

SCRUTINY BOARD (REGENERATION)

MONDAY, 31ST OCTOBER, 2011

PRESENT: Councillor J Procter in the Chair

Councillors B Atha, D Collins, P Ewens,
J Harper, G Hussain, M Iqbal, K Mitchell,
T Murray and G Wilkinson

Mr G Hall – Co-opted Member

25 Chair's Opening Remarks

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

26 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:-

Appendix 2 to the report referred to in Minute No. 33 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business affairs of any person or company (including the authority holding that information) which may result in prejudicial trading of that company. It was therefore considered that it was not in the public interest to release this information at this time, as this would compromise the Council's position.

27 Late Items

There were no formal late items of business to consider, however, the Chair agreed to accept the following supplementary items which were circulated at the meeting:-

- Kirkgate Indoor Market Lettings Policy and Process – Replacement Appendix 1 (Agenda Item 9) (Minute 33 refers)
- Kirkgate Market - additional papers on appointment of consultants (Agenda Item 9) (Minute 33 refers)

The documents were not available at the time of the agenda despatch, but were made available on the Council's website prior to the meeting.

28 Declarations of Interest

The following personal declaration of interests were made:-

- Councillors J Procter and T Murray in their capacity as Members of the Aire Valley Leeds Regeneration Board (Agenda Item 7)(Minute 31 refers)
- Councillor J Harper in view of her previous Council involvement with the company Jonathan Morgan, Chair of the West Leeds Gateways Board and Managing Director of Morgan's estate agency (Agenda Item 7)(Minute 31 refers)

29 Apologies for Absence and Notification of Substitutes

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

On this occasion no notification of a substitute Member was provided.

30 Minutes of the Previous Meetings

RESOLVED – That the minutes of the meetings held on 27th September 2011 and 10th October 2011 be confirmed as a correct record.

31 East Leeds Regeneration Board

The Head of Scrutiny and Member Development submitted a report on the proposed formation of the East Leeds Regeneration Board, a sub-board of the Leeds Initiative's Housing and Regeneration Board.

Appended to the report was a copy of the following documents for the information/comment of the meeting;-

- East Leeds Regeneration Board – Position Statement – Report of the Director of Environment and Neighbourhoods
- East Leeds Regeneration Board – Draft Terms of Reference and Working Arrangements (Appendix 1 refers)
- The East Leeds Housing and Regeneration Board Meeting – Monday 3rd October from 2-4pm at Leeds City Council, Civic Hall – Agenda/Reports (Appendix 2 refers)
- New Developments to Transform East Leeds – Flyer/Press Release/Press Article (Appendix 3 refers)

The following representatives were in attendance for the first part of this item which commenced at 10.00am and responded to Board Members' queries and comments:-

- Tom Morton, Director, Leeds, York and North Yorkshire Chamber of Commerce
- Gary Williamson, Chief Executive, Leeds, York and North Yorkshire Chamber of Commerce
- Andrew Lindsey, Director, Leeds, York and North Yorkshire Chamber of Commerce

The Chair made reference to the background issues in relation to this item and informed Board Members that the main purpose of this meeting was to explore the context and the way in which preparations were made for the proposed East Leeds Regeneration Board and on the outcome of ongoing

discussions between the Leeds, York and North Yorkshire Chamber of Commerce and the Council in this regard.

At the request of the Chair, Tom Morton, Director, Chamber of Commerce and Industry briefly outlined the Chamber's current position in relation to the following specific areas:-

East Leeds Regeneration
New East Leeds
Matters of Detail
Summary

Gary Williamson and Andrew Lindsay also provided the meeting with relevant background information.

