



A meeting of the Council will be held in the Civic Hall, Leeds on Wednesday, 15th November, 2023 at 1.00 pm

Members of the Council are invited to attend and transact the following business:

1 Minutes of the last Meeting 5 - 20

To approve the minutes of the Council Meeting held on 13th September 2023.

2 Declaration of Interest

To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.

3 Communications

To receive such communications as the Lord Mayor, the Leader, Members of the Executive Board or the Chief Executive consider appropriate.

4 Deputations

To receive deputations in accordance with Council Procedure Rule 10.

5 Recommendations of the Executive Board - Transpennine Route Upgrade - Transport and Works Act Order Representation 21 - 64

To consider the report of the Director of City Development setting out recommendations from the Executive Board on 18th October 2023 to Full Council in respect of the Transpennine Route Upgrade – Transport and Works Act Order Representation.

6 Recommendations of the General Purposes Committee - Approval of West Yorkshire Health and Care Partnership Board as a joint committee of Leeds City Council, Council appointments and Terms of Reference 65 - 86

To consider the report of the Director of Adults and Health setting out recommendations from the General Purposes Committee on 18th October 2023 to Full Council to establish a joint committee (an integrated care partnership), approve the proposed Terms of Reference, ensure that the

that journeys to school and work are no longer possible in many areas of Leeds.

This Council therefore calls upon the Chief Executive to write to the Mayor of West Yorkshire and WYCA to ask that they use the resources available to them to reinstate those vital services which were unnecessarily cut.

14 **White Paper Motion (in the name of Councillor Finnigan) - 141 - 142**
Community Infrastructure Levy

This Council agrees to campaign for Central Government to increase the percentage of CIL allocated to Parish Councils from a minimum of 15-25% (amount currently dependent on whether or not a Neighbourhood Plan is in place) to a minimum of 50%.

15 **White Paper Motion (in the name of Councillor Hayden) - 143 - 144**
Bus Reform

This Council fully supports a franchised bus system in West Yorkshire as set out in the recently published West Yorkshire Combined Authority consultation on bus reform. Council calls for a report to be presented to the December Executive Board meeting to provide Council's formal response.



Tom Riordan CBE
Chief Executive

Civic Hall
Leeds
LS1 1UR

Please note: this meeting may be filmed for live or subsequent broadcast via the City Council's website on the internet - at the start of the meeting the Lord Mayor will confirm if all or part of the meeting is to be filmed. The images and sound recording may be used for training purposes by the Council. Generally the public gallery is not filmed. However, by entering the Council Chamber and using the public seating area you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you have any queries regarding this, please contact the City Solicitor.

Note to observers of the meeting – To remotely observe the meeting please use the link below and click 'link to view the meeting recording'.

[Council and democracy \(leeds.gov.uk\)](http://leeds.gov.uk)

Third Party Recording

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 clerk.

Use of Recordings by Third Parties– code of practice

- 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.

Proceedings of the Meeting of the Leeds City Council held
Civic Hall, Leeds on Wednesday, 13th September, 2023

PRESENT: The Lord Mayor Councillor Al Garthwaite in the Chair.

WARD

ADEL & WHARFEDALE

Billy Flynn
Barry John Anderson
Caroline Anderson

ALWOODLEY

Lyn Buckley
Dan Cohen
Neil Buckley
ARDSLEY & ROBIN HOOD

Karen Renshaw
Mike Foster
ARMLEY

Andy Parnham
Alice Smart
James McKenna
BEESTON & HOLBECK

Andrew Scopes
Annie Maloney
Gohar Almas
BRAMLEY & STANNINGLEY

Tom Hinchcliffe
Kevin Ritchie
Caroline Gruen
BURMANTOFTS & RICHMOND HILL

Nkele Manaka
Luke Farley
Asghar Khan

WARD

CALVERLEY & FARSLEY

Peter Carlill
Andrew Carter
Amanda Carter

CHAPEL ALLERTON

Jane Dowson
Eileen Taylor
Mohammed Rafique
CROSS GATES & WHINMOOR

Pauleen Grahame
James Gibson
Jessica Lennox
FARNLEY & WORTLEY

David Blackburn
Mark Swards
Adrian McCluskey
GARFORTH & SWILLINGTON

Mark Dobson
Sarah Field
GIPTON & HAREHILLS

Asghar Ali
Salma Arif
Arif Hussain
GUISELEY & RAWDON

Oliver Edwards
Eleanor Thomson
Paul Alderson

HAREWOOD

Ryan Stephenson
Matthew James Robinson
Sam Firth

HEADINGLEY & HYDE PARK

Abdul Hannan
Jonathon Pryor
Alison Garthwaite

HORSFORTH

Raymond Jones
Emmie Bromley
John Garvani

HUNSLET & RIVERSIDE

Paul Wray
Mohammed Iqbal
Ed Carlisle

KILLINGBECK & SEACROFT

Katie Dye
John Tudor
David Jenkins

KIPPAX & METHLEY

Michael Millar
Mary Elizabeth Harland
James Lewis

KIRKSTALL

Andy Rontree
Hannah Bithell
Fiona Elizabeth Venner

LITTLE LONDON & WOODHOUSE

Abigail Marshall-Katung
Kayleigh Brooks
Javaid Akhtar

MIDDLETON PARK

Emma Pogson-Golden
Wayne Dixon
Sharon Burke

MOORTOWN

Mahalia France-Mir
Sharon Hamilton
Mohammed Shahzad

MORLEY NORTH

Robert Finnigan
Robert Gettings MBE JP
Andy Hutchison

MORLEY SOUTH

Wyn Kidger
Oliver Newton
Jane Senior

OTLEY & YEADON

Ryk Downes
Colin Campbell
Sandy Edward Charles Lay

PUDSEY

Trish Smith
Simon Seary
Dawn Seary

ROTHWELL

Diane Chapman
Barry Stewart Golton
Conrad Hart-Brooke

ROUNDHAY

Jordan Bowden
Zara Hussain
Lisa Martin

TEMPLE NEWSAM

Nicole Sharp
Debra Coupar
Helen Hayden

WEETWOOD

Julie Heselwood
Izaak Wilson
Emma Flint

WETHERBY

Norma Harrington
Alan James Lamb

31 Announcements

a) The Lord Mayor welcomed members to this meeting of Full Council and reminded those present that the meeting was to be streamed live.

b) The Lord Mayor informed Council that the meeting would be adjourned for a short break at an appropriate time in the afternoon.

c) The Lord Mayor informed Council that she had agreed for the inclusion at the meeting a late item which wasn't available at the time of the agenda despatch - A report on changes to the Executive Arrangements.

d) The Lord Mayor informed Council that she was delighted today to be wearing a very special garment designed by artist Keith Khan and featuring 33 unique motifs, each unique motif celebrating each of our 33 wards-across Leeds as part of LEEDS 2023 project.

e) The Lord Mayor informed Council that she would be participating in 2 events for the Lord Mayor's Charity, Simon on The Streets Sleep Out on Thursday 19 October and the Abbey Dash on Sunday 22 October.

32 Minutes of the last Meeting

It was moved by Councillor Flint, seconded by Councillor Stephenson and

RESOLVED – That the minutes of the meeting held on 12th July 2023 be approved.

33 Declaration of Interest

There were no declarations of interests made at this point in the meeting, during the course of the meeting Councillor Dobson declared an interest see minute 44 for further details.

34 Communications

There were no communications.

35 Deputations

Three deputations were admitted to the meeting and addressed Council, as follows:-

- 1) Residents of Inner North-West Leeds.
- 2) A deputation on behalf of Plant based councils.
- 3) Leeds City of Sanctuary

RESOLVED – That the subject matter in respect of deputation 1 be referred to the Director of City Development and the Director of Communities, Housing and Environment for consideration in consultation with the relevant Executive Members, that the subject matter in respect of deputation 2 and 3 be referred to the Director of Communities, Housing and Environment for consideration in consultation with the relevant Executive Member.

36 Changes to Executive Arrangements

It was moved by Councillor Lewis seconded by Councillor Flint and

RESOLVED – That the amendment to Part 3 Section 3F Appointment to West Yorkshire Joint Services Committee be noted.

37 Report on Appointments

It was moved by Councillor Flint, seconded by Councillor Stephenson and

RESOLVED – That the report of the City Solicitor on appointments be approved, namely;

- That Cllr Flynn replace Cllr Alderson on Scrutiny Board (Infrastructure, Investment & Inclusive Growth)
- That Cllr Alderson replace Cllr Firth on Scrutiny Board (Adults, Health & Active Lifestyles)
- That Cllr Firth replace Cllr Flynn on Scrutiny Board (Strategy and Resources).
- That Cllr Firth replace Cllr Flynn on the Corporate Governance and Audit Committee.
- That Cllr Firth fill the Conservative Group vacancy on the Licensing Committee.

38 Report on Community Committees

It was moved by Councillor Harland, seconded by Councillor Coupar and

RESOLVED – That the report of the Director of Communities, Housing and Environment presenting to Council the Community Committees' Annual Report for 2022/23 be received and that the work now being progressed to further improve the effectiveness, community engagement role and improvement work of the Community Committees, via the Community Committee Review be noted.

At the conclusion of this item Council had a brief adjournment 15:10 to 15:25.

39 Report Annual Report of the Corporate Governance and Audit Committee

It was moved by Councillor France-Mir, seconded by Councillor Coupar and

RESOLVED - That the report of the Chief Officer Financial Services be received and the matters set out in the annual report reflecting the work of the Corporate Governance and Audit Committee in the 2022-23 municipal year be noted.

40 Procedural Motion

It was moved by Councillor Stephenson, seconded by Councillor Alderson that leave of Council be given to suspend Council Procedure Rule 11.2 (Notice of Questions) to allow;

- Question 16 in the name of Cllr Stephenson to be heard as Q1
- Q1 in the name of Cllr Lamb to be heard as Q6
- Q6 in the name of Cllr Alderson to be heard as Q16.

Upon being put to the vote the Procedural Motion was lost.

41 Executive Questions

Q1 Councillor Lamb to the Executive Member (Sustainable Development & Infrastructure):-

Does the Executive Member for Sustainable Development & Infrastructure stand by her statements that “elected members should not need to see their resident’s comments to form an opinion about a planning application” and “you should use the values you have as a party to determine whether a planning application should go ahead”?

The Executive Member (Sustainable Development & Infrastructure) replied.

Q2 Councillor Campbell to the Executive Member (Sustainable Development & Infrastructure):-

18 months ago a cycle path was installed at Wharfemeadows Park in Otley. When the path was complete the Council failed to install the appropriate signage. Following pressure from ward members signage was eventually installed but unfortunately in the wrong location. For the last eight months or so, ward members have sent e-mails, met with officers and even asked a question in Council but the signs still direct cyclists through a children's play area.

Could the Executive member please inform Council what major issue prevents these three signs from being located in the positions shown on the original plan?

The Executive Member (Sustainable Development & Infrastructure) replied.

Q3 Councillor Wilson to the Executive Member (Sustainable Development & Infrastructure):-

Would the Executive Member please give an update on the Public E Bike Hire Scheme coming to Leeds?

The Executive Member (Sustainable Development & Infrastructure) replied.

Q4 Councillor Carlisle to the Executive Member (Climate, Energy, Environment and Green Space):-

Given that DEFRA announced in June that Councils would have to scrap DIY waste charges for residents at recycling sites, by the end of this year, can the Executive Member for Climate, Energy, Environment and Green Space confirm when Leeds is going to stop charging these fees?

The Executive Member (Climate, Energy, Environment and Green Space) replied.

Q5 Councillor Hamilton to the Executive Member (Communities):-

Could the Executive Member please give an update on the housing of refugees and migrants within Leeds?

The Executive Member (Communities) replied.

Q6 Councillor Alderson to the Executive Member (Resources):-

Since coming into operation on 1 April 2023, please can the Executive Member for Resources provide Council with the number of Fixed Penalty Notices, or convictions of a criminal offence, that have been issued across the city and in particular in my ward of Guiseley & Rawdon, as part of the PSPO for vehicular nuisance?

The Executive Member (Resources) replied.

Q7 Councillor Chapman to the Executive Member (Economy, Culture and Education):-

Could the Executive Member inform me what the Council is doing / plans to do to support local communities that no longer have access to a local bank providing cash deposit and banking / financial advice as well as cash withdrawal services as a result of the closure of bank branches?

The Executive Member (Economy, Culture and Education) replied.

At the conclusion of question time, the following questions remained unanswered and it was noted that, under the provisions of Council Procedure Rule 11.6, written answers would be sent to each Member of Council:-

Q8 Councillor Tudor to the Executive Member (Housing):-

Q9 Councillor Blackburn to the Executive Member (Climate, Energy, Environment and Green Space):-

Q10 Councillor Bithell to the Executive Member (Economy, Culture and Education).

Q11 Councillor Robinson to the Executive Member (Housing).

Q12 Councillor Hart-Brooke to the Executive Member (Sustainable Development & Infrastructure)

Q13 Councillor Scopes to the Executive Member (Children Social Care and Health Partnerships).

Q14 Councillor Stables to the Executive Member (Climate, Energy, Environment and Green Space).

Q15 Councillor Dye to the Executive Member (Climate, Energy, Environment and Green Space).

Q16 Councillor Stephenson to the Leader of Council.

Q17 Councillor Downes to the Executive Member (Climate, Energy, Environment and Green Space).

Q18 Councillor Dixon to the Executive Member (Climate, Energy, Environment and Green Space).

Q19 Councillor B Anderson to the Executive Member (Climate, Energy, Environment and Green Space).

Q20 Councillor Campbell to the Executive Member (Sustainable Development & Infrastructure)

- Q21 Councillor B Anderson to the Executive Member (Housing).
- Q22 Councillor Hart-Brooke to the Executive Member (Housing).
- Q23 Councillor Alderson to the Executive Member (Climate, Energy, Environment and Green Space).
- Q24 Councillor Chapman to the Executive Member (Climate, Energy, Environment and Green Space).
- Q25 Councillor Robinson to the Leader of Council.
- Q26 Councillor Campbell to the Executive Member (Climate, Energy, Environment and Green Space).
- Q27 Councillor B Anderson to the Executive Member (Climate, Energy, Environment and Green Space).
- Q28 Councillor Chapman to the Executive Member (Climate, Energy, Environment and Green Space).
- Q29 Councillor B Anderson to the Executive Member (Housing).
- Q30 Councillor Campbell to the Executive Member (Climate, Energy, Environment and Green Space).
- Q31 Councillor Robinson to the Executive Member (Sustainable Development & Infrastructure)
- Q32 Councillor Chapman to the Executive Member (Climate, Energy, Environment and Green Space).
- Q33 Councillor B Anderson to the Executive Member (Resources).
- Q34 Councillor Campbell to the Executive Member (Sustainable Development & Infrastructure)
- Q35 Councillor Buckley to the Executive Member (Sustainable Development & Infrastructure)
- Q36 Councillor Chapman to the Executive Member (Climate, Energy, Environment and Green Space).
- Q37 Councillor B Anderson to the Executive Member (Sustainable Development & Infrastructure)
- Q38 Councillor Golton to the Leader of Council.
- Q39 Councillor Flynn to the Executive Member (Resources).
- Q40 Councillor B Anderson to the Executive Member (Housing).
- Q41 Councillor Flynn to the Executive Member (Resources).
- Q42 Councillor B Anderson to the Executive Member (Housing).

Q43 Councillor B Anderson to the Executive Member (Communities).

Q44 Councillor Robinson to the Executive Member (Climate, Energy, Environment and Green Space).

42 Minutes of the Health and Wellbeing Board and the Executive Board

It was moved by Councillor Lewis, seconded by Councillor Flint that the minutes be received in accordance with Council Procedure Rule 2.2(i).

RESOLVED – That the minutes be received in accordance with Council Procedure Rule 2.2(i).

Council Procedure Rule 4, providing for the winding up of business, was applied prior to all notified comments on the minutes having been debated.

At the conclusion of this item Council adjourned from 16.20 to 16.55

43 White Paper Motion (in the name of Councillor Lamb) - Ultra Low Emission Zone (ULEZ)

It was moved by Councillor Lamb, seconded by Councillor Buckley that under the provisions of Council Procedure Rule 13.2(d) and 14.10 that leave of Council be given to withdraw the motion in his name and that under the provisions of Council Procedure Rule (CPR) 22.1 (Suspension of CPRs), that CPR 12.1(a) (motions on notice) be suspended to allow the introduction of a motion at short notice.

Leave of Council was given to withdraw the motion and therefore the 3 submitted amendments associated with the original white paper motion fell.

The original motion and amendments are set out below in *italics*

That this Council in principle rules out the introduction of an Ultra Low Emission Zone (ULEZ) in Leeds.

An amendment was submitted by Councillor Blackburn

Delete all after "This Council" and replace with

"... notes that vehicle emissions not only damage our environment, but also have serious impact upon the health of our citizens. Council therefore resolves to do all that is reasonably possible to reduce the level of these emissions in our city.

Furthermore, this Council decries the increasing 'weaponisation' of social issues like the ULEZ in the pursuit of mindless culture wars, that distract us from the important work of building a fair and sustainable society."

The amended White Paper will then read:

This Council notes that vehicle emissions not only damage our environment, but also have serious impact upon the health of our citizens. Council therefore resolves to do all that is reasonably possible to reduce the level of these emissions in our city.

Furthermore, this Council decries the increasing 'weaponisation' of social issues like the ULEZ in the pursuit of mindless culture wars, that distract us from the important work of building a fair and sustainable society.

A second amendment was submitted by Councillor Golton;

Delete all after 'This Council'

and replace with 'believes that all Leeds citizens have the right to breathe clean air'

The amended White Paper will then read:

This Council believes that all Leeds citizens have the right to breathe clean air.

A third amendment was submitted by Councillor Rafique

In the first paragraph, after "This Council in principle rules out introduction of" insert:

"vehicle and road use charges as part of...."

In the first paragraph, after "an Ultra Low Emission Zone (ULEZ) in Leeds" insert:

"....and commits to improving air quality across the city.

However, Council notes this issue could be taken out of our hands as it was in 2017 when the Conservative Government directed the Council to consider measures to improve Air Quality in Leeds including through a charging Clean Air Zone. Council further notes in 2020 other actions taken by this Council to improve air quality meant the Government agreed a Clean Air Zone was no longer necessary.

Council welcomes measures set out in the Leeds Air Quality Strategy and Connecting Leeds Transport Strategy that are helping to improve air quality in Leeds. Council is concerned the Government's failure to support some measures identified in the strategies, including public transport improvements, risks compromising the good progress made so far to improve air quality for Leeds residents.

Council is concerned by the inconsistent approach to Air Quality standards taken by the current Conservative Government. Council therefore calls on the Government to reconsider its approach and provide sufficient support to local areas to ensure air quality continues to improve and avoid the need for measures such as a Clean Air Zone."

Amended motion to read:

"This Council in principle rules out the introduction of vehicle and road use charges as part of an Ultra Low Emission Zone (ULEZ) in Leeds and commits to improving air quality across the city.

However, Council notes this issue could be taken out of our hands as it was in 2017 when the Conservative Government directed the Council to consider measures to improve Air Quality in Leeds including through a charging Clean Air Zone. Council further notes in 2020 other actions taken by this Council to improve air quality meant the Government agreed a Clean Air Zone was no longer necessary.

Council welcomes measures set out in the Leeds Air Quality Strategy and Connecting Leeds Transport Strategy that are helping to improve air quality in Leeds. Council is concerned the Government's failure to support some measures identified in the strategies, including public transport improvements, risks compromising the good progress made so far to improve air quality for Leeds residents.

Council is concerned by the inconsistent approach to Air Quality standards taken by the current Conservative Government. Council therefore calls on the Government to reconsider its approach and provide sufficient support to local areas to ensure air quality continues to improve and avoid the need for measures such as a Clean Air Zone.”

With leave of Council it was moved by Councillor Lamb, seconded by Councillor Lewis that this Council in principle rules out the introduction of an Ultra Low Emission Zone (ULEZ) in Leeds, and also believes that all Leeds citizens have the right to breathe clean air.

Council agrees to bring forward an Executive Board report setting out future actions on improving air quality.

RESOLVED – That this Council in principle rules out the introduction of an Ultra Low Emission Zone (ULEZ) in Leeds, and also believes that all Leeds citizens have the right to breathe clean air.

Council agrees to bring forward an Executive Board report setting out future actions on improving air quality.

44 White Paper Motion (in the name of Councillor Carlisle) - Economy

It was moved by Councillor Carlisle, seconded by Councillor Blackburn that this Council recognises the immense importance of building a strong local economy. We celebrate work including the Inclusive Growth strategy, but note that established economic systems are failing to enact broad social, economic, and environmental benefits – locally, and across the world.

We are committed to deepening our relationship with and commitment to the work of bodies including the Centre for Local Economic Strategies (CLES) and the New Economics Foundation, especially around the unique importance of ‘community wealth building’. Local authorities have a key part to play in recalibrating local economies, to ensure maximum wealth, opportunities, and wellbeing for local communities.

Council will therefore create a 10 year strategy – with clear and measurable outcomes – based upon the so-called Preston Model, to become the UK core city with the most locally-focused economy, rooted in systemic commitments to redirect investment into the local economy, and thereby help build a fairer and more resilient city and region.

An amendment was moved by Councillor Pryor, seconded by Councillor Martin

Delete All after “This Council recognises” and replace with:

“... the necessity of building a strong local economy through Community Wealth Building Strategies. Council is proud of our Leeds Model.

Council notes there is a long tradition of Community Wealth Building across the Labour, Co-Operative and Trade Union Movement and Leeds has seen the benefit of this.

Leeds aims to become a Real Living Wage City and Council is proud to have been paying the Living Wage Foundation Real Living Wage since 2015, to all

council workers, including apprentices and homecare workers who work for external providers commissioned by the Council.

During a time of outsourcing and privatisation by many local authorities, Council takes pride in the fact that the vast majority of Leeds City Council services are provided by in-house teams, with one of the largest in-house workforces of any council in the UK.

Leeds Anchor Network brings together 14 of the city's biggest institutions to maximise the benefits of employment, procurement, infrastructure, service delivery behaviours for local people.

Council is aligned to the TUC's 'Great Jobs Agenda', ensuring that jobs are good jobs and has policy against detrimental practices such as 'fire and rehire'. Council will continue to work with the whole Leeds Anchor Network through its Employment Group to adopt best practice in areas including recruitment, mental health, and pay and conditions.

As part of the Leeds Best City Ambition launched in May 2022, Council is also working with the Anchor Network in several areas.

- A project funded by the Health Foundation aims to improve health inequalities in the most disadvantaged communities, connecting people to quality jobs and identifying new pathways to employment.
- Work is ongoing to ensure that investments help reach the Carbon Net Zero by 2030 target, working with Leeds City College to develop a pipeline of projects around green jobs to create good employment for the present and the future that also secures the local economy with much needed skills.
- Locality working in our most disadvantaged communities, tackling poverty and inequalities, increasing the footprint for working in priority neighbourhoods to cover all of the 12 most disadvantaged neighbourhoods, whilst also retaining a focus at the ward level on the city's 6 priority wards.
- Broadening the work with the Leeds Anchor Network to include the private sector through a Business Anchor Network. By investing in the local area where they operate, businesses are supporting potential workforces, suppliers, and customers. Having a meaningful local impact is often necessary for contracts with the public sector, a powerful motivator for employees and can be an important differentiator for businesses seeking to attract diverse and talented people. This work is essential in shaping the whole Leeds economy and the private sector would benefit significantly from a healthier and more productive workforce. Tools and resources will be made available for any business in Leeds that wants to re-invest in the city to create benefits for residents and communities.
- A Leeds Community Anchor Network has also been created; a Leeds-wide network of trusted third sector and faith organisations to better listen to communities, and find community solutions to improve access to meaningful employment in the city.

Council will continue to build on the work of the Neighbourhood Improvement Board as part of the city-wide strategic approach to tackle inequality and poverty linked to the Best City Ambition.

Council will continue to support Leeds Credit Union who have over 37,000 members as part of a sustainable co-operative, assisting people who may be

struggling for acceptance by traditional financial institutions to access financial products and services in a commercially viable way.

Council notes that jobs across West Yorkshire in the creative and cultural sector have risen by 17%, with 48,000 creative, cultural and sports roles advertised in the region over the past year. Already this demonstrates how targeted local investment in this sector from Leeds City Council and the Mayor of West Yorkshire, leads to more local jobs.

Council has adopted the Social Progress Index in order to go beyond 'traditional' ways of measuring economic success, raise our ambition and continue our commitment to inclusive growth and give demonstrable evidence of economic and social progress.

Leeds City Council is part of an Inclusive Growth Network; our Economic Policy team works with a range of bodies, which include CLES and NEF. The inclusive Growth Strategy is currently being refreshed to set out a plan to 2030, and as part of this Council has committed to increasing local spending from its budget of approximately £1 billion and supporting more local businesses to tender for work.

The Centre for Local Economic Strategies (CLES) was involved in supporting early work on local spending through our Anchor Network and Council welcomes its continuing work including a live research project on gender inclusion, and greatly value the work CLES carried out in Leeds in 2019 to achieve local community wealth building.

Council notes the recent LGA Peer Review of Leeds City Council recently describing the work done as deep and collaborative partnership and we know that these successes in Leeds are down to this partnership working across local organisations, businesses and our third sector. Council will continue to work to improve our city's economy.

Council acknowledges that these successes have come internally from the city, and our greatest barrier to future successes of Leeds are ongoing Government cuts, which to Leeds City Council alone have totalled £2.53 billion since 2010."

A second amendment was moved by Councillor Firth, seconded by Councillor Cohen

Delete all after "This Council" and replace with:

"welcomes recent statistics published by the independent Office for National Statistics, which show the British economy is now 0.6 per cent bigger than before the global COVID pandemic; growing faster than Germany, France and Japan.

"Council notes this has been the pattern since 2010, with the U.K. economy outperforming all expectations and rejecting the declinist narrative of opposition commentators.

“Although the effects of the global pandemic still plague economies worldwide, Council believes the Leeds economy is best placed to continue growing if the government continues its focus on high growth sectors - technology, life sciences, finance, clean energy and advanced manufacturing.

“Council urges the government to bring forward plans in the forthcoming King’s Speech to deliver further supply side reforms: expanding childcare, helping people into work, including those on long-term sick, small business rate reform, and reducing personal taxation.

“With just over a year to go until the next U.K. General Election, Council calls on all opposition parties to finally share their own economic plans with voters: will they take the difficult decisions needed to deliver supply side reform and keep the U.K. economy growing, or will they revert to simply pumping £100 billion of borrowed money into the economy?”

The amendment in the name of Councillor Firth was declared lost the amendment in the name of Councillor Pryor was carried and upon being put to the vote it was

RESOLVED – That this Council recognises the necessity of building a strong local economy through Community Wealth Building Strategies. Council is proud of our Leeds Model.

Council notes there is a long tradition of Community Wealth Building across the Labour, Co-Operative and Trade Union Movement and Leeds has seen the benefit of this.

Leeds aims to become a Real Living Wage City and Council is proud to have been paying the Living Wage Foundation Real Living Wage since 2015, to all council workers, including apprentices and homecare workers who work for external providers commissioned by the Council.

During a time of outsourcing and privatisation by many local authorities, Council takes pride in the fact that the vast majority of Leeds City Council services are provided by in-house teams, with one of the largest in-house workforces of any council in the UK.

Leeds Anchor Network brings together 14 of the city's biggest institutions to maximise the benefits of employment, procurement, infrastructure, service delivery behaviours for local people.

Council is aligned to the TUC’s ‘Great Jobs Agenda’, ensuring that jobs are good jobs and has policy against detrimental practices such as ‘fire and rehire’. Council will continue to work with the whole Leeds Anchor Network through its Employment Group to adopt best practice in areas including recruitment, mental health, and pay and conditions.

As part of the Leeds Best City Ambition launched in May 2022, Council is also working with the Anchor Network in several areas.

- A project funded by the Health Foundation aims to improve health inequalities in the most disadvantaged communities, connecting people to quality jobs and identifying new pathways to employment.

- Work is ongoing to ensure that investments help reach the Carbon Net Zero by 2030 target, working with Leeds City College to develop a pipeline of projects around green jobs to create good employment for the present and the future that also secures the local economy with much needed skills.
- Locality working in our most disadvantaged communities, tackling poverty and inequalities, increasing the footprint for working in priority neighbourhoods to cover all of the 12 most disadvantaged neighbourhoods, whilst also retaining a focus at the ward level on the city's 6 priority wards.
- Broadening the work with the Leeds Anchor Network to include the private sector through a Business Anchor Network. By investing in the local area where they operate, businesses are supporting potential workforces, suppliers, and customers. Having a meaningful local impact is often necessary for contracts with the public sector, a powerful motivator for employees and can be an important differentiator for businesses seeking to attract diverse and talented people. This work is essential in shaping the whole Leeds economy and the private sector would benefit significantly from a healthier and more productive workforce. Tools and resources will be made available for any business in Leeds that wants to re-invest in the city to create benefits for residents and communities.
- A Leeds Community Anchor Network has also been created; a Leeds-wide network of trusted third sector and faith organisations to better listen to communities, and find community solutions to improve access to meaningful employment in the city.

