

SCRUTINY BOARD (ENVIRONMENT AND NEIGHBOURHOODS)

MONDAY, 8TH NOVEMBER, 2010

PRESENT: Councillor B Anderson in the Chair

Councillors A Barker, G Driver, P Ewens,
R Grahame, G Hyde, M Iqbal, J Marjoram,
L Mulherin and R Procter

46 Exempt Information - Exclusion of the Press and Public

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

- Agenda item 10 – Scrutiny Inquiry – Gypsy and Traveller Site Provision in Leeds (Minute No. 52 refers).

Appendix to the report of Chief Officer (Legal, Licensing and Registration) – Agenda Pages 81-90 – Access to Information Procedure Rules 10.4(5) – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings; and

Appendix B to the report of Director of Environment and Neighbourhoods – Agenda Pages 103-106 – Access to Information Procedure Rules 10.4(1) – Information relating to any individual.

47 Declarations of Interest

The following declarations of personal interest were made:-

- Councillor G Hyde – Agenda Item 9 (Minute No. 51 refers) – Budget Analysis for the HRA and General Fund 2010/11 – in his capacity as a Director of Leeds East North East Homes ALMO.
- Councillor G Driver – Agenda Item 9 (Minute No. 51 refers) – Budget Analysis for the HRA and General Fund 2010/11 – in his capacity as a Director of Aire Valley Homes ALMO.
- Councillor R Grahame – Agenda Item 9 (Minute No. 51 refers) – Budget Analysis for the HRA and General Fund 2010/11 – in his capacity as a member of the East North East Homes ALMO Inner East Area Panel and also in his capacity as a former Chair of Swarcliffe PFI.

- Councillor R Grahame – Agenda Item 7 (Minute No. 49 refers) – The Future of Council Housing – in his capacity as a member of the West Yorkshire Pension Fund (Agenda Page 23, Paragraph 10.5 refers).

(See also later Minute No. 51.)

48 Minutes - 11th October 2010

RESOLVED – That the minutes of the meeting held on 11th October 2010 be confirmed as a correct record.

49 The Future of Council Housing

The Board considered the report of the Director of Environment and Neighbourhoods, first submitted to the Executive Board on 3rd November 2010.

In attendance at the meeting, and responding to Members' queries and comments, were:-

- Neil Evans, Director of Environment and Neighbourhoods.
- John Statham, Strategic Landlord Manager, Environment and Neighbourhoods.
- Claire Warren, Chief Executive, West North West Homes ALMO.

In brief summary, the main points of discussion were:-

- The proposed composition of the Strategic Governance Board – This was proposed to comprise the Executive Member (Neighbourhoods and Housing), the Chairs and Chief Executives of the three ALMOs, the Chair and the Chief Executive of the Belle Isle Tenant Management Organisation (BITMO) and the Director of Environment and Neighbourhoods. The strategic role of the Board was explained. The proposed formal Terms of Reference of the Board would be the subject of a further report to the Executive Board in March. Members were assured that the day to day operation of Council housing would remain the responsibility of the ALMOs.
- The proposed Shared Services Centre, and the potential savings which could be achieved by avoiding the current duplication of functions and processes across the three ALMOs.
- The proposed rationalisation of the ALMO boundaries to make them coterminous with Ward boundaries. Only a few hundred properties would be directly affected by the proposed changes.

The Chair indicated that the Scrutiny Board wished to be kept informed and updated as the proposals progressed. The Board would also wish to receive

a report once the Government's intentions were clearer regarding the future of Council housing, the HRA and future proposed rent levels.

RESOLVED –

- a) That the report, and the decisions of the Executive Board taken on 3rd November 2010, be received and noted.
- b) That this Board be updated as proposals progress, and also receive a report in due course once the Government's intentions on the future of Council housing become known.

(NB: Councillor R Procter joined the meeting at 10.08 am, during the consideration of this item.)

50 Dog Control Orders

The Board considered the report of the Director of Environment and Neighbourhoods, first submitted to the Executive Board on 3rd November 2010.

In attendance at the meeting, and responding to Members' queries and comments, were:-

- Neil Evans, Director of Environment and Neighbourhoods.
- Stacey Campbell, Team Leader, Health and Environmental Action Service.

In brief summary, the main points of discussion were:-

- Whether the limit on the number of dogs which could be walked by one person should be six, in line with DEFRA guidelines, or restricted to four.

Members regarded that six dogs was too high a figure, even for professional dog walkers, and were mindful that in the survey carried out by the Council, 68% of respondents felt that four or less dogs was the maximum number which one person could safely control and clean up after.

Officers made reference to the DEFRA guidelines, which was no more than six dogs. It was regarded that the size and response to the survey, allied to the fact that most complaints received referred to a greater number of dogs than six, did not provide sufficient justification for ignoring the DEFRA guidelines. The situation was open to review after, say, six months in operation.

