

EXECUTIVE BOARD

WEDNESDAY, 16TH MAY, 2012

PRESENT: Councillor K Wakefield in the Chair

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

Councillor J Procter – Substitute Member

243 **Substitute Member**

Under the terms of Executive Procedure Rule 2.3, Councillor J Procter was invited to attend the meeting on behalf of Councillor A Carter.

244 **Exempt Information - Possible Exclusion of the Press and Public**

RESOLVED – That the public be excluded from the meeting during the consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix 1 to the report referred to in Minute No. 259 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the information within the Appendix contains information relating to the financial or business affairs of a particular person and is part of an ongoing legal case. It is considered that the public interest in treating this information as exempt outweighs the public interest in disclosing it and that this element of the report should be treated as exempt under Access to Information Procedure Rule 10.4.(3) as it is subject to litigation privilege.

245 **Declaration of Interests**

Councillor Wakefield declared a personal interest in the agenda item entitled, 'Aire Valley Leeds Local Development Order 2: Extensions, Alterations and Changes of Use: Draft for Public Consultation' due to being a member of the Yorkshire Wildlife Trust (Minute No. 249 referred).

Councillor R Lewis declared a personal interest in the agenda item entitled, 'Aire Valley Leeds Local Development Order 2: Extensions, Alterations and Changes of Use: Draft for Public Consultation' due to being a member of the Aire Valley Regeneration Board (Minute No. 249 referred).

Councillor J Procter declared a personal interest in the agenda item entitled, 'Aire Valley Leeds Local Development Order 2: Extensions, Alterations and Changes of Use: Draft for Public Consultation' due to being a member of the Aire Valley Regeneration Board (Minute No. 249 referred).

Councillor Ogilvie declared a personal interest in the agenda item entitled, 'Aire Valley Leeds Local Development Order 2: Extensions, Alterations and Changes of Use: Draft for Public Consultation' due to being a member of the Aire Valley Regeneration Board (Minute No. 249 referred).

Councillor Golton declared a personal interest in the agenda item entitled, 'Community Food Growing', due to being Vice President of Leeds and District Gardeners' Federation (Minute No. 258 referred).

Councillor Gruen declared a personal interest in the agenda item entitled, 'Future of Cow Close, Drighlington, Rawdon and Shadwell Libraries' as a local resident of Shadwell (Minute No. 257 referred).

Councillor Finnigan declared a personal interest in the agenda items entitled, 'Red Hall Relocation Strategy and Design and Cost Report for Farnley Hall Coach House' and 'Aire Valley Leeds Local Development Order 2: Extensions, Alterations and Changes of Use: Draft for Public Consultation' due to being a member of Plans Panel (East) (Minute Nos. 248 and 249 referred respectively).

246 Minutes

RESOLVED – That the minutes of the meeting held on 11th April 2012 be approved as a correct record.

247 Matters Arising from the Minutes

Minute No. 239 – 11th April 2012 - 'Illegal Money Lending Project – Progress Report'

Responding to Members' enquiries, the Board was informed that work continued on the compilation of a further report to Executive Board regarding the actions which could be taken to address the problems caused by legal money lenders across the city, and that such a report would be submitted to the Board for consideration in due course.

DEVELOPMENT AND THE ECONOMY

248 Red Hall Relocation Strategy and Design and Cost Report for : Farnley Hall Coach House

The Director of City Development submitted a report on the proposed development of a planning brief for the Red Hall site in order to allow its future development, whilst also outlining proposals to undertake feasibility works at Whinmoor Grange, which would enable further consideration to take place before proposals were developed and further consultation undertaken. In addition, the report also sought approval to incur the necessary expenditure from scheme 16442 on the Red Hall Relocation Strategy.

Reassurance was given to the Board that new horticultural nursery facilities would be established as part of the proposals detailed within the submitted report.

A Member emphasised the need to ensure that appropriate consultation exercises were undertaken on any future proposals which may be formed in relation to the potential development within the East Leeds Extension area.

