a popular topic in Leeds and some communities are particularly active in this area. It could be that in some neighbourhoods there are numerous applications for the scheme. However, the scheme only grants limited rights and it may be that due to this the reaction of the Leeds community is to not nominate assets, although this is considered unlikely.

5.2 Local Authorities will be required to assess nominations to list assets and to keep and publish a List of Assets of Community Value and a List of Unsuccessful Community Nominations. This will require additional resource from the Council. Communities and Local Government (CLG) have estimated likely demand and officer time required for the typical local authority. These estimates show that in Leeds there could be 15 or 16 successful nominations per year and these will require 200-220 hours of officer time.

5.3 Assets of Community Value will also have an implication for the Council as landowner. It is likely that a high proportion of listed assets will belong to the Council. This may result in a delay of six months for disposal of each registered asset.

6 Recommendations

6.1 Executive Board is requested to:

- to note that the Localism Act 2011 dealing with Assets of Community Value is expected to come fully into force later this year, once all the Regulations have been made by the Secretary of State, which will have implications for the Council and give approval to the publishing of the proposed field list attached at Appendix 1, for the published 'List of Assets of Community Value' and also the list of land nominated by unsuccessful community nominations".
- delegate authority to the Director of City Development, in consultation with the Executive Member for Development and the Economy, to authorise inclusion of community nominations which satisfy the criteria set out in the Act in the 'list of assets of community value' and those which would fall into the 'list of land nominated by unsuccessful community nominations'.

7 Background documents²

7.1 Equality Impact Screening Form

DCLG Consultation paper "Proposals to introduce a Community Right to Buy – Assets of Community Value"

Leeds City Council response to DCLG Consultation

² The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Appendix 1 – Field Lists

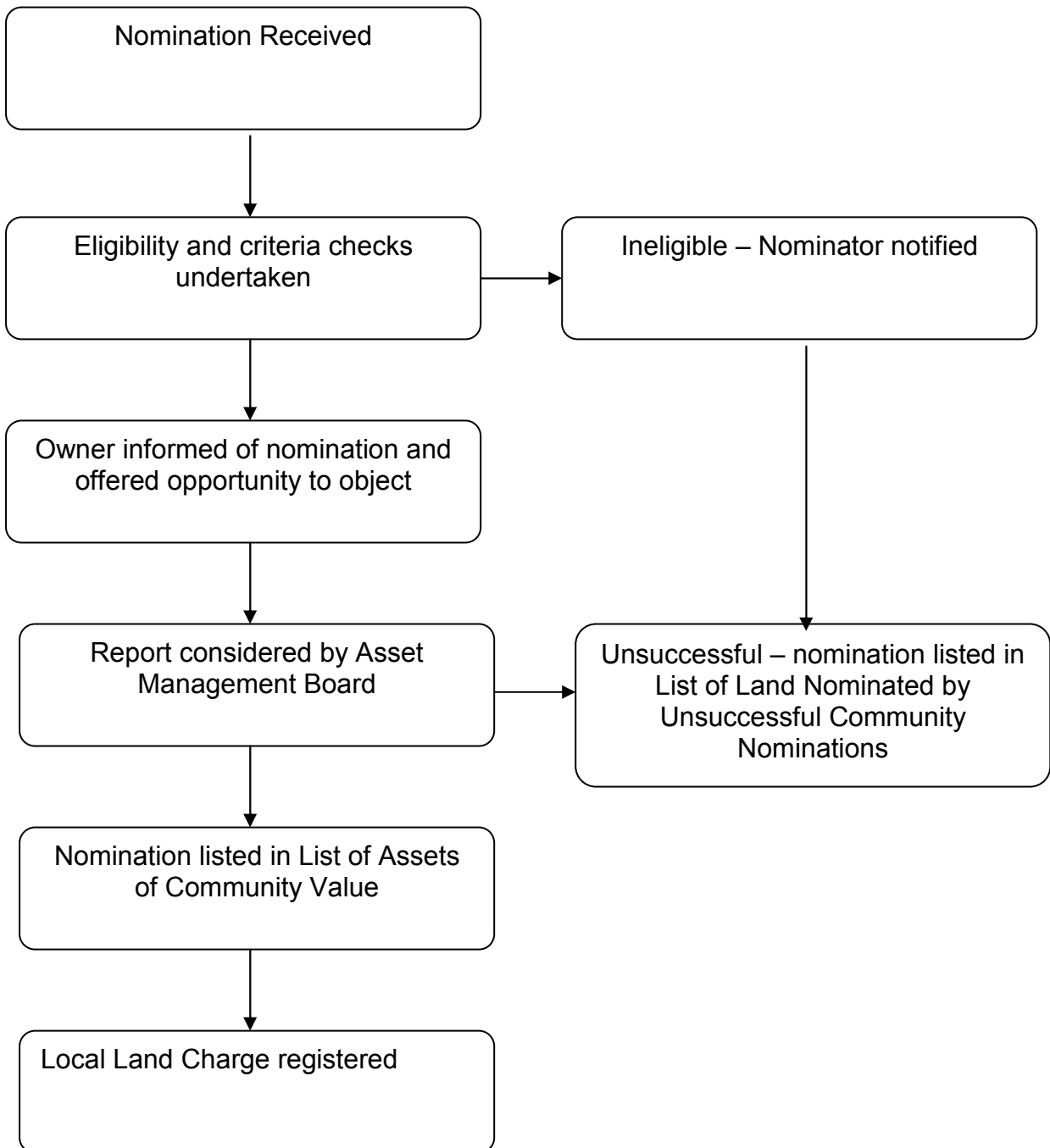
List of fields for List of Assets of Community Value

Field	Type	Publish
Property Reference	Auto Number	y
Date of nomination	date	n
Property Name/number	Text	y
Property Address	Text	y
Property postcode	postcode	y
Easting	Text	n
Northing	Text	n
Nominator Name	Text	y
Nominator Address	Text	n
Nominator postcode	postcode	n
Nominator Contact	Text	n
Nominator is local	Text	n
Owner	Text	y
Owner Address	Text	n
Owner postcode	postcode	n
Owner Contact	Text	n
Ownership level (freehold/leasehold)	drop down	y
Ownership verified	date	n
Date owner informed of nomination	date	n
Ward	drop down	y
Area committee	drop down	y
Date listed	date	y
Date listing expires	date	y
Rationale for listing	Text	y
Status	drop down	y
Date listing referred to legal for registering	date	n
Date listing Registered	date	n
Date disposal notice received	date	y
End of initial moratorium period	date	y
Date expression of interest received	date	y
End of full moratorium period	date	y
End of protected period	date	y
Date disposed	date	y
Disposal method (freehold/leasehold)	drop down	y
Successful ACV?	yes/no	n
Purchaser	Text	n
Amount paid	currency	n

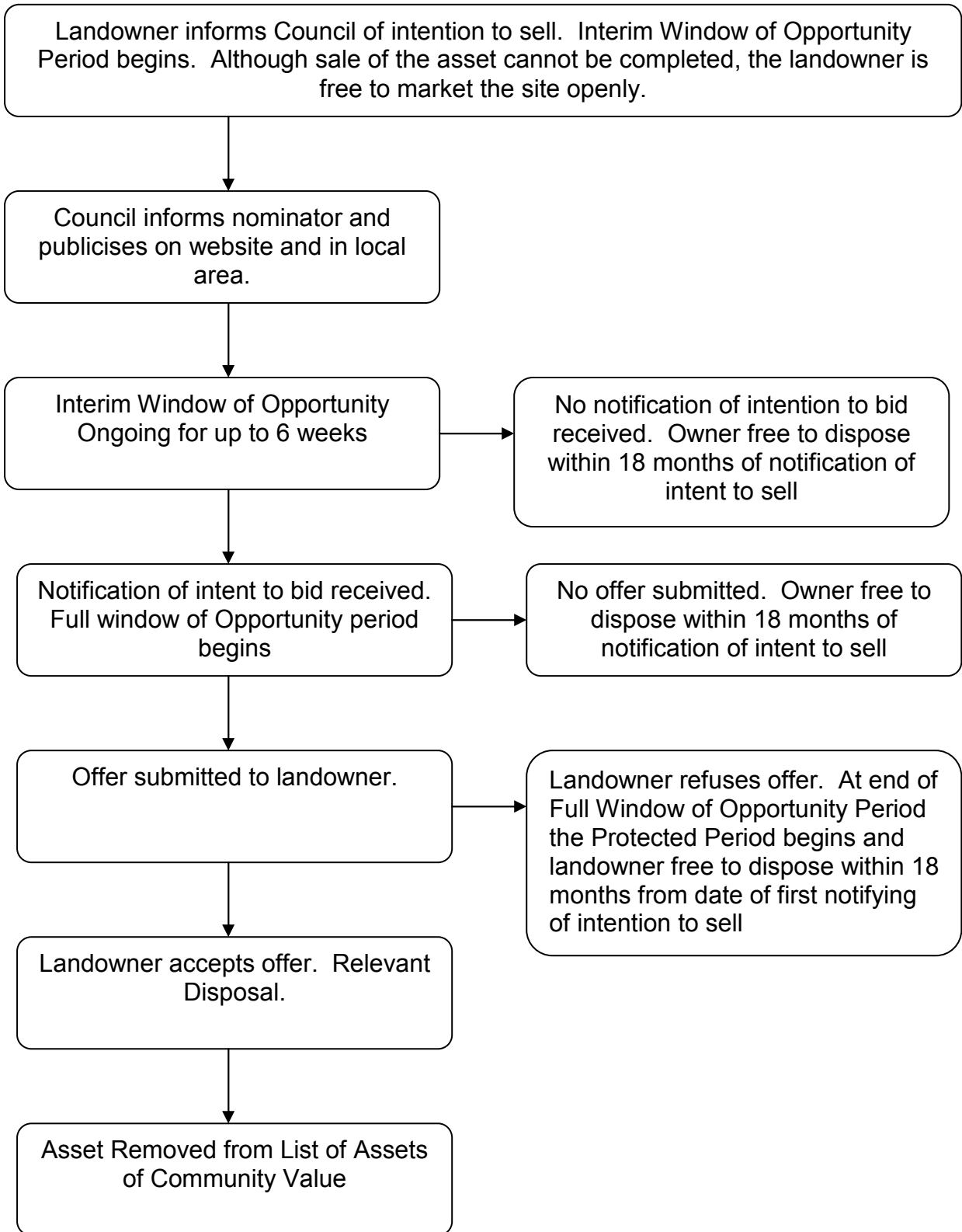
List of fields for List of Unsuccessful Community Nominations

Field	Type	Publish
Property Reference	Auto Number	y
Property Name/number	Text	y
Property Address	Text	y
Property postcode	postcode	y
Nominator Name	Text	y
Nominator Address	Text	n
Nominator postcode	postcode	n
Nominator Contact	Text	n
Owner	Text	y
Owner Address	Text	n
Owner postcode	postcode	n
Owner Contact	Text	n
Ownership level (freehold/leasehold)	drop down	y
Ward	drop down	y
Area committee	drop down	y
Date listed	date	y
Date listing expires	date	y
Rationale for not listing	Text	y

Appendix 2 – Process for assessing nominations



Appendix 3 – Process for Disposal of Listed Assets



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Report of Director of City Development

Report to Executive Board

Date: 7 March 2012

Subject: Community Asset Transfer

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

This report sets out the background to community asset transfer. It outlines the context in terms of Government policy; the benefits of community asset transfer; the Council's experience to date and lessons learned; and, sets out a draft policy and assessment framework for consideration by Executive Board for future community asset transfers.

Community asset transfer is a valuable part of supporting and sustaining the third sector and can bring regeneration and service benefits to Leeds communities. It supports the Leeds Vision aspiration that Leeds will 'be fair, open and welcoming and that all Leeds communities will be successful'.

There has been a number of recent cases where community asset transfer has been proposed as a potentially positive way forward when service reviews have proposed relocation or rationalisation of facilities. The principle of exploring community asset transfer in these circumstances is appropriate. However, in absence of a clear and agreed policy and framework there is a risk that expectations may be raised about continuing Council financial support and about a positive outcome from the Council's assessment of potential community asset transfers even, where the case for doing so may not be sufficiently robust.

The Council currently assesses community asset transfer proposals individually, although using an officer based framework, based on the strength of business plans, taking into account a mix of service, area committee and ward member

support along with corporate considerations including the potential alternative used for the site within the Council or for sale. A framework will provide consistency and guidance to communities, members and officers about the process and will allow more consistent assessment.

Recommendation

Executive Board is asked to consider and agree the proposed draft policy and framework documents attached to this report for use in assessing community asset transfers. The draft will be subject to two month consultation period from 1st April to 31st May 2012 with a final version brought back to Executive Board in July 2012.

1 Purpose of this Report

- 1.1 This report sets out the background to community asset transfer. It outlines the context in terms of Government policy; the benefits of community asset transfer; the Council's experience to date and lessons learned; and, sets out a draft policy and assessment framework for consideration by Executive Board for future community asset transfers.

2 Background information

- 2.1 Community asset transfer is the 'transfer of land or buildings from the Council's management or ownership, into the stewardship of third sector organisations'. Depending on the social, economic or environmental benefits generated, the transfer will be at market value or on a subsidised basis, although in reality it is very often subsidised.

- 2.2 The Council has provided property leases on a 'less than best consideration' basis to community organisations for many years. It was as a result of the Quirk Review 'Making Assets Work – Community Management and Ownership of Public Assets' in 2007 that the term "community asset transfer" came to prominence to describe these type of transactions. The Quirk Review found and recommended that:

- the social or community benefits of community management and ownership of public assets can outweigh the risks and often the opportunity costs in appropriate circumstances;
- a major programme of awareness raising and capacity building for the evaluation of benefits and risks needs to be generated;
- local authorities and other public bodies should take a more corporate approach to their asset portfolio and their relationship with the community sector

- 2.3 The Government's Big Society concept and localism agenda encourage communities to seek empowerment including owning assets that are important to them. This has resulted in increasing community asset transfer requests from community organisations as well as services proposing to offer assets for

community asset transfer. The Localism Act 2011 is likely result in even more interest. A report setting out Assets of Community Value provisions is being considered separately on Executive Board's agenda.

- 2.4 Publicity surrounding the concepts of Big Society and Localism, along with the Government's challenging budget settlement, have led services to look at asset transfer as an option for some of the assets they currently use. There are instances where unrealistic expectations have been built up, which could have been avoided had guidance about the realities of the costs and responsibilities of community asset transfer been available.
- 2.5 An agreed approach is needed so that elected members, Council officers and the community all understand what we are trying to achieve, gives us a framework within which to deal with community asset transfer requests and enables us to consider community asset transfer proactively to meet service or community needs. This approach is set out in the draft policy at Appendix 1.
- 2.6 A consistent approach is proposed which seeks to inform decision making. It seeks to support asset transfer requests that offer value for money and have the capability to deliver and sustain priority community needs or services. It aims to assist officers and elected members of the Council to consider the benefits and risks of each proposal in a consistent manner and where appropriate to use community asset transfers to support its strategic objectives. It will also assist communities and organisations pursuing asset transfers to understand the requirements and the need for robust proposals.

3 Main issues

- 3.1 A number of community asset transfers have taken place with positive results for services and communities. They have led to the restoration of significant building (e.g. SHINE at the old Harehills middle school, and Tiger 11 at the ex-Hillside primary school. They have increased local community involvement and capital and provided a dynamic range of activities in areas in regeneration areas. Community asset transfers have also supported struggling organisations to turn things round. There have been a number of community asset transfer projects in Leeds over the past few years. Recent transfers include:-

Woodhouse Community Centre - Oblong
Cardigan Centre – The Cardigan Centre
Chapeltown Enterprise Centre – Unity Enterprise
Leeds Media Centre – Unity Enterprise
Headingley Primary School/HEART – Headingley Development Trust
Middleton Enterprise Centre – Health for All
Harehills Middle School/SHINE – Harehills CIC
Hillside Primary School – Tiger11

- 3.2 Proposals for community asset transfer currently under consideration include:-

Royal Park School – Royal Park Community Consortium
Bramley Baths – Friends of Bramley Baths
Shadwell Library – Shadwell Parish Council & Friends of Shadwell Library

Rawdon Library – Friends of Rawdon Library
Drighlington Library and Meeting Hall – Council offer, no organisation at present
Cow Close Library - Council offer, no organisation at present
Bramley Lawn Day Centre – Bramley Elderly Action
Holbeck Day Centre – Holbeck Elderly Aid
Holbeck Youth Centre – Health for All
Garforth Sports Centre – Schools Partnership Trust
Gildersome Meeting Hall – Gildersome Parish Council
Dolphin Manor – Friends of Dolphin Manor

- 3.3 Each transfer is different, but there are some common issues and lessons to be learned from them all:-

Value

- 3.3.1 In transferring an asset the Council needs to take into account the site value. This is because the Council has a duty to seek best consideration. It is also because the Council needs to consider what value it may be transferring, and the potential opportunity cost in terms of receipt lost, should the Council decide to use its wellbeing powers for a 'less than best consideration' disposal.
- 3.3.2 Some community asset transfers have been on the basis of market value, and some have been at nil consideration. Whilst the cost of purchase is often small in comparison with the likely spend by the organisation on refurbishment, the Council needs to take into account the relative importance of the transfer in delivering Council services (is it an alternative provider or an extra provider?). The Council will also need to take into account extent to which the organisation will need support to get established and to ensure long term sustainability and whether there is a case for a below market disposal or not. The draft policy and framework address this issue.

Tenure

- 3.3.3 Whether buildings should be transferred on a freehold or leasehold basis requires consideration. Quite often organisations assume that community asset transfer means the transfer of the freehold of the property. However, any freehold transfer at less than market value would require us to take steps to protect our investment in a transfer. This is difficult to do if the freehold title is released. Long lease agreements allow us to make sure that properties transferred are used for the purpose intended when the decision was made to transfer the building. Flexibility will be shown in the detail of the lease, but as a general rule use will be limited to being mainly for community benefit. There have not been any circumstances where organisations have been able to show that a freehold is essential to their asset transfer project. The draft policy proposes that any less than market value community asset transfer will only be on a leasehold basis, and that freehold transfers will only take place if full market value is paid.

Loan Dependency

- 3.3.4 The major expense for organisations involved in community asset transfer has generally been the cost of conversion / refurbishment. This can lead to the organisation taking over the asset being under significant financial pressure to meet loan repayments, and presents a major risk to their business plan. This risk

needs full and realistic consideration at the start of any appraisal. In addition, organisations hoping to take forward community asset transfer should consider very carefully the extent to which high quality and costly conservation / refurbishments are necessary. This may be the case with derelict buildings or may be necessary for income generation, but the extent of necessity should be tested. This is an area where some independent advice to the organisation hoping to receive the asset from an organisation like Leeds Ahead may be most valuable.

Service Subsidies

- 3.3.5 Organisations using existing community centres to the point of transfer, including Council services, may not have been paying any or full cost for the use of the facilities. Such agreements can't continue post transfer because it would be to the financial detriment of the organisation taking over the asset, especially if there are loans and other costs to cover. The needs of such organisations and how they are affected by community asset transfer proposals needs to be fully considered between all parties as part of consultation on any such proposed transfer. In proposing a building for closure or a transfer of services elsewhere, a Council service may assume the whole of the saving should be realised. However, it may be that some of the budget will need to be transferred to the Council service using the facility to cover the changes they will have to pay in future. A related issue is where community or third sector organisations are using a transferred asset and the basis upon which they have been using them has been free or subsidised. The business plan of the organisation taking over the asset is unlikely to be able to work if there is free use or an expectation of subsidy that is not covered by a third party (often the Council). The effect on user organisations and the need for them to build in new costs of rent to future grant applications will need to be taken into account in the assessment.

Service Transformation / value for money

- 3.3.6 Where a community asset transfer proposes to replace a Council service the saving to the Council and value for money in the service delivery will need to be taken into account. How this is assessed will depend on the extent to which the Council has a continued service need in that area and the extent to which the proposal deliver in the most cost effective way.

Separation of Service and Buildings

- 3.3.7 In some proposals, a community asset transfer request is submitted to save or continue the service. In some cases, the use of the particular building may have community or emotional importance, but the service could continue in the locality in other buildings, possibly within existing community provision. The draft policy proposes that services and buildings should be viewed separately. If there is a basis on which a service could or should continue, albeit in a different form perhaps through community or voluntary organisation provision, it is a separate matter and test as to whether the service should be run from the original building or not.

Viability Risk Level in Transfers

- 3.3.8 Asset transfer proposals are submitted in the form of business plans and are tested for viability. The test is important so that the Council and the organisation are aware of the risks and the Council in particular is aware of the potential risk that it may be asked for support at a later date should problems arise. The policy and framework

give a consistent approach to testing viability and for the assessment to be taken into account by the organisation wishing to pursue the community asset transfer, and the Council in its decision making about it. Sponsoring services will provide specialist support during the assessment alongside asset management who will ensure consistency. It may be helpful that independent verification is included in the assessment which could be provided through Leeds Ahead or via Locality's Fit For Purpose Healthcheck (Locality was formerly the Development Trust Association) which provides an independent assessment of community organisations' abilities and viability of proposals.

Delays to Disposal

- 3.3.9 There are examples of organisations declaring interest in purchasing assets that have been marketed for disposal. Often these groups do not immediately have access to the necessary finance and ask for marketing to be delayed while they raise funding. Issues such as this will be covered by Assets of Community Value legislation in the Localism Act which will give community groups a period of six months to develop bids for assets that are of community value and have been registered as such. However, consultation on the legislation and experience of fundraising timetables shows that six months is usually the minimum amount of time necessary. It will need to be decided whether the Council's policy will be to work within the Act time limit or whether extensions could be given where there is a very realistic prospect of a community asset transfer at an agreed market value. There are cases where extended periods of time have been given to community organisations that did not have any realistic chances of being able to raise the funding necessary. It is recommended that the standard time allowed is six months, as per the Act, assuming the asset is on the Leeds List of Assets of Community Value. Where there are very special circumstances, when it is the view of the Council that a proposal has significant potential but requires more time, extensions could be agreed.

Social Enterprise, Charities and Wider Community Benefit.

- 3.3.10A number of asset transfer projects have highlighted inconsistencies in subsidies provided to some organisations and not others, particularly in terms of free lets and leases. There is also the risk of transferring an asset to a social enterprise or charity that provides services in a specific area and then having to provide other facilities for that service provision. This is a particular issue in social care where there is a lot of local community or third sector service provision. The draft policy sets out that community asset transfers will have to show the extent to which they benefit the whole of the local community, or where the focus is on specific groups or activities.

