

Access to Information Appeal – Kirkstall Mills

The basis of my appeal was set out in my letter to Mr Rogerson on 28 August 2008 (attached) and subsequent clarification that this includes joint venture partners and all forms of contact. The council has tried to restrict my appeal to the names of the organisations and individuals who visited the Kirkstall Mills after the termination of the most recent leases, but this does not include all the information that I am seeking.

I have attached a series of exhibits which demonstrate the extreme reluctance of the council to disclose this information over several years. The council has repeatedly tried to claim that it had already made a full disclosure, only to subsequently discover a little bit more, and then a little bit more, and so forth. This is why I am seeking a complete, definitive list.

I need this information to carry out my duties as a councillor and hold the administration to account. I have some extremely serious concerns: (1) that the council embarked upon this business with no clear idea of where it was going, and ignored professional advice that its plans were unlikely to work, (2) that corporate bungling has wasted over £850,000, (3) that the council is ignoring government advice and setting aside its own adopted policies without good reason, and (4) that the council's procedures give some contractors inside knowledge and an unfair competitive advantage over others.

The council's disclosure to date has been extremely slow, piecemeal, and hedged about with exclusions and artificial restrictions. There are significant gaps in the chronology. I have been shown files that seemed to have been "weeded", where major decisions were apparently taken on a whim without antecedent reasoning. The official reports on this affair have been riddled with obvious mathematical errors, gaps and inconsistencies. Even the maps have been wrong! The council has left itself so much "wiggle room" that no reasonable person would have confidence in the accuracy or completeness of the information that has been released.

It is also apparent from my exhibits that the council routinely discusses development policies with a small coterie of favoured developers, and that councillors and the public are not privy to these discussions. Such practices carry with them a clear risk of "insider dealing" and it is therefore in the public interest for all this information to be disclosed.

There are enormous discrepancies between the valuations reported internally by the council's professional advisors, and the very much larger figures reported to the Executive Board. This causes concern that some potential developers believe that the council intends to disregard its own planning and development policies, ignore the welfare of Kirkstall residents and ignore government planning advice, in order to maximise its yield from the site. It is important that any auction or tender competition should be conducted on a level playing field, where all the potential bidders share the same information about the council's future intentions.

Several Kirkstall residents have independently described to me development scenarios which differ considerably from the council's stated plans. These accounts are plausible, consistent, and considerably more detailed than the information that the council has released. I believe they are based on first hand knowledge, properly obtained. It would be in the public interest for the council to share all its information with the public and not with a restricted group.

Having already disclosed a significant part of the requested information, it is difficult to find any logical, moral or legal argument against the council disclosing what is left.

Councillor John Illingworth
24 October 2008

List of exhibits

- 1) letter to Mr Rogerson 28 August 2008
- 2) disclosure by Paul Brook 11 August 2008
- 3) letter from Paul Brook 21 July 2008
- 4) letter to Mr Carruthers 2 July 2008
- 5) detailed email chronology from 2008



LEEDS
CITY COUNCIL

From Cllr. John Illingworth: Kirkstall Ward

37 Kirkwood Way
Leeds LS16 7EU

home (0113) 267 3735
work (0113) 343 3135
mobile 07946 301132
john.illingworth@leeds.gov.uk

Paul Rogerson
Chief Executive
Leeds City Council
Civic Hall
Leeds LS1 1UR

28 August 2008

Dear Mr Rogerson,

Appeal Against Refusal of Inspection of Documents

This matter has been in contention for some considerable time, however it has taken on much greater urgency with the publication of the report on St Ann's Mills, which is Item 22 on the agenda for the Executive Board meeting on 2 September 2008.

I have asked to see a full list detailing names, dates, times and places of all meetings between officers and developers or potential developers of St Ann's Mills and Abbey Mills between January 2003 and the present day, with corresponding minutes, notes of meetings, or other recollections of what was discussed. I also asked for the names of all individuals or organisations who had access to these buildings after the termination of the most recent leases, and whether or not they were accompanied by officers or issued with keys. These details have not been fully disclosed.

I believe that this information is highly relevant to the decisions about to be taken by the Executive Board, and that if board members were fully aware of these details it would probably affect their conclusions about the Deputation brought to the council by the Kirkstall Valley Community Association. The Executive Board were told that discussions had taken place with developers at their meeting on 11 June 2008, however no details were provided of these meetings. I asked for details, and some additional information has gradually been released. All this information should in any case be shared with the Executive Board.

Several people in Kirkstall have independently described additional contacts between the council and potential developers that have not been disclosed by the council. The circumstances are such that reasonable people might be concerned about possible breaches of section 4.3 in the *Officers' Code of Conduct* about "insider dealing". There is particular concern that the site is apparently to be sold without a Planning Brief with the option of residential development in the functional flood plain, contrary to the council's adopted planning policies, and that indications of future favourable treatment may have been given to developers in this regard.

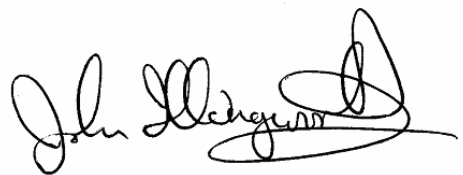
The simplest way to resolve this issue is for the council to disclose written details of all contacts with potential developers with full information about what was discussed. This information can no longer be regarded as confidential, since details of some contacts with other individuals have already been released.

Section 10 of the *Code of Practice for the Determination of Planning Matters* requires officers to keep records of panel members' contacts with interested parties in relation to planning applications and pre-application discussions. Perhaps surprisingly, *Leeds Officers' Code of Conduct* does not include any general requirement for development officers to record their own actions in this regard. Development department records are frequently inadequate, but this is one area where the public would reasonably expect detailed records to be maintained, and as such would be covered by section 1.5 on overall expectations.

Unfortunately the present list of developer contacts appears to be incomplete, in that some leading contenders may have been omitted. These people did not necessarily take part in the in the most recent tender competition, where there was a requirement for continuing industrial use, but are likely to participate if the requirement is relaxed. There are conspicuous gaps in the time sequence that has already been disclosed. Vague statements such as "you appear to know as much as the officers" are not sufficient. Elected members and the public need to see the comprehensive list.

There is legitimate public concern that important planning policies in Leeds may not be completely determined by the formal meetings of the council and the relevant panels and committees. The outcome also appears to be influenced by unrecorded meetings with property owners and potential developers, where public knowledge and public accountability are poor. The Executive Board should have regard to the reputation of our city and ensure that all such activities are open to public scrutiny.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Illingworth', with a stylized flourish at the end.

Councillor John Illingworth

The following information was disclosed by Paul Brook on 11 August 2008

img00166[1].pdf	covering letter 8 August 2008
img09762[1].pdf	letter to Mr T Reeve (Advent Developments) 30 November 2007
img09763[1].pdf	correspondence / meeting with Pullan, Easyspace, Advent and Sancorp
img09764[1].pdf	letter from Rushbond 8 October 2007
img09766[1].pdf	drawing from Sancorp
img09767[1].pdf	plans from Sancorp

Councillor John Illingworth
37 Kirkwood Way
LEEDS
LS16 7EU

Asset Management Division
The Leonardo Building
2 Rossington Street
Leeds LS2 8HD

If telephoning ask for Paul Brook
Direct Line (0113) 24 74233
Fax: 0113 24 77748
Email: paul.brook@leeds.gov.uk

Your Ref:
Our Ref: PB/WM

Date: 8 August 2008

Dear Councillor Illingworth

ST ANN'S MILLS – INFORMATION REQUEST

I refer to your email requesting information in connection with the above property.

Please find attached the following copies:-

- a) A copy of Martin Blackett's letter of 30 November 2007 to Advent as requested.
- b) A copy of the correspondence received from the two parties who expressed an interest but failed to submit bids for St Ann's Mills and a copy of minutes from the feedback meeting with the developers during the evaluation period.
- c) The letter dated 8 October 2007 from Rushbond to Martin Blackett.
- d) A copy of the Sancorp sketch proposal which was submitted at both the initial and second stage of bidding and is the only scheme drawing/plan provided. Any further plans that you may have may have been miscopied but would relate to the Advent submission.

With regard to the financial information that contributed to the "pink pages", apart from the external valuations and the copy of the schedule of the tabulated offers and valuations which you have, there is no further information supporting financial information.

I trust this satisfies your enquiry.

Yours sincerely



Paul Brook
Chief Asset Management Officer

Enc



2005-2006
Asset Manager

Switchboard (0113) 2348080
web site: www.leeds.gov.uk



INVESTOR IN PEOPLE

51174

Mr T Reeve
Advent Developments Ltd
58 Nursery Lane
Alwoodley,
LEEDS
LS 17 7HW

Asset Management Division
The Leonardo Building
2 Rossington Street
Leeds LS2 8HD

If telephoning ask for Martin Blackett
Direct Line (0113) 24 77807
Fax: 0113 24 77855
Email: martin.blackett@leeds.gov.uk

SUBJECT TO CONTRACT

Your Ref:
Our Ref: CR/MRB/WM/S1177

Date: 30 November 2007

Dear Mr Reeve

ST ANN'S MILLS COMMERCIAL ROAD KIRKSTALL LEEDS

I refer to your recent meeting with officers in connection with your bid to acquire St Ann's Mills in connection with refurbishment and new build proposals and thank you again for attending.

I hope that the meeting and feedback was useful and that you have had the chance to further consider the points discussed.

Prior to making a recommendation to a preferred developer partner to the Executive Board of the Council, as part of the third stage of the selection process outlined in the tender pack, we are now seeking full and final bids for the benefit of the development agreement and lease.

We are seeking bids which incorporate those responsibilities discussed and outlined in the tender pack which relate, primarily to the development/refurbishment obligation and the nomination arrangements outlined, however, draft documentation forming the basis of transactions embodying the obligations are enclosed.

Further information to assist you with finalising a financial bid and scheme revisions is detailed below, however, you are now invited, in light of the comments made, to reconsider your proposal and a financial offer and to submit both by 12.00 noon on Friday 21 December 2007.

In preparing your bid you will need to consider the following points and provide the following information:-

1. **PLANNING ADVICE**

Your proposal will need to give consideration to the planning points raised, which are summarised generally as follows:-



2005-2006
Asset Management

Switchboard (0113) 2348080
web site: www.leeds.gov.uk



INVESTOR IN PEOPLE

Highways and Transport

Consideration needs to be given to the car parking layout and the number of spaces that that achieves. The layout should not result in a scheme that is overly dominated by car parking, which would visually detract from the mill building and the river side setting. In establishing the number of spaces to be provided, aside from commercial requirements, consideration needs to be given as to the amount of vehicle movements generated and the implications this will have on the access arrangements. At the same time sufficient spaces should be included within the site to avoid generating parking problems in neighbouring residential areas.

Consideration of alternative methods of transport needs to be included as part of detailed planning application (particularly as the site is located next to a major public transport route). An effective Travel Plan will assist in delivering this.

As part of the access works and to enable access to the public transport corridor, consideration of how pedestrians are to get to and from Kirkstall Road needs to be included in any detailed submission.

Mill Unit

The amount of floor area provided by the re-instatement of the upper floor will need to be assessed against the impact this will have in terms of additional car parking numbers and in turn the implications that has on the access arrangements.

New Units

The layout of the new units should allow for an easement of 4.6m for access to the YE overhead wires.

The units should also be set back from the riverbank to allow more space for the walkway, the "soft" bank edge and appropriate boundary treatment.

Other Issues:

These are more for a subsequent detailed application but are worth taking into account at this early stage.

- **Boundary Treatment** - consideration should be given as to the nature of any boundary treatment and site security.
- **Landscape** – adequate space for planting work etc needs to be allowed in the draft layouts.

Should further informal advice on planning and design matters be required, please contact Jon Richards on (0113) 3950629 who will be pleased to assist with your enquiries.

2. FURTHER INFORMATION

The following documents are provided in draft form and are intended to form the basis of the transaction between the Council and the successful bidder:

1. A copy of the proposed long lease.
2. A copy of the proposed agreement for lease/development agreement incorporating conditional arrangements.
3. A draft nomination agreement.
4. An outline specification for the three proposed new build units (with the lease):
5. Offer form and envelope.

3. **SUBMISSION OF FULL AND FINAL OFFERS**

- a) Your offer and revised scheme proposals should be submitted in, or attached to the envelope provided, by Friday 12.00 noon, 21 December 2007 and returned to Asset Management Division, City Development, Leeds City Council, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD.
- b. Please note that the Council is not bound to accept the highest or any offer.
- c. Please submit your offer on the attached form and include, where necessary any further supporting information or conditions clearly stated.
- d. Proposals should:-
 - i) confirm an ability to proceed, materially, on the basis detailed in the draft form of agreements attached.
 - ii) provide five copies of outline scheme proposals.
 - iii) supporting financial information/appraisals in support of the financial bid.
 - iv) company accounts/financial information in support of the bid.

I look forward to hearing from you however should you have any queries concerning the above then please contact me.

Yours sincerely

M R Blakett
Senior Surveyor
Property Services



"bruce strachan"
<bstrachan@pullans.com>

26/10/2007 11:57

To <martin.blackett@leeds.gov.uk>

cc

bcc

Subject St Ann's Mill, Commercial Road, Leeds

Subject to Contract

Dear Martin,

I refer to our recent telephone conversations in connection with the above property and would like to formally register our interest with you.

I am aware you are selling by way of a tender with bids to be submitted by 12 noon today. We are not in a position to submit a bid today on the terms you are seeking to dispose the property. We have concerns in respect of a number of matters as follows;

- The liability in respect of the upkeep of the Goit and Weirs
- The specification of the proposed new build units
- The access and use of the land to be retained by the Council to the rear of the mill property
- The adjoining ownership and use.

We believe this property and location merits comprehensive redevelopment of the whole site to create a quality scheme in keeping with the waterside location.

If the site is to be dealt with piecemeal we have concerns about the specification of the proposed new units and upkeep costs etc as referred to above.

If the tender does not produce a satisfactory result and you feel there is merit in having further discussions we would be very pleased to meet with you and your colleagues to see if there is a way forward.

By way of further background Pullans are experienced in dealing with conversion and refurbishment of Mill properties for commercial use and would mention - Josephs Well , 130,000 sq ft , Apsley House , Wellington St , 50,000 sq ft and Concourse House, Dewsbury Road , 100,000 sq ft.


We also have internal funds available and do not require external funding.

I trust the above is all in order and would welcome the opportunity of discussing further.

Kind Regards,

BRUCE S STRACHAN
J Pullan & Sons Limited
Tel. 0113 2717221
Fax. 0113 2719238
Mob. 07866 445083
Email bstrachan@pullans.com

Paul Brook/DVD/LCC
22/10/2007 17:37

To "Paul Heap" <paulheap@evanseasyspace.com>
cc "Tom Stokes" <tomstokes@EvansEasyspace.com>, Joanne Gomersall/DVD/LCC@Leeds_City_Council
bcc
Subject Re: St Ann's Mills 

Thanks for that Paul. We should know soon whether others have similar concerns. If this is the case then the Council may have to re-think its position. Notwithstanding that we are pleased that Evanseasyspace have taken the time to assess the potential of the site and hope that you will continue to take an interest in the opportunities which we bring to the market.

Regards.

Paul Brook

P Brook
Chief Asset Management Officer
Leeds City Council
0113 247 4233

Join Leeds' 800th birthday celebrations!
www.celebrateleeds07.com
"Paul Heap" <paulheap@evanseasyspace.com>



"Paul Heap"
<paulheap@evanseasyspace.com>
22/10/2007 11:43

To <paul.brook@leeds.gov.uk>
cc "Tom Stokes" <tomstokes@EvansEasyspace.com>
Subject St Ann's Mills

Dear Paul

We have considered the opportunity at St Ann's Mills. The location is very suitable for creating a mixed managed workspace / business centre due to its prominent position on Commercial Road. However we have decided not to tender for the following reasons:

1. The former mill building could make an attractive business centre but its immediate environment with poor quality buildings in front of it seriously detract from its setting and are not conducive to a high quality business centre.
2. We have considered the Council's required style and nomination rights of the workshop units and do not believe that they would provide the right opportunities for SMEs. Again we are also concerned that the low quality building opposite the proposed workshops would detract from them and prevent high quality users from occupying.
3. The development brief does not allow for sufficient car parking and this would create issues of double parking leading to congestion. From our own experience we know that this would undoubtedly lead to occupiers terminating their flexible licences and the centre would never reach its optimum occupancy. We are also concerned that the land behind the mill is not included in the tender. The lack of clarity on its future use concerns us as it may be inappropriate.

Please do not hesitate to contact me if you would like to discuss this further.

Kind regards

Paul Heap MRICS
Development Manager
Evans Easyspace
Millshaw
Leeds
LS11 8EG

Tel 0113 2711888
Mob 07795 050814
Fax 0113 2231239

PLEASE NOTE MY NEW CONTACT DETAILS ABOVE

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Evans Easyspace Ltd, Millshaw, Leeds, LS11 8EG

Registered in the UK - Reg. No. 04844882

email: postmaster@evanseasyspace.com

<http://www.evanseasyspace.com>

NO WAIVER OF PRIVILEGE INTENDED

**Minutes of the St Ann's Mills Meeting
13 November 2007**

Present

Jon Richards

Martin Blackett

Joanne Gomersall

Advent

1. Planning

Jon Richards discussed the outline scheme submitted by Advent and provided feedback on issues such as the amount of car parking, conservation, access, boundary treatment etc.

Discussions also took place regarding the overhead cable/easement width required and other planning issues.

2. Procedure

Advent had some queries regarding the tender process and Joanne Gomersall referred to the structure detailed in the marketing particulars. Advent were also informed that officers were in the process of obtaining formal approval with regard to short-listing. Advent were informed that if they were short-listed they would receive written confirmation, draft legal documents and the second stage tender date for Best and Final Offers. Advent were advised that if they were short-listed officers could assist them with enquiries, but could not advise bidders, nor could they discuss financial offers.

3 Legal/Commercial

Martin Blackett explained to Advent that if they were short-listed a more detailed scheme would be necessary, based upon the planning advice provided. More detail with regard to deliverability, track record etc would also be required. Development appraisals would also need to accompany a submission.