- The list of playgrounds appended to the report where Orders would apply. Members stated that this was not a comprehensive list, and also queried the arrangements in open spaces where the children's playgrounds were not fenced off.

It was explained that the list comprised the playgrounds controlled by the Parks and Countryside Division. In the case of unfenced children's playgrounds, special attention would be paid to the wording of the signs to make it clear exactly which areas were covered by the Orders. The dogs on leads by direction of an authorised officer provisions would also assist in terms of enforcing the Orders.

The Chair requested that all 99 Councillors be circulated the list of playgrounds proposed to be the subject of the Orders, so that any possible omissions could be identified.

- The numbers of staff who would be enforcing the new Orders – currently eighty staff were authorised and fully trained to issue fixed penalty tickets, and ten more existing staff would be trained, bringing the total to ninety. The new Orders would be in operation early in the New Year.

The Chair indicated that the Board wished to receive an update report in due course, when the new Orders had been in operation for, say, six months, including details of all enforcement action taken and how effective this had been.

In summing up, the Chair congratulated Stacey Campbell and her team regarding this initiative and the work done to date. Following on from the Board's previous Inquiry into this matter, he regarded that the action now being taken was a good example of a Scrutiny Board working in partnership with the Executive to achieve a positive outcome.

RESOLVED –

- a) That the report, and the decisions of the Executive Board taken on 3rd November 2010, be received and noted.
- b) That this Board recommends that the number of dogs which can be walked by one person should be reduced from six to four.
- c) That this Board monitor the situation and receive an update report when the new Dog Control Orders have been in operation for 6 months, to include details of all enforcement action taken under these Orders, and how effective they were deemed to have been, prior to a report being presented to the Executive Board on this matter.

51 Budget Analysis for the Housing Revenue Account and General Fund 2010/11

Further to Minute No. 40, 11th October 2010, the Director of Environment and Neighbourhoods updated the Board regarding the key variances and the proposed outturn figures for 2010/11, as at the end of Period 6 (30th September 2010), in respect of both the HRA and the Directorate General Fund. The report also included relevant extracts from the reports submitted by the Director of Resources to the Executive Board meeting held on 3rd November 2010, concerning the Government's Comprehensive Spending Review and the half-yearly report on Financial Health Monitoring 2010/11.

In attendance at the meeting, and responding to Members' queries and comments, were:-

- Neil Evans, Director of Environment and Neighbourhoods.
- Richard Ellis, Head of Finance, Environment and Neighbourhoods.

In brief summary, the main points of discussion were:-

- The involvement of the Board in the preparation of the Directorate's 2011/12 budget. It was reported that the Council's broad financial strategy would be the subject of a report to the Executive Board in December, after which the Executive's initial budget proposals would be available for Scrutiny. Constitutionally, this gave the Scrutiny Boards in excess of the required six week period to consider the Executive's proposals and to make any recommendations by mid-January 2011 for the Executive Board to consider at the end of January or early February.
- The loss of parking revenue, and possible strategies to try to reduce the loss or explore new sources of income, e.g. charging for street parking in more areas. Reference was also made to land currently belonging to Primrose Hill High School, and whether or not this might be utilised for parking, given its proximity to St James' Hospital. The Director undertook to follow the issue up.
- The projected staffing overspend, the reasons behind this and the Council's current redeployment policy.
- The demise of Yorkshire Forward and the effect on the Employment Leeds initiative.
- Current difficulties being experienced across the City with the recently introduced revised refuse collection rounds. The Board requested an update report at the December meeting.

RESOLVED – That, subject to the above comments and request for a report back, the report be received and noted.

52 Scrutiny Inquiry - Gypsy and Traveller Site Provision in Leeds

Minutes approved as a correct record at the meeting on Thursday, 2nd December, 2010

Further to Minute No. 41, 11th October 2010, the Head of Scrutiny and Member Development submitted a report updating the Board on progress in respect of this Inquiry, including the notes of the Working Group meeting held on 20th October 2010. The notes and reports relating to the Working Group's latest meeting, held on 1st November 2010, would be submitted to the Board on 2nd December. The Working Group was scheduled to meet again on 15th and 29th November, at 12 noon, and all Board Members were welcome to attend.

In attendance at the meeting, and responding to Members' queries and comments were:-

- Bridget Emery, Head of Housing Strategy and Solutions.
- Phil Crabtree, Chief Planning Officer.
- Robin Coghlan, Team Leader - Policy, City Development.
- Rehana Minhas, Director of Equality and Entitlement, Education Leeds.
- Claire Lockwood, GRT Achievement Service, Education Leeds.
- Andrea Richardson, Interim Head of Early Years Service.
- Jayne North, Cottingley Children's Centre.
- Ian Spafford, Head of Community Services and Litigation, Legal Services.
- Karen Blackmore, Team Leader, General Litigation, Legal Services.
- Shaid Mahmood, Locality Pathfinder Manager and SE Area Manager, South East Area Management.

