

SCRUTINY BOARD (CITY DEVELOPMENT)

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 18th January, 2017 at 10.30 am

(A pre-meeting will take place for ALL Members of the Board at 10.00 a.m.)

MEMBERSHIP**Councillors**

D Cohen	-	Alwoodley;
P Davey	-	City and Hunslet;
G Latty	-	Guiseley and Rawdon;
S Lay	-	Otley and Yeadon;
A Ogilvie	-	Beeston and Holbeck;
D Ragan	-	Burmantofts and Richmond Hill;
E Taylor	-	Chapel Allerton;
C Towler	-	Hyde Park and Woodhouse;
P Truswell (Chair)	-	Middleton Park;
P Wadsworth	-	Guiseley and Rawdon;
J Walker	-	Cross Gates and Whinmoor;

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

Principal Scrutiny Adviser:
Sandra Pentelow
Tel: 24 74792

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Head of Governance Services 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 notification of substitutes.</p>	
6			<p>MINUTES - 21 DECEMBER 2016</p> <p>To confirm as a correct record, the minutes of the meeting held on 21 December 2016.</p>	1 - 4
7			<p>SCRUTINY INQUIRY – TRANSPORT FOR LEEDS, SUPERTRAM, NGT AND BEYOND</p> <p>To receive the report of the Director of City Development and West Yorkshire Combined Authority to support the next session of the scrutiny inquiry.</p>	5 - 26
8			<p>WORK SCHEDULE</p> <p>To consider the Scrutiny Board's work schedule for the 2016/17 municipal year.</p>	27 - 50

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>DATE AND TIME OF NEXT MEETING</p> <p>Wednesday 15 February 2017 at 10:30am (pre-meeting for all Board Members at 10:00am)</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 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. 	

SCRUTINY BOARD (CITY DEVELOPMENT)

WEDNESDAY, 21ST DECEMBER, 2016

PRESENT: Councillor P Truswell in the Chair

Councillors D Cohen, C Dobson, G Latty,
S Lay, A Ogilvie, S Ragan, E Taylor,
C Towler, P Wadsworth and J Walker

38 Declaration of Disclosable Pecuniary Interests

There were no disclosable pecuniary interests declared at the meeting.

39 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted by Cllr P Davey. Cllr P Davey was substituted by Cllr C Dobson.

40 Minutes - 23 November 2016

RESOLVED – That the minutes of the meeting 23 November 2016 be approved as a correct record.

41 Leeds Site Allocations Plan

The Director of City Development submitted report to facilitate scrutiny of Leeds Site Allocations Plan (SAP) in accordance with the Budget and Policy Framework.

The following information was appended to the reports:

- Appendix 1 – Chronology of Key Milestone Decisions by Development Plan Panel, Briefings with Ward Members and Public Consultation Events.
- Appendix 2 – Site Allocations Plan, Sections 1 & 2 (Introduction and Overview) and Section 3, Area Proposals, Publication Draft. September 2015
- Appendix 3 – Summary of Pre Submission Changed to 10 Housing Market Characteristic Areas in the Site Allocations Plan (Excluding Outer North East) Following Development Plan Panel Meetings on 14th and 28th June and 19th July 2016

The following representatives were in attendance to respond to Members queries and comments:

- David Feeney, Head of Strategic Planning
- Martin Elliot, Group Manager (Policy and Plans)

Draft minutes to be approved at the meeting
to be held on Wednesday, 18th January, 2017

- Lois Pickering, Team Leader Local Plans
- Andrew Hall, Head of Transportation
- Cllr Richard Lewis, Executive Board Member

The key areas for discussion were:

- An overview of the process and key milestones from scoping the SAP to current date including required regulatory stages of the SAP decision making process.
- Housing requirements contained within the Core Strategy and how that had been determined.
- The extent to which communities are involved in the decision making process behind both the Core Strategy and SAP, and the extent to which neighbourhood planning influenced the development of the SAP.
- The whole Council approach to the development of the SAP with the involvement of external partners to ensure the needs of communities are considered, such as highways, schools, health.
- Concern regarding the continued availability of employment sites across the city.
- Clarity regarding the green belt review processes and how it was integral within the process when bringing forward site allocations
- Consultation strategy and public engagement with hard to reach groups. The value of utilising social media during key periods of consultation to direct the public to appropriate information.
- With regard to transport infrastructure clarity was sought regarding the links between the SAP and evolving Transport Strategy. The Board were advised that the city's development needs are being taken into account.
- The influence of flood risk assessments in the development of the SAP.
- The extent to which both small and large windfall site figures impact on housing targets detailed within the Core Strategy and site allocations.
- The lack of flexibility for Local Authorities within planning processes and the determination of housing numbers.

RESOLVED – The Scrutiny Board:

- a) Considered the proposals that are to be referred to the Executive Board
- b) Will report Scrutiny Board (City Development) deliberations and conclusions to the Executive Board when next due for consideration. (Currently scheduled February 2017)

42 Financial Health Monitoring City Development - Budget Update Period 7 2016/17 & Budget Proposals for 2017/18

The Head of Governance Services and Scrutiny Support submitted a report to update the Scrutiny Board on the City Development 2016/17 financial position (period 7) and to facilitate consultation on the City Development budget

Draft minutes to be approved at the meeting
to be held on Wednesday, 18th January, 2017

proposals for 2017/18 in accordance with the Council's Budget and Policy Framework.

The following information was appended to the report:

- Executive Board Report 14 December 2016, Financial Health Monitoring 2016/17 – Month 7
- Executive Board Report 14 December 2016 - Initial Budget Proposals for 2017/18

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

- Simon Criddle – Head of Finance, City Development
- Martin Farrington – Director of City Development

The key areas of discussion were:

- The projected underspend on the 2016/17 budget, with further savings made through library services moving across to the Citizens and Communities directorate.
- Key proposals for 2017/18, planned efficiencies, changes to services and additional income.
- A net decrease in budget for 2017/18 of £4.8m.
- Sources of additional income and the overall strategic approach which seeks to minimise the impact on front line service delivery.
- The recruitment of 25 Highways Engineers to reduce external spend.

RESOLVED

The Scrutiny Board:

- a) Noted the financial position of City Development period 7 2016/17
- b) Considered the initial 2017/18 budget proposals relevant to the Scrutiny Board's portfolio and did not make recommendation for consideration by the Executive Board in February 2017.

43 Quarter 2, 2016/17 City Development Performance Update

The Director of City Development submitted a report which provided a summary of performance against the strategic objectives for City Development.

The following information was appended to the report:

- City Development Performance Summary Quarter 2 2016/17

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

- Martin Farrington – Director of City Development

The key areas of discussion were:

- The trend in KSI's and not meeting the annual target. The Board was advised that improvements are continually being made to local cycling infrastructure and road safety programmes also continue, in order to minimise KSI events particularly involving children.
- The extent to which the withdrawal of funding for 'Leeds Let's Get Active' will impact upon statistics concerning people active for more than 30 minutes per week.
- The Board requested further information regarding job growth, particularly with regard to the nature of employment in Leeds and how local employment opportunities have been secured. A report to be brought to the Board early in 2017.

RESOLVED

The Scrutiny Board:

- a) Noted the Quarter 2 performance information.
- b) Requested a report to provide a more detailed overview regarding the nature of employment, employment growth and employment opportunities in Leeds.

44 Work Schedule

A report was submitted by the Head of Governance Services and Scrutiny Support which detailed the Scrutiny Board's draft work programme for the current municipal year.

The draft Scrutiny Board (City Development) work schedule for 2016/17 and the Executive Board minutes for 16 November 2016 were appended to the report.

RESOLVED – The Scrutiny Board noted the content of the report and agreed the work programme.

45 Date and Time of Next Meeting

Wednesday 18 January 2017 10:30 am (pre-meeting for all Board Members at 10:00am)

The meeting concluded at 12:30pm

Report of the Head of Governance Services and Scrutiny Support

Report to Scrutiny Board (City Development)

Date: 18 January 2017

Subject: Transport for Leeds - Supertram, NGT and Beyond

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

1. Summary of Main Issues

At its meeting on the 15th of June 2016, the Scrutiny Board considered a request for Scrutiny from Cllr Judith Blake, Leader of Leeds City Council, which asked for consideration of the role of the Council, the West Yorkshire Combined Authority/METRO and the city's public transport operators in relation to the decisions for both NGT and Supertram.

Terms of reference for this inquiry were agreed by the Scrutiny Board at the September 2016 when it was determined that the purpose of the inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:

- To identify strengths and weaknesses of the Supertram and NGT schemes, what lessons can be learnt, and how learning can be applied to future transport schemes and projects.
- The developing transport strategy, short, medium and long terms options, maximising beneficial impact, and how options could be financed, planned and delivered.
- Meeting the needs and aspirations of communities and stakeholders through engagement and involvement in the shaping and delivery of transport schemes and projects.

2 Inquiry Session January 2017

The Director of City Development and West Yorkshire Combined Authority (WYCA) have prepared a report which responds to debate and requests for further information at the November Scrutiny Board meeting. This session is structured to facilitate continued reflection and debate about previous transport projects so that lessons can be learnt and applied to future transport schemes.

Representatives in attendance at the November meeting have also been invited to contribute to discussion at this meeting, they are:

- Peter Bonsall, Emeritus Professor of Transport Planning at the University of Leeds
- Bill McKinnon , Vice Chairman of the A660 Joint Council
- Chris Longley, Area Policy Representative, Yorkshire Federation of Small Businesses

At the November Scrutiny Board meeting the board questioned the extent to which 'stated preference' information had been shared with the DfT. The Scrutiny Board requested further information regarding this which is contained as Appendix 1 and detailed in para 3.5.2 of the report from the Director of City Development and WYCA.

3. Recommendation

The Scrutiny Board (City Development) is recommended to:

- a) Note the information contained within the report of the Director of City Development and WYCA.
- b) Note the verbal information provided by the visiting attendees.
- c) Consider the requirements for the next session of the inquiry.