RESOLVED –

- (a) That the progress made in respect of the relocation strategy for Red Hall, be noted.
- (b) That the sale of the Stable Block at Red Hall to the Rugby Football League be noted.
- (c) That authority be given to spend £1,270,000 on the Red Hall Relocation Strategy, including the refurbishment of Farnley Hall Coach House utilising capital receipts from the sale of assets at Red Hall and Farnley, the decant of staff to Temple Newsam following the sale of the Stable Block to the Rugby Football League and to assist with the development of the planning brief and feasibility works highlighted within the submitted report.
- (d) That approval be given to the ongoing works for the creation of a new horticultural nursery with ancillary office facilities for area staff requiring a base in the east of the city at Whinmoor Grange.
- (e) That officers be requested to develop a detailed planning brief for Red Hall and also to undertake feasibility works for both Red Hall and Whinmoor Grange, in order to allow future development of the Red Hall site.

249 Aire Valley Leeds Enterprise Zone Local Development Order 2: Extensions, Alterations and Changes of Use: Draft for Public Consultation

The Director of City Development submitted a report outlining a draft of a Local Development Order (LDO) which was proposed to support the Aire Valley Leeds Enterprise Zone by simplifying the planning process in the area. The proposed LDO specifically related to allowing certain extensions, alterations and change of use of industrial and warehouse units on the Enterprise Zone sites and in the wider industrial areas of the Aire Valley (Cross Green, Stourton and Hunslet).

Members emphasised the need for the proposals detailed within the submitted report to be progressed as a matter of priority.

RESOLVED –

- (a) That the draft of the 'Aire Valley Leeds Enterprise Zone – Local Development Order (2): Extensions, Alterations and Changes of use', as set out within Appendix 1 to the submitted report be approved, and that agreement be given to the Chief Planning Officer submitting this, together with the statement of reasons, to the Secretary of State.

- (b) That subject to the Secretary of State not making a direction under section 61B(1) of the Town and Country Planning Act 1990 as amended, the Aire Valley Leeds Local Development Order (2): Extensions, Alterations and Changes of use be adopted.

(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 prejudice the Council's or the public interest. Given that the Enterprise Zone commenced on 1st April 2012, the timescales for preparing and consulting on LDOs have been very tight. Although the 1st April deadline for adoption of the LDO cannot be achieved it is important that the LDO is in place as soon as possible after the start of the Enterprise Zone therefore the report has been declared as not eligible for call-in).

250 Leeds Site Allocations Development Plan Document (DPD) Scoping Paper

The Director of City Development submitted a report, which following consideration by Development Plan Panel on 6th March 2012, sought approval to the proposed scope of Leeds Site Allocations Development Plan Document (DPD).

Members received reassurance regarding the importance of a phased approach being taken towards the release of sites for development, the need for the nature of new development to meet the demand which currently existed and also the fact that every effort would be made to ensure that the proposed timescales for the delivery of the Site Allocations DPD were adhered to.

Responding to an enquiry, the Board received an update on the site allocation process for Gypsies and Travellers and also received further information on those areas which would not be allocated via the Site Allocations DPD process.

In considering the Site Allocation process, Members highlighted that in order to ensure that any future developments were sustainable, such developments needed to be accompanied by the provision of appropriate levels of infrastructure, such as schools.

The Board noted the concerns of two Members in respect of the proposals detailed within the submitted report. In addition, it was emphasised that in order to protect the Council's position, there was a need to progress the DPD site allocation process as a matter of priority. Also, the importance of Ward Member involvement in this process was emphasised and officers were requested to give consideration to the ways in which such Member involvement could be maximised wherever possible.

RESOLVED – That the scope of the Site Allocations Development Plan Document, as outlined within the submitted report, be approved.

(Under the provisions of Council Procedure Rule 16.5, Councillors Golton and Finnigan both required it to be recorded that they respectively abstained from voting on the decisions referred to within this minute)

251 Neighbourhood Plan frontrunners: agreement to spend £80,000 towards plan preparation in Boston Spa, Holbeck, Kippax and Otley.

The Director of City Development submitted a report detailing the aims of the neighbourhood planning frontrunner scheme, outlining proposals regarding the funding which had been secured from the Department of Communities and Local Government, whilst also providing an overview of the neighbourhood planning process and its implications arising from this process for the Council.

