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## EXECUTIVE BOARD

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Meeting to be held in Civic Hall, Leeds on  
Wednesday, 4th November, 2009 at 1.00 pm

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### Councillors

R Brett (Chair)  
A Carter  
J L Carter  
S Golton  
R Harker  
P Harrand  
J Procter  
J Monaghan

### MEMBERSHIP

K Wakefield  
R Lewis \*

R Finnigan

\*non voting advisory member

## CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

### **9.2 Confidential information means**

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

# A G E N D A

Item No K=Key Decision	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as 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.</p>	

Item No K=Key Decision	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF INTERESTS</b></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><b>MINUTES</b></p> <p>To confirm as a correct record the minutes of the meeting held on 14<sup>th</sup> October 2009.</p> <p><b><u>ADULT HEALTH AND SOCIAL CARE</u></b></p>	1 - 10
6			<p><b>DEPUTATION TO COUNCIL - THE 'TIME TO CHANGE' CITY WIDE STEERING GROUP SEEKING LEEDS CITY COUNCIL SUPPORT FOR THE EVENTS PLANNED TO BE HELD IN LEEDS AS PART OF THE NATIONAL 'TIME TO CHANGE' CAMPAIGN</b></p> <p>To consider the report of the Director of Adult Social Services in response to the deputation to Council from the 'Time to Change' City-Wide Steering Group on 16<sup>th</sup> September 2009.</p>	11 - 22

Item No K=Key Decision	Ward	Item Not Open		Page No
7			<p><b>DEPUTATION TO COUNCIL - THE ACCESS COMMITTEE FOR LEEDS REGARDING PLANNED DAY CENTRE CLOSURES</b></p> <p>To consider the report of the Director of Adult Social Services in response to the deputation to Council from the Access Committee for Leeds on 16<sup>th</sup> September 2009.</p>	23 - 30
8 K			<p><b>FROM DAY CENTRES TO DAY SERVICES - RESPONSE TO THE CONSULTATION ON DAY SERVICES</b></p> <p>To consider the report of the Director of Adult Social Services providing a summary of the consultation process undertaken with respect to the future role and purpose of the Council's day centres for older people, and detailing the recommendations for the development of day services for older people, following consideration of the responses received.</p> <p><b><u>CENTRAL AND CORPORATE</u></b></p>	31 - 56
9 K			<p><b>FINANCIAL HEALTH MONITORING 2009/10 - HALF YEAR REPORT</b></p> <p>To consider the report of the Director of Resources on the financial health of the authority after six months of the financial year in respect of the revenue budget and the housing revenue account.</p>	57 - 72
10			<p><b>CAPITAL PROGRAMME UPDATE 2009-2013</b></p> <p>To consider the report of the Director of Resources providing financial details of the 2009/10 month 6 Capital Programme position and seeking a small number of scheme specific approvals which have arisen since the 2008/09 – 2012/13 Capital Programme was approved in February 2009.</p>	73 - 86

Item No K=Key Decision	Ward	Item Not Open		Page No
11			<p><b>TREASURY MANAGEMENT STRATEGY UPDATE 2009/10</b></p> <p>To consider the report of the Director of Resources providing a review and update on the Treasury Management Strategy for 2009/10.</p>	87 - 96
12			<p><b>GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY</b></p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) providing an update on the review and public consultation of the Gambling Act 2005 Statement of Licensing Policy, and presenting the revised document for the purposes of the Board's recommendation to full Council.</p>	97 - 184
13			<p><b>COUNCIL BUSINESS PLAN 2008-11: MID-TERM REVIEW AND REFRESH</b></p> <p>To consider the report of the Assistant Chief Executive (Planning, Policy and Improvement) outlining a number of proposed amendments to the Council Business Plan 2008-2011.</p> <p><b><u>DEVELOPMENT AND REGENERATION</u></b></p>	185 - 192
14			<p><b>REVISED ENVIRONMENT POLICY</b></p> <p>To consider the report of the Director of City Development presenting for adoption the revised Environment Policy, clarifying the rationale behind the Policy and identifying the core elements and the links to the Leeds Strategic Plan, Eco Management and Audit Scheme (EMAS) and other requirements.</p>	193 - 198

Item No K=Key Decision	Ward	Item Not Open		Page No
15 K	Chapel Allerton; Hyde Park and Woodhouse;		<p><b>REMEDICATION OF GARDENS IN THE MEANWOOD AREA - CONTAMINATED LAND INSPECTION STRATEGY</b></p> <p>To consider the report of the Director of City Development on a proposed scheme of remediation works to 41 properties in the Meanwood area to remove contaminated soil from all garden areas, to a minimum depth of 0.6m, and replacement with clean soil; the scheme to be funded by grant from the Department for the Environment, Food and Rural Affairs.</p> <p><b><u>NEIGHBOURHOODS AND HOUSING</u></b></p>	199 - 202
16	Gipton and Harehills;		<p><b>NEW SOCIAL HOUSING IN EASEL</b></p> <p>To consider the report of the Director of Environment and Neighbourhoods providing details of a new funding opportunity which would enable two of the EASEL phase 1 sites to be brought forward for the provision of new social housing.</p> <p><b><u>CHILDREN'S SERVICES</u></b></p>	203 - 210
17 K	Morley North;		<p><b>PROPOSAL FOR EXPANSION OF PRIMARY PROVISION IN THE GILDERSOME AREA</b></p> <p>To consider the report of the Chief Executive of Education Leeds on a proposed consultation exercise with respect to permanently expanding Gildersome Primary School by one form of entry with effect from 2011, as part of the remodelling work planned through the Primary Capital Programme.</p>	211 - 216

Item No K=Key Decision	Ward	Item Not Open		Page No
18 K	Harewood; Wetherby;		<p><b>DESIGN AND COST REPORT - BOSTON SPA CHILDREN'S CENTRE</b></p> <p>To consider the report of the Acting Chief Officer of Early Years and Integrated Youth Support Service Leeds outlining proposals with respect to the development of Boston Spa Children's Centre.</p>	217 - 220
19	Killingbeck and Seacroft;		<p><b>MULTI-FUNCTION CENTRE: CO-LOCATION CAPITAL GRANT</b></p> <p><u>(a) Design and Cost Report: 'Wyke Beck Community Centre' Co-Location Capital Grant 2009/10 – 2010/11</u></p> <p>To consider the report of the Director of Children's Services regarding the proposed injection of the £3,335,000 Co-Location Capital Grant funding into the Council's capital programme and seeking authority to spend the capital monies on the 'Wyke Beck Community Centre' scheme.</p> <p><u>(b) Lease of Land Adjoining the David Young Academy</u></p> <p>To consider the report of the Director of Children's Services regarding a request received from the David Young Community Academy which is in connection with the proposed 'Wyke Beck Community Centre' scheme and relates to the leasing of land adjoining the Academy.</p>	221 - 242



## EXECUTIVE BOARD

WEDNESDAY, 14TH OCTOBER, 2009

**PRESENT:** Councillor R Brett in the Chair

Councillors A Carter, J L Carter,  
R Finnigan, S Golton, R Harker, P Harrand,  
J Procter, K Wakefield and J Monaghan

Councillor R Lewis - Non-voting advisory member

### 88 Exclusion of the Public

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

- (a) Appendix 4 to the report referred to in minute 94 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it is considered that it is not in the public interest to disclose this information at this point in time as it could undermine the method of disposal, should that come about, and affect the integrity of disposing of the property/site. Also it is considered that that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to this or other similar transactions in that prospective purchasers of this or other similar properties would have information about the nature and level of consideration 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 any transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (b) Appendix 1 to the report referred to in minute 106 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosure in that the appendix, and the Outline Business Case, include commercial information where publication could be prejudicial to the Council's interests.
- (c) The appendix to the report referred to in minute 99 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in disclosing the alternative funding strategy outlined in the appendix could be prejudicial to the Council's ability to finalise the

funding plans for the scheme and would therefore outweigh the public interest in disclosure of the information.

**89 Late Item**

A late item on the subject of Yorkshire Forward funding for the Leeds Arena had been admitted to the agenda as a late item as a result of emerging information which required that the Board consider possible alternative funding arrangements in relation to the Arena development. If these matters were not considered at this meeting delays in the programme already commenced could result which would be detrimental to the scheme.

**90 Declaration of Interests**

Councillor A Carter declared a personal interest in the item relating to the New Generation Transport Scheme (minute 101) as a member of the Regional Transport Panel.

Councillor Wakefield declared a personal interest in the items relating to Special Educational Needs (minute 95), The National Challenge and structural change to secondary provision (minute 96) and the September 2009 school admissions round (minute 105) as a school and Leeds College governor (Councillor Wakefield declared an interest in the same terms during the discussion under minute 93).

**91 Minutes**

**RESOLVED –**

(a) That the minutes of the meetings held on 26<sup>th</sup> August and 17<sup>th</sup> September 2009 be approved.

(b) That in receiving the minutes the Board noted that the four members referred to in the minute of 17<sup>th</sup> September had met on 1<sup>st</sup> October and received a paper on matters which had been agreed within the terms indicated by the Board and that consequently those members had authorised officers to proceed to conclude the transaction.

(c) That it be also noted that the Chair had agreed that a verbal update be received in the private part of the meeting with regard to the matters referred to in (b) above. Such verbal report to be exempt in the terms previously agreed for this matter and the imminence of the conclusion of the transaction being the reason for admission of the item.

**NEIGHBOURHOODS AND HOUSING**

**92 Reform of Council Housing Finance - Leeds City Council's response to the CLG consultation paper**

The Director of Environment and Neighbourhoods submitted a report on the Council's response to the Department for Communities and Local Government's consultation paper.

**RESOLVED** - That proposed response to the Governments consultation paper "Reform of council housing finance" be approved in accordance with the submitted report.

**93      Bangladesh Community Centre: Community Asset Transfer**

The Director of Environment and Neighbourhoods submitted a report on the outcome of discussions which had taken place with the Bangladeshi Management Committee over a number of months in relation to the possible transfer to the Committee of the Bangladeshi Community Centre on a 50 year Full Repair and Insurance lease at less than best consideration.

**RESOLVED –**

(a) That approval be given to the principle of a fifty year lease for the Bangladeshi Community Centre at peppercorn rent to the Bangladeshi Management Committee to operate the premises as community facility for the benefit of the local residents.

(b) That the Director of City Development be authorised to approve the detailed terms and conditions of the lease.

(During the discussion of this item Councillor Wakefield declared a personal interest as a school and Leeds College governor).

**DEVELOPMENT AND REGENERATION**

**94      The Former Royal Park Primary School**

The Director of City Development submitted a report on the current position with regard to the former Royal Park Primary School and on the preferred options for the future.

The report identified the following six possible options:

- i      Traditional marketing of the refurbishment opportunity
- ii     Convert to Council use
- iii    Deal exclusively with one interested party or invite best and final offers
- iv     Community Asset Transfer
- v      Disposal by way of auction
- vi     Immediate demolition of the main school buildings and the retention of the site until such time as the property market improves

Following consideration of Appendix 4 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion to the meeting it was

**RESOLVED –**

(a) That the withdrawal of the preferred developer be noted.

(b) That the decision made at the meeting held on 22nd August 2007 be rescinded.

(c) That this Board declines the Royal Park Community Consortium's request that no action be taken for a period of six months to allow the consortium time to develop funding applications which might, subsequently, lead to the lease or transfer of the ownership of the property.

(d) That this Board notes the negotiations that have taken place with the two organisations seeking to acquire the property, at market value, and refurbish it for subsequent use, instructs that the Director of City Development invites unconditional best and final financial offers from these two organisations in accordance with the terms of the report including business plans illustrating the ability of the bidder to guarantee the long term sustainability of the building, the latter representing 30% of the marks in any assessment, notwithstanding the outcome of any assessment, the bidders be advised that the Council will be under no obligation to accept either of the offers and that the purchaser must demonstrate the financial capacity not only for the purchase but also to address the very substantial cost of the refurbishment that would be required.

(e) That the decision at (d) above shall not preclude the consideration of a bid from another party submitted in the same terms as those detailed above.

### **CHILDREN'S SERVICES**

**95 The Development of Specialist Provision and Support for Special Educational Needs in Learning Environments - A Discussion Document**

The Chief Executive of Education Leeds submitted a report providing an overview of the recent activity undertaken as part of the Leeds Inclusive Learning Strategy and introducing a new discussion document and accompanying appendices aimed at progressing the strategy.

**RESOLVED –**

(a) That current and ongoing discussions with partners, stakeholders and parent/carers during the Autumn Term 2009 on the discussion document be noted and approved.

(b) That the developmental priorities and emerging Action Plan for 2009/10 be noted.

**96 The National Challenge and Structural Change to Secondary Provision in Leeds**

Further to minute 217 of the meeting held on 4<sup>th</sup> March 2009 the Chief Executive of Education Leeds submitted a report presenting options and recommendations for delivering the next phase in structuring secondary provision in Leeds, and in particular, the response to the Government's National Challenge initiative.

Members also had before them a letter from the NUT, NASUWT and ATL trade unions regarding the same matter

**RESOLVED** – That the proposals detailed in section 5.2 of the submitted report be adopted.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted against this item).

### **CENTRAL AND CORPORATE**

**97 Joint Service Centres - Formal Approval to the Next Stages of the Joint Service Centre Project, Capital and Revenue Budget Implications**

The Deputy Chief Executive submitted a report providing an update on progress and providing budget implications associated with the delivery of the Chapeltown and Harehills Joint Service Centres.

**RESOLVED –**

(a) That the successful financial close on 12<sup>th</sup> June 2009, which was within the maximum affordability deficit of £396,000 approved at Executive Board of 4<sup>th</sup> March 2009, be noted.

(b) That the final affordability position at financial close, as set out in Table A of the report be approved.

(c) That the £600,000 capital receipt, received from LIFT Co (Community Ventures Leeds Ltd) for the sale of the two Joint Service Centre sites at Chapeltown and Harehills, be formally ring fenced to the JSC project and used for Stamp Duty Land Tax, temporary library bus and other ICT costs, as set out in Table B of the report.

(d) That the revenue expenditure for the provision of ICT and furniture and fittings to the new Joint Service Centres, as set out in Table B of the report be approved.

**98 2010: A Year of Volunteering**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report on the background to the '2010: A Year of Volunteering' initiative in Leeds and outlining progress in relation to developing a programme of activities and arrangements in this respect.

**RESOLVED –**

(a) That the proposal to make 2010 Leeds Year of Volunteering be endorsed.

(b) That additional activities and events that will contribute to making the year a success for the city be sponsored and endorsed.

## **DEVELOPMENT AND REGENERATION**

### **99 Leeds Arena - Yorkshire Forward Funding**

The Director of City Development submitted a report on the potential outcome that the Government would not agree to authorise the Yorkshire Forward funding, in whole or in part, for the above scheme and on an alternative strategy to secure progress of the scheme in the event of that outcome.

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 the alternative funding strategy as outlined in the exempt appendix to the report be approved in order to ensure that the Leeds Arena scheme can progress as planned, should the government not agree to the release of the whole of the £18,000,000 Yorkshire Forward funding which had been proposed.

(b) That a Design and Cost Report for the scheme be brought back to this Board upon completion of RIBA Stage D design by the Council's design team in order that the design and cost freeze for the project can be agreed.

### **100 Leeds Core Cycle Network Project**

The Director of City Development submitted a report providing an overview of proposals being developed to implement a strategic approach to the longer term development of cycle facilities and routes within Leeds.

#### **RESOLVED –**

(a) That the design and implementation of the proposed Leeds Core Cycle Network Project be approved, subject to financial approvals and regulation.

(b) That authority be given to incur £1,311,500 works and £135,500 supervision fees and monitoring, for the following routes that form part of the proposed Core Cycle Network Project, to be funded from the Integrated Transport Scheme 99609 within the approved Capital Programme:

- (i) Route 16 Wyke Beck Way (Roundhay Park to Easterly Rd section)
- (ii) Route 5 Cookridge - City Centre
- (iii) Route 3 Middleton – City Centre
- (iv) Route 15 Alwoodley – City Centre.

### **101 Submission of the Major Scheme Business Case (MSBC) for the New Generation Transport Scheme**

The Director of City Development submitted a report outlining the progress made to date on the development of the New Generation Transport (NGT) proposals and detailing the key information for inclusion within the project's Major Scheme Business Case (MSBC) proposed for submission to the Department of Transport in the latter half of October 2009.

**RESOLVED –**

(a) That a Major Business Scheme Case for NGT be submitted in October 2009, based on the scheme options as set out in Section 2.4 of the submitted report.

(b) That the proposed approach for delivering the 10% local contribution to the scheme as set out in Section 3.4.4 of the report be approved.

(c) That the City Council share of the 'Additional Risk Layer' of the project be underwritten as set out in Section 3.4.6 of the report.

**CHILDREN'S SERVICES**

**102 Playbuilder Initiative Update**

The Director of Children's Services submitted a report on the proposed locations of the six remaining playbuilder sites as recommended by the Strategic Play Partnership and on proposals to progress to development of those six sites.

**RESOLVED –**

(a) That the proposed six sites as recommended by the Strategic Play Partnership be approved.

(b) That scheme expenditure for Cross Flatts, Seacroft Gardens, Horsforth HIPPO and Naburn Close Park be authorised.

(c) That authority be given to proceed with Tinshill Garth and Butcher Hill subject to agreement on long term maintenance and inspection being secured.

**103 Proposal for Statutory Expansion of Primary Provision for September 2010**

The Chief Executive of Education Leeds submitted a report on the proposed statutory consultation process for the expansion of primary provision.

**RESOLVED –**

(a) That statutory formal consultation be undertaken on the prescribed alterations to permanently expand the primary schools identified in paragraph 3.3 of the submitted report.

(b) That formal consultation be undertaken on a proposal at New Bewerley Primary School, in addition to the proposed expansion within (a) above, to add community specialist provision for up to 14 pupils with complex medical, physical needs.

(c) That a report detailing the outcome of these consultations be brought back to this Board in Spring 2010.

(d) That it be noted that proposals for further primary school expansion from 2011 onwards are being developed and will be the subject of further reports to this Board.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

- 104 Proposal for Expansion of Primary Provision in the Richmond Hill Area**  
The Chief Executive of Education Leeds submitted a report on proposals to undertake consultation with respect to permanently expanding Richmond Hill Primary School by one form of entry from September 2012.

**RESOLVED -**

(a) That formal consultation be undertaken on the proposal to permanently expand Richmond Hill Primary School by one form of entry to three forms of entry with effect from September 2012.

(b) That a report detailing the outcome of these consultations be brought back to this Board in Spring 2010.

- 105 Report on the September 2009 Admission Round for Community and Controlled Schools**

The Chief Executive of Education Leeds submitted a report providing a range of statistical information on the 2009 admission round for community and controlled schools.

**RESOLVED –** That the report and the statistical information therein be noted.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

**ADULT HEALTH AND SOCIAL CARE**

- 106 Holt Park Wellbeing Centre - Outline Business Case and Affordability Position**

The Director of Adult Social Services and the Director of City Development submitted a joint report on the proposed submission of the Outline Business Case for the Holt Park Wellbeing Centre to the Department of Health for approval.

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 the report be noted and approval given for the submission of the Outline Business Case for the Holt Park Wellbeing Centre project to the Department of Health.



(b) That approval be given to the affordability implications over the life of the proposed PFI contract for the Centre, summarised in table 1 of the exempt appendix to the report, and that officers be authorised to issue the Council's affordability thresholds relating to the PFI project to the LEP and to Environments for Learning.

(c) That the governance of the Centre be under the Education PFI Project Board in accordance with paragraph 8.7 of the report.

(d) That the decision of the Director of City Development to approve the delivery of the project through the LEP, as described in paragraph 8.2 of the report, be noted and supported.

(e) That the Project Initiation Document for this project be noted

### **DEVELOPMENT AND REGENERATION**

#### **107 Leeds United Thorp Arch Academy**

Further to minute 87 of the meeting held on 17<sup>th</sup> September 2009 the Board received a verbal update on progress of the above transaction in private at the conclusion of the meeting and

**RESOLVED** - That the Chair, the Executive Member (Development and Regeneration), and the Leaders of the Labour and Morley Borough Independent groups be briefed on 15<sup>th</sup> October 2009 as to the position prior to the conclusion of the transaction on the same day.

DATE OF PUBLICATION: 16<sup>th</sup> October 2009

LAST DATE FOR CALL IN: 23<sup>rd</sup> October 2009

(Scrutiny Support will notify Directors of any items called in by 12:00 noon on 26<sup>th</sup> October 2009)

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Originator: Kim Adams

Tel:07801 271396

## Report of the Director of Adult Social Services

### Executive Board

Date: 4 November 2009

Subject: Response to Deputation to Council – The ‘Time to Change’

<p><b>Electoral Wards Affected:</b></p>    <p><input type="checkbox"/> Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
<p>Eligible for Call In <input type="checkbox"/></p>	<p>Not Eligible for Call In (Details contained in the report) <input type="checkbox"/></p>

## EXECUTIVE SUMMARY

On Wednesday 16 September a Deputation was brought to Council on Time to Change – a campaign which aims to end discrimination faced by people experiencing mental health problems. This report gives further detail on the Time to Change campaign and the work going on in Leeds to support this.

### 1.0 Purpose of this report

1.1 The purpose of this report is to highlight the work of the Time to Change campaign in Leeds and the role of the Council within the campaign.

### 2.0 Background information

2.1 On Wednesday 16 September a Deputation was brought to Council on Time to Change. Members of the local Time to Change working group briefed Councillors on the campaign and requested their support in championing Time to Change in their wards. The transcript from the deputation to Council is appended to this report.

2.2 Time to Change<sup>1</sup> is a three year programme running across England which aims to end discrimination faced by people who experience mental health problems. The programme is made up of 35 projects led by Mind and Rethink and is funded through

<sup>1</sup> Background information on national Time to Change programme is taken from the Time to Change website [www.time-to-change.org.uk](http://www.time-to-change.org.uk)

the Big Lottery Fund and Comic Relief. The programme is being evaluated by the Institute of Psychiatry at King's College, London.

2.3 It includes:

- A national campaign
- Local community projects
- Get Moving - a mass participation physical activity week
- Time to Challenge - legal test cases
- Education not Discrimination (END) - training for student doctors and teachers
- Open Up - a network of grassroots activists combating discrimination

2.4 The programme aims to measure success in terms of the experience people have of discrimination. The aims of the programme are stated as:

- To create a 5% positive shift in public attitudes towards mental health problems
- To achieve a 5% reduction in discrimination by 2012
- To increase the ability of 100,000 people with mental health problems to address discrimination
- To engage over 250,000 people in physical activity
- To produce a powerful evidence base of what works

2.5 The National Campaign

A national campaign was launched across England in January to challenge attitudes and change behaviour around mental health problems. This has been built on with a summer campaign running through to the end of August and including adverts on television and in the press. A series of roadshow events will be held across ten locations (including Leeds) in September and October.

2.6 Get Moving

Time to Change's Get Moving is a week of events in October where people challenge discrimination by bringing people with and without mental health problems together to get active at fun events.

2.7 Time to Challenge

Time to Challenge will challenge discrimination against people who experience mental health problems by taking cases through the courts. These cases will concern points of law that have a public importance and relevance to all service users. By doing this we will help to establish a wider understanding that discrimination on the grounds of mental health is no longer acceptable.

2.8 Education not Discrimination (END)

END is the element of Time To Change that targets key audiences who have a significant impact on the lives of people with mental health problems. Rethink will be working with medical school students, trainee teachers, trainee headteachers and school social inclusion officers

2.9 Open Up

Open Up is Mind's grassroots anti-discrimination project, and is led by people with lived experience of mental health problems.

2.9.1 Open Up works on the principle that talking about mental health is the best way to confront stereotypes and tackle prejudice. The project looks for positive and constructive ways to communicate what it's really like to live with a mental health problem.

- 2.9.2 Open Up believes that real change can be achieved by working together. It links up people with experience of mental health problems so they can support each other to speak out about their experiences. Through the Open Up network, members can access support, advice, training and inspiration for their work challenging mental health discrimination.
- 2.10 Time to Change in Leeds  
Time to Change in Leeds was launched on Thursday 25th June 2009. As part of the national Time to Change campaign the launch event challenged people to end discrimination and stamp out stigma. Campaigners demonstrated the 'weight' that mental health related illnesses can hold over people with a six-foot high boulder. The Time to Change in Leeds campaign has a particular focus on challenging the stigma that surrounds mental health and raising awareness of mental illness in the workplace.
- 2.11 Organisations currently involved in the campaign in Leeds include Leeds Partnership NHS Foundation Trust (LPFT), Leeds Mind, Leeds City Council (LCC), NHS Leeds, Leeds Teaching Hospitals NHS Trust (LTHT), Information for Mental Health (IMH), Volition, Community Links and Together.
- 2.12 There are a range of activities and events organised as part of Time to Change locally including:
- 2.12.1 Changing Attitudes in the Workplace  
Work is underway with local companies to offer mental health first aid training. In exchange for the free training businesses are asked to circulate E-communications, display Time to Change literature and encourage others to hold awareness raising events. LCC is part of this initiative.
- 2.12.2 LCC has also been involved in the local steering group for the campaign. There has been a survey on LCC Intranet site. This has been set up to measure both attitudes around mental health and awareness of the campaign before and after Time to Change activities, promotion and events (so far there has been in excess of 700 responses).
- 2.12.3 Football Tournament  
A football tournament is being organized as part of the national Get Moving week. Leeds United FC, the Adult Social Care (ASC) Community Alternatives Team, NHS Leeds and the Positive Mental Attitude Sports Foundation are working together to organise this. The will be held on Tuesday 6th October at Football World, Leeds. Ten teams of service users, carers, friends and family will compete in a 7 a-side tournament. The winning team will be presented with a trophy (hopefully by a Leeds Utd player) and their own kit provided by Leeds United FC.
- 2.12.4 Time to Change roadshow  
A multi-media roadshow is hitting the streets of Leeds with a strong anti-stigma message as part of the national Time to Change campaign. The roadshow will be in Briggate on Thursday 8 October, 10am -4pm, and is one of just ten taking place across the UK. It was awarded to Leeds after a successful bid by LPFT to host it.
- 2.12.5 The roadshow will be staffed by people with experience of mental ill-health, staff from across the city, carers and leads from the national Time to Change team. Large TV screens will show the stories of people who have experienced stigma and discrimination due to mental ill-health and local people will be invited to join in a

special visual petition. They can 'lend their face' to the campaign and be part of massive montage of images being collected as the campaign travels across the country.

- 2.12.6 The campaign has been backed by major celebrities including comedienne Ruby Wax, and others who have shared their experiences of mental ill-health to help reduce stigma. The project aims to encourage as many people as possible in Leeds to get involved in tackling one of the nation's last lingering taboos.
- 2.12.7 This is a nationally led event. We have local involvement and promotional agreement from Marks and Spencer and are looking for a local celebrity for further endorsement.
- 2.12.8 Drama at LPFT's AGM  
As part of LPFT Annual General Meeting there will be an anti stigma debate. As part of this debate LPFT are inviting local leads from across the city to sit on the expert panel. John Lennon, Chief Officer for Access and Inclusion will represent LCC on the panel. The AGM will be held on Tuesday 29<sup>th</sup> September at the Civic Hall, Leeds from 9.30am – 12.30pm
- 2.12.9 There will be a special performance by the One in Four Theatre Company designed to get everyone talking. The piece is based on the stigma and discrimination people with mental health related illnesses have experienced in their own neighbourhoods. It will be followed by the anti-stigma debate with expert panel to look at how the local community can make a difference in their everyday lives to combat stigma and discrimination. It will also be an opportunity to look at the work the trust has achieved over the last year.
- 2.12.10 Website  
LPFT have WebPages set up for Time to Change in Leeds within the LPFT site. Information about the local work can be found at [www.stopstigma-leeds.com](http://www.stopstigma-leeds.com)

### **3.0 Main issues**

#### **3.1 Employment**

- 3.1.1 People with mental health issues are the most discriminated against group of people with disabilities within the workplace. The Leeds Time to Change campaign has chosen to focus on delivering changes in attitude through the workplace. A starting point for this has been offering Training and Development Leads within local companies complementary spaces on Mental Health First Aid training courses in exchange for an agreement to promote the campaign within the company. Major employers that have signed up to this to date are LCC, Yorkshire Forward and Hallmark - 24 people have received training, including people within LCC HR department.
- 3.1.2 The Council, as a major employer in the City of Leeds has in place a Disability Employment Strategy, the aim of which is to increase management and staff awareness of disability issues, review current policies and processes, and improve recruitment, retention and support of disabled people and people with long term health conditions, who are currently employed by the Council. As a response to the identified need to support all employees with regards to their well-being, there is localised targeted activity led by the Council's HR Team and supported by Care First, the Council's Employee Assistance Programme, taking place to support both employees, and managers of employees, who have a mental health problem.

### 3.2 Vocational Rehabilitation Work with Mental Health Service Users

- 3.2.1 There are a number of national, regional and local initiatives that aim to improve employment outcomes for people with mental health problems. There is also evidence to suggest that improving outcomes through vocational support can reduce demands on health and social care resources.<sup>2</sup>
- 3.2.2 LCC Adult Social Care employ an Employment Development Co-ordinator based at Stocks Hill Day Service who works as a mental health development and casework specialist. The Co-ordinator supports a number of social enterprises, works in partnership with other mental health employment services and undertakes individual casework.

### 3.3 Vocational Rehabilitation in Practice – The Melting Pot

- 3.3.1 A partnership between Stocks Hill ASC Day Service and Dosti Asian Women's Support Service. The Melting Pot is a pioneering multicultural, mental health catering and administration social enterprise. The project aims to enhance service user's employment prospects, increase social cohesion between cultures and offer paid employment opportunities.
- 3.3.2 Participants in The Melting Pot can undertake a 10 week rolling training programme to learn about catering or can access training in administration. Each service user has an individual plan drawn up to set goals that will eventually lead to employment or other meaningful activity and to address barriers to employment. On completing the programme people are supported to access voluntary work within the project's buffet catering arm, to access jobseeking with the support of Work Well West or access other volunteer opportunities within catering or administration.
- 3.3.3 16 people have attained a food hygiene certificate with The Melting Pot, two people have progressed into work.

### 3.4 Other Social Enterprise Support provided by ASC - Dezine and Print.

- 3.4.1 Dezine and Print was set up as a graphic design and print social enterprise by a mental health service user about five years ago. In the last couple of years he has recruited two other service users as co-workers. The enterprise is constituted as a community group and they own a significant amount of equipment. They are currently renting business premises but they are seeking an alternative venue.
- 3.4.2 All of the service users involved in Dezine and Print report that they gain a strong therapeutic benefit from their involvement in the project. They work from a community setting.

### 3.5 Other Vocational Rehabilitation Provision.

- 3.5.1 Leeds Mind manage two employment specific projects – Dove and Working Minds. The Dove project has been running for about 20 years and is open to anyone with a mental health problem. Dove offers individual casework, courses in IT, jobsearching, and volunteering and awareness training for employers. Working Minds sits within Leeds Mind but has a multi-agency board with representation from Jobs and Skills within Leeds City Council, Touchstone, St Annes, NHS Leeds and Community Links.

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<sup>2</sup> Adults with mental health conditions are often in contact with up to ten different agencies and can require multiple interventions, with each person costing statutory services tens of thousands of pounds every year.

The service offers awareness training to employers and carries out individual casework for people who have been on incapacity benefit for more than two years.

- 3.5.2 Mental Health Employment services across the city can be fragmented and sometimes find themselves in competition with one another. An initiative called Work Well West has sought to overcome these issues by bringing together employment initiatives in the west of the city to facilitate networking between agencies and offer service users a cohesive and effective pathway into employment. The model is now being expanded into the South of the city with plans to roll out to the North.
- 3.5.3 NHS Leeds funded a Citywide Employment Consortium. The Leeds Mental Health Employment Consortium was a City-wide multi-agency group with representation from the Statutory, voluntary and private sectors, mental health and mainstream services – it also included service user representatives. The consortium worked at a strategic level to ensure that the employment and training needs of people with mental health problems in Leeds are met and to address any barriers to their employment. The worker who co-ordinated the Consortium has recently left their post and the key partners are currently considering the most appropriate way to take forward strategic development around employment.
- 3.6 Sainsbury's Centre: Centres of Excellence Programme.
- 3.6.1 Leeds applied to the Sainsbury's Centre to be a Centre of Excellence in Evidence Based Supported Employment. Leeds were invited to join the programme as an 'emerging centre'. The programme centres on the use of the Individual Employment Support (IPS) model. IPS is about embedding employment in the work of NHS mental health services.
- 3.6.2 IPS involves adhering closely to the following six principles;
- Gain employment in open labour market.
  - Obtain the job directly rather than after lengthy job preparation
  - Integrate mental health employment specialists in community mental health teams.
  - Base job on client preferences.
  - Provide continuous assessment of needs
  - Offer time unlimited support for client after they have gained employment.
- 3.6.3 The proposed model is to pilot a whole-systems approach to vocational support in LPFT over a two year period. The pilot will enable LPFT and key partners to develop a local evidence base of what works in employment support that translates national guidance<sup>3</sup> into practice. This evidence will provide a business model that can be applied in other contexts and research evidence that will contribute towards the local, national and international knowledge base.

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<sup>3</sup> *Vocational services for people with severe mental health problems: Commissioning guidance (DH, 2006).*



- 3.6.4 As part of the IPS project a whole time equivalent employment specialist from Working Minds will be seconded into one of LPFT's Community Mental Health Teams to work alongside health and social care colleagues for one year. Working Minds employment specialists will also be partly co-located into the remaining three community mental health teams. There will also be a programme of training and development for Health and Social Care staff delivered by the National Development Team.
- 3.7 Whilst employment initiatives within health and social care include targeted work with employers, this is limited. Time to Change is seeking to reach a wider audience and foster a change not only in supporting people with mental health issues into work but in supporting people within the workplace who may experience periods of mental ill health to retain employment.

#### **4.0 Conclusions**

- 4.1 Time to Change is a national campaign to combat stigma which aims to end discrimination towards people with mental health problems. Locally there is strong support for the campaign from mental health providers across health, social care and the voluntary sector. The Deputation to Council on Time to Change sought Councillors support in championing the campaign.

#### **5.0 Recommendations**

- 5.1 The Executive Board are asked to confirm the Council's support for the Deputation, and endorse the work of Time to Change by promoting the campaign to a wide audience across the City.
- 5.2 The Executive Board are asked to note the Council will carry promotional materials in One Stop Centres, Libraries etc and place links to the Time to Change campaign on the LCC website and intranet.
- 5.3 The Executive Board are asked to note the Council's approach in tackling these issues, as described in paragraph 3.1.2, and agree the Council can lead by example in line with our Disability Employment Strategy, by ensuring that we follow good practice in supporting employees with mental health problems.

#### **Background documents referred to in this report**

Background information on national Time to Change programme is taken from the Time to Change website [www.time-to-change.org.uk](http://www.time-to-change.org.uk)

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DEPUTATION ONE  
TIME TO CHANGE CAMPAIGN

THE LORD MAYOR: Good afternoon and welcome to today's Council meeting. Please now make your speech to Council, which should not be longer than five minutes, and please begin by introducing the people in your Deputation.

MS C WARD: My name is Catherine Ward and I am here representing NHS Leeds on the Time to Change Campaign across Leeds. This is Ruth Steinberg – she is the manager of Information for Mental Health - and Victoria Betton, from Leeds Partnership Foundation Trust.

Good afternoon, everybody. I am just going to speak for five minutes about why we are here. We have come to talk about the national Time to Change Campaign and how it affects Leeds and what we are doing in Leeds, really, and we would just really like your support so that you are aware about what is going on and you can engage with your local communities to reduce stigma and discrimination for people with mental health problems and issues. Thank you.

Time to Change is a ground breaking programme with national and local activity and it is run over three years. It is funded by the Big Lottery and Comic Relief and it is hoping to reduce stigma and discrimination into mental health and improve physical and mental wellbeing of those with and without mental health problems.

I have sent you a paper with lots of information. I am going to whiz through this, it is a bit of a whistle-stop tour, and talk specifically about what we are doing in Leeds.

It is England's most ambitious programme to end discrimination faced by people with mental health problems and improve the nation's wellbeing. It is on all of our agendas nationally from local area agreements and it has helped to reduce health inequalities. 44% of people with mental health problems report discrimination from GPs alone and I would just really like to quickly look at this figure on page 4. If you just look at the bottom three people even within our own communities – this is from a survey from Carers and Users about how they feel. People approach them with their mental health problems and are saying that neighbours, employers and immediate families are the ones most at risk from receiving stigma and discrimination by those people.

These are the people within your communities, these are the people that you can reach out to and help spread the message of Time to Change and we are hoping that some of you today will be able to be our champions and promote what we are doing across Leeds.

There has been lots of advertising nationally. I do not know if you have seen some of the work by Stephen Fry and Alistair Campbell. In Leeds we launched our campaign on June 25<sup>th</sup> at Briggate, had a great big boulder which is looking at reducing stigma and discrimination, so someone smashing the boulder. Lots of local people came and shared their stories with us about their experiences. We had lots of people coming and talking about post-natal depression and bipolar and how that has affected their family and how they have been treated on their local estates.

A lot of people get a lot of discrimination through work and by their communities and by their peers, so what we are trying to do in Leeds, we have got a partnership that consists of Information for Mental Health, Volition, Touchstone, Leeds Mind, St Anne's, NHS Leeds, Leeds City Council, LPFT – that is Leeds Partnership Foundation Trust (I am trying not to be too acronymic) – Yorkshire Forward and our health trainers.

We are focusing on delivering the campaign through the workplace because we thought that that is where we would be able to reach most of the message to the local community and we have currently got Leeds City Council on board, Hallmark, and Yorkshire Forward supporting the work that we are doing.

What are we doing? We provided 24 places on mental health first aid training to offer human resource leads training in return for the delivering the campaign within their company. We have trained people to recognise early signs and symptoms of mental health problems and we link really carefully and closely with community links. We have commissioned art works from some mental health service users and we have produced our own campaign in Leeds which we think is a lot more user friendly and a lot less corporate, and we have got some postcards – if anybody would like some – to promote them and have them at some of their meetings, and we would be more than happy to give those to you.

We have encouraged people to be able to talk about the experience of stigma and we are producing promotional materials to challenge discrimination. We are displaying some of our art work at Leeds Light Night and also I do not know if any of you are aware of the Core Cities Event, we are taking this art work down to Birmingham so the six major cities are going to be looking at some of our art work and finding out what we are doing in Leeds.

We are evaluating the campaign before and after the first year. We have just bid for a massive Time to Change Roadshow which is going to be happening on 8 October. We had to bid across England for this campaign and we have actually been successful, which is a great achievement for the partnership work, so if you can come down or tell people in your community that we are there. We have got a 1 in 4 Theatre Company performance at the AGM for Leeds Partnership Foundation Trust on the 29<sup>th</sup> and again it is another chance to talk about stigma and discrimination. We are working really, really closely with businesses, so if you can come and support us that would be really, really great. Thank you.

THE LORD MAYOR: Thank you very much, the time is now to thank you very much for this. (*Applause*) Councillor Procter.

COUNCILLOR J PROCTER: Thank you, Lord Mayor. I move that the deputation be referred to the Executive Board for consideration.

COUNCILLOR GRUEN: I second, Lord Mayor.

THE LORD MAYOR: Could we have a vote, please? (*A vote was taken*)  
CARRIED.

MS C WARD: Thank you.

THE LORD MAYOR: Thank you for attending and for what you have said here today. You will be kept informed of the consideration which your comments will receive. Good afternoon and thank you. (*Applause*)

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Originator: Lynda Bowen/  
Sandie Keene  
Tel: 3950210

## Report of the Director of Adult Social Services

### Executive Board

Date: 4<sup>th</sup> November 2009

**Subject: Response to Deputation to Council by the Access Committee for Leeds regarding planned Day Centre Closures**

**Electoral Wards Affected:**

ALL Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In (Details contained in the report)

## EXECUTIVE SUMMARY

This report considers the deputation provided to Leeds City Council Council Meeting on Wednesday 16<sup>th</sup> September 2009 and presented by the Access Committee for Leeds. The deputation was in respect of the "Planned Day Centre Closures" and the transcript from the deputation to Council is attached at Appendix A.

### 1.0 Purpose Of This Report

- 1.1 This report identifies key issues raised in the deputation and provides a response to each one.
- 1.2 The deputation refers to content of the Executive Board Report of the 22<sup>nd</sup> July 2009 entitled "From Day Centres to Day Services: Responding to the needs and preferences of Older People". At that meeting the Executive Board endorsed the proposal to commence consultation and future role and purpose of 7 (seven) day centres in the city.
- 1.3 This report should be read in conjunction with the accompanying report on the agenda which outlines the results of the consultation and identifies a proposed way ahead.

## **2.0 Main Issues**

- 2.1 This deputation was presented in the middle of a consultation process regarding future options in respect of 7 day centres. Within a new strategy for day services in the city, 6 centres were identified as being surplus to requirements and 1 being identified as a change of use. The response to the consultation is contained within the accompanying report to this report of the November Executive Board and it is recommended that any decisions on moratorium considered in the light of the accompanying report.
- 2.2 The deputation requests that a comprehensive Disability Impact Assessment is facilitated.
- 2.2.1 Members may recall in the July Executive Board, reference was made to the completion of an Equality Impact Assessment. The documentation regarding this is available for reference. During the process of the very extensive consultation, further evaluation of the impact of the proposals have been undertaken. Full information of the implications for each centre are identified in the accompanying report. In the report it is demonstrated that the net effect of the proposed changes is that the individuals currently attending the centres will be assisted and supported to take up at least the same level of service that they currently receive and furthermore, that the range of services will be extended as a whole across Leeds and the day centres remaining will be sufficient for the demographic trends across the city.
- 2.3 The deputation claims that there will be a loss of day centres and an undermining of Social Care policy through the proposals identified in the July report.
- 2.3.1 The report in July and accompanying report reiterates that the proposals identified are fully in line with National Policy regarding Personalisation and Self-Directed Support Options in respect of future response of service need. The policy and direction of the Local Authority in respect of the development of Neighbourhood Networks, preventative services for Older People with dementia (the partnerships for Older People Preventative Services (POPPS)), the development of assistive technology, the partnership work across all agencies to combat social isolation and the refocusing of work to support people in their own homes rather than building based services have all been praised by the Care Quality Commission (CQC). Indeed, the accompanying report outlines and reminds members of the outcome of the Inspection Review last year identifying the very high number of day centres in Leeds compared to other Authorities.
- 2.3.2 The originating July 2009 report identified and reinforced the fact that day care would remain an important part of service delivery across the city of Leeds for people who had eligible and high dependency needs for either support for physical frailty and / or dementia services. The July 2009 report outlines the key role of Local Authorities in ensuring provision for its most vulnerable citizens and also identifies the emergence of additional providers of day care in the city. The proposals build on that commitment and seek to rationalize the existing services to ensure better value for money and efficiency across the overall service to meet the needs of all older people in the city within the available budgets.
- 2.4 The deputation refers to disjointed processes that create difficulties for people to access day centres and identifies a previous regime of self-referral.



