



SCRUTINY BOARD (CITY DEVELOPMENT)

Meeting to be held in Civic Hall on
Tuesday, 22nd April, 2008 at 10.00 am

A pre-meeting will take place for ALL Members of the Board
in a Committee Room at 9.30 am

MEMBERSHIP

Councillors

R Pryke (Chair)	-	Burmantofts and Richmond Hill
G Driver	-	Middleton Park
J Dunn	-	Ardsley and Robin Hood
P Ewens	-	Hyde Park and Woodhouse
J Harper	-	Armley
M Lobley	-	Roundhay
J Monaghan	-	Headingley
R Procter	-	Harewood
B Selby	-	Killingbeck and Seacroft
N Taggart	-	Bramley and Stanningley
P Wadsworth	-	Roundhay

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

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded).</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on this agenda.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes.)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF LAST MEETING</p> <p>To receive and approve the minutes of the last meeting held on 18th March 2008.</p>	1 - 6
7			<p>OVERVIEW AND SCRUTINY MINUTES</p> <p>To note the minutes of the Overview and Scrutiny Committee meeting held on 11th March 2008.</p>	7 - 12
8			<p>EXECUTIVE BOARD MINUTES</p> <p>To receive the Executive Board minutes of the meeting held on 12th March 2008.</p>	13 - 20
9			<p>MANAGEMENT AND CAPACITY OF THE PLANNING COMPLIANCE SERVICE</p> <p>To consider a report of the Chief Planning Officer requested by the Board following concerns expressed by Members regarding the management and capacity of the enforcement section of Planning and Development Services.</p>	21 - 34

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10			<p>INQUIRY TO REVIEW CONSULTATION PROCESSES</p> <p>To receive a report of the Head of Scrutiny and Member Development attaching the draft final report of the Board's inquiry to review consultation processes for Members' consideration, along with a summary of the evidence considered during the inquiry.</p>	35 - 50
11			<p>TOWN AND DISTRICT CENTRE REGENERATION SCHEME</p> <p>To consider the attached report of the Director of Environment and Neighbourhoods providing Members with an update of the progress of the Council's Town and District Centre Regeneration Scheme following the December 2007 report to the Board.</p>	51 - 60
12			<p>ANNUAL REPORT 2007/2008</p> <p>To consider the attached report of the Head of Scrutiny and Member Development presenting the draft of the Board's contribution to the Scrutiny Board Annual Report.</p>	61 - 70
13			<p>COUNCIL BUSINESS PLAN 2008-11 - UPDATE</p> <p>To consider the attached report from the Assistant Chief Executive (Planning, Policy and Improvement) updating Members on the development of the Council Business Plan 2008-11 and setting out the revised business plan outcomes and improvement priorities.</p>	71 - 76
14			<p>OUTSTANDING ISSUES AND FORWARD PLAN</p> <p>To consider the attached report of the Head of Scrutiny and Member Development providing Members with a copy of outstanding issues from the Board's current Work Programme and attaching the Forward Plan of Key Decisions pertaining to this Board's Terms of Reference for the period 1 April to 31 July 2008.</p>	77 - 86

Agenda Item 6

SCRUTINY BOARD (CITY DEVELOPMENT)

TUESDAY, 18TH MARCH, 2008

PRESENT: Councillor R Pryke in the Chair

Councillors G Driver, P Ewens, M Lobley,
J Monaghan, R Procter, N Taggart and
P Wadsworth

94 Chair's Welcome

The Chair welcomed everyone to the meeting and advised Members that the report on the Enforcement Unit (Compliance team) was now scheduled for the April meeting of the Board. Members were also advised by the Chair that the Board's draft Annual Report would be emailed to all Members of the Board for their comments and the final draft submitted to the April Board meeting for final approval.

95 Late Items

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair admitted to the agenda the Overview and Scrutiny Committee Minutes of the meeting held on 5th February 2008 (Agenda Item 7, Minute No. 100 refers). This was due to the Minutes not having been given final approval until the day after agenda despatch and the Chair wished them to be considered before the April meeting of the Board.

96 Declaration of Interests

Councillor Driver declared a personal interest in Item 9 – Inquiry to Review Consultation Processes – Session 3 – (Minute No. 101) as a Member of the Aire Valley Neighbourhood Renewal Board.

Councillor Taggart also declared a personal interest in Item 9 – Inquiry to Review Consultation Processes – Session 3 – (Minute No. 101) as he had carried out some work with the witness Mr Geoff Goodwill of Caddick Developments Ltd, although this was not in Leeds.

97 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Dunn, Harper and Selby.

98 Minutes of Last Meeting

RESOLVED – That the minutes of the meeting held on 19th February 2008 be confirmed as a correct record and that, in particular Minute Nos. 91 to 93 be ratified, as the meeting was inquorate at that stage.

Draft minutes to be approved at the meeting
to be held on Tuesday, 22nd April, 2008

99 Overview and Scrutiny Minutes

RESOLVED – That the minutes of the Overview and Scrutiny Committee meeting held on 5th February 2008 be received and noted.

100 Executive Board Minutes

Councillor Ewens commented on Minute No. 179 of the Executive Board meeting held on 8th February concerning the Little London PFI scheme.

RESOLVED – That the minutes of the Executive Board meeting held on 8th February be received and noted.

101 Inquiry to Review Consultation Processes - Session 3

The Head of Scrutiny and Member Development submitted a report on Session 3 of the Inquiry to Review Consultation Processes. The report advised Members of the attendance of a representative from a second company who had been consulted by the City Development Department and who had contributed to the development of the Aire Valley Leeds Area Action Plan. Also attached to the report were two appendices outlining some consultation methods used by other local authorities in developing Area Action Plans and disposing of surplus school assets.

The Chair welcomed to the meeting Mr Geoff Goodwill, Planning and Development Co-ordinator of Caddick Developments Ltd, to outline his company's involvement in the consultation process in developing the **Aire Valley Leeds Area Action Plan**. Also in attendance was David Feeney, Head of Planning and Economic Policy, City Development Department to respond to queries and comments from the Board.

Mr Goodwill was invited to address the Board on his opinion of the way in which the Council had consulted with organisations like Caddick Developments Ltd in developing the Aire Valley Leeds Area Action Plan. Mr Goodwill introduced himself and outlined his business and broader involvement in the Aire Valley corridor. He advised Members that from Caddick Development's view, the overall consultation process had been very effective, was well prepared and well resourced and had been conducted very professionally. He thought that the most difficult challenge was getting people involved who did not have a direct interest or involvement in the Plan. He stressed the uniqueness of the Aire Valley which had few residential properties within its boundaries. Mr Goodwill put forward the idea of identifying a champion within the local community in order to enthuse local people and increase participation. Mr Goodwill also suggested that because proposals for the Aire Valley were generally not controversial, that it had perhaps been more difficult to engage people to attend consultation sessions and public exhibitions.

Mr Goodwill, like Mr Beaumont at the last meeting, expressed concern that a number of issues which had been identified early in the consultation process had only now started to be worked on. He also made the point that the emphasis should be on delivery; that there was no point in producing documents that were so abstract as to be incapable of being carried out.

Members then discussed the issues raised by Mr Goodwill which were in brief summary:

- Achieving better **community engagement**.
- **Consultation fatigue**.
- Appropriate **venues** for exhibitions and consultation meetings and how they were **advertised** – convenient and accessible venues should be selected and areas of high footfall such as shopping centres.
- A **community champion** – Members expressed reservations with this idea.

The Chair then welcomed to the meeting Paul Brook, Chief Asset Management Officer, City Development and Tony Palmer, Team Leader, Education Leeds, to respond to queries and comments from the Board regarding **consultation around surplus school properties**.

Comparisons with other cities that had been included in the report were made, in particular with Sheffield and Bristol. Officers reiterated that capital receipts from the sale of schools in Leeds were reinvested in Education and the £40m primary review programme. Officers also expressed the view that the earlier the consultation process began the better and would prefer that gaps in service provision in particular communities were identified at an earlier stage, so that demand for buildings could be compared with availability.

Members then raised various issues with officers which were in brief summary:

- **Matching demand with availability** – the example of using a building at the former Merlyn Rees site for youth provision was given.
- Involvement of **Area Committees** that could be charged with regularly reviewing the need for community provision in their area, which could be extended to include the **industrial and economic needs of the city** – Members were advised by officers that there was an opportunity to take stock of industrial and economic needs through the core strategy of the Leeds Development Framework.
- The problems of **vandalism to and criminal activities** associated with boarded up vacant buildings.
- The need for individual **Plans Panels** to take into account the wider needs of the city.
- The difficulties in defining consultation best practice – Officers advised that Leeds was a Beacon Council.

The Chair thanked the officers and Mr Goodwill for attending the meeting and stated that the Board's final recommendations on consultation processes would be submitted to the April meeting of the Board.

Draft minutes to be approved at the meeting
to be held on Tuesday, 22nd April, 2008

RESOLVED –

- (a) That the report be noted.
- (b) That the Principal Scrutiny Adviser take account of Members' comments as above and include them in the Board's final report and recommendations, which would be submitted to the April meeting of the Board.

(Note: Councillors Lobley and Monaghan arrived at 1.20pm and 1.42pm respectively during the consideration of this item and Councillor Ewens left the meeting at 2.05 pm at the conclusion of this item.)

102 20 mph Zones Programme Update and Additional Information

The Director of City Development submitted a report providing Members with an update on the introduction of 20 mph zones in Leeds as part of the Local Transport Plan 2006-11, as previously submitted to the Scrutiny Board.

The report also detailed measures being examined to allow the programme to be expanded and accelerated through the Local Area Agreement and by making greater use of 20 mph speed limits, as well as the established 20 mph zone approach. As requested by Members, the report also referred to the wide introduction of 20 mph speed limits by **Portsmouth City Council**.

Andrew Hall, Transport Strategy Manager, City Development Department presented the report and responded to queries and comments from the Board.

The issues raised were in brief summary:

- **Blanket 20 mph Zones** – Members' opinion was split as to the introduction of these. Those in favour felt that they would minimise accidents if designed properly and humps were not universally liked, whereas those against felt that alternative methods to minimising speed should be investigated before there was a blanket approach to 20 mph zones.
- **Comparisons with Portsmouth** – There was a difference of opinion between Members as to whether Portsmouth's street layout was that much different to Leeds' and whether useful comparisons could be made.
- **Accident Prevention** – Some Members were of the opinion that there were some accidents that could never be prevented and money would be better spent reducing accidents elsewhere.
- **Enforcement** of 20 mph speed limits – the need to **educate** drivers on road safety rather than criminalising those that did not comply with speed limits was discussed.
- **Road Hierarchy** – Members were advised that a review of the Council's approach to speed limits had to be carried out by 2010 and there were occasions when it was necessary to interpret the road hierarchy differently depending upon circumstances, for example major estate roads.

- **Speed Surveys** – Members were advised that speeds were measured before and after 20 mph zones were introduced to assess their effectiveness.
- **Speed Humps** – Members were advised that sometimes it was necessary to fine-tune schemes either by modifying measures and/or incorporation of an existing scheme into a 20 mph zone.

The Chair thanked the Transport Strategy Manager for attending the meeting.

RESOLVED – That the report be noted.

103 **Planning and Development Services Strategic Review**

The Chief Planning Officer submitted a report providing Members with a progress report on implementing the solutions within the five improvement themes of the strategic review for Planning and Development Services.

The five improvement themes had been identified as:

1. Capacity building and working with the private sector
2. Realising a definitive officer view
3. Development and support for Plans Panels
4. Information and communication technology
5. Improved customer services

Phil Crabtree, Chief Planning Officer, City Development attended the meeting and responded to queries and comments from the Board.

The issues raised were in brief summary:

- **Scanning of Plans** – Members welcomed the availability of documents on the internet. The Chief Planning Officer advised that only about 10% of planning applications were currently submitted electronically, which was the reason why staff were employed to scan in the information. Correspondence was also scanned and this had the advantage of cost savings on storage and files not being mislaid.
- **Pressure on planning officers following a complaint being made** – The Chief Planning Officer requested details on the particular complaint raised by a Member. Members were advised that officers making decisions should be aware when there was a complaint being investigated.
- **Number of cases where officer recommendations were not accepted by Plans Panels** – Members were advised that performance figures were improving.
- **Compliance** – Members were advised that a full report on the Compliance Team would be brought to the April meeting of the Board.
- **Number of Calls received by the Development Enquiry Centre** – The Chief Planning Officer offered to provide a more detailed written response on the figures quoted in the report.
- **Timing of planning applications** – Members praised officers for bringing particular applications to Members' attention. The Chief

Planning Officer advised that the Department could not influence when applications were submitted but that officers were trying to work much more collaboratively with all interested parties.

- **Customer Care** – Members were advised that most complaints were received from householders. The remarks however in the comments book in the reception area of the Planning Department were mainly complimentary.

The Chair thanked the Chief Planning Officer for attending the meeting.

RESOLVED – That the report and Members' comments be noted.

(Note: Councillor Wadsworth left the meeting at 2.57pm during the consideration of this item.)

104 Work Programme

The Head of Scrutiny and Member Development submitted the Board's current Work Programme together with a relevant extract of the Council's Forward Plan of Key Decisions for the period 1st March to 30th June 2008.

The Principal Scrutiny Adviser reiterated the Chair's comments at the beginning of the meeting that the report on **Enforcement** was now scheduled for the April meeting of the Board. Members were also advised that the draft final report on the **Inquiry to Review Consultation Processes** and the draft **Annual Report** would be circulated by email to all Members of the Board for their comments prior to the April meeting of the Board.

RESOLVED – That the report be noted.

105 Date and Time of Next Meeting

Noted that the next meeting of the Board would be held on Tuesday 22nd April at 10.00am with a pre-meeting for Board Members at 9.30am. Councillor R Procter's apologies for this meeting were also noted.

The meeting concluded at 3.12pm.

OVERVIEW AND SCRUTINY COMMITTEE

TUESDAY, 11TH MARCH, 2008

PRESENT: Councillor P Grahame in the Chair

Councillors B Anderson, S Bentley,
J Chapman, B Gettings, T Hanley,
A McKenna, W Hyde, E Minkin and
R Pryke

88 Declaration of Interests

No declarations of interest were made.

89 Minutes - 5th February 2008 - and Matters Arising

- (a) **Leeds Half - Marathon** (Minute No 82 refers)
In response to a Member's query, the Head of Scrutiny and Member Development confirmed that the officers original decision to cancel the Leeds Half Marathon (subsequently re-instated) should have appeared on the Forward Plan of Key Decisions, and this fact had been drawn to the attention of the relevant officer.
- (b) **ALMO Working Group** (Minute No 84 refers)
Further to Minute No 84, 5th February 2008, the Chair instructed the Head of Scrutiny and Member Development to arrange a meeting of the ALMO Working Group at the earliest possible opportunity, to consider the recently circulated information.

RESOLVED – That the minutes of the meeting held on 5th February 2008 be confirmed as a correct record.

90 Minutes - Executive Board - 8th February 2008

- (a) **Wharfemeadows Park, Otley – River Safety Management** (Minute Nos 165 and 166 refer)
Councillor Hanley referred to the Inquiry carried out by Scrutiny Board (Culture and Leisure) on this matter, and the recommendations referred to, and accepted by, the Executive Board on 8th February 2008.

The only exception had been in respect of Recommendation 2 of that Scrutiny Board which read as follows:

'That all legal advice obtained by the Council is publicly available, save in circumstances to be determined by the Council's Monitoring Officer.'

The reasons for any non-disclosure should be made clear by the Monitoring Officer.'

This recommendation had not been accepted to date by the Executive Board, which had referred this issue to Nicole Jackson, the Assistant Chief Executive (Corporate Governance) (and also the Council's Monitoring Officer) for further consideration and a report back to the Executive Board.

This matter had not been the subject of further discussion with Councillor Hanley, in his capacity as Chair of the Scrutiny Board (Culture and Leisure), and he was also disappointed to note that it was not on the agenda for the next Executive Board meeting on 12th March 2008.

Councillor Hanley also felt that the Scrutiny Board (Culture and Leisure) had a useful role in the proposed overall review of Water Safety Policy across the City, and expressed the hope that the Board would be given an opportunity to get involved in that Review.

The Chair instructed the Head of Scrutiny and Member Development to e-mail Nicole Jackson regarding the issues raised by Councillor Hanley.

(b) **Leeds Strategic Plan 2008-2011**

Councillor W Hyde expressed concern at the scheduling / timing of the consultation with Scrutiny Boards on this draft document vis a vis the dates of Executive Board meetings. On more than one occasion, the Scrutiny Board (Children's Services) had met the day after Executive Board had considered the Plan. He was also concerned that although Children's Services issues were contained in the draft Strategic Plan, they were spread out across the Priority Themes and not given the specific prominence and importance they deserved.

Similar concerns were expressed regarding how this Committee's comments made today were to be fed into and taken account of by the Executive Board at its meeting tomorrow.

