

## EXECUTIVE BOARD

WEDNESDAY, 14TH DECEMBER, 2011

**PRESENT:** Councillor K Wakefield in the Chair

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

### 139 Introduction of the New City Solicitor

The Chair introduced and welcomed Catherine Witham, the newly appointed City Solicitor, to her first meeting of the Executive Board.

### 140 Late Items

There were no late items as such, however, it was noted that supplementary information had been circulated to Board Members following the despatch of the agenda in the form of a schedule of changes to the Leeds Development Framework Annual Monitoring Report based on comments received at the meeting of the Development Plan Panel held on 6<sup>th</sup> December 2011. The schedule was considered as part of agenda item 22 entitled, 'Local Development Framework Annual Monitoring Report 2011' (Minute No. 155 refers).

### 141 Declaration of Interests

Councillors Blake, Dobson, Gruen, Yeadon, Wakefield, Ogilvie, Finnigan, A Carter, R Lewis and Golton all declared personal interests in the agenda item entitled, 'Dog Control Orders – Phase 2', due to their respective positions as school governors (Minute No. 143 referred).

Councillor Wakefield declared a personal interest in the agenda item entitled, 'Commission on the Future of Local Government', due to his position as Chair of the Commission (Minute No. 160 referred).

A further declaration of interest was declared at a later point in the meeting (Minute No. 143 referred).

### 142 Minutes

**RESOLVED** – That the minutes of the meeting held on 2<sup>nd</sup> November 2011 be approved as a correct record.

## ENVIRONMENTAL SERVICES

### 143 Dog Control Orders - Phase 2

Further to Minute No. 110, 3<sup>rd</sup> November 2010, the Director of Environment and Neighbourhoods submitted a report presenting the outcomes arising from the consultation undertaken on changes to the Dog Control Orders for Leeds. The report also sought approval to implement further specified powers under the Clean Neighbourhoods and Environment Act 2005, with effect from 1st

January 2012, in addition to an enforcement policy regarding the walking of more than four dogs at one time. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following enquiries raised regarding the level of consultation which had been undertaken with schools in respect of their potential inclusion within the updated Dog Exclusion Order, officers undertook to re-engage with those schools which to date had not expressed an interest in being included within the Order.

Responding to comments raised which related to the issue of dog fouling, officers undertook to do further work on this matter, specifically addressing the points made during the meeting, namely, the possibility of additional bin provision and also the potential inclusion within the Orders of those public parks affected by dog fouling which were used as play facilities by young people.

The Board received assurances in respect of the further issues which had been raised, specifically regarding the enforcement and prosecution processes, together with the highly visible approach required when publicising such Orders.

In conclusion, the Chair thanked the Scrutiny Board (Safer and Stronger Communities) for the related work which they had undertaken on this issue.

#### **RESOLVED –**

- (a) That the outcomes arising from the consultation be noted.
- (b) That a Dog Control (Dogs on Leads at All Times) Order in the prescribed form be approved, requiring that on the specified land, dogs should be on a lead at all times. (The specified land will comprise all carriageways and adjacent footpaths and grass verges within the Leeds City Council district and in cemeteries and crematoria as detailed within Appendix A to the submitted report).
- (c) That the existing Dog Control (Dogs on Leads by Direction) Order (requiring dogs to be put on a lead when the person in control of it is directed to do so by an authorised officer) be revoked and that a new Order in the same terms be approved, which applies throughout the Leeds district on any land to which the Dog Control (Dogs on Leads at All Times) Order does not apply and to which the public are entitled or permitted to have access (with or without payment).
- (d) That the existing Dog Control (Exclusion) Order be revoked and replaced with a new Order with an updated schedule of land, as detailed within Appendix A to the submitted report, including other land designated for a specific purpose such as remembrance and wildlife gardens and school grounds where the schools have opted in to have such an order.

- (e) That the process for future review and consultation on the schedules of land within the Orders be agreed.
- (f) That the proposed Enforcement Policy for the Dog Specified Maximum Order be approved.