At the end of the presentation, the Board noted the following specific comments made by the Leeds, York and North Yorkshire Chamber of Commerce :-

- that the Chamber welcomed the partnership spirit underlying its dealings with the Council and wishes this to continue
- that the Chamber was supportive of the objectives of the three Regeneration Boards and was keen to do what it could to facilitate driving forward the agendas of these Boards with energy and dispatch
- that the Chamber was supportive of the private sector initiative recently launched under the name of New East Leeds; however it was not a direct player in this initiative, nor does it, nor will it, seek to make a profit out of the initiative
- that the Chamber was simply undertaking the role of secretariat for the meeting arranged for the 3rd October 2011 and a contact between the Council and other interested parties. It had not prepared any of the reports for this meeting which was subsequently cancelled
- that the Chamber conducts its affairs with transparency and integrity, and welcomed the opportunity to clarify their position this morning

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

- clarification of the discussions undertaken to date between the Chamber and Council officers in relation to 'New East Leeds Ltd' and the role and financial affairs of this company in relation to supporting developers within the city
- clarification of the Chamber's input and views in relation to the draft terms of reference and proposed membership of the East Leeds Regeneration Board
- clarification of the discussions the Chamber has had with the Council's Executive Member with portfolio responsibility for Neighbourhoods, Housing and Regeneration.
- clarification of the Chamber's role regarding the process in producing/clearing reports for the meeting on 3rd October 2011

- clarification of the Chamber's views on plans to change the use of Thorpe Park from office accommodation to a retail outlet with Sainsbury's acting as the anchor tenant which would have serious implications for a number of wards and to which elected members had not been made advised of
- concern that the SHLA partnership was not informed of the plans to change the use of Thorpe Park and the need for the Chamber to feed this view back to the developers
- the fact that the Council's Member Management Committee had not to date made any appointments to the new East Leeds Regeneration Board. It was noted that Executive Board on 2nd November 2011 would correct this omission

The Chair thanked representatives from the Chamber for their attendance and contribution to the meeting. Members of the Chamber left the meeting at 10.55am.

The following representatives were in attendance for the second part of this item at 11.00am and responded to Board Members' queries and comments:-

- Councillor P Gruen, Executive Member, Neighbourhoods, Housing and Regeneration
- Tom Riordan, Chief Executive, Leeds City Council
- Neil Evans, Director of Environment and Neighbourhoods
- Martin Farrington, Director of City Development
- Christine Addison, Acting Chief Asset Management Officer, Environment and Neighbourhoods

He then invited Tom Riordan, Martin Farrington, and Neil Evans to briefly comment on the Council's position in this regard with specific reference as to how current discussions were progressing in relation to the East Leeds Regeneration Board and on how they perceived the role of the Chamber within this process.

The Chief Executive of the Council reported that he had recently resigned as a Director of the Chamber because of a potential conflict of interest.

Specific reference was made to the following areas:-

that the Council welcomed the Chamber's perspective and role as a partner in delivering more jobs, more housing and encouraging more investment within the city
 that the Council acknowledged that it had a different role as landowner within this process
 that the Council had prepared a report by the Assistant Chief Executive (Customer Access and Performance) which would be submitted to the Executive Board meeting on 2nd November 2011 seeking to establish a framework for the creation of sub-boards to

support the work of the five Leeds Initiative Strategic Partnership Boards

that the Council had prepared a report by the Director of City Development which would be submitted to the Executive Board meeting on 2nd November 2011 about a number of development opportunities in East Leeds that would provide major commercial and housing economic growth to the City, and seeking approval to enter into an agreement with the Developer so as to facilitate part of this future development

