
SCRUTINY BOARD (RESOURCES AND COUNCIL SERVICES)

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Monday, 26th January, 2015 at 10.00 am

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

MEMBERSHIP

Councillors

- S Bentley - Weetwood;
- J L Carter - Adel and Wharfedale;
- J Cummins - Temple Newsam;
- N Dawson - Morley South;
- P Grahame (Chair) - Cross Gates and Whinmoor;
- J Jarosz - Pudsey;
- A Khan - Burmantofts and Richmond Hill;
- A Lowe - Armley;
- C Macniven - Roundhay;
- T Wilford - Farnley and Wortley;
- R Wood - Calverley and Farsley;

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

Agenda compiled by:
Guy Close
Scrutiny Unit
Civic Hall
LEEDS LS1 1UR
Tel: 39 50878

Head of Scrutiny and Member Development:
Peter Marrington
Tel: 39 51151

www.twitter.com/scrutinyleeds

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:</p> <p>No exempt items have been identified.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES</p> <p>To receive any apologies for absence and notifications of substitutes.</p>	
6			<p>MINUTES - 22 DECEMBER 2014</p> <p>To confirm as a correct record, the minutes of the meeting held on 22 December 2014.</p>	1 - 4
7			<p>EXECUTIVE BOARD MINUTES - 17 DECEMBER 2014</p> <p>To note the minutes of Executive Board on 17 December 2014.</p>	5 - 18
8			<p>REQUEST FOR SCRUTINY</p> <p>To consider a request for scrutiny regarding the transfer of the former Fir Tree Primary School to the Khalsa Education Trust.</p>	19 - 68
9			<p>PLANS TO DEVELOP AN INTEGRATED PEOPLES' COMMISSIONING SERVICE</p> <p>To receive a report from the Chief Officer Strategy and Commissioning outlining plans to develop an integrated people's commissioning service.</p>	69 - 72

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10			<p>COMMUNITY LETTINGS</p> <p>To consider a report from the Head of Scrutiny and Member Development providing an update on the current letting arrangements.</p>	73 - 74
11			<p>WORK SCHEDULE</p> <p>To consider the Scrutiny Board's work schedule for the 2014/15 municipal year.</p>	75 - 80
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>Monday, 23 February 2015 at 10.00am (Pre meeting for all Board Members at 9.30am)</p> <p>THIRD PARTY RECORDING</p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

Item No	Ward/Equal Opportunities	Item Not Open		Page No

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SCRUTINY BOARD (RESOURCES AND COUNCIL SERVICES)

MONDAY, 22ND DECEMBER, 2014

PRESENT: Councillor P Grahame in the Chair

Councillors J L Carter, N Dawson,
R Grahame, G Hussain, A Khan, A Lowe,
T Wilford and R Wood

50 Late Items

There were no late items.

51 Declaration of Disclosable Pecuniary Interests

There were no disclosable pecuniary interests declared to the meeting.

52 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from Councillors S Bentley, J Cummins, J Jarosz, and C Macniven.

Councillor R Grahame substituted for J Cummins and Councillor G Hussain substituted for Councillor C Macniven.

53 Minutes - 24 November 2014

RESOLVED – That the minutes of the meeting held on 24 November be confirmed as a correct record.

54 Initial Budget Proposals for 2015/16

The Deputy Chief Executive presented a report setting out the Initial Budget proposals for 2015/16 within the context of the Medium Term Financial Strategy for the period 2015/16 - 2016/17.

The following were in attendance to respond to Members' questions

- Alan Gay, Deputy Chief Executive
- Doug Meeson, Chief Officer (Financial Services)

In summary the main areas of discussion were:

- Confirmation that the forecast funding envelope, taking into account other funding sources was a reduction of £36.9 million.
- The huge range of proposals in each of the Directorates to achieve efficiencies of £23.4 million.

- The estimates level of reserves, comparisons with other Core Cities as a proportion of net budget and the measures being taken and considered to increase those reserves.
- The level of 'ear marked' reserves.
- The management of the proposed reduction of 475 fte posts.
- The current trend in business rate income and the levels of rate avoidance.
- The management of demand increases.
- The level of subsidy given to non-statutory services.
- How Leeds City Council ranks in terms of levels of fees and charges and the need to undertake further work in this area given that the council ranks low.

RESOLVED – That the Initial Budget Proposals be noted and any comments from this Scrutiny Board and other Scrutiny Boards be forwarded to the Executive for consideration at the February Executive Board.

55 How We Work - overview / summary

The Head of Business Improvement submitted a report providing an overview of the three main programmes of work making up the 'How We Work' agenda, namely; Customer Access, Better Business management and Changing the Workplace.

The following were in attendance to respond to Members' questions

- Councillor Peter Gruen, Executive Member, Neighbourhoods, Planning and Personnel
- Jane Watson, Head of Business Improvement

Members viewed a short film outlining the programme followed by discussion.

In summary the main areas of discussion were:

- The role of the Best Council design Team, chaired by Alan Gay and championed by Councillor Peter Gruen.
- The importance of the programme in terms of helping the Council deliver on its budget.
- The acknowledgement that many of the initiatives had been championed by this Scrutiny Board over a number of years, particularly with regards to the better use of assets, reducing duplication and greater integration.
- The use of an action tracker to measure progress of the programmes and the potential role for this Scrutiny Board in monitoring performance.
- The acknowledgement that this was a significant change programme and whilst directorates were responding more positively now there are still varying levels of enthusiasm and 'buy in'.

- The role Scrutiny could have in countering resistance to change and encouraging an increase in the pace of change.
- The need to engage with all staff groups on the change programme.

RESOLVED –

- (i) That this Scrutiny Board writes to the Chief Executive expressing its full support for the programme and its willingness to help drive change
- (ii) That the Head of Scrutiny works with the Head of Business Improvement in the drawing up of a future reporting back timetable.

56 Work Schedule

The report of the Head of Scrutiny and Member Development presented the draft work schedule for the forthcoming municipal year.

RESOLVED – That the Board's work schedule be updated to reflect the work areas identified during today's meeting including an update on the management of Community lettings.

57 Date and Time of Next Meeting

Monday, 26 January 2015 at 10.00 am (Pre-meeting for all Board Members at 9.30 am)

(The meeting concluded at 11.40 am).

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EXECUTIVE BOARD

WEDNESDAY, 17TH DECEMBER, 2014

PRESENT: Councillor K Wakefield in the Chair

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

SUBSTITUTE MEMBER: Councillor J Procter

121 Substitute Member

Under the terms of Executive and Decision Making Procedure Rule 3.1.6, Councillor J Procter was invited to attend the meeting on behalf of Councillor A Carter.

122 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, 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 1 and Plan 1 to the report entitled, 'East Leeds Extension: Acquisition of Land between Wetherby Road and York Road', referred to in Minute No. 134 are designated as exempt in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the information contained within the appendix and plan relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through initial one to one discussions for the acquisition of the property/land then it is not in the public interest to disclose this information at this point in time.

Also, it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and

consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

- (b) Appendix 1 to the report entitled, 'Design and Cost Report for Playing Pitches and Land at Woodhall Lane, Pudsey', referred to in Minute No. 136 is designated as exempt in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the information contained within the appendix and plan relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in relation to certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the purchase of the land/property referred to then it is not in the public interest to disclose this information at this point in time. Also the release of such information would or would be likely to prejudice the Council's commercial interests in relation to and undermine its attempts to acquire by agreement similar properties in the locality in that owners of other similar properties would be aware about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be available from the Land Registry following completion of the purchase and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

123 Declaration of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interests made during the meeting.

124 Minutes

RESOLVED – That the minutes of the meeting held on 19th November 2014 be approved as a correct record.

DIGITAL AND CREATIVE TECHNOLOGIES, CULTURE AND SKILLS

125 Smart Cities: Delivering a Sustainable City in the Digital Age

The Deputy Chief Executive submitted a report providing details on the drivers for a Smart Cities approach for Leeds and which recommended a particular strategic approach towards its delivery. In addition, the report also provided an update on what had been delivered to date through temporary and loose arrangements in what has been a "prototype" year. Finally, the report detailed where the Council aimed to be and the main issues to be resolved, whilst also providing practical recommendations in terms of progressing from the current position, including the formalising of a Smart Cities Team.

Responding to an enquiry, emphasis was placed upon the need to ensure that the relevant expertise located throughout the city was fully engaged in the delivery of the Smart Cities approach and how the benefits from the proposed

Capital Innovation Fund could be maximised. As such, acknowledging the consultation events which had already taken place, it was suggested that moving forward, a panel incorporating the relevant expertise could be established as part of the associated engagement process, with a follow up report being submitted to the Board in the next six months on the involvement of the digital community in this area.

Members highlighted how Leeds continued to lead nationally on the development of smart methods in the field of health and wellbeing, the importance of working with schools and young people on this agenda and emphasised the significant opportunities which existed in areas such as future economic growth and job creation.

RESOLVED –

- (a) That the Smart Cities approach and direction as detailed within the submitted report be endorsed;
- (b) That the formalising of the Smart City Team from existing resources under the leadership of the Chief Information Officer, be supported;
- (c) That support be given to the creation of a Capital Innovation Fund of £150,000 which can be used to support “Civic Enterprise” type prototypes as a basis for informing wider business cases, with spending against this fund to be recommended by the Smart Cities lead and associated sign off from Chief Information Officer and the Executive Member for Digital and Creative Technologies, Culture and Skills;
- (d) That the direction to all managers and services to commit to making all non-person sensitive data open and published on the Leeds Data Mill, be supported;
- (e) That a follow up report be submitted to the Board in the next six months on the involvement of the digital community in this area.

HEALTH AND WELLBEING

126 Building a 'Mentally Healthy' Leeds

The Director of Public Health and the Director of City Development submitted a joint report outlining the learning and outputs which had arisen from the 'Mentally Healthy City' event held in June 2014. The report helped to place such outputs into the context of wider ongoing work around health and strategic planning which was currently being undertaken within Leeds, whilst the report also made recommendations for further crosscutting work which could be undertaken in order to promote wellbeing across a growing city.

The Board welcomed the fact that the report highlighted and prompted discussion on the issue of mental health. In addition, Members emphasised the vital role of Ward Councillors in progressing the 'Mentally Healthy' Leeds initiative in their respective areas and reiterated the need to ensure that associated community infrastructure accompanied future housing growth in the city.

Responding to an enquiry, Members received information on the practical elements of this initiative, and how it would impact upon the planning process for example.

RESOLVED –

- (a) That the positive outputs and ideas arising from the ‘Mentally Healthy City’ workshop, held with cross city partners in June 2014, be recognised and supported;
- (b) That the extensive work currently taking place to integrate health and wellbeing considerations into future planning for the built environment and housing, be recognised and supported;
- (c) That the benefits identified by this conference of Public Health and planning colleagues, applying a cross-cutting approach to issues in breakthrough projects (such as housing growth, making the City a good place to grow old, and reshaping health and social care), and building on the process of consultation and engagement, as outlined within the submitted report, be recognised and supported.

FINANCE AND INEQUALITY

127 Financial Health Monitoring 2014/15 - Month 7

The Deputy Chief Executive submitted a report presenting the Council’s projected financial position for 2014/2015 after seven months of the financial year. In addition, the report also highlighted the key issues impacting upon the overall achievement of the budget for the current year and provided details on the measures which had been established to reduce the current level of overspend.

RESOLVED – That the projected financial position of the authority after seven months of 2014/2015, be noted.

128 Initial Budget Proposals for 2015/16

The Deputy Chief Executive submitted a report which sought approval of the Council’s initial budget proposals for 2015/2016, as detailed within the submitted paper, and also which sought agreement for those proposals to be submitted to Scrutiny and used as a basis for wider consultation with stakeholders.

In presenting the submitted report, the Deputy Chief Executive informed the Board that to date, confirmation of the 2015/16 Local Government finance settlement and also the 2015/16 Council Tax referendum ceiling was still to be received. As part of the development of the proposals, it was also noted that further work would continue to ensure that the proposals were robust, whilst work would also be undertaken with a view to strengthening the Council’s level of financial reserves.

The Board considered the cumulative impact upon the Council arising from the challenging funding reductions it had faced since 2010, with tribute being paid to the key role played by Council employees for their continued efforts throughout this period.

RESOLVED – That the submitted report be approved as the initial budget proposals and for such proposals to be submitted to Scrutiny for consideration and also be used as a basis for wider consultation with stakeholders.

(In accordance with the Council's Budget and Policy Framework Procedure Rules, decisions as to the Council's budget are reserved to full Council. As such, the resolution above is not subject to call in, as the budget is a matter that will ultimately be determined by full Council, and the submitted report is in compliance with the relevant Procedure Rules as to the publication of initial budget proposals two months prior to adoption).

(Under the provisions of Council Procedure Rule 16.5, Councillor Golton required it to be recorded that he abstained from voting on the decisions referred to within this minute. Also, in relation to such matters, as Councillor J Procter was in attendance as a non-voting Member, he drew the Board's attention to the fact that if he were able to, he would abstain from voting on the decisions referred to within this minute)

129 Local Welfare Support Scheme (LWSS) 2015/16

Further to Minute No. 199, 5th March 2014, the Assistant Chief Executive (Citizens and Communities) submitted a report which presented proposals for a Local Welfare Support Scheme from April 2015 and which detailed how the scheme could continue in order to support the Citizens@Leeds approach to tackling poverty and deprivation.

The Board noted that the proposals detailed within the submitted report were based upon there being no Government funding allocated for 2015/16. However, it was highlighted that a Government announcement following a review of local welfare provision funding for 2015/16 was expected imminently, and that should any Government funding be announced, an updated scheme would be developed based upon a minimum budget of £800k or an amount higher than this figure, should specific Government funding be forthcoming which was greater than £800k.

RESOLVED –

- (a) That the development of a scheme based on the outline scheme proposals for emergency provision for 2015/16, as set out within the submitted report, be approved subject to the approval of funding;
- (b) That it be noted that the Chief Officer (Welfare and Benefits) will be responsible for the implementation of an approved scheme.