Need to Ensure Asset Transfer Decisions Not Taken in Isolation

- 3.3.11 In order to avoid decisions being taken in isolation and without regard to the wider context the draft policy allows for corporate considerations to be taken into account by Council services when considering the potential of community asset transfer as part of their own service transformation plans.

Opportunity Cost

- 3.3.12 The financial impact of a potential community asset transfer needs to be clearly understood. The opportunity cost of any transfer needs to be considered as part of

the decision making process about community asset transfer. If a property is transferred to the local community rather than being sold, the impact on the capital programme will need to be considered. In the past 22 years the council has realised £425m in capital receipts for re-investment in the council's capital priorities. Likewise, if the Council will need to resource any of the refurbishment or grant aid the service, these costs will need to be taken into account. In arriving at a recommendation for (or against) a community asset transfer, the Council will need to balance the community benefits that could be achieved with the transfer against the potential lost capital receipt and any revenue savings that may be achieved in a transfer. In the future this balance will be explicit in reports requesting community asset transfer decisions.

3.3.13 Given the increased interest in community asset transfer there is real potential for a significant impact on the capital receipts programme. The overall impact of community asset transfers on the capital receipts programme will be recorded to keep track of the impact.

The draft policy

3.3.14 It is acknowledged that the circumstances surrounding each community asset transfer proposal is different. However, there is a need for a guiding policy that ensures a consistency of approach while allowing individual characteristics to be considered.

The draft policy sets out guidance about:

- the value paid for any property lease in terms of balancing the impact of any charges payable on the business plan, the community benefit and the need to generate income for the Council. Any subsidised or less than best consideration transfer will require the support of a sponsoring service;
- the scale of the project and the resources of the proposing community organisation will be carefully considered.
- should Council services and users and external organisations currently receiving lettings that are not re-charged have to pay for use after any asset transfer and if not this is likely to make Community Asset Transfers less viable.
- community asset transfer should usually be on a long lease basis of between 25 and 99 years rather than freehold. Freehold transfer should only be considered where full market value is paid;
- consideration must be given as part of the appraisal discussions to the suitability of the property for the service and whether or not the service can be accommodated elsewhere in the community's area;
- where requests are made for a delay in marketing to an asset of community value, the timetable given in the Localism Act be used unless there are exception circumstances Where an extension could be recommended;

- organisations submitting proposals without viable business plans or evidence of the funding required will be rejected and alternative uses for the subject property sought;
- leases will be on a full repairing and insuring basis;
- independent support to the organisation should be offered if necessary to provide an independent assessment /validation of their business plan viability which can then be used as part of the Council's assessment;
- a consistency check will be built into the assessment process so that decision making is clear and that proposals are considered in a consistent way, whilst taking onto account the individual cases and circumstances.

The policy also sets out guidance for circumstances when a community asset transfer would not be considered:

- activities taking place in any transferred asset must be for the benefit of the wider local community. Projects that focus on particular groups, have restricted membership or focus on a specific service delivery will not be considered;
- if there is a need for continuing service delivery from an asset then it will not be made available for asset transfer;
- through an assessment of the capital receipts value, where on a case by case basis, the sale is considered to be a greater priority than the community asset transfer proposal;
- assets that focus on religious worship will only be considered if disposed of at open market value. Proposals from religious organisations to provide facilities for the wider community with open access arrangements can be considered. In such circumstances all faith groups will be treated equally;
- there may be circumstances where we have no immediate use but do have a medium to long term need for an asset. In such circumstances community asset transfer will not be possible, although meanwhile community use would be considered.

3.3.15 Whilst accepting that each community asset transfer will be different, exceptions to these draft policy guidelines, will need a strong business case supported by the sponsoring service directorate.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 During the drafting of this policy consultation has taken place with service areas dealing with economic development, community regeneration and property. Following Executive Board consultation will take place with ward members, area

leaders and the community sector in Leeds, especially with their support organisations such as Voluntary Action Leeds and Locality.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 By its nature as a corporate policy aimed at communities throughout Leeds, the policy will apply across all communities. Individual proposals for community asset transfer will be screened for equality, diversity, cohesion and integration to assess if they have any implications for the equality characteristics. An EIA Screening Form has been completed in relation to the proposed decisions being taken

4.3 Council policies and City Priorities

4.3.1 This policy contributes directly to the Vision for Leeds and the City Priority Plan priorities that Leeds will be fair, open and welcoming and that all Leeds communities will be successful. The strategic outcomes for these priorities include:

- increase a sense of belonging that builds cohesive and harmonious communities;
- Leeds will be a city where there is a strong community spirit and a shared sense of belonging, where people 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;
- improved levels of enterprise through creativity and innovation;
- there are more community-led businesses that meet local needs.

4.4 Resources and value for money

4.4.1 The policy itself has no direct implications for resources and value for money. However, the majority of community asset transfer proposals are for leases at less than best consideration and in such circumstances the value of the property needs to be considered alongside the service and community benefits the proposal will produce. It is likely that any subject property would be otherwise be disposed of on the open market and the opportunity costs from not taking this course of action will be included in community asset transfer assessments. It is proposed that the overall impact of lost capital receipts from community asset transfer will be considered quarterly at Asset Management Board and reported to Executive Board along with the capital programme and capital receipts monitoring.

4.4.2 Community asset transfer projects require varying amounts of officer support, both from dedicated community assets officers in Asset Management and from officers in sponsoring services. This is very often dependent on the experience and capacity of the community organisation. It is part of the sponsoring service's role to provide any specialist support in terms of the service being provided.

4.4.3 It is expected that many community asset transfer proposals will involve existing community assets, such as operating community centres. At such centres under Council management, the charging policy does not necessarily link to cost recovery of running the facilities. This very often results in groups paying below

market rate, or even no rent. There are also some Council departments that may not be charged for historic reasons. However, when a community centre is in community ownership, cost recovery will be essential for the business plan. Therefore services carrying out activities for no recharge, external organisations being sponsored and any services who may make a saving from the asset transfer of any building will have to consider how to balance the needs of the service, the viability of the operating organisation and their own budget pressures within the development of community asset transfer proposals. Community organisations can't be expected to subsidise Council services.

- 4.4.1 To ensure consistency of approach, all community asset transfer requests and proposals are managed corporately in Asset Management.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Under section 123 of the Local Government Act 1972, local authorities have a duty to dispose of land and buildings (including the sale of freeholds, granting and assigning of leases and the granting of easements) for the best consideration reasonably obtainable. However, discounts of up to £2m may be agreed by local authorities under the General Disposal Consent (England) Act 2003, subject to them being satisfied that the disposal will secure the promotion or improvement of the economic, social or environmental well-being of the area. Use of other discretionary General Consent powers are also available to local authorities for specified housing purposes. Where use of these powers is to be used, the Council must be satisfied that the lease or disposal terms commit the organisation to delivery of the social, economic or environmental benefits within a defined time period to ensure that the subsidy is justifiable.
- 4.5.2 In some circumstances community asset transfer may have EU State Aid implications. Generally the De Minimis exemption could be used to enable transfer. This exemption allows that aid provided that has a value less than €200,000 to be exempt from State Aid regulations, as long as the total value of De Minimis aid received in any three year period is less than €200,000. If De Minimis doesn't apply, then it is likely for purely local community projects that the State Aid criteria that the transfer has the potential to affect trade between EU member states would not be met, so the aid would be permissible. A very wide interpretation is used for aid having the potential to affect trade between members states so if there is any doubt then legal advice must be sought at the earliest opportunity.
- 4.5.3 The provisions of the Competition Act will have to be taken into account when considering any transfer at less than best consideration.
- 4.5.4 By the nature of the long term agreements required for community asset transfer projects, legal agreements are required to protect all parties. This can lead to considerable legal costs, especially for community organisation who by their very nature generally have limited resources to invest in such costs. To try and minimise such fees for community groups, a template for community asset transfer will be produced that protects the council's position while also providing the usual requirements of community groups and their funders, particularly around assignment and use.

4.6 Risk Management

- 4.6.1 Community asset transfer requests are likely to increase with the Big Society and Localism agenda. A community asset transfer policy will reduce the risk that proposal are assessed inconsistently.
- 4.6.2 Each community asset transfer project will present its own unique risks, but some will be common to most. There will be risks in terms of project failure and the future of assets. These will be addressed throughout proposal development with organisations developing community asset transfer proposals and secured in any resulting lease agreements including restrictions on use and assignment.
- 4.6.3 When a decision is taken to dispose of an asset there is a risk that community groups will form specifically to 'save the building'. Although any such disposal should be covered by Assets of Community Value legislation within the Localism Act, in special circumstances more time may need to be allowed. The risk to the capital programme in terms of a smaller level of receipts and delayed receipts needs to be considered as part of any community asset transfer assessment. The costs of keeping properties open while community organisation develop their plans can be significant and include utilities standing charges, business rates and security. There is also the possibility of reduction in receipt for any property physically deteriorates during the process.

5 Conclusions

- 5.1 Community ownership of assets is a growing area of interest and is promoted as part of the Big Society concept and Localism agenda. It can be a major regeneration catalyst and provide valuable facilities in isolated communities or communities in need. The proposed policy will provide a framework for assessment to be undertaken in a consistent manner to enable Members to consider the merits of each proposal set against other options, such as sale on the open market and reinvestment of receipts against capital funding priorities. It will also provide services with a policy to consider in terms of forward planning and considering how community asset transfer can help them achieve their needs as well as empowering communities.

6 Recommendations

Executive Board is asked to consider and agree the proposed draft policy and framework documents attached to this report for use in assessing community asset transfers. The draft will be subject to two month consultation period from 1st April to 31st May 2012 with a final version brought back to Executive Board in July 2012.

7 Background documents¹

7.1 Equality Impact Screening Form

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Draft Community Asset Transfer Policy

Introduction

Community Asset Transfer involves leasing or selling property to third sector organisations (voluntary, community and faith), sometimes on a subsidised basis, to enable local people to play a stronger role in meeting the needs of their communities.

This Community Asset Transfer Policy, identifies the circumstances where the Council could consider the transfer of assets and how local communities could register an interest in taking over a Council owned property. Community asset transfer proposals would need to be assessed against a potential sale or alternative disposal methods in each case, before a decision is reached on any transfer.

The purpose of this policy and framework is to ensure that the Council, Elected Members, officers, the third sector and communities understand what community asset transfer can achieve.

It sets out a framework for assessing community asset transfer requests to enable community asset transfer to be considered on proactively to meet service needs.

Why have a community asset transfer Policy?

Community ownership and management of assets has been strongly promoted by Governments over the last four years, most recently as part of the Big Society concept. The agenda was made prominent by the Department for Communities and Local Government (DCLG), who commissioned the Quirk Review 'Making Assets Work – Community Management and Ownership of Public Assets. This sets out the clear benefits to local groups, which own or manage public assets – such as community centres, building preservation trusts and community business enterprises. The review found and recommended that:

- The social or community benefits of community management and ownership of public assets can outweigh the risks and often the opportunity costs in appropriate circumstances;
- A major programme of awareness raising and capacity building for the evaluation of benefits and risks needs to be generated;
- Local authorities and other public bodies should take a more corporate approach to their asset portfolio and their relationship with the community sector.

In considering the future management and ownership of public assets, reconciling a very challenging spending settlement for the Council within the Coalition Governments approach to localism and the 'Big Society' means that the Council will increasingly need to consider asset transfer as an enabler to achieve its corporate aims. Leeds City Council is responding to this through the development and approval of this community asset transfer Policy, by considering the options for the transfer of assets through leases and operational management to third sector organisations, for purposes that benefit the communities they serve.

What is a community asset transfer?

Community asset transfer is the 'transfer of land or buildings from the Council's management or ownership, into the stewardship of third sector organisations'. Depending on the social, economic or environmental benefits generated, the transfer will be at market value or on a

subsidised basis. This gives third sector organisations (voluntary, community or faith) the opportunity to play a stronger role in meeting the needs of their local communities.

Community use of council assets can take place under different forms of agreement, such as a:

- Management agreement
- Licence to occupy
- Short term lease
- Long term lease

Community asset transfer can be at full market value or at a subsidised rate depending on individual circumstances. Our starting position will be to request full market value and for any subsidy to be a matter for negotiation. We will need to consider the Council's requirement to achieve its capital receipts target with the community and service benefits brought about by the community asset transfer project and ensuring that any charges payable are affordable in the business plan and do not become overly burdensome. Any subsidy will be protected by clauses in the property's lease.

Who can propose a community asset transfer?

Organisations that can be considered are community organisations that are not for private profit such as:

- Unincorporated charitable organisations
- Companies limited by guarantee with charitable status
- Community Interest Company (CIC) limited by guarantee
- Community benefit Industrial & Provident Society with an asset lock
- CIC limited by shares

Each organisation applying for a community asset transfer can be of any size and need to:

1. Generate social, economic or environmental benefits which directly benefit the people of Leeds
2. Have stated community benefit objectives
3. Have robust systems, governance and policies as evidenced by a management structure, constitution and appropriate quality mark;
4. Have the capacity to manage the asset and have directors or committee members who have the relevant experience and skill and a demonstrable financial plan moving forward
5. Operate through open and accountable co-operative processes with strong monitoring evaluation, performance and financial management systems

Buildings can be difficult and expensive to manage so the proposal must make clear the benefits to the local community and the Council. A critical part of any assessment will be the scale of the project in relation to the resources of the community group and its key staff.

When proposals relate to existing community centres, we will need to also consider the impact of any transfer on any of our services that use the facility or any other community organisations that currently receive subsidised use. If a building transfers to a community organisation we can't expect them to continue to allow us free use while charging community users. We will make the necessary arrangements and, where necessary, transfer of budgets to ensure that service use can continue and be paid for. For subsidised community users we will not expect any group taking over the property to continue the subsidy. We will negotiate with all sides to develop a solution that meets all parties' needs.

If the community asset transfer proposal will result in the re-provision of an existing council service delivery, the saving to the council and overall value for money will be considered as part of the assessment.

Who can provide advice on community asset transfer at the Council?

Community asset transfer is the responsibility of Asset Management within the City Development Directorate. Any proposal will be allocated a Community Assets Officer to provide information and assistance and to guide Council colleagues supporting the proposed transfer. The support of a service within the Council will be needed for proposals to progress and the Community Assets Officer can help you identify which the most suitable service is.

If necessary, independent advice can be sought from a number of different support organisations. The Community Assets Officer can provide referrals to such support.

What are the ownership terms of a community asset transfer?

Under the current approach for community asset transfer, assets or land holding will generally be by means of a long term lease (between 25 and 99 years), the terms of which will be agreed at the time of each individual transfer. This protects the future of these assets and ensures that the asset is protected should the venture fail or that the Council can veto future changes in use and occupation of the facilities during the lifetime of the lease, should that use no longer meet the requirements set out in the business plan. Freehold transfer will only be considered where full market value is paid.

Must buildings continue to be used for their current purpose?

Properties must be used for the benefit of the local community, although this doesn't necessarily have to be for their current use. It may be that the community's desire is actually to continue to provide the service, but there is a more suitable property in the area. Part of any assessment process will be to determine what it is that makes the community value the property and in circumstances where the request is actually service driven, alternative properties will be considered.

Links to Assets of Community Value?

If a community organisation is able to pay market value for a property, but needs time to raise funding, then Assets of Community Value legislation within the Localism Act will give an automatic entitlement to a six month period to raise this funding, assuming the asset has been previously registered as an Asset of Community Value. Extensions to this timeframe will only be granted in circumstances where the community organisation can show there is a strong possibility that a short extension will allow them to raise the funding required.

Funding availability and viability

If an organisation can't ultimately raise the finance necessary to purchase the property and carry out any capital works and convincingly show that they can cover the ongoing revenue costs through income generation, then the request for asset transfer will be refused. Depending on the circumstances the property will either continue in operation, or if the request was for a surplus property it will be considered for sale in line with current procedures for property review. We won't hold onto buildings indefinitely while continuing funding applications are submitted. Timescales will be agreed at the start of the proposal.

It is especially important to consider within any business plan the ongoing maintenance liability of any property. All community assets transfer projects will include that the organisation taking ownership/occupation will be responsible for:

- Upkeep, repair and maintenance of the asset
- All running costs, including insurance
- Compliance with statutory inspections and health and safety requirements.

Other lease conditions

In all cases involving transfer of ownership/occupation, appropriate legal mechanisms will be put in place to protect the financial position of the Council, such as restrictions on use and break clauses. For example break clauses under which the asset would revert back to the Council, such as:

- In the case of bankruptcy/insolvency
- In the case of corruption
- In the case of non payment of rent (if applicable)
- In the case of none performance of other terms such as serious repairs and maintenance (if applicable)
- If the transfer agreement is breached
- If the organisation wishes to develop and move into bigger premises

Sponsoring Service

Any request for a community asset transfer on a 'less than best' basis will require the support of a sponsoring service. This will establish early on, whether or not the proposal makes a significant contribution to the strategic priorities of the Council identified within the Leeds Strategic Plan, the Council's approved corporate Asset Management Plan, a Service Plan, a Service Asset Management Plan or Area Delivery Plan.

The sponsoring service will play an important role in appraising any less than best asset transfer request by:

- Confirming the Strategic fit of the community asset transfer
- Providing specialist advice in relation to the Business Plan
- Assessing the suitability of the asset for the proposed purposes.

The sponsoring service will advise on the proposal in the context of a 'less than best' transfer using a scoring matrix, developed as part of this policy. A copy of this scoring matrix can be found at Appendix 1.

What are the criteria for a community asset transfer?

There are two key factors to be considered within the community asset transfer Policy criteria. These are:

- The benefit/s to the local community to be gained by transferring the asset;
- The ability of the voluntary or community to sustain the use of the asset over the lease period.

Therefore the community asset transfer Policy requires all proposals to meet the following, before being considered against alternative disposal options:

- The proposed use of an asset reflects the outcomes and objectives of the Vision for Leeds, the Council's Corporate Plan and the Council Business Plan;
- The proposed use of the asset is genuinely for the benefit of the local community and offers real potential for the development of sustainable, successful and independent community organisations;
- The asset has an open access policy for all local groups and should be compliant with the Disability Discrimination Act (DDA);
- Environmental sustainability is at the forefront of any future refurbishment plans. Energy efficiency should be considered as a priority and the use of good quality, environmentally sustainable materials and construction practices used where possible;
- The uses of the asset would enable communities have access to facilities and opportunities that more respond to their needs.

The Council WILL NOT consider applications for community asset transfer in respect of:

- Proposals that will accommodate third sector groups that have restricted or limited local community use and don't benefit the wider local community
- Assets that accommodate continuing fixed or core services (e.g. schools, social care establishments, customer contact centres)
- Assets that have been identified as having a potential significant capital receipt and the Council has already identified the asset for disposal
- Assets that will mainly be used for religious worship
- Assets that are required by the Council.

The Council has to generate a significant amount of funding every year through its capital receipts programme. This is generated through the sale of the land and property. Government's continuing reduction in funding provided to the Council means that the capital receipts programme needs ambitious income targets. Any asset transferred to the community will potentially have a detrimental impact on the capital receipts programme. The impact of the individual transfer and the overall impact of transfers approved and proposed will be considered in each community asset transfer appraisal.

The suitability of the asset for the proposed use and the potential for utilisation of other community assets will form part of any community asset transfer assessment. Just because an asset has been used to provide a service of community benefit does not necessarily mean that it is the best property for that use.

What are the aims and objectives of the community asset transfer policy?

Leeds City Council recognises that community asset transfer can be a valuable part of supporting and sustaining the third sector on the city and we are committed to community asset transfer where it will bring benefits to our communities.

As a Local Authority we are committed to supporting the development and sustainability of a thriving voluntary and community sector across the city. This Policy, as part of a wider package of support to community organisations aims to provide a transparent framework to enable the transfer of assets.

The Policy is underpinned by the following principles:

- The Council will use its assets to form long term partnerships with community organisations to achieve community asset transfer's that will enhance community engagement and empowerment
- A strategic approach will be taken to community asset transfer with assets to be transferred identified through regular reviews of the Council's asset base;
- The process for responding to requests for individual asset transfers will be open and transparent
- There will be a clear timescale established for dealing with asset transfers
- The decision to transfer an asset will not be considered as setting a precedent. Each asset transfer will be judged on its own merits and transfer arrangements developed through assessment of benefits and individual negotiation.

What are the benefits of community asset transfer?

There are many benefits to all parties to pursuing a community asset transfer. These are:

- The harnessing of voluntary sector energy and local knowledge to provide community benefit and social value;
- Supporting community empowerment, giving local organisations control, encouraging pride of place and generating wealth in Leeds' communities;
- Opening up access to external funding opportunities, not available to the Council or providing access to loan finance using the value of the asset;
- It can be a catalyst for local volunteering and increase community cohesion;
- Developing organisational, financial, training and entrepreneurial skills within social and community enterprise;
- Assisting community organisations to become sustainable and self financing;
- It can be a stimulus for partnership working between community groups, the Council and other partners and can improve the provision and accountability of services within communities;
- Saving revenue costs for the Council whilst achieving community benefit.

Through the community asset transfer Policy however, the greatest benefit to the Council will be achieving the Vision that Leeds will 'be fair, open and welcoming and that all Leeds communities will be successful.'

What is the process for applying for a community asset transfer?

The process of asset transfer may be initiated in 2 ways:

1. by the Council identifying an asset as appropriate to transfer either to sustain the current building and/or the service delivery, or where a building has been deemed surplus
2. a request from a voluntary or community sector organisation

Submission of Expression of Interest

In the case of the latter, an expression of interest needs to be submitted. This initial approach for a community asset transfer should state:

- Why the asset is needed
- Why this particular asset
- Aims and objectives of the organisation and the project
- The nature of support from others

- Demonstrate effective management of the asset (where the organisation applying for a community asset transfer already occupies the property.)

In most cases this initial expression of interest will cover 2-3 sides of A4.