It was agreed to consider these matters as part of the consideration of Agenda Item 8, which dealt with the Leeds Strategic Plan 2008-2011.

RESOLVED – That, subject to the above comments, the minutes of the Executive Board meeting held on 8th February 2008 be received and noted.

91 Leeds Strategic Plan 2008 - 2011

Further to Minute No 73, 8th January 2008, the Assistant Chief Executive (Planning, Policy and Improvement) submitted a report regarding a revised

draft version of the Leeds Strategic Plan 2008-2011 prior to its consideration by the Executive Board on 12th March 2008 and full Council on 9th April 2008.

Dylan Griffiths and Jane Stageman, Chief Executive's Department, attended the meeting and responded to Members' queries and comments. In brief summary, the main points of discussion were:-

- The **timescales** for producing the Leeds Strategic Plan 2008-2011 (LSP) had been problematical. It was a time-consuming process, involving discussions with, amongst others, Members, local partners and the Government Office for Yorkshire and the Humber, against a backdrop of Government timescales for the production of such Plans;
- **Targets** – the lack of specific, time-limited targets and an associated action plan was commented upon. It was reported that up to 35 specific targets, covering all 43 improvement priorities, would eventually be included in the final Plan and these would have to be agreed with the Government. Proposed targets for this City-wide plan would be consulted with Executive Board Members, and would be reported to the Executive Board and Council. Local targets and initiatives to support the LSP would be discussed by Members at local level via the Area Delivery Plan process at Area Committees.

Committee Members felt that all Council Members should have an input at the City-wide strategic level, not just at local level. It was reported that proposed targets should be clearer by the time of the April full Council meeting, and could if desired be reported back to OSC subsequent to that.

It was important to emphasise that as far as was known, the Government would not be '**passporting**' specific funds to tackle specific issues or meet specific targets, but would be providing funding for the LSP package as a whole. One of the assets of the new system was its flexibility in this regard. There was also an expectation that the Council's local partners would make specific resources available to support the LSP;

- '**Every Child Matters**' – This theme had been picked up throughout the LSP, and effort had been made to keep children's issues at the forefront of the LSP priorities, with links to all the Priority Themes contained in the Plan;
- Comment was made that there was still not enough emphasis placed on the importance of the **quality and sustainability of the built environment** in Leeds. This was a crucial thread which should run through the whole document, linked to priorities and targets. Reference was also made to annual reviews of the LSP;
- Concern was expressed regarding how OSC's comments were to be conveyed and taken into account by the Executive Board, which met tomorrow? The officers undertook to ensure that the Committee's views were conveyed.

RESOLVED –

- (a) That, subject to the above comments, the revised draft Leeds Strategic Plan 2008-2011 be received and noted.
- (b) That the officers ensure that OSC Members comments and reservations are conveyed to the Executive Board.
- (c) That scrutiny of the LSP be a key element of all Scrutiny Board work programmes throughout 2008/09.

92 Local Petitions and Calls for Action - Consultation

The Head of Scrutiny and Member Development submitted a report regarding Government consultation on the provisions relating to local petitions and Councillor calls for action contained in the Local Government and Public Involvement in Health Act 2007.

RESOLVED –

- (a) That the proposed responses contained in the report of the Head of Scrutiny and Member Development be forwarded to the Government as the Council's official response to its consultation paper.
- (b) That the Head of Scrutiny and Member Development take up the point raised by a Member regarding gauging local satisfaction with the manner in which local petitions are currently handled, and report back in due course.

93 Financial Health Monitoring 2007/08 - Quarter 3 Report

The Committee considered the 2007/08 Quarter 3 financial monitoring report of the Director of Resources, recently submitted to the Executive Board on 8th February 2008, to ascertain whether or not there were any matters considered to be in need of more detailed scrutiny.

Doug Meeson, Chief Officer – Financial Management, was present at the meeting and responded to Members' queries and comments. In brief summary the main issues discussed were:-

- Reference was made to the Committee's previous request for details of the **costs of previously approved retirement packages**. It was reported that the ongoing costs of staff early retirement packages was £8m p.a., of which £4.2m related to the costs of the added years incentive associated with these early retirements;
- Members requested detailed information regarding the projected savings associated with the **merger of ALMOs in Leeds**, whether these forecast savings had in fact materialised and what were the estimated ongoing savings associated with this initiative? Reference was also made to the cancellation of previously proposed housing improvement schemes following these mergers, for alleged financial reasons
- **School budget deficits and surpluses**, how these were tackled and in reality how much control the Council actually had over semi-autonomous school governing bodies.

- An explanation of the **Swarcliffe PFI sinking fund**.

RESOLVED – That subject to the above request for additional information, the report be received and noted.

(NB: Councillor Anderson left the meeting at 11.27 am during the consideration of this item)

94 Work Programme

The Head of Scrutiny and Member Development submitted a copy of the Committee's work programme, updated to reflect decisions taken at previous meetings, together with a relevant extract from the Council's Forward Plan of Key Decisions for the period 1st March to 30th June 2008.

The Head of Scrutiny and Member Development reported that in addition to those items previously identified for the 8th April meeting – the **Annual Report 2007/08** and a **Planning Performance Update Report** – other likely items now as a result of today's meeting were a report back on the outcomes of the proposed **ALMO Working Group** meeting, report on progress on the **LSP 2008-2011**, and an item on staffing of the **Group Offices** (Min No 75,8th January 2008 refers).

The Head of Scrutiny and Member Development also undertook to pursue enquiries into two items on the Forward Plan of Key Decisions – the proposed sale of **Quarry Hill** and **under-occupation in Council housing** – which did not appear now to be going to the 12th March meeting of the Executive Board, and to notify Members separately of his findings.

95 Date and Time of Next Meeting

Tuesday 8th April 2008 at 10.00 am (Pre-meeting at 9.30 am)

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EXECUTIVE BOARD

WEDNESDAY, 12TH MARCH, 2008

PRESENT: Councillor A Carter in the Chair

Councillors R Brett, R Finnigan, S Golton,
R Harker, P Harrand, J Procter, S Smith,
K Wakefield and J Blake

Councillor Blake – Non-voting Advisory Member

188 Exclusion of Public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in the view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:

- (a) Appendix 1 to the report referred to in minute 197 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that this information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information will be obtained through inviting of best and final offers for the property/land then it is not in the public interest to disclose this information at this point in time and will affect the integrity of disposing of property/land by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would be informed about the nature and level of offers which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (b) Appendices 1 and 3 to the report referred to in minute 198 under the terms of Access to Information Rule 10.4(3) and on the grounds that publication could prejudice the Council's commercial interests as they include financial information relating to land and property that if published could influence negotiations between the Council and private property owners. In these circumstances it is considered that the public interest in not disclosing this commercial information outweighs the interests of disclosure.

- (c) Appendix 5 to the report referred to in minute 202, which was circulated at the meeting under the terms of Council Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption in relation to the appendix outweighs the public interest in disclosing the information by reason of the commercially sensitive information concerning the individual site values contained therein.
- (d) Appendix 1 to the report referred to in minute 204 under the terms of Access to Information Procedure Rule 4 and on the grounds that publication could prejudice the City Council's commercial interests as it includes financial information relating to land and property.

189 Late Items

There were no late items but supplementary/revised information provided since the despatch of the agenda was noted as follows:

- Minute 194 - Supplementary information submitted by the Relate charity
- Minute 198 - A revised report circulated on 5th March 2008
- Minute 199 - A revised covering report circulated at the meeting

190 Declaration of Interests

Councillor Blake declared a personal interest in the item relating to 'Joint Service Centres' (Minute 200) due to her position as Non-Executive Director of Leeds North West Primary Care Trust.

Councillor Smith declared a personal and prejudicial interest in the item relating to a deputation to Council entitled 'Members of Relate regarding the Organisation's Funding' (Minute 194) as he had a client organisation operating a similar enterprise to Relate.

191 Minutes

RESOLVED – That the minutes of the meeting held on 8th February 2008 be approved.

192 Matters Arising from the Minutes

Inquiry into River Safety Management of Wharfemeadows Park, Otley – Officer Observations (Minute 166 refers)

RESOLVED – That a report be submitted by the Assistant Chief Executive (Corporate Governance) to the April meeting of Executive Board on recommendation 2 of the Scrutiny Board (Culture and Leisure) report entitled 'River Safety Management at Wharfemeadows Park, Otley', in relation to the availability of Counsel's advice.

Annual Standards Report – Secondary (Minute 182 refers)

RESOLVED – That a report be submitted by the Chief Executive of Education Leeds to the April meeting of Executive Board on the strategies being used to address identified areas of comparative under achievement in schools.

LEISURE

193 Deputation to Council - Tinshill Recreation De-fence Group regarding use of permitted development to fence off green space including Tinshill Recreation Ground

The Director of City Development submitted a report responding to each of the issues raised by the deputation from Tinshill Recreation De-Fence Group to full Council on 16th January 2008.

RESOLVED – That the report be noted.

(Under the provision of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he voted against the decisions taken in this minute).

ADULT HEALTH AND SOCIAL CARE

194 Deputation to Council - Members of Relate Regarding the Organisation's Funding

The Director of Adult Social Services submitted a report responding to the deputation from representatives of the charity Relate to full Council on 16th January 2008. Supplementary information submitted by the charity was circulated at the meeting.

RESOLVED – That the request for a recurring grant payment of £23,000 be not supported by Adult or Children's social care services and that it be noted that officers have provided advice to the Relate organisation in relation to other sources of funding that they might access to support their work.

(Having declared a personal and prejudicial interest, Councillor Smith left the meeting during the consideration of this matter).

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he voted against the decisions taken in this minute).

DEVELOPMENT AND REGENERATION

195 Deputation to Council- Local Residents Requesting the Council to Purchase Sports Facilities at Leeds Girls High School for use by Primary Schools and the Local Community

The Director of City Development submitted a report in relation to the deputation from local residents to full Council on 16th January 2008.

RESOLVED – That the interim response as contained in the report be noted and that a further report be brought back to this Board on the feasibility of bringing some or all of the playing pitches and sports facilities into public ownership.

196 Deputation to Council - Headingley Network Regarding the Future Use of the Elinor Lupton Centre

The Director of City Development submitted a report in response to the deputation from Headingley Network to full Council on 16th January 2008.

RESOLVED – That the report be noted.

LEISURE

197 Stage 1 Application for Parks for People Heritage Lottery Funding for Middleton Park

The Director of City Development submitted a report on the proposed submission of a Stage 1 Parks for People Programme Heritage Lottery Fund application for a Middleton Park restoration scheme with the support of Wade's Charity; the match funding for the scheme to be provided by the Council's surrender of its leasehold interest in 218 and 220 Middleton Town Street and adjoining land and the subsequent sale of the freehold in the properties by Wade's Charity.

Members noted that the restoration scheme would deliver a maximum of £1.65 million of capital investment into Middleton Park, rather than the £1.4 million as detailed within the report.

Following consideration of appendix 1 to the report designated as exempt under Access to information Procedure Rule 10.4(3) which was considered in private at the conclusion of the meeting it was

RESOLVED –

- (a) That approval be given to the proposal to submit a Stage 1 application to the Heritage Lottery Fund, with support from Wade's charity, to restore Middleton Park and that the Acting Chief Recreation Officer be authorised to sign off the application on the Council's behalf.
- (b) That approval be given to the surrender of the leases of 218 and 220 Middleton Town Street to Wade's Charity to facilitate the sale and subsequent use of the proceeds as match funding for the restoration project which will deliver up to £1,650,000 of capital investment into Middleton Park.

ADULT HEALTH AND SOCIAL CARE

198 Roundhay Road Relocation Project

The Director of Adult Social Services submitted a report on the proposed allocation of funding equal to the full capital receipt and service budget from Roundhay Road, in order to support the relocation costs of all the teams and

services from the site, and on the proposed injection of funds into the capital programme to enable the identified schemes to progress.

Following consideration of appendices 1 and 3 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which were considered in private at the conclusion of the meeting it was

RESOLVED –

- (a) That the relocation proposals set out in appendix 1 to the report be approved, particularly in respect of the Mental Health Day Centre and Community Alternatives Team and office facility for Area Teams.
- (b) That funds equal to the capital receipt from Roundhay Road be used to support the capital requirements of the Social Care Services relocations, plus site disposal costs and resource costs.
- (c) That approval be given to the injection of £3,298,500 into the capital programme for acquisition of Digital/Dunbar, refurbishment of Lovall Park plus the other identified schemes in appendix 1 to the report plus associated site and project costs.
- (d) That authority to spend as indicated in appendix 1 to the report be given for the acquisition and fit out of Digital and Dunbar Houses subject to a satisfactory evaluation and mitigation of identified risk by the Director of City Development.
- (e) That in the event that the purchase of Digital and Dunbar Houses does not proceed, authority to spend an equivalent sum on alternative office accommodation be given subject to consultations between the Directors of City Development and Adult Social Care and the relevant Executive Members.
- (f) That the current revenue budget for Roundhay Road be retained within the service to meet relocation revenue requirements.
- (g) That a planning brief and marketing strategy be drawn up in preparation for the site disposal.
- (h) That the Director of Adult Social Services provides updates to Members of the Board on the risk assessments currently being undertaken through the Environment Agency with regard to the potential issue of flooding on the Sheepscar site.

CENTRAL AND CORPORATE

199 Leeds Strategic Plan 2008-2011

The Assistant Chief Executive (Policy, Planning and Improvement) submitted a report on the development, approach and broad content of the Leeds Strategic Plan 2008-2011 and presenting the text of the plan prior to negotiations with central government concerning priorities for improvement in Leeds. A revised version of the report was circulated at the meeting.

RESOLVED – That the text of the Leeds Strategic Plan, attached as appendix 1 to the report, be endorsed.

200 Joint Service Centres - Approval to Proceed to LIFT Stage 2 for Joint Service Centres at Chapelton and Harehills

Draft minutes to be approved at the meeting
to be held on Wednesday, 16th April, 2008

The Director of Environment and Neighbourhoods submitted a report on a package of proposals from Leeds' Local Improvement Finance Trust (LIFT) to develop two joint service centres to be constructed at Chapeltown and Harehills.

RESOLVED –

- (a) That the Offer as prepared by Leeds Lift Limited be accepted and that the Deputy Chief Executive be authorised to formally accept that offer on behalf of the Council.
- (b) That the Deputy Chief Executive be authorised to submit the Offer to the Leeds Lift Strategic Partnering Board for Stage 1 Approval under the LIFT process.
- (c) That the Joint Service Centre Project Board be authorised to take the procurement of the project forward.

DEVELOPMENT AND REGENERATION

201 Town and District Centres Parking Strategy and Priorities

The Director of City Development submitted a report summarising the findings from the town and district parking strategy overview studies previously approved by Executive Board and setting out proposals for taking the parking strategy development work to the next stage of targeting priorities for detailed strategy development and for consultation with Ward Members and local communities.

RESOLVED –

- (a) That approval be given to the continued development of the parking strategy programme focusing on the centres described in sections 3.7 and 3.8 of the submitted report (Appendix 3) and to further consultation with Ward Members on the outcomes of the study and future priorities including those not specifically referred in this decision.
- (b) That a further report be brought to this Board on proposals for the implementation of the programme.

NEIGHBOURHOODS AND HOUSING

202 Regional Housing Board Funded Clearance Sites and Their Inclusion in the Strategic Affordable Housing Partnership

The Director of Environment and Neighbourhoods submitted a report on a proposal to incorporate the Regional Housing Board funded clearance sites into the pool of Council owned land which has been set aside for the development of affordable housing via the Strategic Affordable Housing Partnership.

Following consideration of Appendix 5 to the report designated as exempt under Access to Information Procedure rule 10.4 (3) which was circulated and considered in private at the conclusion of the meeting it was

RESOLVED – That the Regional Housing Board funded clearance sites, as outlined in paragraph 2.2 and in appendix 5 of the submitted report, be transferred to the Affordable Housing Strategic Partnership for the purpose of developing affordable housing schemes in these locations, subject to land swap arrangements for the Stanley Road site from the affordable housing land bank to enable a contribution of equivalent value to the capital programme within 2009/10.

203 Development and Hardware Costs for the Housing ICT Project

The Director of Environment and Neighbourhoods submitted a report on a proposal to allocate £1,150,000 to complete Phase 2 of the Housing IT Project, as outlined within the report.

RESOLVED – That approval be given for the injection of £1,150,000 of unsupported borrowing into the Environment and Neighbourhoods HRA Capital Programme and that expenditure in the same amount be authorised for the scheme.

CHILDREN'S SERVICES

204 Fountain Primary School - Rationalisation onto One Site

The Chief Executive of Education Leeds submitted a report on a proposal to ringfence all of the capital receipt received from the sale of Fountain Primary School Annex, in order to invest in a scheme to rationalise the accommodation at Fountain Primary School onto one site.

