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## EXECUTIVE BOARD

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Meeting to be held in Civic Hall, Leeds on  
Wednesday, 9th March, 2011 at 1.00 pm

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### MEMBERSHIP

#### Councillors

K Wakefield (Chair)	A Carter	S Golton	A Blackburn	R Finnigan*
J Blake				
P Gruen				
R Lewis				
T Murray				
A Ogilvie				
L Yeadon				
J Dowson*				

\*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 the 11<sup>th</sup> February 2011.</p> <p><b><u>DEVELOPMENT AND REGENERATION</u></b></p>	1 - 10
6	Headingley;		<p><b>THE CARDIGAN CENTRE</b></p> <p>The Chief Asset Management Officer submitted a report outlining proposals to grant the current occupier of the Cardigan Centre a sublease for a term equivalent to the remainder of the Council's ground lease less one day at a peppercorn rent.</p>	11 - 16
7 K	City and Hunslet;	10.4(3) (Appendices A and B and Plans 1 to 3 only)	<p><b>EASTGATE QUARTER: AMENDMENT TO LEGAL DOCUMENTATION AND COMMERCIAL DEAL</b></p> <p>To consider the report of the Acting Director of City Development providing an update on the project and seeking approvals to enter into deeds of variation in respect to the CPO Indemnity Agreement and the Development Agreement which are currently in place to facilitate the Eastgate redevelopment project.</p> <p>Appendices A and B, together with Plans 1 to 3 are designated as exempt under Access to Information Procedure Rule 10.4(3).</p>	17 - 44

Item No K=Key Decision	Ward	Item Not Open		Page No
8 K		10.4(5) (Appendix 2 only)	<p><b>FUTURE OPTIONS FOR ARCHITECTURAL DESIGN SERVICES</b></p> <p>To consider the report of the Acting Director of City Development summarising the options available to replace the Council's internal design service and seeking in principle approval to transfer the service into a joint venture arrangement with Norfolk Property Services, subject to detailed consideration and a further report to Executive Board in July.</p> <p>Appendix 2 to the report is designated as exempt under Access to Information Procedure Rule 10.4(5).</p> <p><b><u>ENVIRONMENTAL SERVICES</u></b></p>	45 - 68
9 K			<p><b>2010 DOMESTIC ENERGY REPORT</b></p> <p>To consider the report of the Director of Environment and Neighbourhoods presenting for approval the 2010 Domestic Energy Report.</p> <p><b><u>NEIGHBOURHOODS AND HOUSING</u></b></p>	69 - 72
10 K	Beeston and Holbeck; City and Hunslet; Hyde Park and Woodhouse;	10.4(3) (Appendix only)	<p><b>LITTLE LONDON AND BEESTON HILL AND HOLBECK PFI HOUSING PROJECT - FINAL BUSINESS CASE AND CONTRACT AWARD</b></p> <p>To consider the report of the Director of Environment and Neighbourhoods outlining the final scope of the Little London and Beeston Hill and Holbeck Housing PFI project, proposing the submission of the 'Pre-Financial Close Final Business Case' to Communities and Local Government (CLG) through the Homes and Communities Agency (HCA) and detailing the anticipated affordability position for the project.</p> <p>The appendix to this report is designated as exempt under Access to Information Procedure Rule 10.4(3)</p>	73 - 100

Item No K=Key Decision	Ward	Item Not Open		Page No
11			<p><b><u>CHILDREN'S SERVICES</u></b></p> <p><b>OFSTED ANNUAL UNANNOUNCED INSPECTION OF CONTACT, REFERRAL AND ASSESSMENT ARRANGEMENTS IN CHILDREN'S SERVICES</b></p> <p>To consider the report of the Director of Children's Services providing details of the Ofsted Unannounced Inspection of Contact, Referral and Assessment Arrangements that took place during January 2011.</p>	101 - 108
12			<p><b>CHILDREN'S SERVICES IMPROVEMENT UPDATE</b></p> <p>To consider the report of the Director of Children's Services providing details of improvement and development activity in respect of children's services since the last update report in December 2010.</p>	109 - 116
13 K	Ardsley and Robin Hood; Armley; Beeston and Holbeck; Bramley and Stanningley; Calverley and Farsley; Farnley and Wortley; Headingley; Horsforth; Temple Newsam; Weetwood;		<p><b>BASIC NEED PROGRAMME FOR PRIMARY SCHOOLS 2011</b></p> <p>To consider the report of the Chief Executive of Education Leeds providing an update on the programme of approved expansions at Primary Schools in Leeds and seeking approval to incur related costs.</p>	117 - 124
14 K	Temple Newsam;		<p><b>WHITKIRK PRIMARY SCHOOL - BASIC NEED AND PHYSICAL DISABILITIES RESOURCE BASE</b></p> <p>To consider the report of the Chief Executive of Education Leeds outlining proposals to continue with the second phase of works at Whitkirk Primary School and incurring the related expenditure.</p>	125 - 130

Item No K=Key Decision	Ward	Item Not Open		Page No
15			<p><b>ATTENDANCE AND EXCLUSIONS REPORT 2009/2010</b></p> <p>To consider the report of the Director of Children's Services providing analysis and review of Leeds' data with regard to levels of attendance and persistent absence, in addition to permanent and fixed term exclusions in the city, whilst also identifying key areas of activity and their impact upon rates of attendance and exclusion.</p> <p><b><u>LEISURE</u></b></p>	131 - 194
16 K	Cross Gates and Whinmoor; Harewood; Roundhay;		<p><b>LONG TERM BURIAL SUPPLY FOR NORTH EAST LEEDS: WHINMOOR GRANGE CEMETERY DESIGN AND COST REPORT AND DRAFT WHINMOOR GRANGE INFORMAL PLANNING STATEMENT</b></p> <p>To consider the report of the Acting Director of City Development providing an update on the supply of burial space within north east Leeds, the preparation of a masterplan for the Whinmoor Grange site and the outcome of feasibility works undertaken to explore the potential to deliver a 5 acre cemetery on the site of the former Elmete Caravan Park. In addition, the report seeks approval of the Draft Planning Statement for Whinmoor Grange as a basis for public consultation, whilst also seeking approval of related expenditure.</p>	195 - 232

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## EXECUTIVE BOARD

FRIDAY, 11TH FEBRUARY, 2011

**PRESENT:** Councillor K Wakefield in the Chair

Councillors A Blackburn, J Blake, A Carter,  
S Golton, P Gruen, R Lewis, T Murray,  
A Ogilvie and L Yeadon

Councillors J Dowson and R Finnigan – Non-Voting Advisory Members

### 159 Late Items

There were no late items as such, however, it was noted that supplementary information had been circulated to Board Members following the despatch of the agenda as follows:-

- (a) A revised version of the report entitled, 'The Future of Mental Health Day and Accommodation Services' (Minute No. 163 refers).
- (b) Copies of the equality impact assessments which had been undertaken in respect of the proposals detailed within agenda item 17 entitled, 'The Future of Mental Health Day and Accommodation Services' and agenda item 18 entitled, 'Proposal to Decommission a Non-Statutory Mental Health Counselling Service, known as the Leeds Crisis Centre. (Minute Nos. 163 and 162 refer respectively).

### 160 Declaration of Interests

Councillor Murray declared a personal interest in the item relating to the Outcomes for Looked After Children in the Care of Leeds, as his wife was employed within the Children's Services Department as an Independent Reviewing Officer (Minute No. 171 refers).

### 161 Minutes

**RESOLVED** – That the minutes of the meeting held on 5<sup>th</sup> January 2011 be approved as a correct record.

## ADULT HEALTH AND SOCIAL CARE

### 162 Proposal to Decommission a Non-Statutory Mental Health Counselling Service, known as the Leeds Crisis Centre

The Director of Adult Social Services submitted a report regarding proposals to decommission the counselling and support service known as the 'Leeds Crisis Centre', as part of a wider review of Council provided mental health services. The Director referred to the recent emails circulated by individuals expressing concern at the proposal, a petition which had been submitted and to the equality impact assessment carried out in relation to the proposal. In her detailed introduction to the report, the Director responded to the points raised in the emails and also to the petition.

John Lawlor, Chief Executive of NHS Leeds addressed the meeting and responded to Members' questions.

The report noted that a full equality impact assessment had been undertaken in respect of the proposals which had been presented for consideration. A copy of the equality impact assessment had been circulated to Board Members for their consideration prior to the meeting.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the proposal to decommission the Leeds Crisis Centre be approved.
- (c) That the joint approach with NHS Leeds to managing customer and referrer expectations be endorsed, and it be ensured that appropriate signposting / redirection to existing services which can meet the needs of the population be provided.
- (d) That the joint work with NHS Leeds to relocate staff with a planned closure date of June 2011 be noted.
- (e) That having approved the decommissioning of the service provided by Leeds Crisis Centre (as detailed at resolution (b) above), the premises at Spring Road be declared surplus to the requirements of Adult Social Care and handed to Corporate Property Management for disposal.

(Under the provisions of Council Procedure Rule 16.5, Councillors A Carter and Golton required it to be recorded that they both voted against the decisions taken within this minute)

**163 The Future of Mental Health Day and Accommodation Services**

Further to Minute No. 140, 15<sup>th</sup> December 2010, the Director of Adult Social Services submitted a report detailing proposals with regard to the reconfiguration of in-house mental health day services in Leeds, the undertaking of a recommissioning exercise for day service provision and proposing a review of options regarding the future provision of the supported accommodation services.

The report noted that a full equality impact assessment had been undertaken in respect of the proposals which had been presented for consideration. A copy of the equality impact assessment had been circulated to Board Members for their consideration prior to the meeting.

A revised version of the report which contained amendments to paragraphs 3.1.8, 3.2.5 to 3.2.6 and 7.3 to 7.8 was tabled at the meeting for Board Members' consideration.

## **RESOLVED -**

- (a) That the contents of the submitted report be noted.
- (b) That approval be given to the reconfiguration of the directly provided mental health day services along the lines envisaged in the i3 service model, which will consolidate buildings based services on one site, enabling cost efficiencies whilst also delivering a modernised and enlarged community focused service. (Paragraphs 3.1.1 to 3.1.11 of the submitted report refer).
- (c) That in order to assist the process detailed at resolution (b) above, approval be given to beginning a personalised consultation with service users on how their needs are best met within the new service model, with appropriate levels of consultation with staff and Unions following and with service changes to be completed between July and September 2011 in order to allow time to arrive at individual agreements with service users over their future needs and that there be no closures until alternative services are available and in place. (Paragraphs 3.2.1 to 3.2.5 of the submitted report refer).
- (d) That approval be given to the establishment of a Stakeholder Involvement Group as described in paragraph 3.2.5 of the submitted report, which will meet regularly as implementation is put under way.
- (e) That a further report in relation to how the service model has been implemented and how service users have moved into their new support arrangements be submitted to Executive Board in November 2011.
- (f) That approval be given to the decommissioning of existing mental health day services across the internal and third sectors, and that approval also be given to the tendering of new, modernised services across the care pathway (as detailed within the 'i3 Project Final Report'), which are fit for purpose, with this beginning in February 2011. (Paragraphs 3.4.1 to 3.4.5 of the submitted report refer).
- (g) That approval be given to the consideration of options for the future provision of supported accommodation services in line with Best Value, with a further report and recommendations being submitted to Executive Board in July 2011. (Paragraphs 3.5.1 to 3.5.3 of the submitted report refer).

(Under the provisions of Council Procedure Rule 16.5, Councillors A Carter and Golton required it to be recorded that they voted against the decisions taken within this minute)

## **RESOURCES AND CORPORATE FUNCTIONS**

### **164 Financial Health Monitoring 2010/2011 - Third Quarter Report**

The Director of Resources submitted a report outlining the financial position of the authority after nine months of the financial year in respect of revenue

Draft minutes to be approved at the meeting  
to be held on Wednesday, 9th March, 2011

expenditure and income projected to the year end. In addition, the report also highlighted the latest position regarding other key financial indicators, including Council Tax collection and the payment of creditors.

**RESOLVED –**

- (a) That the projected financial position of the authority after nine months of the financial year, together with the level of reserves carried forward to 2011/2012, be noted.
- (b) That approval be given to the release of £500,000 from Housing Revenue Account reserves in order to offset the pressure as a result of the Lifetime Homes PFI project not proceeding.

**165 Revenue Budget 2011/2012 and Capital Programme**

**(A) Revenue Budget and Council Tax 2011/2012**

Further to Minute No. 119, 15<sup>th</sup> December 2010, the Director of Resources submitted a report on the proposals for the City Council's Revenue Budget for 2011/2012, on the Leeds element of the Council Tax to be levied in 2011/2012 and on Council House rents for 2011/12, which had been prepared in the context of the Council's initial budget proposals agreed by Executive Board in December 2010 and the Local Government Finance settlement.

The report noted that where appropriate, a full equality impact assessment had been undertaken in respect of the budgetary proposals and associated decisions which had been presented for consideration, and in response to Members' enquiries, the Board was provided with details of the formal assessment process and how that process had influenced the submitted proposals.

On behalf of the Board, the Chair paid tribute to all those officers and Members who had been involved in the preparation of the 2011/12 budget setting process and thanked them for their efforts. In addition, the Chief Executive paid tribute to all of those employees who had, or were due to leave the employment of the Council as part of the Early Leavers Initiative. In doing so, the Chief Executive thanked them for their many years of loyal service and acknowledged their vast experience.

**RESOLVED –**

- (a) That Council be recommended to approve the Revenue Budget for 2011/2012 totalling £582,228,000, as detailed and explained within the submitted report and accompanying papers, with no increase in the Leeds element of the Council Tax for 2011/2012.
- (b) That with respect to the Housing Revenue Account, Council be recommended to:
  - (i) approve the budget at the average rent increase figure of 6.84%;
  - (ii) increase the charges for garage rents to £6.49 per week;

Draft minutes to be approved at the meeting to be held on Wednesday, 9th March, 2011

- (iii) increase service charges in line with rents (6.84%).
- (c) That the Director of Resources be authorised to make minor changes for the purpose of clarification, with such changes being highlighted within the subsequent report to Full Council.

(B) Capital Programme Update 2010-2014

The Director of Resources submitted a report setting out the updated Capital Programme for 2010-2014, which included details of forecast resources for that period.

The report noted that the capital programme outlined a plan for future capital expenditure and highlighted that as more detailed information became available in terms of how of such expenditure would potentially impact upon services, buildings and people, then directorates would undertake equality impact assessments as part of the rationale in determining specific projects from capital budgets.

**RESOLVED –**

- (a) That the following be recommended to Council:
  - (i) That the capital programme, as attached to the submitted report, be approved;
  - (ii) That Executive Board be authorised to approve in year amendments to the capital programme, including transfers from and to the reserved programme in accordance with Financial Procedure Rules;
  - (iii) That the proposed Minimum Revenue Provision policies for 2011/2012, as set out within paragraphs 5.5 and 5.6 of the submitted report, and as explained within Appendix F be approved.
- (b) That the capital strategy, as attached at Appendix D to the submitted report be agreed.
- (c) That the list of land and property sites shown in Appendix E to the submitted report be disposed of in order to generate capital receipts for use in accordance with the capital strategy.
- (d) That the Director of Resources be authorised to manage, monitor and control scheme progress and commitments in order to ensure that the programme is affordable.

(C) Treasury Management Strategy 2011/2012

The Director of Resources submitted a report setting out the Treasury Management Strategy for 2011/2012 and outlining the revised affordable borrowing limits under the prudential framework. The report also provided a review of strategy and operations in 2010/2011.

**RESOLVED –**

- (a) That approval be given to the initial treasury strategy for 2011/2012, as set out within Section 3.3 of the submitted report, and that the review of the 2010/2011 strategy and operations, as set out within Sections 3.1 and 3.2 of the submitted report, be noted.
- (b) That Council be recommended to set borrowing limits for 2010/11, 2011/12, 2012/13 and 2013/14, as set out within Section 3.4 of the submitted report.
- (c) That Council be recommended to set treasury management indicators for 2010/11, 2011/12, 2012/13 and 2013/14, as set out within Section 3.5 of the submitted report.
- (d) That Council be recommended to set investment limits for 2010/11, 2011/12, 2012/13 and 2013/14, as set out within Section 3.6 of the submitted report.
- (e) That Council be recommended to adopt the revised Treasury management policy statement.

(The matters referred to in parts A(a), A(b)(i) to (iii), B(a)(i) to (iii), and C(b) to (e) being matters reserved to Council were not eligible for Call In)

(Under the provisions of Council Procedure Rule 16.5, Councillors A Carter and Golton required it to be recorded that they both abstained from voting on the decisions referred to within parts (A) and (B) of this minute)

**DEVELOPMENT AND REGENERATION**

**166 Draft Interim Affordable Housing Policy 2011**

The Acting Director of City Development submitted a report detailing the outcomes arising from the Economic Viability Assessment (EVA) which tested the viability of implementing affordable housing targets across Leeds, in addition to presenting for approval for the purposes of public consultation, a Draft Interim Affordable Housing Policy, which had been informed by the EVA.

Members emphasised the importance of a flexible policy which could adapt to changes within the housing market, with reference being made to the policy being further considered by the Board should the need arise.

**RESOLVED –**

- (a) That the publication of a Draft Interim Affordable Housing Policy, as appended to the submitted report, and which had been informed by the Economic Viability Assessment, be approved.
- (b) That a four week public consultation exercise be undertaken on the Draft Interim Affordable Housing Policy.

- (c) That the outcomes from the public consultation exercise be reported back to Executive Board, along with any further recommendations for changes to the draft policy.

## **NEIGHBOURHOODS AND HOUSING**

### **167 Housing Adaptations Strategy 2010 - 2013**

The Director of Environment and Neighbourhoods, the Director of Children's Services and the Director of Adult Social Services submitted a joint report providing an update on the development and content of the Housing Adaptations Strategy for 2010-2013, outlining the recent developments in service delivery, whilst also presenting the strategy for formal approval.

Copies of the strategy had been circulated to Board Members for their consideration at the time of the agenda publication and despatch.

**RESOLVED** – That the Adaptations Strategy 2010 – 2013 be approved, and that officers be instructed to report back to Executive Board in due course on the progress made with the delivery of the related action plan.

### **168 Scrutiny Board Recommendations**

The Chief Democratic Services Officer submitted a report providing a summary of the responses to a number of Scrutiny Board recommendations which had been received since the last meeting of Executive Board. The recommendations had arisen from the recent Scrutiny Board (Environment and Neighbourhoods) inquiry into gypsies' and travellers' site provision within Leeds.

The Executive Member for Neighbourhoods and Housing thanked the Scrutiny Board (Environment and Neighbourhoods) for the comprehensive inquiry it had undertaken on this matter.

Councillor Anderson, Chair of the Scrutiny Board (Environment and Neighbourhoods), attended the meeting in order to present the Board's findings.

The Board noted that recommendations 1, 2 and 4 of the inquiry report which had been made specifically to Executive Board were substantial recommendations, and therefore further work was required to be undertaken and reported back to the Board, in order to determine what action should be taken in response.

The report noted that if Executive Board undertook to proceed with recommendations 1, 2 and 4 of the Scrutiny Board's report, then a risk benefit analysis and an equality impact assessment should be undertaken as part of the implementation process.

#### **RESOLVED –**

- (a) That recommendations 1, 2 and 4 of the Scrutiny Board's inquiry report, as appended to the submitted report, be noted, with further work

being undertaken and reported back to the Board, in order to determine what action should be taken in response.

- (b) That recommendations 3 and 5 to 12 of the Scrutiny Board's inquiry report, together with the formal responses from the relevant Directors and Executive Board Members to the Board's recommendations be noted.

## **CHILDREN'S SERVICES**

### **169 Introduction of the Newly Appointed Strategic Leader of Education Integration**

The Board welcomed Simon Flowers to his first meeting of Executive Board following his recent appointment to the position of Strategic Leader of Education Integration on a temporary basis.

### **170 Deputation to Council - Friends of Allerton Grange regarding Allerton Grange Playing Fields - Community Access**

The Director of Children's Services submitted a report in response to the deputation to Council on 17<sup>th</sup> November 2010 from Friends of Allerton Grange organisation regarding community access to Allerton Grange playing fields.

#### **RESOLVED -**

- (a) That the contents of the submitted report be noted.
- (b) That meetings with the Friends of Allerton Grange continue, and that subject to the outcome of the statutory process to create new primary provision in the area, if the proposal is agreed, to continue to engage with the Friends organisation through any subsequent design and planning stages.

### **171 Outcomes for Looked After Children in the Care of Leeds**

The Director of Children's Services submitted a report summarising the progress made in respect of provision for Looked after Children in Leeds and identifying strategies which have supported improvement in those outcomes. The report also outlined the progress achieved with respect to regulated Fostering, Adoption and Residential services.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted, and that the Board recognise the improving outcomes for looked after children in Leeds in light of the fact that this matter remains one of the highest priorities for children's services and the city.
- (b) That the key role that Elected Members, as corporate parents, play in supporting work with looked after children be acknowledged, both through formal arrangements such as Fostering and Adoption Panels and at a local level through links with, for example, schools, children's homes and foster carers, and that this work continue to be supported and encouraged.



- 172 The Ofsted Inspection of Leeds City Council's Adoption Service 2010**  
The Director of Children's Services submitted a report providing details of the December 2010 Ofsted inspection of Leeds City Council's Adoption Service.

The Board paid tribute to and thanked all those involved in achieving the positive inspection results.

**RESOLVED** – That the contents of the submitted report be noted, and that the key role played by adopters and the adoption service in improving outcomes for children and young people in Leeds be recognised.

- 173 Her Majesty's Inspectorate of Probation Inspection of the Leeds Youth Offending Service 2010**  
The Director of Children's Services submitted a report detailing the outcomes from Her Majesty's Inspectorate of Probation (HMIP) inspection of the Youth Offending Services (YOS) in Leeds.

The Board paid tribute to and thanked all those involved in achieving the positive inspection results.

**RESOLVED** - That the contents of the submitted report be noted, in the context of the significant role that Youth Offending work plays in creating a safer, more prosperous city.

- 174 Annual Standards Report - Primary Schools**  
The Chief Executive of Education Leeds submitted a report providing an overview of primary schools' performance as at the end of the 2009/10 academic year, and as demonstrated through statutory national testing and teacher assessment.

**RESOLVED** –

- (a) That the progress which has been made and the challenges which remain be noted, and that the implications of the revised Ofsted framework and the proposed raised floor standards be acknowledged.
- (b) That the future proposals for support, challenge, monitoring and intervention in Leeds, as outlined within the government white paper, 'The Importance of Teaching' be noted.
- (c) That a report be submitted to a future meeting of the Board regarding the strategies and partnerships being developed which are aimed at ensuring better opportunities and outcomes for the young people of Leeds.

- 175 Annual Standards Report - Secondary Schools**  
The Chief Executive of Education Leeds submitted a report summarising the progress made in relation to secondary school improvement in Leeds and providing a commentary on the challenges faced with respect to further improvement in the future.

**RESOLVED –**

- (a) That the progress which has been made and the areas which need further improvement be noted.
  
- (b) That the future provision of support, challenge and intervention required in Leeds to ensure that progress continues to be made, in light of the government white paper, 'The Importance of Teaching', be noted.

**DATE OF PUBLICATION:** 15<sup>TH</sup> FEBRUARY 2011

**LAST DATE FOR CALL IN  
OF ELIGIBLE DECISIONS:** 22<sup>ND</sup> FEBRUARY 2011 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12noon on 23<sup>rd</sup> February 2011)



Originator: D Thomas  
Tel: 24 77896

**Report of : Chief Asset Management Officer**

**To : Executive Board**

**Date: 9th March 2011**

**Subject: The Cardigan Centre**

**Electoral Wards Affected:**

**Headingley**

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

On 13th October 2004, Executive Board approved a recommendation that, as part of the review of the Council's Community Centre Portfolio, the Council dispose of the subject property to the existing occupier, The Cardigan Centre, subject to satisfactory terms being agreed.

The Cardigan Centre was purpose built as a community and business resource centre by the Council in 1988 using Urban Programme Funding. The site of the building is owned by the Parochial Church Council of the Diocese of Ripon. Leeds City Council was granted a 99 year development lease to construct the building. Immediately following the completion of construction, a sublease was granted to a local community association. Subsequently a further seven year sub-lease was granted, with the current sub-tenant/occupier, The Cardigan Centre.

In June 2009 Asset Management Board supported the grant of a long term lease to the Cardigan Centre at a peppercorn rent.