- 2.4.1 The accompanying report identifies the issues concerned with the Council policy of 2004 to implement the provisions of the 1990 National Health Service and Community Care Act whereby provision of social care services was as a result of assessment of need informed by the application of an eligibility criteria. This policy was introduced with full adherence to National Guidelines of the day. Whilst the accompanying report goes into this in further detail, it must be noted that at the time of changing the criteria and access to service route, Leeds also invested heavily in a range of alternative services which do have direct access. Indeed, Leeds is a high performer in relation to the amount of financial assistance it gives to voluntarily and independent sector providers who support preventative and direct access services in the community. It is identified as an area of strength in the Care Quality Commission's Annual Review of Social Care Services this year. Open access is still readily available for preventative and community based services financially supported by the Local Authority. Proposals have been made to increase this investment in the year 2010 / 11 despite a very challenging financial climate. The commitment to continue such investment is strong within Leeds.
- 2.5 The deputation refers to the driving force for the proposals in the July report being budget cuts.
- 2.5.1 Adult Social Care has had systematic investment over a number of years to ensure that the identified needs of vulnerable adults in Leeds are met. However, alongside this investment, National and Local expectation is that Public Services provide efficient and value for money services. Previous re-provision of day services has enabled greater investment in alternatives including voluntary sector direct access services, direct payments, personal budgets and reinvestment in day services to provide more specialist bespoke services for the most vulnerable. The proposals in the accompanying report build on the evaluation and analysis of trends for admission for services and a review of the best use of resources in the city. Within the context of cash limited budgets, and national requirements to demonstrate efficiencies, this has been a transparent and open process. The proposals in the report are directly related to needs analysis, efficiency and strive to develop a range of response to individual need.. All revenue generated from these proposals will be reinvested to improve services for older people across the city.

### **3.0 Implications For Council Policy And Governance**

- 3.1 Members have received and agreed a number of Executive Board reports which have relevance to the matters under consideration in this report in October 2008.
- 3.2 In October 2008 "Putting People First – vision and commitment to the Transformation of Adult Social Care" outlined the National and local drivers to deliver successful change in the social care system. These drivers require Local Authorities to build Social Capital, develop universal services, ensuring early interventions and preventative services (in partnership) and choice and control for service users. The report outlined the potential impact of developing more personalized services on the cities existing direct provision.
- 3.3 In July 2008 Older People Day Services – Service Improvement Plan Executive Board report, the vision of day services was agreed. In November 2008 the first implementation plan was endorsed. In July 2009, the strategy for the development of specialist dementia and reablement services was agreed.
- 3.4 In July 2009 the future vision for the way forward for Neighbourhood Network Schemes were agreed. This report outlined the unique and nationally recognized

contribution of the Neighbourhood Networks and supported a new funding formula with a commitment to invest further in good value schemes.

#### **4.0 Legal And Resource Implications**

4.1 The Authority has operated eligibility criteria for access to Social Care Services since 2004 in accordance with the 1990 National Health Service and Community Care Act and subsequent direction and regulation from the Department of Health. Unusually by national comparisons, Leeds has also provided significant additional investment to support a range of directly accessed services, in the main, provided by the Voluntary and Independent Sector. Leeds performs in the top quartile of National Performance Indicators for these services.

4.2 The deputation suggests that the day services provided by Leeds should return to 'direct access' and no longer fulfill the requirements of eligibility criteria. In order to do this, the Authority would be required to review and lift the eligibility criteria for all services. Previous requests to do this have been investigated and found to have an additional financial requirement in excess of £7.5 million per annum.

#### **5.0 Conclusions**

5.1 Issues raised in this deputation are reflective of many of the areas identified during the course of consultation in respect of the future of 7 day services in the city. In addition to the responses contained in this report matters are addressed fully in the accompanying report.

5.2 The proposals and recommendations in the accompanying report are fully in line with the National and Financial drivers and will ensure the Local Authority provides a greater range of choice, better value for money and meets the requirements of external regulators expectations.

#### **6.0 Recommendations**

6.1 Members are asked to note the response to the deputation and consider the content in conjunction with the accompanying report from Day Centres to Day Services: Response to the Consultation on Day Services.

#### **Background documents referred to in this report:**

1. Putting People First – Vision and Commitment to the Transformation of Adult Social Care – 23<sup>rd</sup> January 2008 - Executive Board

<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=2908&Ver=4>

2. Valuing People Now – From Progress to Transformation – 8<sup>th</sup> February 2008 – Executive Board

<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=2909&Ver=4>

3. Transforming Day Opportunities for People with Learning Disabilities – 14<sup>th</sup> January 2009 – Executive Board.

<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=3380&Ver=4>

4. Older People's Day Services – Service Improvement Plan – 16<sup>th</sup> July 2008 – Executive Board

<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=3682&Ver=4>

5. Older People's Day Services – Service Improvement Plan – 5<sup>th</sup> November 2008 – Executive Board

<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=3378&Ver=4>

6. From Day Centres to Day Services: Responding to the needs and preferences of older people – 22<sup>nd</sup> July 2009 – Executive Board

<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=4184&Ver=4>

7. Equality Impact Assessment

[http://www.leeds.gov.uk/Council\\_and\\_democracy/Jobs/Equalities\\_assessment\\_and\\_consultation.aspx](http://www.leeds.gov.uk/Council_and_democracy/Jobs/Equalities_assessment_and_consultation.aspx)

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DEPUTATION TWO  
ACCESS COMMITTEE FOR LEEDS

THE LORD MAYOR: Good afternoon and welcome to today's Council meeting. Please now make your speech to Council, which should not be longer than five minutes, and please begin by introducing the people in your Deputation.

MR T McSHARRY: Thank you Lord Mayor and elected Members. The members of our deputation are myself, Tim McSharry, David Littlewood, Mary Naylor MBE, Barry Naylor and Linda Watson.

On behalf of the many older and disabled people from communities across Leeds who truly enjoy and value the immense benefits of attending their local day centres, our deputation is here to make an impassioned plea to use, our elected Members, and to ask that you place a moratorium on the planned closure of the six day centres. We would also ask that you facilitate a comprehensive disability impact assessment and review this decision, not simply as it is the best way of meeting the legal duties that are owed by all public bodies, but as a positive way to demonstrate clear and decisive leadership on this critical issue and remove the stress and worry that has been caused to so many people by this decision.

As a registered charity who provide free support and advocacy, we have received many calls from people who are worried about the implications of these closures. It is also clear from the letters in the Yorkshire Evening Post and the many petitions that have been signed, that a great number of Leeds citizens and many City Councillors in this Chamber are concerned about these closures and what they reveal for the future of adult social care in Leeds.

The citizens of Leeds deserve better than this and, whilst there is no room for compromise or complacency, there is a very urgent need for leadership and honesty. High quality, comprehensive social care is central to the social cohesion of this city. The loss of day centres and the undermining of social care policy present a real threat to the social diversity of our communities and the rights, equality and dignity of some of our most vulnerable and disabled citizens.

The integrity, leadership and openness of this Council are not served when disingenuous or ill-informed decisions are made; neither are the citizens of Leeds. The evidence presented in making the case for the six closures seriously failed to give the whole truth. It failed to present evidence from the many people who have tried to access day centres but have encountered a disjointed process that seems more focused on prevention rather than informed and open choice. It failed to highlight the cruel impact the changes to criteria had in excluding many vulnerable older and disabled people. One example is the taking away of social isolation as a key category for access to day services.

It failed to include the effects associated with the removal of the self-referral process and the introduction of a time consuming and difficult process requiring access to a social worker or care manager. It failed also to listen to people who use and value day centres or to appreciate the hidden personal and financial benefits and savings that are found through social interaction, peer support, physical and mental wellbeing and respite for family carers.

As part of this deputation we all positively embrace and support change as part of developing and improving services. However, when it comes to decisions that are founded on budget cuts portrayed as increase in choice and potential signposting to third sector services that have no spare capacity, we are automatically concerned for those vulnerable citizens across Leeds who may simply be missed as a result of closures, falling through the net into social exclusion, deprivation and ill health.

Without honesty there is no integrity; without care there is no community; and without leadership too many of our vulnerable citizens could be missed and condemned to social exclusion, deprivation and ill health.

Please support this deputation and save the day centres. Thank you. *(Applause)*  
*(standing ovation from Labour Group)*

THE LORD MAYOR: Councillor Procter.

COUNCILLOR J PROCTER: Thank you, Lord Mayor. I move that the deputation be referred to the Executive Board for further consideration.

COUNCILLOR: So you should.

COUNCILLOR GRUEN: We genuinely mean it – we second.

THE LORD MAYOR: I would like to call for a vote, please. *(A vote was taken)* This is PASSED.

Thank you for attending and for what you have had to say. You will be kept informed of the consideration which your comments will receive. Thank you and good afternoon.  
*(Applause)*



Originator Sandie Keene /  
Lynda Bowen  
Tel: 3950210

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### Report of the Director of Adult Social Services

#### Executive Board

Date: 4<sup>th</sup> November 2009

Subject: From Day Centres to Day Services - Response to the Consultation on Day Services

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<p><b>Electoral Wards Affected:</b></p>           <input checked="" type="checkbox"/> Ward Members consulted (referred to in report)	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
Eligible for Call In <input checked="" type="checkbox"/>	Not Eligible for Call In (Details contained in the report) <input type="checkbox"/>

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### EXECUTIVE SUMMARY

This report presents a summary of the consultation undertaken by officers between August and the end of September this year, regarding the proposals set out in the report provided to Executive Board in July, entitled 'From Day Centres to Day Services'. At that meeting Executive Board endorsed the proposal to begin consultation in relation to the future role and purpose of seven of the Council's 21 day centres for older people. The proposals for the consultation programme, its extent and methodology were attached as an Appendix to the original report.

Members will recall that the July report restated the strategic context in which the Council's approach to day services needed to change to adapt to changing public expectations, changing patterns of demand and to respond to the requirements of increasing the choices for people using personal budgets and direct payments. Descriptions of the implications of this changing strategic context have been the subject of three previous Executive Board reports, originally in December 2005, latterly in November 2008 and most recently in July 2009.

The report highlights the extensive consultation which has been undertaken, with a wide and diverse range of views expressed. Analysis of the comments made has been undertaken in addition to a review of the original data and basis of the recommendations. The report highlights responses to the themes emerging from the consultation and makes alternative proposals to the original report in July, in response to the representations made.

The proposals submitted to the Executive Board for consideration include the continuation but relocation of a generic service at Otley / North West Leeds, the redesignation of Calverlands as a specialist dementia centre, the relocation of Woodhouse to the Calverlands site and the re-provision of services at Holbeck and Bramley Lawn in alternative day centre venues across Leeds.

With regard to Doreen Hamilton and Naburn Court the proposal is that these sites remain open and that they are developed as day and resource centres. Whilst each centre would have a reduced number of day care sessions these would be complemented by a range of community activities, for example luncheon clubs. It is further proposed that the buildings at Holbeck, Bramley Lawn and Woodhosue are made available for alternative use, with particular attention given to a whole-Council review of the potential use in Holbeck.

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to provide members with a detailed account of the consultation process and recommendations for the development of day services for older people, following consideration of comments and findings of the consultation.

## **2.0 Background Information**

- 2.1 The Executive Board has been provided with a series of three reports outlining the future strategy and direction for Council-provided day services. The first report submitted in December 2005 highlighted the emerging strategic drivers which were starting to impact on the ways in which the need for day services was shifting. That report highlighted the challenges associated with the changing preferences being expressed by older people and their carers. The report also highlighted the changing expectations of the wider population with regard to the ways in which they expect their social care needs to be met in the future. These are closely aligned to national policy initiatives designed to provide individuals with much greater choice and control over their care.
- 2.2 From the second report presented in July 2008, based on the principles set out in the original report, Executive Board agreed a vision and strategy for reshaping older people's day services. This was to provide greater opportunities for older people to receive more personalised services with an enhanced range and quality of community based activities. This report highlighted the continuing shift in demand and expectations, drawing attention to the increasing levels of under-occupancy within Council centres. It also described the increasing demand for and uptake of direct payments as alternatives to existing provision.
- 2.3 That report was followed in November 2008 with a progress report to the Executive Board which sought approval to implement the first phase of the revised strategy, including the re-provision of four day centres. That report noted that savings made from re-provision were to be re-invested within older people's services. Locality plans were to be drawn up for delivering newly shaped day services. The report specified that progress updates would be given to members, as the changes progressed.
- 2.4 The next report, submitted in July 2009 provided much more detailed information on the next steps. It proposed to further develop and implement the strategy, increasing support for the significant expansion of direct payments and universally available services (that is to say services providing support to older people and their carers which do not require a social care assessment to access). This would include a wide



range of community based organisations including Neighbourhood Networks. The report highlighted the strategic role of the Local Authority in ensuring specialist reablement and dementia services were available across the city.

- 2.5 A companion report submitted to the July Board gained approval for the future commissioning intentions and investment plan designed to improve the range and availability of support services for all older people through Neighbourhood Networks.
- 2.6 At various stages in the last year, associated reports have been provided to Executive Board highlighting the local implications of significant national policy initiatives. Most notably in October 2008 a report set out the requirements of the Government's 'Putting People First' vision and commitment to the transformation of adult social care.
- 2.7 In December 2008 the outcome of the Independence, Wellbeing and Choice Inspection of adult social care services was reported to the Executive Board along with an action plan designed to address the issues identified in that Inspection. Both the outcome of the Inspection and the actions to be adopted were agreed by the Commission for Social Care Inspection (now CQC) and endorsed by the Board, including those recommendations and actions relating to the continuing re-provision of buildings based services
- 2.8 Other reports, including the Joint Strategic Needs Analysis for Leeds (JSNA) have alerted members to some of the demographic challenges associated with increasing numbers of older people, as well as the implied service responses which will be required to meet their increasingly specialist needs and those of their carers.
- 2.9 In the light of this extensive strategic and policy background, Executive Board in July gave approval for a process of consultation on proposals for the future configuration and use of the current day care centres for older people. This report contains details of the consultation process, the responses provided by respondents and the recommendations arising out of consideration of the views expressed.
- 2.10 The service currently manages 21 day centres with 2350 generic places (Monday to Friday {450 at the weekend}) and 370 dementia places (Monday to Friday {100 at the weekend}) provided across the city each week. A total of 1324 people attend the centres and 20% are directly impacted by these proposals. A further 23,741 people attend or are in touch with the Neighbourhood Network centres across the city.

### **3.0 Consultation**

- 3.1 The Executive Board report of July 2009 asked members to agree a consultation period concerning recommendations for change to the day services base in the city, and to receive a report on the outcome of the consultation with final recommendations for the delivery of the strategy in November 2009. The consultation period ran from 22<sup>nd</sup> July to 30<sup>th</sup> September 2009 although comments have been received and noted up until the publication of this report.
- 3.2 The consultation was designed to be as comprehensive and extensive as possible. It has focused on obtaining the views of people currently registered as using a day centre and their carers. The views of staff working in day centres, the Council partners in providing care and support to older people, the public and other stakeholders were also sought, as were the views of individual elected members and those of area committees.

- 3.3 All those older people on the register of a Leeds City Council day service received a letter at the start of the process setting out how their views were to be sought. The letter provided them with information about how and who they could contact to make their views known. A dedicated telephone helpline was provided, a dedicated web-mail address set up and a programme of meetings was arranged.
- 3.4 Those people attending the centres for which specific proposals had been made in the July report were provided with a more detailed letter, extensive background information and a questionnaire inviting their views in relation to the specific proposals for the centre they attend. The same was also provided for carers of people in those circumstances. Some 185 completed questionnaires have been returned. A further 49 letters relating to the proposals have been received and responded to.
- 3.5 To support this process, people (and their carers) using the seven centres directly affected by the proposals were invited (and encouraged) to attend meetings where the nature of the changes was explained. Senior officers were on hand to respond to questions and to note comments and concerns. Additional comments have been received from attendees of two day centres not directly affected by the proposals. One of these centres held three carers' meetings.
- 3.6 These meetings also began the process of providing individual review meetings for each person, his/her carer and/or advocate. Between the end of July and the end of September more than 300 individual review meetings have been held to focus on people's greatest concerns over their future care needs and the arrangements for meeting them.
- 3.7 More than 74 members of the general public have used the telephone helpline number to provide their views; a further 23 people have contacted the webmail address; and 18 people have written letters setting out their views. Two petitions have been received with 1453 respondents.
- 3.8 There was a programme of 12 meetings with different stakeholders including the voluntary, community and faith organisations in the city, and three carers' meetings.
- 3.9 In relation to Elected Members, 24 individual briefing meetings have been held to date (including the Adult Social Care Scrutiny Board Chair). Officers have so far attended at eight area committee meetings with a further visit offered in the month of October. The views of a further five area fora, political group meetings or Town Councils have also been obtained through attendance at their meetings. The Adult Social Services Scrutiny Board has had two full debates about the issues. In addition, two 'drop in' sessions for elected members were arranged during the main consultation period.
- 3.10 It is also the case that the proposals have received a good degree of media coverage which has undoubtedly assisted in ensuring that people who may not have been reached by the Council's own efforts to seek their views is likely to have had their awareness raised through such media reports.

#### **4.0 Views Expressed during the Consultation**

- 4.1 Attached at Appendix 1 is a summary of the comments and themes emerging from the consultation. The process has yielded a rich and diverse range of views, comments, concerns and questions, all of which have been considered in arriving at the proposals in this report. The time and commitment of customers, carers and stakeholders to attend meetings and express views has been welcomed. Whilst it is

not possible to fully replicate each comment in this report, key themes have emerged which can be summarised.

- 4.2 Overall, there were significant numbers of positive comments in support of some of the ideas being developed in the day centre strategy. Improving services for people with dementia was popular as were more flexible opening hours extending into the evening. Outreach services, reablement and support for carers were also positively received.
- 4.3 Respondents expressed concern about change but several said that if they were going to move to other venues they wanted to know quickly in order to give time to settle. Some said they had agreed to attend another centre and felt positive about it. Some did not want to consider an alternative until decisions were made. All affected individuals have had a review, with a large majority already identifying alternative venues. A very small number have expressed interest in a direct payment / personal budget.
- 4.4 It was clear from the views expressed in relation to the overall strategic approach that the local implementation of national policy initiatives (particularly in relation to personalisation, self-directed care and support and the use of direct payments), was generally not well understood and in some cases misunderstood. In particular, concerns were expressed about the possibilities of on the one hand, the exploitation of vulnerable people using direct payments by unscrupulous carers and on the other, the exploitation of the direct payments system by individuals not using the funding for the purpose it was intended.
- 4.5 The consultation attracted considerable comment and allegations from stakeholders including:
- Existing Day Services are being deliberately run down.
  - Requests for open access to day services.
  - Fears that people would lose their day services.
  - Additional responsibilities for voluntary sector organisations
  - Increased numbers of older people would require more day centre places.
  - Closures would mean longer travelling times
  - Keeping friendship groups together.
  - Day services are an important part of preventing admissions to residential care and safeguarding older people.
  - The proposals were intended to be budget cuts rather than re-investments.
  - Decisions had already been made.
- 4.6 The appendix gives a full commentary on the outcomes of discussions at each of the seven day centres under consideration. All but Woodhouse indicated they would prefer for their centre not to close / change use. The main reasons were a desire to avoid change. Allied to this was anxiety about unfamiliar surroundings, having to meet new people, concerns about the area of the city where other centres are located and the desire to stay with staff and friendship groups. Woodhouse

customers were less concerned as their centre was proposed to be moved to Calverlands which some referred to as like 'moving house'.

- 4.7 It is important to note that none of the respondents sought to comment on the range of potential financial implications which arise out of many of the views expressed. This was particularly so in relation to those recommending lower eligibility thresholds, expanding the number of day centres and providing more money to voluntary organisations to extend the services they offer.

## **5.0 Responses to the Consultation – Key Issues**

- 5.1 The concerns expressed in paragraph 4.5 above require comment for factual accuracy, to clarify perception and provide context and reassurance leading to the revised proposals.

5.1.1 *Services are being run down.* During the year we have placed 436 new people in day services and 487 have ceased attending. An investigation into reasons why four named individuals did not receive a service did not substantiate the claim that there is a deliberate strategy to run down centres. There appears to be some misunderstanding about how to get extra days. This has to be authorised after an assessment of need by a social worker. The Directorate will review information to ensure this is more widely known.

5.1.2 *Requests for open access to day services.* In order to do this, the Authority would be required to review and lower the eligibility criteria for all services. Previous requests to do this have been investigated and found to have an additional financial requirement in excess of £7.5 million per annum.

5.1.3 *Fears that all day services would cease.* Adoption of the proposals in this report would leave 18 centres in operation. This is still a high number when benchmarked with other authorities. The strategy is clear that day care will remain an important part of available provision in the city especially for dementia and reablement. The overall reduction in day centre places now proposed will still leave sufficient capacity in the city to meet existing and future need.

5.1.4 *Additional responsibilities for voluntary organisations.* It has been stated throughout the consultation that this will not be the case. The role of the Neighbourhood Networks will be preserved to develop social and community engagement within localities, to prevent social isolation and improve outcomes for older people. Care will be taken to seamlessly provide for the continuum of need in the city by retaining sufficient day care services to meet need. The consultation has clarified that day centres are a part of the spectrum of social care with a continuing and complimentary role to Neighbourhood Networks, each providing separate and different services for older people. The nature of the consultation has emphasised that reducing the number of day services' buildings will not change the services that Neighbourhood Networks and day centres each provide. Neighbourhood Networks are not substituting for day centres.

5.1.5 *Increased numbers of older people.* The projected growth of older people in Leeds is 50% of the projected national increase. Additionally, with increasingly effective medical treatments, the onset of disability and illness is often delayed well into retirement. Both of these factors raise the average age at which people seek out day centres, and then often use them for shorter periods of time. This means there is reason to question whether there will in fact be a growing demand for day care places on demographic grounds. Indeed the demographic increase of older people

in Leeds has started – but the outcome to date has been that day centres are showing increasingly lower occupancy.

- 5.1.6 *Longer travelling times.* A range of practical concerns about implementation have been raised relating to reduced service, transport and friendship groups. Each customer will maintain at least their current level of service and would be offered an alternative day centre place. Currently there are more than 200 vacancies each day in day centres across the city, allowing ample choice of centre. Most people would have less than a three-mile journey to another centre, if their existing service was re-provided and some would have reduced journey times.
- 5.1.7 *Keeping friendship groups together.* This will be a top priority if the proposals are adopted. As in 5.1.6 above, there are more than sufficient vacancies to allow this to happen. The detailed written information, the individual reviews and centre meetings sought to reassure customers that they would be offered alternative provision with their friends. Some centres and especially smaller centres were encouraged to consider whether all the service should move together. At Woodhouse Centre, this suggestion was accepted, with all customers expressing a preference for the same alternative centre.
- 5.1.8 *Prevention of admission to residential and ensuring safeguarding.* Whilst day services remain an important part of care options and particularly support to carers, there is no direct evidence that, on their own, they prevent admission to residential care. The evidence is that extra care housing has a more direct and significant impact. Safeguarding is a multi agency and community responsibility and many more referrals are made and investigated from home care and voluntary sector agencies than day care.
- 5.1.9 *Budget cuts not reinvestments.* Adult Social Care has had systematic investment over a number of years to ensure that the identified needs of vulnerable adults in Leeds are met. However, alongside this investment, national and local expectation is that public services provide efficient and value for money services. Previous re-provision of day services has enabled greater investment in alternatives including voluntary sector direct access services, direct payments and personal budgets. In addition it has allowed reinvestment in day services to provide more specialist bespoke services for the most vulnerable. The proposals build on the evaluation and analysis of trends for admission to services and a review of the best use of resources in the city. Within the context of cash limited budgets and national requirements to demonstrate efficiencies, this has been a transparent and open process. The proposals in the report are directly related to needs analysis and efficiency and strive to develop a range of responses to individual need. All revenue generated from these proposals will be reinvested to improve services for older people across the city. Further information on the financial impacts is contained in section eight and Appendix 2.
- 5.1.10 *Decisions have already been made.* During the consultation it has been made clear that decisions will be made following the presentation of this report to the Executive Board.
- 5.2 Closer examination of the key issues emerging in relation to individual centres have, however, resulted in some modification to the original proposals. Whilst it is correct that there remains sufficient capacity in the whole of the city overall, nevertheless the importance of localised provision in some parts of the city has been reinforced. The significance of maintaining some local provision to enable closer community engagement in particular areas has been articulated with force and conviction. In these areas, a higher level of consultation response from customers was evident.

- 5.3 In respect of each of the centres and following careful consideration of the options, it is proposed that amendments to the original plan are considered as follows.
- 5.4 It is proposed that Naburn Court and Doreen Hamilton remain open as day and resource centres but with the number of day care sessions reduced to three per week at each centre. This is in direct response to the representations which have been made concerning the popularity of the centres, availability of generic day care in the east of the city, and the greater distances to travel in the event of reprovision of the service at Naburn Court. This proposal reflects the important role that each centre plays in its local community. This was a clear message that emerged during the consultation. Early discussions with community groups and local churches in the areas has indicated interest and support for developing wider community use and greater choice for older people in the area, through offering luncheon clubs and other social activities. This proposal will enable the Council to address value for money and the efficient use of the day care resource whilst offering both communities the opportunity of good venues for alternative use. Both Naburn Court and Doreen Hamilton centres will remain open each weekday and there are opportunities for evening and weekend community use as well.
- 5.5 It is recommended that the centre at Otley is relocated to premises which are fit for purpose and have the option of expanding from one day per week to accommodate existing users of the Calverlands centre as may be required. The option of using available accommodation at the Spring Gardens home for older people site is being evaluated.
- 5.6 It is recommended that Calverlands is redesignated as a specialist dementia service to accommodate a lack of facilities in the area. The availability of an alternative generic day service in Otley will ensure that the many people who attend Calverlands from the North West will have more options for an alternative service and will not be required to travel excessive distances.
- 5.7 It is recommended that Woodhouse day service is relocated to Calverlands. This was largely supported by staff and customers during the consultation process. Many attendees of Woodhouse live in the north west and already travel past Calverlands to attend Woodhouse.
- 5.8 It is recommended that Bramley Lawn and Holbeck cease providing traditional day services. However, it is proposed that further work is undertaken to encourage the use of the buildings for alternative purposes. Places are available in centres within close proximity to both, with sufficient capacity to enable friendship groups to remain together. Appendix 3 shows the detail of the preferencing work undertaken so far.
- 5.9 Whilst the service planning and consultation outcome support the recommendation to reprove the Holbeck day centre, our work has also emphasised the fact that the Holbeck area is one of changing yet significant need. Adult Social Care is working with other Council directorates, partners and the local community to meet that need in the most effective way. A particular focus for this directorate will be meeting the changing needs of older people in the Holbeck area.

## **6.0 Implementation**

- 6.1 The Directorate has considerable experience of implementing successful service change. Agreement to the recommendations will necessitate immediate support to customers of Holbeck and Bramley Lawn to enable the choices of relocation already identified to be expedited and / or reviewed and changed. Every support will be

given to address immediate concerns and to move at a pace appropriate to individual circumstances.

- 6.2 Changes to Otley, Calverlands and Woodhouse will depend on the establishment of the suitable alternative venue and service for the north west of the City. The options for using Spring Gardens are being explored with the expectation of a new service starting before the end of the financial year, subject to any minor capital works which may be required. During the preparation phase, customers of Calverlands will be given the opportunity to review their preferences for alternative provision and visits to preferred venues will be arranged. Following this, Woodhouse customers will move to Calverlands. These changes are likely to take at least six months and users of the centres will be integrally involved with the planning.
- 6.3 Changes at Naburn Court and Doreen Hamilton will require further discussion with service users and the community, to establish on which days the existing service users wish the day care service to be delivered. Revised staffing arrangements will also be required.
- 6.4 It is envisaged that there will be an important transitional period in the implementation of the proposals. In order to provide reassurance to service users and to ensure continuity of care, some staff in the centres affected by the changes will move with service users to their new centres. They will then be able to support service users during the settling in period. Beyond the transitional period it is envisaged that supernumerary arrangements will allow a new staffing structure for the service to be put into place and staff to move into funded posts. Early engagement with trade union representatives has started regarding a revised staffing structure for day services.
- 6.5 Service change will be supported by a full staffing review with implementation under managing workforce change procedures. Vacancies for permanent staff already exist as recruitment to permanent posts over the last year has all but ceased as a direct result of reviewing staffing levels in each of the centres.
- 6.6 The potential alternative usage for the Holbeck, Bramley Lawn and Woodhouse buildings will be actively pursued as the implementation is progressed. Expressions of interest in potential use of each of these buildings have already been received – some from neighbourhoods and community groups. Other interest has been expressed in use of the buildings by other Adult Social Care groups and by other Council departments. Alternative use of the centres will begin to be identified following the agreement of recommendations, to minimise the period when the buildings will be under used.

## **7.0 Implications for Council Policy and Governance**

- 7.1 In previous reports in July 2008 and July 2009 Members agreed the overall approach to day opportunities for older people, the future service model for Adult Social Care's day service and recommendations relating to individual day centres. All the work currently being undertaken in relation to modernising Adult Social Care's day service is consistent with the approvals already given.
- 7.2 The overall approach being taken fits well with the current Leeds Strategic Plan. For example the change process aims to:
- enable older people to be involved in physical exercise and cultural events;

- improve older people's access to services and their level of involvement in their communities;
- create opportunities which maximise the potential of older people and their overall wellbeing.

This will support the achievement of Strategic Outcomes in the Strategic Plan, particularly: Culture, Health and Wellbeing, Thriving Places and Harmonious Communities.

7.3 There are a number of risks involved with the revised proposals contained in this report. The recommendations require the establishment of a new generic provision in the Otley / Yeadon / Guiseley area. The timescales for implementation will impact on the overall change management of the service and will require further detailed work.

## **8.0 Legal and Resource Implications**

8.1 An equality impact assessment has been completed and is available at [www.leeds.gov.uk/Council and democracy](http://www.leeds.gov.uk/Council_and_democracy)

8.2 The proposed service changes relating to the seven centres identified will release resources which can be used in other ways to support older people's day activities.

8.3 Appendix 2 provides a financial summary of the current position, the original proposals set out in the July report to Executive Board and the revised proposals following the outcome of the consultation that are included in this report.

8.4 The appendix identifies the current average unit cost of providing older people's day care at £79.57 per person per day. By taking out some of the surplus capacity, the original proposals would have led to a reduction in the unit cost by 12% to £70.19. This would provide better value for money, whilst maintaining existing service provision. With the revised proposals less surplus capacity will be removed and accordingly the unit costs will reduce by 8% to £73.09.

8.5 The full year gross revenue saving from the original proposals was £1.0 million (reduced by additional transport and staffing costs at other centres to give a lower net saving). The full year gross revenue savings from the revised proposals are £0.7m (also reduced by some additional transport and staffing costs) and these may take up to two years to achieve. Whilst the new savings figure for re-investment does achieve in a full year the £0.6m target figure included in the 2009/10 budget, it fails to take out the full level of over capacity.

8.6 The £0.6m target savings from the consolidation of day centres helps to fund the additional investment of £2.4m in direct payments and personal budgets included in the 2009/10 budget. The revised proposals contained in this report are expected to provide £0.7m in a full-year (minus additional costs for transport and staffing at other centres, some of which will be short-term) that will be available for investment in personal budgets and the development of alternative day time activities.

8.7 It is envisaged that there will be an important transitional period in the implementation of the proposals. In order to provide reassurance to service users and to ensure continuity of care, some staff in the centres affected by the changes will move with service users to their new centres. They will then be able to support service users during the settling in period. Beyond the transitional period it is envisaged that supernumerary arrangements will be phased out as a new staffing



structure for the service is put into place and staff move into funded posts. Early engagement with trade union representatives has started regarding a revised staffing structure for day services.

- 8.8 With regard to transport it is not envisaged that the proposed changes will result in any direct release of resources in the short term. An initial assessment of the transport implications has indicated the possibility that expenditure under the Private Hire part of the transport budget will increase because of the need for additional vehicles on some runs. This will be accommodated within the overall cost envelope.

## **9.0 Conclusion**

- 9.1 The July 2009 Executive Board report proposing consultation on the future use of seven day centres built on a series of previous reports setting out the vision and direction for day services in the future. In turn, these were informed by national policy and local decisions implementing legislation, guidance and regulation concerning the commissioning assessment and provision of social care services.
- 9.2 There have been significant drivers influencing the purpose of the report, not least the need to demonstrate quality, value for money and efficiency. The recommendations of the Independence, Wellbeing and Choice Inspection of Adult Social Care last year also highlighted the need to offer more personalised care in alternative settings to traditional buildings based services. This report re-affirms the continued long term commitment to the provision of day care for eligible customer need.
- 9.3 A comprehensive consultation process has been undertaken involving all existing customers of the centres under consideration, their carers, elected members, partnership and representative groups.
- 9.4 The consultation yielded a rich and diverse range of views, comments, concerns and questions. The mobilisation of a campaign against closure, including high media coverage has ensured that voices in opposition have predominated. It is significant that there was little comment on the range of potential financial implications, nor policy and inspection drivers which have influenced the need for the proposals.
- 9.5 This report has set out the themes arising from the consultation in relation to overall direction, generalised fears and concerns and specific concerns about individual centres.
- 9.6 The consultation highlighted issues concerned with provision of adequate and appropriate generic day services in the north-west and east of the city. This has led to a revision of the initial proposals whilst still significantly reducing the overall capacity in line with initial budgetary and planning assumptions.
- 9.7 The proposals in the report offer an opportunity for the buildings at Bramley Lawn, Holbeck and Woodhouse to be used for alternative services reflecting community need. The proposals for Naburn Court and Doreen Hamilton develop a model of day care service being complemented by additional community activities, on different days but within the same building.
- 9.8 The overall supply and demand of day care services will be kept under review as alternatives to provision are developed using personal budgets and further reports will be presented.

## 10.0 Recommendations

It is recommended:

- 10.1 That the outcome of the consultation and comments received are noted.
- 10.2 That the revised proposals outlined at paragraphs 5.4 to 5.8 are agreed
- 10.3 That the implementation plan outlined in paragraph 6 is endorsed.
- 10.4 That active consideration is given to the future use of the buildings with a particular review of locally based services in the Holbeck area.
- 10.5 That further work to publicise and promote the implementation of self directed support and personal budgets is championed through the scrutiny review of Personalisation.
- 10.6 That supply and demand of day care services is kept under close review with further reports as required.

### Background documents referred to in this report:

1. A Commissioning Strategy for Day Services – 14<sup>th</sup> December 2005 – Executive Board.  
<http://democracy.leeds.gov.uk/CeListDocuments.aspx?Committeed=102&MeetingId=2285&DF=14/12/2005&Ver=2>
2. Older People's Day Services – Service Improvement Plan – 16<sup>th</sup> July 2008 – Executive Board  
<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=3682&Ver=4>
3. Older People's Day Services – Service Improvement Plan – 5<sup>th</sup> November 2008 – Executive Board  
<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=3378&Ver=4>
4. From Day Centres to Day Services: Responding to the needs and preferences of older people – 22<sup>nd</sup> July 2009 – Executive Board  
<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=4184&Ver=4>
5. Putting People First: Vision and Commitment to the Transformation of Adult Social Care – 8<sup>th</sup> October 2008 – Executive Board  
<http://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=3377&Ver=4>
6. Independence, Wellbeing and Choice Inspection of Adult Social Care  
[http://democracy.leeds.gov.uk/Published/C00000102/M00003379/AI00016147/\\$InspectionofAdultSocSersOPEN241108.docA.ps.pdf](http://democracy.leeds.gov.uk/Published/C00000102/M00003379/AI00016147/$InspectionofAdultSocSersOPEN241108.docA.ps.pdf)
7. Joint Strategic Needs Analysis for Leeds.  
[http://www.leedsinitiative.org/healthy/page.aspx?id=12242&ekmense=cdb9b7c3\\_76\\_0\\_12242\\_8](http://www.leedsinitiative.org/healthy/page.aspx?id=12242&ekmense=cdb9b7c3_76_0_12242_8)
8. 1990 NHS & Community Care Act  
[http://www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900019\\_en\\_1](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900019_en_1)
9. Leeds Strategic Plan <http://www.leedsinitiative.org/lsp/>

10. Equality Impact Assessment

[http://www.leeds.gov.uk/Council\\_and\\_democracy/Jobs/Equalities\\_assessment\\_and\\_consultation.aspx](http://www.leeds.gov.uk/Council_and_democracy/Jobs/Equalities_assessment_and_consultation.aspx)

**OLDER PEOPLE'S DAY SERVICE MODERNISATION**  
**OUTCOMES OF CONSULTATION**  
**AUGUST – SEPTEMBER 2009**

**October 2009**

## **1. Introduction**

Following on from the Executive Board Report on 29<sup>th</sup> July 2009, Adult Social Care commenced consultation with a range of Stakeholders on the proposals for transforming Older People's Day Services, as described in the report.

Whilst there has been ongoing consultation with older people regarding personalisation and developing the strategy for day services, this specific consultation on the proposals for specific centres identified in the Executive Board report began at the beginning of August and lasted until the end of September 2009.

The consultation was designed to be as comprehensive and extensive as possible. It has focused on obtaining the views of people currently registered as using a day centre and their carers. The views of staff working in day centres, the Council partners in providing care and support to older people, the public and other stakeholders were also sought, as were the views of individual elected members and those of area committees.

As part of the process a questionnaire was developed and participants in consultation events were invited to provide a written response to the questions. The analysis of comments was not confined to written responses however and a written record was made of all the consultation events that have taken place. The consultation has produced comments and opinions on the proposals and no boundaries were defined for the consultation. Stakeholders were informed that proposals had been made in the Executive Board report but no decision had yet been taken.

In terms of the overall response, some day centres produced a better response from the service users than others, Calverlands and Doreen Hamilton Day Centres having the highest response rate.

It would appear that very limited written responses were received from the Otley and Woodhouse Day Centres, though we did receive a number of responses from service users and carers that we could not match to a day centre (could not identify the service user or the day centre).

## **2. Methodology**

As noted in paragraph 1 above, Adult Social Care has consulted with a range of interested parties, specifically:

Elected Members

Service Users

Carers

Members of staff

Voluntary, Community and Faith Organisations

Neighbourhood Networks

General Public

Partners

A variety of methods have been used to ascertain the views of stakeholders (timetable of activities attached for information). A free phone helpline and a general e-mail account were made available for any issues arising and for responses to the consultation.

The consultation with service users and carers concentrated on the seven centres that would be directly affected by the proposals, though the consultation was made open to all service users and carers.

<b>Stakeholders</b>	<b>Methods used</b>
Elected Members	Elected Member briefings Attendance at Area Committees Scrutiny
Service Users	Day Centre meetings One to one meetings with Day Centre Officers to look at individual needs Information and questionnaire to all service users through day services Questionnaire available on the Council's web-site Attendance at some user led forums/reference groups
Carers	Day Centre meetings Open meetings for carers Information and questionnaire to carers via day services. Questionnaire available on the Council's web-site Attendance at the Carers' Strategy Implementation Group
Members of staff	Day Centre meetings Questionnaire available to all members of staff working in day services Questionnaire available on the Council's web-site Attendance at the ASC Adult Management Group Managers meeting with Director
VCF organisations	Briefing documents and questionnaire sent out to a number of VCF organisations (challenge groups) Meetings on the 21 <sup>st</sup> and 24 <sup>th</sup> September for VCF organisations Questionnaire available on the Council's web-site Attendance at the Social Care Community Forum For Race Equality
Neighbourhood Networks	Briefing documents and questionnaire sent out to a number of VCF organisations (challenge groups) Meetings on the 21 <sup>st</sup> and 24 <sup>th</sup> September for VCF organisations Questionnaire available on the Council's web-site
General Public	Questionnaire available on the Council's Consultation Portal 'Talking Point'

### **3. Feedback from consultation in day centres**

In total 185 responses have been received from service users and carers. In the main these were received via completed questionnaires. Three responses were received via letter or e-mail.

Notes were taken at all meetings and this report represents a summary of the recorded comments. Many of the issues raised were common to most of the consultation events and questionnaires. To avoid repetition they are not repeated in detail, although where a new point has been raised this has been included in the summary. The majority of the questionnaires and meetings have focused on service users and their carers who attend the seven centres that were identified in the Executive Board report. However a number of meetings were held with a wider range of interested groups.

#### **3.1 Calverlands Day Centre**

Fifty five (55) completed questionnaires were received; 50 from service users and 5 from carers/relatives; one carer responded by letter. Members of staff assisted many of the service users to complete their written responses.

Overall, people were not in agreement with the proposals that Calverlands should develop into a specialist dementia care centre. The majority of people were quite clear that they wanted to stay at Calverlands, because they knew and trusted the staff; that stress and anxiety caused by the changes could be detrimental to their health; that they wanted to stay with their friends and they were concerned that other centres would not be able to meet their needs. Many people saw Calverlands as their lifeline as they had no other friends or family or they had been going there for such a long time. Some people had already moved from other centres and they did not want to move again. People valued the trust they had built up with the staff team at Calverlands and did not want to lose this trust.

Many people stated they did not know enough about other services and day centres, not knowing what they were like or whether their needs could be met there. Additionally, whilst a small number of people expressed the view that they would rather stay at home than go somewhere else, some people clearly thought that a change of use for Calverlands meant that they had to stay at home.

However, some people seemed to adopt a practical approach, and recognising that the services will probably change, stated that if things changed they still wanted to attend a day centre, linking this desire to their particular needs and situations.

There were positive comments in support of some of the ideas being developed in the day centre strategy. Improving services for people with dementia was popular as was more flexible opening, particularly at weekends and into the evening. Outreach services and support for carers were also positively received. Reablement services received widespread support, although people pointed out that Calverlands already provides this service.

Direct Payments were not popular with many of the respondents. People generally did not want to organise and buy their own care and thought that other older people would not want to as well. They were concerned that they might be expected to use the payment on activities they did not want, or that they would be left to make their own arrangements without any support. There appeared to be a range of misunderstandings about direct payments with some comments made in relation to people already in receipt of a pension

A number of people thought that it was not fair that they should have to make changes for other people – they considered that their rights were just as important as other people's.

A number of people commented on the consultation process, suggesting that no one would listen to their views and that the decision had already been taken. Some people stated that they thought the process had been rushed and that they had insufficient time to understand and consider the proposals.

At a consultation meeting at Calverlands more detailed questions and points were raised regarding personalisation. One person asked why more money isn't passed to voluntary organisations so that they can arrange activities for people in their local area. One person wanted to know whether personalisation would lead to more administration and bureaucracy.

### **3.2 Bramley Lawn DC**

Completed questionnaires were received from nineteen service users and two from carers/relatives.