Report of Director of City Development and WYCA

Report to Scrutiny Board (City Development)

Date: 18th January 2017

Subject: Inquiry into the Development of NGT

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 Leader of the Council has formally requested Scrutiny Board to “consider undertaking a Scrutiny Inquiry into the role of the Council, the West Yorkshire Combined Authority(WYCA)/Metro and the city’s public transport operators in relation to the decisions for both NGT and Supertram.”
2. The Inquiry will consider the development of both projects and what lessons can be learned to inform future decisions on major transport projects in the City
3. Detailed background information was provided at the July,September and November Scrutiny meetings. This report provides further background and additional information requested at these meetings as well as responding to comments made at the last Scrutiny meeting by interested parties/ objectors to the scheme
4. The Council has undertaken a city-wide “Conversation” on the future of transport in Leeds to develop a future transport strategy for the city.

Recommendations

1. Members are requested to note and comment on this report.

1. Purpose of this report

- 1.1 This report provides Members with background information on the development of the Supertram and NGT projects. It provides an update on the new Transport Strategy emerging from the Transport Summit held on 10th June 2016 and feedback from the city wide Conversation on Transport.
- 1.2 This report also addresses issues raised at the November Scrutiny meeting on NGT.

2. Background information

- 2.1 Leeds Supertram formed a key element of the 1991 Leeds Transport Strategy. The Department for Transport (DfT) granted full network approval in March 2001, following a TWAO public inquiry, but in November 2005 the project was cancelled by the DfT on the grounds of affordability.
- 2.4 A high quality bus alternative to Supertram was subsequently developed by the joint Promoters, Leeds and Metro in conjunction with the DfT. This was to become a Trolley Bus proposal known as New Generation Transport (NGT) which gained Programme Entry Approval from the DfT in 2010 and again in 2012.
- 2.5 Following a public inquiry into NGT held in 2014, the DfT announced on the 12th May 2016 that the Transport and Works Act Order (TWAO) application had not been granted. However in an unprecedented announcement the DfT did still award the £173.5m allocated to Leeds for public transport projects in the City.
- 2.6 The Executive Board in December approved the submission of an Outline Strategic Case to DfT for spending the £173.5m allocated to Leeds for public transport. This was submitted to DfT on 20th December.
- 2.7 More detailed background information was given in the July, September and November 2016 Scrutiny reports.

3 Main Issues

3.1 Leeds Transport Summit / Conversation on Leeds Transport Strategy

- 3.1.1 Leeds City Council, in partnership with WYCA, is developing a longer term strategic approach to transport in the city through a conversation initiated by the Transport Summit. The first phase of which focused on securing the promised £173.5m from the Government. Executive Board on the 14th December, agreed the Programme of schemes to be included in the Leeds Public Transport Investment Programme which will utilise the £173.5m DfT funding plus complementary private sector investment, worth circa £100m; and approved the submission of an Outline Strategic Case to DfT for spending the £173.5m allocated to Leeds for public transport.
- 3.1.2 Later this year (currently aiming for Autumn 2017), following further public engagement Executive Board will receive a further update on the Transport

Conversation and the draft 20 year Transport Strategy, including commentary on the progress of mass rapid transit options.

3.1.3 The key themes from feedback provided at the Transport Summit and subsequent events and through the conversation are;

- Reliability, poor service and lack of accessibility of public transport were highlighted as major problems. Accessing local services was also seen as very important leading to strong support for better bus services in the city.
- Many people felt rail could offer a better and more sustainable journey, hence strong support for rail investment to improve capacity and access to the rail network.
- There was strong support for making the city centre a better, more people focussed place, while also recognising the need to provide for pedestrians and cyclists across the city.
- Reducing congestion on busy junctions and reducing the environment impact of transport was considered important.
- People were open to change and wanted greater travel choices leading to considerable support for park & ride and a future mass transit system
- The timing of investment was also considered with the majority favouring a balance of short term and long term interventions.

3.2 NGT – Issues Raised

3.2.1 It is acknowledged that NGT divided opinion particularly along the A660 and this was evident at the November Scrutiny meeting. There were numerous issues raised at the November Scrutiny meeting which have been grouped under 5 themes to aid discussion, namely;

- Strategic Case,
- Independent Scrutiny,
- Business Case,
- Consultation and
- Lessons Learned.

These are addressed below; however it does not seek to respond to every individual point as many of these were dealt with during the public inquiry and it is not practical to re-examine all the issues raised at the Inquiry.

3.2.2 In his critique of NGT, Peter Bonsall suggests a number of measures that could be introduced to improve transport in Leeds. Members are asked to note that many of these, such as the introduction of fewer/lower polluting buses, additional bus lanes, improved facilities at train stations and bus interchanges are being proposed across the city in the first phase of the Leeds Transport Strategy, which was approved by Executive Board in December.

3.3 Strategic Case

- 3.3.1 In assessing a Project of this size and duration it is worthwhile looking at the point at which key decisions are taken to understand the timespan over which the scheme was developed.
- 3.3.2 In 2001, following a public inquiry, TWAO powers were granted for the Supertram route which included the A660 corridor.
- 3.3.3 In November 2005, the Secretary of State cancelled Supertram and the DfT encouraged LCC and Metro to develop a “top of the range rapid bus system” as a “showcase” for the rest of the country. All of the main radial routes into the City were examined which identified a range of interventions for each corridor which included bus and rail enhancement, tram train, park and ride and concluded that the former Supertram routes were the most appropriate for this rapid bus system (NGT). This was fully signed off by the DfT in 2007 and was summarised in the 2009 document: *Investing in Public Transport; A Framework for Leeds*. This report was further reviewed by the Promoters prior to the Public Inquiry and concluded that there were no material changes to traffic and the use of public transport in the city that suggested a need to revisit the corridor consideration that underpinned the report. It is important to note that whilst NGT was a key component of the city-wide transport strategy, it was only one part of this review and in itself would not resolve all of the transport issues of the city.
- 3.3.4 During this early phase of NGT, the DfT indicated that they could not support the route to the East of the city or city centre loop. It is understood that, at the time, the DfT’s focus was based on transport benefits and therefore the proposal, based on a regeneration case, was not supported.
- 3.3.5 In the development of NGT from 2007 – 2009, five technology options were identified from a comprehensive long- list as being suitable for implementation on the NGT corridors;
- Light Rail Transit (Tram or LRT)
 - Ultra Light Rail Transit (ULRT)
 - Trolley Bus
 - Catenary –free Electric Bus
 - Conventional Bus
- 3.3.6 A qualitative assessment was carried out against identified delivery constraints which concluded that the trolley bus option offered the overall best performance of all the alternatives and in the summer of 2009 concluded that the trolley bus was the preferred option. Again this work was reviewed prior to the Public Inquiry as detailed in the Public Inquiry document; *Review of Technologies and Business Case Review*.
- 3.3.7 In March 2009, Executive Board approved the submission of a Major Scheme Business Case based on a Trolley Bus proposal that included the A660.

The project was paused during 2010/11 as part of a complete review of Government Major Scheme Funding expenditure., In 2012 the Coalition Government approved the revised Business Case, granted Programme Entry Approval and indicated £173.5m would be made available. The Transport Secretary at the time, Justine Greening said *Leeds will have new state-of-the-art trolleybuses that will be faster, more reliable and greener than their predecessors. They will make public transport in Leeds more accessible and attractive than ever before and I know trolleybuses will be transformational for growth and jobs in West Yorkshire. Investment on this scale in precisely this kind of infrastructure is a recognition of how crucial Leeds and Yorkshire are to the long-term success of the British economy. It is also a great example of what this coalition government and West Yorkshire partners can achieve when we knuckle down together and stick at finding a real solution to today's challenges.*

In the context of the scheme's endorsement from Government and against a background of limited public funding being made available at that time, the promoters progressed with the further development of the scheme up to the Public Inquiry being held in 2014.

- 3.3.9 The timeline above is helpful for two reasons. Firstly, it serves to demonstrate that key decisions about the form and shape of the project were taken at a relatively early stage in its development. NGT has been criticised by some as the wrong technology on the wrong route. In that context, as demonstrated above, the key decisions on route and technology were taken before the end of 2009 and were based on evidence available at the time and influenced significantly by previous approvals, notably the successful TWAO public inquiry in 2001. Accordingly, should Members conclude that the route selection and technology choice were wrong, for the benefit of lessons learned, the importance of a key decision taken at an early stage when for example on route and technology, should be recognised.
- 3.3.10 The second aspect to note is the significant role and influence of Government through DfT in the development of the project. Given the prevailing method of progressing and funding major schemes of this type at the time, the Project simply could not have progressed without their support, scrutiny and approval.

It is the case that the Government, was responsible for the approval of the main funding for the scheme. Without their funding the scheme would not have been viable and therefore the strict adherence to the Government's business case process was a fundamental part of the scheme's development. In addition to funding, another essential component of the scheme's progress was the granting of the TWAO powers. In the A660 Joint Council's submission to Scrutiny in December 2016 it is suggested that there has been an attempt to "shift the blame" of the scheme's failure. To clarify, however, the simple point that is being made is that the way in which the scheme was developed and the level of significance that was given to the Government's feedback should be considered in the context of the fundamental controls that the Government exerted on whether the scheme progressed or not. Furthermore, it is against this background and the feedback from Government that the decision to drop the Eastern Leg and city loop was made. In summary decisions made on NGT took full cognisance of the Government's feedback on the basis that their approvals were key to the Project progressing.