130 Consultation Outcomes on the Local Council Tax Support Scheme 2015/16

Further to Minute No. 50, 16th July 2014, the Assistant Chief Executive (Citizens and Communities) submitted a report outlining a number of options for a 2015/2016 local Council Tax Support Scheme which reflected both the consultation feedback obtained and also the budget position facing the Council. In addition, the report also invited the Board to consider making a

recommendation to Council to adopt such a scheme prior to 31st January 2015.

RESOLVED –

- (a) That the information detailed within the submitted report be noted, and that full Council be recommended to adopt a Local Council Tax Support Scheme that:-
- (i) Continues with the scheme of protection for vulnerable groups as set out in paragraph 2.4 of the submitted report;
 - (ii) Continues the current local scheme of disregarding in full Armed Forces Compensation Payments;
 - (iii) Continues to provide a budget of £49.6m, which is the same budget as provided in 2013/14 and 2014/15;
 - (iv) Reduces from 26% to 25% the amount of Council Tax due from non-protected working age customers eligible for council tax support, and;
 - (v) Introduces new arrangements for non-protected job seekers that requires after a period of 6 months that they take up additional support to help people them into work in order to continue to receive Council Tax Support.
- (b) That support be given to the proposal that a proportion of any Scheme underspend in 2015/16 should be re-invested in activity to support people into work in order to support the successful implementation of this new initiative;
- (c) That should full Council support the adoption of the proposed scheme, it be noted that the decision will be implemented by the Assistant Chief Executive (Citizens and Communities) and will take effect from 1 April 2015. Implementation will commence in the first week of March 2015 as part of the annual billing process in order for the new Scheme to be effective from 1 April 2015.

131 Calverley Workhouse Allotment Charity

The City Solicitor submitted a report which sought approval to a modification of the purposes of the 'Calverley Charity – The Workhouse Allotment', so as to enable the charity to be of more use to the residents of Calverley. The report also sought approval in principle to dispose of part of the land owned by the 'Calverley Charity – The Workhouse Allotment', with the proceeds of the sale becoming part of the charity's funds for use in the delivery of the modified purposes of the charity, including the construction of a playground on land retained by the charity.

RESOLVED –

- (a) That the contents of the submitted report be noted, and on being satisfied that it is expedient in the interests of the charity for the purposes to be modified, approval be given to the trusts of the charity being modified by replacing the existing purposes of the charity (the prevention or relief of poverty of residents of the former Manor of Calverley) with the new purposes of preventing or relieving need or hardship of persons living within the former Manor of Calverley. Given

this resolution, the City Solicitor be requested to notify the Charity Commission of the resolution within fourteen days.

- (b) That in principle approval be given to the disposal of the charity's land at Dawson's Corner and retaining sufficient land in order to construct a playground, subject to the necessary consultation with the local community and to a report setting out the detailed proposals being submitted to Executive Board in due course. Given this resolution, the City Solicitor and the Director of City Development be requested to liaise with Ward Members as to the exact nature of the proposals and the required consultation, with a view to submitting a further report to Executive Board within the next six months.

132 Safeguarding in Taxi and Private Hire Licensing

The Assistant Chief Executive (Citizens and Communities) submitted a report which provided assurances on the robustness of the Council's existing safeguarding controls for taxi and private hire licensing. In addition, the report provided an overview of the additional measures being taken to improve safeguarding issues in Taxi and Private Hire Licensing and detailed the progress which had been made to date in this area.

In considering the report, the Board highlighted the need to ensure that a consistently robust approach towards taxi and private hire licensing was adopted across all Local Authorities via the establishment of legislation, and it was agreed that representations on such matters should be submitted to Government on behalf of the Board.

Responding to a specific enquiry regarding the checking measures already in place, it was noted that legal advice was currently being sought in relation to the options available to impose more robust procedures in Leeds for applicants newly arrived in the UK. As such, it was agreed that a further report be submitted to the Board in due course following the receipt of related legal advice, which provided further details on proposals around more robust checks, and which responded to the specific enquiries raised during this discussion.

RESOLVED –

- (a) That representations be made on behalf of Executive Board to Government about the need to establish legislation which will ensure a consistent approach towards taxi and private hire licensing, without reducing the high standards already recognised in Leeds;
- (b) That a further report be submitted to the Board in due course following the receipt of legal advice currently being sought, which provides further details on proposals around more robust checking measures for applicants newly arrived in the UK and which also responds to the specific enquiries raised during this discussion;
- (c) That the direction officers and Members of Licensing Committee are taking with regard to improvements for safeguarding in Taxi and Private Hire Licensing, be endorsed;

- (d) That it be agreed that Elected Members, MPs and senior officer references should no longer be considered as part of taxi and private licensing decision making processes.

TRANSPORT AND THE ECONOMY

133 Response to Sir David Higgins report: 'Rebalancing Britain from HS2 towards a national transport strategy'

Further to Minute No. 162, 22nd January 2014, the Director of City Development submitted a report which provided a response to Sir David Higgins' report entitled, 'Rebalancing Britain from HS2 towards a national transport strategy'. The report presented the main principles for the development of the Council's policy in relation to HS2 and HS3 and considered how the Council could realise the regeneration and economic growth benefits of enhanced connectivity.

Members highlighted the significance of the HS2 project when considering the future long term economic competitiveness of the Leeds City Region.

RESOLVED – That in noting the in principle support for HS2 provided by Executive Board on 15th February 2013, together with the Board's approval of the formal representation to the HS2 Phase Two proposed line of route consultation in January 2014, the following be approved:-

- (i) The Board welcomes the support for the Eastern leg and strategic proposition of HS2 and HS3, provided for by the Sir David Higgins report 'Rebalancing Britain from HS2 towards a national transport strategy';
- (ii) The Board agrees to the Council taking a leading role in the Sir David Higgins Leeds station working group, in order to find the optimum solution for the arrival and integration of, HS2 and HS3 into Leeds City Centre, which supports both the growth of rail through the creation of a major rail interchange in Leeds City Centre, and meets our local connectivity, place making and regeneration ambitions;
- (iii) The Board requests that officers continue to work with the West Yorkshire Combined Authority (WYCA) and district partners to develop an integrated HS2 transport connectivity package, which spreads the benefits of HS2 across the Leeds City Region;
- (iv) The Board requests that officers continue to develop a Masterplan for the area surrounding the HS2 station location, in order to inform the development of the Council's policy position that will maximise both the social, physical and economic benefits from the arrival of HS2;
- (v) The Board requests that officers continue to press HS2 Ltd and the Government on the mitigation of the line of route and to review compensation arrangements for those adversely affected by the line of route;
- (vi) The Board requests that officers work with the Local Enterprise Partnership (LEP) in order to develop a HS2 jobs and skills legacy through the City Region Skills Network;

- (vii) The Board requests that officers work in partnership with Northern City Region colleagues on the development of proposals for formalising co-operation across the North through 'Transport for the North';
- (viii) The Board requests that officers work collaboratively with HS2 Ltd and Central Government in order to develop proposals for a Council led regeneration delivery vehicle that has the appropriate funding powers and flexibilities to deliver the city's vision for HS2;
- (ix) The Board instructs the Director of City Development to co-ordinate the work as resolved above and to submit a progress report to Executive Board in 2015, outlining the progress from the Sir David Higgins Leeds Station working group, subsequent response to the Government's request for HS2 Growth Strategies, together with the Council's next steps.

(Under the provisions of Council Procedure Rule 16.5, Councillor Golton required it to be recorded that he abstained from voting on the decisions referred to within this minute)

134 East Leeds Extension: acquisition of land between Wetherby Road and York Road

The Director of City Development submitted a report which recommended that the Council progressed negotiations for a land acquisition in order to enable the delivery of the Northern Quadrant (NQ) section of the East Leeds Orbital Road (ELOR) within the East Leeds Extension (ELE).

Responding to a specific enquiry, a Member received clarification on the method by which local Ward Members had been notified of the proposals detailed within the submitted report.

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

RESOLVED –

- (a) That approval be given for the Director of City Development to enter into negotiations in order to seek to agree terms for the purchase of the land interest, as defined within the exempt appendix to the submitted report, owing to it forming a strategic interest within the NQ within the ELE that will facilitate the delivery of ELOR;
- (b) That a further report be submitted from the Director of City Development to Executive Board on the terms to be provisionally agreed, at which time an injection into the Capital Programme will be requested together with a request of 'Authority to Spend' the monies for its purchase;
- (c) That it be noted that the Head of Land and Property will be responsible for the implementation of the actions, as set out within the submitted report.

(As Councillor J Procter was in attendance as a non-voting Member, he drew the Board's attention to the fact that if he were able to, he would vote against the decisions referred to within this minute)

135 Review of Inward Investment in Leeds City Region

The Director of City Development submitted a report which presented the findings from a Review of Inward Investment into Leeds City Region. Furthermore, the report sought the Board's approval of the conclusions and recommendations arising from the Review.

The Board discussed the background and context to the review being undertaken, highlighted the key role which continued to be played by inward investment within the Leeds City Region economy and in moving forward, considered the principle aims of the proposals detailed within the submitted report.

RESOLVED –

- (a) That the recommendations of the Review of Inward Investment in Leeds City Region, as set out within the Final Report of the Review, detailed in Annex 1 to the submitted report, be agreed;
- (b) That approval be given to the transfer of the Leeds and Partners inward investment, and supporting and marketing and communications functions, to be overseen by the Leeds City Region Local Enterprise Partnership (LEP), with the West Yorkshire Combined Authority being the employer of the relevant staff and the legally responsible organisation;
- (c) That the transfer of the Leeds and Partners visitor economy function to Leeds City Council, be approved;
- (d) That support be given to the proposals for considering over the longer term a future city region or cross-boundary approach towards the visitor economy, linked potentially to commissioning of Welcome to Yorkshire;
- (e) That subject to the agreement of the West and North Yorkshire Chamber of Commerce, approval be given to the winding up of Leeds and Partners as a separate organisation;
- (f) That officers be instructed to support the transition process, including dealing with the relevant legal, financial and staffing issues;
- (g) That agreement be given to put in place appropriate resources and capacity within Leeds City Council, in order to enable Leeds to work with the LEP to secure inward investment, to develop growth sectors and market and promote the city;
- (h) That it be noted that the new arrangements will be put in place by April 2015, and that the Chief Economic Development Officer will be responsible for the implementation of such matters.

136 Design and Cost Report for Playing Pitches and Land at Woodhall Lane, Pudsey

Further to Minute No. 114, 19th November 2014, the Director of City Development submitted a report providing an update on progress made for the proposed disposal of part of the site to Albion Sports. At the previous

meeting in November 2014, the Board approved the acquisition of the various playing pitches and grazing land, as identified on the appended plan to the submitted report, from Bradford University. In addition, the Board also agreed to sell the long leasehold interest of part of the site to Albion Sports Juniors Football Club. The submitted report noted that Albion Sports had subsequently withdrawn from the terms previously agreed, and it was now proposed to fund the acquisition from an alternative source, as detailed within the exempt appendix to the submitted report.

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

RESOLVED –

- (a) That it be noted that Albion Sports has subsequently withdrawn from the terms, as previously agreed;
- (b) That the funding of the acquisition, as detailed within the exempt appendix to the submitted report, be approved;
- (c) That it be noted that the necessary authority to negotiate with local football, sports clubs and local schools with regard to the terms for the use of the pitches is delegated to the Director of City Development, in accordance with Part 3 of the constitution;
- (d) That the disposal of the properties, as identified within the exempt appendix to the submitted report be approved, and that approval also be given to ring fencing their capital receipts so that they can be used for funding the acquisition of the Woodhall playing pitches;
- (e) That it be noted that the Head of Asset Management will be responsible for the implementation of such matters, with transactions to complete within six months.

CHILDREN AND FAMILIES

137 Outcomes of statutory notices to increase primary school provision in Roundhay

Further to Minute No. 64, 17th September 2014, the Director of Children's Services submitted a report which contained details of a proposal brought forward to meet the local authority's duty to ensure sufficiency of school places. The report described the outcome of a statutory notice in relation to the expansion of primary provision in Roundhay and also sought a final decision on the proposal to expand Gledhow Primary School from September 2016.

RESOLVED –

- (a) That the expansion of Gledhow Primary School, by increasing its capacity from 420 pupils to 630 pupils, and increasing the admission limit in reception from 60 to 90 from September 2016, be approved;
- (b) That it be noted that the responsible officer for the implementation of such matters is the Capacity Planning and Sufficiency Lead.

(The Council's Executive and Decision Making Procedure Rules state that a matter may be declared as being exempt from the Call In process, if it is deemed as being urgent and that any delay would seriously prejudice the Council's, or the public's interests. It has been deemed that the resolutions detailed above are exempt from Call In due the critical nature of the date by which an Executive Board decision must be made. Executive Board must make a decision within two months of the expiry of the statutory notice period, otherwise the proposal must be referred to the School Adjudicator for a final decision. The statutory notice period closed on 24 October and therefore a final decision must be made by 23 December 2014, and if a decision is not made, then the additional school places required for 2016 would not be secured).

NEIGHBOURHOODS, PLANNING AND PERSONNEL

138 Holt Park District Centre Planning Statement

Further to Minute No. 49, 17th July 2013, the Director of City Development submitted a report providing a summary of the responses arising from the associated consultation exercise for the Holt Park District Centre Planning Statement, outlining the changes made to the Statement and which sought approval of the Statement. In addition, the report also sought approval to enter into discussions with Asda in order to explore the company's interest in acquiring Council owned land to enable the redevelopment of the existing Holt Park supermarket.

RESOLVED –

- (a) That the draft Planning Statement for the Holt Park District Centre, be approved.
- (b) That officers be authorised to enter into discussions with Asda in order to explore the company's interest in acquiring Council owned land to enable the redevelopment of the existing Holt Park Asda supermarket. In the event of Asda and the Council not being able to agree redevelopment proposals that achieves best consideration for the Council, then officers be requested to advertise sites C and E, as presented within the submitted report and appendices, for sale on the open market;
- (c) That the Director of City Development, in consultation with the Executive Member for Transport and the Economy, bring forward proposals for the development and disposal of the brownfield residential sites in order to identify the most appropriate use;
- (d) That it be noted that the Head of Land and Property will be responsible for the implementation of resolution (b) above, in consultation with the Executive Member for Transport and the Economy.