Council will continue to build on the work of the Neighbourhood Improvement Board as part of the city-wide strategic approach to tackle inequality and poverty linked to the Best City Ambition.

Council will continue to support Leeds Credit Union who have over 37,000 members as part of a sustainable co-operative, assisting people who may be struggling for acceptance by traditional financial institutions to access financial products and services in a commercially viable way.

Council notes that jobs across West Yorkshire in the creative and cultural sector have risen by 17%, with 48,000 creative, cultural and sports roles advertised in the region over the past year. Already this demonstrates how targeted local investment in this sector from Leeds City Council and the Mayor of West Yorkshire, leads to more local jobs.

Council has adopted the Social Progress Index in order to go beyond 'traditional' ways of measuring economic success, raise our ambition and continue our commitment to inclusive growth and give demonstrable evidence of economic and social progress.

Leeds City Council is part of an Inclusive Growth Network; our Economic Policy team works with a range of bodies, which include CLES and NEF. The inclusive Growth Strategy is currently being refreshed to set out a plan to 2030, and as part of this Council has committed to increasing local spending from its budget of approximately £1 billion and supporting more local businesses to tender for work.

The Centre for Local Economic Strategies (CLES) was involved in supporting early work on local spending through our Anchor Network and Council welcomes its continuing work including a live research project on gender

inclusion, and greatly value the work CLES carried out in Leeds in 2019 to achieve local community wealth building.

Council notes the recent LGA Peer Review of Leeds City Council recently describing the work done as deep and collaborative partnership and we know that these successes in Leeds are down to this partnership working across local organisations, businesses and our third sector. Council will continue to work to improve our city's economy.

Council acknowledges that these successes have come internally from the city, and our greatest barrier to future successes of Leeds are ongoing Government cuts, which to Leeds City Council alone have totalled £2.53 billion since 2010.”

Prior to discussion on this item Councillor Dobson declared an interest as a manager of a Leeds Anchor Network.

45 White Paper Motion (in the name of Councillor Pryor) - School Building Crisis

It was moved by Councillor Pryor, seconded by Councillor Swards that it has been reported that when he was Chancellor, Rishi Sunak refused to properly fund a school rebuilding programme.

Council utterly condemns this and calls on the Government to urgently fund vital school repair projects in Leeds.

An amendment was moved by Councillor Stephenson, seconded by Councillor Lamb

Delete all and replace with the following:

“This Council welcomes significant investment in Leeds schools, academies, free schools and colleges in recent years.

“This includes a share of the £1.8 billion in funding from the School Rebuilding Programme for Holy Trinity Church of England Academy (Rothwell), Mount St. Mary's Catholic High School, John Jamieson School, St. Mary's Menston, Oulton Academy, Brigshaw High School and Wetherby High School.

“Council further welcomes a share of the £8.5 billion funding from the Free Schools Programme for Co-op Academy Brierley, Leeds Mathematics School, Terry Elliot Academy, Thorpe Park College, Leeds Jewish Free School, Cockburn Laurence Calvert Academy, University Technical College Leeds, the Ruth Gorse Academy, Trinity Academy Leeds, Temple Learning Academy Free School, Dixon's Trinity Chapeltown, Primley Wood Primary School, Nightingale Primary School, Lane End Primary, Elements Primary School, Elliot Hudson College, Lighthouse School Leeds, The Elland Academy, and The Stephen Longfellow Academy.

“Council also notes significant funding awarded to Leeds schools via Basic Need Grant Funding and directly to Leeds academies through the Condition Improvement Fund, which has delivered building extensions, repairs and improvements including decarbonisation.

“Council recognises that many schools and academies in Leeds are still grappling with budget pressures arising directly from the last Labour government's decision to award costly Private Finance Initiative (PFI) contracts for school building programmes. As a direct result of these contracts and the excessive cost of varying deeds, funding intended for the education of children and young people in Leeds is

instead diverted to private equity firms. Council therefore calls on the Conservative government to continue funding school repairs, rebuilds and improvements through the programmes listed in this motion and rejects any proposal to return to Labour's regressive PFI programme."

The amendment in the name of Councillor Stephenson was declared lost and upon being put to the vote it was

RESOLVED – That it has been reported that when he was Chancellor, Rishi Sunak refused to properly fund a school rebuilding programme.

Council utterly condemns this and calls on the Government to urgently fund vital school repair projects in Leeds.

On the requisition of Councillor Pryor and Lewis the voting on the motion in the name of Councillor Pryor was recorded as follows;

YES – 68

Akhtar, Ali, Almass, Arif, Bithell, Bowden, Bromley, Brooks, Burke, Carlill, Coupar, Dowson, Dye, Edwards, Farley, Flint, France-Mir, Garvani, Gibson, Grahame, Gruen, Hamilton, Hannan, Harland, Hayden, Heselwood, Hinchcliffe, A Hussain, Z Hussain, Iqbal, Jenkins, Jones, Khan, Lennox, Lewis, Maloney, Manaka, Marshall-Katung, Martin, McCluskey, McKenna, Millar, Parnham, Pryor, Rafique, Renshaw, Ritchie, Rontree, Scopes, Sowards, Shahzad, Sharpe, Taylor, Thomson, Tudor, Venner, Wilson, Wray, Dixon, Pogson-Golden, Campbell, Blackburn, Carlisle, Chapman, Downes, Golton, Hart-Brooke and Lay

NO – 17

Alderson, B Anderson, C Anderson, L Buckley, N Buckley, Amanda Carter, Cohen, Firth, Flynn, Foster, Harrington, Lamb, Robinson, D Seary, S Seary, Smith and Stephenson.

ABSTAIN – 5

Finnigan, Gettings, Kidger, Newton and Senior,

Council rose at 7.20 pm

Transpennine Route Upgrade – Transport and Works Act Order Representation

Date: 15 November 2023

Report of: Director of City Development

Report to: Full Council

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

On the 17th July 2023 Network Rail formally submitted a Transport and Works Act Order application (The Network Rail Leeds to Micklefield Enhancements Order) (TWAO) to the Secretary of State for Transport, for part of the Transpennine Route Upgrade (TRU) east of Leeds. The TWAO seeks authorisation to construct, enhance, operate, and maintain elements of works on the Transpennine line between Leeds and Micklefield.

If granted, the TWAO will be a piece of secondary legislation that will provide a range of powers to Network Rail to construct and operate the development. The powers provided by the TWAO will override other relevant legislative provision relating to a number of planning and highways powers as a result of the disapplication of legislative provisions including but not limited to deemed planning permission, listed building consents, felling and lopping of trees, altering of streets, temporarily and permanently stop up and/or divert, footpaths and highways and power to execute works.

Following the submission of the TWAO by Network Rail, the Council had a statutory 42-day period to submit its response to the Secretary of State for Transport.

Notwithstanding the Council's support in principle for TRU and the associated benefits, in order to meet the statutory procedural requirements a 'holding objection' was submitted to the Secretary of State in response to the draft TWAO, pursuant to Rule 21 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ("Rule 21").

In order to meet statutory timescales set out in Rule 21), the Executive delegated authority to the Director of City Development to submit a "holding objection") to the application to ensure the timescales of Rule 21 are met, until the objection can be considered by Full Council in accordance with the requirements of section 239 of the Local Government Act 1972 and a decision to submit a formal objection if approved.

In light of Network Rail's TWAO submission to the Secretary of State on 17th July 2023, this item is to enable Council to debate the endorsement of the Council's response to the TWAO submission, in order for the objection to be ratified and for Officers to best represent and uphold the Council's interests, if necessary at public inquiry, as required by statutory requirements.

Recommendations

Members of Full Council are requested to:

- a) Note the Council's overall strategic support for the outcomes proposed from the Leeds to Micklefield element of the TRU.
- b) Note the contents of the report and the 'holding objection' (as per Appendix A) submitted by the Council to the Secretary of State in response to Network Rail's application for the TWAO and justifications for this.
- c) Note the recommendation of Executive Board of 18th October 2023 for Full Council to approve the submission of a formal objection pursuant to s239 of the Local Government Act 1972.
- d) Approve the submission of a formal objection to specific elements of the TWAO pursuant to s239 of the Local Government Act 1972.
- e) Delegate authority to the Director of City Development, in consultation with the Executive Member for Sustainable Development and Infrastructure, to continue negotiations with relevant stakeholders to seek to agree the withdrawal of the objection should sufficient agreement on the issues raised be reached.

What is this report about?

- 1 The Transpennine Route Upgrade (TRU) is a multi-billion pound programme by Network Rail improving connectivity between Manchester, Huddersfield, Leeds and York. It aims to deliver a high-performing, reliable railway, bringing more frequent, more reliable, faster and greener trains to the region. The overall benefits of the TRU include improved journey times, improved passenger experience, more seats, more freight capacity, and reduced emissions, as well as added social and economic value by providing opportunities such as apprenticeships and working with local businesses. Given the forecast benefits that will accrue from TRU, the Council supports the strategic intent of the scheme.
- 2 On 18th November 2021 the Integrated Rail Plan for the North and Midlands was published. One of the commitments in the Plan was for the delivery of the Transpennine Route Upgrade (TRU). Since the Plan was published Network Rail has been remitted to deliver the programme of investment and has developed a consenting strategy which provides for a series of discrete Transport and Works Act Orders (TWAO) to secure delivery of the wider TRU programme. It is understood that the only part of the IRP to be cancelled is HS2 Phase 2. The commitment to deliver TRU remains and Network North document confirms the commitment to deliver the core Northern Powerhouse Rail proposals which were referenced in the IRP.
- 3 In order to deliver elements of the scheme Network Rail submitted the TWAO to the Secretary of State for Transport on the 17th July to seek permission to construct components of TRU east of Leeds, which extends from Kirkgate to Micklefield.
- 4 The TWAO seeks authorisation to carry out upgrades and reconstruction to the existing railway and electrification works between Leeds and Micklefield. The TWAO also permits Network Rail to acquire land, and to take responsibility for a number of highway and planning powers affecting the Council's statutory functions.
- 5 Although the Council recognises and supports, in principle, the benefits of TRU, the strategic importance, and the ongoing partnership working with Network Rail, and notwithstanding the detail submitted as part of the TWAO, there are a number of specific matters where the Council requires further information or mitigations in order to be satisfied that the scheme can be

implemented in a way that mitigates the impact on local communities and on the Council and its statutory functions.

- 6 The Council's key concerns and response to the Secretary of State for Transport submitted on 18th August 2023 can be found in Appendix A.
- 7 The response was submitted as a holding objection due to the requirement under s239 of the Local Government Act 1972, that a Full Council resolution would be required to ratify a full objection to the TWAO. Submission of the holding objection was considered to be the appropriate mechanism to allow the Council to continue negotiations until such ratification could be provided by Full Council. This is a statutory procedural requirement to ensure the Council complies with its statutory duties and to ensure that the Secretary of State can properly consider the Council's objection.
- 8 The procedure for dealing with TWAO's is explained in Appendix D. A briefing to Members explaining the procedural elements will be held on 15th November, with a subsequent virtual meeting taking place on 21st November.
- 9 Approval from Full Council to submit a full objection to the Secretary of State for Transport will allow the Council to:
 - a) Continue negotiations with Network Rail in respect of any outstanding issues set out the holding objection, with a view to reaching agreement ahead of a public inquiry, in line with delegated authority to the Director of City Development
 - b) Enable officers to continue to best represent and uphold the Council's interests.
 - c) If a public inquiry is held, it will allow Officers to participate in that process, if required, to ensure the Council's interests are upheld.
- 10 The Council has a number of specific concerns in relation to the draft TWAO which are set out below. These also summarised in detail in Appendix A and in the Executive Board report [v0.8](#) of 18th October 2023.
- 11 Specific concerns in relation to the draft TWAO which are summarised below:
 - i. Town planning implications
 - ii. Highways implications
 - iii. Land acquisition
 - iv. Public Rights of Way stopping up and diversions
 - v. Communications
- 12 Town planning implications – The TWAO seeks several planning powers/consents from the Secretary of State for transport which have the ability to override the Council's statutory functions. Specific areas of concern are listed below.
 - a) Network Rail are applying for Listed Building Consent in parallel to the TWAO application. The decision on these proposed works is to be made by the Secretary of State's Planning Inspector, therefore eliminating the Council's statutory duties.
 - b) A final position is still to be reached with Network Rail regarding the Environmental Agreement, which addresses issues such as a commitment to 10% bio-diversity net gain within Leeds. Protocols and mitigations regarding land restoration following associated works also requires further agreement to ensure impacts can be minimised wherever possible.
 - c) The Planning Statement that Network Rail has prepared omits any reference to the Aire Valley Leeds Area Action Plan, and also makes errors when identifying the relevant policies of other Local Plan documents.

- i. Network Rail also need to ensure they are working to current standards in terms of planning proposals and any additional planning permission required. A holding objection is required to ensure any material differences between current Adopted Local Plans and those referenced by Network Rail can be addressed where required.
- ii. Deemed planning permission – This means that for certain areas and works the TWAO will effectively provide planning permission with planning conditions having been discharged or limited consultation being undertaken with the Planning Authority. Network Rail are requesting planning permission from the Secretary of State for elements of the scheme as part of the TWAO. Further negotiation is required in relation to the conditions and mitigations attached to these works and the holding objection is the appropriate mechanism to allow these negotiations to take place.
 - (1) For associated works that fall outside of the deemed conditions, the same or equivalent mitigations are required to ensure a holistic approach across the scheme. The holding objection will allow Council Officers to continue negotiation with Network Rail regarding additional conditions to be attached to the deemed planning permission to ensure mitigation wherever possible.
- d) There is currently no requirement for Network Rail to supply land contamination reports to the Council for review and approval under the TWAO.
 - i. However, the Council requires this information to ensure that land contamination risks have been adequately assessed and remediated where required prior to scheme areas becoming operational to ensure that there is no risk to operational end-users (principally members of the public).
 - ii. Network Rail have confirmed that where remediation is required for any part of the scheme, the Council shall be consulted with to agree the remediation strategy. All Remediation Strategies and Verification reports shall be sent to LCC as well.
 - iii. However, Network Rail have not confirmed that they will provide reports for all supplementary ground investigations proposed to be undertaken. The Council will need copies of these ground investigation reports so that the Council can review them to be assured that the appropriate land contamination risk assessment has been undertaken for each supplementary ground investigation.
 - iv. Further negotiation is required in order to ensure the Council is provided with the appropriate information.

13 Highways implications

- i. The TWAO results in the disapplication of legislative powers, and therefore the process for approval of works such as, to highways, land and structures needs to be agreed to ensure appropriate mitigation as far as is practicable. As well as ensuring that Network Rail carry out works to current standards where feasible.
- ii. Network Rail has agreed to enter into a Highways Agreement which endeavours to address these issues, but as yet the agreement has not been fully developed thus requiring the holding objection to ensure ongoing negotiation.
- iii. Additional negotiation and clarity is required regarding maintenance and ownership of structures and ancillary structures to be addressed in the Highways Agreement. Issues regarding highway condition surveys and making good any damage also needs to be negotiated to prevent unnecessary liability and costs for the Council.
- iv. A number of the proposed accesses to works and compounds proposed by Network Rail appear to be inappropriate. Further negotiation is required regarding these and concerns surrounding works that would usually fall under a s278 agreement. Such effects are also likely to be addressed within the Highways Agreement.

- v. Clarification has been sought from Network Rail regarding the definition of stopping up used within the documentation. There is also a lack of detail regarding proposed diversions and traffic management plans. Without this the Council is not able to properly access the impacts of the proposals Network Rail are putting forward.
- vi. A number of sites were identified as potential flood risk sites. The process for agreeing mitigations is likely to be dealt with in the side agreement. A holding objection allows the opportunity for such negotiations on mitigations to take place.

14 Public Rights of Way –

- i. Further negotiation is required regarding the proposed diversions following the closure of level crossings. There is a further need for appropriate diversions to meet current standards from a legal and accessibility perspective and in particular the Council has concerns about the closure and proposed diversion for the Peckfield Level Crossing. The TWAO documentation to date does not satisfy this requirement and further negotiation is required with Network Rail.

15 Impacts and Interfaces with other schemes

- i. There are a number of locations which conflict with a number of LCC proposed schemes. The holding objection allows for negotiations to take place to ensure mitigations are put in place where required. Those identified to date include:
 - (1) Kirkgate and Penny Pocket Park – Works have potential to conflict with City Centre Loop scheme planned for 2024/2025.
 - (2) Wykebeck Avenue/ Waterloo Sidings – Network Rail have proposed a compound on this land which conflicts with planning permission for the development of 147 houses. No consideration of the temporary impact has been made in the Planning Statement or other supporting documents by Network Rail.
 - (3) Green Park – This site is pending transfer to LCC ownership and further negotiation and legal advice is required on the impact to LCC.
 - (4) Manston Lane – Access to a Road Rail Access Point is required by Network Rail. This has potential to conflict with future proposed use of this land.
 - (5) Crawshaw Woods/ Brown Moor - This site is proposed for allocation for employment uses through the Site Allocations Plan (and examination hearings on this are ongoing) and a planning application for employment uses on the site is also pending consideration.
 - (a) This TWAO is already resulting in a loss of general employment land at Phoenix Avenue and cumulative impact of this needs to be considered. Whilst the temporary loss of land at Phoenix Avenue is not being specifically objected to, following the receipt of further clarification/justification on this proposal, it remains that this will further reduce the supply of general employment land available for development in the Leeds District. This needs to be taken into account as context to the potential further loss of land proposed here. The Council requires further information from Network Rail to ensure other works and schemes are not unduly impacted.

16 Land acquisition

- i. The TWAO does not yet account for all land required to carry out the necessary works nor does it reference all relevant sections of highway required for elements such as temporary stopping up and in some instances such as New Market Approach it is not clear why TRU would have a permanent land take requirement and discussion is ongoing to this regard. There is also a lack of detail in the TWAO regarding the timeframes for temporary compounds. This makes assessing the impact (and any

concerns arising from this) challenging as it is not clear whether it will be a short term or long-term impact and a commitment is being sought by Network Rail to provide this information at regular intervals.

- ii. A number of compounds also impact green belt land and restoration of the land on completion of the works is unclear. Without the above information the Council is not able to correctly assess the impacts of the scheme.
- iii. A holding objection was therefore submitted to preserve the Council's position pending further negotiation.

17 Communications

- i. There remains a lack of detail regarding Network Rail's approach to communication before and during the works. Further information has been requested following feedback from Ward Members and meetings with Network Rail. However, additional information is yet to be provided. Such information is required to ensure matters such as highways diversions, works, impacts on residents is disseminated appropriately and that residents will have clear communication routes to raise concerns.

18 Equality

- i. Network Rail has a statutory duty to ensure works comply with the Equality Act 2010. The TWAO documentation does not currently meet these requirements in some areas and further clarity is required to ensure this requirement is met.

19 It is envisaged that the Council will work collaboratively with Network Rail in the run up to the public inquiry with a view agreeing as many of these issues as possible. Where that is not possible in advance of the public inquiry, the Council will collaborate with Network Rail to produce a Statement of Common Ground to address many of these issues. Any remainder of the issues that have not been resolved will remain within the Council's Statement of Case and may be identified as 'matters' by the Inspector to be determined at the public inquiry. It should be noted that the inquiry timetable has not yet been issued by the Secretary of State.

20 Future opportunities to reach agreement with Network Rail are considered to be;

- a) Working with Network Rail's legal representatives to negotiate any side agreements outside of the TWAO process in order to protect the operational capability of affected Council functions.
- b) Consider Network Rail's response to the Council's "holding objection" and work with Network Rail to ensure issues and concerns are dealt with expediently and effectively to reduce the necessity for attendance at the public inquiry which is in the best interests of the Council and Network Rail.
- c) Working with Network Rail to agree additional planning conditions to be attached to any deemed consent including details of what to include in any specific management plans as part of a planning condition. In respect of this point, Network Rail may be required to obtain Council agreement to a Construction Traffic Management Plan and Code of Construction Practice. Officers are keen to seek agreement in respect of the specific content of any such plans to ensure issues raised are addressed and rectified. In addition to this, Officers will work with Network Rail to produce any other technical reports and assessment that may be required.

What impact will this proposal have?

21 The TWAO will impact on a number of the Council's statutory functions and further information and negotiation is required in order to mitigate these impacts as far as is possible.

- 22 TRU and the works proposed as part of the TWAO will have impacts on communities, highways, planning, and Council land, particularly during the construction of the scheme and associated works.
- 23 It is recognised that the wider TRU Project will deliver wider benefits to Leeds City Region by providing improved connectivity, more frequent, faster, greener trains and running on a better, cleaner, and more reliable railway. Only 26% of the rail network in West Yorkshire is currently electrified.
- 24 It is envisaged that consultation and negotiation with Network Rail will continue as we jointly work through the outstanding issues to mitigate the disruption of the works on communities.

How does this proposal impact the three pillars of the Best City Ambition?

- Health and Wellbeing Inclusive Growth Zero Carbon

- 25 It is acknowledged that TRU will deliver against the Best City Ambition providing benefits for the wider region.
- 26 TRU's planned outcomes by the Department for Transport are:
- a) better punctuality: infrastructure to support a 50% reduction in average minutes late for passenger services (compared with service performance before the COVID-19 pandemic).
 - b) enhanced passenger capacity: one additional fast or semi-fast passenger service and one additional stopping passenger service per hour between Manchester and Leeds.
 - c) faster journeys: a 63- to 66-minute planned journey time between Manchester and York on the end-state route, down from 74 minutes on pre-COVID-19 services (saving up to 11 minutes).
 - d) improved environment: up to 87,000 tonnes a year possible reduction in carbon emissions from electrification and a shift from other modes of transport to rail.
 - e) facilitation of Northern Powerhouse Rail: works to facilitate the future Northern Powerhouse Rail Programme.
- 27 It is recognised how investment in rail infrastructure will positively impact the Best City Ambition promoting active travel, improved public transport connectivity and help to connect people with opportunities. The Council has supported the development of the TRU over the last decade and the investment is welcomed to address the existing constraints on the route both in terms of capacity and performance.
- 28 Investment is essential to encourage mode shift from road to rail by improving performance and electrification of the line will result in low carbon transport infrastructure.
- 29 Further negotiation is required relating to Network Rail's commitment to Biodiversity within Leeds. Mitigations with regards to ecological and arboricultural impacts, such as land restoration proposals also needs further clarification to ensure its alignment with the Best City Ambition.

What consultation and engagement has taken place?

Wards affected: Hunslet & Riverside, Little London & Woodhouse, Burmantofts & Richmond Hill, Cross Gates & Whinmoor, Garforth & Swillington, Harewood, Kippax & Methley, Temple Newsam

Have ward members been consulted? Yes No

- 30 Network Rail carried out their own consultation in October/ November 2022, with both statutory consultee and wider public stakeholders. Network Rail additionally carried out a ward member briefing inviting affected ward members in December 2022 and consultation with Kippax and Methley Ward Members and Executive Member for Infrastructure and Climate on 22nd May relating to specific issues at Micklefield.
- 31 All Ward Members whose wards are impacted by the proposals were consulted on 12 May 2023 regarding the latest position as part of the Executive Board process.
- 32 Affected Ward Members were also contacted on 17th July 2023 to notify them of the submission of the TWAO.
- a) On the 9th August 2023 affected Ward Members were consulted advising them on our proposed response. No comments were received.
- 33 Comments previously received from Ward Members have been reflected in our proposed response to the Secretary of State for Transport.

What are the resource implications?

- 34 A multidisciplinary team across the Council has responded to the TWAO including officers from Planning, Highways, Flood Risk Management, Public Rights of Way, Parks and Countryside, Contaminated Land, Asset Management and Regeneration, Building Conservation, Nature Conservation, Arboriculture, Legal Services, Environmental Health, and this team will continue to negotiate with Network Rail.
- 35 External legal advisors and chartered surveyors have also been appointed to advise council officers and assist with negotiations.

What are the key risks and how are they being managed?

- 36 Primary risks and concerns are further outlined in appendices A.
- 37 The key risks are:
- a) If Full Council does not endorse the holding objection as a formal objection, it will be classified by the Secretary of State as a representation. There would then be a risk that the Council will not be in a strong position to negotiate with Network Rail on the issues set out in Appendix A.
- b) If agreement cannot be reached with Network Rail on the issues submitted as part of the Council's representation to the TWAO prior to public inquiry it could require the Council to make representation at an inquiry, resulting in resource implications.
- c) That there are issues which have not yet been identified due to errors in the TWAO and the short timescales for reviewing and providing representation. There are also elements of the works to the TWAO that fall outside of the TWAO. Therefore, the holding response has been worded to enable, wherever possible, additional issues to be raised by the Council, as required, as negotiations progress.

What are the legal implications?

- 38 As this is a decision of Full Council, the matter is not eligible for Call In.
- 39 Pursuant to Rule 21 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, the Council has submitted a 'holding objection' to Network Rail's application for the TWAO for the Leeds to Micklefield section of the Transpennine Route Upgrade.

- 40 In order to meet the timescales set out in Rule 21 Executive Board delegated authority to the Director of City Development to submit a holding objection to the application to ensure the timescales of Rule 21 are met, until the objection can be considered by Full Council at its next meeting in accordance with the requirements of section 239 of the Local Government Act 1972.
- 41 The 'holding objection' was submitted in accordance with the Executive Board resolution of 21 June 2023, further information is provided in Executive Board Report 21st June 2023 - Transpennine Route Upgrade East - TWAO [v1.5](#). This was submitted due to very tight timescales set out in the legislation and recognising that if agreement could not be reached, there is a requirement of Full Council to discharge its governance obligations pursuant to section 239 of the Local Government Act 1972 and for a decision to submit a formal objection which requires approval by Full Council.
- 42 Section 239 of the Local Government Act 1972 provides that where a local authority resolve to an objection to a Bill, that any resolution shall be passed "by a majority of the whole number of the members of the authority at a meeting of the authority", which was also noted in correspondence the council received from the DfT dated 29th August 2023. Therefore 50 or more votes in favour of the resolution are required.
- 43 Once made, the TWAO will be a secondary piece of legislation (i.e. "a Bill" for the purposes of section 239 of the Local Government Act 1972.) It is for that reason that the procedure set out in section 239 Local Government Act must be followed for a formal objection to be submitted in response to the application.
- 44 The 'holding objection' made it clear that a formal objection, if approved by Full Council, will be submitted as soon as the necessary approval has been secured.
- 45 Where an authority is opposing a bill, it is a legislative requirement of section 239 of the Local Government Act 1972 to provide notice of the meeting and its purpose. Advertisement is required in one or more local newspapers 10 days prior to ratification from Full Council. The requisite notice was published on 19th October 2023.

Options, timescales and measuring success

What other options were considered?

- 46 Informal consultation and negotiation has been ongoing with Network Rail since Autumn 2022 in order to negotiate on issues prior to the 42 day statutory period for responses.
- 47 The option not to respond to the TWAO or work collaboratively with Network Rail would expose the Council to risks of greater disruption to communities and less mitigation where there are negative impacts associated with the works.
- 48 The option to simply make representation to the TWAO would not protect the Council's statutory functions and ensure the Council's concerns are further negotiated upon.
- 49 If Full Council decides to endorse the Council's holding objection with a full resolution, then the Secretary of State will deem the response as an objection to the TWAO and on that basis the Council will have the right to present oral evidence at a public inquiry to be held in the New Year and other associated benefits as listed above.

- 50 If Full Council is minded not to endorse the holding objection, the Secretary of State will treat the Council's response as a representation but will not afford the ability to attend the public inquiry and provide evidence in person or afford the other benefits as listed above. The detail of the holding objection would, however, still be considered by the inspector for the inquiry.
- 51 The public inquiry is predicted to take place in January 2024, however, the Secretary of State has not published the formal inquiry timetable to date.

How will success be measured?

- 52 Negotiation with Network Rail resulting in part, the majority or all of the Councils objections being withdrawn prior to public inquiry.
- 53 Collaborative working to ensure minimal impacts and disruption to local communities as well as avoiding conflict with other committed works.
- 54 Working with Network Rail to ensure the benefits of the scheme are realised.

What is the timetable and who will be responsible for implementation?

- 55 Network Rail are responsible for the implementation of this scheme. It is anticipated that works utilising the TWAO powers will begin in 2024. However, these timescales are currently indicative, and Network Rail will also require access to site compounds ahead of this.
- 56 Coordination of the Council's response will be managed by the Senior Project Officer, Station Development.

Appendices

- Appendix A – LCC Holding Objection
- Appendix B – Equality diversity cohesion and integration screening form
- Appendix C – Executive Board Report 18th October 2023
- Appendix D – TWAO Procedure

Background papers

None.