- 3.3.11 The level of public opposition to the scheme significantly increased when work on the project restarted in 2012 after the Government halted the scheme in 2010. This may simply be a consequence of a scheme becoming more likely to be delivered as it progresses through the various delivery phases; whatever the reason, this point is worth noting at this stage.
- 3.3.12 In other UK cities that have tram systems, their first lines have been on under used /redundant railway lines as in Sheffield, Nottingham and Newcastle. However, the transport geography of Leeds does not readily afford this opportunity the railway lines in Leeds have saturated capacity therefore the scope for rail line utilisation is extremely limited. Consequently the routes for Supertram and NGT were selected to deal with the greatest congestion issues and potential for regeneration. The A660 is statistically the most congested route in Leeds.
- 3.3.13 One of the criticisms levelled against NGT was the unsightly nature of the overhead electrification. However similar electrification is present in many UK cities including Manchester, Sheffield, Birmingham and through Edinburgh's World Heritage Site as well as many iconic European cities. In their submission to December's Scrutiny, the A660 Joint Council outlined their concern that overhead wires would harm built and natural environment and they also stated that overhead wiring "cannot be regarded as a positive feature that could influence investment decisions in the area...". In acknowledging this point, a key question that Members may wish to consider for the future is whether they feel that a transport system based on overhead wire technology is appropriate for Leeds in the way that it is in many other UK cities, or whether they feel that there are factors which mean that this type of installation is not appropriate for Leeds? In light of many interested parties urging the council to explore aspirational transport systems, many of which include significant infrastructure, be it rail or OHLE and the work currently being undertaken to explore potential rapid transit solutions for Leeds, Members' views on this point will help to inform the way that such work is progressed. It is also the case that trolley bus technology is dependent on overhead line equipment (OHLE). The early decision taken (and accepted by DfT) to promote trolley buses therefore made it inevitable that overhead wires would be integral to the scheme to some extent. Whilst the promoters have sought to limit their use in sensitive areas, particularly as technology improvements have advanced over the years, it is important to note that concerns over OHLE use remained a key issue throughout the public inquiry..

In a similar vein, the issue of giving priority to major public transport schemes continues to cause considerable debate because of the need to prioritise them over other modes of transport to make them attractive to potential users and the potential negative impacts on transport emissions and journey times. Not all the associated issues can be addressed positively. Feedback from the recent Transport Conversation has confirmed once again the desire for giving priority to more sustainable modes but recent experience has proven how difficult it is to actually see such schemes through to implementation.

- 3.3.14 NGT supported key national and local policy documents as outlined in the Public Inquiry Document *C-1-15; Strategic Fit Review*. The main local policies included;

1. LTP3 whose objectives are:
 - Economy: To improve connectivity to support economic activity and growth in West Yorkshire and the Leeds City Region;
 - Low Carbon: To make substantial progress towards a low carbon, sustainable transport system for West Yorkshire, while recognising transport's contribution to national carbon reduction plans; and
 - Quality of Life: To enhance the quality of life of people living in, working in and visiting West Yorkshire.
2. The Unitary Development Plan (UDP), the current land-use plan for Leeds. The UDP specifically supports the implementation of a rapid transit system in Leeds.
3. LCC's Local Development Framework Core Strategy. The use of the NGT corridors for a rapid transit system, including the park and ride locations, has formed part of adopted Leeds land use and transport policy for many years.
4. Leeds Vision
5. Leeds City Region Transport Vision and Investment Plan (2011)
6. Aire Valley Action Plan
7. South Bank Planning Statement
8. Neighbourhood Frameworks
9. Leeds City Region Local Enterprise Partnership Plan (2011)
10. West Yorkshire Transport Fund Plus

3.3.15 As part of the Business Case for NGT two alternative options were assessed as comparators in accordance with DfT guidance;

- Next Best Alternative – hybrid buses following the same route and priority characteristics as NGT
- Low Cost Alternative standard buses along the same corridors as NGT with more limited highway improvements.

In line with the DfT guidance the alternatives were not developed to the same level of detail as the preferred option however the comparison was sufficient to conclude that NGT would offer the best value for money of the options considered.

3.3.16 Noting that the key decisions on route and technology were established prior to the end of 2009, throughout its development NGT has received cross-party political endorsement (and also opposition), both locally and nationally. Programme Entry approvals were granted by firstly the Labour Government and

subsequently by the Conservative/Liberal Democrat Coalition. The development of NGT was overseen by 8 Secretaries of State for Transport. Locally, both the Conservative / Liberal Democrat Coalition and the current Labour administration approved its progress, in particular through Executive Board in 2008, 2009, 2010, 2011, 2012 and 2013 and Full Council twice in 2013. It was also supported by Team Leeds (the Leeds MPs) but in some cases local MPs changed their position from supporter to objector part way through the project's development. In common with similar public inquiries and on the advice of Counsel no politicians were invited by the promoters to attend the Inquiry.

3.4 Independent Scrutiny

3.4.1 The development of NGT followed national guidance and accepted best practice. The project team liaised with promoters of rapid transit schemes that had utilised the TWAO process so that their lessons learned could be incorporated into the NGT project.

3.4.2 The analytical work for the Business Case was carried out for the Promoters by the consultants engaged on the project over a significant period, employing considerable resource, using a vast amount of data and applying complex procedures and tools. Prior to submission to the client all reports and analytical work were signed off by be three named signatories – Prepared By, Checked By and Approved By, to verify that the work was correct and in accordance with guidance. These reports were then subject to high level review by the Promoter's Project Team which included experts across a wide range of disciplines. The consultants have a legal and professional duty to be independent when presenting evidence at a Public Inquiry. To ensure that they are not undermined at the Inquiry their evidence needs to be based upon reports submitted to the Promoters as part of the scheme development. Therefore all the work carried out by the Consultants for the Promoters has to be objective and a true representation of their professional consideration. These advisors on the Project were selected for their extensive experience and expertise in delivering rapid transit systems in the UK and this was documented in the November Scrutiny report.

3.4.3 The Business Case for NGT was assessed and approved by the DfT on 2 separate occasions, namely:

- March 2010 - Business case consisted of 252 pages plus 58 appendices – Review took 5 months
- July 2012 – Business Case consisted of 87 pages plus 39 appendices - Review took 4 months.

The volume of information supplied to the DfT was to comply with their guidelines in order for them to make a proper and considered decision on schemes. On each occasion the DfT carried out a detailed review of modelling and appraisal work to satisfy themselves of the adequacy of the Business Case and that the scheme provided good value for money. In particular, for the 2012 approval the DfT held at

least 16 technical meetings with the Promoters to respond to issues raised. In the context of the points made in paragraph 3.3.13, the promoters for the scheme paid close attention to the feedback given by the DfT following their reviews. The level of engagement by DfT on this matter was clearly significant and resourced to a commensurate level. They looked into any concerns they had with the Business Case, which was reflected in the level and length of scrutiny. Such input culminated in a positive Business Case outcome and the supportive comments that were made.

3.5 Business Case

- 3.5.1 The Business Case and in particular the issue of Stated Preference was subject to extensive interrogation and discussion at the Public Inquiry where there was a divergence of opinion between experts; the Promoter's economic advisor whose work had been assessed by the DfT's experts and; a witness representing an objector. Ultimately the Inspector chose to place more credence on the arguments put forward by the objector's representative than the Promoter's advisor and the DfT.
- 3.5.2 It was alleged that at the November Scrutiny meeting, information was deliberately withheld from the DfT. In common with all long and complex projects a huge amount of data was produced for NGT and not everything was sent to the DfT. The joint Promoters are clear that no information was deliberately withheld from the DfT. In relation to the comments on Stated Preference (SP) it is worth pointing out that;
- Through discussions the DfT were aware that (a) there was an exercise within the overall SP that considered bus vs. trolleybus amongst other variables and (b) that the trolleybus parameter was not statistically significant and would be dropped. In particular:
 - In the January 2008 report on the pilot survey, there is explicit reference to the bus vs. trolleybus exercise and that the models using the pilot survey data resulted in non-significant parameters for trolleybus and tram. The report of the SP pilot was also submitted to DfT
 - On 15 July 2008 a presentation on the SP main survey results was given to DfT and the point was made, that the trolleybus parameter is not significant and would be dropped
 - Paragraph 7.46 of the final SP report makes reference to mode constants for trolleybus and tram and that these were not applied in the final model. Para 9.5 of the final SP report reiterates the aim set out in the Pilot Survey report to have a model without a mode constant, if that could be justified statistically

The process of analysing a SP survey is made up of a number of steps (intermediate models). After each step, the models are reviewed and a new model fitted. Sometimes this results in an improvement in the model, other times it results in a worsening of the model. If things get better, you move forward. If they get worse, you go back. Eventually you end up at the destination - preferred model. The results that Peter Bonsall refers to are from one of the steps down the path.

- The results of the 2007 SP were used for four different sets of forecasts – for the 2009 Major Scheme Business Case, the Best and Final Bid, and its

resubmission and then the Inquiry Business Case. The first three of these were scrutinised by DfT who were satisfied with the analysis.

- The promoters and their advisors maintain that any errors in the stated preference analysis are minor and had no material effect on the Business Case.
- The Promoters were always aware that before applying to the DfT for Conditional Approval, they would have to re-forecast NGT demand, revenue and benefits. In his report the Inspector said that further SP survey work should have been undertaken. The Promoters' position was and remains that the appropriate time to do this was post inquiry. This re-forecasting work was initiated before the Inspector reported, but not completed before work on the project was stopped following the decision.
- For all segments the 2016 SP showed a preference for the NGT vehicle over bus. This work was reviewed by ITS Leeds.

3.5.3 In Peter Bonsall's submission to the Chair of Scrutiny Panel dated December 2016, paragraph 1f states;

On day 38, about 46 minutes into the first morning session, Mr Chadwick states that he cannot recall whether DfT were ever informed that the stated preference work had revealed that there was an aversion to trolleybus and confirmed that DfT had never have been given a copy of the table containing the result.

Although under cross-examination Mr Chadwick could not recollect if the DfT were informed on the SP, the above bullet points clarify that the DfT were informed and furthermore as a result of the information shared with the DfT, they did not require a copy of the result.

3.6 Lessons Learned

3.6.1 Strategic Case

3.6.2 As has been mentioned previously the key decisions on route and technology were taken before the end of 2009. What followed therefore in terms of scheme development was dependent and influenced by that earlier decision. It set the parameters for OHLE. It is also important to note that the early decisions on route and technology created the potential for conflict with the City's main bus operator, which inevitably would have concerns about such a scheme because of the potential revenue consequences to its current operation.

3.6.3 Because of the congestion that exists on the A660 and the revenue that could be generated from the fare box on that route, there were rational reasons to select the route chosen. That said, taking account of the environmental impacts and the technical and physical constraints on the route, it is also the case that a different and more straight forward route corridor could have been selected. In acknowledging that point, it should be noted that the environmental impacts of NGT

were very similar to those of Supertram, which had been approved by an Inspector and Secretary of State through a similar Public Inquiry process in 2001. Furthermore the choice of route had been confirmed through an extensive study and agreed with the DfT in 2007.