**Minutes of the St Ann's Mills Meeting
13 November 2007**

Present

Jon Richards

Martin Blackett

Joanne Gomersall

Sancorp

1. Planning

Jon Richards discussed the outline scheme submitted by Sancorp and provided feedback on issues such as the amount of car parking, conservation, access, boundary treatment etc.

Discussions also took place on the overhead cable/easement width required and other planning issues.

2. Procedure

Joanne Gomersall referred to the tender process detailed in the marketing particulars and advised Sancorp that if they were short-listed, their financial offer must be disregarded as no financial offer had been requested at the first stage of the tender. Joanne also emphasised, that whilst officers could assist with enquiries on legal/planning issues, officers could not discuss any financial information/offers and that bidders must take their own professional/legal advice as officers could only offer assistance and not advice. Sancorp confirmed that they clearly understood this. Sancorp were informed that officers were in the process of obtaining formal approval to proceed with regard to short-listing. Sancorp were informed that if they were short-listed they would receive written confirmation, draft legal documents and the tender date for Best and Final Offers.

3 Legal/Commercial

Martin Blackett explained to Sancorp that if they were short-listed a more detailed scheme would be necessary, based upon the planning feedback. More detail with regard to deliverability, track record etc would be necessary and that development appraisals would also be required if an offer was submitted.

5114



RUSHBOND

PLC

Property Development & Investment

8 October 2007

SUBJECT TO CONTRACT

Mr M Blackett
Senior Surveyor
Leeds City Council
Asset Management Division
The Leonardo Building
2 Rossington Street
Leeds LS2 8HD

Dear Martin

St Anne's Mills, Leeds

Further to the above and our site meeting of Thursday 27th September 2007, initially I write to thank you for providing Jonathan and I the opportunity to inspect the site and existing buildings.

Unfortunately I write to advise we have carefully considered and reviewed this opportunity and, with some regret, I write to advise that Rushbond Plc have decided in an "open market" environment not to progress this matter further.

May I suggest that if following the initial marketing period Leeds City Council have not received a level of offer or proposal that meets with your aspirations then we would be prepared to give further consideration to the opportunity which we could possibly explore on the basis of a partnership or venture with the City Council

I trust the above clarifies the position and wish you every success in this proposed disposal.

Kind regards

Yours sincerely

Richard J Baker
Development Surveyor

Richard.Baker@rushbond.co.uk

5, Hawthorn Park, Coal Road, Leeds LS14 1PQ.

LIFT SHAFT TO BECOME
A STEEL/GLAZED FEATURE

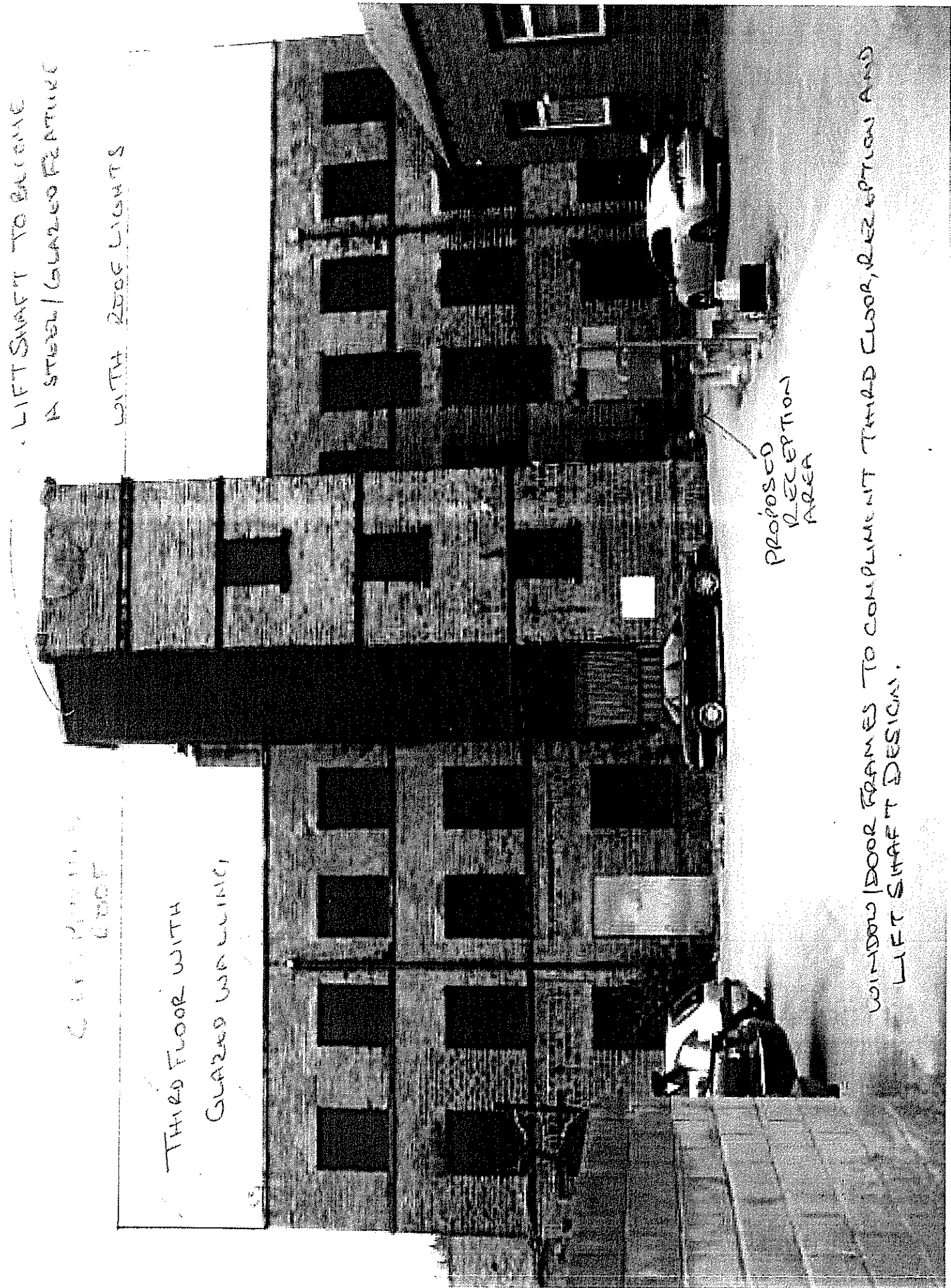
WITH ROOF LIGHTS

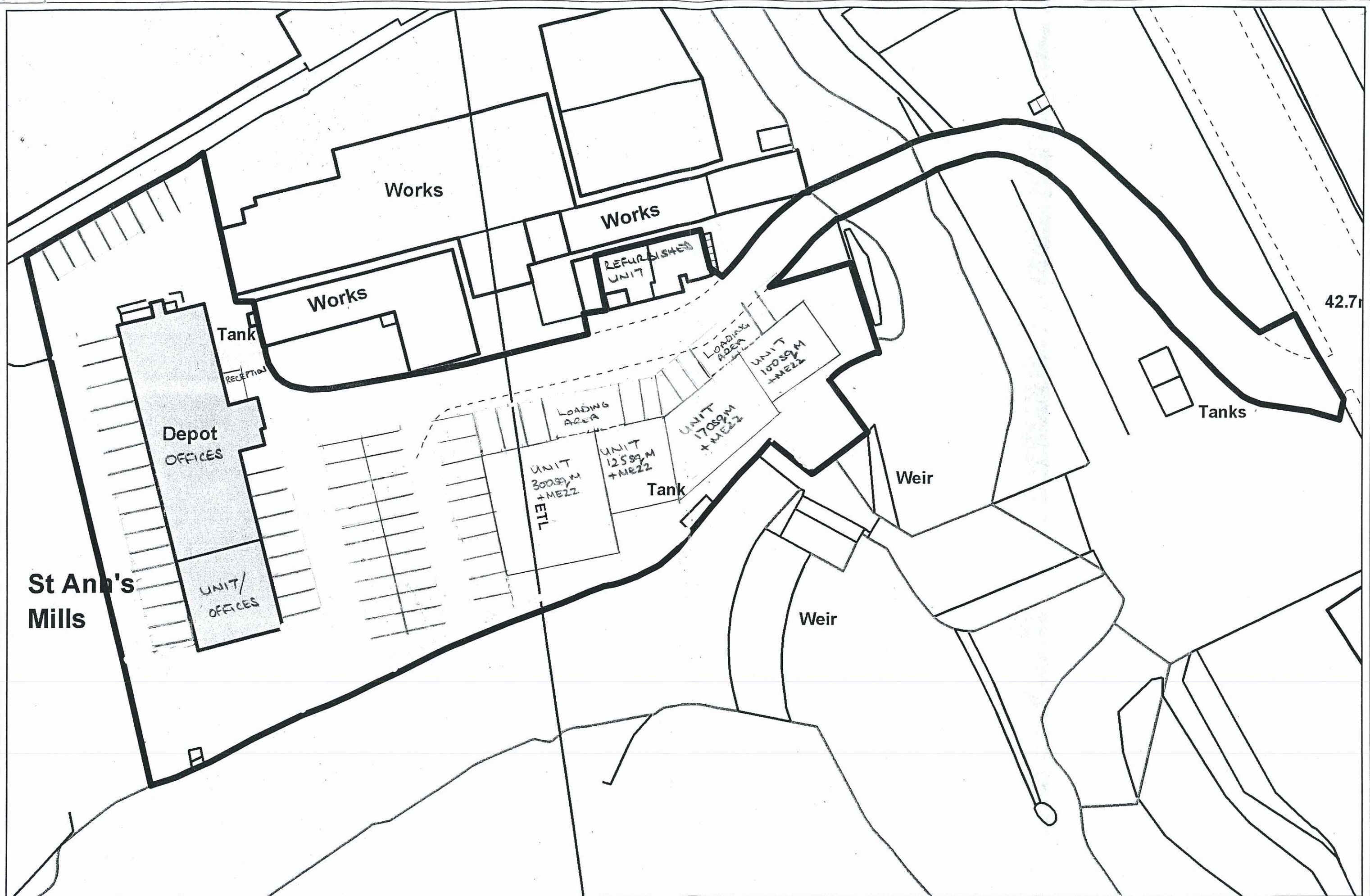
GLAZED ROOF
LIFT SHAFT

THIRD FLOOR WITH
GLAZED WALKING

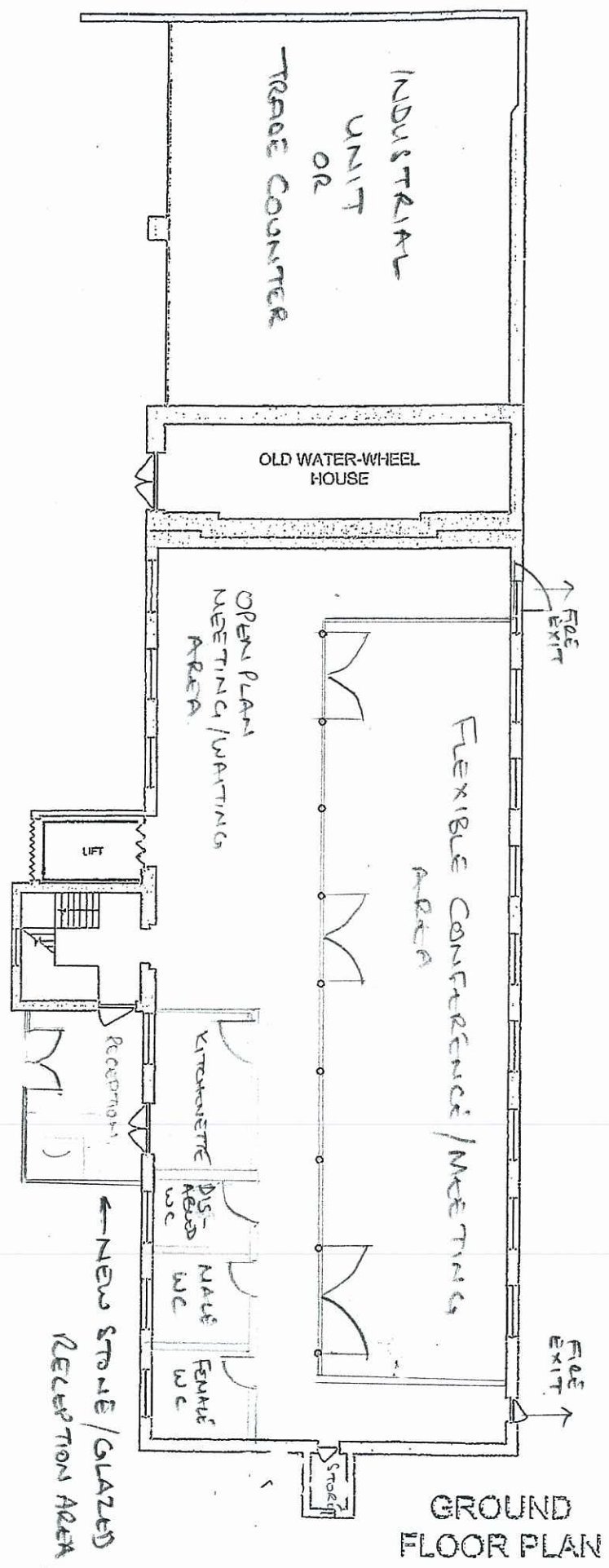
PROPOSED
RECEPTION
AREA

WINDOW/DOOR FRAMES TO COMPLEMENT THIRD FLOOR, RECEPTION AND
LIFT SHAFT DESIGN.

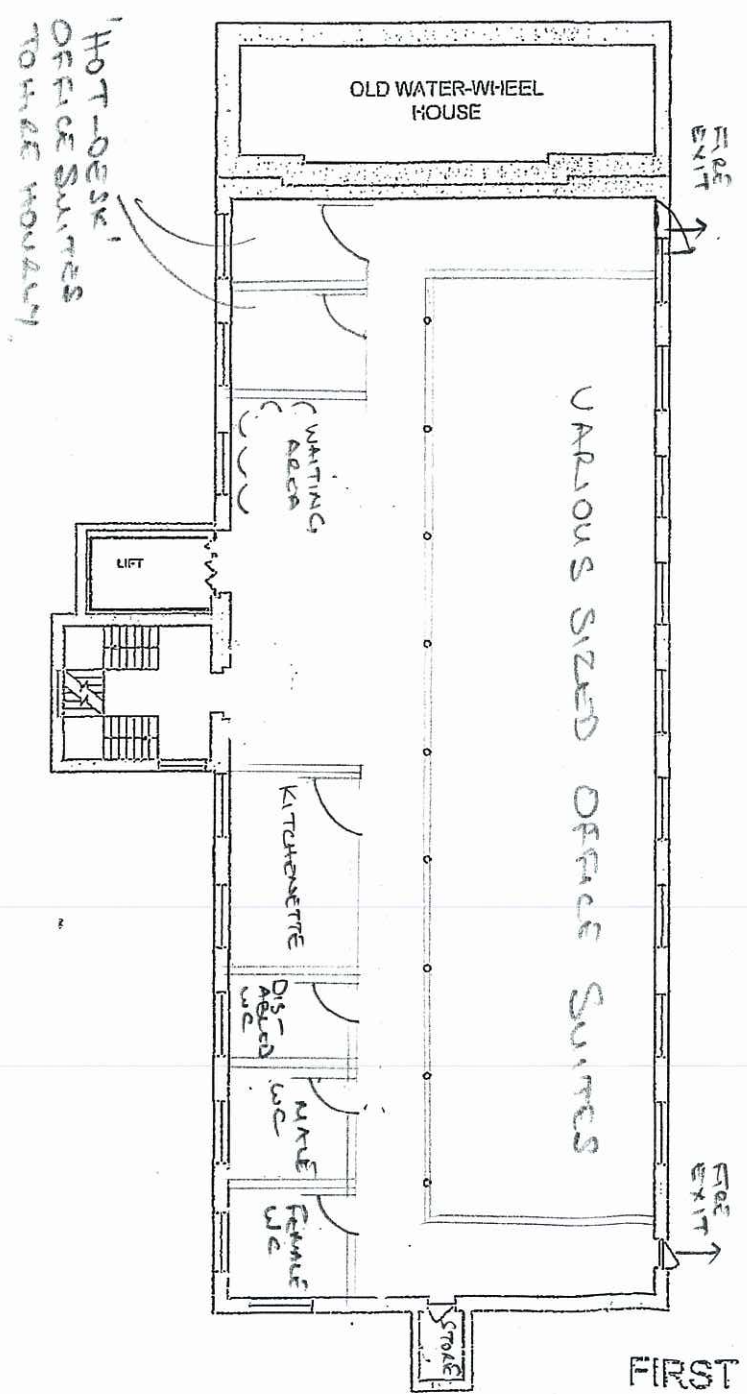




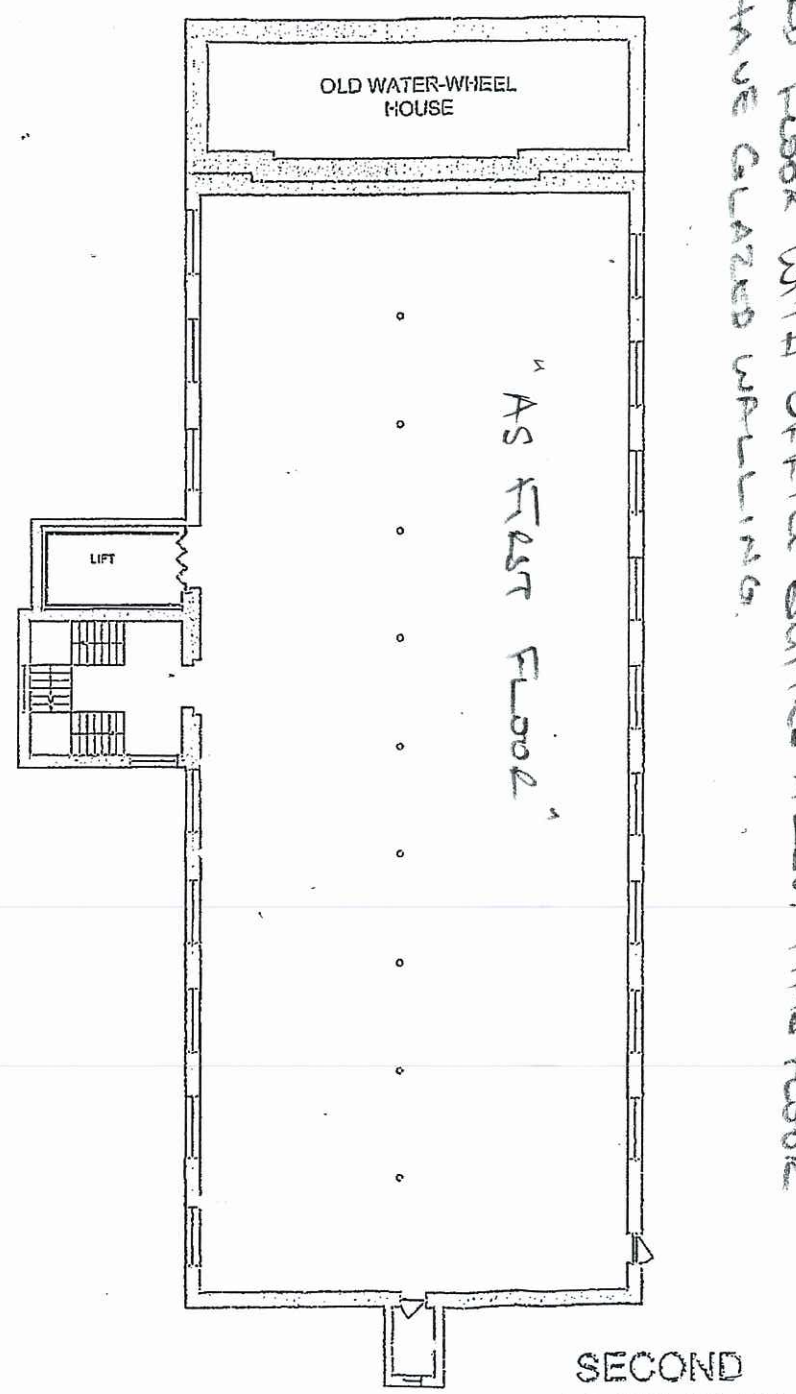
NOTE: POSSIBLE THIRD FLOOR WITH OFFICE SUITES ALSO. THIS FLOOR TO HAVE GLAZED WALLING.