Enquiries to: Lauren Browne

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit,
Zone 1/18
Department for Transport,
Great Minster House,
33 Horseferry Road,
London,
SW1P 4DR

Martin Farrington
Director of City Development
Leeds City Council
Merrion House
110 Merrion Centre
Leeds, LS2 8BB

Telephone: 0113 3786014
Email: martin.farrington@leeds.gov.uk

18 August 2023

Dear Sir/Madam,

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 - Network Rail Leeds to Micklefield TWA Order

SECTION 1 - INTRODUCTION

The following submission is made under rule 21 of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and is made by Leeds City Council, of Civic Hall Calverley Street Leeds LS1 1UR in its various capacities including landowner, planning and highway authority.

Leeds City Council (The Council) welcomes Network Rail's Transport and Works Act Order application to the Secretary of State for Transport for the Leeds to Micklefield scheme. The Council fully recognises and supports the stated principal outcomes of the scheme, namely:

1. **Improved Safety:** delivery of a safe way of passage for existing level crossing users across a number of level crossings, either via alternative routes, or new crossing structures.
2. **Efficiency and reliability of the railway:** The closure of the level crossings and the installation of electrification equipment will help to provide the capability to regulate both freight and passenger trains.
3. **Modernised signalling** will mean shorter headways between trains, meaning they can run closer together through more effective digital controls in place, and this in turn will allow for increased capacity in the number of trains that can be on the route at any one time.
4. **Reduced operating and maintenance costs** as a result of the closure of the level crossings that need to be inspected, maintained and operated and the delivery of new track and

electrification equipment. This will improve the reliability of the route and the train services operating on it.

5. **Reduction of delays to trains and other highway users:** The closure of the level crossings will reduce the number of incidents which have a detrimental impact on train performance. Improved efficiency on the railway means fewer heavy vehicles on the highway network causing traffic issues and contributing to air pollution.

The Council recognises that a lot of work has been undertaken by Network Rail in partnership with the Council's own technical officers over the course of the evolution of the scheme, and that much of the detail has been discussed through technical meetings with Council Officers as referenced by Network Rail in document NR07.

The Council is aware that the application for the Transport and Works Act Order is a large set of documents that contains a lot of detail. Notwithstanding the level of detail submitted, there are a number of areas where the Council requires further information in order to be satisfied that the scheme can be delivered without unacceptable impacts on the carrying out of the Council's various statutory functions.

Appendix 1 sets out in detail the areas in which the Council require further information or clarification and where errors in the application documentation have been identified by the Council.

Whilst being fully committed to and supportive of the scheme, there are a number of areas where further collaboration is required to agree some of the detail of the scheme, particularly during the construction phases and understanding the extent and timeframe for each construction phase.

The Council's Rule 21 representation to the Transport and Works Act Order application is structured in two parts:

1. This introduction, where the Council's overall support for and commitment to, the Transpennine Route Upgrade between Leeds and Micklefield is set out.
2. Issue specific representations which cover in greater detail technical issues that Officers in the Council have raised throughout the afore-mentioned partnership working process and where the Council considers that:
 - a. Modifications to the Order and/or the draft deemed planning permission are required;
 - b. Further information should be provided to justify the design decision taken; or
 - c. Mechanisms for the submission and approval of further information needs to be provided as part of the future partnership working between Network Rail and the Council.

This section contains the Council's rationale for suggested amendments to proposed conditions and new proposed conditions (see Appendix 1) to deal with the lack of information provided, errors in that information or to ensure that the design or construction methodology does not impact, in the Council's opinion, more than absolutely necessary on residents.

Appendix 1 comprises a working document, detailing specific technical concerns and/or points of detail identified by the Council's various technical teams and which the Council considers will need to be addressed, or further detail provided, prior to the implementation of the relevant Works or Stage.

SECTION 2 – ISSUE SPECIFIC REPRESENTATIONS

Approach to use of permitted development rights

1. The Council notes that the definition of "authorised works" contained within Article 2 (Interpretation) of the draft Order (Document Ref: NR02) is as follows, "*the scheduled works and any other works authorised by this Order the planning permission and the Town and Country Planning (General Permitted Development) (England) Order 2015 including Part 18 of Schedule 2 to that Order or any part of them*".
2. Network Rail explains in the Explanatory Memorandum (Document Ref: NR03) that the definition has been "*widened to include both the Scheduled Works (which are the subject of the request for deemed planning permission) and also works which falls within permitted development rights and*

planning permissions which are to be secured by Network Rail, as are identified in the List of Permission and Consents."

3. Notwithstanding that certain works may be consented pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (**GPDO**), Network Rail has included these in the draft Order, but has not subsequently listed these works on the Works and Land Drawings (Document Reference NR09). In addition, those works listed in the List of Permission and Consents (Document Ref: NR18) only refers to permitted development which requires prior approval. Those applications for prior approval set out in NR18 relate to works to Kirkgate Bridge, the replacement of Marsh Lane Bridge and works to an underbridge in the vicinity of Neville Hill Depot. The Council is aware of a number of other works that are proposed to be carried out under permitted development rights, which have not been listed in document NR18. For example, the set-up of working compounds, storage areas, and accesses to the same. It is essential that this is detailed.
4. The Environmental Report Volume 1 (Document Reference NR16) makes clear, at paragraph 1.3.4 that the scope of the environmental assessment "*does not consider the effects of certain additional elements which are either to be carried out as permitted development or through planning permission obtained separately from the local planning authority. The proposed Leeds to Micklefield Enhancements Order includes provisions to facilitate these elements but does not authorise the works. These elements are not included in the scope of this Report.*"
5. The draft Order therefore has the effect of granting powers and rights to Network Rail to carry out works which go beyond the works consented within the Order, and which have not been taken into account in the assessment of the environmental impacts of the Scheme. The Council therefore questions whether the approach taken to the use of permitted development rights is correct and justifiable especially where permitted development rights are not capable of being relied upon where it would otherwise comprise EIA development which when taken as a whole the scheme is.

Approach to consents sought within the draft Order

6. The Council is not clear on Network Rail's rationale for its approach to consenting this stretch of the Transpennine Route Upgrade. The Council notes that Network Rail is seeking to include powers granted under the draft Order, together with consents granted (or expected to be granted) pursuant to prior approval applications. This appears to differ from the approach taken in The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 and the draft The Network Rail (Church Fenton Level Crossing Reduction) Order where the Orders include works either granted (or to be granted) only pursuant to the details contained in the relevant Order (and not including additional prior approval or planning applications). The reason for deviation from these precedents is not clear.
7. The Council is concerned that by dealing with the consents in this way, it is not clear whether the impacts of the Scheme have been properly assessed.
8. In addition, Network Rail appear to be splitting mitigation to the works authorised under the draft Order and the deemed planning permission. For example, the Code of Construction Practice is split into Part A and Part B and the scheme components that fall under the relevant mitigation is not clear. However there is inconsistency in the document itself in relation to the terminology used, which in itself makes the whole document unclear as to which element of the works it applies to.
9. The Council would welcome an explanation from Network Rail as to why it has taken this approach with the Scheme, which is a variation to the approach taken in other applications for other parts of the Transpennine Route Upgrade.

Level of detail in application documents

10. The Council is concerned that the Application documents submitted are generally lacking in information and detail, such that the Council, in carrying out its various statutory functions, is not able to adequately review the proposals.

11. For example, the proposals for the Neville Hill temporary compound, which are not included within the Application for the Order are unclear. Further clarification from Network Rail is required for the Council to properly understand what is proposed. The Council understands that these works will be carried out under permitted development rights. The Council has previously provided comments on the proposed compound and the associated traffic impacts, and the accesses from the existing access off Pontefract Lane and the proposed new access at Newmarket Approach. However, the Application does not include sufficient details of the level of traffic that will be using the new access off Market Approach for access to the compound.
12. In addition, the provision of a construction traffic management plan is proposed in the Code of Construction Practice (Document Ref: NR17) and as a deemed planning condition. However the Council notes that, whilst a construction traffic management plan is welcomed by the Council, any construction traffic management plan requires substantially more information, including diversion details, public parking management, other movement restrictions, details of access to properties, and accommodation of pedestrian/cyclist movements. This detail is currently not shown in the draft construction traffic management plan.
13. The above are just some of the examples where there is detail lacking in the Application documents submitted by Network Rail. Further examples of where information is limited is included in Appendix 1. The Council will continue working with Network Rail to discuss any of the additional information required.

Errors in the Order and application document

14. The Council notes that the Application as submitted contains a significant number of errors throughout. Some examples are as follows:
 - a. Street names have been incorrectly labelled in Schedule 3 (*Streets subject to street works*) of the draft Order:
 - i. Wybeck Avenue should be Wykebeck Avenue,
 - ii. William Parkin Lane should be A6120 William Parkin Way or William Parkin Way
 - b. Article 41(1)(a) (*Traffic regulation*) of the draft Order refers to the City of Leeds being located in the County of North Yorkshire. This is incorrect.
 - c. Article 44(4) (*Removal of human remains*) of the draft Order:
 - i. refers to Birmingham City Council when this should be Leeds City Council
 - ii. refers to the "Authority" throughout when this is not defined in the drafting
15. Further examples of errors in the draft Order and other Application documents can be found in Appendix 1. The Council would require that these errors are corrected in the next iteration of the draft Order.

Application Plans

16. The land over which Network Rail has control does not appear to be shown in the Application documents. However Network Rail is applying for powers and planning consent over such land, together with carrying out works under separate permitted development rights. The Council is concerned that in taking this approach it does not allow the Council, as a party with statutory functions, to be able to properly assess the impacts of the Scheme on its functions. It also creates further difficulty in managing the project and, for example, subsequent discharges of conditions as various approaches are proposed to be used. Nor does it allow the Inspector(s) or Secretary of State to adequately assess the Scheme, and ensure that the cumulative impacts of the various forms of consent are taken into consideration.
17. In addition to the above, the plans show the Scheme split into distinct elements as shown on the various works and land plans, and planning drawings. There is no continuous red line boundary of the Scheme which the Council would expect to see on a linear scheme such as this. The Council is not clear on the reasoning behind Network Rail taking this approach, nor the precedent for doing so.

18. The Council notes that there is open space affected by the Scheme at Penny Pocket Park (south of the existing railway and north of Kirkgate). However no open space plans have been included as part of the Application documents. The Council notes that an application has been made to the Secretary of State for certification under section 19 of the Acquisition of Land Act 1981 (**ALA 1981**) that no replacement open space land is required so it is clear that Network Rail recognises there is open space affected by the Scheme and as such open space plans should be provided.

Approach to land acquisition

19. The Council has a number of concerns relating to Network Rail's approach to compulsory acquisition of land for the Scheme:

a. Open space acquisition

- i. As is mentioned above Network Rail is seeking certification from the Secretary of State under section 19 of the ALA 1981 that no replacement land is required for the open space land to be affected and acquired in relation to the Scheme.
- ii. The Council would query on what basis Network Rail is able to justify the assertion that no replacement land is required. Under section 19 of the ALA 1981, where an order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that:
 1. Land will be given in exchange;
 2. The land being purchased is to in order to secure its preservation or improve its management; or
 3. The open space land to be acquired does not exceed 250 square yards.
- iii. An example of the open space affected as a result of the Scheme is Penny Pocket Park which sits south of the railway line and north of Kirkgate. This land is designated as green space in the adopted Local Plan and further consideration is required by the Council to be given by Network Rail as to how its effects on this can be mitigated.
- iv. In addition, Network Rail calculates the area of open space to be acquired within the Scheme as being approximately 190 square metres (approx. 227 square yards). However the Council calculates the affected area as being 382 square metres (approximately 456 square yards), as per Appendix 1. The Council would welcome sight of Network Rail's basis for its own calculation.
- v. Based on the Council's calculation of the affected open space, the Council would welcome Network Rail's proposals for appropriate replacement land, and would invite the Secretary of State to refuse the request for a certification on section 19 ALA 1981.

b. Overall justification for land acquisition

- i. The Council views Network Rail's overall justification for compulsory acquisition as inadequate and not in compliance with the tests of necessity, proportionality and being in the public interest. For example, plots have been included for compulsory acquisition, on which no works listed in the Order are currently proposed.
- ii. Specifically, Network Rail is seeking to include acquisition of land, rights in land and temporary possession of land relating to works that have been consented (or are subject to applications for consent) outside of this Application. We have explained the Council's disagreement and confusion in respect of the definition of "authorised works" above. Part 2 of Schedule 2 (*Relating to authorised works (excluding scheduled works)*) of the draft Order lists out a significant number of plots that Network Rail requires for works that form "*any other works authorised by this Order, the planning permission and the Town and Country Planning (General Permitted Development) (England) Order 2015 including Part 18 of Schedule 2 to that Order or any part of them*". Article 22(1)(a) of the draft Order gives the powers to Network Rail to acquire the land required for the "authorised works". The Council does not agree with Network Rail's approach to land acquisition where the Order seeks to acquire land/rights for works not consented by the draft TWAO.

- iii. Given this very broad definition and powers included, the Council would expect to see more detailed information as to the specifics for what the land is required for.
- iv. Examples include:
 - 1. Land at New Market Approach (Plots 4-001 and 4-003) have been included for permanent acquisition. However in discussions with the Council, Network Rail's rationale for the use of this land has changed on a regular basis. The draft Order notes at Schedule 2 (*Acquisition of certain lands for ancillary works*) that this is required for provision of a permanent access for rail related purposes. However the Council has previously been advised that the land is required for altering the route to Pontefract Road, as well as for the relocations of businesses from the vicinity of the Neville Hill Depot site to elsewhere. Network Rail's justification for the acquisition of this land is not sufficiently clear.
 - 2. Plot 1-018 is listed to be acquired temporarily for access and construction. However there is no indication in the works plans or other application documents what the extent of the area will be used for construction or access.
- v. Conversely there are instances where it would appear that Network Rail has not included sufficient land within the Application in order to provide for, for example, replacement bridges to be built to the correct standard. Whilst the Council appreciates that Network Rail needs to take a proportionate approach to land to be acquired compulsorily, the Council's view is that building structures in accordance with the most up-to-date guidance and standards would be a justifiable reason for acquiring land.
- vi. The Council looks forward to receiving further information from Network Rail setting out its justification for the compulsory acquisition of all of the Council-owned plots, together with its reasoning for taking this approach more generally.

Approach to level crossings

- 20. The Council would like further information and clarity from Network Rail in relation to its approach to the level crossings in the Applications documents.
- 21. Specifically, there are four level crossings that are to be closed as part of the Application:
 - a. Barrowby Lane and Barrowby Foot level crossings;
 - b. Garforth Moor level crossing;
 - c. Peckfield level crossing; and
 - d. Highroyds Wood level crossing
- 22. The Council notes, however, that only deemed consent has been included for the Peckfield level crossing in the draft Order, but none of the other level crossings. The Council notes that the List of Consents, Permissions or Licences Under Other Enactments (Document Reference: NR18) does not include reference to any other consent received or applied for in relation to the above level crossings. Peckfield level crossing is currently the only proposed level crossing without an appropriate diversion. A full list of the consents required outside of the Transport and Works Act process, that the Council is aware of, have been previously provided by Network Rail to the Council and this does not align with those included in the Application.

Biodiversity Net Gain

- 23. The Council notes that Network Rail state in document NR13 that it is committed to deliver 10% Biodiversity Net Gain (BNG) via the Network Rail (2020b) Transpennine Route Upgrade – Programme wide Net Positive Biodiversity Strategy (Revision P03.1), and a BNG assessment will be carried out to meet the Strategy objectives. BNG will be delivered locally wherever practicable.”
- 24. In addition to the National Planning Policy Framework requirement (paragraph 174b) that requires net gain to be achieved in a measurable way, planning policy G9 of the Leeds City Council's Core Strategy requires a net gain for development.

25. Policy G9 requires that Development is required to demonstrate:
- a. That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and
 - b. The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and
 - c. That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.
26. The Environment Act 2021 contains a requirement to provide a minimum of 10% net gain in relation to all new developments. Whilst the specific provisions dealing with biodiversity net gain are not yet in force as of today's date, these are expected to be coming into force in November 2023, ahead of the decision on the deemed planning consent and Transport and Works Act Order,
27. On all development the Council seeks a minimum of 10% net gain, which is expected to be delivered through the Council's guidance in the Council's administrative area.
28. The Council notes the commitments made by Network Rail in NR13 and requests that a more specific and deliverable commitment is made to secure 10% net gain within the Council's administrative area which is policy compliant. Furthermore, the Council has not been provided with any baseline calculations or measurements for Network Rail's assessment of the net gain which the Council would like to review in order to confirm the approach taken.
29. The commitment requested by the Council can be achieved through amendment of the relevant deemed planning conditions as set out in more detail in Appendix 1. In addition the Council looks forward to receipt of Network Rail's baseline calculations and to holding further discussions on this point.

Ecology – Great Crested Newts and Other Protected Species

30. Network Rail highlights in its Environmental Statement (Document reference: NR17) at paragraph 2.1.13 that great crested newts have been confirmed as present in ponds adjacent to the Austhorpe Lane Southeast compound and that mitigation for the effects on great crested newts is contained in paragraph 4.3 of the Code of Construction Practice (**CoCP**) (Document reference: NR17). The Council notes, however that paragraph 4.3.2 of the CoCP states that:

"In the event there is potential for the disturbance of any great crested newts in the compound location at Austhorpe Lane, Network Rail would utilise its operating organisational licence and submit information to NatureSpace, rather than a standard licence application made to Natural England."

31. The Council has not been provided with any justification for Network Rail's approach in not seeking a licence from Natural England, as is standard, nor, save for one email, has the Council received any details of the information to be submitted to NatureSpace that would mitigate the effects of construction on the great crested newts. The Council requires commitments within the Application itself that demonstrate that the mitigation for the effects on great crested newts and any other protected species, will be sufficient, and will be secured. Further information is required by the Council in relation to other protected species that may be affected by the Scheme, that have not been already been identified.

Deemed Consents and disapplication of other legislation

32. Discussions are ongoing with Network Rail in respect of the deemed planning permission sought as part of the TWAO and the conditions sought within the draft Order. The Council have particular concerns that some of the consultation to be undertaken with the Council in its capacity as local planning authority would happen retrospectively for example, condition 5 states *"Within 6 months of the commencement of the development for that stage"*.
33. In addition, the Council is concerned that Network Rail is seeking to disapply the provisions of the Neighbourhood Planning Act 2017 relating to the temporary possession of land, with the effect that the level of notice to be given by Network Rail under the draft Order would be significantly less than

is required under the statute. The Council notes that the relevant provisions of the Neighbourhood Planning Act 2017 are not yet in force. However should they come into force between now and the implementation of the Order, the Council would wish to rely on the notice period set out in section 20 of the Neighbourhood Planning Act, which requires at least 3 months' notice be given to landowners, as opposed to the 14 days proposed in Article 28(2) of the draft Order.

34. In reviewing the standard conditions deemed planning conditions against the conditions proposed in this instance, the Council have proposed amendments to those proposed to make the conditions more responsive to the Council. Discussions are ongoing in this regard. More detailed comments on the draft deemed planning conditions are set out in Appendix 1.

Planning policy and guidance

35. Network Rail has set out a number of planning policies on which it is seeking to rely on in relation to the planning justification for the Scheme. These policies are listed in the Planning Statement (Document Ref: NR13). However a number of these policies are referred to incorrectly, include incorrect references, are now out of date or have been superseded. The Council sets out the correct policies that the inspector should refer to at Appendices 1 and 2.
36. The Council wishes to provide the Inspector with an update on the latest position with the Council's Site Allocation Examination. Representations made during consultation up to 27 January 2023 were submitted to the Inspector by the Council and the Inspector's report is expected to be received in August 2023. Currently the Site Allocations Plan is still in examination.
37. As part of the examination of the site allocations plan, the Council agreed to remove housing from a Green Belt site, which forms part of the land required for the Scheme. See Plots [8-001, 8-003A, 8-003, and 8-005]. The Council's view is that exceptional circumstances apply in order to meet employment needs in relation to this site. The Council understands that the current proposal is to use the above plots for a temporary construction site.
38. The above plots form part of a strategic development site for the Council and at this stage the Council objects to the use of this land on a temporary basis for construction. This is especially so given that the Council has not been provided with sufficient information as to the extent of the time for which the temporary compound will be operational. In addition, the Council has already accepted the location of another temporary compound in relation to this Scheme. The Council has proposed an alternative site for the compound, which has not been taken into account by Network Rail.
39. Further information is also required regarding timescales for required compounds, and proposed reinstatements. Without sufficient information impacts on land allocation, designation, reinstatement and delivery on other schemes/developments such as at Wykebeck Avenue [see plots 6-001, 6-002, 6-003 and 6-004] cannot be wholly accounted for and allocated sites may be compromised

Deemed Planning Conditions

40. The Council has included, at Appendix 1, a list of deemed planning conditions that it would expect to see in relation to the proposed Scheme, together with amendments to the conditions already proposed by Network Rail.

Replacement of Structures

41. The Council is aware from discussions with Network Rail to date, that where replacement of structures is proposed, that Network Rail is proposing that structures are replaced on a "like for like" basis. The Council has concerns about this approach, which have been expressed to Network Rail, where existing structures are considered sub-standard in line with current design standards and in need of updating to meet current accessibility requirements, Network Rail needs to demonstrate this.
42. The Council would expect to see all replacement structures built in accordance with paragraphs 110 and 112 of the NPPF which provides that;

- a. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46;
- b. applications for development should:
 - i. address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - ii. create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

Highways

- 43. To date, there has been a lack of detail provided by Network Rail regarding how the impacts on the highway network, including any permanent or temporary road closures and diversions, will be managed throughout the construction period and their overall impact post construction. Insufficient information has been provided regarding the extent of the construction period and what each phase of construction will consist of. A clear plan of the proposed phases of construction would be welcomed by the Council in order for it to properly understand the construction impacts of the Scheme and how they can be managed appropriately.
- 44. It is also not clear from the discussions with Network Rail to date which statutory undertakers have been consulted and what their views have been in respect of any diversions or work required to their infrastructure and any impacts that any such works may have on the operation of the highway network. As set out in Appendix 1, the Council own a number of service tunnels which are impacted by the Scheme. It is not clear from the provisions included in the draft TWAO whether such service tunnels are classed as "apparatus" for the purpose of the TWAO.
- 45. There has been a lack of detail provided around the movement of construction traffic, Abnormal Indivisible Loads (AILs) (and the process through which their movements will be authorised and managed) and available routes for emergency vehicles, especially for access to St James Hospital whilst works are ongoing in that location.
- 46. Additional detail is also required in relation to any permanent restrictions (e.g. parking and loading restrictions) sought by Network Rail and how they are to be secured. From the information received to date, it is not clear whether any such restrictions will be secured within the TWAO or outside of the TWAO using the Council's usual procedures.
- 47. The Council looks forward to receiving an update from Network Rail as to when a draft Communications Plan will be sent to the Council, the terms of which can be secured through the Side Agreement to be agreed between Network Rail and the Council.
- 48. The Council also has concerns around the disapplication of legislation within the draft TWAO and welcome further discussions with Network Rail in this regard to properly understand Network Rail's intentions in particular in respect of the disapplication of part of the New Roads and Street Works Act 1991. The Council is concerned that the disapplication of certain provisions negates the need for Network Rail to comply with the notice periods expected by the Council.
- 49. Traffic data – The council are concerned that the transport assessment submitted with the application does not use up to date traffic data which includes traffic figures since the opening of the East Leeds Orbital Route.

Austhorpe Lane

- 50. The Council is aware, through discussions that have taken place with Network Rail to date, that it is Network Rail's intention that the Austhorpe Lane Bridge will be demolished to enable the electrification underneath it, and replaced with a two-lane bridge, incorporating a footway in the same single structure. It is understood that designs are still being worked up in this regard. Whilst the Council is supportive of the proposals in principle, and welcomes the negotiations to date, further

detail is required from Network Rail in respect of the proposed design standard to which the new structure is built, the process for which approval will be sought from the Council, as well as the proposals for the stopping up (and definition of) of Austhorpe Lane.

51. Network Rail requested the Council make a contribution of £800,000 to the new structure following negotiation on the proposed replacement structure. This is not agreed by the Council on the basis that it remains the Council's view that structures should meet current standards set out in the Design Manual for Roads and Bridges or as agreed with the Council in its capacity as local highway authority. Network Rail's original proposal did not meet the required criteria and would have built health and safety issues into the design. The Council has also confirmed to Network Rail that the structure would need to be owned and maintained by Network Rail. Discussions are ongoing between the Council and Network Rail in this regard.
52. In respect of the high pressure gas main in this location that would be impacted as a result of the works to Austhorpe Lane, and the diversion required, the Council requested an arboricultural impact assessment and mitigation plan from Network Rail regarding the location of the gas main diversion required as part of the bridge works and the ecological and arboricultural impacts it will have on the adjoining Green Park. This is yet to be provided by Network Rail.
53. The Council has asked Network Rail to look at possible changes to the location of the intended diversion in order to mitigate these impacts. Network Rail has indicated that they have provided sufficient justification for the location and intend to include this within the TWAO submission. Further information is still considered necessary (for the reasons set out in Appendix 1).

Safe access to compounds

54. As detailed in Appendix 1 the Council have substantiated concerns in relation to the lack of clarity provided by Network Rail to date in relation to the timeframes during which temporary compounds are required. This makes assessing the impact (and any concerns arising from this) challenging as it is not clear whether the impact will be short or long-term. As previously drafted, the draft TWAO gave proposed timescales for the temporary works, but this is not set out in the current version submitted with the application. The Council require an explanation as to why this information has been removed from the submitted version of the draft TWAO and provision of more detailed information from Network Rail, so that highway impacts can be assessed in a more meaningful way. From the information currently available, it is not possible for the Council, in its capacity as local highway authority to consider the traffic management required at each compound location where access is required from the highway. The accesses that are relevant here as detailed in Appendix 1.

Code of Construction Practice

55. The Code of Construction Practice (COCP) proposed by Network Rail is proposed to be provided in two parts; Part A and Part B. To date, the Council has only had sight of Part A.
56. The Council's comments on Part A are set out in Appendix 1. Discussions are ongoing with Network Rail to ensure that the COCP contains the relevant measures and standards to be followed throughout the construction period and ensure that that the proposed construction-related mitigation identified in the Environmental Report is committed to by Network Rail.
57. It is important to the Council to ensure that it contains the required mechanisms to ensure that residents are able to report any issues directly to Network Rail and its contractors during the construction period.
58. The Council cannot agree to the provisions in the COCP in totality until it has been provided with COCP Part B and been able to assess both parts in conjunction with each other. To date there appear to be contradictions between Parts A and B as set out in NR16 and 17 as to which part of the works Part A and B are intended to apply to.

Side Agreement

59. As set out above, the Council is of the view that greater clarity is needed in respect of the powers being sought under the TWAO relating to works needing to be carried out on the highway or to highway infrastructure to facilitate the construction of the Scheme.
60. Clarity is needed in order to avoid issues concerning traffic management, the mechanism under which works to the highway will be carried out, how disruption to users of the highway network will be managed, traffic management plan, and blue badge parking bays temporary closures.
61. In addition to the wording of the planning condition proposed by Network Rail, the traffic management plan requested by the Council should additionally provide full details of all road closures and diversions for each stage of the proposed works, including any time constraints to accurately predict the impact on specific waste collection routes. The Council would seek opportunity to engage early with Network Rail to suggest diversion routes based on local operational knowledge. The timing is critical to ensure correct processes are put in place to ensure minimum disruption to the network.
62. The Council considers that any engagement, detail of works and mechanisms for securing works are capable of being agreed through the Side Agreement to ensure early engagement with the Council in its capacity as highway authority where necessary.
63. Network Rail has provided the Council with a draft Highways Side Agreement which is anticipated will set out the agreed position between the Council and Network Rail in relation to those matters. Until those matters are agreed, the Council will not be in a position to withdraw its objection in principle to the Scheme.

Approach to closure of Peckfield Level Crossing

64. Concerns have been raised by the Council regarding the proposed diversion of the bridleway and footpath required as a result of the proposed closure of Peckfield Level Crossing. Network Rail has undertaken an options assessment of alternative solutions for bridleway and pedestrian users. Two options are now included in the TWAO as a result of feedback from consultees during the consultation process and the options evaluation. The Council understand that it is Network Rail's intention to let the Secretary of State determine the most appropriate solution.
65. The Council is still considering the options proposed by Network Rail and discussions are ongoing with Network Rail as to the suitability of the current options proposed. A further update will be provided to the Secretary of State of the Council's position on this issue, following further discussion with Network Rail.

Communication Plan

66. The Council has requested a Communication Plan (and means of public engagement by Network Rail) setting out the proposed communication plan from Network Rail detailing how communication of all works and impacts on residents and all key stakeholders including Ward Members will be provided. Such a plan should include the following (which is not an inclusive list); dates, times and diversion plans for any highway works that are required and will affect users of the highway during the construction period of the Scheme as well as noise and vibration impacts. It is hoped that the Communications Plan will detail how Network Rail will deal with any unforeseen issues arising during construction in addition to means of public engagement and engagement with all key stakeholders and how Network Rail will keep ward members, local residents and businesses proactively informed of the works.