Submission of Business Plan

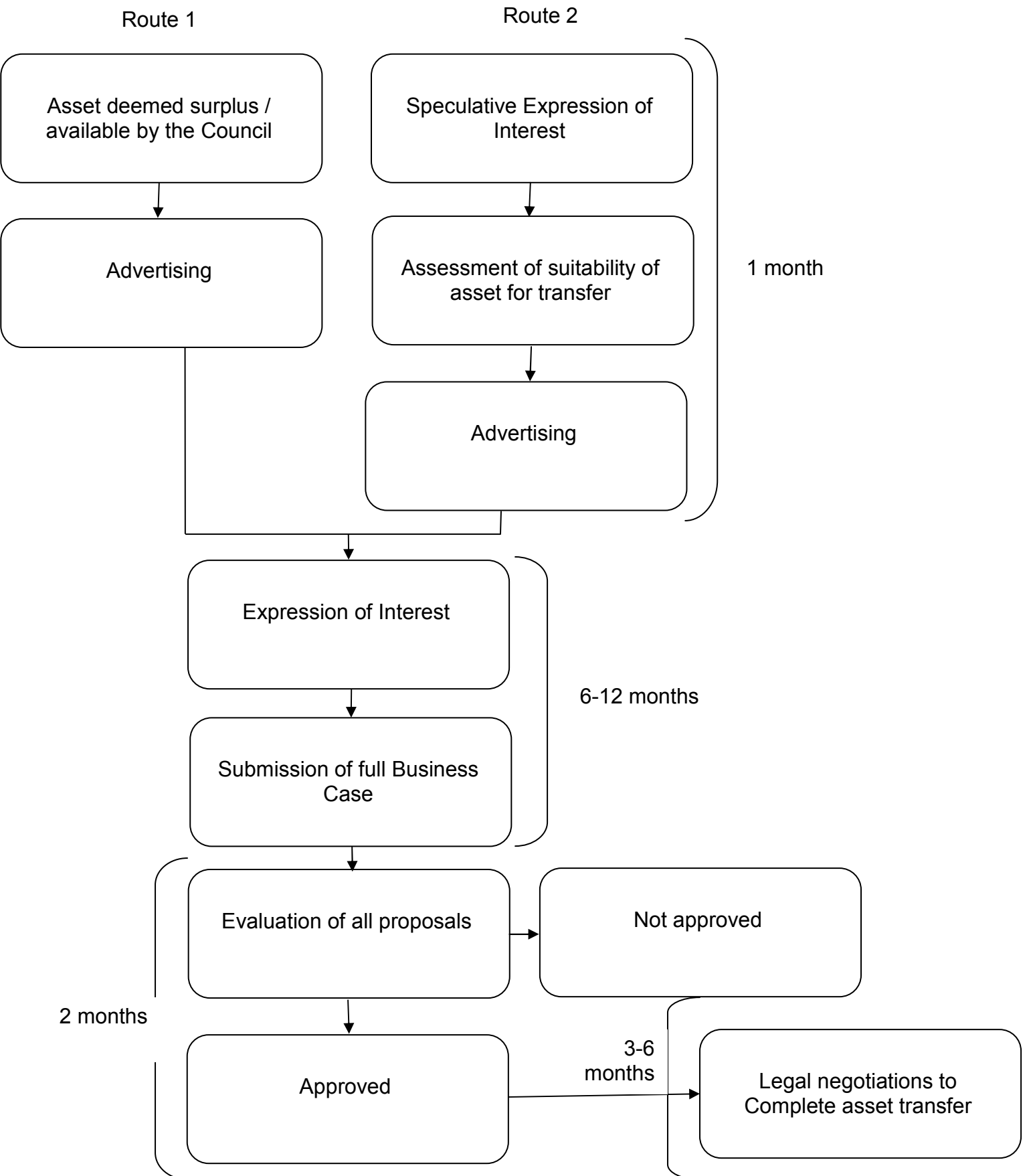
Once your initial expression of interest has been considered and we ask you to submit a full Business Plan. The list below is a guide for community organisations to use when preparing a full Business Plan. It is not an exhaustive list but not all of the items listed will necessarily be relevant to each particular case.

For a full Business Plan in support of a community asset transfer the following need to be addressed:

- Aims, objectives and mission statement of the organisation and the community asset transfer
- The legal form/entity of the organisation (social purpose, registered charity, private etc)
- Demonstrable compliance with a suitable quality assurance system
- Details of
 1. how the asset will be used
 2. who the stakeholders are
 3. what the core activities will be
 4. details of any proposed projects
 5. services and/or products and how they will be delivered
 6. organisational management (structures, numbers, portfolios, posts
 7. robustness of governance
 8. proposals for partnership working, user and community involvement
 9. experience and/or track record, including expertise held by board members
 10. financial projections including a 5 year cash flow forecast, projected income and expenditure
 11. realistic funding opportunities with an indication of likelihood of funding or risk assessment
 12. non-monetary considerations – social, economic and environmental benefits – for both the organisation and the Council
 13. projected utilisation rates
 14. who the expected beneficiaries will be including details of any equality groups
 15. what the expected outcomes will be
 16. how the community asset transfer would contribute to Council Policies, the Vision for Leeds and other local priorities
- sitting tenants should also demonstrate that they:
 1. have effectively managed the asset in the past
 2. have an existing effective bookings system
 3. have suitable occupancy agreements for tenants
 4. have effectively maintained the asset in the past
 5. have adequate insurance cover in place
- a needs analysis for the area
- a SWOT analysis of the proposals
- a risk assessment for the project and the whole organisation

Key stages and timescales

Community Asset Transfer



How long will a lease be granted for?

When assessing an organisation's application for a community asset transfer, the Council will carefully consider the specific needs of the community organisation applying, the condition of the asset and the requirements of any potential funders or lenders. The length of the lease term will be based on the needs that are clearly supported by the organisation's Business Plan and its capacity to manage the asset.

Proposals from community organisations and those that include the co-location of several services (a community hub) will be encouraged in this context. In certain cases a phased transfer could be considered, depending on the organisation's resources.

Based on the anticipated requirements of most charitable funders, the following is a guide to the length of term that may apply to new community asset transfers:

- a management agreement or licence will normally be granted for 12 months
- a lease of up to 25 years
- a lease longer than 25 years but up to 99 years may be appropriate if supported by a business case that demonstrates special circumstances or requirements from funders or lenders

Once granted, a lease can usually be restructured or extended at a point in time, to meet the community group's circumstances or funder's requirements.

Leases will normally only be granted if the community organisation has an 'asset lock' and will contain clauses that prevent the asset being assigned or sold on for unintended financial gain and the loss of the agreed benefits. Leases will contain suitable clauses to ensure the return of the asset to the Council if the terms of the lease and/or any Service Agreement are not met, or in the case of dissolution, insolvency or corruption.

What Happens after a community asset transfer has been completed?

Firstly an organisational development plan will be agreed with the organisation based on the Business Plan and a skills audit and any support required identified. The organisation will also receive ongoing support from the Council's Asset Management Service and other service areas identified through the Business Plan or lease.

There will be an annual review of the Service Agreement targets and the benefits measured. Where it is applicable there is a renewal of the service agreement or lease.

Appendix 1 – Community Asset Transfer Framework

Community Asset Transfer Framework

This framework should be used in line with the Community Asset Transfer Policy. Answering “Yes” to all of the questions in this framework does not necessarily mean that a proposal for asset transfer will be approved or even recommended. Answering “No” to one or more questions does not necessarily mean that an asset transfer will not be possible. This framework is intended as a guide to help inform decisions and is to be used as an appendix to any decision report. There will be other issues to be considered outside of this framework. Community asset transfer is discretionary and subject to the decision of the relevant decision making body.

Answer all questions Yes or No. Please comment on all No answers. Comments may also be inserted for Yes answers if required.

Council Objectives	Yes	No	Comments
Is there a sponsoring service for the asset transfer proposal?			
Does the asset transfer align with the service’s planning objectives, and therefore link into LCC strategic outcomes?			
Had a need for the service to be provided been identified prior to the request for asset transfer?			
Will the sponsoring service monitor service delivery?			
Does the asset transfer link to any contract, service level agreement or other formal agreement with the sponsoring service or other LCC service?			
Local Objectives	Yes	No	Comments

Are local ward members supportive of the proposal?			
Will the proposal provide clear benefits to the local community?			
Will these benefits improve the social, economic or environmental well being of local residents?			
Has local consultation been carried out with the local community?			
Does the consultation show clear community support for the proposal?			
Have alternative buildings been considered that could be more suitable for the proposal and is this the most suitable building?			
Business Plan	Yes	No	Comments
Has a business plan been produced that is realistic and shows the proposal to be viable?			
Is the proposal free from the requirement of ongoing grant subsidy from third parties?			
Are contracts in place for income generating activities?			

Has an independent assessment been undertaken that shows the business plan to be viable?			
Funding	Yes	No	Comments
Is the proposal free from reliance on third party capital funding?			
If not, is the required funding already in place?			
Is the funding sufficient to bring the building into suitable repair for the proposal?			
Organisation	Yes	No	Comments
Is the organisation already established rather than being set up primarily for this proposal?			
Does the organisation have the capacity to manage the building and project?			
Have written governance measures been provided?			
Does the organisation have recognised not for profit legal status?			
If approved would this be the organisation's first successful request for community asset transfer?			

Financial Objectives	Yes	No	Comments
Has alternative development potential of the site been considered?			
Would the proposal have no significant impact on the capital programme?			
Would this transfer be supportable when considered alongside other proposals approved recently and currently proposed?			
Will transfer of the asset achieve costs savings for LCC?			
Other Considerations	Yes	No	Comments
Will the project avoid State Aid issues?			
Has an equality, diversity, cohesion and integration impact assessment been carried out?			
Does the organisation have an open access policy that welcomes access for all sections of the community and that will applied at the subject property?			
Does the organization have a safeguarding policy?			
Has the property been registered as an asset of community value under the Assets of Community Value provisions?			

Total Count Yes/No			
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Report of: Director of Resources

Report to: Executive Board

Date: 7th March 2012

Subject: Community Right to Challenge

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 Localism Bill gained Royal Assent on 15th November 2011 and is now an Act of Parliament. The Act includes rights under the 'Community Right to Challenge' provisions.
2. The Community Right to Challenge enables:
 - voluntary and community bodies,
 - charities,
 - a group of two or more employees of the authority,
 - parish councils, and
 - anyone else the Secretary of State may additionally specify in regulations
 the opportunity to express an interest in running a local authority service. The authority must consider all expressions of interest and, where these are accepted, undertake a procurement exercise for the service.
3. The Community Right to Challenge provisions are expected to come into effect in April 2012. The secondary legislation that sits behind the Act is expected in February 2012 and at the time of writing has yet to be published.

4. The Localism Act has also legislated for 'Assets of Community Value'. The Director of City Development has put forward proposals for managing applications under this aspect of the legislation and these proposals are available as a separate report to this meeting.

Recommendations

5. That the contents of this report are noted and the proposals agreed, in particular the proposals noted in 3.2.3.
6. To endorse the proposal that the Director of Resources be authorised to exercise functions in relation to the Community Right to Challenge, including the drawing up and review of time periods and mechanisms for detailing these; drafting proforma; administration of receipt and notification requirements of expressions of interest; and making decisions on particular expressions of interest.
7. To note that the scheme of delegations will need to be amended to reflect the above proposal, and that the Director of Resources proposes to review the Contracts Procedure Rules to reflect the processes implemented in relation to the Community Right to Challenge.
8. To instruct the Director of Resources to seek the views of Scrutiny Board (Resources and Council Services) on the proposed processes once regulations are available.

1 Purpose of this report

- 1.1 To provide a summary of the decision requirements of the 'Community Right to Challenge' provisions of the Localism Act 2011 and provide an opportunity to debate and determine the way that the council implements the legislation.

2 Background information

- 2.1 The Localism Act 2011 has completed its passage through Parliament, and has been the subject of considerable debate at a national and local level.
- 2.2 The Localism Act 2011 includes legislation which deals with the Community Right to Challenge. Further detail will emerge when the regulations are made in due course, however, the basic outline, as detailed in the legislation, is set out below. The process is also explained diagrammatically at Appendix A and Appendix B.

3 Main issues

3.1 Overview

- 3.1.1 The Localism Act enables voluntary or community bodies, charities, parish councils, a group of two or more employees of an authority – and anyone else the Secretary of State may specify in regulations – to express an interest in providing, or assisting in providing, a service provided by, or on behalf of, that authority in the exercise of its functions.

The Act applies only to ‘services’ and not to ‘functions’ of the Authority; this means that where the Authority has a duty or power which requires decision-making, then this will not be included, as this is a ‘function’. An example provided by the Department of Communities and Local Government (DCLG) of a ‘service’ is that of an initiative for young offenders to prevent further offending. The service could include addressing specific difficulties such as drug and alcohol problems or homelessness. However, decisions concerning which services may be provided and where they are located are ‘functions’ of an authority and the Community Right to Challenge will not apply here.

It is anticipated that ‘people facing’ services will be the most likely ones for which expressions of interest will be submitted.

- 3.1.2 An expression of interest may be rejected, accepted or accepted with modification. The regulations will provide the detail of the basis on which an expression may be rejected. However, a key consideration of an expression will be in relation to whether such an expression represents ‘best value’. In addition, local authorities will be required to consider the relevant and proportionate social, economic and environmental value of both expressions of interest, and bids in any subsequent procurement exercise (subject to compliance with the EU procurement regime).
- 3.1.3 If accepted by the authority, an expression of interest triggers a procurement exercise in which the body that submitted the expression of interest can bid. It does not mean that the body (or bodies) which submitted the expression of interest will necessarily end up running the service.

3.2 Key Issues and Proposals

- 3.2.1 The flow chart attached at Appendix A outlines the key decision and action points in this process. In addition, the decisions to be made regarding the setting of time periods are attached diagrammatically at Appendix B.
- 3.2.2 A robust assessment procedure must be in place to assess expressions of interest under the Act. The date that this legislation comes into force is not yet known but it is expected to be April 2012. As previously noted, the regulations that sit behind the legislation are not yet available.

3.2.3 The following proposals deal with key decision-making and procedural issues:

3.2.3.1 **Setting of time periods**

Councils *must* set certain time periods in relation to the Right to Challenge and *may* set other time periods. The setting of time periods will be key to the effectiveness of the process. The time periods in question are outlined below:

- A challenge may be made at any time for all or part of any service. However, the council may choose to specify for all services, or particular services, set periods during which expressions of interest may be submitted. Setting a time period may provide a degree of control over the timetable and enable the authority to manage the process proactively.
- Councils must specify a maximum time period for notifying a relevant body of a decision on an expression of interest that has been submitted and there may be different periods for different cases.
- Councils must specify a minimum and maximum timescale within which a procurement exercise will begin, where a procurement has been triggered by the expression of interest.

It is proposed that the Director of Resources, in consultation with other directors, undertakes to draw up and review an outline of time periods and mechanisms for detailing these.

3.2.3.2 **Developing proforma and receipt and notification requirements**

The development of a proforma for the application for an expression of interest, and decision-making on expressions of interest are provided in 'best guess' format at Appendices C and D. These proforma are based upon the information currently circulated from central government. Once regulations are issued, draft proforma will be produced and circulated for agreement.

It is proposed that responsibility for drafting the proforma will rest with the Director of Resources.

It is proposed that responsibilities for the administration of receipt and notification requirements of expressions of interest are held by the Director of Resources.

3.2.3.3 **Decision-making on a particular expression of interest**

Decision-making on expressions of interest, and notification and publication requirements on decisions made are detailed at Appendix A. Some of the expected aspects of the decisions required will align closely with current Procurement Unit duties in relation to procurement processes and some will require directorate-specific assessment. The details of grounds for rejection of an expression of interest will become available when regulations are published. Possible grounds for rejection may include the following:

- an applicant is not suitable to provide the service;

- a service has been decommissioned;
- an expression is frivolous or vexatious or contains inadequate or incorrect information;
- acceptance would lead to a contravention of any law, including the general Duty of Best Value.

Where a decision is made against an application, then the applicant will have a right to apply for judicial review.

Some of the issues which need to be addressed in setting up the decision-making processes include: consideration of whether minimum standards of economic and financial standing and/or professional and technical ability should be set for those bodies making an expression of interest; what award criteria will be appropriate; what implications there are for transfer of employees or property; the drafting of specifications and contracts to define and regulate the services; and clarification of whether the authority will be able to refuse to contract out if no bids are acceptable.

It is proposed that responsibility for making decisions on particular expressions of interest will lie with the Director of Resources in consultation with the other directors.

3.2.3.4 Management of any resulting procurement process

It is proposed that the management of any resulting procurement processes and the management of resulting contracts will align with current procurement and contract management responsibilities.

3.2.3.5 Maintenance of good relations with potential applicants

It is acknowledged that active engagement with potential applicants (including third sector organisations) is an important part of a local approach to the Right to Challenge. It is anticipated that this will build upon the good practice that has already been developed by directorates and in locality working.

It is proposed that continued development of good relations with such bodies will require recognised responsibilities across the authority.

It is proposed that the responsibilities for guidance and information will include development of guidance through the corporate 'Category Management' approach and directorate-specific initiatives including guidance and information in any directorate 'commissioning prospectus'.

3.2.3.6 Engagement with members

It is proposed that the role of the Executive Board; the appropriate Executive Member; Ward Members and Area Committees are considered in relation to the Community Right to Challenge through discussion following this report and through continued consideration at Area Committee and relevant working groups. This consultation will be undertaken once the regulations are issued.

It is proposed that consultation with members in the decision-making process will be in line with the council's Contracts Procedure Rules and Member Code of Conduct.

It is proposed that the views of Scrutiny Board (Resources and Council Services) will be sought as part of the engagement with members.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Each part of the Act has been subject to extensive national consultation and debate and a response was submitted by Leeds City Council.
- 4.1.2 Consultation has taken place with area leaders and Area Committees to inform them of the outline of the Act and its implications for local communities and the council as a whole. More detailed engagement with members has been requested and this will commence when regulations become available. Part of this engagement will be to seek the views of the Scrutiny Board (Resources and Council Services).

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Community Right to Challenge forms part of the Localism Act and is being implemented by central government. An equalities impact screening has taken place at central government level for the Community Right to Challenge. No significant impact has so far been identified for any of the protected groups identified in the Equality Act 2010 and the equalities impact of the policy will be kept under review by central government.
- 4.2.2 A Leeds Equality, Diversity, Cohesion and Integration (EDCI) impact assessment screening of the proposed decision making and governance framework will be undertaken by council officers once the regulations are available.
- 4.2.3 It can be anticipated that some communities and organisations will have capacity to respond successfully to these changes, and that others may need to be assisted in capacity-building in order to enable them to engage with the Act.

4.3 Council Policies and City Priorities

- 4.3.1 Successful implementation of the Localism Act will support the council to deliver a number of its strategic objectives, particularly through the Locality Working agenda. In addition, implementation of the legislation will contribute to the Vision for Leeds, the City Priority Plan and the Council Business Plan. The implementation will support the aims that Leeds will be fair, open and welcoming; Leeds' economy will be prosperous and sustainable; and that all Leeds' communities will be successful.

4.4 Resources and value for money

- 4.4.1 There will be resource implications for Leeds City Council in administering the scheme. The extent of this will be largely dependent on the popularity of the scheme, which is very difficult to predict.

- 4.4.2 In an impact assessment published earlier this year, DCLG has estimated the possible costs of the implementation of the Community Right to Challenge. It is anticipated that these estimates will be updated in due course and as they are early national estimates the figures must be treated with caution.
- 4.4.3 DCLG's early estimates identify that the main costs to local authorities are expected to be internal staffing resources. These national estimates are based on a series of assumptions about the likely number of expressions of interest, the percentage which lead to a procurement, the time required to consider and process these, and the cost per day of staff involved. These estimates equate to an additional annual cost of £45,000 for an authority with a population the size of Leeds during the first three years of implementation, dropping to £11,500 per year thereafter.
- 4.4.4 There may additional resource implications as a result of any capacity building activities that are developed to address the outcome of the Leeds ECDI impact assessment.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 On conclusion of where responsibilities for the Community Right to Challenge functions lie, the scheme of delegations and Contracts Procedure Rules may require amendment.
- 4.5.2 This decision is subject to call-in.

4.6 Risk Management

- 4.6.1 There are a number of risks linked to this agenda and these include challengers 'cherry picking' the most attractive services leading to a possible fragmentation of Leeds City Council services. A robust process will contribute to the management of these risks.
- 4.6.2 There are risks associated with what the details of regulations will be. Ensuring that regulations are reviewed once they are available will help to ensure that such risks are managed effectively.
- 4.6.3 There are risks associated with the, as yet undefined, resource implications of the Community Right to Challenge. Further reports to Executive Board will keep members up-to-date with possible cost implications.

5 Conclusions

- 5.1 The regulations that will sit behind the Community Right to Challenge are not yet available. As a consequence, the processes required cannot be finalised at this stage.
- 5.2 The budgetary and resource implications of the Community Right to Challenge are not yet clear. Once these implications become clearer, further details will be submitted to Executive Board.
- 5.3 Corporate responsibility and accountability for setting processes and decision-making need to be agreed, and this report proposes a way forward.