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

DO NOT SCALE
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Development Department
Architectural Design Services
 Adams Court, Klidere Terrace, Leeds, LS12 1DB
 Tel: (0113) 247 5555 Fax: (0113) 247 5452

PROJECT		ST. ANNE'S MILL KIRKSTALL	
DATE	SCALE	DRAWING NUMBER	REVISION
DRAWN			CHECKED

FLOOR LAYOUTS - PROPOSED

Councillor J Illingworth
37 Kirkwood Way
LEEDS
LS16 7EU

Asset Management Division
Property Services
The Leonardo Building
2 Rossington Street
Leeds LS2 8HD

If telephoning ask for Chris Gomersall
Direct Line (0113) 24 77868
Fax: 0113 24 77855
Email: chris.gomersall@leeds.gov.uk

Your Ref:
Our Ref: CJG/HOS/SB

Date: 21 July 2008

Dear Councillor Illingworth

ST ANN'S MILLS

I refer to your email of 14th July 2008 to Chris Gomersall regarding the request for further information on the parties that have undertaken an internal inspection of the above premises, and I assume from what you have said about your contact with the Information Commissioner, that you wish us to treat this matter as an information request under the FOI Act. As you are aware, the Council received two offers for St Ann's Mills following the marketing exercise in September 07 which you already have copies together with details of those parties who submitted an expression of interest, and we anticipate that even when the property is marketed, in accordance with the June Executive Board decision, given the nature of the property and current market conditions, we are unlikely to get a large number of bidders. In fact the 'pool' of bidders may extend no further than those organisations and individuals who have already shown some interest in acquiring the property, and who may wish to renew their interest.

We are well aware that the Council's proposals for disposing of the property are sensitive with some people in the Kirkstall area, and that you and no doubt many others in the Kirkstall area are opposed to any disposal of the property for a variety of reasons. It is also the case that you have already contacted the Council's valuers about the property directly, and we consider it reasonable for us to assume that releasing these names into the public domain will result in some direct contact either by yourself or others who are similarly opposed to any disposal of this property. Clearly, that contact might raise apprehensions by the potential developers given that their own knowledge of the property and local conditions will be limited at this stage, and plainly there will be no way for the Council to know what information is being pressed upon them, or to give its own (possibly different) account in any way.

We think it is also possible that public opposition could be created to a particular developer or to a particular proposal, before the developer and the Council have really had time to start discussions and before any formal offer is made. Consequently, we consider it reasonable for us to conclude there is a real and significant risk of the Council's commercial interests being prejudiced at least to some extent, if the names of the companies were disclosed at this point in time, and as we are not expecting a large number of bidders for the reasons mentioned above, that prejudice could be significant. We take the view therefore, that disclosure of this information would, or would be likely to, prejudice the commercial interests of the Council, under sec 43(2) of the FOI Act.

We must of course apply the public interest test, in deciding whether or not this information is exempt. We acknowledge there is always some level of public interest in disclosure of information, but we can see no reason why this information should be needed at this point in time. We can see the argument that given the nature of the buildings, the degree of local controversy etc. people should know the identity of the purchaser, but we cannot see why it would be necessary for the purposes of public debate, to embroil those potentially interested parties who may or may not be inclined to make a bid to the Council in the forthcoming marketing exercise, in the various issues at this point in time. Conversely, the Council having decided to dispose of this property, there is plainly a strong public interest in the Council safeguarding whatever prospect there is of selling this property, and also to bring the property back into use in one way or another.

We regard the names of individuals as being plainly exempt under sec 40(2) of the FOI Act on the basis it would be a breach of the data protection principles to disclose this information, in particular the first principle that personal data must be processed fairly and lawfully, given that a general public disclosure of this information would go way beyond the legitimate expectation of the individuals concerned.

I enclose a copy of the Council's compliments and complaints policy should you wish to complain about the handling of your request for information.

As required by s17 of the Freedom of Information Act 2000, I would also notify you that you may apply to the Information Commissioner for a decision whether, in any specified respect, your request for information has been dealt with in accordance with the requirements of Part 1 of the Act. The commissioner is not obliged to make a decision unless you have exhausted the Council's complaints procedure.

The contact details for the Commissioner are F01/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or e-mail mail@ico.gsi.gov.uk .

Yours sincerely



Paul Brook
Chief Asset Management Officer

Enc



LEEDS
CITY COUNCIL

From Cllr. John Illingworth: Kirkstall Ward

37 Kirkwood Way
Leeds LS16 7EU

home (0113) 267 3735
work (0113) 343 3135
mobile 07946 301132
john.illingworth@leeds.gov.uk

Andrew J Carruthers BSc MRICS
3 The Embankment
Sovereign Street
Leeds LS1 4BJ

2 July 2008

Dear Mr Carruthers,

Valuation of St Ann's Mills, LS5 3AE

I refer to your letter and valuation AJC-0022138 dated 25 February 2008 addressed to Leeds City Council, Asset Management Division, and marked for the attention of Ms Joanne Gomersall.

I am concerned that your assessment significantly over-values this site, because you have not apparently taken into account the major constraints on further development at this location. Your valuation is considerably affecting Leeds City Council policy, and will be discussed at the full council meeting this afternoon. If there are any errors in your valuation then it is important to correct them as rapidly as possible.

You observe on page 16 that the site lies within a flood warning area, but state in your penultimate paragraph that:

"... we understand from the council that approximately 60% of the land to the rear of the building is designated as flood plain, but the Environment Agency has accepted that 40% is developable."

The information supplied by the council is seriously out of date. It is doubtful that the Environment Agency ever accepted these estimates, but it certainly has not done so since February 2005, and the relevant documents are attached to this letter.

In October 2007 the council adopted a new Strategic Flood Risk Assessment (SFRA) as part of our Local Development Framework. This document can be downloaded from the Leeds City Council website by typing "SFRA" into the search facility on the home page. The maps are quite large, so please download the **full document text** and **Map 18** from the right hand column.

You will note that land to the west of the St Ann's Mills lies within a "rapid inundation area" while the land to the east is classified as "zone 3a(ii)" with a high probability of flooding. In granting planning consent the local planning authority will follow the advice in Planning Policy Statement 25 (PPS25) which can be downloaded from the DCLG website, and also the policies contained in the Leeds SFRA.

Key to these policies is the "sequential test" whereby low-risk land is developed first. This is high risk land where there is no necessity for development, so it is likely to fail the sequential test.

Numbered pagination of the Leeds SFRA commences at real page 13, and rather unhelpfully finishes before the end of the document. In what follows I have used the “real” page numbers supplied by Acrobat Reader, rather than the numbers printed at the foot of some (but not all) of the pages.

Appendix A on “real” page 64 of the SFRA confirms the status of the rapid inundation zone: *“The rugby training centre at Kirkstall and land surrounding it is at risk from rapid inundation following flood defence breaching.”* Also, at the foot of the same page: *“There is additionally a small area within zone 3a(ii) which is at risk of rapid inundation at Leeds Bridge in Leeds City Centre and a larger area at Kirkstall close to the new Morrisons supermarket.”*

I attended the Planning Inquiry into the Alders / BHS development at Bridge Road, where the Environment Agency required the raising and strengthening of the raised flood bund surrounding the site. It was also recognised that significant flood water could be carried by Abbey Mill goit. This means that the St Ann’s Mill complex would be at risk of flooding from both the river and the goit, and there is a real possibility that detailed hydraulic analysis would result in the reclassification of zone 3a(ii) as functional flood plain zone 3b.

I now refer to section 6.4.3 on “real” pages 43 - 44 of the Leeds SFRA which states:

“Planning Recommendations – Allocation of Land for Future Development

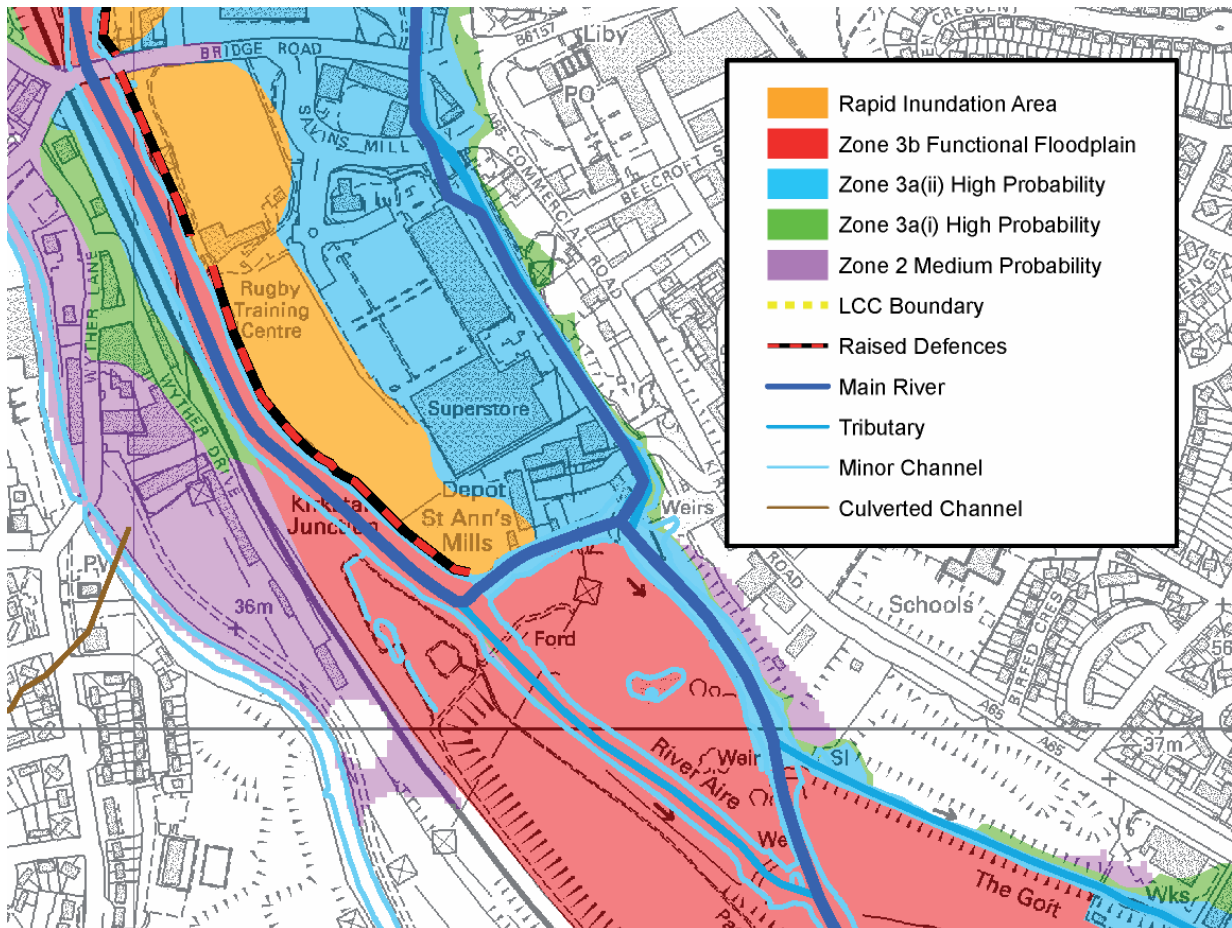
1. Future redevelopment of previously developed land within Zone 3a(ii) High Probability should be restricted to ‘less vulnerable’ land uses. ‘More vulnerable’ land uses should be actively discouraged.

2. Future redevelopment within areas denoted as the ‘rapid inundation zone’ should be avoided. These areas pose a direct risk to life in case of catastrophic failure of the raised defence (informal or formal) system. Any future development within these areas must ensure that the future structural integrity of the raised flood defence can be assured throughout the lifetime of the proposed development.

3. For more vulnerable development, it will be necessary to ensure that the requirements of the Exception Test are satisfied. In planning terms, it must be demonstrated that “the development provides wider sustainability benefits to the community that outweigh flood risk”. It should be recognised that property situated within Zone 3a(ii) High Probability will be subject to frequent flooding with a 5% probability. There are clear sustainability implications to be considered in this regard, and it is highly questionable whether insurance against flooding related damages will be available / affordable in the longer term.

4. Within residential areas, it is important to seek to increase the number of open areas for flood storage or conveyance purposes and in this respect there should be a presumption against all building extensions (including out-buildings and garages) within Zone 3a(ii) High Probability. Policy within Development Plan Documents will need to be developed to support this if it is deemed to be appropriate.

5. To satisfy the remaining criteria of the Exception Test, all development within Zone 3a(ii) High Probability (existing developed areas only) should be conditioned in accordance with the development control recommendations below.



Development Control Recommendations – Minimum Requirements

1. All proposed future development within Zone 3a(ii) High Probability will require a detailed Flood Risk Assessment (FRA), in accordance with the risk-based approach outlined in Section 6.6 below;
2. Where a detailed Flood Risk Assessment determines a site, or parts of it are in fact Functional Floodplain areas or flood conveyance routes, these areas shall be protected for flood storage purposes unless alternative and acceptable mitigation measures can be proposed and implemented (e.g. compensatory storage). It should be noted that in such circumstances a safe, acceptable and cost effective flood risk solution may not be found.
3. Basements will not be permitted within Zone 3a(ii) High Probability;
4. Implement SUDS to ensure that runoff from the site (post redevelopment) is not increased, and where possible reduced. Any SUDS design must take due account of groundwater and geological conditions;
5. Safe access is to be provided to enable the safe evacuation of residents and/or employees in case of flooding. This will be defined in accordance with the emerging Defra research as outlined in “Flood Risks to People” (FD2320). It is essential to ensure that the nominated evacuation route does not divert evacuees onto a ‘dry island’ upon which essential supplies (i.e. food, shelter and medical treatment) will not be available for the duration of the flood event;

6. *Ensure that the proposed development does not result in an increase in maximum flood levels within adjoining properties. This may be achieved by ensuring (for example) that the existing building footprint is not increased and/or compensatory flood storage is provided within the site (or upstream);*

7. *Floor levels must be situated above the 1% (1 in 100 year) predicted maximum flood level plus climate change, incorporating an allowance for freeboard;*

8. *A minimum 8m buffer zone must be provided to 'top of bank' within sites immediately adjoining the river corridor. This requirement may be negotiated with the EA in heavily constrained locations.*

9. *Land drainage issues must also be taken into account as detailed in section 6.4.7."*

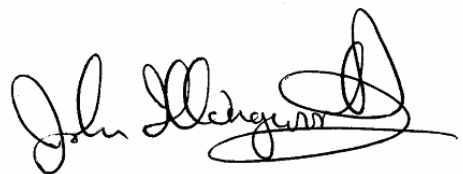
The land at St Ann's Mill was contaminated by a previous tenant, and ground levels to the west of the site have been artificially raised by the presence of builders' waste from a skip hire company. The Environment Agency has stated that they will discount the presence of such unlawfully dumped materials when calculating flood defence levels, and the council is likely to come under strong public pressure to remove them.

Development is further constrained by the major sewer beneath the site, and by the Environment Agency requirement for an 8m access strip on the landward side of the flood defences. You will note from Mr Slater's message (attached) that the Agency will be particularly mindful to secure such way leave because it will construct part of the Leeds Flood Alleviation Scheme at this location.

St Ann's Mill was originally purchased to provide public open space and any further building at this location is likely to be fiercely opposed by the local community. People will ask why the local authority is apparently seeking to circumvent its recently adopted planning policies in pursuit of a capital receipt. It is unlikely that the Environment Agency will regard the majority of the land to either the west or the east of St Ann's Mills as "previously developed land" because there have been no buildings at either location for the last ten years.

In all the circumstances there is a real possibility that **no further building will be allowed at St Ann's Mills**. If any development is permitted its area may be severely restricted. Although this information is apparently new to you, Leeds Strategic Flood Risk Assessment was published in October 2007, and both the SFRA and PPS25 are things that a planning and valuation professional should have been aware of. The council will debate this today. Please would you urgently revise your valuations to reflect the information that I have given you?