#### **Overall outcomes from the questionnaire at Bramley Lawn**

Overall people were not in agreement with the proposals that were presented to them. It should be noted that some people stated that they did not understand the proposals.

Most respondents did not want things to change and they wanted their day centre to remain open. Additionally, people thought that no day centres should close. Many of the supporting comments suggested that people thought they would lose a service and that they would be

increasingly vulnerable if they were not attending a day centre. Further fears expressed concerned the loss of friendships both with people they have met at day centres and the staff they have come to know.

People were concerned about having to change day centres; some people had visited another day centre before and did not find the people welcoming. One person would only move to another day centre if the staff were going too. Another stated that they had lived all their life in that area and did not want to move out to go to another day centre. The staff were well thought of, being good at what they do and providing personal care, entertainment and making people feel safe.

Feeling safe was a theme expressed by a number of respondents who stated they felt safe at the day centre. Travel and transport were raised as issues with people not wanting to travel further to other centres.

### **3.3 Holbeck DC**

Nine service users completed a questionnaire and one service user sent in a letter.

Only one person indicated any agreement with the proposals and that person said that they would move to another day centre but only one of their choice. The significant majority openly stated that they liked nothing about the proposals or commented on what aspects they did not like. However, as with other centres, respondents did not exclude the opportunity to attend another centre, provided they could remain with their friends or continue to attend on the same day.

A number of people commented on the consultation process, saying that they would have liked to be consulted earlier, and in other cases asked for more time to consider the options. At the time the consultation meeting took place people had not had their individual review and many of these comments were being made without going through the options that are open to individuals.

Positive comments were received from people using the Holbeck day centre including suggestions that centres could do more to support carers and a welcome for the plans to increase provision for people with dementia. Other comments concerned the opportunities to advertise the day centres to encourage older people to attend.

At a meeting held at the centre, comments suggested that some people wanted to see decisions made quickly so that they could feel settled, and others commented that they had agreed to attend another centre and felt positive about this.

### **3.4 Queenswood DC**

Only one questionnaire was completed by a service user in respect of Queenswood Day Centre. This centre is not one of the seven centres referred to in the Executive Board report.

The respondent did not agree with the proposals, being happy at the day centre they currently attended. They would like to see young people and older people mixing together.

### **3.5 Naburn Court DC**

Three questionnaires were completed, one by a service user and two by carers/relatives; one carer responded by letter. In addition a petition for saving the centre was signed by 54 people.

Whilst written comments were limited the strength of feeling of some people who use this service was expressed at the consultation meeting held at the centre. These feelings were focused on the consultation process, which some people felt was not a genuine one; that the plans were about saving money rather than improving services; the detrimental impact that change could have for some service users, and a concern expressed by some that other nearby centres are located in places they do not wish to go to. Suggestions were



made on how the centre could attract more service users. A number of people have already changed centres and did not want to go through the same process again.

Service users at Naburn Court do acknowledge that the centre is underused and are open to ideas on how better use can be made of the centre. Ideas included support for carers and specialist care for people with dementia.

### **3.6 The Green DC**

This is not one of the seven centres named in the July 2009 Executive Board report. However, carers of people using this centre were keen that their views were included. The carers completed eight questionnaires. In addition, three carers' meetings were held at the centre which provides specialist dementia services

The carers generally welcomed the changes as they thought that it would improve the service for people they cared for. There was some caution expressed, in that it was suggested that no-one knew how the proposals would work out until they are tried and tested, so the changes would need to be flexible. The carers were very positive about proposals to provide training for them in caring for people with dementia.

Many practical suggestions were made for improving services for people with dementia, including increased staff levels, and specialist training for staff caring for people with dementia. Others commented that they would like to see more details to the plans for improving this area of service. More flexible services were also popular with support available into the evening and at weekends and during public holidays. Flexible arrangements when carers could drop off their relative for morning, afternoon or evening sessions were also identified, as was a rapid response when carers are struggling. Carers would also like to see outreach workers and more support in the community.

There was a view that more services are needed for older people and that where buildings are under-used they could be providing specialist dementia care. People were confused about how a direct payment or individual budget could help them, seeing the money as a cash alternative to a service that they value. There was support for more opportunities to discuss how services can be improved and developed and a wider understanding of some of the issues raised during the consultation.

### **3.7 Doreen Hamilton DC**

A total of 53 questionnaires were received from service users, 4 from members of staff and 3 from carers/relatives. None of the people who responded was in favour of the proposals; comments revealed how strongly felt their opinions are with regard to the proposal for their centre.

Reasons for opposing the proposal for the Doreen Hamilton Centre are similar to those expressed by respondents from other centres. Most frequently mentioned were that the proposed closure would take away people's independence; that service users did not want to attend other centres and that disruption would have a detrimental impact for their health and wellbeing. Some people had already moved from other centres and did not wish to go through the process again.

There is a strong sentiment for the centre and the role that it plays in the local community, and in particular its association with a long-serving City Councillor. Attention was drawn to the money spent on improving the centre in recent years. Other respondents asked that the experience of older people who find themselves in this position is better understood.

Many people felt that alternative services people could buy with their individual budgets were not tried and tested, and that older people in particular need more time to consider the options and understand how it can work for them. Being given cash rather than a service could lead to a risk of financial abuse. Some people wrote of the need for trust, observing

that major changes of this nature need to be discussed in an atmosphere of trust, with people who are prepared to listen.

Similar to views expressed at other centres, issues for carers were frequently highlighted. Some respondents were concerned that changes to day centres could have an impact for carers' employment. Attention was also drawn to the fact that some carers themselves experience ill health and that the added stress surrounding these changes could be detrimental. Knowing that the people they care for are happy and settled at a day centre was an important re-assurance for carers.

Carers attending a consultation session at Doreen Hamilton day centre expressed concerns about the arrangements for the meeting and the time available to study information they had received. They were concerned that the proposals were being rushed and that there was no real opportunity to influence the decision about the future of the centre. Some carers claimed that as they had only a short notice of the meeting many carers and relatives had not been able to participate in the consultation.

At a subsequent meeting held at the centre, participants asked for the process for arriving at a decision to happen quickly to avoid prolonged uncertainty for those people directly affected. People also wanted more information about the alternatives that are available as soon as possible.

### **3.8 Otley DC**

No completed questionnaires have been received from people attending this day centre. However a meeting was held at the centre with Adult Social Care officers and many similar issues were raised during the discussion to those raised at other centres.

Most comments focused on the alternatives to attending a day centre. People were not interested in personal budgets which were seen as too onerous for the service user and others did not think that Neighbourhood Network schemes could provide the same level of service. The small group attending the Otley centre wanted to stay together and accepted that they would have to travel to another centre.

### **3.9 Woodhouse DC**

Woodhouse centre is a purpose built centre in an accessible location, and used as a 7 day centre for people with dementia. It is full with a waiting list. Over 70% of its customers come from the Otley /Rawdon/Guiseley/Yeadon area, necessitating a considerable journey. The proposal to close the Woodhouse centre and to relocate customers at Calverlands has strong support. 10 customers travel from Otley to Woodhouse and have a considerable bus journey, passing by the Calverlands centre whilst en-route. Facilitating dementia care at Horsforth is seen as a positive step forward for the staff and customers from Woodhouse centre.

Some people, notably people from Woodhouse centre, have been strongly positive about the proposals to change the buildings base of the service and indeed, some have expressed their concerns at having to wait for the period of consultation to be completed and further recommendations made. Many feel the proposals are more like "moving house", and are to be welcomed

## **4. General Responses.**

### **Responses from Service Users**

Twelve (12) completed questionnaires were returned from people who did not identify which centre they attended, although in most cases they seemed to be actively using services. As with most of the responses they did not support changes to day services. Again respondents frequently commented that they did not understand the detail of the proposals, or asked for more

information. Many people identified the need for greater flexibility in services and more specialist care for people to help them live independently.

Not many comments were made in respect of direct payments, but it was noted that not a lot of people would be able to use it. In addition money given for personal choices is often wasted and not used for its given purpose. A couple of people took the opportunity to ask if they could move from their present centre to one that was closer to where they live.

### **Responses from Carers**

Six completed questionnaires were received and two general meetings held. The respondents were a mix of carers of people with dementia and those who had other more general needs and the responses reflect this background.

The carers of people with dementia stated that they welcomed the proposals whilst carers of people who did not have dementia did not like the proposals. There is consistent support for the plans to improve services for people with dementia. Again people identified more flexible services with availability 365 days a year, outreach services and more contact with carers and relatives. More information about the availability of services which people could use was also identified as an area for improvement.

Whilst a number of comments have been made across the whole consultation about the mix of people who should use a day centre, there does not seem to be a general consensus on this issue. For example some carers raised concerns that people with a mild dementia should not be sent to a centre attended by people with severe dementia, but this was not a view widely shared by other respondents.

Some carers who attended the open meeting expressed concerns that their views and those of carers who did not have someone attending a day centre were not being heard in this process. Concern was expressed by some people that the meeting was too focused on a campaign to stop day centres from closing rather than an understanding of the issues and finding other solutions. Some carers felt that ways could be found for centres to appeal to a wider group of older people if they were advertised for example. Others sought clarification on whether people were being sent to Neighbourhood Networks or not offered the opportunity to attend a day centre.

### **Feedback from meetings with Neighbourhood Networks and VCF organisations.**

Two open meetings were held with Neighbourhood Networks and voluntary, faith and community sector organisations on the 21<sup>st</sup> and the 24<sup>th</sup> September.

Most of the participants involved in this consultation were well informed about the issues and the context for the strategy around day services. They asked a series of detailed questions, not all of which could be answered at the meeting.

Concern was expressed that current eligibility criteria might be disadvantaging a group of people who fall outside eligibility but present particular issues for Neighbourhood Networks schemes, whole rely on volunteers. People requiring physical assistance to mobilise was an example given. Others felt that the views from the sector had been sought in the past but decisions had been taken, specifically past closures of day centres, which they had advised against.

Participants were concerned to know how decisions were being arrived at in the context of demographic change and what was to be expected from the VCF sector if statutory services were closing. Whilst volunteers play an important part in delivering third sector services, more staff will be required to work alongside volunteers if they were providing for greater numbers.

Some participants were concerned that commissioning processes for new services would disadvantage VCF organisations. Some organisations were concerned that the Council was not interested in working with small local groups.

In relation to ethnic minority groups, some participants felt that the local authority did not actively engage with ethnic minority communities and that VCF organisations were needed to engage better with those communities. Concerns were also raised regarding access to individual budgets for BME older people.

## **5. Response from Elected Members**

Twenty-four individual briefing meetings were held with elected members, in the form of briefings, drop-in sessions or attendance at 1:1 meetings and area committees.

Elected members have voiced concerns over the extent and composition of the consultation process. Members expressed concerns that the decisions on the future of day centres had already been made, and that the consultation was not genuine. Some councillors said this was a budget-led plan to make savings.

The policy on supporting carers and in particular the provision for dementia care was welcomed, although some members questioned the need to segregate people with moderate and advanced dementia. Others suggested that people with mild to moderate dementia benefited from attendance at generic centres.

Councillors expressed their support for the day centres undertaking a useful and valuable role and expressed concerns that older people did not wish for changes to be made, and that such changes were likely to be difficult for the people concerned.

Concerns were raised about the growing number of older people potentially needing more day centre usage. Concern was raised in several meetings that the day centres prevented admissions to residential care and were important means of safeguarding vulnerable adults.

Elected members queried why attendance at day centres had fallen and some expressed concern that centres were being deliberately run down. The implementation and use of the Fair Access to Care Services (FACS) eligibility criteria was raised at every meeting attended. Similarly, the care management assessment procedures and arrangements for authorisation of care plans were queried, regarding their roles in reducing numbers of people attending.

The question of whether the Neighbourhood Networks would be required to take on the role of day centres was frequently raised, as was the impact of moving day centre facilities from a particular centre. Councillors also queried the appropriateness and relevance of individual budgets and self directed support.

Elected members raised concerns about specific localities and community facilities. The lack of facilities for people in Bramley, Holbeck and the East was a common concern, alongside an issue over the isolation of the north west of Leeds. The potential of long bus journeys to alternative day centres was a considerable concern to elected members. One councillor asked why we were not reviewing the transport policy.

In noting that buildings may become vacant, several elected members asked that buildings be made available for community use if in future day centres usage ends.



## DAY SERVICES FOR OLDER PEOPLE - FINANCIAL, ATTENDANCE &amp; CAPACITY SUMMARY

	Current Position	Original Proposals	Revised Proposals	Notes
<b>Unit Costs (notes 1 &amp; 2)</b>				
Average current unit cost	£79.57	£70.19	£73.09	Per person per day
Average unit costs based on capacity	£53.28			
<b>Full-Year Revenue Savings (notes 3 &amp; 4)</b>		£1.0m	£0.7m	Recurring revenue savings
<b>Value of Assets Released for Alternative Use (note 5)</b>		£2.6m	£1.6m	Asset value (potential one off capital receipt)
<b>Attendances</b>				
Non-EMI Weekday Day Care				
Attendances - Weekday Non EMI 2008/09	73,458	73,458	73,458	
Capacity - Weekday Non EMI	113,910	76,920	87,358	
Non-EMI Weekend Day Care				
Attendances - Weekend Non EMI 2008/09	11,996	11,996	11,996	
Capacity - Weekend Non EMI	24,250	17,500	17,500	
EMI Day Care				
Attendances - Weekdays & Weekend EMI 2008/09	22,494	22,494	22,494	
Capacity - EMI Weekdays & Weekend (note 6)	23,064	23,334	23,334	
<b>Total Attendances 2008/09</b>	<b>107,948</b>	<b>107,948</b>	<b>107,948</b>	Total Attendances in 2008/09 for comparison
<b>Capacity (note 7)</b>	<b>161,224</b>	<b>117,754</b>	<b>128,192</b>	Annual capacity
<b>% of Capacity Filled</b>	67%	92%	84%	

N.B. For notes 1-7, see next page

**Notes (Appendix 2):**

1. Unit costs based on 2009/10 budgets and 2008/09 occupancy data
2. Unit costs include all costs, some of which would remain if use of some centres ceased
3. Full-year savings are the gross savings, which will be reduced by additional transport & staffing costs at other centres, some of which will be short-term, to give a lower net saving
4. Full-year savings are based on the direct costs that would be saved, excluding costs that would remain e.g. transport & corporate charges
5. The value of assets released reflects the current asset value of the buildings & land
6. In addition to the extra EMI places made available under the proposals, Laurel Bank has also been identified as a centre that has potential to further increase EMI capacity in the future.
7. Capacity relates to the total available number of places at all the day centres in a year.

## Preferences of Destination by Day Centre – Appendix 3

<b>Bramley</b>	Radcliffe	25
	Radcliffe/Calverlands	1
	Radcliffe/Mariners	1
	Springfields	1
	Blanks	2
	<b>total</b>	<b>30</b>
<b>Calverlands</b>	Burley Willows	5
	Calverlands	3
	Not decided	7
	Queenswood Drive	49
	Queenswood / Burley Willows	2
	Same as Friendship Group	2
	Blanks	2
	<b>total</b>	<b>70</b>
<b>Holbeck</b>	Springfield	29
	Springfield/Rose Farm	2
	No preferences	2
	Blanks	1
	<b>total</b>	<b>34</b>
<b>Woodhouse</b>	Calverlands	47
	Blanks	4
	<b>total</b>	<b>51</b>





## Report of the Director of Resources

### Executive Board

Date: 4<sup>th</sup> November 2009

Subject: Financial Health Monitoring 2009/10 – Half Year Report

**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

\*except for the recommendation at 6.2.1

## Executive Summary

1. The purpose of this report is to inform members of the financial health of the authority after six months of the financial year in respect of the revenue budget and the housing revenue account. Separate reports on the capital programme and treasury management are elsewhere on this agenda.
2. The report identifies a number of pressures, many of which impacted on the 2008/09 outturn particularly affecting income and demand led budgets. At the first quarter it was reported that an overspend of £10.9m was projected. Whilst directorates have developed and implemented a number of action plans nevertheless an overall overspend of £5.5m is still projected at the half year position. Detailed directorate reports are included at Appendix 1.
3. It is clearly crucial that directorates continue to develop action plans to contain spending within approved budgets. Members are asked to note the projected financial position of the authority after six months of the financial year together with the impact on reserves should directorate spending not be maintained within approved estimates.

## **1. PURPOSE OF REPORT**

- 1.1 This report sets out for the Board the Council's financial health position for 2009/10 after six months of the financial year. The report covers revenue expenditure and income projected to the year end. The report also highlights the position regarding other key financial health indicators, including the collection of local taxation and the payment of creditors. Separate reports regarding the capital programme and treasury management can be found elsewhere on this agenda.

## **2. BACKGROUND INFORMATION**

- 2.1 Members will recall that the net budget<sup>1</sup> for the general fund was set at £556.8m, which was not supported by the use of any general fund reserves. As a result, the level of general fund reserves at 31<sup>st</sup> March 2010 were estimated to be £12.0m.
- 2.2. The report on the 2008/09 Statement of Accounts, presented to Corporate Governance and Audit Committee<sup>2</sup> on 30<sup>th</sup> June 2009, highlighted that the net contribution to general fund reserves was £4.6m in excess of the budget bringing the level of general reserves up to £16.6m.
- 2.3. A subsequent report on 30<sup>th</sup> September<sup>3</sup> gave details of a number of insurance claims which had been settled or where further circumstances had come to light which required the insurance provision at the end of 2008/09 to be amended. The result of these post balance sheet events was to increase the insurance provision by £469k, resulting in a corresponding reduction in general reserves to £16.1m.
- 2.4. The reserves also include a claim for overpaid VAT within Sport which could give a potential refund of £6.3m. In view of the unknown final outcome of the VAT claim and the present uncertain economic circumstances, it was agreed that the Council should maintain a higher level of reserves than the minimum required.
- 2.5 Budget Monitoring is a continuous process throughout the year, and this report reviews the position of the budget after six months and comments on the key issues impacting on the overall achievement of the budget for the current year.

## **3. MAIN ISSUES**

- 3.1 After six months of the financial year an overspend of £5.5m is currently projected, a decrease of £5.4m from the month 3 position as detailed in the following table:

General fund	Total Staffing £000	Other Costs £000	Total Projected Variance £000	Memo Variation at Month 3 £000	Variation from mth 3 to mth 6 £000
Adult Social Care	543	799	1,342	300	1,042
Children's Services	603	2,285	2,888	2,500	388
City Development	419	1,298	1,717	4,200	(2,483)
Environment and Neighbourhoods	(1,395)	2,026	631	1,260	(629)
Central & Corporate Functions	(205)	128	(77)	155	(232)
<b>Total Directorates</b>	<b>(35)</b>	<b>6,536</b>	<b>6,501</b>	<b>8,415</b>	<b>(1,914)</b>
Debt Charges		(2,000)	(2,000)	0	(2,000)
Section 278 Income		1,700	1,700	1,200	500
Early Leaver Initiative		1,500	1,500	1,300	200
Contingency Fund		(750)	(750)	0	(750)
Other		(1,500)	(1,500)	0	(1,500)
<b>Net Position</b>	<b>(35)</b>	<b>5,486</b>	<b>5,451</b>	<b>10,915</b>	<b>(5,464)</b>

- 3.2 The financial position has improved by £5.4m since month 3. This is partly due to the implementation of action plans and the identification of corporate savings. Corporate savings of £3.5m have been identified primarily from debt savings of £2m, a freeze on Contingency Fund releases of £750k and £1.5m from further capitalisation and use of earmarked reserves. However this is partly offset by additional costs of the Early Leavers Initiative and a further decline in Section 278 income reflecting the slowdown in development activity. The overall staffing overspend has reduced by £0.6m (excluding the effects of the industrial action in streetscene – see 3.2.4), primarily as a result of tighter controls over recruitment and there has been no significant change in running costs, although there have been variations within individual directorates as explained in the following paragraphs.
- 3.2.1 Within Adult Social Care, the projected overspend has increased by £1m since month 3. This is due to staffing variations of £0.4m, mainly as a result of slippage in implementing planned savings, particularly within directly provided services. In addition, the cost of community care packages has increased by £1.6m. This mainly relates to independent sector domiciliary care, for which demand has increased, although this has been partly offset by an increase in service user contributions and reduced agency and contract payments. The projected costs to Adult Social Care for the Holt Park Wellbeing Centre have reduced by £0.2m since month 3.
- 3.2.2 The projected overspend on Children's Services has increased by £0.4m. The cost of externally provided placements has increased by £1.8m offset by a contribution from the Education Leeds reserve of £1m and an increase in grant and external income.
- 3.2.3 Within City Development, the projected overspend has reduced by £2.5m mainly as a result of £1m of highways expenditure which has been identified as more appropriately charged to capital and further savings of £1m in operational budgets.
- 3.2.4 The projected overspend within Environment and Neighbourhoods has reduced by £0.6m, largely reflecting an improved income projection for car parking services and general savings on running costs across the directorate. The current net cost of the industrial action in streetscene is broadly neutral, although this manifests itself as £0.8m staffing savings offset by the use of external contractors and communication costs.

3.2.5 The projection for Central and Corporate has improved slightly as a result of further staffing savings.

3.3 The following paragraphs describe the main projected variations from the approved 2009/10 budget at the half year stage.

#### 3.3.1 Income Variations

The economic downturn is continuing to have a significant effect on income levels in 2009/10. Within the City Development directorate a shortfall of £3.5m is projected from a number of external income sources, including planning and building fees, Recreation, Libraries Arts and Heritage and commercial rental income. Other net variations within the directorate of £0.9m partially offset this. Within Environment and Neighbourhoods, a shortfall in car parking income of £700k is forecast. In addition, the 2009/10 budget includes income from Section 278 schemes of £5.2m, and the latest assessment is a shortfall of £1.7m, again reflecting a slowdown in development activity.

The level of nursery fee income within Children's Services is projected to be £1m lower than the budget, although this has been offset by maximizing grant and external income and also through additional Nursery Education funding.

Additional income has been generated within Adults Social Care with a one-off grant contribution for neighbourhood networks of £0.4m towards the city wide scheme.

There is a projected loss income of £745k within the Jobs and Skills service, primarily work based learning grant.

#### 3.3.2 Demand Variations

Externally provided placements, both residential and with independent fostering agencies, continue to be a major pressure on the Children's Services budget and are now projected to be £3.9m overspent.

Within Adult Social Care, £0.35m has been provided for costs associated with the Holt Park Wellbeing centre that were not included in the budget. The amount and distribution of these costs remains under review. In addition, increased pressure on the Community Care budget is estimated at £1.7m, mainly for independent sector domiciliary care for which demand has increased.

#### 3.3.3 Staffing

The overall staffing projection is now in line with the budget although this figure would have been some £2.2m higher were it not for a projected reduction in the level of the NJC pay award of an increase of 1.25% for the lower grades and 1% for higher grades. The 2009/10 budget provided for a 2% increase.

During 2008/09, the Council's Early Leaver Initiative (ELI) was used to help reduce overall staffing costs. The scheme was financed from an earmarked reserve and facilitated 132 people leaving the authority where there was an organisational priority for change and future savings backed up by business cases. The 2009/10 budget built in assumptions around reducing staffing levels and these reductions are being progressed in a number of services where there is a robust business case demonstrating a clear rationale to achieve future savings. It is projected that additional funds of £1.5m will be required to cover the in year costs of the initiative, and it is proposed to fund this initiative from savings in debt charges.

### 3.3.4 Other

Debt savings have been achieved through proactive treasury management, taking advantage of the continued low short term interest rates and a £2m saving is currently projected. It is proposed to use £1.5m of this to fund the early leavers initiative.

In view of the current financial position it is proposed that no more funds be released from the Contingency Fund and the balance of £750k be used to reduce the general overspend position. In addition it is anticipated that an additional £1.5m could be found from further capitalisation and the use of earmarked reserves.

3.3.5 Further details of directorate variations are attached as Appendix 1. It is important that budget pressures are addressed by directorates who are required to continue to develop and implement action plans to manage their pressures within available resources. The extent to which action plans are not effective in containing spending within approved estimates will impact on the Council's reserves which will clearly have implications on the medium term plan assumptions going forward.

3.3.6 The current level of overspend gives some cause for concern and the Director of Resources following consultation with the other Directors has introduced stricter controls on external recruitment.

## 4. **HOUSING REVENUE ACCOUNT**

4.1 At the end of the second quarter the HRA is projecting a surplus of £343k. This is after taking into account the following:

- a budgeted contribution to the Swarcliffe PFI sinking fund (£284k)
- a revenue contribution to capital (RCCO) to fund decency works on the Woodbridge estate (£500k)
- RCCO to fund a projected shortfall in resources for the HICT project (£200k)
- Capital charges associated with the unsupported borrowing for early demolition of properties in the Little London, Beeston Hill and Holbeck PFI area ( (£128k)
- Removal of care ring equipment from sheltered warden properties (£160k).

4.2 £1.5m of additional income is projected from housing rents. This takes into account the compensation from Government, via the subsidy system, for increasing rents by 3.1% rather than the 6.2% originally budgeted.

4.3 The additional income is as a result of void levels being lower than budgeted and the decline in Right to Buy (RTB) sales. Of the increased income, £487k will be paid over to the ALMOs as additional void incentive payments.

## 5. **OTHER FINANCIAL PERFORMANCE**

5.1 The level of Council Tax collected at the end of September 2009 is 55.73% of the debit for the year of £255.5m. This is marginally behind the same point last year however it is still forecast to match last year's performance of 96.3% by 31st March 2010.

5.2 The collection of non-domestic rates for the first six months is 60.79% of the current net debit of £330.7m, which, whilst being behind the same period last year, is currently on target against a reduced yearly target of 97.5% agreed due to the impact of the recession.

- 5.3 In terms of Sundry income, the collection rate at the end of September is 92.9% of the amount due of £61.9m. The collection rate is similar to the same period last year and currently forecast to reach the year end target of 97%, however the planned project to move to a new recovery system, Authority Financials, during the 4th quarter of 2009/10 may have an impact on this.
- 5.4 The prompt payment result for the half year is 90% against a target of 92%. This represents a significant improvement on the position last year.

**6. RECOMMENDATION**

- 6.1 Members of the Executive Board are asked to note the projected financial position of the authority after six months of the financial year and request that directorates continue to develop and implement action plans.
- 6.2 Members are also requested to approve the following budget adjustment :-
- 6.2.1 Recommend to Council a virement in the sum of £1.5m from debt charge savings to fund the early leavers initiative.

BACKGROUND

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<sup>1</sup> Revenue Budget and Council Tax 2009/10 – report to Executive Board 13<sup>th</sup> February 2009

<sup>2</sup> The Statement of Accounts 2008/09 – report to Corporate Governance and Audit Committee 30<sup>th</sup> June 2009

<sup>3</sup> Audited Statement of Accounts and the Use of Resources Assessment 2008/09 30<sup>th</sup> September 2009

## ADULT SOCIAL CARE DIRECTORATE: 2009/10 BUDGET – PERIOD 6 REPORT

### 1.0 Introduction

This report sets out the financial position for the Adult Social Care directorate for Period 6.

### 2.0 Overall Summary

The Period 6 position for the Adult Social Care Directorate is a projected overspend of £1.3m. This is after assuming achievement of in-year action plans of £5.3m.

### 3.0 Explanation of the Projected Overspend

The main reasons for the projected overspend are:

- **Holt Park Wellbeing Centre - £0.35m**  
 The initial bid for PFI credits for a Wellbeing Centre was rejected last year and because a response had not been received regarding the appeal lodged against that decision, no costs were included in the Adult Social Care budget proposals for 2009/10. However, in March of this year the appeal was upheld and the opportunity of securing over £30m of PFI credits to further the development of universal services as part of the 'Putting People First' agenda, together with the re-provision of the Holt Park Leisure Centre was seen as an important contribution to the delivery of ASCs objectives. The costs associated with the procurement of this facility and their allocation across the partners are yet to be finalised, and may be impacted by the final allocation of floorspace and additional contributions from other agencies; but for planning purposes Adult Social Care are currently projecting to share the cost equally with the City Development directorate.
- **Community Care Packages - £1.7m**  
 This partly reflects an increase in direct payments and the average cost of community care placements being higher than budgeted together with reduced PCT income. However, the main pressure relates to independent sector domiciliary care. The domiciliary care projection reflects increased number of new care packages being required, partly to facilitate timely discharges from hospital and intermediate care beds.
- **Staffing - £0.5m**  
 Mainly due to slippage in implementing planned savings, particularly within the directly-provided home care service.
- **Agency and Contract Payments – (£0.5m)**  
 This is mainly due to a repayment relating to previous years funding from an organisation providing a significant level of service on behalf of Adult Social Care. The repayment of £0.3m is not yet confirmed and so is included within the action plan.
- **Service User Contributions – (£0.3m)**  
 This mainly relates to residential care, for which assessed contributions are higher than budgeted.
- **Neighbourhood Networks – (£0.4m)**  
 The directorate has successfully bid for and received a one off grant contribution towards the city-wide scheme.

## CHILDREN'S SERVICES: 2009/10 BUDGET – HALF-YEAR POSITION

### 1.0 Introduction

This report sets out the financial position for Children's Services for the half-year position.

### 2.0 Overall Summary

The half-year position for Children's Services is a projected overspend of £2.9m. This forecast overspend is net of £3.1m of action plan savings.

### 3.0 Explanation of the projected over/underspend

3.1 Within the overall Children's Services budget the individual service position is:

Line	Service	Forecast Variation Over/(under) £m
1.	Children & Young People's Social Care	4.72
2.	Early Years	(1.32)
3.	Integrated Youth Support Service (incl. Youth Offending Service)	(0.10)
4.	DCS Unit	-
5.	Education	(0.07)
6.	Central & Strategic budgets	1.17
7.	Use of reserves & grant balances	(1.50)
	<b>Total</b>	<b>2.90</b>

### 3.2 Children & Young People's Social Care (CYPSC)

In line with other local authorities, there is significant pressure on Children & Young People's Social Care in terms of service transformation, increased referrals and increased costs. The main financial pressures continue to be in the externally provided residential and fostering placement budgets which together are forecast to overspend by £3.9m. This is due to the changing mix of internal/external provision and an increase in the number of children & young people who are placed with external providers. Across CYPSC, there is also additional pressure on the budget around slippage on some of the budgeted action plans, for example the corporate review of employee travel policies, procurement efficiencies and delivery of the potential efficiencies from reducing the level of sickness absence.

### 3.3 Early Years

The forecast underspend on the Early Years budgets continues to be focussed mainly on the employee budgets across the Children's Centres. Nursery fee income is reduced when compared to the budget although this is offset by maximising grant and external income and also through additional Nursery Education Funding.



### **3.4 Integrated Youth Support Service (incl. Youth Offending Service)**

In the main, the pressure on the IYSS budget is around a forecast overspend across the employee budgets, together with slippage on the some of the budgeted action plan savings (employee travel, procurement & maximising income) and non-reclaimable costs associated with the development of the Youth Hub in South Leeds. These pressures are offset through the implementation of an action plan around restricting non-essential spend, reviewing buildings costs and maximising income.

### **3.5 Central & Strategic Budgets**

The approved budget strategy for 2009/10 included some challenging targets around the delivery of efficiencies from service transformation and in particular the application of strategic commissioning, the development of integrated working at a locality level and by reviewing and rationalising back-office and support functions. Whilst progress continues to be made against these objectives, the half-year projections recognise that there will be slippage on the delivery of these budgeted efficiencies into 2010/11.

## CITY DEVELOPMENT DIRECTORATE: 2009/10 BUDGET – PERIOD 6 REPORT

### 1.0 Introduction

This report sets out the financial position for City Development Directorate for Period 6.

### 2.0 Overall Summary

The Period 6 position for City Development Directorate is a projected overspend of £1.7m and includes a proposal to capitalise £1m of Highways revenue spend.

Within this projection are assumed savings of £1.5m on staffing and running costs which have already been agreed by City Development Directorate.

### 3.0 Explanation of the Projected Overspend

Reduced external income is by far the most significant budget pressure faced by the Directorate. Projected shortfalls in key income sources across the Directorate now amount to over £4m. The projected overspend can be summarised as follows:

#### Income Shortfalls:

Planning and Building Fees	£2.0m
Recreation	£1.0m
Libraries, Arts and Heritage	£0.2m
Commercial Property and Markets	£0.3m
Architectural Design Services	<u>£0.5m</u>
	£4.0m

Capital fee recoveries	£1.0m Cr
Planning Delivery Grant	£0.6m Cr
Other income variations	<u>£0.4m Cr</u>
<b>Total Income variations</b>	<b>£2.0m</b>

#### Expenditure Variations:

Staffing	£0.4m
Operational budgets	£0.7m Cr

**Overall Total** **£1.7m**

#### Income Variations

Despite the 2009/10 budget being adjusted to allow for an expected reduction in external income, the actual position experienced in 2009/10 is far worse than was anticipated at the time the budget was set. The Period 6 budget projection assumes a shortfall of £4m in key income sources. The most significant problem continues to be planning and building fee income with a shortfall of over £2m. The shortfall against the monthly phased budget has continued to increase during 2009/10 and the Service does not see any prospect for this position to change in the short term. Other income shortfalls include £0.3m on commercial property and markets rental income and £1.0m on recreation. An optimism figure of £250k on external income has been assumed for the final quarter on the basis that external income should pick up as the economic outlook starts to improve.

Reduced workloads for Architectural Design Services means that there is a projected shortfall in income of £0.5m after allowing for reduced staffing costs. The service has produced a budget action plan to deal with this situation and is currently working on a revised staffing structure.

The DCLG have informally notified the Authority that the likely Housing & Planning Delivery Grant for 2009/10 is £1.4m, an additional allocation of £625k above the base budget. This is to be used to part fund the shortfall in fee income. However, since this initial informal notification there has been a delay in a formal announcement of the allocations being made. This is now a cause for concern as there is a risk that the initial allocations could be reviewed and amended with the possible consequence that the actual award to Leeds is lower than the £1.4m.

## **Staffing**

To help fund income shortfalls, reduced workloads and meet other substantial cost pressures the budget strategy for City Development for 2009/10 included a staffing saving target of over £3m. An additional staff saving of £220k was also included for savings resulting from reduced sickness. Over 50 Early Leaver Initiative (ELI) cases were approved during 2008/09. An additional 13 business cases have been agreed to date in 2009/10 and services continue to actively review further expressions of interest. Restructures are also being progressed in a number of services which are experiencing reduced income and workloads. Overall the directorate has achieved a significant element of the £3m target but service budgets also include a vacancy factor saving. In many service areas staff turnover is very low resulting in services not meeting assumed vacancy factor assumptions in the budget and overall an overspend in staffing of £0.4m is projected. This also takes account of the fact that the latest pay offer for 2009/10 is less than the 2% pay award assumed in the budget.

Achieving the staffing savings target continues to be a priority for the Directorate. The ELI is being promoted and recruitment will continue to be closely managed in the Directorate with only front line service posts being released when vacancies occur.

## **Operational Budgets**

The Highways maintenance budget shows a saving of £1m due to £1m of highways expenditure being identified as more appropriately charged to capital. This will help offset a number of expenditure pressures including Street Lighting energy costs, signal maintenance costs in Urban Traffic Management Control, increased energy costs in Leisure facilities and projected additional spend on operational budgets in both Sport and Parks and Countryside. In order to reduce the potential overspend operational budgets have been reviewed across the Directorate and savings identified in each service area. These are reflected in the projected outturn.

## **ENVIRONMENT AND NEIGHBOURHOODS    DIRECTORATE: 2009/10 BUDGET – PERIOD 6 REPORT**

### **1.0 Introduction**

This report sets out the financial position for Environment and Neighbourhoods Directorate for Period 6.

### **2.0 Overall Summary**

The period 6 position for Environment and Neighbourhoods Directorate is a projected overspend of £0.6m. This is after assuming the successful implementation of identified actions.

### **3.0 Explanation of the Projected Over/Underspend**

Neighbourhoods and Housing Services are projecting an overall variation of £0.772m. Within Jobs and Skills residual staffing issues following the implementation of the new structure has resulted in a £0.413m pressure and in addition there is a projected loss of income of £0.745k primarily for work based learning. Furthermore, within Jobs & Skills there is a pressure of £0.229m largely due to delays in the disposal of 1 Eastgate which the service vacated in 2008. The projected variation of £0.196m in Roseville Doors reflects a combination of the latest assumptions in respect of staffing and activity levels for doors production. The variation on Housing Services is largely due to the identification of appropriate charges of £0.431m to the HRA for medical rehousing and Carering. The projections at period 6 assume vacant posts are not filled for the remainder of this year, thus generating savings of £0.268m.

Within Environmental Services a forecast saving of £0.1m after actions agreed with the Executive Member and by the Directorate Leadership Team of around £0.7m.

Car parking income is estimated to be £0.7m lower than the budget. Of this, approximately £0.3m is forecast to be lost from Suspended Bays (where Developers pay the Council to close on street parking bays); a further £0.2m shortfall will arise from the decision not to introduce Sunday / Evening Car Parking charges; the income to be generated from City Centre bus lane enforcement has been reduced by £0.2m; Savings in staffing costs and running expenses of £0.3m are helping offset some of the income pressures. Parking is now projected to be £0.3m over budget.

Within HEAS pressures total £0.2m, a loss of external funding in the Fuel Savers team has created a £0.3m pressure. This loss of funding was announced after the 2009/10 budget had been approved; a further £0.1m of pressures has arisen within the pest control service. Additional grant income of £0.04m has been received from DEFRA.

Helping to offset the parking and HEAS pressures are savings within Waste Management of £0.4m. An increase in the market rates for recycled material will generate an additional £0.1m and following a review on all posts staff savings of £0.3m will accrue.

Total waste arising is forecast to be contained within budgeted levels, but there has been a general reduction in the levels of trade waste taken at the transfer station which means that income could be £0.2m lower than budgeted levels.

The current net cost of the Industrial Action in Streetscene is £0.1m. This does not include the effect of increased waste going to landfill as the tonnages are not yet available.

Within Street Cleansing and Anti-Graffiti services, vacant posts and reduction in the level of Agency and Overtime is projected to save £0.3m. In addition £0.1m will be saved by the delay in the introduction of Automatic PCs.

## **CENTRAL AND CORPORATE FUNCTIONS: 2009/10 BUDGET – PERIOD 6**

### **1.0 Introduction**

This report sets out the financial position for Central and Corporate Functions for period 6 of 2009/10.

### **2.0 Overall Summary**

The position for Central and Corporate Functions is a projected underspend of £77k.

### **3.0 Explanation of the Projected Over/Underspend**

The main reasons for overall projected overspend are:

#### **Corporate Governance (£32k underspent)**

- Due to a review of the fee for Local Authority Property Searches and an improvement in the housing market there has been an increase in the level of income generated to date. The budget was based on an estimated level of searches and this has increased significantly. Based on a monthly average for the first six months of the year, £315K of additional income could reasonably be expected to be generated in 2009/10. However, there is a major risk in assuming that the additional income will be achieved. The assumption is that trends will continue at the current levels, but there is a great deal of uncertainty in the current housing markets and further increases/decreases in sales could lead to significant variation in the current forecast levels of income. More importantly, a recent review by the Information Commissioner regarding whether part of the information provided by a local land charges search has to be provided free of charge has just arisen nationally and this would have a significant impact on the income to be received if the decision is confirmed by the Government.
- Professional Legal Services staffing costs are projected to exceed budget by £589k reflecting increases in the volume of work requested. These additional costs will be recharged to clients.
- The main reason for the projected overspend is the cost of members allowances (£101k) and Democratic Services pay (£65k).
- Since last month an amount of £80k has been included on the assumption that further costs borne by LCC can be funded from the European Election account.

#### **Policy, Performance and Improvement (net overspend after actions £191k)**

- The overspend is due to additional pressures in Customer Services (mainly within the Corporate Contact Centre) required to meet the additional activity levels from customers due to the current economic climate. The delay in the introduction of Integrated Voice Recognition (IVR) has also created an additional pressure.
- Senior Management within PPI are continuing to review forecast expenditure levels to seek to identify further levels of savings that could be made to produce a balanced budget for 2009/10.

## **Resources (net underspend after actions £259k)**

- A £259k underspend is now projected following the implementation of further action plans amounting to £323k, offset by further pressures in a number of areas.

Other previously reported pressures and savings remain much the same and are summarised as follows:

- Net pay savings now amount to £622k.
- The impact of receiving less income from housing benefit overpayments is still projected at £350k. Additional resources are being channeled into 'intervention' work which is hoped will identify more overpayments and reduce the pressure.
- The Commercial Group is projecting an adverse trading position of £107k. This comprises pressures within Property Maintenance Building of £194k and Catering of £64k, offset by a better trading position within other areas amounting to £151k.
  - The Property Maintenance Building function remains the most challenging area following the 2008/09 net overspend of £700k. The 2009/10 budget relies on the service realising a number of efficiencies in areas such as reduction in sickness as well as generating additional income. Significant internal resource has been employed in introducing enhanced financial controls as well as a new model of working with the Corporate Property Management service in 2009/10. Currently an adverse position of £194k is projected due to a lower income projection as well as slightly higher expenditure.

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Originator: Maureen Taylor

Tel: 74234

**Report of the Director of Resources**

**Executive Board**

**Date: 4<sup>th</sup> November 2009**

**Subject: Capital Programme Update 2009-2013**

**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality & Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**Executive Summary**

1. This report sets out the latest capital programme position for both the general fund and housing. Overprogramming on the general fund programme has increased compared to that reported in July 2009. Forecast expenditure within the ALMO programmes can be contained within available resources however, further work is required with one ALMO to reduce the level of overprogramming.
2. The report seeks approval to a small number of spending releases and the earmarking of a capital receipt for the BSF programme.
3. The report concludes that a further review of the programme will be required prior to the next Executive Board report in February 2010 to ensure that expenditure plans can be contained within available resources.

## **1.0 Purpose Of This Report**

- 1.1 To provide Members with summary financial details of the 2009/10 month 6 Capital Programme position. The report seeks a small number of scheme specific approvals which have arisen since the 2008/09 – 2012/13 Capital Programme was approved in February 2009 and the previous update report to Executive Board in July 2009. The report also details the action that is being taken in respect of individual capital schemes to ensure that the overall level of Capital Programme expenditure can be managed within the tolerances assumed for what is an ever changing resource position.

## **2.0 Background Information**

- 2.1 The Capital Programme approved by Council in February 2009, projected expenditure of £1,214.7m from 2008/09 to 2012/13. General Fund overprogramming over that period of £25.1m was assumed which based on previous years was considered to be manageable. The position approved in February also included a reserved programme of £30.6m. Some transfers from the reserved programme were reported to Executive Board in July 2009. For HRA, overprogramming of £32.3m was included and ALMOs are expected to manage this throughout the year and constrain their expenditure within resources available.
- 2.2 Some of the resources to fund the capital programme are generated from the sale of assets. In the current economic climate, projected capital receipts from the sale of surplus land and buildings have fallen and the capital receipts forecast incorporated within the capital programme in February reflected the latest position. Changes to the capital receipts position are included within this report. Also included is an update on the HRA (including ALMOs) capital programme position.
- 2.3 Since July some spending and resource issues have arisen or have been further clarified and these are set out in this report.

