



SCRUTINY BOARD (REGENERATION)

Meeting to be held in the Civic Hall, Leeds on
Thursday, 17th May, 2012 at 10.00 am

A pre-meeting will take place for ALL Members of the Board
in a Committee Room at 9.30 am

MEMBERSHIP

Councillors

B Atha	-	Kirkstall;
D Collins	-	Horsforth;
Vacancy	-	
P Grahame	-	Cross Gates and Whinmoor;
J Harper	-	Armley;
G Hussain	-	Roundhay;
M Iqbal	-	City and Hunslet;
T Murray	-	Garforth and Swillington;
J Procter (Chair)	-	Wetherby;
Vacancy	-	
G Wilkinson	-	Wetherby;
Mr G Hall	-	Co-optee (Non-voting)

Please note: Certain or all items on this agenda may be recorded

Agenda compiled by:
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A G E N D A

Item No	Ward/Equal Opportunities	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, notice of an appeal must be received in writing by the Head of Governance Services Officer 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 the following parts of the agenda designated as containing 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, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

3

LATE ITEMS

To identify items which have been admitted to the agenda by the Chair for consideration.

(The special circumstances shall be specified in the minutes.)

4

DECLARATIONS OF INTEREST

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.

5

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

To receive any apologies for absence and notification of substitutes

6

MINUTES OF THE PREVIOUS MEETING

1 - 6

To confirm as a correct record, the minutes of the meeting held on 27th March 2012.

7

FORECOURT MANAGEMENT PLAN

7 - 8

To consider a report of the Head of Scrutiny and Member Development on the latest developments in relation to a timetable for the submission of a Forecourt Management Plan by Leeds Bradford International Airport.

8

THE LEEDS COMMUNITY INFRASTRUCTURE LEVY - UPDATE ON TIMETABLE

9 - 10

To consider a report of the City Development – Forward Planning and Implementation on an update regarding the Community Infrastructure Levy.

**INQUIRY ON AFFORDABLE HOUSING BY
PRIVATE DEVELOPERS - DRAFT FINAL
REPORT AND RECOMMENDATIONS**

To consider a report of the Head of Scrutiny and Member Development on the Board's Inquiry on affordable housing by private developers.

(Draft Final Report and Recommendations to follow)

SCRUTINY BOARD (REGENERATION)

TUESDAY, 27TH MARCH, 2012

PRESENT: Councillor J Procter in the Chair

Councillors B Atha, P Ewens, P Grahame,
J Harper, G Hussain, M Iqbal, T Murray,
R Pryke and G Wilkinson

Mr G Hall – Co-opted Member

83 Chair's Opening Remarks

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

84 Declarations of Interest

There were no declarations of interest made at the meeting.

85 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 28th February 2012 be confirmed as a correct record.

86 Update on Discussions with Leeds Bradford International Airport - Proposed Taxi Rank on Whitehouse Lane

Referring to Minute 59 of the meeting held on 19th December 2011, the Head of Scrutiny and Member Development submitted a report updating the meeting on discussions with Leeds Bradford International Airport in relation to a proposed taxi rank on Whitehouse Lane.

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

- Leeds Bradford International Airport Taxi Access – Report of Director of City Development – Executive Board – 10th February 2012 (Appendix 1 refers)
- A request from Scrutiny Board (Regeneration) to Executive Board to reconsider the Provision of Taxi Facilities on Whitehouse Lane – Report of the Head of Scrutiny and Member Development - Executive Board – 10th February 2012 (Appendix 2 refers). It was noted with concern that this report from Scrutiny Board was not submitted to the Executive Board for the reasons specified

Mr Gary Bartlett, Chief Officer, Highways and Transportation, City Development concerning where Leeds Bradford International Airport were with the development of the Forecourt Management Plan.

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

Draft minutes to be approved at the meeting
to be held on Thursday, 17th May, 2012

