



SCRUTINY BOARD (SAFER AND STRONGER COMMUNITIES)

Meeting to be held in Civic Hall, Leeds on
Monday, 11th February, 2013 at 10.00 am

(A pre-meeting will take place for ALL Members of the Board at 9.30 a.m.)

MEMBERSHIP

Councillors

- B Anderson (Chair) - Adel and Wharfedale;
- A Blackburn - Farnley and Wortley;
- N Buckley - Alwoodley;
- P Davey - City and Hunslet;
- R Grahame - Burmantofts and Richmond Hill;
- M Harland - Kippax and Methley;
- P Harrand - Alwoodley;
- G Hyde - Killingbeck and Seacroft;
- J Jarosz - Pudsey;
- S Lay - Otley and Yeadon;
- K Mitchell - Temple Newsam;
- N Walshaw - Headingley;

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

Agenda compiled by:
Andy Booth
Governance Services
Civic Hall
LEEDS LS1 1UR
Tel: 24 74325

Principal Scrutiny Adviser:
Angela Brogden
Tel: 24 74553

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 Chief Democratic 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:- No exempt items on this 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 - 14 JANUARY 2013

1 - 6

To confirm as a correct record, the minutes of the meeting held on 14 January 2013

7

DRAFT ANTI-SOCIAL BEHAVIOUR BILL

7 - 20

To consider a report from the City Solicitor on the draft Anti-Social Behaviour Bill

8

INTEGRATION OF THE DOMESTIC NOISE NUISANCE SERVICE INTO SAFER LEEDS

To consider an update report on the integration of the domestic noise nuisance service into Safer Leeds – **report to follow**

9

WORK SCHEDULE

21 -
36

To consider the Board's Work Schedule

DATE AND TIME OF NEXT MEETING

Monday, 11 March 2013 at 10.00 a.m. (Pre-meeting for all Board Members at 9.30 a.m.)

Agenda Item 6

SCRUTINY BOARD (SAFER AND STRONGER COMMUNITIES)

MONDAY, 14TH JANUARY, 2013

PRESENT: Councillor B Anderson in the Chair

Councillors A Blackburn, P Davey,
R Grahame, M Harland, G Hyde, S Lay,
K Mitchell and N Walshaw

59 Late Items

The following late information was admitted to the Agenda;

- Agenda Item 10 – Initial Budget Proposals – Draft Comments of the Scrutiny Board. Further information including observations of the Working Group held on 8 January 2013 and comments made at the Board's December meeting.

60 Declarations of Interest

Councillor A Blackburn declared an interest in Agenda Item 10 – Initial Budget Proposals – Draft Comments of the Scrutiny Board due to her position on the Wade's Trust.

61 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted on behalf of Councillors N Buckley and P Harrand.

62 Minutes - 10 December 2012

RESOLVED – That the minutes of the meeting held on 10 December 2012 be confirmed as a correct record.

63 Request for Scrutiny

The report of the Head of Scrutiny and Member Development presented a request for Scrutiny that had been received from Mr David Rudge. The request related to the use of Section 106 funding for the development of new parks in Leeds and the ability to maintain any new parks in addition to those already requiring maintenance.

The following were in attendance for this item:

- Sean Flesher, Chief Officer, Parks and Countryside
- David Feeney, Head of Forward Planning and Implementation, City Development
- Mr David Rudge

Draft minutes to be approved at the meeting
to be held on Monday, 11th February, 2013

Mr Rudge addressed the Board with the reasons for his request for Scrutiny. These included the following:

- General concern about the use of Section 106 funding, but particularly in relation to the development of new parks and green spaces.
- The long term sustainability of any new green space developments once the Section 106 funding has ceased.
- It was not felt that the process of negotiation in line with Section 106 agreements was open and transparent.
- It was felt that funding received from Section 106 should be used across all Council services.
- That communities need to be more involved in determining the use of Section 106 funding.

Dave Feeney, Head of Forward Planning and Implementation, addressed the meeting. He highlighted the following issues:

- Reference was made to existing planning policy documents, including the Unitary Development Plan, which currently provides the framework for all new developments and is used for making decisions regarding planning applications. Greenspace was regarded as an integral land use for the city, which needed to be planned for alongside other uses and development proposals.
- The Core Strategy, is currently in production and will eventually supersede a number of UDP policies, also addresses greenspace development.
- Section 106 agreements and maintenance – these were complex but were always made with developers usually for a minimum of 10 years.
- There are mechanisms for determining how such funding is spent, which involves Ward Members and community groups – it is an open and transparent process.
- The Core Strategy is planning for a housing requirement of 70,000 dwellings in Leeds by 2028 and greenspace provision needs to be integral to future growth.
- By 2014 the City Council will need to have a Community Infrastructure Levy charging schedule in place, which would replace some Section 106 agreements.

In response to Members comments and questions, the following issues were discussed:

- The Community Infrastructure Levy (CIL) would supersede some elements of Section 106 by 2014. A report was due to be considered by Development Plans Panel and the February meeting of the Executive Board. Following that there would be opportunity for wider public consultation.
- That the consideration of long term maintenance issues should feature more within the provisions of CIL.

- That whilst existing planning policies and procedures are designed to be open and transparent, there is a need communicate these better to the public. A periodic schedule of Section 106 funded improvements was published and Elected Members were regularly notified of this. The information was also publicly available as were details of unspent Section 106 monies.

The Chair thanked Mr Rudge for his attendance and concluded that whilst the Board will not be pursuing his request for Scrutiny, it has raised a need to ensure that the Council's planning policies are communicated effectively to the public.

RESOLVED – That the report be noted.

64 Review of the new Grounds Maintenance Contract - Formal Response

The report of the Head of Scrutiny and Member Development presented the formal response to the recommendations arising from the Board's review of the grounds maintenance contract.

Sean Flesher, Chief Officer, Parks and Country side and Simon Frosdick, Business Development Manager, Parks and Countryside were in attendance for this item.

The following issues were discussed:

- Maintenance of orphan land – where ownership of land was unclear, Parks and countryside would maintain it if it was adjacent to areas that were currently under their maintenance. All areas of orphan land would be evaluated as to whether it would be more appropriate for the contractors to maintain.
- Engagement with Parish and Town Councils and others who could be involved.

RESOLVED – That the report be noted.

65 Recommendation tracking - Phase 2 Dog Control Orders

The report of the Head of Scrutiny and Member Development informed the Board of progress made in responding to the recommendations arising from the previous scrutiny review of the phase 2 Dog Control Orders project.

Gill Marshall, Section Head, Legal, Licensing & Registration and Tom Smith, Locality Manager (South and Outer East Leeds) were in attendance for this item.

The following issues were discussed:

- That recommendations and progress as outlined in the report be agreed.

- It was understood that signage should have been in place in all areas that were subject to Dog Control Orders. Members were asked to report of any areas that did not have any signage.
- The draft Anti-Social Behaviour bill – This was currently the subject of pre-legislative scrutiny and was being discussed by a Select Committee. This scrutiny would end in March 2013 and it was anticipated that the legislation would come into force mid to late 2014. This would replace the current legislation relating to Dog Control Orders.
- Members agreed that further consideration of the draft Bill and its potential impact needs to be undertaken by the Scrutiny Board.