CLEANER, STRONGER AND SAFER COMMUNITIES

139 Low Emission Zone (LEZ) Feasibility Study

The Director of Environment and Housing, the Director of City Development and the Director of Public Health submitted a joint report presenting the background to, and the key findings arising from a study undertaken into the

feasibility of introducing a Low Emission Zone (LEZ). The study considered air quality in Leeds, the main contributors and scenarios to bring about reductions of key pollutants and the associated health and economic implications. In addition, the report also presented the initial response to the study, describing measures which were currently being taken to improve air quality and pointing to further areas where progress could be made.

Responding to a Member's enquiry, further context was provided to the Board around the short term actions proposed within the submitted report which would look to develop a strategic approach towards the improvement of air quality. Members noted the intention to submit a further report on this matter to Executive Board in the summer of 2015.

Emphasis was placed upon the need for the level of public transport emissions to be improved, and it was acknowledged that Quality Bus Contracts was one of a number of potential options available which could help improve such emission levels.

The Board highlighted how the devolution of greater powers to the Local Authority would enable the development of a truly strategic approach on such issues, and with this in mind, it was suggested that the Council's 'wider ambition' for the improvement of air quality form part of the report to be submitted to the Board in summer 2015.

RESOLVED –

- (a) That dialogue with key interest groups in the transport sector be commenced in order to agree a range of practical measures with timescales for their introduction that will bring about improvements to air quality and health. The aim being to deliver changes by dialogue where possible, but with the clear understanding that improvements could be achieved ultimately via a Low Emission Zone.
- (b) That the findings of this work be shared regionally with the other West Yorkshire Authorities and the Combined Authority in order to assist in providing a regional solution to the air quality challenge that the whole of West Yorkshire faces. In addition, it be noted that air quality is a trans-boundary issue and can only be effectively addressed across West Yorkshire by all partner authorities and organisations working together, and wherever possible it be recommended that any measures introduced reflect the regional situation rather than dealing with issues in isolation.
- (c) That the key findings of the LEZ study be used to influence future funding bids as they become available (for example the Office for Low Emission Vehicles (OLEV) Green Bus Fund);
- (d) That any future decision to introduce a Low Emission Zone be taken in the context of a wider Leeds Low Emission Strategy that is expected in 2015;
- (e) That an update report on this matter be submitted to the Board in summer 2015, which also provides further information on the Council's 'wider ambition' for the improvement of air quality.

DATE OF PUBLICATION: FRIDAY, 19TH DECEMBER 2014

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 5.00PM, TUESDAY 6TH JANUARY 2015

(Scrutiny Support will notify Directors of any items called in by 12.00noon on Wednesday, 7th January 2015)

Draft minutes to be approved at the meeting
to be held on Wednesday, 11th February, 2015

Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Resources and Council Services)

Date: 26 January 2015

Subject: Request for Scrutiny

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes	<input 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 request for Scrutiny has been received from Councillor Alan Lamb. Councillor Lamb has requested that the Board undertakes an inquiry into the transfer of the former Fir Tree Primary School to the Khalsa Education Trust.
2. Reports to the Executive Board in June 2014 and September 2014, together with the relevant minutes are attached at Appendix 1 as background to the request. Councillor Lamb will be in attendance at the meeting to put his case for scrutiny. The Chair has not invited officers to attend.
3. The decision whether or not to further investigate matters raised by a request for scrutiny is the sole responsibility of the Scrutiny Board. As such, any decision in this regard is final and there is no right of appeal.
4. When considering the request for Scrutiny, the Scrutiny Board may wish to consider:
 - If further information is required before considering whether further scrutiny should be undertaken;
 - If a similar or related issue is already being examined by Scrutiny or has been considered by another body;
 - If the matter raised is of sufficient significance and has the potential for scrutiny to produce realistic recommendations that could be implemented and lead to tangible improvements
 - The impact on the Board's current workload;
 - The time available to undertake further scrutiny;

- The level of resources required to carry out further scrutiny;
- Whether an Inquiry should be undertaken.

Recommendations

5. The Scrutiny Board is asked to:
- (i) Consider the Requests for Scrutiny;
 - (ii) Determine if the Scrutiny Board wishes to undertake further scrutiny on the matters raised; and
 - (iii) Agree any next steps.

Background papers¹

6. 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.

Report of Director of City Development and Director of Children’s Services
Report to Executive Board
Date: 25th June 2014
Subject: Transfer of the former Fir Tree Primary School, Lingfield Drive, Leeds 17 to the Khalsa Education Trust

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Alwoodley	<input checked="" type="checkbox"/> Yes	<input 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 checked="" 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. The council owns land and buildings in Alwoodley previously used as the Fir Tree Primary School which was being prepared for disposal under the council capital receipts disposal strategy.
2. The council has been approached by the Khalsa Education Trust and by the Department for Education (DfE), and their executive agency the Education Funding Agency (EFA) to use the ex-Fir Tree primary school site to house the Khalsa Science Academy. This is an established Free School currently operating from premises in Chapeltown, Leeds.
3. The EFA has declined to offer payment to the council in compensation for the site. The EFA has set out options which could be used through which the site would be transferred to the Khalsa Education Trust; these include compulsion using provisions contained in the Academies Act 2010.

Recommendations

4. Executive Board is requested:
 - i. to consider the issues and options set out in this report and to determine the approach to be taken by officers in dealing with these matters.

1 Purpose of this report

- 1.1 To outline to the Executive Board the background to the use of and potential disposal of the site previously used for Fir Tree Primary School, Alwoodley.
- 1.2 The report will also explain the approaches made by the Khalsa Education Trust and the Department for Education for the transfer of the site.

2 Background information

- 2.1 The council owns the site at Lingfield Drive in Alwoodley Leeds which was until 2007 used by Fir Tree Primary School. Since then the site has been used to support the council in managing its basic need programme. It has been used by Allerton High School during 2009/10 and to assist with the decant of pupils for the new Bankside Primary School during 2010/11.
- 2.2 In July 2013 the site was declared surplus by Children's Services having considered at that time whether there would be a requirement for new school places at this specific location. Whilst there is a significant basic need requirement for the city it was determined that this was not an optimal site.
- 2.3 Once a site is declared surplus by the vesting department it is normally considered for other uses by the council or it is scheduled for disposals as part of the council's capital receipt programme. No other use has been identified for the council to use the site and the site was being prepared for consideration for disposal. The site has been valued and it is considered that it would realise a capital receipt of at least £900k for the council to reinvest in services. The site is most likely to be sold for housing and this would contribute to the council's Core Strategy housing targets with the site estimated to be able to deliver some 40 new homes.
- 2.4 As the site has been used as a school within the last eight years the council would be obliged to seek approval from government for the disposal of the site.
- 2.5 Members will be aware that government has introduced a new form of school, Free Schools, the organisation funding and support for which is provided directly by the DfE through the EFA. Free schools are state schools independent of the local authority and are academies (under the Academies Act 2010). Anyone can apply to set up a Free School by application to the DfE. Free School applications have been submitted by groups of parents, education charities, businesses, and community and faith groups. The educational impact of the Free School policy itself has not yet been fully reviewed nationally. However, the National Audit Office (NAO) looked at the establishment of Free Schools in their report in December 2013. The findings of the report were mixed. On the one hand they found that by implementing the Free Schools policy at pace the DfE has achieved clear progress on a policy priority. Balanced against this however, the NAO raised a number of concerns about issues which needed attention by the DfE including the capital cost of the programme to date and value of money. The Executive Summary of the NAO report is included as Appendix A.

3 Main issues

- 3.1 The former Fir Tree Primary school site is in Alwoodley, Leeds and is considered to be suitable for disposal for housing or other uses. In total the site covers 4.5 acres and a plan of the site is attached as Appendix B. The amount of land which could be redeveloped would be subject to decisions on the retention or re-provision of the open and play spaces included in the site. Part of the site is protected playing pitches (2.01 acres) so for the valuation it is assumed that at least 2.49 acres could be redeveloped and this would realise a capital receipt to the council of at least £900k which the council would reinvest in services.
- 3.2 Members will be aware that the council is managing a programme of changes to the school estate in the city to deal with the demand of school places under the Basic Need programme. Since 2008 the council has delivered 1,133 new reception places in those parts of the city where demand for places has exceeded the established school admission limits. Despite rising demand in Leeds the requirement to provide new school places can be quite localised. In Alwoodley Children's Services assessed the need for new school places to be provided and determined at that time that it would not pursue the option to provide new places through a new school in the area. In July 2013 therefore it declared the Fir Tree primary school site surplus to its requirements. This has the effect of releasing the site to be considered for other uses and to be considered for disposal through the council's capital receipts programme.
- 3.3 This ward is considered to be attractive to developers and officers consider that there would be strong interest from developers to acquire the site for redevelopment. Once it was declared surplus to requirements by Children's Services in July 2013 the site was considered for other uses. As it would be considered attractive for disposal, steps were taken to assess the most effective route to enable the council to sell the site. In order for this to happen it was noted that the council would have to seek the approval of the government (through the Secretary of State for Education) and preparation for this route had been made.
- 3.1 The Khalsa Education Trust founded the Khalsa Science Academy in 2013 and opened in the Sikh Centre on Chapeltown Road in Leeds on the 2nd September 2013. The school is a primary school with an admission capacity of 210 pupils or one form of entry (30 pupils per year group). It is not designated by the DfE as a faith school but the Trust and DfE note that its teaching will operate with core Sikh values.
- 3.2 The Academy in conjunction with the DfE has identified the ex Fir Tree site as suitable as a permanent home for the school. There is no requirement in law for the council to provide land for Free Schools and officers initially sought to understand how the council would be compensated for the loss of this valuable site. The stance taken by the DfE is that there would be no benefit to the overall public purse if they compensated the council for the site and sought a transfer of the site at nil cost. The DfE was asked to confirm that it was prepared to direct the council that it was required (in law) to make such a transfer.
- 3.3 In response to this request, the Parliamentary Under Secretary of State for Schools, Lord Nash, wrote to the Director of Children's Services on the 29th April 2014 setting out the legislation which he could use to enforce the transfer of the

freehold of the site. His letter stated that he was persuaded that the Khalsa Science Academy will meet parental demand and has the support of the community and he was therefore minded to enforce the transfer of the freehold of the site under powers contained in the Academies Act 2010.

3.4 The letter concluded with the offer for the council to reconsider its position and offer to voluntarily transfer the site to the Academy at no cost. This would be on the basis of a 125 year lease at nil consideration.

3.5 The council therefore has a choice on how to proceed. It can agree to the voluntary transfer of the site at nil consideration. Executive Board would need to agree to this taking account of the economic, social and well-being which the proposal could provide in Leeds and would need to delegate responsibility for the details of the transfer to the Director of City Development, subject to the agreed consultation on transfers of this type. Alternately, it can decline to agree the voluntary transfer of the site and accept that the Secretary of State is minded to create a transfer scheme under academies legislation which would enforce the transfer of the freehold of the site with no compensation.

4 Corporate Considerations

4.6 Consultation and Engagement

4.6.1 The Executive Member for Children & Families and Executive Member for Transport & Economy are aware of the proposals. At the time of writing Ward Members are being consulted on the proposals.

4.7 Equality and Diversity / Cohesion and Integration

4.7.1 The proposals have no specific implications for equality, diversity, cohesion and integration. An EDCI screening has taken place on the recommendations included in the report. The screening has indicated that a full EDCI assessment is not necessary although the screening showed that there were a number of positive benefits to communities arising from the proposal though the provision of new school places and the ability of the Khalsa Education Trust to expand the provision of places in their Science Academy and although the school will promote strong ethical standards it will not implement faith requirements in admissions.

4.8 Council policies and City Priorities

4.8.1 The proposals outlined in this report will impact on the Leeds City Council aim of Councillors committing to improve outcomes for children and young people. The Best Council Plan 2013-17 has, as one of its key objectives, to “build a child friendly city” by improving outcomes for children and families, with a focus on: its “obsessions” of looked after children, NEETs and attendance; raising educational standards and narrowing the gap for vulnerable groups; and ensuring enough school places as the City grows.

4.9 Resources and value for money

4.9.2 The council is required to seek to maximise the value it achieves from the sale of land and property. The council has determined that the site has a market value of at least £900k and it has a statutory responsibility to seek to achieve this best

consideration valuation. The council has the power to dispose of sites at less than best consideration and in this case the decision maker would be Executive Board.

- 4.9.3 Members will note that the council will also incur additional legal and surveyor costs to support the transfer of the site and these are estimated at around £10k.

4.10 Legal Implications, Access to Information and Call In

4.10.1 The DfE is relying on the powers set out in Schedule 1 of the Academies Act 2010 (as amended) which enables the Secretary of State for Education to make a transfer scheme in respect of local authority land formerly used as a school in order to transfer the freehold interest in the land for the purposes of an Academy.

4.10.2 Members should note that in the Academies Act 2010 there is no provision for local authorities to be compensated for the transfer of its land for an Academy. However, nor is there a provision that the land should be transferred at nil consideration.

4.10.3 The council is required to obtain the best consideration it can when disposing of land (under section 123 of the Local Government Act 1972) and a decision to dispose at less than best consideration will rely on compliance with the provisions of the Local Government Act 1972 General Disposal Consent (England) 2003 or seeking specific consent for the Secretary of State. The terms of the General Disposal Consent require that the Council is satisfied that the proposed disposal is likely to contribute to the economic, social or environmental well-being of the Council's area or of local residents and that the undervalue does not exceed two million pounds. Executive Board would need to be satisfied that a voluntary disposal at less than best consideration met these conditions.

4.11 Risk Management

4.11.4 A decision to accept a voluntary transfer of the site will require the council to ensure compliance with state aid. In normal circumstances as Free Schools are publically funded state schools they would not contravene state aid rules. However, the council will need to ensure that any documentation for a transfer does not include provisions which would allow commercial gain as these could risk state aid contravention.