This report details both the background and current position to the subject property and seeks Executive Board support for the grant of a long term sublease at a peppercorn rent of the property to The Cardigan Centre.

## **1.0 Purpose of This Report**

- 1.1 The purpose of this report is to seek Executive Board support for the recommendation that the Council grant the current occupier of the Cardigan Centre a sublease for a term equivalent to the remainder of the Council's ground lease less one day. Executive Board support is sought for the grant of the proposed sublease at a peppercorn rent.

## **2.0 Background Information**

- 2.1 The Council built the centre with a £792,000 grant from the Urban Programme. The land is leased by the Council from the Parochial Church Council of Ripon and Leeds City for a term of 99 years from 14th October 1988, at a peppercorn annual rent without review. The permitted use under the lease is restricted to the operation of a community and training centre for the benefit of the social and economic welfare of the inhabitants of the surrounding neighbourhood, although this use is subject to amendment by consent.
- 2.2 Under the terms of its lease, the Council is permitted to grant a sublease of the property to the trustees of a community organisation or a charitable organisation but assignment is only permitted in the event of it becoming impossible to use the property for the permitted use.
- 2.3 Following construction, the premises were sub-let in October 1988 to the Trustees of St Margaret/South Headingley Community Centre Steering Committee by way of a seven year sub-lease at a peppercorn rent. A further seven year sub-lease was granted in October 1995 to The Cardigan Centre again at a peppercorn rent, and they remain in occupation under this lease.
- 2.4 The Cardigan Centre is both a registered charity and a company limited by guarantee. Its principal purpose is to facilitate social welfare, recreation, education and economic regeneration in the inner-city neighbourhoods of North West Leeds. As well as engaging in general community work, The Cardigan Centre runs the subject property as a resource centre providing office space for other community organisations and a hall where local groups and societies can meet.
- 2.5 In June 2009 Asset Management Board supported the grant of a long term lease to the Cardigan Centre at a peppercorn rent.

## **3.0 Main Issues**

- 3.1 The Council could dispose of its leasehold interest to The Cardigan Centre by either assignment of its interest or to grant a sublease, preferably for a term equivalent to that remaining on its lease (approximately 77 years) minus one day; alternatively a further short term sublease could be granted. It is proposed that the Council grant a sublease to the Cardigan Centre for the remaining term of the lease at a peppercorn rent. Paragraph 5.1 outlines the reasons for proceeding on the basis of a sub lease.
- 3.2 The centre was built with the purpose that it would be managed by local residents for the benefit of the local community. The initial short term lease was granted to allow the steering committee a suitable period to try to operate the centre successfully. This short lease term has been renewed as a matter of course.

- 3.3 The short term nature of the lease limits the security for the Cardigan Centre and their ability to develop long term plans. The short term agreement also limits the feeling of community ownership. While it was considered appropriate at the time to grant a short term lease to a new organisation, the charity has now successfully operated for 22 years. The Cardigan Centre has developed sustainably over the years, generating income through lettings and delivery of contracts and has expanded into a neighbouring property for some service delivery. Given that it is so established and has proved its viability it is considered appropriate to enter into a long term agreement.
- 3.4 The Cardigan Centre operates independently but some of its services are commissioned by the Council. In terms of certainty moving forward, Children's Services are proposing to continue to commission youth work and targeted youth support from April 2011 for a further 12 months. The initial overall annual contract value will be £63,044. In addition Children's Services have a contract with igen Trust to deliver targeted Connexions services in the city. This will result in the Cardigan Centre receiving sub-contracted funding from igen in 2011/12 to the value of £96,388. This amounts to a proposed total of £159,432 in direct or indirect funding from Children's Services in 2011/12.
- 3.5 Community ownership and management of assets has been strongly promoted by government. The agenda was made prominent by the Quirk Review 'Making Assets Work – Community Management And Ownership Of Public Assets'. Government support for community asset transfer has been confirmed through the principles of the Big Society and through the proposals in the Localism Bill. The Bill will give community organisations greater opportunity to identify and bid for assets of value to them, from which they can deliver existing or new services. As well as empowering communities, this aims to diversify the providers of services and stimulate creative and imaginative new patterns of service and enterprise.
- 3.6 When contemplating the disposal of any property interest, whether leasehold or freehold the Council is required under S.123 of the Local Government Act to achieve 'best consideration' unless formal approval is granted to dispose by other means. The current open market rental value of the Cardigan Centre on a seven year sub-lease as previously granted is £31,965 per annum. The capital value of the Council's interest has been assessed to be in the order of £240,000.
- 3.7 It is proposed that Executive Board support the grant of a lease to The Cardigan Centre at a peppercorn rent for the remainder of the Council leasehold less one day, approximately 77 years for its current purpose, on the basis that this lease will be surrendered if the centre ceases operation, so as to ensure the security of the Council's interest. The grant of such a lease was supported at Asset Management Board in 2009.
- 3.8 The grant of the proposed lease on a peppercorn rent will ensure the continuation of the service provided to the local community by the Cardigan Centre whilst protecting the Council from a potential maintenance and financial liability should the organisation decide to vacate.

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

- 4.1 Whilst meeting the recommendation given by Executive Board in 2004 the proposed sublease will also assist in ensuring the continuity of the service provided by The Cardigan Centre in the local community.

- 4.2 The transfer will contribute towards achieving the following outcomes outlined in the Leeds Strategic Plan:
- Increased entrepreneurship and innovation through effective support to achieve the full potential of people, business and the economy;
  - More inclusive, varied and vibrant communities through empowering people to contribute to decision making and delivering local services.
- 4.3 Local Ward Members have been consulted on the proposal to renew the Cardigan Centre's lease and have confirmed their continuing support for the Cardigan Centre and their approval to the terms outlined in this report.
- 4.4 The Council and the Cardigan Centre are committed to ensuring equality in the provision of services and the grant of the proposed lease will ensure a continuation of the benefits provided by the centre to all members of the local community. Equality, Diversity, Cohesion and Integration screening has been undertaken and is available on request.

## **5.0 Legal and Resource Implications**

- 5.1 Legal, Licensing and Registration have advised that the Council's interest would be best protected if a long term sub-lease were granted. This would remove the potential for any claim against the Council from the Diocese by bypassing the Privity of contract issues which would arise upon assignment. It would additionally enable the Council to retain control over the activities of The Cardigan Centre or any subsequent occupier.
- 5.2 In accordance with Section 123 of the Local Government Act 1972, the Council can only dispose of land for a consideration less than the best that can reasonably be obtained with the consent of the Secretary of State. Under the terms of the Local Government Act 1972 General Disposal Consent (England) 2003 , the Council has the power to dispose of land at less than the best consideration that can reasonably be obtained subject to the following conditions:-
- (i) the Council considers that the purpose for which the land is to be disposed is likely to promote or improve the economic, social and/or environmental well-being of the area or of local residents; and
  - (ii) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2m.
- 5.3 The Council currently has no outgoings in respect of the subject premises. The rent under the ground lease being a peppercorn without review and the full repairing and insuring liabilities currently being vested with The Cardigan Centre under the sublease granted in 1995. The grant of a sub lease for the remaining term of the lease will mean these liabilities remain with the Cardigan Centre.
- 5.4 While there exists a possibility of liability falling on the Council as a result of clawback arrangements from the construction of the building these are likely to be minimal as this contribution was made over 17 years ago.
- 5.5 The Cardigan Centre have been grant aided by the Council's Social Services and through Connexions.

## **6.0 Recommendation**

Subject to Members being satisfied that the disposal of the land is likely to promote or improve the economic, social and/or environmental well-being of the area or of local residents, Executive Board is asked to approve the grant of a sublease of the subject property on a less than best basis for the remainder of the term held by the Council, less one day, to The Cardigan Centre.

## **Background Papers**

Executive Board report 13 April 2004

Asset Management Board report 26 June 2009

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Originator: Rowena Hall

Tel: 77801

**Not for Publication:** Appendices A & B, and Plans 1 to 3 of this report are exempt/confidential under Access to Information Rule 10.4 (3)

## Report of the Acting Director of City Development

### Executive Board

**Date:** 9<sup>th</sup> March 2011

**Subject:** Eastgate Quarter – Amendment to Legal Documentation and Commercial Deal

#### Electoral Wards Affected:

City & Hunslet

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)

### Exemption

The Appendices A & B and Plans 1 to 3 of this report include exempt information relating to the financial or business affairs of a private developer and the Council; and the public interest in maintaining the exemption outweighs the public interest in disclosing the information because if disclosed it may prejudice the development of the project and may adversely affect the business of the Council and the interests of the private developer.

Under the City Council's Constitution, a decision may be declared as being exempt from Call In if it is considered that any delay would seriously prejudice the Council's or the public interest. A delay in completing the legal documentation as soon as practically possible could result in the Council losing the ability to use the existing Compulsory Purchase Order (CPO) within its current timeframe, which would result in the redevelopment not being able to proceed.

## 1.0 EXECUTIVE SUMMARY

1.1 This report sets out the current position regarding the Eastgate development and the legal documentation that exists between the Council and the developer. Hammerson, the developer, has requested that the existing documentation is amended to take account of market change that has delayed the start on site. The

proposed changes to the commercial arrangements, along with changes to the CPO methodology, are set out in the confidential appendices. All of these changes have implications for the Council and people with land interests within the current CPO boundary.

- 1.2 The Eastgate & Harewood Quarter is a £650m scheme which will have a significant impact on retail provision in Leeds and will create a large number of construction and permanent retail jobs for the City.
- 1.3 Members are asked to note the details of both the existing and proposed documents which highlight the main points and associated risks. Members are recommended to agree to the completion of revised legal documentation to both the existing CPO Indemnity Agreement and the Development Agreement.

## **2.0 Purpose of this Report**

- 2.1 The purpose of this report is to provide an update on the Eastgate scheme and also seek the necessary approvals to enter into deeds of variation in respect to the CPO Indemnity Agreement and the Development Agreement which currently are in place to facilitate the Eastgate redevelopment project.

## **3.0 Background Information**

- 3.1 The Eastgate & Harewood Quarter will be a flagship development which, with the Trinity development also taking place at present, will further cement Leeds as one of the top retail destinations in the UK. The development plans to attract John Lewis Partnership and M&S as anchor stores and it will provide over 4,000 permanent jobs.
- 3.2 Hammerson is a major retail developer in the UK and elsewhere. Its schemes in England include the Bullring in Birmingham, Highcross in Leicester, Cabots Circus in Bristol. The proposed development in Leeds takes in a large part of the area bounded by George St, Bridge St, the A64 and Vicar Lane, most of which is currently used as temporary surface car parking.
- 3.3 Prior to the current revised proposal, Hammerson Plc and Town Centre Securities Plc (TCS) formed the Leeds Partnership (LP) to facilitate the development of the Eastgate and Harewood Quarters, Leeds; 10 hectares of the city centre presently comprising open surface car parking areas, existing residential and commercial premises and underused and poor quality buildings.
- 3.4 In April 2006, Executive Board agreed that the Director of Legal & Democratic Services complete the legal documentation relating to the Eastgate & Harewood Quarters development, and that the Council makes a Compulsory Purchase Order to provide for the acquisition of land and new rights within the defined redevelopment area.
- 3.5 As a result of this approval, the Development Agreement and the CPO Indemnity Agreement were completed, between LCC, Hammerson UK Properties PLC. (HUK) and Town Centre Securities (TCS) on the 21<sup>st</sup> December 2006.
- 3.6 Outline planning consent for the scheme was granted in August 2007, which was subsequently granted a 3 year extension of time. This approval was for a retail led mixed use development of retail space, plus cafes, restaurants and bars, offices, 400 housing units, a cinema and gym, medical centre, church facility, crèche and a

hotel, with associated highway works, open space, 2,700 car parking spaces and re-alignment of a culverted watercourse.

- 3.7 However, following the completion of the legal documentation and the confirmation of the CPO, a start on site was delayed by the need to resolve Judicial Reviews to the CPO and the planning application. The recession then struck and the unprecedented conditions in financial markets with their resultant impact on the real estate markets meant that in order to maintain the commercial viability of the scheme, a start on site had to be deferred.
- 3.8 In May 2010, after a request was made by TCS to withdraw from the project, and following a period of negotiation, the Director of City Development exercised her delegated authority, and, in consultation with the Executive Member approved the request to novate and vary all the existing legal documentation that had been entered into, in relation to the development; from the 'Original Developer' (TCS & HUK) to the 'New Developer' Hammerson Leeds Investments with Hammerson UK Properties Plc. acting as guarantor.
- 3.9 Given the changed circumstances Hammerson has reviewed the scheme as detailed in 4.1 below and the timescales for delivering the scheme. This necessitates changes to the Development Agreement and CPO Indemnity Agreement with the Council.
- 3.10 ***The CPO and associated Indemnity Agreement .***
- 3.11 On entering into the formal legal CPO documentation (referred to at Appendix A); but which basically governs the making and implementation of the CPO and ensures that the Council is fully indemnified for all costs associated with the making and implementation of the CPO. Leeds City Council, as acquiring authority, made the Leeds City Council (Eastgate and Harewood Quarter, Leeds) Compulsory Purchase Order 2007 on 18 April 2007.
- 3.12 A formal public inquiry took place between November 2007 and February 2008; following which the Secretary of State confirmed the CPO by letter, dated 19 June 2008. Leeds City Council, as the acquiring authority, subsequently published notice of the confirmation of the CPO on 8<sup>th</sup> July 2008.
- 3.13 Section 4 of the Compulsory Purchase Act 1965 states that a compulsory purchase order must be implemented within 3 years of the date notice is served of the confirmation of the CPO. As a consequence the CPO must be implemented by no later than 8<sup>th</sup> July 2011.
- 3.14 **The Development Agreement**
- 3.15 The specific details of the legal documentation entered into are contained at Appendix B. This documentation has remained in place with the only substantive variation being that as detailed at 3.6 namely that the developer of the scheme is now Hammerson Leeds Investments, with Hammerson UK Properties Plc acting as guarantor.

#### **4.0 Main Issues - The current situation**

- 4.1 In February 2010, a series of workshop sessions took place involving Council officers and Hammerson to re-appraise the scheme with the intention to develop a commercially viable scheme which would still deliver the benefits originally intended. A number of work streams were established which resulted in the developer

entering into detailed pre-application discussions with planning officers to deliver a revised scheme which (if approved) would consist of:-

- alterations to the range of proposed uses;
- alterations to the layout and position of buildings, reassessment of the locations of the two anchor department stores, the breaking through and removal of a section of the Blomfield buildings to the north of Eastgate;
- proposed demolition and replacement of the south side of Eastgate;
- the building over of parts of Lady Lane, a bridge link across Eastgate, amendments to the hard and soft landscaping scheme, a new public space; Blomfield Square and pedestrianised covered, part covered and open streets;
- the possibility of siting an ESCo energy centre somewhere close to the site;
- Reduction in scale of the overall development with revised highways circulation.

4.2 The developers have made two pre-application presentations to Plans Panel (City Centre) (July & September 2010) with a view to a new scheme planning application being submitted in the near future. The revised scheme will incorporate a flagship John Lewis and Marks and Spencer store, located at opposite corners of the development. Templar Arcade, a new arcade for the 21st century will be created, adding a new chapter to the history of striking arcades in Leeds, which will contain a selection of major shop units, improving the quality and range of the retail offer in Leeds, and boosting the City Centre in the retail rankings. The scheme will also provide the potential of over 4,000 permanent retail and leisure jobs with the offer of pre-employment skills and training.

4.3 In order to proceed with the revised scheme within the ambit of the existing CPO the developers have requested the following:-

- **revisions to the mechanism for implementing the CPO;**
- **a revised commercial deal regarding the Council's land holdings.**

4.4 If the above are agreed it will be necessary to further amend the existing legal documentation, namely the CPO Indemnity Agreement and the Development Agreement. It should be noted that other legal documentation regarding the project (notably a Section 106 planning agreement and a Section 278 highway agreement) are associated with the planning process and will require revision should the planning application for the new scheme be approved. This will be a matter for the Plans Panel and accordingly do not form part of this report.

4.5 **Revised CPO strategy** – to date the CPO strategy, as set out in the current CPO Indemnity agreement between HUK and LCC, assumes the bulk of the land assembly for those parts of the site still to be acquired, would be assembled using the 'General Vesting Declaration' (GVD) process. This GVD process is intended to make acquisition of land following confirmation of a CPO more straightforward with the land vesting on a specified date when HUK would be required to commit to all the land acquisition costs.

4.6 In pursuing this method of land assembly it is necessary that the acquiring authority (LCC) must be satisfied that there are funds to meet all compensation claims arising on the vesting date. The impact of this is that by pursuing the GVD route HUK would have to commit to the full land acquisition costs before it and LCC could be assured there is a deliverable scheme.

- 4.7 The developer has presented to the council a draft revised CPO Strategy Document, which sets out options to secure the land. A copy of this appears as confidential background information in Appendix A. Officers agree with the general principles that are outlined in this document.
- 4.8 Highlighted in the document is the fact that an alternative methodology exists within the Council's CPO powers which is Notice to Treat followed by Notice of Entry, this allows the acquiring authority to preserve CPO powers without committing to a fixed date for the acquisition of the land. Furthermore, a Notice to Treat in certain circumstances may be withdrawn if a decision is taken not to proceed with the acquisition of certain plots or the scheme as a whole. This does not prejudice owners as a Notice to Treat expires in 3 years in the event that a Notice of Entry is not served. An inevitable and unavoidable consequence if this is that it leaves a 3 year period of uncertainty for those people with land interests served with a notice.
- 4.9 The developer has also given consideration to the possibility of allowing the existing CPO to expire without being implemented with a view to seeking new CPO powers under a new order at a later date. This poses considerable risks, not least the fact that it will be necessary to make a new case for the exercise of powers of compulsory acquisition against the backdrop of a CPO which has been allowed to lapse because of difficulties with scheme viability. It should be noted that as key elements of the new scheme proposals reflect those of the current scheme, implementing the CPO to deliver the new scheme (if approved) would be lawful.
- 4.10 Officers of the Council recognise the difficulties faced by the developer and agree that the revised approach to implementing the CPO requested by the developer is appropriate, and will ensure that the chances of the scheme being realised are maximised.
- 4.11 **Proposed changes to CPO Indemnity agreement** – the developer has requested that a further Deed of Variation to the current legal documentation is entered into which allows for the use of Notice to Treat, Notice of Entry methodology; the details of which are contained at Appendix A.
- 4.12 **Proposed changes to the Development Agreement** - the developer has requested revisions to the existing Development Agreement. This document sets out a number of conditions which the developer has to satisfy, within a specified time period and details the financial contribution to the Council for defined land contained within the CPO boundary. The revisions proposed are to reflect the impact that the downturn in the economy has had on both the financial and property markets. The details of these amendments are set out in the confidential appendix B, but in essence provide the developer with an extended period of time in which to deliver the comprehensive development on revised commercial terms.

## **5.0 Legal Observations**

- 5.1 As indicated above, the CPO Indemnity Agreement (CPOIA) governs the making and implementation of the CPO and provides an indemnity for the Council in respect of the costs arising from the CPO process. It has been in place since the 21<sup>st</sup> December 2006 and has provided an effective mechanism governing the relationship between the developer and the Council in terms of the CPO process.
- 5.2 The CPOIA has envisaged that the primary mechanism for implementing the CPO will be by the GVD process with Notice to Treat /Notice of Entry only being resorted to in the case of 'minor' interests which, by law, cannot be acquired by GVD. The

substantive amendments to the CPOIA ensure that the Notice To Treat /Notice of Entry process can be utilised as the primary mechanism for vesting the site whilst also extending the time period for the Developer to request that the Council should implement the CPO. The latter amendment allows the Developer an appropriate time to assess the prospects of the scheme proceeding whilst at the same time allowing the Council a sufficient lead in time to prepare for and execute the documentation required to implement the CPO.

- 5.3 The Development Agreement now proposed sets out specific dates within which the developer has to commence a comprehensive development and also to serve Notices to Treat and Notices of Entry. The original conditions in the Development Agreement remain largely the same with the revised commercial terms set out in the confidential appendix.

## **6.0 Financial Considerations**

- 6.1 There are no financial implications for the Council in accepting a change in the methodology to the implementation of the CPO, as through its very nature the legal agreement requires the developer to indemnify the Council for all costs. The details are contained in Appendix A.

- 6.2 Under the terms of the development agreement, the Council will retain all car parking income until commencement of the development when capital payments will be made. The developer will also meet Council officers' costs associated with progressing the development.

- 6.3 The Head of Property Service confirms that in his opinion, the terms currently offered to the Council, based on the advice received from King Sturge, represents the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972.

## **7.0 Risk to the Council**

- 7.1 There are two options for the Council regarding varying of the legal documentation relating to the CPO and the Development agreement:-

To refuse the proposal - the effect would be that the CPO would be 'timed out' in July 2011 with no possibility of land being assembled to allow the scheme to proceed. In respect of the Development Agreement, if this is not amended to allow for a revised land deal the Developer will be unable to bring forward a commercially viable scheme with the result that the scheme can not be delivered.

To agree to the proposal - this is reasonable and consistent with the corporate priorities set out in the report to the Executive Board in April 2006.

- 7.2 Further risks are identified in the confidential appendix attached to this report which relate to the financial or business affairs of the Council. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

## **8.0 Recommendations**

- 8.1 That the Executive Board notes the report and the current position of the project.
- 8.2 That the Executive Board approves the proposed changes to the existing CPO Indemnity Agreement and that the Acting Director of City Development requests the Assistant Chief Executive (Corporate Governance) to complete all necessary legal documentation to vary the existing CPO Indemnity Agreement as per the information provided at Appendix A.
- 8.3 That the Executive Board approves the Heads of Terms for the changes to the existing Development Agreement containing the commercial deal and that the Acting Director of City Development requests the Assistant Chief Executive (Corporate Governance) to complete all necessary legal documentation to vary the existing Development Agreement as per the information provided at Appendix B.
- 8.4 That the Executive Board agrees that if any further alterations, within the broad terms of the documentation as set out in the confidential appendix A & B, are necessary to enable the completion of the legal documentation, that these be dealt with under the appropriate scheme of delegation, with the concurrence of the Executive Member for Development and Regeneration.

## **Background Papers**

**None**

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**Not for Publication: Appendix 2 of this report is exempt/confidential under Access to Information Rule 10.4 (5)**

## Report of the Acting Director of City Development

### Executive Board

Date: 9th March 2011

### Subject: Future Options for Architectural Design Services

#### 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)

## EXECUTIVE SUMMARY

This report sets out the current position with the Council's internal construction design service – Architectural Design Service (ADS). It notes that the Council's current design alliance with Jacobs (the SDA) expires on 23rd July 2011 with advice from Legal Services that there is no basis for this contract to be extended.

The proposals set out in this report are intended to address a significant down turn in capital programme activity and subsequent budget shortfall and sustainability problem for ADS, in the context of the comprehensive spending review and the subsequent need to reduce Council spending significantly.

The report summarises the options considered for the future design support for Council projects. Of these options, two have merit, based on the initial appraisal: a proposed JV with Norfolk Property Services which is the preferred choice at this stage, and the option to separately procure design work, using existing frameworks where possible.

The report recommends that the service ceases in its current form and to commence the process of decommissioning the service in the most appropriate way to optimise current and future business needs.

The report seeks Executive Board approval to a joint venture with Norfolk Property Services (NPS) being actively explored and reported back to Executive Board by July 2011. The report sets out the range of issues and options associated with the potential for a joint venture should it prove viable. Staff associated with the work would TUPE transfer to the new organisation, or if the NPS option is not proving viable, staff would be placed into Managing Workforce Change.

Should it prove on further investigation that this option is not likely to work out in the Council's best interest, Executive Board is asked to agree that the default position is implemented that having ceased the in-house service, future activity is procured either singly or using existing available frameworks e.g. Office of Government Commerce (OGC) for an interim period pending further review and the recovery of the economy.

## **1.0 Purpose of This Report**

1.1 This report summarises the options available to replace the Council's internal design service and seeks Executive Board approval in principle to transfer the service into a joint venture arrangement with Norfolk Property Services, subject to detailed consideration and a further report to Executive Board in July.

## **2.0 Background Information**

2.1 The Architectural Design Service has evolved over a period of years; at one time having in excess of 150 staff servicing a significant capital programme. In response to the best value review of design services in 2003/4, the Council procured a design partner for a period of three years, Jacobs, with two allowable annual extensions. The last extension to the contract is due to expire on 23<sup>rd</sup> July 2011.