RESOLVED – That the report be noted.

66 Initial 2013/14 Budget Proposals - Draft Comments of the Scrutiny Board

The report of the Head of Scrutiny and Member Development presented the Board's draft observations and recommendations in relation to the initial 2013/14 budget proposals.

Neil Evans, Director of Environment and Neighbourhoods, was in attendance for this item.

In response to Members comments and questions, the following issues were discussed:

- The budget for 2013/14 for Environment and Neighbourhoods would be approximately £88 million. This was a reduction on £89 million the previous year.
- There are forecast to be 1852.02 Full time equivalent staff in the directorate in March 2013 compared to 1827.17 in March 2012. This was primarily due to the employment of permanent staff in place of agency staff within the refuse collection service.
- Reference was made to recommendation 4 within the Scrutiny Board's draft summary of observations and recommendations. Clarification was given that unused Bowling Greens were not being maintained to the same level of high standard normally required, as was previously reported. The Board therefore agreed that recommendation 4 was no longer relevant.

RESOLVED – That the report summarising the Scrutiny Board's observations and recommendations in relation to the initial 2013/14 budget proposals be approved subject to the removal of recommendation 4.

67 Work Schedule

The report of the Head of Scrutiny and Member Development presented the Board's draft Work Schedule and recent Executive Board minutes.

The following issues were discussed in relation to the Board's Work Schedule:

Draft minutes to be approved at the meeting
to be held on Monday, 11th February, 2013

- Mark Burns-Williamson, the newly elected Police and Crime Commissioner had been invited to a future Board meeting. A response had not yet been received.
- The draft Anti-Social Behaviour bill – that this will be put into the Board’s work schedule for consideration
- Income generation – the Executive Member for Neighbourhoods, Planning and Support Services made a request for the Board to undertake a piece of work which explores opportunities for income generation within its specific portfolio. The Board agreed to commence this work in March 2013.

RESOLVED – That the report be noted.

68 Date and Time of Next Meeting

Monday, 11 February 2013 at 10.00 a.m. (pre-meeting for all Board Members at 9.30 a.m.)

This page is intentionally left blank

Report of City Solicitor

Report to Scrutiny Board, Safer and Stronger Communities

Date: 11 February 2013

Subject: Draft Anti-Social Behaviour Bill

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 type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. In December 2012 the Home Office published a draft Anti-Social Behaviour Bill which is expected to be presented in the next session of Parliament and become law in 2014.
2. The Bill aims to streamline existing tools and powers creating fewer but more flexible ones. In general terms the Bill achieves that objective. It also contains two key initiatives: the community remedy and the community trigger.
3. As the Bill is undergoing pre legislative scrutiny and will not become law for some time, Leeds have been invited by the Home Office to pilot the community trigger prior to implementation. The intention of the council and its partners is to run its own pilot of the community trigger. Scrutiny should note that the community remedy proposals will be led by the PCC and West Yorkshire Police.

Recommendations

4. That Scrutiny note the contents of the report, the proposals to implement a pilot Trigger and the intention to bring the results of the pilot back to Scrutiny in early 2014.

1 Purpose of this report

- 1.1 To bring to the attention of Scrutiny Board the Draft Anti-Social Behaviour Bill
- 1.2 To highlight the Community Trigger and Community Remedy contained in the Draft Bill.

2 Background information

- 2.1 The Draft Anti-Social Behaviour Bill was published by the Home Office in December 2012. It follows a previous consultation in 2011 and a White Paper "Putting Victims First : More Effective Responses to Anti-Social Behaviour" in May 2012. It is currently in a process of pre-legislative scrutiny including being considered by a Home Office Select Committee as well as being discussed nationally with practitioners. It is expected that the Bill will be introduced in the next session of Parliament with these powers reaching the statute book and implemented. It combines a number of civil court orders and criminal prosecution remedies (19 in total) into a handful of more flexible tools and powers.
- 2.2 A copy of the LGA On the Day Briefing – "Draft Anti-Social Behaviour Bill" dated 13 December 2012 is attached as Appendix 1 to give Members more information about what is contained in the Bill.

3 Main issues

- 3.1 In general terms officers welcome the streamlining and flexibility that these revised powers will bring. There are some areas where we are providing feedback to the Home Office to ensure that the tools, once implemented, do work as intended.
- 3.2 Given the likely implementation date is expected to be sometime in 2014 there is a limit to how much preparation can be done now. However Scrutiny will recall that Leeds restructured its approach to tackling ASB and officers are confident that the new powers will enhance its current approach to continue to deliver a robust approach to tackling ASB. This is likely to be a key work stream for 2014. However this report highlights two issues which Scrutiny should be aware of now arising from the Bill namely the Community Remedy and the Community Trigger.
- 3.3 The Community Remedy provisions require a document to be prepared by the Police and Crime Commissioner after consultation. The document will set out what reasonable interventions offenders will be required to undertake if an out-of-court solution is preferred. The provisions are designed to allow police officers to deal with low level crimes on the spot by imposing an out of court remedy or conditional caution. The remedy or conditions imposed will be in line with the published document and aimed at restorative justice such as cleaning up litter or removing graffiti or putting right criminal damage. There is a separate Government consultation on the Community Remedy which seeks views to ensure that victims get a say in the punishments imposed and that the public feel they are meaningful. It is expected that West Yorkshire Police and the PCC will lead on this element of responding to and implementing the proposals although they will

consult closely with partners in Safer Leeds including the Youth Offending Service to ensure that restorative justice programmes are available.

- 3.4 The Community Trigger is designed to be a safety net to ensure victims (particularly those vulnerable due to age or illness) can draw the attention of agencies to anti-social behaviour problems they face. It was first proposed following high profile cases such as Fiona Pilkington who killed herself and her disabled daughter after repeatedly suffering asb and David Askew who died of a heart attack also after repeatedly being victimised. A mechanism must be set up by the council, police, health providers and social housing providers in consultation with the Police and Crime Commissioner. The purpose is to set a local trigger mechanism through which the response to a case of anti-social behaviour can be reviewed if no action has been taken by the authorities. That mechanism will extend beyond the local authority and encompass other social landlords and the private sector. It is currently being piloted by the Home Office in 4 areas of the country, of which Manchester is the closest comparator to Leeds.
- 3.5 Crucially this new mechanism will not replace complaints processes which will still be used to consider issues of dissatisfaction with service received. Instead it will focus on cases where no action has been taken and will bring partners together to problem solve and combine their powers to resolve hard to crack cases.
- 3.6 In Leeds the lessons learnt nationally from cases such as those mentioned in 3.4 above and other initiatives such as the police call handing pilots were implemented in the redesign of asb services in 2011. For those cases handled by LASBT, officers feel confident that the safety net would rarely if ever be used.
- 3.7 It is therefore proposed that Leeds implement its own pilot Community Trigger now working closely with the Home Office and the PCC building on the emerging learning from the pilots. In designing a trigger officers will need to work closely with partners through the Safer Leeds processes such as the police, ALMOS, victim support and other landlords to ensure that we do not duplicate existing processes. A discussion will need to take place whether there should be a county wide community trigger. By running a Leeds Pilot now we have the opportunity to design our own threshold and fine tune our process before it becomes a legal requirement. Officers anticipate that such a pilot could go live in June 2013 by which time the final wording of the Bill will be clear. Any evaluation could then be brought for Scrutiny in early 2014 when the Bill has substantially passed through Parliament and any redesign work could be completed before the new powers are commenced.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Work with stakeholders and partners was undertaken in our response to the initial consultation and will continue throughout the implementation of the new tools and the Community Trigger.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Community Trigger will act as a safety net and will be designed to aid vulnerable victims. It will be subject to screening once designed and the evaluation of the pilot will include consideration of the equality, diversity, cohesion and integration outcomes.