Yours sincerely,



Councillor John Illingworth

Access to Information Appeal Chronology

item	date '08	time	author	recipient	content
1	08 Jan	08:48	Illingworth	Rogerson	Seeks records of developer contacts
2	15 Jan	10:01	Conboy	Illingworth	Inadequate response to (1)
	11 June				Executive Board meeting
	01 July				City Development "call in" meeting
3	02 July	10:11	Illingworth	Carruthers	Factual basis for valuation reports?
	02 July				Council meeting
4	09 July	10:31	Illingworth	Brook	Names of visitors to St Ann's Mill?
5	10 July	01:20	Illingworth	Carruthers	reminder
6	14 July		Illingworth	Gomersall	Data protection issues
7	17 July	10:04	Illingworth	Carruthers	reminder
8	17 July	17:59	Carruthers	Illingworth	Issue referred to Joanne Gomersall
9	21 July	letter	Brook	Illingworth	Visitors to St Ann's Mills
10	24 July	09:54	Illingworth	Brook	Names of visitors to St Ann's Mill?
11	24 July	12:32	Illingworth	Brook	Basis for section 6 in December 2004
12	25 July	10:44	Illingworth	Carruthers	Justification for valuation
13	05 Aug	09:49	Illingworth	Carruthers	reminder
14	06 Aug	17:36	Brook	Illingworth	Please do not ask Carruthers questions
15	07 Aug	10:02	Walton	Illingworth	Partial response to ()
16	07 Aug	10:29	Illingworth	Brook	Basis for valuation reports?
17	07 Aug	17:11	Brook	Illingworth	Asks for Illingworth's figures
18	07 Aug	11:58	Illingworth	Walton	Lists outstanding matters
19	11 Aug	09:55	Illingworth	Brook	St Ann's residential development?
20	11 Aug	14:07	Brook	Illingworth	Releases more documents
21	12 Aug	08:59	Walton	Illingworth	Terms for appeal hearing
22	13 Aug	13:59	Brook	Illingworth	"You know everything we know"
23	15 Aug	09:34	Illingworth	Brook	Gives details of alternative solution
24	15 Aug	12:41	Brook	Illingworth	Seeks more detailed figures
25	15 Aug	13:17	Illingworth	Brook	Will provide a detailed business plan
26	20 Aug	08:35	Illingworth	Walton	Seeks an unbroken chronology
27	29 Aug	11:01	Illingworth	Rogerson	Appeal letter & business plan for EB
28	31 Aug	10:52	Illingworth	Rogerson	"all means all"
	02 Sep				Executive Board meeting
29	05 Sep	14:21	Illingworth	Rogerson	Executive Board decisions
	10 Sep				Council meeting
30	11 Sep	00:22	Illingworth	Brett	Seeks planning brief
31	12 Sep	16:56	Jackson	Illingworth	Insider dealing
32	16 Sep	09:42	Illingworth	Jackson	Seeks unbroken chronology
33	28 Sep	22:24	Illingworth	Jackson	reminder
34	08 Oct	09:10	Conboy	Illingworth	Releases more information
35	08 Oct	12:58	Illingworth	Conboy	Still wishes to appeal
36	09 Oct	11:47	Walton	Illingworth	Cannot proceed with appeal
37	09 Oct	23:50	Illingworth	Walton	Basis for appeal
38	14 Oct	13:48	Walton	Illingworth	Impasse
39	15 Oct	08:51	Illingworth	Walton	Basis for appeal
40	15 Oct	15:04	Illingworth	Walton	Question for next council meeting
41	17 Oct	14:45	Conboy	Illingworth	Releases Evans Easyspace papers
42	20 Oct	14:15	Walton	Illingworth	Offers date for appeal
43	20 Oct	16:40	Illingworth	Walton	Agrees date for appeal

Item 1

From: John Illingworth
08/01/2008 08:48
To: Paul Rogerson
cc: Greg Crossley, Ian Walton, Jayne Conboy, Jean Dent, Mark Turnbull,
Neil Hunter, mail@ico.gsi.gov.uk
Subject: Kirkstall Mills and Evans Easyspace Ltd [Ref. INF0149703]

Dear Paul (bcc councillors)

A full 12 months has now elapsed since my inquiry on 8 January 2007 about this topic. This is forwarded again below. My first inquiry about Evans Easyspace was in January 2005, again forwarded once more below. Some sections of the council plainly enjoy the most cordial relations with this company, such that the Council Leader and the Director of Development held an informal meeting with the company's representatives onboard a yacht at Cannes, but the amount of information that has been released to ordinary elected members or the general public has been minimal.

Please can we proceed without further delay to a full Access to Information Appeal under the local government acts? I am separately pursuing my complaint to the Information Commissioner under the Freedom of Information Act, but these are separate pieces of legislation and the two procedures can run in parallel.

In avoidance of doubt, I wish to see

1) All records that relate to the council's contacts with Evans Easyspace from January 2003 to the present day.

2) All proposals that have been received from or discussed with potential developers in relation to St Ann's Mills and Abbey Mills in Kirkstall from January 2003 to the present day.

3) Dates, times and locations of all informal meetings involving Leeds City Council officers or elected members with Evans Easyspace or with potential developers of St Ann's Mills and Abbey Mills where no formal records have been kept.

The public interest in disclosure outweighs any claims of commercial confidentiality.

John Illingworth

From: John Illingworth
20/12/2007 10:26
To: Jayne Conboy
cc: Bernard Atha, Elizabeth Minkin, Greg Crossley, Ian Walton, Jean Dent, mail@ico.gsi.gov.uk, Mark Turnbull, Neil Hunter
Subject: Kirkstall Mills and Evans Easyspace Ltd [Ref. INF0149703]

Just to clarify - I meant "March THIS year" in paragraph 3 below i.e. 10 months ago. It just feels longer!

John Illingworth

From: John Illingworth
20/12/2007 10:21
To: Jayne Conboy
cc: Bernard Atha, Elizabeth Minkin, Greg Crossley, Ian Walton, Jean Dent, mail@ico.gsi.gov.uk, Mark Turnbull, Neil Hunter
Subject: Kirkstall Mills and Evans Easyspace Ltd [Ref. INF0149703]

Dear Jayne

I understand that IT services have deleted all your email messages for the last fortnight, so here is my recent message again.

I have also spoken to Sophie in Ian Walton's team, and she has asked me to clarify my various requests.

Here is a summary of what I am seeking, which are the same things that I was seeking in March last year. These requests have never been withdrawn, it is just that they have not been actioned. This time I intend to see it through to a conclusion.

1) I would like to see ALL the internal papers that relate to the Council's dealings with Evans Easyspace Ltd over the last five years. It may be that some of these were negotiated through associated companies in the same group, in which case I would like to see those as well.

2) I would like Internal Audit to take a thorough look at the Council's relationship with this company. I am particularly concerned by the large sums of money that seem to be involved and apparent lack of proper audit trails within the Development Department.

I do not see these as alternatives, I would like to do both. In order to move this forward, I am following two parallel tracks:

3) I would like Jayne Conboy to conduct an internal review of her earlier decision to refuse access to these documents under the Freedom of Information Act. We are already out of time on this, and I anticipate that she will confirm her earlier decision, in which case I wish to proceed to a formal complaint the Information Commissioner. However it would be nice if she could say "yes" and it would save us all a lot of trouble.

4) I would like separately to initiate an Appeal Against Refusal of Access to Information in relation to the Evans Easyspace papers. This is different legislation to the Freedom of Information Act, and relates to a councillor's Common Law rights to know what the council is doing, as well as the Local Government Access to Information Acts.

I think a member's rights are actually stronger under (4) but the FoI has some important provisions relating to destruction of documents, which I wish to apply. I realise that this is sensitive commercial information, however in this case I believe the public interest in disclosure outweighs any commercial rights.

John Illingworth

From: John Illingworth
17/12/2007 07:53
To: Jayne Conboy
cc: Bernard Atha, Elizabeth Minkin, Greg Crossley, Ian Walton, Jean Dent, mail@ico.gsi.gov.uk, Mark Turnbull, Neil Hunter
Subject: Re: Kirkstall Mills and Evans Easyspace Ltd [Ref. INF0149703]

Dear Jayne

Was this internal review ever carried out, and if so, what was the outcome? I seem to have no record of it.

If it has not been carried out, please can I point out that it is miles out of time, that this is still an important issue, and that I wish to proceed to a formal complaint to the Information Commissioner.

John Illingworth

From: Jayne Conboy
01/03/2007 10:10
To: John Illingworth
cc: Bernard Atha, Elizabeth Minkin, Greg Crossley, Ian Walton, Jean Dent, mail@ico.gsi.gov.uk, Mark Turnbull, Neil Hunter
Subject: Re: Kirkstall Mills and Evans Easyspace Ltd [Ref. INF0149703]

Dear Councillor Illingworth

As I am still pursuing your original request for information under your 'need to know' rights the refusal under FOI has not yet been reviewed. Unfortunately as I am dealing with so many and varied requests from both yourself and the Kirkstall Activists Group time pressures have been an issue.

I will arrange for the review of the FOI part of your request to be undertaken as speedily as possible.

Regards

Jayne Conboy
Administration Manager
Development Department
0113 247 7897

From: John Illingworth
28/02/2007 00:07
To: Jayne Conboy
cc: Bernard Atha, Elizabeth Minkin, Greg Crossley, Ian Walton, Jean Dent, mail@ico.gsi.gov.uk, Mark Turnbull, Neil Hunter
Subject: Re: Kirkstall Mills and Evans Easyspace Ltd [Ref. INF0149703]

Dear Jayne and others

I have an inquiry from the Information Commissioner about the outcome of the Internal Review. Has anything happened that I can report to them?

John Illingworth

From: John Illingworth
08/02/2007 11:34
To: Jayne Conboy, Neil Hunter, Ian Walton
cc: Bernard Atha, Elizabeth Minkin, Greg Crossley, Jean Dent, mail@ico.gsi.gov.uk, Mark Turnbull
Subject: Re: Kirkstall Mills and Evans Easyspace Ltd

Dear Jayne, Neil and Ian,

Please could Jayne conduct an Internal Review of the decision that she made under section 43 of the Freedom of Information Act? In performing this review, please will the reviewer consider the issues that I raised during the last council meeting about the letter from Tom Stokes and the lunchtime meeting on the yacht at Cannes, and whether this meeting was properly recorded in the council's register of gifts and hospitality. I have at best an equivocal reply on this point from Cllr Carter. I renew my specific request for the legal advice that Evans prepared for the council.

Please can I separately request an Internal Audit investigation of the negotiations with Evans, to examine in particular whether this process has been truly open and competitive, and whether it is being assessed against transparent and objective criteria. I want to be assured that we are not dealing with an "old boys' club" and that the council has considered the possibility that it is creating a near monopoly situation in relation to the supply of managed

workspace in Leeds. I am mindful of the claims made to the Executive Board on 15 December 2004 in the report about Abbey Mills and St Ann's Mills about the relative lack of such provision in Leeds.

Please can I separately initiate the procedures required for an Appeal against Refusal of Access to Information under the Local Government Acts? I want to see copies of all correspondence and notes of meetings between Leeds City Council officers, elected members and Evans Easyspace Ltd (and related companies in the same group) in relation to our small industrial portfolio, including the two Kirkstall Mills.

John Illingworth

From: Jayne Conboy
08/02/2007 09:58
To: John Illingworth
cc: Bernard Atha, Elizabeth Minkin, Jean Dent, mail@ico.gsi.gov.uk, Mark Turnbull, Greg Crossley
Subject: Re: Kirkstall Mills and Evans Easyspace Ltd

Dear Councillor Illingworth

Regarding your request for copies of correspondence and notes of meetings with Evans Easyspace. I have copied the only documents on file which are photographs of a previous refurbishment carried out by the company and handed to Joanne Gomersall during a face to face meeting with the company. In relation to the wider portfolio I am told there has been an expression of interest made by the company but this is exempt from disclosure under s43 of the Freedom of Information Act as releasing this information to the public would be likely to prejudice commercial interests.

On the subject of Kirkstall Mills I am aware that Paul Brook has now provided you with a written response to your questions in addition to the earlier briefing for ward members. This being the case I am now closing this request.

Regarding your request via internal audit for copies of Resource Printers invoice for the printing of the Abbey Mills questionnaire. I have now obtained copies of this invoice and also one from Duffield Printers which relates to the printing of the leaflet which accompanied the questionnaire. I shall leave copies of the invoices and the documents from Evans Easyspace at the Leonardo reception for you to collect, I shall also forward copies of the invoices to internal audit. Please contact me if you would prefer I post these items to you home address.

Jayne Conboy
Administration Manager
Development Department
0113 247 7897

From: John Illingworth
06/02/2007 00:38
To: mail@ico.gsi.gov.uk
cc: Bernard Atha, Elizabeth Minkin, Jayne Conboy, Jean Dent, Mark Turnbull
Subject: Re: Kirkstall Mills and Evans Easyspace Ltd

Dear All,

According to my calculations, the 20 working days allowed for reply to the message forwarded below have now expired, and the previous message is even further out of time. As usual, I have neither a refusal nor an acknowledgement, and the council seems to be following its standard procedure of ignoring FoI requests.

I am forwarding this complaint to ICO. Based on oft-repeated experience, I might as well book my place in the queue.

John Illingworth

From: John Illingworth
08/01/2007 08:28
To: Jean Dent, Jayne Conboy, Mark Turnbull
cc: Bernard Atha, Elizabeth Minkin
Subject: Kirkstall Mills and Evans Easyspace Ltd

Dear Jean,

As yet, I do not appear to have any response, or even acknowledgement to the message forwarded below. The twenty working days permitted under the Freedom of Information Act is intended to be a maximum period, yet I sense that in my case most inquiries are allowed to run to the wire. I wonder whether the same policy is applied to other councillors?

It would not be necessary to ask so many questions if the initial answers were both more rapid and more accurate than some I have received in the past.

In the present case, the delay has caused me to ask further more specific questions, the need for which might have been avoided if my first questions had been fully answered. My initial questions have not been withdrawn, and I still look forward to some answers. In addition, please can I see copies of all correspondence and notes of meetings between Leeds City Council officers, elected members and Evans Easyspace Ltd (and related companies in the same group) in relation to our small industrial portfolio, including the two Kirkstall Mills?

This inquiry is made under both the Freedom of Information Act, and under an elected member's need to know about business before the council and about council properties and planning policies in my own ward.

John Illingworth

From: John Illingworth
17/12/2006 23:24
To: Jean Dent
cc: Bernard Atha, Elizabeth Minkin
Subject: Kirkstall Mills

Dear Jean,

What is the current position in relation to Abbey Mills and St Ann's Mills?

Has Abbey Mills been marketed, and if so, what offers were received?

Is there any prospect of a financially and environmentally viable "solution" at St Ann's Mills?

What have Yorkshire Forward / Leeds Metropolitan University / Leeds Chamber of Commerce / West Yorkshire Business Link decided in relation to St Ann's Mills?

Have there been any discussions with other potential business partners about St Ann's Mills?

What proposals have been made to the council in relation to St Ann's Mills and what has been the council's response?

John Illingworth

----- Forwarded by John Illingworth on 08/01/2008 07:52 -----

From: John Illingworth
07/01/2005 12:16
To: Paul Brook/LDA, Joanne Gomersall/LDA
cc: Bernard Atha, Elizabeth Minkin
Subject: Meetings with Evans Easyspace

Dear Paul and Joanne

Do you have minutes or notes of the meeting with Evans Easyspace that took place on 26 March 2004, and also for the various other undated meetings with this developer that are mentioned in your files?

Were there any further discussions, meetings or correspondence with the Environment Agency, other than the letter of 10 March 2004?

John Illingworth

Item 2

From: Jayne Conboy
15/01/2008 10:01
To: John Illingworth
cc: Greg Crossley, Ian Walton, Jean Dent, mail@ico.gsi.gov.uk, Mark Turnbull, Neil Hunter, Paul Rogerson
Subject: Re: Kirkstall Mills and Evans Easyspace Ltd [Ref. INF0149703]

Dear Councillor Illingworth

I will respond to your issues in the order that you have raised them

1 The department has provided you with copies of all the records relating to Evans Easyspace as confirmed to you in my email of 8 Feb 2007, I have copied the relevant paragraph from that email below. You were also invited to come into the department and look through the files yourself an offer which you accepted.

Excerpt from email of 8/2/07

Regarding your request for copies of correspondence and notes of meetings with Evans Easyspace. I have copied the only documents on file which are photographs of a previous refurbishment carried out by the company and handed to Joanne Gomersall during a face to face meeting with the company.

2 A report on the proposals in relation to St Ann's Mills and Abbey Mills will be going to Executive Board in March or April and will be made available to you at that time. It is considered appropriate that the report goes to Executive Board before being made more widely available.

3 The only officers within this department to have met with Evans Easyspace informally are Jean Dent in Cannes and Joanne Gomersall at the Leonardo building. I believe you have had the dates and times of both of these meetings previously.

I do not have access to members diaries so have forwarded your request to the relevant support officers these are Sandra Newbold, Alan Kimber, Tim Bowman and Ian Cornick with the request they respond directly to you.

Regards
Jayne Conboy
Development Administration Manager
Leeds City Council

0113 247 7897

Item 3

From: John Illingworth
03/07/2008 10:04
To: "Carruthers Andrew" <ACarruther@lsh.co.uk>
cc:
Subject: Kirkstall Mills

Dear Andrew

Your secretary gave me your address, and I sent my by email letter yesterday. Did it arrive OK? I have attached another copy, just in case.

We had to run with what we had at the council meeting yesterday, but I am sure that we will be returning to the Kirkstall Mills issue which promises to "run and run". There is big a question mark as to whether the council gave LSH the correct information to start with.

Do you have electronic copies of any of these reports? I have more or less satisfactory photocopies of LSH reports prepared in 2004, 2006 and 2008 both for Abbey Mills and St Ann's Mills, but electronic versions would be more convenient.

John Illingworth

From: "Carruthers Andrew" <ACarruther@lsh.co.uk>
03/07/2008 08:13
To: <john.illingworth@leeds.gov.uk>
cc:
Subject: RE: Contact from the LSH Website:email address

John

Thanks for the email.

