

SCRUTINY BOARD (REGENERATION)

TUESDAY, 28TH FEBRUARY, 2012

PRESENT: Councillor J Procter in the Chair

Councillors J Akhtar, B Atha, D Collins,
G Driver, P Ewens, J Harper, G Hussain,
M Iqbal, R Pryke and G Wilkinson

Mr G Hall - Co-opted Member

73 Chair's Opening Remarks

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

74 Late Items

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

- Town and Village Greens – Defra Guidance Note - Management and protection of registered town and village greens – Frequently asked questions (Appendix 1 refers) - Joint Report of the City Solicitor and Director of City Development (Agenda Item 8) (Minute 78 refers)

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

75 Apologies for Absence and Notification of Substitutes

Apologies for absence were received on behalf of Councillors P Grahame and T Murray.

Notification had been received for Councillor J Akhtar to substitute for Councillor P Grahame and Councillor G Driver to substitute for Councillor T Murray.

76 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 17th January 2012 be confirmed as a correct record.

77 Provision of additional information regarding Leeds Kirkgate Market

Referring to Minute 68 b) of the Scrutiny Board (Regeneration) meeting held on 17th January 2012, the Head of Scrutiny and Member Development submitted a report on additional information regarding Kirkgate Market.

The Chair reminded Members of the lack of time available at the last meeting to deal with this item and his subsequent request that this matter be discussed fully at today's meeting. to allow a proper opportunity to question

and comment officers on the information the Board had requested on lettings issues in Kirkgate Market.

In addition to the above report, the Board's Principal Scrutiny Adviser circulated for the attention of the meeting a note of a visit to Kirkgate Market on 7th February 2012 by Members of Scrutiny Board (Regeneration).

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

- Sue Burgess, Manager, Leeds Markets, City Development
- Michelle Hocken, National Market Traders' Federation (NMTF) (Kirkgate Branch)
- Lacky Singh, National Market Traders' Federation (NMTF) (Kirkgate Branch)

At the request of the Chair, the Manager, Leeds Markets provided the Board with the latest figures in relation to notices to quit; leases agreed and on footfall numbers prior to and after the Christmas period.

Detailed discussion ensued on the contents of the report and appendices.

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

- clarification as to whether consideration had been given to reducing rents in Kirkgate Market at least for a time limited period in order to try and retain existing traders and attract new ones and consequently increase footfall during the current economic climate.
(The Manager responded and informed the meeting that the Directorate was considering a range of options to maintain a vibrant and prosperous market with fewer vacant stalls, but a detailed financial analysis was required in order to consider this as it would have an impact on the markets income. As £500k had already been hypothecated from next year's return to central budgets, this would place further pressure on an already reduced return. She also stated that management would like to reduce the number of differing rent levels across the market. This would form part of the current review and management of the market. Specific concern was expressed following the Board's visit to the market at the departure of a number of long standing tenants from the market many of whom stated to Members that they were finding it more difficult to make a living in the market following a significant rent rise in 2002)
- concern at the substantial capital expenditure in transferring the Markets Information Centre to another location in the market and the provision of a market hospitality suite in the former upstairs café.
(The Manager responded that these schemes were only possible as a consequence of the Council releasing £250,000 to the customer improvement fund. She explained that the costs of transferring the Markets Information Centre had increased from £25,000 to £52,000 largely because the walls and roof needed more work than originally

anticipated. She reported that the Information Centre was now in a better location and the vacated units were double fronted units and more easy to let. An interested party for these units had yet to sign the lease and was waiting to see what happened regarding redevelopment of the market)

- Reference was made to the Council's ability to offer traders financial assistance to try and prevent further stalls becoming vacant *(The Manager commented that in accordance with the Council's Financial Regulations she could only offer financial assistance when traders were in arrears. Members disputed this statement and the Manager agreed to clarify this issue outside of this meeting with the Chair)*
- the concerns expressed that 80 units were currently vacant in the market *(The Manager confirmed that £709.8k per annum was being lost as a result of vacant stalls)*
- the need to address the following key areas as a matter of urgency:-
 - high vacancy rate
 - high rent levels
- Members also referred to the possible introduction of Sunday trading and the expansion of credit card facilities throughout the market which were not generally supported by the traders

Prior to considering the above resolution proposed by Councillor B Atha, the Chair invited Michelle Hocken, National Market Traders' Federation (NMTF) (Kirkgate Branch) to comment on the issues discussed at the meeting.

RESOLVED –

- a) That the report be noted.
- b) That the Executive Board be recommended to consider a reduction in Kirkgate Market rents for all traders for a time limited period
- c) That this Board be kept informed of continued progress via the Kirkgate Markets Forum.

78 Town and Village Greens

Referring to Minute 69 of the meeting held on 17th January 2012, the Head of Scrutiny and Member Development submitted a report on the process for the registration of land as town and village greens.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- The process for the registration of land as town and village greens – Scrutiny Board (Regeneration) – 17th January 2012 – Report of the City Solicitor (Appendix 1 refers)
- The process for the registration of land as town and village greens – Scrutiny Board (Regeneration) – 28th February 2012 – Joint report of the City Solicitor and Director of City Development (Appendix 2 refers)

In addition to the above documents, a copy of the Defra Guidance Note on the Management and protection of registered town and village greens – Frequently asked questions (Appendix 1 refers) appertaining to the Joint Report of the City Solicitor and Director of City Development was circulated for the information /comment of the meeting.