4.3 Council policies and City Priorities

- 4.3.1 Effectively tackling and reducing Anti-Social Behaviour is a strategic objective within the one city priorities plan, the vision for Leeds and forms a key strand of the Safer Leeds Plan 2011-2015 that aspires to create safer and stronger communities.

4.4 Resources and value for money

- 4.4.1 Resources for a pilot of the Community Trigger will be met from within existing budget.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 None

4.6 Risk Management

- 4.6.1 None

5 Conclusions

- 5.1 That with the exception of the Community Trigger the preparations for the ASB Bill becoming law are at a very early stage but will be a key work stream for the LASBT in 2014

6 Recommendations

- 6.2 That Scrutiny note the contents of the report, the proposals to implement a pilot Trigger and the intention to bring the results of the pilot back to Scrutiny in early 2014.

7 Background documents¹

- 7.1 Draft ASB Bill and related consultations published by the Home Office.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

LGA Briefing – Draft Anti-Social Behaviour Bill

Thursday 13 December 2012



On-the-day briefing

Headlines

The Government has published a draft bill on the future of anti-social behaviour (ASB), which applies in England and Wales and takes forward measures to:

- focus the response to anti-social behaviour on the needs of victims
- empower communities to get involved in tackling anti-social behaviour
- ensure professionals can protect the public quickly through faster, more effective powers and proposals to speed up the eviction of the most anti-social tenants
- focus on long-term solutions.

Among the 98 clauses in the draft bill there are two important new measures to help focus the response to anti-social behaviour on the needs of victims:

- the 'community trigger' to give victims and communities the right to require agencies to deal with persistent ASB that has previously been ignored. The trigger could be activated by a member of the public, a community or a business if repeated complaints about ASB have been ignored.
- the 'community remedy' to give victims of low-level crime and anti-social behaviour a say in the punishment of offenders out of court. This means victims will get justice quickly, and the offender has to face immediate and meaningful consequences for their actions.

The draft bill and other related documents including the community remedy consultation can be found on the Home Office website at:

[Draft bill and other related documents including the community remedy consultation](#) – on the Home Office website

Please email your views on this subject to community.safety@local.gov.uk by 11 January 2013, as the LGA will be giving oral evidence to the Home Affairs Pre-legislation Scrutiny Committee on 15 January.

The Government's parallel consultation exercise on the 'community remedy' closes on 7 March 2013.

LGA key messages

- Local government welcomes the added flexibility to tackle anti-social behaviour that this package of measures provides. We are pleased that the Government has listened to practitioners and the proposals for Crime Prevention Injunctions now include a power of arrest.
- Police and crime commissioners (PCCs) and councillors know that anti-social behaviour continues to be the top concern for residents. As PCCs draw up their police and crime plans over the next few weeks, they will want to draw on the wealth of experience and expertise in councils to ensure all resources are brought to bear to tackle this issue.

Briefing

Local Government House, Smith Square, London SW1P 3HZ
Email info@local.gov.uk
Tel 020 7664 3000 Fax 020 7664 3030
Information centre 020 7664 3131 www.local.gov.uk

- Working in partnership with schools, health, fire and probation services, councils know that most effective way of tackling anti-social behaviour is to stop it happening in the first place. This means working in partnership with and the police to steer people away from activity which causes harassment or distress to others and can end up making people's lives a misery.
- The proposal to make PCCs responsible for out-of-court disposals will be valuable in ensuring victims have a strong voice and see swift and effective remedies.
- Proposals for a community trigger are unproven. Although we recognise the issue this is trying to solve, we would urge the Government to consider the evaluation of the pilots before finalising their proposals.

In summary, the main elements and key proposals in the draft bill are as follows:

Part 1: Crime Prevention Injunctions to prevent nuisance and annoyance (replacing the standalone Anti-Social Behaviour Order)

Youth courts, county courts or the High Court can grant an injunction against anyone aged 10 or over where they have engaged or threaten to engage in anti-social behaviour.

Anti-social behaviour (ASB), in the context of this power, is defined as conduct capable of causing nuisance or annoyance to any person.

Councils, housing providers, the police (including BTP), TfL, the Environment Agency and in Wales the NHS Business Services Authority can all apply for the injunction, if necessary without having to give notice, though the most the court can do in these circumstances is grant an interim injunction. Interim injunctions cannot include requirements on the respondent to participate in particular activities.

Where the respondent is under 18, the youth offending team (YOT) has to be consulted before an application is made.

The injunction can both prohibit activity on the part of the respondent and require positive activity, provided they do not conflict with the respondent's religious belief, do not prevent someone working or going to school or college or conflict with any other court orders.

In addition, the injunction can only exclude someone from where they live if they are in social housing, and either the council or housing provider applied for the injunction, and the ASB the respondent has been involved with includes the use or threat of violence or there is a significant risk of harm to others.

Councils and social housing providers can apply for these 'tenancy injunctions' only against their tenants where they have breached their tenancy agreement by engaging or threatening to engaging in ASB, and the ASB involves or threatens violence or significant risk of harm. As well as excluding the tenant from specified premises they can also be excluded from an area, and again a power of arrest can be attached to the injunction.

The injunctions can be time limited or indefinite.

Any requirements in the injunction must specify who is responsible for supervising compliance with it, and before including a requirement the court must take evidence about its suitability from the individual or organisation to be specified in the injunction.

Where a respondent fails to comply with the requirements the person who applied for the injunction and the police must be informed.

A power of arrest can be attached to any prohibition or requirement in the injunction if the court thinks the ASB the respondent has engaged in or threatened to engage in will result in violence, or there is a significant risk of harm to others from the respondent. Where the power of arrest has been exercised, the court can either remand the person in custody (for up to three days if it is with a police officer) or bail them.

This allows the police to arrest the respondent if the officer believes they are in breach of the injunction.

Where an organisation that has applied for an injunction thinks the respondent is in breach of it they can apply for an arrest warrant. The court will only grant this where it has reasonable grounds for believing the injunction is being breached. With a child between 10 and 17, breach of the injunction can result in being subject to supervision, a curfew, electronic monitoring, having to undertake an activity or being detained.