(Councillor Golton declared a personal interest in the decisions referred to within this minute, due to being a dog owner)

#### **144 Recycling Strategy**

Further to Minute No. 123, 2<sup>nd</sup> November 2011, the Director of Environment and Neighbourhoods submitted a report outlining proposals regarding the next phase of implementation for the Council's recycling collection strategy. In summary, the report presented the progress made against the existing recycling strategy, highlighted the extent to which current, planned initiatives would contribute towards recycling performance, detailed the Council's medium and long-term targets for recycling and outlined the strategy which would enable the Council to move towards achievement of its medium-term and longer-term goals. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Board considered and received assurances in respect of a number of issues and implications arising from the proposals, including the need to tailor services to meet the differing demands of households, the capacity of the black bins, the need for services to adapt to any missed collections, issues regarding food waste collection, the potential use of neighbouring authorities' sorting sites, the winter cessation of garden waste collection, the financial implications arising from the proposals and the possibility of expanding the recyclable waste collection to include materials such as glass.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted and that the vision and key principles of the Integrated Waste Strategy for Leeds be reaffirmed.
- (b) That the proposed increases to the Council's household waste recycling target to 55% by 2016, with a long-term target to exceed 60% be approved.
- (c) That the proposed expansion of the Rothwell recycling collection service by up to 6,000 properties in 2012/13 be approved, which includes an injection into the Capital Programme of £27,000 for the purchase of food waste bins, and necessary authority to spend this amount.
- (d) That the proposal to implement a pilot of fortnightly collections of recycling and residual waste during 2012/13 be approved.

- (e) That the aim to roll-out of food waste collections to suitable properties city-wide, with the speed of roll-out in line with resource availability be reaffirmed.
- (f) That the need to procure a treatment solution for food waste alongside the city-wide roll-out of food waste collections be noted, together with the intention to undertake a technical options appraisal with a view to promoting the delivery of an anaerobic digestion solution for Leeds, should this represent the best value for money and environmental option.
- (g) That officers' intentions to seek further Member approvals regarding specific collection service roll-out plans be noted.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the decisions taken above)

#### **145 Solar PV Initiative**

Further to Minute No. 198, 30<sup>th</sup> March 2011, the Director of Environment and Neighbourhoods submitted a report advising of the Government's proposed changes to the Feed-In Tariff (FIT) arrangements for Solar PV and the impact of such changes upon the Council's proposals regarding Solar PV initiatives. The report also presented for approval a response to the Government's consultation on the proposed changes, and outlined proposals to undertake further work on developing cost neutral renewable schemes for council housing and the private sector (including PV), funded via FITs and the Renewable Heat Incentive, once further details of FITs for community schemes had been announced. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to Members' enquiries, the Board received details regarding the process and speed at which the Solar PV initiative had been progressed in Leeds.

Following Members' comments, the Chief Executive highlighted the potential benefits which could be realised from the adoption of an appropriate scheme and suggested that any representations made on behalf of the Council in respect of this matter should be focussed upon the Renewable Heat Incentive.

#### **RESOLVED –**

- (a) That the contents of the submitted report and the reasons for putting both PV schemes on hold be noted.
- (b) That the formal response to the Department for Energy and Climate Change consultation, as detailed within Appendix 1 to the submitted report, be approved.
- (c) That officers be requested to continue to investigate the development of cost-neutral renewable schemes for council housing and the private

sector (including PV), funded via FITs and the Renewable Heat Incentive, once further details of FITs for community schemes are announced.

## **NEIGHBOURHOODS, HOUSING AND REGENERATION**

### **146 Gypsies and Travellers Site Options - Selection Criteria**

Further to Minute No. 57, 27<sup>th</sup> July 2011, the Director of Environment and Neighbourhoods submitted a report seeking the Board's approval to use the proposed site selection criteria, as detailed within the report, for the purposes of identifying potential sites to accommodate Gypsies and Travellers. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to Members' enquiries regarding access to the list of those potential sites which had been identified across the city, it was confirmed that details of the prioritised sites only would be released once the process of identifying such sites had concluded. In addition, Members emphasised the need for such processes to be undertaken thoughtfully and robustly.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the site selection criteria, as detailed within the submitted report, be approved.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the decisions taken above, whilst Councillor Finnigan required it to be recorded that he abstained from voting on the decisions taken above)

### **147 Police Reform and Social Responsibility Act 2011 - Implications of Elected Police and Crime Commissioner**

To consider the report of the Director of Environment and Neighbourhoods providing Executive Board with an overview of the Police Reform and Social Responsibility Act 2011, which received Royal Assent on 15<sup>th</sup> September 2011. In addition, the report highlighted the initial implications for Leeds arising from the introduction of a publicly elected Police and Crime Commissioner. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members highlighted the exceptional partnership which had been developed over time between the Police and the Council and emphasised the need for such a productive partnership to continue in the future.