Members may wish to consider whether a decision to go for an easier corridor from the delivery perspective and seek to bring forward extensions of the system at a later date, , may have been a more practical way forward. Whilst the need for the scheme to comply with the DfT's business case process may have mitigated against this option being chosen at the time, in the context of increased devolution in public spending that is being brought forward, the promoters may not be as constrained by Central Government approvals in the future, which potentially affords more flexibility on the selection of route corridor options.

- 3.6.4 With respect to the choice of technology, it is the case that the trolleybus was perceived as the 2nd best option by many of the objectors, and this was an additional challenge when explaining the benefits of NGT. It is notable however that a number of objectors put forward solutions that did not deliver the same quantum of benefits as the Trolleybus.
- 3.6.5 It was determined that TWAO powers should be sought to enable the construction and operation of NGT. Alternatively, a number of other powers and permissions could be sought but these would be numerous and cumbersome and would significantly increase delivery risks and lengthen an already long programme. Under this alternative it is conceivable that more than one public inquiry would have been required.
- 3.6.6 The objective of reducing transport emissions and zero emissions of the Trolleybus was weakened by the modelling which showed an increase albeit a very slight marginal overall increase in transport emissions equivalent to 0.1% of the total transport related carbon emissions associated with the Leeds district . This was due to increased emissions from private vehicles taking longer journeys to avoid the A660 and increased delays for this traffic at some junctions to enable priority for NGT to be given. The promoters did consider altering (reducing) the priority timings for NGT at junctions to address this negative but this would have undermined the benefits for NGT, its passengers and also the business case to be submitted to DfT. It is worth noting at this juncture that some of the feedback from the recent Leeds Transport Conversation is the support for promoting more public realm, gateways, promotion of sustainable modes and removing traffic from certain areas including reallocating road space for public transport. It remains the case that such measures could increase overall transport emissions and journey times similar to NGT. In part this is a reflection of the consequential impact of prioritising finite road space to one type of user over another. On the basis that this issue will remain a challenge going forward, Members may wish to express a view on how the Council approaches this challenge.

- 3.6.7 Strategic Case Lessons Learned for future transport schemes:
- i. Decisions taken on the choice of technology and line of route at the planning stage of the project have a fundamental impact on scheme delivery in the latter stages. In the context of the work underway to explore the development of a rapid transit system for Leeds, care should be taken to not make choices on line of route and form of technology until a full assessment has been taken.
 - ii. In selecting the form of technology and route, full consideration should be given to the potential impact on other transport operators and the potential conflict this may give rise to in the delivery of the scheme.

3.6.8 The role of the DfT and project pauses.

3.6.9 The DfT was asked to approve a 3 line route terminating at Bodington and including a city loop and St James' Hospital link but in 2010 DfT approval was given for a 2 line route from Stourton to Holt Park, with no hospital link or city loop. The DfT had strongly advised the Promoters to drop the link to St James' and the city loop and include the route to Holt Park. The justification for the extension to Holt Park, although sound in economic and financial terms, ultimately gave rise to local opposition, due to the consequential impact on existing bus services that may have taken place. In his report, the Inspector criticised the proposals for not serving regeneration areas, which is a concern given the direct feedback from DfT in 2010 to drop the proposed line to St James' Hospital. It is open to question whether enough emphasis was given to the regeneration aspects of transport schemes through the Government's approval process, at the time that this decision was taken?

3.6.10 The DfT required the use of the very complex Leeds Transport Model (LTM) in the modelling but reliable model forecasts could not be produced early enough. As all aspects of the Project required approval from the DfT it was important to take heed of any advice from them.

3.6.11 Temporary pauses to progress on the project as a result of approvals and instruction from the DfT, lengthened the development by some 5 years, leading to loss of momentum and the necessity to repeat work including environmental surveys, modelling and consultation. This timescale significantly increased the development costs. In addition, as a consequence of the passage of time during this period, advancements in technology were used by objectors to challenge the scheme. Whilst any scheme is always open to this challenge, with regard to NGT it has already been highlighted that the technology choice was established by 2009 at the latest, however, the Public Inquiry did not take place until 5 years later. This timespan increased the exposure of the project to arguments about the advancement in technology.

3.6.12 The Inspector reported weaknesses in the Business Case despite the DfT approving the Business Case twice after around 9 months of scrutiny in addition to

the time pre-submission discussing the detail of the Business Case with the Promoters.

3.6.13 The role of the DfT and project pauses Lessons Learned:
The Business Case review process undertaken by DfT failed to highlight the weaknesses in the scheme identified by the Independent Inspector. Officers of LCC and the WYCA should enter into detailed dialogue with the DfT on any system failures in the approval process that gave rise to this situation to identify how the approval process can be improved in the future.

3.6.14 Consultation

- 3.6.15 A significant amount of consultation was undertaken on NGT which was greater than other similar sized rapid transit schemes. This included 21 days in 2009/10 and 26 public consultation events in 2012/2013. During the pause in scheme development, at the direction of the DfT, there was minimal communications activity which resulted in the scheme's profile in the city reducing. This lack of promoter-led communications led to the negative messages from those objecting to the scheme taking precedence.
- 3.6.16 The level of opposition to NGT significantly increased following the end of the project pause in 2012. The increase in use of social media in recent years also became a factor in galvanising opposition to the scheme and is inevitably going to become an increasing factor to take account of and proactively manage in future schemes.
- 3.6.17 The consultation events were well attended and most were well organised but 1 or 2 early events in 2012/13 out of a total of 26, suffered due to last minute room changes etc. outside the control of the promoters. This weakened the perception of the public consultation at the Inquiry.
- 3.6.18 As a result of the consultation, numerous changes were made to the scheme, however these did little to pacify objectors who were fundamentally opposed to the scheme and no changes to the main principles of the scheme could be made without compromising the approvals obtained from the DfT. It is worth noting at this juncture that considerably enhanced mitigation measures were included in the final NGT scheme design, far more than were included in the Supertram proposals.
- 3.6.19 There were a number of people claiming not to have received any NGT mailshots. These were delivered by private companies who produced records to confirm where leaflets were delivered to.
- 3.6.20 Although the staffing available for consultation on NGT was higher than for other comparable transport schemes greater specialised resource and expertise in engagement and consultation at an earlier stage would have been beneficial.

3.6.21 Consultation Lessons Learnt for future transport schemes:

- i. Do not underestimate the resources required, both in skill set and quantity to deliver effective consultation and engagement. Invest in both marketing and communications expertise.
- ii. Make sure that communication and engagement continues even in times of reduced scheme activity to maintain scheme profile.
- iii. Ensure accurate and comprehensive records are kept of all consultation.
- iv. Target all forms of social media to promote engagement in the scheme.

3.6.22 Public Inquiry

3.6.23 The Inspector was critical of the lack of design detail (e.g. building fixings) in certain areas and difficulties then arose about the environmental impacts. However the level of detail was comparable with other (successful) public inquiries.

3.6.24 Well organised and credible local objectors and a high profile legal presence from First Group resulted in intensive cross examination at the Public Inquiry and the Inspector was inclined to place more reliance on objectors' arguments than the Promoters and extent of DfT scrutiny that had taken place on the project.

3.6.25 The Promoters underestimated the scale of challenge at Public Inquiry particularly from First Bus whose revenues were likely to be impacted on the A660 by NGT. Although the witnesses for the promoters performed generally well at the Inquiry there is a question as to whether all witnesses were adequately prepared for the extent and nature of lengthy and sustained cross-examination which for some lasted many days.

3.6.26 The claimed damage to the local environment including tree loss and overhead line equipment was not sufficiently mitigated. For example a generous (compared to comparable schemes) 3:1 tree replacement policy was weakened by the ability to replace trees of sufficient stature and in the proximity of the tree loss. However the level of mitigation was greater than for Supertram.

3.6.27 Although several key businesses and organisations wrote letters of support for NGT to the Secretary of State none appeared at the Public Inquiry.

3.6.28 The promoters and their consultants were under significant time pressures to submit the TWAO in order to meet DfT expenditure deadlines to avoid further scheme delay and associated increased costs and the need within the City to deliver solutions to the transport problems along the route.

3.6.29 Public Inquiry Lessons Learned for future transport schemes

- i. Assess the likely scale of opposition and ensure that the witnesses are fully prepared and supported to meet this challenge.
- ii. Assess the level of detail likely to deal with objections.
- iii. Due regard needs to be taken of the NGT Inspector's comments for future schemes that are likely to require a public inquiry.
- iv. Prominent supporters should be galvanised to speak in favour of the scheme at the public inquiry.

3.6.30 Objection Management Strategy

3.6.31 Although extensive discussions and negotiations were held with several stakeholders and objectors other critical objectors were not sufficiently engaged in good time prior to the Inquiry. As a result many of the negotiations with objectors, particularly local businesses were not closed out until during the Public Inquiry which diverted resources away from the Inquiry.

3.6.32 Objection Management Strategy Lesson Learned:

- Ensure that there is sufficient resource to deal with the technical issues raised by objectors and ensure appropriate and ongoing engagement at senior levels with potential objectors to ensure that issues are resolved at the earliest stage in the project's development.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Extensive Consultation was carried out on both Supertram and NGT. In addition to the formal requirements of the TWAO process, consultation and engagement has been carried out on NGT including:

- Feasibility consultation in 2008
- Consultation carried out in 2009/2010 involving 21 days of exhibitions along the route – showed strong support for the proposals.
- Area Committee presentations.
- Briefing to the main political groups September-November 2012
- 26 Public Consultation events held October 2012 - July 2013: over 1,100 attendees
- 52,000 leaflets distributed
- Quarterly E-newsletter with circulation of around 450 people
- Meetings with Businesses, access groups, Tenant organisations, Civic Trust, Cycling Forum and the Universities
- Meetings with Councillors and MPs
- Engagement with officers from across the Council.
- Individual meetings with affected land and property owners along the route.
- City Plans Panel meetings devoted to the NGT proposals.