## **3.0 General Fund Capital Programme**

- 3.1 The Capital Programme approved by Council in February 2009, projected 2009/10 expenditure for the general fund of £267.6m. Due to slippage from 2008/09 to 2009/10, resources assumed to fund this expenditure have also slipped. Since February 2009 there have been a number of Capital Programme injections some of which have been funded by external and other resources. A schedule of these schemes, showing those injections above £100k, is included at **Appendix A**.
- 3.2 Included within Appendix B are two items of capitalisation, (where charges to the revenue account should more correctly be treated as capital expenditure). These relate to expenditure of £1m on highways maintenance and £1.6m of BSF development costs. In recent years the costs of developing and managing the extensive design and build BSF programme have been charged to the capital programme at year end but have not been budgeted for within the capital programme. Costs during 2009/10 have now been confirmed as £1.6m and have now been included within the 2009/10 capital programme; £0.9m was also previously capitalised at the end of 2008/09. As part of the review of the capital programme in February 2010, costs for future years will be considered further and built into the programme accordingly. These items of capitalisation have increased the overprogramming by £3.5m since February 2009.
- 3.3 The level of overprogramming in February 2009 over the period 2008/09 to 2012/13 was projected at £25.1m. In July 2009 it was reported that this had increased to

£28.4m. At month 6 overprogramming stands at £34.9m, an increase of £9.8m on February 2009. The main reasons for this increase are:

- capitalisation of £3.5m referred to in paragraph 3.2 above,
- reduced borrowing of £2.4m funded by car parking income due to a reduction in the forecast car park income from the former International Pool site,
- a lower than assumed additional Local Transport Plan allocation of £1.9m over three years.
- £600k on City Varieties as detailed below in paragraph 3.7.4.
- other minor capital receipt variations.

3.4 The capital receipts position continues to be a difficult one. The forecast receipts from disposal of land and buildings during the current year stands at around £6m and in the current climate this is unlikely to improve.

3.5 The estimated expenditure for 2009/10 now totals £322.5m whilst resources are projected at £316.2m. The resulting overprogramming of £6.3m is considered to be within usual tolerances for this stage of the year. Currently, in the following 3 years, overprogramming stands at £16.9m, £17.7m and £23.7m. This will need careful management to ensure the programme is affordable. It should be noted also that in year 5 of the programme (2013/14), no capital expenditure is currently forecast whilst capital receipts of £29.9m are assumed. The current forecast position is set out in **Appendix B**.

3.6 The programme will continue to be closely monitored with a view to ensuring that the programme that can be delivered within available resources whilst minimising the service related impact of any delay in delivering schemes. An updated programme will be reported Executive Board in February 2010.

3.7 Following a review with service directorates, some capital pressures have been identified and these are detailed below:

3.7.1 **New Generation Transport Scheme (NGT).** The capital programme makes provision for meeting a share of the development costs on the NGT project. Due to the need to progress the development of the scheme further than originally assumed, a further £844k will be required in 2009/10. Members will recall that a proportion of the Strategic Development Fund was allocated to this scheme and it is proposed to use some of these resources to meet the additional costs this year.

3.7.2 **Accelerated Development Zone – Development Costs.** The council is working with government on a new policy framework and funding mechanism for infrastructure investment to support development, known as accelerated development zones (ADZ). The council has submitted a pilot proposal for an ADZ to be established in the Aire Valley, to allow the development of large areas of brownfield land for jobs and homes. A £100k contribution from private land owners to the development costs of this have been secured and requires a council contribution of £50k. It is proposed that this is released from the capital contingency scheme. It should be noted that if the pilot bid is successful, further costs will need to be met in future.

3.7.3 **Wortley High School Capital Receipt.** The closure of Wortley High School formed part of the BSF schools development programme in West Leeds. The BSF

funding package assumes that the capital receipt generated from disposal of the site will be used to support re-provision, however, approval has not previously been sought to earmark the capital receipt for this purpose. It is proposed that the capital receipt from the disposal of the Wortley High School site be earmarked to the BSF programme.

- 3.7.4 **City Varieties – additional costs.** This scheme is in the existing capital programme and is funded by a combination of Heritage Lottery grant, council resources and contributions from City Varieties. The scheme costs have increased by £600k as a result of changes to design as the scheme has progressed to contract. Whilst there are sufficient funds to award a contract at this time, the level of contingency that would be provided is not deemed sufficient for a building of this kind and officers would not recommend an award on this basis. In order that a contract can be awarded with a more acceptable level of contingency, it is proposed to make an injection of £600k to the capital programme. A further report to Executive Board will be considered in December detailing revised costs and funding solutions.
- 3.7.5 If Members are minded to agree the above proposals the overprogramming in 2009/10 will remain at £6.3m which is considered manageable with careful monitoring. Over the 5 year programme, overprogramming will increase to £34.9m which is higher than would normally be acceptable. In the current economic conditions with few capital receipts and pressure on revenue budgets limiting borrowing opportunities, this will need to be monitored carefully to ensure the programme is affordable.

#### **4.0 Housing Revenue Account Programme**

- 4.1 The approved February 2009 Capital Programme reported an overall HRA programme of £321.3m for 2008/9 through to 2012; this included an additional programme of £32.3m for which resources were not available. The 2009/10 programme was £64.1m (gross, including £12.8m overprogramming), significantly reduced from the 2008/09 outturn position of £116.8m.
- 4.2 The reduction in the overall value of the ALMO programmes for 2009/10 is a result of 2008/09 being the final year in which the government has provided funding to the ALMOs via supported borrowing in order to progress all HRA properties towards meeting Decency standards by March 2011. The ALMOs are now reliant on their annual Major Repairs Allowance (MRA) grant funding as their main source of funds for tackling Decency.
- 4.3 The 2009/10 forecast spend now stands at £63.1m including overprogramming of £5.2 m. This will be managed within available resources with the likelihood that some schemes will slip to later years.
- 4.4 In the forward years through to 2012, forecast spend stands at £137.2m, a reduction of £6.7m compared to February 2009 (£2.8m of the reduction has been slipped into 2013 on). This reflects a more prudent assessment by the ALMOs of their levels of funding in the forward years which at this stage are indicative as allocations beyond 2010/11 have still to be confirmed.
- 4.5 Further work will be undertaken with the Director of Environment & Neighbourhoods and the ALMOs to address the overprogramming and deliver a programme within the available resources.

4.6 Monitoring of the individual ALMO programmes indicates that current levels of overprogramming in the 2009/10 programmes can be managed down within the available resources by March 2010. The current position for each ALMO is summarised below:

**Belle Isle and Aire Valley Homes(AVH)** – Both organisations have realistic programmes and the 2009/10 month 6 expenditure is in line with projections. Belle Isle are currently projecting £33k surplus resources on a projected expenditure of £2.163m; expenditure at month 6 is £580k. AVH have a balanced programme with projected expenditure of £11.221m; expenditure at month 6 is £4.513m. Their current programmes are realistic for being delivered within the available resources.

**East North East Homes (ENEH)** – the 2009/10 programme is currently £20.973m with available resources of £15.423m reflecting a significant overprogramming of £5.550m. The expenditure position at month 6 is £6.595m and further work on reprofiling schemes and revising start dates for work is essential to ensure the programme is managed effectively within available resources. It should be noted there are currently discussions taking place between the Director of Environment and Neighbourhoods, the Director of Resources and ENEH to clarify funding approvals and responsibilities relating to the acquisition and demolition of privately owned properties within the area. Clarification is being sought as to which properties have been acquired as part of the ALMOs stock rationalisation process (and consequently represent a cost to be met by the ALMO) and those relating to site assembly for transfer to the EASEL project. Some of the overprogramming within the ENEH capital programme relates to this issue.

**West North West Homes (WNWH)** – the 2009/10 programme at £24.911m is currently the largest of the three ALMOs. The projected resources are £25.249m giving a current surplus of £0.338m to be reprofiled to support expenditure in the forward years. The Month 6 spend position is £7.763m and the programme is realistic for delivery within available resources.

## **5 Implications For Council Policy and Governance**

5.1 The main risk in developing and managing the capital programme is that insufficient resources are available to fund the programme. A number of measures are in place to ensure that this risk can be managed effectively:

- monthly updates of capital receipt forecasts prepared, using a risk based approach, by the Director of Development;
- monthly monitoring of overall capital expenditure and resources forecasts alongside actual contractual commitments;
- quarterly monitoring of the council's VAT partial exemption position to ensure that full eligibility to VAT reclaimed can be maintained;
- ensuring written confirmation of external funding is received prior to contractual commitments being entered into;
- provision of a contingency within the capital programme to deal with unforeseen circumstances;
- promotion of best practice in capital planning and estimating to ensure that scheme estimates and programmes are realistic;

- compliance with both financial procedure rules and contract procedure rules to ensure the Council's position is protected;
- the use of unsupported borrowing by directorates based on individual business cases and in the context of identifying the revenue resources to meet the borrowing costs;
- the introduction of new schemes into the capital programme will only take place after completion and approval of a full business case and identification of the required resources;

## **6 Legal and Resource Implications**

- 6.1 The resource implications of this report are detailed in section 3 above. For the capital programme to be sustainable, the Director of Resources must be satisfied that spend in each year of the programme can be afforded. A level of overprogramming is suitable for the capital programme to take account of the nature of capital schemes where timing is not always easy to predict.
- 6.2 The economic downturn is continuing to have a significant effect on our ability to resource investment in our strategic priorities. If the proposals outlined in section 3 are accepted, the overprogramming over the life of the capital programme will increase to £34.9m which is £9.8m higher than reported in February 2009. This is not sustainable in the long term and whilst the position in 2009/10 can be managed, a further review of the programme will be required prior to the February 2010 capital programme report to Executive Board.
- 6.3 For HRA, the position outlined in section 4 shows that in the main, expenditure by the ALMOs can be managed within resources available. Further work needs to take place with ENEH as referred to in paragraph 4.6 above.
- 6.4 In the February 2009 capital programme report Members agreed that no further injections can be made to the capital programme without a corresponding reduction or identification of additional resources. In light of the current resources position and the economic climate in general it is imperative that this principle is maintained.

## **7 Conclusions**

- 7.1 The general fund overprogramming of £6.3m in 2009/10 can be managed through to the end of the year. The overprogramming over the life of the programme, £34.9m is higher than normal tolerances and due to the current economic conditions, is unlikely to improve in the near future.
- 7.2 For HRA, with the exception of ENEH, ALMO forecast expenditure can be contained within available resources in 2009/10. Further work will take place with ENEH to resolve the outstanding issues.
- 7.3 A number of spending pressures have been identified by directorates and these are outlined in section 3.7.

## **8 Recommendations**

### **8.1 Executive Board are requested to:**

- a) note the latest position on the general fund and HRA capital programmes and that further work will take place with ENEH to clarify funding responsibilities.
- b) note the general fund capital programme now takes account of £1m of additional highways maintenance costs and £1.6m of BSF development costs in 2009/10.
- c) approve the release of £844k from the Strategic Development Fund already earmarked for NGT to meet the council's share of development costs in 2009/10.
- d) approve the transfer of £50k from the capital contingency scheme to meet the development costs on the ADZ pilot scheme.
- e) approve the earmarking of the Wortley High School capital receipt to the BSF programme.
- f) Approve the injection of additional spend of £600k on the City Varieties.

### Associated Documents

- a) Capital Programme 2008/09-2012/13 – Executive Board 13<sup>th</sup> February 2009
- b) Capital Programme Update 2009-2013 – Executive Board 22<sup>nd</sup> July 2009

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**Injections or schemes progressed to the live programme over £100k since the Capital Programme which was approved by Executive Board on the 13th February 2009.**

**Appendix A**

This table includes the full value of the relevant schemes which have been added to the Capital Programme. For each scheme this will reflect its full value over the life of the scheme and this may include provision after 2012.

**Does NOT Include :-**

New schemes which have been created from Parent scheme "pots" in other Departments ;  
 New schemes which have been created from Parent scheme "pots" within sections ;  
 Ward Based Initiative schemes and Corporate Property Management schemes;  
 Schemes which were previously in Final A/C sections but have become live due to payments.  
 ALMO's

Department	Scheme Number	Scheme Title	Amount £000's	Funding Source
<b>EDUCATION LEEDS</b>				
	15414/000/000	BSF Wave 1 Phase 4	17,018.0	Building Schools for the Future Grant
	14762/000/000	Wortley High School Arts College	100.0	Standards Fund Capital Grant
			50.7	School Fundraising
	15455/000/000	Leeds West Academy Improvement Works	160.0	Environmental Improvement Grant
	15356/000/000	School Partnership Trust Wireless Network	572.0	Target Capital Fund Grant
	15393/000/000	School Travel Plan 2008/09	214.3	School Travel Plan Government Grant
<b>CITY DEVELOPMENT</b>				
<b>Asset Management</b>	12348/000/000	Columbo Childrens Resource Centre	150.0	Charitable donation
	15628/000/000	Former St Gregory's RC School repurchase.	155.0	LCC resources
<b>Economic Services</b>	13328/000/000	City Centre Upgrade	1,200.0	Yorkshire Forward Funding
<b>Design Services</b>	Various	Section 278 Schemes	514.0	Section 278 Contributions
	Various	Section 106 Schemes	101.3	Section 106 Contributions
<b>Strategy &amp; Policy</b>	15441/000/000	Thorpe Multi Use Games Area	100.0	Section 106 Contributions
	14969/000/000	New Farnley Recreation Ground	196.6	Section 106 Contributions
	15439/000/000	Beckett Park Play Area Refurbishment	130.0	Section 106 Contributions
	15440/000/000	St John's Courtyard	181.7	Section 106 Contributions
	15454/000/000	Queen Square Refurbishment	162.3	Section 106 Contributions
<b>Highways</b>	14709/000/000	A639 Stourton Landslip (ARLA Foods)	745.0	LCC resources
	14204/000/000	Traffic Management Programme	531.0	Promotion from Reserved LCC resources
<b>Libraries, Arts &amp; Heritage</b>		None		
<b>Planning &amp; Development</b>		None		
<b>Recreation</b>	14898/ST2/000	Middleton Park HLF Stage 2 Bid	101.1	Heritage Lottery Fund
			33.7	Private Sector Contribution
	15180/000/000	Free Swimming Pot	115.1	Free Swimming Modernisation Grant
	14268/SCO/REF	Scott Hall Leisure Centre Refurbishment	410.0	Free Swimming Modernisation Grant
			20.0	Revenue Contribution
<b>Reserved</b>	15692/000/000	Vision for Leisure Centres	9,272.0	LCC resources
			1,696.0	Pot 4 Free Swimming Grant
			3,080.0	Corporate Unsupported Borrowing

Department	Scheme Number	Scheme Title	Amount £000's	Funding Source
<b>ENVIRONMENT &amp; NEIGHBOURHOODS</b>				
<b>Environment &amp; Neighbourhoods</b>	15556/000/000	Beeston Group Repair 6	149.0	Private Sector Contribution
<b>Regeneration</b>	15451/000/000	EASEL-Private Property Acquisition & Demolition	1,632.4	LCC resources
	15374/000/000	Headingley Primary School "Heart"	500.0	Departmental Unsupported Borrowing
<b>Environmental Health</b>	01486/000/000	Disabled Facilities Grant	120.2	Private Sector Contribution
			73.0	Disabled Facilities Government Grant
<b>Housing Needs</b>	15371/000/000	9, Newton Grove	105.0	Injection of Private Sector Contribution.
<b>Community Safety</b>		None		
<b>Streetscene</b>	14261/000/000	Garden Bin Scheme	974.8	Departmental Unsupported Borrowing
	12079/000/000	East Leeds Household Waste site	1,515.5	DEFRA grant
	12594/WBI/000	Food Waste Bins Pilot	125.0	Departmental Unsupported Borrowing
<b>Learning</b>	00944/000/000	Technorth Family Learning Centre	103.2	Yorkshire Forward Funding
			93.6	LCC resources
<b>CHILDRENS SERVICES</b>				
<b>Childrens Services</b>	15386/000/000	Youth Capital Grant 2009/10	428.9	DfES Youth Capital Grant
<b>Early Years Service</b>	15390/000/000	Playbuilder Initiative	1,145.9	DCSF Playbuilder Grant
<b>Youth Justice</b>	15629/000/000	Eastmoor Secure Unit Replacement	15,000.0	DCSF Grant
			3,129.7	Departmental Unsupported Borrowing
<b>Children Looked After</b>	15466/000/000	Aiming High for Disabled Children	1,071.6	DCSF grant
<b>ADULT SERVICES</b>				
<b>Adults Social Care</b>	14126/000/000	York Towers	181.7	Departmental Unsupported Borrowing
	14291/000/000	Roundhay Road relocation	1115.5k	Departmental Unsupported Borrowing
<b>CENTRAL &amp; CORPORATE FUNCTIONS:-</b>				
<b>Audit &amp; Risk</b>		None		
<b>Benefits</b>		None		
<b>Financial Development</b>	12121/000/000	Capital Programme Team	206.2	LCC resources
<b>IT</b>		None		
<b>Corporate Governance</b>		None		
<b>Customer Services</b>	15697/000/000	Joint Services Centres Chapeltown & Harehills	478.0	Departmental Unsupported Borrowing
			510.0	LCC resources
<b>Civic &amp; Community Buildings</b>	15620/000/000	Demolition & Dilapidations Fund	1,156.0	LCC resources
	15620/ELD/000	East Leeds Family Learning Centre Demolition	880.0	Departmental Unsupported Borrowing

Department	Scheme Number	Scheme Title	Amount £000's	Funding Source
Commercial Services General Fund		None		
Commercial Services Trading Services		None		
<b>STRATEGIC ACCOUNTS</b>				
Miscellaneous	12542/000/000	Headingley Stadium	1,101.0	LCC resources
	14992/000/000	East Leeds Family Learning Centre	1,283.5	LCC resources
	13040/000/000	Capitalisation Directive	4,481.3	LCC resources
	99863/COM/000	General Capitalisation	728.0	Government Grant
			1,232.1	Revenue Contribution
			18.3	LCC resources
		<b>Total</b>	<b>75,433.7</b>	

**Scheme deletions or reductions over £100k since Capital Programme 13th February 2009.**

<b>CITY DEVELOPMENT</b>				
Asset Management	86277/000/000	Seacroft Shopping Centre	1,842.4	Deletion of LCC funding - potential compensation funding no longer required
<b>STRATEGIC ACCOUNTS</b>				
Miscellaneous	14201/LOW/000	Lowfields Road site acquisition	1,000.0	Reduction in scheme costs transferred back to the Strategic Development Fund (SDF) and reallocated to other projects

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## General Fund Capital Programme Funding Statement 2009/10 to 2012/13

Date:-

01/10/09

	Actuals £000	2009/10 £000	2010/11 £000	2011/12 £000	2012/13 £000	2013/on £000	Total £000
<b>GENERAL FUND - COMMITTED</b>							
<b>EXPENDITURE</b>							
CITY DEVELOPMENT	21,112.8	71,392.1	13,764.0	843.0	0.0	0.0	85,999.1
ENVIRONMENT & NEIGHBOURHOODS	7,995.3	14,920.0	3,414.3	0.0	0.0	0.0	18,334.3
CHILDRENS SERVICES	1,555.7	9,129.2	2,248.7	140.0	0.0	0.0	11,517.9
EDUCATION	16,302.3	66,154.3	24,738.9	7,857.6	0.0	0.0	98,750.8
ADULT SERVICES	985.9	2,200.0	13.0	0.0	0.0	0.0	2,213.0
CENTRAL & CORPORATE FUNCTIONS	6,736.5	11,019.2	1,200.7	1,141.7	41.7	0.0	13,403.3
STRATEGIC	(1,954.9)	5,223.8	0.0	0.0	0.0	0.0	5,223.8
ADDITIONAL CAPITALISATION (HIGHWAYS AND BSF COSTS)		2,600.0					2,600.0
TOTAL ESTIMATED SPEND ON COMMITTED SCHEMES	52,733.5	182,638.6	45,379.6	9,982.3	41.7	0.0	238,042.2
<b>CERTAIN FUNDING</b>							
GRANTS AND CONTRIBUTIONS	0.0	11,070.1	2,203.0	59.1	0.0	0.0	13,332.2
GOVERNMENT GRANTS	0.0	76,413.1	26,078.8	8,236.3	0.0	0.0	110,728.2
RCCO / RESERVES	0.0	678.8	20.0	0.0	0.0	0.0	698.8
SUPPORTED BORROWING	0.0	18,444.4	4,280.7	112.1	0.0	0.0	22,837.2
UNSUPPORTED BORROWING	0.0	18,928.1	5,122.7	346.3	41.7	0.0	24,438.8
UNSUPPORTED BORROWING CONTINGENCY	0.0	4,000.0	4,000.0	0.0	0.0	0.0	8,000.0
	0.0	129,534.5	41,705.2	8,753.8	41.7	0.0	180,035.2
CAPITAL RECEIPTS REQUIRED FOR COMMITTED SCHEMES	52,733.5	53,104.1	3,674.4	1,228.5	0.0	0.0	58,007.0
BALANCED PROGRAMME	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>GENERAL FUND - UNCOMMITTED</b>							
<b>EXPENDITURE</b>							
CITY DEVELOPMENT	1,644.3	32,098.7	69,881.1	53,429.0	33,348.8	9,627.4	198,385.0
ENVIRONMENT & NEIGHBOURHOODS	69.2	14,989.3	13,648.2	8,907.1	6,718.7	0.0	44,263.3
CHILDRENS SERVICES	92.9	5,320.2	13,041.7	11,007.3	537.7	0.0	29,906.9
EDUCATION	978.7	52,533.8	89,907.3	33,639.9	1,500.0	0.0	177,581.0
ADULT SERVICES	59.9	3,692.8	1,569.0	1,510.0	400.0	0.0	7,171.8
CENTRAL & CORPORATE FUNCTIONS	154.9	11,710.5	7,294.0	5,758.0	6,858.0	0.0	31,620.5
STRATEGIC	114.6	26,579.8	36,435.3	42,666.3	12,681.4	0.0	118,362.8
<b>DEDUCT:</b>							0.0
RESERVE SCHEMES (includes SDF)	0.0	(7,015.1)	(19,185.7)	(4,104.5)	(1,425.3)	(9,277.4)	(41,008.0)
TOTAL ESTIMATED SPEND ON UNCOMMITTED SCHEMES	3,114.6	139,910.0	212,590.9	152,813.1	60,619.3	350.0	566,283.3
<b>CERTAIN FUNDING</b>							
GRANTS AND CONTRIBUTIONS	0.0	11,261.1	12,634.5	2,619.6	0.0	0.0	26,515.2
GOVERNMENT GRANTS	0.0	56,282.6	102,577.0	28,185.5	2,650.0	350.0	190,045.1
RCCO / RESERVES	0.0	862.0	500.0	0.0	500.0	0.0	1,862.0
SUPPORTED BORROWING	0.0	20,430.0	30,702.3	17,483.6	25.0	0.0	68,640.9
UNSUPPORTED BORROWING	0.0	25,648.8	26,816.6	73,219.5	32,370.8	0.0	158,055.7
TOTAL ESTIMATED SPEND ON UNCOMMITTED SCHEMES	0.0	114,484.5	173,230.4	121,508.2	35,545.8	350.0	445,118.9
CAPITAL RECEIPTS REQUIRED FOR UNCOMMITTED SCHEMES	3,114.6	25,425.5	39,360.5	31,304.9	25,073.5	0.0	121,164.4
<b>UNCERTAIN FUNDING</b>							
CAPITAL RECEIPTS	0.0	6,045.0	8,963.6	11,015.0	11,340.0	29,885.2	67,248.8
ADDITIONAL CAPITAL RESOURCES	0.0	4,457.0	4,957.0	2,000.0	0.0	0.0	11,414.0
UNSUPPORTED BORROWING	0.0	67,242.9	12,171.0	1,754.8	(10,000.0)	0.0	71,168.8
EQUAL PAY PROVISION	0.0	(5,518.8)	0.0	0.0	0.0	0.0	(5,518.8)
	0.0	72,226.1	26,091.7	14,769.8	1,340.0	29,885.2	144,312.9
CAPITAL RECEIPTS ALREADY USED TO BALANCE THE PROGRAMME	52,733.5	53,104.1	3,674.4	1,228.5	0.0	0.0	58,007.0
FLEXIBLE RESOURCES AVAILABLE FOR UNCOMMITTED SCHEMES	(52,733.5)	19,122.0	22,417.3	13,541.3	1,340.0	29,885.2	86,305.9

**OVER PROGRAMMING (Net of Reserve Prog)**

<b>(55,848.1)</b>	<b>(6,303.5)</b>	<b>(16,943.2)</b>	<b>(17,763.6)</b>	<b>(23,733.5)</b>	<b>29,885.2</b>	<b>(34,858.5)</b>
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**Report of the DIRECTOR OF RESOURCES**

**Executive Board**

**Date: 4<sup>th</sup> November 2009**

**Subject: TREASURY MANAGEMENT STRATEGY UPDATE 2009/10**

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

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**EXECUTIVE SUMMARY**

1. This report provides a review and update of the treasury management strategy for 2009/10.
2. The Council's level of external debt as at 31<sup>st</sup> March 2010 is anticipated to be £1,513m in line with the strategy that was approved in February 2009.
3. Monitoring of money and financial markets has enabled revenue savings of £7.3m to be made against £6.2m assumed in the budget. This is largely due to repaying long term debt and funding at short-term historic low rates. A further £0.9m of treasury savings are expected to materialise before the year end as a result of completing a MRP review, enabling total annual savings against the budget of £2m.
4. The investment of surplus monies will continue to have due regard for security of capital in accordance with the Council's approved investment strategy.
5. The level of debt is expected to remain within the Authorised limits for external debt as agreed by Council on 25<sup>th</sup> February 2009.

## 1.0 Purpose Of This Report

1.1 The 2009/10 treasury management strategy was approved by Executive Board on 13<sup>th</sup> February 2009. This report provides a review and update of the strategy for 2009/10.

## 2.0 Background Information

2.1 The operation of the Treasury Management function is governed by provisions set out under part 1 of the Local Government Act 2003 whereby the Council is required to have regard to the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities.

2.2 The Prudential Code requires that full Council set certain limits on the level and type of borrowing before the start of the financial year together with a number of Prudential indicators. Any in year revision of these limits must similarly be set by Council.

2.3 The Code of Practice requires that policy statements are prepared for approval by the Council at least twice a year. The Policy and Strategy statement for 2009/10 was approved by the Executive Board on 13<sup>th</sup> February 2009 and by full Council on 25<sup>th</sup> February 2009. This report provides Members with a review and update of the strategy for 2009/10.

## 3.0 Main Issues

### 3.1 Review of Strategy 2009/10

3.1.1 The current borrowing forecasts are shown in Table 1.

**Table 1**

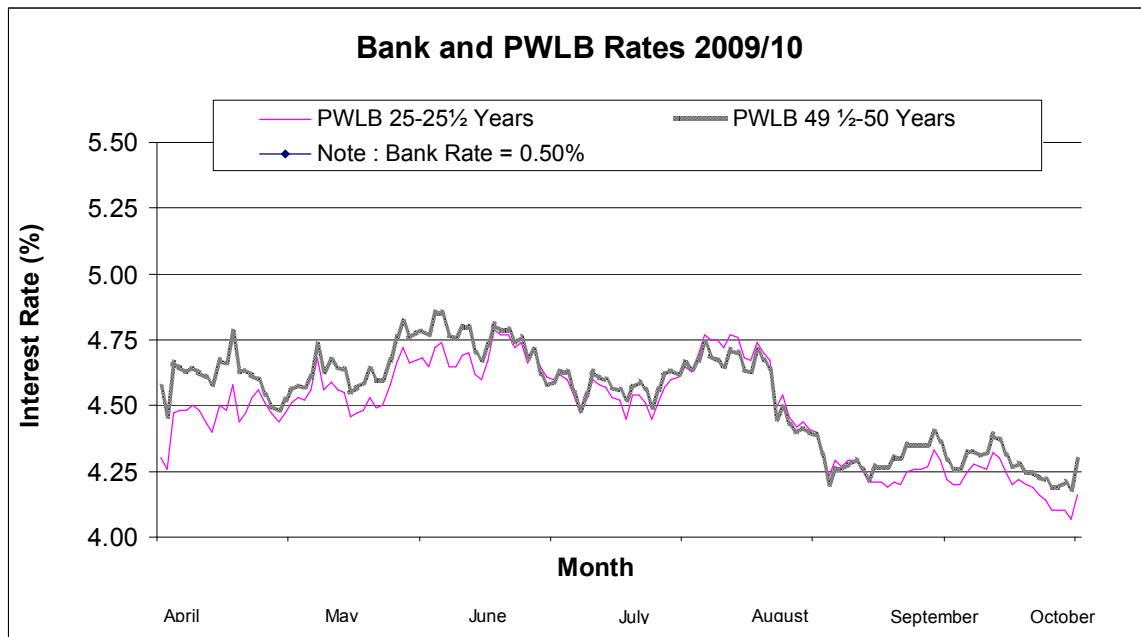
<b>ANALYSIS OF BORROWING 2009/10 – 2011/12</b>		<b>2009/10 This Report</b>	<b>2010/11</b>	<b>2011/12</b>
		<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Net Borrowing at 1 April</b>		1,373	1,513	1,575
New Borrowing for the Capital Programme – non HRA		144	81	91
New Borrowing for the Capital Programme – HRA		10	11	3
Debt redemption costs charged to Revenue		( 25)	( 29)	( 31)
Reduced/(Increased) level of Revenue Balances		11	(1)	0
<b>Net Borrowing at 31 March *</b>		<b>1,513</b>	<b>1,575</b>	<b>1,638</b>
* Comprised as follows				
Long term Borrowing	Existing Fixed	1,294	1,326	1,398
	Existing Variable	30	110	55
	New Borrowing	112	62	63
Short term Borrowing		108	98	143
Total External Borrowing		1,544	1,596	1,659
Less Investments		31	21	21
Net External Borrowing		1,513	1,575	1,638
% Gross borrowing exposed to interest rate risk		16%	17%	16%
Capital Financing Requirement		1,650	1,712	1,774

Note: The Capital Financing Requirement (CFR) is the maximum the Council can borrow for capital purposes.



- 3.1.2 Table 1 above shows that 2009/10 net external borrowing is now forecast at £1,513m in line with the report to Executive Board on 13th February 2008.
- 3.1.3 Since the Treasury Management Annual Report 2008/09 to Executive Board in July, the level of volatility in the financial and money markets has continued to ease. There remains continuing uncertainty in the economy with mixed data relating to housing, fuel costs, GDP and inflation. The improving financial markets have led to strong equity rallies in the UK and abroad. Other major economies, including the US, have exited the recession and as a result Sterling has lost value as the UK recovery has lagged behind that of other economies.
- 3.1.4 There are signs of recovery in the UK economy with some sectors showing growth, however the fragility of the recovery with rising unemployment implies that the bank rate may stay lower for longer. At its meeting in August, the Monetary Policy Committee (MPC) increased the amount of asset purchases under the Bank's quantitative easing (QE) programme by £50bn to £175bn, but it has had limited success in boosting credit or money supply growth.
- 3.1.5 Net lending to businesses increased in August for the first month since March, however, the household sector as a whole reduced unsecured debt in August. Banks are likely to remain reluctant to lend while conditions in the labour market are still deteriorating. The claimant count rose by 25,200 in July and 24,400 in August. While these were smaller rises than in the first quarter, they were enough to take the claimant count above 1.6m, the highest level since Q2 1997.
- 3.1.6 Inflationary pressures in the economy eased further. CPI inflation has fallen to 1.1% in September, largely as a result of falls in the annual rate of food and utility price inflation. However, core inflation has risen at a higher rate when compared to other advanced economies. The rise most likely reflects the lagged impact of the pound's depreciation last year, and so should prove temporary. RPI inflation stands at -1.4%.
- 3.1.7 The most upbeat news was from the housing market. The Nationwide house price index rose 3.8% in Q2, the largest quarterly rise since Q2 2004. House prices by this measure are now only 13.5% below their peak. And while the Halifax measure remained more downbeat, it too posted increases in the quarter. However, the rise in house prices appeared to be largely driven by the scarcity of homeowners putting their homes up for sale, suggesting that the rises may therefore only be temporary.
- 3.1.8 The UK bank rate has stood at a record low of 0.50% for 7 months and many economists forecast that the rate will not start to rise until towards the end of next year. The Council's own treasury management advisors do not see the bank rate rising until quarter 3 of 2010. Some economists conclude that they do not see rates rising to 4.5% for 5 years.

3.1.9 Since the February report both short and long term rates remain volatile. The following graph shows how long term rates have fluctuated between 4.18% and 4.85% for 50 year loans. Whilst current 50 year PWLB rates currently stand at 4.24%, the Council's advisors expect these rates to rise to 4.70% by the end of March 2010.



3.1.10 Despite the volatility experienced in the markets the ability to re-structure PWLB debt continues to be hampered by the differential rates on re-scheduling introduced by the PWLB in November of 2007. The PWLB have issued a consultation paper on views on whether the rates should be changed more frequently and whether the differential should be lowered. Views will be submitted before the deadline for the consultation of 08/01/2010.

3.1.11 In the Treasury Management annual report to Executive Board on 22/07/2009 members were updated on the rescheduling of £151.14m in 2008/09 of PWLB debt into short term debt. A similar exercise was undertaken in April where £88m of long dated debt (attracting an average interest rate of 4.36%) was repaid and funded through surplus cash balances and short term loans at less than 0.5%. To mitigate against future increases in interest rates and smooth volatility some of these loans (both 2008/09 and 2009/10) have been refinanced as shown in Table 2.

**Table 2**

Rescheduling 2009/10							
Premature Repayments				New Replacement Borrowing			
Date	Amount	Original Rate	Discount Rate	Date	Amount	Term	Interest Rate
	(£m)	(%)			(£m)	(Years)	(%)
PWLB				PWLB			
22/04/2009	46	4.30	4.77	30/06/2009	30	9	3.57
22/04/2009	27	4.35	4.77	30/06/2009	30	12	3.97
22/04/2009	15	4.55	4.77	10/08/2009	30	14	4.19
				10/08/2009	30	9	3.83
<b>Sub Total</b>	<b>88</b>				<b>120</b>		
LOBOs				Market			
(Call date)				Loans			
				31/07/2009	5	1	0.55
				03/08/2009	5	1	0.55
				03/08/2009	5	1	0.55
				06/08/2009	5	1	0.55
				31/07/2009	2	2	1.50
				01/09/2009	3	2	1.50
				12/08/2009	10	2	1.55
				03/09/2009	5	2	1.40
				04/09/2009	5	1	0.55
<b>Sub Total</b>	<b>0</b>				<b>45</b>		
<b>Total</b>	<b>88</b>				<b>165</b>		

- 3.1.12 The rescheduling of debt through the continued monitoring of the financial and money markets has enabled savings of £7.3m to be made against £6.2m assumed in the budget. This is largely due to repaying long term debt and funding at short-term historic low rates. A further £0.9m of treasury savings are expected to materialise before the year end as a result of completing a MRP review, enabling total annual savings against the budget of £2m.
- 3.1.13 Nine market loans of a total value of £65m have not been called by the lenders and continue to run at their existing rates. The average rate of these loans is 4.01%
- 3.1.14 The forecast borrowing requirement for 2009/10 is now £127m of which £15m was pre-funded in 2008/09. Details were included in the Treasury Management strategy report 2009/10 considered by Executive Board on 13<sup>th</sup> February 2009, but are shown again in Table 3 for completeness. This leaves a borrowing requirement of £112m still to be arranged in 2009/10. The levels of capital programme slippage, cash reserves, economic conditions and short term interest rates will continue to be monitored before additional monies are borrowed.

**Table 3**

<b>Pre Funding for 2009/10 Requirement</b>				
Date	Source	Amount (£m)	Term (Years)	Interest Rate (%)
12/11/08	PWLB	15	4.5	3.59
		<b>15</b>		

**3.2 Borrowing Limits for 2009/10, 2010/11 and 2011/12**

- 3.2.1 The Council is required to set various limits for 2009/10, 2010/11 and 2011/12 in accordance with the Local Government Act 2003, having regard for CIPFA's prudential code. These limits including prudential indicators are detailed in Appendix A.
- 3.2.2 New borrowing limits for 2009/10 were approved by Council on 13<sup>th</sup> February 2009 and are set out below in Table 4.

**Table 4**

	<b>2009/10 February 2009 £m</b>	<b>2009/10 This Report £m</b>
<b>Authorised Limits</b>		
Borrowing	1,780	1,780
Other Long Term Liabilities	380	380
<b>Total</b>	<b>2,160</b>	<b>2,160</b>
<b>Operational Boundary</b>		
Borrowing	1,640	1,640
Other Long Term Liabilities	370	370
<b>Total</b>	<b>2,010</b>	<b>2,010</b>

- 3.2.3 It is anticipated that the authority will continue to remain within the authorised limits for 2009/10. Both the authorised limit and operational boundary are made up of a limit for borrowing and one for other long term liabilities and the Director of Resources has authority, under the Prudential Code, to vary these two elements

within the overall limits. Current performance against borrowing limits is shown in Appendix B.

### **3.3 *Investment Strategy & Limits***

- 3.3.1 With effect from the 1<sup>st</sup> April 2004, new legislation and guidance on Local Government Investments was issued and this allows Councils with external debt to hold investments for more than 364 days, a freedom not previously allowed. Councils are required to set a limit on these investments before the start of the year. The limit for 2010/11 was reduced to £100m by Council on 16<sup>th</sup> September 2009. The limit from 2011/12 onwards remains unchanged at £150m. No further change is proposed to this limit.
- 3.3.2 The Council's external debt is reduced by the availability of revenue balances. The Treasury policy also allows for the external investment of these balances at advantageous rates but with due regard for security of capital invested. The Council's surplus monies continue to be held in short periods until required. As market sentiment to counter-party risk improves, together with enhanced returns surplus monies will be invested in accordance with the approved lending list. This lending list is based upon the assessment of the financial standing of counterparties as determined by international credit rating agencies and further refined and updated by the Council's advisors on a continual basis. The lending list is often further restricted based upon the Council's own view of the credit worthiness of counter-parties.
- 3.3.3 The investment strategy, as re-affirmed by Executive Board and full Council in February, allows for the Council to invest in only the most highly rated financial institutions around the world. The Council will only lend to a maximum of £15m to financial institutions that are rated as excellent. There is also a limit of £5m for financial institutions that are rated as very good.

### **3.4 *Recommendations following the Collapse of Icelandic Banks***

- 3.4.1 Members will recall from the Treasury Management Annual report 2008/09 that the recommendations made in the CIPFA Treasury Management Panel Bulletin and the CLG Select Committee be forwarded to the Central and Corporate Functions Scrutiny Board and Corporate Governance and Audit Committee for further consideration.
- 3.4.2 Formal observations from the reports will shortly be presented to the Central and Corporate Functions Scrutiny Board and Corporate Governance and Audit Committee. The outcome of which will be reported back in future Treasury Management strategy updates.

## **4.0 Implications For Council Policy and Governance**

- 4.1 The operation of the Treasury Management function is governed by provisions set out under part 1 of the Local Government Act 2003 whereby the Council is required to have regard to the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities.
- 4.2 The Prudential Code requires that full Council set certain limits on the level and type of borrowing before the start of the financial year together with a number of Prudential indicators. Any in year revision of these limits must similarly be set by Council.

4.3 The Code of Practice requires that policy statements are prepared for approval by the Council at least twice a year. The Policy and Strategy statement for 2009/10 was approved by the Executive Board on 13<sup>th</sup> February 2009 and by full Council on 25<sup>th</sup> February 2009.

## **5.0 Legal and Resource Implications**

5.1 This update on the treasury strategy recognises the borrowing necessary to fund the capital programme requirements of both General Fund and HRA. Where borrowing is supported the revenue costs are met by the Government, whilst for unsupported borrowing revenue costs are met either by the General Fund or HRA.

## **6.0 Conclusions**

6.1 The Council's level of external debt at 31<sup>st</sup> March 2010 is anticipated to be £1,513m in line with expectations in February 2009.

6.2 Treasury Management activity has enabled revenue savings of £7.3m to be made against £6.2m assumed in the budget. This is largely due to repaying long term debt and funding at short-term historic low rates. A further £0.9m of treasury savings are expected to materialise before the year end as a result of completing a MRP review, enabling total annual savings against the budget of £2m.

6.3 It is anticipated that the authority will remain within the approved limits for 2009/10 as outlined in Table 4 and paragraph 3.2.2.

## **7.0 Recommendations**

That the Executive Board:

7.1 Note the update on Treasury Management borrowing and investment strategy for 2009/10.

### Associated documents:

- a) Treasury Management Strategy 2009/10 - Executive Board 13<sup>th</sup> February 2009.
- b) Treasury Management Annual Report 2008/09 – Executive Board 22<sup>nd</sup> July 2009.