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

- clarification of the timetable/deadline for submission by the Leeds Bradford International Airport of the Forecourt Management Plan to Plans Panel (West)
(The Chief Officer, Highways and Transportation responded and agreed to provide the Board with this information)
- clarification as to whether the Director of City Development knows what Leeds Bradford International Airport intended to do at the end of the current contract. Was it likely that it will again simply go again to the highest bidder rather than it take an holistic approach to resolving this problem?
(The Chief Officer, Highways and Transportation responded with his view on the latest position and confirmed that the Director of City Development's views had been consistent regarding the problems and concerns regarding the provision of a taxi rank on Whitehouse Lane. The Directorate was now waiting to see firm proposals from the airport on this issue which would be set out in the Forecourt Management Plan and which was a condition of the planning consent for the airport extension)
- clarification as to the Council Officer who would receive and consider the Forecourt Management Plan submitted from Leeds Bradford International Airport for consideration by Plans Panel West
(The Chief Officer, Highways and Transportation responded and informed the Board that it was Mr M Sellens, Head of Planning Services who was dealing with this matter)
- reference was made to copies of all relevant correspondence previously submitted to this Board between the Director of City Development, other relevant officers and the Leeds Bradford International Airport on this issue between 7th October 2010 to 4th October 2011. Members asked to see any further relevant correspondence on this issue from 5th October 2011 to date
(The Chief Officer, Highways and Transportation agreed to provide this information)
- discussed the offer made by Leeds Bradford International Airport at an early stage in the negotiations regarding the "Voyager" short stay facility which was to extend the waiting period from 15 minutes to 30 minutes for taxis and private hire vehicles. This enabled vehicles to drop off and collect fares within a reserved and designated area adjacent to the short stay car park and in proximity of the airport terminal
(The Chief Officer, Highways and Transportation confirmed that discussions were ongoing but were no new developments to report in terms of taxi provision by Leeds Bradford International Airport at this stage)

RESOLVED –

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

- b) That this Board notes that the scrutiny process had now been amended and in future scrutiny reports making recommendations to the Executive Board would be submitted direct to the Executive Board. It was further noted that a copy of the Scrutiny Board's report would continue to be sent to the relevant Director seeking his/her comments to the Scrutiny Board's proposals for his/her submission to Executive Board.
- c) That the Director of City Development submit by email to the Principal Scrutiny Adviser the information requested by the Board concerning clarification of the timetable/deadline for submission by the Leeds Bradford International Airport of the Forecourt Management Plan to Plans Panel West.
- d) That the Director of City Development submit details of any further relevant correspondence with the Leeds Bradford International Airport concerning hackney carriage provision and private hire from 5th October 2011 to date.
- e) That Mr M Sellens, Head of Planning Services be invited to attend the next full Scrutiny Board meeting in May (date to be confirmed) to update Members on the position with regard to the Forecourt Management Plan and to respond to Members' questions.

(Councillor P Ewens joined the meeting at 10.30am during discussions of the above item)

87 Recommendation Tracking - Housing Growth in Leeds

Referring to Minute 79 of the meeting held on 28th February 2012, the Head of Scrutiny and Member Development submitted a report on recommendations arising from the previous Scrutiny review of Housing Growth in Leeds.

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

- Recommendation tracking flowchart and classifications: Questions to be considered by Scrutiny Boards (Appendix 1 refers)
- Review of Housing Growth in Leeds (Appendix 2)
- Housing Growth Scrutiny Inquiry Report (Appendix 3 refers)

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

- Councillor R Lewis, Executive Board Member, Development and the Economy
- Councillor P Gruen, Executive Board Member, Neighbourhoods, Housing and Regeneration
- David Feeney, Head of Forward Planning and Implementation, City Development
- Susan Morse, Programme Delivery Manager, City Development
- Andy Haig, Regional Policy Team, Planning, Policy and Improvement Directorate, City Development

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

RESOLVED-

- a) That the contents of the report and appendices be noted.
- b) That the Principal Scrutiny Adviser make changes to the proposed category status of Appendix 2 of the report as follows:-
 - Recommendation 1 remains at category 4
 - Recommendation 2 remains at category 4
 - Recommendation 3 remains at category 4
 - Recommendation 4 remains at category 2
 - Recommendation 5 change from category 4 to category 3
 - Recommendation 6 remains at category 2
 - Recommendation 7 change from category 4 to category 3
 - Recommendation 8 remains at category 4
 - Recommendation 9 (a) change from category 4 to category 3
 - Recommendation 9 (b) remains at category 3
 - Recommendation 10 change from category 4 to category 3
 - Recommendation 11 remains at category 4
 - Recommendation 12 remains at category 2
- c) That in relation to Recommendation 2, the Board welcomes the offer by the Executive Board Member, Neighbourhoods, Housing and Regeneration to pursue this recommendation on behalf of the Board.
- d) That in relation to Recommendation 5, the Director of City Development circulate to all Members of the Scrutiny Board details of the number of new affordable homes which had come to fruition since the interim affordable housing policy was introduced by the Executive Board in November 2011.
- e) That in relation to Recommendation 7, the Board conveys its concern at the "duty to cooperate" and the lack of tangible progress with regard to the Scrutiny Board's proposals to "pool" under and over provision of houses across the city region. (It was reported that the Leaders Board on 2nd February 2012 had considered a paper on future arrangements for Spatial Planning which included an exploration of how directive the Partnership wished to be in regard of strategic planning. It was confirmed that the Leaders Board was a long way from considering the "pooling" of their collective housing provision)
- f) That in relation to Recommendation 9 (a), the Board notes that this recommendation should be directed via the Assistant Chief Executive (Customer and Access) portfolio and not through Environment and Neighbourhoods.
- g) That in relation to Recommendation 9 (b), the Head of Forward Planning and Implementation, City Development be requested to Circulate SI 2012 No 637 The Neighbourhood Planning (General) Regulations 2012 to Board Members via the Principal Scrutiny Adviser.