4.11.1 A voluntary transfer of the site through a long lease (at nil consideration) would retain an interest by the council in the site. In the event of termination of the lease (for example for breach of the lease or failure of the academy which were not rectified) the site would revert to the council. A freehold transfer of the site through a transfer scheme by the Secretary of State would eliminate the councils interest in the site.

5 Conclusions

5.1 The Council has two options for dealing with the disposal of the site for the use proposed by the Department for Education. It can allow the Secretary of State to enforce the transfer by making a transfer scheme under the Academies Act 2010 and this would be at nil value and would, dependent upon the Secretary of State's

decision, require the transfer of the freehold interest of the site. Alternatively the Council could voluntarily transfer the site on a 125 year peppercorn lease, retaining the Council's freehold interest in the site.

6 Recommendations

6.2 Executive Board is requested:

- i) to consider the issues and options set out in this report and to determine the approach to be taken by officers in dealing with these matters.

7 Background documents¹

7.1 None

8 Appendices

- A National Audit Office report "Establishing Free Schools" – Executive Summary
- B Plan of the former Fir Tree Primary School
- C Equality Impact Screening Form

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.



National Audit Office

Report

by the Comptroller
and Auditor General

Department for Education

Establishing Free Schools

Key facts

174

Free Schools opened
by September 2013

£743m

estimated capital
spending on Free
Schools to March 2014

24,000

estimated number of
pupils being educated
in a Free School by
September 2013

- 4** annual waves of Schools approved to open so far.
In September 2013, 93 Schools opened
- 82,000 places** eventual capacity of Free Schools opened so far, expected to
increase by 62,000 once Schools already approved are open
- 38 per cent** of Free School places are in London
- 87 per cent** of primary places provided in Free Schools opened by
September 2013 are in districts where forecast need for school
places is high or severe
- £103 million** estimated pre- and post-opening financial support to
Free Schools from 2010 to March 2014

In this report

2011-12 refers to the financial year (April to March)

2011/12 refers to the academic or school year (September to August)

Summary

Introduction

1 The Department for Education (the Department) launched the Free Schools Programme in June 2010. Free Schools are new Academies, set up as all-ability state schools, and funded directly by the Department. By September 2013, it had opened 174 Schools, approving them in three annual ‘waves’. It has a further 116 Schools in the pipeline, 105 of which are working towards opening in September 2014. The estimated cost of the Programme to March 2014 is £1.1 billion, including £0.7 billion capital expenditure.

2 Free Schools are set up following applications from a range of different groups including parents, teachers and Academy chains. According to the Department, applications for Schools respond to local demand to improve education. The Department’s primary aim is to open high quality Schools and it expects the Programme to raise standards across the school system through:

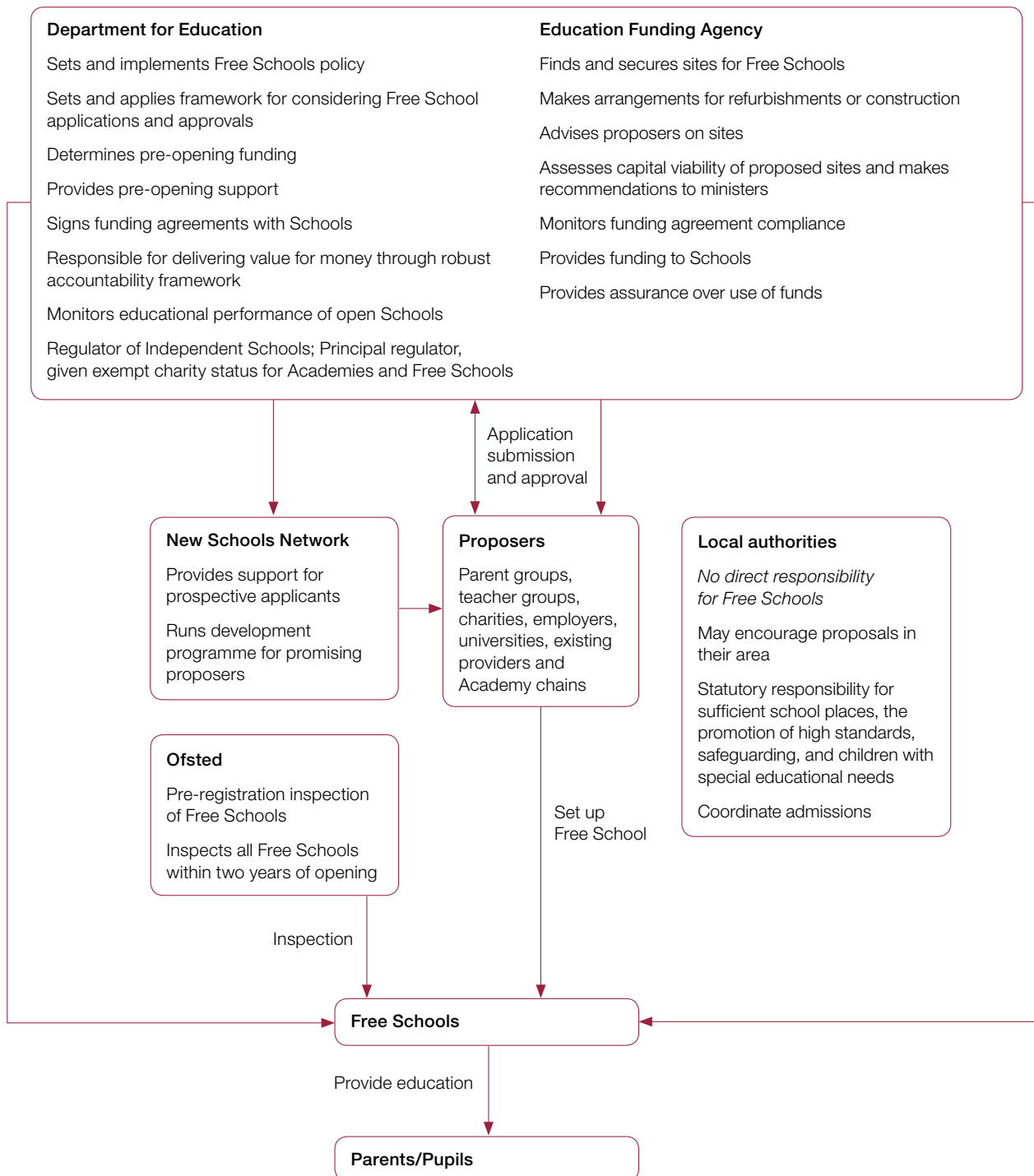
- increasing local choice for parents;
- injecting competition between local schools;
- tackling educational inequality; and
- encouraging innovation.

3 As Academies, Free Schools are independent of local authorities, and are directly accountable to the Secretary of State for Education through a funding agreement. Schools have freedoms over their curriculum, the organisation of the school day and year, staffing and budgets. Mainstream Free Schools set their own admissions arrangements, but, like mainstream maintained schools, are bound to follow the Admissions Code.

4 **Figure 1** overleaf shows the main roles and responsibilities relating to Free Schools:

- a** **The Department** invites and evaluates applications for new Schools and decides which Free Schools should open. It provides support to proposer groups working to open new Schools, and monitors Free Schools’ educational performance.
- b** **The Education Funding Agency (EFA)**, an Executive Agency of the Department, is responsible for acquiring premises for approved Schools, and for the funding and oversight of financial management and governance in open Free Schools.

Figure 1
Responsibilities for Free Schools



Source: National Audit Office

5 This report assesses whether the Department has, to date, achieved value for money in establishing Free Schools. We have not re-evaluated individual projects. Academic performance data is currently limited because the Programme remains relatively new. This report therefore addresses:

- the Department's approach to selecting Free Schools (Part One);
- the Programme's costs (Part Two); and
- early indications of the performance and oversight of open Schools (Part Three).

Key findings

Selecting Free Schools

6 **By implementing the Free Schools Programme at pace the Department has achieved clear progress on a policy priority.** The Department opened its first 24 Free Schools in September 2011, and by September 2013 it had opened 174 Schools. In total, the projected capacity of these Schools is nearly 82,000 places. The Department anticipates an additional 62,000 places when a further 116 approved Schools are open and full. Over a third of Schools opened so far are in London (paragraphs 1.2 and 1.5).

7 **Most primary Free Schools are in areas that need extra school places, but application levels from areas of high or severe need have been mixed.** Addressing forecast local need is not a formal objective of the demand-led Programme, but is one of the Department's wider priorities for capital spending. Around 70 per cent of estimated primary and secondary places from open or approved Free Schools are in districts forecasting some need for places. Free Schools already open are expected to provide an estimated 27,000 primary places in districts forecasting high or severe need (87 per cent of all primary places in Free Schools) but only 19 per cent of secondary places in Free Schools are in such areas. The estimated total capital costs for Schools opened in districts with no forecast need for extra school places are at least £241 million out of a projected total of £950 million for mainstream Schools. The Department has received no applications to open primary Free Schools in half of all districts with high or severe forecast need (paragraphs 1.6, 1.7).

8 **The Department is assessing and monitoring applications more robustly, although some key information is limited.** Assessment processes for Wave 1 were developmental, providing support for proposers but with significant limitations. The Department has incrementally improved its selection and pre-opening processes, for example, scoring against published criteria, and has plans to further strengthen challenge. However, important information relating to sites, parental demand and key staff remains limited during the selection process. Fifteen approved projects have been cancelled or withdrawn, mainly because of problems with sites or concerns over proposers' capacity. The Department monitors the risks to individual projects, making judgements about the level of risk to accept as schools proceed to opening (paragraphs 1.10 to 1.12, 1.19 and 1.21).

9 The Department's selection decisions have focused on individual Schools more than on maximising the wider benefits of the Programme compared with costs. The Department has primarily sought to open good quality, sustainable Schools. Overall, 23 per cent of higher-scoring applications have been rejected, mostly on practical grounds, such as overlaps with other applications in the same area. The Department's consideration of factors linked to its wider objectives has not affected the proportion of Schools opening in the most deprived areas, or areas of high or severe need for school places. In considering the latest wave of applications, the Department is scoring applications' impact on such need and against the quality of other local schools. Cost has not been fully integrated into decisions about which applications to approve, primarily because cost information is constrained by uncertainty over sites (paragraphs 1.7, 1.8, 1.13 to 1.17).

Programme costs

10 The Department initially underestimated the total capital funding needed to establish Free Schools. It bid for £900 million in the 2010 Spending Review for Free Schools' premises, but could only earmark £450 million following a tough capital settlement. It subsequently increased this to £1.5 billion, just over 8 per cent of its total capital budget, through additional funds from HM Treasury and savings in other capital budgets. At £6.6 million per School, the average unit cost of premises is more than double its original aggressive planning assumption. In May 2011, it revised its assumptions, which now reflect actual costs (paragraphs 2.3 and 2.4).

11 New approaches have led to much lower average construction costs than in previous programmes, but the Department faces a rising capital cost trend. The Department used existing properties, reduced building specifications and smaller space standards to help reduce construction costs by, on average, 45 per cent. Total capital costs per school place rose on average by 35 per cent by Wave 3, mainly due to the location of more secondary schools in regions where property costs are high, and the inclusion of Special and Alternative Provision Schools with higher costs per place. Eighteen per cent of Schools (27) had capital costs of over £25,000 per place; 14 of these were mainstream schools. The Department also paid almost £27 million above its valuations for half of the cases where it acquired a freehold. These valuations provide an indication of a property's market value, based on past sales of similar properties and on the property's existing use (paragraphs 2.5 to 2.10).

12 Forecast capital costs highlight the level of uncertainty in earlier indicative estimates, and there have been some increases in budgets approved later in the process. The latest capital costs for 60 per cent of Wave 2 and 3 Schools are forecast to be higher than the indicative estimates prepared when these applications were approved. The Department has taken steps to improve the robustness of these estimates from Wave 4 onwards. The Department sets firm budgets during the pre-opening phase, once sites have been identified. It has increased these budgets for 24 Wave 2 and 3 Schools (20 per cent), at a total cost of £13.6 million (paragraphs 1.17, 2.11 and 2.12).

13 The Department has been willing to incur additional costs to avoid delays in opening Schools, making judgements about acceptable levels of cost on a case-by-case basis. Approximately 60 per cent of Schools (107) opened in temporary premises so they could open in September, at a cost of at least £27 million. In contrast, it has delayed opening seven planned Schools because it judged that permanent premises could not be found at an acceptable cost (paragraphs 2.7 and 2.11).

14 Free Schools' core day-to-day funding is provided on a broadly equivalent basis to other types of school. The Department incurs additional costs, including funding to local authorities for some pupils moving to Free Schools. Its temporary method for Free Schools' main revenue funding, before wider changes were introduced in 2013-14, did not give Free Schools a systemic advantage. Due to time-lagged funding, over three years the Department has provided local authorities with an estimated £80 million of school funding for pupils who subsequently moved to Free Schools, which it has not recovered (paragraphs 2.14 to 2.16).

Early indications of performance and oversight

15 By the end of October 2013, 25 Free Schools had been inspected by Ofsted, with 18 assessed as 'good' or 'outstanding', and two rated as 'inadequate'. The Department is responsible for monitoring Free Schools' educational performance. New Free Schools do not yet have a track record of exam results. Ofsted inspects all Free Schools within two years of opening, and judged four Wave 1 schools to be 'outstanding', 14 'good', five 'requires improvement', and one 'inadequate': the Discovery New School. In October 2013, Ofsted inspected Al-Madinah, a Wave 2 School, after concerns raised with it and the Department. It was judged 'inadequate' (paragraphs 3.1 to 3.3 and 3.9).

16 The Department and Education Funding Agency assess risk and monitor financial management and governance in Free Schools. Their approach has evolved and will need to develop further to manage emerging risks as the Programme grows. There is inevitable uncertainty about how some new Free Schools will perform in practice. In common with all Academies, the Department's approach to oversight emphasises Schools' autonomy and responsibility for financial management and governance. The Department recognises that some Schools will not meet its expectations, and investigations have highlighted financial management concerns at two Free Schools: Al-Madinah and Kings Science Academy. The Department has developed a more structured approach to intervention over time, introducing a new framework in September 2013 to support the professional judgement of Agency staff. Monitoring is informed by other parties including whistleblowers and relies on timely compliance by Schools. As the Programme grows, more systematic data analysis will be needed to identify and manage emerging risks (paragraphs 3.6 to 3.9).