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

- the need for the Council to follow its own procedures for making appointments to external bodies and to provide appropriate secretarial support for meetings which had been established by the Council
- clarification of clearance procedures between the Council and its partners
- economic growth and the progress being made with developers in meeting the Council's priorities
- the need for the Board to express its concerns over the lack of consultation to date with Ward Members in relation to any plans which might be brought forward to change the use of Thorpe Park and on other major retail developments within the city
(The Director of City Development advised Members that all Ward Members had been consulted on the November Executive Board paper relating to Thorpe Park and their views were detailed in the report)
- the need for officers to focus on other flagship schemes within the Council i.e. EASEL and not just Thorpe Park
- the need for the Aire Valley Leeds Regeneration Board to meet to discuss the plans to change the use of Thorpe Park
(The Chief Executive, Leeds City Council responded and agreed to look into this matter as to why there had not been a meeting called of the Aire Valley Leeds Regeneration Board for some time)
- clarification of the Chamber's role within the draft terms of reference for the new NEL Board
- clarification on how the Community infrastructure levy would work and the fact that this will not be implemented for sometime
- *(At the request of the Chair, the Chief Planning Officer, City Development was present in the room and responded to the Board. He reported that for the time being the current status quo would remain with section 106 being the mechanism to fund infrastructure work by developers)*
- the need to seek assurances that plans to change the use of Thorpe Park would be dealt with in accordance with Council procedures in view of the massive implications involved
(The Chief Planning Officer responded and confirmed that it would need a full planning application which had yet to be submitted)

In addition reference was made to the lack of confidential briefing sessions for Ward members which used to occur when significant issues arose in their area.

The Chair thanked officers for their attendance and contribution to the meeting.

The Chair invited Councillor P Gruen, Executive Member, Neighbourhoods, Housing and Regeneration to comment on the issues raised at the meeting.

Specific reference was made to the following areas:-

Team Leeds and the allocation of agreed portfolios to Leeds MP's
the importance of working closely and effectively with the private sector
the problems associated with EASEL to date
the proposals to change the use of Thorpe Park Business Park
the reasons for his decision to cancel the East Leeds Housing and
Regeneration Board meeting on 3rd October 2011
that the Executive Board Member was not aware that the Chamber of
Commerce had established a new East Leeds Ltd company to assist
the delivery of development at and around the Thorpe Park Business
Park and to work with a range of land owners and developers to
maximise employment and training opportunities

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

- the role of the Executive Member in releasing the papers for the New East Leeds Regeneration Board meeting on 3rd October 2011. The Executive Board Member responded that that he had seen some, but not all of the reports
- the need to know which officer had written the reports and who had been responsible for putting forward the names for membership of the new East Leeds Regeneration Board. The Executive Member responded that he understood the author of the papers was not an officer of the Council

The Chair, on behalf of the Board, raised his concerns about the lack of information available in relation to identifying the report author of the reports circulated from those representatives in attendance. From the information provided it appeared that the Chamber had been acting only as the secretariat in distributing the papers for the meeting on 3rd October 2011, but this would be pursued.

The Chair thanked Councillor P Gruen for his attendance and contribution to the meeting.

RESOLVED-

- a) That the contents of the report and appendices be noted.

- b) That the Principal Scrutiny Adviser be requested to write to the Chief Executive of Leeds, York and North Yorkshire Chamber of Commerce seeking further clarification as to the identity of the originator of the reports for the East Leeds Housing and Regeneration Board meeting which was cancelled on 3rd October 2011.
- c) That this Board expresses its concerns over the general lack of confidential briefing sessions for Ward Members on issues affecting their wards using by way of example the lack of consultation to date with Ward Members in relation to any plans which might be brought forward to change the use of Thorpe Park Business Park and that this issue be revisited at a future meeting of the Scrutiny Board.

(Councillor M Iqbal left the meeting at 12.25pm during discussions of the above item)

(Councillor P Ewens left the meeting at 12.30pm at the conclusion of the above item)

32 Leeds and Bradford International Airport- Taxi Access

The Head of Scrutiny and Member Development submitted a report on taxi access at Leeds Bradford International Airport previously considered by Executive Board on 12th October 2011.

Appended to the report was a copy of the Executive Board report entitled 'Leeds Bradford International Airport – Taxi Access' previously considered at the meeting held on 12th October 2011 for the information/comment of the meeting.