Following consideration of the appendix to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion of the meeting it was

RESOLVED –

- (a) That approval be given for 100% of the capital receipt arising from the sale of Fountain Primary School Annex (formerly Cross Hall Infant School) to be invested in Fountain Primary;
- (b) That the design proposals in respect of Phase Two of the scheme to rationalise the school onto one site by providing an extension to the former Junior building be approved.
- (c) That expenditure of £1,844,300 from capital scheme 14095 EXT be authorised
- (d) That the incurred expenditure against this scheme be reimbursed from the realisation of a future capital receipt from the sale of the former Cross Hall Infant School site, to be injected into the Education Capital Programme for reinvestment in the Education estate.

205 Prescribed Alteration and Change of Lower Age Range of Hollybush Primary School

The Director of Children's Services submitted a report on a proposal to publish a statutory notice to formally alter the lower age limit for which education services are provided at Hollybush Primary School, in order to

facilitate the delivery of children's centre and extended school services on these sites.

RESOLVED – That approval be given for the publication of statutory notices to alter the lower age limit for Hollybush Primary School from 3 to 11 years of age to 4 to 11 years of age and that the provision on site by Early Years of a children's centre for children aged 0 to 4 be noted.

206 Annual Consultation on Admission Arrangements for 2009/2010

The Chief Executive of Education Leeds submitted a report outlining the proposed key changes to the Local Authority Admission Policy for the 2009/2010 academic year.

RESOLVED – That the following proposals be approved for implementation in the 2009 admission round:

- Primary and secondary school co-ordinated admission arrangements.
- Changing the sibling link criterion when the older child is in the sixth form in accordance with paragraph 3.5 of the report.
- Asking academies and foundation schools to adopt the 'nearest' criteria within their policies.
- Asking parents to confirm acceptance of the offer of a school place.
- Giving priority to pupils in the infant schools when transferring to their linked junior school.
- Changes to school admission numbers
 - Barwick in Elmet CE Primary 25 to 30
 - Swillington Primary 40 to 30
 - Haigh Road Infants 60 to 45
 - Guiseley Infant 80 to 90
 - Mill Field Primary 45 to 30
 - Farnley Park High 150 to 210
 - Roundhay High 240 to 250

DATE OF PUBLICATION - 14TH MARCH 2008

LAST DATE FOR CALL IN - 27TH MARCH 2008

(Scrutiny Support will notify Directors of any items Called In by 12.00 noon on Friday 28th March 2008).

Originator: Sue Wraith

Tel: ext 78172

Report of the Chief Planning Officer

Scrutiny Board (City Development)

Date: 22 April 2008

Subject: Management and Capacity of the Planning Compliance Service

Electoral Wards Affected: ALL

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report arises from the quarter 3 performance report to Scrutiny Board (City Development) on 19 February 2008 and follows concerns expressed by Members regarding the management and capacity of the enforcement section of Planning and Development Services. It sets out background information relating to the present performance levels of the compliance service, the composition of the team and the enforcement tools available for use. The report draws attention to the national context and the Department of Communities and Local Government's (CLG) report on the national Review of Planning Enforcement. The CLG report indicates areas of focus which are relevant to the development of the compliance service in Leeds.

Already a number of actions have been taken towards improving the compliance service including through its re-alignment within planning services to achieve a better level of integration so that enforcement cases and related planning applications run together, improvements to the level of administrative and technical support to the enforcement team, ongoing development of the computer system and through staff training and development. The report sets out the main areas for ongoing development of the service, focused around the themes of *improving the customer experience*, *developing skills* and *building capacity*. Actions include the setting up and use of performance management systems, systems for providing information on the progress of cases to those reporting planning breaches and Members and prioritisation of key cases.

The report requests Scrutiny Board to consider and comment on the report and to give endorsement to the course and actions set out therein.

1.0 Purpose of this Report

1.1 The purpose of the report is to inform Scrutiny Board (City Development) of progress being made around the management and capacity of the enforcement section of the planning service.

2.0 Background Information

2.1 On 19 February 2008 Scrutiny Board (City Development) considered a report by the Head of Policy, Performance and Improvement which outlined the key performance issues for the City Development Directorate at the end of Quarter 3. Following concerns raised by Members, and with a view to a possible scrutiny inquiry, the Board made a request for a report from the Chief Planning Officer regarding the management and capacity of the enforcement section and their ability to take effective enforcement action when breaches of planning control are reported.

2.2 The planning compliance service responds to some 1600 alleged breaches of planning control per year. Initial site visits are carried out in accordance with priorities which were previously agreed in consultation with Members as follows:

Category 1 cases where there is a likelihood of irreparable harm occurring e.g. works to protected trees, demolition of protected buildings; and works that are giving rise to significant immediate harm to residential amenity, or pose a risk of pollution or harm to public health and safety	Visit within 1 working day
Category 2 cases where there is a significant nuisance or risk to public safety e.g. on going building or engineering works, except those of a minor nature, changes of use and breaches of conditions where the activity is having a significant adverse impact.	Visit within 2 working days
Category 3 less urgent cases e.g. less harmful developments and those where the situation is not likely to deteriorate further e.g. building operations where works are already complete; advertisement signs on business premises; boundary walls and fences; changes of use and breaches of conditions where the activity is not	Visit within 10 working days

Timescales for initial investigations in accordance with priorities are generally met. In particular, the service has 100% achievement on investigating category 1 (high priority) cases within 1 working day. The table at Appendix 1 shows response performance against the target timescales.

- 2.3 Most enforcement complaints are resolved without requiring the service of formal enforcement notices or taking actions through the Courts. Of the 1643 cases completed in 2007-08 44% (728 cases) were found not involve a breach of planning control. The majority of these cases relate to:
- works that fall within the scope of “permitted development” under the Town and Country Planning (General Permitted Development) Order
 - non material changes of use and changes permitted within the Town and Country Planning (Use Classes) Order
 - concerns that approved plans and conditions are not being complied with that are found not to be substantiated.

Of the 915 cases completed where a breach of planning control was found the outcomes were as shown in the table below:

Outcome	%
Satisfactory compliance obtained through discussion/negotiation	54
Planning permission granted a retrospective application or as a result of an enforcement notice appeal	20
Compliance secured by service of an enforcement notice or through Court action	15
Breach exists but decision made that it is not expedient to take formal action.	11
Total	100

- 2.4 The Planning Compliance Service normally seeks to resolve planning breaches through discussion and negotiation, unless the development is so demonstrably harmful that immediate enforcement action is required. 54% of cases were resolved in this manner in the last year. Compliance officers take a leading role in the process of negotiation, in consultation with planning officers, leading to agreed steps being taken to resolve the problem or to the submission of planning applications to regularise development and provide a basis for new conditions to be imposed to regulate a development in the light of changing circumstances. When account is taken of the new planning permissions successfully negotiated, around two thirds of breaches are resolved by agreement.
- 2.5 Planning Policy Guidance Note 18 “Enforcing Planning Controls” advises local planning authorities that enforcement action should not be taken solely to regularise unauthorised development that is acceptable in planning terms nor should action be taken against minor or technical breaches of planning control. In the light of this advice, cases such as those where planning applications have been requested but not submitted for development that is considered acceptable and would be approved without conditions or where permitted development limitations have been slightly exceeded, such a wall a few centimetres above the height limit a view is taken on whether taking enforcement action would result in any beneficial outcome and if it would not, the cases is closed.
- 2.6 Planning legislation provides a range of tools to assist in the investigation of breaches of planning control and, where breaches are identified, to take more formal action to remedy the breach. The enforcement toolkit is set out (with a short

explanation) at Appendix 2. The compliance service in Leeds has experience of using all of these. Sixty enforcement notices and twenty three Breach of Condition Notices were served in the accounting year Apr 07-Mar 08. Six temporary stop notices were prepared and authorised, but work ceased in four cases when advised that a notice was to be served. Of the two temporary stop notices which have been served, both were complied with without recourse to further action. One Stop Notice to accompany an enforcement notice was served.

- 2.7 40 appeals against enforcement notices were received in the period April 07 to March 08. During the same period 43 appeals were decided and a further 4 were withdrawn as a result of planning permissions being subsequently granted. 58% of the appeals were dismissed.
- 2.8 The service is active in serving enforcement and other legal notices and has been able to provide a timely and effective response to a number of higher profile cases with elected member and Parish Council involvement outlined at appendix 3.
- 2.9 Even though there is a comprehensive legislative tool kit, the enforcement process can be quite cumbersome and slow because of the many processes involved. For example, delays can arise when an application and/or appeal is pending or whilst investigations are ongoing into land ownerships, the true identity of the persons involved in an activity and/or the planning history of enforcement sites. It is not an offence to carry out development without planning permission and so it is not possible to interview possible offenders under caution prior at the initial stages of most investigations. In appeal cases, timescales are determined by the Planning Inspectorate and are not within the Council's control. Delays can also occur where prosecutions are pending and Court dates are awaited or where the Court has deferred conviction pending the outcome of an application or appeal. In some cases enforcement breaches will continue whilst these procedures run their course and matters are outside the Council's hands. It is important that the service keeps its customers, including those who are complaining about planning breaches, informed on the progress of cases on a proactive basis so that their expectations about what can realistically be achieved are managed and so that they are aware of the (sometimes protracted) nature of the enforcement process and timescales involved.

Resources

- 2.10 There are 13.5 fte posts within the team comprising Compliance Manager, Principal Compliance Officer, 3 no. Senior Compliance Officers and 8.5 Compliance Officers, plus administrative support. There are presently 2 no. vacant posts (1no. Senior Compliance Officer and 1no. Compliance Officer). Recruitment to the Compliance Officer vacancy is ongoing. There has been a high level of interest and it is likely an appointment will be made. However, the service has had difficulty, over a number of years, in attracting suitable external candidates to the more senior posts, and has twice been unsuccessful in recruiting to posts at a more senior level. The vacant Senior Compliance Officer post is currently under review, with a view to putting more emphasis on developing skills and competencies in house and "growing our own". In the meantime, temporary help is being "bought in" to cover the Senior Compliance Officer work.

CLG Report on Enforcement

- 2.11 The importance of planning enforcement has been emphasised in a recent CLG report on the national “Review of Planning Enforcement”. Key recommendations in the CLG report include:
- LPAs should take steps to **improve and promote the image of enforcement** including through better PR and publicity
 - LPAs should **publicise successful prosecutions and actions** taken to raise public awareness that enforcement is taken seriously
 - LPAs should be encouraged to spend a proportion of their Planning Delivery Grant on enforcement
 - Enforcement staff should have a **clear career structure**. There should be a **common salary structure for planning and enforcement staff** and skills levels should be raised so that all planning staff gain understanding of enforcement
 - Government to set indicators and give enforcement a higher priority in promoting planning.
- 2.12 CLG is now taking the recommendations forward. Best Practice guidance is expected shortly. These recommendations indicate appropriate areas of focus for the further development of the planning compliance service in Leeds.

Links with Legal Services

- 2.13 Close and timely liaison and support from legal advisers is key to an efficient and effective planning enforcement service. Whilst legislation, including statutory Orders and Regulations, exist to define the scope of planning controls, in many areas this scope is further defined by case law and precedents and is informed by the outcome of planning appeal decisions. The Council’s Legal service is involved at four key stages in the process:
- In providing initial advice in identifying whether an enforceable breach of planning control has taken place.
 - In the preparation of statutory notices – the Legal Service issues all Enforcement and Stop Notices.
 - In appeals against enforcement notices where the existence of a breach and the validity of the notice is challenged and in cases where a public inquiry is held including where evidence has to be tested under oath.
 - In taking forward matters to the Courts - mainly prosecutions in the Magistrates Court but can involve trial at higher courts or an application for an injunction.
- 2.14 There is a close working relationship between Compliance officers and the Legal Services officers who provide initial advice and deal with drafting notice and appeals, involving virtually daily contact. There are also regular review meetings of legal work, covering both planning application and enforcement case work, guidance and process issues held between the Head of Service and the Legal service Section Head. However, increasing levels of formal enforcement actions and consequent appeals plus the implications of skills gaps in the Compliance Service is creating resource pressures that have an impact on both the legal and planning compliance services in terms of obtaining preliminary advice to guide the progression of cases and in taking forward less urgent formal actions.

- 2.15 To address the resource pressures that occur from time to time Legal Services have entered into a 'Call Off' contract with several firms of leading planning solicitors in private practise and the instructing of Counsel to enable all planning and enforcement work to proceed efficiently in circumstances where there is insufficient capacity to deal with the matter in accordance with the time scale requested.
- 2.16 In the last year the Council has taken the prosecution of planning enforcement breaches back in house. Regular “surgery sessions” have been established with the prosecuting solicitors to discuss cases with Compliance officers prior to and during the preparation of prosecution Instructions. Processes for preparation of prosecution cases are being reviewed and the CAPS prosecution module is scheduled to be brought into operation by the end of the second quarter. The requirements of the Police and Criminal Evidence Act (PACE) and Court protocols are placing more emphasis on the use of taped interviews of alleged offenders under caution. The Compliance service is currently reliant on the use of other Services’ equipment and facilities for this purpose. The purchase of suitable equipment and training of more staff in this type of interview has been identified as a priority.

3.0 Main Issues

- 3.1 Whilst the service deals with a large amount of casework, there are some areas of concern around the effectiveness and responsiveness of the compliance service. We acknowledge that a number of improvements can be made. We have implemented a number of actions (set out below) and further actions are ongoing. One of the key areas for improvement is around **improving the customer experience** of our service. Members and other customers should be regularly updated and informed on the progress of enforcement cases and there is scope to improve the effectiveness of the service for customers through closer integration with the Planning Service. This will ensure closer liaison and being able to deliver a quicker planning view, and so that a programme of action for each case can be agreed between planning and enforcement officers to most effectively progress the case.
- 3.2 A further area for improvement is around **developing skills** within the team. Whilst the service generally has no problem in recruiting compliance officers to carry out basic investigation work, there is a skills gap at the more senior and professional levels. More complex casework has not been moved forward as quickly as we would have liked, simply because of the lack of capacity at the appropriate skills level. Effective enforcement involves a multidisciplinary approach. Planning, investigative, enforcement and customer care skills are an essential skills set for compliance officers. In addition, the service needs to be able to access legal and advocacy expertise, and a range of other technical expertise, such as arboricultural and historic buildings skills for cases involving unlawful works to trees and listed buildings. The service has found difficulty over a number of years in recruiting to more senior and specialised positions and needs to find other ways, such as developing skills in house and through career graded competency based progression and training to fill the skills gap.

3.3 The service also needs to focus on **building capacity**, by improving processes, focusing on its priorities, and through maximising efficiencies through the new CAPs computer system. Most of the work undertaken by the service at the moment is reactive in nature (i.e. responding to complaints). Through building capacity, depending on resource levels, it would be desirable to develop the proactive areas of the service as well, so that more specific project work can be pursued. Such proactive areas could include checking planning conditions and permissions for compliance, tackling unauthorised and undesirable advertisement hoarding sites and greater use of S215 (untidy land) notices to support environmental enhancement and regeneration initiatives.

3.4 Over the last few months a number of actions have been taken around these three main themes. These are set out below, together with future planned actions for improvements to the service.

4.0 Actions so far

Improving the customer experience

4.1 The compliance service has been re-aligned within Planning Services, under the line management of the Head of Planning Services. This has enabled a better level of integration between planners and compliance staff, the ability to provide a timely planning input and for an agreed plan of action to be put in place for each case.

4.2 An Enforcement seminar for Members was held on 28 September 2007. Feedback was good although attendance from Members was low.

4.3 The land charges search register has been updated and information on enforcement and other notices is now available to customers through the public access facility on the Council's web site.

Developing skills

4.4 A training programme for compliance staff has been put into place. Enforcement and planning policy and practice updates, appeals training and supervisory and staff development training for Senior Compliance officers has been undertaken. Further training with particular emphasis on prosecution processes is being developed.

4.5 Recruitment is ongoing to a vacant Compliance Officer post and it anticipated that an appointment will be able to be made.

4.6 The service is reviewing how it can best develop skills within the service and, in the meantime, is "buying in" temporary help to cover the work of the vacant Senior Compliance Officer post.

Building capacity

4.7 Administrative resources have been re-aligned to provide support to the team in its performance, case management, keeping of records and responsiveness to customers.

- 4.8 The enforcement module in the new computer system, accessible to both planning and legal staff, is being used for both the recording of events during investigations and the generation of all statutory notices.
- 4.9 Performance management systems have been set up on the computer system and are being actively used.

5.0 Ongoing and future actions and improvement

Improving the customer experience

- 5.1 We are improving the level of information available to customers on the progress of cases, including through sending letters to complainants at key stages.
- 5.2 We are setting up regular reporting mechanisms to ensure that Members, MPs and all complainants are kept fully informed on the progress of key enforcement cases.
- 5.3 A customer leaflet will be published shortly to provide information and guidance on reporting planning breaches setting out how the matter will be dealt with. We are also reviewing and updating the enforcement information on the Council's web site including an on line proforma to submit enquiries about possible planning breaches.
- 5.4 We will be providing better general information about the enforcement service, including in leaflet format and through the web site, and we will work with the press office on raising the profile of the service and publicising our successes.