17 Some Free Schools have not attracted as many pupils as they planned in their first year. New Schools may naturally take time to reach capacity, depending on their planned expansion rate and recruitment performance. Overall, Free Schools have opened with three-quarters of planned admissions in their first year, but there have been significant variations between years and between Schools in each year. Pupil recruitment against planned admissions has improved after the first year. Schools opening in temporary accommodation or signing their funding agreement closer to their opening date were more likely to have unfilled places (paragraphs 3.10, 3.11).

18 The Department has not made full use of a growing evidence base to enhance its programme management. The Programme's increasing scale provides more information on how Free Schools are operating in practice. We found that Schools are using some freedoms available to them and are developing different pupil characteristics from neighbouring schools. The Department does not routinely capture data on Schools' use of freedoms or the pattern of local demand. It has yet to fully consider which factors have most impact on School performance, for example, occupancy trends or the departure of head teachers. It has also yet to determine a full set of indicators to assess the impact of open Free Schools on other education provision in an area, or value for money (paragraphs 3.11 to 3.17).

Conclusion on value for money

19 By opening 174 Free Schools since 2010, with more Schools in the pipeline, the Department has made clear progress in delivering a policy priority. Many new Schools have been established quickly and at relatively low cost, and the Department's assessment of applications has improved. The Department aims to open high quality, sustainable Schools. The Programme's success and value for money depend on how Free Schools perform in the future. To date, the primary factor in decision-making has been opening Schools at pace, rather than maximising value for money. The Department will need to exert more control to contain a rising cost trend. Its ability to fully integrate cost when selecting Schools has been limited by uncertainty over sites, and its wider objectives have not yet had a clear and consistent impact on decisions. It is seeking to address these points in the latest waves of the Programme.

20 To safeguard its £1.5 billion planned investment, oversight of open Schools will need to systematically respond to emerging risks, and the overall governance framework may require review in the light of experience, including the problems identified in a few of these early Schools.

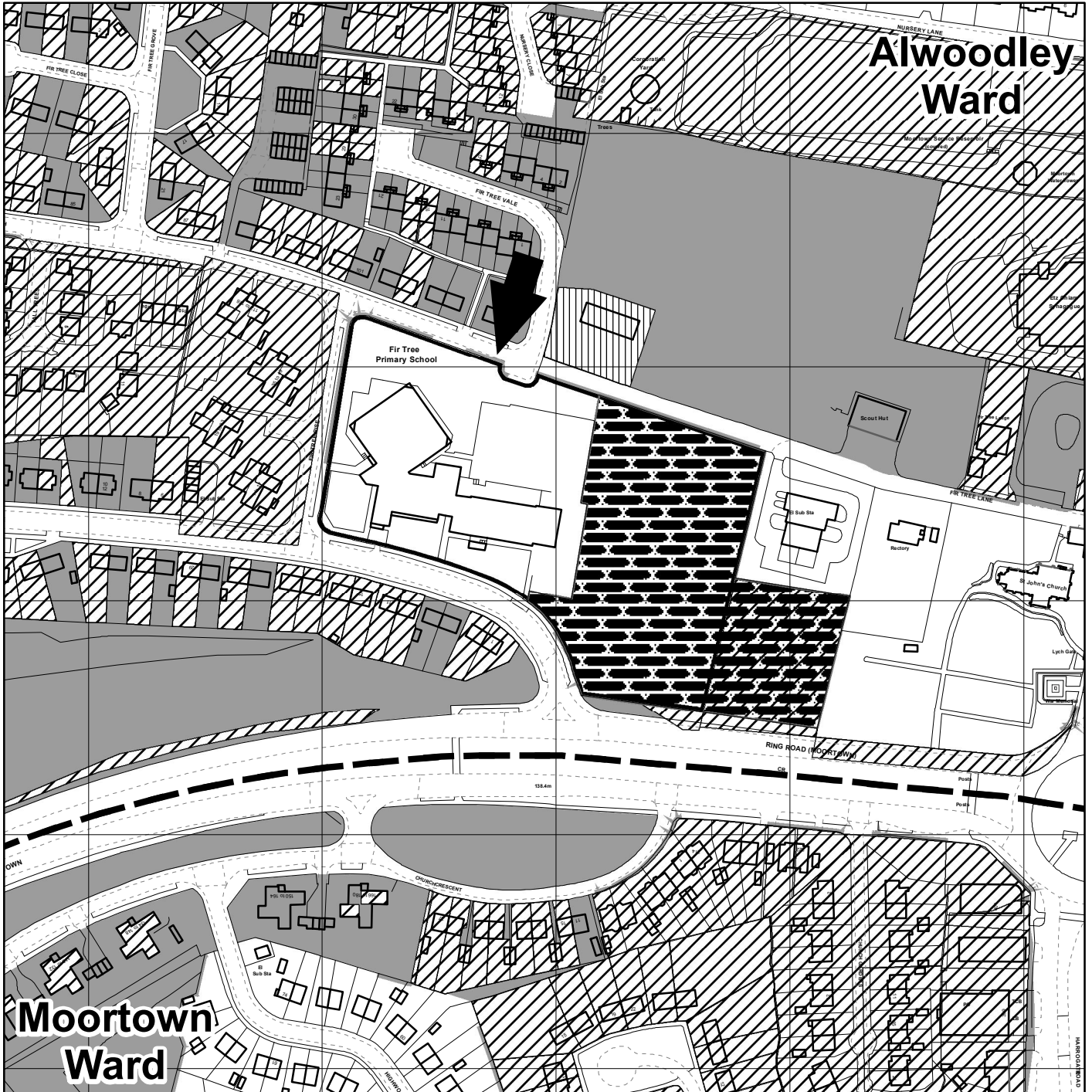
21 The Department has asked us to record that it believes it has struck an appropriate balance between pace and value for money.

Recommendations

- 22 The Department needs to:
- a **Strengthen its analysis of how different portfolios of Schools might contribute to its wider objectives, to support choices between applications.** Factors linked to the Department's wider objectives have had no clear or consistent impact on overall approvals.
 - b **Increase the transparency of its use of contextual and practical factors when assessing applications, demonstrating the impact on selection decisions.** Some higher-scoring applications were rejected by the Department, mostly on practical grounds.
 - c **Review barriers which may be constraining applications from some areas, particularly those with high or severe need for additional places.** There has been no demand to open Free Schools in some areas with significant forecast need for school places.
 - d **Assess the lessons from projects with high and low capital costs, setting out how it determines that using temporary accommodation and paying over its valuations for properties offers value for money.** The Department faces rising capital costs and some approaches lead to higher costs.
 - e **Embed and continuously develop its framework for intervening in open Schools.** The Department continues to develop its approach to structured intervention.
 - f **Develop a more structured approach to applying the lessons from open Free Schools to approved Schools when in pre-opening.** The Department has not fully reflected factors affecting open Schools' success, for example, securing planned occupancy levels, during pre-opening.
 - g **Assess the effects in practice of open Free Schools on the quality and sustainability of other local education provision.** The Department has yet to determine a full set of indicators to assess the wider impact of open Free Schools.

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**FORMER FIR TREE PRIMARY SCHOOL
LINGFIELD DRIVE
MOORTOWN
LEEDS LS17**



← SUBJECT SITE



**LAND OWNED BY
LEEDS CITY COUNCIL**



**LAND LEASED OUT BY
LEEDS CITY COUNCIL**



**LAND SOLD BY
LEEDS CITY COUNCIL**



**N6 PROTECTED
PLAYING PITCH**



WARD BOUNDARY



Leeds
CITY COUNCIL

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Ordnance Survey LA100019567

0 10 20 40 60 80

Metres

PREP BY M. CHRISTIAN
DATE 10/10/2013
OS No SE3039SW
Scale 1:2,500



PLAN No 16485/D

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Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Children’s Services	Service area: Built Environment
Lead person: Nigel Wilson	Contact number: 07891 271056

1. Title: transfer of the ex Fir Tree Primary School site to the Khalsa Trust

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The decision on the disposal of the ex Fir Tree Primary School site to the Khalsa trust to enable them to have a permanent base for the Free School the Khalsa Science Academy.

3. Relevance to equality, diversity, cohesion and integration

All the council’s strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant

characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?		X
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	X	
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	X	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The Khalsa Science Academy is an existing Free School which has temporary accommodation on the Sikh centre on Chapletown Road. In conjunction with the Education Funding Agency and with the support of the Secretary of State for Education the Khalsa Trust has expressed a preference to use the site as the permanent base for the school.

The Khalsa Science Academy was founded by the Khalsa Education Trust in 2013. The free school opened in premises on Chapeltown Road on 2 September 2013. This

is viewed as temporary accommodation until a permanent site is found. It is understood that twenty-one pupils currently attend the school. Pupil projections are still to be confirmed via the Leeds City Council co-ordinated admissions process. At present it is thought that there should be 210 pupils by 2019 in the age range 4 to 11 years. The school is temporarily operating from the Sikh Centre as this is within the school's catchment area and was readily available to achieve a September 2013 opening. In line with free school principles the Academy accepts children from all backgrounds but teaching is centred on "core Sikh values". The Academy has a Sikh faith ethos but is not a designated faith school.

Leeds City Council does not approve issues relating to Free Schools which are matters for the secretary of Education.

As this is a Free School, all consultations regarding the proposed school are the responsibility of the Trust. City Development will consult its usual stakeholders including ward Members on the proposed leasehold transfer or the site.

- **Key findings**

(**think about** any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The aim of the Academies Act 2010 is to enable more schools to become Academies and to encourage more Free Schools to be established, giving them the freedoms and flexibilities they need to continue to drive up standards. Although the provisions do not in themselves have any direct equality aspects, the aim is to secure and increase the educational attainment of all school pupils and therefore their chances of better employment and a more rewarding life.

Free Schools can be at all levels of school (secondary, primary and special) and so the overall impact will be to increase the diversity of schools on offer to ALL pupils, including those catering for pupils with disabilities and special education needs, and to raise standards for such pupils in under-performing schools.

Public Concerns

As with any Central Government policy, there are likely to be opposing views on the policy. It is clear that there is a lot of misrepresentation and incorrect information surrounding the Free School and Academies Programme, and one of the main concerns expressed by the public is that Free Schools and Academies are able to be selective in their admissions policy due to being independent of LA control.

However, Free Schools and Academies are required to act in accordance with all relevant provisions of the School Admissions Code and the School Admission Appeals Code. The school admissions framework is intended to ensure that the school admissions system is fair to all children regardless of race, ethnicity, gender or ability and the School Admissions Code prohibits admission authorities from disadvantaging children from any particular social or racial group or those with SEN.

Effect on LCC's Services

One of the key impacts on LA's is that funding is provided direct to Academies rather

than coming through the LA, including an element of funding which covered service areas such as Asset Management , Educational Welfare Services Finance, and some statutory and regulatory duties relating to central services that do not transfer to Academies such as HR and legal functions.

There is no doubt that this loss of funding will impact on the LA's ability to deliver these services in the future as more schools convert to Free Schools and Academies and the level of funding coming into the LA continues to reduce. This loss of funding is again outside of the LA's control and the DfE expect that local authorities will be able to make higher levels of savings and that the amount of funding required for these responsibilities will reduce accordingly.

However, there is an acceptance by the DfE that there is a cost to deliver these services and the DfE is therefore wanting to ensure that local authorities receive appropriate levels of funding for the responsibilities that they retain for pupils in Academies. That is why, under new proposals, local authorities will receive some of the funding for each pupil in a Free School or an Academy, as well as for all pupils in maintained schools.

As highlighted in the previous section, the transfer of staff and assets will happen irrespective of the council's level of involvement and engagement. However, positive engagement by the Council will help to foster continuing good working relationships with the Academies.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

The expansion in the number of school places provided through Free Schools will impact on the "Narrowing the Gap" and "Going up a League" agendas and may be an outcome from the Local Education Challenge. Free Schools in Leeds have the potential to contribute to the targets to meet key priorities within the Children and Young People's Plan and the work on the Local Area Agreement

Positive engagement by the Council with Free School trusts will help to foster continuing good working relationships with the Academies.

By managing the Free School process and agreeing the various project documents, LCC are also fostering a positive relationship with the Academy Sponsor.

Academies are public bodies for the purposes of the Equality Act and will be subject to the new public sector equality duty and specific duties in relation to setting equality objectives and publishing equality information. An on-going relationship between the Council and the schools will ensure that the organisations can work together to promote equality of opportunity and eliminate discrimination.

There are potential equalities implications in terms of service provision once schools have become Academies (in issues such as admissions, exclusions and special needs for example) as well as the potential equalities implications in relation to any staff

transfer . The Council and schools are working together closely to ensure that equality issues are identified and that Governing Bodies are made aware of these before making a final decision.

5. If you are *not* already considering the impact on equality, diversity, cohesion and integration you *will need to carry out an impact assessment*.

Date to scope and plan your impact assessment:	
--	--

Date to complete your impact assessment	
---	--

Lead person for your impact assessment (Include name and job title)	
--	--

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Viv Buckland	Head of Strategic Development & Investment	22/04/14

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

Date screening completed	17/05/14
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If relates to a Key Decision - date sent to Corporate Governance	
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Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	
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EXECUTIVE BOARD

WEDNESDAY, 25TH JUNE, 2014

PRESENT: Councillor K Wakefield in the Chair

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

Transfer of the former Fir Tree Primary School, Lingfield Drive, Leeds 17 to the Khalsa Education Trust

The Director of Children's Services and the Director of City Development submitted a joint report outlining the background to the use of and potential disposal of the site previously used as Fir Tree Primary School, Alwoodley.

By way of an introduction to the submitted report, the Executive Member for Transport and the Economy provided some context to the matters raised within the submitted report and moving forward, highlighted the options which were open to the Council.