## Leeds City Council - Prudential Indicators 2009/10 - 2011/12

No.	PRUDENTIAL INDICATOR	2009/10	2010/11	2011/12
<b>(1). EXTRACT FROM BUDGET AND RENT SETTING REPORTS</b>				
1	<b>Ratio of Financing Costs to Net Revenue Stream</b> General Fund - Excluding DSG (Note 1)	9.44%	11.68%	12.37%
2	HRA	13.26%	12.96%	12.91%
x	= HRA Debt charges	33,629	35,866	37,162
<b>Impact of Unsupported Borrowing on Council Tax &amp; Housing Rents</b>				
3	increase in council tax B7 (band D, per annum) (Note 2)	£ . P 82.17	£ . P 84.81	£ . P 85.60
4	increase in housing rent per week	0.00	0.00	1.00
5	Net Borrowing and the capital financing requirement (Note 3)	OK	OK	OK
<b>Estimate of total capital expenditure</b>				
6	Non HRA	316,522	241,027	145,033
7	HRA	60,226	50,391	39,993
	TOTAL	376,748	291,418	185,026
<b>Capital Financing Requirement (as at 31 March)</b>				
8	Non HRA	£'000 853,793	£'000 905,762	£'000 965,475
9	HRA	795,795	806,299	808,812
	TOTAL	1,649,588	1,712,061	1,774,287

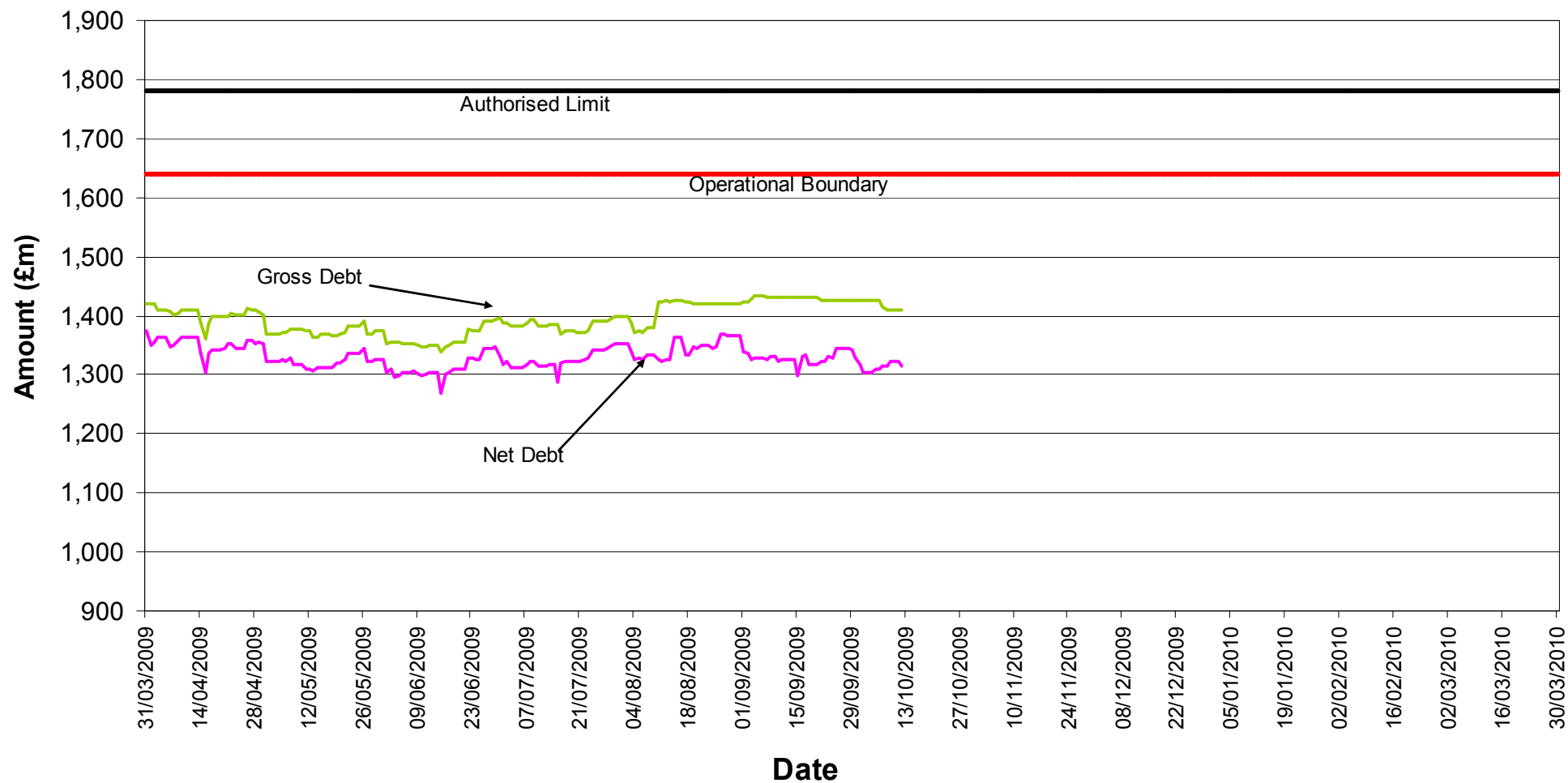
No.	PRUDENTIAL INDICATOR	2009/10	2010/11	2011/12
<b>(2). TREASURY MANAGEMENT PRUDENTIAL INDICATORS</b>				
		£'000	£'000	£'000
10	<b>Authorised limit for external debt - (Note 5)</b>			
	borrowing	1,780,000	1,830,000	1,900,000
	other long term liabilities	380,000	380,000	380,000
	TOTAL	2,160,000	2,210,000	2,280,000
11	<b>Operational boundary - (Note 5)</b>			
	borrowing	1,640,000	1,690,000	1,760,000
	other long term liabilities	370,000	370,000	370,000
	TOTAL	2,010,000	2,060,000	2,130,000
14	<b>Upper limit for fixed interest rate exposure</b> Net principal re fixed rate borrowing / investments OR:-	115%	115%	115%
15	<b>Upper limit for variable rate exposure</b> Net principal re variable rate borrowing / investments OR:-	40%	40%	40%
17	<b>Upper limit for total principal sums invested for over 364 days (Note 5)</b> (per maturity date)	100,000	150,000	150,000

16	Maturity structure of fixed rate borrowing 2009/10	Lower Limit	Cumulative Upper Limit	Projected 31/03/10
	under 12 months	0%	10%	2.0%
	12 months and within 24 months	0%	10%	8.1%
	24 months and within 5 years	0%	30%	22.6%
	5 years and within 10 years	0%	25%	7.7%
	10 years and above	25%	90%	59.6%

## Notes.

- The indicator for the ratio of financing costs to net revenue stream for General Fund is now calculated based on the Net Revenue Charge less the Dedicated Schools Grant (DSG). The Government changed the funding of education to DSG from 2006/07.
- The code requires that the Council identifies the capital financing costs arising from unsupported borrowing expressed as the amount per band D property.
- In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Council should ensure that net external borrowing does not exceed the total capital financing requirement in the preceding year plus estimates of any additional capital financing requirement for the current and next two financial years. This is a key indicator of prudence.
- Prudential indicator 12 relates to actual external debt at 31st March, which will be reported in the Treasury Management Annual Report.
- Prudential indicator 13 relates to the adoption of the CIPFA Code of Practice on Treasury Management. The Council formally adopted this Code of Practice in March 2003. From 2009/10 CIPFA is proposing to account for PFI schemes under IFRIC 12 resulting in PFI borrowings being brought onto Local Authority Balance Sheets

## Prudential Code Monitoring 2009/10 - Debt



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Agenda Item:  
Originator: Susan Holden  
Tel: 51863

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Executive Board**

**Date: 4<sup>th</sup> November 2009**

**Subject: Gambling Act 2005 Statement of Licensing Policy**

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**Electoral Wards Affected:**

All

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Eligible for Call In

Not Eligible for Call In  
(Council decision)

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**Executive Summary**

This report provides members of the Executive Board with a revised draft Gambling Act 2005 Statement of Licensing Policy and the result of the public consultation.

Executive Board are asked to consider the revised draft and refer the matter to full Council, who will consider whether to approve the Gambling Act 2005 Statement of Licensing Policy in November 2009.

## **1.0 Purpose of This Report**

- 1.1 The purpose of this report is to update Members on the review and public consultation of the Gambling Act 2005 Statement of Licensing Policy (**Appendix 1**). Revisions have been made to the public consultation draft following the public consultation and a final consultation report is attached at **Appendix 2**.

## **2.0 Background Information**

- 2.1 The Gambling Act 2005 (“the Act”) gave effect to the Government’s proposals for reform of the law on gambling. The Act introduced a new regulatory system to govern the provision of all commercial gambling in Great Britain, other than the regulation of spread betting. Leeds City Council was appointed as the Licensing Authority for Leeds, a function previously held by the Magistrates Court.

### Licensing objectives

- 2.2 The Licensing Authority carries out its functions of the Act with a view to promoting the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support a crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### Role of the Licensing Authority

- 2.3 Premises providing certain types of gambling require a premises licence issued by the Local Authority. Within this framework, the Licensing Authority’s role is to ensure that given premises are suitable for providing gambling in line with the three objectives and any Codes of Practice issued by the Gambling Commission.

### Statement of Licensing Policy

- 2.4 The first statement of licensing policy was adopted by full Council in December 2006.
- 2.5 The review and consultation on the second Statement of Licensing Policy was commenced in February 2009 with a peer review of the policy, followed by a first draft circulated to responsible authorities in April 2009.
- 2.6 The second draft came before Executive Board in July 2009 and was referred to full Council for debate in July 2009. Full Council approved the draft for public consultation with no amendments.

- 2.7 The second draft was also taken before Scrutiny Board (Central and Corporate) in order for the Board to input into the consultation methodology before the public consultation. Scrutiny Board made no comment.
- 2.8 Executive Board has already referred the revised policy and the results of any subsequent consultation to Scrutiny Board with the request that Scrutiny report back to Executive Board. A report will be taken to Scrutiny Board at their 2<sup>nd</sup> November 2009 meeting. Officers will give a verbal update from that meeting to Executive Board.

### **3.0 Main Issues**

#### Consultation Process

- 3.1 The full consultation process is described in the Final Consultation Report attached at Appendix 2.

#### Responses to the public consultation

- 3.2 The council received 21 responses to the public consultation via the web form but only four of these included a comment.
- 3.3 The council received three written responses from the Racecourse Association Ltd, The British Beer & Pub Association and Rank Group.
- 3.4 The full text of the public consultation responses is contained in the Final Consultation Report which is attached at **Appendix 2**. The Consultation Report also details the amendments proposed following in response to the comments.

#### Adoption of the Policy

- 3.4 Approval of the policy is a matter reserved to full Council however the consideration of the policy before approval must follow the budgetary and policy framework rules which requires the policy to be considered by Executive Board, referred to Scrutiny Board (Corporate and Governance) and then further considered by Executive Board before being recommended for approval. Executive Board received the draft policy and the initial consultation results at their meeting in June 2009 and the matter is due to be reviewed by the Scrutiny Board at the 2<sup>nd</sup> November meeting. Officers will provide a verbal update of Scrutiny Board's findings.
- 3.5 It is for Executive Board to decide, at this meeting, to refer the revised policy to full Council on their 18<sup>th</sup> November meeting for formal adoption of the Policy.

### **4.0 Implications for Council Policy and Governance**

- 4.1 Approval must follow Budgetary and Policy Framework Rules as set out in the Constitution.
- 4.2 The revised policy must be taken into account when making decisions on applications for gambling premises licences, permits and registrations.

## **5.0 Legal and Resource Implications**

- 5.1 At the initial implementation of the Gambling Act 2005 additional legal support, both to the Committee and Entertainment Licensing Section, was provided. A review of the then existing resources within the Entertainment Licensing Section was also undertaken. No further resources are therefore required.

## **6.0 Conclusions**

- 6.1 That Members should consider the comments of Scrutiny Board (Corporate and Governance) and the consultation responses and decide whether to refer the revised draft for approval.

## **7.0 Recommendations**

- 7.1 Members are requested to:
- 7.2 Consider the responses to the consultation carried out, including the comments of Scrutiny Board given verbally at this meeting and the Final Consultation Report at **Appendix 2**, and endorse the proposed responses to the consultation exercise and recommend to full Council that these be approved as the Council's response to matters raised in consultation;
- 7.3 Note the revised draft Statement of Gambling Policy set out at **Appendix 1**, and recommend to full Council that this be approved as the final Policy under the Gambling Act 2005.

## **Appendices**

Appendix 1	Gambling Act 2005 Statement of Licensing Policy
Appendix 2	Final Consultation Report

# **Statement of Licensing Policy 2010 – 2013**

## **Gambling Act 2005**

**Further copies of this document can be obtained from:**

Entertainment Licensing  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

Tel: 0113 247 4095

Fax: 0113 224 3885

Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

Web: [www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing)

**Version History**

Redraft	MR	24/05/07
Redraft	SCH	06/02/09
First Draft v1	SCH	27/03/09
First Draft v2	SCH	02/04/09
Second draft v1	SCH	05/06/09
Public consultation draft	SCH	16/07/09
Final draft	SCH	05/10/09

**Please note:**

The information contained within this document can be made available in different languages and formats including Braille, large print and audio cassette.

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## Executive Summary

The Gambling Act 2005 obtained Royal Assent 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31<sup>st</sup> January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

### 1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Leeds City Council is the licensing authority for the Leeds district and licences premises for gambling activities as well as granting various other gambling permits. In this document unless otherwise stated any references to the council are to the Leeds Licensing Authority.
- 1.2 The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
  - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - ensuring that gambling is conducted in a fair and open way
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the council will achieve this in Part B and C of this document.
- 1.4 The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
  - in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with this document.

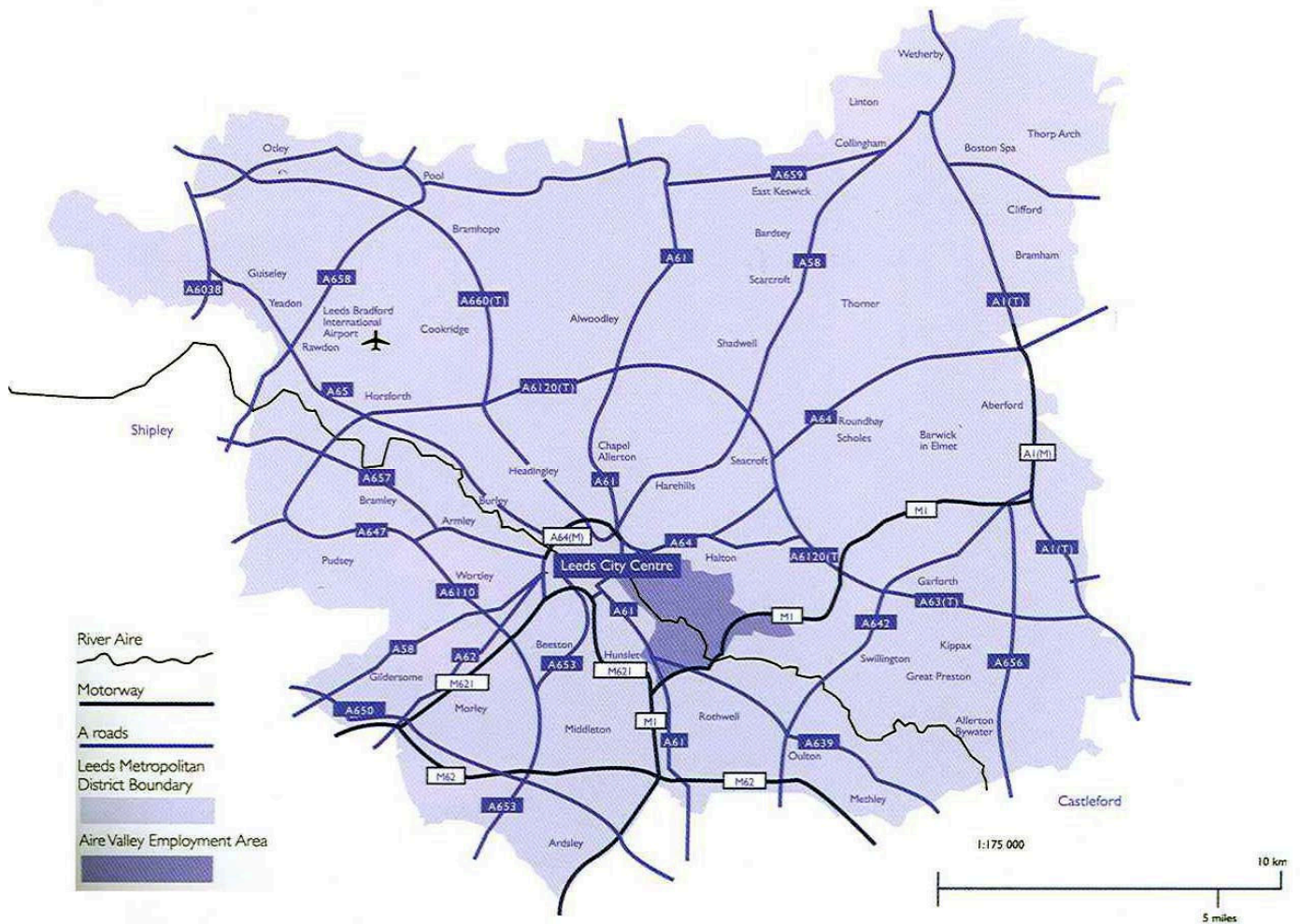
### 2. The Leeds district

- 2.1 Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre. It is the second largest metropolitan district in England and has a population of 2.2 million people living within 30 minutes drive of the city centre.
- 2.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 715,000 (taken from the 2001 census). It includes the city centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 2.3 Over recent years Leeds has experienced significant levels of growth in entertainment use within the City coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes has many benefits including the creation of a vibrant 24-hour city. Leeds City Council has a policy promoting mixed use development including residential and evening uses throughout the city centre.
- 2.4 Leeds has strong artistic and sporting traditions and has the best attended free outdoor festivals in the country. The success of arts and heritage organisations including the Grand Theatre, West Yorkshire Playhouse, Opera North, Northern Ballet Theatre,

Phoenix Dance Theatre, Harewood House and the Henry Moore Institute, has helped to attract other major arts and heritage investments such as the award winning Royal Armouries and the Thackray Medical Museum. The city also boasts a wealth of community based sports, heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.

- 2.5 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up almost 11% of the city population.
- 2.6 The Vision for Leeds 2004-2020 published by the Leeds Initiative, as the city's strategic partnership group, indicates that Leeds is now one of Britain's most successful cities. It boasts:
- a thriving economy
  - a vibrant city centre
  - a leading centre of learning, knowledge and research
  - a recognised regional capital
  - a positive image
  - a reputation for environmental excellence
  - a wide range of cultural facilities
  - a rich mix of cultures and communities.
- 2.7 The Vision for Leeds 2004-2020 has three main aims:
- going up a league as a city - making Leeds an internationally competitive city, the best place in the country to live, work and learn, with a high quality of life for everyone
  - narrowing the gap between the most disadvantaged people and communities and the rest of the city
  - developing Leeds' role as the regional capital contributing to the national economy as a competitive European city, supporting and supported by a region that is becoming increasingly prosperous.
- 2.8 This statement of licensing policy seeks to promote the licensing objectives within the overall context of the three aims set out in The Vision for Leeds 2004-2020.

## 2.9 Leeds metropolitan district



### 3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy

3.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

3.2 Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:

- West Yorkshire Police
- the Local Safeguarding Children Board
- representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)
- members of the public
- the Gambling Commission
- community representatives
- town/parish councils in the district
- Area Committees
- local Members of Parliament
- national bodies representing the gambling trade
- national charities concerned with the social impact of gambling
- other charities offering support to alcohol and drugs users

- representatives of existing licence holders
- Yorkshire Forward (the regional development agency)
- Yorkshire Culture
- Leeds Citizens Advice Bureau
- Primary Care Trusts
- Her Majesty's Revenue and Customs
- West Yorkshire Fire and Rescue Service
- Faith Groups within the Leeds district
- Department of Neighbourhoods & Housing, Environmental Health Services
- Leeds City Council Development Department
- Leeds Initiative

3.3 The consultation took place between August and October 2009 and followed the Better Regulation Executive Code of Practice on Consultation published in July 2008 and available from their website:

**[www.bre.brr.gov.uk](http://www.bre.brr.gov.uk)**

3.4 A copy of the consultation report containing a summary of the comments received and the consideration by the council of those comments is available on request.

3.5 The policy was approved at a meeting of the Full Council on xxx November 2009.

#### **4. The licensing framework**

4.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

4.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operators licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

4.3 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

#### **5. Declaration**

5.1 This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

5.2 In producing this document, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.



## 6. Responsible authorities

- 6.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 6.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 6.3 In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board has produced a "West Yorkshire Consortium Procedures Manual which can be found at <http://www.procedures.leedslscb.org.uk>. Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.
- 6.4 The contact details of all the responsible authorities under the Gambling Act 2005 are:

The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6666  
Fax: 0121 233 1096  
info@gamblingcommission.gov.uk

West Yorkshire Police  
Robert Patterson  
Leeds District Licensing Officer  
Millgarth Police Station  
Leeds  
LS2 7HX

T: 0113 241 4023

Leeds Safe Guarding Children Board  
Merrion House  
110 Merrion Centre  
Leeds  
LS2 8QB

T: 0113 247 8543  
administrator@leedslscb.org.uk

West Yorkshire Fire and Rescue Service  
District Fire Safety Officer  
Leeds Fire Station  
Kirkstall Road  
Leeds  
LS3 1NF

T: 0113 244 0302

Leeds City Council  
Planning and Development Services  
The Leonardo Building  
2 Rossington Street  
Leeds, LS2 8HD

Leeds City Council  
Environmental Health Services  
Millshaw Office  
Millshaw Park Way  
Churwell  
Leeds  
LS11 0LS

T: 0113 247 6026

HM Revenue and Customs  
National Registration Unit  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

T: 0141 555 3633  
nrubetting&gaming@hmrc.gsi.gov.uk

## **7. Interested parties**

7.1 Interested parties are certain types of people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

7.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to local authorities.
- Within this framework the council will accept representations made on behalf of residents and tenants associations.
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

7.3 The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

## **8. Exchange of information**

8.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

8.2 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this

matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **9. Licensing authority functions**

9.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences
- issuing provisional statements
- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

9.2 The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.



## **Part B Promotion of the licensing objectives**

### **10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

- 10.1 The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see paragraph 13.8 and 13.9) and whether conditions may be required such as the provision of door supervision (see paragraph 13.15).
- 10.2 There is a distinction between disorder and nuisance. In order to make the distinction, when incidents of this nature occur, the council will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.
- 10.3 Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.
- 10.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### **11. Ensuring that gambling is conducted in a fair and open way**

- 11.1 The council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 11.2 However the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 11.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### **12. Protecting children and other vulnerable persons from being harmed or exploited by gambling**

#### Protection of children

- 12.1 This licensing objective means preventing children from taking part in most types of gambling. The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 12.2 The Act provides the following definition for child and young adult in Section 45:

#### Meaning of "child" and "young person"

- (1) In this Act "child" means an individual who is less than 16 years old.
- (2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

- 12.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.
- 12.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

#### Protection of vulnerable people

- 12.5 The council is aware of the difficulty in defining the term "vulnerable person".
- 12.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" but will, for regulatory purposes assume that this group includes people:

"who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs."

- 12.7 The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

- 12.8 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gambling responsibly and help for problem gamblers
- Customer interaction
- Self exclusion
- Employment of children and young persons

- 12.9 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

- 12.10 Applicants may also like to make reference to Leeds Safeguarding Adults Partnership document entitled "Leeds Multi Agency Safeguarding Adults Policies and Procedures" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via <http://www.leedssafeguardingadults.org.uk>

- 12.11 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are

gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)

- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

- 12.12 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

**13. Introduction to premises licensing**

- 13.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 13.2 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate. (see 13.18)
- 13.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

**Definition of "premises"**

- 13.4 Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 13.5 The council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 13.6 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 13.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

**Location**

- 13.8 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 13.9 With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

- 13.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

#### Duplication with other regulatory regimes

- 13.11 The council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

#### Conditions

- 13.12 The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with. If the council is minded to do so because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.
- 13.13 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will be able to attach individual conditions to address this.
- 13.14 Any conditions attached to a licence issued by the council will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
  - directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based
  - fairly and reasonably related to the scale, type and location of premises
  - consistent with the licensing objectives, and
  - reasonable in all other respects.
- 13.15 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

13.16 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances
- supervision of machine areas
- physical separation of areas
- location of entrance points
- notices / signage
- specific opening hours
- a requirement that children must be accompanied by an adult
- enhanced CRB checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as half terms and summer holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
- any one or a combination of the measures as set out at paragraph 12.7 of this policy.

13.17 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

13.18 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes.

#### Door supervision

13.19 The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (CRB) check on potential staff and for such personnel to have attended industry recognised training.

### **14. Adult gaming centres**

14.1 Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres.

14.2 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises (see Appendix 1).

- 14.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 14.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## **15. Licensed family entertainment centres (FECs)**

- 15.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).
- 15.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
  - only adults are admitted to the area where the machines (category C) are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 15.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 15.4 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

## **16. Casinos**

- 16.1 Leeds has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.
- 16.2 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.



### Licence considerations / conditions

- 16.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for converted casino licences.
- 16.4 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.

### Large Casino

- 16.5 The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15<sup>th</sup> May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue premises licences for both large and small casinos. Leeds City Council was one of the Licensing Authorities that was authorised to issue a large Casino Premises Licence.
- 16.6 The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that.

## 17. Bingo premises

- 17.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act. (see Appendix 1)
- 17.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
  - children will not be admitted to bingo premises unless accompanied by an adult.
- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council



will take this into consideration when determining licence applications for bingo premises.

- 17.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## **18. Betting premises**

- 18.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities at race courses as well as the general betting premises licences that track operators will require.

### **Betting machines**

- 18.2 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 18.3 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted at paragraph 12.7.
- 18.4 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## **19. Tracks**

- 19.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totaliser" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be 'off-course' betting operators who may operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.
- 19.2 All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 19.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where

possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

- 19.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- 19.5 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Entertainment Licensing Section.
- 19.6 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 19.7 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

#### Betting machines

- 19.8 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 19.9 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## **20. Travelling fairs**

- 20.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act.
- 20.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair. (see Appendix 1)
- 20.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 20.4 The council is aware that the 27-day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

## **21. Provisional statements**

- 21.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).
- 21.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
  - b) which in the authority's opinion reflect a change in the operator's circumstances.
- 21.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

**22. Unlicensed family entertainment centre gaming machine permits (UFECs)**

- 22.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.
- 22.2 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states "In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 22.3 In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

**Statement of Principles**

- 22.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 22.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- appropriate measures and training for staff as regards suspected truant children on the premises
  - measures and training covering how staff would deal with unsupervised very young children being on the premises
  - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
  - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 22.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.
- 22.7 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECS
  - That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
  - That staff are trained to have a full understanding of the maximum stakes and prizes.

- 22.8 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.
- 22.9 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

### **23 Gaming machine permits in premises licensed for the sale of alcohol**

- 23.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 23.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" The council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.
- 23.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 23.4 Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.
- 23.5 The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 23.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 23.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.

23.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

## **24. Prize gaming permits**

24.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

24.2 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

24.3 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

24.4 In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

### **Statement of Principles**

24.5 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

24.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

24.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

24.8 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible
- That the gaming offered is within the law.

- 24.9 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.
- 24.10 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.
- 24.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

## **25. Club gaming and club machine permits**

- 25.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.
- 25.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 25.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:
- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
  - notices and signage
  - the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 25.4 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 25.5 The council may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.



- 25.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming,
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

## **26. Temporary use notices**

- 26.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 26.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 26.3 Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 26.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 26.5 The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **27. Occasional use notices (for tracks)**

- 27.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.
- 27.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.



## **28. Small society lottery registrations**

- 28.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 28.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.
- 28.3 A small society lottery is a lottery promoted on behalf of a non commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Leeds and want to run such lottery.
- 28.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 28.5 To be 'non-commercial' a society must be established and conducted:
- for charitable purposes,
  - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
  - for any other non-commercial purpose other than that of private gain.
- 28.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council.
- 28.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

**29.      Enforcement principles**

- 29.1      The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.
- 29.2      In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:
- **proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **consistent:** rules and standards must be joined up and implemented fairly;
  - **transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **targeted:** regulation should be focused on the problem, and minimise side effects.
- 29.3      The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 29.4      The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 29.5      The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.
- 29.6      The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 29.7      The council's enforcement/compliance protocols/written agreements will be available upon request.

### **30. Reviews**

30.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.

30.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:

- i) in accordance with any relevant code of practice issued by the Gambling Commission
- ii) in accordance with any relevant guidance issued by the Gambling Commission
- iii) reasonably consistent with the licensing objectives and
- iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

30.3 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## Appendix 1 Gaming machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
<sup>1</sup> B2	£100	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize	10p	£5
D – combined money and non money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

**Table 1**

<sup>1</sup> The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

(Appendix 1 continued)

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 8 machines in category B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit C or D machines	
Family entertainment centre (with Permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits				Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

Table 2

\*It should be noted that member's clubs and miner's welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

## Appendix 2 Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting Machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: Cash bingo, where the stakes paid make up the cash prizes that can be won and Prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the U.K require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	To be prescribed in Regulations. Will be attached to all classes of premises licence, unless excluded by the council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are: <ul style="list-style-type: none"> <li>preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to</li> </ul>

Term	Description
	<p>support crime</p> <ul style="list-style-type: none"> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Odds	<p>The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.</p>
Off-course betting operator	<p>Off-course betting operators may, in addition to premises away from the track, operate self contained betting premises within a track premises. Such self contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.</p>
On-course betting operator	<p>The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).</p>
Pool Betting	<p>For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by</p>

Term	Description
	reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Leeds the RAs include West Yorkshire Police, The local Safeguarding Children Board, Leeds City Council's Development Department as well as several others.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place. Examples of tracks within the Leeds district would be Elland Road Football ground and Headingley Stadium.



## Appendix 3 Summary of gaming entitlements for clubs and pubs

	<b>Members' club or MW institute with club gaming permit</b>	<b>Bridge or whist club</b>	<b>Members' club or commercial club with club machine permit</b>	<b>Members' club, commercial club or MW institute without a club gaming permit</b>	<b>Pubs and other alcohol-licensed premises</b>
<b>Equal chance gaming</b>	Yes	Bridge and/or whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Cribbage &amp; dominoes</u> No limit  <u>Poker</u> £100 per premises per day  <u>Other gaming</u> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £100 per game  <u>Other gaming</u> No limit
<b>Maximum participation fees – per person per day</b>	<u>Bridge and/or whist*</u> £20  <u>Other gaming</u> £3	£18 (without club gaming permit)  £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided

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# **Final Consultation Report**

## **Statement of Licensing Policy 2010 – 2013**

### **Gambling Act 2005**

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## Executive Summary

This report details the findings of the initial consultation on Leeds City Council's Gambling Act 2005 Statement of Licensing Policy.

The Draft Policy was circulated amongst the responsible authorities and other interested parties on 28<sup>th</sup> April 2009 and four weeks were provided for responses. Two responses were received, from West Yorkshire Police and Social Services.

A second draft of the policy was produced and presented to Executive Board on 17<sup>th</sup> June and full Council on 15<sup>th</sup> July 2009.

The public consultation took place between 3<sup>rd</sup> August and 2<sup>nd</sup> October which was a nine week consultation period. Officers analysed the responses and produced a final draft of the Policy.

It will be presented to Scrutiny and Overview Board on 2<sup>nd</sup> November, Executive Board on 4<sup>th</sup> November and full Council mid November.

The final Statement of Licensing Policy must be published by 10<sup>th</sup> January 2010 to be in place by 31<sup>st</sup> January 2010.

## Introduction

The Gambling Act 2005 (the Act) created a new system of licensing and regulation for commercial gambling in Great Britain. Within this regime local authorities were appointed as Licensing Authorities and became responsible for issuing premises licences to gambling premises such as casinos, bookmakers and amusement arcades. Under the Act the Licensing Authority must publish a Statement of Principles which shows how it will exercise its functions under the Act. Leeds City Council's first Statement of Licensing Policy for the Gambling Act 2005 was consulted upon in 2006 and was published in January 2007.

Licensing authorities are required to review and republish their Statement of Principles every three years.

## Background Information

The Gambling Act 2005 completely overhauled the regulation of commercial gambling in Great Britain and gave effect to the governments proposals to reform and modernise the law on gambling. Within the new regime the Gambling Commission became the national gambling regulator. The Commission is responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. The Act set out different types of operating licence that cover the full range of commercial gambling activities conducted in Great Britain. It also made provision for the Commission to have powers of entry and inspection to regulate gambling, with safeguards for those subject to the powers.

As part of this licensing framework, licensing authorities have the power to licence gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines and clubs and miners' welfare institutes. The Act also provides for a system of temporary use notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling, for limited periods. This would for example allow a gambling operator to set up a temporary casino in a hotel.

One of the key control measures within this framework is that if an operator wishes to provide gambling at a certain premises they must first apply for the requisite operators licence and personal licences from the Gambling Commission before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. Local authorities can only determine licensing applications once they are notified that the applicant has secured the necessary licences from the Gambling Commission.

### The Licensing Objectives

The Act sets out three licensing objectives which underpin the Act:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

## **Purpose of the Statement of Licensing Policy**

Under the Act each licensing authority must prepare a Statement of Gambling Policy which outlines how the authority will seek to promote the licensing objectives and on what basis the authority will arrive at its decision making. This allows gambling businesses to prepare applications in a manner which reflects the requirements of the policy and also helps the public to clarify how the authority is approaching its licensing duties. The gambling policy fulfils a similar role to that of the Statement of Licensing Policy. A policy must be published at least every three years however amendments can be made during this time as long as those elements which are being changed are consulted upon.

## **Purpose of the Consultation**

The consultation methodology has been designed to provide a wide selection of the Leeds population with the opportunity to comment on the revised content and suggested control measures detailed in the draft policy. In addition similar thoughts were sought from the responsible authorities as well as a list of identified stakeholders such as organisations concerned with the social impact of gambling, faith groups, national bodies representing the gambling trade, plus representatives of local businesses.

## **Consultation Methodology**

The following activities took place:

- An initial first draft of the policy was produced in consultation with licensing officers and legal services.
- This draft was circulated amongst the responsible authorities for comment.
- Comments were received from West Yorkshire Police and Safeguarding Children Board and were incorporated into the second draft.
- The second draft was presented to full Council for debate and comment in July 2009. No comments were made and a Public Consultation Draft was produced.
- The public consultation commenced at the beginning of August and ran for nine weeks which is in excess of the four weeks specified in the Act. The Home Office Code of Practice on Consultation specifies that a 12 week consultation is good practice. However this was not possible due to restraints imposed by the timetabling of Overview and Scrutiny Board and Executive Board.
- The draft policy and a summary of changes were uploaded to a webpage on the Leeds City Council website. A news items appeared on the homepage on the first day of the consultation.
- A full colour poster was sent to all libraries, one stop centres and leisure centres in the district.
- Elected members were sent a letter describing where the policy could be accessed.
- A mail shot was sent out to an extensive list of identified stakeholders. This included existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups to name just a few.

- A news story was presented in About Leeds in September negating the need for an expensive newspaper advertisement.
- A press release was issued by the press office advertising the consultation.

## First Draft Consultation Response

### Officer Comments

A series of meetings were held between officers from Entertainment Licensing and Legal Services. The main changes to the policy included changes in tenses which were necessary because information has been published by the Gambling Commission since the first publication of the policy.

It was decided to incorporate the Statement of Principles for Unlicensed Family Entertainment Centres and Prize Gaming Permits, which had been a separate document. The requirements placed on those permit holders were simplified to reflect the low risk nature of this gambling activity.

Officers removed the section F which related to the Large Casino bid. This section will be incorporated at Section 16 once the Project Board and Advisory Panel have been formed and the contents decided upon. This section will be consulted upon separately at a later stage.

A full list of changes is provided at the end of this document.

### Consultation with Responsible Authorities

The First Draft of the policy was circulated on the 28<sup>th</sup> April 2009 to:

1. Ian Clegg, West Yorkshire Fire and Rescue Service, District Fire Officer
2. Kathy Kudelnizky, Leeds Initiative
3. Rowena Hall, City Development
4. Steve Speak, City Development
5. HM Revenues and Customs, National Registration Unit
6. Brian Kenny, Environmental Health Services
7. Robert Patterson, West Yorkshire Police
8. Gambling Commission, Birmingham
9. Rosemary Archer, Leeds Safe Guarding Children Board

The consultees were asked to provide responses by the 22<sup>nd</sup> May 2009. Two responses were received.

### West Yorkshire Police

A response from Bob Patterson from West Yorkshire Police highlighted an omission in Appendix 1 relating to the registered clubs and commercial clubs and their gaming machine entitlement. As this table was lifted directly from the Gambling Commission Guidance, it was established that the explanatory paragraph had been omitted. The following paragraph was inserted:

“It should be noted that Member’s Clubs and Miner’s Welfare Institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial Clubs are entitled to a total of three machines in categories B4 to D.”



## Safeguarding Children's Board

A response from Rosemary Archer was received which made the following comments:

"Since the Policy makes reference to 'child / children' it may be useful to give a definition, could use the 89 Children Act i.e. someone who has not yet reached their 18th birthday. This may mean that some of the guidance points may need to change since refers to children being accompanied by an adult. / will not be admitted to bingo premises unless accompanied by an adult etc. In addition I am not sure if the Gambling Act makes any distinction as to the age of a child i.e. over 16yrs, age at which a person can enter 'licensed premises' etc.

Since the LSCB is identified as a 'Responsible Authority' it may be useful to make reference to the Board's procedures namely 'West Yorkshire Consortium Procedures Manual' at [www.procedures.leedslscb.org.uk](http://www.procedures.leedslscb.org.uk) This could be then used as a point of reference, a guide for good practice, an explanation of definitions - 'harm' and the mechanism by which to make a referral to Social Care etc

Sec 8 - Exchange of Information - not sure which organisations are listed in Sch 6 of the Act but similarly the Board's procedures also give guidance as the responsibilities for organisations re the exchange of information regarding the welfare of a child

Sec 13.10 - Location - with regard to the first bullet point it may be worth identifying premises that provide services to children and or young people i.e. a school rather than just identifying 'schools'

Sec 22.6 - Regular and prolonged contact with children - may need to revisit the sentence that confirms that applicants may wish to consider performing a CRB check if the criteria is where 'staff that may be in regular and prolonged contact with children and vulnerable people'

Sec 24.7 - See above re need to CRB check staff with 'regular and prolonged contact with children and vulnerable people'

### Section ' Protection of vulnerable people'

I can see the difficulty in regards to the definition of a vulnerable person, but if safeguarding adults is **everyone's business** then should we not be using what we have already in existence regardless of it's obvious flaws.

The document does not provide adequate description of the people who may be affected e.g. people with learning disabilities, autism, aspergers etc are at risk but appear to be included in a generic category of mental impairment which may be misunderstood by those who do not have a background in Social Care. Training mentions requirements to identify people who are gambling too much or too long, but how many staff will receive training in regard to specific groups of people who are or may be vulnerable, and how the training links together to provide a suitable safeguard for people at risk.

The document does not mention anything at all about Leeds Safeguarding Adults policies and procedures, training and support etc and neither is there any mention of an understanding of how people may be exploited both financially and psychologically and the possibility of support staff or family involvement in this."

A meeting was held between Entertainment Licensing and Adult Social Care specifically to discuss the issue of vulnerable adults. This is a difficult subject because the Gambling Commission has declined to provide a definition for this term. The section was rewritten following this meeting as follows:

## **Original Text**

### **Protection of children and other vulnerable persons from being harmed or exploited by gambling**

#### Protection of children

- 12.1 This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 12.2 This council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.
- 12.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

#### Protection of vulnerable people

- 12.4 As regards the term "vulnerable persons", the council is not seeking to offer a definition but will, for regulatory purposes assume that this group includes people who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs. The council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 12.5 While the council acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the council would expect staff members to try and maintain an awareness of how much (e.g. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.
- 12.6 The council will familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 12.7 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- stickers or notices on gaming machines to identify the stakes/prizes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Fixed Odds Betting Terminals should clearly display the odds
- positioning of ATM machines
- stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

12.8 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

**Amended text:**

12.1 This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

12.2 The Act provides the following definition for child and young adult in Section 45:

Meaning of "child" and "young person"

- (1) In this Act "child" means an individual who is less than 16 years old.
- (2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

12.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

12.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

[Protection of vulnerable people](#)

12.5 The council is aware of the difficulty in defining the term "vulnerable person".

12.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" but will, for regulatory purposes assume that this group includes people:

"who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs."

12.7 The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

12.8 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self exclusion
- Employment of children and young persons

12.9 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

12.10 Applicants may also like to make reference to Leeds Safeguarding Adults Partnership document entitled "Leeds Multi Agency Safeguarding Adults Policies and Procedures" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via <http://www.leedssafeguardingadults.org.uk>

12.10 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- stickers or notices on gaming machines to identify the stakes/prizes

- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Fixed Odds Betting Terminals should clearly display the odds
- positioning of ATM machines
- stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

12.11 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

Other amendments were made to the policy in line with the consultation response and these are detailed at the end of this document.

This draft was taken to Executive Board on 17<sup>th</sup> June, Scrutiny (Central and Development) on 6<sup>th</sup> July and full Council on 15<sup>th</sup> July 2009. No comments were made so the second draft was altered to form the Public Consultation Draft

## Public Consultation Responses

The public consultation took place between 3<sup>rd</sup> August and 2<sup>nd</sup> October which was a nine week consultation period.

Leeds City Council received four postal responses to the public consultation.

### **The Racecourse Association Ltd**

The Racecourse Association Ltd responded on behalf of their members. A copy of the response can be found at Appendix 1 – Public Consultation Responses.

The Racecourse Association made five comments:

#### Location (Part C, paragraph 13.10)

The proposed location of gambling premises may be taken into account when assessing the application. The council is asked to consider that the location of racecourses will not have altered since its foundation and cannot be transferred to another location.

**Comment:** The Council will always consider each application on a case by case basis and in conjunction with any representations received from interested parties or responsible authorities. The location of established premises would have significantly less impact on the surrounding area than the construction and operation of a new business. This would be taken into consideration when the Council is making its determination at licensing sub-committee hearings.

**Action:** None.

Conditions (Part C, Paragraph 13.13 and 19.10)

In certain circumstances the council may impose additional conditions on racecourses to ensure the licensing objectives are met. The Council is asked to ensure that these conditions do not exceed those premises licence conditions outlined in the Premises Licence Mandatory and Default Conditions.

Comment: The council has the ability to impose conditions in addition to those mandatory and default conditions supplied by the Gambling Act 2005. The council will only impose conditions after a representation to the application is received and at a sub-committee hearing where the applicant would have the ability to input into the decision. The applicant also has the right of appeal against the licensing sub-committee decision.

Action: None.

Door Supervisors (Part C Paragraph 13.20)

The Council is asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001 racecourses are already required to provide licensed door supervisors in some roles. In line with the Government's Better Regulation Agenda and the stipulation by the Council in Paragraph 13.12 that they will seek to avoid duplication with other regulatory regimes the Council should not impose any further provisions relating to door supervisors.

Comment: As stated previously each application is dealt with on a case by case basis. Additional provisions regarding door supervisors would only be imposed formally at a licensing sub-committee hearing, following a relevant representation from a responsible authority or interested party and where necessary.

Action: None.

Betting Machines (Part C Paragraph 19.8)

As racecourses will not hold Operating Licences they will also not be responsible for the provision of Betting Machines on these premises. These will be provided by third party operators who will be required to act in accordance with the conditions of their Operating Licences as issued by the Gambling Commission. In line with this and with Paragraph 20.55 of the third edition of the Gambling Commission's Guidance to Licensing Authorities no restrictions should be placed on the number of Betting Machines at tracks.

Comment: Section 181 of the Gambling Act provides local authorities with the ability to include a condition on betting premises licences relating to the number of betting machines, the nature of those machines and the circumstances under which they can be made available for use. Although the betting machines may be provided by an operator, they will be provided for use under the tracks betting premises licence.

So although there is no blanket restriction on the number of machines available for use (as there are with gambling machines on other licensed premises), the council does have the ability to restrict these number if to do so would promote the licensing objectives, specifically in relation to the protection of children and vulnerable people.