Members noted the level of interest which had been received to date from organisations regarding Neighbourhood Plans and acknowledged that the cost of developing such Plans would vary on a case by case basis. The Board highlighted the need to ensure that appropriate levels of cohesive support were provided by the Council to those organisations throughout the city which had expressed an interest in developing a plan. In addition, the Board welcomed a suggestion that those organisations which were at the forefront of Neighbourhood Plan development could provide guidance to those in the earlier stages of the process.

Emphasis was placed upon the vital role which would be played by Area Committees, Ward Members and local communities in the Neighbourhood Plan process.

RESOLVED –

- (a) That the release and spend of £80,000 towards supporting the neighbourhood pilot areas be approved and that the associated spending authority be delegated to the Director of City Development in consultation with the appropriate Area Committee and the Executive Member for Development and the Economy.
- (b) That the progress made, together with the specific issues in each of the four pilot areas, be noted.
- (c) That a further report be submitted to Executive Board in June 2012 which will outline the Council's general approach towards neighbourhood planning, including the establishment of governance arrangements and the publication of a comprehensive guidance note to assist communities working to prepare neighbourhood plans.

252 Natural Resources and Waste Development Plan Document: "Post Submission Changes" - Further Revisions

Further to Minute No. 238, 11th April 2012, the Director of City Development submitted a report which sought approval for a further change to be made to the Natural Resources and Waste Development Plan Document (DPD), namely the inclusion of the post submission changes.

RESOLVED – That the new supporting text and policy wording (as detailed within paragraph 3.2 of the submitted report), be approved for inclusion within the Post Submission Schedule of Changes for the purposes of a 6 week period of public consultation.

(The Natural Resources and Waste Development Plan Document is being 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 are not eligible for Call In)

253 Request from Scrutiny Board (Regeneration) regarding the Reduction of Rents to Kirkgate Market Traders for a Time Limited Period

(a) Request from Scrutiny Board (Regeneration) to Executive Board to Reduce Kirkgate Market Rents for a Time Limited Period

The Head of Scrutiny and Member Development submitted a report requesting that Executive Board gave considered a recommendation of Scrutiny Board (Regeneration) regarding a reduction in Kirkgate Market rents for all traders for a time limited period in view of the increasing vacancy factor in the market and in advance of the current review.

RESOLVED – That the contents of the submitted report be noted.

(b) A Response to a Request from Scrutiny Board (Regeneration) to Reduce Kirkgate Market Rents for a Time Limited Period

The Director of City Development submitted a report providing the directorate response to a number of issues raised by Scrutiny Board (Regeneration) including a specific request regarding a proposed reduction in Kirkgate Market rents for all traders for a time limited period in view of the increasing vacancy factor in the market and in advance of the current review.

The Board acknowledged the concerns of Scrutiny Board (Regeneration) and considered it's recommendation regarding a proposed reduction in rents, which had been presented to the meeting. In response, the Board reiterated the Council's desire for the long term future of the market to be secured. In addition, the level of investment into the market was highlighted and it was emphasised that the market would remain within Council ownership. Specifically regarding the recommendation of Scrutiny Board (Regeneration), it was acknowledged that some reconfiguration of the market was required in order to ensure that it prospered during challenging market conditions, however, it was noted that purely focussing upon traders' rent levels was too narrow a scope, as the vibrancy of the market together with increased levels of footfall were key.

RESOLVED –

- (a) That the actions being taken to increase footfall to the market, to reduce vacancy rates and to secure the long term future of the market be noted.

- (b) That the proposal from Scrutiny Board (Regeneration) to reduce the rents for tenants of Kirkgate Indoor Market be declined, but that officers be instructed to investigate implementing further measures to increase footfall, in consultation with traders, using £100,000 from the £1,750,000 budget for economic initiatives which was included within the 2012/13 strategic budget.

(The matters referred to in Minute No. 253(a) were not eligible for Call In as they solely referred the recommendations of Scrutiny Board (Regeneration) to Executive Board for consideration. The matters referred to in Minute No. 253(b) were eligible for Call In)

NEIGHBOURHOODS, HOUSING AND REGENERATION

254 Reinventing the Right to Buy - Sale of Council Homes

The Director of Environment and Neighbourhoods submitted a report informing of the changes which had been implemented on the 2nd April 2012 by Government to amend the Right to Buy arrangements including extending the discount to a maximum of £75,000 and the right to retain receipts over and above those calculated in the Council's Business Plan.