Transitional arrangements mean that existing orders to deal with ASB continue in force after the bill comes into effect, but cannot be varied or extended, and after five years will come to an end.

LGA view

- The LGA supports the creation of a genuine civil order that allows councils and other partners to act swiftly to protect victims and communities, and can be obtained on a civil burden of proof. The LGA called for the definition of anti-social behaviour used for anti-social behaviour injunctions to be adopted for Crime Prevention Injunctions and we are pleased to see the Government has accepted this.
- As the proposals were being developed we were concerned that a power of arrest could not be attached to the injunction, so the Government's decision to provide for a power of arrest to be attached to the injunction is welcome.
- We were also expressed concerns that breach of the injunction would just be treated as contempt of court where no power of arrest was attached. The ability of organisations to apply for an arrest warrant addresses this point, which is again a welcome change.
- We also support the ability of the court to impose positive requirements as part of the injunction. Councils take their supportive role seriously here and have a good track record of providing services that turn lives around. However continuing this support will not be easy due to the budget pressures on councils and other public services. It is deeply concerning therefore that, in the impact assessment, **the Home Office has not quantified the cost of imposing positive requirements** on probation, councils and others and relies on costs being met through other, unquantified, savings.

Part 2: Criminal Behaviour Orders

Courts can grant these orders on application by the prosecution where an offender has been convicted or been given a conditional discharge.

The court can only grant this order where the offender has caused or is likely to cause harassment, alarm or distress to people outside their household, and making the order will help prevent them doing it again.

The prosecution have to consult the YOT before seeking an order against someone under 18.

They come into effect on the day they are made, and must set out how long they will last, with the minimum for an adult offender being a fixed period of at least two years. For those under 18, the order has to last for more than a year and no more than three years.

These orders can prohibit or require the offender to undertake positive activities, within the same restrictions set out for the crime prevention injunctions.

The order can make provision for it to end where the offender satisfactorily completes an approved course, provided there are places available on the course and the offender agrees to this requirement in the order.

These courses are to be approved by county, metropolitan and unitary councils, London boroughs, and the City of London and fees can be charged. This is not available to district councils. In giving approval, councils can only do so for a maximum of seven years, and can impose conditions, as well as withdraw their approval.

In considering an order the court can hear evidence from the prosecution and the offender and take into account evidence not related to the case.

As with crime prevention injunctions in imposing requirements the court must specify who is responsible for supervising compliance with the order, and before including a requirement the court must take evidence about its suitability from the individual or organisation to be specified in the injunction.

Where an offender fails to comply with the requirements the prosecution and the police must be informed.

Breach of the order is an offence punishable on summary conviction by up to 6 months in prison or a fine or both, and on indictment by up to five years in prison or a fine, or both. Where someone is convicted of breaching an order the court cannot grant a conditional discharge.

Again there are transitional arrangements which mean that existing orders continue in force after the bill comes into effect, but cannot be varied or extended, and after five years will come to an end.

LGA view

- This order is in many ways similar to the anti-social behaviour order (ASBO) currently available on conviction.

- The new element so far as councils are concerned is the requirement on upper-tier local authorities in England, and councils in Wales to approve courses for offenders to complete. This is a new burden that is financed by the ability under the bill for councils to charge fees for approving courses, though it is not clear from the power given to the Secretary of State to issue general directions to councils whether this will allow the government to specify what the fees are.

Part 3: Dispersal powers

These allow police officers and PCSOs to direct people to leave a public place and not return for a specified time (but not more than 48 hours) provided the officer has reasonable ground for suspecting the presence or behaviour of the person will result in people being harassed, alarmed or distressed, or will lead to crime and disorder, and ordering a person to leave will reduce or end the likelihood of this happening.

In making a direction under this part, the officer must if possible put it in writing, specify the area it applies to, and by when the person must have left and how – including their route. The direction can be varied but cannot extend the duration of the direction beyond 48 hours from when it was originally given.

The direction cannot prevent a person having access to where they live, or work or have to go by virtue of a court order, or a place where they would have to go to receive medical treatment or education or training. It also cannot be used to disperse people engaged in lawful picketing.

Where someone is under 16, the officer can escort the person home or take them to a place of safety, but cannot issue a direction to children under 10.

In directing people police officers can also tell people to surrender items they have with them that could be used in behaviour causing harassment, alarm or distress, provided they also tell them how to recover it.

Failure to comply with a direction to leave is an offence liable on summary conviction to up to 3 months in prison or a fine not exceeding level 4, while failing to hand over an item is also an offence punishable by a fine.

LGA view

- These provisions would see the decision made on whether to use dispersal powers resting solely in the hands of the police. While rationalisation of the powers is welcome, the current powers are exercised in consultation with the local authority, while in some cases councils have responsibility for making the orders. Use of such powers can on occasion prove very controversial, which is why their use should be dependent on democratic oversight. This can be provided by PCCs, but given the local nature of issues dispersal powers are used for, and the large geographic area PCCs cover, this will be challenging. Councillors on Police and Crime Panels (PCPs), and local authority scrutiny of the responsible authorities on community safety partnerships may also provide alternative mechanisms. Councillors should be seen as vital people to consult as key partners.

Part 4: Community protection

Community protection notices

Designed to deal with particular, ongoing instances of environmental anti-social behaviour. They can be used against individuals, businesses or organisations, and can be issued by the police, council officers or staff of social housing providers.

In issuing a notice the person doing so has to believe the behaviour is detrimental to the local community's quality of life, is unreasonable and is having a persistent effect.

Community protection notices can impose a requirement to stop or start specified activity to achieve specified results.

Breach of the notices is a criminal offence. An individual guilty of an offence under this section is liable to a fine not exceeding level 4 on the standard scale. A body is liable to a maximum fine of up to £20,000.

Local authorities can take remedial action if a person issued with this notice does not comply with it.

They cannot be issued for nuisance matters regarding the Environment Protection Act 1990.

LGA view

- We are pleased that local authorities will have the power to issue these orders. This will enable councils to take action swiftly and effectively and impose sanctions on non-compliance.
- The proposals give councils greater flexibility to deal issues which are not dealt with effectively by existing legislation, such as greater scope for dealing with litter on private land, and for nuisance not covered by the Environmental Protection Act 1990, for example, 'people noise', including banging and shouting.
- The potential new powers are relatively unrestricted and unspecific, giving councils flexibility to decide how to use them. We welcome this, and will be seeking to work with councils to make effective use of these powers.
- Because the potential new powers create an arrestable offence, it extends current powers and could help speed up the time taken to deal with offences.

Public spaces protection orders

These orders are intended to deal with a particular nuisance or problem in a particular area and apply to everyone.

The orders relate to a restricted area and can impose a requirement to stop or carry out specified activity for a maximum of three years, with the possibility to extend the order for up to a further three years.

A local authority can make these orders if activities in a public place have had or are likely to have a detrimental effect on the quality of life of local people, and are

or likely to be of a persistent or continuing nature, unreasonable and justifies the restrictions of the notice.

Local authorities must consult the police and appropriate community representatives before issuing these orders.