Sustainable Transport and PROW

67. The Council require additional information and further clarifications from Network Rail in respect of the impacts of the Scheme on the cycle routes across the City Centre and further afield (including the core cycle route 66 to East Leeds).
68. The specific locations of the cycle network across Leeds that the Council believe to be impacted most significantly are set out in detail in Appendix 1 (Transport Policy section). It is vitally important

that the construction impacts of the Scheme do not negatively impact on city centre cycle routes, and if there are negative impacts, the mitigation proposed must be clear, which isn't the case currently. Further discussion with Network Rail is welcomed to enable the Council to properly understand the impact on affected cycle routes, whether such impacts can be avoided or mitigated, and the form of mitigation to be agreed.

69. Appendix 1 sets out the locations at which works are proposed which the Council believe may clash with works proposed to the City Centre Cycle Loops scheme. The full impact of this clash need to be properly understood, which can only be done following provision of the requested clarification in Appendix 1. It is important that the construction programme for the Scheme is aligned to the planned works for the City Centre Cycle Loops scheme and any other impacted schemes.
70. It is the Council's view that there needs to be a clear plan in place by Network Rail to ensure that access to the affected routes are maintained and accessible for all. The position on this from the application documents submitted, is not yet clear.

Heritage

71. Mitigation has been agreed with Network Rail for the substantial harm caused by the demolition of the listed buildings as part of the proposed Scheme.
72. However further assessment is required to be discussed in detail with Network Rail in relation to the Kirkgate/Marsh Lane works, including the installation of signalling gantry in the vicinity of the Grade I listed Leeds Minster.
73. Paragraph 199 of the National Planning Policy Framework (NPPF) states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*"
74. In addition, paragraph 202 states, "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"
75. The Council's view is that the impacts on the Minster as a result of the installation of the signalling gantry would cause less than substantial harm. This harm is not such that can be mitigated against but the Council would like to draw this to the Inspector's attention in the consideration of the Application.

Environmental Report

76. The Environmental Report Volume 1 (Document Reference: NR16) makes clear, at paragraph 1.3.4 that the scope of the environmental assessment "*does not consider the effects of certain additional elements which are either to be carried out as permitted development or through planning permission obtained separately from the local planning authority. The proposed Leeds to Micklefield Enhancements Order includes provisions to facilitate these elements but does not authorise the works. These elements are not included in the scope of this Report.*"
77. Given the above statement, the Council cannot at this stage carry out an assessment itself of the impacts on the environment, as a result of the Scheme, nor can it state whether any of the proposed mitigation is acceptable.
78. The Council appreciates that works may be consented outside of the Transport and Works Act process. However, these works do need to be considered on a cumulative basis when looking at the Transpennine Route Upgrade as a whole.
79. The Council also notes in the Environmental Report Volume 1 (Document Reference: NR16) at paragraph 1.5.2 that no technical studies have been carried out in relation to air quality as potentially significant effects "*will be avoided through construction works being carried out in compliance with*

Network Rail's Minimum Requirements for Projects – Design and Construction (NR/L2/ENV/015) (Document Reference: NR/L2/ENV/015, current version v9, 2021) and a Code of Construction Practice (CoCP), detailed in Section 1.5.5."

80. Paragraph 4.1.8 of the Environmental Report Volume 1 (Document Reference: NR16) does identify that there may be air quality impacts, and that these may be localised and temporary in nature.
81. The Council does not follow the logic of not including an air quality assessment in the Environmental Report, particularly where it has identified that there may be impacts, and that these impacts will be secured through the CoCP Part B. Given that mitigation is being provided for air quality effects, the Council would expect to see the assessment carried out to reach this conclusion.

Land contamination

82. Paragraph 183 of the NPPF requires that planning policies and decisions should ensure that:

"a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments."

83. In addition, paragraph 184 of the NPPF makes clear that, *"Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."*
84. As currently drafted the proposed conditions for the deemed planning consent (Document Reference: NR12) do not require Network Rail to take on any responsibility for site investigation or remediation (if required) in relation to the works it is carrying out as part of the Scheme.
85. As a minimum the Council would expect to see a condition requiring Network Rail to carry out a site investigation, carry out ground investigation reports and submit these to the Council. In addition where any remediation is required to be carried out the Council would expect this to be identified by Network Rail, agreed with the Council and ultimately carried out by Network Rail.
86. The Council is under a statutory duty as the local authority to inspect its area, identify any contaminated land and decide whether such land is to be designated as a special site under the Environmental Protection Act 1990. The above requested condition will assist the Council in discharging its statutory duties, and is not an unusual condition to include in a proposed planning permission.

Conclusion

The Council strongly welcomes the economic, environmental, and social benefits the Scheme will bring to Leeds and surrounding areas, and the Council remains committed to assisting wherever possible, Network Rail in bringing the Scheme forward.

The Council understands that disruption during construction is to a certain extent inevitable but does not currently have sufficient information, in sufficient detail to be able to properly assess and understand the impacts of the Scheme on the businesses and residents of Leeds and how such impacts will be properly managed.

For these reasons we seek to ensure that our residents and businesses can move around the City as efficiently as possible during the construction, that their future is assured in terms of housing choice in a

greener and cleaner environment and that they do not disbenefit from the Council having to pay disproportionately for increased maintenance costs of legacy infrastructure.

The Council reiterates its full support in principle for the scheme and hopes that through further partnership working with Network Rail that as many as possible of the issues raised can be dealt with prior to the determination of the application by the Secretary of State, or else can be conditioned through the drafting of the Order, the negotiation of a side agreement and/ or through planning conditions.

The Council reserves the right to add to or vary the grounds of its in principle holding objection pending receipt of further information from Network Rail.

Please note that this letter does not constitute a formal objection to the TWA Order Application. The Council has not yet discharged its governance obligations in order to comply with S.239 of the Local Government Act 1972. It is hoped that matters set out in this in principle holding objection can be resolved in advance of needing to secure the approval of the Council to submit a formal objection. Should a formal objection be necessary this will be submitted as soon as the necessary approval has been secured.

Any correspondence relating to this representation can be sent using the contact details at the top of this letter.

Yours faithfully

Martin Farrington
Director of City Development
Leeds City Council

Appendix B

Equality, Diversity, Cohesion and Integration (EDCI) screening

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

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

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

Directorate: City Development	Service area: Asset Management and Regeneration
Lead person: Lauren Browne	Contact number: 0113 378 6374

1. Title: Transpennine Route Upgrade – Transport and Works Act Order Representation

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

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

The Transpennine Route Upgrade (TRU) is a transformative, multi-billion pound railway programme that will better connect passengers in the North between Manchester, Huddersfield, Leeds and York being delivered by Network Rail.

TRU will transform the Transpennine route into a high-performing, reliable railway, bringing more frequent, more reliable, faster, greener trains. The size of the project does mean that there will be planned disruption to services so the work can be delivered, however, Network Rail are still very much committed to keeping passengers moving on a train as often as possible, in comfort and on time.

Stretching across the North of England between Manchester and York, via Huddersfield and Leeds, the 70-mile Transpennine route serves 23 stations, crosses over and dips under dozens of bridges and viaducts, passes through six miles of tunnels, and crosses over 29 level crossings.

The programme is funded by the Department for Transport and delivered by Network Rail, through dedicated alliances and project teams. There are a number of organisations that make up TRU, and every one of them plays a crucial role in making it a world class programme.

This project is not just about improving the railway. It's also about enhancing daily lives and improving the communities along the route. For instance, we are committed to taking part in volunteering days within local communities, charitable initiatives, offering apprenticeship opportunities, and delivering work placements for adults and young people.

The Transport and Work Act Order (TWAO) was submitted to the Secretary of State for Transport on 17th July 2023 and Leeds City Council and other stakeholders had 42 days to make representation.

The proposed scheme for the East of Leeds will involve;

- A temporary compound and construction works in connection with the reconstruction of the existing Kirkgate Underbridge (HUL4/47) requiring the temporary use of land in Leeds City centre adjacent to the underbridge (the 'Kirkgate Compound and Kirkgate Construction Land');
- The acquisition of land and air rights for the installation of small-scale electrification and signalling infrastructure mounted on metal staging structures between Kirkgate Viaduct (HUL4/47) and Marsh Lane Viaduct (HUL4/44) at Penny Pocket Park in Leeds City Centre (the 'Kirkgate to Marsh Lane Land');
- The temporary use of land as a compound for construction adjacent to Marsh Lane Viaduct (the 'Marsh Lane Compound and Marsh Lane Construction Land') to the south-east of Leeds City Centre;
- Removal of existing Northern Gas Networks high-pressure gas main pipe bridge located adjacent to Austhorpe Lane Overbridge and diversion of the gas main via a new micro-tunnel constructed under the railway (the 'Austhorpe Lane Gas Main Diversion');
- Demolition and re-construction of the Grade II listed public highway Austhorpe Lane Overbridge and Austhorpe Lane Footbridge and the construction of a new dual-purpose overbridge (the 'Replacement Austhorpe Lane Bridge') incorporating a two-lane carriageway highway (5.5 m wide) and footway (2 m wide) on the western side, including temporary construction compounds north-west and south-east of Austhorpe Lane Overbridge (the 'Austhorpe Lane North-West and South-East Compounds');
- The temporary use of land as a compound to the south of Manston Lane, Cross Gates (the 'Manston Lane Compound'), to facilitate the TRU track renewal programme;
- Works to partially dismantle and reinstate the Grade II listed Crawshaw Woods Overbridge in an elevated position to allow sufficient headroom for the installation of OLE (the 'Works to Raise Crawshaw Woods Bridge'), including the permanent acquisition of land required for embankment works and the temporary use of land for construction

compounds north and south of the railway (the 'Crawshaw Woods Bridge Compound North' and the 'Crawshaw Woods Bridge Compound South');

- Works for the closure of the Barrowby Lane and Barrowby Foot Level Crossings and construction of a ramped bridleway bridge at Barrowby Lane (the 'New Barrowby Lane Bridge'), including the permanent acquisition of land required for the new bridge, Public Right of Way diversion (Austhorpe 9) ('New Access Tracks to New Barrowby Lane Bridge') and the temporary use of land for construction of the ramped bridge ('the Barrowby Lane Bridge Compound');
- The temporary use of land adjacent to Grade II listed Brady Farm Overbridge in connection with demolition of the overbridge (the 'Brady Farm Bridge Compound');
- Removal of existing Northern Gas Networks high-pressure Gas Main Pipe Bridge adjacent to Ridge Road Overbridge and diversion of the gas main via a new micro-tunnel constructed under the railway (the 'Ridge Road Gas Main Diversion');
- Demolition and reconstruction of the Grade II listed Ridge Road Overbridge, (the 'Replacement Ridge Road Bridge'), incorporating re-alignment of existing highway and Public Right of Way (Sturton Grange 4) and temporary use of land for a construction compound ('Ridge Road North East Compound and Ridge Road South Compound');
- The temporary use of land for a compound off Phoenix Avenue (the 'Phoenix Avenue Compound') to facilitate the TRU track renewal programme;
- Permanent acquisition of land off Phoenix Avenue, Micklefield for the construction of a Track Sectioning Cabinet (TSC) (the 'Micklefield TSC');
- Works for the closure of Peckfield Level Crossing and construction of Public Right of Way diversion (Micklefield 8) (the 'Peckfield Level Crossing Closure') with installation of passing places on Pit Lane north of the railway and provision of a residents only parking/turning area ('The Pit Lane Highway Works') including the associated acquisition of land;
- Land and works to create an access track off Newmarket Approach, Neville Hill;
- The temporary use of land for a compound to facilitate the construction of a replacement Osmondthorpe Lane railway underbridge; and
- Rights and land to create a new public footpath diversion for the closure of Highroyds Wood pedestrian level crossing.
- Closure of Garforth Moor on safety grounds and permanent acquisition of land off of Barwick Road to access the allotments.
- Closure of Highroyds Wood Level Crossing and diversion of associated Public Right of Way Micklefield 7 (the 'Highroyds Wood Level Crossing Closure').
- Temporary use of land required for use as a construction compound in connection with the construction of a replacement of Osmondthorpe Lane underbridge (the 'Osmondthorpe Lane Compound').

- Permanent acquisition of land off Newmarket Approach to provide access to the Neville Hill railway sidings ('the Neville Hill Access Land').
- Temporary use of land required for a compound off Wykebeck Avenue to facilitate the TRU programme (the 'Wykebeck Avenue Compound').

Network Rail must comply with the Equality Act in implementing the above proposed works this will include reinstating footways to gradients and widths which are accessible for people with mobility issues or wheelchairs, prams etc. Where the proposals impact local communities it is important that Network Rail take account of these communities and impact on protected characteristics as part of their communications plan, working arrangements and final solution.

Communications with local residents and especially those with protected characteristics will be critical to ensure that they are sighted on proposals before they happen, understand the impact of the proposals and have mitigation plans in place to manage the impact.

3. Relevance to equality, diversity, cohesion and integration

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

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

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

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

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

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

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

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

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

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

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

The Council has discussed with Network Rail the need for them to ensure that works carried out, and structures provided meet accessibility standards, in line with Network Rail's statutory duties, particularly in respect of footway and footpath widths and gradients.

The Council has also requested from Network Rail a copy of their Communications plan setting out how they will communicate with local residents and communities which will need to take account of any specific requirements for protected characteristics.

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

The key areas likely to be impacted are in respect of accessibility particularly where level crossings are being closed and alternative diversions or crossing installed or where works to bridges are being carried out. The need to ensure alternative and suitable arrangements are put in place has been emphasised to enable communities on either side of the railway tracks to be able to continue to access the opposite side. These provide the opportunity to advance equality of opportunity through better facilities and connections.

There are some instances where the topography or land requirements means that for Network Rail it may make it more challenging to provide accessible pedestrian access, such as at Crawshaw Woods. For Peckfield level crossing replacement the diverted route is much further and on a main highway which will impact people with mobility issues. However, the Council has advised Network Rail of the need to meet their statutory requirements and current standards.

The railway currently suffers from poor air quality particularly around the depot and the electrification as part of TRU will help to improve on this.

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

Where bridges carrying highways, bridleways, public rights of ways, footpaths and footways are being replaced the Council has asked Network Rail to include bridges to current highway design standards, or as otherwise agreed by the Council. In some instances as for Austhorpe Lane bridge this means Network Rail will remove the segregated pedestrian bridge which is narrow with a wider footway integrated into the new road bridge and with regards to Crawshaw Woods, additional land may be required to ensure the appropriate gradient concerning the approach to the bridge.

Alternative arrangements / crossings are being proposed for the majority of the level crossings which will be closed as part of the scheme which will ensure that communities on either side of the railway remain connected. Negotiation is ongoing with Network Rail to ensure current standards are met .

Electrification of the railway will significantly improve air quality adjacent to the railway and for residents with breathing difficulties / young children / pregnant women this will be a significant benefit.

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

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval
Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Angela Lawson	Head of Station Development	05/10/2023
Date screening completed		05/10/2023

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent:

This page is intentionally left blank

Transpennine Route Upgrade – Transport and Works Act Order Representation

Date: 18 October 2023

Report of: Director of City Development

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The Transpennine Route Upgrade (TRU) is a multi-billion pound programme by Network Rail improving connectivity between Manchester, Huddersfield, Leeds and York. It aims to deliver a high-performing, reliable railway, bringing more frequent, more reliable, faster and greener trains to the region.

The overall benefits of the TRU include improved journey times, improved passenger experience, more seats, more freight capacity, and reduced emissions, as well as added social and economic value by providing opportunities such as apprenticeships and working with local businesses. Given the forecast benefits that will accrue from TRU, the Council supports the strategic intent of the scheme.

On the 17th July 2023 Network Rail formally submitted a Transport and Works Act Order (TWAo) to the Secretary of State for Transport, for TRU east of Leeds. The TWAo seeks authorisation to construct, enhance, operate, and maintain works on the Transpennine Line between Leeds and Micklefield. The TWAo also allows for the demolition, reconstruction and construction of overbridges and highways as well as, interests in and rights over land, extinguish rights and rights to use land temporarily for the purposes of the works authorised by the Order and associated works.

If granted, the TWAo will be a piece of secondary legislation that will provide a range of powers to Network Rail to construct and operate the development, in addition to "deemed planning" consent. The powers provided by the TWAo will override other relevant legislative provision relating to a number of planning and highways powers as a result of the disapplication of legislative provisions including but not limited to deemed planning permission, listed building consents, felling and lopping of trees, altering of streets, temporarily and permanently stop up and/or divert, footpaths and highways and power to execute works.

The Council had a statutory 42-day period to submit its response to the Secretary of State for Transport in relation to the TWAo.

Notwithstanding the Council's support in principle for TRU and the associated benefits, a 'holding objection' was submitted to the Secretary of State in response to the draft TWAo. A holding objection is the appropriate mechanism for continuing negotiations and to address specific and local issues that require resolution. Additionally, the holding objection allows the council to reserve its position on specific issues until a resolution has been sought on the outstanding issues.

Recommendations

Members of Executive Board are recommended to;

- a) Note the Council's overall strategic support for the outcomes proposed from the Transpennine Route Upgrade.
- b) Note the contents of the report and the 'holding objection' submitted by the Council to the Secretary of State in response to Network Rail's application for a Transport and Works Act Order (TWAO) and justifications for this.
- c) Recommend to Full Council to approve the submission of the formal objection to specific elements of Network Rail's Transport and Works Act Order (TWAO) for the Leeds to Micklefield part of the Transpennine Route Upgrade pursuant to s239 of the Local Government Act 1972.
- d) Recommend to Full Council to delegate authority to the Director of City Development to continue negotiations with relevant stakeholders to seek to agree the withdrawal of the objection should sufficient agreement on the issues raised be reached, in consultation with the Executive Member for Sustainable Development and Infrastructure.
- e) Approve that this decision is exempt from Call In pursuant to paragraph 5.1.3, Part 4 of the Constitution on grounds of Urgency.

What is this report about?

- 1 On 18th November 2021 the Integrated Rail Plan for the North and Midlands was published. One of the commitments in the Plan was for the delivery of the Transpennine Route Upgrade (TRU). Since the Plan was published Network Rail has been remitted to deliver the programme of investment and has developed a consenting strategy which provides for a series of discrete Transport and Works Act Orders (TWAO) to secure delivery of the wider TRU programme. It is understood that the only part of the IRP to be cancelled is HS2 Phase 2. The commitment to deliver TRU remains and Network North document confirms the commitment to deliver the core Northern Powerhouse Rail proposals which were referenced in the IRP.
- 2 In order to deliver elements of the scheme Network Rail submitted a Transport and Works Act Order (TWAO) to the Secretary of State for Transport on the 17th July to seek permission to construct components of TRU east of Leeds, which extends from Kirkgate to Micklefield.
- 3 The TWAO seeks authorisation to carry out upgrades and reconstruction to the existing railway and electrification works between Leeds and Micklefield. The TWAO also permits Network Rail to acquire land, and to take responsibility for a number of highway and planning powers affecting the Council's statutory functions.
- 4 Although the Council recognises and supports, in principle, the benefits of TRU, the strategic importance, and the ongoing partnership working with Network Rail, and notwithstanding the detail submitted as part of the TWAO, there are a number of specific matters where the Council requires further information or mitigations in order to be satisfied that the scheme can be implemented in a way that mitigates the impact on local communities and on the Council and its statutory functions.

- 5 This report sets out the Council's key concerns and response (see appendix A) to the Secretary of State for Transport submitted on 18th August 2023.
 - a) The response was submitted as a holding objection due to the requirement under s239 of the Local Government Act 1972, that a Full Council resolution would be required to ratify a full objection to the TWAO.
- 6 Approval from Full Council to submit a full objection to the Secretary of State for Transport will allow the Council to:
 - a) Continue negotiations with Network Rail in respect of any outstanding issues set out the holding objection, with a view to reaching agreement ahead of a public inquiry, in line with delegated authority to the Director of City Development.
 - b) Enable officers to continue to best represent and uphold the Council's interests.
 - c) If a public inquiry is held, it will allow Officers to speak participate in that process, if required, to ensure the Council's interests are upheld.
- 7 The Council has a number of specific concerns in relation to the draft TWAO which are summarised below:
 - i. Town planning implications
 - ii. Highways implications
 - iii. Land acquisition
 - iv. Public Rights of Way stopping up and diversions
 - v. Communications
- 8 Further details regarding these concerns are set out below:

Town planning implications – The TWAO seeks several planning powers/consents from the Secretary of State for transport which have the ability to override the Council's statutory functions. Specific areas of concern are listed below.

- a) Public Open Space – The TWAO states that there is no requirement to provide exchange land at Penny Pocket Park as the acquisition does not exceed 250 square yards. Therefore, the provision of land in exchange is unnecessary and that a request for a certificate under the Acquisition of Land Act 1981 will be made to the Secretary of State (by Network Rail) to confirm acquisition of the open space land that is proposed. LCC's original calculations demonstrated the agglomeration of land to be taken to exceed this threshold. Since then, further negotiation has taken place on this matter and clarity has been provided regarding the calculations of the area required, along with confirmation that the threshold is not exceeded. The holding objection allowed the time for this clarification to be sought and the original objection on this specific issue will be withdrawn once Network Rail's formal response has been received.
- b) Network Rail are applying for Listed Building Consent in parallel to the TWAO application. The decision on these proposed works is to be made by the Secretary of State's Planning Inspector, therefore eliminating the Council's statutory duties.
- c) To date no written commitment to 10% bio-diversity net gain within Leeds has been made by Network Rail. Protocols and mitigations regarding land restoration following associated works also requires further agreement to ensure impacts can be minimised wherever possible.
- d) The Planning Statement that Network Rail has prepared omits any reference to the Aire Valley Leeds Area Action Plan, and also makes errors when identifying the relevant policies of other Local Plan documents.

- i. Network Rail also need to ensure they are working to current standards in terms of planning proposals and any additional planning permission required. A holding objection is required to ensure any material differences between current Adopted Local Plans and those referenced by Network Rail can be addressed where required.
- ii. Deemed planning permission – This means that for certain areas and works the TWAO will effectively provide planning permission with planning conditions having been discharged or limited consultation being undertaken with the Planning Authority. Network Rail are requesting planning permission from the Secretary of State for elements of the scheme as part of the TWAO. Further negotiation is required in relation to the conditions and mitigations attached to these works and the holding objection is the appropriate mechanism to allow these negotiations to take place.
 - (1) For associated works that fall outside of the deemed conditions, the same or equivalent mitigations are required to ensure a holistic approach across the scheme. The holding objection will allow Council Officers to continue negotiation with Network Rail regarding additional conditions to be attached to the deemed planning permission to ensure mitigation wherever possible.
- e) There is currently no requirement for Network Rail to supply land contamination reports to the Council for review and approval under the TWAO.
 - i. However, the Council requires this information to ensure that land contamination risks have been adequately assessed and remediated where required prior to scheme areas becoming operational to ensure that there is no risk to operational end-users (principally members of the public).
 - ii. Network Rail have confirmed that where remediation is required for any part of the scheme, the Council shall be consulted with to agree the remediation strategy. All Remediation Strategies and Verification reports shall be sent to LCC as well.
 - iii. However, Network Rail have not confirmed that they will provide reports for all supplementary ground investigations proposed to be undertaken. The Council will need copies of these ground investigation reports so that the Council can review them to be assured that the appropriate land contamination risk assessment has been undertaken for each supplementary ground investigation.
 - iv. Further negotiation is required in order to ensure the Council is provided with the appropriate information.
- f) Highways implications
 - i. The TWAO results in the disapplication of legislative powers, and therefore the process for approval of works such as, to highways, land and structures needs to be agreed to ensure appropriate mitigation as far as is practicable. As well as ensuring that Network Rail carry out works to current standards where feasible.
 - ii. Network Rail has agreed to enter into a side agreement which endeavours to address these issues, but as yet the agreement has not been fully developed thus requiring the holding objection to ensure ongoing negotiation.
 - iii. Additional negotiation and clarity is required regarding maintenance and ownership of structures and ancillary structures to be addressed in the side agreement. Issues regarding highway condition surveys and making good any damage also needs to be negotiated to prevent unnecessary liability and costs for the Council.
 - iv. A number of the proposed accesses to works and compounds proposed by Network Rail appear to be inappropriate. Further negotiation is required regarding these and concerns surrounding works that would usually fall under a s278 agreement. Such effects are also likely to be addressed within the side agreement.

- v. Clarification has been sought from Network Rail regarding the definition of stopping up used within the documentation. There is also a lack of detail regarding proposed diversions and traffic management plans. Without this the Council is not able to properly access the impacts of the proposals Network Rail are putting forward.
- vi. A number of sites were identified as potential flood risk sites. The process for agreeing mitigations is likely to be dealt with in the side agreement. A holding objection allows the opportunity for such negotiations on mitigations to take place.

9 Public Rights of Way –

- a) Further negotiation is required regarding the proposed diversions following the closure of level crossings. There is a further need for appropriate diversions to meet current standards from a legal and accessibility perspective and in particular the Council has concerns about the closure and proposed diversion for the Peckfield Level Crossing. The TWAO documentation to date does not satisfy this requirement and further negotiation is required with Network Rail.

10 Impacts and Interfaces with other schemes

- i. There are a number of locations which conflict with a number of LCC proposed schemes. The holding objection allows for negotiations to take place to ensure mitigations are put in place where required. Those identified to date include:
 - (1) Kirkgate and Penny Pocket Park – Works have potential to conflict with City Centre Loop scheme planned for 2024/2025.
 - (2) Wykebeck Avenue/ Waterloo Sidings – Network Rail have proposed a compound on this land which conflicts with planning permission for the development of 147 houses. No consideration of the temporary impact has been made in the Planning Statement or other supporting documents by Network Rail.
 - (3) Green Park – This site is pending transfer to LCC ownership and further negotiation and legal advice is required on the impact to LCC.
 - (4) Manston Lane – Access to a Road Rail Access Point is required by Network Rail. This has potential to conflict with future proposed use of this land.
 - (5) Crawshaw Woods/ Brown Moor - This site is proposed for allocation for employment uses through the Site Allocations Plan (and examination hearings on this are ongoing) and a planning application for employment uses on the site is also pending consideration.
 - (a) This TWAO is already resulting in a loss of general employment land at Phoenix Avenue and cumulative impact of this needs to be considered. Whilst the temporary loss of land at Phoenix Avenue is not being specifically objected to, following the receipt of further clarification/justification on this proposal, it remains that this will further reduce the supply of general employment land available for development in the Leeds District. This needs to be taken into account as context to the potential further loss of land proposed here. The Council requires further information from Network Rail to ensure other works and schemes are not unduly impacted.

b) Land acquisition

- i. The TWAO does not yet account for all land required to carry out the necessary works nor does it reference all relevant sections of highway required for elements such as temporary stopping up and in some instances such as New Market Approach it is not clear why TRU would have a permanent land take requirement. There is a lack of detail in the TWAO regarding the timeframes for temporary compounds. This makes assessing

the impact (and any concerns arising from this) challenging as it is not clear whether it will be a short term or long-term impact.

- ii. A number of compounds also impact green belt land and restoration of the land on completion of the works is unclear. Without the above information the Council is not able to correctly assess the impacts of the scheme.
- iii. A holding objection was therefore submitted to preserve the Council's position pending further negotiation.

c) Communications

- i. There remains a lack of detail regarding Network Rail's approach to communication before and during the works. Further information has been requested following feedback from Ward Members and meetings with Network Rail. However, additional information is yet to be provided. Such information is required to ensure matters such as highways diversions, works, impacts on residents is disseminated appropriately and that residents will have clear communication routes to raise concerns.

d) Equality

- i. Network Rail has a statutory duty to ensure works comply with the Equality Act 2010. The TWAO documentation does not currently meet these requirements in some areas and further clarity is required to ensure this requirement is met.

11 Further information regarding specific and additional matters where further negotiation is required can be found in appendix A and 1.

What impact will this proposal have?

12 The TWAO will impact on a number of the Council's statutory functions and further information and negotiation is required in order to mitigate these impacts as far as is feasible.

13 TRU and the works proposed as part of the TWAO will have impacts on communities, highways, planning, and Council land, particularly during the construction of the scheme and associated works.

14 It is recognised that TRU will deliver wider benefits to Leeds City Region by providing improved connectivity, more frequent, faster, greener trains and running on a better, cleaner, and more reliable railway. Only 26% of the rail network in West Yorkshire is currently electrified.

15 It is envisaged that consultation and negotiation with Network Rail will continue as we jointly work through the outstanding issues to mitigate the disruption of the works on communities.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

16 The Transpennine Route Upgrade will deliver against the Best City Ambition providing benefits for the wider region.

17 The Transpennine Route Upgrade planned outcomes by the Department for Transport are:

- a) better punctuality: infrastructure to support a 50% reduction in average minutes late for passenger services (compared with service performance before the COVID-19 pandemic).
- b) enhanced passenger capacity: one additional fast or semi-fast passenger service and one additional stopping passenger service per hour between Manchester and Leeds.