In discussing this matter, Members considered a range of issues, including:-

- The educational and wider needs of the local community and how this site may be utilised in order to maximise the benefit for that community;
- The length of time that the site had been vacant;
- The level of contact and discussions which had been held between all relevant parties;
- The terms on which any potential transfer may be made and the resource implications arising from this.

RESOLVED – That further information be sought on the matters raised during the consideration of this item, with a further report being submitted to the Board on such matters in due course, in order to enable the Board to determine the most appropriate course of action to take.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he abstained from voting on the decisions referred to within this minute)

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Report of: Director of City Development and Director of Children’s Services

Report to: Executive Board

Date: 17th September 2014

Subject: Transfer of the former Fir Tree Primary School, Lingfield Drive, Leeds 17 to the Khalsa Education Trust

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Alwoodley	<input checked="" type="checkbox"/> Yes	<input 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 checked="" 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 June 2014 Executive Board considered the issues and options for the disposal of the former Fir Tree Primary School site in Alwoodley. Executive Board requested that a further report be brought back which provided details on the following items:
 - the educational and wider needs of the local community and how this site may be utilised in order to maximise the benefit for that community;
 - the length of time that the site had been vacant;
 - the level of contact and discussions which had been held between all relevant parties; and
 - the terms on which any potential transfer may be made and the resource implications arising from this.
2. This report provides the details requested.
3. Should Executive Board agree to the transfer:-
 - It is envisaged that a transfer would be on a 125 year lease at a peppercorn rent;
 - If the transfer is not made voluntarily the Department for Education (DfE) has indicated that it will seek to serve a ‘scheme’ compelling the Council to transfer the freehold of the site to the DfE. This will be at nil value;

- If the Council is not satisfied that the transfer should be made it can make 'final' written representations to the DfE.

Recommendations

4. Executive Board is requested:

- i. to determine whether the Council will agree to the transfer of the former Fir Tree Primary School site to the Khalsa Education Trust and the basis of the terms for any such proposal; or
- ii. to determine whether the Council should make further representations to the Education Funding Agency (EFA) / DfE and the basis for those representations including the Council's agreement to dispose of the site to the DfE at open market value.

1 Purpose of this report

- 1.1 To provide details to the Executive Board on the issues relating to the background to the use of and potential disposal of the site previously used for Fir Tree Primary School, Alwoodley.

2 Background information

- 2.2 The Council owns land and buildings at Lingfield Drive in Alwoodley, Leeds which were, until 2007 the site of Fir Tree Primary School. Since then the site has been used to support the Council in managing its Basic Need programme. It was occupied by Allerton High School during 2009/10 and to assist in the decant of pupils for the new Bankside Primary School during 2010/11.
- 2.3 Following closure for education purposes, the site was held as a potential alternative location for Children's Services staff from Roundhay Road. Ultimately planning issues and the cost of refurbishment were deemed to be prohibitive.
- 2.4 The Council was approached by the Department for Education (DfE), and their executive agency the Education Funding Agency (EFA) on behalf of the Khalsa Education Trust, to use the former-Fir Tree Primary School site to house the Khalsa Science Adademy. This is an established Free School currently operating from premises in Chapeltown, Leeds.
- 2.5 The EFA has declined to offer payment to the Council in compensation for the site and has not complied with the Council's request for them to demonstrate the legal powers through which it can force the transfer of the site, without compensation to the Council.
- 2.6 The Council's preferred option for the disposal, which has been offered to the EFA but declined, is for the DfE to acquire the site from the Council at open market value.

3 Main issues

Educational and wider community needs

- 3.1 Executive Board, in June 2014, considered the future use of the site and requested details on the educational and wider needs of the local community and how this site may be utilised in order to maximise the benefit for that community.
- 3.2 Taking the educational needs of the local community first. These have been reviewed a number of times in the recent past. This led initially to the agreed closure of Fir Tree Primary School, the linked closure of the Archbishop Cranmer CE (VA) Primary School and the establishment of a 1.5 FE school as a consolidated provision on the Archbishop Cranmer site in September 2007.
- 3.3 During 2012 and 2013 Children's Services considered the requirement for school places in Alwoodley and the surrounding areas. This took into account the Primary Planning Areas for Alwoodley, for Roundhay and Wigton and for Meanwood. This review came to the conclusion that, whilst there are ongoing pressures on school places in the wider locality, providing a new school on this site was not an option Children's Services wished to pursue.
- 3.4 In terms of the use of the site for community use, East North East Area Management has been working with local community groups following a deputation to full Council from Lingfield and Fir Trees Residents Group in June 2007. The group was at that time seeking community use of the site and a report from the Directors of Environment and Neighbourhoods and Children's Services allowed Executive Board to consider the issues in August 2007. Executive Board at that time agreed that as the site was required for Education use until at least 2010 it would be appropriate for Area Management to work with partner agencies, through the Moor Allerton Partnership (MAP), to lead on a programme of public consultation and partner agency work to consider the future needs of the area for community activities, provision and facilities and that the Area Management Team and MAP also work together to facilitate the continuation of community activities and provision then being accommodated at Fir Tree Primary School.
- 3.5 East North East Area Management followed up this request with work with the MAP. An update report from 2006/7 confirmed that a key priority for the MAP was to ensure the long term viability of voluntary and community groups and valuable community services in Moor Allerton and investigate the potential to extend service provision. The East North East Area Support team undertook a Service and Community Needs Assessment for the Moor Allerton Partnership area which provided a comparison with current services compared to the services and facilities called for in the deputation. This report concluded that the MAP did have extensive facilities but the poor transport links within the area and a lack of interaction between the Firtree/Lingfield area and the Cranmer Bank and Queenshill areas were barriers to accessing facilities.
- 3.6 Efforts at that time concentrated on keeping Open House Community Centre on Lingfield Approach operating. It was the key community facility in the Lingfields/Firtrees area, in a double commercial unit managed by Moor Allerton

Community Association (MACA) on a peppercorn lease from the Council. However it was starting to become financially unsustainable, and there were tensions between MACA and the Lingfield/Firtrees Tenants & Residents Association. In 2010 MACA gave up its lease on Open House and dissolved their association. Open House continued to operate, directly managed by the East North East Area support team, for a further year whilst options for keeping it open were explored.

- 3.7 Consultation undertaken in January 2012 with the local community about local facilities and activities met with very little interest both in what they would like to see in the area, and in keeping Open House operating. The only organisation interested in taking over the running of the centre was Lingfield & Firtrees TRA. The business case presented by the Lingfield TRA was not sufficiently robust to demonstrate that they could sustain the centre beyond the first year, and they turned down an offer of support from Moor Allerton Churches Together. Subsequently Open House closed down in September 2012 with the support of Ward Members and with no outcry from the local community. Services being delivered from Open House were relocated to other venues in the Moor Allerton area, but not necessarily in the Lingfields/Firtrees area.
- 3.8 Throughout this time the Moor Allerton Partnership and East North East Area Support Team have continued to work with Ward Members to encourage and support the delivering local services and activities for the area.
- 3.9 The following table shows the current facilities, services and activities in the Moor Allerton area, including walking times and distances from Lingfield Approach, the location of the former Open House Community Centre.

Facility	Distance from Lingfield Approach (miles)¹	Walking time (minutes)
Alwoodley Children's Centre, Lingfield Approach. Services for families with children under 5.	0.2	3
Northcall Community Centre, Cranmer Bank which provides a range of activities and advice sessions for children and families, including cookery classes, IT, fitness classes, youth club and a community café.	0.8	15
MAECare, Cranmer Bank. Services for people over 60 in Moortown, Alwoodley and Shadwell. Uses a variety of venues to deliver their services which include sport and leisure activities, advice sessions, and home visits. MAECare	0.8	15
Moor Allerton Library, (Moor Allerton Centre), King Lane. Lending library services, IT facilities and training plus a careers advice service.	0.5	9
FY20, next door to Moor Allerton library. Small community space. Venue for Council Youth Service sessions and available to other community groups.	0.5	9

¹ Calculated using Walk.it.com Times based on medium walking pace

St Johns C of E Church, Fir Tree Lane. Main hall available to let and can accommodate approximately 100 people. Used by uniformed groups, luncheon clubs, coffee mornings and keep fit classes.	0.6	13
Moortown Baptist Church, on King Lane. Main hall and smaller rooms for hire, and also organises a number community based activities such as a youth club and luncheon clubs for senior citizens.	0.6	13
Moortown Methodist Church, Alderton Rise. Worship and social activities. Main hall and smaller rooms available for hire. Distribution centre for the North Leeds Foodbank.	0.8	15
Marjorie & Arnold Ziff Centre, Stonegate Road. Café, restaurant, meeting and function rooms, computer suite, and facilities for younger children.	0.6	13
Former Lingfield Pub site, Lingfield Approach. Owned by the UK Islamic Mission which has planning permission for a change of use to a community and welfare centre with prayer facilities. Currently no timescales for when it will open.	0	0

- 3.10 The East North East Area Support Team has confirmed a willingness to provide support to the school and local communities groups to find suitable community uses within the new school.
- 3.11 In considering the proposal for Khalsa to use the site as a school it is appropriate to note that both Khalsa and the EFA have expressed a willingness for the school to work with the local community and for the new school to be open to appropriate uses by the community. The EFA has confirmed that it is content to pursue the options available and this would most likely be through the Area Management team.

Site vacancy period

- 3.12 Executive Board, in June 2014, considered the future use of the site and requested details on the length of time that the site had been vacant.
- 3.13 The site was occupied by Fir Tree Primary School until 2007. Subsequently it was used by Allerton High School during 2009/10 and to assist in the decant of pupils for the new Bankside Primary School during 2010/11.
- 3.14 Following final closure of the school for education purposes in 2011 the site was held as a potential alternative location for Children's Services staff from Roundhay Road. The site was surveyed, schemes were drawn up and estimates obtained. Ultimately planning issues and the cost of refurbishment were deemed to be prohibitive.
- 3.15 Once it became clear that the school would be unsuitable for retention as offices the site was declared surplus in July 2013 and was being prepared for disposal under the Council's capital receipts disposal strategy.

- 3.16 Whilst this work was ongoing Khalsa Science Academy, in conjunction with the DfE, identified the site as potentially suitable to accommodate the free school currently operating from premises in Chapeltown and the Council was approached with a view to making a transfer of the site to Khalsa.

Contact with the Department for Education, Education Funding Agency and representatives

- 3.17 Executive Board, in June 2014, considered the future use of the site and requested details on the level of contact and discussions which had been held between all relevant parties. What follows are details of the contacts with the DfE and the EFA on the proposals and on contacts which the Council has established with Khalsa.
- 3.18 Members should note that there have been positive discussions between the Council and Khalsa in relation to the establishment of Khalsa as a Free School. However, those discussions in connection with the proposal for Khalsa to move its school to the former Fir Tree site have been directly with the EFA. All decisions around the approvals of Free Schools are wholly matters for the DfE and local authorities are merely consultees throughout the process.
- 3.19 It is considered that legislation relating to the transfer of land to free schools is ambiguous. Therefore, following the approach by the EFA, officers sought to understand the powers upon which the DfE will rely and sought clarity as to the terms on which the transfer could take place.
- 3.20 Children's Services and City Development were approached in November 2013 by a private property agency firm acting on behalf of the EFA and Khalsa, with a view to securing the former Fir Tree Primary site for the Free School. A meeting was held between representatives of the firm, the EFA, Children's Services and City Development in early December 2013.
- 3.21 Following advice from Legal Services the EFA was asked to provide definitive details of how the legislation permits the course of action being requested, which was for the Council to dispose of the site without the EFA making a payment. Following a series of written and verbal exchanges which followed the meeting in December 2013 between the Council, the EFA and their legal advisors no significant progress was made and no clear response was provided by the DfE on the legal power they have to insist the site be transferred without compensation.
- 3.22 In February 2014 the EFA Divisional Director (Free Schools) confirmed that he was referring the matter to Ministers, who would advise on the approach they wished the EFA to take in respect of this site.. As a result the Council received a letter from the Schools Minister stating that he was minded to make a property transfer scheme in respect of the site and information relating to the site was requested.
- 3.23 It is understood that the DfE is the only Government department which can demand a land transfer without reference to a site's open market value.
- 3.24 Contact by Council officers directly with Khalsa has been limited. Arrangements for the establishment of the Free School in the first instance were matters

between the EFA and Khalsa, although Khalsa did initiate consultation with the council on their initial proposals. Once the Free School bid had been approved, the EFA led and held all discussions on the establishment of the school including any planning or other matters with council officers. Discussion for the use of the former Fir Tree site for the school were led and conducted by the EFA.

Admissions to the Khalsa Science Academy are through the Council's admission system and contacts exist to enable this statutory arrangement to operate.

The terms of a potential transfer

- 3.25 Executive Board, in June 2014, considered the future use of the site and requested details on the terms on which any potential transfer would take place and the resource implications arising from this.
- 3.26 The options available to the Council are:
- to work with the EFA to agree a voluntary transfer of the site under a leasehold arrangement on a 125 year lease at a peppercorn rent. The EFA has indicated that it will not pay a premium for the site so this option would not generate a capital receipt. As previously reported the Council would forego an expected receipt of around £900,000.
 - the EFA has indicated that, if the Council does nothing or if it does not agree to a voluntary transfer, the Secretary of State is minded to create a property transfer scheme to force the transfer of the site (as she is entitled to do under the Academies Act 2010). The EFA has stated that, if this route is followed, it would seek a freehold transfer of the site without compensation.
 - although the Council has not identified a need for a school in this area the EFA view is that the proposed transfer should be made. In this respect there appears to be little flexibility as the EFA has indicated it would find it very difficult to make any payment for the site as this would potentially create a precedent for future site transfers. Similarly the EFA would not wish to serve a scheme to transfer a leasehold interest because of potential precedents. However the EFA did suggest that the Council has an opportunity to make a "final" written case as they left this door open in their last letter. The Council may wish to make a case to resist the transfer or request certain terms be applied to any transfer.
- 3.27 Members will note that each party is responsible for its own legal and professional costs in connection with this transaction but that the Council will incur additional legal and surveyor costs to support the transfer of the site and these are estimated at around £10,000.
- 3.28 Members should also note that the EFA has confirmed that it plans for Khalsa to be able to operate from the former Fir Tree site from September 2015.
- 3.29 Children's Services' view on the proposed transfer of the site for the purposes of a free school is based on their knowledge of the local demand for school places in Alwoodley and the surrounding area. The Alwoodley and Moortown areas have pressure on school places at present, however the 2014 entry to schools in the Alwoodley area specifically represents a peak year with births in the area falling in

each of the subsequent years. Much of the ongoing pressure on places is further into Roundhay. The Fir Tree site is very close to a neighbouring school and this proximity may give rise to concerns about the future sustainability of two existing schools in the locality. Khalsa Science Academy, with its Sikh ethos, may offer an attractive alternative to families from a wider area, as well as the local community.