A prohibition in these orders on consuming alcohol does not apply to premises licensed to sell alcohol.

A person is guilty of an offence if they breach this order and are liable on summary conviction to a fine not exceeding level 3 on the standard scale and/or a fixed penalty notice.

LGA view

- We are pleased that local authorities will have the power to issue these notices, which will enable them to take action swiftly and effectively with local partners.
- Councils already regulate premises through the Licensing Act and recently introduced Early Morning Restriction Orders offer other ways of managing the way licensed premises are run.

Closure notices and orders

A closure notice prohibits access to the premises for a specified period up to a maximum of 48 hours. A closure order prohibits access to a premise for a maximum of three months.

A local authority or the police can issue a closure notice if it believes that the use of a particular premise has resulted or is likely to result in nuisance to the public, or there is or likely to be such nuisance nearby.

Appropriate bodies or individuals must be consulted.

Local authorities or the police must apply to a magistrate's court for closure orders, which must be heard no later than 48 hours after service of the notice closure.

Local authorities and the police can apply to extend the closure order before its expiry.

A person guilty of an offence under this section is liable to imprisonment up to 51 weeks, or a fine not exceeding level 5 on the standard scale.

LGA view

- We are pleased that local authorities will have the power to issue these notices. Councils are familiar with problem premises and will be able to take action swiftly and effectively with local partners to ensure property does not house or lead to anti-social behaviour.
- The bill extends councils' licensing powers, which may facilitate partnership working and shared enforcement.
- We have a concern, however, about closure notices only being made if 'reasonable' efforts have been made to inform the owner in advance. Sometimes premises need to be shut down immediately for the protection

of the public, so the process should not be delayed and this should be clarified in any subsequent guidance.

Part 5: Recovery of possession of dwelling-houses: anti-social behaviour grounds

Currently the court is left with discretion as to whether to evict a tenant under the Housing Acts 1985 and 1988 when landlords seek possession of secure and assured tenancies because the tenant has been involved in anti-social behaviour. The bill seeks to amend these acts so landlords can seek to evict tenants involved in anti-social behaviour or criminal activity on the basis that if proves the involvement of the tenant in this behaviour the courts will have to order the eviction of the tenant.

Grounds for such possession include, but are not exclusive to a tenant, or a person residing or visiting the dwelling-house:

- being convicted of a serious offence in or near the house
- the serious offence being committed elsewhere against a person with a right to reside in or occupy housing in the locality of the dwelling house or against the landlord (or a connected employer) of the dwelling house
- being found by a court to have breached certain conditions of a criminal behaviour order
- the dwelling house being subjected to a closure order, and
- being convicted of an offence under certain sections of the Environment Protection Act 1990.

The tenant may raise the issue of proportionality as a defence to the proceedings.

LGA view

- These proposals will rest on a) ensuring the landlord can easily demonstrate that the criteria for awarding possession is met and b) the anti-social behaviour is serious, housing related and that the landlord's actions are proportionate.
- These powers represent a serious sanction and councils will continue to use them in a proportionate way, investing in prevention and working with partners. Clearly it is crucial that the use of these powers do not result in displacement of the problem rather than solution. **This is particularly important when considering councils' homelessness duties and Government should clarify how the new powers will interact together.**

Part 6: Local involvement and accountability

Police and crime commissioners will be required to consult, prepare and publish a community remedy document for their force area in consultation and with the agreement of the chief constable.

This will set out what reasonable and proportionate 'punishment' they think it would be appropriate for an offender to undertake where there is an out-of-court disposal.

The draft bill also imposes a duty on councils, the police, health providers and social housing providers to set up a community trigger mechanism, with an agreed trigger point, to carry out a review of the response.

The arrangements for reviewing complaints must be published, with the PCC having to be consulted before making and revising the arrangements. The bill also provides for joint arrangements to be made over a larger area.

In conducting a review recommendations can be made which any person or body carrying out public functions will have to have regard to.

Information will have to be published about the number of applications and number of reviews undertaken.

LGA view

- Councils face a continual challenge to ensure the most vulnerable victims of anti-social behaviour do not slip through the net. The police now have a casework system clearly identifying vulnerability of victims of anti-social behaviour and people who make regular complaints already have the ear of their local council. Evidence from the community trigger pilots will be important in assessing the value and reach of the community trigger proposal.

Part 7: General

This includes details of minor and consequential amendments.

Timetable and next steps

15 January 2013: Councillor Anita Lower will be giving oral evidence to the Home Affairs Pre-legislative Scrutiny Committee in the House of Commons.

This draft bill will progress to a Government bill, which we expect to be announced in the Queen's Speech in May 2013.

Please email your views on this subject to community.safety@local.gov.uk by 11 January 2013.

For further information on this briefing, please contact Mark Norris, Senior Adviser Programmes Team at email: mark.norris@local.gov.uk or Lee Bruce, Public Affairs and Campaigns Adviser, at email: lee.bruce@local.gov.uk

This page is intentionally left blank

Report of Head of Scrutiny and Member Development

Report to Safer and Stronger Communities Scrutiny Board

Date: 11th February 2013

Subject: Work Schedule

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

Summary of main issues

1. A draft work schedule is attached as appendix 1. The work schedule has been provisionally completed pending on going discussions with the Board. The work schedule will be subject to change throughout the municipal year.
2. Also attached as appendix 2 are the minutes of Executive Board on 9th January 2013.

Recommendations

3. Members are asked to:
 - a) Consider the draft work schedule and make amendments as appropriate.
 - b) Note the Executive Board minutes

Background papers¹

4. None used

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

This page is intentionally left blank

Scrutiny Board (Safer and Stronger Communities) Work Schedule for 2012/2013 Municipal Year

Area of review	Schedule of meetings/visits during 2012/13		
	June	July	August
Grounds Maintenance Contract			Overview of progress WG 1/8/12 @ 10.30 am
Briefings	Equality Improvement Priorities SB 18/06/12 @ 10 am	Parks and Countryside – overview of the service SB 30/07/12 @ 10 am	
Crime and Disorder Committee work.	Crime and Disorder Scrutiny in Leeds SB 18/06/12 @ 10 am	Development of the Leeds Community Safety Business Plan WG session 1 – 17/7/12 @ 11 am	Development of the Leeds Community Safety Business Plan WG session 2 – 14/8/12 @ 10 am
Budget & Policy Framework Plans			
Recommendation Tracking		Fuel Poverty Inquiry – Formal Response SB 30/07/12 @ 10 am Phase 2 Dog Control Orders SB 30/07/12 @ 10 am	
Performance Monitoring	Quarter 4 performance report SB 18/06/12 @ 10 am		

Key: SB – Scrutiny Board (Safer and Stronger Communities) Meeting

WG – Working Group Meeting

Scrutiny Board (Safer and Stronger Communities) Work Schedule for 2012/2013 Municipal Year