The Director of Environment and Neighbourhoods provided details of further guidance which had been received from Government following the publication of the agenda, in respect of the initiative, which would now allow for the construction of social rented homes and the purchase of empty properties as well as the development of affordable homes at 80%.

Concerns were raised regarding the proposals detailed within the submitted report, with emphasis being placed upon the principles around the Right to Buy initiative, the significant levels of investment which had been committed in recent years into the Decent Homes Standard and the fact that a maximum of 30% of the additional capital receipts obtained from the sale of Council homes could be used to fund new properties.

RESOLVED –

- (a) That approval be given to enter into the Local Agreement to re-invest in the development of new affordable homes. The conditions for which include that support is limited to 30% of value.
- (b) That a further report on the options for the utilisation of any additional funding be submitted to a future meeting of Executive Board.
- (c) That the correspondence with tenants, as detailed at Appendix 3 to the submitted report, be noted.

CHILDREN'S SERVICES

255 Basic Need 2013: Final Decision on Proposal to Expand Morley Newlands Primary School

The Director of Children's Services submitted a report regarding the proposal to expand Morley Newlands Primary School from 420 to 630 pupils, with an admission number increasing from 60 to 90, with effect from September 2013.

Members received reassurance that the cost of the development for this school would not have a negative impact upon future school developments elsewhere. Responding to an enquiry, the Board received details regarding the proposed timescales for the new school building's opening.

The Board paid tribute to all of those staff who worked at Morley Newlands Primary School and the young people who attended the school, given the challenging nature of the existing facilities.

RESOLVED – That approval be given to the expansion of Morley Newlands Primary School from 420 to 630 pupils, with an increase in the admission number from 60 to 90, with effect from 1st September 2013.

LEISURE

256 Friends of Bramley Baths and a Community Asset Transfer

The Director of City Development submitted a report advising of the progress which had been made in respect of a potential Community Asset Transfer to the Friends of Bramley Baths organisation and recommending such a Transfer which shifted from the Council some, but not all, of the liabilities and risks around the 1904 building and its operation.

Responding to an enquiry, the Board received clarification in respect of the proposed provision of financial contingency support for the Friends of Bramley Baths organisation in year one of the proposed operation. Also, Members received an update on the ongoing discussions which were currently taking place regarding a possible Community Asset Transfer involving Garforth Leisure Centre.

The Board supported a proposal regarding the need for local Ward Member representation on the Board of the facility's management organisation.

RESOLVED –

- (a) That the necessary authority be delegated to the Director of City Development to approve a 25 year lease at a peppercorn rent, to the Friends of Bramley Baths, and that approval be given for the Council to consider any reasonable claim from the Friends organisation for future liabilities relating to a 1904 Grade II listed building and swimming pool.
- (b) That agreement be given to consider financial contingency support in Year 1 of the operation to overcome any immediate pressure caused by the asset transfer to the Friends of Bramley Baths.

257 Future of Cow Close, Drighlington, Rawdon and Shadwell Libraries

The Director of City Development submitted a report outlining proposals regarding the transfer of Rawdon Library service and the building to the local community group; the transfer of Shadwell Library service to the Shadwell Independent Library Committee and the building to Shadwell Parish Council; the transfer of Drighlington Library service to the local friends group and the building to Environment and Neighbourhoods and to close Cow Close Library, as no community group had come forward to run the library.

With regard to the proposals for Shadwell Library, Members noted the ongoing discussions which continued in respect of the terms regarding the proposed transfer, whilst a request was made that appropriate levels of engagement, together with the necessary levels of guidance were provided to all relevant parties on this matter.

In relation to the proposals regarding Cow Close Library, the Board was made aware of concerns which had been raised by local Ward Members. In response, it was agreed that consideration of the proposals regarding Cow Close Library within the submitted report be deferred to the next meeting of the Board, in order to enable further engagement to take place with local Ward Members.