Developing skills

- 5.5 We propose to review the career graded progression arrangements and training opportunities to maximise opportunities for developing skills levels in house and "growing our own". This will include raising skills levels in planning, enforcement, investigation and customer care.
- 5.6 We will be undertaking ongoing staff training and development, including through the broadening of skills across the whole of planning services to ensure planners gain skills in enforcement and that enforcement officers gain planning knowledge and skills.

Building capacity

- 5.7 We are continuing to review older cases to determine whether formal actions are justified to bring matters to a conclusion or whether the degree of harm being caused does not warrant further action and to close the case. This enables resources to be directed to resolving important/high profile cases effectively; using statutory powers as part of an agreed case plan not a last resort. Active case management is ongoing to ensure that this objective is achieved.
- 5.8 We are identifying key cases to which a high level of priority is given. These cases will include those of high Member and/or MP concern; breaches associated with formal customer complaints and with Ombudsman involvement and other cases where the breach is causing serious harm to amenity, public health and safety or would undermine the effectiveness of key Development Plan and national planning

policies. We will provide regular updates to ward members and those who have complained about planning breaches.

- 5.9 Monitoring and performance management systems have been set up and are being actively used to support the effective management of cases and to ensure that performance and case progress is reported upon.
- 5.10 Further process re-engineering is to be undertaken, together with the setting up of the prosecution and conditions monitoring modules on the CAPs computer system to ensure that efficiency benefits offered by the computer system are maximized.

6.0 Implications for Council Policy and Governance

- 6.1 A responsive and effective planning compliance service is necessary to meet political aspirations and for the integrity and credibility of the planning service in Leeds.

7.0 Legal and Resource Implications

- 7.1 Developing skills and capacity across planning, enforcement and legal services is necessary to support an effective compliance service.

8.0 Conclusions

- 8.1 Enforcement has been identified as a key area of focus for further development within the planning service. This is with a view to providing a service which is proactive in emphasis, which is effective, is responsive to customer needs; is appropriately resourced and has a closer integration with the planning service. As the above actions progress, the service should continue to raise its profile including through publicity of its successes on high profile cases. Reporting mechanisms will be put into place so that Members and customers are kept better informed and so that the performance levels and achievements of the service are transparent and open to public scrutiny.

9.0 Recommendations

- 9.1 Scrutiny Board (City Development) are recommended to note and comment upon the contents of this report and to give endorsement to the actions and further improvements set out in this report. In particular Scrutiny Board is asked to support and endorse the following actions:
- (i) Review of the career graded progression and training and development opportunities available to compliance staff
 - (ii) Regular progress reports to appropriate parties on key enforcement cases.
 - (iii) Review prosecution procedures including making provision for holding taped interviews compliant with PACE requirements and provide appropriate training for enforcement officer.

FIRST SITE VISIT PERFORMANCE

Category	PI 1 st visit	Q1 Apr –Jun	Q2 Jul – Sept	Q3 Oct - Dec	Q4 Jan - Mar
Category 1	1 working day	100%	100%	100%	100%
Category 2	2 working days	88%	97%	93%	77%
Category 3	10 working days	90%	91%	85%	73%
No. cases rec'd		457	428	313	300
No. cases closed		591	262	428	362

Category 1 cases where there is a likelihood of irreparable harm occurring e.g. works to protected trees, demolition of protected buildings; and works that are giving rise to significant immediate harm to residential amenity, or pose a risk of pollution or harm to public health and safety.

Category 2 cases where there is a significant nuisance or risk to public safety e.g. on going building or engineering works, except those of a minor nature, changes of use and breaches of conditions where the activity is having a significant adverse impact.

Category 3 less harmful developments and those where the situation is not likely to deteriorate further e.g. building operations where works are already complete; advertisement signs on business premises; boundary walls and fences; changes of use and breaches of conditions where the activity is not causing a significant immediate impact.

THE ENFORCEMENT TOOL KIT

1.0 Investigatory Powers

- 1.1 The **Planning Contravention Notice** (PCN) is a statutory requisition for information about the activities being carried out on a site and the identity of the persons involved. The Notice gives the recipient the opportunity to put forward any argument as to why planning permission is not required for the development or to show that the development is lawful. The notice can be served on the landowner or the persons carrying out the development that appears to be unauthorised. The recipient of the notice has 21 days to complete and return the PCN, failure to do so is an offence prosecutable in the Magistrates Court. The maximum fine is **£1000**. For legal reasons a PCN cannot be used in all cases. The Council can also obtain information about the identity of persons who have an interest in land by serving a notice under **Section 330** of the Town and Country Planning Act 1990. If a Planning Contravention Notice is not completed and returned this does not mean that enforcement action cannot proceed. There are other means of establishing ownership of land and the identity of persons involved, by a Land Registry Search or a company search, for example.

2.0 Enforcement Notices

- 2.1 The **Enforcement Notice** is the main measure used to deal with unauthorised development. The notice must give the planning reasons why the development is unacceptable. It sets out what steps are required to remedy the breach and the time limits for the steps to be carried out. There is a right of appeal to the Secretary of State against an enforcement notice, which must be made before the notice comes into effect, a minimum period of 28 days. An appeal effectively suspends the effect of the enforcement notice. Therefore to halt development pending the outcome of an appeal a **Stop Notice** must be served (see below).
- 2.2 Once an enforcement notice comes into effect it becomes an offence not to comply with it. The current penalties are a fine of up to **£20,000** for case tried in the Magistrates Court or an unlimited fine and/or a custodial sentence if tried in a higher court. There is a daily fine for continuing offences of up to 1/10 the maximum fine. There are also default powers for the Local Authority to enter on to the land to undertake the works required by an enforcement notice and to recover its costs from the owner/occupier; or place a charge on the land against future sale to secure the debt. It is possible to vary the requirements of an enforcement notice and the timescales for compliance without having to relinquish the control that the notice provides and so enable a negotiated solution to be achieved with a strong fall back position for the Council.

3.0 Breach of Condition Notice

- 3.1 Where a breach of a planning condition has occurred the Council can serve a **Breach of Condition Notice** (BCN). There is no right of appeal against such a notice and it is an offence not to comply with it. The minimum period for compliance is 28 days. On conviction in the Magistrates Court the maximum fine is only **£1000**. This notice has advantages of greater speed but it is inflexible and there are no default powers. The lack of appeal rights often encourages speculative planning applications to attempt to have the condition varied or removed so that an appeal can be made against a refusal.

4.0 Stop Notices

- 4.1 Development can continue lawfully prior to an enforcement notice coming into effect, including pending the outcome of an appeal, and so additional powers are required to halt development, or some part of it, where irreparable harm is being caused or would become more difficult to remedy if the development was allowed to continue. In such circumstances a **Stop Notice** can be served to accompany the enforcement notice. As a part of the consideration of the planning issues before serving a Stop Notice legislation requires that a cost/benefit assessment is carried out to justify the public interest benefits of requiring the unauthorised works to halt or use to cease when measured against the costs to the developer of halting the activity and any consequent public interest costs of requiring the development to stop.
- 4.2 Normally a Stop Notice becomes effective after three days, but a shorter period can be imposed where special circumstances justify it. It is an immediate offence not to comply with a Stop Notice. The maximum fine that can be levied in the Magistrates court is **£20,000** or an unlimited fine and/or custodial sentence, if tried in a higher court. There are compensation implications if a Stop Notice is served and the enforcement action is successfully challenged on the grounds that the decision to take enforcement action was flawed on legal grounds or that the activity was subsequently found to be lawful. However, no compensation arises if the development is subsequently granted planning permission by the Local Authority or on appeal.
- 4.3 The Planning and Compulsory Purchase Act 2004 introduced additional powers to halt unauthorised development by serving **Temporary Stop Notices**. Temporary Stop Notices (TSNs) do not require an enforcement notice to have been served and so the Local Authority does not have to make a case as to why the development may prove unacceptable. TSNs come into effect immediately but only last 28 days and a further TSN cannot be served unless the breach is resolved but then recommences. The penalties for failure to comply with a TSN is a fine of up to **£20,000** in the Magistrates Court or an unlimited fine and/or custodial sentence, if tried in a higher court. As with Stop Notices a cost benefit assessment is required before a TSN can be served and there are compensation provisions if the development halted is subsequently found to be lawful.

5.0 Injunctions

- 5.1 The Town and Country Planning Act enables local authorities to seek **Injunctions** in the County or High Court to deal with any actual or anticipated breach of planning control. The decision whether to grant an injunction is at the sole discretion of the Court. In practice Judges need to be convinced that the degree of harm is sufficiently great or that no other enforcement powers available are effective in restraining the breach of planning control before they will grant an injunction. Injunctions are, however, the only power available to prevent a breach from taking place and, because of the very real possibility of a punitive fine or custodial sentence, are almost certain to be obeyed. There is a financial risk to the local authority in that it has to give an undertaking in damages to pay costs arising out of its action if an initial injunction is not upheld at full hearing of the case.

6.0 Enforcement related to Listed Buildings and Conservation Area demolition

- 6.1 It is an immediate offence to demolish a Listed Building or undertake alterations that affect the character and appearance of Listed Buildings and to undertake unauthorised demolition in Conservation Areas. A fine of up to **£20,000** can be imposed for cases tried in the

Magistrates Court or an unlimited fine and/or a custodial sentence if tried in a higher court. Remedial works can be enforced through the service of **Listed Building Enforcement Notice and Conservation Area Enforcement notices**. There are again rights of appeal against these notices and the same penalties and powers to act in default are available as with general enforcement notices, as outlined above. As it is an immediate offence to undertake unauthorised works to Listed Buildings there are no separate stop notice powers. Prosecution action can be initiated or, where appropriate, an Injunction sought to restrain a breach.

7.0 Enforcement related to Protected Trees

7.1 As with Listed Buildings it is an immediate offence to fell, lop, or damage a tree protected by a Tree Preservation Order or any tree in a designated Conservation Area and similar penalties apply to those convicted of offences. There are powers for the Council to undertake remedial works to damaged trees and where a tree has been removed or has to be removed either as the consequence of an offence or due to accidents or storm damage the Council may serve a **Tree Replacement Notice**. There is a right of appeal to the First Secretary of State against such notices and the Council has default powers to enter on to the land to plant the trees required by the notice and then recover its costs.

8.0 Advertisement Controls

8.1 Planning control over advertisement displays are enforced in the first instance by prosecution in the Magistrates Court. The maximum fine for an illegal advertisement is **£2500** with a daily fine of up to 1/10 of the maximum fine for a continuing offence. Undesirable advertisements that have deemed consent granted by the Town and Country Planning (Control of Advertisements) Regulations can be removed by service of a **Discontinuance Notice** by the local authority. There is a right of appeal to the Secretary of State. It is an offence not to comply with the Discontinuance Notice once it is in effect, the same penalties as for illegal advertisements apply.

9.0 Property Adversely Affecting the Amenity of a Neighbourhood

9.1 **Section 215** of the Town and Country Planning Act provides local planning authorities with the powers to take steps to require that land, including buildings, are cleaned up when their condition adversely affects the amenity of an area. This power can be used against land that has been flytipped, severely overgrown land and gardens, gardens where old cars and domestic appliances are dumped and against run down and derelict buildings.

9.2 A notice made under Section 215 sets out the steps required to deal with adverse impact of the site and the timescales for compliance. There is a right of appeal to the Magistrates Court within 28 days of the service of the notice. If no appeal is lodged it then becomes an offence not to comply with the notice. Whilst the maximum fine on conviction is **£1000**, the power to undertake works in default is available with recovery of costs is available. There are parallel powers under **Section 79** of the **Building Act** to deal with ruinous and dilapidated buildings.

Kineholme Drive, Otley. Section 215 Notice issued for the overgrown garden and scrap vehicles/domestic appliances. Works undertaken in default to comply with the notice. S215 and S79 Building Act notices were issued for the condition of the house. Works were undertaken to comply with both notice. Otley Town Council Involved.

8 Woodhall Park Mount, Calverley. Car storage and sales business at unoccupied property undergoing renovation. Activity involving the parking of 40+ cars in a large garden, part covered by a TPO. Enforcement notice and Stop Notice authorised for service. Ward Councillor involved.

West End Lane and Layton Avenue. Garden extensions. Enforcement notices served and appeals dismissed. Works on going to comply with notices.

Moorland Crescent, Menston. House under construction. Enforcement Notice served for non compliance with approved plans. Works halted and height of house reduced and some further alterations undertaken to make development acceptable. Ward Councillor involved

Delph End, Gibraltar Road, Pudsey. Complaint received from ward councillors and site visit undertaken the same day. Number of gypsy caravans on site. PCN served and caravans removed within 2 weeks following negotiations.

49-53 Kirkgate, Otley Building in Conservation Area in a dangerous condition, extensive demolition taken place in the interests of safety. A planning application had been submitted for conversion to dwellings but withdrawn. Works started to rebuild the structure as 2 dwellings, halted and then recommenced. A Temporary Stop Notice served 14 November 2007 and works halted. Ward member involved.

Leys Lane Boston Spa. Formation of access road to agricultural land. Enquiry received from Parish Council 8/08/07 about excavations works and loads of hardcore being delivered to land in Green Belt. Site visited next day, established that roadway being constructed. Planning history checked and landowner traced. PCN served served 14 August 08. Works suspended. Meeting with owner and agent on 18/09. Explained why works were not "permitted development" on agricultural land, as claimed. Advised that a full planning application was required. Impact on landscape and protection of River Wharfe wash land would be issues. Warned that an enforcement notice would be served if breach not either regularised or resolved. Site checked during October, no change noted. Land owner decided to reinstate the land, works ongoing in November and fully completed in early 2008.



Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 22nd April 2008

Subject: Inquiry to Review Consultation Processes

Electoral Wards Affected: All

 Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

- 1.1 Scrutiny Board (City Development) has now completed its inquiry to review consultation processes. The Board is now in a position to report on its findings and its conclusions and recommendations resulting from the evidence gathered.
- 1.2 A copy of the draft final report has been circulated to all Members of the Board for comments prior to this meeting and is now attached for consideration at today's meeting, along with a summary of the evidence considered during the inquiry.

2.0 Consultation

- 2.1 Scrutiny Board Procedure Rule 16.3 states that "where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director prior to finalising its recommendations. The Director shall consult with the appropriate Executive Member before providing any such advice. The detail of that advice shall be attached to the report".
- 2.2 In this case the specific recommendations involve two Directors of City Development and Environment and Neighbourhoods and the Chief Executive of Education Leeds. They have each been invited to consult with their respective Executive Member and provide any advice that they wish to provide at this stage, before the Board Members, finalise their report. Any comments received from them will be attached as an appendix to the Board's final report.
- 2.3 Once the Board publishes its final report, the relevant Directors and the Chief Executive of Education Leeds will be asked to formally respond to the Scrutiny Board's recommendations within 2 months of receipt of the Board's report in accordance with Scrutiny Board Procedure Rule 15.1.

3.0 Recommendations

3.1 The Board is requested to:-

- (i) Agree the Board's final report and recommendations.
- (ii) Request that the relevant Directors and the Chief Executive, Education Leeds formally respond to the Scrutiny Board's recommendations within 2 months of receipt of the Board's report.

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**Review Consultation
Processes**

Scrutiny Inquiry Report

Introduction and Scope



Introduction

We agreed in considering our work programme to undertake an inquiry to review the consultation processes in the City Development Department to ensure that they were fit for purpose.

We received terms of reference for this inquiry at our Board meeting on the 20th November 2007.

At the same meeting we considered two requests for scrutiny from Councillor Jane Dowson and Councillor David Morton concerning the lack of consultation in respect to the former school sites at Miles Hill and Royal Park respectively.

We also recognised that the City Development Department each year undertakes hundreds of statutory and voluntary consultations on a wide range of topics.

We acknowledged that in order for us to undertake effective scrutiny we needed to determine and restrict our investigation.

We decided to amend our terms of reference and widen our inquiry beyond the City Development department by looking at two specific case studies:-

◇ Case Study 1

To review the consultation processes applied by Education Leeds, the City Development department and relevant service departments when school

buildings and land are declared surplus to requirements using Miles Hill and Royal Park as case studies.

◇ Case Study 2

To review the consultation processes applied by the City Development department on the development of the Aire Valley Leeds Area Action Plan.

We established a Working Group comprising of Councillors Pryke, Ewens, Driver, Selby and R Procter to look specifically at the consultation processes involving the former Miles Hill and Royal Park Schools.

The choice of this topic accords with priorities in the Council's Vision for Leeds namely to have an effective communications system connecting people, goods and ideas under the theme Enterprise and the Economy.

We are very grateful to everyone who gave their time to participate in this inquiry and for their commitment in helping us to understand and review these specific areas of consultation.

Scope of the inquiry

We agreed to focus our inquiry on making an assessment of and, where appropriate, recommendations on the effectiveness of specific consultation processes and determine if they were fit for purpose.