Area of review	Schedule of meetings/visits during 2012/13		
	September	October	November
Strengthening the Council's relationship with local Parish and Town Councils.		Agreeing terms of reference for the review. SB 22/10/12 @ 10 am	Session 1 of the review 26/11/12 @ 10.30 am
Grounds Maintenance Contract	Reporting on progress (summary of working group meeting) SB 10/9/12 @ 10 am	Identifying areas for improvement WG 02/10/12 @ 11 am Reporting on progress (summary of working group meeting) SB 22/10/12 @ 10 am	Considering the Board's draft final report SB 12/11/12 @ 10 am
Waste Management/ Recycling	Update on progress and determining areas for further review SB 10/09/12 @ 10 am	Scoping terms of reference for the review. WG 15/10/12 @ 2 pm	Agreeing terms of reference for the review. WG 12/11/12 @ 10 am
West Yorkshire Fire & Rescue Authority - Proposals for Changes to Emergency Cover in West Yorkshire		Consideration of the proposals set out within the WYFRS consultation document. SB 22/10/12 @ 10 am	Agreeing the Board's submission to the consultation process. SB 12/11/12 @ 10 am
Briefings			Provision of Bereavement Services SB 12/11/12 @ 10 am Provision of Allotments in Leeds SB 22/10/12 @ 10 am
Crime and Disorder Committee work.	Development of the Leeds Community Safety Plan – comments from Scrutiny SB 10/09/12 @ 10 am		
Budget & Policy Framework Plans			
Recommendation Tracking			Fuel Poverty Inquiry SB 12/11/12 @ 10 am
Performance Monitoring	Quarter 1 performance report SB 10/09/12 @ 10 am		

Key: SB – Scrutiny Board (Safer and Stronger Communities) Meeting

WG – Working Group Meeting

Scrutiny Board (Safer and Stronger Communities) Work Schedule for 2012/2013 Municipal Year

Area of review	Schedule of meetings/visits during 2012/13		
	December	January	February
Strengthening the Council's relationship with local Parish and Town Councils.	Session 2 of the review WG 12/12/12 @ 9.45 am	Session 3 of the review WG 10/01/13 @ 11.15 am Session 4 of the review WG 21/01/13 @ 10 am Session 5 – Annual Parish and Town Council Seminar 31/01/13 @ 6.30 pm	Session 6 of the review WG 12/02/13 @ 10 am
Waste Management/ Recycling	Session 1 of the review WG 3/12/12 @ 10 am Session 2 of the review WG 13/12/12 @ 2 pm	Session 3 of the review WG 23/01/13 @ 11.30 am	
Co-ordination of services between Parks and Countryside and Environmental Services	Consideration of the potential opportunities and barriers for improving the co-ordination of services - SB 10/12/12 @ 10 am		
Community First Funding Initiative		Overview of community first funding in Leeds. WG 21/01/13 @ 10.30 am	
Briefings	Financial Health Monitoring/Initial 2013/14 budget proposals SB 10/12/12 @ 10 am	Initial 2013/14 budget proposals WG 08/01/13 @ 12.30 pm SB 14/01/13 @ 10 am Request for Scrutiny – SB 14/01/13	
Crime and Disorder Committee work.	Safer Leeds Community Safety Business Plan – Update SB 10/12/12 @ 10 am		Integration of the domestic noise nuisance service in the Leeds ASB Team - SB 11/02/13 @ 10 am Draft Anti-Social Behaviour Bill SB 11/02/13 @ 10 am
Recommendation Tracking		Phase 2 Dog Control Orders SB 14/01/13 @ 10 am New Grounds Maintenance Contract SB 14/01/13 @ 10 am	
Performance Monitoring	Quarter 2 performance - SB 10/12/12		

Key: SB – Scrutiny Board (Safer and Stronger Communities) Meeting

WG – Working Group Meeting

Scrutiny Board (Safer and Stronger Communities) Work Schedule for 2012/2013 Municipal Year

Area of review	Schedule of meetings/visits during 2012/13		
	March	April	May
Strengthening the Council's relationship with local Parish and Town Councils.		Agree the Board's final report SB 15/04/13 @ 10 am	
Waste Management/ Recycling	Session 5 of the review WG 04/03/13 @ 10 am	Agree the Board's final report SB 15/04/13 @ 10 am	
Community First Funding Initiative	Overview of community first funding in Leeds – summary note of the Board SB 11/03/13 @ 10 am		
Assessment of the Safer and Stronger Communities Board	To undertake an annual assessment of the Partnership Board SB 11/03/13 @ 10 am		
Briefings			
Crime and Disorder Committee work.			
Budget & Policy Framework Plans		Draft Safer Leeds Crime and Disorder Strategy SB 15/04/13 @ 10 am	
Recommendation Tracking			
Performance Monitoring	Quarter 3 performance report SB 11/03/13 @ 10 am		

Key: SB – Scrutiny Board (Safer and Stronger Communities) Meeting

WG – Working Group Meeting

Public Document Pack

EXECUTIVE BOARD

WEDNESDAY, 9TH JANUARY, 2013

PRESENT: Councillor K Wakefield in the Chair

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

145 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during 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 2 to the report entitled “Council Brownfield Land Programme” referred to in Minute No. 153 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the information within the Appendix contains details relating to the financial and/or business affairs of the authority as it relates to the anticipated values attached to the sites prior to marketing, which if disclosed to the public would, or would be likely to, prejudice the future commercial interests of the Council during any subsequent open market disposal exercise.

146 Late Items

The Chair admitted to the agenda, the following late items of business:

- (a) A report entitled, ‘Local Government Finance Settlement 2013/14 and 2014/15’ (Minute No. 150 referred). It was deemed appropriate that this matter be considered by the Board as a matter of urgency in order to ensure that the Board received at the earliest opportunity the latest information on the Provisional Settlement which was announced on 19th December 2012.

Additionally the Board was in receipt of the following supplementary documents:

- a) Natural Resources and Waste Development Plan Document – Inspector’s Report. The comments made by the Scrutiny Board (Sustainable Economy and Culture) at the meeting held 20th December 2012 were submitted for consideration (Minute 154 refers)
- b) Council Brownfield Land Policy – Site Plans relating to each of the sites detailed within Appendix 1 of the submitted report were submitted to assist Members consideration of the item (Minute 153 refers)
- c) Reform of Adult Social Care and Support – An additional recommendation was submitted for Members consideration (Minute 161 refers)

147 Minutes

Draft minutes to be approved at the meeting
to be held on Friday, 15th February, 2013

RESOLVED – That the minutes of the previous meeting held on 12th December 2012 be approved as a correct record

RESOURCES AND CORPORATE FUNCTIONS

148 Monthly Financial Health Report - Month 8

The Director of Resources submitted a report presenting the Council's projected financial health position for 2012/2013 after eight months of the financial year.

RESOLVED – That the projected financial position of the authority after eight months of the financial year be noted.

149 Leeds City Region Business Rates Pool - update

Further to minute 88 of the meeting held 17th October 2012, the Director of Resources submitted a report providing an update on the development of the Leeds City Region Business Rates Pool. The report set out the financial context of the Pool following publication of the Local Government Finance settlement on 19th December 2012 and sought approval for Leeds to continue to be a member and act as lead authority for the LCR Pool.