2.2 Over the course of the past five years, the capacity of ADS to offer a comprehensive service has diminished, to the point that the service is now unable to meet its income targets. The service is not financially sustainable in its current form given the limited amount of work, the failure to meet income targets and the Council's mounting budget pressures. The projected shortfall in income for this service for 2010/11 (at period 10) is approximately £490,000. The service will not meet its budget target in 2010/11 and the position may rapidly deteriorate during 2011/12 to the point where the service moves into a worsening deficit position, placing a pressure on the City Development budget.

2.3 Staff numbers have been reducing over the course of this financial year as efforts to prevent the service's financial position from worsening. There are now 40 permanent members of staff and 10 temporary / agency staff. Three members of staff will be leaving as part of the Early Leavers Initiative. ADS is over-reliant on temporary or agency staff to make up for either a skill deficiency or a mismatch of workload to professional disciplines. Its staffing resource is considered to be inadequate and the Council is now struggling to provide the critical mass and investment required to maintain and develop a high quality, multi disciplinary design service.

2.4 ADS has been affected by a reducing capital programme and there is limited or no prospect that this situation will improve over the next few years. In addition, the comprehensive spending review has resulted in the need to reduce the budget of the Development Directorate by 18% between 2011/11 and 2011/12. The ADS income shortfall in the region of half a million pounds in 2011/12 makes the budget situation even more difficult. Whilst it is expected that there will still be a need to meet the income shortfall to some extent in 2011/12, this situation is entirely unsustainable in

the context of the Council's current financial situation and other difficult decisions that need to be made to ensure the Council can balance its budget.

2.5 The view of officers is that there is no possibility that this situation can be turned around if the service continues in its current form. It is therefore clear that the Council needs to respond to the following issues:-

- the Jacobs Contract coming to an end in July 2011;
- the reduction in the Capital Programme;
- the unstable position that the in-house service currently faces.

2.6 Taken together, it is clear that a solution needs to be brought forward that responds to the issues highlighted above and provides a more stable and sustainable basis for the delivery of the Council's architectural design needs. In addition, the Council needs to consider a solution which enables it to deliver design arrangements that can meet the very varied nature of its design needs, including the need to meet funder requirements about certain aspects of design work and the need to respond to service requirements in an effective and timely way. This requires a multi-disciplinary design service and some flexibility about special arrangements for particular projects.

2.7 The options that have been considered to resolve this situation are:-

- Option 1: staff proposal
- Option 2: Jacobs secondment proposal
- Option 3: local authority JV with Norfolk Property Services
- Option 4: separately procure design services for individual jobs and / or use available frameworks e.g. OGC
- Option 5: existing framework available within LCC e.g. the LEP (Local Education Partnership) or PPPU's technical advisor contract
- Option 6: procure new external design framework
- Option 7: procure new design partner
- Option 8: establish a JV with a private sector company
- Option 9: shared service or JV with another local authority

2.8 These options are summarised below with a summary of the initial option appraisal outcome.

### **Option 1: staff proposal**

2.9 Following the start of the consultation process about the possibility of ceasing ADS, which started in September 2010, a group of the staff developed an option to restructure the service which would have involved reducing its size and changing the way it works. A great deal of effort was put into this proposal and it was considered seriously as part of the review. If there was any serious scope to retain the service in this way, this option could have been used as the starting point. The Acting Chief Asset Management Officer has met this group of staff on a regular basis since the start of the consultation period. Unfortunately, the option is still unlikely to solve the issues of critical mass, income shortfall and some client dissatisfaction. Therefore it is not recommended. The staff group is aware of the reasons behind the decision not to recommend pursuing their option further.

### **Option 2: Jacobs secondment proposal**

- 2.10 Detailed consideration has been given to an initial option put forward by Jacobs, the Council's current partner in the Strategic Design Alliance, after discussion with the Council. This would extend the existing contract by a further 12 months from July 2011 to July 2012, seconding a number of permanent architectural and surveying staff for a period of around 9 months. The Council's legal advice about this option is that a further 12 month extension would not be allowed if the contract value is greater than £156,000, which it would be. In terms of employment, legal advice is that the staff would be unlikely to enter managing workforce change until after the secondment period, which defers the employment issue, but does not solve it. Likewise, there is no guarantee that the deficit would be reduced through this arrangement.

### **Option 3: local authority JV with Norfolk Property Services**

- 2.11 More recently, discussions have taken place with Norfolk Property Services about the possibility of Leeds entering into a joint venture arrangement with Norfolk Property Services. Norfolk Property Services Ltd is a public sector company that was formerly a Norfolk County Council business unit and is now a national provider of property consultancy services. It has partnership arrangements with a range of authorities including Wakefield, Hull, Barnsley, Stockport, Devon, Waltham Forest, and Wigan.
- 2.12 The NPS business model enables Leeds to transfer its activities into the company without going through a traditional procurement process. All of the NPS joint ventures to date have been established under the "Teckal exemption", which provides exemption from EU procurement regulations where the local authority has sufficient control and where the majority of work carried out is carried out for the participating local authorities. Legal advice has been sought which has indicated that the arrangement can be exempt. The detailed issues and options associated with the NPS are set out in paragraph 3 below.

### **Option 4: separately procure design services for individual jobs and / or use the Office of Government Commerce (OGC) Framework**

This option would allow the Council to procure project design for single projects or call on companies included in the OGC framework to call off design services for schemes with a construction value of over £500,000. Activity below this level could be procured individually or carried out internally through CPM. Companies on the framework include, Turner & Townend; Mace; Jacobs; Faithful & Gould; Bovis Lend Lease; Capita; Mott McDonald; EC Harris; Gardiner & Theobald; RLB (Rider Levett Bucknall). This option would require a residual design service to be in place to complete the existing work programme.

### **Option 5: existing framework available within LCC e.g. the LEP (Local education Partnership) or PPPU's technical advisor contract**

The LEP has exclusivity over certain Education and Leisure design and building activities. However, legal advice is that neither of the OJEU's associated with these vehicles is broad enough to include all the Council's general design work. Legal advice relating to the exclusivity of the LEP is covered in Appendix 1.

### **Option 6: procure new external design framework**

This option is not recommended as it would be difficult to specify and tender on the basis of the anticipated work load. In addition, the costs and timescale associated with such a procurement are likely to outweigh the benefit of such an exercise, especially as a significant number of the companies who might be equipped to take Leeds' projects are already on the OGC framework.

#### **Option 7: procure new design partner**

Like option 6 above, this option is not recommended as it would be difficult to specify and tender on the basis of the anticipated work load. In addition, the costs and timescale associated with such a procurement are likely to outweigh the benefit of such an exercise. The Council would not be able to guarantee a minimum fee to the partner, which is likely to be a requirement.

#### **Option 8: establish a JV with private sector company**

Again, this option is not recommended as it would be difficult to specify and tender on the basis of the anticipated work load. In addition, the costs and timescale associated with such an exercise are likely to outweigh the benefit of such an exercise. The Council would not be able to guarantee a minimum fee to the partner, which is likely to be a requirement.

#### **Option 9: shared service or JV with another local authority**

This option is not recommended on its own due to the time it would take to establish such an arrangement and the risk that it would in effect combine organisations with a similar range of problems into a newly established organisation, in an untested way. However, it could be considered alongside the NPS option, either at the start or at a later stage.

2.13 In considering the above nine options officers have taken into account a range of factors, including:-

- potential to offer multi-disciplinary service;
- cost of establishing new arrangements;
- time taken to establish new arrangements;
- extent to which the Council would need to, and is able to, specify the level and anticipated value of activity;
- initial benchmarking of fee levels to ensure value for money;
- the ability of the arrangement to improve service quality and performance;
- the scope to build in additional benefits for the Council;
- financial implications;
- risk;
- legal implications;
- contract management requirements;
- employment implications in relation to managing workforce change arrangements and potential for TUPE;
- staff and trade union views.

2.14 Factors which have been of particular influence in this initial option appraisal have included the ability to specify service levels going forward, the whether the time and cost of procuring new arrangements is in proportion to the potential benefits offered by the exercise. Officers have also given some weight to the ability of an option to protect employment where possible and the potential for Council services to be

delivered through shared publically owned companies as a means of improving effectiveness and efficiency in their operation. Due attention has been given to legal advice.

2.15 On the basis of this initial option appraisal & analysis, and taking into account all of the factors listed above, officers recommend ruling out further detailed consideration of options 1, 2, 5, 6, 7, 8 and 9. Officers recommend that the NPS option is explored in more detail with a view to reporting back to Executive Board by July. If this option proves unworkable, officers recommended Option 4 (separately procure design services for individual jobs and / or other frameworks e.g. OGC as the fall-back position. It should be noted that in ruling out option 5 for this purpose, the current LEP agreement is not affected i.e. its exclusivity remains.

2.16 The NPS option, along with issues associated with it, is set out in more detail below.

### **3.0 Proposed NPS Leeds JVC - Main Issues**

3.1 The NPS option has some potential benefits to the Council in current circumstances:-

- it can be set up more quickly than all other options, as it is a local authority service considered to be outside of the procurement regulations;
- there is no need to specify or guarantee a minimum level of business or income to the company;
- it allows the possibility that the design service can be made successful through the addition of new capacity and business;
- all permanent professional staff and a small number of support staff could transfer to the company on a TUPE basis;
- it could avoid redundancy for a group of staff who are unlikely to find a professional skills match in the Managing Workforce Change process;
- Staff and Trade Unions support this option;
- NPS has a track record with sustainable property management and construction which could potentially help Leeds reach its own energy efficiency and income targets;
- the Council can receive a profit share on a 50:50 basis in the form of a volume discount, but does not bear any losses other than a sliding scale of redundancy costs over the first three years should that be necessary;
- other associated services could potentially be added at a later stage if the Council wished, which could present a further option to consider for other services facing an uncertain future;
- in order to achieve best value, the Council could build an annual efficiency target into the business plan, aimed at producing year-on-year savings.



- 3.2 Officers have spoken to other authorities who have arrangements with NPS. There have been a range of positive comments, and lessons learned that will need to be tested further.
- 3.3 A joint venture could be established either as a single Leeds company or with a Leeds subsidiary to one of the other NPS JVs in the region (Wakefield, Hull or Barnsley). The advantage of the Leeds single option is that is easier to set up and the extent of the Council's control is clearer. This option allows Leeds to add further services, or join with other authorities at a later date if that is considered worthwhile at that time. However, the business would need to grow as the existing scale of activity in ADS is too small to justify a separate company over the medium term.
- 3.4 Leeds joining an existing NPS JV reduces overheads, there is no pressure on Leeds to add services which would possibly be the case with the single company option. However, it has not been done before and could take longer to establish as a result. In addition, Leeds' share in the company would need to be negotiated.
- 3.5 The NPS proposal is based on a three year business plan but a minimum ten year length of contract. Termination arrangements have been discussed but would need to be explored in more detail. However, if the company was failing, it could be wound up and the staff then working on Leeds' activity would need to TUPE to the Council's new arrangement. The company would bear the associated losses. There are specific and limited reasons why NPS could terminate the arrangement, but more flexibility for the Council to do so, with a review clause at 5 years.
- 3.6 It is important that the Council ensures that, despite the pressing financial and capacity issues with the existing service, it has taken the time to fully consider all issues relating to the potential joint venture, including:-
- the extent of the Council's control over the company;
  - the legal advice relating to competition and employment;
  - evidence that the option offers value for money, through some benchmarking and soft market testing if deemed necessary;
  - the extent to which the arrangement addresses the deficit;
  - the extent to which the arrangement offers additional benefits;
  - whether a single Leeds NPS venture or Leeds joining an existing NPS company is the recommended option;
  - the activities to which NPS could be granted exclusivity and where the Council may want to carefully specify exclusions from this;
  - the level of commitment from across Council directorates to use the new arrangements;
  - the experience and lessons of other authorities with NPS arrangements;
  - the termination arrangements;
  - the client and contract management arrangements necessary to properly manage the arrangement;
- 3.7 It is proposed that this detailed work takes place to test the viability of the proposal for a joint venture arrangement between the Council and Norfolk Property Services and that a further report outlining the results of this is brought to executive Board by July 2011.

#### **4.0 Consultation**

- 4.1 The proposal to cease ADS in its current form has been subject to a formal consultation period beginning with a staff meeting with the Acting Director of Development on the 6<sup>th</sup> September 2010, and followed with a number of meetings with Trade Union representatives.
- 4.2 The staff established a small group to consider their response to the proposal to cease the service. They sought volunteers to join this group from amongst the permanent staff. This group has met with the Acting Chief Asset Management Officer on a regular basis over the past five months. Joint meetings are now held with the trade Union representatives.
- 4.3 Updates for all staff have been done over the course of the review and a meeting of the whole staff is due to take place the week starting 28<sup>th</sup> February.
- 4.4 The view of officers is that a sufficient period of time and a sufficient level of effort has been given to consultation with staff and the Trade Unions about the proposals contained in this report.
- 4.5 Staff and TUs are supportive of the proposal to consider a JV. They would like to fully participate in the work which will take place to explore this option more fully. If the outcome of this exploration is found to be positive, they also fully support the TUPE transfer of most staff. If at some point it is found not to be viable, by mutual agreement, they accept that at that time (and not before) staff would go into the Managing Workforce Change procedure. They do not support exploring Option 4 concurrently with Option 3, but accept that Option 4 should be explored should the NPS option not prove viable.

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

- 5.1 The decision to establish a joint venture company rests with Executive Board. The decision sought at this meeting is in principle support which will allow the proposal to be explored more fully before being brought back for final decision by Executive Board later this year.
- 5.2 An Equality Impact Assessment has been completed and is available on request.

## **6.0 Legal and Resource Implications**

- 6.1 Internal legal advice has been sought in respect of the potential to enter the proposed joint venture with NPS without a standard procurement; the challenge risk associated with this approach, and the Council's mitigation of these risks; and the application of TUPE and Managing Workforce Change procedures and the impact of the timing of the closure of ADS in its current form.
- 6.2 Full legal opinion will be provided when this matter is brought back to Executive Board in July 2011.
- 6.3 There are legal implications in relation to procurement included in this report. For future design services bought externally, the Council would need to make use of an existing framework or re-tender. The advice received is that it would not be possible to extend the Jacobs contract further without a procurement exercise, although works up to the EU procurement value (£156k) could be allocated to Jacobs in any case or the framework. As Jacobs believe that the contract can be extended, legal advice is being sought to confirm the position.

- 6.4 Legal advice in relation to the potential to enter into a joint venture with NPS is included in Appendix 1.
- 6.5 Legal advice in relation to employment matters is attached as Appendix 2. Appendix 2 is considered exempt under Access to Information Procedure Rule 10.4 (5) because it contains information relating to negotiations in connection with industrial relations and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered in these circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information.
- 6.6 The cost of setting up the arrangement with NPS will be limited to the Council's internal legal fees, estimated at circa £5,000.
- 6.7 The income shortfall in ADS is currently projected to be £490,000 in 2010/11. Whilst this is anticipated for this year, it can not be sustained to that extent in 2011/12. It is possible that the position can recover should the service transfer relatively quickly. However, the share of Council overheads that is currently charged to ADS will still be incurred and will remain a problem in terms of how this is to be funded. The sum in question is £380,000 for 2010/11 and is likely to be only slightly less in 2011/12.

## **7.0 Risk**

- 7.1 A full risk assessment will be completed as part of the full exploration of the option to pursue a joint venture with NPS.
- 7.2 However, at this time the Council clearly faces the risk of managing an unsustainable design service. The Council could simply cease the service and procure its design services from private sector providers. This solution is clearly an option, but would leave the Council exposed to an external market with no residual internal capacity. Securing a joint venture with another public body would help to mitigate this risk.

## **8.0 Conclusion**

- 8.1 In the context of the Council's reducing capital programme and its current revenue budget pressures, and the capacity issues that the service is facing, officers have concluded that the internal Architectural Design Service is not sustainable in its current form. Its inability to meet its income target is putting considerable pressure on Council budgets, and its staffing structure and capacity does not match its workload. The officer view is that there is no possibility of the service becoming sustainable in its current form.
- 8.2 A number of options have been looked at. On the basis of the initial options, it appears that two of these options have merit. The one which appears to offer a solution with some potential additional advantages is to transfer the service into a joint venture partnership with Norfolk Property Services, a wholly public sector owned company. If Executive Board is minded to agree that this option has some potential, it will be explored in more detail with NPS and with other authorities who have entered arrangements with NPS.
- 8.3 However, the option to separately procure design work using existing frameworks when appropriate e.g. OGC (Option 4) will also be explored in more detail at the next stage. Although staff and Trade Unions have asked that this is not done unless the NPS option proves not to be viable, it is the view of officers that it would need to be considered concurrently.

## **9.0 Recommendations**

9.1 Executive Board is recommended to:-

- 1) end the formal consultation about ceasing the service, and agree to the proposal to cease the in-house Architectural Design Service in its current form;
- 2) agree to begin the process of decommissioning the service in the most appropriate way to optimise the current and future business needs;
- 3) agree to explore to the establishment of a joint venture arrangement with Norfolk Property Services (NPS) as the preferred route and subject to further detailed consideration, to be reported back to Executive Board in July 2011;
- 4) agree that officers should also explore alongside this in more detail the option to separately procure design services using existing frameworks where appropriate e.g. Office of Government Commerce (OGC).

### **Background Papers:**

Equality Impact Assessment

## Appendix 1

### Executive Board 9<sup>th</sup> March 2011 Architectural Design Services Review – Report Back on Options.

#### Legal Advice

1. In relation to option 5 (NPS proposal), the report provides that “NPS JV’s have so far been excluded from EU requirements for procurement on the basis of the tested Teckal exemption, which covers activity where there is no outside finance, the Council is on the board, and the majority (75%+) of work is for the Council. If this position can be established, the Leeds proposal could be exempt and on this basis, the Council would not need to specify or guarantee a specific work level or type as it would in a full procurement exercise”.
2. Where a public body performs a service using its own resources there is no contract and the Public Contracts Regulations 2006 do not apply. In addition, the Regulations do not apply to arrangements between organisations who, although legally separate are so closely connected that it would be inappropriate to make their dealings subject to the Regulations, and are, for procurement purposes, considered to be indistinguishable. This is known as the “in-house exception” which was first established in the European Court of Justice case of Teckal Srl v Comune di Viano(Case C-107/98).
3. The 2 elements of the exception are first, the contracting authority must exercise over the person concerned a control which is similar to that which it exercises over its own departments and second, at the same time, that person must carry out the essential part of its activities with the controlling authority or authorities. This exception has been the subject of a number of other European Court of Justice cases.
4. The exception was considered recently in a case involving a mutual insurance company set up by a number of the London Boroughs. This case is worthy of particular consideration, as a number of NPS subsidiary arrangements will have been established before this case came to Court. To summarise, the High Court decided
  - The exception is part of English law, but is to be strictly interpreted.
  - It is for the public authority to prove that it applies.
  - The assessment of the control of a company for the purposes of the first condition must take account of all the legislative provisions, and relevant circumstances.
  - The public authority must have a power of decisive influence over both strategic objectives and significant decisions of the company.
  - The fact that the controlling authority holds, alone or together with other public authorities all of the share capital in the company tends to indicate, without being decisive, that the authority exercises over the company a control similar to that which it exercises over its own departments.

- It was not necessary for Brent to show that it alone had the power of decisive influence over the strategic objectives and significant decisions of the company.
5. On appeal in Brent London Borough Council v Risk Management Partners Limited [2009], the Court of Appeal decided broadly,
- The Regulations are subject to the exception.
  - Powers arising from the relevant documents provide the starting point, but the circumstances in which the arrangements will operate, including how the authorities are likely to exercise their powers should also be considered.
  - A body which is controlled by a group of public authorities will satisfy the exception if the authorities jointly exercise the necessary degree of control over it, and it carries out its essential functions for them.
  - The presence of private capital and participation in commercial activities with third parties, are each likely to exclude the operation of the exception.
  - The authorities could pass special resolutions by a 75% majority, but the powers of the board were extensive, and they had a substantial amount of discretionary control over the way in which the company was run. It was clear the board rather than the members was intended to exercise control over the company, so this did not amount to sufficient control for the exception.
  - The fact a contractor's constitution allows the entry of private capital was not significant if there were no private shareholders at the time the contract was awarded, and the second condition would have been satisfied as the provision for affiliates was marginal.
6. On appeal, by its judgment dated 9 February 2011, the Supreme Court decided
- The Teckal exemption does apply to the Regulations.
  - Collective control by public authorities is enough.
  - Public authorities do not require to follow any particular legal form in order to take advantage of the Teckal exemption.
  - As long as no private interests are involved, authorities are acting solely in the public interest in the carrying out of their public service tasks, and they are not contriving to circumvent the rules on public procurement, the Teckal conditions are likely to be satisfied.
  - The decisive influence that a public authority must exercise can be present even if it is exercisable only in conjunction with the other participating public authorities.
  - The board was subject to direction by the participating members in general meeting by a 75% majority, and 100% of the voting rights at general meetings lay with the participating members.
  - There were limitations on the insurance that might be offered, and collective control over strategic objectives and significant decisions was with the participating members at all times. The Teckal control test was satisfied.

- There was no private involvement in the company's affairs, other than a minority of independent directors on the board, and the company had no external or private capital.
  - The main objects of the company were to provide insurance to the London Boroughs, and bodies associated with them. The second Teckal condition was satisfied.
  - The Directive applies unless, in substance, the body concerned only trades with the local authority, or authorities. The body must remain within the public authority sphere and could not go out and compete with other suppliers for other primary insurance business on the open market.
7. NPS has provided a draft form of Articles of Association for a subsidiary trading company limited by shares. These provide for a holding company (presumably the NPS "parent" company) to hold 51%, (with the Council presumably holding the remaining 49% of the shares). The Articles also refer to the holding company itself being under the control of Norse Group Limited. However, NPS's solicitor has confirmed the "standard model" for NPS subsidiary companies is 80%/20% share ownership in favour of NPS and the local authority respectively.
  8. In relation to the board of the proposed subsidiary, NPS's solicitor has confirmed the proposal is for 6 directors, being 1 managing director, 3 appointed by Norfolk County Council (NCC), and 2 appointed by the Council.
  9. NPS's solicitor has confirmed that NPS is 100% owned by Norse Group Ltd, and that Norse Group Ltd is itself owned 100% by NCC. Therefore, although the Council will not itself exercise control over the subsidiary similar to that which it exercises over its own departments, in effect the subsidiary will be wholly owned and controlled by the Council and NCC acting collectively. The Council could not, by virtue of its shareholding in the subsidiary, prevent an element of private sector ownership being introduced into either NPS or Norse. However, it could seek a separate contractual commitment from NPS and/or Norse to the effect that the Council must be notified of any proposed company resolution to introduce private capital or ownership into NPS or Norse, with suitable exit provisions in the services contract with the subsidiary. The Council should also seek a limitation in the constitution of the subsidiary to the effect that a proposed resolution to introduce private capital or ownership into the subsidiary itself, must first receive the separate written consent of the Council.
  10. The presence of private capital or ownership is clearly significant. In the case of Mehilainen and Terveystalo Healthcare [2010], concerning the setting up of a joint venture company on an equal share basis both in terms of ownership and of power of control, the ECJ decided that "the holding, even a minority holding, of a private undertaking in the capital of a company in which the contracting authority in question also has a holding too means that, on any view, it is impossible for that contracting authority to exercise over that company control similar to that which it exercises over its own departments".