- 3.30 Under current legislation because the site has been used as a school within the last eight years the Council would be obliged to seek approval from the Secretary of State for Education for the disposal of the site, effectively preventing sale of the site in any event.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Executive Member for Children & Families and Executive Member for Transport & the Economy are aware of the proposal. Ward Members have been consulted on the proposals for Khalsa to use the Fir Tree site and support the proposals.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The proposals have no specific implications for equality, diversity, cohesion and integration. An EDCI screening has taken place on the recommendations included in the report. The screening has indicated that a full EDCI assessment is not necessary although the screening showed that there were a number of positive benefits to communities arising from the proposal though the provision of new school places and the ability of the Khalsa Education Trust to expand the provision of places in their Science Academy and although the school will promote strong ethical standards it will not implement faith requirements in admissions.

4.3 Council policies and City Priorities

- 4.3.1 The proposals outlined in this report will impact on the Leeds City Council aim of Councillors committing to improve outcomes for children and young people. The Best Council Plan 2013-17 has, as one of its key objectives, to “build a child friendly city” by improving outcomes for children and families, with a focus on: ensuring the best start in life; reducing the number of looked after children; NEETs and attendance; raising educational standards; and ensuring enough school places as the City grows.

4.4 Resources and value for money

- 4.4.2 The Council is required to seek to maximise the value it achieves from the sale of land and property. The Council has determined that the site has a market value of at least £900,000 and, ordinarily, it has a statutory responsibility to seek to achieve this best consideration valuation. The Council has the power to dispose of sites at less than best consideration and in this case the decision maker would be Executive Board.
- 4.4.3 As noted above the Council will also incur additional legal and surveyor costs to support the transfer of the site and these are estimated at around £10,000.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 A request has been received from the DfE via the EFA for the Council to dispose of the site to the Khalsa Education Trust for use for the purposes of the Khalsa Science Academy which is a free school.
- 4.5.2 Free schools are established as academies under the Academies Act 2010. The provisions relating to the transfer of land for academies confer on the Secretary of State for Education the power to make a scheme requiring the transfer of the freehold or the lease of land from a local authority to a person concerned with running an academy. This power applies to land which at any time in the preceding eight years was used wholly or mainly for the purposes of a maintained school and is no longer so used or is about to be no longer so used or the Secretary of State thinks it is to be no longer so used. As the land in question has been used for the purposes of a maintained school within the last eight years then this seems to apply, giving the Secretary of State the power to require the Council to transfer the land.
- 4.5.3 Executive Board has previously been notified (14 December 2011) of the principles governing the conversion of schools to academy status. However legislation relating to the transfer of land to free schools is more ambiguous than that for academy transfers.
- 4.5.4 Members should note that in the Academies Act 2010 there is no provision for a local authority to be compensated for the transfer of its land to an academy, nor is there a provision that the land should be transferred at nil consideration. Additionally that there are provisions within the Academies Act 2010 for the Secretary of State to make a transfer scheme. However in the absence of such a scheme the Academies Act 2010, as currently drafted, does not compel a local authority to dispose of a school site to a free school, nor does it give a council the power to do this voluntarily.
- 4.5.5 The Class Consents given by the Secretary of State under Schedule 1 of the Academies Act 2010 and section 77 of the School Standards and Framework Act 1998 to enable local authorities to dispose of land held for school purposes and school playing fields respectively do not give consent for the disposal of land for the purposes of free schools, although there is a class consent giving consent to dispose of such land for the purposes of an academy where an academy order has been made in respect of a local authority maintained school which uses the land. As this is not the case here (because Khalsa Science Academy is not a maintained school), the Council would have to make an application to the Secretary of State for consent to dispose of the land to the Academy under Schedule 1 to the Academies Act 2010 and Section 77 of the School Standards and Framework Act 1998.
- 4.5.6 In the absence of any requirement or power within the Academies Act 2010 for local authorities to dispose of land for nil consideration to free schools, the Council would have to dispose of the land under the power granted by section 123 of the Local Government Act 1972. In order for the Council to dispose of a property at a 'less than best consideration', it would need to be satisfied that an appropriate General Disposal Consent could be used for the disposal or would need to obtain specific consent for the purposes of section 123.

- 4.5.7 A decision to dispose at less than best consideration will depend upon compliance with the provisions of the Local Government Act 1972 General Disposal Consent (England) 2003 or on seeking specific consent for the Secretary of State. The terms of the General Disposal Consent require that the Council is satisfied that the proposed disposal is likely to contribute to the economic, social or environmental well-being of the Council's area or of local residents and that the under-value does not exceed two million pounds. Executive Board would need to be satisfied that a voluntary disposal at less than best consideration met these conditions.
- 4.5.8 The requirements of the Academies Act 2010 override the Council's duty under section 123 of the Local Government Act 1972 to secure best consideration.
- 4.5.9 The DfE is relying on the powers set out in Schedule 1 of the Academies Act 2010 (as amended) which enables the Secretary of State for Education to make a transfer scheme in respect of local authority land formerly used as a school in order to transfer the freehold interest in the land for the purposes of an academy.
- 4.5.10 In this regard the transfer is not discretionary or a matter for Leeds City Council to approve but is required by legislation. However, it is not clear from the legislation that the DfE can force the transfer of the site without paying a premium for the transfer.

4.6 Risk Management

- 4.6.1 A decision to accept a voluntary transfer of the site will require the Council to ensure compliance with state aid legislation. In normal circumstances, as free schools are publically funded state schools they would not contravene state aid rules. However, the Council will need to be certain that any documentation for a transfer does not include provisions which would allow commercial gain as these could risk contravention of state aid provisions. A voluntary transfer of the site by way of a 125 year lease (at nil consideration) with the Council as Landlord would mean the Council retains an interest in the site and some control of it through the lease. In the event of termination of the lease (for example if the Funding Agreement is terminated and there is no other Funding Agreement in existence) the site would revert to the Council.
- 4.6.2 A freehold transfer of the site through a transfer scheme by the Secretary of State would eliminate the Council's interest in the site.
- 4.6.3 The making of a 'final' written case to the EFA/DfE may give the Council the opportunity to make representations but, unless a compelling reason can be given for not transferring the site is unlikely to be viewed favourably.

5 Conclusions

- 5.1 The Council has three options for dealing with the disposal of the site for the use proposed by the Department for Education
- It could allow the Secretary of State to enforce the transfer by making a transfer scheme under the Academies Act 2010 and this would be at nil

value and would, dependent upon the Secretary of State's decision, require the transfer of the freehold interest of the site.

- It could voluntarily transfer the site on a 125 year peppercorn lease, retaining the Council's freehold interest in the site.
- It could make 'final' representations to the DfE as outlined at 3.32 above.

6 Recommendations

6.1 Executive Board is requested:

- i) to determine whether the Council will agree to the transfer of the former Fir Tree Primary School site to the Khalsa Education Trust and the basis of the terms for any such proposal; or
- ii) to determine whether the Council should make further representations to the Education Funding Agency (EFA) / DfE and the basis for those representations including the Council's agreement to dispose of the site to the DfE at open market value.

7 Background documents²

7.1 None

8 Appendices

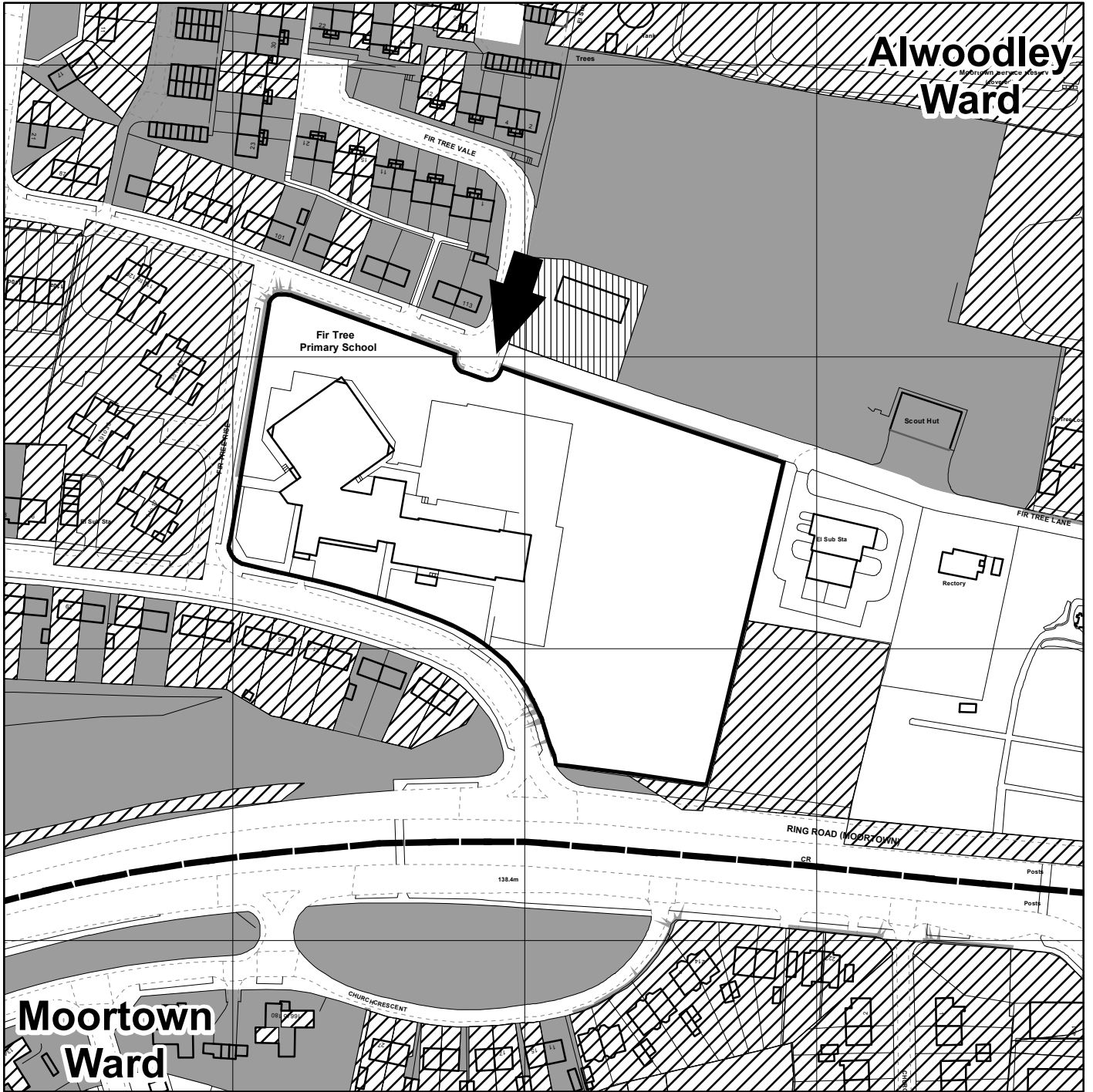
8.1 Plan of the former Fir Tree Primary School

8.2 EIA Screening Form

² 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.

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**FORMER FIR TREE PRIMARY SCHOOL
LINGFIELD DRIVE
MOORTOWN
LEEDS LS17**



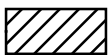
← SUBJECT SITE



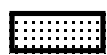
LAND OWNED BY LEEDS CITY COUNCIL



LAND LEASED OUT BY LEEDS CITY COUNCIL



LAND SOLD BY LEEDS CITY COUNCIL



LAND OWNED BY APPLICANT



WARD BOUNDARY



Leeds
CITY COUNCIL

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Ordnance Survey LA100019567

0510203040

Metres

PREP BY M. CHRISTIAN
DATE 01/08/2014
OS No SE3039SW
Scale 1:2,000



PLAN No 16485/F

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Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Children’s Services	Service area: Built Environment
Lead person: Nigel Wilson	Contact number: 07891 271056

1. Title: transfer of the ex Fir Tree Primary School site to the Khalsa Trust

Is this a:

Strategy / Policy

 Service / Function

 Other

If other, please specify

2. Please provide a brief description of what you are screening

The decision on the disposal of the ex Fir Tree Primary School site to the Khalsa trust to enable them to have a permanent base for the Free School the Khalsa Science Academy.

3. Relevance to equality, diversity, cohesion and integration

All the council’s strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant

characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?		X
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	X	
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	X	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The Khalsa Science Academy is an existing Free School which has temporary accommodation on the Sikh centre on Chapletown Road. In conjunction with the Education Funding Agency and with the support of the Secretary of State for Education the Khalsa Trust has expressed a preference to use the site as the permanent base for the school.

The Khalsa Science Academy was founded by the Khalsa Education Trust in 2013. The free school opened in premises on Chapeltown Road on 2 September 2013. This

is viewed as temporary accommodation until a permanent site is found. It is understood that twenty-one pupils currently attend the school. Pupil projections are still to be confirmed via the Leeds City Council co-ordinated admissions process. At present it is thought that there should be 210 pupils by 2019 in the age range 4 to 11 years. The school is temporarily operating from the Sikh Centre as this is within the school's catchment area and was readily available to achieve a September 2013 opening. In line with free school principles the Academy accepts children from all backgrounds but teaching is centred on "core Sikh values". The Academy has a Sikh faith ethos but is not a designated faith school.

Leeds City Council does not approve issues relating to Free Schools which are matters for the secretary of Education.