- c) faster journeys: a 63- to 66-minute planned journey time between Manchester and York on the end-state route, down from 74 minutes on pre-COVID-19 services (saving up to 11 minutes).
 - d) improved environment: up to 87,000 tonnes a year possible reduction in carbon emissions from electrification and a shift from other modes of transport to rail.
 - e) facilitation of Northern Powerhouse Rail: works to facilitate the future Northern Powerhouse Rail Programme.
- 18 It is recognised how investment in rail infrastructure will positively impact the Best City Ambition promoting active travel, improved public transport connectivity and help to connect people with opportunities. The Council has supported the development of the TRU over the last decade and the investment is welcomed to address the existing constraints on the route both in terms of capacity and performance.
- 19 Investment is essential to encourage mode shift from road to rail by improving performance and electrification of the line will result in low carbon transport infrastructure.
- 20 Further negotiation is required relating to Network Rail’s commitment to Biodiversity within Leeds. Mitigations with regards to ecological and arboricultural impacts, such as land restoration proposals also needs further clarification to ensure its alignment with the Best City Ambition.

What consultation and engagement has taken place?

Wards affected: Hunslet & Riverside, Little London & Woodhouse, Burmantofts & Richmond Hill, Cross Gates & Whinmoor, Garforth & Swillington, Harewood, Kippax & Methley, Temple Newsam

Have ward members been consulted? Yes No

- 21 Network Rail carried out their own consultation in October/ November 2022, with both statutory consultee and wider public stakeholders. Network Rail additionally carried out a ward member briefing inviting affected ward members in December 2022 and consultation with Kippax and Methley Ward Members and Executive Member for Infrastructure and Climate on 22nd May relating to specific issues at Micklefield.
- 22 All Ward Members whose wards are impacted by the proposals were consulted on 12 May 2023 regarding the latest position as part of the Executive Board process.
- 23 Affected Ward Members were also contacted on 17th July 2023 to notify them of the submission of the TWAO.
- a) On the 9th August 2023 affected Ward Members were consulted advising them on our proposed response. No comments were received.
- 24 Comments previously received from Ward Members have been reflected in our proposed response to the Secretary of State for Transport as per appendix 1.

What are the resource implications?

- 25 A multidisciplinary team across the Council has responded to the TWAO including officers from Planning, Highways, Flood Risk Management, Public Rights of Way, Parks and Countryside, Contaminated Land, Asset Management and Regeneration, Building Conservation, Nature Conservation, Arboriculture, Legal Services, Environmental Health, and this team will continue to negotiate with Network Rail.

26 External legal advisors and chartered surveyors have also been appointed to advise council officers and assist with negotiations.

What are the key risks and how are they being managed?

27 Primary risks and concerns are further outlined in appendices A and 1.

28 The key risks are:

- a) If Full Council does not endorse the holding objection resulting in a weakened position for the Council to negotiate with Network Rail. A Full Council approval will need to be sought to object and allow further negotiations to take place.
- b) Agreement cannot be reached prior to Full Council or a public inquiry and the objections withdrawn beforehand under the City Development delegation scheme.
- c) If agreement cannot be reached with Network Rail on the issues submitted as part of the Council's representation to the TWAO prior to public inquiry. Therefore, requiring Council representation at an inquiry resulting in resource implications.
- d) Risk that there are issues which have not yet been identified due to errors in the TWAO and the short timescales for reviewing and providing representation. There are also elements of the works to TRU that fall outside of the TWAO. Therefore, the holding response has been worded to enable, wherever possible, additional issues to be raised by the Council as negotiations progress.

What are the legal implications?

29 Pursuant to Rule 21 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, the Council has submitted a 'holding objection' to Network Rail's application for the TWAO for the Leeds to Micklefield section of the Transpennine Route Upgrade.

30 In order to meet the timescales set out in Rule 21 Executive Board delegated authority to the Director of City Development to submit a holding objection to the application to ensure the timescales of Rule 21 are met, until the objection can be considered by Full Council at its next meeting in accordance with the requirements of section 239 of the Local Government Act 1972.

31 The 'holding objection' was submitted in accordance with the Executive Board resolution of 21 June 2023, further information is provided in Executive Board Report 21st June 2023 - Transpennine Route Upgrade East - TWAO [v1.5](#). This is due to the requirement of Full Council to discharge its governance obligations pursuant to section 239 of the Local Government Act 1972 and a decision to submit a formal objection requires approval by Full Council.

32 Section 239 of the Local Government Act 1972 provides that where a local authority resolve to objection to a Bill, that any resolution shall be passed "by a majority of the whole number of the members of the authority at a meeting of the authority", which was also noted in correspondence the council received from the DfT dated 29th August 2023.

33 Once made, the TWAO will be a secondary piece of legislation (i.e. "a Bill" for the purposes of section 239 of the Local Government Act 1972.) It is for that reason that the procedure set out in section 239 Local Government Act must be followed for a formal objection to be submitted in response to the application.

- 34 The 'holding objection' made it clear that a formal objection, if needed, will be submitted as soon as the necessary approval has been secured.
- 35 This decision of the Executive Board is considered to be exempt from Call In pursuant to paragraph 5.1.3 of Part 4 of the Constitution (Exemption from Call In) on the basis that the decision is considered to be urgent and that "any delay would seriously prejudice the Council's or the public's interests".
- 36 The Council cannot formally approve the objection to the TWAO without the objection being fully considered and ratified by Full Council in accordance with S239 of the Local Government Act 1972. That process can only happen at the next meeting of Full Council on 15 November 2023, which is the next available Full Council meeting following submission of the Councils "holding objection".
- 37 Due to the statutory deadline of 29th August 2023 for representation to the Secretary of State for Transport and allowing time to discuss the Council's submission with Network Rail, it was not possible to present this item at an earlier Executive Board due to governance processes.
- 38 The ground of urgency is that the resolution from Full Council is required before the Public Inquiry for the TWAO begins, which is estimated to be January 2024. If the decision were to be subject to the Call In procedure and delayed by the operation of the Call In mechanism, it may mean that the Council is not able to participate in the Public Inquiry, or continue negotiations with Network Rail and other Stakeholders to endeavour to reach agreement on outstanding matters.

Options, timescales and measuring success

What other options were considered?

- 39 Informal consultation and negotiation has been ongoing with Network Rail since Autumn 2022 in order to negotiate on issues prior to the 42 day statutory period for responses.
- 40 The option not to respond to the TWAO or work collaboratively with Network Rail would expose the Council to risks of greater disruption to communities and less mitigation where there are negative impacts associated with the works.
- 41 The option to simply make representation to the TWAO would not protect the Council's statutory functions and ensure the Council's concerns are further negotiated upon.

How will success be measured?

- 42 Negotiation with Network Rail resulting in part, the majority or all of the Councils objections being withdrawn prior to public inquiry.
- 43 Collaborative working to ensure minimal impacts and disruption to local communities as well as avoiding conflict with other committed works.
- 44 Working with Network Rail to ensure the benefits of the scheme are realised.

What is the timetable and who will be responsible for implementation?

45 Network Rail are responsible for the implementation of this scheme. It is anticipated that works utilising the TWAO powers will begin in 2024. However, these timescales are currently indicative, and Network Rail will also require access to site compounds ahead of this.

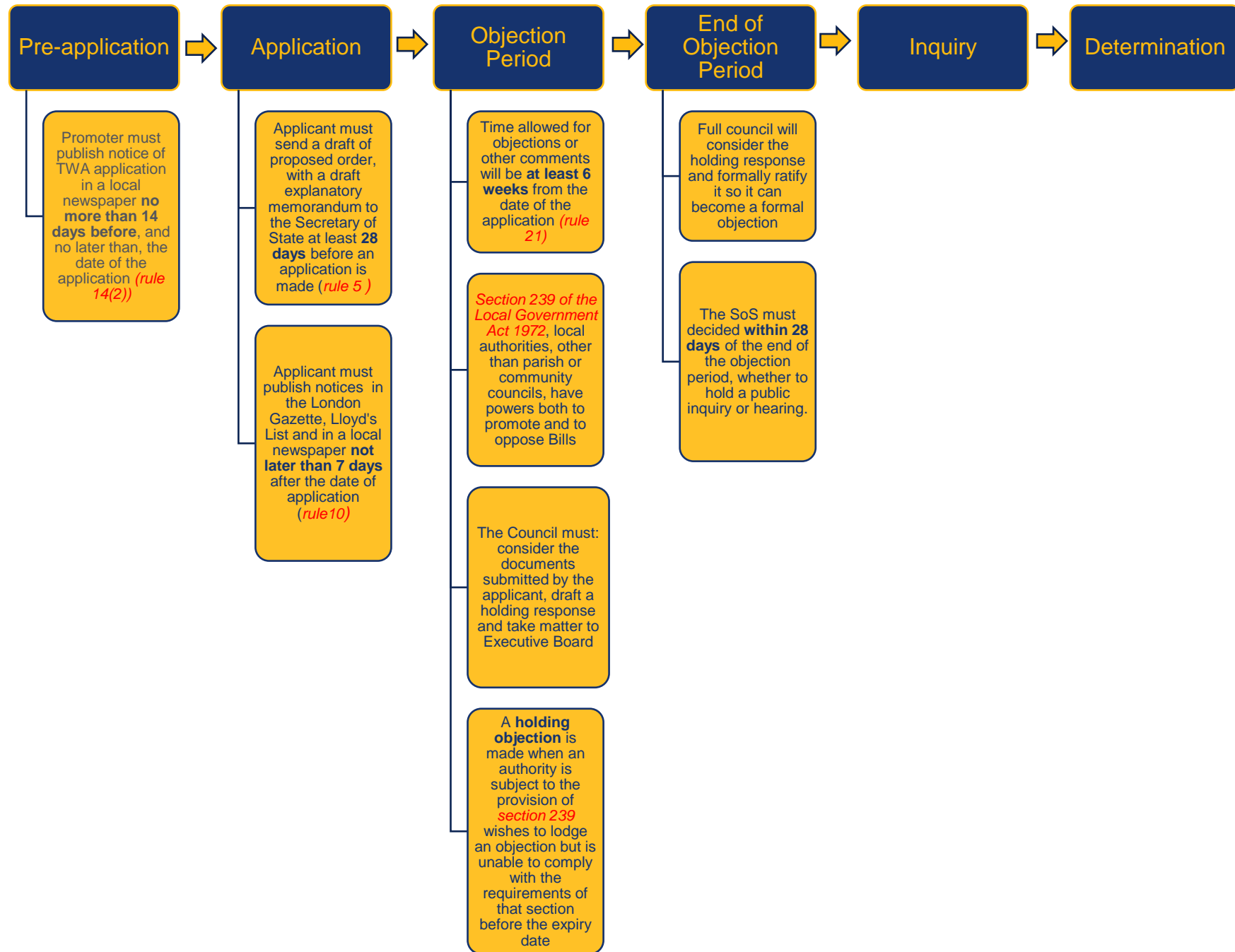
Appendices

- Appendix A – LCC Holding Objection (with 3 additional appendices 1, 2 and 3)
 - Appendix 1 – Detailed concerns
 - Appendix 2 – Planning Policies
 - Appendix 3 – TWAO vs designated green space
- Appendix B – Equality diversity cohesion and integration screening form

Background papers

None.

Transport and Works Act Orders



This page is intentionally left blank

Approval of West Yorkshire Health and Care Partnership Board as a joint committee of Leeds City Council, Council appointments and Terms of Reference

Date: 15th November 2023

Report of: The Director of Adults and Health

Report to: Full Council

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- The purpose of this report is to recommend to Full Council (resolved by the General Purposes Committee on 18th October 2023):
 - That the Council establishes a joint committee (an integrated care partnership) called the West Yorkshire Health and Care Partnership Board for the area of the Integrated Care Board (ICB) together with the ICB and the other responsible local authorities in the ICB's area.
 - That the Council approves the proposed Terms of Reference (attached as Appendix 1) of the West Yorkshire Health and Care Partnership Board (the "Partnership Board")
 - That Council notes the appointment of one member of the Partnership Board, namely the Council Leader Cllr James Lewis, by the General Purposes Committee on 18th October 2023 (subject to Full Council resolving to approve the first two recommendations above)
 - That the Council notes the appointment of the Chair of the Health and Wellbeing Board Cllr Fiona Venner, and the Council Chief Executive Tom Riordan as members of the Partnership Board, by the Partnership Board.
 - That the necessary changes be made to the Council's constitution.
- The Health and Care Act 2022 mandated that existing Integrated Care Systems become statutory partnerships, comprised of an Integrated Care Board organisation (ICB) and an Integrated Care Partnership (ICP).
- The Integrated Care Partnership (ICP) is a statutory joint committee, established by the Integrated Care Board and the local authorities with social care responsibilities within the Integrated Care System (ICS). Leeds is one of six local authority areas within the West

Yorkshire ICS footprint. The others are Bradford, Calderdale, Kirklees, Wakefield and Craven excluding LSOAs: E01027558, E01027559, and E01027570.

- Building on existing successful arrangements, the current inclusive, non-statutory Partnership Board (established in 2019) transferred to being the statutory ICP for the West Yorkshire ICS (known as “West Yorkshire Health and Care Partnership (WYHCP)”). It will continue its role as a key element of the leadership and governance arrangements for the West Yorkshire Health and Care Partnership and provide the formal leadership. It will be responsible for setting strategic direction and providing strategic oversight for all WYHCP business. It will make joint decisions and recommendations on matters which do not impact on the statutory responsibilities of individual organisations. General Purposes Committee resolved on 18th October 2023 that the West Yorkshire Health and Care Partnership Board is a strategic and key appointment in the context of the Appointments to Outside Body Procedure Rules.
- The Terms of Reference formally describe the scope, functions and ways of working for the Partnership Board. They have been revised to reflect its status as a statutory committee of NHS West Yorkshire Integrated Care Board and the responsible local authorities in the Integrated Care System (ICS) area.
- Leeds’s membership of the Partnership Board strengthens the opportunity to tackle health inequalities at regional level, in line with our Best City ambition to “be a healthy and caring city for all ages, where people who are the poorest improve their health the fastest”. The Partnership Board is now responsible for agreeing an integrated care strategy to address the broad health and social care needs of the population of the ICB’s area, including wider determinants of health such as employment and housing issues. The Leeds Health and Wellbeing Strategy aligns to the regional strategy; both documents will influence decision making, and commissioning and delivery of services in the city in order to get the best outcomes for the people of Leeds and the wider region.

Recommendations

Following the resolution to make the following recommendations at General Purposes Committee on 18th October 2023, Full Council are asked to:

- a. Establish a joint committee (an integrated care partnership) called the West Yorkshire Health and Care Partnership Board for the area of the Integrated Care Board (ICB) together with the ICB and the other responsible local authorities in the ICB’s area.
- b. Approve the proposed Terms of Reference (attached as Appendix 1) of the West Yorkshire Health and Care Partnership Board (the “Partnership Board”)
- c. Ensure that the necessary changes be made to the Council’s constitution
- d. Note the appointment of one member of the Partnership Board, namely the Council Leader Cllr James Lewis, by General Purposes Committee (subject to Council resolving to approve recommendations a, b and c).
- e. Note the separate appointment of the Chair of the Health and Wellbeing Board Cllr Fiona Venner, and the Council Chief Executive Tom Riordan as members of the Partnership Board, by the Partnership Board.

Why is the proposal being put forward?

- 1 The Health and Care Act 2022 mandated that existing Integrated Care Systems become statutory partnerships, comprised of an Integrated Care Board organisation (ICB) and an Integrated Care Partnership (ICP). The Integrated Care Partnership (ICP) is a statutory joint committee, established by the Integrated Care Board and the local authorities with social care responsibilities within the Integrated Care System (ICS). Leeds is one of six local authority areas within the West Yorkshire ICS footprint. The others are Bradford, Calderdale, Kirklees, Wakefield and Craven excluding LSOAs: E01027558, E01027559, and E01027570
- 2 A non-statutory Partnership Board made up of health and care bodies operating across the footprint described above has been in place since 2019.
- 3 Building on existing successful arrangements, the current inclusive, non-statutory Partnership Board (established in 2019 and of which Leeds City Council is already a member) will become the statutory ICP for West Yorkshire ICS. It will continue its role as a key element of the leadership and governance arrangements for the West Yorkshire Health and Care Partnership (the name of our regional ICS).
- 4 This role is strengthened through the 2022 legislation which states ICPs will provide 'formal leadership'. It will be responsible for setting strategic direction and providing strategic oversight for all Partnership business. In particular, the Board must prepare an integrated care strategy setting out how the assessed needs in relation to its area are to be met by the exercise of functions of the ICB, NHS England or the responsible local authorities in its area. It will make joint decisions and recommendations on matters which do not impact on the statutory responsibilities of individual organisations.
- 5 The Terms of Reference (ToR) for the Partnership Board have been revised to reflect its status as a statutory committee of NHS West Yorkshire Integrated Care Board and the responsible local authorities in the ICS. Key elements of the ToR include setting out how partners across the WYHCP will work together; the vision and purpose of the WYCHP, shared principles, value and behaviours; roles and responsibilities; membership and accountability.
- 6 General Purposes Committee resolved on 18th October 2023 that the West Yorkshire Health and Care Partnership Board is a strategic and key appointment in the context of the Appointments to Outside Body Procedure Rules.

What impact will this proposal have?

Wards Affected:

Have ward members been consulted? Yes No

- 7 The proposal strengthens existing regional partnership working arrangements that are already working well. The refreshed ToR confirm the shared vision for improving health and care across West Yorkshire that all strategies and plans at regional and local level must take into consideration:

- *Places will be healthy - you will have the best start in life, so you can live and age well*
- *If you have long term health conditions, you will be supported to self-care through GPs and social care services working together. This will include peer support and via technology, such as telemedicine*
- *If you have multiple health conditions, there will be a team supporting your physical, social and mental health needs. This will involve you, your family and carers, the NHS, social care and voluntary and community organisations*
- *If you need hospital care, it will usually mean going to your local hospital, which works closely with others to give you the best care possible*
- *Local hospitals will be supported by centres of excellence for services such as cancer, stroke, and mental health*
- *All of this will be planned and paid for together, with councils and the NHS working together to remove the barriers created by planning and paying for services separately. For example, community and hospital care working together*
- *Communities and staff will be involved in the development and design of plans so that everyone truly owns their health care services.*

The Partnership Board will set strategic direction and make joint decisions and recommendations on matters which do not impact on the statutory responsibilities of individual member organisations. The roles and responsibilities set out in the revised ToR capture some areas of positive impact in terms of the formal leadership role of the Partnership Board, which will be felt at both regional and local level. Responsibilities include:

- agree the West Yorkshire Integrated Care Strategy and the broad objectives for the Partnership;
- consider recommendations from Partnership forums such as the System Leadership Executive Group and make recommendations on:
 - The objectives of priority Partnership work programmes and workstreams
 - The apportionment of transformation monies from national bodies
 - Common actions when systems become distressed
- ensure the voice of the patients, service users and citizens is heard and reflected in all plans
- act as a leadership cohort, demonstrating what can be achieved with strong system leadership and increased freedoms and flexibilities;
- provide a mechanism for joint action and joint decision-making for those issues which are best tackled on a wider scale;
- support the development of local partnership arrangements which bring together the Councils, voluntary and community groups, and NHS commissioners and providers in each Place;

- ensure that, through partnership working in each place and across West Yorkshire, there is a greater focus on population health management, integration between providers of services around the individual's needs, and a focus on care provided in primary and community settings;
- oversee a mutual accountability framework which provides a single, consistent approach for assurance and accountability between partners;
- reach agreement in relation to recommendations made by other governance groups within the Partnership on the need to take action in relation to managing collective performance, resources and the totality of population health;
- adopt an approach to making joint decisions and resolving any disagreements which follows the principle of subsidiarity and is in line with the shared values and behaviours of the partnership.

What consultation and engagement has taken place?

- 8 There is no statutory or legal requirement to carry out consultation on the revised Terms of Reference to the Partnership Board. General Purposes Committee has been consulted and recommends to Council that it establishes the joint committee and adopts the Terms of Reference.

What are the resource implications?

- 9 There are no direct resource implications for Leeds City Council related to the recommendations made in this report.
- 10 The Terms of Reference have been revised to reflect the status of the Partnership Board as a statutory committee of NHS West Yorkshire Integrated Care Board and the responsible local authorities in the Integrated Care System (ICS) area. Accordingly, the existing approach to supporting the Partnership Board will continue to be from NHS West Yorkshire Integrated Care Board.
- 11 Further, the recommended LCC appointees have been active and influential members of the Partnership Board since its inception in 2019. No further resourcing is required to execute statutory membership.

What are the legal implications?

- 14 Under Section 116ZA of the Local Government and Public Involvement in Health Act 2007, an ICB and each responsible local authority whose area coincides with or falls wholly or partly within the board's area must establish a joint committee for the board's area (an ICP). The ICP for an area must consist of one member appointed by the ICB, one member appointed by each of the responsible local authorities, and any members appointed by the ICP itself. An ICP may determine its own procedure, including quorum. An ICP must prepare an integrated care strategy setting out how the assessed needs for its area are to be met by the exercise of functions by the ICB, NHS England or the responsible local authorities in its area. There is no statutory requirement or provision for the delegation of any functions by the Council to the ICP, therefore the Council will continue to take formal decisions in the usual way in relation to the exercise of any Council functions which may be identified in the integrated care strategy.

- 15 The establishment of the Partnership is considered to meet the definition of a Strategic and Key Partnership for the purposes of the Appointment to Outside Bodies Procedure Rules as its participation contributes to the Council's strategic functions, priorities and community leadership role.
- 16 General Purposes Committee has delegated Authority to appoint Members to Outside Bodies in accordance with the Appointment to Outside Bodies Procedure Rules.
- 17 Full Council is required to establish the joint committee and agree the Terms of Reference

What are the key risks and how are they being managed?

- 18 The approval of the revised Terms of Reference, the appointment of the Partnership Board as a committee and the appointment of the Partnership Board members referred to above does not present any immediate risks. These actions capture and formalise the successful approach to partnership working around health and care at regional level that are already in place.
- 19 There is no information governance risk or processing of personal data as a result of approving the recommendations made in this report.

Does this proposal support the council's 3 Key Pillars?

- Inclusive Growth Health and Wellbeing Zero Carbon

- 20 The proposals made in this report are unequivocally focussed on being a key part of the regional health and care system response to the improving health and wellbeing and tackling health inequalities. It will support implementation of Leeds Health and Wellbeing Strategy which sets out the strategic priorities to tackle inequalities in Leeds and the Healthy Leeds Plan, the Leeds Health and Care Partnership response to the Health and Wellbeing Strategy.
- 21 Further, the Partnership Board has a focus on the wider determinants of health and thus will support the WYHCP response to climate change and inclusive growth.

Options, timescales and measuring success

a) What other options were considered?

- 22 None – statutory requirement of the 2022 Health and Care Act.

b) How will success be measured?

- 23 The West Yorkshire Partnership Board will measure its success on its ability to deliver closer, more effective, and more collaborative delivery of health and care for the people of West Yorkshire. Measured publicly by progress on the over-arching 10 Big Ambitions for the Partnership, published in the West Yorkshire Integrated Care Strategy and summarised here: [Our 10 big ambitions :: West Yorkshire Health & Care Partnership \(wypartnership.co.uk\)](https://www.wypartnership.co.uk/our-10-big-ambitions). These 10 big ambitions are a mix of clinical improvements, reductions in health inequalities, improvements in the wider determinants of health and maxing the best use of local economic and human resources for the population's wellbeing.

24 What is the timetable for implementation?

- 25 The statutory requirement to have an Integrated Care Partnership as part of an Integrated Care System came into effect from 1 July 2022.

26 The revised Terms of Reference were supported by the Partnership Board (West Yorkshire's ICP) on 6 September 2022.

Appendices

27 West Yorkshire Partnership Board Terms of Reference

28 Equality, Cohesion, Diversity and Integration screening

Background papers

35 None

This page is intentionally left blank

Equality, Diversity, Cohesion and Integration Screening



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

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

Completed at the earliest opportunity it will help to determine:

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

Directorate: Adults and Health	Service area: Health Partnerships
Lead person: Lisa Gibson / Manraj Khela	Contact number: 07891 276707

1. Title: Approval of West Yorkshire Health and Care Partnership Board as a joint committee of Leeds City Council, Council appointments and Terms of Reference

Is this a:

Strategy / Policy

Service / Function

Other

- **If other, please specify:** A nationally mandated change in governance of health and care arrangements are regional level.

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

The Health and Care Act 2022 mandated that existing Integrated Care Systems become statutory partnerships, comprised of an Integrated Care Board organisation (ICB) and an Integrated Care Partnership (ICP).

The Integrated Care Partnership (ICP) is a statutory joint committee, established by the Integrated Care Board and the local authorities with social care responsibilities within the Integrated Care System (ICS). Leeds **is one of six** local authority areas within the West Yorkshire ICS footprint.

Building on existing successful arrangements, the current inclusive, non-statutory Partnership Board (established in 2019) transferred to being the statutory ICP for the West Yorkshire ICS (known as “West Yorkshire Health and Care Partnership

(WYHCP)"). It will continue its role as a key element of the leadership and governance arrangements for the West Yorkshire Health and Care Partnership and provide the formal leadership. It will be responsible for setting strategic direction and providing strategic oversight for all WYHCP business. It will make joint decisions and recommendations on matters which do not impact on the statutory responsibilities of individual organisations.

The Terms of Reference formally describe the scope, functions and ways of working for the Partnership Board. They have been revised to reflect its status as a statutory committee of NHS West Yorkshire Integrated Care Board and the responsible local authorities in the Integrated Care System (ICS) area.

The specific activities being screened are in relation to governance surrounding the statutory changes:

- Establishment of the ICP as a joint committee of the Council
- Appointment of Council representatives to the Partnership Board
- Approval of the Terms of Reference for the Partnership Board

3. Relevance to equality, diversity, cohesion and integration

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

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

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

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

• Fostering good relations		
----------------------------	--	--

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

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

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

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

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

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

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

- **Key findings**

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

--

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

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

Date to complete your impact assessment	
---	--

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

6. Governance, ownership and approval

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

Name	Job title	Date
Tony Cooke	Chief Officer Health Partnerships	26 th September 2023

7. Publishing

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

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

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

Date screening completed	
---------------------------------	--

26 th September 2023

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

Any other decision – date sent to Equality Team	
--	--

(equalityteam@leeds.gov.uk)	
-----------------------------	--

This page is intentionally left blank

Partnership Board

(West Yorkshire's Integrated Care Partnership)

Terms of Reference

November 2022

Contents

1. Introduction and context.....	2
Purpose	2
2. How we work together in West Yorkshire.....	3
Our vision	3
Principles for our Partnership.....	3
Our shared values and behaviour.....	4
3. Role and Responsibilities.....	4
4. Membership.....	5
Deputies.....	6
Additional attendees	6
5. Quoracy and voting	6
6. Accountability and reporting	6
7. Conduct and Operation	7
Managing Conflicts of Interest.....	7
Secretariat.....	7
8. Review.....	7

1. Introduction and context

- 1.1. West Yorkshire and Harrogate Health and Care Partnership was formed in 2016 as one of 44 Sustainability and Transformation Partnerships (STPs), in response to the *NHS Five Year Forward View*. Now the West Yorkshire Health and Care Partnership ('the Partnership'), it brings together all health and care organisations and wider partners in our five places: Bradford District and Craven, Calderdale, Kirklees, Leeds and Wakefield District.
- 1.2. The Partnership is not an organisation, but a way of working to meet the diverse needs of our citizens and communities. NHS services have come together with local authorities, voluntary, community and social enterprise groups to agree how we can reduce health inequalities, improve people's health and improve the quality of their health and care services.
- 1.3. The Health and Care Act 2022 establishes statutory Integrated Care Systems, comprised of an Integrated Care Board (ICB) and an Integrated Care Partnership (ICP). Legally, the ICP is a statutory joint committee, established by the ICB and the local authorities with social care responsibilities within the ICS. Building on our existing successful arrangements, our inclusive, non-statutory Partnership Board, which we established in 2019, will become our statutory ICP. It will continue its role as a key element of the leadership and governance arrangements for our Partnership.

Purpose

- 1.4. The Partnership Board will provide the formal strategic leadership for the Partnership. Under the Health and Care Act, it is responsible for agreeing an integrated care strategy to address the broad health and social care needs of the population of West Yorkshire, including determinants of health such as employment, environment, and housing issues. The Integrated Care Board and partner local authorities must have regard to this strategy when making decisions, commissioning and delivering services.
- 1.5. In addition to its statutory role, the Partnership Board will continue to support place-based partnerships and coalitions with community partners which are well-placed to act on the wider determinants of health in local areas. The Board will bring together the statutory and non-statutory interests of places. It will provide oversight for all Partnership business, and a forum to make decisions and recommendations together as partners on matters which neither impact on the statutory responsibilities of individual organisations nor have been delegated formally to a collaborative forum.
- 1.6. The Partnership Board has no formal delegated powers from the organisations in the Partnership. The Partnership Board will work by building agreement with leaders across Partner organisations to drive action around a shared direction of travel.
- 1.7. These Terms of Reference describe the scope, functions and ways of working for the Partnership Board. They should be read in conjunction with the West Yorkshire ICB constitution and governance handbook, which describe the wider governance and accountability arrangements for our system.