11. It seems unlikely that the participation of NCC in the subsidiary through NPS and Norse, rather than directly in its capacity as a local authority, would be significant for these purposes. In the case of Commission v Germany [2009], when deciding whether a process of inter-municipal cooperation required the creation of a separate body, the ECJ decided that “Community law does not require public authorities to use any particular legal form in order to carry out jointly their public service tasks”, and that such cooperation did not undermine the objectives of the Community rules on public procurement. This case was referred to by the Supreme Court in its judgment mentioned above, and it seems clear that so long as no private interests are involved, and authorities are acting solely in the public interest in the carrying out of their public service tasks, the form of their collaboration will not be regarded as significant for the purposes of the Teckal exemption.
12. It is not yet clear whether, or to what extent it is intended the subsidiary would carry on commercial activities by providing services to the private, as well as the public sector. Plainly, any proposal for the subsidiary to carry on such activities would need to be carefully considered in the light of the Supreme Court judgment mentioned above. In any event, it would be appropriate to place restrictions in the Articles in this respect, either prohibiting such activities or limiting these activities to no more than a specified percentage of turnover. It appears that neither NPS nor Norse engage in any commercial activities at present, but again a separate contractual commitment could be sought to notify the Council of any proposal to this effect, with suitable exit provisions in the services agreement with the subsidiary.
13. The draft Articles provide that a number of actions or decisions by the subsidiary company require the separate written consent of NCC. These include activities which would fall outside the scope of an approved business plan, the giving of guarantees, creating new shares etc. These restrictions have been included to reduce the discretionary control by the board, and to demonstrate that there is a decisive influence over the strategic objectives of the subsidiary company, and its significant decisions, by the public sector. These provisions also serve to provide a control over the potential consequences for NCC (and the Council) arising from capital finance transactions undertaken by the subsidiary company. It will be necessary to review this list, to consider whether it is adequate for these purposes, and to determine the extent to which the Council would wish to control such matters. It may be appropriate to include a “catch-all” provision to the effect that separate written consent would also be required for any decision which NCC or the Council reasonably considered was likely to affect the company’s strategic objectives, or which NCC or the Council reasonably regarded as being significant.
14. A draft Business Case provided by Hull City Council (HCC) provides details of a different model, namely a joint venture company (JV) between HCC and NPS whereby HCC took only a minority interest in the JV. It appears HCC proceeded on the basis that because of the wholly owned status of NPS, they could rely upon an exemption in an earlier EU Directive which provided that



the Directive did not apply to a public services contract awarded to an entity which was in itself a contracting authority under that Directive, and HCC considered NPS to be a contracting authority for those purposes at that time. However, it appears that the relevant general exclusion in the Regulations is limited to where services are provided by a contracting authority which has “an exclusive right to provide the services” or such a right is “necessary for the provision of the services”, neither of which conditions is relevant in these circumstances. It is recommended therefore, that in the current circumstances this model should be disregarded.

15. Overall, it is considered the subsidiary model proposed by NPS will be compliant with the Teckal exemption, provided there is no private sector activity carried on by NPS or Norse, and that no private sector activity is proposed for the subsidiary. If any private sector activity is proposed in relation to any of these bodies, there would need to be further consideration whether the second Teckal condition could be satisfied in the light of the Supreme Court judgment referred to above. It is also considered that the risks of private capital being introduced into any of these companies, to the extent that the Teckal exemption would be lost, can be mitigated by taking the necessary separate contractual commitments, backed up by appropriate exit provisions for the Council in the services contract with the subsidiary.
16. In relation to the Council’s powers to participate in the subsidiary company and to enter into the service agreement, under Section 3 of the Local Government Act 1999, the Council is under a general duty “to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.
17. If the Council identifies the proposals from NPS as being ones which will deliver improved, (in the sense of more economic, efficient or effective) services, it is considered that the totality of the proposals, including participating in the subsidiary company by way of share ownership, board appointments etc. can reasonably be regarded as securing continuous improvement, or as part and parcel of the Council’s “arrangements” for so doing under Section 3.
18. In addition, under Section 111 of the Local Government Act 1972 the Council has the power to “do anything... which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions”, and this includes obtaining professional and technical services which are incidental to its primary functions.
19. In the “Brent” case mentioned above, the Court of Appeal decided that mutual insurance arrangements, and the arrangements for participating in a mutual insurance company, were not covered by Section 111. It is to be noted that the question of the Council’s powers was not considered by the Supreme Court in the Brent case, as a specific statutory power to enter into mutual insurance arrangements had been given to local authorities since the decision of the Court of Appeal.

20. The Court of Appeal found the local authority was not merely making an arrangement with other local authorities as a different way of obtaining insurance. The Court of Appeal found that Brent was going further, and was insuring other authorities and exposing the authority to a risk which insurance with a commercial insurance company did not, that is, a direct exposure to the losses of others. On that basis the arrangements could not be regarded as incidental to the functions of a local authority.
21. The Court of Appeal also found that when a local authority enters into arrangements to obtain property, goods or services necessary for or incidental to its primary functions, the farther those arrangements departed from the simple acquisition of the benefits in question, the greater the likelihood they would fall outside its powers. More elaborate arrangements were likely to involve elements which although they may form an integral part of what may be regarded as a beneficial scheme, were not necessary for the achievement of the objective and could less easily be regarded as incidental to the performance of the authority's function.
22. However, whilst the NPS proposals will involve what might be regarded as the distinct elements of acquiring shares in the subsidiary, and making appointments to the board, there will be no obligation to fund the company or to bear losses incurred by the company or by its other members. In addition, if the Council wishes to continue with an "in-house" service but in collaboration with other authorities, it is difficult to see how this could be achieved without creating a limited liability company if the Council wishes at the same time to insulate itself from the usual risks and liabilities concomitant with directly employing such a service.
23. As a result, it is considered there is a much stronger argument that these elements are "necessary" for the achievement of these objectives. In addition, it is considered that it would be reasonable for the Council to take the view that these arrangements do not depart to a significant extent from the simple acquisition of professional services either by contract alone, or by employing an in-house service, given that participating in the new company will not apparently give rise to any financial risk or obligation on the Council's part, beyond acquiring the shareholding, and given also that the Council will thereby have a continuing responsibility for the delivery of these services, albeit in conjunction with NCC.
24. Therefore, it is considered that even if Section 3 of the 1999 Act is not sufficient in itself for these purposes, the Council can rely on Section 3 in conjunction with the powers in Section 111, in relation to these matters.

### **Risk of Challenge**

25. If the Council decide to create a joint venture company with NPS and seek to rely upon the Teckal exemption as detailed above consideration has to

be given as to whether there is a potential challenge from any third party, by the Council doing so.

26. Any challenge brought would have to be based on the fact that the Council had made a decision that was unreasonable (i.e. that no reasonable authority could have made such a decision) or is not within its powers to decide on such matters. It could not be on the ground that the Council has failed to comply with the Public Contracts Regulations 2006.
27. It is up to the authority to decide how best it wishes to provide its services and there is no requirement to go out to tender if it decides it wishes to keep this service “in-house”, even if this means doing so by reliance upon the Teckal exemption.
28. In order to mitigate against this the Council should be as open and transparent as possible about its intentions. For example, it could soft market test a JV by making it clear that the Council is considering the NPS option but is looking at the market to see if there are any other viable options that are worth considering. If a market testing exercise were to be carried out, there is no requirement to then go to the market if the Council decides not to. The information obtained from that exercise would enable the Council to come to an informed decision as to whether forming a JV is the best route for it to take or not.
29. In conclusion, provided the Council makes a reasonable decision which is justifiable in terms of administrative law, it is considered that the risk of challenge by a third party is low.

**Do the Leeds Local Education Partnership (“LEP”) have exclusivity?**

30. The LEP has advised the Council that the work carried out by Architectural Design Services can be carried out by it under its current contract with the Council, and if the Council chooses to continue as detailed above, it may decide to challenge the Council on the ground that it has exclusivity in relation to the works covered under the contract.
25. Advice provided from the Public Private Partnership Unit has indicated that the Strategic Partnering Agreement provides that exclusivity is granted to the LEP to carry out "Partnering Services", and "Major Projects". There is also the power (but no obligation) to grant the LEP “Additional Services”.

"Partnering Services", includes (in the OJEU) the development and implementation of a strategic investment programme for (a) educational facilities consisting of new and refurbished secondary schools and (subject to funding approval and performance of the LEP); primary school accommodation, and accommodation for the provision of SEN partnership bases, other associated facilities as appropriate (e.g. Early Years, Community, Youth, Further Education) under the BSF Programme; and (b) leisure facilities (only within the OJEU which is limited to certain

facilities). Schedule 12 contains the “Partnering Services” specification, which contains considerable detail but is linked wholly to educational objectives principally for the “Major Projects”.

“Major Projects” are defined as Capital Projects over £100k in relation to “Relevant Facilities”. A “Relevant Facility” is either construction of the secondary school estate (generally) or other facilities “funded under the BSF programme”.

The “BSF programme” is only defined generally as the “Building Schools for the Future programme managed by Partnerships for Schools”.

So in relation to design the LEP has the exclusive right to provide design and commissioning services in relation to Major Projects.

28. In conclusion, the LEP do have exclusivity in relation to “Major Projects” set out above and so care needs to be taken to ensure that any Architectural Design Services carried out by NPS do not impact upon such projects otherwise the LEP may seek to challenge the Council on exclusivity grounds.

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## Report of the Director of Environment and Neighbourhoods

### Executive Board

Date: 9<sup>th</sup> March 2011

Subject: 2010 Domestic Energy 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)

## EXECUTIVE SUMMARY

The 2010 Domestic Energy Report<sup>1</sup> identifies that progress is being made to improve the overall energy efficiency of the Leeds housing stock. Energy efficiency improved by 3.43%, to a fourteenth year cumulative total of 30.51% which exceeds the original 2011 HECA target of 30%.

The private sector average SAP energy rating<sup>2</sup> is 56.3, an improvement +0.7 on previous reported figure.

The public sector average SAP energy rating is 69.9, an improvement in the of +2.4 on the previous reported figure.

Average CO<sub>2</sub> emissions are 4,922 kg/year (Private Sector 5,189 kg/year and Public Sector 3,874 kg/year) with a 3.24% reduction equivalent to 49,058 tonnes.

Fuel poverty in 2010 is calculated at 27%, increasing from 22% in the last reporting period. The increase is due to fuel price increases in November / December.

NI 187 targets have been met, with 43.80% of benefit recipients living in a property with SAP>=65 compared with the target of 38.85%, equivalent to an improvement of 6,280 properties and 4.83% of benefit recipients living in a property with SAP<35 compared with the target of 4.89%, equivalent to an improvement in 602 properties.

<sup>1</sup> Previously the HECA report but the Energy Bill 2010 has repealed the HECA legislation. This report has been produced without the use of a costly postal survey, so is acknowledged to be a more basic report, with likely figures based on easily accessible primary data combined with extrapolation of previous trends.

<sup>2</sup> SAP (Standard Assessment Procedure) is an energy rating system based on the energy costs associated with space heating, water heating, ventilation and lighting, minus savings from energy generation technologies. It is expressed on a scaled of 1 to 100, with higher numbers indicating lower running costs.

## **1.0 Purpose Of This Report**

- 1.1 The Home Energy Conservation Act (HECA) came into force on 1 April 1996 and was due to run for a term of 15 years up to 31<sup>st</sup> March 2011, with a target to increase the energy efficiency of the housing stock by 30%. Local authorities were required to report annually on the progress however, the Energy Bill 2010 has now repealed this legislation.
- 1.2 Although the statutory requirement to report has now gone, it is still important for the Council to understand the relative energy efficiency of the housing stock and levels of fuel poverty. This information can be used to track change over time, advise future policy, support bidding for funding and the design, and targeting of future interventions.
- 1.3 The 2010 Domestic Energy Report has therefore been produced to provide a comprehensive picture at this time.

## **2.0 Background Information**

- 2.1 This 2010 Energy Report covers the period 1 April 2009 to 31 December 2010.
- 2.2 Previously the HECA report has been produced from gathering data involving a mail out to 80,000 households across the city; this had proved to be an expensive and time consuming operation. To produce the 2010 report, we have extrapolated Private Sector take-up of measures based on previous HECA reports and modeled the improvement to housing stock by randomly applying the measures to survey data from the previous year's report<sup>3</sup>. Public sector improvements have been calculated using data taken from the council's Keystone Asset Management system and applying these to the UNO dataset used for the last HECA report.
- 2.3 For further information see the [2010 Domestic Energy](#) Report (hard copies are included in members packs).

## **3.0 Performance**

- 3.1 The 2010 Domestic Energy Report continues to highlight progress across the city, with an overall city wide improvement of 3.43%. This gives a cumulative total of 30.51%, meeting and exceeding the original 15 year HECA target set for 2011.
- 3.2 Energy efficiency improvement in the public sector modeled as a reduction in the total energy requirement of the housing stock, is recorded at 7.97%.
- 3.3 Energy efficiency improvement in the private sector modeled as a reduction in the total energy requirement of the housing stock, is 2.63%.
- 3.4 Warm Front 2 (WF2) grant take-up between April 2009 and Mar 2010 shows that 2,587 households received measures against the previous year of 4,201 homes. This is a decrease on the previous report, however, referrals to the scheme are comparable to previous years. WF2 was closed to new applications on 15<sup>th</sup> Dec to allow WF2 to catch up with the backlog of applications. Environment and Neighbourhoods Directorate have placed much emphasis in seeking to contact all potential eligible WF2 clients in an attempt to bring them to grant support. The

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<sup>3</sup> This methodology will have an uncertainty of approx 25% on any private sector improvement figures. e.g. a SAP improvement of 0.7 could be  $0.7 \pm 0.175$ .



scheme will have reduced funding in 2011/12 and 2012/13 with more focused eligibility criteria.

- 3.5 Energy efficiency improvements have brought about a carbon dioxide (CO<sub>2</sub>) reduction<sup>4</sup> in the whole housing stock for the year of 49,058 tonnes. The average carbon dioxide emissions from a Leeds home is now 4.9 tonnes, a reduction of 3.24%. The highest level of carbon dioxide emissions were noted in the private sector at 5.2 tonnes (2.45% improvement), with the lowest outputs from LA dwellings at an average of 3.9 tonnes (7.34% improvement).
- 3.6 The level of calculated fuel poverty in the private sector across the city in Dec 2010 is 27%, representing an increase against the 22% reported in the previous report. Fuel poverty levels are highly dependant on volatile fuel prices, which saw large increases from the main suppliers in November and December. Fuel poverty levels would have increased even further without the energy efficiency measures outlined in section 3.7.
- 3.7 In 2009/10, the principal activities that contributed to this performance were:
- Provision of bespoke advice and awareness raising to the public;
  - 4,938 referrals to Warm Front;
  - 360 referrals to Health Through Warmth;
  - 9,674 cavity wall insulation and 5,815 loft insulation grants under CERT (Carbon Emissions Reductions Target);<sup>5</sup>
  - Groundwork undertook 260 home visits, installed 445 low cost energy saving measures and held 48 information sessions.
- 3.8 Additionally, investment from ALMOs, RSLs, owner occupiers and private landlords continue to make significant improvements to energy efficiency in Leeds.
- 3.9 Between 20011-2013 the Council aims to introduce a free solar PV initiative for both social housing and private homes and a free Home Insulation Scheme for the private sector. Progress will be reported to Exec Board on the 30<sup>th</sup> March. Other initiatives will include:
- A thermal over flight of Leeds to visually highlight heat loss from homes;
  - Development of a public/private sector scheme to take advantage of the Renewable Heat Incentive.

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

- 4.1 The repealing of HECA leaves the Council with no statutory obligations to monitor energy efficiency in domestic housing.
- 4.2 However, the increase in fuel prices and reduction in real-terms income have left more people in fuel poverty now than a year ago, despite an increase in SAP ratings. This, together with the Council's commitment to reduce CO<sub>2</sub> emissions, means that additional energy efficiency initiatives should be prioritised. There are opportunities to bring in external finance and increase the number of green jobs in this sector.

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<sup>4</sup> Using NHER CO<sub>2</sub> figures from NHER AutoAssessor.

<sup>5</sup> As recorded on the Energy Saving Trust HEED database. National data for 09/10 is approx 80% complete, so the quoted totals may rise.

## **5.0 Legal And Resource Implications**

5.1 There are no legal and resource implications arising from this report.

## **6.0 Conclusions**

6.1 There has been progress in 2009/10, with performance exceeding the original 30% HECA target but despite the reported energy efficiency improvements, fuel poverty has still increased significantly.

## **7.0 Recommendations**

7.1 That the Executive Board note and approve the content of the 2010 Domestic Energy Report (hard copies are available upon request) or available at :

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

## **Background Papers**

- DEFRA (1995) Home Energy Conservation Act (HECA)
- DEFRA (2007) *Community Energy Efficiency Fund – Guidance Notes for Applicants*
- DTI (2001), *The UK Fuel Poverty Strategy*
- LCC (2007) *Leeds Affordable Warmth Strategy*
- LCC (2008) *13<sup>th</sup> HECA Report*
- LCC (2007) *Warm Homes, Cool Planet*
- OPSI (2000) *Warm Homes and Energy Conservation Act, 2000*
- OPSI (2004) *The Electricity and Gas (Energy Efficiency Obligations) Order, (SI No. 3392)*
- OPSI (2008) *The Electricity and Gas (Carbon Emissions Reduction) Order, (SI No. 188)*
- DECC (2010) *Energy Bill*



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**APPENDIX NOT FOR PUBLICATION:  
Exempt under Rule 10.4 (3)**

The Appendix to this report contains exempt information under Access to Information Rule 10.4 (3).

## Report of the Director of Environment and Neighbourhoods

### Executive Board

**Date:** 9<sup>th</sup> March 2011

**Subject:** Little London and Beeston Hill & Holbeck PFI Housing Project –  
Final Business Case and Contract Award

#### Electoral Wards Affected:

Hyde Park & Woodhouse  
Beeston Hill & Holbeck  
City & Hunslet

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

1. The Little London, Beeston Hill & Holbeck Housing PFI Project includes significant investment in two inner city areas of the City. Both areas have been subject to intensive preparation, including re-housing nearly 500 households and major advance demolition works (7 tower blocks and 2 maisonette blocks).
2. Successful partnerships have been developed with tenants and residents in both areas, with the Community Advisory Groups (CAG) playing an active role in the procurement process. Local Members and other key stakeholders have also been involved in and briefed about the project proposals as these have developed.
3. The final approval of the project by Government secures major capital investment to the city and will deliver significant improvements in the energy efficiency and internal specification of just over 1,250 existing Council homes together with the provision of 400 new Council homes

for rent, meeting the highest building standards and increasing access and choice to much needed new family homes.

4. Wider benefits will be secured through significant investment in environmental improvements and public realm to improve community safety and amenity in both areas; additional regeneration impact for the Little London area through providing improved retail, community centre and housing office facilities to serve the local area; and securing commitment for new training and employment opportunities for local people. Land is also set aside in each project area for future development when market conditions or funding allow.
5. In order to move forward with the procurement, the City Council is required to submit a Pre-Financial Close Final Business Case (PFC FBC) to the Homes and Community Agency (HCA) and Communities and Local Government (CLG) for approval. The approval of this report, assumes that approval will be granted for an earlier pre-Preferred Bidder Final Business Case (PPB FBC) by CLG so that the City Council's proposed Preferred Bidder can be formally appointed. Subsequent Government approval of the PFC FBC will enable the City Council to move towards completing contract documentation with a view to achieving financial close in the Spring of 2011.

## **1.0 PURPOSE OF REPORT**

1.1 The purpose of the report is to seek Executive Board approval to:-

- the final scope of the Little London and Beeston Hill & Holbeck Housing PFI Project;
- the submission of the 'Pre-Financial Close Final Business Case' (PFC FBC), (provided as an exempt document in the Members' Library), to Communities and Local Government (CLG) through the Homes and Communities Agency (HCA);
- the anticipated affordability position for the project attached at the exempt appendix; and
- agree to the recommendations set out in section 7 to this report relating to the execution of the contract documentation for the project.

1.2 The Appendix to this report contains exempt information under Access to Information Rule 10.4 (3) as it contains commercially sensitive information on the City Council's approach to procurement issues, and commercially sensitive pricing and information about the commercial risk position of the City Council's proposed Preferred Bidder, where the benefit of keeping the information confidential is considered greater than that of allowing public access to the information.

## **2.0 BACKGROUND**

2.1 The Little London, Beeston Hill & Holbeck Housing PFI Project will provide major investment in the homes and neighbourhoods of two of Leeds' most deprived inner-city areas. It represents a significant opportunity to make a long term regeneration impact in those parts of Leeds through a large initial investment of over £140m in the built environment and ongoing maintenance and services to the project areas for a period of 20 years.

2.2 The project proposals have developed over time and were initially developed separately in each area, with funding requested in two tranches, for Little London in 2006 and for Beeston Hill & Holbeck in 2007 under rounds two and five of the Government's Housing Private Finance Initiative. The City Council successfully promoted the joint procurement of

the projects to achieve procurement and operational efficiencies and received approval for this approach from the Homes and Communities Agency in 2008.

- 2.3 The approved Outline Business Cases (OBC) for the originally separate projects have a combined indicative allocation of £190.15m PFI credits approved through the Communities and Local Government Department to provide revenue funding over the next 20 years to deliver the project outputs and outcomes. An affordability contribution from the Council's Housing Revenue Account will also be required over the same period to meet the remaining project costs.
- 2.4 Following the Comprehensive Spending Review the City Council was informed in November 2010 that the project was one of only 12 across the country that would continue to be supported for delivery through CLG's Housing PFI programme, subject to Final Business Case approval and value for money (vfm) assessment. At that time, the City Council had selected the most economically advantageous tender following an evaluation process and submitted its pre-Preferred Bidder Final Business Case (PPB FBC) to Government for approval. In normal circumstances this should have been approved within 6-8 weeks.
- 2.5 The Final Business Case (FBC) is subject to a two stage approval process from the HCA and CLG, the first prior to appointment of the proposed Preferred Bidder and the second prior to moving to contract close. The Council anticipated that the first FBC approval would be confirmed by now, to enable detailed work to progress with the proposed Preferred Bidder to finalise contract details and move towards contract close.
- 2.6 CLG has subsequently confirmed that a separate efficiency study is being undertaken on remaining projects and this has delayed approval for the City Council's PPB FBC which in turn would enable it to confirm the appointment of its proposed Preferred Bidder.
- 2.7 The approval of this report including submission of the Pre-Financial Close Final Business Case (PFC FBC). and award of the contract is the responsibility of Executive Board and is recommended for consideration now in order to move forward quickly with the procurement, following Government approval, as the tender is subject to a bid validity period which expires in June 2011.

### 3.0 PROJECT SCOPE

- 3.1 The original scope for the project anticipated the development of private homes to deliver mixed housing tenure regeneration. The release of sites for this development was assumed to release a capital receipt which would in turn have financed the replacement of community and retail facilities within the Little London area.
- 3.2 However the major economic changes associated with the 'credit crunch' and subsequent recession during 2008/09, required the removal of these elements of the project on viability grounds, to protect the deliverability of the core project.
- 3.3 As part of this change, the amount of new build housing and refurbishment of existing housing through the project was rebalanced to take account of the revised land availability and changes in stock arising from 'right to buy' activity since the OBC stage. The result was an overall reduction of around 1% in project outputs, shown in the table below.

	<b>Little London</b>	<b>Beeston Hill &amp; Holbeck</b>	<b>Original Total</b>	<b>Revised scope</b>	<b>Difference</b>
Refurbishment and conversion	922	320	1242	1299	+57
New build	125	350	475	400	-75
<b>Grand total</b>	<b>1047</b>	<b>670</b>	<b>1,717</b>	<b>1,699</b>	<b>-18</b>

- 3.4 At the same time, Executive Board agreed that the provision of the retail units, community centre and housing office in Little London should be protected and incorporated for direct delivery through the PFI scheme, and the land receipt originally assumed to fund these elements was removed from the City Council's financial model and affordability calculations.
- 3.4 The HCA also approved these changes in scope at that time and has subsequently confirmed its approval of the project scope which was agreed by Executive Board in March 2009 and further amended in December 2009 through the removal from the project of demolition of 442 empty flats, which has now been undertaken separately by the Council.
- 3.5 The final scope of the project will deliver the following:-
- demolition of 309 existing homes across 14 separate sites and 8 existing commercial properties, a community centre and local housing office;
  - construction of 400 new Council homes including 3,4 and 5 bedroomed houses;
  - refurbishment of 1276 existing Council homes (including external property works to 51 leasehold homes forming part of City Council-owned multi-occupancy blocks);
  - environmental improvement of the Little London and Holbeck areas;
  - conversion of 31 bed-sits to 23 one and two bedroom dwellings in a sheltered housing block; and
  - construction of a replacement community centre, housing office and provision of 7 retail units in Little London.
- 3.6 The contractor will repair and maintain Council properties over the 20 year period through the provision and delivery of:-
- property repair and maintenance services to all new build, refurbishment and conversion properties;
  - structural repairs and maintenance to the new retail units, community centre housing office;
  - re-servicing void properties inclusive of transfers and mutual exchanges;
  - caretaking and cleaning services to the multi-occupancy blocks of dwellings, communal areas of sheltered accommodation, community centre and housing office;
  - environmental maintenance to areas indicated in the Output Specification; and
  - customer liaison.
- 3.7 The ALMOs for each project area (West North West Homes for Little London and Aire Valley Homes for Beeston Hill & Holbeck) will retain responsibility for the provision and delivery of the following tenancy management services:-
- lettings;
  - income collection and debt recovery;
  - tenancy management; and

- neighbourhood management.