4.1.2 The city-wide conversation about the future of transport in Leeds is detailed in Section 3.1 of this report.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 A full equality impact assessment was undertaken on the Project and accompanied the TWAO application. The assessment concluded by stating that the provision of a

new and frequent public transport service in the form of a trolleybus network would improve access to a whole range of social and economic resources along the route including the City Centre, Leeds' two universities, a major hospital, and a whole range of other facilities from shops to places of worship. It also acknowledged however that the construction and implementation phases may have a negative effect on a range of local socio-demographic groups and communities. The report contained a number of recommendations to mitigate the negative impacts.

4.3 Council policies and Best Council Plan

4.3.1 This inquiry will support objectives as defined in The Vision for Leeds 2011 – 2030 and the Best Council Plan 2015-20.

4.4 Resources and value for money

4.4.1 This report has no specific resource and value for money implications

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report has no specific legal or access to information implications

4.6 Risk Management

4.6.1 This report has no risk management implications.

5 Conclusions

5.1 The Supertram and NGT proposals were developed over a period of around 25 years. With respect to NGT, it is the case that, after nearly ten years of work, the scheme failed at the Public Inquiry stage. It is not considered that there is any single reason why the scheme failed. However, in assessing the background to this outcome, it is evident that the initial decisions on line of route and form of technology set in motion the issues that ultimately came to the fore during the Inquiry, including the opposition levelled at the scheme by First Bus.

At all stages, the Department for Transport was fully engaged and awarded both schemes formal approvals at key stages of their development. Key decisions were taken by DfT throughout the process which led to fundamental changes to the scheme. Some of these led to adverse comments / criticisms in the Inspector's final report. However, the pause in the project did not help its delivery both in terms of momentum and cost. Accordingly, consideration needs to be given over the extent to which the established clearance process for scheme's of this nature, failed in this instance to identify the concerns made by the Independent Inspector.

5.2 Whilst the Promoters did undertake a lot of consultation during the project, lessons can be learned in terms of improving engagement, particularly during the early stages of project development. 5.3 There are also lessons to be learned for future public inquiries particularly in terms of office representation and also supportive representation from key partners.

5.3 This report has presented an overview of the background to the development of both Supertram and NGT and explores some of the reasons behind the decision.

- 5.4 Executive Board have approved the submission of an Outline Strategic Case to DfT for spending the £173.5m allocated to Leeds for public transport.

6 Recommendations

- 6.1 Members are requested to note and comment on this report.

7 Background documents¹

- 7.1 None

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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City Development Scrutiny Panel investigation of the Supertram and NGT projects

Prepared by - Peter Bonsall, December 2016

I was asked by the chair if I could identify certain passages in the aural record of the Inquiry which were referred to during the scrutiny panel session on 23rd November. The passages all relate to the cross-examination of Neil Chadwick (of consultants SDG).

The aural record can be found on the NWLTF website - <http://nwltf.org.uk/NWLTFaudio.php>
The relevant days are in the section headed "Value for Money and Financial Case".

In what follows I introduce the passages by giving relevant background and context.

1. On whether DfT had been made aware of the "missing" result respecting peoples' lack of preference for trolleybuses.

The Applicants' forecasts of trolleybus usage and revenue were dependent on their assumption that potential passengers would have an inherent preference to travel on trolleybuses rather than on buses. They assumed that extent of that preference would be equivalent to that which had been found (in stated preference surveys which they had conducted in Leeds in 2008) for travelling on very new buses rather than on old buses. A copy of the questionnaires used in the 2008 survey suggested that questions might have been asked about peoples' preference for travelling on trolleybuses but the documents presented at the Inquiry (including one [C-2-4] which was described as comprising the material which had been sent to DfT) contained no reference to any result from such a question. Under cross-examination, Mr Chadwick confirmed that the question had been asked but that the result had not been used. Relevant sections of the aural record include:

- a. On day 26, at about 31 minutes into the late morning session, Mr Chadwick says that the result had not been used because it was not significant.
- b. On day 26, at about 33 minutes into the late morning session, Mr Chadwick agrees that the report does not contain any result indicating the extent of people's preference for trolleybus.
- c. On day 26, at about 39 minutes into the late morning session, Mr Chadwick agrees that the only evidence he has on the extent of any preference for trolleybus is in the (missing) result and goes on to defend his use the preference for new bus in place of that for trolleybus
- d. On day 26, at about 42½ minutes into the late morning session, Mr Chadwick says he does not know what the value of the preference for trolleybus was. (The Inspector subsequently endorsed a request that the applicants should be asked to provide the value and they subsequently produced it in a new document [APP-155]. Table 1 of APP-155 reveals that the preference for trolleybus [the mode specific constant "Bus to Trolleybus"] was actually negative – i.e. that the survey responses had indicated that people had an aversion to using trolleybuses).
- e. On day 29, about 83 minutes into the late morning session, Mr Chadwick states that he believed that Mr Haskins was fully aware that the preference for a new

bus had been used in place of the result which had been obtained for trolleybuses.

- f. **On day 38, about 46 minutes into the first morning session, Mr Chadwick states that he cannot recall whether DfT were ever informed that the stated preference work had revealed that there was an aversion to trolleybus and confirmed that DfT had never have been given a copy of the table containing the result.**
- g. On day 38, about 50 minutes into the first morning session, Mr Chadwick states that he cannot recall whether Mr Haskins had been informed that the stated preference work had revealed that there was an aversion to trolleybus .
- h. On day 38, about 55 minutes into the first morning session, Mr Chadwick gives his opinion that it was not necessary inform the Promoters of the extent to which future revenues depended on the assumption that passengers would have a preference (rather than the aversion suggested by the stated preference work) for trolleybus.

2. On the question as to whether genuine alternatives to the trolleybus scheme had seriously been considered.

The aural record of the Inquiry includes several instances in which Mr Chadwick states that the Low Cost Alternative reported in the Business Case was specified as “an appraisal device” and that it could not be regarded as representing the best possible lower cost alternative to the trolleybus scheme. He maintains that there was no requirement for serious consideration of alternatives following the (2009) decision to develop a case for the Trolleybus which had been taken after an assessment of the suitability of alternative technologies and corridors. For example

- a. On day 27, at about 51 minutes into the early pm session (following a reference to DfT guidance on the assessment of alternatives).
- b. On day 27, at about 59 minutes into the early pm session.

The question of whether the pre 2009 investigations could be seen as having included serious attempts to consider alternatives had been dealt with elsewhere in the Inquiry and the Panel will be aware that the Inspector concluded that insufficient attention had been given to alternatives.

Further detail on these issues can, of course, be found elsewhere in the aural record. It is to be regretted that it has not been fully transcribed .

Report of the Head of Governance Services and Scrutiny Support

Report to Scrutiny Board (City Development)

Date: 18 January 2017

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

1 Purpose of this report

- 1.1 The purpose of this report is to consider the Scrutiny Board's work schedule for the forthcoming municipal year.

2 Main Issues

- 2.1 A draft work schedule is attached as appendix 1. The work programme has been provisionally completed pending on going discussions with the Board.
- 2.2 When considering the draft work programme effort should be undertaken to:
- Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue
 - Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.
 - Avoid pure "information items" except where that information is being received as part of a policy/scrutiny review
 - Seek advice about available resources and relevant timings taking into consideration the workload across the Scrutiny Boards and the type of Scrutiny taking place
 - Build in sufficient flexibility to enable the consideration of urgent matters that may arise during the year

- 2.3 Also attached as appendix 2 is the minutes of Executive Board for 14 December 2016

3. Recommendations

- 3.1 Members are asked to:

- a) Consider the draft work schedule and make amendments as appropriate.
- b) Note the Executive Board minutes

4. **Background papers**¹ - 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.

Draft Scrutiny Board (City Development) Work Schedule for 2016/2017 Municipal Year

Schedule of meetings/visits during 2016/17			
Area of review	June	July	August
Inquiries		Formal Response – Powering Up The Leeds Economy Through Digital Inclusion Formal Response – Housing Mix Transport for Leeds - Scoping	
Annual work programme setting - Board initiated pieces of Scrutiny work (if applicable)	Consider potential areas of review		
Budget			
Pre Decision Scrutiny			
Policy Review			
Recommendation Tracking			
Performance Monitoring	Performance Report		
Working Groups			

*Prepared by S Pentelow

Key: SB – Scrutiny Board (City Development) Meeting

WG – Working Group Meeting

Draft Scrutiny Board (City Development) Work Schedule for 2016/2017 Municipal Year

Schedule of meetings/visits during 2015/16			
Area of review	September	October	November
Inquiries	<p>Agree scope of review for ** Transport for Leeds - Supertram, NGT and beyond</p> <p><u>Evidence Gathering</u> 1) Transport for Leeds - Supertram, NGT and beyond</p>	<p><u>Evidence Gathering</u> Bus Provision Inquiry - Inquiry Final Session</p>	<p><u>Evidence Gathering</u> 2) Transport for Leeds - Supertram, NGT and beyond</p>
Pre Decision Scrutiny			
Policy Review			
Recommendation Tracking			
Performance Monitoring		KSI/ Road Safety - review	
Working Groups			

* Prepared by S Pentelow

Key: SB – Scrutiny Board (City Development) Meeting

WG – Working Group Meeting

Draft Scrutiny Board (City Development) Work Schedule for 2016/2017 Municipal Year

Schedule of meetings/visits during 2015/16			
Area of review	December	January	February
Inquiries		<u>Evidence Gathering</u> Transport for Leeds - Supertram, NGT and beyond	<u>Evidence Gathering</u> Transport for Leeds - Supertram, NGT and beyond
Budget and Policy Framework	Initial Budget Proposals 2017/18 and Budget Update Site Allocation Plan		
Pre Decision Scrutiny			
Policy Review			
Recommendation Tracking			Digital Inclusion
Performance Monitoring	Performance Report		
Working Groups		Resources Scrutiny – Draft Best Council Plan – BPF	