(Councillor B Atha joined the meeting at 11.15am during discussions of the above item)

88 2011/12 Quarter Three Performance Report

The Assistant Chief Executive (Customer Access and Performance) submitted a report on a summary of the new quarter three performance data for 2011-12 which provided the meeting with an update on progress in delivering the relevant priorities in the Council Business Plan 2011-15 and City Priority Plan 2011-15.

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

- Appendix 1a – Performance Reports for the Housing and Regeneration City Priorities
- Appendix 1b – Environment and Neighbourhoods Directorate Priorities and Indicators relevant to the Board
- Appendix 1c – City Development Directorate Priorities and Indicators relevant to the Board

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

- Councillor R Lewis, Executive Board Member, Development and the Economy
- Councillor P Gruen, Executive Board Member, Neighbourhoods, Housing and Regeneration
- Paul Maney, Head of Strategic Planning, Policy and Performance, City Development
- Heather Pinches, Executive Officer, Performance Management, Customer Access and Performance
- Debra Scott, Head of Performance and Service Review, Environment and Neighbourhoods

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

- The Core Strategy approved by Executive Board on 10th February 2012 recognised the need to identify around 30% of new housing to be built on "Protected Area of Search" (PAS) and greenbelt sites. Members asked how this figure of 30% had been calculated and how many hectares are involved. Members also wanted an indication of the percentage of PAS sites included in the 30% figure *(The Head of Strategic Planning, Policy and Performance, City Development responded and agreed to provide this information for Board Members via the Principal Scrutiny Adviser)*
- The concern expressed about the amber rating in the Red/Amber/Green system and whether there were alternative options available. Members suggested that it would be helpful in future reports if changes were made to include the definitions for the ratings (previously agreed with Members) *(The Head of Strategic Planning, Policy and Performance, City Development responded and agreed to raise this at the next Performance Board)*

- The concerns raised about the affordable housing targets and how realistic they were in the current climate
- That consideration be given to establishing an additional indicator to monitor the impact of the reduction in S106 Affordable Housing targets
- Members asked how many apprenticeships were converted into real jobs?

(The Head of Strategic Planning, Policy and Performance, City Development agreed to make enquiries and provide a response to Board Members via the Principal Scrutiny Adviser)

RESOLVED –

- a) That the contents of the report and appendices be noted.
- b) That this Board notes the progress in relation to the delivery of the Housing and Regeneration City Priorities Plans as set out in the Directorate Priorities and Indicators.
- c) That the information requested above be provided to the Principal Scrutiny Adviser for circulation to all Members of the Scrutiny Board.

89 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 7th March 2012, together with the Forward Plan of Key Decisions for the period 1st March 2012 to 30th June 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 7th March 2012, together with the Forward Plan of Key Decisions for the period 1st March 2012 to 30th June 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.

90 Date and Time of Next Meeting

- Tuesday 24th April 2012 – meeting cancelled and to be replaced by a meeting of the Board's Working Group on affordable housing and private developers to which all Members of the Board would be invited to attend
- Additional Meeting to be held in May – date and time to be advised

(The meeting concluded at 12.10pm)

Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Regeneration)

Date: 17th May 2012

Subject: Forecourt Management Plan

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

Introduction

1. The Scrutiny Board at its meeting on 27th March 2012 requested a timetable for the submission of a Forecourt Management Plan by Leeds Bradford International Airport. This arose during consideration of an update on the provision of a hackney carriage rank on Whitehouse Lane. The Board also requested the attendance of Martin Sellens, Head of Planning Services at today's meeting to respond to Members questions.

2. In addition the Director of City Development was asked to provide to Members of the Board any further relevant correspondence with the LBIA concerning hackney carriage provision and private hire from 5th October 2011 to date. The Head of Planning Services will report on this request at today's meeting.

3. In terms of the latest position the Director of City Development states that his Directorate are still in active discussion with the airport and their agent about this issue. The Director of City Development has agreed to present a report to Members of West Plans Panel with a site visit beforehand at their meeting on 14th June 2012.