As this is a Free School, all consultations regarding the proposed school are the responsibility of the Trust. City Development will consult its usual stakeholders including ward Members on the proposed leasehold transfer or the site.

- **Key findings**

(**think about** any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The aim of the Academies Act 2010 is to enable more schools to become Academies and to encourage more Free Schools to be established, giving them the freedoms and flexibilities they need to continue to drive up standards. Although the provisions do not in themselves have any direct equality aspects, the aim is to secure and increase the educational attainment of all school pupils and therefore their chances of better employment and a more rewarding life.

Free Schools can be at all levels of school (secondary, primary and special) and so the overall impact will be to increase the diversity of schools on offer to ALL pupils, including those catering for pupils with disabilities and special education needs, and to raise standards for such pupils in under-performing schools.

Public Concerns

As with any Central Government policy, there are likely to be opposing views on the policy. It is clear that there is a lot of misrepresentation and incorrect information surrounding the Free School and Academies Programme, and one of the main concerns expressed by the public is that Free Schools and Academies are able to be selective in their admissions policy due to being independent of LA control.

However, Free Schools and Academies are required to act in accordance with all relevant provisions of the School Admissions Code and the School Admission Appeals Code. The school admissions framework is intended to ensure that the school admissions system is fair to all children regardless of race, ethnicity, gender or ability and the School Admissions Code prohibits admission authorities from disadvantaging children from any particular social or racial group or those with SEN.

Effect on LCC's Services

One of the key impacts on LA's is that funding is provided direct to Academies rather

than coming through the LA, including an element of funding which covered service areas such as Asset Management , Educational Welfare Services Finance, and some statutory and regulatory duties relating to central services that do not transfer to Academies such as HR and legal functions.

There is no doubt that this loss of funding will impact on the LA's ability to deliver these services in the future as more schools convert to Free Schools and Academies and the level of funding coming into the LA continues to reduce. This loss of funding is again outside of the LA's control and the DfE expect that local authorities will be able to make higher levels of savings and that the amount of funding required for these responsibilities will reduce accordingly.

However, there is an acceptance by the DfE that there is a cost to deliver these services and the DfE is therefore wanting to ensure that local authorities receive appropriate levels of funding for the responsibilities that they retain for pupils in Academies. That is why, under new proposals, local authorities will receive some of the funding for each pupil in a Free School or an Academy, as well as for all pupils in maintained schools.

As highlighted in the previous section, the transfer of staff and assets will happen irrespective of the council's level of involvement and engagement. However, positive engagement by the Council will help to foster continuing good working relationships with the Academies.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

The expansion in the number of school places provided through Free Schools will impact on the "Narrowing the Gap" and "Going up a League" agendas and may be an outcome from the Local Education Challenge. Free Schools in Leeds have the potential to contribute to the targets to meet key priorities within the Children and Young People's Plan and the work on the Local Area Agreement

Positive engagement by the Council with Free School trusts will help to foster continuing good working relationships with the Academies.

By managing the Free School process and agreeing the various project documents, LCC are also fostering a positive relationship with the Academy Sponsor.

Academies are public bodies for the purposes of the Equality Act and will be subject to the new public sector equality duty and specific duties in relation to setting equality objectives and publishing equality information. An on-going relationship between the Council and the schools will ensure that the organisations can work together to promote equality of opportunity and eliminate discrimination.

There are potential equalities implications in terms of service provision once schools have become Academies (in issues such as admissions, exclusions and special needs for example) as well as the potential equalities implications in relation to any staff

transfer . The Council and schools are working together closely to ensure that equality issues are identified and that Governing Bodies are made aware of these before making a final decision.

5. If you are **not already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.****

Date to scope and plan your impact assessment:

Date to complete your impact assessment

Lead person for your impact assessment
(Include name and job title)

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Viv Buckland	Head of Strategic Development & Investment	22/04/14

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

Date screening completed

17/05/14

If relates to a Key Decision - **date sent to Corporate Governance**

Any other decision – **date sent to Equality Team (equalityteam@leeds.gov.uk)**

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EXECUTIVE BOARD

WEDNESDAY, 17TH SEPTEMBER, 2014

PRESENT: Councillor J Blake in the Chair

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

78 Transfer of the former Fir Tree Primary School, Lingfield Drive, Leeds to the Khalsa Education Trust

Further to Minute No. 30, 16th July 2014, the Director of City Development and the Director of Children's Services submitted a joint report presenting information and background to the use, and potential disposal of the site previously used for Fir Tree Primary School, Alwoodley. The report provided details of the options open to the Council in respect of this matter.

It was noted that at the commencement of the meeting, Board Members had been provided with correspondence received from Education Funding Agency (EFA) in respect of the submitted report.

In discussing the matter, Members considered a range of issues, including:-

- The recent correspondence which had been received from the EFA and the extent to which it provided any further clarity on the current position;
- The clarification which was still required on whether the Government's legal powers would enable a 'scheme' to be served upon the Council which compelled it to transfer the freehold of the site to the Khalsa Education Trust, and the need for further dialogue to be held between the Department for Education's (DfE's) legal representatives and the Council,
- The level of contact and discussion which had taken place between the Council and the DfE on this issue to date, the nature of such contact and the associated timeframe in which this had taken place;
- The need to ensure that in order to progress this matter, a collaborative approach was adopted by all relevant parties;
- With regard to education provision in the area, the extent to which this specific site would best meet the needs of the local community.

At the conclusion of the discussion on the submitted report, it was formally moved by Councillor A Carter and seconded by Councillor Golton that the former Fir Tree Primary School site be transferred on a leasehold basis to the Khalsa Education Trust. On being put to the vote, this motion was lost, and it was

RESOLVED – That further information and clarification be sought from the Department for Education in respect of those matters considered during the meeting, specifically as to whether the Government’s legal powers enabled a ‘scheme’ to be served on the Council which would compel it to transfer the freehold of the site in question to the Khalsa Education Trust.

(Under the provisions of Council Procedure Rule 16.5, both Councillor A Carter and Councillor Golton required it to be recorded that they respectively voted against the matters included within this minute)

DATE OF PUBLICATION: FRIDAY, 19TH SEPTEMBER 2014

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** FRIDAY, 26TH SEPTEMBER 2014 AT 5.00
P.M.

(Scrutiny Support will notify Directors of any items called in by 12.00noon on Monday, 29th September 2014)

Report of Chief Officer Strategy and Commissioning

Report to Resources Scrutiny Board

Date: 26 January 2015

Subject: Plans to Develop an Integrated Peoples' Commissioning Service

1) Introduction

This note aims to briefly set out the plans to develop an integrated people's commissioning service. It follows directly from two reports to Corporate Leadership Team and provides an opportunity for comment from Resources Scrutiny Board at the outset of the next stage of development.

2) Main Issues

2.1 Aims of Integrated Commissioning Programme

Following a request from CLT in 2014, plans are now being developed to improve the integration of "people's" commissioning services in the council with the aim of:

- Improving outcomes for service users by having more joined up services which better respond to their individual needs.
- Developing a more consistent approach to commissioning services within the Council by bringing together the breadth of commissioning experience currently dispersed across multiple directorates.
- Respond to changes in national policy relating the [Care Act \(2014\)](#) and to the [Children and Families Act \(2014\)](#).
- More effectively respond to Council priorities which cannot be addressed by commissioning from a single directorate.
- Identifying opportunities to achieve greater alignment of commissioning activities with external partners, and in particular the NHS.
- Achieving efficiencies by taking a more co-ordinated approach to market development and the way we manage multiple contracts with single providers.
- Achieving savings by reducing the proportion of investment required by the Council to commission and contract manage services.

2.2 Governance and Reporting

The project to integrate commissioning will be managed through a project team lead by the Chief Officer Strategy and Commissioning in Public Health and will report to Best Council Design Team. A similar report is being prepared for Jan 2015 BCLT setting out the governance arrangements and timetable for delivery.

Resources Scrutiny Board are requested to comment in particular on the requirement for further reports on this programme of work and any particular areas that the Board may wish to be considered in detail.

2.3 A Phased Delivery

A phased approach will be taken with the implementation of this programme work as follows:

- Phase 1: April 2015

Development of a virtual team which will bring together all staff likely to be in scope under a single accountability. This would include all commissioning staff in Adult Social Care, Children's Service and the Strategy and Commissioning Service within Public Health in the first instance.

- Phase 2: April to October 2015

Confirm which further areas of commissioning of people's services should be included within scope of the new service and undertake a formal realignment of both in terms of staffing and premises where appropriate.

- Phase 3: To Be Determined

Develop improved alignment with commissioning functions operating outside of the Council, principally the CGGs.

2.4 Approach to Savings

The development of an integrated people's commissioning service takes place within the context of increasing budget pressures, but also a likely growth in the total value of commissioning within the Council as a proportion of the overall budget.

The project will seek to identify opportunities for efficiencies and savings both in terms of the value of contracts with providers through improved integration, but also in the value of the investment the council makes in providing the commissioning function itself.

It is anticipated that savings from senior management may be possible through a potential restructure, however further work is needed to confirm the scope of staff which staff might be included within a new service and the structure required to manage it.

3) **Recommendations**

Resources Scrutiny Board is recommended to:

- Note and comment on the plans to develop improved integration of people's commissioning services.

- To comment on the requirement for further reports on this programme of work and any particular areas that the Board may wish to be considered in detail.

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Report author: Peter Marrington
Tel: 39 51151

Report of Head of Scrutiny & Member Development

Report to Scrutiny Board (Resources and Council Services)

Date: 26 January 2015

Subject: Community Lettings

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Killingbeck & Seacroft, Burmantofts & Richmond Hill, Gipton & Harehills, Chapel Allerton, Wetherby, Alwoodley, Middleton Park, Beeston & Holbeck, City & Hunslet, Rothwell, Ardsley & Robin Hood, Morley North, Morley South, Kippax & Methley, Cross Gates & Whinmoor, Garforth & Swillington, Kirkstall, Hyde Park & Woodhouse, Weetwood, Otley & Yeadon, Bramley & Stanningley, Armley, Calverley & Farsley, Pudsey, Farnley & Wortley		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

1 Purpose of this report

1.1 Members will recall past discussion at the board which considered

- The complicated and bureaucratic arrangements in place for the use of community centres;
- The numerous charging rates and their complicated application; and
- The need for continued involvement of Community Committees in the process.

1.2 The board also noted the transfer of the community centre portfolio to Citizens and Communities as of 1st October 2013 and the arrangements in place to address the identified failings in the current process.

1.3 Members have asked for an update on the current letting arrangements.

2 Main issues

2.1 The Community centre service has been moved to Citizens and communities directorate for a number of reasons

- Closer links with localities, the area teams and local councillors on Community Committees are important stakeholders;
- To focus the work of community centres alongside the citizens@leeds brand supporting the work to tackle poverty;
- To contribute to local community development and regeneration in the poorest areas.

2.2 Lettings

2.2.1 The Scrutiny Board has made clear in the past the concerns which members have with the lettings service, with examples of poor customer experience. These issues have been discussed with the Head of Facilities and these are our conclusions:

2.2.2 The lettings team being organisationally part of the Civic Enterprise Leeds arrangements offers benefits which we are wary of losing. There is close connection with the other parts of the facilities management service which are crucial to the operational success of the community centres. In particular, caretaking, key holding, cleaning and security.

2.2.3 With the overall service based in the Civic Hall in Citizens and Communities, and lettings in the same building as part of the facilities management service it was recommended to the Board in 2014 that there are no further structural changes, rather the services work together to improve processes to achieve the outcomes which are required. This was endorsed by this Scrutiny Board.

2.2.4 Scrutiny Board now wish to receive an update on the initiatives taken to improve these processes. Officer will be in attendance to provide full details to Board Members.

3 Recommendations

3.1 Members are asked to receive an update and make comment as appropriate.



Report author: Peter Marrington
Tel: 39 51151

Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Resources and Council Services)

Date: 26th January 2015

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. The Board's draft work schedule is attached as appendix 1. The work schedule reflects discussions at the Board's meeting in December. It will be subject to change throughout the municipal year.

Recommendations

2. Members are asked to note the work schedule and make amendments as appropriate.

Background documents¹

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.

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Scrutiny Board (Resources and Council Services) Work Schedule for 2014/2015 Municipal Year

Area of review	Schedule of meetings/visits during 2014/15		
	June	July	August
People Plan		Update	
<i>To be determined</i>			
<i>To be determined</i>			
<i>To be determined</i>			
Briefings			
Budget & Policy Framework Plans			
Recommendation Tracking		Welfare Reform Civic Enterprise Leeds Translation Services Contact Centre – performance	
Performance Monitoring			
Budget		Out turn Report	

Scrutiny Board (Resources and Council Services) Work Schedule for 2014/2015 Municipal Year

Area of review	Schedule of meetings/visits during 2014/15		
	September	October	November
People Plan			
Briefings	Contract Procedure Rules - revision	Richard Corbett MEP	
Procurement			Off contract spend and waivers
Council Tax Relief Scheme	Council Tax		
Budget & Policy Framework Plans			
Recommendation Tracking			Officer Interests
Performance Monitoring	Best Council Plan – Key Indicators		

Scrutiny Board (Resources and Council Services) Work Schedule for 2014/2015 Municipal Year

Schedule of meetings/visits during 2014/15			
Area of review	December	January	February
People Plan			
Briefings	How we work – presentation on changes to customer access, business management and changing the workplace	Commissioning Request for Scrutiny – Cllr Lamb – Former Fir Tree school site	Possible Request for Scrutiny – Cllr Lamb – Former Fir Tree school site
Budget & Policy Framework Plans	To receive Executive Board's initial budget proposals		
Recommendation Tracking			Employee Interests (Follow up from November)
Performance Monitoring		Community letting	
Budget			

Scrutiny Board (Resources and Council Services) Work Schedule for 2014/2015 Municipal Year

Area of review	March	April	May
People Plan			
<i>To be determined</i>			
<i>To be determined</i>			
<i>To be determined</i>			
Briefings			
Budget & Policy Framework Plans			
Recommendation Tracking			
Performance Monitoring			
Budget			