5.4 The outline proposals indicated in this report may be subject to change once regulations become available.

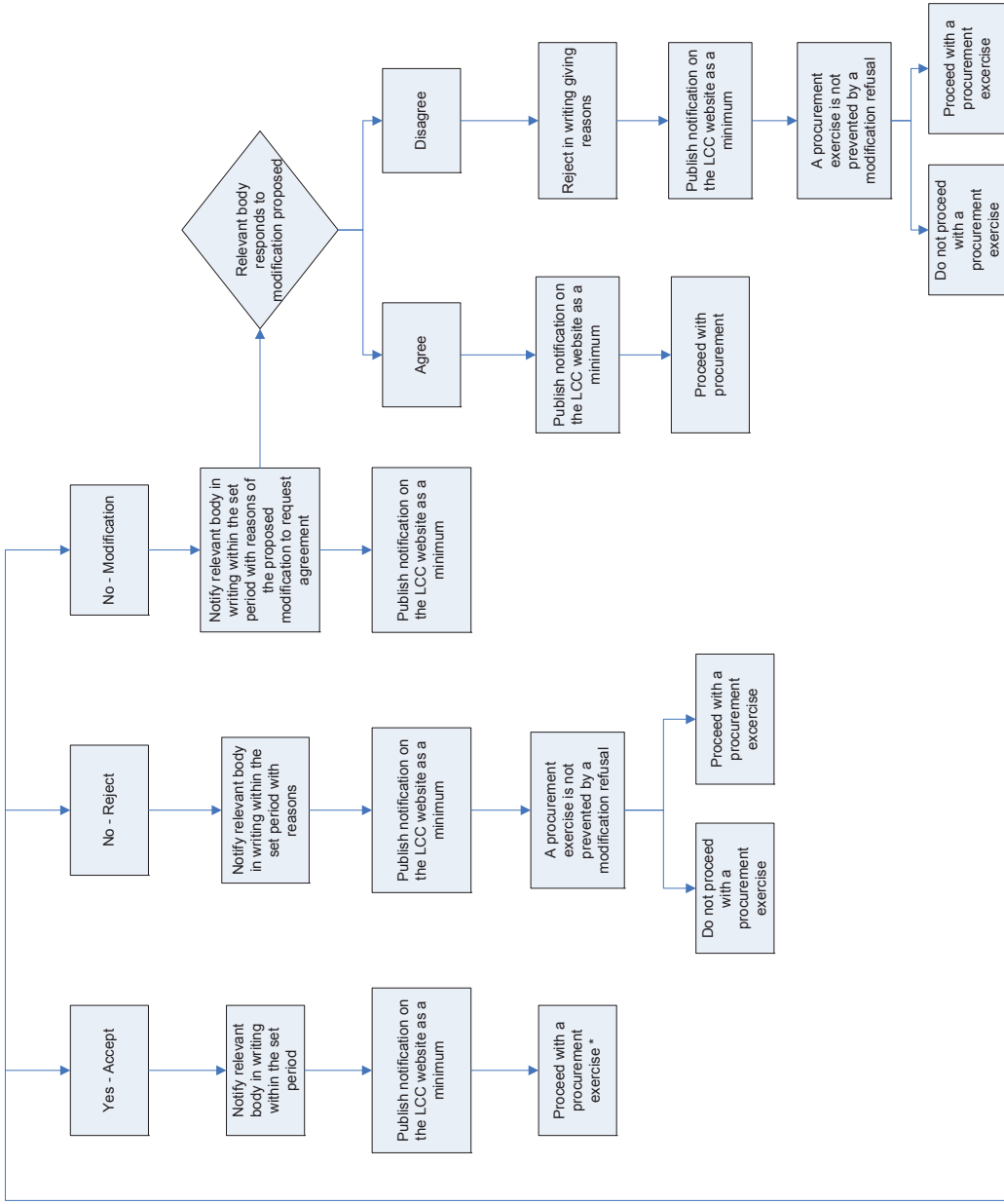
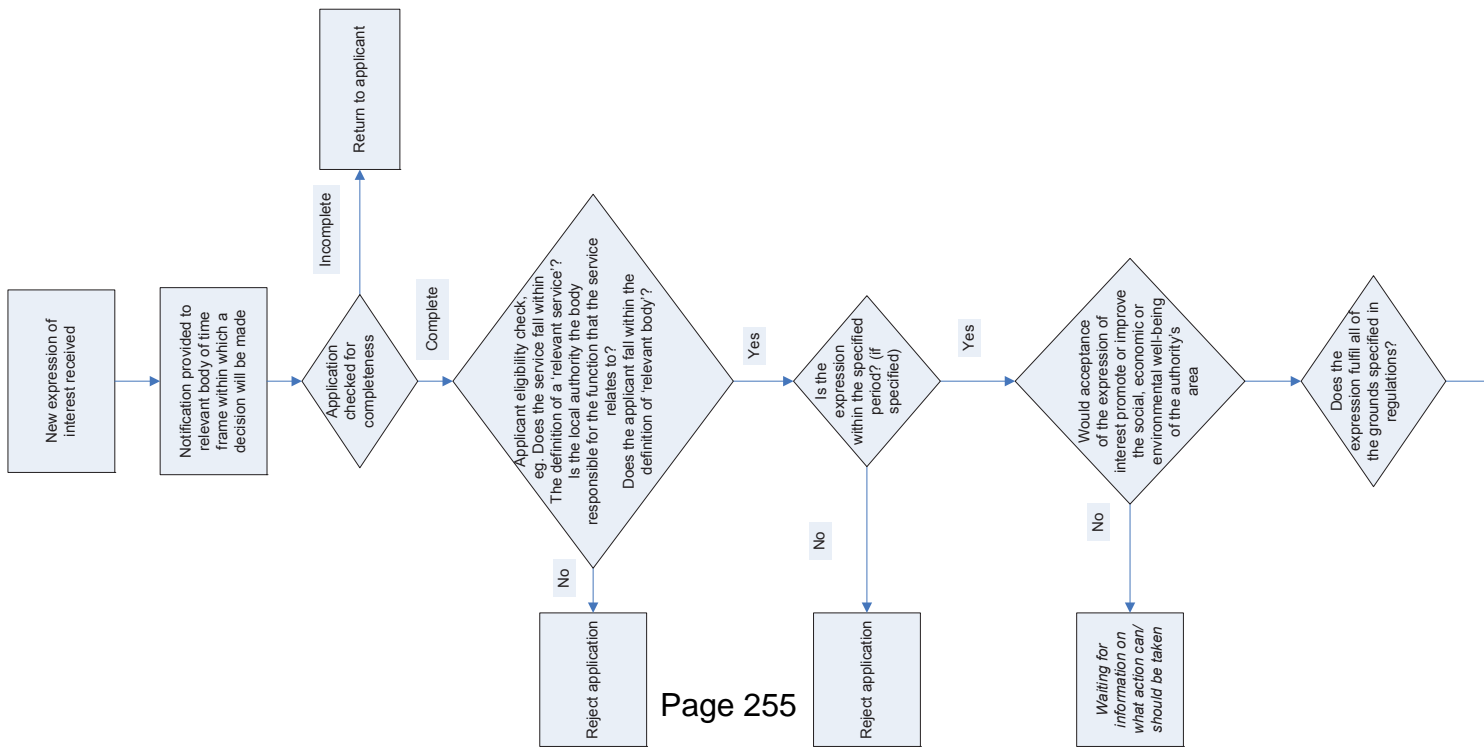
6 Recommendations

- 6.1 That the contents of this report are noted and the proposals agreed, in particular the proposals noted in 3.2.3.
- 6.2 To endorse the proposal that the Director of Resources be authorised to exercise functions in relation to the Community Right to Challenge, including the drawing up and review of time periods and mechanisms for detailing these; drafting proforma; administration of receipt and notification requirements of expressions of interest; and making decisions on particular expressions of interest.
- 6.3 To note that the scheme of delegations will need to be amended to reflect the above proposal, and that the Director of Resources proposes to review the Contracts Procedure Rules to reflect the processes implemented in relation to the Community Right to Challenge.
- 6.4 To instruct the Director of Resources to seek the views of Scrutiny Board (Resources and Council Services) on the proposed processes once regulations are available.

7 Background documents ⁱ

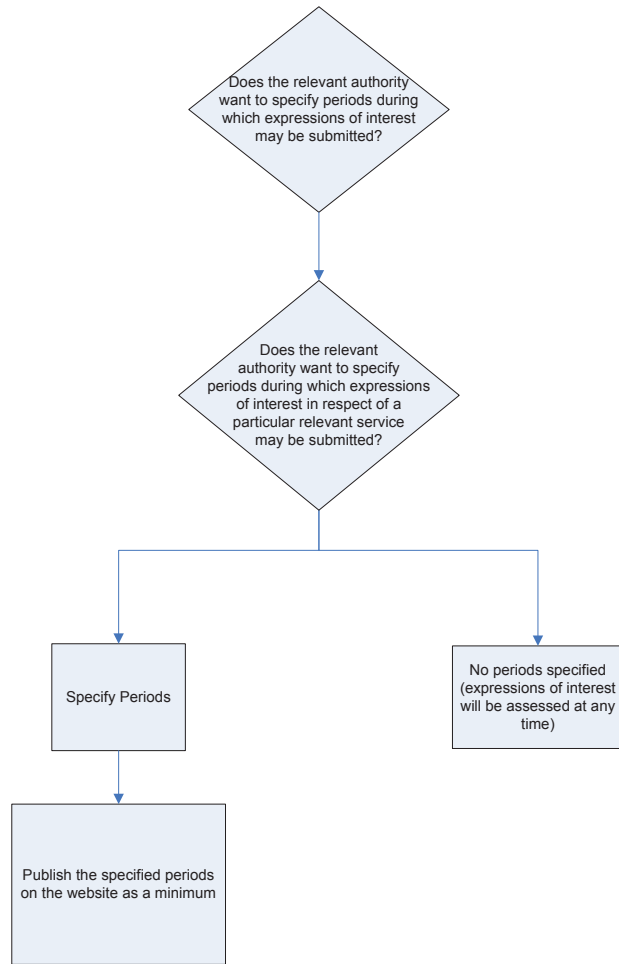
None

ⁱ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

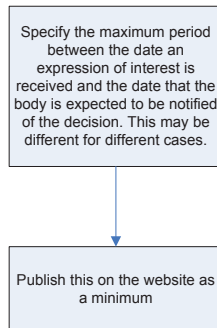


* Taking into consideration how it might promote or improve the social, economic or environmental well-being of the authority's area by means of the exercise

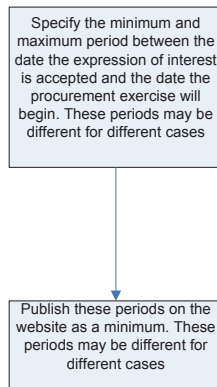
Periods for submission



Periods for notification



Periods for the start of a procurement exercise



Appendix C

The following table outlines a draft expression of interest (v0.1) for the Community Right to Challenge.

The details of the actual proforma will be determined once regulations have been issued.

Details of the relevant body.
Details of the relevant body's financial situation.
Details of the relevant service to which the expression of interest relates.
The relevant body's case that it will be able to participate in any procurement exercise.
The relevant body's case that it is capable of providing the service.
Details of the outcomes to be achieved, including how it meets service user needs and the social value of the proposal.

Appendix D

The following table outlines a draft decision proforma (v0.1) for the Community Right to Challenge rejection.
The details of the actual proforma will be determined once Regulations have been issued.

The relevant body is not suitable to provide the relevant service.	
The service is exempt from the right.	
The service has been stopped or decommissioned or a decision taken to do this.	
The expression of interest is submitted outside a period specified by the authority during which they can be submitted.	
The relevant service is already the subject of a procurement exercise or negotiations for a service agreement.	
The expression of interest is frivolous or vexatious.	
The relevant body provides unsatisfactory, inadequate or incorrect information in the expression of interest	

Appendix D

The authority believes that acceptance of the expression of interest would lead to contravention of an enactment or a rule of law.	
Where the relevant authority has not specified a period during which expressions of interest can be submitted for a relevant service and there is an existing contract or other service agreement in place – except when the authority is considering the future provision of the service.	
The Government is also considering providing an additional ground that allows for assessment of whether an expression of interest will improve the quality of the service and better meet service users' needs.	

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Report of Directors of Resources and Environment & Neighbourhoods

Report to Executive Board

Date: 7th March 2012

Subject: Local Authority Mortgage Scheme

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 report seeks approval to the establishment of a cash backed Local Authority Mortgage Scheme for Leeds which is aimed at assisting first time buyers to get on the property ladder. The scheme will be applicable across the Leeds area.
2. Under the scheme the Council provide an indemnity to the lender for 20% of the buyer's deposit. It is proposed that the Council make a £2m deposit with a lender as part of the cash backed scheme and this will be funded by investing existing revenue balances.
3. It is proposed that the maximum loan value under the scheme be set at £152,000. This will enable a buyer to buy a property for £160,000 with a 5% deposit.

Recommendations

Executive Board are asked to approve:

4. the establishment of a Local Authority Mortgage Scheme for Leeds, to be available within the Leeds Metropolitan District area,
5. that £2m, funded from revenue reserves, be placed with a lender for a period of 5 years as the maximum limit for the total indemnity to be offered under the scheme.
6. a maximum loan value under the scheme of £152,000.
7. that approval of detailed matters relating to the scheme is delegated to the Director of Resources.

1 Purpose of this report

- 1.1 To explain the development of a new product, the Local Authority Mortgage Scheme and its applicability to Leeds.
- 1.2 To seek Executive Board approval to establish the scheme to support the housing market in Leeds.

2 Background information

- 2.1 To address the shortage in supply of affordable housing to those who need it, and to help the housing market and the local economy in general, a number of Local Authorities have considered issuing mortgages to potential home-buyers.
- 2.2 Rather than entering into the residential mortgage market themselves, Local Authorities have explored the possibility of entering into a partnership with residential mortgage lenders, with the remit of minimising the financial impact on the Local Authority, and at the same time taking advantage of the expertise already available from existing mortgage providers.
- 2.3 In September 2009, Sector Treasury Services set up a pilot scheme to assess the viability of a new Local Authority Mortgage Scheme (LAMS), with the aim of helping first time buyers who can afford mortgage repayments but not the initial deposit to get on the property ladder. A number of Local Authorities sponsored an initial pilot scheme and in March 2011 the first mortgages under the scheme were launched. Currently 20 local authorities have either launched the product or are preparing to launch. .

3 Main issues

How the Local Authority Mortgage Scheme works

- 3.1 The scheme is aimed at first time buyers, providing help for potential buyers who can afford mortgage payments, but not the initial deposit, to get on the property ladder. Under the scheme, part of the initial deposit required for the mortgage is underwritten by the local authority. Most mortgage lenders are typically prepared to lend a maximum of 75% - 80% loan to value (LTV), even if the applicant can afford a 95% mortgage. This means the applicant requires a substantial deposit, e.g. a first time buyer purchasing a property valued at £100,000 would have to provide a deposit in the region of £25,000.
- 3.2 If a potential buyer meets the strict credit criteria applied by the lender and meets the criteria set out by the Local Authority, the Local Authority will provide a top-up indemnity to the value of the difference between the typical LTV (i.e. 75%) and a 95% LTV mortgage. The potential buyer will thereby obtain a 95% mortgage on similar terms as a 75% mortgage, but without the need to provide the substantial deposit usually required.
- 3.3 It should be stressed that the scheme does not promote reckless lending, it is essential that the applicants meet the standard lending criteria as set out by the lender and that the higher LTV mortgage is affordable.

Cash Backed Indemnity

The local authority places a cash deposit with the lender for a fixed period of 5 years (which could be extended by two years if the borrower is in arrears at the end of the 5 year term). Interest is paid to the local authority on this cash sum at the prevailing commercial rate (5 year fixed rate) plus a premium. With one of the lenders this currently equates to just over 4%.

Non Cash Backed Indemnity

Under this option no cash deposit is needed, the local authority provides a guarantee for 20% of the deposit. For each mortgage completed under the scheme, the local authority receives a cash payment of £500.

- 3.4 For both types of indemnity, and assuming no default by the buyer, the indemnity liability would terminate on the earliest of the end of the agreed indemnity period (i.e. 5 years) or an early repayment of the mortgage. In the case of a cash-backed indemnity, the fixed-term deposit would be repaid to the Local Authority at the date of maturity, plus interest due.
- 3.5 If a borrower defaults on the mortgage and the default leads to repossession, the indemnity could be called upon. If this occurred the Lender would invoice the local authority for the indemnity payment, it would not be a call on the fixed term deposit. The indemnity that would need to be paid is illustrated in the examples below:

	Example 1	Example 2
Property value	£100,000	£100,000
Mortgage	£95,000	£95,000
Indemnity	£20,000	£20,000
Sale price	£70,000	£90,000
Indemnity called upon	£20,000	£5,000

How could the model support the Leeds housing market?

- 3.6 Growing the city's housing stock and the development of a functioning housing ladder has been an aspiration of the city for some time and is a theme within Leeds' City Priority Plan. Access to home ownership continues to be difficult as a result of low mortgage availability and deposit requirements. The average age of a first time buyer in Leeds is now around 37 years old and the length of time in which properties remain on the market before they sell is getting longer.
- 3.7 There are a number of schemes which already exist which are aimed at supporting the construction and sale of new build houses (including the government's equity loan product "Firstbuy" for example). There is however a gap in support for the second hand market, further it is estimated that unlocking transactions in the existing (rather than new build) market unlocks up to 5 further transactions.. This in turn will have a beneficial effect on the economy through generating work for

associated businesses for example for refurbishment, moreover it will ease the mobility of people who need to move for employment reasons as well as possibly alleviating pressure on private rented housing and social housing waiting list. As an affordable housing product, LAMS is a tool which contributes to financial inclusion whilst unlocking the housing market in this way therefore contributes to the city's employment and economic growth aspirations.

Developing the local criteria

- 3.8 When a Local Authority decides to participate in the LAMS, they should initially agree the criteria required to qualify for the scheme. Lenders are keen to see as standardised approach as possible however the following local criteria can be set:
- The maximum limit for the total indemnity to be offered under the scheme.
 - The maximum loan size (based on maximum property valuation)
 - The qualifying post codes within the boundary area
- 3.9 The authority can choose how much it would like to deposit to support the mortgage indemnities and can also choose which lender(s) to work with. There are a number of lenders already registered under the scheme; some national and some local and local authorities can choose to work with one or more lender(s). In addition, local authorities can work with Sector Treasury Services to identify and potentially secure an additional Lender to the Panel of Lenders. Some lenders will only offer the cash backed indemnity whilst others will offer non-cash backed.
- 3.10 Criteria that may be applicable for selection of a lender include availability of local branches for borrowers to access and the rate paid on the fixed term deposit under the cash backed option.
- 3.11 The authority can choose the maximum loan size to be made available under the scheme. If, for example, a house was purchased for £160,000¹, at 95% Loan to Value, the maximum loan would be £152,000 (95% mortgage) and the council's maximum guarantee in relation to a single borrower would be £32,000. The council's underwriting would be partly protected by the borrower's 5% deposit. The choice of maximum loan size will restrict to some extent the area in the City where first time buyer house purchases can be made.
- 3.12 The table below illustrates the number of purchases which could be supported per £1m indemnity, based on a house price of £160,000 or £120,000.

Total Local Authority Indemnity	£1,000,000	£1,000,000
House Price	£160,000	£120,000
Assumed Max Loan Size (95%)	£152,000	£114,000
5% Deposit	£8,000	£6,000
Local Authority Indemnity at 20%	£32,000	£24,000
Potential number of mortgages	31	42

- 3.13 Using a house price of £160,000, 31 people will be able to access home ownership. As previously described if one assumes each unlocks a chain of up to 5

¹ The mean house price – Leeds Neighbourhood Index 2011

transactions this will mean that 155 people are assisted for each £1m of indemnity provided. The scheme is not restricted to people on low incomes, all that is required is that applicants are first time buyers, can demonstrate to the lender that they can afford the mortgage repayments and can provide a 5% deposit.

- 3.14 Lastly, the authority can specify the postcodes in which the scheme can be offered and it is suggested the scheme is available across the Leeds area. The Council will provide the Lender with information relating to the postcodes that will be eligible under the scheme and in particular will identify where Leeds postcodes and local authority boundaries are not co-terminus. Setting the maximum loan size will in itself limit the areas in the city where applicants can buy and this is likely to be in areas of lower house prices and where markets are less buoyant.

4. Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The way in which the LAMS scheme operates has already been determined through a pilot scheme involving 11 local authorities and there will be limited opportunity for new authorities taking up the scheme to make changes to its operation. Consultation on the scheme itself therefore will not take place.

- 4.1.2 Due to the national operation of the scheme, the Council will work with Sector Treasury Services to match the Council with a Lender. The establishment of a mortgage scheme falls under the remit of the Financial Services Authority and as such the communication strategy and promotion of the scheme will need to be approved by the Lender.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 It is proposed that the Local Authority Mortgage Scheme is available across the city and therefore there are no specific implications for any minority group within the city.

4.3 Council policies and City Priorities

- 4.3.1 The scheme would support the objectives of the City Priority Plan (CPP) & the Leeds Housing Investment Plan (LHIP) by providing a new affordable housing product in turn supporting labour market mobility and economic growth.
- 4.3.2 The LAMS product will compliment the range of models which have been successfully used in Leeds to support new house building, including Equity Loan Shared Ownership and Rent to Mortgage, by stimulating the second hand housing market.
- 4.3.3 The scheme will sit alongside the Government's mortgage indemnity product, developed through the Home Builders Federation and a number of house builders, called the New Buy Guarantee scheme. This is a similar product in that it indemnifies lenders against loss although again is a product available for new build properties which is targeted at first or second time buyers.

4.4 Resources and value for money

- 4.4.1 Once set up the operation of the scheme is via lenders' normal mortgage application procedures without direct input by the local authority. Sector Treasury Services will provide monthly management information and will undertake an annual audit of the scheme.
- 4.4.2 The £2m investment under the cash backed indemnity arrangement would be made from the Council's revenue reserves. Interest will accrue on the deposit and will be at a premium to the usual commercial rate, agreed with the lender at the time of deposit.
- 4.4.3 Whilst it does not entail a call on staff resources to operate the scheme, where default does occur the authority may feel bound to offer mortgage advice or other support.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Under the scheme, standardised legal documentation has been produced, including how the scheme sits in relation to state aid rules, and this is currently being considered by the Council's legal team. In addition, when the Council has chosen a lender, a specific indemnity deed will be produced and agreed by both parties. It is proposed that approval of detailed matters under the scheme is delegated to the Director of Resources.
- 4.5.2 This report is eligible for call in.

4.6 Risk Management

- 4.6.1 The potential risks associated with the scheme are set out in Appendix 1 together with preventative measures to mitigate the risk.

5 Conclusions

- 5.1 The Local Authority Mortgage Scheme is designed to help increase the supply of affordable housing for those who need it, and to help the local housing market and thereby the local economy.
- 5.2 The scheme requires the Local Authority to provide a financial indemnity of up to 20% of a mortgage for potential home-buyers who qualify for Local Authority support, and who meet the strict lending criteria set by the lender.
- 5.3 Lending would be subject to normal lending criteria (applicants must be able to afford mortgage payments but not a deposit, although would benefit from lending conditions associated with a lower LTV) and therefore cannot be seen as sub-prime.
- 5.4 The scheme could provide a valuable stimulus to the housing market in addition to supporting affordability and mobility within the labour market.

6 Recommendations

Executive Board is asked to approve:

- 6.1 The establishment of a Local Authority Mortgage Scheme for Leeds, to be available within the Leeds Metropolitan District area,
- 6.2 That £2m, funded from revenue reserves, be placed with a lender as the maximum limit for the total indemnity to be offered under the scheme.
- 6.3 A maximum loan value under the scheme of £152,000
- 6.4 That approval of detailed matters relating to the scheme is delegated to the Director of Resources.