3.8 The City Council will retain the direct responsibility for the provision and delivery of the following tenancy related services:

- letting and rental policy;
- Right to Buy applications; and
- leasehold management and service charges.

3.9 The City Council will also retain the ownership of the replacement retail facilities provided at Little London and through its Commercial Asset Management Service undertake letting and management of the retail units. The City Council will retain all the freehold assets involved in delivering this project.

#### 4.0 PROCUREMENT APPROACH AND PROPOSED PREFERRED BIDDER

4.1 The project has been in procurement under the competitive dialogue procedure since July 2007. The project has taken longer to procure than originally anticipated due to a combination of factors including:

- the need to re-scope the project in response to market conditions;
- the time required to develop detailed design solutions with multiple bidders;
- the level of commercial complexity required to reach final tender stage under the competitive dialogue procurement route;
- the lengthy processes and interactions with central Government and its housing delivery agency the HCA, through which procurement is monitored and PFI credits secured and approved;

4.2 The anticipated procurement and delivery programme for the project is set out below :-

OJEU Notice	July 2007
Outline Solutions/Approval to joint procurement	March 2008
Detailed Solutions development	Oct 2008 – Jan 2009
Project re-scope	January- March 2009
Refined Solutions developed	March 2009 – Aug 2009
Interim submissions/affordability reviews	August – October 2009
Final Tenders submitted	September 2010
Final Tenders evaluated and proposed Preferred Bidder selected	October 2010
Initial Final Business Case reviewed and approved	Oct 2010- Feb 2011 (t.b.c)
Appointment of Preferred Bidder	March 2011 (t.b.c)
Planning approvals	February – March 2011(t.b.c)
PFC Final Business Case approval	Spring 2011(t.b.c)
Final approvals and financial close	Spring 2011(t.b.c)
Mobilisation period	Spring - Summer 2011(t.b.c)

Service commencement and construction	Summer 2011(t.b.c)
Construction and refurbishment completed	Spring 2015 (t.b.c)
Contract concession ends	Summer 2031(t.b.c)

- 4.3 The project programme anticipated Financial and Commercial Close to the procurement by Spring 2011, contingent upon the timescale for Government approval of the PPB FBC and subject to Executive Board approval of the Pre-Financial Close Final Business Case and other matters detailed in this report. However confirmation of the programme is subject to the approval of the PPB FBC which is still awaited.
- 4.4 The City Council has been able to conduct a highly competitive procurement process which has seen the following benefits achieved:-
- both remaining bidders meeting the City Council's affordability targets at final tender stage;
  - the proposed payment mechanism and performance management regime fully meeting the City Council's commercial position;
  - a Project Agreement that has appropriate risk allocation between the City Council and the contractor;
  - significant financial savings against the City Council's original shadow bid model assumptions;
  - a robust Output Specification that achieves Level 4 of the Code for Sustainable Homes for the new build housing (against an original target of code 3) and enhanced internal specification and energy efficiency standards for existing homes;
  - delivery of all the proposed refurbishment and new build proposals within 3½ years of financial close compared to an original estimate of 5 years;
  - securing additional regeneration impact for the Little London area through providing improved retail, community centre and housing office facilities to serve the local area within the City Council's original affordability limits;
  - securing commitment for training and employment opportunities through the larger combined project; and
  - retaining additional development land for future homes in each project area.
- 4.5 Following evaluation of final tenders, a proposed Preferred Bidder has been provisionally selected. This is a consortium comprising organisations that will fund and manage the project as well undertake the construction, building maintenance and facilities management. Full details of the consortium are provided in the exempt appendix as public disclosure of these is not possible until approval of the FBC is confirmed by CLG.
- 4.6 The consortium has considerable experience in terms of negotiating and concluding PFI projects, together with a well established construction company known within Leeds, an established partnership and joint venture arrangements with its principal sub-contractors. The consortium was able to demonstrate a high level of certainty that the project outcomes could be delivered and an overall consistency throughout its bid which gives confidence of a well organised and co-ordinated approach to delivery and risk management.



- 4.7 Additional financial capacity checks have been undertaken following recent company failures within the construction industry and these confirm the financial strength of the principal building and maintenance contractor that underpin the comprehensive and competitive bid submitted.
- 4.8 The procurement was recently subject to an independent project assurance exercise through a Gateway Review undertaken by Local Partnerships. The review team confirmed a “Green” Delivery Confidence Assessment. The review team’s assessment was that successful delivery of the project to time, cost and quality appears highly likely and there are no major outstanding issues that at this stage appear to threaten delivery significantly, whilst appreciating that confirmation of PFI credits was still awaited.

## **5.0 CONSULTATION**

- 5.1 The final scope of the project and the details contained in the Final Business Case have been developed through ongoing consultation with key stakeholders and activity has been undertaken as follows:-
- regular public newsletters delivered door-to-door in the project areas;
  - regular project updates to local groups and organisations;
  - Ward Member and MP briefings;
  - formal communication with affected leaseholders;
  - ongoing communication between ALMOs and tenants being rehoused; and
  - consultation events held locally for all residents and stakeholders.
- 5.2 Community Advisory Groups (CAGs) have been established in each project area with the active engagement of tenants and residents supported by independent tenant adviser, the Tenant Participation Advisory Service (TPAS). The CAGs have acted as a focus group and have been involved in the detail of scope changes and the procurement exercise itself, being party to complex and commercial bidder information and working within confidentiality agreements. The CAG members have added significant value to the process and final scope.
- 5.3 New consultation arrangements are to be established by the proposed Preferred Bidder for the operational phase of the contract, with an increase in engagement activity with all stakeholders in each project area.
- 5.4 A number of leaseholders occupied properties identified for demolition across the project areas and the vast majority of these have either been bought out or had property swaps organised to enable vacant possession to be secured for the project site. Only 2 leaseholders remain to be rehoused to complete this process, both of whom are discussing property swaps with Aire Valley Homes. There are a further 51 leaseholders in total across both project areas living in homes that will benefit from external works to existing properties and they have been consulted as appropriate during the procurement period.
- 5.5 Rehousing of tenants from 442 flats and maisonettes on the Carlton Gate and Holbeck Towers sites was completed during 2009/10 to enable the early demolition of homes on sites to be re-developed as part of the PFI works. Around 200 existing tenants remain to be rehoused from the Beeston Hill & Holbeck area and an active re-housing programme is underway to meet the site availability requirements in the proposed Preferred Bidder’s construction programme.

- 5.6 The PFI contract will involve the transfer of up to 14 staff currently employed in the delivery of services for the Council and ALMO, to the PFI Contractor, under TUPE regulations. Preliminary staff consultation has been carried out in accordance with TUPE and the requirements of the Code of Practice on Workforce Matters have been implemented. Further detailed discussions will take place with affected staff and Trade Unions as the project moves into the service commencement phase.
- 5.7 The PFI Contractor will provide pension protection for the transferring employees in accordance with sections 101 and 102 Local Government Act 2003. The service organisation will be admitted to the Local Government Pension Scheme (LGPS) so that any transferring staff who are presently members can remain members of LGPS.
- 5.8 Other stakeholders who have been involved in project communications are listed below:
- Executive Members and Ward Councillors;
  - Member of Parliament for Leeds Central
  - ALMO Boards and operational staff
    - Aire Valley Homes Ltd – Beeston Hill & Holbeck
    - West North West Homes Ltd – Little London
  - LCC Area Management Teams and Area Committees;
  - Beeston Hill & Holbeck Regeneration Partnership Board; and
  - training and skills agencies;
- 5.9 The local communities and stakeholders have also been consulted about Planning matters. Prior to final tender stage, the two remaining bidders undertook a series of consultation events organised in community venues to gain feedback on their proposals from tenants and residents living in or close to the PFI designated areas. In total over 200 people attended the consultation events to provide feedback, which informed bidder proposals.
- 5.10 The proposed Preferred Bidder has subsequently submitted final planning applications which have been subject to further statutory consultation. Full planning applications for all project works are to be determined by Plans Panel East on 17<sup>th</sup> February 2011 for Beeston Hill & Holbeck and on 3<sup>rd</sup> March 2011 by Plans Panel West for Little London. The City Council and proposed Preferred Bidder cannot proceed to contract without planning permissions in place.

## **6.0 LEGAL, COMMERCIAL AND RESOURCE IMPLICATIONS**

- 6.1 This part of the report sets out the proposed legal structure and framework for the contract; status of the key contractual documents; the position on commercial issues and risks; and the current finance and affordability position for the project.
- 6.2 A Project Agreement, with ancillary documentation, has been negotiated and agreed with the proposed Preferred Bidder and sets out the full and detailed terms on which the project will be delivered and managed. The agreement is fully cross-referenced to the financial and technical details of the project and provides recourse for both the City Council and the contractor in the event that any specified obligations or responsibilities are not met.
- 6.3 The Project Agreement is based on guidance set out by Government in its Standardised PFI Contracts (SOPC) and the model contract established by Local Partnerships and the HCA in its Housing Procurement Pack (HPP). The City Council and proposed Preferred Bidder have identified some project specific derogations (variations) with HCA/CLG agreement. Approval for a very small number of final derogations, mainly relating to updated HCA/CLG drafting, legal definitions and insurance provision will be submitted for approval with the PFC FBC.

- 6.4 A Payment Mechanism has been agreed to ensure effective contractor performance whilst also ensuring that the project remains commercially viable. It provides for specific deductions to be made from the Unitary Charge when specified standards for the works and services are not met. The payment mechanism fully reflects the commercial and performance requirements required by the City Council at the outset of the procurement process.
- 6.5 A robust and detailed Output Specification is in place to ensure that the City Council's quality standards for refurbishment, construction and improvements to the local environment are properly realised. The proposed Preferred Bidder's design proposals for new build properties are at the upper range of the benchmark space standards required. All properties will meet the Secured by Design Standards accredited by West Yorkshire Police along with achieving very high standards for energy efficiency across both existing and newly constructed homes.
- 6.6 The Output Specification in conjunction with the proposed Preferred Bidder's proposals will also specify standards for service delivery, customer liaison and the treatment of vulnerable tenants, along with confirming clear protocols for the interface between the contractor, ALMOs and other City Council Service Departments involved in providing services in each project area.
- 6.7 A dedicated contractor's office will be provided in Little London. This will be subject to a full commercial lease from the City Council as freeholder. At the end of the project (or the lease term, whichever is sooner), the asset will revert to the Council for its own use or re-letting. The commercial terms of the lease have been agreed between the City Council and proposed Preferred Bidder and have been confirmed by the Director of City Development as meeting the City Council's requirement to obtain 'best consideration' for a lease disposal under the 1985 Housing Act.
- 6.8 The City Council has statutory powers to procure, develop and enter into the project Agreement primarily through its Housing Act powers. The full detail of powers will be contained in the report to the Director of Environments and Neighbourhoods prior to close. The powers will need to be confirmed by provision of a certificate under the Local Government (Contracts Act) 1997. Further details are set out in section 7 of this report.
- 6.9 The development and environmental proposals made by the proposed Preferred Bidder will require a number of highways and footpaths to be closed or diverted and these will be subject to separate statutory applications by the proposed Preferred Bidder following planning approval. The planning, highways and key decisions relating to the project are all open to application by third parties for judicial review.
- 6.10 As with any project of this scale, there are a number of issues and risks to be managed in moving towards contract close. The main risks at this point relate to the need to secure Government approval to the Final Business Case and the release of funding as noted above. CLG's value for money review may also require the Council to consider further material changes to the FBC. The timescale for approvals cannot be guaranteed and there is therefore further risk of delay in reaching Financial Close.
- 6.11 Further risks that may arise in relation to the programme are:
- **Failure to secure planning approval** - this risk is with the Preferred Bidder, but the impact of failure or delay in obtaining the required permissions would impact on the ability to complete procurement and delay or prevent the commencement of the contract;

- **Risk of challenge and judicial review** – the City Council retains the risk of delay relating to Judicial Review. Should any challenge be successfully made for review of any decisions made by the Authority in relation to the FBC and award of contract, there would be significant impact on the project through delay in either reaching Financial Close or commencing the service period;
- **Vacant site possession not achieved to programme** – The delivery of new build housing requires the City Council and Aire Valley Homes to complete re-housing to an agreed programme. Failure to do so by agreed dates will result in delay and compensation payable to the PFI Contractor;
- **Failure to secure approval to proposed highways closures** – The delivery of new build housing requires the closure and realignment of areas currently adopted as highway or public rights of way. Failure to achieve these closures may result in re-design of scheme proposals, delay in construction and costs to the Council; and

6.12 The affordability implications of this project to the City Council are reported in the exempt appendix and also in the draft PFC FBC. The Appendix to this report contains exempt information under Access to Information Rule 10.4 (3) as it contains commercially sensitive information on the City Council's approach to procurement issues, and commercially sensitive pricing and information about the commercial risk position of the proposed Preferred Bidder, where the benefit of keeping the information confidential is considered greater than that of allowing public access to the information.

6.13 There are two remaining areas of financial risk for Members to note as follows:-

- **Bid Price Validity** – the proposed Preferred Bidder tender prices are valid until 17th June 2011. After this point, the proposed Preferred Bidder has a right to review the costs submitted in its final tender to reflect market changes and prices against an agreed set of industry indices. A delay preventing financial close by this time therefore has the potential to impact on the affordability of the project; and
- **Interest SWAP rate** – throughout the procurement period bidders have been instructed to use an assumed interest rate of 4.75% for the purpose of financial modelling. At financial close this assumed rate will be replaced by the prevailing SWAP rate at that time. There is a risk that these could change as a result of macro-economic factors prior to financial close. Interest SWAP rates are kept under regular review and the current position is that, in line with HCA/CLG guidance, a small buffer exists on assumed funding rates within the proposed Preferred Bidder's final tender. This would allow the City Council to agree contractual close within the agreed affordability threshold, if this was to be determined on market terms current today.

6.13 Housing PFI projects have been subject to further value for money assessment to ensure that the PFI credits approved by Government meet only capital expenditure and that any revenue costs associated with delivery of the project are met by a Local Authority's financial contribution. There has also been a strong focus on project outputs and the capital costs of projects compared to national benchmarks identified by CLG and the National Audit Office.

6.14 The review of the project by HCA identified only two elements that have required adjustment to the allocated PFI credit as follows

- removal from the PFI credit calculation of costs relating to external works to leaseholder properties of around £1.29 million; and
- removal of a provisional sum of £200,000 from the PFI credit calculation to meet potential costs of relocating electricity sub-stations on two new build sites, which will now be met as a direct pass through cost by the City Council.

6.15 Both changes have been incorporated within the affordability update attached within the exempt appendix and are affordable within the Council contribution previously approved by Executive Board.

## **7.0 FINAL REPORT AND AUTHORISATION**

7.1 Some elements of the detailed contract remain to be finalised and will be confirmed in a final report to the Director of Environment & Neighbourhoods seeking authority to enter into the contract.

7.2 This will be supported by a report from the City Council's external legal advisers, DLA Piper, which is anticipated to:-

- (i) confirm the City Council's statutory powers to enter into the contract;
- (ii) provide advice on the terms of that contract documentation;
- (iii) advise on the steps taken to check the terms of supporting financing documents and sub-contracts, that they are satisfactory from the City Council's point of view and due diligence undertaken; and
- (iv) comment on the enforceability of the payment mechanism.

7.2 It is also anticipated that the report will support the proposed certification of the PFI contract and of the direct agreement between the City Council and the contractor and senior lender under the Local Government (Contracts) Act 1997, together with any other certificates deemed necessary. These certificates are required to provide protection to the PFI contractor and senior lender against the consequences of the transactions being outside the City Council's statutory powers.

7.3 Authority for any necessary additional arrangements for execution and certification of documentation at close will be sought from the Director of Environment & Neighbourhoods. The Director is authorised under part 3 section 3E of the officer delegation scheme approved in February 2010 to:-

- (a) approve the terms of all project related contractual, property and other documentation; and
- (b) make arrangements for and approve any delegations necessary to effect commercial and financial close including any amendments to such documentation at commercial and financial close;

subject to:-

- (i) approval by the relevant Government Department or other relevant body of the Final Business Case for the project (if applicable); and
- (ii) the Director being satisfied that the project remains within scope and affordability limits approved by Executive Board.

7.4 It is proposed that the Director of Environment & Neighbourhoods will continue to approve all project specific issues to financial close, and give such final approvals to the project, in relation to the approval of the terms of the transaction and the conclusion of the contracts. This would be conditional on the outcome of the receipt of the report from DLA Piper as outlined above.

## **8.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

8.1 The procurement of the project has been undertaken in accordance with approved governance arrangements. The Environment and Neighbourhoods Housing PFI Project

Board has received regular procurement progress reports and updates on the financial position of the project, providing guidance and any necessary approvals to allow the project to proceed since the Outline Business Case approval for each project was originally approved by Executive Board. A full record of the procurement process and decisions relating to it is set out in reports and minutes.

- 8.2 The previous key decisions regarding the project were taken by Executive Board on 17<sup>th</sup> May 2006 in respect of the Outline Business Case for Little London and 14<sup>th</sup> November 2007 in respect of Beeston Hill and Holbeck.
- 8.3 The Environment & Neighbourhoods PFI Project Board and Strategic Investment Board reviewed and agreed the PFC FBC prior to its submission to Executive Board.

## **9.0 CORPORATE PRIORITIES**

- 9.1 The PFI programme has at its core the Council's Mission, as set out in the Business Plan 2008-11, 'to bring the benefits of a prosperous, vibrant and attractive city to all the people of Leeds'. The new housing development will bring former housing land in deprived areas back into productive use and replace unsustainable stock. Improvements to existing homes with associated environmental improvements will significantly enhance the sustainability of these neighbourhoods.
- 9.2 The final scope of the project reflects the Council's business outcome to clearly prioritise resources to provide excellent services and value for money by delivering a major regeneration project and maximising the opportunity for external investment through PFI, within the affordability parameters previously agreed by Executive Board.
- 9.3 The PFI scheme also relates strongly to the Thriving Places and Environment themes of the Leeds Strategic Plan 2008-11, through the strategic outcomes 'to improve quality of life through mixed neighbourhoods offering good housing options and better access to services and activities' and 'reduced ecological footprint'. In particular, it will address improvement priorities to:
  - 'Increase the number of decent homes';
  - 'Reduce the number of people who are not able to adequately heat their homes';
  - 'Reduce emissions from public sector buildings, operations and service delivery, and encourage others to do so';
  - 'Improve the quality and sustainability of the built and natural environment';
  - 'Address neighbourhood problem sites; improve cleanliness and improve access to and the quality of green spaces'; and
  - 'Create safer environments by tackling crime'.
- 9.4 The project also strongly connects with the Vision for Leeds objective of 'narrowing the gap between the most disadvantaged people and communities and the rest of the city' and forms a central part of Regeneration Plans for Beeston Hill & Holbeck and the Little London Development Framework.

## **10.0 EQUALITIES**

- 10.1 The project has been subject to an Equalities Impact Assessment, which was completed in January 2010 and reviewed in June 2010. The outcomes of the assessment are:

- the project has identified actions to ensure all services will be accessible to a wide range of users based on age, ability and ethnicity/language;
- consultation and engagement will be designed to be inclusive of tenants, residents and other stakeholders in the project areas;
- 'Plain English' will be used in all publications;
- all works and services are to meet the requirements of the Disability Discrimination Act 2004 and Equality Act 2010.

## **11.0 CONCLUSIONS**

- 11.1 The Little London, Beeston Hill & Holbeck Housing PFI Project will secure significant capital investment to address stock investment and regeneration needs in two priority inner city areas and contribute significantly to the City Council's regeneration and business plan objectives.
- 11.2 The procurement nearing completion and requires approval of a Pre-Financial Close Final Business Case and approval to the final arrangements for achieving contractual and financial close. The draft Pre-Financial Close Final Business Case (PFC FBC) is provided as an exempt document in the Member's Library.
- 11.3 The project remains affordable within the contribution approved by Executive Board in February 2008 and the remaining financial assumptions to be resolved are currently favourably placed to allow the project to proceed to financial close on the basis set out in exempt Appendix.
- 11.4 The necessary delegations to enable the Director of Environment & Neighbourhoods to complete arrangements and finalise contract documentation, subject to approval of the PFC FBC are set out in detail in this report.
- 11.5 Financial close and contract signature will enable mobilisation and commencement of the construction and refurbishment works which will bring over £140 million of much needed capital investment to the project areas.

## **12.0 RECOMMENDATIONS**

- 12.1 Members of Executive Board are recommended to note this report and to:-
- confirm the final scope of the Little London, Beeston Hill & Holbeck PFI Project ('Project') set out in the report;
  - approve the submission of the Pre-Financial Close Final Business Case (PFC FBC) to the Homes and Communities Agency and Department for Communities and Local Government and authorise the Director of Environment and Neighbourhoods to approve any necessary amendments to the PFC FBC that arise;
  - approve the financial implications for the City Council of entering into the project and to note the anticipated affordability contribution for the City Council in relation to the project in the first full year of service commencement as set out in the exempt appendix;
  - note the financial issues covered in the exempt appendix including the balance sheet treatment;

- v. note that the proposed Preferred Bidder will be formally announced and appointed (under the terms of a preferred bidder letter) following HCA/CLG approval of the Pre-Preferred Bidder Final Business Case (PPB FBC) for the project;
- vi. approve the arrangements to Financial Close and implementation of the project, to include (but not by way of limitation) (following the appointment of the proposed Preferred Bidder) the award of contract to and entry into a PFI Project Agreement with a special purpose company, to be established under terms agreed between the City Council and the proposed Preferred Bidder, details of which are set out in the opening paragraph of the exempt Appendix;
- vii. confirm the arrangements at section 7.0 of this report and authorise (for the avoidance of doubt) that the delegated powers set out at Part 3 section 3E of the Constitution in relation to PPP/PFI and other Major Property and Infrastructure Related projects be exercised in relation to this project by the Director of Environment and Neighbourhoods (or delegee);
- viii. delegate authority to the Director of Environment and Neighbourhoods to approve the completion of the project should the SWAP rate increase at the time of Financial Close subject to the project remaining within the maximum affordability ceiling approved by Executive Board as set out in the exempt appendix.



## **BACKGROUND PAPERS**

- **Little London Outline Business Case**
- **Beeston Hill & Holbeck Outline Business Case**
- **Executive Board Report Aug 2002**  
- Approval to submit Little London OBC
- **Executive Board Report April 2006**  
- Approval to submit Beeston Hill & Holbeck EO1
- **Executive Board Report May 2006**  
- Approval of Little London Project Scope and OBC
- **Executive Board Report Nov 2006**  
- Little London OBC Progress
- **Executive Board Report March 2007**  
- Preparation of Beeston Hill & Holbeck OBC
- **Executive Board Report Nov 2007**  
- Submission of Beeston Hill & Holbeck OBC and approval of joint procurement with Little London
- **Executive Board Report Feb 2008**  
- Land Assembly, Scope Update and Revised Affordability Position
- **Executive Board Report Feb 2009**  
- Project Rescope and Procurement Update
- **Executive Board Report Dec 2009**  
- Demolition of Holbeck Towers and Carlton Gate
- **Little London Development Framework**
- **Beeston Hill & Holbeck Land Use Framework**
- **Beeston Hill and West Hunslet Regeneration Plan**
- **Holbeck Regeneration Plan**
- **Little London and Beeston Hill & Holbeck Equality Impact Assessment**
- **Little London and Beeston Hill & Holbeck Final Business Case**  
– provided as an exempt document in the Member's Library

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Originator: Adam Hewitt /  
Martyn Stenton

Tel: 0113 2476940

## Report of the Director of Children's Services

### Executive Board

9<sup>th</sup> March 2011

### Ofsted Annual Unannounced Inspection of Contact, Referral and Assessment Arrangements in Children's Services

<p><b>Electoral Wards Affected:</b> All wards</p>   <div style="display: flex; align-items: center; margin-top: 20px;"> <input style="width: 40px; height: 20px; margin-right: 10px;" type="checkbox"/> <p>Ward Members consulted (referred to in report)</p> </div>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input style="width: 40px; height: 20px;" type="checkbox"/></p> <p>Community Cohesion <input style="width: 40px; height: 20px;" type="checkbox"/></p> <p>Narrowing the Gap <input style="width: 40px; height: 20px;" type="checkbox"/></p>
<p>Eligible for Call-in <input style="width: 40px; height: 20px; text-align: center; vertical-align: middle;" type="checkbox" value="√"/></p>	<p>Not Eligible for Call-in (Details contained in the Report) <input style="width: 40px; height: 20px;" type="checkbox"/></p>

### EXECUTIVE SUMMARY

- 1.0 This report covers the Ofsted Annual Unannounced Inspection of Contact, Referral and Assessment Arrangements that took place during January 2011.
  