In conclusion, the Chair requested that a report be submitted to a future meeting of the Board in respect of the Police Reform and an assessment of any associated risks to the Council.

**RESOLVED –**

- (a) That the Police Reform and Social Responsibility Act, which received Royal Assent on 15<sup>th</sup> September 2011 be noted, together with the fact that a public election will take place in the city in November 2012 to appoint a Police and Crime Commissioner for the West Yorkshire Police Force area.
- (b) That the initial implications associated with the introduction of an elected Police and Crime Commissioner from November 2012, as set out within the submitted report, be noted.
- (c) That it be noted that the West Yorkshire Police Authority will oversee the transitional arrangements in the preparation for the introduction of the Act, and that the excellent work which has taken place between the city and the Police Authority over the years be recognised.
- (d) That a project group be established to consider and make recommendations to the Safer Leeds Executive and the Council's Executive Board, on a range of issues, as outlined within section 5 of the submitted report, in preparation for the appointment of the Police and Crime Commissioner.
- (e) That a report be submitted to a future meeting of the Board in respect of the Police Reform and an assessment of any associated risks to the Council.

**CHILDREN'S SERVICES**

**148 Leeds Youth Offer**

The Director of Children's Services submitted a report providing background information about the broader vision for children and young people in Leeds, and how the proposed Leeds Youth Offer fitted into that vision. In addition, the report also presented a summary of current issues in relation to service delivery, service outcomes and investment, and suggested next steps. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following Members' enquiries, assurances were received in respect of greater emphasis being placed upon the role of the locality. In addition, it was proposed that an all party working group was established in order to progress the matters proposed.

**RESOLVED –** That the proposed outline vision and next steps for the delivery of a bigger, bolder, better offer for the young people of Leeds be supported.

**149 The Ofsted Annual Assessment of Children's Services in Leeds**

The Director of Children's Services submitted a report presenting the findings of Ofsted's Annual Assessment of Children's Services in Leeds. The Assessment was reported in the form of a letter to the local authority, as detailed at appendix 1 to the covering report, which was published on the Ofsted website on the 8<sup>th</sup> November 2011. In determining this matter, the

Board took into consideration all matters contained within the accompanying report.

On behalf of the Board, the Chair thanked all of those who had been involved in achieving the improved Ofsted Annual Assessment for Leeds.

**RESOLVED –**

- (a) That the content of the Ofsted Annual Assessment letter, as detailed within appendix 1 to the submitted report be noted.
- (b) That the ongoing improvement work which is taking place across the service be supported.

**150 Transfer of Council Owned Land and Buildings to Academies**

The Director of Children's Services submitted a report which sought in principle approval to the disposal of land, by way of a 125 year lease, to schools converting to Academy status, in accordance with the Academies Act 2010. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In response to Members enquiries, the Board was advised that any restrictions placed upon land which was transferred to Academies would be included within the lease.

**RESOLVED –** That the principle of disposing of land to schools converting to Academies, on the basis set out within the submitted report, be approved, with the final approval of the terms of such disposals being delegated to the Director of City Development, in consultation with the Director of Children's Services, Lead Members and appropriate Ward Members.

**LEISURE**

**151 Scrutiny Board Recommendations - Cemeteries and Crematoria Horticultural Maintenance**

Further to Minute No. 85, 7<sup>th</sup> September 2011, the Director of City Development submitted a report detailing and considering the recommendations arising from the former Scrutiny Board (City Development) inquiry into 'Cemeteries and Crematoria Horticultural Maintenance' and setting out proposals in light of the recommendations made, with particular reference to recommendation 2 of the inquiry report. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Executive Member for Leisure thanked the former Scrutiny Board (City Development) for the work which it had undertaken and provided the Board with clarification on a minor error in respect of paragraph 4.6 of the submitted report.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.

- (b) That approval be given to grave conditions being enforced on cemetery extensions and new cemeteries, following consultation on a site by site basis, in order to determine the proportion of lawned and non-lawned areas.
- (c) That approval be given to the enforcement process set out in paragraph 3.5 of the submitted report, which will take account of any specific faith issues that may be applicable when imposing grave conditions.
- (d) That approval be given to the provision of a designated area for memorials to be placed in strewing areas, as illustrated within Appendix 1 – 3(a) of the submitted report.