Key: SB – Scrutiny Board (City Development) Meeting

WG – Working Group Meeting

Draft Scrutiny Board (City Development) Work Schedule for 2016/2017 Municipal Year

Schedule of meetings/visits during 2015/16			
Area of review	March	April	May
Inquiries	<u>Evidence Gathering / Reports</u> NGT – Potential Final Session Bus Inquiry Report for agreement.	<u>Reports</u> Pre-meeting discussion on recommendations (if concluded March)	
Budget and Policy Framework	Local Flood Risk Management Strategy Annual scrutiny review		
Pre Decision Scrutiny			
Recommendation Tracking		Housing Mix	
Performance Monitoring		Employment data and update – ref Dec16 meeting.	
Working Groups			

Unscheduled -

- ECOC and the new city cultural strategy –. Pre-decision Scrutiny required in 2016 new municipal year before submission
- Leeds Let's Get Active
- Housing on Brownfield Land – 5 year land supply - TBC
- East Leeds Extension and Orbital Road Progress - TBC

Updated – January 2017 *Prepared by S Pentelow

Key: SB – Scrutiny Board (City Development) Meeting

WG – Working Group Meeting

EXECUTIVE BOARD

WEDNESDAY, 14TH DECEMBER, 2016

PRESENT: Councillor J Blake in the Chair

Councillors R Charlwood, D Coupar,
S Golton, J Lewis, R Lewis, L Mulherin,
M Rafique and L Yeadon

SUBSTITUTE MEMBER: Councillor B Anderson

APOLOGIES: Councillor A Carter

110 Substitute Member

Under the provisions of Executive and Decision Making Procedure Rule 3.1.6, Councillor B Anderson was invited to attend the meeting on behalf of Councillor A Carter, who had submitted his apologies for absence from the meeting.

111 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 2 to the report entitled, 'Supporting the Delivery of Housing Mix: Outcome of Marketing of Council Owned Sites', referred to in Minute No. 122 is designated as exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that it 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 the inviting of best and final offers for the property/land then it is not in the public interest to disclose this information at this point in time as this could lead to random competing bids which would undermine this method of inviting bids and affect the integrity of disposing of property/land by this process.

It is also 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 offers 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 the Acquisition of a Property for the Council's Investment Portfolio', referred to in Minute No. 123 is designated as exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that it contains information relating to the financial or business affairs of a particular organisation and of the Council. The property has been offered to the Council to acquire on a one to one basis off the market, rather than being put to the open market. It is considered that the public interest in maintaining the content of the appendix as exempt outweighs the public interest in disclosing the information due to the impact that disclosing the information would have upon the Council and third parties.

112 Declaration of Disclosable Pecuniary Interests

There were no declarations of interest made at the meeting.

113 Minutes

RESOLVED - That the minutes of the previous meeting held on 16th November 2016 be approved as a correct record.

HEALTH, WELLBEING AND ADULTS

114 Time to Shine Project

Further to Minute No. 102, 16th December 2015, the Director of Adult Social Services and the Director of Public Health submitted a joint report providing details on the 'Time to Shine' project and the progress which had been made in tackling social isolation and loneliness in Leeds. The report also described the work which had been undertaken since the previous update report and the impact that it has had so far.

In considering this item, the Board received a presentation entitled, 'Time to Shine: Leeds Community Connect: The Asset Based Community Development (ABCD) Approach' and viewed a short film entitled, 'Loneliness and Me'. As part of this presentation, the Board also received further information from Bill Rollinson, Chair of Leeds Older People's Forum; Sharon Middling, of Community Connect at Rural Action Yorkshire and Jude Woods of Sage at Yorkshire MESMAC on the role that their respective organisations, as delivery partners, were playing in tackling social isolation and loneliness in Leeds as part of the Time to Shine programme.

Responding to a Member's enquiry, the Board received further information on the actions being taken to monitor and evaluate the outcomes from the schemes involved in the programme, and how that data was being utilised for

the purposes of future provision. Officers undertook to provide the Member in question with further information, if required.

Emphasis was also placed on the importance of Community Committees' continued involvement in this field at a local level, whilst also noting some examples of such involvement, as detailed within the submitted report.

Members also discussed the potential for widening the scope of the Asset Based Community Development (ABCD) approach, and considered how such innovative approaches could become more established. Officers also provided further information on the extent to which the funding received for the Time to Shine programme had attracted further investment into this area of work.

In conclusion, the Chair thanked those present, together with all those involved in the programme for the valuable work they undertook. The Chair also highlighted the huge potential of the programme and emphasised how tackling social isolation and loneliness continued to be a key priority for the Council.

RESOLVED –

- (a) That the submitted report, together with the presentations and film, updating the Board on the progress of the project, be noted;
- (b) That the progress made in the development and delivery of the 'Time to Shine' project, be welcomed;
- (c) That the positive impact that the work on tackling loneliness and social isolation will have, together with the contribution it will make towards the breakthrough project 'Making Leeds the Best City to Grow Old In', be recognised;
- (d) That the excellent work of the Leeds Older People's Forum in leading the project be commended;
- (e) That it be noted that the lead officers responsible for ensuring updates are brought are the Consultant in Public Health (Older People) and the Interim Chief Officer Commissioning, Adult Social Care;
- (f) That the added value and impact that this area of work has had in local communities be noted.

EMPLOYMENT, SKILLS AND OPPORTUNITY

115 West Yorkshire Area Based Review of Post 16 Education and Training

The Director of Children's Services submitted a report providing the background to the national framework and process of Area Based Reviews for Post 16 education and training. In addition, the report also presented information on the recommendations arising from the West Yorkshire Area

Based Review, with particular reference to the recommendations that relate to Leeds based providers.

In considering the report, Members noted the limited scope of the review which had taken place, and highlighted the need to continue the collaborative working at a local level in order to further develop a place based approach towards post 16 education and training, with the aim of ensuring that such provision was as effective as possible.

RESOLVED –That the outcome of the West Yorkshire Area Based Review of Post 16 education and training be noted.

RESOURCES AND STRATEGY

116 Financial Health Monitoring 2016/17 - Month 7

The Deputy Chief Executive submitted a report setting out the Council's projected financial health position for 2016/17 as at month 7 of the financial year. The report also reviewed the position of the budget and highlighted any potential risks and variations after 7 months of the year.

RESOLVED –That the Council's projected financial position for 2016/17, at month 7 of the financial year, as detailed within the submitted report, be noted.

117 Safeguarding in Taxi & Private Hire Licensing - 12 month review of progress to December 2016

Further to Minute No. 109, 16th December 2015, the Assistant Chief Executive (Citizens and Communities) submitted a report outlining the progress which had been made in respect of safeguarding policies and improvements in the area of Taxi and Private Hire Licensing, and highlighted how this service was contributing towards public safety generally.

The Board received an update upon the work which continued to be undertaken at a West Yorkshire level in order to improve safeguarding arrangements in the field of taxi and private hire licensing. Also, responding to a Member's specific enquiry, the Board received further information on the actions being taken to work collaboratively with Local Authorities outside of the West Yorkshire boundary on such matters, and the progress which had been made as a result.

Members were provided with assurances around the consistency of approach taken in respect of driver checking processes, whilst the Board was also provided with further information and assurances on the actions which had been taken since the submission of the last update report in order to ensure that improved mechanisms had been put in place around Police disclosure of information.

In conclusion, the Board noted that the issue of safeguarding, together with ensuring the highest standards in terms of licensing remained a key priority of the Council, with emphasis being placed upon the robust and cross-party

approach which was taken by the Licensing Committee in dealing with such matters.

RESOLVED – That the direction which the relevant officers and Members of Licensing Committee have taken, be noted and endorsed, together with the progress which has been made towards beneficial safety improvements for safeguarding in the area of Taxi and Private Hire Licensing.

118 Health, Safety and Wellbeing Performance and Assurance Report

The Deputy Chief Executive submitted a report which provided a review on the Council's performance throughout 2015/16 with regard to health, safety and wellbeing matters. In addition, the report detailed the improvements that had been made during this period and also highlighted priorities, together with any potential future challenges.

Emphasis was placed upon the importance of this area of work, whilst Members noted a number of key priorities for the coming year.

RESOLVED – That the contents of the submitted report be noted, with the recognition that a sensible approach towards the management of health and safety risk will continue to be applied.

119 Vision for Leisure and Wellbeing Centres 2016

The Director of City Development submitted a report outlining the current challenges faced in terms of investment in leisure centres and proposed a revised "Vision for Leisure and Wellbeing Centres" for 2016 onwards, which together with an accompanying set of proposals, aimed to take the service forward by meeting wider Council outcomes, meeting austerity challenges whilst also responding to future demands.

In presenting the report, the Executive Member for Resources and Strategy proposed the establishment of a cross-party working group in order to ensure that moving forward all political groups were involved in the development of the vision.

Members welcomed the proposals detailed, and discussed the nature of the fitness market, and the future role that the Council could play in that market.

In conclusion, the Chair took the opportunity to pay tribute to the City of Leeds Diving Club based at the Council's John Charles Centre for Sport, highlighting the extraordinary sporting success and recognition that the club had brought to the city.

RESOLVED –

- (a) That a long term vision to secure a network of high quality, affordable, accessible and financially sustainable leisure and wellbeing centres (in particular public swimming pools) for the benefit of all the people of Leeds, be endorsed;

- (b) That the principles for determining the location of leisure and wellbeing centres be agreed, as follows:-
 - (a) on a main arterial route;
 - (b) in a town or district centre; and
 - (c) co-located and in partnerships with schools, health services, day centres, libraries or other complementary community facilities;
- (c) That the Director of City Development be requested to bring forward detailed proposals in 2017 for two new Wellbeing Centres to be built: one in Inner East Leeds and one in Rothwell, and that approval be given for the provision of £100k to be made within the Capital Programme in order to support the feasibility studies to this end;
- (d) That approval be given for the hours of operation at Kippax Leisure Centre to be reduced to approximately 58 hours, to commence from April 1st 2017, and that the Director of City Development be requested to bring forward a feasibility report into the re-provision of a swimming pool within the catchment area.
- (e) That the realising of the capital receipt from the sale of the existing Kippax Leisure Centre be approved, and that approval also be given to bringing forward new investment proposals in line with the overall strategy, as set out within the submitted report;
- (f) That the need to support continued prioritised investment in the other existing leisure centres, in order to maximise income and usage, as set out within section 4 of the submitted report, be noted;
- (g) That approval be given to extend the existing capital provision for sport maintenance of £500k per annum for a further 3 years from 2017/18;
- (h) That a cross-party working group be established in order to ensure that moving forward all political groups are involved in the development of the vision.