4. To remind Members the planning approval for the terminal building extension at the airport was granted on 15th December 2009 subject to conditions. Condition 14 of the planning approval required that prior to development commencing a Forecourt Management Plan had to be submitted to and approved in writing by the Local Planning Authority. The detailed wording in the condition set out what the plan should cover;

" The plan will illustrate how the design of the forecourt facilitates the movement of visitors entering the forecourt from the public highway, from the forecourt to the

terminal building, and leaving the forecourt to the public highway and the time given to enable this to happen."

5. The original submission to discharge this condition was made on 14th September 2011 and since then the Directorate have had a number of meetings with the airport and its representatives to discuss the arrangements being proposed. Recently it was agreed formally to extend the period of time to consider the application to discharge the condition to the 29th June 2012.

Recommendation

6. Members are asked to comment on and note the information presented and ask questions of the Head of Planning Services on this matter.

Background documents¹

7. Report of the Head of Scrutiny and Member Development to Scrutiny Board (Regeneration) on 27th March 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.

Report of: City Development – Forward Planning and Implementation

Report to: Scrutiny Board (Regeneration) Working Group,
Inquiry on Affordable Housing and Private Developers

Date: 17th May 2012

Subject: The Leeds Community Infrastructure Levy – Update on Timetable

Update note regarding the Leeds Community Infrastructure Levy, as requested at Scrutiny meeting on 24th April 2012

- 1.0 Forward Planning and Implementation hosted a CIL workshop on 25th April 2012 with attendees from across relevant Council Directorates, including City Development, Legal, Finance and Resources, plus a representative from Metro and from the Leeds Property Forum. The intention was to raise awareness of the CIL, how the Charging Schedule will be developed, how it links with the Section 106 regime, and to raise the importance of the need to identify governance, spending, and monitoring arrangements in advance of its adoption.
- 1.1 Within the context of the CIL Regulations and advice from the Planning Officers Society practitioners group, work has commenced on preparing the viability evidence needed to support the drafting of the Preliminary Charging Schedule. This includes information on matters such as house prices, previous economic viability studies, S106 historic data, and state of the market information.
- 1.2 A bespoke viability study is also required, and the tender to appoint consultants is being drafted. Depending on procurement processes, it is anticipated that this study should be completed by the end of August 2012, which would provide the first indication of the figures which could be charged under the Leeds CIL, and the revenue to be gained. This will then be discussed with key groups including Members and representatives of the business community, before proceeding to a 6 week public consultation on the formal Preliminary Draft Charging Schedule.
- 1.3 Following assessment of representations on the Preliminary Draft, and consideration of any necessary changes, the next steps will then be:
 - Formal 4 week public consultation on the Draft Charging Schedule
 - Submission
 - Examination
 - Notice of intention to adopt
 - Formal Adoption

At a number of stages in this process, it will be necessary to bring the proposals before Members for approval.

- 1.4 As Scrutiny Board has previously been advised, after April 2014 the ability to use the current tariff based S106 agreements will significantly decrease. It is intended for the CIL to be adopted some months prior to April 2014, but as can be seen from the brief summary above, the process involves a number of steps, and a more precise timeline is difficult to ascertain at the current time as it depends on a number of aspects including the level of agreement reached at each stage.

Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Regeneration)

Date: 17th May 2012

Subject: **Inquiry on Affordable Housing by Private Developers - Draft Final Report & Recommendations**

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

Summary of main issues

1. The Scrutiny Board (Regeneration) has now completed its inquiry on affordable housing by private developers. The Working Group comprising all Members of the Board has met on several occasions since early November 2011. A small group of Members from the Board also held a telecommunications meeting with a financial institution on 24th April 2012 which was extremely valuable. The Board is now in a position to report on its findings and its conclusions and recommendations resulting from the evidence that has been gathered.

Draft Inquiry Report

2. The Board only completed its inquiry on 24th April 2012 and the timescale for the clearance of the Board's report with the relevant Directorates is extremely tight. A copy of the draft final report along with a summary of the evidence considered during the inquiry will therefore be circulated for members consideration as soon as possible.

Consultation

3. Scrutiny Board Procedure Rule 13.2 states that "where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to finalising its recommendations. The detail of that advice shall be reported to the Scrutiny Board and considered before the report is finalised. The Director shall consult with the appropriate Executive Member before providing any such advice."

- 4 The Director of City Development and Environment and Neighbourhoods have been consulted and their advice and comments, if any, will be reported to the Board at today's meeting.

Recommendations

- 5 The Board is asked to
 - (i) Agree the Board's final report and recommendations.
 - (ii) Request that a formal response to the recommendations is produced in line with normal procedures for scrutiny inquiry reports as set out in Scrutiny Procedure Rule 14.1.

Background documents¹

6. Documents listed in the Board's final inquiry report on Affordable Housing by Private Developers

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.