7 Background documents²

None

² The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Appendix 1

Risk	Preventative Measure
Financial Risks	
Lending to sub-prime applicants	Use of the Lender's credit criteria in assessing applicants.
Applicant affordability	Borrowers will be subject to the lender's normal criteria and controls.
Counterparty Risk	Partnership with highly reputable financial institutions for deposits.
Costs incurred in the event of a guarantee being called	The rate of default anticipated in 2011, as published by the Council for Mortgage Lenders, is 0.35% of all mortgages rising to 0.4% in 2012. If a 1% default rate is assumed for 95% mortgages and if each default leads to 100% loss of the value of the indemnity, the potential loss for £2m of indemnity would be £20,000.
Fall in house prices - in the event of default where the value of the mortgage is not covered by the value of the home	Prices are currently low as a result of the recession Price premium is often paid on brand new properties and second hand market prices might be more stable.
Opportunity cost of depositing the cash for 5 years	Interest is paid on the sum deposited and the rate is at a premium to the usual commercial rate.
Reputation	
Poor publicity / bad press re use of public monies	Joint promotion /publicity strategy with the Lender. Promotion of the benefits of the scheme i.e. supporting the local housing market and local economy.
Repossession in the hands of the lender, therefore outside the Local Authority's area of responsibility	The Lender will inform the Local Authority when an applicant is facing repossession. Local Authority may be able to provide support.
Political	
Lack of political support	Member briefings on scheme progress and level of indemnities offered.
Change of Political priorities	Existing scheme would continue until expiry of indemnity but

	future support could be withdrawn.
Operational	
Adverse impact on staffing levels	Local Authority has no input into the assessment / processing of applications.

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Report of the Director of Children’s Services

Report to Executive Board

Date: 7 March 2012

Subject: Looked After Children (LAC) Report

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. Looked After Children are a priority for the Council and partners. Reducing the number of looked after children in Leeds is being accepted as one of the three ‘obsessions’ by the Children’s Trust Board, and the Children and Families Scrutiny Board has been undertaking a review of placements for children and young people who are taken into care in Leeds.

2. The report highlights that, although Leeds has not yet ‘Turned the Curve’ in relation to the number of looked after children, the strategy adopted by Children’s Services and partners has already had an impact on both numbers and costs associated with looked after children. In Leeds the number of looked after children has stabilised and there are the same number of looked after children as four months ago (September 2011). However, the numbers of looked after children in both statistical neighbours and core cities have continued to increase significantly. If the number of looked after children in Leeds had increased at the same rate as that of our statistical neighbours, there would be 1550 looked after children in the city 31 March 2012. Providing placements for a further 98 children would have cost the Council 6 million pounds.

3. Stopping the sustained increase in the numbers of looked after children, safely and appropriately, is a significant achievement and an important precursor to ‘Turning the Curve’. This report also sets out the strategy and key actions being taken by Children’s Services and partners to reducing the number of looked after children.

Recommendations

1. Executive Board is asked to note the progress made by Children's Services in stabilising numbers of looked after children.
2. The Executive Board is asked to endorse the strategy and key actions being taken by Children's Services and partners to 'Turn the Curve' on the number of looked after children in Leeds.

1.0 Purpose of this report

- 1.1 Looked After Children are a priority for the Council and partners. Reducing the number of looked after children in Leeds is one of the three 'obsessions' by the Children's Trust Board, and the Children and Families Scrutiny Board has been undertaking a review of placements for children and young people who are taken into care in Leeds.
- 1.2 This report provides members with an update on the number of looked after children and informs members about key outcomes for children for whom they act as corporate parent. The report then sets out the key initiatives that are being taken forward to reduce the number of looked after children and ensure that those children looked after by the City of Leeds receive high quality care.

2.0 Background information

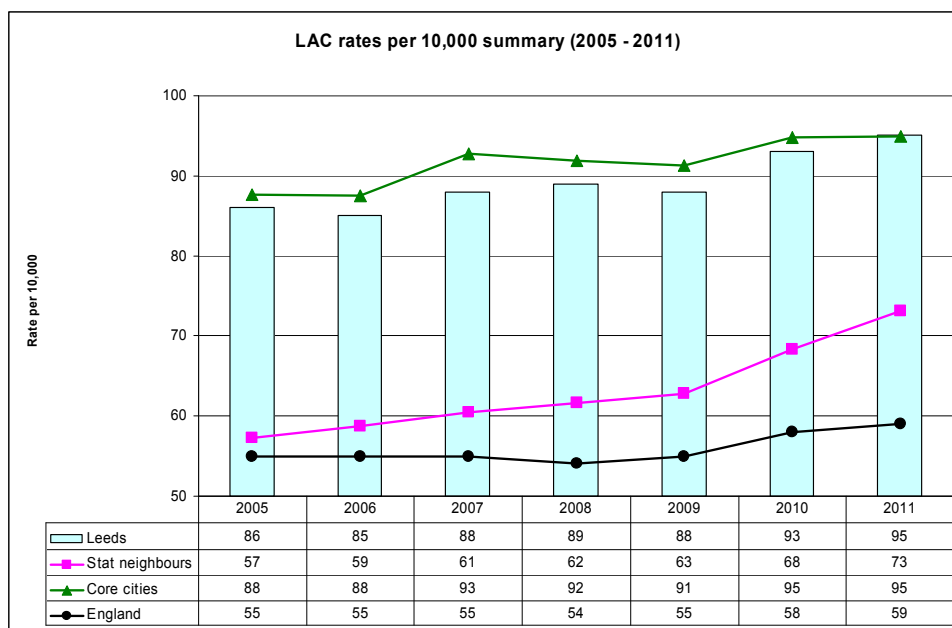
- 2.1 In March 2010 Children's Services in Leeds were made the subject of an Improvement Notice by the Under Secretary of State for Children and Families. This followed two inspections and an annual assessment by Ofsted, which highlighted the need for significant improvements across services for vulnerable children.
- 2.2 In relation to looked after children, Ofsted found a number of areas where particular improvement was required, these included:
 - Arrangements for prevention and early intervention, including the Common Assessment Framework were not sufficiently robust
 - Services were not targeted on children and young people at the point of crisis to prevent family breakdown.
 - Issues with the quality of care planning.
 - Issues with the timeliness of statutory reviews for looked after children.
- 2.3 It was in the context of these areas for improvement that Leeds experienced a significant increase in the numbers of looked after children in the city from 1370 in November 2009 to 1434 in November 2010.
- 2.4 Efforts to address these issues have been a key element of the Improvement Plan and the monitoring work of the Improvement Board that the Scrutiny Board is familiar with. Whilst there is still significant work to be done, the progress made to date is reflected in the recent lifting of the Improvement Notice.
- 2.5 More generally, there is a significant body of research highlighting that looked after children have poorer outcomes than other children and young people in the community and that reducing the numbers of looked after children and improving their outcomes requires a coordinated effort from agencies working with children, young people and families.
- 2.6 Building on the vision of making Leeds the best city in Britain and using the framework of the Child Friendly City, the Council has mobilised the city and community behind children and young people. Members agreed to increase funding for Children's Services and improving the quality of service and outcomes for vulnerable children, young people and their families has been the focus of the Council and its partners working together through the Children's Trust and the Local Safeguarding Children's Board.
- 2.7 Reducing the number of children and young people becoming looked after was adopted as one of the three 'obsessions' identified within the latest Children and Young People's Plan.

3.0 Main issues

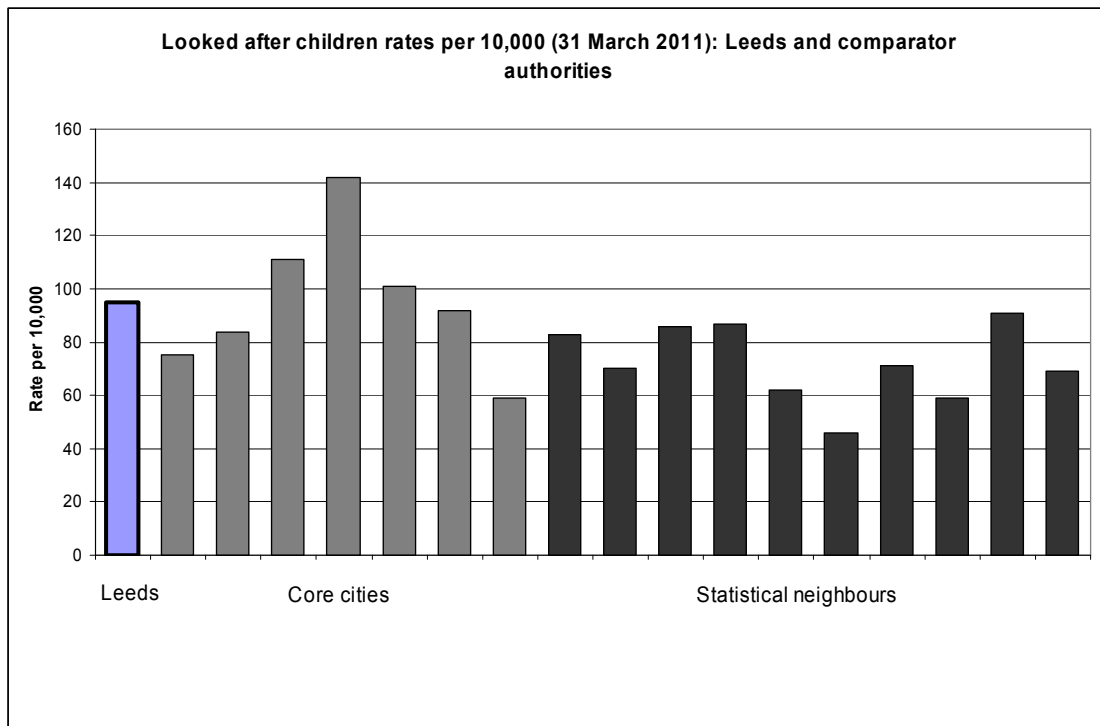
3.1 Number of children in care

- 3.1.1 The number of looked after children in Leeds has been steadily increasing since 2005, with the most significant rise coming between 2009 and 2010. Graphs 1 and 2 provide a comparative statistical analysis of the numbers of looked after children in Leeds (the rate of looked after children per 10,000 children in the general population) against both statistical neighbours and core cities, which have similar demographic characteristics.
- 3.1.2 Graph 1 illustrates that, as a result of the work undertaken to strengthen practice, the number of looked after children in Leeds has not seen a significant increase over the past year. In November 2010 there were 1434 looked after children and in November 2011 1445. On the 14th of February 2012 there were 1452 looked after children in Leeds.
- 3.1.3 However, the graph also highlights that, although Leeds has not yet 'Turned the Curve' in relation to the number of looked after children, the strategy adopted by Children's Services and partners has already had an impact on both numbers and costs associated with looked after children. In Leeds the number of looked after children has stabilised and there are the same number of looked after children as four months ago (September 2011). However, the numbers of looked after children in both statistical neighbours and core cities have continued to increase significantly. If the number of looked after children in Leeds had increased at the same rate as that of our statistical neighbours by the 31 March 2012 there would be 1550 looked after children in the city. Providing placements for a further 98 children would have cost the Council 6 million pounds.
- 3.1.4 Stopping the sustained increase in the numbers of looked after children, safely and appropriately, is a significant achievement and an important precursor to 'Turning the Curve'. The second part of this report (paragraph 3.5 onwards) sets out the strategy and key actions being taken by Children's Services and partners to reduce the number of looked after children in Leeds.

Graph 1: Looked after children rates per 10,000 summary (2005 - 2011)



Graph 2: Leeds & comparator authorities' rates of looked after children March 2011



- 3.1.5 Table 1 provides an analysis of the numbers of looked after children by age group at January 2011 and again in November. This indicates an increase in the number and proportion of looked after children under 4 years and a decrease in those aged between 11 and 15. This may indicate that initiatives to strengthen assessment and care planning to support early intervention may be having an impact. However, Table 1 also highlights the importance of increasing the recruitment of more foster carers.
- 3.1.6 Table 2 provides an analysis of looked after children by ethnicity. There is an over-representation of children and young people from a dual heritage and a Black British background when compared with the child population as a whole and an under-representation of children from an Asian background.

Table 1: Numbers of looked after children by age group at Jan and Nov 2011

Age Group	0-4	5-10	11-15	16-17
Jan 2011	344 (24%)	359 (25%)	459 (32%)	272 (19%)
Nov 2011	429 (30%)	371 (26%)	396 (28%)	211 (18%)

Table 2: Looked after children by ethnicity

Ethnicity	White UK	Black / Black British	Asian / Asian British	Dual Heritage	Other
	79%	3%	3%	12%	3%

3.2 Children's placements

- 3.2.1 Providing good outcomes for looked after children is underpinned by matching the child or young person with a placement that is appropriate to their needs. Table 3 provides an analysis of looked after children. It shows that 27% of looked after children are being

supported to live within their birth family or extended family (Placed with Parents or Family Network). Just over half of looked after children in Leeds (54.4%) are placed with foster carers with a further eight percent being placed with prospective adoptive parents. This is consistent with the make up of the looked after children population (Table 1), which indicates that 56% of looked after children are under 10 years of age.

Table 3: Looked after children by placement

Foster Care	Family Network Placement	Placement with Parents	Residential Care	Children awaiting adoption
54.5%	15.5%	11.5%	10.5%	8%

3.2.2 The number of children in Leeds placed in Independent Fostering Agency placements has increased significantly in response to the rapid increase in the numbers of looked after children. Previously Independent Fostering Agency (IFA) placements were used where children and young people had needs that could not be met by an in-house foster placement; for example complex needs or a large sibling group. However, Independent Fostering Agency placements are now also being used due to the lack of availability of in-house foster placements. Improving the recruitment of foster carers is a significant target for Children’s Services.

3.2.3 There is a similar pattern in the use of residential placements and a review of residential provision is currently underway. Although the use of Independent Fostering Agency and external residential placements has continued to grow during this financial year, there are indications that placement numbers in the third quarter have remained more stable (276 IFAs and 101 external residential placements at 18/12/11).

3.3 Placement stability

3.3.1 The stability of a placement is a useful indicator of whether children and young people are being matched with carers that can meet their needs. Table 4 shows the placement stability figures against core cities and statistical neighbours. It indicates that the number of children and young people experiencing three or more placements has increased. This may indicate difficulties in initial matching and is the focus of work to improve recruitment and care planning in the coming year. However, children and young people placed in long term placements have remained relatively stable.

Table 4: Looked after children: Placement stability

Placement Stability			2009-10	Core City	Stat Neighbour	2010-11
NI 62	Stability of placements of CLA	Percentage of children looked after with 3 or more placements during the year	11.0%	11.3	10.6	13.3%
NI 63	Stability of CLA	Percentage of children looked after for at least 2.5 years who had been in their placement for at least 2 years	68.4%	68.6	66.5	67.6%

3.4 Outcomes for looked after children

Safe from harm

3.4.1 A number of things are essential if children and young people who cannot be looked after by their families are to be safe from harm:

- They must be provided with good quality placements;
- Their case should be overseen by a qualified social worker who is well managed and supported;
- They must be visited, seen and spoken to regularly by their social worker;
- The plan for their care and its implementation should be reviewed regularly.

3.4.2 These factors are scrutinised by Ofsted as part of their inspection of safeguarding arrangements. The January 2010 Ofsted inspection judged that arrangements to safeguard looked after children had improved and were now 'adequate'. The most recent inspections of fostering and adoption (in June and December 2010) rated the services ability to keep children safe from harm and neglect as 'good'.

3.4.3 Children's homes are also inspected regularly by Ofsted. Currently, five of the local authority's children's homes in Leeds are rated as 'good', five as 'satisfactory' and one is rated as inadequate. Where they are needed, clear action plans are in place to ensure that necessary improvements are being made to achieve consistently high standards across all Leeds children's homes.

Case file audits

3.4.4 In November 2010, to ensure that looked after children were receiving a good quality social work service and in the context of the wider improvement work taking place, a large scale audit of 1095 looked after children and child protection case files was undertaken. The audit looked at the quality of practice against clear practice standards agreed with practitioners. The findings of the audit were used to determine development needs as well as areas of good practice across the service to help raise standards and increase consistency.

3.4.5 A case file audit framework has been developed and implemented, with managers required to undertake a certain number of audits each month dependent upon their role. The sample of cases for audit is undertaken centrally by the Performance Team to ensure random selection. Cross team audits are used and in addition to individual areas for action and good practice being identified aggregated information is collected to inform service development and improvement.

Looked after children's reviews

3.4.6 Care plans for looked after children are subject to independent scrutiny by an Independent Reviewing Officer. To improve the timeliness and quality of reviews, the Independent Reviewing Officer Service has been strengthened as part of the development of the Independent Safeguarding Unit. As a result, the percentage of looked after children's reviews carried out within required timescales has improved from 71% in 2009/10 to the current figure of 91%. This performance is similar to statistical neighbours though it is our ambition that performance in Leeds will continue to improve.

Child sexual exploitation

- 3.4.7 Some looked after children and young people are particularly vulnerable to exploitation. Children's Services and the Local Safeguarding Children Board have been working together to ensure that there are appropriate arrangements in place to safeguard these young people.
- 3.4.8 New arrangements to support agencies to work together more effectively where there are concerns that a young person may be at risk of exploitation have been developed and the new procedures will be formally launched at a multi-agency event on the 3rd of February 2012.
- 3.4.9 A specialist Child Sexual Exploitation practitioner was recruited in 2011. Based in the Integrated Safeguarding Unit this practitioner is responsible for coordinating operational and strategic matters in relation to Child Sexual Exploitation. This has led to more a coordinated response operationally and a large scale event to highlight this issue is planned for February 2012.
- 3.4.10 The Local Safeguarding Children Board provides training on this issue and are working closely with all partners to address the issue.

Children lead healthy lives

- 3.4.11 The timeliness of completion of initial Health Needs Assessments has been of concern, with a backlog of appointments and significant number of missed appointments. A review of the service by the designated doctor has resulted in improved systems, local clinics and patient/carer centred booking, which has resulted in improved timeliness. This will continue to be monitored and further improvements have been proposed, to ensure all children are accompanied by their parent and social worker as well as their carer wherever possible.
- 3.4.12 The proportion of our looked after children having up to date health needs assessments shows a year on year improvement. In 2006/7 72% of looked after children had a health needs assessment, in 2010/11, we achieved 92%. The statistical neighbour average was 82%.
- 3.4.13 The proportion of children with up to date dental checks also shows a similar year on year improvement from 78% in 2006/7 to 87% in 2010/11 against a statistical neighbour average of 75%.
- 3.4.14 The proportion of looked after children and care leavers with up to date immunisations is reported annually and has also increased from 57% in 2007-2008 to 76% in 2008-2009, 84% in 2009-2010 and 90% in 2010/11. The statistical neighbour average was 74% in the same year.

Children and young people do well in learning and have skills for life

- 3.4.15 Contextual Value Added provides a way to compare groups of children and young people with different previous educational experience. Though the government has decided not to support it in future, it still provides a helpful estimate of progress that allows one year group to be compared with another group, even though the groups might have differing 'academic' potential.
- 3.4.16 The estimated Contextual Value Added between Key Stages 1 and 2 has consistently fallen between 99 and 101 over recent years. A score of 100 is usually accepted as evidence

that a cohort of children is achieving in line with expectations and so, though the academic potential of Year 6 groups has varied over recent years they continue to achieve broadly in line with expectations. The estimated Contextual Value Added between key stages 2 and 4 has, in contrast improved steadily from 960 in 2008 to 993 in 2011. Whilst still short of the 1000 that would suggest that the cohort was achieving as expected, this does show a positive trend of improvement.

- 3.4.17 By the end of key stage 2 the percentage of looked after children who had achieved level 4 or above in the core subjects has risen significantly since 2008 to 54% and 40% in English and Maths respectively. Though this remains lower than for all children the gap in attainment narrowed from 40% in 2010 to 26% in 2011, in English, and from 44% to 38% in Maths.
- 3.4.18 The percentage of looked after children who achieved 1+A*-G at GCSE by the end of Key Stage 4 rose from 64% in 2008 to 84% in 2011 and those achieving 5A*-G from 44% to 59% over the same period. Those achieving 5A*-C increased from 9% in 2008 to 33% in 2011 and those achieving 5A*-C, including English and Maths, rose from 6% to 9% over the same period. The %A*-C including English & Maths fell back in 2011 from 14% in 2010, which may reflect a reduction in national funding used for one to one tuition, which has previously focused on English and Maths.
- 3.4.19 Attendance by looked after children in primary school (96.4%) has gone up slightly since 2008 (96.1) and remains 1.6% higher than that of all children (94.8%). Persistent Absence among looked after children in primary school has declined further in 2011 (to 0.8% at the 20% absence threshold) and is lower than among all children (1.4%). At the 15% threshold of absence, persistent absence among primary school looked after children is 2.0% compared to 4.3% among all primary school children.
- 3.4.20 Attendance by looked after children in secondary school (90.2%) remains lower than that of all children (92.4%) but has improved by 1.8% since 2008. While Persistent Absence (at the 20% threshold) remains higher among looked after children than all children in Leeds (12.7% compared to 6.3%) it is significantly lower than it was in 2008 (18%).
- 3.4.21 Only 2 looked after children were permanently excluded from Leeds schools in 2010-2011. Data on fixed term exclusion must be treated with caution as academies are not required to submit fixed term exclusion data to the authority and some do not. However, based on available data, the total number of days that looked after children lost to exclusion continued to fall, from 828 in 2008-09 to 412 in 2010-11 while the number of children excluded and the number of exclusions they suffered also continued to fall. Exclusions among looked after children continue, however, to be significantly higher than among all children.

Children and young people are active citizens who feel they have voice and influence

- 3.4.22 It can be difficult for looked after children, because of their needs and circumstances, to participate in decision making and to influence the provision and development of services. It is essential therefore that they are supported to have voice and influence. All looked after children and care leavers have good access to independent, proactive, advocacy services through the independent Children's Rights Service commissioned from Barnardos.
- 3.4.23 Looked after children and care leavers were involved with every senior appointment in Children and Young People's Social Care as well as the appointment of the Director of Children's Services. They have also contributed to the development of services through:

- The 'Leeds Promise' to looked after children was sent together with a questionnaire to all looked after Children aged 8 and over and their comments are being used to improve services;
- The Children's Rights service has worked in partnership with younger looked after children and staff in one of the children's homes to produce a range of stories to illustrate our promise to looked after children and assist them to understand the changes in their lives. It is intended that these powerful stories will be published;
- The Elected Member, Corporate Carer group's forward plan includes 6 monthly joint meetings with the Children in Care Council.

3.4.24 The 'Have a Voice group', (Children in Care Council) is working closely with the Looked After Children Partnership group and Elected Members to review the Looked After Children's Strategy and inform service development. The strategy will be used as a catalyst to further improve engagement and influence of looked after children.