120 Best Council Plan Refresh for 2017/18 - Initial Proposals

The Deputy Chief Executive submitted a report which set out an approach for the refresh of the Best Council Plan, which was aligned to the Initial Budget Proposals for 2017/18.

Members welcomed the proposed refresh of the Plan, together with the proposal to incorporate into this process any findings from the planned refresh of the Commission on the Future of Local Government.

RESOLVED – That the following be approved:-

- (a) Engagement with Scrutiny Boards on the emerging Best Council Plan, in accordance with the Budget & Policy Framework Procedure Rules;

- (b) That the revision of the longer-term contextual narrative section of the Best Council Plan be brought forward to next year as part of the 2018/19 refresh;
- (c) The approach, as set out in the submitted report, to update the annual section of the Best Council Plan for 2017/18 which balances continuity of the Best City (Strong Economy and Compassionate City) / Best Council (Efficient and Enterprising Organisation) vision and ambitions with further refinement of the Council's priorities;
- (d) That the Deputy Chief Executive will be responsible for developing the Best Council Plan for 2017/18 for its consideration by this Board and Full Council alongside the supporting 2017/18 Budget.

REGENERATION, TRANSPORT AND PLANNING

121 Transport Conversation update and Leeds Public Transport Investment Programme

The Director of City Development submitted a report which set out the strategic case and emerging proposals for the Leeds Public Transport Investment Programme. The report also provided an update on the progress in taking forward the city's longer term transport strategy which would be developed next year, including a clear ambition to consider again the case for mass transit provision in order to meet the future needs of the city. Furthermore, the report also set out the results so far from the 'Transport Conversation' and showed how this process had guided the approach for scheme selection within the Leeds Public Transport Investment Programme.

Given the significant nature of this matter, it was requested that consideration be given to a period of time being designated at full Council in order to provide Political Group Leaders with an opportunity to discuss key issues arising from the Transport Conversation and the Leeds Public Transport Investment Programme. In response, it was undertaken that liaison would take place with Political Group Leaders in order to discuss this matter further.

Responding to a Member's enquiry, the Board discussed the actions and approach to be taken with bus operators in the city with a view to ensuring that improved service provision was achieved in Leeds.

Members discussed how the proposals, amongst other things, aimed to significantly improve air quality and reduce carbon emissions, whilst also reducing congestion.

The Board received further information on the associated wide ranging consultation and communications process which had taken place to date in terms of getting to the current position regarding the Leeds Public Transport Investment Programme, with the restricted timescales associated with this process being noted. Assurances were also provided in respect of the inclusive consultation exercise which would continue as part of the Transport

Conversation, which would play a key role in developing a long term transport strategy for the city, and which would help to maintain and develop strong relationships with partners, which would be key to the successful delivery of the strategy.

RESOLVED –

- (a) That the programme of schemes to be included in the Leeds Public Transport Investment Programme (as detailed within the submitted report), which will utilise the £173.5m of Department for Transport funding and bring in significant complementary private sector investment, be agreed;
- (b) That the submission of an Outline Strategic Case to the Department for Transport for spending the £173.5m allocated to Leeds, be approved;
- (c) That the feedback from the 'Transport Conversation' and how this has shaped the proposed Leeds Public Transport Investment Programme, be noted;
- (d) That approval be given for officers to return to Executive Board in Autumn 2017 with a further update on the 'Transport Conversation' and the draft 20 year Transport Strategy, including commentary on the progress on development of mass rapid transit options;
- (e) That approval be given for £8.8m of Leeds City Council capital monies earmarked for NGT to be included in this programme, excluding an allowance for NGT funding which is committed to the Clay Pit Lane junction scheme;
- (f) That approval be given for the monies identified in resolution (e) (above) be made available immediately in order to commence work on the preliminary designs of some of the schemes identified in resolution (a) (above);
- (g) That approval be given for negotiations to continue with bus operators, developers and partners in order to leverage significant additional financial investments to support the Leeds Public Transport Investment Programme;
- (h) That it be noted that the Chief Officer Highways and Transportation is responsible for the delivery of the programme.

(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 B Anderson 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)

122 Supporting the delivery of housing mix: Outcome of marketing of Council owned sites

The Director of City Development submitted a report presenting the outcomes from a marketing exercise undertaken in respect of five Council owned sites. The report detailed the range of offers received, invited the Board to consider those offers and made recommendations in respect of progressing the matter.

Members welcomed the proposals detailed within the submitted report, including those to help deliver extra care housing. Also, responding to a Member's comment, it was undertaken that consideration would be given to alternative ways in which brownfield sites could potentially be marketed in the future.

Following consideration of Appendix 2 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 the contents of the submitted report be noted;
- (b) That the recommended offers, as contained within exempt appendix 2 to the submitted report, be approved;
- (c) That the Director of City Development, in consultation with the Executive Member for Regeneration, Transport and Planning, be requested to progress the scheme proposals and the disposal of the Council sites, as set out within the submitted report;
- (d) That a further report be submitted to the Executive Board outlining the Council's strategy to facilitate and support the delivery of housing with care.

123 Design and Cost Report for Acquisition of a Property for the Council's Investment Portfolio

The Director of City Development and the Deputy Chief Executive submitted a joint report which sought approval for the purchase of an investment property that had been offered to the Council which would generate additional income in order to support the revenue requirements of the Council, as set out in the Initial Budget Strategy.

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 the acquisition of the property, on the terms outlined within exempt appendix 1 to the submitted report, be approved;

- (b) That the injection into the Capital Programme of the sums detailed within exempt appendix 1 be approved, with the 'authority to spend' such sums also being approved;
- (c) That the Director of City Development, under the scheme of delegation, be authorised to approve any changes to the recommended terms which may be necessary prior to completion, and that the Director of City Development also be authorised to complete the acquisition;
- (d) That the submitted report, together with the resolutions above, be designated as exempt from the Call In process for those reasons as set out in paragraph 4.5.3 of the submitted report (detailed below).

(The Council's Executive and Decision Making Procedure Rules state that a decision may be declared as being exempt from Call In by the decision taker if it is considered that any delay would seriously prejudice the Council's, or the public's interests. In line with resolution (d) above, the resolutions contained within this minute were exempted from the Call In process, given that the terms provisionally agreed for the property (detailed in the exempt appendix to the submitted report) have been concluded on the basis that contracts are exchanged before the end of December 2016. In addition, this particular property was put to the Council very recently. Should the Council seek to delay the consideration of the acquisition to next year it is likely that the seller will offer the property to other parties. Also should the sale not complete within the above timescale, then the Council would be at risk of the sale and the purchase price being re-opened for negotiation in open competition with other parties)

124 Renewing Planning Applications for City Centre Commuter Car Parks

The Director of City Development submitted a report presenting a proposed approach towards dealing with those planning applications which may be expected to be received by the Council in order to extend the temporary planning permissions which had been given in 2012 for 12 cleared sites in the city centre to be used for commuter car parking provision, contrary to planning policy. The report noted that the temporary permissions were due to come to an end in 2017, and as such, the report also sought endorsement of this approach as a material consideration for determining the renewal planning applications.

In noting that the expectation was for these sites to be gradually developed, Members discussed the process by which the overall level of city centre car parking provision would be managed in the longer term.

RESOLVED – That approval be given to the following approach, as set out below, as a material consideration in the determination of any renewal planning applications for the 12 temporary City Centre commuter car parks approved in 2012:-

- i. Subject to the full range of planning considerations appropriate for each site, renewals of consent on the sites previously granted temporary

planning permission will be favourably considered in principle for a further period of up to 5 years from April 2017;

- ii. In each case there will be an expectation that developers will continue to bring forward the sites for development as soon as possible and that as a result car parking will remain a temporary and diminishing use of the site;
- iii. Each consent will include conditions and/or be subject to a S106 agreement to set out a phased programme of reducing long stay commuter spaces as improvements in public transport come forward and in light of landowner's own development plans during the life of the extended permission;
- iv. The Council will reserve the right to take enforcement action if appropriate phasing reductions are not met, and to refuse to grant further renewals in due course if it considers that development is not progressing as expected.

CHILDREN AND FAMILIES

125 Regionalisation of Adoption

The Director of Children's Services submitted a report providing information on the progress made in respect of the regionalisation of adoption services and which sought a formal decision regarding the arrangements for the delegation of the adoption service to a Regional Adoption Agency (RAA).

RESOLVED –

- (a) That the arrangements for the new Regional Adoption Agency, as detailed within the submitted report, be endorsed, and that, contingent upon all the other partner authorities also agreeing these recommendations, the following be agreed:-
 - (i) With effect from 10th January 2017:
 - Formally appoint the West Yorkshire Adoption Joint Committee ('the Joint Committee');
 - Approve and delegate to the Joint Committee the functions, as set out in the Terms of Reference document, as detailed at Appendix 1C to the submitted report;
 - Approve the Constitution and Procedure Rules of the Joint Committee, as detailed at Appendices 1A and 1B to the submitted report;
 - (ii) Formally agree that Leeds City Council hosts the West Yorkshire Adoption Agency that is a shared service and that the name of the Agency is 'One Adoption West Yorkshire';
 - (iii) Authorise the Director of Children's Services to progress this matter with the other local authorities in order to implement the Regional Adoption Agency;

- (b) That the following be noted:-
 - (i) That the Leader will appoint the Executive Member for Children and Families as a principal Elected Member to the Joint Committee, and the Deputy Executive Members for Children and Families as substitutes;
 - (ii) The principles of the partnership agreement, as set out in Section 4.5 of the submitted report, together with the process for setting the budget, as set out in section 3.21 of the submitted report. It also be noted that the Director of Children's Services has the authority to approve the Regional Adoption Agency funding formula, terms and signature of the partnership agreement through their existing delegated powers;
 - (iii) That the Joint Committee will be invited to delegate responsibility to the Director of Children's Services for adoption services including:
 - the recruitment and approval of potential adopters;
 - identification of potential matches between children and adopters;
 - provision of adoption panels; and
 - provision of adoption support services to adopters, adoptees, birth families and relevant professionals;
 - (iv) The transfer of staff via TUPE from other Local Authorities into the employment of Leeds City Council to work within the RAA;
 - (v) The creation of an organisational unit within Leeds City Council for the West Yorkshire Adoption Agency. The lead officer for this will be the Director of Children's Services (DCS) and the unit will sit within Children's Services;
- (c) That it be noted that the submitted report discusses further work required regarding non agency adoption and support for special guardians, and therefore, agreement be provided that the DCS can make further arrangements for extending the breadth of the delegation to this aspect of the function following agreement by the management board and the Joint Committee, as the project develops.