My email address should be on this reply back to you, however, I set it out below as well;

acarruther@lsh.co.uk

Kind Regards

Andrew

ANDREW CARRUTHERS BSc (Hons) MRICS
Director - Professional
Lambert Smith Hampton , 3 The Embankment, Sovereign Street, Leeds LS1 4BJ
T - 0113 245 9393 F - 0113 244 0420, www.lsh.co.uk
National Property Advisers of the Year 2008

-----Original Message-----

From: john.illingworth@leeds.gov.uk
Sent: 01 July 2008 23:06
To: Carruthers Andrew
Subject: Contact from the LSH Website: email address

Dear Mr Carruthers

I would be grateful if you could let me have your work email address, so that I can send you a letter as an attachment.

John Illingworth

Please consider the environment - only print this email if absolutely necessary

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Item 4

From: John Illingworth
09/07/2008 10:31
To: Paul Brook, Joanne Gomersall
cc: Bernard Atha, Lucinda Yeadon
Subject: St Ann's Mills - visitors and site investigation works

Dear Paul and Joanne

Further to my earlier inquiry, forwarded again below, please can you provide me with a list of all the individuals and organisations who had access to the interior of St Ann's Mills unit 6 over the last twelve months, indicating the purpose of each visit, whether the visitors were issued with keys, and whether or not their visits were accompanied by Leeds City Council staff?

John Illingworth

From: John Illingworth
07/07/2008 09:22
To: Paul Brook, Joanne Gomersall
cc: Bernard Atha, Lucinda Yeadon
Subject: St Ann's Mills - site investigation works

Dear Paul & Joanne

Somebody has dug two trial pits / boreholes at St Ann's Mills, presumably for site investigation works. One hole is in the tarmac car park to west of unit 6, the other is in the yard between units 1 and 6, to the east of unit 6. Both have now been filled in, but it is easy to see where they were. Please could you tell me

- 1) Which person or organisation dug the holes at St Ann's Mills?
- 2) When was permission granted by the council?
- 3) Were any other holes made at St Ann's?
- 4) What was the purpose of the study?
- 5) What did the results show?

John Illingworth

Item 5

From: John Illingworth
10/07/2008 01:20
To: "Carruthers Andrew" <ACarruther@lsh.co.uk>
cc: Bernard Atha, Lucinda Yeadon
Subject: Re: Kirkstall MillsLink

Dear Andrew

Time is passing, and I was really hoping for a quicker reply. I would be happy to meet you if your think that might help.

John Illingworth

Item 6

From: John Illingworth
14/07/2008 16:54
To: Chris Gomersall
cc: Bernard Atha, Joanne Gomersall, Lucinda Yeadon, Martin Blackett,
Paul Brook
Subject: Re: St Ann's Mills Site Investigations

Dear Chris

I have discussed this with the Information Commissioners' Office, who advise as follows:

- 1) It will not breach the Data Protection Act for you to disclose the names of companies whose directors or staff have had access to St Ann's Mills over the last 12 months. You can also tell me whether or not these visitors were accompanied by LCC officers, and whether or not they were issued with keys.
- 2) You can in addition legally tell me HOW MANY individuals who were not representing companies have had authorised access to the building over the last 12 months, and the terms on which these visits took place.
- 3) I do not have to give any reasons for seeking this information.
- 4) You should in your refusal notice have advised me of my rights to seek an internal review of your decision, and also of my option to complain to the Information Commissioner if I am not satisfied with the council's response. I wish to request such a review if you continue to refuse access to the requested information, and if necessary I shall proceed to a formal complaint to the commissioners.
- 5) This matter is urgent, and I would like an immediate response from you.

John Illingworth

-----Chris Gomersall wrote: -----

To: John Illingworth
From: Chris Gomersall
Date: 14/07/2008 01:20PM
cc: Bernard Atha, Joanne Gomersall, Lucinda Yeadon, Martin Blackett,
Paul Brook
Subject: Re: St Ann's Mills Site Investigations

Dear Councillor Illingworth

In respect of your other question as to visitors over the last 12 months

In general terms there have been a range of companies/private individuals who have inspected the internal parts of the premises as part of the marketing exercise last year . These total about 10 parties.

In addition a number of Council contractors have been in the premises to make sure they are secure following attempted break-ins and dealing with any other routine maintenance .

Due to Data Protections rules I am unable to provide you with details of private individuals

However to release information regarding companies who inspected the property as part of the marketing exercise then I will need to be advised of your need to know this information before considering if this information can be released

I look forward to hearing from you

Chris Gomersall
Head of Property Services

Tel : 0113 2477868
Fax : 0113 2477855
email chris.gomersall@leeds.gov.uk

Item 7

From: John.Illingworth@leeds.gov.uk [mailto:John.Illingworth@leeds.gov.uk]
Sent: Thu 17/07/2008 10:04
To: Carruthers Andrew
Cc: Bernard.Atha@leeds.gov.uk; Lucinda.Yeadon@leeds.gov.uk
Subject: Re: Kirkstall Mills

Dear Andrew

Another week has gone by, and still I have no reply from you, not even an acknowledgement of my original letter, dated 2 July 2008.

Flooding is a major economic and political issue, and you really owe it to your clients, which is the whole council, not just the Asset Management Division, to rapidly update any of your valuation reports that are shown to be seriously in error.

I have attached a major report on flooding that was accepted yesterday by the council's Executive Board, and you will notice once again the Strategic Flood Risk Assessment that is reproduced on page 20.

This is a serious, urgent matter, where I look for a more rapid response from you.

John Illingworth

Item 8

From: "Carruthers Andrew" <ACarruther@lsh.co.uk>
17/07/2008 17:59
To: John.Illingworth
cc:
Subject: RE: Kirkstall Mills

For the attention of John Illingworth

Thank you for your emails in respect of St Ann's Mill.

I have referred these to Joanne Gommersall of the Development Department of Leeds City Council, with whom I had taken my instructions.

I am therefore awaiting her further instructions in this matter.

Kind Regards

Andrew Carruthers

ANDREW CARRUTHERS BSc (Hons) MRICS Director - Professional
Lambert Smith Hampton

3 The Embankment, Sovereign Street, Leeds LS1 4BJ
T - 0113 245 9393 F - 0113 244 0420

www.lsh.co.uk

National Property Advisers of the Year 2008

Item 9

This was a paper letter and no electronic copy was provided.

Item 10

From: John Illingworth
24/07/2008 09:54
To: Paul Brook
cc: Chris Gomersall, Lucinda Yeadon, Bernard Atha, Jayne Conboy, Mark
Turnbull, Nicole Jackson, Ian Walton
Subject: Internal inspections at St Ann's Mill

Dear Paul,

Thank you for your letter dated 21 July 2008, which is attached for the benefit of my Kirkstall ward colleagues.

It will come as little surprise that I do not agree with you and I would like you to conduct an internal review under the FoI legislation. In my view the names of the visiting companies are disclosable under FoI, since they do not appear to fall under any of the exemptions, and the public interest favours disclosure.

I am also, independently, seeking access to this information under an elected member's need to know, where we all recognise that different rules and obligations apply. In this case I wish to know the names of any individual visitors as well as companies, and I wish to proceed without further delay to an Appeal against Refusal of Access to Information. I would be obliged if the necessary arrangements could be put in train. I am not particularly hopeful about this, since the Monitoring Officer has been sitting on my previous appeal for 18 months and it has still not been heard, however I would still like to appeal on this issue.

While we are doing this, please can we also resolve the vexed question about access to the council's correspondence with the Ombudsman in relation to the complaint 06/C/03247/LEH from a Kirkstall resident about the public consultation process in 2006. You will recollect that extracts from this correspondence have already been quite widely circulated by a Trade Union in an apparent attempt to prevent my serving on the City Development Scrutiny Board.

City Development was my first choice of Scrutiny Board, and I suspect that I was excluded from it largely because of officer / Trade Union objections.

John Illingworth

Item 11

From: John Illingworth
24/07/2008 12:32
To: Paul Brook
cc: Bernard Atha, Lucinda Yeadon, Paul Rogerson
Subject: Executive Board 15 December 2004

Dear Paul,

I am tidying loose ends, with an urgent desire to get on with my life!

One of the things that has long baffled the Kirkstall community is the precise origin of the figures in section 6 (attached) from your report to the Executive Board about Abbey Mills and St Ann's Mills on 15 December 2004.

None of us can puzzle out how you arrived at these numbers (which have subsequently proved to be manifestly optimistic) based on the information that was available at the time.

People have concluded that these numbers were chosen, if not by you personally, then by other development staff, because they made it appear that the recommended scheme would work, and there was no other basis for using them.

I wonder whether anybody has actually put the hard question to the Development Department: "Where did these numbers come from? Please can you trace out logical pathways that lead from the various professional reports, valuations and costings that were available in December 2004 to each of the numbers in section 6 of your report to the Executive Board on 15 December 2004?"

If there are such pathways then we owe you an apology.

If there are no believable pathways, then it would be really helpful if you could say so. I have no desire to wallow in this, but it would allow the Executive Board to acknowledge that there was no logical basis for their original policy decision in December 2004, so we could all draw a line under ancient history, and come to this problem with fresh eyes.

John Illingworth

Item 12

From: John Illingworth
25/07/2008 10:44
To: "Carruthers Andrew" <ACarruther@lsh.co.uk>
cc: Joanne Gomersall, Paul Brook, Bernard Atha, Lucinda Yeadon,
Kevin.Wharton@KPMG.co.uk
Subject: RE: Kirkstall Mills

Dear Andrew

Thank you for your message of 17 July.

I can understand where you are coming from, and the general desirability of working through a single contact, BUT I first wrote to you on 3rd July, another week has passed, Joanne and Paul have both gone on holiday for a fortnight, and I need to make better progress than this.

Your advice has had a huge effect on council policy, and we are presently trying to extricate ourselves from a very large hole. I accept that initially you were

not fully appraised of the flood plain issues, although your 2006 valuation seems to indicate better awareness of this. Please can we have the missing appendix VI from your 2006 valuation?

I have some substantial issues with your valuation in 2004 and I have attached a scanned copy of your advice note for ease of reference. This was originally faxed and if you have any better quality copies of both the 2004 valuation and subsequent advice these would be greatly appreciated.

ATTACHMENT REMOVED BY JOHN ILLINGWORTH

How did you arrive at the figure of £40 per sq foot for refurbishment costs? This about one third of the estimate in the ADS Concept Study in March 2004, and in 2006 (page 12) you accept a figure £120 per sq foot as reasonable. This is a 180 year old mill building, with solid floors and walls, and some serious flooding issues on the ground floor. Some parts are in poor condition and it will not be easy to convert into modern offices. I am genuinely baffled by this £40 figure and I wonder how you got there?

I also find the price of £150,000 for a pitched roof and the shell of the new third floor a little difficult to comprehend, although I can see that fitting out is priced separately at £186,760. Even so, we are still looking at a total price of £336,760 for 4,700 sq ft of completed offices, or about £72 per sq foot, including a new pitched roof, and I wonder whether it could be built for this?

I am also in some difficulty with your £60 per sq foot construction costs for the proposed new build offices behind the mill. I note that this estimate had risen to £80 per sq foot in 2006, (which equates to £114 per sq ft overall, excluding land) but even this seems quite cheap for a high class office development with significant site abnormalities, landscaping and flood protection costs. What exactly would we see for this price, and can you point to other comparable office developments in Leeds that were constructed to this sort of figure on this sort of site?

John Illingworth

Item 13

From: John Illingworth
05/08/2008 09:49
To: "Carruthers Andrew" <ACarruther@lsh.co.uk>
cc: Bernard Atha, Joanne Gomersall, Kevin.Wharton@KPMG.co.uk, Lucinda Yeadon, Paul Brook
Subject: RE: Kirkstall Mills

Dear Andrew

I appreciate that this is the holiday season and that people are away on leave, but I really would like a response to my inquiries. I first wrote to you on 3rd July. It is now 5th August and I have no answers on any of the substantive issues.

You have provided six valuations of the Kirkstall Mills over the last four years, which have had enormous effects on Leeds City Council policies. They have been reported to the Executive Board and resulted in two Scrutiny Inquiries and a huge political row.

There is no dispute about some of your 2004 figures: if the council could let 4,669 sq ft of high class serviced ground floor offices at £15 per sq ft and the rate of return is 7.75% then the corresponding capital value is £903,677. We don't need a professional valuer to work this out.

It would have been relevant to point out that these are gross figures, and if there were significant operating costs that eroded the gross income then the capital value would be an awful lot less. Unlike the rents, which vary with market conditions, the rate of return is just an assumption, and there is no guarantee that any particular figure would be achieved. If it had been only 1% then the capital value "increases" to over £7 million, but there is no expectation that the asset could be sold for this amount. I am not sure whose job it was to make these points, but they were never actually put to the Executive Board.

We do have a problem in that the Executive Board were told that these were "small industrial units", which they plainly are not. This was not your fault, and you did not tell them this. There is also an issue that the existing floor level for these high class offices appears to be at 34.30 m, when the relevant flood level is 35.15 m plus a safety factor, plus an allowance for climate change. As far as I am aware you never visited the site and could not be expected to know this. Please confirm that this was the case.

I have a major issue about your estimate of £40 per sq ft conversion costs from a pre-Victorian industrial building into high class serviced offices. I believe this was unrealistic, and I would like to know where this figure came from. Can it be justified from any comparable buildings in Leeds?

John Illingworth

Item 14

From: Paul Brook
06/08/2008 17:36
To: John Illingworth
cc: Nicole Jackson, Mark Turnbull, Chris Gomersall, Joanne Gomersall
Subject: Fw: Kirkstall Mills

Dear Councillor Illingworth.

I have been copied in on your communications with Andrew Carruthers of Lambert Smith Hampton and need to advise you that I think your actions are highly inappropriate. If you have any questions regarding the consultants work then these should be addressed to me.

I see no case for expending time and energy debating this matter further. Executive Board took a decision, in the context of Capital Programme pressures, to sell St Anns Mills rather than keep them. Testing the market with the property unfettered will determine the value and save us all having to speculate. You can rest assured that if I feel that the offers which come forward do not represent best value then I will not accept any of them. I am not obligated to sell at any price - I have to ensure best consideration for the Council Tax payers.

Accepting the best offer on the table resulting from the recent marketing exercise, where the partner would have been fettered in certain ways, would have generated circa £250k in capital receipt. Whether the Council had accepted this offer or, as it has chosen to do, market the property again unfettered, the Mill building would not be available for community use - which I know is your preferred outcome. I can see no reason why any debate about the consultant's detailed calculations would lead us to conclude that the Council should be keeping the Mills and turning them over to community use and on that basis I don't believe that there is any benefit to be had from debating this further.

I should be obliged if you would refrain in future from approaching the Council's consultants direct.

Paul Brook

P Brook
Chief Asset Management Officer
Leeds City Council
0113 247 4233

Item 15

From: Ian Walton
07/08/2008 10:02
To: John Illingworth
cc: Nicole Jackson, Paul Brook, Jayne Conboy, Andy Hodson
Subject: Access to Information Appeals - St Ann's Mill

Dear Councillor Illingworth,

I refer to your message of 24th July 2008 addressed to Paul Brook in which you seek to pursue an Access to Information Appeal to know the names of individual visitors and companies who have inspected St Ann's Mill over the last 12 months. In seeking the appeal you commented "I am not particularly hopeful about this, since the Monitoring Officer has been sitting on my previous appeal for 18 months".

I have looked into this matter to determine the current position.

On 8th February 2007 you requested an appeal in the terms "please can I see copies of all correspondence and notes of meetings between Leeds City Council officers, elected members and Evans Easyspace Ltd (and related companies in the same group) in relation to our small industrial portfolio including the two Kirkstall mills".

On 8th January 2008 in a message to the Chief Executive in reference to the same request you ask that the appeal proceed without further delay and say -

"In avoidance of doubt, I wish to see

- 1) All records that relate to the council's contacts with Evans Easyspace from January 2003 to the present day.
- 2) All proposals that have been received from or discussed with potential developers in relation to St Ann's Mills and Abbey Mills in Kirkstall from January 2003 to the present day.
- 3) Dates, times and locations of all informal meetings involving Leeds City Council officers or elected members with Evans Easyspace or with potential developers of St Ann's mills and Abbey Mills where no formal records have been kept"

In view of the clear potential for doubt between the two messages this response relates to your request as defined in the 8th January message of this year as this is a much wider request and it encapsulates the earlier request.

Following receipt of your January 2008 message Nicole Jackson requested the Director of City Development to initiate action to determine whether the requested information could be provided in order to avoid the need for the appeal. On 15th January 2008 Jayne Conboy sent a message to you which responded to the three specific points as follows :

"1 The department has provided you with copies of all the records relating to Evans Easyspace as confirmed to you in my email of 8 Feb 2007, I have copied the relevant paragraph from that email below. You were also invited to come into the department and look through the files yourself an offer which you accepted.

Excerpt from email of 8/2/07

Regarding your request for copies of correspondence and notes of meetings with Evans Easyspace. I have copied the only documents on file which are photographs of a previous refurbishment carried out by the company and handed to Joanne Gomersall during a face to face meeting with the company.

2 A report on the proposals in relation to St Ann's Mills and Abbey Mills will be going to Executive Board in March or April and will be made available to you at that time. It is considered appropriate that the report goes to Executive Board before being made more widely available.

3 The only officers within this department to have met with Evans Easyspace informally are Jean Dent in Cannes and Joanne Gomersall at the Leonardo building. I believe you have had the dates and times of both of these meetings previously.

I do not have access to members diaries so have forwarded your request to the relevant support officers these are Sandra Newbold, Alan Kimber, Tim Bowman and Ian Cornick with the request they respond directly to you."

It would seem therefore that the only matter for appeal that is extant is - To know the names of individual visitors and companies who have inspected St Ann's Mill over the past 12 months.

Upon your confirmation that you wish an appeal to proceed on this basis I will seek to secure appropriate submissions and to convene the Committee.

Regards

Ian Walton
Principal Governance Officer
247 4350

Item 16

From: John Illingworth
07/08/2008 10:29
To: Paul Brook
cc: Chris Gomersall, Joanne Gomersall, Mark Turnbull, Nicole Jackson
Subject: Re: Fw: Kirkstall Mills

Dear Paul (bcc councillors)

I do most profoundly disagree with you. One of my functions as an opposition councillor is to politely but firmly challenge the executive and I am doing this now.