When determining premises licences, and applying conditions, the council will have regard for both the Gambling Act 2005 and the Gambling

Commission Guidance to Licensing Authorities, however it will not be appropriate to include a statement in the policy which would effectively remove the ability to place a condition on a licence if it proves necessary to promote the licensing objectives.

Action: None.

Conditions on rules being displayed (Part C, paragraph 19.9)

The council should be aware that it may not be practical for racecourses to print examples of the Standard Rules of Betting (Tattersalls Rules) in their race card or in a leaflet form. However these will be displayed in line with the Premises Licence Mandatory and Default Conditions.

Comment: The Gambling Policy states that the council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, **or** that the rules are displayed in the race-card or made available in leaflet form from the track office. However the mandatory condition applied to all betting (track) premises licences states "The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access."

Action: As the prominent display of standard rules is a mandatory condition, it would be acceptable to remove paragraph 19.9 entirely.

### **British Beer and Pub Association**

The British Beer & Pub Association responded on behalf of their members. A copy of the response can be found at Appendix 1 – Public Consultation Responses.

The protection of children and vulnerable persons

We would like to take this opportunity to emphasise that pubs have had amusement with prize machines on their premises for many years. The BBPA has been pressing for legislation prohibiting under 18s from playing all cash machines (ACMs) since before the introduction of our Code of Practice on Minimum Age of Players, and we therefore very welcome the restriction now contained in the new Gambling Act.

The Association first introduced its Code of Practice in 1998 and has kept it under regular review since then. As a result of the Code which is supported by other trade bodies including the ALMR, BII, FLVA and BACTA, ACMs coming on to the market include the "No Under 18s to Play" prohibition notice in the front of the machine. The inclusion of this notice has been achieved at the instigation of the Association in co-operation with machine suppliers.

BBPA member company training schemes also reinforce the management of the machines to ensure the minimum age requirement is complied with, for example by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport where there is doubt that the player is 18 years of age or over.

Comment: The requirement to place a notice on the machines that no under 18s can play is a requirement under the Gaming Machine (Circumstances of Use) Regulations 2007 section 3(1)(c).

Action: None.

#### Grant of additional permits

While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA code) there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.

Comment: The policy covers this issue with three paragraphs and states:

- 23.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." The council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.
- 23.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 23.4 Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised.

Therefore the council has stated that it will consider each application on a case by case basis and is not able to predetermine the outcome of permit applications.

Action: None.

#### Application procedures for more than two machines

The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.

Comment: As described above, each application is determined on a case by case basis. Officers have the discretion to present an application to a licensing sub-committee in exceptional cases, however the council would hesitate to set a definitive number of machines, as this should be considered alongside other matters such as locality and size of premises. This is pertinent in the Leeds area where some city centre premises would easily accommodate more than four machines without causing an adverse impact on the licensing objectives.

Action: None.



## Rank Group

Rank Group responded to the Statement of Licensing Policy with the following comments:

Rank is sure that the references in the statement to Gambling Commission guidance do relate to the latest edition of the Gambling commission's Guidance to Licensing Authorities that was published on the 1 May 2009. Any review of a Local Authority's statement of principles must have regard to the Gambling Commission's most up to date guidance. It might therefore be useful to include the reference and include a link that any interested party can consult.

**Comment:** The council has deliberately not included reference to a particular version of the Gambling Commission's Guidance to Licensing Authorities to future proof the policy. The lifecycle of the Guidance has, in the past, been shorter than that of the policy and to reference a particular version may lead to the policy referencing an earlier version of the guidance than is currently available.

**Action:** None.

Additionally, the revised Gambling commission's Licence Conditions and Codes of Practice (LCCP) came into force on 1<sup>st</sup> January 2009. Again, the revised LCCP deals with a number of different issues that are directly relevant to the application process. For example, it introduces more extensive obligation upon operators in relation to matters of social responsibility, amongst other things. The authority states that it will have regard to the Codes of Practice that have been issued. However again a link might be useful (included below) so that any interested parties and responsible authorities can be taken to the document.

**Comment:** Again the council has resisted referencing specific versions of the LCCP and providing a link for the responsible authorities/interested parties as the LCCP are subject to change, as do website links. However it is acknowledged that a link to the Gambling commission website would be useful as a starting point.

**Action:** Insert Gambling Commission website address into Executive Summary and Part A.

The Gambling Commission (The Commission) also consulted on issues relating to the primary purpose of gambling premises. The Commission has imposed new conditions on existing operating licences that require the operator to provide the primary gambling facilities specified in the licence type. The new conditions were attached to operators licences with effect from the 1st May 2009, as set out in the commission's LCCP Supplement 4: primary gambling activity. We cannot see any particular reference to these latest requirements.

**Comment:** The policy, at 1.4 and 1.5 references "relevant guidance" and "relevant code of practice". As above, the council has resisted mentioning specific codes of practice as these change and are amended over time.

**Action:** None.

Para 4.1 – the sentence refers to the Act bringing about – as it is now fully in force maybe the tense should be altered.

Comment: Agreed

Action: Alter the word bring to brought.

6.4 – We believe that the planning authority is omitted

Comment: Agreed

Action: Insert Development Department's details in para 6.4.

7.1 – Although the authority will consult on the casino section separately should reference be included to the amendment made by Schedule 9 to provide that applicants for a large casino are automatically interested parties to each other's application.

Comment: This would be more appropriately addressed in the section relating to the Large Casino and the application process, as it is specific to that process.

Action: None.

Part B Promotion of the Licensing Objectives

Unlike the Licensing Act 2003 section 153 Gambling Act only requires the authority to aim to permit the use of the premises for gambling in so far as the authority think is reasonably consistent with the licensing objectives. Promotion may not therefore be the correct word in this context.

Comment: Agreed.

Action: Change the wording to Part B – Consistency with the Licensing Objectives.

Para 12 Protection of the vulnerable and children.

12.3, 12.8 and 12.9 – reference to LCCP would assist interested parties in understanding the extensive obligations imposed on operators by their Operator Licences.

Comment: There is a reference to LCCP at paragraph 12.9. This part of the policy is signposting applicants to the various sources of information so they can prepare their application and to assist them with their business practices. It would not be useful to signpost interested parties to the LCCPs at this point, as this section clearly doesn't refer to them.

Action: None.

## Part C Premises Licence

Para 13 – In relation to “split premises” there is no reference to the revised guidance from the Commission albeit that the paragraphs do accurately summarise and reflect that guidance. The reason for highlighting is that more authorities are extracting the relevant sections in their Statement.

Comment: This part of the policy has remained the same apart from a few minor amendments to bring it fully in line with the Gambling Commission guidance. The council does not feel referencing a particular revision to the guidance would be helpful to applicants.

Action: None.

13.8 – this paragraph does not appear to reflect the revised Commission guidance following the Betting Shop Services High Court decision. The Commission advise that provided there are detailed plans submitted there is no reason why a full licence should not be granted, subject to suitable conditions, which can include a condition that the premises cannot be operated until they have been inspected by the authority and any other relevant authority. A full licence is required by an operator in order to satisfy the conditionality in a development contract and this will be particularly relevant to the large casino application process. Also the authority need not issue the licence until the premises have been completed and inspected. There appears to be a typographical error as section 21 related to provisional statement.

Comment: Agreed. The decision whether to apply for a provisional statement or premises licence is made by the applicant, and there may be specific reasons why one application is more suitable than the other.

Action: As this paragraph does not assist applicants, or state a principle, it would be more appropriate to remove the paragraph entirely.

13.13 – in addition to the mandatory and default conditions the Commission’s LCCP impose mandatory conditions on Operators Licences and may well negate the need for specific conditions.

Comment: Agreed.

Action: Include a reference to LCCP.

13.20 – the exemption for bingo hall and casinos only applies to staff directly employed by the operator. Third party contractors must therefore utilise SIA registered staff at such premises.

Comment: This section relates to door staff not licensed by the SIA by way of the amendment the Gambling Act 2005 brought to the Private Security Industry Act 2001. The recommendation is that operators may wish to CRB check unlicensed staff. The operators themselves will be aware of

their obligations under the Private Security Industry Act 2001, and so there should be not need to cloud the issue with additional detail.

Action: None.

#### 16 Casinos

16.2 – should perhaps be clarified by including reference to the games of equal chance permitted in converted casinos – poker being the most common, as such games are not played against the house.

Comment: This section was lifted almost verbatim from the Gambling Act and the Gambling Commission's Guidance to Licensing Authorities. On reflection the omission of equal chance gaming does imply that these games are not permitted, which is incorrect.

Action: Include a sentence regarding equal chance gaming.

16.3, 16.4 – we believed that the commission have removed the section that referred to further guidance being issued. There are, of course requirement in the mandatory conditions and LCCP.

Comment: Agreed. This paragraph refers to a statement in the previous version of the Gambling commission Guidance to Licensing Authorities which promised further guidance.

Action: Rewrite this section to refer to the mandatory conditions and the LCCP.

16.5 – betting machines are not permitted in converted casinos – see para 65(9) of the Commencement Order No 6 and Transitional Arrangements Regulations – which amend the Act in several areas to provide special arrangements for converted casinos.

Comment: Agreed. This paragraph is no longer relevant to this part of the policy, but will be included in the Large Casino section when this is inserted in 2010.

Action: Remove paragraph.

16.7 – Large Casino. Rank notes that fact that the authority will consult separately on the competition process next year. Therefore we will not comment at this stage other than refer to the point already made above.

Comment: None.

Action: None.

## 17 Bingo Premises

It may be of assistance for this section to include reference to the fact that bingo can be played in unlicensed premises provided there is strict compliance with the statutory threshold on stakes and prizes. If those are to be exceeded then clearly an operator must apply for an Operator's Licence.

Comment: As this section refers specifically to premises licensed for bingo. It may confuse the issue to include all the exemptions allowed in the Gambling Act in the relevant sections. This is not necessarily a matter for the Statement of Licensing Policy.

Action: None.

17.3 – again the Commission has not issued further guidance but has added further conditions to Operating Licences in relation to the primary purpose for which the premises are used to ensure that facilities for the playing of bingo must be provided in any premises holding a bingo premises licence.

Comment: Agreed.

Action: This paragraph is to be rewritten with reference to the mandatory conditions and the LCCP.

## 18 Betting Premises

18.3 – this is a particularly important paragraph given the very high failure rate on age verification testing that has been undertaken. The control measures required by LCCP for such premises are far less stringent than for bingo clubs and casinos.

Comment: Although this is a matter for concern, it is addressed by paragraph 18.4 which states that the council may consider conditions to address issues.

Action: None.

18.4 – again it may be of assistance to include reference to the revised requirements as to primary purpose imposed on Operating Licences which require that full betting facilities must be provided in premises. There is a dispensation in relation to premises licensed under the 1963 Act converted whereby they may continue to operate until March 2010 without such facilities. Any licences granted since September 2006 are therefore of no effect unless full betting facilities are now provided.

Comment: The Gambling Commission Code of Practice is already referenced in this paragraph. The matter of primary purpose is dealt with under the Gambling Commission's Operator's Licence and is not within the scope of the policy. As this dispensation is transitional in nature, and not enforced by the Licensing Authority it is not appropriate to include it in the Statement of Licensing Policy.

Action: None.

## Part D Permits

### Para 23 – Alcohol Licensed Premises

It may assist licensees if reference was made in this section to the advice on exempt gaming issued by the Commission and now incorporated into the 3<sup>rd</sup> edition of their guidance – particularly in relation to the keeping of records so that the DPS can demonstrate that the equal chance gaming is being conducted legally within the permitted limits.

**Comment:** This section relates to gaming machine permits in alcohol licensed premises, rather than exempt gaming. The Gambling Commission have produced both comprehensive guidance to licensing authorities and to the operators of public houses on this matter, and it would be outside of the scope of this policy to include detailed information in this section. However reference should be made to this ability and the table included at Appendix C of the Gambling Commission's Guidance to Licensing Authorities is a useful tool.

**Action:** Include additional paragraph at 23.8 and refer to Appendix C.

### Para 25 – Club gaming and machine permits

There is real concern in the bingo and casino industry as to the number of illegal poker (it is thought that there are at least 120 such clubs nationally) and bingo clubs that operate as commercial organisations in contravention of the requirements of the Act and are not run as bona fide members clubs. The Commission have made it clear that they expect authorities to ensure that the requirements of the Act are complied with and have advised authorities of the power to review and revoke such permits.

**Comment:** This is an enforcement issue and outside of the scope of the Policy, however the concern has been noted and forwarded to the Licensing Authorities Enforcement Team.

**Action:** None.

## Reponses from members of the public – anonymised

There were 21 responses received via the web form.

17 of these responses gave contact details but no comment. Four responses were received with comments:

### Response 6004005

I think gambling needs to be reduced not increased. It can create problems for people.

**Comment:** This is not within the scope of the Gambling policy.

**Action:** None.

Response 6004040

I found it a comprehensive and easily understood document.

Comment: No comment.

Action: None.

Response 6004353

I have read the documents re gambling which seem fine and my only concern is really about the 'victims' of gambling.

1. Shouldn't this be discussed at part of PSE in schools, I.e. Pavlov and classical condition; how people are hooked by thinking "Next time I will win, next time I will win". I have a nephew who was, for a while, losing most of his wages on machines but doesn't believe he has a problem and he has a good job in the public sector (the arcade used to give him free tea and sandwiches – shouldn't they be encouraged to have a duty of care to gamblers, i.e. pubs can't serve people who are drunk and perhaps staff in gambling establishments need appropriate training).
2. Couldn't some of the proceeds from the licences be given to this training and for support groups who work with gambling addicts, i.e. 5% or a reasonable amount to fund training/workers/outreach in school etc/support groups etc., i.e. Gamblers Anonymous or couldn't there be a say 5% levy on all the Gambling Providers to support all the victims (who are probably broader than just the vulnerable groups identified in the Act)?

Comments: The policy primarily deals with issues relating to licences, permits and registrations, the application process and the way the Licensing Authority determines those licences. Therefore the policy provides information on how applicants can contact groups who engage with vulnerable people. It is not within the scope of this policy to provide education for vulnerable people, although operators have requirements placed upon them by the Gambling Commission Licence Conditions and Code of Practice in the area of social responsibility.

The Government receives a voluntary levy from the gambling industry which provides funds which helps to pay for national social inclusion schemes, prevalence studies and other work which promotes the licensing objectives described in the Gambling Act 2005. This satisfies part of the requirement under their Operators Licence. This issue is enforced by the Gambling Commission.

In addition Leeds City Council won the right to licence a new large casino. The licensing process allows the council to enter into agreements with the licence operator to provide benefit to the area, either by a financial agreement, by the provision of jobs and other similar benefits. This process is designed to provide regeneration benefits to the area. It is hoped that the application process for the new casino will be started in 2010.

Action: None.

## Response 6005434

The council should restrict the numbers of betting shops – there are far far too many in Leeds and they are open until 9 or 10pm in some areas.

Comments: The Gambling Act 2005 does not allow Licensing Authorities to consider the demand or need for gambling facilities in an area. This is reiterated at 13.9 in the Policy. The Gambling Act 2005 Mandatory Conditions specify opening hours, which for betting shops is 7am to 10pm.

Action: None.

## **Conclusion**

When the first Gambling Act 2005 Statement of Licensing Policy was written, secondary legislation relating to the Act hadn't yet been published. The Policy was based upon a template provided by LACORS and then heavily customised for Leeds City Council. It is testament to the original policy writers that there are as few amendments as there are.

Social Services were able to provide very useful information which has allowed the Licensing Authority to signpost applicants to sources of specialist advice relating to children and vulnerable people.

The Public Consultation was a very valuable process with a small number of respondents. However the information the respondents provided was useful in tightening specific areas of concern within the Policy.

The section of the Policy that relates to the Large Casino was not ready in time to be included in this review process. It is anticipated that this section will be reviewed and consulted upon separately in the middle part of 2010 with the actual application process starting towards the end of that year.

There is some discussion in DCMS circles regarding the requirement to review triennially the Statement of Licensing Policy for both the Licensing Act 2003 and the Gambling Act 2005. In particular the Licensing Act 2003 will have been reviewed three times by the end of next year, with very few amendments to the main body of the policy expected. Entertainment Licensing would welcome a relaxation in this requirement, only reviewing the Policy as required, for example after a major amendment to the primary legislation or in response to changing circumstances.



## APPENDIX 1 - CHANGE DOCUMENT

**Document Title:** Gambling Act 2005 Statement of Licensing Policy Review

**Contact for enquiries:** Sue Holden ext: 51863

Part	Current	Part	Change to	Date
<b>Executive Summary</b>				
Insert				
<b>1. The licensing objectives</b>				
1.2	<p>The council will carry out its functions under the Act with a view to promoting the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>	1.2	<p>The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>	Final draft 05/10/09
1.3	<p>More information can be found about how the council will promote the licensing objectives in Part B and C of this document.</p>	1.3	<p>More information can be found about how the council will achieve this in Part B and C of this document.</p>	Final draft 05/10/09

1.4	The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.	1.4	The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission (www.gamblingcommission.gov.uk).	Final draft 05/10/09
<b>2. The Leeds district</b>				
No major changes				
<b>3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy</b>				
3.2	Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:	3.2	Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:	First draft 27/04/09
	<ul style="list-style-type: none"> <li>• West Yorkshire Police</li> <li>• the Local Safeguarding Children Board</li> <li>• representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)</li> <li>• members of the public</li> <li>• the Gambling Commission</li> <li>• community representatives</li> <li>• town councils in the district</li> <li>• parish councils in the district</li> <li>• local Members of Parliament</li> <li>• national bodies representing the gambling trade</li> <li>• national charities concerned with the social impact of gambling</li> <li>• other charities offering support to alcohol and drugs users</li> <li>• representatives of existing licence holders</li> <li>• Yorkshire Forward (the regional development</li> </ul>		<ul style="list-style-type: none"> <li>• West Yorkshire Police</li> <li>• the Local Safeguarding Children Board</li> <li>• representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)</li> <li>• members of the public</li> <li>• the Gambling Commission</li> <li>• community representatives</li> <li>• town/parish councils in the district</li> <li>• Area Committees</li> <li>• local Members of Parliament</li> <li>• national bodies representing the gambling trade</li> <li>• national charities concerned with the social impact of gambling</li> <li>• other charities offering support to alcohol and drugs users</li> <li>• representatives of existing licence holders</li> <li>• Yorkshire Forward (the regional</li> </ul>	

	<p>agency)</p> <ul style="list-style-type: none"> <li>Yorkshire Culture</li> <li>Leeds Citizens Advice Bureau</li> <li>Primary Care Trusts</li> <li>Her Majesty's Revenue and Customs</li> <li>West Yorkshire Fire and Rescue Service</li> <li>Faith Groups within the Leeds district</li> <li>Department of Neighbourhoods &amp; Housing, Environmental Health Services</li> <li>Leeds City Council Development Department</li> </ul>		<ul style="list-style-type: none"> <li>development agency)</li> <li>Yorkshire Culture</li> <li>Leeds Citizens Advice Bureau</li> <li>Primary Care Trusts</li> <li>Her Majesty's Revenue and Customs</li> <li>West Yorkshire Fire and Rescue Service</li> <li>Faith Groups within the Leeds district</li> <li>Department of Neighbourhoods &amp; Housing, Environmental Health Services</li> <li>Leeds City Council Development Department</li> <li>Leeds Initiative</li> </ul>	
3.3	<p>The consultation took place between June and September 2006 and followed the Cabinet Officer code of practice on consultations published in April 2004. This document is available from the Cabinet Office website at: <a href="http://www.cabinetoffice.gov.uk">www.cabinetoffice.gov.uk</a></p>	3.3	<p>The consultation took place between May and July 2009 and followed the Better Regulation Executive Code of Practice on Consultation published in July 2008 and available from their website: <a href="http://www.bre.brr.gov.uk">www.bre.brr.gov.uk</a></p>	First draft 27/04/09
3.5	<p>The policy was approved at a meeting of the Full Council on 13<sup>th</sup> December 2006.</p>	3.5	<p>The policy was approved at a meeting of the Full Council on xxth November 2009 (insert date after adoption).</p>	First draft 27/04/09
<b>4. The licensing framework</b>				
4.1	<p>The Gambling Act 2005 brings about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.</p>	4.1	<p>The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.</p>	Final draft 05/10/09
<b>5. Declaration</b>				
No major changes				

<b>6. Responsible authorities</b>				
6.3	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose.	6.3	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board have produced a "West Yorkshire Consortium Procedures Manual which can be found at <a href="http://www.procedures.leedsiscb.org.uk">http://www.procedures.leedsiscb.org.uk</a> . Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.	Second draft 05/06/09
6.4	The contact details of all the responsible authorities under the Gambling Act 2005 can be found in our application packs and on our website at:  <a href="http://www.leeds.gov.uk/licensing">www.leeds.gov.uk/licensing</a>	6.4	The contact details of all the responsible authorities under the Gambling Act 2005 are:  The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP  West Yorkshire Police Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX  Leeds Safe Guarding Children Board Merrion House 110 Merrion Centre Leeds LS2 8QB  T: 0113 230 6666 Fax: 0121 233 1096 <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>  T: 0113 241 4023  T: 0113 247 8543 <a href="mailto:administrator@leedsiscb.org.uk">administrator@leedsiscb.org.uk</a>	First draft 27/04/09 Final draft 05/10/09

			<p>West Yorkshire Fire and Rescue Service  District Fire Safety Officer  Leeds Fire Station  Kirkstall Road  Leeds  LS3 1NF</p> <p>Leeds City Council  Planning and Development Services  The Leonardo Building  2 Rossington Street  Leeds, LS2 8HD</p> <p>Leeds City Council  Environmental Health Services  Millshaw Office  Millshaw Park Way  Churwell  Leeds  LS11 0LS</p> <p>HM Revenue and Customs  National Registration Unit  Portcullis House  21 India Street  Glasgow  G2 4PZ</p>	<p>T: 0113 244 0302</p> <p>T: 0113 247 6026</p> <p>T: 0141 555 3633  nrubetting&amp;gaming@hmrc.gsi.gov.uk</p>
<b>7. Interested parties</b>				
No major changes				
<b>8. Exchange of information</b>				
8.2	Remove		matter when it is published,	Final draft 05/10/09

<p><b>9. Licensing authority function</b></p>	<p>Second draft 05/06/09</p>
<p>9.1</p> <p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> <li>• licensing premises where gambling activities are to take place by issuing premises licences</li> <li>• issuing provisional statements</li> <li>• regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• issuing Club Machine Permits to commercial clubs</li> <li>• granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres</li> <li>• receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines</li> <li>• granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required</li> <li>• registering small society lotteries below prescribed thresholds</li> <li>• issuing Prize Gaming Permits</li> <li>• receiving and endorsing Temporary Use Notices</li> <li>• receiving Occasional Use Notices (for tracks)</li> <li>• providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>• maintaining registers of the permits and</li> </ul>	<p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> <li>• licensing premises where gambling activities are to take place by issuing premises licences</li> <li>• issuing provisional statements</li> <li>• regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• issuing Club Machine Permits to commercial clubs</li> <li>• granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres</li> <li>• receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines</li> <li>• issuing Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required</li> <li>• registering small society lotteries below prescribed thresholds</li> <li>• issuing Prize Gaming Permits</li> <li>• receiving and endorsing Temporary Use Notices</li> <li>• receiving Occasional Use Notices (for tracks)</li> </ul>
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	licences that are issued under these functions.		<ul style="list-style-type: none"> <li>providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>maintaining registers of the permits and licences that are issued under these functions.</li> </ul>	
<b>10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</b>				
No major changes				
<b>11. Ensuring that gambling is conducted in a fair and open way</b>				
No major changes				
<b>12. Protecting children and other vulnerable persons from being harmed or exploited by gambling</b>				
12.1	This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).	12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).	First draft 27/04/09
12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.	12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.	Second draft 05/06/09

12.1	REMOVE	12.1	(as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children)	Final draft 05/10/09
12.1	INSERT	12.2	<p>The Act provides the following definition for child and young adult in Section 45:</p> <p>Meaning of "child" and "young person"</p> <p>(3) In this Act "child" means an individual who is less than 16 years old.</p> <p>(4) In this Act "young person" means an individual who is not a child but who is less than 18 years old.</p> <p>For the purpose of this section protection of children will encompass both child and young person as defined by the Act.</p>	Second draft 05/06/09
12.2	This council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.	12.3	The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.	Second draft 05/06/09
12.3	Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.	12.4	Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.	Second draft 05/06/09
12.4	Protection of vulnerable people As regards the term "vulnerable persons", the council is not seeking to offer a definition but will, for regulatory purposes assume that this group includes people who gamble more than they want to, people who gamble	12.5	<p>Protection of vulnerable people</p> <p>The council is aware of the difficulty in defining the term "vulnerable person".</p>	Second draft 05/06/09



	beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs. The council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.			
12.5	The council will promote this objective by publishing information on the council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These web pages will be prepared in conjunction with these support agencies. In addition the council will also distribute promotional material about these services to a variety of public buildings including all one stop centres, libraries and leisure centres.	DELETE	DELETE	First draft 27/04/09
12.5	While the council acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the council would expect staff members to try and maintain an awareness of how much (e.g. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.	DELETE	DELETE	Second draft 05/06/09
12.6	The council will familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to	DELETE	DELETE	Second draft 05/06/09

	<p>access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information.</p>			
<p>INSERT</p>	<p>12.6</p>	<p>The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" but will, for regulatory purposes assume that this group includes people:</p> <p>"who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs."</p>	<p>Second draft 05/06/09</p>	
<p>INSERT</p>	<p>12.7</p>	<p>The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:</p> <p>"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."</p>	<p>Second draft 05/06/09</p>	
<p>INSERT</p>	<p>12.8</p>	<p>In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:</p> <ul style="list-style-type: none"> <li>• Combating problem gambling</li> <li>• Access to gambling by children and young</li> </ul>	<p>Second draft 05/06/09</p>	

			<p>persons</p> <ul style="list-style-type: none"> <li>• Information on how to gambling responsibly and help for problem gamblers</li> <li>• Customer interaction</li> <li>• Self exclusion</li> <li>• Employment of children and young persons</li> </ul>		
	INSERT	12.9	All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.		Second draft 05/06/09
	INSERT	12.10	Applicants may also like to make reference to Leeds Safeguarding Adults Partnership document entitled "Leeds Multi Agency Safeguarding Adults Policies and Procedures" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via <a href="http://www.leedssafeguardingadults.org.uk">http://www.leedssafeguardingadults.org.uk</a>		Second draft 05/06/09
12.7	Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example: <ul style="list-style-type: none"> <li>• leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets</li> <li>• training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how</li> </ul>	12.11	Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example: <ul style="list-style-type: none"> <li>• leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets</li> <li>• training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how</li> </ul>		Second draft 05/06/09

12.8	<p>long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</p> <ul style="list-style-type: none"> <li>• trained personnel for the purpose of identifying and providing support to vulnerable persons</li> <li>• self exclusion schemes</li> <li>• stickers or notices on gaming machines to identify the stakes/prizes</li> <li>• operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people</li> <li>• Fixed Odds Betting Terminals should clearly display the odds</li> <li>• positioning of ATM machines</li> <li>• stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines</li> <li>• windows, entrances and advertisements to be positioned or designed not to entice passers by.</li> </ul>		<p>much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</p> <ul style="list-style-type: none"> <li>• trained personnel for the purpose of identifying and providing support to vulnerable persons</li> <li>• self exclusion schemes</li> <li>• stickers or notices on gaming machines to identify the stakes/prizes</li> <li>• operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people</li> <li>• Fixed Odds Betting Terminals should clearly display the odds</li> <li>• positioning of ATM machines</li> <li>• stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines</li> <li>• windows, entrances and advertisements to be positioned or designed not to entice passers by.</li> </ul> <p>It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.</p>	
12.12	<p>The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.</p>	12.12	<p>The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.</p>	Second draft 05/06/09

<b>13. Introduction to Premises Licensing</b>				
	INSERT	13.3	Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.	First draft 27/04/09
13.6	An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.	13.7	An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.	First draft 27/04/09
13.7	Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement. (see section 20)	13.8	Where an applicant does not have the right to occupy a premises, the premises is still to be constructed, or the applicant expects the premises to be altered and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement (see section 20).	First draft 27/04/09
13.8	Where an applicant does not have the right to occupy a premises, the premises is still to be constructed, or the applicant expects the premises to be altered and ultimately a premises licence will be required, the		REMOVE and amend numbering for subsequent paragraphs	Final draft 05/10/09

13.10	<p>applicant should in the first instance consider making an application for a provisional statement (see section 20).</p> <p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> <li>• the possible impact a gambling premises may have on any schools or vulnerable adult centres in the area</li> <li>• the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children</li> <li>• the size of the premises and the nature of the activities taking place</li> <li>• any levels of organised crime in the area.</li> </ul> <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p>	13.9	<p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> <li>• the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area</li> <li>• the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children</li> <li>• the size of the premises and the nature of the activities taking place</li> <li>• any levels of organised crime in the area.</li> </ul> <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p>	Second draft 05/06/09
13.18	<p>The council is aware that the Secretary of State will set mandatory conditions and default conditions which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with. If the council is minded to do so because there is regulatory concerns of an exceptional</p>	13.12	<p>The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to</p>	First draft 27/04/09 Final draft 05/10/09

	nature, then any additional licence conditions must relate to the licensing objectives.		matters that have already been dealt with. If the council is minded to do so because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.	
<b>14. Adult gaming centres and licensed family entertainment centres (LFECs)</b>				
15.	Adult gaming centres and licensed family entertainment centres (LFECs)		Split into two sections: 15. Adult gaming centres 16. Licensed family entertainment centres	First draft 27/04/09 Final draft 05/10/09
<b>16. Casinos</b>				
	INSERT	16.1	Leeds has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.	First draft 27/04/09
15.2	The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players.	16.2	The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.	Final draft 05/10/09
15.3	The Gambling Commission has issued further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. This guidance will be	16.3	The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when	Final draft 05/10/09

	considered when determining licence applications for converted casino licences.		determining licence applications for converted casino licences.	
15.4	Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.	16.4	Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.	Final draft 05/10/09
15.5	<b>Betting Machines</b> The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.		REMOVE and alter subsequent numbering	Final draft 05/10/09
15.5	<b>Large Casino Bid</b> – The Act introduces three new categories of larger casino, one super/regional casino, eight large casinos and eight small casinos. Leeds City Council submitted a proposal for one large casino, to the Independent Casinos Advisory Panel (CAP). In the event that Leeds is successful in its bid to the CAP and is given consent to be able to grant a large casino licence the council will carry out a competitive bidding exercise. More information about this process can be found in Part F of this document.	16.6	<b>Large Casino</b> The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15 <sup>th</sup> May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue premises licences for both large and small casinos. Leeds City Council was one of the Licensing Authorities that was authorised to issue a large	First draft 27/04/09



			Casino Premises Licence.	
	All other parts of part 16 deleted	16.7	The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that.	First draft 27/04/09
<b>17. Bingo Premises</b>				
17.3	The Gambling Commission has issued further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the council once it is made available.	17.3	The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.	Final draft 05/10/09
<b>18. Betting Premises</b>				
No major changes				
<b>19. Tracks</b>				
19.9	Condition on rules being displayed – The council will consider any Gambling Commission guidance about the application of conditions regarding rules being displayed. The council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that the rules are displayed in the race-card or made available in leaflet form from the track office.		DELETE	Final draft 05/10/09
<b>20. Travelling Fairs</b>				
No major changes				

<b>21. Provisional Statements</b>				
20.1	<p>A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling, would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required.</p>	21.1	<p>A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).</p>	First draft 27/04/09
<b>22. Unlicensed family entertainment centre gaming machine permits (UFECs)</b>				
21.3	<p>In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for an UFEC permit so they can tailor their application accordingly.</p>	22.3	<p>In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:</p>	First draft 27/04/09
INSERT	INSERT	22.4	<p><b>Statement of Principles</b></p> <p>The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.</p>	First draft 27/04/09

	INSERT	22.5	<p>The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> <li>• appropriate measures and training for staff as regards suspected truant children on the premises</li> <li>• measures and training covering how staff would deal with unsupervised very young children being on the premises</li> <li>• measures and training covering how staff would deal with children causing perceived problems on or around the premises.</li> <li>• the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.</li> </ul>	First draft 27/04/09
	INSERT	22.6	<p>Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.</p>	First draft 27/04/09
22.6	Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.	22.6	<p>Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.</p>	Second draft 05/06/09

	INSERT	22.7	<p>The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:</p> <ul style="list-style-type: none"> <li>• A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs</li> <li>• That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and</li> <li>• That staff are trained to have a full understanding of the maximum stakes and prizes.</li> </ul>	First draft 27/04/09
<b>23. Gaming machine permits in alcohol licensed premises</b>				
23.8	INSERT	23.8	Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.	Final draft 05/10/09
<b>24. Prize Gaming Permits</b>				
23.4	In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for a prize gaming permit so they can tailor their application accordingly.	24.4	In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:	First draft 27/04/09
	INSERT	24.5	<p><b>Statement of Principles</b></p> <p>The council will expect the applicant to show that here are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child</p>	First draft 27/04/09

			protection considerations.		First draft 27/04/09
INSERT	24.6		<p>The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> <li>• appropriate measures and training for staff as regards suspected truant children on the premises</li> <li>• measures and training covering how staff would deal with unsupervised very young children being on the premises</li> <li>• measures and training covering how staff would deal with children causing perceived problems on or around the premises.</li> <li>• the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.</li> </ul>		First draft 27/04/09
INSERT	24.7		<p>Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.</p>		First draft 27/04/09
INSERT	24.8		<p>The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:</p> <ul style="list-style-type: none"> <li>• A full understanding of the maximum stakes and</li> </ul>		First draft 27/04/09

			<ul style="list-style-type: none"> <li>prizes of the gambling that is permissible</li> <li>That the gaming offered is within the law.</li> </ul>	
<b>25. Club gaming and club machine permits</b>				
25.1	Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three B4, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.	25.1	Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), and unrestricted equal chance gaming, i.e. poker, bingo.	Final draft 05/10/09
25.2	To qualify for these special club permits a members club must have at least 25 members and be established "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968.	25.2	To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming.	Final draft 05/10/09
	INSERT	25.3	Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include: <ul style="list-style-type: none"> <li>the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised</li> <li>notices and signage</li> <li>the provision of information leaflets / helpline numbers for organisations such as GamCare.</li> </ul>	First draft 27/04/09
24.6	Clubs must also have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to		DELETE	First draft 27/04/09

	ensure that under 18 year olds do not use the adult only gaming machines.				
24.7	Measures which may satisfy the council that persons under 18 years old will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.			DELETE	First draft 27/04/09
24.7	Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.	24.7		Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.	Second draft 05/06/09
<b>26. Temporary Use Notices</b>					
	INSERT	26.2		Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.	First draft 27/04/09
26.3	REMOVE	26.3		For example, the holder of a casino operating licence could apply for a temporary use notice to provide casino games at a hotel	Final draft 05/10/09
<b>27. Occasional Use Notice (for tracks)</b>					
27.1	The application may be made in writing, to the council by an existing operator who holds an operating licence issued by the gambling Commission.	27.1		The application may be made in writing, to the council by the person responsible for the administration of events on the track or by an occupier of the track.	Final draft 05/10/09

<b>28. Small Society Lotteries</b>			
No major changes			
<b>29 Enforcement principles</b>			
No major changes			
<b>30. Reviews</b>			
No major changes			
<b>Large casino bid</b>			
Entire section deleted. This information is still to be determined and will be consulted upon separately.			
<b>Appendix 1 – Gaming Machines</b>			
INSERT		Changes include addition of additional category D machine examples and B3A machines.	First draft 27/04/09
INSERT		It should be noted that member’s clubs and miner’s welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.	Second draft 05/06/09
<b>Appendix 2 - Glossary</b>			
Additional definitions for additional category D machine examples, i.e. Penny pushers.			
<b>Appendix 3 – Summary of gaming entitlements for clubs and pubs</b>			
New appendix describing exempt gaming in pubs and clubs.			





Originator: H Pinches

Tel: 22 43347

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

### *Executive Board*

Date: 4<sup>th</sup> Nov 2009

Subject: Council Business Plan 2008-11 – Mid term review and refresh

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

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### Executive Summary

1. The Council Business Plan 2008-11 is a key element of the Council's planning framework and sets out our business transformation, organisational change and financial planning for the next three years. Following on from the first full year of delivery of the plan a review has been undertaken of the improvement priorities and targets to ensure that they remain fit for purpose and the proposed changes are reported here. As the Business Plan forms part of the Policy Framework in the Constitution these changes need to be formally approved by Full Council, therefore, Executive Board are asked to review these changes and recommend that they go to Council in November for consideration.

## **1.0 Purpose of this Report**

- 1.1 The Council Business Plan is a key element of our strategic planning framework and sets out our business transformation, organisational change and financial plans for the medium term. This report suggests a number of amendments for approval by Members.

## **2.0 Background Information**

- 2.1 The Leeds Strategic Plan and the Council Business Plan 2008-11 are key elements of the planning framework for both the city and the council. These plans are structured around a number of strategic outcomes and improvement priorities; supported by performance indicators and targets which we are using to monitor our progress. The Council Business Plan is regularly monitored in order to provide assurance to the people of Leeds, our Elected Members, the Chief Executive and CLT that the council is delivering against the targets and indicators aligned to the city's strategic outcomes and improvement priorities. The Council Business Plan forms part of the Policy Framework and as such any changes are required to be approved by members.
- 2.2 This is the first time that a separate strategic Business Plan has been produced and used to drive the internal improvement agenda across the organisation. Therefore, it is important that we seek, and act on feedback, to ensure that as an organisation we are agile and able to amend our Business Plan to reflect any key changes in circumstance eg the economic recession. In this way we can ensure our overall strategy remains live and continues to focus on the issues that are most important to the organisation.

## **3.0 Main Issues**

- 3.1 Following on from the first full year of delivery a mid term review has been completed. This review took into account of the performance results for 2008/09 as well as specifically seeking feedback from the senior officers tasked with leading the delivery of the plan. This review included looking both at the improvement priorities themselves as well as reviewing the targets and indicators used to measure performance. Through this process a number of changes have been identified and are set out below for members to consider:

### **Changes to Business Plan Improvement Priorities**

- 3.2 Within the Business Plan there are currently 6 improvement priorities relating to customer focus, however, there are overlaps between these and this has caused some confusion for both delivery and reporting. It is proposed that greater clarity will be achieved by reducing these to 4 improvement priorities. This does not change the essence of the improvements we are seeking; but does simplify them by having less duplication. This will help us as an organisation to focus on the key changes we need to make as the revised priorities more effectively articulate the improvement challenges which we face in this area:

Current Improvement Priority	Proposed Improvement Priority
<ul style="list-style-type: none"> <li>➤ Improve our understanding of our customers</li> <li>➤ Increase choice so customers can access services in more convenient ways</li> <li>➤ Improve our services based on customer feedback</li> <li>➤ Manage customer expectation and deliver on our promises</li> <li>➤ Develop joined up and person centred services designed around the needs of our customers</li> <li>➤ Enhance the links between front and back office services to deliver excellent end-to-end services</li> </ul>	<ol style="list-style-type: none"> <li>1. Increase choice so customers can access services in more convenient ways</li> <li>2. Improve our services based on customer feedback</li> <li>3. Develop joined up and person centred services designed around the needs of our customers</li> <li>4. Manage customer expectation and deliver on our promises</li> </ol>

3.3 Specifically, for those priorities that we are suggesting for deletion we believe that “improving our understanding of our customers” is actually already incorporated in 1, 2 and 3. Similarly “enhance the links between front and back office services to deliver excellent end-to-end services” is covered by all the priorities as it is impossible to deliver these changes without enhancing links between the front and back office.

### Changes to Targets

3.4 The setting of rigorous and challenging targets for all key performance indicators is an effective way drive improvements across the organisation. However, targets also need to be realistic and achievable as impossible targets can have a detrimental effect on delivery. The mid-term review looked across the suite of performance indicators aligned to the business plan and a number of proposed changes are set out in detail in appendix 1. Included in this table is supporting context or rationale to support the changes. For example when the Business Plan was introduced there were a number of new, or substantially revised indicators, where baseline information was not available and therefore targets could not be accurately set - these are now provided. In addition, some of the three year targets have also been reviewed in light of the 2008/09 results. Whilst this has resulted in some more stretching targets where performance was particularly good, equally some targets have been revised down to take account of changing external factors eg the impact of the recession or where the targets proved to be unachievable.

3.5 Members will note that targets have been reviewed and revised both for 2009/10 and for 2010/11 but there will be a need to review these again at the end of the second year of delivery of the plan. It is anticipated that there will be a need for further minor amendments to the 2010/11 targets. It is suggested that rather than bringing these minor changes to Full Council that the Chief Executive is authorised to make these final in year changes to the plan. These final changes would still be classified as a key decision and therefore subject to call in. Also at this point work will already be underway to produce the next version of this plan and members will be able to input into this broader revision process, including target setting, at various points throughout 2010/11.

## **4.0 Implications For Council Policy And Governance**

4.1 The amendments to the improvement priorities set out in this report are largely cosmetic to allow for greater clarity and to streamline reporting mechanisms and as such do not represent a change of policy or governance. The changes to targets are to reflect the successes and difficulties encountered in delivering strategic change across the organisation and to reflect external circumstances over which we have no control

## **5.0 Legal And Resource Implications**

5.1 There are no legal implications and the resource implications of the changes to the targets, eg reduction in income collection, have been fully accounted for within the budget setting processes.

## **6.0 Conclusions**

6.1 The Council Business Plan 2008-11 is an important high level strategic plan. Its delivery directly supports the achievement of the Leeds Strategic Plan 2008-11 by ensuring that the organisation is in good shape and has the resources in place to support our priorities. These amendments ensure that this document remain live and reflect the changing circumstances and experience gained during the first year of implementation.

## **7.0 Recommendations**

7.1 Members of Executive Board are asked to:

- approve the proposed changes to the Council Business Plan 2008-11;
- recommend that Members of Full Council approve these amendments at their meeting on 18<sup>th</sup> November 2009; and
- authorise the Chief Executive to review and update any performance targets for the final year of the plan.