Children and young people have fun growing up

3.4.25 Many looked after children and young people will have had limited opportunity to participate in the type of fun activities that most children and young people take for granted.

3.4.26 Since mid-May 2010 the 'Creative Start Project' has delivered a range of arts provision to 6 children's homes across Leeds – all aimed at developing a long term and sustainable interest in the arts among the young people. Creative Start has also funded visits to a variety of locations including the Yorkshire Sculpture Park and The Deep in Hull, and has brought in artist Tim Curtis to support staff and work with two small groups of autistic young people at Acorn Lodge to create artwork inspired by their days out

3.4.27 The Leeds 'Find Your Talent' pilot linked looked after children with libraries, arts and heritage activities.

3.4.28 The youth service has worked closely with our children's homes. All homes have a designated link within the service who works in partnership with the homes activity coordinator to ensure that looked after young people have access to universal and targeted youth services. This has resulted in improved take up of youth service activities.

3.4.29 The Looked After Children's Strategy review has commenced with a thematic review of 'Have fun Growing up'. The partner group and our children's group agreed that we should prioritise ensuring that all children have positive self esteem, build on placement stability, good relationships with carers and key adults and good friendships but both also made positive recommendations about improving access to a range of activities. These will be developed into an action plan and form part of the Looked After Children's Strategy.

3.5 Strategy for 2012-13

3.5.1 There are four key elements to an effective strategy to safely reduce the number of looked after children:

- Effective and coordinated preventative and early intervention services;
- Targeted services to support families at the point of crisis;
- Placement Choice;
- Care Planning

This section provides members with a summary of the actions being undertaken in 2012/2013.

Prevention and Early Intervention work

Early Start

- 3.5.2 Early Start Teams are being established in Children's Centres. The findings of the universal review in relation to Early Start Teams have now been implemented in one cluster, Seacroft/Manston, where the Early Start Team is in place. Early Start Teams will be up and running across the city by September 2012.
- 3.5.3 Early Start Teams will identify and work with families and place children for the free 2 year old child care places in Children's Centres, specifically targeting those likely to become looked after.

Common Assessment Framework

- 3.5.4 The Common Assessment Framework is designed to support agencies to identify the needs of vulnerable children and to ensure that appropriate support is provided at the earliest opportunity. Where a practitioner identifies that a child is vulnerable they should complete a common assessment. The common assessment will help the practitioner to understand the child's needs and engage the support of other agencies. It is expected that the number of children needing universal or targeted services, therefore eligible for a common assessment, should exceed those needing a specialist assessment from social care. However, in the 2010/11 financial year, 1131 common assessments were initiated. Between 01 April 2011 and 30 November 2011 570 common assessments were initiated. If this rate of completion continues it is anticipated that 855 common assessments will be completed in 2011-12, a drop of approximately 24%.
- 3.5.5 There is therefore a need to significantly increase quantity and quality of common assessments undertaken in order to identify and meet needs at an early stage. A full multi-agency review of the common assessment is underway. It has identified the need to simplify existing processes. Support and advice is being provided by Professor Harriet Ward from the Centre for Child and Family Research and Mark Peel from Leicester University who have worked with a number of authorities on the successful implementation of the common assessment. Consultation on proposed changes is taking place now and it is anticipated that the new arrangements will be launched in April 2012.

Multi-agency working through locality and cluster working

- 3.5.6 Cluster arrangements provide a multi-agency framework to support vulnerable children in their local communities.
- 3.5.7 All clusters in the city now have in place a structure that includes a multi-agency group working together to provide more support to vulnerable children, young people and families. These groups meet regularly to receive 'Requests For Support' from those universal settings (schools and children's centres) where it is considered a vulnerable child or young person needs additional support. The multi-agency group shares information, where appropriate, and discusses the individual child or young person to identify what support they require and how this is best provided. A lead person is nominated to lead on the support to ensure that it is coordinated and to monitor what difference it is making to the child. Where appropriate the group will refer back to the universal setting as best placed to

progress a recommended action, for example undertaking a common assessment. Where the Targeted Service Leader is in post, they chair the meetings.

3.5.8 All of the cluster multi-agency groups are at different stages of development, some beginning to work effectively, and some still evolving. However, where arrangements are established there are some excellent examples of how the sharing of information has led to positive outcomes for the children, young people and their families. Efficiencies are being made in the use of resources by coordinating support by agencies and reducing duplication. As a result of the information collected in clusters the delivery of evidenced-based parenting programmes is becoming more needs driven.

3.5.9 Development of the cluster practice and infrastructure is on-going, this involves partnership support including the Leeds Safeguarding Children Board (LSCB). The significance and challenge of this work is considerable and while progress is being made the scale and support needed should not be underestimated.

- All of the three early adopter clusters have held Outcomes Based Accountability workshops focussing on the obsession “reducing the need for children to be in care”;
- The targeted services leader role, which is being piloted in 3 clusters, J.E.S.S, Inner East and Bramley is beginning to show some success. All three pilot clusters now have in place a list of their most vulnerable families. Using the Top 100 methodology they have managed to identify those families that need a coordinated support package in place, and have identified the most appropriate lead agency;
- Children Leeds leadership team have identified a further resource that will now provide for up to 18 Targeted Services Leaders posts across the city and build on the learning of the pilot clusters;
- A skills audit has been undertaken of all cluster family support staff and the Leeds Safeguarding Children Board have produced a list of training courses with recommendations to the clusters on who should attend;
- To support practitioners principles of effective supervision are currently being developed, for ratification by the Leeds Safeguarding Children Board for implementation in schools and clusters.
- Ongoing areas for development include cluster case-management and effective and appropriate information sharing.

3.6 Responding to requests for service and referrals

Re-referral rates

3.6.1 Initial contacts with Children’s Services in Leeds are known as ‘requests for service’. A decision about the information contained in a requests for service is made by a social work manager to determine whether a referral to a social work team is needed. A referral will be dealt with within one working day. The outcomes of a referral may be that the case is closed after the provision of information, advice and guidance or an initial assessment to gather more information. The case may be closed following the initial assessment if there is no need for support from a social worker. If a child requires social work support to safeguard or promote their welfare a service will be provided. This may be on a short term or long term basis. In some cases this will include protective services and care or accommodation.

3.6.2 If after a case is closed it is referred to Children’s Services again within twelve months this is classified as a re-referral. The rate of re-referrals can, therefore, provide a useful

indication of how effectively the child or family's needs were met. Table 5 shows that there has been a significant increase in the number of referrals and the rate of re-referrals since 2008. Managing high rates of referrals impacts on the ability of Children's Services to direct support to those children in Leeds who are most vulnerable and the Leeds Safeguarding Children Board commissioned research from Professor David Thorpe in order to understand the reasons for the increase, the implications for children and families in Leeds and whether there way of managing referrals and requests for services could be improved.

Table 5: Rates of Referral and Re-referral to Children's Services

	2008-09	2009-10	2010-11	Nov 2010 to Nov 2011
Number of referrals in financial year	8,667	9,909	12,945	14,139
Number of re-referrals within 12 months of initial referrals	1,821	2,790	4,154	5,025
Re-referral rate	21.0%	28.2%	32.1%	35.5%

3.7 Analysis of referral taking in Leeds

- 3.7.1 Professor David Thorpe had previously been commissioned by authorities in the region to review referrals being made to Children's Services across the region and how these were managed. This study looked at 300 referrals accepted by each local authority Children's Social Care Service in 2008. The referrals were studied in terms of decision making and response at the point of referral but also followed through for one year where social care remained involved for this period of time.
- 3.7.2 The Safeguarding Children Board commissioned Professor Thorpe to repeat this study in relation to referrals from June 2010, which were tracked through to June 2011, as a children's screening team had been Introduced of at the Contact Centre during this time.
- 3.7.3 Professor Thorpe has now completed his analysis and a report is to be shared imminently. Initial findings indicate that a significant number of referrals to Children's Services do not require a social worker and that the best source of support is from universal and other support services. Professor Thorpe has identified that although families are directed to these services there is no mechanism in place to identify whether families take up the support and, where they do, if it has the desired impact. As a result the rate of re-referrals has increased. Professor Thorpe's research has also identified that many categorised as child protection, resulting in an investigative approach, are actually 'welfare concerns' which could have been dealt with as children in need which would be more successful in engaging families.
- 3.7.4 Professor Thorpe has recommended a number improvements that can be made to the way in which Children's Services manage requests for service and referrals which will improve outcomes for children and families and the service provided to partners. Over the next three months Children's Services will be working with key partners and Professor to implement these changes. The new arrangements will ensure that vulnerable children and young people receive the support they need promptly, in a coordinated manner and in the most appropriate way.

3.8 Family Group Conferencing

- 3.8.1 Family Group Conferencing is internationally recognised as an evidence based method of working with families. It is an approach that is consistent with the commitment in Leeds to work *with* families in a restorative way that keeps them engaged and involved in arriving at the best solution to the problems they are facing and delivers a good outcome for their child. Family Group Conferencing brings families together and supports them to find solutions to their difficulties. The existing Family Group Conference service is to be expanded from one to three teams to enable the service to work across the city. It is intended that Family Group Conferencing will be used with families at points of crisis to ensure that families experiencing difficulties are enabled to find solutions within their own family and community network, with support and monitoring from agencies to ensure that children remain safe at all times. This approach will identify strengths in families and solutions that are sustainable without the need for extensive agency involvement.
- 3.8.2 Leeds will be undertaking this expansion in partnership with the Family Rights Group, a nationally recognised expert agency in this field. The expansion will take place from March 2011 onwards.

3.9 Improving services to children at the point of crisis

- 3.9.1 In those circumstances where the more effective and coordinated early intervention services have not been able to meet the needs of children and they reach crises point, specific edge of care services will be available to intervene appropriately.
- 3.9.2 Multi-Systemic Therapy has proved to be very effective in Leeds during it's pilot period, however the service has consisted of one team across the city. The team works with 11 – 16 year old young people at risk of care or custody. It has also proved effective, in a small number of cases, in returning children from external placements back to Leeds own placements and to children's families.
- 3.9.3 This service is to be expanded to three teams working across the city targeting children on the edge of care or custody. They will also be involved with a number of young people who have already become looked after but where there is a prospect of a return home. A number of these young people may have been in care for sometime, however, as this work progresses the service will focus on returning children and young people who have just become looked after.
- 3.9.4 Research suggests that children who become looked after and remain in care for longer than six to eight weeks are much more likely to remain in care for over two years. This window of opportunity therefore is very important in returning young people home and improving their outcomes. As well as MST a crisis support team is to be developed to ensure that families receive support at this critical time to ensure children do not enter care unnecessarily.

3.10 Effective care planning

- 3.10.1 There has been a very significant restructure of Children's Services in Leeds bringing together the former Education Leeds and Local Authority services as the basis of a much wider plan of integration of services to children and their families. The integration of Children's Services along with more effective early intervention and edge of care services outlined above is aimed at reducing the need for more intensive services from agencies.

- 3.10.2 The social work teams are to be realigned geographically to relate to clusters in order that each team relates to a small number of local schools, health visiting teams and other local agencies. These relationships will form the basis of more effective safeguarding and preventative work where the local social work manager will provide support, guidance and reassurance to professionals to help them to meet the needs of children earlier and to avoid the need to refer for more specialist support. This will enable agencies to target this support on those children who are the most vulnerable.
- 3.10.3 Specialist Looked After Children's Teams are also being established to ensure that looked after children benefit from dedicated, high quality support. This will ensure that care plans for looked after children are driven forward to avoid 'drift'. Care plans will be monitored and quality assured by independent reviewing officers to ensure that they meet the needs of the child and support them to achieve permanence. All young people looked after will have a permanence plan which means that agencies are working together actively towards a positive exit from care for all looked after children. These exits will include return to their family, special guardianship and adoption. Children may need one or more placements to prepare for permanence but it is essential that each looked after child has a clear plan to achieve emotional and legal security through permanence.

3.11 Placement choice

- 3.11.1 Placement choice is important in achieving good outcomes for looked after children as it ensures that children are matched with carers that can meet their needs. Work is underway to improve the choice of placements. The fostering and adoption team has been strengthened and a recruitment drive is underway to increasing the range and number of in-house foster carers and prospective adopters. A review of residential provision aimed at ensuring that in-house residential provision is appropriate to the needs of children in Leeds and reduce the use of expensive external placements that take children away from their community. We will also be looking to increase the use of special guardianship orders to help children to remain within their extended families.
- 3.11.2 Placement choice will also be increased as we reduce the number of children that need to become looked after through more effective preventative and early intervention services. The expansion of in-house provision coupled with a reduction in demand for placements is a very high priority in the Council and will see more effective and efficient use of resources to meet children's needs and to maintain children in their community and in Leeds.

4.0 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 None specifically for this item.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 The ethnicity of looked after children is highlighted in the main body of the report and shows a variance with the population of children in Leeds. This issue is subject to analysis as part of the service redesign of Children's Social Care. National research highlights this as a concern, but concludes that there is little evidence to support the view that social workers or other welfare professionals operate a different threshold for groups from ethnic minority families when offering services or removing children from their parent's care.
- 4.2.2 The disparities in Leeds are less significant than other places in the UK however, further work is to be undertaken to understand the issues in Leeds.

4.3 Council policies and City priorities

- 4.3.1 The work with looked after children is a very significant priority and reducing the need for children to be looked after is central to the ambitions for Leeds to become a child friendly city.
- 4.3.2 It is also one of three obsessions in Children's Services and will require the support of the whole Council and its partners and the city as a whole.

4.4 Resources and value for money

- 4.4.1 The work outlined in this report and the Looked After Children Plan is based on reducing the need for children to become looked after. This will require more effective early intervention, a greater focus on children on the edge of care and more effective care planning to achieve permanence where children are looked after. All these features will mean that outcomes for children are much improved. Over a period of time the reduction in the number of looked after children will also lead to financial savings for the Council.

4.5 Legal implications, access to information and call in

- 4.5.1 This report is subject to Call In.

4.6 Risk management

- 4.6.1 None specifically for this item.

5.0 Conclusions

- 5.1 There has been considerable commitment from members and partners to improving outcomes for vulnerable children. This has resulted in the number of looked after children stabilising in the past year and significant improvements in outcomes for looked after children.
- 5.2 The number of looked after children in Leeds remains too high and reducing the need for children to become looked after and supporting looked after children to achieve permanence is a priority for the Council and its partners. There is a clear strategy in place to achieve this and progress will be reported back to the Executive Board and Scrutiny on a regular basis.

6.0 Recommendations

- 6.1 Executive Board is asked to note the progress made by Children's Services in stabilising numbers of looked after children.
- 6.2 The Executive Board is asked to endorse the strategy and key actions being taken by Children's Services and partners to 'Turn the Curve' on the number of looked after children in Leeds.

7.0 Background documents¹

- 7.1 The Looked after children obsession action plan is available on request.
- 7.2 Scrutiny Inquiry Final Report on External Placements.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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Report of The Director of Children's Services

Report to The Executive Board

Date: March 7th 2012

Subject: Basic need 2012: Carr Manor & Roundhay all through schools revised costs

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Moortown, Roundhay	<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 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 Since submission of the two Design and Cost Reports (DCRs) in October 2011, the costs on both basic need schemes have risen and are projecting increases of £655K in respect of Carr Manor all through school, and £2.77M in respect of Roundhay all through school, a total of £3.43M.
- 2 The purpose of the report is to explain:
 - The reasons behind the increases in costs in relation to both projects;
 - The recommended resolution in respect of alignment of additional funding to these two schemes.
 - The implications for project programmes and impact on the duty to deliver pupil places for September 2012; and

Recommendations

- 3.1 Executive Board is requested to transfer £0.655m of secured grant funding from scheme 14185/000/000 and authorise additional expenditure of £0.655m in respect of the Carr Manor project, to allow the scheme to progress to a formal order to the supplier and to allow 30 places to be delivered for 2012.

- 3.2 Executive Board is requested to transfer £2.775m of secured grant funding from scheme's 14185/000/000 and 16404/000/000 and authorise additional expenditure of £2.775m in respect of the Roundhay project, to allow the scheme to progress to a formal order to the supplier and to allow 60 places to be delivered for 2012.

1 Purpose of this report

- 1.1 The purpose of the report is to explain the reasons behind the increases in costs in relation to both projects, to identify additional funding, and ask for the approval of members of the Executive Board to increased expenditure on both projects in order to deliver 90 pupil places in 2012.
- 1.2 The priority is that the council is able to fulfil its statutory duty to ensure there are sufficient school places. This report identifies implications for both project programmes and impact on the delivery of pupil places for September 2012. We will work closely with the two schools to manage the delivery of the permanent accommodation whilst providing sufficient places from the start of term.
- 1.3 Finally the report outlines the current position in relation to the schemes.

2 Background information

- 2.1 In December 2010 Executive Board were asked for permission to consult on six proposals to meet the statutory duty to provide sufficient school places. An outline budget estimate was provided, based on modular framework costs, and heavily qualified as being 'subject to significant development costs; and not inclusive of fees, inflation, site acquisition costs, or provision for any site specific conditions or risk.' Subsequently one proposal has not proceeded and one remains subject to further work.
- 2.2 The outcome of the statutory notices for Carr Manor and Roundhay was reported in September 2011, and the outline cost of the schemes reported at £2.57M and £4.43M respectively. The delivery of two whole new schools within the statutory and approvals processes required a significantly accelerated programme and it was considered necessary to submit Design and Cost Reports in October 2011 to meet with the September 2012 deadline.
- 2.3 The original budget allocations were based on a cost per square metre, supplied by the Consultant partner, Jacobs, with a small allowance for risk, as this would be the first design and delivery of whole new modular schools through the framework.
- 2.4 The initial contractor, in relation to the Roundhay scheme (Britspace), went into administration in August, effectively losing 2 months of programme in relation to reviewing the existing part-complete design, developing and costing it. Following mini-competition, the allocation of a new supplier at a stage where the design was at most 75% complete meant the design has had to be reviewed to ensure that it can still be delivered through a different product. In addition to the duplication of fees required, the time lost in the development stages has had a detrimental impact.
- 2.5 As soon as the first cost plan from the suppliers was submitted through Jacobs, it became apparent that the costs were over those projected in the Design and Cost Report. In response to this activity has taken place with the school to reduce

costs, where possible, and has continued. Subsequent additional costs also became apparent following requirements of Plans panel in January 2012.

3 Main issues

Cost variances

- 3.1 A breakdown of key variances between the tender figures and the DCR breakdown of initial costs for both projects are as follows:

Summary of key issues impacting cost:

- 3.2 The site identified for the Roundhay scheme, has significant challenges in four key areas: level changes; security, services, ICT linkage and green belt treatment. The changes in level have a range of implications necessitating engineering solutions: retaining walls/structures between the plateaus, bridge links to upper building levels to meet DDA access/egress, ramps throughout the site, pathways accommodating the level changes, increased hard surface requirement.
- 3.3 The open and relatively isolated location presents an increased security and insurance implication for fencing, gates, CCTV, access control systems, and additional lighting. Existing services to site are either insufficient or in such a condition that they are not usable or do not meet current regulations. The projected costs of linkage of the two sites of the through school for ICT has far exceeded the original estimate.
- 3.4 The conservation area/green belt status of the site has presented Planning conditions impacting on the specification of the building design and structure, expensive external building materials, boundary treatment, lighting, path surfacing treatment and design, tree protection measures, and a significant landscaping scheme.
- 3.5 These challenges had not been sufficiently factored into the cost assumptions provided by Jacobs. There is no other alternative site in Council ownership in the correct location to provide the places required for 2012.

Programme implications

- 3.6 The priority is to ensure that sufficient school places are made available in a timely manner for local children. The proposed delivery of the modular accommodation for Carr Manor is likely to experience some slippage in returning to Executive Board for consideration on 7 March. We will work with the school to deliver the 30 places required if this occurs.
- 3.7 The programme in respect of Roundhay is more complex and consideration by the Executive Board on 7 March is likely to mean some slippage and we will work with Roundhay school to deliver the 60 places required. The slippage means that the supplier may require a continued presence on site until completion, and an increased cost implication.

Current Position

- 3.8 The modular framework has previously delivered timely and cost effective expansions of existing schools. However, these first examples of whole new schools have not delivered to the same benchmarks because their scope has placed them outside the notional schemes the framework was designed to deliver.
- 3.9 The risk log has been updated for planned future schemes and the requirement where there are as yet no identified schemes to make forward financial planning more realistic.
- 3.10 Children's Services are reviewing their construction approach and delivery programmes for all proposals which have not yet reached DCR stage. Where appropriate proposals may seek to include temporary accommodation to allow sufficient time for other procurement and construction approaches to be more securely costed.
- 3.11 Discussions have commenced between Children's Services and Planning and Highways officers in order to improve cross directorate working This includes improving and maximising early consultation and the provision of advice and guidance on proposed sites and developments to ensure that requirements at a later design stage, or at Planning application stage, do not present unanticipated cost and delay.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The proposals in respect of changing the age range of both secondary schools and the provision of 90 pupil places for 2012 have been subject to extensive consultation including public consultation, and legal requirements in accordance with statutory process, since December 2010. The Executive Board reports are listed in section 7.
- 4.1.2 All proposed works have been the subject of consultation between Children's Services Officers, the school and the governing body, and the public via the statutory Planning process.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The EDCI assessment was completed at the outset of the proposal for the new schools and is available from the School Organisation Team.