- 2.0 The last unannounced inspection in July 2009 highlighted many of the issues that subsequent improvement activity has addressed. The positive overall outcomes of this latest inspection are therefore a very encouraging reflection of the impact that this improvement work has made and the efforts of officers.

### RECOMMENDATIONS

- 3.0 It is recommended that Executive Board:
  - (i) Note the outcomes of the Ofsted unannounced inspection
  - (ii) Acknowledge the significant positive impact made overall since the unannounced inspection in July 2009 and recognise the significant efforts of all those who have contributed towards this.

## **1.0 Purpose of this Report**

- 1.1 This report provides details of the Ofsted Annual Unannounced Inspection of Contact, Referral and Assessment Arrangements that took place during January 2011.

## **2.0 Background**

- 2.1 The latest unannounced inspection took place on the 18<sup>th</sup> and 19<sup>th</sup> January 2011. It is particularly significant for Leeds as it was the previous unannounced inspection, carried out in July 2009, that highlighted many of the challenges that have been the focus of improvement activity and resources over the past 18 months.

## **3.0 Main Issues**

- 3.1 The latest unannounced inspection involved visits to services at Roundhay Road (Disability Team) and the White Rose House and Hunslet Hall Duty offices. Inspectors spoke to a range of staff and considered evidence including electronic case records, supervision files and notes, and observation of social workers undertaking assessments and referrals.
- 3.2 The letter summarising the findings of the inspection is attached as an appendix. The unannounced inspection does not have a single overall judgement, but does address a variety of key issues. Critically, no priority areas of action were identified by Ofsted and the main findings include the following:
- (i) That strong leadership has resulted in a 'remarkable and impressive' improvement in the quality of the services inspected and the safety of children in the city.
  - (ii) That no cases were identified where children had been left at risk.
  - (iii) Significant investment has ensured that front line assessment services are now fit for purpose and with the capacity to continue to improve.
  - (iv) Social work staff have manageable caseloads, regular supervision and access to appropriate training. Newly qualified social workers receive a comprehensive support package.
  - (v) Thresholds for referrals have been clarified.
  - (vi) Child Protection procedures are up to date.
  - (vii) In all cases examined by inspectors, children were visited and seen alone where appropriate.
- 3.3 Many of these areas were highlighted as priorities for action in the last unannounced inspection, so the fact that they have been highlighted as positives at this inspection is particularly encouraging.

### 3.4 Areas highlighted for development were:

- (i) The electronic social care record system, though the inspectors acknowledge the steps the Council is already taking to commission a new system (reported to the Board in January 2011).
- (ii) The quality of recording (information). Again the inspectors recognise that steps are being taken to address this.
- (iii) Adherence to the protocol for when joint visits should be undertaken. We are working with relevant partners to address this.
- (iv) How the arrangements for the out of hours service link in with the daytime service. It is acknowledged that a review of this is underway.

3.5 A significant amount of work has been undertaken by a wide variety of staff and others to support the improvements reflected in this report. As well as the positive leadership and direction recognised from within the Council, partners and the independently chaired Improvement Board have also played an important role. We wish to take this opportunity to thank the Board and particularly its Chair Bill McCarthy for their contribution to this improvement.

## 4.0 Implications for Council Policy and Governance

4.1 Addressing the issues highlighted by the July 2009 unannounced inspection of children's services has been a major priority for the Council and our wider partners over the last eighteen months. Whilst we continue to face significant challenges and pressures in this area and across other aspects of children's services, the progress highlighted in the latest unannounced inspection signals important progress for the service and the Council. It is important that a collective focus is maintained on this area of work to ensure ongoing shared-responsibility and joint action to reduce the risk of harm to children and young people across Leeds.

## 5.0 Legal and Resource Implications

5.1 There are no specific legal or resource implications within this report.

5.2 Members may wish to note that the unannounced inspection letter positively recognises the impact of the significant investment in children's services and particularly child protection services that the Council has made since 2009.

## 6.0 Conclusion

6.1 Overall this is a very positive report for Leeds that provides a platform from which the next stage of children's services developments can move forward. Whilst there continue to be some priority challenges in relation to safeguarding and child protection services, and the ongoing high demand on the service will require significant attention and resources to be focused on this area, the unannounced inspection findings suggests that the level of service being provided to children, young people and families is much closer to the standard and consistency we would hope for. Building on this we will work over the year ahead to continue moving these services forward, embedding the

improvements made across our practice, strengthening partnerships that contribute to the safeguarding agenda and addressing the areas for development that the latest unannounced inspection has highlighted.

- 6.2 The unannounced inspection has followed other important recent inspections of children's services, including Adoption and Youth Offending Service inspections, both of which were reported to Executive Board in February. Again, we know we have some important continuing challenges, but the combination of these various inspection outcomes indicates a positive overall trajectory for the standard of services being provided to some of the most vulnerable children and young people in Leeds.
- 6.3 The findings of these various external inspections are complemented by the ongoing performance monitoring work being lead by the independently chaired Improvement Board. The work of the Improvement Board is referred to in a related item on the Executive Board's agenda which gives an update on children's services.

## **7.0 Recommendations**

- 7.1 It is recommended that Executive Board:
- (i) Note the outcomes of the Ofsted unannounced inspection
  - (ii) Acknowledge the significant positive impact made overall since the unannounced inspection in July 2009 and recognise the significant efforts all those who have contributed towards this.

## **Background Papers**

Letter from Ofsted 16 February 2011 (appendix)

16 February 2011

Mr Nigel Richardson  
Director of Children's Services  
Leeds City Council  
Merrion House  
110 Merrion Way  
Leeds  
LS2 8DT

Dear Mr Richardson

**Annual unannounced inspection of contact, referral and assessment arrangements within Leeds City Council Children's Services**

This letter summarises the findings of the recent unannounced inspection of contact, referral and assessment arrangements within local authority children's services in Leeds City Council which was conducted on 18 and 19 January 2011. The inspection was carried out under section 138 of the Education and Inspections Act 2006. It will contribute to the annual review of the performance of the authority's children's services, for which Ofsted will award a rating later in the year. I would like to thank all of the staff we met for their assistance in undertaking this inspection.

The inspection sampled the quality and effectiveness of contact, referral and assessment arrangements and their impact on minimising any child abuse and neglect. Inspectors considered a range of evidence, including: electronic case records; supervision files and notes; observation of social workers and advanced practitioners undertaking referral and assessment duties; and other information provided by staff and managers. Inspectors also spoke to a range of staff including managers, social workers and other practitioners.

The inspection identified areas of strength and areas of practice that met requirements, with some areas for development.

Due to the poor performance of children's services identified at the last inspection, the Secretary of State issued an improvement notice. An Improvement Board was established to provide effective challenge to drive swift and sustainable progress through a robust improvement plan. The areas of priority action identified at the previous inspection of contact, referral and assessment arrangements on 21 and 22 July 2009 have been addressed. The areas of development identified at the previous inspection have been mostly met with firm arrangements in place to deliver on the remaining issues.

From the evidence gathered, the following features of the service were identified:

<b>Strengths</b>
<ul style="list-style-type: none"> <li>▪ There has been considerable progress to improve the contact, referral and assessment arrangements from the time of the last inspection, when there had been significant variations in the consistency and practice of these services and children had been identified as having been left at potential risk of significant harm. Senior managers provide a strong leadership for children’s services and this has resulted in a remarkable and impressive improvement in the quality of the services inspected and the safety of children in the city. This was an area for priority action in the last unannounced inspection.</li> </ul>
<b>The service meets the requirements of statutory guidance in the following areas</b>
<ul style="list-style-type: none"> <li>▪ Leeds City Council has made a significant investment and commitment to continue to provide additional resources to this area of work. This has ensured that front line assessment services are now fit for purpose and with the capacity to continue to improve. This was an area for priority action in the last unannounced inspection.</li> <li>▪ Inspectors did not identify any cases where children had been left at risk. This was an area for priority action in the last unannounced inspection.</li> <li>▪ In all cases examined by inspectors, children were visited and seen alone where appropriate. This was an area for priority action in the last unannounced inspection.</li> <li>▪ Thresholds for the referral of cases of concern to children’s services have been clarified and this has resulted in a better identification and response to need. This was an area for development in the last unannounced inspection.</li> <li>▪ The quality of contact, referral and assessments work undertaken by children’s social care is much improved and now meets statutory guidance. This was an area for development in the last unannounced inspection.</li> <li>▪ Inspectors saw consistent practice in the teams visited, especially concerning the quality and timeliness of the completion of assessments. This was an area for development in the last unannounced inspection.</li> <li>▪ The city council contact centre receives all referrals and passes these on to the assessment teams in a timely manner. The quality of information recorded and passed on to relevant services is much improved. This was an area for development in the last unannounced inspection.</li> <li>▪ Referring agencies are routinely contacted to inform them of the decisions made by children’s social care at the completion of assessments. In most cases assessment records are also shared with the families. This was an area for</li> </ul>

development in the last unannounced inspection.

- Child Protection procedures are up-to-date. New on-line internal procedures for social care have been produced and Leeds City Council is part of the West Yorkshire Consortium which produces a set of procedures for four Local Safeguarding Children Board areas. Each set of procedures is updated on a six monthly basis, most recently in January 2011. This was an area for development in the last unannounced inspection.
- Systems have been introduced to ensure effective performance management. This includes a process where service managers review team managers' decisions on all contacts, referrals and assessments. Examples were also seen of good quality assurance and case recording audits. This was an area for development in the last unannounced inspection.
- Performance indicators show an improving performance across the teams in the completion of assessments in a timely manner. The management recording of when an assessment is concluded is consistent with national guidance. This was an area for development in the last unannounced inspection.
- Social work staff have manageable caseloads, regular supervision and access to appropriate training. Newly qualified social workers receive a comprehensive support package. This was an area for development in the last unannounced inspection.
- The ethnic, cultural and disability needs of children are responded to in a sensitive manner, acknowledging their individual needs.

#### **Areas for development**

- The electronic social care record system does not meet the requirements of the service. There are a number of different systems for recording casework information which prevents a clear audit trail of actions taken and decisions made. This has been recognised by the authority and a new computer system is to be commissioned. This was an area for development in the last unannounced inspection.
- The quality of assessments has much improved. However, the quality of recording still varies. The local authority is aware of these issues, having been identified through their own performance management systems, and this is a focus of an improvement programme. This was an area for development in the last unannounced inspection.
- In most cases strategy discussions take place with the West Yorkshire Police in a timely and planned manner. Single agency visits are undertaken and children are protected. However, in some cases seen by inspectors this did not meet the agreed protocol for when joint visits should be undertaken by those agencies. The local authority and the West Yorkshire Police are aware of these

issues and are reviewing at a senior management level the deficits in practice.

- Arrangements for out-of-hours service do not effectively link with the daytime service. This has been recognised by the authority and a review is being undertaken.

Any areas for development identified above will be specifically considered in any future inspection of services to safeguard children within your area.

Yours sincerely

**Neil Penswick**  
**Her Majesty's Inspector**

Copy: Tom Riordan, Chief Executive, Leeds City Council  
Andrew Spencer, Department for Education





Originator:	Adam Hewitt / Martyn Stenton
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Tel:	0113 2476940
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## Report of the Director of Children's Services

### Executive Board

9<sup>th</sup> March 2011

### Children's Services Improvement Update

<p><b>Electoral Wards Affected:</b> All wards</p>   <div style="display: flex; align-items: center; margin-top: 20px;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 10px;"></div> <p>Ward Members consulted (referred to in report)</p> </div>	<p><b>Specific Implications For:</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Equality and Diversity</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Community Cohesion</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Narrowing the Gap</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	Equality and Diversity	<input type="checkbox"/>	Community Cohesion	<input type="checkbox"/>	Narrowing the Gap	<input type="checkbox"/>
Equality and Diversity	<input type="checkbox"/>						
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<p>Eligible for Call-in <input checked="" type="checkbox"/></p>	<p>Not Eligible for Call-in <input type="checkbox"/></p> <p>(Details contained in the Report)</p>						

### EXECUTIVE SUMMARY

1.0 This report follows on from a series of update reports presented to Executive Board during 2010 charting improvement, performance and development activity across children's services. It covers:

- *Improvement Activity* – Reference to key recent inspections (reported separately to Executive Board) and an update on recent performance information presented to the Improvement Board.
- *Development of the vision and approach for children's services* – progress on the Children and Young People's Plan and the outcomes based accountability methodology.
- *Service redesign and transformation* – progress towards more integrated working.

### RECOMMENDATIONS

2.0 It is recommended that Executive Board

- (i) Note the outcomes of the stock take of progress by the Improvement Board.
- (ii) Acknowledge the significant positive impact made overall since the unannounced inspection in July 2009.
- (iii) Endorse the use of outcomes based accountability as the central methodology to help drive the delivery of the priorities in the new Children and Young People's Plan.

## **1.0 Purpose of this Report**

- 1.1 This report provides an update to Executive Board on improvement and development activity in children's services since the last update report to Executive Board in December 2010.

## **2.0 Background**

- 2.1 In December 2010 Executive Board received a report providing an update on the emerging new vision for children's services in Leeds, based around the aspiration to become a child friendly city. That report also highlighted the progress of improvement activity across the service and gave the most detailed public outline so far of the emerging shape of the revised children's services structure, which will deliver a more integrated approach to help deliver improved outcomes. The report made a commitment to provide a further update to Executive Board.
- 2.2 It is now timely to provide such an update in view of various stock-take activity and inspections that have been reported, or published during the first quarter of 2011 and to ensure members remain aware of how the emerging vision and structure for children's services are taking shape.

## **3.0 Main Issues**

- 3.1 The update report in December, whilst recognising ongoing challenges in some key areas, presented a positive overall assessment of the direction of travel and performance against the Improvement Plan and in terms of the wider progress across the service. That progress has continued during 2011 so far and has been highlighted in a number of developments.

### **3.2 Improvement and Inspection Activity**

- 3.2.1 Of particular significance in terms of the overall performance, confidence and position of the service has been the Ofsted Annual Unannounced Inspection of Contact, Referral and Assessment Arrangements. This inspection took place on the 18<sup>th</sup> and 19<sup>th</sup> January. The letter reporting on this inspection was published on 16<sup>th</sup> February. It is particularly significant for Leeds as it was the previous unannounced inspection, carried out in July 2009, that highlighted many of the challenges that have been the focus of improvement activity and resources over the past 18 months.
- 3.2.2 A separate report on the 9<sup>th</sup> March Executive Board agenda discusses the outcomes of the unannounced inspection in more detail and includes the letter from Ofsted as an appendix. It is important that members note the findings of that inspection along with the information below about other improvement activity.
- 3.2.3 The unannounced inspection has followed other important recent inspections of children's services, including Adoption and Youth Offending Service inspections, both of which were reported to Executive Board in February. We

know we have some important continuing challenges, but the combination of these various inspection outcomes indicates a positive overall trajectory for the standard of services being provided to some of the most vulnerable children and young people in Leeds.

3.2.8 The findings of these various external inspections are complemented by the ongoing performance monitoring work being lead by the independently chaired Improvement Board. As part of these regular Improvement Update reports, Executive Board has received a summary of the performance information recently presented to the Improvement Board.

3.2.9 In January 2011, the Improvement Board received a half-year stock-take of performance against the ongoing Improvement Notice. The stock-take highlighted areas where assurance could be given that actions were complete and can be closed, or were being effectively monitored through other formal performance management processes, leaving fewer as outstanding areas of focus in areas where significant risks still remain.

3.2.10 The stock-take categorised the 48 actions in the Children's Services Improvement Plan into one of three categories, either:

- (i) The issue requires continued monitoring by the Improvement Board, but with recommendations being regrouped.
- (ii) The issue can now be monitored by another accountable body, but may be referenced in thematic reports to the Improvement Board, or
- (iii) The actions against the recommendation are complete and therefore can be closed with no further reporting to the Improvement Board.

3.2.11 Of the 48 actions reviewed, it was recommended that 17 continue to be monitored by the Board, 12 be monitored by other accountable bodies and 19 be closed. In the areas where continuing monitoring is recommended: four relate to the effective delivery of the restructure of children's services (including the ending of the Education Leeds contract); eight relate to safeguarding practice, primarily around the timeliness, completion of and (children's) involvement in child protection processes; four relate to the services provided to looked after children; and one relates to the improvements needed around the electronic social care recording system.

3.2.12 In those areas requiring continued monitoring a clear set of realistic but challenging timescales have been developed to lead us through the current transitional stage, as the new Children and Young People's Plan is developed and agreed.

3.2.13 In view of the shifting context that this progress collectively represents, discussions are ongoing about how to take forward the role of the Improvement Board to continue its performance monitoring role where appropriate, but to also draw on its collective expertise to support the next stage of development for children's services in Leeds. In the short-term the Board is receiving more focused monitoring information on the ongoing priority

areas. Beyond that we are working to define an appropriate remit for the Board's future work.

3.2.14 Elected members continue to be kept informed of how performance is developing through a number of routes. The Children's Services Scrutiny Board will receive its latest suite of quarterly performance information at its March meeting. Area Committee meetings were provided with a report updating members about overall strategic developments in children's services and detailing areas of key performance information relating to school standards and education, employment and training participation (NEET data). This was broken down to a local level to support a more detailed understanding for different areas and wards.

### 3.3 Development of the Vision for and Approach to Children's Services

3.3.1 In December the update report to Executive Board highlighted the development of a new vision for children's services, built around the aspiration to become a child friendly city and underpinned by five outcome areas and 11 priorities. The table below provides a reminder of these and highlights the starting points agreed at the Children's Trust Board meeting on 31<sup>st</sup> January.

<b>Five outcomes for children and young people in Leeds:</b>	We will major on <b>11 priorities</b> to deliver these outcomes.	We have <b>3 starting points</b> – our initial 'obsessions' where we want to make rapid progress
Are safe from harm	<b>1.help children to live in safe and supportive families</b> 2.ensure that the most vulnerable are protected	<b>Looked After Children</b>  <b>16-18 Year Olds Not in Education, Employment and Training (NEET)</b>  <b>Attendance at School</b>
Do well in learning and have the skills for life	3.support children to be ready for learning <b>4.improve behaviour, attendance and achievement</b> <b>5.increase the levels of young people in employment, education or training</b> 6.improve support where there are additional health needs	
Choose healthy lifestyles	7.encourage activity and healthy eating 8.promote sexual health	
Have fun growing up	9.provide play, leisure, culture and sporting opportunities	
Are active citizens who feel they have voice and influence	10.reduce youth crime and anti-social behaviour 11.increase participation, voice and influence	

3.3.2 This vision will be articulated through a new Children and Young People's Plan (CYPP). It is proposed that the plan for 2011-15 will be a short document

which focuses on setting out in simple terms what Leeds is like for Children and Young People and how the Children's Trust Board proposes to improve outcomes. A draft of the plan will be presented to the Children's Services Scrutiny Board in March, with a proposed final version presented to Executive Board and then Full Council later in the year (to tie in with the timescale for the city's other priority plans). An equality impact assessment of the draft plan is also being undertaken and this will inform the final content of the plan.

- 3.3.3 To initiate work on the three starting points, a series of 'turning the curve' workshops were held at the end of January (with elected members who sit on the Children's Trust Board invited). These introduced the 'outcomes based accountability' methodology that has been used successfully by a variety of public organisations in Britain and internationally.
- 3.3.4 Outcomes based accountability (OBA) is a way of thinking and approach that develops practical action plans through "turning the curve" exercises. The method takes the current baseline performance trend, and asks partners to agree a trajectory for improved performance and to describe the actions that will "turn the curve" towards the desired improvement. The approach takes partners through the following stages:
- How well are we performing in this area?
  - What is the baseline position against the key indicator?
  - What are the causes of the trends and the issues lying behind them?
  - What are the information requirements?
  - Who are the key partners, and how can we work together to produce an action plan that will improve outcomes for children and young people?
- 3.3.5 The outcomes based accountability workshops have given fresh impetus to activities to address the priorities highlighted above. Action plans emerging from these initial sessions will be incorporated into the new Children and Young People's Plan. Where it is possible to do so work will begin on them straight away.
- 3.3.6 Partners on the Children's Trust Board have acknowledged the value of the outcomes based accountability methodology and have agreed to pool resources to enable this methodology to be rolled out across the city. In addition, through the Corporate Leadership Team the wider Council is monitoring how this approach progresses, with a view to using it to deliver against the other city-wide thematic plans currently being developed.
- 3.3.7 The consistent application of outcomes based accountability will therefore become an ongoing feature of how we will drive improved progress towards better outcomes for children and young people in Leeds.
- 3.3.8 Another key element of delivering effectively against the ambitions set out in the new Children and Young People's Plan will be the ability to monitor and target resources more effectively. The Children's Trust Board has considered joint financial and investment planning. It has supported the development of a joint financial and investment plan to enable the delivery of the Children and

Young People's Plan with an initial focus on the priority of 'helping children to live in safe and supportive families'. This would mean that partners would agree to align current spend and future investment in key areas to underpin commissioning and service plans in order to have maximum impact and benefit. The plan will initially cover intensive support to children and families, including mental health provision and joint funding arrangements for placements that require funding from more than one agency responsible for the care of children and young people.

### 3.4 Service Redesign and Transformation

- 3.4.1 In the December 2010 update report, Executive Board were provided with a detailed overview of the proposals developed up to that point about the new structure for children's services. The Board approved the broad direction set out in that paper, including information about the senior leadership posts.
- 3.4.2 Work has continued to take the proposals from the broad design phase into a more detailed understanding of how the new model will be delivered and to understand the connotations for existing teams and services. The four senior leadership positions that will report directly to the Director of Children's Services have been refined, with job descriptions drawn up. These posts are due to be advertised during March and will be open to both internal and external candidates.
- 3.4.3 During March we will also finalise details of the tier three posts in the new structure and complete an equality impact assessment of the new senior structure proposals. With the tier two and three posts agreed we will have the framework to further progress the detail in each area. Our continuing ambition is to have the majority of new arrangements in place by the end of September – particularly so that things are in place locally, ready for the start of the new school year. In the meantime we are working actively with staff to keep them informed and supported, particularly in the run-up to the termination of the Education Leeds contract at the end of March.
- 3.4.4 We are keen to fully involve schools and other key partners in service transformation work. This includes developing a new relationship with schools with clear understanding and expectations about how we will work together to improve outcomes. At the start of March we launched a Service Prospectus. This brought together in a single website the services the local authority deliver on behalf of the children of Leeds to all learning providers, those services funded by the council and delivered specifically to maintained schools and children's centres which other providers will have to pay for, and traded services offered on a full cost recovery basis.
- 3.4.5 This work is aided significantly with the temporary appointment in January of Simon Flowers, an experienced head teacher from Carr Manor High School, into the role of Strategic Leader for Education Integration. A multi agency implementation team is also now in place to support transformation work, further develop the proposals, drive implementation and support extensive communications with stakeholders. As well as Council officers, a number of

head teachers offering part time support and representing our primary, secondary and special schools are involved, along with experienced children's centre and voluntary sector representatives. The Service Prospectus referred to above is being developed further between March and June to clarify those services funded by the council and delivered via area or locality partnerships rather than to individual schools.

- 3.4.6 We are progressing work to increase the emphasis on locality working. Proposals are being developed to build on the work of extended services clusters, use outcomes based accountability approaches in localities and support locality projects to assist with service integration. It is planned to take a report to the Children's Trust Board on 24<sup>th</sup> March to propose refreshed cluster partnership arrangements. This will build on the development of partnership approaches at a city level through the Children's Trust Board which has been operational since April last year and the work done in local cluster partnerships across the city over recent years. In line with a previous report to Executive Board in December 2009, it is planned to recommend that elected members are involved in these local children and young people partnerships. It is also planned that the work of the partnerships and support to the roles of elected members in them is provided through a 'Local Authority Partner'. This would be a senior officer in children's services undertaking this role as part of other leadership and management responsibilities.