## **Background Papers**

Council Business Plan 2008-11

## APPENDIX 1: Changes to Council Business Performance Indicators and Targets

NB: Where applicable the current targets are show in brackets below the revised targets

Ref	Definition	Revised 09/10 Target (current target)	Revised 10/11 Target (current target)	Comments/Rationale
BP-05A	% income collected by authority through % Council Tax collected in year	96.40% (96.70%)	96.40% (96.75%)	Targets revised to reflect impact of the recession and are to maintain performance within the current climate
BP-05B	% income collected by authority through % non-domestic rates collected in year	97.50% (98.65%)	97.50% (98.70%)	Targets revised to reflect impact of the recession and are to maintain performance within the current climate
BP-05D	% income collected by authority through % sundry debtors income collected within 30 days of invoice issued	96.80% (97.50%)	96.80% (97.75%)	Targets revised to reflect impact of the recession and are to maintain performance within the current climate
BP-08	Volume of total transactions delivered through customer self service	1,250,000 (565,000)	1,400,000 (621,500)	Targets revised upwards as a result of good performance in 2008/9 where the target was substantially exceeded.
BP-10	Percentage of letters from the public that receive a substantive response within 10 working days	90% (85%)	95% (95%)	Targets revised upwards as a result of good performance in 2008/9 where the target was exceeded.
BP-11	% of customer emails sent to publicly advertised email addresses that receive a substantive response within 10 working days	95% (85%)	95% (95%)	Targets revised upwards as a result of good performance in 2008/9 where the target was exceeded.
BP-14A	% services which are accessible as assessed by self assessment (this self assessment judgement is based around progress in completing Equality Impact Assessments and implementing the actions arising from these)	100% services are mainly accessible (none set)	100% services are mainly accessible (none set)	Performance indicator has been developed during 2008/9 and the self assessment is based around completion of Equality Impact Assessment and related action plans.
BP-14B	% services which are accessible as assessed by independent audit	Deleted		Indicator to be deleted as the approach has not yet been agreed as it was dependent upon BP-14a. Indicator to be revisited when the Business Plan is revised in 2011.
BP-24	% local authority staff with disability	4.0% (3.7%)	4.1% (3.8%)	Target revised up to reflect improved performance in 2008/09.

Ref	Definition	Revised 09/10 Target (current target)	Revised 10/11 Target (current target)	Comments/Rationale
BP-26	liP Accreditation	Yes (level 1)	Yes (level 1)	The definition for this indicator has been amended as the council has been assessed against the liP standard (rather than the liP profile) therefore the result is "yes" rather than the level of accreditation.
BP-27	The level (if any) of the <b>Equality Framework</b> for Local Government to which the authority conforms	Working Towards Excellent (level 4)	Working Towards Excellent (level 5)	Indicator definition amended to reflect the withdrawal of the Equality Standard and its replacement with the Equality Framework. Targets set accordingly but a gap analysis is still underway to map across to the new Framework
BP-28	Implementation of the Equality and Diversity Scheme Action Plan	50% (none set)	100% (none set)	2008/09 was the baseline year and targets have now been set to ensure the delivery of the scheme action plan over the next two years.
BP-32	Direction of Travel	Deleted		Indicator deleted as this assessment is no longer carried out under CAA.
BP-33	IO Programme project milestones achieved as a % of those planned to be achieved.	Deleted		Indicator to be deleted as the IO programme no longer exists and has been incorporated into Business Transformation. Contextual information on progress will be provided within the action trackers
BP-35	Percentage of service areas audited where Information Governance Arrangements are assessed as being 'compliant' with corporate policy.	Deleted		No audits of service areas have taken place during 2008/09 as the policy framework is not fully in place yet. It is proposed that this is deleted and contextual information provided in the action trackers based on the three yearly Information Audit - the next one being due in 2010/11.
BP-36A	Percentage of key <b>customer</b> systems using a corporately agreed monitoring framework and defined metrics to measure data quality.	55% (none set)	80% (none set)	Definition of this performance indicator clarified to focus on key customer systems. 2008/9 was the baseline year and targets have been set to ensure that by 2010/11 most of the key systems will have the capability to measure data quality in accordance with the corporately agreed metrics.

Ref	Definition	Revised 09/10 Target ( <i>current target</i> )	Revised 10/11 Target ( <i>current target</i> )	Comments/Rationale
BP-36B	Percentage of strategic indicator set (LSP, CBP & NI) where we have "no concerns" on data quality.	90% ( <i>none set</i> )	100% ( <i>none set</i> )	2008/09 was the baseline year and targets have now been set to steadily improve our performance over the next two years.
BP-37	% Key Decisions which did not appear in the forward plan	13% (10%)	11% (5%)	Target revised down from 10% as this was felt to be unachievable particularly in the context of revised thresholds which mean more decisions fall into this category. 10/11 target similarly amended.
BSC-8	The percentage of undisputed invoices for commercial goods and services that were paid by the authority within 30 days of such invoices being received by the authority	92% ( <i>none set</i> )	94% ( <i>none set</i> )	New indicator added to the Business Plan to bring this in line with existing financial reporting.
NI 14	Avoidable contact: the proportion of customer contact that is of low or no value to the customer.	No corporate target to be set ( <i>none set</i> )	Target to be set by March 2010 ( <i>none set</i> )	Corporate and Service level results will continue to be monitored in 9/10 but the methodology for recording this information will be further refined in 2009/10. There is a possibility that this might result in more avoidable contact being uncovered therefore no specific corporate level target has been set. The development of a better understanding during this year will allow a target to be agreed from 2010/11 onwards.
NI 140	% people who say they have been treated with respect and consideration	No Survey ( <i>none set</i> )	> 69.8% ( <i>none set</i> )	This indicator is measured through the bi-annual Place Survey and whilst we will continue to monitor this through the Business Plan it is not proposed to set a specific target other than an increase from the baseline figure from the 2008 Place Survey.

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Originator: J Andrews

Tel: 75014

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**Report of the Director of City Development**

**Executive Board**

**Date: 4 November 2009**

**Subject: Revised Environment Policy**

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**Electoral Wards Affected:**

All

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

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**EXECUTIVE SUMMARY**

1. Leeds City Council's current Environment Policy requires updating to align it with the Leeds Strategic Plan (LSP) and the Council Business Plan (CBP). This report proposes a revised policy that complements both the LSP & CBP environmental outcomes and covers the 2008 – 2011 lifespan of the key strategic documents used by the organization. The revised policy will also fulfil the requirements of the Council's formal Environmental Management System. The report recommends that the revised policy be supported and signed by the Joint Leaders of the Council and the Chief Executive.

## 1.0 Purpose of this Report

- To present the revised Environment Policy.
- To clarify the rationale behind new Environment Policy
- To identify the core elements of the revised policy and link to the Leeds Strategic Plan, Council Business Plan, Eco Management and Audit Scheme (EMAS) and other requirements.
- To seek approval for the revised Environment Policy

## 2.0 Background Information

2.1 Leeds City Council carries out lots of activities that can have positive and negative impacts on the environment. Some of the environmental impacts we directly control ourselves, particularly those impacts associated with the Council's own estate and buildings. For others we influence the environmental impact through the way that we deliver our services and spend public money. Our greatest environmental impact is clearly through our service delivery.

2.2 The Council has signed up to the strategic priorities in the Leeds Strategic Plan (outlined in further detail below) and overall the authority clearly wishes to have as positive an impact on the environment as possible. The Council's Environment Policy should identify how we want to improve the environmental impact that the city council has. The policy should help with decisions over how services are run and delivered so that positive environmental impacts are maximised and negative ones minimised. It should also commit the authority to remaining legally compliant and to aim for continuous improvement in our environmental performance.

2.3 Possession of an up to date and meaningful Environment Policy is in line with best practice amongst local authorities and major institutions and is a requirement for companies tendering for Council contracts. As an EMAS accredited organisation, it is necessary that the Council has an Environment Policy and that it is reviewed periodically.

2.4 LCC has had a formal Environment Policy for many years. The current version has the following characteristics or historical background:-

- Developed and approved under the previous departmental structure (7 departments).
- Is a 3 page document that includes complex environmental commentary (1,365 words).
- Makes no reference to existing Leeds Strategic Plan, Council Business Plan or other relevant requirements i.e. strategic outcomes or improvement priorities.
- Makes no reference to corporate values.
- Has no definitive lifespan or review date.

2.5 The Environment Policy is the Council's commitment to improving the environment of Leeds by improving the environmental impacts that the Council controls or influences. This commitment is shared with other organisations in the city by signing up to the environmental priorities in the Leeds Strategic Plan (LSP).

### Strategic Outcomes

- Reduce the ecological footprint of the city through responding to environment and climate change and influencing others (LSP);
- Create a cleaner, greener and more attractive city through effective environmental management and changed behaviours (LSP);
- We will take significant steps to reduce our carbon emissions (CBP);

- Increase accessibility and connectivity through investment in a high quality transport system and through influencing others and changing behaviours (LSP).

### Improvement Priorities

- Reduce carbon emissions arising from public sector buildings, operations and service delivery, and encourage others to do so (LSP);
- Increase the proportion of socially responsible goods and services that we procure (CBP);
- Support the achievement of our strategic outcomes through our corporate social responsibility programme (CBP);
- Increase the amount of waste reused and recycled and reduce the amount of waste going to landfill (LSP);
- Undertake actions to improve our resilience to current and future climate change (LSP);
- Address neighbourhood problem sites; improve cleanliness, and access to and the quality of green spaces (LSP);
- Improve the quality and sustainability of the built and natural environment (LSP).

2.6 Further measures are used to monitor the environmental performance of LCC:

- National Indicators (environment theme) e.g. NI 185
- Key Lines of Enquiry for the 'Use of Natural Resources' part of CAA
- Nottingham Declaration commitment

## **3.0 Main Issues**

3.1 LCC has had a formal Environment Policy for many years; however, in 2002 the council achieved certification to ISO 14001 and EMAS. These two standards have specific requirements that must form part of the official Environment Policy. The Environment Policy must contain a commitment to:

- Comply with legislation
- Prevent pollution
- Improve environmental performance

3.2 In addition, the Environment Policy must be made available to the public and be relevant to the nature, scale and environmental impacts of the organisation's activities, products or services.

3.3 The existing Environment Policy covers a broad range of environmental issues, however, it does not specifically identify the formal commitments in the LSP and CBP above. This is primarily a result of an ad-hoc approach to the revision process which has culminated in an Environment Policy that does not complement the existing environmental commitments for LCC.

## **4.0 Revised Environmental Policy**

4.1 Officers have prepared a revised Environment Policy that aligns with the LSP and CBP and also fulfils the requirements of the Council's Environmental Management System.

4.2 The revised policy (appendix 1) has the following advantages over the current version:

- Utilises the most relevant 'core value' as the cornerstone of the document;
- Supports the 'one council' approach to environmental management;
- Contains all relevant strategic outcomes and improvement priorities;

- Identifies other relevant mechanisms used to measure environmental performance;
- More concise and user friendly document (589 words);
- Provides a definitive review date in line with LSP & CBP.

4.3 To assist with the implementation of the revised Environment Policy, officers are preparing guidance for staff on how to assess the environmental impacts of projects and proposals. This guidance will be incorporated as part of the Delivering Successful Change (DSC) framework.

4.4 All Directorates have been consulted on the revised Environment Policy together with the Executive Member for Environmental Services.

## **5.0 Implications for council policy and governance**

5.1 The revised policy is aligned with the key values, improvement priorities and strategic outcomes of the organisation. It is also good practice to ensure supporting policies are reviewed in line with changing circumstances that face the organisation on a defined timescale. It is considered that the revised policy satisfies the requirements of EMAS and ISO 14001, identifies the key environmental issues for LCC and provides the opportunity to review the document in line with organisational change.

## **6.0 Legal and resource implications**

6.1 There are no additional legal and resource implications arising from this report

## **7.0 Recommendations**

Executive Board are requested to:

- approve the adoption of the revised Environment Policy at Appendix 1 which will be signed by the Joint Leaders of the Council and the Chief Executive.

## **Background Papers**

Environmental Policy 2008 - 2011

# Environment Policy 2008-2011

**Looking After Leeds** “We are committed to improving the quality of life in Leeds and want to inspire pride in our city and communities. We will work with our partners, build on our successes and protect our city for future generations.”

The core function of Leeds City Council is to deliver a comprehensive range of services to the 760,000 residents of Leeds. This involves a workforce in excess of 30,000 employees who deliver nearly 500 specialist services covering an area of 552 square kilometres. To support this service delivery, an annual budget of approximately £2.4 billion is allocated. As the largest employer and consumer of goods and services in the city, the direct and indirect impacts of the organisation are at the forefront of how we manage our business.

**Leeds City Council recognises that its activities and services have both beneficial and adverse impacts on the environment. In**

**working toward a more sustainable future we will:**

- 1. Prevent pollution & minimise our impacts**
- 2. Comply with environmental legislation and other national initiatives**
- 3. Continually improve our environmental performance**
- 4. Assess the risk associated with Climate Change and adapt accordingly**
- 5. Make effective use of natural resources**

**The Council will encourage and enable all employees to integrate this policy into all its activities, services, policies, strategies**



**Looking after Leeds**



**Putting customers first**

**and decisions. We want to lead by example and to encourage others to improve their environmental standards. To do this we are committed to working with our contractors and suppliers, influencing our partner organisations and encouraging the wider community to exercise greater care for the environment.**

In order to deliver improvements across the city and within its own operations two strategic plans have been developed. The 'Leeds Strategic Plan' and the 'Council Business Plan' identify the key priorities and outcomes that are expected between 2008 – 2011. The strategic and business outcomes linked to the environment are identified below:-

1. Reduce the ecological footprint of the city through responding to environment and climate change and influencing others
2. Create a cleaner, greener and more attractive city through effective environmental management and changed behaviours.
3. We will take significant steps to reduce our carbon emissions
4. Increase accessibility and connectivity through investment in a high quality transport system and through influencing others and changing behaviours

These outcomes are supported by numerous improvement priorities which will allow continual improvement to be measured.

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.....

Joint Leaders of the Council

Specifically we will:

1. Reduce carbon emissions arising from public sector buildings, operations and service delivery, and encourage others to do so
2. Increase the proportion of socially responsible goods and services that we procure
3. Support the achievement of our strategic outcomes through our corporate social responsibility programme
4. Increase the amount of waste reused and recycled and reduce the amount of waste going to landfill
5. Undertake actions to improve our resilience to current and future climate change
6. Address neighbourhood problem sites; improve cleanliness, access to, and the quality of, green spaces
7. Improve the quality and sustainability of the built and natural environment

To ensure we address other areas of the environment, including air quality, wildlife, the use of natural resources and the natural environment, we will use the following methods to identify, drive, monitor and report progress:

1. A formal environmental management system (EMAS)
2. National Indicators
3. Comprehensive Area Assessment for the 'Use of Natural Resources'
4. Support other national initiatives where appropriate
5. Strategic Environmental Assessment and Sustainability Appraisal

.....  
  
.....

Chief Executive



Treating people fairly



Valuing colleagues



Agenda Item:

Originator: Stella Keenan  
x 78154 and Max  
Rathmell x78156

**Report of : Director of City Development**

**Report to : Executive Board**

**Date: 4 November 2009**

**Subject: Design and Cost Report :Remediation of gardens in the Meanwood area, Contaminated Land Inspection Strategy**

**Capital Scheme Number : 15714**

<p><b>Electoral Wards Affected:</b> Chapel Allerton (site PLS18) Hyde Park and Woodhouse (site PLS7)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
<p>Eligible for Call In <input checked="" type="checkbox"/></p>	<p>Not Eligible for Call In <input type="checkbox"/> (Details contained in the report)</p>

**Executive Summary**

Approval is sought to inject £1,375,503 into the 2009/12 Capital Programme, fully funded from DEFRA\* grant and to authorise expenditure of £1,375,503 on the construction works relating to the scheme.

\* Department for the Environment, Food and Rural Affairs

**1.0 Purpose of this Report**

Approval is sought to inject £1,375,503 into the 2009/12 Capital Programme and authorise expenditure of these amounts on the relevant scheme. The scheme is funded by a grant of £1,375,503 from DEFRA.

**2.0 Background Information**

Leeds has a statutory duty to inspect its area for contaminated land under Part 2A of the Environmental Protection Act 1990, by implementing a Contaminated Land Inspection Strategy (CLIS). There is an annual revenue budget of approx £80,000 for this work. Once potentially contaminated land has been identified by desk top procedures initial samples are collected by officers in-house and analysed by an accredited laboratory.

Meanwood was subject to a pilot study in 2007. A large number of properties in the pilot area tested positive for a range of contaminants at concentrations well above the generally accepted thresholds. DEFRA awarded a grant in February 2008 of £240,000 to assist with the detailed inspection of a large number of properties within the pilot area. As part of this funding bid the council contributed £26,670 equating to 10% of the total required funding of £266,700. Further to a competitive tendering exercise, Parsons Brinckerhoff were successfully appointed to carry out this work.

The findings of the detailed inspection works revealed that clean up of properties at sites PLS00007 and PLS00018 would be required. 16 properties at PLS00007 and 24 properties at PLS00018 were determined as Contaminated Land during May to July 2009.

Leeds City Council then secured a further grant of £36,500 to cover the Remediation Options Appraisal and Detailed Remediation Statement of these two sites. Ultimately, only an outline remediation design was able to be carried out. The Remediation Options Appraisal and Outline Remediation Design were finalised in July 2009 and were used to support a grant application to DEFRA on 24 July 2009 to request money to clean up the 40 properties identified. In September 2009, an additional property requiring determination as Contaminated Land was identified and money to support the clean up covers the inclusion of this extra property.

### **3.0 Main Issues**

#### **Design Proposals / Scheme Description**

The remediation work required by this scheme for the grant of £1,375,503 relates to the remediation of 41 properties; 17 at PLS00007 and 24 at PLS00018. These sites are in the Meanwood area. Briefly the work proposed involves the excavation and removal of contaminated soil from all garden areas, to a minimum depth of 0.6m, and replacement with clean soil. Geotextile and warning marker layers will be installed between the contaminated ground and imported clean soil. The council does not consider it necessary to move residents out of the properties being remediated during the duration of the works.

#### **Consultations**

Consultations are ongoing with the Health Protection Agency and Primary Care Trust, Environment Agency and those owners whose properties are affected. Internal communications are ongoing with the Corporate Communications Team, Finance, Ward Members and Senior Management.

#### **Programme**

The programme will include:

- Commissioning a consultant to prepare the Detailed Remediation Design, appoint a contractor to carry out the works, and to supervise the works
- The consultant to complete a verification and completion report for the works

This work needs to be commissioned as soon as possible to minimise the potential for blight at the affected properties and because residents want to get it over with. Communication with owners and residents will include a legal agreement between Leeds City Council and each owner and arranging access to the properties for various surveys prior to site works.



In order to spend the grant this financial year, the project needs to commence as quickly as possible with the aim of being on site doing the works in February/March 2010. Owners and residents have for some while been told February '10 is the target date for a start. [Some have recently started digging up plants in anticipation].

#### 4.0 Implications for Council Policy and Governance

These works meet the council's strategic outcome of "an environment that is cleaner, greener and a more attractive city through effective environmental management and changed behaviours"

This contract relates to a statutory/regulatory requirement and to the council's Corporate and Sustainable Development Unit Service Plan objectives of implementing the CLIS.

Periodic reports on the progress of the works will be provided to members.

#### 5.0 Legal and Resource Implications

There is significant legal input to this work in particular with regard to securing access to property and the procurement of the work via tendering. This is within existing resources. There will be a legal agreement between the council and every owner setting out what the owner can expect from the contract and with the owner agreeing to the works and engaging the council to carry out the works on their behalf.

Within the Minerals, Waste and Contaminated Land Group the additional work is being accommodated without additional staff due to the opportune availability of staff normally engaged on planning consultation work.

#### 6.0 Capital Funding and Cash Flow

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2009 £000's	FORECAST				
			2009/10 £000's	2010/11 £000's	2011/12 £000's	2012/13 £000's	2014 on £000's
LAND (1)							
CONSTRUCTION (3)							
FURN & EQPT (5)							
DESIGN FEES (6)							
OTHER COSTS (7)							
<b>TOTALS</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2009 £000's	FORECAST				
			2009/10 £000's	2010/11 £000's	2011/12 £000's	2012/13 £000's	2014 on £000's
LAND (1)							
CONSTRUCTION (3)	1375.5	0.0	1204.5	171.0			
FURN & EQPT (5)							
DESIGN FEES (6)							
OTHER COSTS (7)							
<b>TOTALS</b>	1375.5	0.0	1204.5	171.0	0.0	0.0	0.0

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2009 £000's	FORECAST				
			2009/10 £000's	2010/11 £000's	2011/12 £000's	2012/13 £000's	2014 on £000's
DEFRA Government Grant	1375.5	0.0	1204.5	171.0			
Total Funding	1375.5	0.0	1204.5	171.0	0.0	0.0	0.0
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## **7.0 Scheme Design Estimate**

Outline scheme design has already taken place using DEFRA funding. Detailed scheme design is included within the sum now obtained from DEFRA.

Invitations to tender have been sent out. It is expected to interview and appoint a consultant before Christmas with a start on site in February. The duration of works is estimated at 6 weeks, so that people get their gardens back by mid Spring.

## **8.0 Revenue Effects**

There are only slight effects on the revenue budget. Staffing resource required to oversee this contract will be paid from departmental salary budgets.

## **9.0 Risk Assessments**

Various measures are in place to minimise risks to the authority. The PCT and HPA are actively involved as is the council's Communications Manager. Owners and residents receive newsletters and almost everyone has been met with several times already. However it should be appreciated that it is a regulatory requirement for the council to secure this remediation and if an owner is not co-operative then regulatory powers will need to be deployed. Due to this option the authority is not over exposed to risk. In financial terms the works should be procured within the 100% grant secured. The works will not be let if a satisfactory price is not obtained.

## **10.0 Conclusions**

This work is statutorily required and we now have funding to do it. Owners want the works to start and finish as soon as possible.

## **11.0 Recommendations**

Executive Board is requested to approve:-

- a) a fully funded injection of £1,375,503 into the 2009/12 Capital Programme from DEFRA government grant.
- b) the incurring of expenditure of £1,375,503 on the construction works relating to the scheme.

## **Background Papers**

DEFRA Grant application  
DEFRA Grant Awards letters



Originator: Maggie  
Gjessing  
Tel: 21 49001

**Report of the Director of Environment and Neighbourhoods**

**Executive Board**

**Date: 4<sup>th</sup> November 2009**

**Subject: New social housing in EASEL  
Capital Scheme Number : 15716 000 000**

**Electoral Wards Affected:**  
Gipton and Harehills

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

This report provides details to Executive Board on a new funding opportunity which will enable two of the EASEL phase 1 sites to be brought forward for the provision of new social housing. The project takes advantage of a new funding opportunity made available by the Homes and Communities Agency for schemes which can complete by 31<sup>st</sup> March 2011. The new funding – Local Authority Newbuild – provides funding for social housing to be retained by the local authority.

Approval is sought for the Council to commission contracts to build 63 properties and the injection into the capital programme and approval to spend of £3.509m grant and £3.580m prudential borrowing which will be undertaken by the Housing Revenue Account. The funding for repayment of the loan will derive from projected rental income from these properties.

**1.0 Purpose of Report**

- 1.1 To advise Executive Board of a new funding opportunity which provides support for the continuation of development on two of the EASEL phase 1 sites.
- 1.2 It updates the report given to Executive Board in January 2009 where negotiations with the Homes and Communities Agency (HCA) as a response to tightening economic conditions were outlined. That report also described the actions the

council itself was taking to support the EASEL development programme and approval to directly purchase 20 units from the developer was given.

- 1.3 Executive board are asked to inject £7.089m funded from £3.509m of HCA grant and £3.58m of unsupported borrowing and authorise expenditure of £7.89m to provide 63 new social housing properties within the EASEL area.

## **2.0 Background Information**

- 2.1 This project is one of a number which have been developed to ensure that the EASEL development programme can continue despite the current economic situation. To support continued development and maintain momentum on the South Parkway (Seacroft) and Oak Tree Mount (Gipton) sites, Executive Board authorised the acquisition of the 20 properties in February.
- 2.2 Following the 2009 budget the Government announced the Housing Stimulus Package which gave the HCA additional funding to stimulate the housing market via a number of programmes.
- 2.3 The HCA, recognising that EASEL is a key priority for the city, has approved bids made to their “Kickstart” programme by the Council’s development partner, Bellway Homes. This is providing funding for 108 properties to be built for open market sale and an affordable housing for sale product known as Home Buy Direct. Chevin Housing Association have also successfully secured funding for 60 intermediate rented units. Together with the new Council properties, these will provide a mix of tenures across these two sites and ensure that construction will continue.
- 2.4 The most recent funding opportunity to be announced is the Local Authority New Build programme which enables authorities to bid to develop new build social housing let as secure tenancies and where ownership is retained by the authority. The funding for this scheme has been made available until March 2011.
- 2.5 The project will add to the council’s housing stock and therefore its ability to meet housing need. It supports the delivery of the Council’s Strategic Plan, specifically the “improved quality of life through mixed neighbourhoods offering good housing options and better access to services and activities” and meets the objectives of the Leeds Housing Strategy.

## **3. Main Issues**

- 3.1 Bids were invited over two rounds - July and October and a successful bid to the July round was submitted to secure the opportunity.
- 3.2 Funding is on the basis of an approximate split of 50% grant and 50% prudential borrowing. The broad guidance for the programme is that the HCA are looking to bring forward smaller sites to avoid the development of large mono-tenure estates.
- 3.3 The release of the LA Newbuild programme enables additional EASEL phase 1 sites (all of which have full planning permission) to be brought into development. Two cleared sites in Gipton – Easterly Mount and St Wilfrid’s Avenue were identified as suitable for the programme. On the basis of the existing scheme design and planning permission obtained by Bellway, the two sites will yield 63 new properties (22 three bedroom houses, 29 two bedroom houses and 12 two bedroom flats). The sites are shown at Appendix 1 and 2.
- 3.4 It is proposed that a Local Lettings Policy (LLP) based on the one developed for the current Seacroft and Gipton sites (which was approved by Executive Board on 22<sup>nd</sup>

July 2009) is developed for this new development. The details to be developed in line with the usual approval process for LLPs.

3.5 EASEL area Ward Members have been consulted and support the project.

#### 4. Next Steps

4.1 The delivery of the scheme is proposed to be through existing partnership arrangements with Bellway, although legal and procurement advice will be sought given that this is a new funding mechanism not originally envisaged by the partnership.

4.2 Negotiation with Bellway on details of delivery in respect of contractual arrangements, construction programme and so on is ongoing.

4.3 The current planning permission is on the basis of housing to be built for sale and an associated s106 agreement in respect of affordable housing provision and contributions for education and transport. Although revised scheme details will need to be submitted for planning permission, it is envisaged that can be made in time to allow the project to maintain a start on site date of March 2010. With a build programme of approximately 1 year the scheme will need to complete by March 2011 in line with funding requirements.

#### 5. Implications For Council Policy And Governance

5.1 Alongside the introduction of new funding opportunities the council is able to apply to Government to exclude new council housing from the subsidy system and rent pooling arrangements via s80 of the Local Government and Housing Act 1989 and an application will be submitted in respect of these units.

#### 6. Legal And Resource Implications

6.1 The contract terms for construction of the properties are to be agreed with Bellway.

6.2 The council will be acting as client to the contract through the EASEL team.

6.3 The project will be managed in line with the in-house project management process and adequate resources to support the management of the construction programme will be identified.

6.4 The profile of expenditure and funding is anticipated to be as follows:

Expenditure required on this scheme	TOTAL £ 0 0 0 's	2 0 0 8 / 0 9	2 0 0 9 / 1 0	2 0 1 0 / 1 1
		£ 0 0 0 's	£ 0 0 0 's	£ 0 0 0 's
LAND (1)	0.0			
CONSTRUCTION (3)	6 7 7 1.0			6 7 7 1.0
FURN & EQPT (5)	0.0			
DESIGN FEES (6)	0.0			
OTHER COSTS (7)	3 1 8.0	0.0	5 0.0	2 6 8.0
TOTALS	7 0 8 9.0	0.0	5 0.0	7 0 3 9.0

Total overall Funding Available	TOTAL £ 0 0 0 's	2 0 0 8 / 0 9	2 0 0 9 / 1 0	2 0 1 0 / 1 1
		£ 0 0 0 's	£ 0 0 0 's	£ 0 0 0 's
H C A grant	3 5 0 9.0	0.0	0.0	3 5 0 9.0
Prudential Borrowing	3 5 8 0.0	0.0	5 0.0	3 5 3 0.0
Total Funding	7 0 8 9.0	0.0	5 0.0	7 0 3 9.0
Unsupported Borrowing	0.0	0.0	0.0	0.0

## **7. Revenue Implications**

- 7.1 The funding regime requires approximately a 50% contribution to the project through prudential borrowing undertaken through the Housing Revenue account. Repayment of the capital borrowed will be returned through the projected rental income stream.
- 7.2 Following recent changes to the revenue and capital rules for new housing, as outlined at 4.1 application will be made to the HCA for the exclusion of these units from the subsidy system and the rent pooling requirements under S80 Local Government and Housing Act.

## **8. Risk**

- 8.1 Funding is available for a relatively short time and the scheme must be completed by 2010/11. The grant level is fixed and the scheme must be managed within the overall budget, grant may also be lost if the scheme cannot be completed within this timeframe.
- 8.2 The development of the sites through this route falls outside of the EASEL phase 1 agreement and negotiation will need to take place to vary this contract.
- 8.3 As client the council will be accepting the development risk associated with a large construction contract, however technical support will be put in place and cost and quality appropriately managed.

## **9. Conclusions**

- 9.1 The project provides an opportunity to deliver new housing as part of the EASEL programme contributing to the objectives of the regeneration programme.

## **10. Recommendations**

- 10.1 Executive Board are requested to:
- 10.2 authorise the construction of the 63 unit scheme and delegate responsibility for the appropriate negotiations to the Directors of Environment and Neighbourhoods, City Development and Legal and Democratic Services within the funding approved in this report;
- 10.3 Inject and authorise expenditure of £7.089m to build 63 new social houses which will be funded from £3.509m of HCA grant and £3.580m prudential borrowing funded from the HRA.

### Appendices

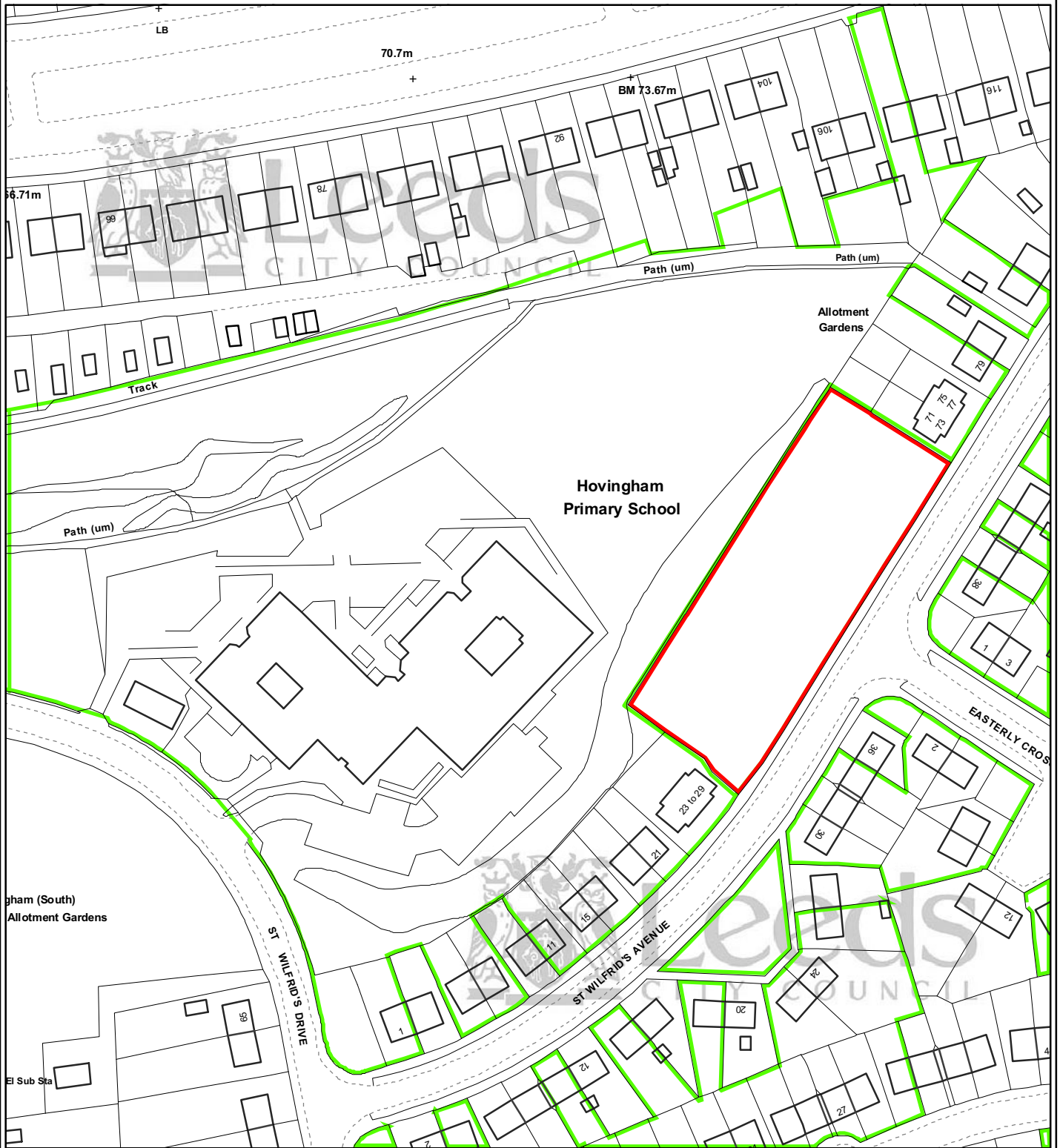
Appendix 1 and 2                      Maps of EASEL sites 1 & 2

### Background Documents

13<sup>th</sup> February 2009 Executive Board Report - Support for affordable housing and regeneration priorities

22<sup>nd</sup> July 2009 Executive Board Report – Lettings Policy

**SITE 1  
ST. WILFRID'S AVENUE  
GIPTON  
LEEDS LS8**



**Leeds**  
CITY COUNCIL

Crown Copyright. All rights reserved.  
Leeds City Council 100019567 2008

PREP BY A.GINNAW  
DATE 21/12/2007  
OS No SE3235NW  
Scale 1:1,250

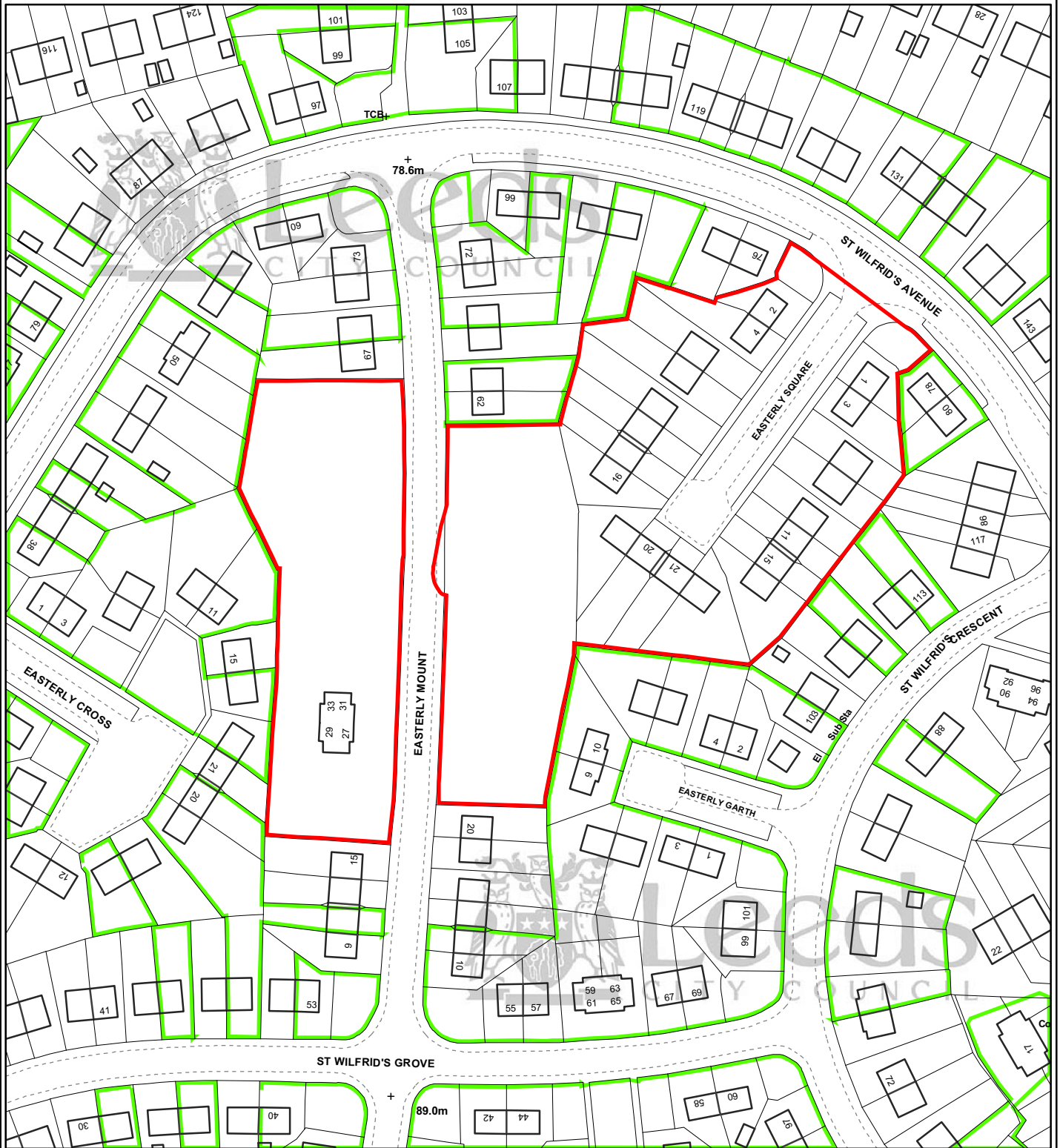


**PLAN No 10726/C**

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**SITE 2  
EASTERLY MOUNT  
GIPTON  
LEEDS LS9**



**Leeds**  
CITY COUNCIL

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Leeds City Council 100019567 2008

PREP BY B. HAZELWOOD

DATE 15/02/2008

OS No SE3235NE

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**PLAN No 10792/D**



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Agenda Item:

Originator: George Turnbull

Telephone: 2243239

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## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

EXECUTIVE BOARD: 4 November 2009

SUBJECT: Proposal for expansion of primary provision in the Gildersome Area

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### EXECUTIVE SUMMARY

#### PURPOSE OF THIS REPORT

- 1 The report seeks the permission of Executive Board to consult on a proposal to permanently expand Gildersome Primary School by one form of entry with effect from September 2011, as part of the remodelling work planned through the Primary Capital Programme.

#### BACKGROUND INFORMATION

- 2 Based on current demographic information an increase of 1 form of entry is needed in the area over the next four years. This expansion will contribute to the need for additional places across the City in 2011, currently estimated at 11 to 15 forms of entry, which is described in the report on the expansion of primary provision for 2010 (see background reports).
- 3 Gildersome Primary school is planned to receive significant investment as part of the Primary Capital Programme and the necessary additional accommodation needs to be incorporated into the scope and design of that project.

#### RESOURCE IMPLICATIONS

- 3 The additional cost of expanding Gildersome Primary School by one form of entry beyond its current capacity are estimated at £1.1m. The additional cost will be met from the Education capital programme.

#### RECOMMENDATIONS

- 4 The Executive Board is invited to:
  - i) approve formal consultation is undertaken on the proposal to permanently expand Gildersome Primary School by one form of entry with effect from September 2012; and
  - ii) note that a report detailing the outcome of these consultations will be brought back to Executive Board in Spring 2010.

**Agenda Item:**

**Originator: George Turnbull**

**Telephone: 2243239**

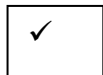
## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

**EXECUTIVE BOARD: 4 November 2009**

**SUBJECT: Proposal for expansion of primary provision in the Gildersome Area**

### Electoral Wards Affected:

**Morley North**



Ward Members consulted  
(referred to in report)

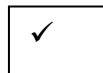
### Specific Implications For:

Equality & Diversity

Community Cohesion

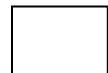
Narrowing the Gap

Eligible for Call-in



Not Eligible for Call-in

(Details contained in the Report)



## 1.0 PURPOSE OF THIS REPORT

- 1.1 The report seeks the permission of Executive Board to consult on the proposal to permanently expand Gildersome Primary School by one form of entry to two forms of entry with effect from September 2011, as part of the remodelling work planned through the Primary Capital Programme.

## 2.0 BACKGROUND INFORMATION

- 2.1 The Primary Capital Programme is a 14 year capital investment programme from the Department for Children, Schools and Families (DCSF), to achieve educational transformation in primary school learning environments. The capital investment will support the delivery of the Leeds Children and Young People's Plan (CYPP) including raising standards and improving the life chances and well being of children. The aim of the programme is to create primary schools for 21st century learning, at the heart of the community, with a range of Children's Services in reach of every family.
- 2.2 Following the submission of a strategy for change the DCSF approved the release of capital allocations to Leeds of £8.4m for 2009/10 and £10.7m for 2010/11. The

expectation is that future years will be funded at a similar level. The schools proposed for works within the first two years were identified as part of the approved submission and included proposals for significant refurbishment at Gildersome Primary.

### 3.0 **THE MAIN ISSUES**

- 3.1 Based on current demographic information an increase of 1 form of entry is needed in the local planning area over the next four years. Gildersome Primary School occupies a site that is suitable for expansion and is considered a good candidate to meet projected need.
- 3.2 Since Gildersome Primary school is planned to have new investment as part of the Primary Capital Programme the necessary additional accommodation as a result of an expansion proposal needs to be incorporated into the scope and design of the project. To achieve the proposed delivery timeframe, a decision on the specification for the building must be made by late spring 2010.
- 3.3 The planning area currently contains three primary schools: Gildersome Primary, Birchfield Primary Primary, and Drighlington Primary. These schools provide 120 reception places each year, and a total capacity of 840 places.
- 3.4 Pupil projections indicate steadily increasing demand for places (see appendix 1), with more reception places required in coming years than are currently available. Gildersome and Birchfield predominantly serve the village of Gildersome itself, and each currently has an admission limit of 30. Projections suggest around 90 or more reception children will need places by 2012. Gildersome has previously been a larger school and it occupies a site that is suitable for expansion and can meet projected need through remodelling and refurbishment of existing space and minimal new building. The opportunity exists to align the major refurbishment planned through the Primary Capital Programme with the required expansion.
- 3.5 At their October meeting Members approved consultation on proposed permanent expansion plans for 17 primary schools from September 2010 and noted that proposals would be brought to the Board for further expansion proposals for implementation in 2011 and again for 2012 in order to meet continuing growth in pupil numbers. This proposal for Gildersome Primary forms a part of the overall requirement for 2011, but has been brought forward because of the need to scope and progress a Primary Capital Programme scheme without delaying the completion date.
- 3.6 **Consultation**  
The proposed consultation will run during the second half of the autumn term, from 9<sup>th</sup> November to 18<sup>th</sup> December 2009. A consultation document will be produced which describes the proposed change and the reasons why it is needed, including future pupil projections. This will be widely circulated and available to all of the schools and communities affected to include pupils and parents, ward members and other stakeholders. The document will make clear how anyone can respond during the consultation and will describe the subsequent processes that would be followed and further opportunities to comment or influence decisions prior to a final determination.