2. How we work together in West Yorkshire

Our vision

2.1. We have worked together to develop a shared vision for health and care services across West Yorkshire. All of our plans support the realisation of this vision:

- Places will be healthy - you will have the best start in life, so you can live and age well
- If you have long term health conditions, you will be supported to self-care through GPs and social care services working together. This will include peer support and via technology, such as telemedicine
- If you have multiple health conditions, there will be a team supporting your physical, social and mental health needs. This will involve you, your family and carers, the NHS, social care and voluntary and community organisations
- If you need hospital care, it will usually mean going to your local hospital, which works closely with others to give you the best care possible
- Local hospitals will be supported by centres of excellence for services such as cancer, stroke, and mental health
- All of this will be planned and paid for together, with councils and the NHS working together to remove the barriers created by planning and paying for services separately. For example, community and hospital care working together
- Communities and staff will be involved in the development and design of plans so that everyone truly owns their health care services.

Principles for our Partnership

2.2. The Partnership Board operates within an agreed set of guiding principles that shape everything we do through our Partnership:

- We will be ambitious for the people we serve and the staff we employ
- The West Yorkshire Partnership belongs to its citizens and to commissioners and providers, councils and NHS
- We will do the work once – duplication of systems, processes and work should be avoided as wasteful and potential source of conflict
- We will undertake shared analysis of problems and issues as the basis of taking action
- We will apply subsidiarity principles in all that we do – with work taking place at the appropriate level and as near to local as possible
- We will build constructive relationships with communities, groups and organisations to tackle the wide range of issues which have an impact on people's health and wellbeing.

Our shared values and behaviour

2.3. Members of the Partnership Board commit to behave consistently as leaders and colleagues in ways which model and promote our shared values:

- We are leaders of our organisation, our place and of West Yorkshire
- We support each other and work collaboratively
- We act with honesty and integrity, and trust each other to do the same
- We challenge constructively when we need to
- We assume good intentions
- We will implement our shared priorities and decisions, holding each other mutually accountable for delivery.

3. Role and Responsibilities

3.1. The Partnership Board will provide the formal leadership for the Partnership. It will be responsible for setting strategic direction and providing strategic oversight for all Partnership business. It will make joint decisions and recommendations on matters which do not impact on the statutory responsibilities of individual organisations and have not been delegated formally to a collaborative forum. Its responsibilities are to:

- i. agree the West Yorkshire Integrated Care Strategy and the broad objectives for the Partnership;
- ii. consider recommendations from Partnership forums such as the System Leadership Executive Group and make recommendations on:
 - The objectives of priority Partnership work programmes and workstreams
 - The apportionment of transformation monies from national bodies
 - Common actions when systems become distressed
- iii. ensure the voice of the patients, service users and citizens is heard and reflected in all plans
- iv. act as a leadership cohort, demonstrating what can be achieved with strong system leadership and increased freedoms and flexibilities;
- v. provide a mechanism for joint action and joint decision-making for those issues which are best tackled on a wider scale;
- vi. support the development of local partnership arrangements which bring together the Councils, voluntary and community groups, and NHS commissioners and providers in each Place;
- vii. ensure that, through partnership working in each place and across West Yorkshire, there is a greater focus on population health management,

integration between providers of services around the individual's needs, and a focus on care provided in primary and community settings;

- viii. oversee a mutual accountability framework which provides a single, consistent approach for assurance and accountability between partners;
- ix. reach agreement in relation to recommendations made by other governance groups within the Partnership on the need to take action in relation to managing collective performance, resources and the totality of population health;
- x. adopt an approach to making joint decisions and resolving any disagreements which follows the principle of subsidiarity and is in line with the shared values and behaviours of the partnership.

4. Membership

4.1. The membership will comprise:

- A Chair, who will be a local authority elected member
- A deputy Chair, who will be the ICB Chair
- The ICB Chief Executive
- Chairs of Place-based Committees of the ICB
- The nominated lead officer for each Place
- One representative of the clinical leads of each Place
- Chairs of Health and Wellbeing Boards of each Place
- A second elected member for each Council
- Council chief executives
- One representative of Directors of Public Health
- One representative of Directors of Adult Social Care
- Chairs of NHS Trusts, NHS Foundation Trusts and other providers of NHS services which are formal partners
- Chief executives of NHS Trusts, NHS Foundation Trusts and other providers of NHS services which are formal partners
- One representative of NHS England
- One representative of Health Education England
- One representative of the Office for Health Improvement & Disparities
- One representative of Healthwatch organisations
- The chief executive of Yorkshire and Humber Academic Health Science Network
- The chair of the West Yorkshire Clinical Forum
- Three representatives of the voluntary and community sector
- One representative of the hospice sector
- One representative of independent providers of social care

- One representative of West Yorkshire Local Medical Committees

Deputies

4.2. If a member is unable to attend a meeting of the Partnership Board, s/he will be responsible for identifying a suitable deputy to attend on their behalf. Such a deputy must have sufficient seniority and sufficient understanding of the issues to be considered to represent their organisation, place or group effectively. Deputies will be eligible to vote.

Additional attendees

4.3. Additional attendees will routinely include:

- Directors of the Integrated Care Board

4.4. At the discretion of the Chair, additional representatives may be requested to attend meetings from time to time to participate in discussions or report on particular issues. Such additional representatives may include:

- Senior Responsible Officers and programme leads for West Yorkshire programmes
- Representatives of Partner organisations, who are not part of the core membership
- Other ICB staff and external advisers.

5. Quoracy and voting

5.1. The Partnership Board will be quorate when 75% or more of Partner organisations are present, including at least one representative from each place. The Partnership Board will generally operate on the basis of forming a consensus on issues considered, taking account of the views expressed by members. It will look to make any decisions on a 'Best for West Yorkshire' basis. The Chair will seek to ensure that any lack of consensus is resolved amongst members.

5.2. By exception, and with its prior approval, the Partnership Board shall authorise members of the Board to take decisions on its behalf. The nature and scope of the delegation shall be recorded in the minutes and any such decisions shall be reported to the Board at its next meeting.

6. Accountability and reporting

6.1. The Partnership Board will receive regular reports on the delivery by partners of the West Yorkshire integrated care strategy.

6.2. The Partnership Board has no formal powers delegated by Partner organisations. It has a key role within the wider governance and accountability arrangements for the West Yorkshire Partnership. The minutes, and a summary of key messages will be submitted to all Partner organisations after each meeting.

7. Conduct and Operation

- 7.1.** The Partnership Board will meet in public, at least four times each year. An annual schedule of meetings will be published by the secretariat.
- 7.2.** Extraordinary meetings may be called for a specific purpose at the discretion of the Chair. A minimum of seven working days' notice will be given when calling an extraordinary meeting.
- 7.3.** The agenda and supporting papers will be sent to members and attendees and made available to the public no less than five working days before the meeting. Urgent papers will be permitted in exceptional circumstances at the discretion of the Chair.
- 7.4.** Draft minutes will be issued within 10 working days of each meeting.

Managing Conflicts of Interest

- 7.5.** Each member must abide by all policies of the organisation it represents in relation to conflicts of interest.
- 7.6.** Where any Partnership Board member has an actual or potential conflict of interest in relation to any matter under consideration at any meeting, the Chair (in their discretion) shall decide, having regard to the nature of the potential or actual conflict of interest, whether or not that member may participate and/or vote in meetings (or parts of meetings) in which the relevant matter is discussed.
- 7.7.** Where the Chair decides to exclude a member, the relevant organisation represented by that member may send a deputy to take the place of the conflicted member in relation to that matter.

Secretariat

- 7.8.** The secretariat function for the Partnership Board will be provided by the ICB team. A member of the team will be responsible for arranging meetings, recording notes and actions from each meeting, preparing agendas, and agreeing these with the Chair.

8. Review

- 8.1.** These terms of reference and the membership of the Partnership Board will be reviewed at least annually. Further reviews will be undertaken in response to any material developments or changes in the wider governance arrangements of the Partnership.

Leeds Award Nomination

Date: 15th November 2023

Report of: City Solicitor

Report to: Council

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

This report outlines the proposal of the Leeds Award Panel to recommend the nomination for Alford Gardner to receive the Leeds Award.

Recommendations

- a) That Council approve the recommendations of the Leeds Award Panel

Why is the proposal being put forward?

- 1 For Council to consider the outcome of the Leeds Award Panel who have unanimously agreed to make the recommendation that Alford Gardner receive the Leeds Award in recognition of his extensive contributions to the West Indian community in Leeds, his significant contributions as a Windrush generation pioneer and also in recognition of his wartime service.

What impact will this proposal have?

Wards affected:

Have ward members been consulted? Yes No

- 2 The Leeds Award is a prestigious honour that recognises that there are many people, groups, organisations and teams that bring great credit to the City through their exceptional hard work and dedication. It is viewed as a lasting tribute to the contributions to make a real difference to the city.

What consultation and engagement has taken place?

- 3 Representatives from all political groups make the up the membership of the Leeds Award Panel, and act as representatives for the political Group Leaders.

What are the resource implications?

- 4 All costs would be contained within existing budgets.

What are the legal implications?

- 5 No implications

What are the key risks and how are they being managed?

- 6 There are no risk issues

Does this proposal support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

7

Options, timescales and measuring success

What other options were considered?

- 8 Approval by full Council is the only mechanism available for nominations made to the Leeds Award Panel

How will success be measured?

- 9 The Leeds Award Panel have determined that Alford Gardner is an acceptable and appropriate recipient of the Leeds Award.

What is the timetable for implementation?

10 With immediate effect, following approval by full Council.

Appendices

11 None

Background papers

12 None

This page is intentionally left blank

Council Meeting – 17th January 2024

Date: 15th November 2023

Report of: City Solicitor

Report to: Council

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The Lord Mayor has agreed for an extraordinary meeting of Council to take place on Wednesday 17th January 2024 at 1pm, this will be for the purpose of bestowing the honour of Honorary Aldermen/Honorary Alderwomen on former Councillors.

This report seeks approval to adjust the start time of the ordinary Council Meeting on Wednesday 17th January 2024 from 1pm to 1.30pm or at the conclusion of the extraordinary meeting.

Recommendations

- a) In accordance with Council Procedure Rule 2.1 to agree that the ordinary Council meeting on the 17th January 2024 will start at 1.30pm or at the conclusion of the extraordinary meeting.

What is this report about?

- 1 The proposal is for Council to alter the start time of the ordinary Council meeting on the 17th January 2024 from 1pm to 1.30pm or at the conclusion of the extraordinary meeting (not 1pm).

What impact will this proposal have?

- 2 The change of start time for the ordinary meeting will allow the extraordinary Council meeting to commence at 1pm.

How does this proposal impact the three pillars of the Best City Ambition?

- Health and Wellbeing Inclusive Growth Zero Carbon

- 3 An ordinary Council meeting is in line with the Council's Policies and the priorities.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 4 Consultation has taken place with the Lord Mayor and relevant group(s) on the Council have been informed of this proposal.

What are the resource implications?

- 5 There are no specific resource implications associated with this report.

What are the key risks and how are they being managed?

- 6 There is not a specific risk associated with the report.

What are the legal implications?

- 7 There are no specific legal implications associated with this report.

Options, timescales and measuring success

What other options were considered?

- 8 The date and time of the extraordinary meeting would mean that the majority of members would be available for that meeting and also for the ordinary meeting which would start approximately 30 minutes later.

How will success be measured?

- 9 Not applicable.

What is the timetable and who will be responsible for implementation?

- 10 The implementation of the decision would be immediately after the decision is made and a place holder has been placed in Members diaries.

Appendices

- None

Background papers

- None

Appointments

Date: 15th November 2023

Report of: City Solicitor

Report to: Council

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This report seeks approval to a number of appointments on various Committees, Boards and Panels.

Recommendations

- a) To approve the change of appointment on the Scrutiny Board (Children & Families), Councillor D Seary to replace Councillor Smith.
- b) To approve the change of appointment on the Scrutiny Board (Strategy and Resources), Councillor Andrew Carter to replace Councillor Robinson.
- c) To approve the change of appointment on the Corporate Governance and Audit Committee, Councillor Robinson to replace Councillor Smith.

What is this report about?

- 1 The proposal is for Council to approve the following appointments
 - Cllr D Seary to replace Cllr Smith on Scrutiny Board (Children & Families)
 - Cllr Andrew Carter to replace Cllr Robinson on Scrutiny Board (Strategy and Resources).
 - Cllr Robinson to replace Cllr Smith on the Corporate Governance and Audit Committee.

What impact will this proposal have?

- 2 It will ensure that meetings held will have adequate and appropriate membership levels.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 3 Fully operational and quorate Committees, Boards and Panels and representation on external bodies are in line with the Council's Policies and the priorities.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 4 Consultation has taken place with the relevant group(s) on the Council.

What are the resource implications?

- 5 There are no specific resource implications associated with this report.

What are the key risks and how are they being managed?

- 6 The key risks would have been lack of representation on local Committees, Boards and Panels. The risk is being managed by the appointment(s) in this report.

What are the legal implications?

- 7 There are no specific legal implications associated with this report.

Options, timescales and measuring success

What other options were considered?

- 8 No other options were considered.

How will success be measured?

- 9 Not applicable.

What is the timetable and who will be responsible for implementation?

- 10 The implementation of the decision would be immediately after the decision is made.

Appendices

- None

Background papers

- None

Plans Panel and Development Plan Panel Annual Report, 2022-23

Date: 15 November 2023

Report of: Chief Planning Officer

Report to: Full Council

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- The annual report, covering the period 2022-23 is attached as appendix 1 to this report.
- The annual report describes the work of the three Plans Panels and Development Plan Panel, within the context of the terms of reference for each Panel. The report is not intended to describe the work of the Planning and Sustainable Development service as a whole but provides information on activity, workloads, delivery of key schemes and projects. The report looks back on the year, as well as considering the challenges to come. At the time of preparing this covering report it should be noted that the long-awaited Levelling Up and Regeneration Bill was enacted on 26 October 2023. This recent event falls outside of the reporting period of this annual report, but the implications arising from this new Act will be reflected in next year's annual report.
- The work of the Plans Panels and Development Plans Panel is key in the delivery of Best City Priorities, either directly or indirectly through the delivery of high-quality homes, employment land (inclusive growth), health and wellbeing, responding to the Climate Emergency and through sustainable place-making, to deliver safe, strong communities.

Recommendations

- a) Council is asked to receive and note the Annual Report.

Why is the proposal being put forward?

- 1 Following changes to Council Procedure Rules agreed by full Council in May 2016, an Annual Report reporting the work of Plans Panels (one report to jointly cover the Panels) for the consideration of full Council. This Annual Report covers the period 2022-23.

What impact will this proposal have?

Wards affected:

Have ward members been consulted? Yes No

What consultation and engagement has taken place?

- 2 The Executive Member for Infrastructure and Climate, the three Plans Panel Chairs and Development Plan Panel Chair have been consulted on this report. This report is presented for information and comment.

What are the resource implications?

- 3 This report has no specific resource implications.

What are the legal implications?

- 4 This report has no specific legal implications.

What are the key risks and how are they being managed?

- 5 The Plans Panels and Development Plan Panel operate within formal Terms of Reference and other protocols as set out in the Council's Constitution, therefore there are no specific risks identified.

Does this proposal support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 6 The work of the Plans Panels and Development Plan Panel in delivering planning permissions for social housing and assisted living accommodation as well as delivering permissions for new schools, supports the Council to meet its ambitions. Through the Section 106 legal agreement process, employment opportunities for local people can be delivered. The planning process is closely tied with the health and wellbeing and climate change agendas, through the implementation of the policies in the Core Strategy and the role of the Development Plan Panel is key in policy development. Through the Local Plan Update, as a priority - policies to tackle the scale and urgency of the Climate Emergency are being updated and refreshed (pre-submission changes were agreed by Executive Board for public consultation (for 6 weeks, closing on 11th December) on 18th October).

Options, timescales and measuring success

What other options were considered?

- 7 Not applicable

How will success be measured?

- 8 There is ongoing monitoring of systems and processes as well as an annual review of the Panels terms of reference to ensure they remain fit for purpose and are robust.

What is the timetable for implementation?

- 9 Not applicable

Appendices

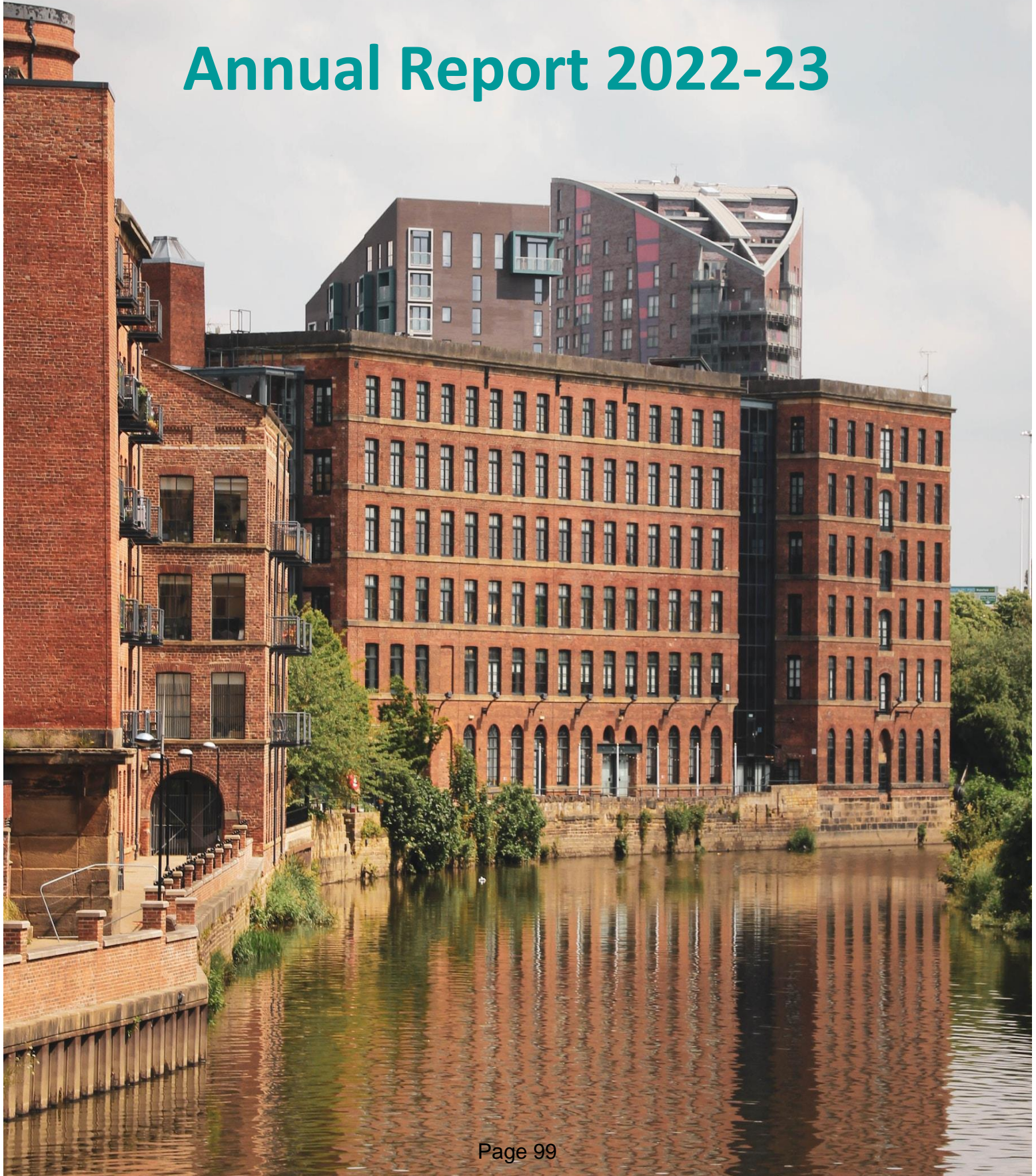
- 10 Plans Panel and Development Plan Panel Annual Report, 2022-23

Background papers

11

This page is intentionally left blank

Plans Panels and Development Plan Panel Annual Report 2022-23



Introduction

Welcome to this annual report covering April 2022 to March 2023. The role of the Plans Panels is to determine the applications which fall under the Chief Planning Officer's "Exceptions" in the Delegation Scheme; therefore, this report is not intended to reflect the work of the Development Management or Enforcement Service per se but instead focus on the work and activity undertaken by the three Area Plans Panels and the Development Plan Panel. It also highlights and reviews some of the activity in this period and describes some of the key achievements in helping deliver the Best City ambitions for Leeds. As well as reflecting on the reporting period, this Annual Report also looks ahead to 2023-24 and describes some of the key challenges coming forward.

Over 15 residential schemes have been determined by Plans Panels to deliver the homes the city needs as well as a number of schemes for purpose-built student accommodation to help house the city's student population. A number of 3G pitches have also been determined; these can be controversial with issues around the perceived environmental and health risks; however Members have dealt with these appropriately, focussing on the planning matters with other issues covered by legislation and other guidance. A refocused Member referral to Panel process, supported by reasons for referral based on planning material considerations ensures that the work of the Panels is directed and can add value.

The work of the Plans Panels can be challenging, balancing the current and future needs of the district, delivering the inclusive growth needed, whilst still taking account of local communities; all of this delivered within the national legislative and policy driven framework of what is possible lawfully and what is not. In facilitating this process, through the Plans Panel Chairs (and Panel members), a framework exists which enables opportunities for pre-application presentations, position statements and the ability for community representatives to address the Panel to share their concerns and ideas, in addition to the public speaking rights at the final determination stage.

At the time of writing this report, the Levelling Up and Regeneration Bill on 26 October 2023 received royal assent, becoming an Act. Whilst this event is outside of the reporting period for this report, the Act will have significant implications for the Local Planning Authority and consequently the Plans Panel and Development Plan Panel, who will respond accordingly; this is especially key given the ongoing budgetary and resourcing pressures.

The work of the Development Plan Panel continues to set ambitious planning policies for the district that respond to our net zero, inclusive growth and health and well-being priorities. These are being progressed through the two Local Plan Updates and also supplementary planning documents on Highways matters and the Innovation Arc in the City Centre. In recognition of the importance of public engagement in the planning, the Panel endorsed an updated Statement of Community Involvement, which uniquely applied targets to seek to improve response rates from all wards and from younger people.

Finally, the work of the Plans Panels and Development Plan Panel continue to deliver positive outcomes for the district and the people of Leeds. Through the work of the Panels,

long term investment is secured, environmental improvements are made and any negative impacts upon communities are mitigated. This approach therefore reflects the priorities of the adopted Local Plan and the Council's Best City ambitions for inclusive growth, responding to the climate emergency and health and wellbeing. We look forward to another successful year ahead.



Cllr Helen Hayden,
Executive Member for Sustainable Development and Infrastructure

Plans Panel activity 2022-23



31 Plans Panel meetings and 4 Development Plan Panel meetings



Pre-application presentations including new homes at land on Sweet Street and Headrow House



Granted permission for over 4,000 new homes, including co-living scheme and affordable rent scheme



Determined six schemes incorporating Purpose Built Student Accommodation



almost £5m in offsite contributions from approved schemes delivered through Section 106 agreements

Generated

£4.15m

in Community Infrastructure Levy through approved schemes

Significant schemes considered by the Plans Panel

Mixed use development at 10-81 Kirkstall Road for c.1,500 flats, c.5000 sqm of commercial and community uses, new riverside public realm and river footbridge



Mixed tenure residential scheme consisting of 11 blocks of apartments, including 1 block of 362 student rooms. The scheme also includes 14 Town Houses and four low-rise non-residential buildings, along with landscaping and parking. Commercial and community uses at ground-floor level. New bridge for pedestrians and cyclists, linking the site to the wider cycle network, along with a riverside walkway. 7% of the

total units would be committed for affordable housing, with a further 28% affordable housing provision secured via Homes England funding

Capitol Park, Topcliffe Lane, Morley for large warehouse/business units covering over 38ha, including provision of enhanced public spaces and connections to existing residential areas



The development relates to a key General Employment Allocation, 38.44 hectares in size. The employment site is recognised within the Local Planning Authority's Development Plan, and identified as a suitable general employment site within the Site Allocation Plan (SAP) 2019.

Leeds Golf Centre, Wike Ridge Lane – extensions and annexe building to existing clubhouse including changes to the car park, the construction of 35 holiday lodges with associated landscaping and parking and outline planning for change of use of agricultural land to golf course, realignment of the existing driving range, creation of adventure golf area and alterations to existing golf course to create footgolf course.



This proposal at Panel generated extensive Member discussion regarding the importance of the Green Belt and the appropriateness of rural tourism development and was subsequently refused, in accordance with the officer recommendation

Land Off Racecourse Approach, Wetherby – a reserved matters scheme for 762 dwellings



This scheme represented a significant residential development in Wetherby and one of the larger housing in the Site Allocations Plan. This development proposal was of significant interest within the local community and Members noted the quality of the public consultation undertaken by the developer and the proactive approach by officers in engaging on this scheme.

Development comprising 58 apartments for affordable rent, including communal and ancillary spaces on land at Railway Street, Saxton Gardens



100% affordable housing scheme but following concerns by Members relating to the housing mix and amenity standards improvements were secured in addition to improved pedestrian links.

Conversion and extension of Belmont House to create 9 apartments and 1 town house: Demolition of Roundhouse and the construction of one block of 8 apartments: demolition of the coach house and the construction of one block 6 apartments 20 Wood Lane, Headingley Racecourse



Sensitive location with residential boundaries. Following Panel concerns, the scheme was amended to reduce the height and dominance of the proposed extension to Belmont House, and to strengthen tree protection and sustainability requirements and provide appropriate affordable housing and green space levels.

Development Plans Panel

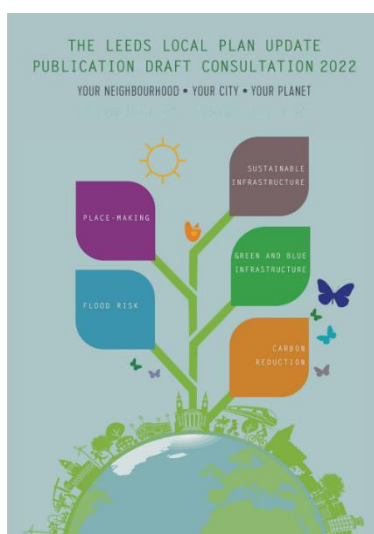
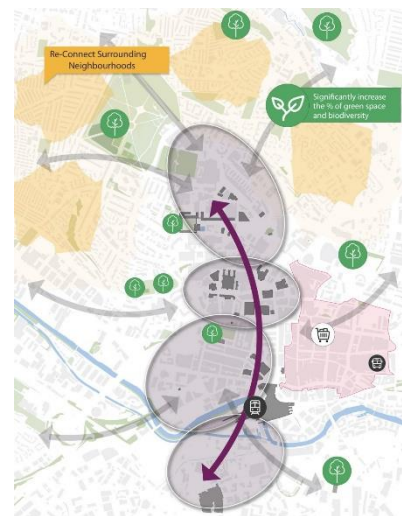
The main focus of the Development Plans Panel has been progressing updates to the Leeds Local Plan, but it also focussed on agreeing a revised Transport Supplementary Planning Document (SPD), an Innovation District SPD in the City Centre and a revised Statement of Community Involvement.

The Statement of Community Involvement (SCI) revision sets out how Leeds City Council should undertake consultation and engagement on Local Plan documents and planning applications, detailing how we will comply with statutory requirements and to help ensure that the consultation and engagement that we undertake is inclusive. The SCI developed new principles and uniquely, a set of targets to enable us to assess whether we are increasing our reach with engagement within different communities around the district e.g. across all wards and with younger people as well as seeking feedback on the consultations themselves.

The Transport SPD brought several existing technical documents together and updated them to reflect the Council declared Climate Emergency as well as the Connecting Leeds Strategy. It sets out guidance to be used by developers, design teams and others, and seeks to stimulate innovative designs that are appropriate for the context, character and location of a site and can be used safely by the travelling public. Designs are encouraged to incorporate quality approved sustainable materials that are low carbon, visually attractive, require minimum maintenance, and are in keeping with the specific local character of the area.

The Innovation Arc, set in the west of the city centre, contains a significant cluster of innovation assets both in the private and public sectors. The Panel steered development of an SPD to support the city to respond to the opportunity this cluster presents and set out the barriers to unlock and principles for the area's ongoing development, including

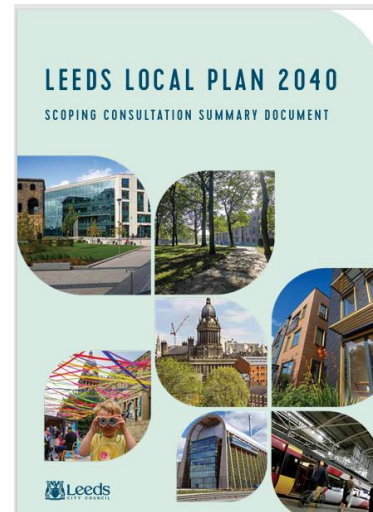
considering the heritage assets and active travel connectivity within the area.