In response to a Members' enquiry, the Board noted the response regarding the decision of Craven, North Yorkshire and Selby authorities not to join the LCR Pool

RESOLVED – That agreement be given for Leeds to continue as a member of the Business Rates Pool that has been designated for the Leeds City Region and as lead authority for the Pool. Notwithstanding this decision, the continuation of the Pool will be dependent upon none of the other member authorities choosing to withdraw before 16th January 2013

150 Late Item - Local Government Finance Settlement 2013/14 and 2014/15

The Board considered the report of the Director of Resources on the main features of the Provisional Local Government Finance Settlement which was announced by Government on 19th December 2012. The report outlined the implications for Leeds and contained underlying data which had only become available during the days following publication of the Provisional Settlement and too late for inclusion within the agenda for this meeting.

The Board received an update on the outcome of a meeting held between the Leader of Council, the Director of Resources and the Parliamentary Under-Secretary for London, Local Government and Planning, on 8th January 2013 in respect of Leeds' provisional financial settlement.

It was reported that the DCLG had now acknowledged that an error had been made in the calculation of the "Spending Power" figures as reproduced in paragraph 3:9 of the report and that clarification was awaited on this and several other issues from the Department.

A formal response was being prepared by officers to the Settlement in order to inform the final budget proposals to be considered by Executive Board on 15th February 2013 and to be recommended to Council on 27th February 2013

Responding to a Members' enquiry, clarification was provided on how the figures within the Settlement compared to the funding which had been anticipated for Leeds.

The concerns of the Board were noted in respect of the Settlement and it was proposed that an all-party letter be sent to the Minister detailing the concerns of the Council over the contents of the Provisional Settlement for Leeds.

RESOLVED – That the contents of the report and the intention for the Leaders of the Political Groups to write a joint letter to the Minister setting out the concerns of the Council over the contents of the Provisional Settlement for Leeds, be noted

ENVIRONMENT

151 Proposed Improvements to Golden Acre Park Bakery Cafe

The Executive Board considered the report of the Director of Environment and Neighbourhoods outlining proposals to develop the café at Golden Acre Park with the addition of a conservatory and Changing Places toilet facility, in partnership with a business sponsor and Adult Social Care

RESOLVED - That the contents of the report be noted and that support be given to the principle of a sponsorship agreement with Franklin Windows Ltd for the creation of a conservatory to the existing café at Golden Acre Park

DEVELOPMENT & THE ECONOMY

152 East Leeds Extension and East Leeds Orbital Road

The Director of City Development submitted a report on the emerging proposals for development of the East Leeds Extension and its relationship to the delivery of a new East Leeds Orbital Road. The report also sought consideration of the Council's approach to the infrastructure requirements for the proposals.

Receipt of a late representation was noted, the contents of which were addressed during the Boards' consideration of the matter.

The Board noted the experience which had been gained in obtaining central government support for such schemes through the delivery of the East Leeds Link Road project. Emphasis was placed upon the importance of other infrastructure improvements which were required in the area to ensure that future developments were sustainable. In conclusion the Board highlighted the need to progress this initiative as a priority.

RESOLVED –

- a) That the release of funding of £150,000, necessary for the Council to undertake feasibility work on the East Leeds Orbital Road, be supported;
- b) That approval be given for the principle of the Council taking a leading role in the delivery of the East Leeds Orbital Road and other infrastructure requirements and to formally engage with the landowners about the delivery process;
- c) That the potential for the Council to use its Compulsory Purchase Order powers in the event that land requirements for the East Leeds Orbital Road cannot be secured via negotiation be noted;
- d) That a further report on the outcome of the Feasibility Study be received in due course;
- e) To request that the Director of City Development liaises with appropriate government departments to identify the support that could be made available to facilitate the delivery of infrastructure in the East Leeds Extension to support housing growth.

153 Council Brownfield Land Programme

The Director of City Development submitted a report setting out proposals for the Council to establish a Brownfield Land Programme in order to stimulate and encourage the development of new housing on Leeds City Council unallocated brownfield land.

Copies of site plans illustrating those sites identified in Appendix 1 of the report were circulated to Board Members prior to the meeting.

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 –

- (i) That approval be given to the establishment of a Brownfield Land Programme based on the principles set out in the report and incorporating those sites listed at Appendix 1 of the submitted report;
- (ii) That approval be given to the ring-fencing of all capital receipts arising from the sale of the sites listed in Appendix 1 to the Brownfield Land Programme;
- (iii) That approval be given for capital receipts arising from disposal of the remaining EASEL Phase 1 development sites to be incorporated into the Brownfield Land Programme;
- (iv) To note the intention to progress the acquisition of two remaining owner-occupied properties on the Askets and subject to the need for these to enable full development, to undertake a marketing exercise for disposal of the site;
- (v) That the re-allocation of uncommitted sites from the former Affordable Housing Strategic Partnership to the Brownfield Land Programme be approved;
- (vi) To note the initial potential for institutional investment in the development of rented housing and that further discussion with third

- parties will be undertaken to establish the potential for this as a route for supporting housing growth in the city;
- (vii) That a further report presenting an evaluation of the performance of the policy be presented to the Board within 12 months

NEIGHBOURHOODS, PLANNING AND SUPPORT SERVICES

154 Natural Resources and Waste Development Plan Document - Inspector's Report

The Director of City Development submitted a report on the Natural Resources and Waste Development Plan Document, including the Inspectors Report which, following independent examination of the Plan, concluded that the Plan Document was “sound”. The Board was requested to make a recommendation to full Council that the Plan be adopted.

A copy of the full Inspectors Report was attached to the report for Members consideration. The Board was also in receipt of comments made by Scrutiny Board (Sustainable Economy and Culture) during its consideration of the DPD at the meeting held 20th December 2012.

Reference was also made to a letter of representation received from a member of the public in respect of one site located in east Leeds.

RESOLVED - That the Board notes the contents of the Inspector’s Report, including his recommendations and reasons, and recommends to full Council that the Natural Resources and Waste Development Plan Document (the Submitted DPD and Post Submission Changes) pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004 as presented to this meeting, be adopted

(The resolutions referred to within this minute were not eligible for Call In, as the Development Plan Document which incorporates the Natural Resources and Waste Development Plan Document, is part of the Budgetary and Policy Framework. Therefore, the ultimate determination of such matters are reserved to Council, in line with the Council’s Budget and Policy Framework Procedure Rules)

155 Review of the ALMO Management Arrangements

The Executive Board considered the report of the Assistant Chief Executive (Customer Access and Performance) setting out the background to the review of housing management services in Leeds initiated earlier in the year and presenting options for the future delivery of housing management in the city, prior to a wider consultation on the future direction.

The review covered both the delivery aspect of the service, predominantly provided by the three ALMOs; and also the strategic landlord and other related functions provided by the Environment and Neighbourhoods directorate. Extensive engagement work had been undertaken with key stakeholders and the review had concluded that two options for the future

delivery of housing management services should be consulted upon including a full test of tenant opinion, before a final decision is taken. The two options being:

- a) Move to a single company model (e.g. a single ALMO) with a retained locality delivery structure and strengthened governance arrangements; or
- b) Move to all services being integrated within direct council management with a retained locality delivery structure and strengthened governance arrangements to include tenants and independent members.