We agreed that the case studies should focus on the following areas:

Introduction and Scope



- Had the reason for the consultation been explained adequately to the client and or service user?
- Had the process of consultation been applied fairly and effectively?
- Had the consultation followed either national or local processes?
- Had the consultation resulted in the City Development Department, Education Leeds or sponsoring department incorporating a change to a policy, procedure or process?
- Had the timescale allowed for consultation been sufficient?
- Had adequate resources been made available to ensure progress following consultation?
- Had the consultation not only been effective but proportionate?

Our inquiry commenced in December 2007 with Case Study 1 and evidence submitted by, and meetings held with representatives from Education Leeds and the City Development, and the Environment and Neighbourhoods Departments.

In Case Study 2 we wanted to hear from companies that the City Development department had consulted with in developing the Aire Valley Leeds Area Action Plan. We received evidence from and meetings with the City Development department and the Managing Director of Keyland

Developments Ltd and Chair of the Investors Forum, and the Planning and Development Co-ordinator Caddick Developments Ltd and the Chair of the Marketing Group.

After the Board meeting in February 2008 we received further written evidence from the Managing Director of Keylands Development Ltd which was circulated to Board Members. This was extremely helpful to us.

Conclusions and Recommendations



Case Study 1 Consultation Former Schools at Miles Hill and Royal Park

- We received a report from the Director of City Development setting out an overview of the process for the disposal of surplus school buildings by the Council, including considerations for retention of alternative uses.
- We were advised by Education Leeds of the statutory school closure proposal process and their view that only once a school building was declared surplus to requirements, could discussions commence on alternative uses.
- The City Development department suggested to us that this was too late in the process and that there was a need to determine the service requirements of an area at a strategic level much earlier in the process.
- We accepted all the practical reasons put forward by Education Leeds for not announcing publicly the possible closure of a particular school before it was declared surplus to requirements. However, we took the view that Education Leeds had a responsibility to spend more time with the City Development and Environment and Neighbourhoods departments earlier in the process by developing and communicating a strategy that offered practical and realistic solutions with regard to school sites that are likely to be declared surplus to requirements.
- We were of the opinion that identification and communication earlier in the process by Education Leeds of schools which may become redundant would be beneficial. This would not only benefit the Council but also its partners and voluntary organisations who would be able to undertake a more strategic approach in meeting their future service requirements and where appropriate put the necessary funding in place.
- This longer term strategic approach which is used for non school buildings and land would provide a more comprehensive overview of likely available properties in an area and give more time to consider the 'pros and cons' of utilising a former school building in a community set against existing provision.
- We took the view from the evidence presented that the lack of a strategy severely restricted other Council departments, partner organisations and voluntary groups from developing their own long term strategies about their accommodation and service requirements. The present process allows a very short timescale for an organisation to develop a proposal and put forward properly costed and budgeted viable alternative uses in respect to former school buildings.
- We also felt that the pressure to save both former school buildings became an overriding factor, with the suitability and location of existing community facilities within

Conclusions and Recommendations



each area featuring less than perhaps they should have done in determining whether to save a particular building or not. Whilst it was recognised that deprivation in a community is an important factor in providing community facilities it was acknowledged that the facilities that tend to succeed are those located on main radial routes where the footfall is high. Those community facilities which are in the centre of communities away from main radial routes serve only small groups within a community and often fail as a result.

- We noted that communication starts much earlier in the process for non school sites.

Recommendation 1:

(i) That Education Leeds be asked to communicate with relevant service departments and identify much earlier in the process schools which may be declared surplus to requirements in order to improve long term strategic planning.

(ii) That Education Leeds, the City Development department and service departments (mainly Environment and Neighbourhoods) consider how this could be achieved in the new municipal year whilst recognising the sensitivity of the issues involved.

- We acknowledged from Members who had requested scrutiny of this issue their general dissatisfaction concerning the consultation process

for the disposal of former school buildings and land, the timescales involved in moving proposals forward and their desire to retain such buildings for community use.

- As a consequence we requested and received a chronology of consultation, meetings and information in respect of the former schools at Miles Hill and Royal Park.
- Although completely different cases we identified a number of common issues running through both processes.

◇ The first was difficulty in defining consultation and community and who ought to be consulted. These were interpreted differently by almost everyone we spoke to.

◇ The second issue was that whilst there was no specific requirement to consult, all departments recognised that this was good practice. It was clear from the chronology we reviewed, that there had been substantial investment by Council departments in time and effort consulting with a wide range of householders, community and voluntary groups, other Council departments, partners and businesses on the viability of using the former school sites for various purposes. What was not clear was whether consultation was effective in identifying those groups, or individuals who had the vision, business acumen and planning ability and, especially in the case of

Conclusions and Recommendations



community groups, the finances to undertake not only major capital building works but also meet the revenue implications of such schemes.

◇ Thirdly we noted in the case of Royal Park in particular, but also with Miles Hill, that the community's aspirations had been raised beyond what was achievable once the cost of the schemes became clear. In the case of Royal Park, private sector funding was necessary in order to move the scheme forward to provide some community use. A final viable scheme was only agreed earlier this year after four years and the community tensions and fatigue at how long this had taken was acknowledged.

◇ Fourthly we identified a clear pattern of misinformation and conjecture within the communities about what was practical and possible in the case of both former schools.

- In addition we were reminded that due to funding pressures on the Council's Capital Programme and current over programming of £43.6m the Executive Board in August 2007 had agreed that:-

1. no new injections to the capital programme will be made without identifying new resources or taking an existing scheme out.
2. existing schemes will be managed within current budgets, making no further call on Leeds resources.
3. capital receipts from sites on the

existing disposal programme cannot be diverted to other projects and initiatives.

4. the disposal programme is kept under review with a view to seeking to identify any additional disposal sites that can be included.

Recommendation 2:

To the extent that

(i) surplus sites have already been approved for disposal by the Executive Board, the proposals in the Executive Board report of August 2007 should apply.

(ii) aspirations for community use of those surplus sites / buildings arise after the Executive Board decision, then officers of the relevant service departments should communicate clearly with the community and explain the criteria which will apply if a case is to be made for community use.

- From the evidence presented to us we were of the view that communities were often receiving very mixed messages from officers and Members of the Council concerning the practicality and viability of retaining former school buildings for alternative community uses. In addition we were not convinced that there was sufficient clarity of the issues under consideration when consulting with communities.

Conclusions and Recommendations



- We were concerned that this lack of clarity raised communities' expectations which the Council could then not meet. In the case of Royal Park, huge amounts of officers time and effort had been given, in addition to those in the community and partner organisations to produce a viable scheme over a period of four years that eventually incorporated some community use. This was despite other community facilities being available in the area. We felt that the Council had been drawn into this scheme much further than originally anticipated and which was extremely costly to the Council.
- We noted that many people within an organisation may express a view to Elected Members and officers that they would be interested in using a former school building but in reality managers at a strategic level know that the capital and revenue implications would be prohibitive and the proposal unrealistic.
- We thought it would be helpful if a statement of intent could be issued by the Council when going out for consultation in respect of former school buildings which sets down realistic rather than aspirational proposals that helps to manage community expectations within the Council's current funding position.
- Whilst we acknowledged that consultation processes had evolved and were more defined now than when proposals for Royal Park first arose over four years ago we were of the view that what was needed was for a basic set of principles to be

developed for transparency and for understanding of the process by all concerned for developing possible alternative uses for former school buildings.

- At our March meeting we considered a report of the Head of Scrutiny and Member Development which outlined some consultation methods used by other local authorities concerning surplus school property.
- We considered that the approach used by Bristol Council was a good example. When land or buildings are going to be declared surplus, they are identifiable at least a year in advance through the Asset Management Plan. When finally a department has made a decision to release an asset, details of that asset are circulated corporately to see if any other department has a need for it. If a claim is not made for it, and there would have to be a case already identified in the department's Asset Management Plan, it is advertised on the open market

Recommendation 3:

That in view of the sensitive issues surrounding school buildings due to become surplus, the Chief Executive Education Leeds and the Directors of City Development and Environment and Neighbourhoods, develop a basic set of principles, that is supported by all Council Departments and Elected Members, and which are transparent and provide a consistent approach in determining the future of these Council assets.

Conclusions and Recommendations



- We noted that a number of members of the Board expressed their concern at the variations in approach to the disposal of former school buildings and the costs being incurred by the Council in keeping vacant schools secure and free from vandalism whilst protracted discussions took place on their future use. The general view of Members was that the timescales were often far too long from a school being declared surplus to requirements to either its sale or development and implementation of a scheme for its alternative use.
- We noted that because of the time the Royal Park scheme had taken to get off the ground that there had been changes to ward boundaries which had resulted in some tension between the six elected Members involved with this scheme.
- We acknowledged the great pressure placed on the Asset Management Group to obtain receipts quickly to fund the Council's capital programme.
- We considered therefore that there would be great merit in introducing some form of time restriction for bringing forward alternative uses for former school buildings particularly if recommendation 1 of our report is implemented.

Recommendation 4:

That the Directors of City Development and Environment and Neighbourhoods introduce a fixed time frame for bringing forward alternative uses for former school buildings and that it be incorporated into the basic set of principles.

- Having been advised that the City Development department does not have the resources or the expertise to undertake consultation and that this was mainly undertaken by the Environment and Neighbourhoods department we thought that a review of the Council's approach to consultation and communication should be carried out. How much and at what level does the Council want to consult on the disposal of former school buildings and what resources does it require to achieve this?
- We thought this appropriate in view of the increased partnership working for Area Committees and the Local Area Agreement and the disbanding of the District Partnerships.
- We recognised that communication and consultation with communities needed to be of the highest professional standard which gave the facts and the reality of the situation. Consulting at the wrong level and then taking months to inform communities that their expectations could not be met resulted in bad publicity and unnecessary poor public relations for the Council.

Conclusions and Recommendations



Recommendation 5:

That the Director of Environment and Neighbourhoods with other relevant service departments assess the level of consultation that can be applied in determining gaps in service provision in a community and how community groups might assist the Council in delivering the Council's objectives in that community.

- Members and officers at all levels who meet community groups have a duty to explain the funding restrictions set down by the Executive Board in August 2007. They must encourage groups to be realistic about what might be achievable and what the strategic view is on a particular building in order that they put forward what may be possible and financially achievable and avoid raising communities' expectations too high.

Recommendation 6:

That the Head of Scrutiny and Member Development ensure that an appropriate annual seminar is held for Elected Members on the disposal of Council assets including former school buildings.

Case Study 2 Consultation on the development of the Aire Valley Leeds Area Action Plan

- We received a report from the Director of City Development which outlined the method and approach for consultation

on the Aire Valley Leeds Area Action Plan (AVLAAP).

- We were advised that the level of consultation undertaken for development of this plan exceeded guidance and minimum requirements for public consultation issued under the Planning and Compulsory Purchase Act 2004 for development of the Local Development Framework (LDF) for Leeds and the Statement of Community Involvement (SCI).
- In the past, we were reminded, consultation on plans followed a format whereby the City Council would initially prepare a draft for comment. Under the new planning system, the intention is for interested groups and organisations to be given the opportunity to influence the shape and form of plan documents as they are prepared right from the outset. This is known as "front loading".
- We noted that the Act sets out the need to consult on Issues and Options. The Council resolved to do this in two stages, firstly to identify Issues and then secondly to identify Alternative Options based on those identified Issues. This was then followed by identification of the Preferred Options. Consideration also had to be given to ensure that the objectives and options suggested in the AVLAAP could be identified & tested through the Sustainability Appraisal process.
- We learned that consultation on the Area Action Plan was carried out in the context that a regeneration programme had been in place in Aire Valley Leeds since 2000 and the City Council's Executive Board approved a Strategic

Conclusions and Recommendations



Vision for the Aire Valley Leeds in April 2002. It identified broad objectives and development principles for the area and those included the opportunity for the area to become “the window” to Leeds, strengthening and delivering the City’s role as regional capital by diversifying its economic base and offering innovative opportunities for living, working and recreation, bringing maximum benefit to local people and the city as a whole. This meant that there was already a general awareness of Aire Valley Leeds and whilst continuing to raise awareness and invite comment the Council also had to avoid “consultation fatigue”.

- The report uses the Aire Valley Leeds Area Action Plan to provide an overview of the consultation processes that have been undertaken in developing this plan.
- We recognised that the Aire Valley is unique and that it has a range of complex issues that need to be addressed. It has few residential properties in the area covered by the plan. Clearly from the evidence presented to us wide ranging consultation had been undertaken to engage as many individuals, businesses and organisations in the Valley as possible.
- In respect to this case study we concentrated our investigations on the external witnesses who attended our Board meetings. In our discussions with the Managing Director of Keyland Developments Ltd in January 2008, we asked for his initial comments on the process as a whole. Whilst he was generally supportive, of the overall approach and methodology used by the City Council in developing a plan for this

area, in response to specific issues a number of areas for improvement were also identified.

- Central to these, was the extent to which issues raised at the commencement of the process were now being addressed. For example, the issue of odour was raised early on and Yorkshire Water and Keyland at that stage were unable to contribute to either the investigation of a solution or indeed the necessary works to remove the odour. At this time also, it was not possible for the City Council to resolve these complex issue alone (given the nature of land ownership and direct responsibility) and also until specific Preferred Options had been identified, it would have been premature to speculate on costs to seek their resolution. In the development of the Area Action Plan Preferred Options, a range of issues have been taken into account and details provided on the City Council’s consideration of consultation responses.
- Whilst these comments are useful in illustrating the dynamics and iterative nature of the consultation process, they should not be regarded as expressing a general dissatisfaction for the quality and extent of the consultation process as a whole. Also, in such circumstances it is likely that differences of opinion and interpretation may exist over time, this in turn however is within the wider positive dialogue of the ongoing regeneration of the (lower) Aire Valley. Consequently, it is crucial that engagement activity and ‘channels of communication’ are maintained, enhanced and where necessary – established, to keep the

Conclusions and Recommendations



Development Plan process moving forward constructively at all times.

- Some Board Members were concerned at the soundness and value of consultation when some of the response rates were so low. They suggested that by setting a floor level for consultation response you would improve the outcomes and value of consultation. We recognised the difficulty in this approach and the fact that the quality of the response was probably more important than quantity. It was also accepted that you could not force people to respond if they did not want to and that many groups and individuals were suffering from consultation overload. It was, however, interesting to note that the more detailed the proposals when consultation occurred the better the response rates.
- Mr Peter Beaumont, the Managing Director of Keyland Developments Ltd, subsequently submitted some further comments in writing after the meeting which were circulated to all Members of the Board. These related to concerns he had about the overall remediation and environmental improvements and the uncertainty about the role and extent of public sector investment which had all been raised by different consultees.
- At our March meeting we heard from Mr Geoff Goodwill, Planning and Development Coordinator, Caddick Developments Ltd. He stated that the actual consultation processes undertaken by the City Development department for the AVLAAP were conducted in a very professional manner. It was well prepared, staffed and resourced. He raised similar

concerns to those of Mr Beaumont as to the extent to which issues raised at the commencement of the process were now being addressed.

- We also discussed with Mr Goodwill the problems of getting people involved in the consultation process, the pros and cons of identifying “Champions” for an area and the fact that community involvement increases if you identify what people are interested in doing or proposals are considered to be controversial.

Recommendation 7:

That the Director of City Development

(i) in developing future Area Action Plans (and the preparation of Development Plan Documents as a whole), continue to engage a wide range of stakeholders in the process and monitor the effectiveness of such activity, as a basis for continued improvement.

(ii) within the context of the Local Development Framework (LDF) Statement of Community Involvement and available resources, ensure that consultation activity is appropriately targeted and tailored, to ensure that the quality and quantity of engagement is fit for purpose.