In terms of the Local Plan the work of the Panel was in two parts. The first, the Leeds Local Plan Update – “Your City, Your Neighbourhood, Your Planet” focuses on the Council’s efforts to tackle the climate emergency, net zero, green and blue infrastructure, flood risk, sustainable infrastructure and place making. The Panel steered the development of Regulation 19 draft policies which were consulted on in December 2022 and reported back to the Panel in January 2023. This work was supported by two informal DPP workshops in place of formal meetings.

The second, began the process of a root and branch review of the existing Core Strategy and Site Allocations Plans – the “Leeds Local Plan 2022 – 2040”. This plan was consulted on in early 2023 and it sets out the intent to consider revising policies on:

- Spatial Strategy – where new development should take place
- Housing – what type and size of new housing is needed
- Economic Development – whether more land is required for new / expanding businesses
- Role of City and Local Centres – do we need to protect facilities and services in our centres
- Minerals & Waste – how we manage waste and the extraction of resources while protecting local environments
- Transport & Connectivity – integrating accessible and sustainable travel throughout the District



This work was supported by two informal DPP workshops in place of formal meetings

Reflecting on the year

Member training

All Plans Panel members and substitute Plans Panel members in 2022-23 have undertaken the prescribed compulsory training. Additionally, a programme of discretionary member training produced for 2022-23. Sessions were made available to all members of the Council and four sessions were offered: • Affordable Housing • Carbon Reduction & Environmental Improvement • Enforcement • Conservation

Joint Plans Panel

A meeting of the Joint Plans Panel took place in July 2022, (an informal meeting of all the Plans Panel and Development Plan Panel) and discussed:

- 2021-22 Performance of the service
- Levelling Up and Regeneration Bill

...and looking ahead to 2023-24

There are a number of changes which will impact on the work of the Plans Panels and Development Plans Panel during the forthcoming year and include:

Levelling Up and Regeneration Act (LURA)

The long-awaited Levelling Up and Regeneration Bill was enacted on 26 October 2023. Whilst this event falls outside of the reporting period of this annual report, the implications arising from this new Act will need to be considered and implemented by the service in the years to come. The LURA is intended to both bring in key provisions to bring

forward the government's levelling-up agenda, while making statutory changes that underpin a number of proposed planning reforms.

It contains provisions to ensure local planning authorities have design codes in place covering their entire area, changes to national development management policies and environmental outcome reports. It also strengthens the powers and sanctions available to local planning authorities' enforcement processes to deal with individuals who fail to abide by the rules and process of the planning system. The LURA is also the starting block for replacing the current system of developer contributions via Section 106 planning obligations and the Community Infrastructure Levy, through a new Infrastructure Levy and a new requirement to prepare infrastructure delivery strategies.

Possible Government response to feedback on proposed changes to plan-making

DLUHC launched a 12-week consultation on plan-making on 25 July, setting out how it expects councils to ensure that plans take no more than 30 months to produce. The consultation, designed to implement changes to plan-making contained in the LURA, proposes six stages for local plan preparation and three mandatory gateway checks involving inspectors, all of which must be completed within the 30-month timescale. Development Plan Panel considered this at their September 2023 meeting.

The department intends to have in place the regulations, policy and guidance to support the new system by autumn 2024. At that point it will begin by testing the system with around ten authorities, under a phased roll-out approach, before further authorities are grouped together in batches of 25 or fewer from June 2025, to start work on new-style plans.

City-wide Design Code

The Government is keen to delivery design quality as well as quantity, especially in new housing. Design quality underpins the placemaking policies of the Leeds Local Plan Update, which is soon to be submitted to Government for independent examination. The Government's chosen method to roll out better design is through Design Codes, which will have full weight in decision making and are a set of concise, illustrated design requirements to provide specific, detailed parameters for the physical development of a site or area. Preparing a new design code will be a requirement of the Levelling Up and Regeneration Act and will add to the existing duties of the planning department.

Bio Diversity Net Gain

The requirement to ensure that all development approved via the planning process delivers 10% biodiversity net gain is due to come into force early 2024. While the mandate was brought in via the 2021 Environment Act, the government is yet to publish much of the regulations setting out precisely how the system will work. Members of Development Plan Panel have been kept updated on the implications for the service. At the same time as responding to the new burdens that this will place on the service the Council is exploring the opportunities for delivery of biodiversity improvements on its own land.

HEALTH & WELLBEING BOARD MEETING – 9 NOVEMBER 2023.

MINUTES TO FOLLOW

This page is intentionally left blank

EXECUTIVE BOARD

WEDNESDAY, 20TH SEPTEMBER, 2023

PRESENT: Councillor J Lewis in the Chair

Councillors S Arif, D Coupar, M Harland,
H Hayden, A Lamb, J Lennox, J Pryor,
M Rafique and F Venner

31 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 from publication 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) That appendices 1 - 3 to the report entitled, 'Provision of a Loan to Leeds Culture Trust to cover Culture Sector Tax Relief', referred to in Minute No. 44 be designated as being exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 and be considered in private. This is on the grounds that appendices 1 – 2 present advice provided by Moore Kingston Smith which refer to the financial and business affairs of Leeds Culture Trust (LCT) and as such, it is considered that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing this information. Regarding appendix 3, this appendix presents the findings of the related due diligence exercise which also refers to the financial and business affairs of LCT, and as such, it is considered that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing this information.

32 Late Items
Supplementary Information – Leeds Inclusive Growth Strategy 2023 - 2030
With the agreement of the Chair, supplementary information was circulated to Board Members and published ahead of the meeting in relation to agenda item 13, 'Leeds Inclusive Growth Strategy 2023 – 2030' in the form of Appendix 2 which was the proposed strategy document. (Minute No. 42 refers).

33 Declaration of Interests
With regard to agenda item 15, 'Provision of a Loan to Leeds Culture Trust (LCT) to cover Culture Sector Tax Relief', Councillor Pryor drew the Board's attention to the fact that he is a Trustee of the Leeds Culture Trust, a role appointed to by the Council. Councillor Pryor confirmed that whilst this was

not a Disclosable Pecuniary Interest and he was not required to declare an interest in relation to this under the Council's Code of Conduct, he wished to take the opportunity to clarify that in terms of his consideration of the submitted report as a member of the Executive Board, he would approach this based upon what he believed to be the best outcomes for the Council, notwithstanding his position as a Trustee of LCT. (Minute No. 44 refers).

34 Minutes

Further to Minute No. 20 (26 July 2023), the Chair highlighted that at the July meeting the Board had approved the minutes from the 21 June 2023 meeting as a correct record, subject to a matter of accuracy raised by Cllr Lamb (regarding Minute No. 6, '*Leeds Safeguarding Children Partnership Annual Report 2021/23*'), being noted and looked into. The Chair confirmed that the matter of accuracy had been considered and that in his position as Chair, he was satisfied that the 21 June Executive Board minutes were a correct record, as previously agreed by the Board.

Following this, the Board considered the draft minutes from the previous meeting (26 July 2023) and it was

RESOLVED – That the minutes of the previous meeting held on 26th July 2023 be approved as a correct record.

SUSTAINABLE DEVELOPMENT AND INFRASTRUCTURE

35 Leeds Rail Infrastructure - Integrated Rail Plan for the North and Midlands

The Director of City Development submitted a report which provided an update on the Government's delivery of the Integrated Rail Plan and which sought endorsement of the SLCRail recommendation for a phased approach towards the delivery of rail capacity, frequency and connectivity for the eastern regions and in particular the initial delivery of a 'T' shaped station in Leeds and line to connect into an upgraded and electrified route from Sheffield to Moorthorpe.

Responding to an enquiry, the Board received information regarding the extent of potential impact upon existing site allocations within the city centre and its vicinity arising from the recommended approach of SLCRail and also in terms of the Government's proposals following its recent publication of Terms of Reference for the study into how to bring HS2 trains to Leeds. In terms of the latter, it was noted that specific impact would not be known until further detail on the Government's proposals was brought forward.

Further to this, an update was provided on the depth of the partnership working which continued in this area with other Authorities and key agencies including the Department for Transport.

Emphasis was placed upon the need to continue to be mindful of the strategic approach required to ensure that any proposals which were brought forward delivered sufficiency of capacity and effective integration across rail and other

public transport networks, including the bus network. Those comments were acknowledged, with an update being provided on how such matters were being taken into consideration.

RESOLVED –

- (a) That the update on the Integrated Rail Plan for the North and Midlands, as detailed within the submitted report, be noted;
- (b) That the Board's endorsement be given to the SLCRail recommendation, as detailed within the submitted report and appendices, for a phased approach to delivering rail capacity, frequency and connectivity for the eastern regions and in particular the initial delivery of a 'T' shaped station in Leeds and line to connect into an upgraded and electrified route from Sheffield to Moorthorpe.

CHILDREN'S SOCIAL CARE AND HEALTH PARTNERSHIPS

36 Outcome of consultation on a proposal to change the age range of Rothwell Primary School from 3-11 years to 4-11 years and permanently close the school nursery

The Director of Children and Families submitted a report presenting details of a proposal brought forward to change the age range of Rothwell Primary School from 3-11 years to 4-11 years and permanently close the school nursery. The report noted that a public consultation on the proposal took place between 30 June 2023 and 21 July 2023, with the report summarising the responses received. Finally, the report sought approval to publish a Statutory Notice on the proposal.

In presenting the report, the Executive Member provided details of the proposal and an overview of the consultation responses, as detailed within the report, with it being noted that relevant Ward Councillors had not expressed any concerns in relation to the proposal.

RESOLVED –

- (a) That the outcome of the public consultation for this proposal, as detailed within the submitted report, be noted;
- (b) That the publication of a Statutory Notice on the proposal to change the age range of Rothwell Primary School from 3-11 years to 4-11 years and to permanently close the school nursery, be approved;
- (c) That it be noted that the implementation of the proposal would be subject to the outcome of the Statutory Notice;
- (d) That the intention for a further report to be presented to the December 2023 Executive Board meeting, be noted;
- (e) That it be noted that the responsible officer for the implementation of such matters is the Head of Learning Systems.

LEADER'S PORTFOLIO

37 Best City Ambition Update - Scoping

The Director of Strategy and Resources submitted a report which sought the Board's endorsement for the scope of the proposed Best City Ambition update and which recommended the submission of a further report to Executive Board in November 2023 presenting the initial proposals.

Whilst welcoming the consideration being given to measuring the Best City Ambition's performance, a Member made enquiries about how the success of the updated strategy would be defined. In response, the Board received further information on the factors being taken into consideration in this area, including the central role which would be played by data from the Leeds Social Progress Index. Also, it was undertaken that the comments made during the discussion would be noted and taken into consideration as part of the process in submitting the initial proposals to the Board in November 2023.

RESOLVED –

- (a) That the scope of the update of the Best City Ambition, as set out within the submitted report, be endorsed;
- (b) That a further report presenting initial proposals for a draft update of the Best City Ambition be submitted to Executive Board in November 2023 ready for further consultation and engagement.

(The resolutions referred to within this Minute, given that they were decisions being made in accordance with the Budget and Policy Framework Procedure Rules, were not eligible for Call In, as Executive and Decision Making Procedure Rule 5.1.2 states that the power to Call In decisions does not extend to those decisions made in accordance with the Budget and Policy Framework Procedure Rules)

38 Annual Corporate Risk and Resilience Report

The Director of Strategy and Resources submitted a report presenting the Council's Annual Corporate Risk and Resilience report. The report provided an update on the risk and resilience activities undertaken by the Council, detailed the most significant risks currently on the Council's corporate risk register and provided details of summary assurances describing the key controls established and further actions planned to manage those risks.

In presenting the report, the Leader highlighted the importance of receiving this annual report to ensure that the Executive Board was aware of the key risks being faced by the Council and the actions being taken to monitor and mitigate those risks.

Members acknowledged that managing the Council's budgetary pressures remained key in terms of risk and resilience, however it was acknowledged that such matters would be considered in detail later in the agenda as part of the dedicated financial reports.

Responding to a Member's specific enquiry regarding the work which continued to mitigate the key risks around safeguarding children and the provision of services in that area, the Board received a detailed update on the challenges which continued to be faced both locally and nationally and the range of ongoing cross-directorate work and partnership working with other agencies that was being undertaken.

RESOLVED – That the annual risk and resilience report together with the assurances given on the most significant corporate risks which are in line with the Council's Risk Management Policy and Strategy, as detailed within the submitted cover report and appendix, be noted, with the Board's overarching responsibility for their management also being noted.

RESOURCES

39 Annual Corporate Performance Report 2022/23

The Director of Strategy and Resources submitted a report which provided an overall update on the Council's performance in 2022/23. Specifically, the report highlighted performance against the range of Key Performance Indicators (KPIs) monitored, covering all five directorates.

In presenting the report the Executive Member highlighted the regular performance reporting which continued to take place via Scrutiny Boards and other committees as appropriate. Updates were also provided on the consideration being given to the metrics recently adopted by the Office for Local Government and how they would be reflected in the Council's performance monitoring moving forward, and also in relation to the most recent visit of the Local Government Association Corporate Peer Challenge, with it being noted that whilst the accompanying report from the visit was awaited, the feedback received had been positive.

Responding to an enquiry regarding Council employee sickness rates, the Board received an update on the actions being taken in this area, with an undertaking that a separate briefing would be provided to the Member in question regarding the implications arising from the Council's sickness rate in terms of the impact upon the budget, service delivery and other staff.

Again in response to a Member's enquiry, the Board received an update on the trajectory of the data regarding those killed or seriously injured in road traffic collisions. In terms of the actions being taken in this area, the partnership approach being undertaken as part of the 'Vision Zero' initiative was highlighted as a key programme with the ambition that by 2040 no one will be killed or suffer serious injuries on roads in Leeds. As part of this discussion, the importance of encouraging the wider behavioural change of road users was highlighted.

RESOLVED – That the Annual Performance Report for 2022/23, as appended to the submitted report, be noted, together with the progress which has been made during that period.

40 Medium Term Financial Strategy 2024/25 - 2028/29

The Chief Officer Financial Services submitted a report presenting the Council's Medium Term Financial Strategy (2024/25 – 2028/29) which is a five-year rolling strategy used to inform the Council's annual budget process. Included within the strategy was information providing wider context and details of the range of factors which influence the shape of this financial plan.

By way of introduction to the report, the Executive Member provided an overview of the key points within it, highlighting that the report noted that the estimated revenue budget gap over the period 2024/25 to 2028/29 was currently £251m.

In considering the challenges highlighted within the report, a Member made comments regarding the need to consider reviewing the approach taken so as to work more collaboratively with other partner organisations around areas such as service delivery. In response, the Board was advised that work in this area was ongoing both on a cross-directorate basis within the Council and also with external partners. It was acknowledged that difficult decisions would continue to be required, with it being noted that savings proposals would be received at future Board meetings as appropriate.

Members also considered the Government's model for funding in areas such as regeneration and transport and infrastructure, with emphasis being placed upon the importance of ensuring that the benefits of devolution were maximised. In considering such matters, the importance of collaborative working with partners such as WYCA was highlighted.

RESOLVED –

- (a) That the updated Medium Term Financial Strategy for 2024/25 to 2028/29, as presented in the submitted report and appendices, be noted;
- (b) That it be noted that savings proposals will be received at future meetings of Executive Board in advance of the Proposed Budget for 2024/25 being received at this Board in December 2023.

41 Financial Reporting 2023/24 – Month 4

The Chief Officer Financial Services submitted a report presenting the Council's projected financial health position as at month 4 of the 2023/24 financial year in respect of both the General Fund revenue budget and the Housing Revenue Account.

In introducing the report, the Executive Member extended her thanks to the work that the Chief Officer Financial Services and her team continued to undertake in very challenging circumstances. The Board received an overview of the key points within the submitted report and noted the forecasted overspend of £33.9m on the Authority's General Fund as at Month 4 of the financial year.

Responding to a Member's comments and concerns around the level of projected overspend at this point in the financial year and how this linked to the budget setting process, the Board received further details and assurance regarding the timeframe for the budget setting process and its robustness, and the work which continued to monitor and mitigate the pressures faced, with clarification also being provided around the key messages which continued to be communicated across the Authority to support ongoing actions.

In addition, the Board specifically considered the challenges that continued to be faced around the delivery of services for Children Looked After, which reflected the position nationally. In considering this, Members specifically referenced increasing levels of demand and also the significant increase in costs for external placements. Responding to an enquiry, the Board received an update on the actions which continued to be taken in this area around mitigating the challenges faced, how Leeds was performing when considering the performance of other comparable Authorities and how such pressures were being monitored and responded to in terms of the budget setting process.

Further context was provided on a number of areas and processes which challenged the Council's ability to take a medium term approach towards its budgetary process, with it being highlighted that these were areas where Local Government needed to continue to work with national Government, in order to make those planning processes easier.

RESOLVED –

- (a) That it be noted that at Month 4 of the 2023/24 financial year the Authority's General Fund revenue budget is forecasting an overspend of £33.9m for 2023/24 within a challenging national context, and that a range of actions are being undertaken, or are proposed to achieve a balanced budget position;
- (b) That the virement of identified non-essential spend budgets out of respective Chief Officer budgets and into specific strategic cost centres within each directorate, be approved, as a measure to prevent further spend against these budgets where it has been identified that this spend is not required;
- (c) That the release of £1.3m from the Strategic Contingency Reserve to fund budgeted fleet savings which are not deliverable across the Council in year due to the impact of inflation, costs of maintaining an ageing fleet and increased demand for services, be approved;
- (d) That it be noted that where an overspend is projected, directorates, including the Housing Revenue Account, are required to present action plans to mitigate their reported pressures and those of the Council's wider financial challenge where possible, in line with the Revenue Principles agreed by Executive Board in 2019;

- (e) That it be noted that known inflationary increases including demand and demographic pressures in Social Care and known impacts of the rising cost of living, including the employer's 2023/24 NJC pay offer of £1,925 and the JNC pay settlement of 3.5%, have been incorporated into this reported financial position, with it also being noted that these pressures will continue to be reviewed during the year and reported to future Executive Boards as more information becomes available. That it also be noted that proposals would need to be identified to absorb any additional pressures;
- (f) That the Month 4 positions regarding the use of Invest to Save, Covid Backlog and Flexible Capital Receipt resources, be noted, with the additional planned use of £5.3m of Capital Receipts in 2023/24 also being noted which will support transformation projects and deliver savings in addition to the budgeted use;
- (g) That it be noted that at Month 4, the Authority's Housing Revenue Account is forecasting an overspend of £3.2m for 2023/24.

ECONOMY, CULTURE AND EDUCATION

42 Leeds Inclusive Growth Strategy 2023 - 2030

The Director of City Development submitted a report presenting the updated Leeds Inclusive Growth Strategy for the period 2023- 2030, with the updated strategy setting out nine refreshed 'Big Ideas' for how best to deliver growth that benefits all citizens and communities and which is set within the three themes of 'People', 'Place' and 'Productivity'.

Further to Minute No. 32, with the agreement of the Chair, supplementary information was circulated to Board Members ahead of the meeting in relation to this item in the form of Appendix 2, which was the proposed strategy document.

In presenting the report, the Executive Member provided an overview of the strategy's achievements to date together with a summary of the key proposals for the strategy moving forward.

Responding to an enquiry regarding how the success of the updated strategy would be defined, the Board received further details on how the progress being made by the strategy would be monitored and measured, with the Board also receiving further context on the range of factors which would need to be taken into consideration when judging the success of the strategy, with the Social Progress Index being highlighted as a key resource combined with other measures including the proposed submission of an annual progress report.

RESOLVED –

- (a) That the new Leeds Inclusive Growth Strategy 2023 - 2030, as appended to the submitted report, be agreed, and that approval also be given for the strategy's publication;

- (b) That approval be given for the Director of City Development to lead on implementing the delivery of the Leeds Inclusive Growth Strategy 2023 – 2030;
- (c) That approval be given to the proposed approach towards stakeholder engagement in order to support the implementation of the strategy;
- (d) That moving forward, approval be given for an annual progress report to be submitted to Executive Board.

43 Learning Places Programme and School Condition Update Report

The Director of Children and Families and the Director of City Development submitted a joint report which presented an update on the current Learning Places Programme delivery including places across the school estate delivered over the last 18 months, schemes currently in delivery and the potential future work programme. In addition, the report provided information on managing the condition of the school estate, the challenges faced, potential solutions and the financial implications to effectively meet the Council's statutory duties.

In presenting the report, the Executive Member provided the Board with an overview of the key points including the number of places which had been delivered across the school estate, the response to the decline in the birth rate across the city and the actions being taken in response to the increased demand for Special Educational Needs learning places. An update was also provided regarding the annual school condition funding allocation and the current position with regard to backlog maintenance in the school estate.

The investment into Wetherby High School, as referenced within the report was specifically welcomed, with thanks extended to all those involved in securing that investment.

Regarding the issue of RAAC (reinforced autoclaved aerated concrete) in relation to schools. Further to the details within the submitted report, Members' attention was drawn to the update provided at the full Council meeting of 13th September 2023. Responding to comments about the potential for this to impact upon buildings other than schools, the Board received an update about the wider Council estate outside of school sites which confirmed that to date there have been no cases of RAAC identified in buildings that the Council is responsible for and that an audit into appropriate Council buildings continued.

From a wider perspective, it was suggested that it may be beneficial for further detail to be provided to Board Members in due course which covered the potential for structural issues more generally across the Council estate.

RESOLVED –

- (a) That the progress made to date with the Learning Places Programme delivery, as detailed within the submitted report, be noted, together with

the current schemes in development and delivery across primary, secondary and SEN provision and the forward programme;

- (b) That the progress made regarding the Planned Maintenance Programme delivery, as detailed within the submitted report, be noted;
- (c) That the challenges and issues being experienced across the programme, together with the measures in place where possible to mitigate for these, be noted.

44 Provision of a Loan for Leeds Culture Trust to cover Culture Sector Tax Relief claims

The Director of City Development submitted a report which sought the Board's approval for Leeds City Council to provide a loan to Leeds Culture Trust (LCT) for the purposes of providing cash flow assistance to cover claims to HMRC for both Theatre Tax Relief and Museums and Galleries Exhibition Tax Relief for financial years 2022-23 and 2023-24, with the report noting that any loan provided would be repaid by LCT upon their receipt of Cultural Sector Tax Relief.

In presenting the report, the Executive Member highlighted that the provision of such a loan would allow LCT to maximise the amount of funding it could invest in LEEDS2023 in-year. In addition, it was emphasised that both LCT and the Council had respectively sought their own legal and financial advice in relation to this matter.

A Member raised concerns and confirmed their disagreement with the proposal, highlighting the risk involved for the Council, in the event that the proposed loan was not repaid.

Members discussed a number of areas relating to this matter including the level of funding which had been provided by the Council towards LEEDS2023 and the impact of national financial challenges upon the delivery of the initiative. As part of the discussion the provision of respective legal and financial advice to both the Council and LCT was reiterated. It was also further emphasised that the loan would allow LCT to maximise the amount of in-year funding it could invest in the programme.

Responding to a Member's specific enquiry regarding the risk involved, it was acknowledged that there were almost certain risks arising from the Council not providing the loan in terms of the potential impact upon the remainder of the LEEDS2023 programme. Conversely, with respect to the loan, it was confirmed that, although the level of risk to the Council is considered to be low, should the tax relief not be received by LCT, then the return of the monies advanced by the Council would be at risk.

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

RESOLVED –

- (a) That approval be given for Leeds City Council to provide an unsecured interest free loan to Leeds Culture Trust to a maximum value of £1,845,407 which would, subject to the resolutions below, be payable in 3 instalments;
- (b) That approval be given for Leeds City Council to pay a first instalment of £960,831 to Leeds Culture Trust in October 2023 for a term of up to 6 months, in order to cash flow the Trust's Theatre Tax Relief claim for the financial year 2022-23;
- (c) That in principle approval, which is subject to further due diligence on LCT's financial position in November, be given for Leeds City Council to pay a second instalment of £366,571 to Leeds Culture Trust in November 2023 for a term of up to 13 months, in order to cash flow the Trust's Theatre Tax Relief claim for the financial year 2023-24, and a third instalment of up to £518,005 to cash flow Museum Galleries and Exhibition Tax Relief (MGETR) for the financial year 2023-24 for a term of up to 13 months; with the payment of the third instalment being subject to a further assessment by independent advisors;
- (d) That approval be given for the necessary authority to be delegated to the Director of City Development, to enable the Director, in consultation with the Chief Officer Financial Services, to enter into a loan agreement with Leeds Culture Trust on the terms as set out within the submitted report / resolutions above;
- (e) That the decisions taken in relation to this report be exempted from the Call In process, due to matters of urgency and for the reasons as set out in section 47 of the submitted report, as any delay would impact upon the Year of Culture programme and seriously prejudice the public's interests.

(The Council's Executive and Decision Making Procedure Rules state that a decision may be declared as being exempt from the Call In process by the decision taker if it is considered that the matter is urgent and any delay would seriously prejudice the Council's, or the public's interests. In line with this, the resolutions contained within this minute were exempted from the Call In process, as per resolution (e) above, and for the reasons as detailed above and as set out within section 47 of the submitted report)

(Under the provisions of Council Procedure Rule 16.5, Councillor Lamb required it to be recorded that he voted against the decisions referred to within this minute)

DATE OF PUBLICATION: FRIDAY, 22 SEPTEMBER 2023

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 5.00PM, FRIDAY, 29 SEPTEMBER 2023

EXECUTIVE BOARD

WEDNESDAY, 18TH OCTOBER, 2023

PRESENT: Councillor J Lewis in the Chair

Councillors S Arif, D Coupar, M Harland,
H Hayden, A Lamb, J Lennox, J Pryor,
M Rafique and F Venner

- 45 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 from publication 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) That Appendix C to the report entitled, 'Future of Six High Rise and Resident Rehousing - Bailey and Brooklands Towers, Ramshead Heights, Leafield Towers, Raynville Court and Grange', referred to in Minute No. 49 be designated as being exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 and be considered in private. This is on the grounds that it contains information relating to financial valuations of the land per site to support the options appraisal content (Appendix B to the submitted report). It is designated as being exempt from publication because disclosure would be likely to adversely affect the commercial interests of the Council. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at present; and
 - (B) That Appendices B and C to the report entitled, 'Accelerated Property Releases and Disposals', referred to in Minute No. 58 be designated as being exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 and be considered in private. This is on the grounds that these appendices contain information relating to the financial and business affairs of the Council including valuation details for the properties included within the submitted report. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at present.

46 Late Items

Late Item of Business – Agenda Item 10 – ‘The Implications of the Network North Government Announcement for Leeds’

With the agreement of the Chair, a late item of business was admitted to the agenda entitled, ‘The Implications of the Network North Government Announcement for Leeds’.

This was due to the fact that the submitted report was in response to the recent Government announcement regarding Network North, and as such the report was not able to be included within the agenda as published on 10th October 2023. However, given the significance of this announcement, it was deemed appropriate for the matter to be brought to the attention of Executive Board at the earliest opportunity. (Agenda Item 10 and Minute No. 53 refers).

47 Declaration of Interests

Agenda Item 9 (Transpennine Route Upgrade – Transport and Works Act Order Representation)

Both Councillors J Lewis and M Harland drew the Board’s attention to the fact that, in their respective capacities as Ward Councillors, they have both had significant engagement on issues around Peckfield level crossing. However, Councillors Lewis and Harland both respectively confirmed that they were approaching the consideration of this report as part of the Executive Board agenda with an open mind.

Agenda Item 7 (Local Plan Update 1 (Pre-Submission Changes Consultation)

Councillor A Lamb drew the Board’s attention to the fact that he attended the recent Development Plan Panel (DPP) meeting that considered the Local Plan Update 1 (Pre-Submission Changes Consultation). However, Councillor Lamb confirmed that he had abstained from voting on this matter at that DPP meeting and was approaching the consideration of this report as part of the Executive Board agenda with an open mind.

48 Minutes

RESOLVED – That the minutes of the previous meeting held on 20th September 2023 be approved as a correct record.

HOUSING

49 Future of six high rise and resident rehousing - Bailey and Brooklands Towers, Ramshead Heights, Leafield Towers, Raynville Court and Grange

The Director of Communities, Housing and Environment submitted a report regarding the future of six high rise blocks within the Council’s housing estate. The report noted that as significant investment work would be needed to ensure the long term future of the blocks, including intrusive and costly strengthening works, an options appraisal had been undertaken. The report presented the recommendations arising from that appraisal, which were for all residents to be rehoused, with appropriate support for those who needed it, and for subsequent demolition to clear the sites. The report noted that this

would enable the development of new modern housing in the future on the sites, whether by the Council or other parties.