The Board received assurances that measures would be introduced to ensure that response levels to the consultation exercise were maximised and that the implementation of the new arrangements would be done on an all-party basis, once the new arrangements had been determined. In addition, the Board received clarification on the status of the Tenant Management Organisations and considered the role of Scrutiny in the consultation process.

RESOLVED – That the progress made so far on the review be noted and that the following two options be taken forward to the next stage for consultation:

- i) a move to a single company model (e.g. a single ALMO) with a retained locality delivery structure and strengthened governance arrangements; OR
- ii) a move to all services being integrated within direct council control with a retained locality delivery structure and strengthened governance arrangements to include tenants and independent members

156 Development of New Council Houses

The Directors of City Development and Environment & Neighbourhoods submitted a joint report on the progress made towards the delivery of new Council homes over the next three years utilising Housing Revenue Account (HRA) resources. The report sought approval for the sites contained within the shortlist at Appendix 1 of the report in order to progress the proposals to the next stage of the scheme.

The Board discussed the details of the site selection and property type as outlined in the report. Responding to the comments made in respect of the use of commuted sums for the provision of Affordable Housing to assist delivery of the initiative; the Director of City Development undertook to provide a written response to the Member in question on this issue. In addition, the Board noted the comments made on the need for this initiative to have regard to provision of older peoples' housing and that a report on this issue was scheduled to be submitted to the next meeting.

RESOLVED –

- i) That approval be given to the proposals to progress the development of the HRA new build programme towards final site selection from the shortlist provided at Appendix 1, and through to the design and construction phases.

- ii) That approval be given to delegate the development of HRA new build programme to the Directors of City Development and Environment & Neighbourhoods, in consultation with the Executive Member for Development and the Economy and the Executive Member for Neighbourhoods, Planning and Support Services.
- iii) That approval be given to an injection of £1.38m of commuted sums which were previously earmarked for affordable housing and remain unallocated, bringing the total resource to £10.88m

CHILDREN'S SERVICES

157 Response to Deputation - Allerton Fields

The Director of Children's Services submitted a report setting out the response to the Deputation brought to the full meeting of Council on 12th September 2012 by the "Friends of Allerton Grange" group in respect of the Allerton Fields site. The response included proposals to transfer the site from Children's Services to the Environment and Neighbourhoods Directorate and outlined the ongoing discussions between the Directorates regarding the ownership and future maintenance of the site.

A copy of the full deputation speech made to Council was included within the report for Members consideration.

RESOLVED –

- a) That the response to the Deputation in respect of Allerton Fields and the ongoing discussions between the Council Directorates regarding future ownership and maintenance of the site be noted
- b) That the transfer of the Allerton Fields site from Children's Services to the Environment and Neighbourhoods Directorate be agreed.

158 Expression of Interest - University Technical College for Leeds

The Board considered the report of the Director of Children's Services on the submission of an Expression of Interest to the Department for Education for the establishment of a University Technical College (UTC) for Leeds with Leeds City Council being proposed as one of the main partners in this new Academy.

A copy of the Expression of Interest made on 16th November 2012 was attached for Members reference along with a copy of the response from the Parliamentary Under Secretary of State for Schools. The report sought the Boards support for the Council having a central role in any further developments in the future.

Responding to a Members' query regarding potential sites for the UTC, the Board received confirmation that a final schedule of sites would be provided once discussions with partners and stakeholders' had concluded.

In conclusion, the comments made on the need for the project to be progressed as a priority were noted, whilst the Board acknowledged the need

for the Council to work alongside the most appropriate partners in order to ensure the initiative was sustainable.

RESOLVED -

- a) That the content of the report be noted
- b) That support be given for the Council to broker discussions at the highest level to explore the potential for the development of UTCs in Leeds and helping partners move forward any proposals at pace.

159 The Development of All-Through Schools at Carr Manor and Roundhay - Lessons Learned

Further to minute 224(d) of the Executive Board meeting held 7th March 2012, the Director of Children's Services submitted a report advising Members of the lessons learned following the report taken to Scrutiny Board (Children's and Families) on 27th September 2012 in respect of the all-through school developments at Carr Manor and Roundhay. The report set out the history of the two Basic Need projects and detailed the recommendations of the Scrutiny Board.

Members noted the work undertaken by Scrutiny Board (Children and Families) and expressed thanks to Councillor J Chapman, Chair of Scrutiny Board (Children and Families) who was in attendance at the meeting.

RESOLVED –

- a) That the recommendations made by Scrutiny Board (Children and Families) at its meeting held 27th September 2012 be noted; and
- b) That the lessons learned from the Carr Manor and Roundhay projects and the changes in procedure which have been implemented, be noted

ADULT SOCIAL CARE

160 Dementia Friendly Cities

The Director of Adult Social Services and the Director of Public Health submitted a joint report providing an overview of what is meant by the term "dementia-friendly" communities and advising the Board of the work undertaken so far in Leeds to develop a plan for a dementia-friendly Leeds.

Members commented on the growing demand for services and the important role played by volunteers and families in service provision, whilst also noting the work being undertaken in related areas by the Health and Wellbeing Board and Healthy Leeds Partnership.

RESOLVED -

- a) To note the progress made on local strategy and actions to improve the experience of living with dementia in Leeds, including the significant investment from local NHS transformation funds
- b) That a commitment to dementia-friendly Leeds be affirmed and that support be given to the request for local strategic partners to support the formation of a Leeds Dementia Action Alliance

- c) That the Board supports the initiative to lead and prioritise this commitment within all areas of Executive responsibility
- d) That all Strategic Directors be requested to develop a proposal which identifies appropriate front-line staff to have dementia-awareness training, and the associated costs.

161 Reform of Adult Social Care and Support

The Director of Adult Social Services submitted a report providing a summary of the Government’s plans for the development of social care and support in England and a summary of the current position in Leeds in respect of the proposals set out in the “Better Lives for Leeds” strategy.

In addition to the report, the Board considered an additional recommendation proposed by the Executive Member for Adult Social Care.

Reflecting on the increasing demand for services, the Board noted the importance of maximising care provision in local communities.

RESOLVED –

- a) That the contents of the report be noted, particularly the requirements that will be made of adult social care services in the future consequent to the passage of the relevant legislation
- b) That cross party support be given to the introduction of a new funding model for Adult Social Care Services which is adequately resourced and able to provide long term sustainability for the sector
- c) That cross-party support be given to the “Show Us You Care” campaign initiated by the Local Government Association and that support be given for the proposal to write a letter to local MPs and to raise local awareness of the issue

DATE OF PUBLICATION: 11TH JANUARY 2013

LAST DATE FOR CALL IN OF ELIGIBLE DECISIONS: 18TH JANUARY 2013 (5.00P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 21st January 2013)

This page is intentionally left blank