It presently appears to me that many of the property valuations on which the council has based a series of important political decisions were obtained by dividing one arbitrary number by another arbitrary number, and then writing down the answer as though it had some validity.

If this is true then it is a scandal and a disgrace and it wants stopping.

My first task is to establish whether or not it is true. I have been through our valuers' report, and it appears to me that he has taken a gross rent per sqft and multiplied it by the gross floor area to get a gross income, but he has taken no account of voids, overheads, non-productive space, maintenance, insurance, business rates or any of the myriad other costs that affect real business operations. So his starting number is essentially arbitrary.

He has then divided this first number by a notional rate of return on capital of 7.75% to get a corresponding capital valuation, which you and your colleagues included in your report to the Executive Board.

I want to know why 7.75% was chosen. I suspect it was another completely arbitrary assumption. What value would we use today?

Suppose we want 15.5% return - the calculated capital value halves and the scheme is judged non-viable, despite the roaring profits.

Suppose instead we are satisfied with a rate of return of 2.5% which was a national target under Mrs Thatcher's government. The corresponding capital value goes through the roof to the point of ridicule. I think I understand why they did not use 2.5% because we would all have laughed at them.

Please correct me if I have misunderstood this process, because on the surface it seems utterly mad. When members see a capital valuation in a report, they expect this to indicate what the property would reasonably fetch on the open market, by direct comparison with other similar buildings, perhaps only partly let, poorly situated and maybe facing repair bills, that have recently changed hands. We don't expect imaginary numbers lifted from an Excel spreadsheet.

I accept that there were some things that our valuer was not told, so it is unfair to blame him for ignoring them. He wasn't told the ground floor was a metre below the estimated flood level. Our bidders didn't know that either and it might affect their bids. None of them knew that there is a European protected species (*Lutra lutra*) breeding in the area and that consequently the EC habitats directive will apply to future development with full force. This may also affect the capital values and the activities permitted on the site.

Elsewhere in the 2004 valuers' report he estimated the refurbishment costs at £40 per sq ft. Two years later he estimated £120 per sq ft for the same building. The council's professional architects came up with an even larger figure, based on a schedule of rates and approximate quantities. Which estimate is right and why did our valuer's cost increase 3-fold in two years? Would I be right in assuming that our valuer hadn't the foggiest idea how much conversion would cost?

How much did the council pay for this advice?

If you want to take personal responsibility for this then I will not stand in your way, but I thought it more appropriate to ask our professional valuer to explain his calculations and assumptions. The project based on these valuations has ended in total failure. I still want to know the answers to my questions.

John Illingworth

Item 17

From: Paul Brook
07/08/2008 17:11
To: John Illingworth
cc: Chris Gomersall, Joanne Gomersall, Mark Turnbull, Nicole Jackson
Subject: Re: Fw: Kirkstall Mills

Dear Councillor Illingworth.

This may all make for a very interesting intellectual debate but unfortunately officers are fully occupied trying to implement the decisions of Executive Board. If you can advise why a different response from the consultant would have led to a different Executive Board decision then there may be a point, but I think that unlikely and I don't see where all this is leading.

You clearly believe that you have some expertise in the area of property valuation and therefore I would suggest that rather than constantly challenging

the figures of others, which is a fairly fruitless exercise, you submit your own calculations and an explanation of why you feel that your figures would have led to a different Executive Board decision.

Regards.

Paul Brook

P Brook
Chief Asset Management Officer
Leeds City Council
0113 247 4233

Item 18

From: John Illingworth
07/08/08 11:58
To: Ian Walton
cc: Andy Hodson, Jayne Conboy, Nicole Jackson, Paul Brook, Lucinda Yeadon, Bernard Atha
Subject: Re: Access to Information Appeals - St Ann's Mill

Dear Ian

I agree that substantial parts of my earlier requests were answered in the papers disclosed for the Scrutiny call-in of the recent Executive Board decision, although there are a few loose ends still dangling.

In particular part of item 3 from 8 January 2008 is still outstanding, and is still relevant because the recent report to the Executive Board describes a negotiated tendering process for St Ann's Mills where officers gave the developers feedback on their initial bids, and developers also indicated which relaxations would most appeal to them.

It is reasonable for Kirkstall ward members to know what was said and who said it. My question about who had access to the building is closely linked to this. I believe that some people had access to unit 6 who never submitted a formal bid. I am not presently aware of any visits in 2006, but I think we would all agree that these would be hugely relevant if any took place. I therefore think it would be better to adopt an earlier base date for question 4. I would like to put all my original questions, plus the new section 4, while accepting that part of the answers might now be very brief and refer to existing documents. My request now reads:

- 1) All records that relate to the council's contacts with Evans Easyspace from January 2003 to the present day.
- 2) All proposals that have been received from or discussed with potential developers in relation to St Ann's Mills and Abbey Mills in Kirkstall from January 2003 to the present day.
- 3) Dates, times and locations of all informal meetings involving Leeds City Council officers or elected members with Evans Easyspace or with potential developers of St Ann's mills and Abbey Mills where no formal records have been kept,
- 4) To know the names of individual visitors and companies who have inspected St Ann's Mills unit 6 since the last tenant (Arteco) vacated the premises.

John Illingworth

Item 19

From: John Illingworth

11/08/2008 09:55

To: Paul Brook
cc: Chris Gomersall, Joanne Gomersall, Mark Turnbull, Nicole Jackson, Kevin.Wharton@kpmg.co.uk
Subject: Residential development at St Ann's Mills?

Dear Paul (bcc councillors)

The main reason for the Executive Board pursuing the present options is because the council has given them misleading advice. The principal contribution comes from an incredible series of arithmetic and transcription errors in official reports. If you look back through our extensive correspondence over the last four years, you will see that I have normally accepted professional advice. My critique has concentrated on bizarre arithmetic, which has not been difficult to find.

The Kirkstall Mills are worth nothing like the sums previously reported to the Executive Board. St Ann's Mills in particular has a negative value for its advertised use, needing electrical repairs and being located in the high risk floodplain. It is an area used by otters, which enjoy the highest level of habitat protection under European law. The clear advice from the Environment Agency is to minimise human disturbance and to protect the otters' resting places by pulling back from the raised river banks, onto lower land where flood insurance will be most difficult to find.

Is the council considering residential development at this sensitive location? Is there some "understanding" with a developer to construct luxury flats in the high risk flood plain? Does this explain the extraordinary reluctance to prepare a planning brief before marketing the site? Well - does it?

Is the favoured developer planning secure garages on the ground floor of unit 6 (which is a metre below the recognised flood level) with luxury "lofts" above? Have any such plans been discussed with Leeds City Council officers? Will the replacement upper floor be a faithful reconstruction of the original 1830's design with a pitched slate roof, or will it be some cheap modern appendage with a high proportion of tinted glass? Is this what you mean by "restoring these buildings to their former glory"?

Am I getting close? I have copied this message to the other councillors because I want public answers to questions publicly posed. Will there now be another 18 months delay in convening my Access to Information Appeal?

Have any assurances been sought or given that Leeds Planning Officers, who previously said that St Ann's Mills was ideal for employment use, will now show some "flexibility" in this regard? Have any of the neighbouring land owners been approached about a similar deal?

There is always a risk that the Plans Panel might follow national planning guidance in PPS25, and the council's adopted planning policies in the Strategic Flood Risk Assessment, and turn the entire project down. If that happens, will the council vigorously defend the appeal? Or will it pull its punches, as it appeared to do over the Allders / BHS application, where the council declined to comment on highway proposals which patently would not work?

The council originally purchased this lovely riverside location for public open space. Why is it being excluded from the West Leeds Country Park? How much POS is the council selling for development in Tory wards like Calverley, or Roundhay, or Wetherby? Is this the council's approach to "narrowing the gap"?

This site is so sensitive that it is covered by the European Habitats Directive. Why is being marketed without a planning brief?

People notice these things, and they hold Leeds in contempt. There is a danger that the council could become a laughing stock unless it changes course.

John Illingworth

Item 20

From: Paul Brook (Sent by: Julie Holtby)
11/08/2008 14:07
To: John Illingworth
cc:
Subject: St Ann's Mills

Councillor Illingworth

Please find below my response to your information request in respect of St Ann's Mills together with the documents requested.

- img00166[1].pdf - img09762[1].pdf - img09763[1].pdf - img09764[1].pdf -
img09766[1].pdf - img09767[1].pdf

P Brook
Chief Asset Management Officer
Leeds City Council
0113 247 4233

Item 21

From: Ian Walton
12/08/2008 08:59
To: John Illingworth
cc: Nicole Jackson, Paul Brook, Jayne Conboy, Andy Hodson
Subject: Re: Access to Information Appeals - St Ann's Mill

Dear Councillor Illingworth,

I have consulted appropriate officers with regard to your response below. In relation to each of the four points in your message (and in the same order) the officer response is :

The Department did provide you with copies of all records relating to Evans Easyspace as confirmed to you in Jayne Conboy's email to you of 8th February 2007. You also visited the Department and looked through the files. It seems odd that the date of your request for an appeal in this respect is also 8th February 2007, the same day on which the Department provided the information. The matter of appeal which you contest to have been sat upon for 18 months was therefore closed down some 18 months ago. The Department assure me that there are no "loose ends still dangling". There is therefore no appeal to pursue in this respect.

You were provided with all information in relation to the report which was considered by Executive Board on 11th June 2008. A considerable amount of officer time was taken, both in this section and the department, in providing you with exhaustive information for the Scrutiny Board (City Development) Call In meeting on 1st July. Again there are no loose ends and no appeal to pursue in this respect.

You contend that item 3 from 8th January 2008 is "still outstanding". Jayne Conboy's response to you of 15th January is unequivocal "The only officers within this department to have met with Evans Easyspace are Jean Dent in Cannes and Joanne Gomersall at the Leonardo building". If you did request diary

information from Group Offices, please let me know the date and detail of the request, and if you did not receive a response then please let me know. Your request was responded to and the matter is not outstanding

In your email of 7th August 2008 you change the terms of this ground of appeal from that contained in your message of 24th July. Officers cannot deal with your requests for Access to Information Appeals if you regard them as moveable feasts which you change in each communication which we receive. Upon confirmation from you that you wish to pursue an appeal in the following terms, as notified by you on 7th August 2008, then I will proceed to convene a hearing on that basis -

"To know the names of individual visitors and companies who have inspected St Ann's Mills Unit 6 since the last tenant (Arteeco) vacated the premises"

In order to proceed to appeal on any occasion the following have to apply -

It has to be specific at a given point in time and remain fixed from that point
It has to clearly identify that to which it relates

It has to be in relation to something defined to which access has been refused

Only then can both parties to the appeal know that their respective cases are addressing the same issue, and the panel have clarity as to what they are considering for release.

Regards

Ian Walton
Principal Governance Officer
247 4350

Item 22

From: Paul Brook
13/08/2008 13:59
To: John Illingworth
cc: Chris Gomersall, Joanne Gomersall, Kevin.Wharton@kpmg.co.uk, Mark Turnbull, Nicole Jackson
Subject: Re: Residential development at St Ann's Mills?

Dear Councillor Illingworth.

Although you have raised a whole raft of questions in your response, some old, some new, my simple response to you is to say that you know everything that officers know about St Ann's Mills. There is no new or concealed information. I do note however, that you have not addressed my one and only question, which is how the numbers as you see them would have led to a different Executive Board decision to turn St Anns Mills over for community use (given the current pressures on the Capital Programme). Without that context, as I said in my previous response, any further debate, in my opinion, is futile.

Regards.

Paul Brook

P Brook
Chief Asset Management Officer
Leeds City Council
0113 247 4233

Item 23

From: John Illingworth

15/08/2008 09:34

To: Paul Brook
cc: Chris Gomersall, Joanne Gomersall, Kevin.Wharton@kpmg.co.uk, Mark Turnbull, Nicole Jackson, Bernard Atha, Lucinda Yeadon
Subject: Re: Residential development at St Ann's Mills?

Dear Paul

I will answer your question first, and I hope that you might respond by answering mine.

Since December 2004 the Executive Board has received a series of reports about both Abbey Mills and St Ann's Mills, whose effects were to move members in a particular direction. The best solution, that was always viable, and is still viable today, was never put to the Executive Board. That is to repair both mills as unsophisticated low-rent small industrial units, using "prudential" borrowing financed out of current rental income. I could let both buildings in this market place, as could the local community groups who have asked to take them over, and run them as SIUs in the council's place. I promptly challenged your figures, and pointed out that they confused conversion costs with repairs and exaggerated the financial problems facing the council. I also pointed out that your colleagues had foregone about £300,000 owed to the council by Chromagene. Your colleagues claimed that this money was irrecoverable because previously officers made a mess of negotiating the lease. I do not agree with them and believe that this money could have been recovered. It would have been a considerable help. I calculate that the total loss to the council over the last five years resulting from mismanagement by the Development Department exceeds £850,000.

I do not blame you personally for this debacle, recognising that people work in a team, and that some of these events happened when you were away from Leeds. Nevertheless, your name is on the reports and somebody has to accept responsibility for them.

These same reports consistently underestimated office conversion costs (which are high because old mills are expensive to convert) and overestimated the likely capital receipts. They ignored the fact that much of the Abbey Mills complex was leased to secure council tenants, and assumed that considerable new build would be possible both in the grade 2 listed Abbey Mills, and in the flood plain near St Ann's Mills. It was difficult for me to argue against this because Mrs Dent assured the Scrutiny hearing in January 2005 that your department had no plans for office conversion or for building new offices at St Ann's Mills. It is on the tape recording. Her statement may have been made in good faith, but it was simply untrue. It was not corrected at the time, although there were people in the room who knew it to be false. We can tell that members were misled because it is recorded in the Scrutiny minutes for 10 January 2005:

(b) That this Board notes the reassurances from the Director of Development that Abbey Mills and St Ann's Mills would remain as small industrial units, together with further consideration to be given in relation to the costings/surveyors reports and for a planning brief to be prepared to include the wider issue for the Kirkstall Valley.

We now know that the financial case that you put to the Executive Board in 2004, and to the Scrutiny Board in 2005 was based on luxury office valuations, and on new build, but with incorrect conversion costs. Development officers had the correct conversion costs and rental estimates available "in house". These showed that your recommended scheme was non-viable. It would have been really helpful if you had shared this information with the Executive Board.

All of this could have been resolved in early 2005 if the Development Department had released all the figures and engaged in a rational debate. Instead I have had to drag this information out of people, sometimes years after it was requested. Meanwhile your colleagues went down a long series of blind alleys,

none of which led to any useful result, seeking massive public subsidies for schemes that made no financial sense. I am particularly upset by the interference with the audit process. In January 2005 I asked Internal Audit to investigate the proposals for the Kirkstall Mills. My complaints were accurate and well documented, but I was never allowed to meet the investigating officer. Somebody in the senior management team intervened in the audit process and sent the auditors off down another blind alley, leading to an anodyne report that never addressed my concerns. I am also upset about the information brochure circulated to my electors in February 2006 which made a series of claims and gave assurances to the public which have proved to be untrue. At the time that this brochure was written, the Development Department had detailed internal reports which showed that their publicity materials were misleading or incorrect.

As a result of misinformation supplied by the Development Department to the Executive Board, the council has moved incrementally from a policy of "sell Abbey Mills to re-invest in St Ann's" to "sell both buildings and grab the cash". If instead you had followed my policy there was no need to sell either building. Both by now would have been in productive use, instead of standing idle for four years. The council is unlikely to make much money from this futile exercise. Yields will be low because both buildings would be expensive to convert. The only way to increase yields is to do really horrible things to these historic and ecologically important sites, which would seriously damage the physical fabric of Kirkstall Ward. It will add to public cynicism that the council organisation doesn't give a damn what people think, and it will simply trample all over Joe Public whenever it suits the council staff.

I would offer to sacrifice capital spending in Kirkstall and instead keep these buildings intact, but I am unable to identify any local capital schemes that are available for cuts. As far as I can discover the council is selling inner city assets to spend in the outer suburbs, which is a truly perverse way of "narrowing the gap". Even if there were a good case for selling these assets (which there is not) you have chosen a daft time to do it as the market heads into recession.

Events over the last four years have amply confirmed my original complaint to Mrs Dent on 16 April 2004: the Development Department is no longer the servant of the council or of the Executive Board. Instead the Department has become an intensely "political" organisation, that decides policy first, sometimes on highly questionable grounds, and then feeds the councillors and the general public an edited stream of misinformation that drives them in the desired direction. This is not good government and it will not deliver best value. I may well be the first person to complain about this, but I doubt that I shall be the last.

Your most recent report to the Executive Board has an existing use value for St Ann's Mills of £1million. This value was either copied down wrongly, or based on some additional information that has not been disclosed. Telling the full story to the Executive Board would have greatly assisted their decision making over the last four years. It might yet retrieve this miserable situation and achieve a better result.

All of which brings me back to my questions, which are designed to address two legitimate areas of public concern: (1) does the Development Department have a hidden agenda for the Executive Board, which has not yet been revealed, and (2) does the Department have adequate policies and procedures in place to address the risk of "insider dealing" which most people would identify as the most serious probity issue affecting any organisation operating in the planning and development field.

1) Why is there no planning brief for St Ann's Mills, when such briefs are the normal practice for contentious sites?

- 2) Have officers discussed internally the possibility of residential development at St Ann's Mills, and if so when?
- 3) Have officers discussed residential development at St Ann's Mills with neighbouring land owners or prospective purchasers, and if so when?
- 4) What is the Development Department's considered opinion of residential development at St Ann's Mills?
- 5) Which individuals or organisations visited St Ann's Mills after the termination of the Arteco lease?
- 6) Which individuals or organisations were issued with keys for St Ann's Mills after the termination of the Arteco lease?
- 7) When were these keys issued, how long were they issued for, and were officers present when site visits took place?

John Illingworth

Item 24

From: Paul Brook
15/08/2008 12:41
To: John Illingworth
cc: Chris Gomersall, Joanne Gomersall, Bernard Atha, Lucinda Yeadon, Kevin.Wharton@kpmg.co.uk, Mark Turnbull, Nicole Jackson
Subject: Re: Residential development at St Ann's Mills?