Conclusions and Recommendations



Monitoring arrangements

- Standard arrangements for monitoring the outcome of the Board's recommendations will apply.
- The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.
- Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

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Reports and Publications Submitted

Case Study 1- Consultation re Disposal of Former Schools

- Requests for Scrutiny from three Councillors re former Miles Hill and Royal Park schools.
- Minutes of Scrutiny Board meeting held on 20th November 2007.
- Report of the Director of City Development on the process for the disposal of surplus school buildings by the Council, including consideration for retention and alternative uses.
- Schedule of school buildings sold since 2003/4 and details of the values achieved.
- Note of a meeting of the Board's Working Group (Miles Hill & Royal Park former schools) held on 12th December 2007.
- Chronology of Consultation and information concerning the former Royal Park school
- Chronology of meetings and consultation concerning the former Miles Hill school
- Diagram highlighting the need to determine the service requirements of an area at a strategic level much earlier in the process

Case Study 2 – Aire Valley Area Action Plan

- Report of the Director of City Development on the method and approach for consultation on the Aire Valley Leeds Area Action Plan including the following appendices:-
 - Appendix 1 SCI lists
 - Appendix 2 Consultation on early stages
 - Appendix 3 Regulation 25 “Issues and Alternative Options” Consultation report
 - Appendix 4 Schedule of comments made in response to the “Alternative Options” consultation
 - Appendix 5 City Council response to the comments made
 - Appendix 6 Regulation 26 Draft “Preferred Options” consultation report
- Minutes of Scrutiny Board meeting held on 19th February 2008
- Report outlining a range of consultation methods used by other local authorities in developing Area Action Plans and national guidance on best practice
- Minutes of Scrutiny Board meeting held on 18th March 2008
- Minutes of Scrutiny Board meeting held on 22nd April 2008

Witnesses Heard

Case Study 1- Consultation re Disposal of Former Schools

- Councillor Jane Dowson, Member for Chapel Allerton Ward
- Councillor David Morton, Member for Headingley Ward
- Councillor Kabeer Hussain, Member for Hyde Park and Woodhouse
- Mr Paul Brook, Chief Asset Management Officer, City Development department
- Mr Martin Farrington, Head of Asset Management, City Development department
- Mr George Turnbull, Team Leader, Education Leeds
- Mr Brian Lawless, Group Manager Projects, City Development department
- Mr Rory Barke, North East Area Manager, Environment & Neighbourhoods department
- Mr Jason Singh, Area Co-ordinator, North West Area Management, Environment & Neighbourhoods department

Case Study 2 – Aire Valley Area Action Plan

- Mr Steve Speak, Chief Strategy & Policy Officer, City Development department
- Mr Richard Askham, Principal Planning Officer, City Development department
- Mr Richard Shaw, Planner, City Development department
- Mr Peter Beaumont, Managing Director of Keyland Developments Ltd
- Mr Geoff Goodwill, Planning and Development Coordinator, Caddick Developments Ltd

Dates of Scrutiny

- | | |
|----------------------------------|--|
| • 20 th November 2007 | Scrutiny Board Meeting |
| • 11 th December 2007 | Scrutiny Board Working Group with relevant officers and note of this meeting |
| • 22 nd January 2008 | Scrutiny Board Meeting |
| • 19 th February 2008 | Scrutiny Board Meeting |
| • 18 th March 2008 | Scrutiny Board Meeting |
| • 22 nd April 2008 | Scrutiny Board Meeting |



Originator: Franklin Riley

Tel: 247 8138

Report of the Director of Environment and Neighbourhoods

Scrutiny Board (City Development)

Date: 22nd April 2008

Subject: TOWN & DISTRICT CENTRE REGENERATION SCHEME

Electoral Wards Affected: **All**

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

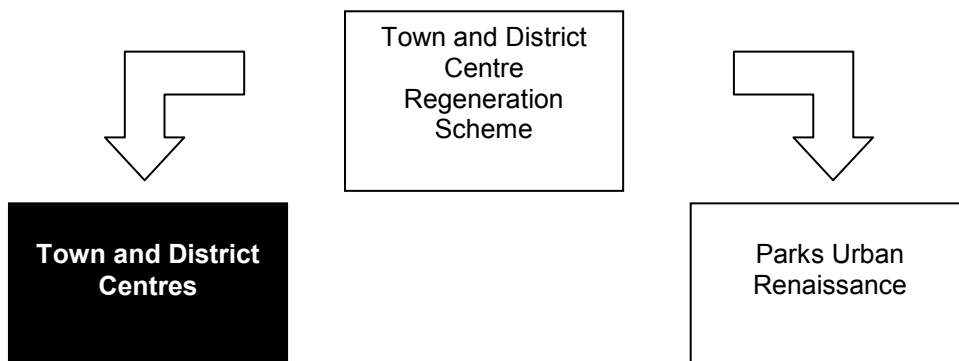
Community Cohesion

Narrowing the Gap

1. PURPOSE OF THE REPORT

1.1 This report provides members with an update of the progress of the Council's Town and District Centre Regeneration Scheme following the December 2007 report. Like the earlier report this update focuses on the Town and District Centres strand of the Town and Districts Centre Regeneration Scheme. The Director of Culture and Leisure is delivering the 'Parks Urban renaissance' separately.

Figure 1: Town & District Centre Regeneration Scheme Components



2. BACKGROUND

2.1 On 18th May 2005, Executive Board established the Town & District Centre Regeneration Scheme, the aim of which is to support the economic regeneration

of town, village and district centres. To be considered eligible for funding schemes must:

- support the economic regeneration of town, village and district centres;
- be linked to the achievement of Council priorities;
- not create any additional revenue implications for the Council.

2.2 Since May 2005 officers within E&N have worked closely with officers across the City, but particularly City Development to design, develop and implement schemes that reflect local aspirations for the development of district and other centres. This is reflected in the use of area management staff in the operational project management of each scheme.

2.3 Area committees receive regular reports on the progression of the Town & District Centre schemes and some have provided match funding to support the programme. As schemes have developed from feasibility to business plan and design, Members have also been given the opportunity to influence the design of each scheme.

2.4 The May 2005 Executive Board paper which established the scheme gave oversight of the management and procedures of the Town & District Centre scheme to the then Directors of Development and Corporate Services in consultation with the Executive Member (Development). In practice this responsibility has been delivered through meetings of the Asset Management Group (AMG), supported by a Programme Board.

2.5 The Programme Board meets monthly to receive progress reports, ensure consistent decision making and considers new, amended or variations to projects. The Programme Board's main role is to ensure that the programme as a whole is delivered, by monitoring progress and seeking to resolve cross-cutting issues and receiving monthly highlight, financial, risk and project change reports for consideration.

2.6 The Programme Board is made up of senior officers from Environment and Neighbourhoods (Regeneration), City Development (Asset Management and Strategy and Policy) and Resources (Capital and Treasury). The Board decisions are then considered by AMG. Project co-ordination is provided via monthly Project Team meetings involving Area Management based project managers, along with representatives from Resources (Capital), City Development (Client Services) and the City Projects Team (Regeneration).

3. INFORMATION ON PROJECTS AND INITIATIVES

3.1 Individual proposals are being project managed by the area management teams working in partnership with parish and town councils, local people and the

business community in Leeds. This work is being supported by teams set up to specifically deal with the Town & District Centre Scheme, providing early technical and financial assistance to minimise delays in the programme. This has also helped to secure co-ordination between the implementation of the scheme and other major programmes such as the PFI Lighting Initiative. The current position of each of the schemes is shown in Appendix 1.

Progress

- 3.2 In the December report it was noted that the improvements in some centres will be implemented in a number of phases. Others will be implemented as one larger phase where this is considered the most practical and robust option. At the time of the last report some 11 projects or phases were completed or on site. At that time it was anticipated that a further 5 would be on-site by 31st March, making 16 in total.
- 3.3 In practice an additional 11 schemes were completed or started on site by 31st March, making 22 schemes on site or completed. A further 6-9 are expected on site during Q1 2008/9.

Table 1: Scheme Complete or On Site

Scheme	Status	Value £000
Wetherby Market Square Refurbishment	Complete	261.9
Oakwood Village Clock Car Park	On site	57.2
Otley CCTV	On site	95.5
Yeadon CCTV	On site	57.6
Pudsey:		
Floodlighting	Complete	35.1
Market Stall Redevelopment	Complete	130.0
Market Car Park	Complete	169.3
Lidget Car Park resurfacing	On site	12.9
Farsley:		
Library Building, Memorial Garden & surroundings.	On site	217.0
All fencing/railings/seating to Avenue, Hainsworth, Walton.	Complete	54.0
Town Street – CCTV	Complete	91.5
Minster flats – fencing and seating	Complete	66.6
Back Lane / Prospect Lane: relaying setts	Complete	50.0
Old Road / Town Street (junction) pavement improvements	Complete	11.4
Rothwell (Marsh Street Car Park)	Complete	407.1
Kippax	On-site	36.0
Viewpoint	Complete	35.0
Cross Hills Environmental Improvements	On Site	246.1
Halton CCTV	Complete	35.9
Garforth Miners Hall	On site	55.9
Crossgates CCTV	On site	40.2

- 3.4 Since December there have been 6 major approvals of over £50k and these were:

3.4.1 New Schemes

Garforth	£100k awarded for the redevelopment of Garforth Library, subject to the awarding of a Big Lottery Fund grant of £1.2m.
Chapelton	£250k Enabling Fund created to facilitate the acquisition and demolition of a parade of derelict shops adjacent to the proposed Chapelton JSC.
Crossgates	£113.7k awarded for works to Austhorpe Road following the rejection of a £399k scheme involving 3 rd party land.

3.4.2 Additional Funding

Yeadon	£86.3k awarded to a fulfil public realm improvement scheme to High Street and the Town Hall
Wetherby	£60k awarded to Wetherby Market Place to address increased costs arising from the discovery of severed surface water connections, delays caused by the cold weather and the need to strengthen the pavements to accommodate over-runs during market days.
Rothwell	£109k awarded to address mainly emergency variations caused by unforeseen works following the discovery of underground contamination and the removal of large concrete blocks.

Challenges

- 3.5 Whilst a number of other authorities around the country are pursuing district centre improvement projects none have reached the scale and complexity envisaged by the Town and District Centres scheme. This complexity has led to some specific challenges. Whilst the nature of some of the work is similar each centre has its own specific physical, social and economic constraints.
- 3.6 As a result a number of schemes (see 3.4.2) have exceeded their initial budgets. In anticipation of this a contingency fund of £975k was created. Following the over-run on Marsh Street and Wetherby Market Place the management of contracts via T&DC was reviewed and a series of lessons learnt developed to improve communications, the use of term contractors and site supervision. These 'Lessons' were agreed by AMG in January 2008 and communicated to staff working on the T&DC scheme (see Appendix 2).
- 3.7 These Lessons are designed to facilitate better project management generally and as a result an improvement in financial management. Initial evidence received since the Lessons were circulated has been positive both from within and, from contractors, outside the Council. To this end the Department is committed to ensuring that those involved in the T&DC scheme attend the new

DSC training for Project Managers and many have already done so. In addition all project managers have attending a risk management workshop and have been receiving enhanced levels of risk management support in order to anticipate and mitigate risks.

- 3.8 Finally the Programme Board has instigated a financial review in order to facilitate improved value engineering and the scrutiny of prices and underlying assumptions at key stages of the design process. It is hoped that this work will achieve improved cost certainty, through better budget estimation and prioritisation of key design choices.

Other Issues from the December 2007 Meeting

Encouraging Private Sector Investment

- 3.9 Despite approaches to local traders there has been reluctance by the majority to contribute match funding to the T&DC Scheme. Notwithstanding this there has been co-operation in the consultation and design stages and in facilitating access to contractors who are implementing T&DC in public areas shared by customers and businesses. Consultation with businesses and experience from other capital schemes has shown that securing investment by the private sector is only likely to be achieved through longer term partnerships and/or where direct benefits (perhaps through improvements to private assets such as shop-fronts) are included. To this end a Business Network was launched in Armley in January 2008, supported by the Council and the voluntary sector. The initial response from business has been positive and may provide a model for further business partnerships building upon the achievements of the T&DC scheme.

Other Centres

- 3.10 The issue of T&DC support for smaller neighbourhood centres was also discussed at Scrutiny Board in December 2007. During the initial stages of the development of scheme a number of smaller centres were considered. However, with resources limited priority was given to those larger centres where the economic regeneration priority of the scheme could be most readily achieved. The experience gained during T&DC has improved our capacity to deliver public realm improvements within local centres. This experience could be brought to bear on a future programme of improvements to neighbourhood commercial centres in a future phase of T&DC or through the use of alternative funding sources such as Well-being funding.

Lottery Funding

- 3.11 In December it was reported that two bids had been submitted to the Heritage Lottery Fund (HLF), totalling almost £2m. A decision is expected shortly. If successful the funding will enhance the planned T&DC improvement works within the Armley and Chapeltown conservation areas. The larger Armley scheme will include the repair of key listed buildings and historic shopping parades on Branch Road and Town Street. In Chapeltown, the funding will be used to restore and repair local Victorian and Edwardian properties and carry out restoration work to shop fronts along Chapeltown Road.

Finance

- 3.12 From a total Town & District Centre Scheme budget of £11.75m, £11.5m has been allocated to projects leaving an available balance of £245.8k for projects, the contingency stands at £776k.

Table 2: Town & District Centre Regeneration Scheme Financial Summary (March 2008)

	To March07	2007/8	2008/9	2009/10	2010+	Total
Town and District Centres	509.7	2264.3	4677.9	2277.5	2020.6	11750
Parks Urban Renaissance	616.8	1406.2	727	250	250	3250
TOTAL	1126.5	3670.5	5404.9	2527.5	2270.6	15000

4. RECOMMENDATION

- 4.1 Scrutiny Board is invited to note and comment on the report.

Appendix 1: Town and District Centres Scheme Progress

SCHEME	BUSINESS PLAN	DETAILED DESIGN	CONSULT	PLANNING	DESIGN AND COST	TENDER	CHIEF OFFICER	CONTRACT	ON-SITE	FINISH
Wetherby Market Sq										A
Wetherby Horsefair					B					
Oakwood Village			C2						C1	
Otley	D3					D(2)			D(1)	
Yeadon					E2				E1	
Pudsey		F(3) F(6)	F (7) F(1)						F(8)	F(5) F(4) F(2)
Farsley		G(3)							G(1) G(9)	G(5) G(6) G(7) G(8) G(4) G(2)
Armley			H (1) H (2)							
Rothwell										I
Morley Bottoms	J(3)	J(2)					J(1)			
Kippax									K(2)	K(1)
Halton		L(2)				L(1)				L(3)
Garforth					M(2)				M(1)	
Garforth Library	Q									
Headingley DC		N								
Crossgates	O(2)						O(1b)		O(1a)	
Chapelton	P									
Horseforth	Q									
KEY	†	phase								

Scheme Details:

A) Wetherby Market Sq

New road resurfacing, pedestrianisation TRO, Street furniture (finished).

B) Wetherby Horsefair

New pelican crossing, road widening along Horsefair, York stone surfaces for footway and (part) carriageway.

C)Oakwood Village

C1 – Phase 1 Clock car park and TRO.

C2 – Phase 2 Roundhay Road grass verge parking.

D) Otley Market Place

D1 Installation of 5 CCTV cameras.

D2 Lift and repair setts, replace all joining material in Market Place and Mark Street.
D3 Otley Civic Centre.

E) Yeadon High Street

E1 . CCTV camera.

E2 Gateway works at roundabout and landscaping. Block paving of pedestrian area and new carriageway resurfacing. Plus street furniture to include planters, bollards, benches, bins and cycle stands. Also including heritage style finger posts and a local information board, re-orientation of bus stop and landscaping around the Town Hall.

(F) Pudsey Town Centre

F(1) Pudsey Public Art

F(2) Pudsey floodlighting (finished) 16/11/07).

F(3) Pudsey PFI lighting heritage enhancement

F(4) Pudsey Market Stall (finished 28/6/07).

F(5) Pudsey car park (finished 22/2/07)).

F(6) Pudsey Public Toilet.

F(7) Lidget Hill bus lay-by /planters.

F(8) Lidget Car Park resurfacing.

(G) Farsley Town Centre

G(1) Library Building and surrounding.

G(2) All fencing, railings and seating: Fairfield Avenue, Hainsworth, Walton.

G(3) Demolish Toilet block and make good

G(4) Pavement improvement in Town Street (outside the Parish Church) - finished

G(5) Town Street – CCTV (finished).

G(6) Minster flats - fencing, seating (finished).

G(7) Back Lane / Prospect Lane: relaying setts (finished).

G(8) Old Road / Town Street (junction) pavement improvements (finished).

G(9) Memorial Garden

(H) Armley Town Centre

H(1) One way systems.

H(2) T&DC and Heritage Lottery Fund public realm improvements.

I) Rothwell Marsh Street Car Park

I)Improved car park completed (finished 14/7/07).

(J) Morley Bottoms

J(1) Acquisition of advertising hoarding site, construction of a lay-by for short stay car park.

J(2) Provide “gap funding” for acquisition and redevelopment of dilapidated commercial/ residential premises.

J(3) Traffic survey for one-way traffic system.

(K) Kippax High Street

K(1) Kippax Viewpoint (finished).

K(2) Cross Hills Junction-communal garden area. Pavements on street furniture improvements on High Street.

(L) Halton Village

L(1) Halton Library and Dial House area (soft landscaping improvements).

L(2) Street improvements to the eastern and western gateway along with Main Street.

L(3) Halton CCTV (Finished 21/11/07)

(M) Garforth Main Street

M(1) Miners’ Hall and PFI lighting improvements.

M(2) Gateway feature and Public Art. Main Street improvement. Fiddler Lane pocket park

M(3) Refurbishment scheme linked to Big Lottery Fund application for £1.2m

(N) Headingley

Streetscape improvements across the centre, plus War memorial site redesign and refurbishment.

(O) Crossgates District Centre

O(1a) CCTV cameras

O(1b) Gateway artwork and floodlighting.

O(2) Public realm improvements along Austhorpe Road, including street furniture, lighting and landscaping.