RESOLVED –

- (a) That the request to transfer the freehold of Shadwell Library to Shadwell Parish Council be declined.
- (b) That the necessary authority be delegated to the Director of City Development to negotiate with Shadwell Parish Council or Shadwell Independent Library Committee, in order to agree a peppercorn lease on a full repairing and insuring basis.
- (c) That the community asset transfer of Rawdon Library building to the Friends of Rawdon Library be approved, by way of a 25 year peppercorn lease on a full repairing and insuring basis.
- (d) That the transfer of the library services at Rawdon and Shadwell to the Friends of Rawdon Community Library and Shadwell Independent Library Committee respectively, be approved.
- (e) That the transfer of Drighlington Library service to the Friends of Drighlington Library be approved, with the building being managed by Environment and Neighbourhoods directorate.
- (f) That consideration of the proposals regarding Cow Close Library be deferred to the next meeting of the Board, in order to enable further engagement to take place with local Ward Members.

258 Community Food Growing

The Director of City Development submitted a report outlining proposals which were designed to encourage and support food growing in Leeds by establishing a community food growing network.

Requests were made for local organisations such as the ALMOs and the Leeds and District Gardeners' Federation to be provided with the opportunity to have greater involvement in the initiative. Responding to enquiries, the Board received further details regarding officer involvement in the initiative and the associated funding arrangements.

RESOLVED – That the planned development of a community food growing network in Leeds be supported.

RESOURCES AND CORPORATE FUNCTIONS

259 Provisional Outturn Financial Year Ended 31st March 2012

The Director of Resources submitted a report providing details of the Council's provisional financial outturn position for 2011/2012 and which commented on the key issues impacting upon the overall achievement of the budget for the current year.

The Board highlighted and thanked officers for all of their efforts which had led to the Council achieving its current financial position.

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

RESOLVED –

- (a) That the provisional outturn position, as detailed within the submitted report, be noted.
- (b) That the creation and delegated release of earmarked reserves, as detailed within paragraphs 4.2 and 5.6 of the submitted report, be approved.

260 Customer Access Strategy and Phase 1 Business Case

The Assistant Chief Executive (Customer Access and Performance) and the Director of Environment and Neighbourhoods submitted a joint report providing an update on the ongoing work being undertaken to improve the customer experience in accessing the Council's services, whilst also seeking endorsement of the new Customer Access Strategy for 2012-2015. In addition, the report sought approval of an injection into the Capital Programme together with the necessary authority to spend £3,000,000, in order to deliver Phase 1 of the Customer Access Programme, which included the acquisition of a new integrated Waste Management system.

Members discussed the principles of the proposed strategy and the impact it's introduction would have, both upon the Council's accessibility levels, and also upon the effectiveness of the services provided.

RESOLVED –

- (a) That the Customer Access Strategy 2012-2015, a summary of which was appended to the submitted report, be endorsed.
- (b) That approval be given to a process of public consultation on the Strategy through the Council's Citizens' Panel.
- (c) That approval be given to an injection into the Capital Programme of £3,000,000, with authority to spend also being approved, in order to deliver Phase 1 of the Customer Access Programme, as detailed within the submitted report.

261 Regional Economic Intelligence Team - Update Report

Further to Minute No. 70, 7th September 2011, the Assistant Chief Executive (Customer Access and Performance) submitted a report providing an update on the positive progress which had been made following the transfer of the Regional Economic Intelligence Team from Yorkshire Forward to Leeds City Council on the 1st November 2011. In addition, the report also provided details on the current funding position and revenue profile of the unit, the contribution of the team to work across the Council and the future opportunities which existed for the further development of the team's contribution.

The Board discussed the valuable work undertaken by the Regional Economic Intelligence Team and responding to a Member's enquiry, it was noted that the team had achieved a £44,000 surplus at the of the financial year.

RESOLVED – That the positive progress being made in establishing the new team be noted and that a further update report be submitted to Executive Board in January 2013.

262 Executive and Decision Making Procedure Rules

The Head of Governance Services submitted a report which sought approval of the proposed changes to Sections 1 and 2 of the Executive and Decision Making Procedure Rules, as detailed within Appendix A to the submitted report.

RESOLVED – That Sections 1 and 2 of the Executive and Decision Making Procedure Rules, as appended to the submitted report, be approved.

DATE OF PUBLICATION: 18TH MAY 2012

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 25TH MAY 2012 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00pm on
28th May 2012)