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

- Martin Farrington, Director of City Development
- Gary Bartlett, Chief Officer, Highways and Transportation, City Development
- Andrew Hall, Acting Head of Transport Policy, City Development

The Board noted that the Executive Board at their meeting held on 12th October 2011 had resolved not to proceed with a new taxi rank on Whitehouse Lane as a consequence of the revised costs to undertake this work.

At the request of the Chair, the Director of City Development presented the report and outlined the progress that had been made following consideration of this issue at the Executive Board meetings held on 18th May 2011 and 12th October 2011.

He made specific reference to the original desk top figure of £80,000 which, unfortunately, had been in-correctly costed. Following this a detailed option for the provision of a taxi rank at the airport had concluded that the estimate total

cost of a scheme was potentially in excess of £900,000 to provide a facility which was of suitable design and appropriately engineered for the site.

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

- the need for the Scrutiny Board to receive a detailed report at the next meeting covering the following specific issues:-
 - (i) copies of all the costs associated with the provision of a taxi rank on Whitehouse Lane to include a breakdown of the minimum cost of £515,000, plus the potential additional costs of £325,000 for disposal of contaminated material and the £65,000 for landscaping
 - (ii) copies of all correspondence with the Leeds and Bradford International Airport on this matter
(The Chief Officer, Highways and Transportation responded and offered to brief two Board Members at the highways headquarters at Middleton on the above issues. However it was the view of the Board that this was inappropriate as it would exclude the majority of the Board from receiving this information)
- the need for the Board to be provided with a copy of the Director of City Development's original report which showed the estimated cost of this scheme as £80,000 which was considered by Scrutiny Board (City Development) at its meeting on 5th April 2011
(The Board's Principal Scrutiny Adviser responded and agreed to circulate a copy the relevant report to Board Members for their information/retention)
- clarification of the annual charge in relation to the 'voyager' area for taxis and other customers

RESOLVED –

- a) That the contents of the report and appendices be noted.
- b) That the Director of City Development submit a detailed a report to the Scrutiny Board's next meeting on 29th November 2011 on:-
 - all the costs associated with the provision of a taxi rank on Whitehouse Lane to include a breakdown of the minimum cost of £515,000, plus the potential additional costs of £325,000 for disposal of contaminated material and the £65,000 for landscaping
 - copies of all correspondence with the Leeds and Bradford International Airport on this matter

33 Kirkgate Market

Referring to Minute 16 of the meeting held on 27th September 2012, the Chief Economic Development Officer submitted a report on issues relating to Kirkgate Market.

Appended to the report was a copy of the following documents for the information/comment of the meeting:-

- Re Appendix 1 – Kirkgate Indoor Market Lettings Policy and Process
- Rent Levels – Appendix 2 which was designated as exempt under Access to Information Procedure Rules 10.4 (3)

In addition to the above documents, a copy of the following supplementary information was also submitted for Members' consideration:-

- Kirkgate Indoor Market Lettings Policy and Process - Replacement Appendix 1
- Kirkgate Market - additional papers on appointment of consultants

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

- Martin Farrington, Director of City Development
- Paul Stephens, Chief Economic Development Officer, City Development
- Sue Burgess, Markets Manager, City Development
- Councillor G Harper, Chair, Kirkgate Markets Forum
- Liz Laughton, Chair of National Markets Traders' Federation (NMTF) Leeds (Kirkgate Branch)
- Michele Hocken, National Market Traders' Federation (NMTF) (Kirkgate Branch)
- Lacky Singh, National Market Traders' Federation (NMTF) (Kirkgate Branch)

At the request of the Chair, the Director of City Development presented the report and outlined the progress that had been made following consideration of this issue at the last meeting.

To assist the Board further with their deliberations, the Chair also invited comments from Councillor G Harper, Chair, Kirkgate Markets Forum and representatives from the National Markets Traders' Federation (NMTF) Leeds (Kirkgate Branch).