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

- Catherine Witham, City Solicitor, Legal Services
- Caroline Allen, Head of Development and Regulatory, Legal Services
- Christine Addison, Chief Asset Management Officer, City Development
- Martin Sellens, Head of Planning Services, City Development
- Councillor R Lewis, Executive Board Member, Development and the Economy

Prior to discussing the Joint Report of the City Solicitor and Director of City Development, the Chair requested the City Solicitor, Legal Services to outline the reasons why the City Development Directorate had refused to release Counsel's opinion to the Board on this matter.

The City Solicitor, Legal Services responded and provided the meeting with detailed explanation. She made specific reference to the various conditions arising from the legal framework and confirmed that under the current regulations, the Board did not have statutory right to see this document. She confirmed that in accordance with the Council's constitution the decision to release the document rests with the Director of City Development in consultation with the Executive Board Member.

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

- clarification of the appeal process open to the Board on the issue of the release of this document
(The City Solicitor responded and confirmed that ultimately the Board had a right of appeal to the Executive Board)
- the concerns expressed of the ethics in relation to an Executive Board Member or Director holding back relevant information
(The Chief Asset Management Officer responded and outlined the thought process behind the decision not to release the document. She made particular reference to Councillor Atha's potential conflict of interest and stressed the fact that there was no statutory right for the Board to have access to this document)
- the concerns expressed regarding the legal costs of opposing these three applications currently thought to be at least £10k to date and the officer time in this regard

The Chair then invited Executive Board Member, Development and the Economy to comment.

He explained that the appropriate Plans Panel Members would require training to deal with applications of this kind which were completely different to the issues usually considered by them. He stated that he would have no objection for Counsel's opinion being sent to the Chair, on a confidential basis, as the document was very specific to the three applications.

The Chair responded and stated that whilst he welcomed the offer, he would not be comfortable with this 'confidential' arrangement.

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

- the view that pre-determination was not a bar for Members of the Plans Panel provided Members enter the meeting with an open mind
(The City Solicitor commented on pre determination and briefly explained the position following the expected introduction of the new standards regime in July 2012. She stated that the current requirements regarding the declaration of personal and prejudicial interests continued to apply until the introduction of the new regime pursuant to the Localism Act. She agreed to provide guidance to Elected Members)
- clarification as to whether any senior officer could seek Counsel's opinion
(The City Solicitor responded and confirmed that there was nothing in the Constitution to prevent this happening. However, she would expect senior staff to seek advice from legal services on the merits or otherwise of seeking Counsel's opinion on any matter before committing the Directorate to what could be considerable costs)

The Chair then invited the Chief Asset Management Officer, City Development to comment.

For the benefit of Board Members, she circulated a copy of a report entitled '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' which was due to be considered at the Executive Board meeting on 7th March 2012.

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

- clarification of the submissions made by the Council to Defra's consultation
(The Head of Development and Regulatory responded and informed the meeting that two officer submissions were made to Defra during the consultation period. Separate representations were submitted by the Council as registration authority and as land owner in consultation with Property Services)
- a view that the Council should formulate a single approach to this issue so Members could more easily advise their constituents

The Chief Asset Management Officer, City Development briefly explained the process for dealing with applications which included the sifting of applications to pick out those applications for Town and Village Green Status which clearly do not meet the necessary criteria.

The Chair then invited Head of Planning Services, City Development to comment.

He outlined the current protection given to the three sites through the adopted UDP designations and other possible measures coming forward to give added protection to green spaces rather than designation as a town or village green. Reference was also made to the fact that the Council's Core Strategy had been published as at today's date.

In concluding, the Chair invited Executive Board Member, Development and the Economy to sum up.

He acknowledged the complexity of the issue and was keen to make progress on this issue. He thanked the Board for their deliberations in this matter.

RESOLVED –

- a) That the contents of the report and appendices be noted.
- b) To note that the City Solicitor had agreed to provide an independent and objective opinion of the potential benefits and dis-benefits of the registration of village greens and to provide a written note as appropriate to the parties concerned.

(Councillor M Iqbal left the meeting at 12.20pm during discussions of the above item)

(Councillor G Wilkinson left the meeting at 12.30pm during discussions of the above item)

79 Recommendation Tracking

At the request of the Chair and with the agreement of the Board, this item was withdrawn for reconsideration at the next meeting on 27th March 2012. It was also agreed that this report be referred to the next meeting of the Scrutiny Board (Regeneration) Working Group on Affordable Housing for consideration.

80 Final Draft Minutes - Working Group on Affordable Housing - 16th January 2012

A copy of the final draft minutes of the Working Group on Affordable Housing held on 16th January 2012 were submitted for the information/comment of the meeting.

George Hall made reference to paragraph 4.11 and informed the meeting that the minutes were incorrect. The minutes should have referred to the DTZ report and not the GVA report.

RESOLVED – That subject to the above amendment, the minutes of the Working Group on Affordable Housing held on 16th January 2012 be received and noted.

81 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 10th February 2012, together with the Forward Plan of Key Decisions for the period 1st February 2012 to 31st May 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 10th February 2012, together with the Forward Plan of Key Decisions for the period 1st February 2012 to 31st May 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.
- d) That regarding the issue relating to the Leeds Bradford International Airport Taxi Access, the Board's Principal Scrutiny Adviser be requested to invite the relevant Executive Board Member and the Director of City Development to attend the next meeting to discuss the current position.

82 Date and Time of Next Meeting

Tuesday 27th March 2012 at 10.00am in the Civic Hall, Leeds
(Pre meeting for Board Members at 9.30am)

(The meeting concluded at 12.50pm)