4.3 Council policies and City Priorities

- 4.3.1 The proposed scheme will meet the local authority's statutory duty to provide sufficient school places. These schemes will also contribute towards the modernisation of school buildings within the city thereby helping to raise standards and increase the level of educational attainment amongst school pupils

4.4 Resources and value for money

- 4.4.1 Since submission of the two DCRs in October 2011, the costs on both basic need schemes are projecting respective increases of £0.655m in respect of Carr Manor all through school, and £2.775m in respect of Roundhay all through school, a total of £3.43m. The consultant SDA partner recommends both the Carr Manor and Roundhay schemes as value for money.
- 4.4.2 It is proposed that the additional funding be allocated from two secured grant funded schemes, £3.177m from scheme 14185/000/000 (Devolved schools capital grant) and £0.253m from scheme 16404/000/000 (2011/12 Basic needs grant).
- 4.4.3 The key areas and reasons for the variances are as follows:
- 4.4.4 Both sites have experienced challenges and difficulties which have constituted 'abnormals' and attracted increased, site specific costs: £0.6m in respect of Carr Manor and £1.4m in respect of Roundhay. The detailed designs addressing the abnormal issues were completed after the costs submitted in the DCRs.
- 4.4.5 The Planning Authority's requirements in response to Roundhay scheme being within the Green Belt and conservation area required certain finishes, treatments and construction implications. This amounted to £440k.
- 4.4.6 The enhanced requirements of Plans panel to resolve traffic and road safety concerns resulted in a deferment of the Planning application and a re-design, requiring parental parking/drop off on site. This attracted additional costs in respect of construction, access and externals of £55k in respect of Carr Manor and £380k in respect of Roundhay.
- 4.4.7 The remaining cost variances of £555k for Roundhay, with regard to the construction overall, are a result of the detailed design and cost plans being submitted some 1-2 months after the DCR submission.
- 4.4.8 In addition, the scope of these first two whole school schemes, has placed them outside the notional schemes the framework was designed to deliver. As a consequence the additional scope has been treated by the suppliers as an 'abnormal' and attracted a different and enhanced cost.
- 4.4.9 Both the above issues relate to the accelerated programme in that the framework was the only vehicle which could deliver the whole new schools for September 2012.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The consultation and statutory processes are in line with all legal requirements.
- 4.5.2 This decision is exempt from call-in due to the urgency with which the formal order must be placed if the accommodation is to be delivered for 2012. The Plans Panel decision taken in January was deferred from December which resulted in final estimated costs being too late for a February paper.

4.6 Risk Management

- 4.6.1 Operational risks are addressed through existing project management procedures via risk registers at project and programme level, highlight reports, board and other project team meetings, and in liaison with the schools.

5 Conclusions

- 5.1 There are a complex range of contributory factors resulting in the late identification of additional scheme costs on these first two whole new schools delivered via the modular approach/modular framework. A significant factor has been the scope of the requirement, which has significantly exceeded the scope of expansions of existing schools that the framework was designed to deliver and procured for in 2009.
- 5.2 This has meant a learning experience for all parties including the consultant and supplier, and consequently some of the initial assumptions on cost and risk were understated until much later in the process when detailed design work began to identify the supplier's approach to cost and risk.
- 5.3 Lessons learned are already being incorporated into future project planning including a review of the construction approach and delivery programmes.

6 Recommendations

- 6.1 Executive board is requested to transfer £0.655m of secured grant funding from scheme 14185/000/000 and authorise additional expenditure of £0.655m in respect of the Carr Manor project, to allow the scheme to progress to a formal order to the supplier and to allow 30 places to be delivered for 2012.
- 6.2 Executive Board is requested to transfer £2.775m of secured grant funding from schemes 14185/000/000 and 16404/000/000 and authorise additional expenditure of £2.775m in respect of the Roundhay project, to allow the scheme to progress to a formal order to the supplier and to allow 60 places to be delivered for 2012.

7 Background documents

Executive Board reports¹

- 7.1 15 December 2010: Primary place planning for 2012

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

- 7.2 30 March 2011: Basic need programme 2012, outcome of consultations on proposals for primary provision for 2012 and request for authority to spend (ATS)
- 7.3 18 May 2011: Basic need programme 2012, outcome of consultations on proposals for primary provision for 2012
- 7.4 27 July 2011: Primary basic need 2012, outcome of statutory notices for the expansion of primary provision in 2012
- 7.5 7 September 2011: Primary basic need programme, outcome of statutory notices for the expansion of primary provision in 2012
- 7.6 7 September 2011: Response to Carr Manor Road Safety Group, deputation to full Council on 13 July 2011
- 7.7 12 October 2011: Design Cost Report for Carr Manor High School Primary Accommodation
- 7.8 12 October 2011: Design Cost Report for Roundhay High School Technology and Language College Primary Accommodation

Report of: Director of Children’s Services and Director of City Development

Report to: Executive Board

Date: 7th March 2012

Subject: Impact of tuition fee rises for 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

The coalition government announced changes to tuition fees in November 2010, allowing universities to charge undergraduate tuition fees of up to £9,000 per year from 2012. In June 2011 the government set out its plans for the future of higher education.

The attached report considers the potential impact of tuition fee rises and the wider changes to higher education for Leeds. However, due to the complexity and changing nature of the current proposals, with further announcements due in 2012, the findings of the attached report can only be seen as reflecting the situation as of January 2012. The reports findings are:

- There are differing views from the HEIs in Leeds on the potential impacts on the number of students recruited from 2012. The attractiveness of Leeds as a city is seen as vital selling point in appealing to students.
- There is evidence to suggest that an increasing number of students may choose to study locally and live at home.
- Continuing to ensure that students from poorer backgrounds are able to enter into higher education is a key concern.
- The proposed changes, concerns about wider participation and the potential for increased competition between institutions highlights the need for the City to have a coordinated partnership approach to higher education.

Recommendations

Executive Board is recommended to:

- (i) Comment on the content of the attached report.
- (ii) Consider commissioning a further piece of work to assess the economic impact of tuition fee rises and the wider changes to higher education being implemented post 2012, to be undertaken in 12 months time.

1 Purpose of this report

- 1.1 To inform Executive Board of the potential impacts of tuition fee rises and the wider changes to higher education for Leeds.

2 Background information

- 2.1 The Executive Board of 5th January 2011 considered a deputation led by the Leeds University Union on the changes to funding of higher education. As a result Executive Board decided that officers should be authorised to engage with the universities and other relevant parties, in order to undertake a piece of work to help understand the impact of the changes for Leeds. It has not been possible to report earlier as the detail has only recently become available.
- 2.2 The coalition government announced changes to tuition fees in November 2010, allowing universities to charge undergraduate tuition fees of up to £9,000 per year from 2012, raising the cap from the current level of £3,375.
- 2.3 On 28th June 2011 the government set out its intentions for the reforms to the university sector in 'Higher Education: Students at the Heart of the System' White Paper. The reforms are concentrated around three main issues; financing of higher education, the student experience, and social mobility.
- 2.4 Following consultation with the Higher Education Institutions (HEIs) in Leeds and relevant council services, the attached report considers the potential impact of tuition fee rises and the wider changes to higher education for Leeds.
- 2.5 It should be noted that there are some inconsistencies in the data used in the attached report, mainly due to different counting measures used by institutions and slight variations in definitions. However, these issues do not impact on the broad messages or the final conclusions.

3 Main issues

- 3.1 The full report which is attached at appendix 1, presents the key issues under the following headings; funding, student numbers, accommodation and infrastructure, widening participation, and curriculum changes.
- 3.2 In terms of funding, in 2009/10 HEIs in Leeds had a total income of £717million, 35% of which was from government grants and 30% from tuition fees. HEIs in Leeds believe that income will fall over the next year but will remain manageable, as funding received from tuition fees and that generated through diversification of income sources replaces government grant funding.
- 3.3 In order to replace the government grant funding that is being lost, institutions in Leeds have currently set maximum tuition fees ranging from £8,000 to £9,000 per annum. Once fee waivers are taken into account average tuition fees in Leeds for undergraduates will range from £7,110 to £8,230 per year (excluding bursaries).
- 3.4 There are currently 57,300 undergraduate students studying in the City's four HEIs referred to in the report. There are differing views from the HEIs in Leeds on the potential impacts on the number of students recruited from 2012. This is in part due

to each institution having adopted its own strategy in light of the changes being introduced, with different fee levels and access measures in place. The reduction in the fixed level of supply is likely to result in a lower number of year one entrants for some HEIs. Therefore, the attractiveness of Leeds as a city is seen as vital selling point in appealing to students and it is believed that demand for places is likely to remain high, even though places on offer may reduce.

- 3.5 Recent data from the University and Colleges Admissions Service on applications received by 15th January 2012, show falls both nationally and locally when compared to 2011. Locally there has been an -11% reduction in the number of main scheme choices (each student has five choices), compared to -7% across the UK. The University of Leeds has seen a reduction of -5.9%, Leeds Metropolitan University -15.6%, Leeds Trinity and All Saints -16.3%, and Leeds College of Art -21%. However, applications for September 2011 are believed to have been significantly increased due to the changes to fees being implemented in 2012. As a result current application numbers have returned to previous trends and are similar to the levels of two years ago.
- 3.6 Evidence outlined in sections 3.5 and 3.7 of the attached report suggests that there is likely to be an increase in the number of students studying at their local universities and colleges. In Leeds approximately 32% currently live at home, an increase in this number could impact on the suppliers of student accommodation, transport and local businesses.
- 3.7 Arguably the greatest concern is that the increases in tuition fees will deter students from poorer backgrounds from entering higher education, as they perceive it to be too expensive. Research from The Centre for Economic Performance suggests that historically higher education finance has had a minimal impact on participation rates and instead prior educational attainment has been the key determinant. Only time will tell, whether this will remain the case given the substantial increase in tuition fees from 2012. By 2015/16 around £32.8 million will be being spent by HEIs in Leeds on access measures to encourage wider participation. It is therefore important that young people fully understand the new fees policy. Continued monitoring of participation rates is recommended.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The attached report has been written in collaboration with staff and students union representatives from Leeds College of Art, Leeds Metropolitan University, Leeds Trinity University College, and the University of Leeds, along with colleagues from Environments & Neighbourhoods, Children's Services and Resources. In addition Leeds City College have also been consulted on the draft report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality impact assessment is not required as this report is for information, and not for decision or a policy making document. An assessment maybe required on subsequent pieces of work.

4.3 Council Policies and City Priorities

4.3.1 The report is relevant to the new Sustainable Economy and Culture Corporate Priority Plan, and the Child & Young People Plan.

4.4 Resources and Value for Money

4.4.1 There are no immediate implications.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no immediate implications.

5 Conclusions

5.1 The proposed changes to the higher education system and increased competition between institutions for higher education students, highlight the need for the City to have a co-ordinated approach to higher education, which recognises the diverse offer available in Leeds. The recent establishment of a Further Education and Higher Education Forum for Leeds is a step in this direction. However, the challenges of achieving a coherent approach amongst autonomous institutions should not be overlooked. This is especially important as all organisations are facing funding cuts. The governments plans highlight the need for greater partnership working with private sector, HEIs in Leeds are well placed to do this as they already have good working relationships with business.

5.2 In the coming months, once greater understanding of the impact of the government's policy is gained, it is likely that changes will be made to the strategies of HEIs across England on how they continue to attract students post 2012. It is important to note that 2012-13 is very much seen as a transitional year, with further changes being implemented from 2013. The attached report highlights the potential impacts given the information currently available, however, there is not enough evidence available to predict what the economic impact may be. It is therefore recommended that a further piece of work should be carried out in 12 months time to review situation and look more closely at the impacts and particularly the potential economic impacts.

5.3 Announcements which are expected in February and March 2012 include; the government response on the White Paper 'Students at the heart of the system'; the Higher Education Funding Councils for England (HEFCE) response on the consultation on student number controls post 2013; and the announcement by HEFCE on the outcome of the bids for the 20,000 marginal student places available in 2012-13.

6 Recommendations

6.1 Executive Board is recommended to:

- (i) Comment on the content of the attached report.

- (ii) Consider commissioning a further piece of work to assess the economic impact of tuition fee rises and the wider changes to higher education being implemented post 2012, to be undertaken in 12 months time.

7 Background Documents¹

6.1 The following documents provide background to this report:

- Executive Board of 5th January 2010, Agenda Item 15, Deputation to Council 17th November 2010. Government proposal to increase university tuition fees
- Department for Business Innovation & Skills (2011) Higher Education: Students at the Heart of the System.
- Appendix 1: Impact of tuition fee rises for Leeds

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Impact of tuition fee rises for Leeds

1. Introduction

- 1.1 A deputation led by the Leeds University Union to Council on 17th November 2010 asked council members to call upon local MPs to:
- support adequate funding of higher education without removing the cap on fees;
 - vote against the cuts to higher education and against any subsequent rise in fees; and
 - vote against tuition fee loans with interest, because Muslim students will not be able to use the proposed loans.
- 1.2 The Council referred the deputation to Executive Board for consideration at its meeting on 5th January 2011. Executive Board decided that officers should be authorised to engage with the universities and other relevant parties in order to undertake a piece of work to help fully understand the impact of the changes on students, the universities and the economy in Leeds, with a further report detailing the findings being submitted to the Board in due course.
- 1.3 Therefore, this report outlines the potential impacts of tuition fees rises and the wider changes to higher education being implemented in 2012-13 for Leeds. It was decided that the report should be written after the publication of the government's White Paper 'Higher Education: Students at the Heart of the System', in order to more accurately assess potential impacts for the City.
- 1.4 Although the publication of the White Paper has offered some clarity, there is still uncertainty on how students, institutions and indeed cities will be effected by the proposed changes. This is due to the complexity and the changing nature of the proposals, with consultations on the various elements of the White Paper running from June 2011 to spring 2012. Indeed the current proposals are far reaching and introduce unprecedented changes to the higher education system. As result the findings of this report can only be seen as reflecting the situation as of January 2012. In addition the report focuses on the changes which will be implemented in the first year of 2012-13, as the proposals post 2013 are still unclear.
- 1.5 The attached report has been written in collaboration with staff and students union representatives from Leeds College of Art, Leeds Metropolitan University, Leeds Trinity University College, and the University of Leeds, along with colleagues from Environments & Neighbourhoods, Children's Services and Resources. In addition Leeds City College have also been consulted on the draft report.

2. Background

- 2.1 The coalition government announced changes to tuition fees in November 2010, allowing universities to charge undergraduate tuition fees of up to £9,000 per year from 2012, raising the cap from the current level of £3,375.
- 2.2 On 28th June 2011 the government set out its intentions for the reforms to the university sector in the 'Higher Education: Students at the Heart of the System' White Paper. The reforms are concentrated around the three main issues listed below, and seek to introduce increased competition, choice and diversity into the sector.
 1. Financing of higher education
 2. The student experience
 3. Social mobility

A summary of the reforms can be found in the annex.

- 2.3 On 2nd December the Office for Fair Access announced that it had approved the level of fees to be charged at 149 institutions (124 higher and 25 further education institutions).
- 2.4 Approximately 54% of universities and colleges have had their plans to charge the maximum £9,000 fees for some or all courses approved. However, OFFA believe that only 4% of institutions will charge the average fee of £9,000, once fee waivers have been taken into account.
- 2.5 It is estimated that the average fee charge for institutions in England will be £8,354, this reduces to £8,071 when fee waivers are included.

3. Impacts

- 3.1 The Chief Economic Development Officer chaired a meeting of council officers, and staff and student representatives from Higher Education Institutions (HEIs) in Leeds, to consider the impacts of tuition fee rises to the individual institutions and the wider Leeds economy. It was concluded that the impacts could be presented under the following themes; funding, student numbers, accommodation and infrastructure, widening participation, and curriculum changes.
- 3.2 This report considers the impact of tuition fees specifically for the four HEIs in Leeds: University of Leeds, Leeds Metropolitan University, Leeds Trinity University College, and Leeds College of Art. However, it should be recognised that higher education provision is also available in further education colleges within the City. Principally through Leeds City College (including Leeds College of Music) and Leeds College of Building, who between them have around 1,600 students studying on higher education courses.

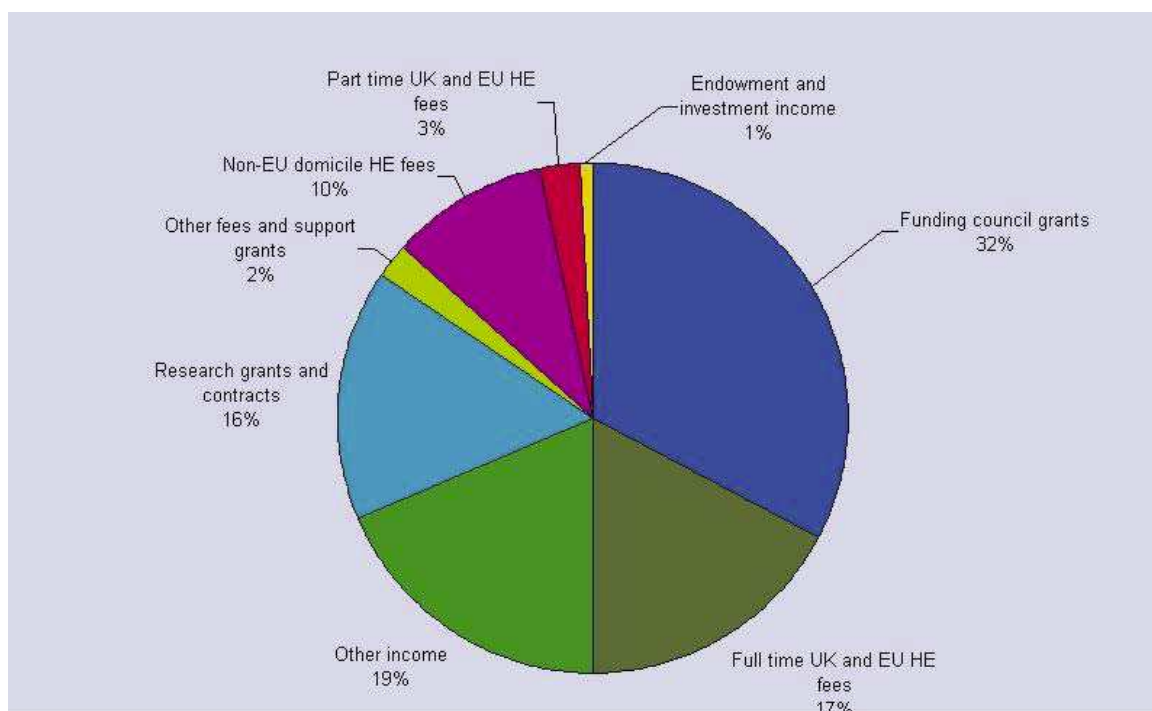
Appendix 1

3.3 Funding

3.3.1 The most direct impact of the rise in tuition fees will be on how HEIs are funded. Over the period of the Spending Review, the proportion of funding for teaching provided by direct grant from Higher Education Funding Council for England (HEFCE) will decline and the proportion from graduate contributions, supported by subsidised loans from Government, will increase.

3.3.2 In terms of the current position in 2009/10 the total income of HEIs in England was £22.2 billion. HEFCE provided £7.4 billion of this income, whilst tuition fees and education contracts contributed £7.1 billion. The chart below shows the current distribution of income sources.

Sources of income for Higher Education Institutions in England 2009/10



Source: Higher Education Statistics Agency (2011)

3.3.3 Of the £7.4 billion HEFCE funding, £4.7 billion is allocated for teaching grants, £1.6 billion for research and £1.1 billion is classified as 'other' funding. The Government has yet to finalise HEFCE teaching grants for the current spending review period. However, it is expected that, as income from tuition loans replaces HEFCE teaching funding, teaching grants will be reduced in cash terms to around £2 billion by the 2014-15 financial year. Over the same period, the Department for Business, Innovation and Skills (BIS) loans outlay will rise and it is estimated that total BIS investment in higher education in England could increase by nearly 10% in cash terms by 2014-15 if participation remains at existing levels.

3.3.4 In 2009/10 universities and colleges in Leeds had a total income of £717million, 35% of which is granted through the HEFCE, and 30% from

Appendix 1

tuition fees. The current sources of income for HEIs in Leeds are outlined in the table below. Despite the future reduction in funding council grants, institutions in Leeds believe that the funding received from tuition fees, along with funding generated through diversification of income sources will ensure that overall income levels will remain relatively stable, and although there may be a fall in income this year this will remain manageable.

Funding to Higher Education Institutions in Leeds 2009/10 (£/m)									
Institution	Total income	Funding Council Grants		Tuition fees & educational contracts		Research Grants & Contracts		Other*	
		£/m	%	£/m	%	£/m	%	£/m	%
Leeds College of Art	13.261	8.850	66	4.174	32	-	-	237	2
Leeds Metropolitan University	164.830	74.303	45	59.048	36	2.368	1	29.111	18
Leeds Trinity University College	21.339	10.597	50	7.620	36	32	0.1	3.090	14
The University of Leeds	517.781	157.773	30	143.488	28	119.319	23	97.201	19
Total	717.211	251.523	35	214.330	30	121.719	17	129.639	18

*Includes accommodation, property, consultancy, endowments and investments income, etc

3.3.5 In order to replace the grant funding being lost, HEIs in Leeds have currently set undergraduate tuition fees ranging from £8,000 at Leeds Trinity University College, to the maximum £9,000 at the University of Leeds. These fees have been approved by OFFA and will be in place from September 2012. Fee waivers and financial support will be available to students and are discussed in section 3.6.8.

Tuition fees by institution from September 2012				
	Leeds College of Art	Leeds Metropolitan University	Leeds Trinity University College	University of Leeds
Proposed fees post 2012	£8,250	£8,500	£8,000	£9,000

3.4 Student numbers and projected impacts

3.4.1 In order to increase income levels in the coming years HEIs in Leeds will have to continue to attract students. In the four HEI's referred to in this report there are currently approximately 57,300 undergraduate students. 51,800 are from UK & EU countries, and around 5,500 are international students. In addition there are approximately 1,600 undergraduates studying at further education colleges in the city. In 2010, approximately 101,000 applications for undergraduate degree courses in Leeds were made (prospective students have up to five selections), with around 15,400 being accepted (UCAS, 2011).

Number of undergraduate students 2010/11				
Institution	Full time	Part time	International	Total
Leeds College of Art	1,105	32	15	1,152
Leeds Metropolitan University	18,675	6,823	3,305	28,803
Leeds Trinity University College	2,328	30	48	2,406
University of Leeds	21,528	1,279	2,151	24,958
Total	43,636	8,164	5,519	57,319
Note: Full & part time figures include UK & EU students only				

- 3.4.2 Currently the HEFCE implements student number controls for HEIs in England, to ensure that universities and colleges do not over recruit students to their courses, and in order to control the student loan book. By fixing the number of student places HEIs have a degree of certainty from year to year about their likely income from the teaching grant and tuition fees. However, it also means that some popular institutions are oversubscribed but cannot expand, whilst other institutions are able to fill their allocations by attracting students unable to get into their first choice.
- 3.4.3 Following the Government's proposals in the White Paper, *Higher Education: Students at the heart of the system* a new method will be adopted from 2012-13. This method will remove institutional limits on the number of students who can be admitted who obtain grades at or higher than AAB (65,000 places). In addition a flexible margin of up to 20,000 places will be available to HEIs and further education colleges who combine good quality with good value, and who charge at or below £7,500. This will be on a competitive bidding basis.
- 3.4.4 The total number of places available nationally on an annual basis has decreased by 5,000 places for 2012/13, with around 355,000 places now available (includes undergraduate & post graduate). Furthermore, institutions current allocation of students places will be reduced, first by their expected number of high achieving applicants and then by a further percentage cut of around 10% to create the 20,000 margin. This will result in around one in four student places being contestable in 2012-13.
- 3.4.5 Further changes are likely to be adopted post 2013, with the government stating that it intends that the academic achievement threshold will be gradually lowered, to include more students. Whilst the number of 'marginal' places which can be bid for will also be increased.
- 3.4.6 The House of Commons Business, Innovation and Skills Committee's report on the reforms of higher education published in November 2011, highlighted concerns that the current proposals may create a three tiered system where:

Appendix 1

- i) Top universities that accept AAB students can expand, by attracting more students from the 'middle' university group.
- ii) Middle universities who may lose out by losing both AAB students, and also because they charge more than £7,500 are unable to bid for the 20,000 'margin' places available.
- iii) Lower priced institutions, who have a net fee of less than £7,500 and are therefore eligible to bid for the 20,000 'margin' places. This group is likely to include private providers, further education colleges, and access universities.