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

- to express grave concerns that communication between the Council and the market traders had not improved on the evidence presented to the Board at today's meeting
- clarification of the consultation process between the Markets Manager, traders and the Friends of Kirkgate Market
- to note and deplore the injury sustained to a Council employee at Kirkgate Market on 26th October 2011 following an incident with a representative from the Friends of Kirkgate Market
- to express concern that meetings of the Kirkgate Markets Forum were not held regularly which meant that traders and other parties were not able to plan their attendance well in advance

In concluding, the Chair on behalf of the Board, stated that every effort should be made to work with market traders to improve relationships between them. The Board regretted the delay in implementing the decision of the Executive

Board to move towards an arms length company and the appointment of consultants to advise on this and the appropriate size the market in the future.

The Director of City Development responded and informed the meeting that the consultants had been appointed and the Executive Board minute was being implemented.

The Principal Scrutiny Adviser informed the meeting that there would be a further recommendation tracking report on implementation of the Scrutiny Board's recommendations regarding Kirkgate market at a meeting in the new year.

Following consideration of Appendix 2 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 contents of the report and appendices be noted.
- b) That the Markets Manager be requested to prepare a report for the next meeting identifying the vacant units at the market, including the length of time they have been vacant, together with responding to Board Member's individual queries raised in the rent levels document (Appendix 2 refers).

(Councillor J Harper left the meeting at 1.05pm during discussions of the above item)

(Councillor G Hussain left the meeting at 1.10pm during discussions of the above item)

34 Proposals to reform the process for the registration of land as town and village greens and to introduce Local Green Space Developments

The City Solicitor submitted a report on proposals to reform the process for the registration of land as town and village greens and to introduce Local Green Space Developments.

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

- Caroline Allen, Head of Development and Regulatory
- Chris Bramham, Principal Legal Officer

At the request of the Chair, the Head of Development and Regulatory presented the report, together with background detail being provided by the Principal Legal Officer to assist the Board in their deliberations.

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

- that the Principal Legal Officer's response to the Defra consultation was in the Board's view inadequate and lacked any analytical quality in relation to the protection of green spaces
- clarification of why the report did not make reference to the 1906 Open Spaces Act and PPG 17 legislation and whether or not the Council were currently processing Town and Village Green applications
(*The Head of Development and Regulatory responded and confirmed that the Council was still dealing with applications for Town and Village Green status*)

The Head of Development and Regulatory informed the meeting that Defra was still accepting late submissions to its consultation on Town and Village Greens and the introduction of Local Green Space Developments.

Arising from discussions it was the general consensus of the meeting that a late submission should be submitted by the Chief Executive to Defra based on the response submitted by the Open Space Society.

RESOLVED –

- a) That the contents of the report be noted.
- b) That the Principal Scrutiny Adviser be requested to circulate a copy of the Open Space Society (OSS) submission to Defra to Board Members seeking any expressions of concern.
- c) That subject to no objections being received from Board Members, the Chief Executive be requested 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 this Board.

35 Work Schedule

The Head of Scrutiny and Member Development submitted a report providing Members with a copy of the Board's current draft work schedule. The Executive Board minutes of 12th October 2011, together with the Forward Plan of Key Decisions for the period 1st October 2011 to 31st January 2012 were also attached to the report.

RESOLVED-

- a) That the contents of the report and appendices be noted.
- b) That the Executive Board minutes of 12th October 2011, together with the Forward Plan of Key Decisions for the period 1st October 2011 to 31st January 2012 be noted.
- c) That the Board's Principal Scrutiny Adviser be requested to revise the work schedule to incorporate the recommendations made at today's Board meeting.

36 Date and Time of Next Meeting

Tuesday 29th November 2011 at 10.00am in the Civic Hall, Leeds (Pre-meeting for Board Members at 9.30am)

(The meeting concluded at 2.00pm)