In brief summary, the main points of discussion were:-

Planning Issues

- Planning was involved with gypsy and traveller sites in various ways. These were set out at Paragraphs 2.5 to 2.10 of the attached report of the Chief Officer, Legal, Licensing and Registration (Agenda Pages 74 and 75 refer).
- From some of the witnesses heard to date, and from previous discussions and exchanges with the Leeds Gypsies and Travellers Exchange (GATE), the preferred option being expressed by the local gypsy and traveller community was for the Council to provide several smaller sites around the City rather than one large one or the extension of the existing Cottingley Springs site. However, there were different views, even amongst the gypsy and traveller community. Any proposals would be subject to full public consultation processes, reports to the Development Plans Panel and the Executive Board, and possibly also a Public Inquiry as part of the process of adopting the Council's core planning strategies.

- A private application for a small site in Gildersome had recently been approved, and two more were in the system, one in Thorner and one in Chapel Allerton. The Planning Department was also involved with a site in Ardsley and Robin Hood Ward, which had previously been the subject of a Stop Notice and High Court injunction.
- The legal definition of a 'pitch' in relation to a caravan site. – Was a pitch a concrete slab accommodating one van, or could it be a larger slab for more than one van? The officers reported that, currently, there was no legal definition of what constituted a pitch. For planning purposes, it was interpreted as a slab for one van and associated equipment and lorries, and a site might comprise of several pitches. However, at Cottingley Springs, each pitch was sometimes used to accommodate up to four vans housing various family members. Officers indicated that they would try to provide further clarification.

Children's Services Issues

- The Race Relations Act aspects of the Council's duties and responsibilities towards the gypsy, Roma and traveller (GRT) community were explained and explored, as was the need to try to tackle issues as a package – site provision, educational needs and health and welfare matters – none of these could be effectively addressed in isolation.
- The current role of Children's Services and Education Leeds was also explained and examined, including the role of outreach workers, both at Cottingley Springs, and in respect of itinerant travellers, either passing through or moving around Leeds.
- Members expressed concern at the seemingly laissez faire attitude to formal education prevalent amongst the GRT community, about anecdotal evidence of girls not being encouraged to attend secondary education, and the quality and consistency of any home education arrangements which may be in place. Members requested a breakdown by gender of the current statistics held by Education Leeds.
- Taxi charges – The officers stated that the cost of taxis to transport GRT children to school was not disproportionate to the overall costs.
- It was confirmed that GRT youngsters aged 16-18 were included in the NEET statistics, but, clearly, tracking them was challenging.

General Issues

- Site design was briefly discussed, and the provision of semi-permanent brick units at Cottingley Springs which provided kitchen and bathroom facilities for some pitches, plus, in some cases, a small living space.

- Members expressed frustration at the seemingly never ending cycle of problems, legal action and associated costs linked, in the main, to very few itinerant families who moved within Leeds, and the disproportionate costs, problems and frustrations caused. Many of the families wanted to be, indeed to all intents and purposes were, part of the community, but either exhibited or suffered a range of problems. There had to be a local solution.
- The Director of Environment and Neighbourhoods stated that, realistically, the Council was unlikely to come up with a solution that would deal with all current problems. In particular, gypsies and travellers passing through the Council's area were always likely to be a problem. If the current Inquiry came up with a possible solution to the recurring problems which Members had alluded to, then that, by itself, might be regarded as a success. Whilst the Council's duties and responsibilities represented one side of the equation, the other side was the need for the gypsy and traveller community itself to face up to its responsibilities, for instance in terms of illegal dumping and school attendance.

RESOLVED – That the evidence received today be taken into account in preparing the Board's draft Inquiry Report, and the officers be thanked for their attendance and the manner in which they have responded to Members' queries and comments.

(NB: Councillor J Marjoram joined the meeting at 11.10 am, during the consideration of this item.)

53 Work Programme

The Head of Scrutiny and Member Development submitted the Board's work programme, updated to reflect decisions taken at previous meetings, together with a relevant extract from the Council's Forward Plan of Key Decisions for the period 1st November 2010 – 28th February 2011 and the minutes of the meeting of the Executive Board held on 13th October 2010.

RESOLVED – That, subject to any changes necessary as a result of today's meeting, the work programme be approved.

54 Dates and Times of Future Meetings

Thursday, 2nd December 2010.
 Monday, 13th December 2010.
 Monday, 17th January 2011
 Monday, 14th February 2011
 Monday, 14th March 2011
 Monday, 11th April 2011

All at 10.00 am (Pre-Meetings at 9.30 am).

Minutes approved as a correct record at the meeting
on Thursday, 2nd December, 2010