(P) Chapeltown

P) Public realm works to compliment a Heritage Lottery Fund scheme.

(Q) Former Horsforth Library

Q) Refurbishment of LCC asset.

Appendix 2: Lesson's Learnt from Marsh Street

1. Schemes undertaken on brown-field land can face unforeseen abnormal underground conditions. Where this arises Programme Board needs to be informed so that the option of redesigning the scheme and revising cost estimates can be considered. This extra cost needs to be agreed by the client, consultants and contractor.
2. It is important to consider the necessity of “test drilling” at the earliest possible stage in the design process to determine any underground abnormalities. If ‘test drilling’ is required, there should be additional / greater finances allocated within the overall estimation costs of the scheme.
3. The use of “term” contractors may save time but they may more be expensive. In this instance LCC has one term contractor to do “highways” works which should not normally be used for schemes over £300,000 unless assurances are provided by the client department and the actions are in line with T&DC objectives.
4. Ensure adequate contract site supervision and joint monitoring and inspections with Project Manager, designers and contractors are carried out on a monthly basis.
5. Delays in the production of invoices / certificates reduce the control the project manager has on over each scheme and the project cash flow cannot be monitored actively against work completed. At Marsh Street delays in submitting certificates as work progressed has hidden a very large cost over-run resulting in disputes and unsatisfactory completion of a scheme. Contractors should be tied down to producing monthly invoices / architects certificates and to advice on potential variations as the work progresses. This should be built into the contract and specified in the F order. Delays in submitting invoices should result in penalties particularly where the impact of the risk will have substantial cost and / or time delays.
6. Project Managers (with information provided by the designers and others) must produce a monthly highlight report and risk log with counter measures until project closure and the scheme is signed off by Programme Board.
7. Project Managers should be required to keep monthly lessons learnt log (DSC template) to note down experiential learning and to inform Programme Board through the monthly highlight report. In addition, a lesson learnt report should be incorporated as a standard to the end of project closure reporting process [this could also be used in future at key stages where success or failure is needs to be reported].

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Originator: Richard Mills

Tel: 2474557

Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 22nd April 2008

Subject: Annual Report 2007/2008

Electoral Wards Affected: All

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose of the report

1.1 The purpose of this report is to present the draft of the Board's contribution to the Scrutiny Board Annual Report.

2.0 Introduction

2.1 Members will be aware that the operating protocols for Scrutiny Boards require the publication of an Annual Report to Council. This year the report will combine a commentary on each of the Board's work, progress on the Action Plan 2007/08 and details of the Action Plan which has been developed for 2008/2009 and an overall summary in bar chart form representing the types of work that the Scrutiny Boards have done during the year.

2.2 This is the Board's opportunity to contribute to the Annual Report which will be presented to Council.

3.0 Draft report

3.1 Attached is a draft of this Board's proposed submission which includes an introduction from the Chair and details of the work undertaken by the Board in this municipal year. It will require some additions to the report following the meeting today in order to incorporate the Board's consideration of its final report and recommendations on its inquiry on consultation and the paper by the Chief Planning Officer on the Compliance Unit.

4.0 Recommendation

4.1 Members are asked to approve the Board's contribution to the composite Annual Report with the additions agreed following the meeting today.

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Scrutiny Board (City Development)



*Cllr Ralph Pryke
Chair of Scrutiny Board
(City Development)*

Membership of the Board:

Cllr Ralph Pryke (Chair)
Cllr Geoff Driver
Cllr Jack Dunn
Cllr Penny Ewens
Cllr Janet Harper
Cllr Mathew Lobley
Cllr James Monaghan
Cllr Rachael Procter
Cllr Brian Selby
Cllr Neil Taggart
Cllr Paul Wadsworth*

Cllr Alec Shelbrooke* was a member until
Cllr Wadsworth was appointed on 20th
February 2008

The Chair's Summary

I am delighted to present this year's Annual Report for Scrutiny Board (City Development). My thanks go to all colleagues on the Board who have faced the challenges of the year with their customary enthusiasm, good humour and rigour throughout the year.

This year the Scrutiny Board considered two requests for scrutiny concerning disposal of the former Miles Hill and Royal Park schools. As a consequence of these requests we agreed to undertake an inquiry on the consultation processes used by the Council in respect to such disposals. We also decided to widen this inquiry to incorporate a case study specifically to review how the City Development department had consulted with regard to the Aire Valley Area Action Plan. We identified a number of issues and recommendations as a result of our endeavours.

We considered a request for scrutiny from the Deputy Chair of the Alliance of Service Users and Carers concerning the City Development department's proposals to increase the use of "shared space" between pedestrians and vehicles in the form of shared surface, shared area and home zones. We received a large number of letters, emails and telephone calls from a number of groups representing the blind, partially sighted and other disabled people on this matter. We were able to make two interim recommendations and agree that a formal inquiry should be carried out once the City Development department was able to give advice on how it wished to proceed having undertaken further work to identify best practice and the results of new emerging studies.

We received two very interesting and useful presentations on the Leeds Initiative and the work and responsibilities of the Chief Officers within the City Development department.

We have actively monitored and challenged the performance indicators of the City Development Department particularly those which could impact on the Council's CPA score.

In particular we reviewed the work being undertaken to improve the performance on planning appeals (Performance Indicator BV204).

Our aim has always been to challenge and hold to account the decision makers, and we were therefore pleased to have a meaningful dialogue with the Executive Board Member under our 'Members Questions' item.

We have continued to review, monitor and challenge the development of policies within the City Development department. In particular, along with other Scrutiny Boards, we commented on and contributed to the development of the Leeds Strategic Plan.

We have also commented on a number of ongoing plans and strategies which provide a framework for many other projects, such as the Local Development Framework which will soon replace the Unitary Development Plan.

All members can bring individual concerns to Scrutiny, and this year we spent some time on a disagreement between ward members and officers on the need for planning permission in addition to the deemed consent to construct bus lanes in Kirkstall, on the implementation of 20 mph limits near schools and in residential areas, and the lack of progress in opening Park and Ride services or agreeing a successor "Plan B" for the rejected Supertram proposal.

Under the new tracking arrangements we reviewed progress on implementing the recommendations of the Scrutiny Commission's Inquiry into the impact of flooding events on the Leeds district.

The City Development department in 2007 took responsibility for the Council's highways and leisure functions and we acknowledge the challenge of managing such a demanding and wide ranging portfolio.

In 2008/09 sections of the Local Government and Public Involvement in Health Act will come into force and this will affect how scrutiny operates in the future. We will need to engage with our partners much more and scrutinise performance against the targets set in the Local Area Agreement.

Inquiry to Review Consultation Processes

We agreed in developing our work programme to undertake an inquiry to review some of the consultation processes in the City Development department to ensure that they were fit for purpose. Subsequently and before agreeing our terms of reference for this inquiry we received two requests for scrutiny from Councillor Jane Dowson and Councillor David Morton concerning the lack of consultation in respect of the former school sites at Miles Hill and Royal Park respectively. We decided to widen our inquiry beyond the City Development department and include consultation on the disposal of school buildings and land involving Education Leeds and Environment and Neighbourhoods department.

We decided to focus our inquiry on two specific case studies :-

◇ Case Study 1

To review the consultation processes applied by Education Leeds, the City Development and Environment and Neighbourhoods departments when school buildings and land are declared surplus to requirements using Miles Hill and Royal Park as case studies.

◇ Case Study 2

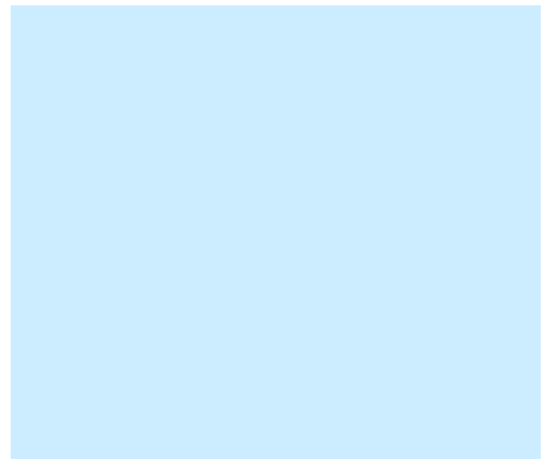
To review the consultation processes applied by the City Development department on the development of the Aire Valley Leeds Area Action Plan.

Our Main recommendation



Scrutiny Board (City Development)

Our other recommendations were:



Request for Scrutiny: Shared Spaces & the New Street Design Guide

We considered a request for scrutiny from the Deputy Chair of the Alliance of Service Users and Carers, Mr Keith Spellman. It concerned the City Development department's proposal to expand the use of shared spaces between vehicles and pedestrians. This had been incorporated into the new draft Street Design Guide which was out for consultation.

We received a great deal of correspondence on this matter from a range of organisations including the National Federation of the Blind, Leeds Society for Deaf and Blind People, Talking Newspaper, Otley and the Leeds Jewish Blind Society.

"The National Federation of the Blind is totally opposed to shared spaces which are being introduced by local authorities."

Jill Allen-King and Barry Naylor
National Federation of the Blind.



Shared space street in a new development

Initial Recommendations

(1) We suggested that because of the complaints made to the Board about organisations who allegedly had not being consulted on this matter that the consultation period be extended by at least 4 weeks and this was agreed by the Director of City Development.

(2) We were subsequently advised by the department that it needed to give further consideration to the issues raised with regard to "shared space" in the context of national best practice, new government guidance and emerging studies. We therefore agreed that a scrutiny inquiry should be undertaken on "shared spaces" in the new municipal year once the position became clearer.

Request for Scrutiny: A65 Quality Bus Initiative Environment Assessment

We considered a request for scrutiny from Councillor John Illingworth, Member for Kirkstall Ward, concerning the A65 Quality Bus Initiative Environment Assessment.

Before determining his request we received legal advice from the Assistant Chief Executive (Corporate Governance) with regard to planning applications, permitted development rights, the Council as highways authority and details of Counsel's advice received. We also obtained evidence from the City Development department on the cumulative impact assessment that had been undertaken with regard to this scheme. We considered past, present and future consultation opportunities that had been given regarding the A65 Quality Bus Initiative.

We decided on the basis of the evidence presented to us not to undertake further scrutiny of this matter.



A65 Kirkstall Road

"We were grateful to Councillor Illingworth for raising this issue but, having taken into account all the evidence presented to us and received officers' assurances regarding measures to consult with the 140 householders who were directly affected by the scheme, the Board voted not to proceed with a formal inquiry"

Cllr Ralph Pryke (Chair)

Presentation and Reports

We received during the course of the year a number of wide ranging reports and presentations as part of our monitoring and review role. These included:

- *Leeds Initiative*

We received a detailed presentation from the Director of Leeds Initiative and members of her team on the progress being made to restructure this organisation to meet the changing needs and expectations of the Council and of its partners.

We were particularly interested to hear about how the Local Agreement and local area partnerships were influencing these changes and the issues involved.



- *20mph Zones*



Typical entry to a 20mph Zone

We reviewed the rationale behind the strategy for introducing 20mph zones in certain parts of the city. We noted that Leeds requires that there must be put in place a significant number of speed reducing features such as speed humps so that speeds are reduced and kept down to 20mph throughout the zone, although this is not required elsewhere (notably Portsmouth). The department's resources in this regard are targeted towards areas where there have been accidents. We noted that frequent changes in speed limits can be unnecessarily confusing to drivers.

- *Flooding Events*

We spent some time reviewing the progress which had been made on implementing the recommendations of the 2006 Scrutiny Commission Inquiry into flooding within Leeds.

We were particularly interested in the partnership working through the Aire Action Leeds, the flood resilience scheme and the additional staffing resources provided to the land drainage section.



Flooded Road



Land Drainage Works

- *Planning & Development Services*

The City Development department in 2007 undertook a strategic review of its planning & development services which identified five improvements themes to consider, namely

- ◇ capacity building & working with the private sector
- ◇ realising a definitive officer view
- ◇ development and support for Plans Panels
- ◇ information & communication technology
- ◇ improved customer services

We received a report from the department on the progress which had been made to date in implementing solutions within these themes.

We also received a specific report outlining and analysing planning appeals against the BV204 performance indicators and the work being undertaken to improve performance in this area.



City Square



Planning Application

Partnerships



- *Local Area Agreement*

We focused our endeavours on the performance management arrangements that have been or are being put in place as targets within the Local Area Agreement and which fall within our area of responsibility.

- *Leeds Local Enterprise Growth Initiative*

We reviewed progress in delivering “Sharing the Success”, the Leeds Local Enterprise Growth Initiative. We were delighted to hear that 20 projects are up and running, including two flagship projects as a result of this initiative.



Housing in City Centre

- *City Centre Area Action Plan*

We identified and discussed a number of issues arising from a paper submitted by the Director of City Development summarising the scale and nature of the responses received during the formal consultation stage on the City Centre Area Action Plan Preferred Options.

- **City Centre Housing**

We considered some of the trends affecting the demand for and supply of flats and houses in the City Centre, vacancy levels and the infrastructure required to support a mixed population in the city centre.

We were concerned at the lack of facilities within some of these flat and housing developments in the city centre. Clearly, there was a danger that market forces were dictating the type of city centre population and the facilities that they need rather than trying to plan for more sustainable and mixed communities providing the necessary school places, doctors, dentists and shops early in the process. We recognised that this was a difficult balance to achieve.

We received some anecdotal evidence of the reluctance of older people, seeking to down-size, to move into the city centre.



K2 City Centre



Off Millennium Square



University of Leeds



Leeds Metropolitan University

- **The Local Economic Impact of Students on Leeds**

We received interim papers outlining the work currently being undertaken in conjunction with the local Universities to try to identify the economic impact of students, and the Universities themselves on the local economy.

The impact is significant and growing, and we thought further study into this together with their indirect economic effects could lead to better understanding, and therefore potential mitigation of real and perceived problems for all residents and businesses.

- **Town & District Centre Regeneration**

The City Development department updated the Board on the operation and achievements of the Town & District Regeneration Scheme since its inception in 2005



Leeds Regeneration Plan
2005 -2008

The Board's full work programme 2007/08

- **Request for Scrutiny A65 Quality Bus Initiative Environment Assessment**
- **Impact of Flooding Events on the Leeds District**
- **Request for Scrutiny - Former Miles Hill and Royal Park Schools**
- **Inquiry to Review Consultation Processes**
- **Update on the Strategic Review of Planning and Development Services**
- **Request for Scrutiny regarding the increased use of Shared Surfaces under the Council's new Street Design Guide**
- **Presentation by Chief Officers of the City Development Department**
- **Strategy for Introducing 20 mph Zones**
- **Questions to the Member with portfolio responsibility for Development and Regeneration**
- **Presentation on the Leeds Initiative current work and future development plans of the organisation**
- **City Centre Area Action Plan – Preferred Options Consultation Responses**
- **Consultation on the Strategic Outcomes and Improvement Priorities for the Leeds Strategic Plan**
- **Leeds Local Enterprise Growth Initiative (LEGI) - Sharing the Success**
- **Performance Management Indicators for Quarters one, two and three**
- **Detailed look at Corporate Plan Indicator (i) ED50 Businesses satisfied with the Council in helping to create a good business environment (ii) BV165 % of Pedestrian Crossings with facilities for disabled people and (iii) BV204 Performance on Planning Appeals**
- **Introduction and Questions to the Chief Highways Officer**
- **Local Development Framework Annual Monitoring Report**
- **Presentation from the Chief Planning Officer**
- **Update on the Strategic Review of Planning & Development Services**
- **Housing Mix, Vacancy Rates and Infrastructures - City Centre**
- **The Local Economic Impact of Students in Leeds**
- **Section 106 Planning and Section 278 Highways Agreements**
- **Traffic Congestion – Key Locations**
- **Town and District Centre Regeneration Scheme**
- **Review of the Conservation Team**
- **The Local Economic Impact of Students' at Leeds Two Universities**
- **Budgetary Issues and Considerations**
- **Review of Enforcement of Planning Conditions in the City**
- **Local Area Agreement Performance Management**



Originator: H Pinches

Tel: 43347

Report of the Assistant Chief Executive (Planning, Policy and Improvement)

Scrutiny Board (City Development)

Date: 22nd April 2008

Subject: Council Business Plan 2008-11 – Update

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The Council Business Plan 2008-11 is a key element of the planning framework and sets out our business transformation, organisational change and financial plan for the next three years. At the heart of this plan are the business outcomes and improvement priorities and these have been revised to reflect feedback from the consultation process and to incorporate key recommendations from the recent corporate assessment. These revised outcomes and improvement priorities are brought back to Scrutiny for information.
2. Another important element of this plan are the performance indicators and targets which we will use to monitor our progress in achieving this plan. In setting ourselves targets which are both realistic and challenging we can ensure that we are expressing a clear desire for change and that improvement is driven across the whole organisation. The performance indicators which will form an important part of this plan are currently being developed and an initial list is presented in this report for early consideration.