### **ADULT HEALTH AND SOCIAL CARE**

#### **152 Proposed Changes to Partnership Arrangements between Leeds City Council Adult Social Care and Leeds Partnerships NHS Foundation Trust**

The Director of Adult Social Services submitted a report regarding the proposed integration of the specialist mental health social care services with the specialist secondary mental health service, which would include Leeds Partnership Foundation Trust (LPFT) acting as host organisation for the partnership. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

#### **RESOLVED –**

- (a) That the proposal to integrate specialist mental health social care services with specialist secondary mental health service, with LPFT acting as host organisation for the partnership, be approved.
- (b) That the development of a Section 75 agreement, detailing the governance of the partnership between Adult Social Care and LPFT, be approved.
- (c) That the secondment of social care staff to LPFT from 1st April 2012 be agreed.
- (d) That it be noted that further detailed work will be undertaken to ensure the ongoing balance of social care management within the partnership.
- (e) That the review of roles and functions of social work within the partnership be noted.

### **RESOURCES AND CORPORATE FUNCTIONS**

#### **153 Financial Health Monitoring 2011/12 - Month 7**

The Director of Resources submitted a report setting out the Council's projected financial health position after seven months of the financial year. The report reviewed the position of the budget after seven months and



commented upon the key issues impacting on the overall achievement of the budget for the current year. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In presenting the report, the Director of Resources provided Members with more recent information which had been received regarding financial contributions from the health service and advised that further details on this matter would be submitted to the next meeting of the Board.

Members emphasised concerns which had previously been raised regarding the need for issues relating to city centre car parking provision to be further considered and addressed. In response, the Director of City Development undertook to liaise with the Director of Environment and Neighbourhoods and report back to the Board on this matter.

Following Members' enquiries, the Board received an update both on the current overall position regarding Looked After Children and also in respect of Residential and Nursing Care Placements.

**RESOLVED –**

- (a) That the projected financial position of the authority, after seven months of the financial year, be noted.
- (b) That a report be submitted to a future meeting of the Board regarding city centre car parking provision.

**154 Initial Budget Proposals**

The Director of Resources submitted a report presenting the initial budget proposals for 2012/2013, which together with a forecast for 2013/2014 and 2014/2015, would form the basis of the Council's new medium term financial strategy. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members were updated on the Local Government Finance Settlement, which had been announced following the publication of the report. The Board then thanked officers for all of their efforts on the savings which had been achieved to date.

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

(Under the provisions of Council Procedure Rule 16.5, Councillors A Carter and Golton required it to be recorded that they both abstained from voting on the decisions taken above)

(The matters referred to within this minute were not eligible for Call In, as decisions regarding the Council's budget are reserved to Council)

## **DEVELOPMENT AND THE ECONOMY**

### **155 Local Development Framework Annual Monitoring Report 2011**

The Director of City Development submitted a report presenting for approval the Leeds Local Development Framework (LDF) Annual Monitoring Report 2011 for the purposes of submission to the Secretary of State, which was pursuant to Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Full copies of the Leeds LDF Annual Monitoring Report 2011 had been provided to Board Members for their consideration at the time of the agenda despatch. In addition, following the circulation of the agenda, supplementary information in the form of a schedule of changes to the Monitoring Report, based upon comments received at the meeting of the Development Plan Panel held on 6<sup>th</sup> December 2011, had been circulated to Board Members for their consideration.

Members discussed the content of the submitted report with respect to the matter of localism.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the Leeds Local Development Framework Annual Monitoring Report 2011 be approved for submission to the Secretary of State by 31<sup>st</sup> December 2011.

### **156 The Community Infrastructure Levy - Background Information, the Leeds context, and consultation response to the Government's draft regulations for reform**

The Director of City Development submitted a report presenting for approval the Council's proposed response to the Government consultation exercise being undertaken in respect of the Community Infrastructure Levy (CIL). In addition, the report also provided background to the CIL and its implementation in Leeds, whilst also addressing the recommendation of the Scrutiny Board (Regeneration) on the proportion of CIL that should be allocated to local communities, a matter which was previously considered at the Executive Board meeting held on 2<sup>nd</sup> November 2011 (Minute No 117 referred). In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Concerns were expressed that the level of the CIL which would be retained in local areas, as suggested within the submitted report as part of the draft response to the Government's related consultation exercise, may be too low and did not represent a 'meaningful proportion'. Concerns were also raised regarding the proposal, also within the draft response to the Government's related consultation exercise, to remove the cap on the amount of levy funding that charging authorities may apply to administrative expenses. In

response, the Chair requested that further work be undertaken in relation to all the concerns raised, with a further report on such matters being submitted to the Board in due course, in order to inform the Council's position.