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

- 4.1 The progress reflected in the unannounced inspection and the stock take reported to the Improvement Board in January demonstrates a positive direction of travel overall for children's services in Leeds. This is important for the Council as progress in this area is a Council and city priority. It is important that a collective focus is maintained on this area of work to ensure ongoing shared-responsibility and joint action to reduce the risk of harm to children and young people across Leeds.
- 4.2 Proposals for a new Children and Young People's Plan fit in with the framework recently approved at Executive Board for the development of new city priority plans. It is planned for partnership governance for this to continue through the Children's Trust Board which was approved by Executive Board in April 2010.
- 4.3 Once proposals for local children and young people partnerships have been discussed by partners through the Children's Trust Board, the involvement of elected members in them will be followed up through the Member Management Committee.

#### **5.0 Legal and Resource Implications**

- 5.1 There are no specific legal or resource implications within this report.

- 5.2 Members may wish to note that the unannounced inspection letter positively recognises the impact of the significant investment in children's services and particularly child protection services that the Council has made since 2009.
- 5.3 Whilst the council and all partners are experiencing a very challenging financial climate, the opportunity to work more closely with partners and develop joint financial and investment planning provides scope to use our limited resources more effectively.

## **6.0 Conclusion**

- 6.1 The start of 2011 has been a significant period for children's services. The unannounced inspection assessment coupled with the stock take undertaken for the Improvement Board indicates that children's services are in a notably stronger position overall than when the Children's Services improvement arrangements and review of Children's Services were presented to Executive Board twelve months ago. This does not mean that the improvement work needed is complete, there is still much effort required to implement and embed a range of necessary changes.
- 6.2 However, this report does suggest that children's services are now in a stronger position to move forward. Over the coming months the ability to finalise the Children and Young People's Plan with wider ownership of its vision and methodology along with the ability to implement the children's services transformation programme effectively and efficiently will be critical. This will have to be done in a challenging financial context with some particular pressures on the children's services budget that will be difficult to tackle. However, the positive developments outlined in this report should increase confidence about the ability to deliver against these ambitions. We will continue to keep elected members involved in and updated on this work.

## **7.0 Recommendations**

- 7.1 It is recommended that Executive Board
- (i) Note the stock take of progress by the Improvement Board.
  - (ii) Acknowledge the significant positive impact made overall since the unannounced inspection in July 2009.
  - (iii) Endorse the use of outcomes based accountability as the central methodology to help drive the delivery of the priorities in the new Children and Young People's Plan.
  - (iv) Note the continuing progress with service design and transformation activity to support better integrated working in children's services.

## **Background Papers**

*'Children's Services Improvement Arrangements'* Report: Executive Board- 10.03.10  
*'Children's Services Improvement Update Report'* Report: Executive Board- 25.08.10  
*'Children's Services Improvement Update Report'* Report: Executive Board- 15.12.10



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**Report of:** The Director of Children's Services  
**To:** Executive Board  
**Date:** 9<sup>th</sup> March 2011  
**Subject:** BASIC NEED PROGRAMME FOR PRIMARY SCHOOLS 2011

## Executive Summary

### 1 Purpose

This report updates Executive Board on the programme of planned expansions at primary schools agreed in the report to Executive Board on 7<sup>th</sup> April 2010.

It also consolidates into the programme expansions at additional primary schools agreed at subsequent Executive Boards during 2010 for additional places from September 2011.

The report requests authorisation of the expenditure required to deliver the building solutions for the expansion proposals for 2011, which were agreed by the Executive Board after public consultation and full statutory process in July 2010.

### 2 Main Issues and Options

On 7<sup>th</sup> April 2010 the Executive Board received a report which recommended capital proposals to expand 16 primary schools in order to provide additional primary school places in response to the increasing pre-school population and further projected growth.

At subsequent Executive Boards in May and July 2010 expansions at further primary schools were reported and these proposals have been added to the programme, which is fully funded in 2011. The majority of the expansions are being delivered using modular new build although at some of the schools some remodeling of existing accommodation is required.

### 3 Recommendations

Members of the Executive Board are requested to:

- i. approve the capital proposals outlined for the schools as scheduled
- ii. authorise programme expenditure of £5,102,000 from 'Basic Need Primary Expansions 2011' capital scheme number 15821 to allow the Basic Need programme for 2011 to be delivered.
- iii. authorise the Director of Resources to give delegated approval to all of the above schemes, including those with an estimated cost of over £0.5M, based on individual scheme reports to be submitted by the Chief Executive of Education Leeds / Director of Children's Services.

**Report of:** The Director of Children's Services

**To:** Executive Board

**Date:** 9<sup>th</sup> March 2011

**Subject:** **Design & Cost Report**

**Scheme Title:** BASIC NEED PROGRAMME FOR PRIMARY SCHOOLS 2011

**Capital Scheme Number** 15821

**Electoral Wards Affected:**

Beeston & Holbeck, Headingley, Weetwood,  
Temple Newsam, Ardsley & Robin Hood,  
Farnley & Wortley, Horsforth, Calverley &  
Farsley, Bramley & Stanningley, Armley

**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)

**1.0 Purpose of this Report**

1.01 The purpose of this report is to:

- a) Update Executive Board on the programme of approved expansions at Primary Schools and to consolidate into the programme capital proposals developed following reports to Executive Board in May and July 2010
- b) authorise scheme expenditure of £5,102,000 from capital scheme number 15821 to deliver the extended programme of projects for 2011.
- c) authorise the Director of Resources to give delegated approval to all of the above schemes, including those with an estimated cost of over £0.5M, based on individual scheme reports to be submitted by the Chief Executive of Education Leeds / Director of Children's Services.

1.02 This report seeks authorisation of expenditure to deliver the 2011 basic need programme, which is fully funded by Basic Need grant. Future programmes will require a holistic approach to capital investment, identifying and assembling funding to offset a projected deficit in the capital programme. Children's Services is addressing this basic need statutory requirement as a priority in developing its capital strategy.

## **2.0 Background Information**

- 2.01 On 7<sup>th</sup> April 2010 the Executive Board approved capital proposals to expand 16 primary schools in order to provide additional primary school places in response to the increasing pre-school population and further projected growth. At subsequent Executive Board meetings, in May and July 2010, expansions at further primary schools were reported. The Executive Board approved the expansion proposals for 2011 in July 2010, after public consultation and full statutory process. The capital proposals in respect of the expansions to be delivered in 2011 are now included in the programme and outlined in this report.
- 2.02 Standards are considered in the development of proposals in respect of both schools' ability to manage increased numbers, and positive outcomes for children in addition to delivering the Council's statutory duty to provide sufficient places. The Education Leeds School Improvement service and governing bodies are engaged in the discussion around standards. Should there be concern around standards and the quality of outcomes, proposals would not proceed to statutory process. There is one such example of caution around a 2010 proposal, which after discussion with the governing body did not progress as a permanent expansion, but where a temporary increase in numbers is being managed whilst standards are being monitored. There are no such concerns about standards at the schools listed in this report or they would not have progressed through statutory process to Executive Board decision in July 2010.
- 2.03 Similarly expansion proposals are not brought forward to implementation stage where the underpinning data set, which is monitored and validated at regular intervals, does not support an expansion need in any specific year. The data set is maintained and validated by: the monitoring of birth and PLASC (Pupil Level Annual School Census) data on a termly basis; review of projected numbers in the autumn of every year; and a review of both projected numbers and all numbers on roll in the spring of every year. Again as an example of this monitoring, schemes have been put on hold, which can be implemented at a future stage, whilst numbers continue to be monitored.
- 2.04 As in the 2010 programme the majority of the proposals will be developed and delivered using the Framework contract set up by the City Council to design and build using the principles of modular, off-site construction. As outlined in the report to Executive Board on 7<sup>th</sup> April 2010 modular construction was selected as it provides a modern, high quality, sustainable solution and minimises disruption to the school through off-site construction.
- 2.05 Projects delivered in 2010 have been assessed as being very successful in terms of the finished product. Although the final costs for some of the schemes exceeded the original high-level estimates detailed in the 7<sup>th</sup> April 2010 report these were largely as a result of having to deliver planning conditions and to deal with site specific issues including services provision and abnormal ground conditions.
- 2.06 As a result of design team and School Organisation team discussions, the capital proposals in respect of 4 schools detailed in the 7<sup>th</sup> April 2010 report have had to be amended. These are detailed at the beginning of the schedule under paragraph 3 of this report.
- 2.07 This report seeks Authority to Spend in order for contractors to be engaged through the final design process to deliver on site for September 2011. The intention is to submit individual scheme reports, including those with an estimated cost of over £0.5M, for delegated approval by the Director of Resources.

## **3.0 Design Proposals / Scheme Description**

- 3.1 In considering and recommending the projects for 2011, all are expansions at current primary schools on their existing sites, and these proposals will satisfy the demand for additional places

for September 2011. However, for subsequent years' projects, consideration will need to be given to provision on new sites not currently utilised for education. Formal meetings are taking place with officers across the City Council around these programmes and options appraisals.

- 3.2 The capital proposals at each of the schools are detailed below. The 4 schools detailed at the beginning of the schedule highlight design and delivery changes to the approval in the 7<sup>th</sup> April 2010 report and the individual reasons are outlined.

### **School Expansions Approved prior to April 2010**

#### **1) Brudenell Primary School**

The school's admissions limit is currently 40. The original scheme, which aimed to incorporate an increased admissions limit from 40 to 45, could not be progressed due to planning and affordability issues and the statutory expansion was withdrawn. The size of the existing school is not sufficient to sustain the current admissions limit as cohorts move through the school, thus requiring some remodeling to the existing building to form two additional classrooms with a revised main entrance. Estimated cost: £331,000. An increase in the admissions limit and subsequent expansion of the school may be considered in the future.

#### **2) Ingram Road Primary School**

The school's admissions limit has been increased from 30 to 45. Due to planning issues and site constraints / groundworks only an increase to reception provision was provided during the summer of 2010. A modular extension will provide three additional classrooms, toilets and circulation. Estimated cost: £563,000.

#### **3) Ireland Wood Primary School**

The school's admissions limit has been increased from 30 to 60. Due to planning and access issues only one additional reception classroom was provided during the summer of 2010. A modular extension will provide six additional classrooms, speech and therapy room, toilets and circulation. Estimated cost: £1,362,000.

#### **4) Whitkirk Primary School**

The school's admissions limit has been increased from 45 to 60. The scheme was delayed due to the school being able to manage the increase in pupil numbers during the 2010 school year. The scheme requires remodeling of the existing building only. Estimated cost: £63,000.

### **School Expansions Approved after April 2010**

#### **1) Blackgates Primary School**

The school's admissions limit is due to increase from 45 to 60 which will necessitate a modular extension of two additional classrooms, library resource area, toilets and circulation. There will also be remodeling to the existing building. Estimated cost: £548,000.

#### **2) Farsley Farfield Primary School**

The school's admissions limit is due to increase from 50 to 60 (no statutory process required) which will necessitate a modular extension to the Key Stage 1 building of one additional classroom, toilets and circulation. Estimated cost: £136,000. A second phase of work will be required in the future to the Key Stage 2 building.

#### **3) Featherbank Infant School**

The school's overall capacity is due to increase from 180 to 210 places to accommodate change from a 2FE infant school to 1FE primary school. This will necessitate a modular extension with remodeling to the existing building providing a new reception class base, entrance with staffroom / office, and toilets. Estimated cost: £390,000.

#### **4) Horsforth Newlathes Junior School**

The school's overall capacity is due to increase from 240 to 420 places to accommodate change from a 2FE junior school to 2FE primary school. This will necessitate a modular extension providing six additional classrooms, toilets and circulation. There will also be remodeling to the existing building. Estimated cost: £1,356,000.

**5) Ryecroft Primary School**

The school's admissions limit is due to increase from 30 to 60 which will necessitate some remodeling to the existing foundation stage area initially. The timing of additional remodeling is subject to review. Estimated cost: £63,000.

**6) St Bartholomew's CofE Voluntary Controlled Primary School**

The school's admissions limit is due to increase from 60 to 75 (no statutory process required) which will necessitate some remodeling to the existing building. Estimated cost: £41,000.

**7) Valley View Community Primary School**

The school's admissions limit is due to increase from 30 to 60 (no statutory process required) which will necessitate some remodeling to the existing building with an upgrade to the heating system. Estimated cost: £249,000.

## **4.0 Consultation**

- 4.01 Full consultation has taken place in all of the planning areas for the schools listed in this report. The consultation has included meetings with staff, governors, parents and the extended school communities. In addition, Member briefings have also taken place.
- 4.02 Further detailed engagement will continue with the schools, Education Leeds staff and the framework contractors to ensure that the projects are delivered to programme.

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

- 5.01 These works will contribute to the following themes outlined in the Vision for Leeds 2004-2020.

### Cultural Life:

To enhance and increase cultural opportunities for everyone.  
To develop talent.

### Enterprise and the Economy:

To contribute to the development of a future healthy skilled workforce.

### Environment City:

Provide a better quality environment for our children.

### Harmonious Communities:

Contribute to tackling social, economic and environmental discrimination and inequality. To make sure that children and young people have a healthy start to life.

### Health and Wellbeing:

Contributing to the protection of people's health and support people to stay healthy.

### Learning:

Contribute to the development of equal educational achievement between different ethnic and social groups.

Improving numeracy, literacy and levels of achievement by young people throughout the city.

Make sure that strong and effective schools are at the heart of communities.

Promote lifelong learning to encourage economic success, achieve personal satisfaction and promote unity in communities.

### Thriving Places:

Actively involve the community.

Improve public services in all neighbourhoods

Regenerate and restore confidence in every part of the city.

## **6.0 Legal and Resource Implications**

### **6.1 Programme**

- 6.1.1 The strategic programme for the proposed schemes will ensure that each school has sufficient classroom accommodation to be able to operate their new capacities from September 2011.
- 6.1.2 Each project will develop a bespoke programme to guarantee a sufficiency of accommodation for September 2011, but with completion at a later date for some schools.

### **6.2 Scheme Design Estimate**

- 6.2.1 All costs are indicative and based on costs which will be developed and updated through the detailed design process.

### 6.3 Capital Funding and Cash Flow

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2008 £000's	FORECAST			
			2009/10 £000's	2010/11 £000's	2011/12 £000's	2012 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>

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2008 £000's	FORECAST			
			2009/10 £000's	2010/11 £000's	2011/12 £000's	2012 on £000's
LAND (1)	0.0					
CONSTRUCTION (3)	5102.0				5102.0	
FURN & EQPT (5)	0.0					
DESIGN FEES (6)	0.0					
OTHER COSTS (7)	0.0					
<b>TOTALS</b>	<b>5102.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>5102.0</b>	<b>0.0</b>

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2008 £000's	FORECAST			
			2009/10 £000's	2010/11 £000's	2011/12 £000's	2012 on £000's
Basic Need SCE C	15000.1				14750.1	250.0
Total Funding	15000.1	0.0	0.0	0.0	14750.1	250.0
<b>Balance / Shortfall =</b>	<b>9898.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>9648.1</b>	<b>250.0</b>

Parent Scheme Number: 15821 'Basic Need - Primary Expansions 2011'

6.3.1 The 2011 programme is fully funded from Basic Need Grant

### 7.0 Revenue Effects

7.01 Education funded through the Dedicated Schools Grant is based on pupil numbers as at January 2012 PLASC data. Through the funding formula all expanded schools will receive additional funding based on projected pupil numbers for 2011/12 and for additional premises on site.

### 8.0 Risk Assessments

8.01 Operational risks will be addressed through existing Project Management processes including Risk Logs, Highlight Reports and face to face meetings, supplemented by continual liaison with schools.

8.02 At programme level, any potential delay to the authorisation of expenditure and implementation programme at this stage could impact delivery for September 2011.

## **9.0 Recommendations**

9.01 The Executive Board is requested to:

- a) approve the capital proposals outlined for the schools as scheduled
- b) authorise scheme expenditure of £5,102,000 from 'Basic Need Primary Expansions 2011' capital scheme number 15821 to allow the Basic Need programme for 2011 to be delivered.
- c) authorise the Director of Resources to give delegated approval to all of the above schemes, including those with an estimated cost of over £0.5M, based on individual scheme reports to be submitted by the Chief Executive of Education Leeds / Director of Children's Services.

## **10.0 Background Papers**

10.1 The background papers referred to in this report are:

- a) Executive Board Report July 2009
- b) Executive Board Report October 2009
- c) Executive Board Report February 2010
- d) Executive Board Report April 2010
- e) Executive Board Report May 2010
- f) Executive Board Report July 2010



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**Report of:** The Chief Executive of Education Leeds

**To:** Executive Board

**Date:** 9 March 2011

**Subject:** Whitkirk Primary School Basic Need & Physical Disabilities Resource Base  
Capital Scheme Number: 15821/WHI/000  
**Executive Summary**

## 1 Purpose

The purpose of this report is to seek approval to proceed with a second phase of works at Whitkirk Primary school. This includes the continued development of the Resource Provision offering 14 places to children with complex medical or physical disabilities, two additional classrooms to allow for the increase in pupil numbers under the basic need programme and a new footpath around the playing field to improve security. The estimated total scheme cost of this phase will be £541,895. This report seeks authority to incur expenditure of £541,895 from the approved Capital Programme.

## 2 Main Issues and Options

In June 2009 the Executive Board received a report which identified significant demographic changes in the City and the need to plan for additional primary school places in response to the increasing pre-school population and further projected growth. In October 2009 the Executive Board approved statutory formal consultation on prescribed alterations to permanently expand 17 primary schools.

Throughout the consultation period discussions took place at all the schools to determine how the physical expansions might take place. The capital works identified will be delivered mainly through modular new build, although some of the projects will consist of remodeling existing accommodation. The modular buildings will be procured and delivered through a new framework contract which has been set up by the City Council.

In February 2010 the Executive Board approved the publication of statutory notices on prescribed alterations to permanently expand 17 primary schools with effect from September 2010 and establish community specialist provision for up to 14 pupils with Special Educational Needs (SEN) arising from physical disabilities at New Beverley Primary School and Whitkirk Primary School.

In May 2010 the Executive Board approved the permanent expansion of 17 primary schools with effect from September 2010 and the establishment of community SEN specialist facilities at Whitkirk Primary School and New Beverley Primary School for children with physical disabilities.

## 3 Recommendations

### Members of the Executive Board are requested to:

- i. approve Phase 2 of capital works at Whitkirk Primary to provide Resource Provision status and create an additional 2 classrooms to allow for the increase in pupil numbers as part of the Basic Need programme, at an estimated scheme cost of £541,895;
- ii. give authority to incur expenditure of £541,895 from the approved Capital Programme.

**Report of:** The Chief Executive of Education Leeds

**To:** Executive Board

**Date:** 9 March 2011

**Subject:** **Design & Cost Report**

**Scheme Title:**

**WHITKIRK PRIMARY SCHOOL ADDITIONAL ACCOMMODATION & PHYSICAL DISABILITIES RESOURCE BASE**

**Capital Scheme Number** 15821/WHI/000

**Electoral Wards Affected:**  
Temple Newsam

**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)

**1.0 Purpose of this Report**

1.01 The purpose of this report is to seek the Board's approval of:

- a) A second phase of works at Whitkirk Primary School to continue with the development of a Resource Provision primary school offering 14 places to children with complex medical or physical disabilities, to provide 2 additional classrooms to allow for the increase in pupil numbers as part of the Basic Need programme and provide a new footpath around the playing field to improve security, at an estimated total scheme cost of £541,895.
- b) Expenditure in the sum of £541,895 to be incurred from capital scheme number 15821/WHI/000.

**2.0 Background Information**

2.01 A statutory process was required for the inclusion of community specialist provision for children with Special Educational Needs (SEN) at Whitkirk. The previously approved consultation for addition of community specialist provision for children with Special Education Needs at New

Bewerley was also managed alongside these consultations to ensure both schemes could be accommodated. The capital funding for the SEN provision will be provided from the Education School Access Initiative budget.

2.02 In October 2009, the Executive Board approved statutory public consultation on prescribed alterations to:

- Permanently expand 17 primary schools with effect from September 2010 including Whitkirk Primary which increased from a 1.5 to 2 form entry school.
- To add community specialist provision for up to 14 pupils with complex medical and physical needs at Whitkirk Primary School

2.03 In February 2010 the Executive Board approved the publication of statutory notices on prescribed alterations to permanently expand 17 primary schools with effect from September 2010 and establish community specialist provision for up to 14 pupils with special educational needs arising from physical disabilities at New Bewerley Primary School and also at Whitkirk Primary School.

2.04 In May 2010 the Executive Board approved the permanent expansion of 17 primary schools with effect from September 2010 and the establishment of community SEN specialist facilities at Whitkirk Primary School and New Bewerley Primary School for children with physical disabilities.

2.05 Phase 1 of the project which commenced during the 2010 summer holidays, successfully delivered a dedicated resource provision teaching base, and a fully compliant care suite and accessible toilet. Phase 1 also provided parking and a drop off point for mini buses at the resource base.

### **3.0 Design Proposals / Scheme Description**

3.01 Mainstream schools and Specialist Inclusive Learning Centres (SILCs) have formed a number of partnerships across the city. Within a partnership, SILC pupils attend a mainstream school for a set amount of the school day while remaining on the roll of the SILC. With Resourced Provision, all the pupils are on the school roll. At Whitkirk Primary School, the approach has been to develop the school to transition from a mainstream primary school to 2FE Resource Provision primary school.

3.02 The pupils in the provision are currently on the roll of the Specialist Inclusive Learning Centre (East SILC) and it is proposed that the pupils will become part of Whitkirk's school roll from September 2011. The aim is that these pupils will spend 80% of the day in mainstream lessons and 20% in the resource base for extra support with speech and language or for physiotherapy. Specialist facilities including an area for physio, a nurses station, a therapy room, a sensory/social skills rooms, small group rooms for 1:1 teaching, and an additional care suite. Fully compliant accessible toilets will be created in this phase of the project through the internal remodelling of the accommodation within school. A new lift will also be installed to allow access to specialist accommodation on the upper floor.

3.03 The additional classrooms required to allow for the admission increase from 45 to 60 will be delivered through internal remodelling of existing accommodation. This element of the project was Phase 1 but is now included in Phase 2 and will be completed for September 2011.

3.04 This project will be competitively tendered and managed by the Strategic Design Alliance.

### **4.0 Consultations**

- 4.01 All proposed works have been the subject to consultations with Education Leeds officers, the school, the East SILC, the school governing body and NHS Leeds.
- 4.02 Further detailed engagement will continue with the school, Education Leeds staff, the Strategic Design Alliance and the contractor (once appointed under the tender process) to ensure that the project is delivered to programme.

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

- 5.1 These works will contribute to the following themes outlined in the Vision for Leeds 2004-2020.

### Cultural Life:

To enhance and increase cultural opportunities for everyone.

To develop talent.

### Enterprise and the Economy:

To contribute to the development of a future healthy skilled workforce.

### Environment City:

Provide a better quality environment for our children.

### Harmonious Communities:

Contribute to tackling social, economic and environmental discrimination and inequality. To make sure that children and young people have a healthy start to life.

### Health and Wellbeing:

Contributing to the protection of people's health and support people to stay healthy.

### Learning:

Contribute to the development of equal educational achievement between different ethnic and social groups.

Improving numeracy, literacy and levels of achievement by young people throughout the city.

Make sure that strong and effective schools are at the heart of communities.

Promote lifelong learning to encourage economic success, achieve personal satisfaction and promote unity in communities.

### Thriving Places:

Actively involve the community.

Improve public services in all neighbourhoods

Regenerate and restore confidence in every part of the city.

## **6.0 Legal and Resource Implications**

### **6.1 Programme**

- 6.11 The strategic programme for the delivery of this scheme is as follows.

Tender Out: 28 March 2011

Tender In: 27 April 2011

Start on site: 30 May 2011

Completion: 02 September 2011

### **6.2 Scheme Design Estimate**

The design and construction of these works comprising refurbishment, remodelling, construction of the lift and external works is estimated in the sum of £451,000 plus asbestos removal works in the sum of £10,000, fees in the sum of £78,925, planning approvals estimated at £170, and Stage One checks in the sum of £1,800.