### 4.0 **LEGAL AND RESOURCE IMPLICATIONS**

- 4.1 The additional cost of expanding Gildersome Primary School by one form of entry beyond the proposed refurbishment scheme is estimated at £1.1m. This

expansion will meet a part of the need for additional places across the city in 2011, currently estimated at 11 to 15 forms of entry which was described in the report on the expansion of primary provision for 2010. To enable the scope of the plans for a new school building to allow for this expansion a decision is required by Spring 2010. The additional cost will be met from the Education capital programme.

## **5.0 RECOMMENDATIONS**

5.1 The Executive Board is invited to:

- i) approve formal consultation is undertaken on the proposal to permanently expand Gildersome Primary School by one form of entry to two forms of entry with effect from September 2011; and
- ii) note that a report detailing the outcome of these consultations will be brought back to Executive Board in Spring 2010.

## **6.0 BACKGROUND REPORTS**

October 2009 Proposal for statutory consultation on the expansion of primary provision for September 2010

June 2009 Expanding Primary Place Provision

June 2008 Primary Capital Programme Strategy for Change

Appendix 1

## Gildersome / Drighlington

1 Year Weighting (inc housing & uplift factors)

Gildersome / Drighlington Total												
	REC	YR 1	YR 2	YR 3	YR 4	YR 5	YR 6	TOTAL	AD LT	CAPACITY	SURPLUS	%
2003/2004	125	121	130	140	114	108	119	857	140	955	98	10%
2004/2005	109	119	119	130	145	118	106	846	140	899	53	6%
2005/2006	101	107	125	115	132	143	114	837	120	811	-26	-3%
2006/2007	113	102	106	121	114	131	142	829	120	811	-18	-2%
2007/2008	102	112	100	108	116	115	133	786	120	811	25	3%
2008/2009	108	106	112	98	106	118	111	759	120	811	52	6%
2009/2010	123	111	105	111	96	107	116	770	120	811	41	5%
2010/2011	125	127	111	105	108	97	106	780	120	811	31	4%
2011/2012	145	130	127	111	102	110	96	820	120	811	-9	-1%
2012/2013	165	151	130	126	108	103	108	890	120	811	-79	-10%
2013/2014	145	171	151	129	123	110	101	930	120	811	-119	-15%

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Agenda Item:

Originator: Sally Threlfall

Tel: 247 4334

**Report of: Chief Officer for Early Years and Integrated Youth Support Service**

**To: Executive Board**

**Date: 4<sup>th</sup> November 2009**

**Subject: Design & Cost Report**

**Scheme Title** *Boston Spa Children's Centre*  
**Capital Scheme Number** 14901

**Electoral Wards Affected:**

Wetherby  
Harewood

**Specific Implications For:**

Equality & Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**Executive Summary**

The purpose of the report is to request Executive Board to:  
give authority to incur expenditure of £853.9K on a traditional building on the Deepdale Community Centre site to create the new Boston Spa Children's Centre. The scheme will be funded by Children's Centre Capital Grant, Extended Services Capital Grant, Youth Services capital fund, Section 106 monies and Area Management funding.

**1.0 Purpose of this Report**

1.1 The purpose of the report is to request Executive Board to transfer £468.9k from the Phase 3 Children's Centre Parent (capital scheme 14778) and £100.0k from the GSSG Extended Services Parent 2008-2010 (capital scheme 14777), £100K from GSSG Quality and Access funding, £60K Section 106 monies, £105K Area Management funding, £20k of Youth Capital funding and give authority to incur expenditure on construction £668.3k, equipment £30.0k, and fees £155.6.0k.

**2.0 Background Information**

2.1 The Childcare Act 2006 places the statutory responsibility on local authorities to develop and designate a Children's Centre in every community by March 2010 in three phases:

- Phase 1 of the Children's Centre Programme opened 23 centres in the wards of greatest disadvantage across the city.

- Phase 2 of the programme opened 26 centres in the Super Output Areas (SOA) in the lowest 30% across the city by March 2008
- Phase 3 will develop a further 10 Centres to ensure there is one in every neighbourhood.

**2.2** The Children's Centres have become a part of the universal offer in the welfare state through the Childcare Act. They will provide integrated early education and childcare, family support services, including parenting, health and social care, and access to information points around services for parents, children and young people, and job and training opportunities.

**2.3** A Design and Cost Report was approved by Executive Board on 14<sup>th</sup> May, 2008, which injected a fully funded £3610.5k into the Children's Services Capital Programme for the development of the Phase 3 Centres. Boston Spa Children's Centre is a phase three Centre.

**2.4** Since May 2009 further funding has become available that enables a more extensive build that can provide new purpose built housing for the existing excellent pre-school on site. This Design and Cost Report seeks approval for the larger development

### **3.0 Main Issues**

#### **3.1 Design Proposals/Scheme Description**

It is planned to demolish the existing community building and replace with a purpose built facility for the community and the playgroup on the Deepdale site. The building will be approximately 300sqm in size, a stand alone traditional building with pitched roof and will sit on the approximated existing footprint. The new centre will have the capacity to deliver the core offer of a phase 3 Children Centre services as well as Extended Services, Youth Provision, whilst also housing the existing playgroup. There will be a reception area, an adult/young people focused, multi-purpose flexible community space including 'chill out zone', kitchen, toilets and office space. The building will be equipped throughout.

Works will include connection to drainage and mains services, external works including landscaping, fencing, car park, grassed areas, paths and bin store.

#### **3.2 Consultations**

All childcare providers from the maintained, voluntary and private sector including schools, Head Teachers, Governing bodies in the Wetherby and Boston Spa areas are invited to attend the Area Childcare Planning Forum and Consultation Network meetings. The Forum also includes Sure Start Local Programmes, Area Management Teams, colleagues from the Early Years Service and Ward members. Additional extensive consultation has been conducted with local Elected Members.

#### **3.3 Programme**

The project strategic programme is as follows:-

- |                                      |            |
|--------------------------------------|------------|
| • Feasibility/concept study complete | • 25.11.08 |
| • Tender out                         | • 04.01.10 |
| • Tender in                          | • 03.02.10 |

- Start on Site
- Practical Completion
- 29.03.10
- 01.10.10

#### 4.0 Implications for Council Policy and Governance

##### 4.1 Compliance with Council Policies

The proposed expenditure on Integrated Children's Centres is in line with Corporate Plan service priorities to counter social exclusion by removing barriers to employment and opportunity.

##### 4.2 Community Safety

The proposals contained in the report do have implications under Section 17 of the Crime and Disorder Act 1998, namely:

A range of family support services, including counselling for domestic violence and drug dependency, and parenting groups will be offered by the Children's Centre. Community ownership will be encouraged, reducing the incidence of vandalism and other related crime. Over time this may impact on the fear of crime in the neighbourhood.

#### 5.0 Legal and Resource Implications

##### 5.1 Capital Funding and Cash Flow

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2008 £000's	FORECAST				
			2008/09 £000's	2009/10 £000's	2010/11 £000's	2011/12 £000's	2012 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	668.3				668.3		
FURN & EQPT (5)	30.0				30.0		
DESIGN FEES (6)	155.6			116.7	38.9		
OTHER COSTS (7)	0.0						
<b>TOTALS</b>	<b>853.9</b>	<b>0.0</b>	<b>0.0</b>	<b>116.7</b>	<b>737.2</b>	<b>0.0</b>	<b>0.0</b>

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2008 £000's	FORECAST				
			2008/09 £000's	2009/10 £000's	2010/11 £000's	2011/12 £000's	2012 on £000's
Children's Centre Grant (14778)	468.9			116.7	352.2		
Extended Services Grant	100.0				100.0		
Section 106	60.0				60.0		
Area Management	105.0				105.0		
Quality and Access	100.0				100.0		
Youth Capital funding	20.0				20.0		
<b>Total Funding</b>	<b>853.9</b>	<b>0.0</b>	<b>0.0</b>	<b>116.7</b>	<b>737.2</b>	<b>0.0</b>	<b>0.0</b>
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Parent Scheme Number: 14778  
 Title: New Children's Centre Strategy 2008-10

## 5.2 Section 106

This part of the funding is to be spent on the playgroup facility who are registered for the nursery education grant. The money will go towards the cost of the 80sqm approx to be provided for the 3 and 4 year old childcare.

## 5.3 Revenue Effects

It is proposed to allocate each Children's Centre a share of the Children's Centre revenue grant based on the deprivation of the area served by the Children's Centre, the size of the centre and a contribution to the utility costs. In addition the Children's Centre will have access to a citywide outreach service.

The following table illustrates the alterations that will be necessary to the department's revenue budget re: Boston Spa Children's Centre:

REVENUE EFFECTS	2009/10	2010/11 AND SUBSEQUENT YEARS
	£000's	£000'S
EMPLOYEES		
PREMISES COSTS		
SUPPLIES & SERVICES	62.6	90.2
CC REVENUE GRANT	-62.6	-90.2

## 5.4 Risk Assessments

The Children's Centre must be designated by 31st March 2010, or the Children's Centre Capital Grant funding will be lost. The current programme of works shows that this is achievable. At this stage there are no known issues relating to Design, site conditions, planning and refurbishment.

## 6.0 Recommendations

Executive Board are requested to:

agree the transfer of £468.9k from the Phase 3 Children's Centre Parent (capital scheme 14778) and £100.0k from the GSSG Extended Services Parent 2008-2010 (capital scheme 14777), £100K from GSSG Quality and Access funding, £60k Section 106 monies, £105k Area Management funding, £20k of Youth Capital funding and give authority to incur expenditure on construction £668.3k, equipment £30.0k, and fees £155.6.0k.

## Background papers

Executive Board report May 2008: **Phase 3 Children's Centre Programme**

Executive Board report January 2009: **Update on Phase Three Children's Centre Programme**

Executive Board Design and Cost report January 2009: **Boston Spa Children's Centre**

Statutory guidance for the planning and delivery of the phase 3 children's centres programme.

[www.surestart.gov.uk/publications](http://www.surestart.gov.uk/publications) reference 00665-2007BKT-EN



Originator:	David McDermott
Tel:	x 75179

## Report of the Director of Children’s Services

To: Executive Board

Date: 4 November 2009

### Multi-function Centre: Co-location Capital Grant

Part a) Design and Cost Report - “Wyke Beck Community Centre”  
Co-location Capital Grant 2009/10 to 2010/11  
Capital Scheme No. 15695 000 000

**Electoral Wards Affected:**  
Killingbeck & Seacroft

Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In  Yes

Not Eligible for Call In (Details contained in the report)

## EXECUTIVE SUMMARY

- The Co-location Fund is a cross-Government fund to support capital projects that enable the co-location of local services, the Department for Children Schools and Families (DCSF) has allocated capital grant funding to the David Young Community Academy (DYCA) in the sum of £3,335k for the construction of a new centre. The working title of the scheme is “Wyke Beck Community Centre”. The grant relates to the financial years 2009/10 and 2010/11.
- This report seeks authorisation for the capital funding outlined above to be injected into the capital programme and for authorisation to incur capital expenditure in the sum of £3,335k on the project.

## **1.0 Purpose Of This Report**

- 1.1 To seek approval from Executive Board to inject capital expenditure in the sum of £3,335,000 into the Council's capital programme and to give authority to spend £3,335,000 in respect of the scheme.
- 1.2 The expenditure outlined above will be fully funded from the David Young Community Academy's allocation of Co-Location Capital Grant (2009/10 & 2010/11).

## **2.0 Background Information**

- 2.1 The Co-location Fund is a cross-Government fund to support capital projects that enable the co-location of local services.
- 2.2 The Fund will help local agencies work together by providing funding for projects which locate services together in significant or innovative ways, responding to local needs. This will enable better service delivery while improved access, facilitated by co-location, will lead to improved outcomes for children, young people, families and communities.
- 2.3 The grant has been awarded to the scheme put forward by the David Young Community Academy (DYCA) and supported by the Council. The scheme is a partnership between: David Young Community Academy; Seacroft/Manston Children and Young People's Partnership; West Yorkshire Police; Seacroft and Killingbeck Neighbourhood Policing Team; Ministry of Defence, Reserve Forces and Cadets Association; Yorkshire Scout Association; Leeds City Council: NHS Leeds; Education Leeds.
- 2.4 The aim of the scheme is to provide a new two-storey facility where key services can be co-located in a way that generates not only aspirational educational provision, but increased social responsibility, cohesion and healthy living in the community, resulting in economic and social regeneration within one of the most deprived areas of Leeds. Additional facilities will be created for post-14 and post-16 education, work with Job Centre Plus, an Army Cadet Force and Air Cadet Detachment, Scout facility, multi-agency working, a restorative justice programme and other community facilities.
- 2.5 The conditions of the grant are such that the grant must be paid to the Council in the first instance. This scheme is being injected into the capital programme to manage the transfer of funds to the David Young Academy from the Council.

## **2.0 Main Issues**

- 2.1 The DYCA is a direct grant funded school and is therefore a separate legal entity to the Council. The grant conditions stipulate that the grant can only be paid to the Council. As the Council are supportive of the DYCA bid the Council have entered into a legal agreement with the DYCA (see Appendix Two). This agreement sets out the special terms and conditions relating to this project covering areas of accountability, procurement and dispute resolution.
- 2.2 The grant is to be paid to the Council as part of the Standards Fund Grant on a quarterly basis. From this the Council will pay the grant to the DYCA on a quarterly basis as outlined in the legal agreement.
- 2.3 This request is to inject a scheme into the Council's capital programme where the Co-Location grant will be received, and also from where the grant to DYCA will be paid.

## **3.0 Legal And Resource Implications**

- 3.1 The scheme is fully funded from the Co-Location grant. Confirmation of the capital grant allocation to Leeds is attached at Appendix One.

### 3.2 Capital Funding Table

to Spend on this scheme	£000's	2009 £000's	2009/10 £000's	2010/11 £000's	2011/12 £000's	2012/13 £000's	2013 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
<b>TOTALS</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2009 £000's	FORECAST				
			2009/10 £000's	2010/11 £000's	2011/12 £000's	2012/13 £000's	2013 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	3335.0		1031.1	2303.9			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
<b>TOTALS</b>	<b>3335.0</b>	<b>0.0</b>	<b>1031.1</b>	<b>2303.9</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2009 £000's	FORECAST				
			2009/10 £000's	2010/11 £000's	2011/12 £000's	2012/13 £000's	2013 on £000's
Government Grant	3335.0		1031.1	2303.9			
Total Funding	3335.0	0.0	1031.1	2303.9	0.0	0.0	0.0
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

### 4.0 Revenue Effects

There are no additional revenue effects.

### 5.0 Recommendations

5.1 Executive Board is requested to:

- a) approve the injection of capital expenditure in the sum of £3,335,000 into the capital programme
- b) give authorisation to spend capital monies in the sum of £3,335,000 as set out in section 3 of the report.

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**GRANT FUNDING AGREEMENT FOR LEEDS CITY COUNCIL IN RECEIPT OF CO-LOCATION CAPITAL GRANT in FINANCIAL YEARS 2009-10 and 2010-11**

**Grant Funding Agreement**

**Introduction**

1. The Funding Agreement sets out the terms and conditions for the payment by the Secretary of State for Children, Schools and Families of a grant to the local authority out of monies voted by Parliament.
2. For the purposes of this Funding Agreement:

'Secretary of State' means the Secretary of State for Children, Schools and Families;

'the Department' means the Department for Children, Schools and Families;

'financial year' means the 12 months from 1 April to 31 March;

'grants' means monies made available by the Department;

'month' means calendar month;

'the local authority' means the top-tier county, unitary, metropolitan or London borough, to which funding will be paid for the co-location project – in this case, Leeds City Council.

**Purpose of grant**

3. Any grant paid by the Secretary of State will be paid pursuant to Section 7 of the Children and Young Person's Act 2008 and will accordingly be paid only in respect of approved expenditure incurred by the local authority or its partners for the purpose of the development of co-located facilities as set out in the application for funding attached at Annex B.
4. Payment of grant shall be subject to the conditions and requirements in this Funding Agreement and to such further conditions and requirements that the Secretary of State may from time to time specify.
5. The grant is a capital grant and thus must be used exclusively for capital expenditure. It may not be invested in a way that creates a long term revenue stream.

**Specific terms and conditions relating to the co-location project**

6. The co-location project detailed at Annex B must be completed by 31 August 2011, so that services can begin to be delivered from 1 September 2011.
7. Failure to deliver the project by this time may result in the Secretary of State giving notice in writing to require the local authority to repay all or any part of grant paid to it under this Funding Agreement.
8. In addition to the delivery of the capital project itself, the local authority, the Academy and its partners will be expected to support the development of good practice and other materials through, for example, participating in regional and national workshops and/or conferences, hosting learning visits from other local authorities, providing case studies and "lessons learned" type documents and contributing to the evaluation of the co-location fund by the Department and/or its representatives.
9. The Department and/or its representatives will monitor the progress being made in respect of delivering the project (full details of the monitoring will be sent out to projects by July/August 2009; the monitoring approach will be proportionate to the size and risk of the project being delivered). If progress is deemed unsatisfactory or there is significant alteration to the specification described in the project bid, following discussion between the local authority, the Academy and the Department and/or its representatives, future payments may be suspended.

10. On behalf of all partners in the co-location project, by 31 July 2009, the local authority will provide the Department with a set of milestones for the delivery of the capital project, specifically listing key deliverables which will have been achieved by the following dates: 1 September 2009, 1 December 2009, 1 March 2010, 1 May 2010, 1 September 2010, 1 December 2010, 1 March 2011, 1 May 2011, 1 September 2011.
11. By 31 July, the local authority will also provide confirmation of the total amount of funding required for the project during the 2009-10 financial year and the 2010-11 financial year. The total amount of funding requested over the two financial years will equal the amount of funding set out in the original application.
12. Subject to relevant milestones being achieved, payments will be made to the local authority via the Standards Fund or equivalent mechanism on a quarterly basis. Payments will be made in September, December, March and May. The first payment will be made in September 2009 and will be 50% of the agreed 2009-10 allocation for the project.
13. The local authority is responsible for putting in place appropriate information, monitoring and internal reporting systems which ensure that the funding provided by the Department is spent on the co-location project and in line with the terms and conditions of grant.
14. The local authority's Chief Financial Officer (or equivalent), in signing off the Standards Fund (or an equivalent system) return at the end of each financial year, must satisfy himself/herself that the funds paid by the Department to the local authority earmarked for co-location projects have been used for that purpose.
15. The local authority must not pass on any funding paid for this co-location project to a Primary Care Trust, or work in such a way that causes a capital charge to be placed on the balance sheet of a Primary Care Trust over and above any such charge that has already been notified to the Department of Health. Any queries relating to this point must be raised immediately with the Department and/or its representatives and the Department of Health.

**Specific terms relating to this project led by the David Young Academy Trust, 'the Academy'**

16. The local authority is expected to work with the David Young Community Academy Trust to secure the successful delivery of this project, providing funds to the Academy on an agreed basis (to be determined through negotiation between the LA and the Academy).
17. Any additional costs that arise through over the course of the project should be met by the Academy; the amount of funding available from the co-location fund will not be increased, nor will the Academy have call on other funds available from DCSF to cover any additional costs, over and above any contribution the Academy is making towards the project through use of its Devolved Formula Capital funds or through the deployment of surplus General Academy Grant up to a maximum 10% in line with the Academy Funding agreement. The Academy may approach Leeds City Council to contribute towards any additional costs incurred as a result of delivering this project; but there is no obligation on the part of the Council to agree such a request.
18. If the project is not delivered in the required timescale, and the Department claws back funds from the local authority; the local authority may, in turn, claw back funds from the Academy.

**Accountability**

19. The local authority shall ensure that any grant from the Secretary of State is used only in accordance with the terms of this Funding Agreement.
20. The local authority shall take such steps as the Secretary of State may require from time to time to satisfy himself that the systems of financial and manpower control and the management and organisation of the local authority are such as to enable it to fulfil its objectives under this Funding Agreement.

21. The local authority will be expected to comply with the recommendations of the Public Accounts Committee or other Parliamentary authorities as accepted by Her Majesty's Government, and with such administrative and financial practices applicable to the expenditure of public funds as notified to it by the Secretary of State.

#### **Payment of grant**

22. As set out above, the grant will be paid to the local authority quarterly via the Standards Fund (or an equivalent) mechanism, in accordance to the annual profile agreed between the Department and the local authority for the co-location project(s) concerned. Alterations to the payment profile for the project can be made in December 2009 and March 2010 if necessary.
23. The total amount of grant paid to the local authority will not exceed the amount of funding requested in the application to the co-location fund attached at Annex B. No funds will be paid to the local authority in relation to this project after March 2011.
24. Any grant voted by Parliament issued by the Department by 31 March in a particular financial year may be used by the local authority until 31 August of the following financial year. Any grant issued to the local authority but which remains unexpended on 31 August 2011 shall be repaid to the Department, after consulting the Department on the method of repayment.

#### **Financial management**

25. The local authority shall maintain a sound system of internal financial control which ensures regularity, propriety and value for money. This includes safeguards against fraud and theft. Value for money need not automatically mean the cheapest price, but should be justifiable in terms of the best outcome in relation to price. All cases of fraud or theft, whether proven or suspected, must be referred to the Secretary of State. The system shall be subject both to internal and external audit.

#### **Internal audit**

26. The Chief Executive is responsible for ensuring that the systems governing the grant provided by the Department are subject to independent review in order to obtain an assurance on the adequacy of the system of internal control and safeguards against fraud.
27. In deciding on the most appropriate arrangements, the Chief Executive will have regard to the size of the body, the level of grant, the perceived risk to the public funds provided and the cost of provision of the review service. These arrangements may be reviewed by the Department who will take account of the objectives, standards and practices set out in HM Treasury's 'Government Internal Audit Standards'.

#### **Disposal of assets and change of use**

28. Where the market value exceeds £2,500, the Academy shall consult the local authority and the Secretary of State if it proposes to dispose of, or change the use of, a tangible asset (e.g. land, building and equipment) or intangible asset (e.g. copyright) which has been financed wholly or developed with co-location fund grant that has been routed through the local authority.
29. Any proceeds, where the total amount exceeds £2,500, resulting from the disposal of an asset financed with grant from the Secretary of State, or the appropriate proportion thereof, shall be surrendered to the Secretary of State. Unless otherwise agreed in writing by the Secretary of State with the consent of the Treasury, the Academy shall not dispose of assets below market value.
30. Where the market value exceeds £2,500, if the purpose of an asset, funded wholly or in part from grants from the Secretary of State, is changed from that for which it was originally funded, the value of that asset, or the appropriate proportion thereof, shall be remitted to the Secretary of State.

#### **Copyright**

31. Copyright and rights in the nature of copyright in materials produced with the help of this grant from

the Secretary of State shall vest in the Crown, unless otherwise agreed in writing by the Secretary of State.

### **Procurement**

32. The local authority and Academy shall have regard to HM Treasury guidelines in the procurement of goods and services for which it receives grant so as to secure best value for money. In particular, contracts of work, equipment, stores and services etc awarded by the local authority shall be placed on a competitive basis, unless there are good reasons to the contrary. Tendering procedures shall be in accordance with the EU Procurement Directive and UK Procurement Regulations<sup>1</sup>, where applicable and any additional guidance issued by the Department.

### **Grant accounting**

33. The local authority shall establish and maintain separate records of grant monies received and dispersed. This may be done by setting up relevant account codes, also by establishing a separate bank account.

### **Accounts**

34. The books and other documents and records held by the local authority relating to the expenditure of this capital grant shall be open to inspection by the Secretary of State, its representatives and by the Comptroller and Auditor General (National Audit Office) as necessary.

### **Recovery of grant**

35. If the local authority and/or Academy does not comply with any of the conditions and requirements referred to in this Funding Agreement, the Secretary of State may by notice in writing require the local authority to repay all or any part of grant paid to it under this Funding Agreement. The local authority may recover all or part of the grant from the Academy if/as appropriate.

### **Interpretation**

36. Questions arising on the interpretation of the arrangements in this Funding Agreement shall be resolved by the Secretary of State after consultation with the local authority.


### **Effective date**

37. The Secretary of State's representative and the representative of the local authority and the Academy signify below, their acceptance of the terms and conditions of this Funding Agreement which become effective from the date of signing. A copy of this agreement shall be held by the local authority, the Academy and by the Department.

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<sup>1</sup> <http://www.ogc.gov.uk/procurement.asp> policy and practice procurement policy and application of eu rules.asp

**Annex A – Signatures**

Signed by person authorised to sign on behalf of the Secretary of State	
Date	13 July 2009
Signature	
Name (please print)	Peter Houten
Position in DCSF	Director, School Formation and Investment Group

Signed by a person authorised to sign on behalf of the grant recipient	
Date	
Signature	
Name (please print)	
Position in organisation	
Organisation	

Signed by a person authorised to sign on behalf of the Academy	
Date	
Signature	
Name (please print)	
Position in organisation	
Organisation	

<b>Principal contacts (if different from above)</b>	<b>Department / Representative</b>	<b>Grant Recipient</b>
Contact name	Paul Adam	
Position	Programme Director	
Telephone no.	07771 907068	
Email	Paul.adam@partnershipsforschools.org.uk	

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DATED

2009

**LEEDS CITY COUNCIL**

and

**DAVID YOUNG COMMUNITY ACADEMY**

**SEACROFT/MANSTON WEDGE CO-LOCATION DEVELOPMENT**

**SCHEME ID:GCA9/60**

**T N JACKSON  
Assistant Chief Executive  
(Corporate Governance)  
Civic Hall  
Leeds  
LS1 1UR**

**THIS GRANT AGREEMENT** is made the    day of    2009

**BETWEEN**

- (i)    **LEEDS CITY COUNCIL** of Civic Hall Leeds LS1 1UR (hereinafter called 'the Council')
- (ii)   **DAVID YOUNG COMMUNITY ACADEMY** whose registered office is situate at Bishops Way, Seacroft, Leeds, LS14 6NU (hereinafter called 'the Academy')

**RECITALS**

- A.    The Council and the Academy have been identified by the Secretary of State for Children, Schools and Families (hereinafter referred to as the "Secretary of State") as eligible to receive grant funding in respect of the development of co-location facilities as set out in the application for funding as set out in the application for funding attached at Schedule 1. The grant funding is available in financial years 2009/10 and 2010/11 and is only available for those two years.
- B.    Payment of the grant has been made to the Council by the Secretary of State and the Council is to manage the grant in respect of developing the co-location facilities.
- C.    The Council shall provide funding to the Academy in accordance with the terms of this Agreement.

**NOW IT IS HEREBY AGREED** as follows:-

**1.    Definitions**

- 1.1    Save where and to the extent the context or the express provisions of this Agreement otherwise require, the following expressions shall have the following meanings:

"Department" means the Department for Children, Schools and Families

"Grant" means the monies made available by the Council

"Funding Agreement" means these terms and conditions and also the documents attached hereto

**2.    Purpose of Grant**

- 2.1    Any grant paid by the Council to the Academy has been paid by the Secretary of State pursuant to Section 7 of the Children and Young Person's Act 2008 and will accordingly be paid only in respect of approved expenditure incurred by the Academy for the purpose of the development of co-located facilities as set out in the application for funding attached at Schedule 1.
- 2.2    Payment of grant shall be subject to the conditions and requirements in this Funding Agreement and to such further conditions and requirements that the Secretary of State may from time to time specify.
- 2.3    The grant is a capital grant and thus must be used exclusively for capital expenditure. It may not be invested in a way that creates a long term revenue stream.

**3.    Specific terms and conditions relating to the co-location project**

- 3.1    The co-location project detailed at Schedule 1 must be completed by 31 August 2011, so that services can begin to be delivered from 1 September 2011.



- 3.2 Failure to deliver the project by this time may result in the Council giving notice in writing to require the Academy to repay all or any part of grant paid to it under this Funding Agreement.
- 3.3 In addition to the delivery of the capital project itself the Academy and its partners will be expected to support the development of good practice and other materials through, for example, participating in regional and national workshops and/or conferences, hosting learning visits from other local authorities, providing case studies and “lessons learned” type documents and contributing to the evaluation of the co-location fund by the Department and/or their representatives.
- 3.4 The Council and/or its representatives will monitor the progress being made in respect of delivering the project (full details of the monitoring will be sent out to projects by July/August 2009; the monitoring approach will be proportionate to the size and risk of the project being delivered). If progress is deemed unsatisfactory or there is significant alteration to the specification described in the project bid, following discussion between the Council, the Academy and the Department and/or its representatives, future payments may be suspended.
- 3.5 On behalf of all partners in the co-location project, by 31 July 2009, the Academy will provide the Council with a set of milestones for the delivery of the capital project, specifically listing key deliverables which will have been achieved by the following dates: 1 September 2009, 1 December 2009, 1 March 2010, 1 May 2010, 1 September 2010, 1 December 2010, 1 March 2011, 1 May 2011, 1 September 2011.
- 3.6 By 31 July, the Academy will also provide confirmation of the total amount of funding required for the project during the 2009-10 financial year and the 2010-11 financial year, and the amount of such funding that will be required each quarter. The total amount of funding requested over the two financial years will equal the amount of funding set out in the original application.
- 3.7 Subject to relevant milestones being achieved, payments will be made to the Academy on a quarterly basis. Payments will be made in September, December, March and May. The first payment will be made in September 2009 and will be 50% of the agreed 2009-10 allocation for the project.
- 3.8 The Academy is responsible for putting in place appropriate information, monitoring and internal reporting systems which ensure that the funding provided by the Council is spent on the co-location project and in line with this Funding Agreement.
- 3.9 The Academy’s Chief Financial Officer (or equivalent), in signing off the grant funds return at the end of each financial year, must satisfy himself/herself that the funds paid by the Council to the Academy earmarked for co-location projects have been used for that purpose.
- 3.10 The Academy must not pass on any funding paid for this co-location project to a Primary Care Trust, or work in such a way that causes a capital charge to be placed on the balance sheet of a Primary Care Trust over and above any such charge that has already been notified to the Department of Health. Any queries relating to this point must be raised immediately with the Department and/or its representatives and the Department of Health.
- 4. Specific terms relating to this project led by the David Young Community Academy, ‘the Academy’**
- 4.1 The Council will work with the Academy to secure the successful delivery of this project by:-

- i) designating an officer to be the main link with the Academy's Project Manager;
  - ii) responding in a timely manner to requests for information;
  - iii) minimising any requests for additional information over and above monitoring information required by the Department of Children, Schools & Families;
  - iv) passing on grant funding in a timely manner in accordance with the agreed payment schedule.
  - v) ensuring project specific applications submitted to the Council are managed effectively and efficiently;
  - vi) proactively advising the Academy on best practice and policy and actively seeking to resolve problems in partnership with the Academy and other stakeholders ;
  - vii) positively promoting the outcomes of the project and the involvement of all stakeholders;
  - viii) maintaining a constant level of communication with the project management team, the Academy and other stakeholders.
  - ix) providing the project management team with progress reports; attending project meetings;
- 4.2 Any additional costs that arise through over the course of the project should be met by the Academy; the amount of funding available from the co-location fund will not be increased, nor will the Academy have call on other funds available from the Department to cover any additional costs, over and above any contribution the Academy is making towards the project through use of its Devolved Formula Capital funds or through the deployment of surplus General Academy Grant up to a maximum 10% in line with the Academy Funding agreement. The Academy may approach the Council to contribute towards any additional costs incurred as a result of delivering this project; but there is no obligation on the part of the Council to agree such a request.
- 4.3 If the project is not delivered in the required timescale, and the Department claws back funds from the Council; the Council may, in turn, claw back funds from the Academy, if and to the extent that it has passed such funds to the Academy.
- 5. Accountability**
- 5.1 The Academy shall ensure that any grant from the Council is used only in accordance with the terms of this Funding Agreement.
- 5.2 The Academy shall take such steps as the Council may require from time to time to satisfy itself that the systems of financial and manpower control and the management and organisation of the Academy are such as to enable it to fulfil its objectives under this Funding Agreement.
- 5.3 The Academy will be expected to comply with the recommendations of the Public Accounts Committee or other Parliamentary authorities as accepted by Her Majesty's Government, and with such administrative and financial practices applicable to the expenditure of public funds as notified to it by the Secretary of State.
- 6. Payment of grant**
- 6.1 As set out above, the grant will be paid to the Council on a quarterly basis, in accordance to the profile agreed between the Council and the Academy for the co-location project(s) concerned. Alterations to the payment profile for the project can be made in December 2009 and March 2010 if necessary.
- 6.2 The total amount of grant paid to the Academy will not exceed the amount of funding requested in the application to the co-location fund attached at Schedule 1. No funds will be paid to the Academy in relation to this project after March 2011.

- 6.3 Any grant issued by the Council by 31 March in a particular financial year may be used by the Academy until 31 August of the following financial year. Any grant issued to the Academy but which remains unexpended on 31 August 2011 shall be repaid to the Council, after consulting the Council on the method of repayment.

**7. Financial management**

- 7.1 The Academy shall maintain a sound system of internal financial control which ensures regularity, propriety and value for money. This includes safeguards against fraud and theft. Value for money need not automatically mean the cheapest price, but should be justifiable in terms of the best outcome in relation to price. All cases of fraud or theft, whether proven or suspected, must be referred to the Council. The system shall be subject both to internal and external audit.

**8. Internal audit**

- 8.1 The Academy is responsible for ensuring that the systems governing the grant provided by the Council are subject to independent review in order to obtain an assurance on the adequacy of the system of internal control and safeguards against fraud.
- 8.2 In deciding on the most appropriate arrangements, the Academy will have regard to the size of the body, the level of grant, the perceived risk to the public funds provided and the cost of provision of the review service. These arrangements may be reviewed by the Council who will take account of the objectives, standards and practices set out in the Council's Financial Procedure Rules, a copy of which to be provided to the Academy.

**9. Disposal of assets and change of use**

- 9.1 Where the market value exceeds £2,500, the Academy shall consult the Council and the Secretary of State if it proposes to dispose of, or change the use of, a tangible asset (e.g. land, building and equipment) or intangible asset (e.g. copyright) which has been financed wholly or developed with co-location fund grant that has been routed through the Council.
- 9.2 Any proceeds, where the total amount exceeds £2,500, resulting from the disposal of an asset financed with grant from the Council, or the appropriate proportion thereof, shall be surrendered to the Council. Unless otherwise agreed in writing by the Council with the consent of the Treasury, the Academy shall not dispose of assets below market value.
- 9.3 Where the market value exceeds £2,500, if the purpose of an asset, funded wholly or in part from grants from the Council, is changed from that for which it was originally funded, the value of that asset, or the appropriate proportion thereof, shall be remitted to the Council.

**10. Copyright**

- 10.1 Copyright and rights in the nature of copyright in materials produced with the help of this grant from the Secretary of State shall vest in the Crown, unless otherwise agreed in writing by the Secretary of State.

**11. Procurement**

- 11.1 The Academy shall have regard to HM Treasury guidelines in the procurement of goods and services for which it receives grant so as to secure best value for money. In particular, contracts of work, equipment, stores and services etc awarded by the Academy shall be placed on a competitive basis, unless there are good reasons to the contrary. Tendering procedures shall be in accordance with the EU Procurement Directive and the Public Contracts Regulations 2006, where applicable and any additional guidance issued by the Council.

**12. Grant accounting**

- 12.1 The Academy shall establish and maintain separate records of grant monies received and dispersed. This may be done by setting up relevant account codes, also by establishing a separate bank account.

**13. Accounts**

- 13.1 The books and other documents and records held by the Academy relating to the expenditure of this capital grant shall be open to inspection by the Council and the Secretary of State, its representatives and by the Controller and Auditor General (National Audit Office) as necessary.

**14. Recovery of grant**

- 14.1 If the Academy does not comply to a material extent with any of the key conditions and requirements referred to in this Funding Agreement, the Council may by notice in writing require the Academy to remedy or procure the remedy of such failure to comply, within a reasonable timescale. In the event that such failure to comply is not remedied within that reasonable timescale the council may by notice in writing require the Academy to repay all or any part of the grant paid to it, pursuant to a notice in writing from the Secretary of State requiring the council to repay all or any part of the grant paid to it under Section 7 of the Children and Young Person's Act 2008 for the purposes of the development of co-located facilities as set out in schedule 1 of this Funding Agreement.

**15. Interpretation**

- 15.1 Questions arising on the interpretation of the arrangements in this Funding Agreement shall be resolved by the Council after consultation with the Secretary of State.

**16. Effective date**

- 16.1 The Council's representative and the representative of the Academy signify below, their acceptance of the terms and conditions of this Funding Agreement which become effective from the date of signing. A copy of this agreement shall be held by the Council and by the Academy.

**17. Scrutiny Board/Executive Board Assistance**

- 17.1 If required by the Council to do so the Academy shall give all reasonable assistance to the Council including attending the Council's Scrutiny and/or Executive Board in order to answer questions pertaining to this Funding Agreement should the need arise.
- 17.2 In the event that the Council requires the Academy's assistance after the expiry of this Funding Agreement the Council shall pay the reasonable expenses of the Academy arising as a result of providing such assistance

**18. Dispute Resolution**

- 18.1 If any dispute arises in connection with this Funding Agreement (including a dispute as to whether or the extent to which the Department/the Secretary of State can or should suspend payments or seek repayment of any payments), the parties will attempt in good faith to settle it by way of direct discussion. If, after a period of one calendar month after the dispute has arisen, it has not been settled, the parties will then attempt to settle it by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure. Unless otherwise agreed between the parties, the mediator will be nominated by CEDR. The Department/the Secretary of State will not suspend payments or demand repayment of any funding advanced pursuant to this Funding Agreement unless and until such dispute resolution procedures have first been exhausted.

Dated this day of August 2009

Authorised signatory on behalf of the Council

Authorised signatory on behalf of the Academy

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**Report of the Director of Children’s Services**

**To: Executive Board**

**Date: 4 November 2009**

**Multi-function Centre: Co-location Capital Grant  
Part b) Leasing of Land Adjoining the David Young Academy**

**Electoral Wards Affected:**  
Killingbeck & Seacroft

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

The subject site is 0.59ha (1.4583 acres), in area and adjoins the David Young Community Academy which was opened in September 2006 on land leased from the Council by way of a 125 year lease.

The David Young Community Academy (DYCA) with the support of the local Seacroft / Manston Children and Young People Partnership successfully applied to the Cross Government Co-Location fund for a grant of £3.35m to build a multi-function centre. The centre will provide opportunities to co-locate a range of services including:

- a children services family support team (with a strong emotional and mental health focus)
- community facilities for meetings, performance, arts (a celebration centre for Seacroft) etc
- an International Baccalaureate Centre for post 16 provision that will involve students (from East Leeds) in community focused projects in conjunction with the EASEL regeneration initiative
- local youth organisations including 2 cadet groups and one scout group

The project will support the development of key priorities within the Children and Young People’s Plan including enabling integrated working and strengthening safeguarding.

It was originally intended that the building would be constructed within the area currently leased to DYCA. It quickly became apparent that the scheme could be significantly improved if adjoining land could be made available. It would enable the development to be more easily understood as an accessible community resource rather than 'just' another part of the DYCA. The scheme is using the architects who developed DYCA and they fully understand the need for the development to have empathy for the potential of the site for future development. It would also enable additional car parking to be provided and the construction of an extension to the existing road. This would also mean that access to the new building would not interfere with access for emergency vehicles to DYCA.

The DYCA would wish the Council to support the initiative by granting a supplemental co-terminous 122-year lease at 'nil consideration' on the same terms as the existing lease.

Ward Members fully support this request. The Seacroft/Manston Children and Young People Partnership will be used as a steering group to ensure stakeholder engagement and to develop the centre as an exciting and well-used resource.



## **1. Purpose Of This Report**

- 1.1 To secure approval to the request from the DYCA for a supplemental co-terminous 122-year lease at 'nil consideration' on the same terms as the existing lease subject to ensuring the appropriate safeguards for the Authority in relation to any future development of the site on which the East Leeds Family Learning Centre is based.

## **2. Background Information**

- 2.1 The subject site is 0.59ha (1.4583 acres) in area and adjoins the David Young Community Academy which was opened in September 2006 on land leased from the Council by way of a 125 year lease.
- 2.2 The David Young Community Academy (DYCA) with the support of the local Seacroft / Manston Children and Young People Partnership successfully applied to the Cross Government Co-Location fund for a grant of £3.35m to build a multi-function centre. The centre will provide opportunities to co-locate a range of services including:
- a children services family support team (with a strong emotional and mental health focus)
  - community facilities for meetings, performance, arts (a celebration centre for Seacroft) etc
  - an International Baccalaureate Centre for post 16 provision that will involve students (from East Leeds) in community focused projects in conjunction with the EASEL regeneration initiative
  - local youth organisations including 2 cadet groups and one scout group
- 2.3 The project will support the development of key priorities within the Children and Young People Plan including enabling integrated working and strengthening safeguarding. The development of a co-located multi-disciplinary team will build on previous work undertaken locally through the MAST service and focus directly on needs identified by stakeholders locally and by evidence from the common assessment framework.
- 2.4 The project will offer an opportunity to provide a 'physical' bridge between the work undertaken by DYCA and the local community and will be developed to be adaptable so as not to adversely affect any further development on the site of the closed East Leeds Family Learning Centre.
- 2.5 The project will offer a unique opportunity to improve family support services in the area alongside the development of the Seacroft Children's Centre.
- 2.6 The centre will act as a 'celebration site' encouraging high aspirations for the local community. The local Seacroft/Manston Children and Young People Partnership will encourage use of the centre as a hub to celebrate shared work between local schools and partners.

## **3. Main Issues**

- 3.1 It was originally intended that the building would be constructed within the area currently leased to DYCA. It quickly became apparent that the scheme could be significantly improved if adjoining land could be made available. It would enable the development to be more easily understood as an accessible community resource rather than 'just' another part of the DYCA. The scheme is using the architects who

designed DYCA and they fully understand the need for the scheme to have empathy for the potential of the site for future development. It would also enable additional car parking to be provided and the construction of an extension to the existing road. This would also mean that access to the new building would not interfere with access for emergency vehicles to DYCA.

- 3.2 The scheme has wide stakeholder support locally. Partners continue to be involved at each stage of the scheme's development. No objections have been raised to the request for additional land through a leasing arrangement. The reverse has in fact been the case. Ward members have been very supportive at each stage. The scheme is seen to be making an important statement of continuing investment in the area. The ward members involved and other stakeholders have made it clear that the scheme should be empathetic with the aspirations for the future development of the site. This has been a priority for the process undertaken with the architects to date.

#### **4. Legal And Resource Implications**

- 4.1 The value of the additional land which would be subject to a new lease is £273,000 and this would need to be agreed on a 'less than best basis'.
- 4.2 Children Services will meet the internal asset management costs from existing resources.

#### **5. Recommendations**

- 5.1 It is recommended that the request from the David Young Community Academy to lease the additional land on the terms outlined above be agreed and progressed.