**RESOLVED –**

- (a) That the background information relating to the implementation of the Community Infrastructure Levy in Leeds be noted.
- (b) That a Community Infrastructure Levy Charging Schedule be developed as a matter of priority, and that the necessary funding, as set out within paragraph 4.4.2 of the submitted report, be approved.
- (c) That further work be undertaken in relation to all the concerns raised during the discussion, with a further report on such matters being submitted to the Board in due course.

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

**RESOURCES AND CORPORATE FUNCTIONS**

**157 2011/2012 Quarter 2 Performance Report**

The Assistant Chief Executive (Customer Access and Performance) submitted a report presenting a summary of the Quarter 2 performance data for 2011/12 which provided an update on progress in delivering the Council Business Plan 2011-15 and the City Priority Plan 2011-15. In addition, the report also provided an update on the related work undertaken to implement an Outcomes Based Accountability approach within the Council as considered by the Board, at its meeting on 22<sup>nd</sup> June 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED –**

- (a) That the five key issues which have been highlighted: Budget, Looked-after children, Rate of Domestic Burglary, Transport and Planning Performance be noted, together with the work underway to address such issues.
- (b) That it be ensured that all reports Executive Board receive clearly evidence that effective consultation has taken place as appropriate and that due regard has been given to equality.
- (c) That the intention for the strategic partnerships to ensure that the focus remains on delivery be noted and that they lead a robust debate with partners on the performance reports for the shared city priorities.

**158 Response to Scrutiny Board (Resources and Council Services) Inquiry Report into Employees' Register of Interests**

The Director of Resources submitted a report responding to the recommendations arising from the Scrutiny Board (Resources and Council Services) inquiry into Employees' Register of Interests and outlining the actions proposed as a result. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED** – That the proposals, as set out within the submitted report, be adopted.

**159 Equality Improvement Priorities 2011-2015**

The Assistant Chief Executive (Customer Access and Performance) submitted a report presenting for approval the Equality Improvement Priorities 2011-2015, together with the revised Equality and Diversity Policy which outlined the Council's continued commitment to equality, detailed the Council's equality objectives, identified how progress would be measured and how the Council would continue to improve and further embed the equality agenda. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members discussed the involvement of the Member Working Group in the work undertaken on the Equality Improvement Priorities, whilst the Chair congratulated all of those officers who had been involved in the Diversity Peer Assessment, which had received an 'excellent' rating against the Equality Framework for Local Government.

**RESOLVED** –

- (a) That the contents of the submitted report be noted.
- (b) That the Equality Improvement Priorities for 2011 to 2015 be agreed and approved.
- (c) That the revised Equality and Diversity Policy be agreed and approved.
- (d) That the proposal to circulate the submitted report to Area Committees, so that all Members are aware of the Council's Equality and Diversity Policy and Improvement Priorities, be noted.

**160 Commission on the Future of Local Government**

The Assistant Chief Executive (Customer Access and Performance) submitted a report providing an update on the work of the Commission on the Future of Local Government, which was exploring the concept of Civic Enterprise as a way to respond to the extreme change and challenges facing local government. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Chair invited all relevant parties to provide their submissions to the Commission on the matters relating to the future role of Local Government, as detailed within the submitted report. The Chair advised that following further

work being undertaken by the Commission, the matter would be brought back to the Board for further consideration in the Spring of 2012.

**RESOLVED –**

- (a) That the work currently being undertaken by the Commission be noted.
- (b) That Executive Board continue to engage with the process, as detailed within the submitted report, with further updates being received by the Board as the Commission progresses.

**DATE OF PUBLICATION:** 16<sup>TH</sup> DECEMBER 2011

**LAST DATE FOR CALL IN  
OF ELIGIBLE DECISIONS:** 23<sup>RD</sup> DECEMBER 2011 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 28<sup>th</sup> December 2011)