3.4.7 In terms of the potential impact on student numbers, there are differing views from the institutions in Leeds. This is unsurprising as each institution has adopted its own strategy in light of the changes being introduced. Leeds Trinity University College and Leeds College of Art, are the only HEI in the city eligible to contest for the 20,000 'margin' places, having decided to charge an average fee of £7,500 or less. Leeds Trinity is hopeful of good recruitment in 2012 but has developed various scenarios to assist with planning should there be a shortfall. Leeds College of Art, has taken the option made available to them by HEFCE as a specialist institution, and has opted out of both the AAB and the 'margin' provision, and is confident it can recruit a similar number of students in line with their student number control. The University of Leeds and Leeds Metropolitan University, will be aiming to attract AAB students, both have average tuition fees of over £7,500, so are therefore unable to contest for any of the 20,000 margin places.

3.4.8 This lack of certainty about how the changes will impact student recruitment is because of the measures being implemented by government to reduce the fixed level of supply (with AAB allocation and to create the 20,000 margin). Although institutions are confident that the demand for student places in Leeds will remain buoyant. Overall there is likely to be a reduction in the amount of year one students some HEIs are actually able to recruit, when compared with previous years. In addition, more changes to student number controls are likely to be introduced from 2013, creating further uncertainty for HEIs.

3.4.9 Nationally, statistics from the University and Colleges Admissions Service (UCAS) in January 2012 show that the total number of applications from UK born residents for the 2012/13 academic year was 462,507, which is a decrease of 8.7% from last year. The decrease ranged from 1.5% for Scottish applicants (where tuition fees are not paid), to 9.9% for English applicants. However, application rates which take into account annual changes in population, show that in England there has been only a 1% decrease in the application rates for 18 year olds (first time applicants) for 2012/13, compared with a trending rise since 2006.

3.4.10 Overall, it is important to note that demand for places will still far outstrip supply, with already 50,000 more applications this year nationally than there were acceptances in 2011. In addition, applications will still be received up to

Appendix 1

30th June, with those received after this point going into 'clearing'. Last year a further 116,000 people applied through UCAS between 15th January and the end of the cycle.

3.4.11 As the table below shows, according to UCAS, locally there has been a 11% reduction in the number main scheme choices applications to individual universities and colleges in Leeds on the previous year. This compares to 7% nationally. Amongst the HEIs referred to in this report this ranges from -5.9% and -21%. However, in addition to the points raised above it must also be recognised, that according to institutions applications in 2010/11 were artificially inflated due to an increased number of people applying a year earlier because of the changes to fees being imposed in 2012. Current applications for September 2012 are broadly in line with those received two years ago and past trends. HEIs in Leeds are working to ensure this years applications are turned into acceptances.

The number of main choices to universities and colleges in Leeds			
Institution	2011	2012	% change
Leeds College of Art	2,954	2,334	-21
Leeds Metropolitan University	42,639	35,966	-15.6
Leeds Trinity University College	4,594	3,843	-16.3
University of Leeds	48,539	45,684	-5.9
Total	98,726	87,829	-11
UK Total	2,539,257	2,361,672	-7

Source: UCAS, January 2012

3.4.12 In recent years HEIs have been working to increase the number of international students they recruit. Since 2005, statistics from the Higher Education Statistics Agency show that there has been a 25% increase in the number of international undergraduate students (non EU) to universities and colleges in the UK. This compares to a 6% increase for UK and EU undergraduates. With non EU students currently paying an average £11,000 a year, rising to up to £30,000 for some courses, and not being included within student number restrictions, recruiting international students is clearly important for the future sustainability of HEIs. This is acknowledged by universities and colleges in Leeds, however there are concerns that changes to and tightening of UK Student visa rules will limit the number of international students universities are able to recruit.

3.4.13 More generally, all institutions believe that the attractiveness of Leeds as a City is vital to the success and sustainability of its HEIs in continuing to appeal to students. As a successful core city which can attract students from a wide catchment area, the city itself is seen a key asset. In addition the diverse nature of the HEI's in the city, each with their own specialisms, further enhances the offer of the city for potential students. All partners were keen that as a city Leeds should seek to maximise the level of quality higher education on offer, and should remain welcoming and supportive of all learners.

3.5 Accommodation and infrastructure issues

3.5.1 From the information available, it is estimated that there are currently around 32,400 students in rented accommodation in Leeds, of these 34% are provided by the HEIs and 66% by the private rental sector. Approximately 15,400 (32%) stay at home.

Accommodation type by institution				
Institution	Students in rented accommodation	Managed by institution	Privately rented	Stay at Home
Leeds College of Art*	n/a	n/a	n/a	n/a
Leeds Metropolitan University	12,997	4997	8,000	12,000
Leeds Trinity University College	1,901	575	1,326	925
The University of Leeds	17,511	5,585	11,926	2,455
Total	32,409	11,157	21,252	15,380

*LCA does not collect this information and does not own any halls of residence.

3.5.2 The table above shows that the majority of students studying in Leeds currently live in rented accommodation. However, there is evidence to suggest that this trend will reverse. According to research undertaken by *LV= insurance group* only a fifth (21%) of UK full time students currently live at home, but this is expected to increase to nearly half of all students (47%) over the next decade.

3.5.3 If this were to occur, this could have implications for universities as a supplier of accommodation and on private sector landlords. Furthermore, it may change the nature of local areas which have seen a predominance of students within their local areas.

3.5.4 Wider impacts of increases to the number of stay at home students also include;

- To transport connections, with the possibility of more students travelling to and from campus from across the region on a daily basis.
- To local businesses, particularly those which rely on the student market such as leisure and retail businesses within the city centre and Headingley.

3.6 Widening participation

3.6.1 According to government statistics the proportion of young people living in the most disadvantaged areas entering higher education in England has increased by around 30% (6,600 students) over the last five years, and by around 50% over the past 15 years (15,000 students). However, the

government also acknowledge that there remains significant differences in the chances of participating in higher education depending on where you live. Currently fewer than one in five young people from the most disadvantaged areas enter higher education compared to more than one in two for the most advantaged areas.

- 3.6.2 The table below outlines the percentage of young full-time first degree entrants to HEIs in Leeds in the 2009/10 academic year. Both Leeds Metropolitan University & Leeds Trinity University College attract more young people from lower socio economic groups and low participation neighbourhoods, than the English average.

Participation of under-represented groups in higher education: young full-time first degree entrants 2009/10			
	% from state schools or colleges	% from low socio economic households	% from low participation neighbourhoods
Leeds College of Art	n/a	40	21
Leeds Metropolitan University	93.3	32.7	14.6
The University of Leeds	73.1	18.8	5.8
Leeds Trinity University College	97.0	38.0	22.7
Total England	88.4	30.1	10.5
Source: Higher Education Statistics Agency, 2011, and Leeds College of Art.			

- 3.6.3 Research undertaken by The Centre for Economic Performance in 2011 suggests that historically higher education finance has not been a factor in determining participation rates. Instead prior educational attainment has been the most important determinant. However, they question whether this will remain the case given the substantial increase in tuition fees from 2012.
- 3.6.4 In order to ensure that HEIs continue to attract students from poorer backgrounds post 2012, Access Agreements for all universities and colleges in England charging tuition fees of over £6,000 were approved in July this year.
- 3.6.5 Across England analysis of institutions investment in access measures shows that by 2015-16 universities and colleges will be spending £757.5 million a year representing 27% of their fee income above the basic level of £6,000. This consists of:
- £285.9 million on bursaries and scholarships
 - £261.3 million on fee waivers
 - £105.5 million a year on outreach activities
 - £80.6 million a year on activities to improve students retention
 - £24.2 million on other financial support

Appendix 1

3.6.6 Institutions will provide a further £136 million in financial support to students through the Government's contribution to the National Scholarship Programme.

3.6.7 All HEIs in Leeds will be charging over £6,000 and therefore have Access Agreements in place. Details of the proposed expenditure for each institution by 2015/16 are outlined in the table below. Between 22% and 44% of tuition fees above £6,000 will be spent on wider participation measures, with a total expenditure of £32.8 million.

Access agreement expenditure in 2015-16, by institution				
Institution	Access agreement expenditure £000	Overall spend as a proportion of fee income above the basic fee	Government allocation under the National Scholarship Programme £000	Total expenditure £000
Leeds College of Art	1,115	44%	180	1,295
Leeds Metropolitan University	8,531	22%	2,331	10,862
Leeds Trinity University College	979	28%	279	1,258
The University of Leeds	16,947	31%	2,448	19,395
Total	27,572		5,238	32,810

Source: Office for Fair Access, 2011

3.6.8 The table below includes estimates of how the current proposed Access Agreement expenditure will impact on the amount of tuition fees charged. Taking into consideration the allowances for financial support outlined within Access Agreements on average tuition fees in Leeds from 2012 will range from £7,110 to £8,230. This excludes expenditure on bursaries for students.

Tuition fees post 2012		
Institution	Maximum Fee (£)	Estimated average cost per student after allowance for financial support (£)*
Leeds College of Art	8,250	7,490
Leeds Metropolitan University	8,500	8,230
Leeds Trinity University College	8,000	7,110
The University of Leeds	9,000	7,950

Source: Office for Fair Access, 2011

3.6.9 There is concern however, that even with the measures being undertaken through Access Agreements, people from poorer backgrounds will be deterred in the future from applying to undergraduate degree courses. The National Union of Students, and The Sutton Trust agree that the prospect of £9,000 fees is a disincentive for students from widening participation backgrounds as they consider higher education. Although under the system the majority of students will not pay back fees in full, and graduates will repay £540 a year less than they do now. This is not necessarily the public

perception as a recent BBC headline suggests “Average UK student debts could hit £53,000”.

3.6.10 Furthermore, graduate unemployment rates in 2010 were at the highest levels since 1995, and 40% of those who graduated in 2010 were classified as underemployed in low skilled jobs. These statistics could lead young people to questioning the value of a degree and deter them from entering higher education. These perceptions could genuinely dissuade young people with poorer backgrounds from going to university. This is important both in terms of economic growth and social mobility.

3.6.11 The government have recognised that there is a need to better inform students about the changes to the fee regime. As a result Martin Lewis (moneysavingexpert.com) is heading up the ‘Independent Taskforce on Student Finance Information’, in order to help people understand the real cost of higher education. In addition all of the HEIs in Leeds are ensuring that information on the new fee regime is easily available and understandable to prospective students.

3.7 Curriculum changes

3.7.1 Over recent years HEIs in Leeds have noticed a general increase in the take up rate of courses which bear titles closely related to careers. For example, Leeds Metropolitan University has seen a particular increase in the take up of courses in Business and Administrative Studies, rising from 29% to 34% of the total student population.

3.7.2 This refocusing by students on courses which are perceived as having a direct job out put is being further encouraged in the government’s proposals. As graduates are asked to contribute more than they do at present, the higher education sector is being asked to be more responsive to student choices. However, there is concern in some quarters that as the popularity of vocationally based courses increases, this would be to the detriment of social science and humanities courses, which are also popular with many graduate recruiters.

3.7.3 The government is also recommending the removal of the regulatory barriers that they believe are currently preventing a level playing field for higher education providers of all types. These include;

- Employers and charities will be able to offer sponsorship for individual places outside student number controls.
- Opening up the higher education market, including to further education colleges and alternative providers.
- Consultation on allowing non teaching organisations to award degrees and the process for determining which institutions are allowed to call themselves a “university”.

3.7.4 The government believe that this will further improve student choice by supporting a more diverse sector, with more opportunities for part-time,

accelerated courses, sandwich courses, distance learning and higher level vocational study. They are particularly keen to see better employer engagement and see a reversal in the decline in sandwich courses (which includes work experience), and more internships and apprenticeships.

- 3.7.5 HEIs in Leeds are fully supportive of fostering links with business, and have been undertaking such activities for many years. All HEIs in Leeds have their own business networks and programmes, for example Leeds Metropolitan University's Business Enhancement Scheme, which places recent graduates and offers support from academic staff into Leeds businesses requiring assistance with business growth. Leeds College of Art runs 'Creative Networks', an organisation with over 2,500 members that is dedicated to supporting and developing creative industries. University of Leeds is one of the UK's top ten most employer targeted campuses, and co-ordinated (with the involvement of Leeds Metropolitan University and Leeds Trinity University College) the regional graduate internship response to the economic downturn in 2009 and 2010.
- 3.7.6 In terms of sandwich courses, Leeds HEIs recognise the benefits of work placements for students, and believe that these courses have not been declining in the city. All students at Leeds Trinity University College undertake two professional work placements. In addition, the University of Leeds has more recently opened up the sandwich placement option to subject areas with which this option is not traditionally undertaken, such as Music, English, History and Social Policy.
- 3.7.7 Furthermore, a great deal of work is being carried out between the Council, colleges and universities to widen the opportunities for local residents to enter into higher education. Apprenticeships and vocational based learning through courses available in further education colleges are examples of alternative routes to higher education being developed. Although universities are seen as the gateway to professional recognition for many, increasingly apprenticeships are being seen as professional recognition for those preferring a work based route.
- 3.7.8 Over the past year there has been a 59% increase in the number of 16-19 year olds in Leeds who have started an apprenticeship. The Council has established a Leeds Apprenticeship Steering Group bringing together partners across the city to drive forward the agenda. Nationally, the Government are increasing the number of higher apprenticeships (working towards a level 4 qualification, foundation degree). Young people are being encouraged to consider apprenticeships as a pathway instead of A Levels or as a progression route after A Levels. Further education colleges in Leeds have confirmed within their strategic plans the intent to increase their high education provision. Potentially increasing competition between higher education & further education providers.
- 3.7.9 All institutions and partners within the city acknowledge that providing a co-ordinated partnership approach, which clearly sets out all routes into higher education, will become increasingly important in the coming years. With this in

mind an initiative to develop a Further Education and Higher Education Forum for Leeds is being established. The forum includes representatives from all HEIs and further education colleges in the city, and will be setting its terms of reference in the coming months. However, it should not be overlooked that each of the city's HEI are autonomous and have their own distinct strategies for working within the current reforms, and therefore achieving a coherent approach may prove challenging.

3.7.10 Greater flexibility in the length of courses and along with more vocationally based courses on offer reinforces the assumption that there will be more students that live at home. The potential implications for Leeds are outlined above.

3.7.11 There is also a concern, outlined in The Browne Review¹, that as graduates are contributing more to the costs of undergraduate education, they may be less likely to participate in post graduate study. Clearly this would have financial implications for HEIs.

4. Key findings and conclusions

4.1 This report has outlined the potential impacts for Leeds of the tuition fee rises being introduced from September 2012. The report has been written in collaboration with HEIs in Leeds, and with council colleagues in Environments & Neighbourhoods, Children's Services and Resources. Key findings and conclusions are as follows.

4.2 In terms of funding, HEIs currently believe that incomes may fall but will remain manageable over the next year, as funding received from tuition fees and that generated through diversification of income sources replaces government grant funding.

4.3 There are differing views from the HEIs in Leeds on the potential impacts on the number of students recruited from 2012. The reduction in the level of supply is likely to result in a lower number of year one entrants for some HEIs. Despite this, the attractiveness of Leeds as a city is seen as a vital selling point in appealing to students, even though places on offer may reduce.

4.4 Evidence suggests that there is likely to be an increase in the number of students studying at their local universities and colleges. In Leeds approximately 32% currently live at home, an increase in this number could impact on the suppliers of student accommodation, transport and local businesses.

4.5 Arguably the greatest concern is that the increases in tuition fees will deter students from poorer backgrounds from entering higher education. By 2015/16 around £32.8 million will be being spent on access measures to encourage wider participation in Leeds. However, it is important that young

¹ Browne Review (2010), Securing a Sustainable Future for Higher Education: The Independent Review of Higher Education Funding and Student Finance.

people fully understand the new fees policy. Continued monitoring of participation rates by the City is therefore recommended.

- 4.6 The proposed changes to the higher education system and increased competition in the sector highlight the need for the City to have a co-ordinated partnership approach to higher education, which recognises the diverse offer available in Leeds. This is especially important as all organisations are facing funding cuts. Establishment of the FEHE Forum for Leeds is a step in this direction. However, the challenges of achieving a coherent approach amongst autonomous institutions should not be overlooked. The governments plans highlight the need for greater partnership working with the private sector, HEIs in Leeds are well placed to do this as they already have good working relationships with business.
- 4.7 In the coming months, once greater understanding of the government's policy is gained, it is likely that changes will be made to the strategies of HEIs across England on how they continue to attract students post 2012. It is important to note that 2012-13 is very much seen as a transitional year, with further changes being implemented from 2013. This report highlights the potential impacts given the information currently available, however, there is not enough evidence available to predict what the economic impact may be. It is therefore recommended that a further piece of work should be carried out in 12 months time to review the situation and look more closely at the impacts and particularly the potential economic impacts for Leeds.

Background papers

BBC (2011) Tuition fees for 2012. 28th March 2011

BBC (2011) More graduates taking low skilled jobs. 12th May 2011

BBC (2011) A third of universities to charge standard £9,000 fee. 12th July 2011

BBC (2011) Average UK student debts could hit £53,000. 12th August 2011

BVCA Research (2010) The potential impact of higher tuition fees. December 2010

CEBR (2011) Degrees of doubt: Is University worth the investment? May 2011

Centre for Cities (2011) Starter for ten: Five facts & five questions on the relationship between universities & city economies. May 2011

Centre for Economic Performance (2011) Fees and loathing: the impact of higher education finance of university participation. Summer 2011

Department for Business Innovation & Skills (2010) The impact of higher education finance on university participation in the UK. September 2010.

Department for Business Innovation & Skills (2011) Higher Education: Students at the Heart of the System. June 2011

Department for Business Innovation & Skills (2011) Economics paper 14: Supporting analysis for the Higher Education White Paper. June 2011

Guardian (2011) Take low skilled jobs, class of 2009 told. 11th February 2011

Guardian (2011) Naming and shaming for degrees with poor jobs. 28th June 2011

Guardian (2011) UCAS admissions statistics cause for concern. 24th October 2011

Higher Education Funding Council for England (2010) Guide to funding: How HEFCE allocates its funds. September 2010

Higher Education Funding Council for England (2011) Teaching funding and student number controls. Consultation on changes to be implemented in 2012-13. June 2011

Higher Education Funding Council for England (2011) 'Teaching funding and student number controls from 2012-13: summary of responses to consultation and decisions made'. Annex A, B & C. November 2011

House of Commons Business, Innovations & Skills Committee. (2011) Government reform for Higher Education. Twelfth Report of Session 2010-12. Volume 1. 10th November 2011

Appendix 1

Nelson Research for LV= (2011) Student towns report. March 2011

Office for Fair Access (2011) Universities and colleges to increase their spending on access measures by £600 million a year. 12th July 2011

Sutton Trust (2010) Response to the Independent Review of Higher Education Funding & Student Finance. October 2010

Sutton Trust (2010) Responding to the landscape for university access. December 2010

University and College Admissions Service (2012) Analysis of UCAS January deadline application rates by country. 30th January 2012

University of Southampton (2006) Changing Fee Regimes and their Impact on Student Attitudes to Higher Education. June 2006

Yorkshire Post (2011) A quarter of graduates working part time three years on. 2nd September 2011

Annex: Key aspects of the current proposals

Finance

- From autumn 2012, all higher education institutions will be able to charge a basic threshold of £6,000 a year for undergraduate course, rising to a maximum of £9,000 a year.
- No first time undergraduate students will be asked to pay for tuition up front. Part time and distance learning students will also be able to access loans.
- Students will not pay back loans until they earn £21,000 or more, this will rise annually with inflation.
- Students will be able to pay back their student loans early, but the government is consulting on how this can be done “without undermining the progressive nature of the system overall”
- An overall cap on the number of students receiving government funded loans will be retained.

Student numbers & competition

- Institutions will be allowed to recruit as many students they like with the grades AAB or higher (around 65,000 students).
- A “flexible margin” of 20,000 places will be available for universities who combined good quality with good value and who charge £7,500 or less.
- Employers and charities will be able to offer sponsorship for individual places outside student number controls.
- The government are committed to opening up the higher education market, including to further education colleges and alternative providers.
- Consultation will be undertaken on removing barriers to education. Including allowing non teaching organisations to award degrees and the process for determining which institutions are allowed to call themselves a “university”.

Student experience

- Universities are expected to publish a student charter. This may become mandatory in the future.
- Universities will have to publish directly comparable data for prospective students in 16 areas, including; teaching hours, accommodation costs, and qualification rates, employment rates and future salaries of graduates by course.

Appendix 1

- Online reports of student surveys of lecture courses will be published, “aiding choice and stimulating competition between the best academics”
- Details of how tuition fee income is spent will be published.
- Measures will be taken to make graduates more employable, such as working with employers to develop and kitemark courses.

Social mobility

- Universities wanting to charge more than £6000 will have to have an Access Agreement setting out what they will do to attract students from disadvantaged backgrounds.
- A £150 million National Scholarship programme will be established to help students from low income households with tuition fees and living costs.
- Students from households with income of less than £25,000 will be entitled to a full grant of £3,250.
- Students from households with income of between £25,000 and £42,600, will be entitled to a grant of between £50 and £3,250.
- Living cost loans (maintenance loans) of up to £5,500 a year, will be available to students to help pay for living costs (food, travel, accommodation etc). These loans do not have to be paid back until the individual is earning over £21,000 a year.