Dear Councillor Illingworth.

I note your response which appears to be essentially a repeat of previous accusations you have made about officers and the Development Directorate. With regard to my question I note that your response contains no figures about repair costs, rents payable, revenue running costs, sources of funding including the amount of prudential borrowing, associated annual repayments, current and end values, or indeed quality/sustainability of the end product and the risks. I would be interested to know how you believe Executive Board would appraise such a proposal.

Regards.

Paul Brook

P Brook
Chief Asset Management Officer
Leeds City Council
0113 247 4233

Item 25

From: John Illingworth
15/08/2008 13:17
To: Paul Brook
cc: Bernard Atha, Chris Gomersall, Joanne Gomersall, Kevin.Wharton@kpmg.co.uk, Lucinda Yeadon, Mark Turnbull, Nicole Jackson
Subject: Re: Residential development at St Ann's Mills?

Dear Paul,

You can certainly have this analysis, which is more detailed than anything you have so far provided for me, however it does exist and will be produced as requested. I trust that my figures will be submitted to the Executive Board, otherwise there is little point to this exercise. My calculations are based on the unpublished estimates collected by the Development Department, plus generic "industry-wide" costings where no local estimates were available.

In the meantime I would very much like an answer to my seven questions which are much shorter and can be succinctly answered without needing any more information from me.

It does not diminish my complaint because I have to repeat it. Jean did tell the Scrutiny Board that you had no plans for office development at St Ann's Mills, and nobody on your side said a word to correct her. We were both there, but I was not allowed to speak. Here is the sound clip: double click to play.

John Illingworth

Item 26

From: John Illingworth
20/08/2008 08:35
To: Ian Walton
cc: Andy Hodson, Jayne Conboy, Nicole Jackson, Paul Brook,
Kevin.Wharton@KPMG.co.uk, Bernard Atha, Lucinda Yeadon
Subject: Re: Access to Information Appeals - St Ann's Mill and Abbey Mills

Dear Ian

Thank you for your message and for the officers' response. I have been reflecting on this, and I have several points to make.

1) On 8th January 2008 I asked for "All records that relate to the council's contacts with Evans Easyspace from January 2003 to the present day." The officers replied: "The Department did provide you with copies of all records relating to Evans Easyspace as confirmed to you in Jayne Conboy's email to you of 8th February 2007." This may well be the case, but there is still a one year gap to account for, during which period there were important contacts with Evans Easyspace, as demonstrated by page 2 in the bundle below:

- img09763[1].pdf

This particular bundle was supplied by Paul Brook on 11 August 2008, and I am very grateful for it, but it could have been disclosed in January 2008, when it could have helped to dispel some of my concerns about the negotiated tenders.

2) I do not accept the argument about "freeze dates". I can understand the need for certainty when asking and answering questions, but if the answer is long delayed then I cannot see any logical or practical argument against extending any time period up to the present day. The question is still unambiguous and capable of a precise answer. I could achieve the same effect by submitting additional questions covering the most recent period, but that could result in two separate appeals, with double the work and inconvenience for all concerned.

3) I also cannot see any rational argument that questions cannot be updated to reflect more recent information that has subsequently come to light. This isn't some elaborate ritual played by arcane rules, it is simply an attempt to establish the truth. If it becomes possible to ask a more precise, informative or direct question, then that is the question that should be put. Either the department is willing to answer, in which case the matter is swiftly resolved, or it is not willing to answer, in which case there is the basis for an appeal.

4) We should remember why these questions are being asked. Over the last four years, a bundle of policies agreed in public by the Executive Board in December 2004 has been very substantially revised. In fact the original scheme has been practically turned on its head, largely as a result of officers' private conversations with prospective developers and business partners. Elected members and the public have been almost entirely excluded from this process, but at two year intervals a very partial and incomplete account has been rendered to the Executive Board. Local councillors and their electors have an entirely natural and proper interest in this affair, and it is perfectly reasonable to ask searching questions that will hold the authority to account. These questions are easy to answer, and do not require large amounts of officer time. What is proving expensive is the department's efforts NOT to answer these questions, and that is all the more reason why they should be asked.

5) Where comprehensive information has previously been supplied, then my questions are easily answered, and need not waste anybody's time. For the sake of completeness they could simply refer to what I have already been told. I do not want to leave any "gaps" (such as the October 2007 exchange with Evans) that arise fortuitously from the dates when questions were asked. It is not sufficient to refer to the Executive Board reports, since in places these are misleading, internally contradictory or incomplete. I am not greatly concerned with the Executive Board's decisions, which were taken in public on the basis of public advice. I am interested in private discussions and decision-making, that the public could not monitor at the time.

6) So, for total clarity and in avoidance of doubt:

The time period is from January 2003 to the present day, or whenever my appeal is finally heard.

The buildings are St Ann's Mills and Abbey Mills in Kirkstall Ward. I want to know full details about both buildings.

I want the council to disclose all contacts with developers and business partners or prospective developers and business partners: names, dates, times, places, notes of meetings, minutes, letters, email correspondence and the like that will show what was discussed and when this occurred. I want the complete list of all contacts with no gaps. Even if no records were kept, then I would still like to know if there was any contact or if a meeting took place. I am particularly interested to know who had access to these buildings after the termination of the most recent leases, whether officers were present during all visits or whether some visitors were issued with keys. I am interested in any discussions about the future use of these buildings, and in each case who first broached the possibility of residential use.

Where this information has already been disclosed then it will be sufficient to refer briefly to the existing document, but where it has not previously been disclosed then I would like access to any documents that are still available.

The reason for these questions is that I wish to be assured that adequate precautions have been taken to avoid any risk of "insider dealing" and I hope that you will agree that these are entirely reasonable and proper questions for a local councillor to ask.

John Illingworth

Item 27

From: John Illingworth
29/08/2008 11:01
To: Paul Rogerson

cc: Nicole Jackson, Mark Turnbull, Jean Dent, Ian Walton, Paul Brook,
johnbattle@leedswest.freerve.co.uk, Kevin.Wharton@kpmg.co.uk,
Neil.Smith@cabinet-office.x.gsi.gov.uk, John.Hamer@cabinet-office.x.gsi.gov.uk,
J.Crewdson@dta.org.uk, dan.czynus@goyh.gis.gov.uk
Subject: Executive Board 2 Sept 2008 - Item 22 - deputation and appeal

Dear Mr Rogerson (bcc councillors)

I refer to the report and appendices on the Deputation from the Kirkstall Valley Community Association in relation to the Kirkstall Mills, which is listed at agenda item 22 for the meeting of the Executive Board on 2 September 2008.

I shall be attending the Executive Board meeting and intend to make an Appeal Against Refusal of Inspection of Documents at Agenda item 1.

I have attached two documents:

1) A letter "appeal.pdf" which sets out in greater detail the basis for my appeal.

2) A business plan "Kirkstall CIC.pdf" which sets out a draft business plan for a Community Interest Company to operate both of the Kirkstall Mills. The deputation only referred to St Ann's Mills, which is under the most immediate threat. The Executive Board, however, linked Abbey Mills and St Ann's Mills together in 2004, and decided that one should subsidise the other. That decision was confirmed during a public consultation in 2006 and has not been rescinded. The council has also artificially and needlessly constructed a situation, which was not known to the deputation, whereby St Ann's Mills has no recurrent income. It is therefore necessary to identify a source of funding, for which the obvious candidate is Abbey Mills, as was previously agreed by the Executive Board. The board "ring fenced" the capital receipt.

This business plan was recently requested by Development Officers, presumably so that it could be shared with the Executive Board, and I ask that the business plan be admitted to the Executive Board agenda as a late item in connection with Item 22.

Members will note from the business plan that a financially viable option to refurbish both of the Kirkstall Mills was available to the council in 2004 but that this option was never put to the Executive Board. This has been referred to External Audit, and we await their report. KPMG will also be reporting on other council documents that existed in 2004 which showed that the option recommended to the Executive Board in 2004 had little prospect of success, as has proved to be the case.

It would appear that previous reports to the Executive Board on the Kirkstall Mills have been highly selective in their use of information, including only those facts which apparently supported to the officers' recommendations and omitting highly relevant material which did not. It would also appear that much of the information previously considered by the Executive Board was seriously misleading, incomplete or factually wrong.

In the circumstances I urge the Executive Board to await the External Audit Report, and I also urge KPMG and the Executive Board to consider closely the probity issues raised in my Appeal Against Refusal of Inspection of Documents.

John Illingworth

Item 28

From: John Illingworth
31/08/2008 10:52

To: Paul Rogerson
cc: Rachael Cavanagh, Bernard Atha, Lucinda Yeadon, Jean Dent, Paul Brook, Ian Walton, Mark Turnbull, Kevin.Wharton@kpmg.co.uk, Keith Wakefield, Richard Brett, Andrew Carter, Cllr David Blackburn, Robert Finnigan
Subject: Re: Executive Board 2 Sept 2008 - Item 22 - deputation and appeal

Dear Mr Rogerson,

Thank you for the acknowledgment. In avoidance of doubt, please can we all be absolutely clear about the disclosure that I am seeking on 2nd September?

The final paragraph on page one in my letter dated 28 August 2008 reads:

"The simplest way to resolve this issue is for the council to disclose written details of all contacts with potential developers with full information about what was discussed. This information can no longer be regarded as confidential, since details of some contacts with other individuals have already been released."

If it were not already clear, "all contacts" means exactly that, and includes face to face meetings, email messages, paper correspondence and telephone calls between council staff and potential developers of both Abbey Mills and / or St Ann's Mills in Kirkstall over the entire period from January 2003 to the present day. It also includes any contacts with elected members where these are known to the council. I would like to see the complete list, in one piece, without any gaps or artificial restrictions. There have already been a series of partial disclosures, but these do not cover the entire period, or they are restricted to particular methods of communication, or to particular purposes or particular classes of people. I would like to see the full list in permanent form.

John Illingworth

Item 29

From: John Illingworth
05/09/2008 14:21
To: Paul Rogerson
cc: Kevin.Wharton@KMPG.co.uk
Subject: Kirkstall Mills

Dear Mr Rogerson (bcc councillors)

I refer to minutes 60, 62 and 81 of the Executive Board meeting held on 2 September 2008 about the deputations to council from the Kirkstall Valley Community Association regarding St Ann's Mills. I also refer to the Chair's decision that "in accordance with Access to Information Procedure Rule 4.3, he would not permit the consideration of a business plan of Kirkstall Community Interest Company which had been submitted by the Ward Member, as he had been previously permitted to submit a document of a similar nature to the Board for consideration."

I struggle to follow the logic of this decision, when my previous submission was over two years ago, and was subject to various unpublished constraints. In particular, in July 2006 I was not allowed to make the slightest criticism of council officers, although we already knew that the relevant reports omitted highly relevant information, and were riddled with arithmetical and transcription errors, to the point where they were seriously misleading or factually wrong. I ask you to listen to the sound clip attached below, and reflect on the reliability of the information that council officers have supplied to Scrutiny Boards.

Over the last four years the council and the public have received numerous reports from officers on issues surrounding the Kirkstall Mills. These reports have pointed the council in every imaginable direction. The officers' reports have one feature in common: they have all been uniformly unsuccessful. Each of them avoided the only option that was likely to work. Every plan has ended in total failure, damage historic buildings and negative benefit to the public whom we all serve.

When the council's officers have repeatedly changed their position, why are the public not allowed to update their report?

We have not changed our position. We have been right all the time. We did, however, prepare more detailed, updated proposals in response to an officer request, as you can see from the correspondence forwarded below.

I would like you to look at the dates. The cabinet meeting that approved the Executive Board agenda was on 13 August. Paul Brook asked me for more detailed information on 15 August. The deadline for reports to reach the Corporate Governance Unit was 20 August for these to be published in the normal way. I could probably have responded to that four day deadline, except there was a discrepancy between the rating valuations and the council's letting records which took me a few days to resolve. It was around the August Bank Holiday and the relevant staff were away on leave.

Why did officers request these figures from me if there was apparently no intention to share them with the Executive Board?

In contrast to the "official" reports, my figures are accurate, because I take the trouble to check. There was no way that my report could have been finished any earlier. It was circulated to members as soon as the figures were verified. There was ample justification for it to be considered as a late item, as I requested.

Why is there no Planning and Development Brief for St Ann's Mills? It appears that the site is to be sold without planning constraints, but with indications that it is suitable for office or residential development. It is in the functional flood plain with proposed flood defences occupying most the "developable area" in front of the mills. The rear "development land" is on the wrong side of an enormous flood defence bund which must be surmounted by the access road. There is an otter holt on site and these are European protected species where it is a criminal offence to damage their environment, and in particular their resting places. There are unresolved issues about responsibility for the weir.

It seems that Kirkstall councillors must submit yet another "call in" request to get these issues properly discussed. This is a hugely inefficient way to conduct the council's business, which squanders both members' and officers' time. It could all be avoided by doing the job properly in the first place. How can this "call in" hearing incorporate the results of my Access to Information Appeal, parts of which have now been outstanding for almost two years?

John Illingworth

Item 30

From: John Illingworth
11/09/2008 00:22
To: Richard Brett
cc: Paul Rogerson, Nicole Jackson, Jean Dent, Phil Crabtree
Subject: Access to Information Appeal

Dear Richard (bcc councillors)

Thank you for the reassurance this afternoon that I will at least get a disclosure or an appeal hearing, whether or not this produces the information that I seek.

I have reviewed my earlier messages, and I do not agree that I have repeatedly changed the question. There have not been any material alterations since 9 July and the earlier versions (which did not receive a comprehensive answer) were on the same general lines. I suggest we focus on my letter to Mr Rogerson dated 28 August 2008 with the clarification appended below. This clarification does not alter the question - it merely makes it plain that "all" really does mean "all", if this were ever in any doubt.

I do not believe there is any dispute that officers have discussed the mills with potential developers. They have sent me some copies of their correspondence, but my contacts tell me that this disclosure is incomplete. I have therefore asked for a complete, written account.

I am not convinced that all the potential developers have received exactly the same information from the council, and the correspondence already released suggests to me that they have not. Although I spoke in council about the perceived "risk" of insider dealing, what appears to be happening, on the face of the record, looks like insider dealing, without more.

Insider dealing is forbidden by our council procedure rules, and it all too easily leads to other unlawful practices such as false auctions and bidding rings. These matters are well covered by the criminal law. I don't believe that there is a single member of council or senior officer who wants to go down this road.

There are also questions about protection for otters and other endangered species, Environment Agency requirements, and compliance with adopted council planning policies. The council should not appear to be saying to potential developers: "make us a good offer, and nod, nod, wink, wink, we won't enforce".

The best way to deal with this is to publish a Planning Brief. We have already done this for Abbey Mills, so I cannot understand the reluctance to do the same for St Ann's. This would also allow the public to have their say, in accordance with the council's published policies and plans.

When there is such an obvious, direct way to meet our legal and moral requirements, why do anything else?

John Illingworth

Item 31

From: Nicole Jackson
12/09/2008 16:56
To: John Illingworth, Paul Rogerson
cc: Richard Brett, Peter Gruen
Subject: Access to information appeal

Cllr Illingworth,

I refer to your email of 11 September regarding the above.

In relation to your previous emails requesting information, I have advised Development officers to split down all your requests for information and then, in relation to each separate request, to identify the following:-

Whether you have already had the information and if so, when, i.e. the date, a copy of the email, date of the meeting you had with Paul Brook or date on which you viewed the files.

If you have not been provided with the information requested, then that information ought to be provided if they are able to do so.

If they are not able to provide you with the information then they should set out why that information cannot be provided.

We will then have clarity as to what information you have been refused, the reasons why and that can then form the basis of an appeal to the Committee of the Executive Board.

However, I must comment on the allegations you made in Full Council and also in your email of 11 September 2008. Particularly your comment "Although I spoke in council about the perceived "risk" of insider dealing, what appears to be happening, on the face of the record, looks like insider dealing, without more".

As you will appreciate, those are extremely serious allegations against officers. I therefore request that you either provide evidence to substantiate such allegations or alternatively to withdraw them.

If, as you claim, "my contacts tell me this disclosure is incomplete", then I think it would assist everybody if you could provide exactly what it is your contacts have told you that has occurred in order that that can be investigated. It is completely irresponsible and inappropriate to make such allegations without, it would appear, any evidence to be able to form that view.

I therefore look forward to receiving evidence of the alleged "insider dealing", and if there is no such evidence, then I look forward to your withdrawal of such allegations against officers.

I am in the process of drafting a brief for agreement by yourself and officers in Development for the mediation process that we have previously discussed. Bearing in mind your comments regarding insider dealing, I very much doubt whether attempting mediation would be a constructive use of anybody's time, but I will seek officers views.

Nicole Jackson
Assistant Chief Executive (Corporate Governance)

Leeds City Council
T:0113 2474537
F:0113 2443526
E:nicole.jackson@leeds.gov.uk

Item 32

From: John Illingworth
16/09/2008 09:42
To: Nicole Jackson
cc: Paul Rogerson
Subject: Re: Access to information appeal - Kirkstall Mills

Dear Nicole (bcc councillors)

Thank you for your message, which causes me some concern. For brevity I am using the term "Kirkstall Mills" to refer to Abbey Mills and St Ann's Mills in Kirkstall Ward.

Please can we consider what has already been established:

- 1) This affair has been in train since at least May 2003
- 2) Much of the information provided by the council to the councillors and the public about the Kirkstall Mills has proved to be misleading or factually incorrect. There have been particular problems with arithmetic and transcription errors. The project outlined to the Executive Board in December 2004 ended in failure because the factual basis was wrong.
- 3) It has been very difficult for elected members to obtain information from the council about the Kirkstall Mills, and where such information has eventually been released, disclosure has often been slow and incomplete.
- 4) Important information provided by the council to the Development Scrutiny Board in January 2005 and the Access to Information Appeal in January 2006 was simply untrue, and the minutes of these meetings show that their members were actually misled.
- 5) Private meetings and / or correspondence have taken place between the council and some potential developers of the Kirkstall Mills, where it was apparently discussed how the council's adopted policies might be relaxed in order to facilitate development on these sites. As far as I am aware, councillors were not contemporaneously aware of these discussions, nor were they known to other potential developers or to the general public.