1.0 Purpose of this Report

- 1.1 This report provides an update on the development of the Council Business Plan 2008-11. It sets out the revised business plan outcomes and improvement priorities along with the first draft of the performance indicators which will be used to measure our progress in achieving this plan.

2.0 Background Information

- 2.1 The Council Business Plan is a key element of the corporate planning framework for the authority. It sets out what the council needs to do internally to enable the organisation to achieve the Leeds Strategic Plan. That is outlining the business development, organisational change, process transformation and financial planning activities that we will be undertaking over the next three years. At the heart of this plan are the Business Outcomes and Improvement Priorities which were initially drafted from discussions with senior officers across the council. These were then amended as a result of a consultation/challenge process which including input from:

- Trade Unions – via the Joint Consultative Committee;
- Staff – through two focus groups and a written consultation with corporate staff groups representing particular minority groups; and
- Elected Members via all Scrutiny Boards.

- 2.2 At the same time the Audit Commission has been consulting on its proposals for the new Comprehensive Area Assessment (CAA) which will replace the current Comprehensive Performance Assessment (CPA) framework in 2009. As part of this the best value performance indicators, previously used to report our progress, have been replaced by a new set of 198 national indicators. The majority of this national indicator set is focused on the outcomes delivered to local people and very few of them are relevant to the Council Business Plan. However, we can choose to continue to measure best value performance indicators where we think that these are relevant.

3.0 Main Issues

Revisions to Business Plan Outcomes and Improvement Priorities

- 3.1 The feedback from the consultation process has resulted in the restructure and the amendment of the business plan outcomes and improvement priorities. Key changes include:
- The number of outcomes has been reduced from four to three and these improvement priorities have been split across the other three outcomes in order to better align related pieces of work. In particular, the identified improvements around democratic engagement was felt to be strongly interlinked to the overall organisational development work. Similarly the community engagement improvement priorities and the information and intelligence that this provides aligns better with the outcome on business intelligence.
 - It was agreed that outcome around organisational development should not be structured around the council values as the values should underpin everything we do rather than being assigned to any particular outcome. Therefore, this outcome has been re-structured so that it aligns better to the elements of the One Council project.

- Concerns were raised that the business plan outcomes and improvement priorities did not adequately highlight the work still to be done to embed risk management and project/programme management; particularly the need to improve the way we approach, prioritise and co-ordinate major change projects of strategic importance. Additional improvement priorities have been added to cover these areas.
- Some of the improvement priorities were felt to be unclear or ambiguous and the wording of these have been changed to more explicitly set out what we are wanting to achieve.

3.2 In December the Council was subject to a Corporate Assessment by the Audit Commission. Whilst the formal report is still being agreed the feedback given so far has identified a number of areas of weakness and those that are relevant to the Council Business Plan include:

- Ensuring we are engaging with all communities including hard to reach groups
- Linking service plans more clearly to our priorities and embedding business planning
- Improving consistency of scrutiny
- Developing a corporate approach to workforce planning
- Improving consistency of HR practice
- Further reducing absence levels
- Developing programme management capacity
- Embedding performance management and improving the consistency of individual performance management

3.3 Whilst many of these areas were already covered by the draft business plan outcomes and improvement priorities some of the wording has been strengthened to reflect this feedback. The revised business outcomes and improvement priorities are set out in the table below.

Business Outcome 1 - We are a values led organisation and our people are motivated and empowered	
Delivered through	Business Improvement Priorities
Organisational Design and Workforce Planning	<ul style="list-style-type: none"> • Ensure we have the right staff, in the right place with the right skills at the right time • Empower, support and develop our staff and members by embedding core skills and behaviours with performance based appraisals • Improve understanding and transparency of our decision-making and accountability processes
Leadership	<ul style="list-style-type: none"> • Improve leadership at all levels including officers and elected members • Enhance our leadership of the city • Strengthen communication (skills and mechanisms) at all levels
Democratic engagement	<ul style="list-style-type: none"> • Strengthen our democratic processes to improve governance and policy making • Increase member involvement in policy development, decision making and accountability
Equality Diversity and Community Cohesion	<ul style="list-style-type: none"> • Ensure colleagues reflect the diversity of our communities • Ensure fair access to all our services • Embed equality and diversity throughout the organisation

Sustainability	<ul style="list-style-type: none"> • Reduce the carbon emissions arising from our buildings, vehicles and operations • Increase the proportion of socially responsible goods and services that we procure • Support the achievement of our strategic outcomes through our corporate social responsibility programme
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Business Outcome 2 - We are an intelligent organisation, using good quality information to deliver better outcomes

Delivered through	Business Improvement Priorities
Information and knowledge management	<ul style="list-style-type: none"> • Improve our systems and processes to enable us to use our information effectively and efficiently • Use our information to shape service provision, provide constructive challenge and improve our decision making at all levels • Ensure we have the right intelligence to inform our strategic planning • Develop arrangements to protect and share information in line with legislative and regulatory requirements
Customer involvement, choice and satisfaction	<ul style="list-style-type: none"> • Improve our understanding of our customers • Increase choice so customers can access services in more convenient ways • Improve our services based on customer feedback • Manage customer expectation and deliver on our promises • Develop joined up and person centred services designed around the needs of our customers • Enhance the links between front and back office services to deliver excellent end-to-end services
Stakeholder Engagement	<ul style="list-style-type: none"> • Increase involvement, engagement and participation of all communities especially hard to reach groups • Build trust with local communities to encourage greater engagement

Business Outcome 3 – Our resources are clearly prioritised to provide excellent services and value for money.

Delivered through	Business Improvement Priorities
Resource Prioritisation	<ul style="list-style-type: none"> • Deliver our 5 year financial strategy to align resources to our strategic priorities • Embed sustainability in our resource management processes • Consider all additional sources of funding available to support our priorities
Efficiency/Value for Money	<ul style="list-style-type: none"> • Improve the efficiency of our services including maximising savings delivered through procurement, ICT and asset management. • Embed value for money at all levels
Commissioning	<ul style="list-style-type: none"> • Implement a commissioning approach which delivers value for money and ensures the best provider.
Service Improvement	<ul style="list-style-type: none"> • Ensure strategic business transformation/improvement activity is prioritised and co-ordinated • Enhance service improvement capacity to support business change at directorate/service level • Embed a consistent approach to service planning which clearly links workforce planning, risk, financial and performance management.
Partnerships	<ul style="list-style-type: none"> • Develop sustainable and effective partnership governance framework
Support services	<ul style="list-style-type: none"> • Improve quality and efficiency of support services

Performance Management

- 3.4 At the same time as the outcomes and improvement priorities have been under consultation a draft set of performance indicators have also been developed through a series of workshops. These workshop considered the new national indicator set, existing best value and corporate plan indicators as well as looking at some new local indicators. This process produced a broad range of performance indicators which are currently being reviewed, defined and refined by the relevant service areas. In some areas, particularly for those indicators which are new, these discussions are on-going and therefore it should be stressed that the current list is still very much work in progress. However, it would be helpful to get members early views on this list especially thoughts on the coverage, balance and if there are any significant gaps. Appendix 1 sets out these indicators in a balanced scorecard format which shows how they would link to the strategic plan and allows us to consider whether we have the right balance in terms of the types of indicators.
- 3.5 As part of the development of these performance indicators, service areas have also been asked to make their initial suggestions for targets for the next three years. However in most cases work is still on-going to develop and agree these targets. In order to ensure that the target setting process is robust and rigorous the Resources Scrutiny Board has reviewed these initial indicators and targets (where available) and they have identified a small number of targets for more detailed examination at their meeting in April. At this meeting relevant officers will be asked to attend to present the background and context to these indicators and their rationale for the targets.

4.0 Implications For Council Policy And Governance

- 4.1 The Council Business Plan forms part of the Council's Budget and Policy Framework as set out in the Constitution. All scrutiny boards have considered the initial draft outcomes and improvement priorities. Resources Scrutiny Board are asked for their input into the developing performance indicators and targets to support the delivery of the Council Business Plan. Formal approval of the Council Business Plan will be through Executive Board (11th June) and Council (2nd July).

5.0 Legal And Resource Implications

- 5.1 The financial element of the business plan has been approved through a linked but parallel process which aligned with the annual budget. The five year financial plan will be incorporated into the business plan prior to its formal approval.

6.0 Conclusions

- 6.1 The development of the Council Business Plan is on-going and performance indicators and targets which will be used to measure the delivery of this plan are at an early stage of development.

7.0 Recommendations

- 7.1 It is recommended that Scrutiny Board (City Development):
- consider the draft list of business plan performance indicators and give their views on the overall balance and coverage.

Citizen/Strategic Outcomes (Leeds Strategic Plan/LAA Indicators)

Culture Indicators	●	Environment Indicators	●
Economy & Enterprise Indicators	●	Health and Wellbeing Indicators	●
Learning Indicators	●	Thriving Places Indicators	●
Transport Indicators	●	Harmonious Communities Indicators	●

Customer First

Value for Money/Resources

➤ Avoidable customer contact	●	➤ CO2 emissions	●
➤ Fair treatment by local services	●	➤ Maintain our external EMAS accreditation	●
➤ Overall resident satisfaction	●	➤ Delivery of Medium Term Financial Plan	●
➤ Volume of total transactions delivered through self service	●	➤ Use of Resources Score	●
➤ % complaints responded to within 15 days	●	➤ Out-turn of corporate budget	●
➤ % letters from the public responded to within 10 working days	●	➤ % income from council tax, NDR, housing rents and sundry debtors collected by authority in year	●
➤ % emails from the public responded to within 10 working days	●	➤ Level of cashable efficiency savings	●
➤ % telephone calls answered as a proportion of calls offered	●	➤ % of budget spent through corporate framework agreements and corporate contracts	●
➤ % those making a complaint who are satisfied with the handling of their complaint	●	➤ % debt recovered	●
➤ Accessibility of Council Buildings	●		
➤ % people who think LCC allow residents a say in what it does	●		

Business Improvement/Excellence

Valuing our Colleagues

➤ Equality standard level	●	➤ Staff sickness (average No. days per FTE)	●
➤ Voter turn out in local elections	●	➤ Staff turnover	●
➤ % major projects assured by PAU being delivered: a) on time, b) on budget and c) realised benefits	●	➤ % staff who feel valued as an employee	●
➤ Direction of Travel score	●	➤ % staff who have had an appraisal	●
➤ % IO programme project milestones achieved vs those planned	●	➤ % staff who feel they are involved in contribution to the direction of the organisation	●
➤ % staff who feel they have access to the information and systems to do their job efficiently	●	➤ % of staff who feel that the council communicates well with them	●
➤ Data Quality measured by:	●	➤ % of top earners who are:	●
a) number of key systems using a corporately agreed monitoring framework and defined metrics to measure data quality	●	a) women	●
b) % strategic indicator set (LSP, CBP & NI) where we have "no concerns" on data quality	●	b) from BME communities	●
➤ % of eligible decisions available for call in	●	c) Disabled	●
➤ % key decisions which did not appear in the forward plan	●	➤ % staff with disability	●
		➤ % staff from BME communities	●
		➤ Level of Investors in People accreditation	●



Originator: Richard Mills

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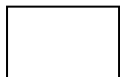
Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 22nd April 2008

Subject: Outstanding Issues and Forward Plan

Electoral Wards Affected: All



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

- 1.1 The attached appendix provides Members with a copy of outstanding issues from the Board's current Work Programme (appendix 1).
- 1.2 Attached as appendix 2 is the Forward Plan for the period 1 April to 31 July 2008.

2.0 Recommendations

- 2.1 The Board is requested to:
- (i) note the outstanding issues to be passed to the successor Board for consideration.
 - (ii) consider items listed in the Forward Plan which the Board may wish to highlight for consideration in the new municipal year.

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Item	Description	Notes	Type of item
Meeting date – 22nd April 2008			
<i>Reports required from Department by 2nd April 2008</i>			
Management and Capacity of the Compliance Section	To receive a report from the Chief Planning Officer on the management and capacity of the Enforcement Section and its ability to take effective enforcement action when breaches of planning conditions were reported	This was requested by the Board at its meeting on 19th February 2008	RP
Consider the Draft Final Report on the Inquiry to Review Consultation Processes	To consider the Board's final report and recommendations	This inquiry was agreed on 20 th November 2007	RP
Scrutiny Board Annual Report	To consider the Board's final Annual Report for 2007/08	Council Procedure Rules require the publication of an Annual Report	

Other Outstanding Issues

Shared Spaces – Street Design Guide	The Board on 19 th February 2008 supported the request for scrutiny from a group representing the blind, partially sighted & disabled on the proposed expansion of the use of shared spaces between pedestrians and vehicles and recommended the successor Board in the next municipal year consider an inquiry on this issue.		DP
Local Economic Impact of Students at Leeds Two Universities	The Board on 19 th February 2008 requested a paper on the impact to the Leeds economy of overseas students and the indirect economic impact of students on the city.		RP/DP
Multi Purpose Arena	To receive a paper on progress with regard to this development		B
Town & District Centres Regeneration	To receive an update last considered by the Board on 18 th December 2007 April perhaps 2008		RP/B

Key:
CCFA / RFS – Community call for action / request for scrutiny
RP – Review of existing policy
DP – Development of new policy
MSR – Monitoring scrutiny recommendations
PM – Performance management
B – Briefings (Including potential areas for scrutiny)
SC – Statutory consultation
CI – Call in

LEEDS CITY COUNCIL

FORWARD PLAN OF KEY DECISIONS

For the period 1 April 2008 to 31 July 2008

Appendix 2

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made)
Proposed assembly of land at Elland Road, Leeds To approve the principle of assembling land at Elland Road, either through one to one negotiations or through a possible Compulsory Purchase Order	Executive Board (Portfolio: Development and Regeneration)	16/4/08	Ward Members previously consulted on the Informal Planning Statement	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development
Advertising on Lamp Posts - Proposals of Distribution of Income Approval of proposals for distribution of advertising income to enhance service delivery in those wards where the advertising income is being generated.	Executive Board (Portfolio: Development and Regeneration)	16/4/08	Area Managers	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made)
Supply of Coated Materials and Ready Mixed Concrete 2008-2012 Acceptance of Tenders in Accordance with Contract Procedure 22 To approve the acceptance of tenders for the supply of coated materials and ready mixed concrete 2008-2012.	Chief Highways Officer	28/4/08	None	Report and tender documents	Director of City Development
Abbey Mills and St Ann's Mills, Kirkstall, Leeds To consider the offers for St Anns' Mills.	Executive Board (Portfolio: Development and Regeneration)	14/5/08	Ward Members	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development
Quarry Hill, Leeds 9 To consider options relating to the sale of Quarry Hill following the receipt of a substantial unsolicited unconditional offer.	Executive Board (Portfolio: Development and Regeneration)	14/5/08	Members of the Council	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made)
Pudsey Bus Station Redevelopment Approval to construct the highway works associated with the redevelopment of Pudsey Bus Station	Executive Board (Portfolio: Development and Regeneration)	14/5/08	As this is a joint LCC/Metro scheme, joint consultation is ongoing	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development
Proposed Leeds Arena Development, Selection of Preferred Operator To seek approval to the selection of the preferred operator for an Arena in Leeds	Executive Board (Portfolio: Development and Regeneration)	14/5/08	Yorkshire Forward, Arena Project Board	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development
Otley - Heavy Goods Vehicle Traffic To seek approval for proposals for HGV Management in the Otley area.	Executive Board (Portfolio: Development and Regeneration)	14/5/08	Ward Members, Neighbouring Local Authorities	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development

NOTES

Key decisions are those executive decisions:

- which result in the authority incurring expenditure or making savings over £500,000 per annum, or
- are likely to have a significant effect on communities living or working in an area comprising two or more wards

<u>Executive Board Portfolios</u>	<u>Executive Member</u>
Central and Corporate	Councillor Richard Brett
Development and Regeneration	Councillor Andrew Carter
Environmental Services	Councillor Steve Smith
Neighbourhoods and Housing	Councillor John Leslie Carter
Leisure	Councillor John Procter
Children's Services	Councillor Stewart Golton
Learning	Councillor Richard Harker
Adult Health and Social Care	Councillor Peter Harrand
Leader of the Labour Group	Councillor Keith Wakefield
Leader of the Morley Borough Independent Group	Councillor Robert Finnigan
Advisory Member	Councillor Judith Blake

In cases where Key Decisions to be taken by the Executive Board are not included in the Plan, 5 days notice of the intention to take such decisions will be given by way of the agenda for the Executive Board meeting.

LEEDS CITY COUNCIL

BUDGET AND POLICY FRAMEWORK DECISIONS

Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be considered by Decision Maker	Lead Officer

NOTES:

The Council's Constitution, in Article 4, defines those plans and strategies which make up the Budget and Policy Framework. Details of the consultation process are published in the Council's Forward Plan as required under the Budget and Policy Framework.

Full Council (a meeting of all Members of Council) are responsible for the adoption of the Budget and Policy Framework.

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