By way of introduction to the report, the Executive Member provided an overview of the key points within the report including the options appraisal work that had taken place and the recommended next steps.

In considering enquiries regarding the potential impact that the proposals may have upon the current demand for social housing and also regarding the potential future use of the sites, it was acknowledged that whilst there may be a short term pressure on demand as a result of the proposal, it was felt that this would be manageable as part of the Council's wider social housing estate. It was also noted that the ultimate aim of the proposals was to increase the number of social housing units available in Leeds for the longer term and also to deliver a beneficial outcome for the current residents of those blocks. Furthermore, it was noted that the considerable timeframes involved in the delivery of the proposals were with the aim of ensuring that a managed approach was taken, and that liaison with partners on the opportunities regarding the future use of the sites would be ongoing.

In response to a Member's enquiry, the Board received further detail on the consultation and engagement processes which have taken place with residents of the blocks to date.

As part of the discussion, a Member acknowledged that whilst action was needed and that refurbishment of the blocks was not a viable option, they confirmed that they could not support the recommendations without further assurance around the future plans for the sites, or that all residents were supportive of the proposals, and as such, recommended a deferral so that further detail could be obtained. In response, further information was provided on the timeframes involved and the reasons for the proposed actions, with it being reiterated that the intention was to deliver a greater number of social housing units on these sites in the longer term. It was undertaken that further information on such matters could be provided to the Member in question, if required.

Following consideration of appendix C to the submitted report designated as being 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 public part of the meeting, it was

RESOLVED –

- (a) That the rehousing of residents of secure tenanted flats in the blocks (Bailey Towers, Brooklands Towers, Ramshead Heights, Leafield Towers, Raynville Court and Raynville Grange), be approved, and that approval be given for Home Loss and Disturbance payments to be made to qualifying residents; with this resolution being supported by ongoing engagement with residents during implementation;

- (b) That approval be given for the awarding of 'Band A' housing priority and direct let status to tenants of the blocks;
- (c) That the suspension of lettings to the flats and garages be approved, with any void properties being taken out of charge;
- (d) That approval be given for the negotiation and undertaking of the re-purchasing of any leasehold flats, with approval also being given for compulsory purchase to be pursued if a voluntary approach is unsuccessful;
- (e) That it be agreed that the buildings should be safely demolished, creating clear sites;
- (f) That it be noted that activity will be progressed to explore options for the sites - for example, for development by the Council, or with other parties, or for sale;
- (g) That spend of £5,267,600 from the Housing Revenue Account Capital Programme, be authorised, to deliver rehousing and building emptying activity; and
- (h) That agreement be given for the Initial Demolition Notices and Final Demolition Notices to be served by the Council at the appropriate times.

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

SUSTAINABLE DEVELOPMENT AND INFRASTRUCTURE

50 Local Plan Update 1 (Pre-Submission Changes Consultation)

Further to Minute No. 46, 21 September 2022, the Director of City Development submitted a report setting out a number of changes proposed to the Local Plan Update following detailed consideration of consultation responses to the publication draft policies. The report requested endorsement of the proposed Pre-Submission Draft changes and supporting paragraphs of the Local Plan Update 1 and sought approval to undertake a further period of public consultation.

The Executive Member introduced the report, providing an overview of the changes proposed and highlighting the key role played by the Plan in the actions being taken in response to the Climate Emergency.

Members extended their thanks to officers for the work which continued to be undertaken in getting the plan to this advanced stage.

A Member raised a concern regarding the proposed changes and how they could dilute the Council's existing commitments in relation to the Climate

Emergency, with it being acknowledged however that at this stage, the Board was being recommended to approve a further consultation exercise where the public could submit their views on such matters.

RESOLVED –

- (a) That the proposed Pre-Submission Draft changes and supporting paragraphs of the Local Plan Update 1, as set out in **Appendix 1** to the submitted report, and as a schedule of changes in **Appendix 2** and the Sustainability Appraisal, as set out in **Appendix 3**, be endorsed;
- (b) That 6 weeks consultation of the proposed Pre-Submission Draft changes and supporting paragraphs, as set out in **Appendix 1** and **Appendix 2**, together with supporting technical information (comprising Sustainability Appraisal at **Appendix 3**, Habitat Regulations Assessment at **Appendix 4**, Report of Consultation at **Appendix 5** and Duty to Co-operate Statement at **Appendix 6**), be approved, with it being noted that that this will be accompanied by additional draft supporting consultation documentation, including the Council's evidence base and background papers alongside accessible summary material for consultation purposes;
- (c) That the necessary authority be delegated to the Chief Planning Officer, in consultation with the Executive Member for Sustainable Development and Infrastructure, to approve any detailed technical or drafting amendments to the consultation material in advance of public consultation;
- (d) That it be noted that the Chief Planning Officer is responsible for the implementation of the resolutions set out above.

(The matters referred to within this minute, given that they were decisions being made in accordance with the Budget and Policy Framework Procedure Rules, were not eligible for Call In, as Executive and Decision Making Procedure Rule 5.1.2 states that the power to Call In decisions does not extend to those decisions being made in accordance with the Budget and Policy Framework Procedure Rules)

51 Morley Town Deal grants and general project progress

Further to Minute No. 103, 16th December 2020, the Director of City Development submitted a report summarising the progress made on the Morley Town Deal since the Morley Town Investment Plan (TIP) was approved in principle by the Government in March 2021, with associated capital funding to invest in projects intended to deliver transformational regeneration of the town. The report outlined six projects which were now moving forward to delivery and sought the Board's approval of several associated recommendations.

In presenting the report, the Executive Member provided an overview on the key points within the report and highlighted the effectiveness of the Board and how it was regarded as an exemplar in terms of Town Deal Boards.

Gerald Jennings, Chair of the Morley Town Deal Board was in attendance to provide Members with an overview of the progress being made by the Board and an update on the most recent key developments. The ongoing work being undertaken to maximise the benefits from the Town Deal funding was highlighted, via initiatives including engagement with the private sector and also through the sourcing of other funding streams, where available. Regarding the Board's membership, it was noted that work had been successfully undertaken to develop the inclusivity and diversity of the Board. The good working relations between the Board and the Council were reiterated, with it being highlighted that work needed to continue at pace and with purpose in order to deliver the projects within the required timeframe.

Several specific enquiries were raised by a Member on the progress being made in relation to Morley Town Hall and in terms of the associated governance arrangements for the Town Deal Board and its decision making. Assurance was also sought that the projects were delivering the community's priorities. In response, Members received a detailed update on the Morley Town Hall project, and also received further information on the range and extent of public consultation and engagement which had been undertaken and which was planned moving forward, both for the Town Hall project and the others within the wider programme in order to inform the delivery of those projects.

Members thanked officers for the work that continued in this area.

RESOLVED –

- (a) That the subsequent Town Investment Plan bid approval by Department of Levelling Up, Housing and Communities, which sets the context for the forward delivery of the capital projects, as outlined within the submitted report, be noted;
- (b) That approval be given for the Director of City Development to use delegated powers to approve all project capital spend, in consultation with the Executive Member for Sustainable Development and Infrastructure, and the Morley Town Deal Board;
- (c) That approval be given for the Director of City Development to use delegated powers to authorise entering into appropriate contracts or grant agreements required for delivery of the Heritage Investment Programme, White Rose Innovation Hub and Morley Learning and Skills Centre, in consultation with the Executive Member for Sustainable Development and Infrastructure, and the Morley Town Deal Board.

52 Transpennine Route Upgrade - Transport and Works Act Order Representation

The Director of City Development submitted a report providing an overview of the development of the Transpennine Route Upgrade (TRU) and which set out the Council's response to the Secretary of State for Transport in respect of

a Transport and Works Act Order (TWAO) submitted by Network Rail for the TRU east of Leeds. The report referenced the 'holding objection' that had been submitted to the Secretary of State in response to the draft TWAO and noted that whilst the Council recognised and supported in principle the benefits of TRU, it detailed the reasons for the submission of the 'holding objection'. Further to this, the report also made a recommendation to Full Council to approve the submission of a formal objection to specific elements of the TWAO for the Leeds to Micklefield part of the TRU.

RESOLVED –

- (a) That the Council's overall strategic support for the outcomes proposed from the Transpennine Route Upgrade, be noted;
- (b) That the contents of the submitted report, be noted; and that the 'holding objection' submitted by the Council to the Secretary of State in response to Network Rail's application for a Transport and Works Act Order (TWAO) also be noted, together with the justifications for this;
- (c) That Full Council be recommended to approve the submission of the formal objection to specific elements of Network Rail's Transport and Works Act Order (TWAO) for the Leeds to Micklefield part of the Transpennine Route Upgrade, pursuant to s239 of the Local Government Act 1972;
- (d) That Full Council be recommended to delegate the necessary authority to the Director of City Development, to enable the Director to continue negotiations with relevant stakeholders in order to seek to agree the withdrawal of the objection should sufficient agreement on the issues raised be reached, in consultation with the Executive Member for Sustainable Development and Infrastructure;
- (e) That approval be given for the resolutions above to be exempted from Call In pursuant to paragraph 5.1.3, Part 4 of the Council's Constitution on grounds of urgency, as set out within paragraphs 35 - 38 of the submitted report.

(The Council's Executive and Decision Making Procedure Rules state that a decision may be declared as being exempt from the Call In process by the decision taker if it is considered that the matter is urgent and any delay would seriously prejudice the Council's, or the public's interests. In line with this, the resolutions contained within this minute were exempted from the Call In process, as per resolution (e) above, and for the reasons as set out within sections 35 - 38 of the submitted report)

53 The Implications of the Network North Government Announcement for Leeds

The Director of City Development submitted a report in response to the Government's recent announcement and publication of the Network North document, which cancelled HS2 Phase 2, HS2 East and the Integrated Rail Plan study into how to bring HS2 trains to Leeds, and committed to invest

£36bn in alternative transport schemes across the country. The report presented the references to Leeds within that document and considered the interfaces and impact that these may have upon existing infrastructure programmes, and also the operation and growth of the city.

With the agreement of the Chair, the submitted report had been circulated to Board Members as a late item of business prior to the meeting for the reasons as detailed in Minute No. 46.

By way of introduction to the report, the Executive Member provided an overview of the key points within it, including an update on the current position following the Government's Network North announcement on 4th October 2023, and highlighting that whilst the Network North document made reference to Leeds, further detail was required on such matters in order to better understand the implications for the city.

In terms of next steps following this announcement, emphasis was placed upon the importance of ensuring that a collaborative, cross-party approach was taken on such matters and when engaging with Government in order to deliver the strongest case for the city and the wider city-region in securing the required funding moving forward.

The Chief Executive provided an update to the Board regarding the National Infrastructure Commission, which had today launched its second national infrastructure assessment report, in which it had backed the case for major investment into England's largest regional cities, including Leeds, to improve public transport provision. It was also highlighted that the additional station in Leeds was still deemed to be crucial to the future of the city, and moving forward, emphasis was placed upon the Council's commitment to working closely with Government on such matters with the aim of delivering those key infrastructure improvements for the benefit of the city and the whole network.

RESOLVED –

- (a) That the implications of the Department for Transport Network North (document as at Appendix A to the submitted report) Government announcement for Leeds, be noted;
- (b) That Government assurance be sought that the rail commitments in the Integrated Rail Plan and Rail Network Enhancements Pipeline will remain commitments apart from HS2 Phase 2; and that the Board's endorsement be given to the Council writing to Government seeking clarity regarding the proposed Leeds Area Study which incorporated a study into Leeds Station Capacity and which is still required to understand how to accommodate the revised services referenced by Network North, including whether a T-shaped station is required;
- (c) That the Board endorse a continued collaborative approach to development and implementation of the detail behind the proposals in the Network North document, the development of a new Leeds Station Integrated Masterplan and Integrated Transport Growth Strategy,

which is critical to ensuring that Leeds remains a resilient, globally competitive and investible city that continues to operate for all our businesses and residents.

- (d) That further reports be brought to Executive Board as more information becomes available, including safeguarding and future consenting strategies.

ADULT SOCIAL CARE, PUBLIC HEALTH AND ACTIVE LIFESTYLES

54 2022/23 Leeds City Council Local Account for Adult Social Care

The Interim Director of Adults and Health submitted a report presenting the 2022/23 Local Account of Adult Social Care for citizens in Leeds. The report noted that the Local Account reviewed the performance of the Council in its delivery of social care services and support to the adult population of the city.

In presenting the report, the Executive Member highlighted that this was the first Local Account publication following the pandemic, covering the period April 2022 to March 2023 and which detailed the progress being made, the Council's priorities moving forward and the challenges that continued to be faced.

The key nature of the Local Account document was highlighted, as it formed part of the suite of documents that the Care Quality Commission would consider when inspecting the Authority against its statutory duties.

In considering the report, a Member highlighted how, in this case, he felt that the representations made to Government regarding the funding of Adult Social Care were beginning to make a positive impact and which illustrated the benefit of a co-ordinated approach on such matters and which could continue to be applied to areas such as the resourcing of Children and Families services.

RESOLVED – That the production and publication of the 2022/23 Leeds City Council Local Account for Adult Social Care, as detailed within the submitted report and appendices, be agreed.

LEADER'S PORTFOLIO

55 Local Government Association Corporate Peer Challenge – Progress Review

Further to Minute No. 111, 8th February 2023, the Chief Executive submitted a report presenting an overview of the Local Government Association (LGA) Corporate Peer Challenge Progress Review report, which outlined the findings of the one-day follow-up visit made by the Peer Challenge team on 11th September 2023. Appended to the report was the full LGA Corporate Peer Challenge Progress Review report, and also a document presenting the recommendations of the LGA Peer Challenge, a progress update on those recommendations together with proposed next steps.

In presenting the report, the Leader noted that the proposal was to refer the progress review to the Strategy and Resources Scrutiny Board for consideration, and in welcoming the progress review, highlighted the importance of receiving and acting upon the outcomes from the external scrutiny of the Council by partners in Local Government.

RESOLVED –

- (a) That the findings of the LGA Corporate Peer Challenge Progress Report, as appended to the submitted report, which followed the Peer Challenge team's revisit on 11th September 2023, be noted;
- (b) That the progress made against the original LGA Peer Challenge recommendations from November 2022, be noted, together with the findings of the peers following their revisit in September 2023;
- (c) That the proposed next steps developed in response to the findings of the peers following their revisit in September 2023, as detailed within the submitted report and appendices, be noted;
- (d) That the findings of the LGA Corporate Peer Challenge Progress Review report be referred to the Strategy and Resources Scrutiny Board's December 2023 meeting.

RESOURCES

56 Financial Health Monitoring 2023/24 – Month 5 (August)

The Chief Officer Financial Services submitted a report presenting the Council's projected financial health position as at month 5 of the 2023/24 financial year in respect of both the General Fund revenue budget and the Housing Revenue Account

The Board was requested to note the following correction to the submitted report:

Regarding the reference on page 1396 of the agenda pack (paragraph 3.11.1 ('Reserves') of Appendix A) which read, '*...£0.8m Leeds Older People's Forum for delivery of the Age Friendly programme which is funded by Health*'. This was to be amended to, '*...£0.8m Leeds Older People's Forum for delivery of the Enhance Programme commissioned by Leeds Community Healthcare (LCH) and delivered by the Third Sector*'.

In presenting the report, the Executive Member provided an overview of the key points, which included the current forecasting of an overspend of £29.6m for the General Fund as at month 5 of the financial year. The Board was also provided with an update on the work that continued in respect of managing in-year pressures.

Responding to a specific enquiry regarding the refund of transport levy reserves, as one-off funding from WYCA (West Yorkshire combined Authority) to each of the 5 West Yorkshire Local Authorities. In Leeds' case this was a sum of £17.7m. It was noted that this sum would be returned to the Council's

General Fund. It was also noted that this sum would be factored into future Financial Health Monitoring reports submitted to the Board moving forward.

RESOLVED –

- (a) That, subject to noting the correction as detailed above, the contents of the submitted report be noted, and that it also be noted that at Month 5 of the 2023/24 financial year the Authority's General Fund revenue budget is forecasting an overspend of £29.6m for 2023/24 (5.2% of the approved net revenue budget) within a challenging national context, and with it also being noted that a range of actions are being undertaken to achieve a balanced budget position;
- (b) That it be noted that at Month 5 of the 2023/24 financial year, the Authority's Housing Revenue Account is forecasting an overspend of £3.0m for 2023/24 (1.09% of the approved gross expenditure budget);
- (c) That it be noted that known inflationary increases, including demand and demographic pressures in Social Care and known impacts of the rising cost of living, including the employer's 2023/24 NJC pay offer of £1,925 and the JNC pay settlement of 3.5%, have been incorporated into this reported financial position, with it also being noted that these pressures will continue to be reviewed during the year and reported to future Executive Board meetings as more information becomes available. That it also be noted that proposals would need to be identified to absorb any additional pressures;
- (d) That it be noted that where an overspend is projected, directorates, including the Housing Revenue Account, are required to present action plans to mitigate their reported pressures and those of the Council's wider financial challenge where possible, in line with the Revenue Principles agreed by Executive Board in 2019;
- (e) That following WYCA Members' approval of a refund of transport levy reserves to the five West Yorkshire Local Authorities on 12th October 2023, it be noted that this one-off injection will be used in Leeds to add to the Strategic Contingency Reserve.

57 Revenue Savings Proposals for 2024/25 to 2026/27

Further to Minute No. 40, 20th September 2023, the Chief Officer Financial Services submitted a report providing an update on the actions being taken in response to the Council's estimated revenue budget gap. Specifically, the report presented a number of savings proposals - a collective term used in this context to apply to efficiencies, income generation and accounting measures – to contribute towards addressing that budget gap over the three-year period (2024/25 to 2026/27).

In presenting the report the Executive Member highlighted the unprecedented financial challenges that continued to be faced across the sector and by this Council, and it was within this context that the submitted proposals were being presented to the Board as part of the wider approach being taken to manage

such challenges. The Board also noted the Council's recent issuing of a Section 188 notice, which was a process to instigate collective consultation with the Council's recognised Trade Unions to avoid, reduce and mitigate the potential risk and consequences of compulsory redundancies.

In considering the report, a Member highlighted the challenge that continued to be faced nationally in terms of the resourcing of services for Children and Families. Whilst the Member highlighted the importance of the Council continuing to take action in this area, it was acknowledged that this was a matter which required a national response and continued communication with Government.

In addition, as part of the consultative process on proposals around managing the financial challenge more generally, emphasis was placed upon the benefit of involving communities and Members across the Council on such matters.

RESOLVED –

- (a) That the financial position for 2024/25 to 2026/27, as outlined within the submitted report, be noted, with it also being noted that further savings are required to deliver a balanced budget position for 2024/25 and to contribute to closing the projected gaps in the following two years;
- (b) That the 'Business as Usual' savings put forward, as detailed in the submitted report, be noted, with it also being noted that decisions to give effect to them shall be taken by the relevant Director or Chief Officer in accordance with the Officer Delegation Scheme (Executive functions);
- (c) That it be noted that additional savings proposals will be brought to Executive Board for consideration at its meeting on 13th December 2023.

58 Accelerated Property Releases and Disposals

The Director of City Development submitted a report which, in considering the Council's in-year budget position and medium-term financial plan, presented proposals regarding the potential to accelerate the release of a number of operational properties in order to deliver in-year additional capital receipts, and also with regard to proposals relating to further work being undertaken around the potential disposal of let out properties, as identified within the report.

Members welcomed the proposals within the submitted report.

Following consideration of appendices B and C to the submitted report designated as being exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the public part of the meeting, it was

RESOLVED –

- (a) That the accelerated release of the properties set out in Table 1 of the submitted report, be agreed, and where identified, agreement also be given for their inclusion within the Capital Receipt Programme for disposal;
- (b) That agreement be given for further exploration being undertaken into the disposal of the properties identified in Table 2 of the submitted report;
- (c) That the necessary authority be delegated to the Director for City Development, to enable the Director, in consultation with the Executive Member for Resources and the Chief Officer Financial Services, to take decisions as to which of the properties identified from the Investment Portfolio in Table 2 of the submitted report should be progressed for marketing; and that subject to the value of the offers received, the final decision to sell be delegated to the Director of City Development in consultation with the Executive Member for Resources;
- (d) That the necessary authority be delegated to the Director for City Development to enable the Director to agree the terms of the disposals which are agreed as part of the submitted report;
- (e) That it be agreed that the receipts as set out in Table 2 of the submitted report be exempted from the Capital Receipt Incentive Scheme.

ECONOMY, CULTURE AND EDUCATION

59 The Annual Standards Report

The Director of Children and Families submitted a report presenting the Council's Annual Standards Report which provided an overview of the educational outcomes for Leeds following the statutory assessments and examinations which took place in 2022.

In presenting the report, the Executive Member highlighted that these statutory assessments and examinations were the first to be undertaken post-pandemic which weren't under teacher assessed grades. In addition, the Executive Member drew the Board's attention to a number of key progress measures featured within the report and extended thanks to the city's schools and school staff for the achievements recorded within the report.

Members welcomed the submitted report, with a suggestion that it may be beneficial for Scrutiny to consider the significant detail within it.

RESOLVED –

- (a) That the performance against headline measures for pupils in Leeds in 2022 when compared with national data, as detailed within the submitted report and appendices, be noted;

- (b) That the actions taken by the Local Authority to improve outcomes in Leeds, be noted, together with the planned actions for the coming year.

60 Special Educational Needs and Disabilities (SEND) - Education, Health and Care Plans (EHCPs) - Review Process

The Director of Children and Families submitted a report providing an update on the current position regarding Education, Health and Care Plans (EHCPs) both locally and nationally. The report noted that in relation to Leeds City Council, a 60% post-pandemic increase in applications for EHCPs had been experienced. Given this, it was noted that a review was being undertaken into the Council's approach towards EHCPs by external consultants in order to provide independent challenge and insight. The report also provided details of the related work which had been undertaken to date and further proposed as part of the review process.

In presenting the report, the Executive Member highlighted the significant increase in demand for EHCPs which had been experienced post-pandemic both nationally and in Leeds and highlighted the range of reasons why an individual may need an EHCP. The importance of the review process being undertaken by external consultants was emphasised in order to ensure that the process was as effective as possible, and it was noted that the submitted report was the first of two scheduled reports, with this initial report providing detail on the work done to date, emerging findings and opportunities for change. The second report is scheduled to be submitted to the Board in December 2023.

The Board welcomed the submitted report and the priority that was being given to this important area.

A Member highlighted how this process affected many young people and their families in Leeds and emphasised the importance of the Council's relationships with those key stakeholders. In response, the Director of Children and Families emphasised her absolute commitment to ensuring that improvements were made to the EHCP process and to the experiences and outcomes for young people and their families. The Director highlighted the integral role that key stakeholders, including young people, parents and carers would play in that improvement, alongside the external consultants undertaking the review. Emphasis was also placed upon the clear objectives for the next phase of the process, which included that the Council achieved full legal compliance in its statutory duties; and that moving forward clear performance metrics around timeliness of assessment and issuing of EHCPs were developed together with a robust management framework in order to measure and scrutinise progress in a timely way.

It was noted that the Children and Families Scrutiny Board was also considering these matters in parallel to the review work being undertaken, and that overall, the aim was to ensure that a 'Leeds approach' is established in response to the issues being experienced nationally in this area.

RESOLVED –

- (a) That the prevailing situation nationally in relation to EHCPs, as detailed within the submitted report, be noted;
- (b) That the work undertaken to date to improve performance in Leeds, be noted;
- (c) That the review work instigated, as referenced within the submitted report, be endorsed; that it be noted that the review seeks to highlight areas of opportunity and improvement; and that the key lines of enquiry which the work to date has generated also be noted;
- (d) That the proposed 5 key principles, as referenced within the submitted report, which will form the basis of more detailed organisational and process design over the next six months, be agreed;
- (e) That a further report be submitted to the December 2023 meeting of Executive Board around detailed planning for future arrangements.

COMMUNITIES

61 Annual Update on Migration in Leeds

Further to Minute No. 74, 19th October 2022, the Director of Communities, Housing and Environment submitted a report which presented the key developments and progress on the migration agenda over the last 12 months by Leeds City Council and its statutory and non-statutory partners. The report also highlighted the challenges associated with delivering a range of migration programmes to families and individuals across the city.

In presenting the report, the Executive Member provided an overview of the key points within it, including the approach being taken in Leeds in response to national and international developments during the course of the year. Also, the Board noted the approach being taken by the Council in working towards joining the City of Sanctuary Local Authority Network, which followed a related deputation to full Council in September 2023.

Members extended their thanks to a range of Council officers and the third sector partners for the work which continued in this area.

Responding to a specific enquiry, the Board received further information on the actions which were being taken with partners around the promotion of access to employment for migrants and improving their employability.

RESOLVED –

- (a) That the contents of the submitted annual update report on migration, together with the full overview and insight as presented at Appendix 1, be noted;

- (b) That it be noted that the Director of Communities, Housing and Environment is responsible for leading this work through the Council's Safer Stronger Communities programme;
- (c) That it be noted that the Chief Officer for Safer, Stronger Communities is responsible for leading the work of the Leeds Strategic Migration Board which oversees delivery on the strategic, co-ordinated and inclusive approach towards migration in Leeds, and the work of the Council's migration and resettlement team to provide strategic and operational direction for the city;
- (d) That the Council's approach towards becoming a member of the national Local Authority of Sanctuary Network, be endorsed;
- (e) That the issues raised in the submitted report which impact current and future Leeds residents as part of the review of the Best City Ambition, be noted.

DATE OF PUBLICATION: FRIDAY, 20TH OCTOBER 2023

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 5.00PM, FRIDAY, 27TH OCTOBER 2023



COUNCIL MEETING – 15th NOVEMBER 2023

NOTICE OF:	Reference No:	Date Received:	Date Forwarded:
White Paper	WP1	6/11/23	7/11/23

Submitted by:	Councillor Alan Lamb
Relevant Board/Regulatory Panel:	Executive Board
Executive Member/Chair:	Executive Member for Sustainable Development & Infrastructure
Relevant Director	Director of City Development

This Council welcomes the return to the Council of £17.661m of our money from WYCA’s West Yorkshire + Transport Fund reserve.

Council is concerned as to how a pot of over £50m, which could have been used to underwrite ailing public transport services across the region, was left languishing in WYCA’s coffers. This includes the following axed or reduced services: 7, 9/9a, 60, 60a, 508, 16, 27, the 47 and 48 services, 64, 81, X84, X85, 87, 427, 630, 966 in Leeds. This is in addition to many other services that have had their frequencies slashed, in addition to route changes meaning that journeys to school and work are no longer possible in many areas of Leeds.

This Council therefore calls upon the Chief Executive to write to the Mayor of West Yorkshire and WYCA to ask that they use the resources available to them to reinstate those vital services which were unnecessarily cut.

Councillor Alan Lamb

Deadlines for submission

- White Papers - 10.00 am on the day before the issue of the Summons
 - Questions - 10.00 am on Monday before the meeting
 - Amendments - 10.00 am on the day before the meeting
- (including references back)

(All submissions should be made to Governance Services for receipt to be recorded and distribution made)

This page is intentionally left blank



COUNCIL MEETING – 15th NOVEMBER 2023

NOTICE OF:	Reference No:	Date Received:	Date Forwarded:
White Paper	WP2	6/11/23	7/11/23

Submitted by:	Councillor Robert Finnigan
Relevant Board/Regulatory Panel:	Executive Board
Executive Member/Chair:	Executive Member (Sustainable Development & Infrastructure)
Relevant Director	Director of City Development

This Council agrees to campaign for Central Government to increase the percentage of CIL allocated to Parish Councils from a minimum of 15-25% (amount currently dependent on whether or not a Neighbourhood Plan is in place) to a minimum of 50%.

CLlr Robert Finnigan

Deadlines for submission

- White Papers - 10.00 am on the day before the issue of the Summons
 - Questions - 10.00 am on Monday before the meeting
 - Amendments - 10.00 am on the day before the meeting
- (including references back)

(All submissions should be made to Governance Services for receipt to be recorded and distribution made)



COUNCIL MEETING – 15th NOVEMBER 2023

NOTICE OF:	Reference No:	Date Received:	Date Forwarded:
White Paper	WP3	6/11/23	7/11/23

Submitted by:	Councillor Helen Hayden
Relevant Board/Regulatory Panel:	Executive Board
Executive Member/Chair:	Executive Member (Sustainable Development and Infrastructure)
Relevant Director	Director of City Development

This Council fully supports a franchised bus system in West Yorkshire as set out in the recently published West Yorkshire Combined Authority consultation on bus reform. Council calls for a report to be presented to the December Executive Board meeting to provide Council’s formal response.

H Hayden

Deadlines for submission

- White Papers - 10.00 am on the day before the issue of the Summons
 - Questions - 10.00 am on Monday before the meeting
 - Amendments - 10.00 am on the day before the meeting
- (including references back)

(All submissions should be made to Governance Services for receipt to be recorded and distribution made)

This page is intentionally left blank