Do you accept that all of these five statements are factually correct? If you do not accept this, which of them are wrong?

Do you also accept that, knowing this situation, a reasonable member of the public, "the man on the Clapham omnibus" might be concerned about the possibility of "Insider Dealing" as defined in paragraph 4.3 of the Officers' Code of Conduct?

I have asked for a schedule listing all contacts between the council and potential developers of the Kirkstall Mills since January 2003, with details of what was discussed. I am seeking a single document, in one piece, with a senior officer's name to it, that declares what has happened. I do not mind if it repeats some information that was previously released, but I do not want any gaps or ambiguities or "wiggle room".

If it is clear from this document that my concerns are unfounded, then I will happily acknowledge this fact, but I am not going to indulge in further speculation until I have the answer to my question, which has now been outstanding for some considerable time. The longer this answer is delayed, the greater is the cause for concern.

John Illingworth

Item 33

From: John Illingworth
28/09/2008 22:24
To: Nicole Jackson
cc: Paul Rogerson, Ian Walton, Kevin.Wharton@KPMG.co.uk
Subject: Access to information appeal - Kirkstall Mills

Dear Nicole (bcc councillors)

Another fortnight has passed, and there is no sign of the requested information or of Access to Information Appeal that I sought in my letter to Mr Rogerson on 28 August 2008. Cllr Brett gave me an assurance after the meeting of the Executive Board on 2 September 2008 that this issue would be addressed, and you

explained to the Executive Board that the normal period for arranging these appeals is 20 working days. I am writing to point out that time is up, and that no information has been released and that no appeal has been arranged.

There is little point in our having a council constitution if we do not stick to it. The question that I put to Mr Rogerson was not a new question - I have been asking questions about this issue for several years. This particular question was asked in virtually identical form on 9 July 2008 in relation to St Ann's Mills, although my present version also includes Abbey Mills.

Although I have asked numerous questions, I have not received many answers. Even where I have some response there are obvious gaps and wiggle room.

Nobody disputes that contact with developers has taken place, and in some cases I have been supplied with documents. The problem is that some people in Kirkstall believe that the council's disclosure is incomplete, and it seems to me that they have good reasons for this opinion. Having already disclosed some contacts with developers, I cannot see any logical or legal or practical arguments against the council disclosing all of them. We rightly expect officers to keep records of all such contacts, so it isn't a huge burden to produce the complete list.

I want to stress that "all" means all. I don't want to hear arguments that X was really a partner rather than a developer, or that Y was another public body so we did not mention them, or that Z was only tentative so we left them off the list. I had a specific question about who had access to the keys, and that question has not gone away. I want a complete list of all the contacts with all external individuals and organisations about both sites since January 2003 up to the present day, with no gaps, and with details about what (if anything) was discussed. I also want to see a senior officer's name on the document who will take personal responsibility for the factual accuracy and completeness of the information disclosed.

John Illingworth

Item 34

To: John Illingworth
From: Jayne Conboy
Date: 08/10/2008 09:10AM
cc: Paul Brook, Ian Walton
Subject:

Dear Councillor Illingworth

Ian Walton has asked that I respond to you on the following 3 points

1.8/2/07 to present- correspondence with evans easy Space 2.2003 to date

a) "All contacts with developers and business partners or prospective developers and business partners: names, dates, times, places, notes of meetings, minutes, letters, email correspondence and the like that will show what was discussed and when this occurred.. Even if no records were kept, then I would still like to know if there was any contact or if a meeting took place."

b) "Any discussions about the future use of these buildings, and in each case who first broached the possibility of residential use."

3.After termination of most recent leases

"Who had access to the buildings after the termination of the most recent leases, whether officers were present during all visits or whether some visitors were issued with keys."

Response

1 Correspondence with Evans Easyspace - We have had no further correspondence from Evans Easyspace other than the email dated 22/10/07 setting out Evans' reasons for not bidding. This email has already been provided to you by Paul Brook.

2 2003 to date - We have already provided you with copies of all requested documents held on file up to October 07, you also viewed the files on the 4th October 07 and was briefed by Paul Brook on 24th October 07. I do not have the resources to research the files back to 2003 in an attempt to list what has or has not been provided. It would be especially difficult to identify information 'even where no records were kept' as you have requested. I am happy to check the files for documents, correspondence, minutes etc from Nov 07 to present date if this is acceptable to you.

3 After termination of most recent leases - With regard to the names of those who have viewed the property we have taken the view that this information is exempt from disclosure. Please see Paul Brook's previous response on this attached below. I can, however, confirm that all viewings were accompanied by an officer. Over the past 12 months contractors have also had access to carry out necessary works (details below). In each of these cases, the keys would have been held by the Contractor whilst works were carried out.

Wheelhouse and Noble reinstated a cable in the electric room following order of 24/9/07.

Wheelhouse and Noble reinstated internal lighting and alarm supply following order of 4/10/07.

City Services Security renewed part of alarm system following order of 4/10/07.

City Services Cleaning removed internal rubbish following orders of 7/8/07 and 4/10/07.

From my response above it is clear that the only information not disclosed are the details of the parties who viewed St Ann's Mills and I will instruct Ian Walton to proceed to an appeal on that issue unless I here otherwise from you within the next 24 hours.

Regards

Jayne Conboy

Development Administration Manager

Leeds City Council

0113 247 7897

Item 35

From: John Illingworth
08/10/2008 12:58
To: Jayne Conboy
cc: Paul Brook, Ian Walton
Subject: Access to Information Appeal

Dear Jayne

Thank you for your work on this, and I appreciate the effort involved in research.

I do wish to proceed with an appeal, for two reasons: (1) I asked about both Abbey Mills and St Ann's Mills, and (2) several people in Kirkstall have independently provided me with a consistent and plausible account of these events which differs in some key respects from the version provided by the council.

The missing information might well resolve the discrepancies.

John Illingworth

Item 36

To: John Illingworth
From: Ian Walton
Date: 09/10/2008 11:47AM
cc: Jayne Conboy, Paul Brook, Nicole Jackson, Andy Hodson
Subject: Access to Information Appeal

Dear Councillor Illingworth,

I do not consider that I can proceed to arrange an appeal on the basis you suggest because of a combination of a lack of clarity as to what is being appealed and/or the non-existence of the information appealed for. 1. You say that you wish to appeal to be provided with correspondence with Evans Easyspace 08/02/07 to present and in your latest message add "I asked about both Abbey Mills and St Ann's Mills". The Department acknowledge that your request related to both Mills and confirm that is what was provided to you. No further documentation exists in this respect and there is therefore nothing to appeal.

2. In respect of your second ground of appeal you indicate in your latest message "several people in Kirkstall have independently provided me with a consistent and plausible account of these events which differs in some key respects from the version provided by the Council". The Department can offer you nothing factual over and above that which you have received. If you can provide some detail of the consistent and plausible accounts in the form of concrete information or facts I am certain that the Department will consider them and respond to you. I can see no grounds upon which this element can proceed to appeal.

3. The Department have refused to inform you as to "who had access to the buildings after the termination of the most recent leases, whether officers were present during all visits or whether some visitors were issued with keys". This is a ground upon which an appeal could proceed.

I am mindful of the assurance which the Leader of Council gave to you at the last Council meeting but also of his emphasis in relation to precisely finalising what the hearing is about. The only precise ground is the third one as there is nothing in existence, or in the Council's possession, in relation to the first and second upon which an appeal can be based. If you will agree to proceed on the one identifiable, clear ground then I will commence to make arrangements for the appeal.

Regards

Ian Walton
Principal Governance Officer
247 4350

Item 37

From: John Illingworth
Date: 09/10/2008 23:50
To: Ian Walton
cc: Andy Hodson, Jayne Conboy, Nicole Jackson, Paul Brook
Subject: Re: Access to Information Appeal

Dear Ian (bcc councillors)

The basis of my appeal is my letter to Mr Rogerson dated 28 August 2008, which is attached again below. This simply asks for full list detailing names, dates, times and places of all meetings between officers and developers or potential developers of St Ann's Mills and Abbey Mills between January 2003 and the present day, with corresponding minutes, notes of meetings, or other recollections of what was discussed.

On 31 August I provided some further clarification, which does not in my view alter the question being asked: "If it were not already clear, 'all contacts' means exactly that, and includes face to face meetings, email messages, paper correspondence and telephone calls between council staff and potential developers of both Abbey Mills and / or St Ann's Mills in Kirkstall over the entire period from January 2003 to the present day. It also includes any contacts with elected members where these are known to the council. I would like to see the complete list, in one piece, without any gaps or artificial restrictions. There have already been a series of partial disclosures, but these do not cover the entire period, or they are restricted to particular methods of communication, or to particular purposes or particular classes of people. I would like to see the full list in permanent form."

This request does not make any distinction about the purpose of the meeting or discussion, it simply asks for ALL of them. It does not specify the name of any individual or company. It is for a defined period for two specific sites in Kirkstall Ward, where the local councillors have an undisputed "need to know". I chose my words with some care, as I believe you realise. Despite the perfect clarity of my request, the council has refused to answer, and I wish to appeal.

Instead providing the very simple answer requested, the council has tried to divide my inquiry down into various categories of information, or to revert to earlier requests for similar information that were superseded by my letter to Mr Rogerson. The council has tried to answer some parts of my question, but to exclude others, or refers back to earlier answers, leaving obvious gaps in the chronology. It is not sufficient to claim that I have inspected the files. I complained at the time that the council's records seemed incomplete, although I was nevertheless grateful for anything that I got. I well enough understand attempts to muddy the water and avoid giving a straight answer to a straight question. My original question remains unanswered and I wish to appeal.

I also asked for the names of all individuals or organisations who had access to these buildings after the termination of the most recent leases, and whether or not they were accompanied by officers or issued with keys. It would appear from the response so far that the only unaccompanied visitors were tradespeople, and that all other visits were accompanied, and therefore subsumed within my first request. For the tradespeople, I would like to know the contractors involved.

I cannot understand why the council is in such difficulty producing a simple chronological list, with five headings: "NAMES", "DATE", "TIME", "PLACE", and "TOPICS DISCUSSED". I don't mind if the council repeats some of the information it has already provided, I simply want to avoid any gaps, ambiguities or omissions from the list and the creation of any "wiggle room". If there really were no meetings and no visits then please leave the table blank, but I want to see a person's name on the document who takes overall responsibility for the accuracy of the response.

The legendary reasonable person on the Clapham omnibus might by now have concluded that there could be at least one name on this comprehensive list that the council would prefer to keep secret, but fears might already be known. I could not possibly comment on this, and simply await the date of my appeal.

John Illingworth

Item 38

From: Ian Walton
14/10/2008 13:48
To: John Illingworth
cc: Nicole Jackson, Andy Hodson, Jayne Conboy, Paul Brook
Subject: Re: Access to Information Appeal

Dear Councillor Illingworth,

Thank you for the message below. It would appear that we are at an impasse in respect of your appeal. All of the information which you have requested to date has been provided to you with the exception of "who had access to the buildings after the termination of the most recent leases, whether officers were present during all visits or whether some visitors were issued with keys"

The remainder of your message refers to matters where you have had access to all of the information which is in the possession of the Department. To include information which has already been provided to you would frustrate the whole purpose of the hearing either by pointlessly wasting time in considering an appeal for information already provided or by descending into an undefined request for a roving commission.

As stated in my earlier message an appeal could proceed in relation to the one instance where you have been denied access to information as referred to in the first paragraph of this message.

Regards
Ian Walton
Principal Governance Officer
247 4350

Item 39

From: John Illingworth
15/10/2008 08:51
To: Ian Walton
cc: Andy Hodson, Jayne Conboy, Nicole Jackson, Paul Brook, Paul Rogerson, Kevin.Wharton@KPMG.co.uk
Subject: Kirkstall Mills Access to Information Appeal

Dear Ian (bcc councillors)

Thank you for your message, which appears to be a corporate rather than a personal response.

The council claims to have made a full disclosure, subject to certain exclusions. People in Kirkstall have told me that the council is holding back important information, and provided supporting evidence of this. My own independent research is leading me towards a similar conclusion.

The council's disclosure to date has been extremely slow, piecemeal, and hedged about with exclusions and artificial restrictions. There are significant gaps in the chronology. I have been shown files that seemed to have been "weeded", where major decisions were apparently taken on a whim without antecedent reasoning. The official reports on this affair have been riddled with obvious mathematical errors, gaps and inconsistencies. Even the maps have been wrong! There is so much "wiggle room" that no reasonable person would have confidence in the accuracy or completeness of the information that has been released.

The complaints are extremely serious: (1) that the council embarked upon this business with no clear idea of where it was going, and ignored professional

advice that its plans were unlikely to work, (2) that corporate bungling has wasted over £850,000, (3) that the council is ignoring government advice and setting aside its own adopted policies without good reason, and (4) that the council's procedures give some contractors inside knowledge and an unfair competitive advantage over others.

A good way to resolve many of these issues would be for the council to publish a brief index or checklist summarising what it has discussed with whom, and when these discussions took place, with a simple written statement to the effect that this list is complete (apart from any stated exclusions) and there are no significant omissions. I have also asked who visited these buildings and who had access to keys. All this information should fit onto one sheet of A4 paper. I want to see a senior officer's signature at the end, verifying the accuracy and completeness of the document. This appears to be the stumbling block.

If the council were to publish such an index, then the public could verify this information for themselves. We would all know exactly where we stood, and an appeal could be heard about any remaining exclusions. My appeal is already many weeks overdue. Unless an appeal hearing can be arranged this week, I shall complain to the Secretary of State and seek a external inquiry into the council's affairs.

I do not accept your arguments that the council cannot disclose anything twice, or that any appeal hearing would be a waste of time. All the time wasting has been on the council's side. The reams of paper and the hours of officer time that the council has devoted to not answering simple, obvious questions about this affair can only reinforce public perceptions that the council has something to hide.

John Illingworth

Item 40

From: John Illingworth
15/10/2008 15:04
To: Ian Walton
cc: Andy Hodson, Jayne Conboy, Nicole Jackson, Paul Brook, Paul Rogerson, Kevin.Wharton@KPMG.co.uk
Subject: Kirkstall Mills - Question in Full Council

Dear Ian

Not wishing to leave any stone unturned in my efforts to get to the bottom of this affair, I would like to put down the following question for the next council meeting:

"Which individuals or organisations made internal visits to Abbey Mills and St Ann's Mills in Kirkstall after the termination of the most recent leases; what discussions have taken place between Leeds City Council office-holders and potential developers for these buildings between January 2003 and the present day; what were the dates and times of each of these events and what in general terms was discussed on each occasion?"

[In avoidance of doubt, "visits" includes any method of access to the interior of the buildings whether accompanied by officers or issued with keys, "discussions" includes face to face meetings, letters, telephone calls, fax and email messages, "office holders" includes elected members and professional officers who hold recognised positions with Leeds City Council; and "developers" includes development partners in any joint venture scheme.]

This is in addition to my existing attempts to discover this information via an Access to Information Appeal. Obviously if one or other method eventually proves successful then the redundant approach can be withdrawn.

John Illingworth

Item 41

From: Jayne Conboy
17/10/2008 14:45
To: John Illingworth
cc
Subject: Re: Request for Evans Easyspace 'Expression of Interest'

Dear Councillor Illingworth

I will leave it at Leonardo reception for you to collect this afternoon

Regards
Jayne Conboy
Development Administration Manager
Leeds City Council
0113 247 7897

From: John Illingworth
17/10/2008 14:41
To: Jayne Conboy
cc: Mark Turnbull
Subject: Re: Request for Evans Easyspace 'Expression of Interest'

Dear Jayne

I am happy to confirm that I will treat this document as CONFIDENTIAL as defined in the relevant Local Government legislation, and that it will not be disclosed to the public.

I have in any case to visit the Civic Hall this afternoon and I would like to pick it up today if that is convenient.

John Illingworth

-----Jayne Conboy wrote: -----

To: John Illingworth
From: Jayne Conboy
Date: 17/10/2008 11:28AM
cc: Mark Turnbull
Subject: Request for Evans Easyspace 'Expression of Interest'

Dear Councillor Illingworth

With regard to your previous request for a copy of the Evans Easyspace expression of interest relating to the small industrial units (SIU) portfolio.

We are able to supply you with a copy of the document under your elected member need to know rights. I would appreciate it if you would confirm that you will treat the document as confidential.

Please let me know if you wish to pick up the document from the Leonardo reception and when would be convenient for you

Regards
Jayne Conboy
Development Administration Manager
Leeds City Council
0113 247 7897

Item 42

To: John Illingworth, Jayne Conboy
From: Ian Walton
Date: 20/10/2008 02:15PM
cc: Nicole Jackson, Richard Brett, Andy Hodson, Mark Turnbull
Subject: Access to Information Appeal

Dear Councillor Illingworth/Jayne,

I have an agreed date with the Access to Information Appeal Committee to hold a hearing on Tuesday 4th November at 10.00 am. I have had some difficulty in securing this date and trust that you can manage to fit in with the arrangement.

On the advice of the Assistant Chief Executive (Corporate Governance) the hearing will be structured as follows

1) To consider an appeal for access to the following information : Who had access to the Abbey Mills and St Ann's Mills buildings after the termination of the most recent leases, whether officers were present during all visits or whether some visitors were issued with Keys

2) To invite the appellant to make a statement with regard to other information which he considers should be released to him in order that the Committee can determine which further appeal hearings may be necessary in relation to that information.

You are invited to submit written statements with regard to the appeal which should be provided to me by no later than Friday of this week (24th) as the agenda will need to be issued on Monday 27th October.

Please let me know as a matter of urgency if you cannot comply with these arrangements.

Regards
Ian Walton
Principal Governance Officer
247 4350

Item 43

From: John Illingworth
20/10/2008 16:40
To: Ian Walton
cc: Jayne Conboy, Nicole Jackson, Richard Brett, Andy Hodson, Mark Turnbull
Subject: Re: Access to Information Appeal

Dear Ian

I am happy to confirm that the date and time are OK 10am on Tuesday 4th November.

John Illingworth