126 Outcome of Statutory Notices on proposals to increase primary learning places in Hunslet, Kirkstall and Gipton & Harehills

The Director of Children's Services submitted a report detailing proposals brought forward in order to meet the Local Authority's duty to ensure sufficiency of school places. Specifically, this report was divided into sections in order to describe the outcome of each of the statutory notices published in respect of proposals to expand: Hunslet St Mary's Church of England (Voluntary Aided) Primary School; Beecroft (Community) Primary School and Hovingham (Community) Primary School. The report sought final decisions on each of those proposals.

RESOLVED –

- (a) That the proposal to expand Hunslet St Mary's Church of England (Voluntary Aided) Primary School by increasing its capacity from 210 pupils to 315 pupils, which would increase the admission number from 30 to 45, with effect from September 2017, be approved;
- (b) That the proposal to expand Beecroft (Community) Primary School by increasing its capacity from 210 pupils to 315 pupils, which would increase the admission number from 30 to 45, with effect from September 2017, be approved;
- (c) That the proposal to expand Hovingham (Community) Primary School by increasing its capacity from 420 pupils to 630 pupils, which would increase the admission number from 60 to 90, with effect from September 2017, be approved;
- (d) That it be noted that the responsible officer for the implementation of such matters is the Head of Learning Systems.

127 Learning Places Programme - Capital Programme Update

Further to Minute No. 9, 22nd June 2016, the Director of Children's Services, the Deputy Chief Executive and the Director of City Development submitted a joint report presenting an update on the three year strategy for the provision of sufficient school places in the city. The report also provided an update on the progress of those projects currently forming part of the Learning Places Programme and the Social, Emotional & Mental Health (SEMH) Programme; and sought approval for further authority to spend, and also to reset the capital risk fund.

In presenting the report, the Executive Member for Children and Families highlighted the overall deficit in funding which existed in this area.

RESOLVED –

- (a) That 'Authority to Spend' on the Learning Places Programme for the ten schemes, as detailed within the submitted report, at a total value of £40.5m, be approved;
- (b) That approval be given for the balance of the programme capital risk fund to be reset from £4.068m to £6.7m, in order to facilitate effective risk management at programme level, whilst approval also be given for the 'Authority to Spend' on the increase of £2.632m;
- (c) That it be noted that Children's Services Projects in 2014 onwards and called off through YORbuild have supported 69 new and existing apprentices and 92 people into employment;
- (d) That the projected funding deficit which currently stands at £84.6m, based on Education Funding Agency rates, be noted, with Members

also noting that this is likely to increase due to a number of factors, as set out within the submitted report;

- (e) That it be noted that in the current reporting period there has been one request to access the programme capital risk fund for Hovingham Primary School, totalling £287,868, which was approved in accordance with the Executive Board governance arrangements;
- (f) That it be noted that any savings made from applications on the programme capital risk fund are returned to the risk fund in order to support continued management of programme risks;
- (g) That it be noted that the Head of Learning Systems is responsible for capacity and sufficiency planning of school places and delivery of the Bulge Cohort programme, and that the Chief Officer, Projects, Programmes & Procurement Unit (PPPU) is responsible for the delivery of permanent Learning Places expansion projects once the viability and scope has been agreed between the Schools and Children's Services.

COMMUNITIES

128 Consultation outcomes on Local Council Tax Support scheme 2017/18

Further to Minute No. 16, 22nd June 2016, the Assistant Chief Executive (Citizens and Communities) submitted a report providing the Board with information to recommend a local Council Tax Support Scheme for adoption by Full Council by 31st January 2017, which looked to reflect both the consultation feedback received together with the budget position facing the Council. In addition, the report also set out a series of scheme options which had been considered as part of the process to develop a recommended scheme.

The Board thanked the Scrutiny Board (Citizens and Communities) for the comprehensive and valued work which it had undertaken as part of the review into the Council Tax Support Scheme.

RESOLVED –

- (a) That in considering the work of the Scrutiny Board (Citizens and Communities):
 - (i) the support of the Scrutiny Board (Citizens and Communities) to the proposed new changes to the Council Tax Support scheme, as presented as part of its review, be acknowledged;
 - (ii) agreement be given to undertake a further review of the new Council Tax Support Scheme during the summer of 2018, when the number of Universal Credit claimants is expected to be more significant in Leeds and the Council will be in a good position to gauge the extent to which the new scheme is achieving its overall aim;

- (iii) agreement be given to explore other potential scheme saving options when undertaking a wider review of the new Council Tax Support scheme during 2018.
- (b) That in considering recommendation 3 of the Scrutiny Board Inquiry Report (as detailed at Appendix D to the submitted report), and in noting the comments of the Assistant Chief Executive (Citizens and Communities) in paragraphs 3.14 to 3.18 of the submitted report, approval be given not to support the removal of protections for all customers on 1 April 2017;
- (c) That in taking into account the consultation process undertaken, including the work of the Scrutiny Board (Citizens and Communities), and in light of the above resolutions, approval be given for the Board to recommend to Full Council the adoption of a new Local Council Tax Support Scheme that:
 - a) Replaces the current Council Tax Support scheme with a Council Tax Support that is aligned with Universal credit, as set out in appendix B to the submitted report;
 - b) Moves customers onto the new scheme when they are due to transfer to Universal Credit and maintains the current scheme in the meantime;
 - c) Replaces the scheme of automatic protections with a discretionary hardship scheme with the exception of customers in receipt of Armed Forces Compensation Payments;
 - d) Moves eligible customers off the scheme of automatic protections when they are due to transfer to Universal Credit;
 - e) Delegates the design and value of the discretionary hardship scheme to the Assistant Chief Executive (Citizens and Communities) with a requirement that the hardship scheme is taken to Scrutiny Board;
 - f) Aligns the treatment of changes in Council Tax Support with the treatment of changes in Housing Benefit; and
 - g) Delegates the development of an operational policy for the treatment of fluctuating income to the Assistant Chief Executive (Citizens and Communities).
- (d) That if Full Council supports the adoption of the proposed scheme, the decision will be implemented by the Assistant Chief Executive (Citizens and Communities) and will take effect from 1st April 2017, with implementation commencing as part of the 2017/18 annual billing process in order for the new scheme to be effective from 1st April 2017.

ENVIRONMENT AND SUSTAINABILITY

129 Cutting Carbon Breakthrough Project Annual Report

Further to Minute No. 109, 16th November 2016, the Director of Environment and Housing submitted a report outlining future carbon reduction priorities, strategy and targets for the period up to 2030. In addition, the report also presented information on the creation of the university-led Leeds Committee on Climate Change (LCCC), outlined the progress which the Council had made in reducing carbon emissions through the schemes in the Cutting Carbon Breakthrough Project and provided some insight into the progress made across the city as a whole. Furthermore, the report presented the updated Affordable Warmth Strategy 2017-30 for the purposes of adoption.

Responding to a Member's enquiry, the Board received further information on the range of actions that the Council was taking as part of the Cutting Carbon Breakthrough Project, with the leading role it played in this field being highlighted.

Members also highlighted the importance of collaborative, cross-party working in this area and emphasised the importance of effective communications processes to accompany the delivery of those initiatives which formed part of this breakthrough project.

RESOLVED –

- (a) That the Board continue to support the delivery of the carbon reduction schemes within Cutting Carbon and Improving Air Quality Breakthrough Project, and that the progress made to date in this area, be noted;
- (b) That approval be given to supplement the city's Climate Change Strategy with an interim target to reduce citywide CO2 emissions by 60% by 2030 from a 2005 baseline;
- (c) That the creation of the university-led Leeds Committee on Climate Change be supported, with the Council working with the LCCC and partners in order to advise on how the city's carbon reduction targets can be achieved;
- (d) That the updated Affordable Warmth Strategy 2017-30, as appended to the submitted report, be adopted;
- (e) That it be noted that all of the resolutions (above) will be delivered from 2017 onwards by the Sustainable Energy & Climate Change team, led by the Executive Programme Manager, within the Projects, Programmes & Procurement Unit.

ECONOMY AND CULTURE

130 Initial Budget Proposals for 2017/18

The Deputy Chief Executive submitted a report which sought the Board's agreement to the Council's initial budget proposals for 2017/18, as detailed within the submitted paper. The report sought approval for those proposals to be submitted to Scrutiny and also used as a basis for wider consultation with stakeholders.

In presenting the submitted report, the Chair highlighted the scale of the financial challenge which the Council continued to face. It was noted that whilst the 2017/18 Local Government Finance Settlement was still to be received, the Board received an update on a Government announcement regarding proposals to enable local authorities to increase the 'Adult Social Care precept' from 2% to 3%, and it was noted that all such matters, when confirmed, would be taken into consideration when developing the final budget proposals, which were scheduled to be submitted to Executive Board and Council in February 2017, following the associated consultation exercise.

RESOLVED – That the initial budget proposals, as set out within the submitted report, be agreed, and that approval be given for the proposals to be submitted to scrutiny and also 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)

DATE OF PUBLICATION: FRIDAY, 16TH DECEMBER 2016

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 5.00 P.M. ON FRIDAY, 23RD DECEMBER
2016

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