### **6.3 Capital Funding and Cash Flow**

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2010 £000's	FORECAST			
			2010/11 £000's	2011/12 £000's	2011/12 £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>

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2010 £000's	FORECAST			
			2010/11 £000's	2011/12 £000's	2011/12 £000's	2013 on £000's
LAND (1)	0.0					
CONSTRUCTION (3)	461.0			449.7	11.3	
FURN & EQPT (5)	0.0					
DESIGN FEES (6)	80.7		10.0	68.7	2.0	
OTHER COSTS (7)	0.2			0.2		
<b>TOTALS</b>	<b>541.9</b>	<b>0.0</b>	<b>10.0</b>	<b>518.6</b>	<b>13.3</b>	<b>0.0</b>

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2010 £000's	FORECAST			
			2010/11 -906.6	2011/12 £000's	2011/12 £000's	2013 on £000's
	0.0					
Schools Access Initiative SCE R	541.9		10.0	518.6	13.3	
Total Funding	541.9	0.0	10.0	518.6	13.3	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>

**Parent Scheme Number: 15821/WHI/000 Whitkirk Primary Basic Need and Access**

These scheme costs will be funded from the Education School Access Initiative capital funding allocation.

## 7.0 Revenue Effects

7.01 Any other revenue costs that may arise will be managed within the school budget share.

## 8.0 Risk Assessments

8.01 Operational risks will be addressed through existing Project Management processes including Risk Logs, Highlight Reports, face to face meetings, effective use of CDM regulations, close supervision of the contractor and continual liaison with the school.

## 9.0 Recommendations

9.01 The Executive Board is requested to:

- a) give authority to proceed with Phase 2 of capital works to provide Resource Provision status and create an additional 2 classrooms to allow for the increase in pupil numbers as part of the Basic Need programme at Whitkirk Primary School, at an estimated total scheme cost of £541,895;
- b) Give authority to incur expenditure of £541,895 from capital scheme number 15821/WHI/000.

## **10.0 Background Papers**

10.01 The background papers referred to in this report are:

- a) Executive Board Report July 2009
- b) Executive Board Report October 2009
- c) Executive Board Report February 2010
- d) Executive Board Report April 2010
- e) Executive Board Report May 2010



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### REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

EXECUTIVE BOARD: 9 March 2011

SUBJECT: Attendance and Exclusions Report 2009/10

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#### EXECUTIVE SUMMARY

##### 1. PURPOSE OF THE REPORT

- 1.1 The annual report on attendance and exclusions is intended to provide analysis and review of Leeds' data with regard to levels of attendance and persistent absence, permanent and fixed term exclusions in the city. Data is used to show progress across academic years, areas of the city, specific settings and individual pupil cohorts. The report also identifies key areas of activity and their impact on rates of attendance and exclusion.
- 1.2 The report does not seek to single out individual schools for particular scrutiny; however, examples have been provided to illustrate, draw comparative conclusions and provide contextual evidence of the progress being made and challenges remaining in the city.
- 1.3 This report pertains to the attendance and exclusions data for the Autumn and Spring terms only of the 2009/10 academic year. The complete data set upon which the report is based is presented in Appendix 1. This full and comprehensive data set is presented in order to fulfil our reporting responsibilities.

##### 2 BACKGROUND

- 2.1 Although the data informing this report is taken from September 2009 to April 2010, it is necessary to recognise that the Transformation Programme in Children's Services is having a significant impact on how school attendance and inclusion is being approached **now**, as services move across from Education Leeds to Children Leeds and a new directorate. The approach championed by the new Director of Children's Services has located attendance at the heart of what the city aims to achieve for its children and young people, where improving attendance is one of the '*three key priorities*' alongside our work with looked after children and our work to reduce levels of young people not in education, employment or training (NEET) in the city. The development of services being planned at the heart of the transformation programme should serve to support and maintain children and young people in their local, universal settings.
- 2.2 A pupil who is persistently absent (PA) has attendance less than 80% by definition. The proportion of children in a school who fall into this category has been a key measure for the DfE since 2006.

- 2.3 2.5% of all secondary absence is due to fixed term exclusion which will therefore contribute to levels of persistent absence (which includes both authorised and unauthorised absence). The decision to exclude is also one which is directly in the control of schools: so reducing these figures will impact directly on overall school attendance.
- 2.4 This report explores in more detail two key themes that become evident on examination of the data: firstly a widening gap between Leeds primary and secondary schools in terms of attendance of pupils. Secondly, the over-representation of some specific pupil cohorts as poor attenders and excludes from school, namely pupils eligible for free school meals (FSM) and pupils with Special Educational Needs (SEN).
- 2.5 Levels of attendance and persistent absence in the primary phase in Leeds remain close to national and statistical neighbours (the gap having been narrowed in 2009/10). However, despite levels of secondary persistent absence decreasing year on year in Leeds (reaching 6.9% in 2009/10 excluding academies), the gap appears to be widening as the pace of progress has been slower than that seen nationally. This is despite the number of secondary schools with less than 5% PA increasing from 9 to 13 in and 23 out of 35 of Leeds high schools reducing their PA in 2009/10.
- 2.6 The high correlation between levels of attendance and attainment is evidenced by more than two thirds of pupils with attendance higher than 95% achieving 5 GCSE grades A\*-C including English and Maths, but only 10% of PA pupils achieving such results.
- 2.7 This rate of permanent exclusion in Leeds remains lower than the national rate of exclusions for 2008/09 and over 50% of all Leeds schools now have only 0-1 permanent exclusions. The rate of fixed term exclusions in Leeds maintained schools remains below the national rate of exclusion published for 2008/09. There were two permanent exclusions from Leeds primary schools in 2009/10 matching figures from the previous year and no permanent exclusions from Specialist Inclusive Learning Centres.
- 2.8 However, specific pupil cohorts at risk of poor outcomes – such as Gypsy Roma Travellers, pupils eligible for FSM, are far likelier to be permanently or fixed term excluded; almost three quarters of all permanent exclusions were for pupils with non-statemented special educational needs.
- 2.9 In terms of data relating to individual settings in the city, despite their comparatively smaller numbers, the greatest level of challenge regarding attendance and exclusions is in our targeted and specialist provision, namely those pupils educated in the Key Stage 4 Teaching and Learning Centre and the Central BESD SILC.

### 3.0 **RECOMMENDATIONS**

The Board is asked to:

- Note the contents of the report and celebrate and endorse the work of the range of partners which include the Area Inclusion Partnerships, clusters, children's services and schools to promote inclusion and good attendance
- Comment and endorse the conclusions and proposed/on-going actions
- Make any further recommendations for future action





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## REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

**EXECUTIVE BOARD: 9 March 2011**

**SUBJECT: Attendance and Exclusions Report 2009/10**

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<p><b>Electoral wards Affected:</b></p>          <input type="checkbox"/> Ward Members Consulted (referred to in report)	<p><b>Specific Implications For:</b></p> <table><tr><td>Equality &amp; Diversity</td><td><input checked="" type="checkbox"/></td></tr><tr><td>Community Cohesion</td><td><input checked="" type="checkbox"/></td></tr><tr><td>Narrowing the Gap</td><td><input checked="" type="checkbox"/></td></tr></table>	Equality & Diversity	<input checked="" type="checkbox"/>	Community Cohesion	<input checked="" type="checkbox"/>	Narrowing the Gap	<input checked="" type="checkbox"/>
Equality & Diversity	<input checked="" type="checkbox"/>						
Community Cohesion	<input checked="" type="checkbox"/>						
Narrowing the Gap	<input checked="" type="checkbox"/>						
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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### 1.0 PURPOSE OF THE REPORT

- 1.1 The annual report on attendance and exclusions is intended to provide analysis and review of Leeds' data with regard to levels of attendance and persistent absence, permanent and fixed term exclusions. Data is used to show progress across academic years, areas of the city, specific settings and individual pupil cohorts.
- 1.2 This report pertains to the attendance and exclusions data for the Autumn and Spring terms only of the 2009/10 academic year. The complete data set upon which the report is based is presented in Appendix 1. This full and comprehensive data set is presented in order to fulfil our annual reporting responsibilities to the Education Leeds Board.
- 1.3 Although the data informing this report is taken from September 2009 to April 2010, it is necessary to recognise that the Transformation Programme in Children's Services is having a significant impact on how school attendance and inclusion is being approached *now*, as services move across from Education Leeds to Children Leeds and a new directorate. The approach championed by the new Director of Children's Services has located attendance at the heart of what the city aims to achieve for its children and young people, where improving attendance is one of the 'three key priorities' alongside our work with looked after children and our work to reduce levels of young people not in education, employment or training (NEET) in the city. The development of services being

planned at the heart of the transformation programme should serve to support and maintain children and young people in their local, universal settings.

- 1.4 The reasons for irregular school attendance are complex and are often located in a child's home or family circumstances and the wider community, not only school. For some pupils, poor behaviour in school can also be an expression of personal or family situations but can also be a result of their learning needs not being met or their curriculum offer not being appropriate. Levels of attendance and exclusion are key indicators as to how successful schools and settings will be in getting good outcomes for children in terms of their attainment, health and well-being.
- 1.5 Attendance and good behaviour in school are therefore integral to the drive to raise standards in schools and settings and to impact positively on wider outcomes for children and young people. There is a broad range of evidence, including the PA research undertaken in Leeds that indicates sustainable improvements will depend on close partnership and integration between education, school improvement and children's services.
- 1.6 This report therefore seeks to identify key data themes and activity that partners have been engaged in to support Leeds' drive to raise standards of attendance, attainment and promote inclusion.

## 2.0 **KEY DATA SUMMARY**

### 2.1 **Analysis of Rates of Attendance and Persistent Absence**

- 2.1.1 In 2009/10 the overall level of secondary attendance achieved was 91.6% including academies and 91.88% excluding academies. The equivalent national averages were 93.16% and 93.24% respectively.
- 2.1.2 The level of PA in Leeds has fallen year on year since this measure was introduced by the DCSF, in 2006/07. For the Autumn and Spring term in 2009/10 the level of secondary PA was 6.9% (excluding academies) and 23 out of 35 maintained schools successfully reduced their overall number of PA pupils in the same period. However, 3 schools were effectively responsible for 21% of the total secondary PA cohort. Those schools were Lawnswood, Primrose and Swallow Hill.
- 2.1.3 There is a strong correlation between the number of pupils eligible for free school meals (FSM) and levels of PA e.g. Primrose has the highest number of FSM pupils and highest proportion of PA. When comparing FSM numbers and levels of PA, there are notable differences in performance between some schools who have similar FSM numbers.
- 2.1.4 For example, Lawnswood have a similar proportion of FSM eligible pupils to Ralph Thoresby and Corpus Christi Catholic College yet their rates of PA were 15.7%, 4.4% and 3.1% respectively.
- 2.1.5 There is a significant over-representation of pupils in the secondary PA cohort who have special educational needs and in particular pupils described as "School Action Plus" where these pupils are 4.5 times more likely to be a PA pupil. There is also a gap between the attendance of these cohorts in Leeds and that seen nationally where the average attendance of a child with a statement of

educational needs nationally is 90.8% but is 88.7% in Leeds. In the primary phase, there is much less deviation from national data.

- 2.1.6 In the primary phase, it is significant that poorest attendance is seen in year 1. This is a trend reflected nationally and is therefore not just a Leeds issue.
- 2.1.7 Illness is the biggest reason for absence across all phases. Rates of illness in primary and secondary are lower than that seen nationally. This could indicate that schools in Leeds are more inclined to challenge regular absence from school on the basis of parents reporting illness. Medical and dental appointments during school hours also contribute to almost 5% of all absence from school.
- 2.1.8 The level of “*agreed family holidays*” is lower in Leeds secondary schools than nationally, whereas “*not agreed family holidays*” are higher. This further evidences Leeds’ schools willingness to challenge requests by parents to remove their children from school for holidays.
- 2.1.9 However, data reveals that parents of primary age pupils are more likely to extend a period of absence due to religious festivals and also primary children are twice as likely to be absent from school during term time due to requests for holidays which possibly reflects a disparity between parental attitudes to the importance of the primary curriculum.

## **2.2 Analysis of Rates of Fixed Term and Permanent Exclusion**

- 2.2.1 There were 47 permanent exclusions from maintained secondary schools in Leeds in 2009/10, representing a ratio that has remained at 0.11% - lower than the national rate of exclusions published for 2008/09.
- 2.2.3 Over half of Leeds schools now have a rate of 0-1 permanent exclusions. In 2009/10, only one secondary school excluded 5 or more pupils, John Smeaton Community College, which equated to 20% of the total number of exclusions from Leeds maintained schools.
- 2.2.4 The year groups with the highest levels of fixed term exclusions are years 9 and 10 which account for almost half of all fixed term exclusions in Leeds. Increases in the proportion of exclusions were seen for years 8, 9 and 11 in 2009/10, with exclusions in year 10 continuing to decrease.
- 2.2.5 The rate of exclusions for pupils with a statement of SEN continues to rise and these pupils are now 8 times more likely to receive a fixed term exclusion than the Leeds average. This is impacted on by the high level of permanent and fixed term exclusions from the central BESD SILC.
- 2.2.6 For pupils eligible for free school meals, the rate of exclusion increased slightly in 2009/10, following a recent trend of reducing exclusions for this group of pupils. Pupils eligible for free school meals have a rate of exclusion 2.5 times the Leeds average.
- 2.2.7 Although the rate of exclusion for all pupils of BME heritage is lower than the Leeds average there are some groups that are over-represented in fixed term exclusions. The groups with rates of exclusion higher than the Leeds average are: White Irish Travellers, Gypsy/Roma, pupils of Black Caribbean, Other Black,

Mixed Black Caribbean and White and Mixed Asian and White heritage. The rate of exclusion has reduced for pupils of Black African heritage in 2009/10.

### **3.0 FURTHER CONTEXT - Targets**

- 3.1 The move away from centrally imposed targets and into locally negotiated and agreed targets is reflective of a significant change in policy under the new government where the locus of ownership of targets and accountability for outcomes is at a school and cluster/ locality level. The Area Inclusion Partnerships in Leeds will perform a critical role in reporting to the Children's Trust Board.
- 3.2 After 2010/11, there will no longer be a statutory requirement for schools to set individual absence targets and the target to local authorities to achieve a maximum of 5% PA has been removed.
- 3.3 However, the DfE and Ofsted will continue to keep PA as a key indicator and it remains a priority in the Children and Young People's Plan.
- 3.4 Although academies are not required to report on and share attendance data in the way that maintained schools do, some have chosen to do so. This, together with data obtained from Census, reveals that levels of attendance and persistent absence in some academies benchmark with poorly performing maintained schools.
- 3.5 Academies receive the Local Authority Central Spend Equivalent for the provision of attendance services. However, Leeds academies have elected not to purchase services from the local authority and so only receive the statutory service (namely the enforcement of irregular attendance through legal and parental responsibility measures). The combination of low attendance and lack of monitoring capacity is a cause for concern. The local authority will be encouraging accountability for all schools through local partnerships and support for improvement through integrated locality working.

### **4.0 ACTIVITY AND IMPACT**

- 4.1 The Attendance Strategy Team (AST) provides a targeted whole-school improvement and statutory function alongside a family support/casework service directed at a cluster level according to need i.e. numbers of PA.
- 4.2 The AST analysed the impact of the use of Penalty Notices for irregular attendance in 2009/10. This analysis demonstrated that an overall 5.4% increase in attendance was achieved and sustained, even 8 weeks after the Penalty Notice had been issued. However, the average attendance of this cohort of pupils was 51.4% at the start of the intervention. When attendance rates are already this low, even this intervention will not impact positively on overall attendance.
- 4.3 The analysis above was made possible by the scheme to extract pupil level data from schools on a regular basis, enabling a more forensic and timely scrutiny of attendance data across individual pupils, localities and the city.
- 4.4 23 out of 35 high schools reduced their PA in 2009/10. This trajectory across the majority of schools is to be celebrated, with particular recognition for

individual schools such as Ralph Thoresby who reduced their persistent absence from 10.9% of their pupils in 2008/09 to 4.4% in 2009/10. Mount St. Mary's made an overall reduction in PA across the same period of 4.1% and City of Leeds achieved a 5.9% reduction.

- 4.5 Over 2009/10 the Attendance Advisers have driven a number of area specific interventions through links with the Area Inclusion Partnerships including the Positive Health Initiative to tackle illness, meetings with Integrated Service Leaders to plan and co-ordinate multi-agency support for all PA pupils and a pilot to embed responses to PA through the Intervention and Children Leeds panels.
- 4.6 There is a strong evidence for the positive impact of both the Fast Track to Attendance and Positive Health Initiatives (PHI). In one high school with 9.6% PA in 2009/10, a Fast Track for a cohort of 20 pupils delivered an improvement of 16.8 percentage points in attendance sustained over a period of eight weeks.
- 4.7 The PHI – delivered in partnership between the Attendance Strategy Team and School Health - for one primary school, improved the attendance of the 21 targeted children by 19.5% percentage points 6 weeks after the intervention.
- 4.8 The AST has also facilitated whole-school attendance reviews in fourteen high schools who were identified as making little or slow progress in reducing PA, including the BESD SILC. Two primary schools have also undertaken this process which involves a full review of practice and procedure and includes the opportunity for staff and pupils to share their views of how attendance and absence is managed in their setting. An action plan is drawn up from the recommendations which is then monitored by the Attendance Strategy Team Advisers.
- 4.9 Under the sponsorship of the new Director of Children's Services, a locality leadership and casework development project will be rolled out across clusters to target attendance, taking a "Top 100" methodology to identifying the children and families in the clusters where poor attendance is a key indicator.
- 4.10 The recent Outcomes Based Accountability events (referred to in a separate report on this Executive Board agenda) have also generated a refreshed and reinvigorated children's services attendance strategy with seven activities for the City Priority Children and Young People's Plan with a wide range of ideas that genuinely cut across the whole of Leeds City Council, children's services and beyond.
- 4.11 To target primary attendance, the AST and National Strategies primary link social and emotional learning (SEAL) Consultants have worked together on a pilot to get primary schools to use SEAL approaches to tackle absence and poor attendance. Phase 1 schools demonstrated an increased level of attendance during the pilot phase which was double the improvement seen in non-pilot schools (overall attendance in the SEAL schools increased by 2.9% for half terms 3-6 compared to an increase of 1.6% across all primaries for the same period).
- 4.12 Feedback from a Note of Visit from the Regional Adviser for Behaviour and Attendance regarding the SEAL pilot stated:  
*'The LA has provided outstanding support to schools, enabling them to develop their focus on social and emotional skills in order to improve attendance. In both schools*

*visited, attendance has increased from about 91% to above 94% in two years. This work is an exemplary application of the B&A regional pilot'.*

- 4.13 The Southway model of behaviour provision being delivered locally through the delegation of central budget is likely to serve as a template for other wedge areas which will have a direct impact on the number of permanent and fixed term exclusions. All schools in the south wedge (with the exception of the academy) have signed up to an agreement not to permanently exclude and to manage the previously centrally held behaviour resource.
- 4.14 Schools have been supported to reduce exclusions by effective delivery of statutory central services. 46 referrals have been made to other agencies, 38 parenting contracts established, 163 multi agency meetings attended by the service, 113 home visits and 64 detailed re-inclusion plans actioned. Of the pupils worked with, 25 had a pre-existing Common Assessment Framework (CAF). A further 52 families were advised of the role of the CAF in supporting their child, but only 9 families took up the support offered. This work is in partnership with that done by schools, extended service clusters and the Area Inclusion Partnerships.
- 4.15 Collaborative partnerships with the West Yorkshire Police via Safer Schools Partnerships have supported the schools' work in reducing fixed term exclusions particularly where crime may have formally been the reason for exclusion with a particular focus on restorative justice. The Safer Schools Partnerships could also be incorporated into strategies to tackle absence and truancy at a local level as there is little, if any, robust evidence of the effectiveness of traditional "truancy sweeps" which must be considered in light of resource implications for schools, the Attendance Strategy team and the Police.

## **5.0 CONCLUSIONS**

- 5.1 Leeds data demonstrates a positive impact and improved outcomes for many children and young people in the city. However, the challenge remains to close the gap for identified cohorts of pupils and individual schools where there is a much greater risk of poor outcomes.
- 5.2 This is illustrated by disproportionate levels of attendance and exclusion across specific cohorts of pupils for whom attendance is poor and rates of exclusion are high. This is evidenced by the data that tell us that 3 high schools are responsible for 21% of all the secondary PA in the city: 75% of all exclusions are of pupils with SEN: Gypsy Roma and Travellers of Irish heritage are the poorest attendees and the have the lowest levels of attainment: pupils with SEN but no statement are twice as likely to be a PA pupil: pupils who are entitled to FSM are 2.5 times more likely to be a PA and 2.5 times more likely to have been excluded.
- 5.3 The correlation between poorer outcomes and FSM supports the city's drive to tackle child poverty. School improvement approaches and statutory intervention alone will not succeed in removing the impact of this disadvantage on the lives of children and young people.
- 5.4 Data from specialist provision in Leeds illustrate the disproportionate influence of relatively small settings. However, these settings present the highest level of need and provision for children and young people in terms of both challenge

and vulnerability and the complexity of their needs.

5.5 Recent activity under the direction of the new Director of Children's Services is planned to generate significant change in how attendance is addressed by a range of partners in localities and puts the child and family securely as the clients. It is highly evident that the improvements to attendance and PA and the reduction in the exclusions of children and young people needed in Leeds cannot be delivered by a single service alone and that partnership approaches are key to success.

5.6 As the 'White Paper' and other drivers for change impact on the relationship between schools and the local authority, Leeds is in the process of re-stating the "offer" to schools through the 'i-prospectus' which sets out statutory functions, the core and those aspects of services which will become traded.

## **6.0 RECOMMENDATIONS FOR ACTION**

### **Short-term – next 3 months**

- 6.1
- Use the Locality Leadership and Casework project to target attendance in the range of 60-70% in every cluster and to deliver intensive work with a smaller number of clusters. This aspect of work is complementary to the realigning of the Attendance Strategy Team.
- 6.2
- Train 30 practitioners in Outcomes Based Accountability (OBA) to facilitate OBA activity and action planning at a local level, and implement actions from the city-wide OBA exercises, namely:
    - enhance partnership between Attendance Strategy Team and Early Years to impact on attendance in year 1
    - develop a model of intervention for poor attendance and truancy in localities in partnership with Safer Schools Officers
    - develop "The Pledge" as a high profile and well publicised statement of intent as to how individuals can contribute to improving attendance including the whole of Leeds City Council, voluntary sector and business leaders
    - develop a city-wide incentives programme for parents/carers and families whose children have excellent attendance with a sign up across all sectors
- 6.3
- Engage and secure the support of health/ GP consortia in addressing both medical appointments during the school day and illness as a "quick-win" and a longer term strategy, respectively.
- 6.4
- Issue revised guidance to schools, parents/carers and governing bodies regarding requests for Extended Leave.

### **Mid-term – next 6 – 9 months**

- 6.5
- Continue to support the programme to secure pupil level attendance data from every school to enable timely analysis, intervention and impact
- 6.6
- Evaluate the impact of the Southway model for devolvement of central budget to areas/localities for services to be delivered locally.
- 6.7
- A robust framework for local monitoring, support and challenge and accountability needs to be in place in the absence of central government targets. Ownership of targets must be driven by that framework to ensure

that all area partnerships and individual schools, including academies and free schools, are held accountable for their levels of attendance and PA to ensure both safeguarding and successful outcomes for children.

- 6.8 • An Intervention Task Group with a supporting action plan is in place for the BESD SILC with the support of a range of agencies with specific activity around inclusion and attendance.
- 6.9 • An Intervention Task Group supporting has assisted the Key Stage 4 Teaching and Learning Centre to make more than satisfactory progress since the outcome of the Ofsted inspection of 2010.
- 6.10 • The redesign of services across universal/universal plus/targeted/complex will engender approaches that impact on specific cohorts of vulnerable pupils (although the Green Paper on SEN has yet to be published which has a direct bearing of that aspect of provision).

## 7.0 RECENT PROGRESS AND LATEST DATA

- 7.1 Early indications in the Autumn term 2010/11 suggest that again the vast majority of schools are making progress in reducing PA. In half term 1, although this data has not yet been confirmed by Census, there were in the region of 600 fewer secondary PA pupils when compared to the same period last year.
- 7.2 Data returned by schools (again, yet to be confirmed by Census and excluding academies) indicates that secondary attendance in the Autumn term was 92.2% which is the highest level of secondary seen in Leeds.

## 8.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

- 8.1 There are no significant implications for council policy and governance as a result of this report.

## 9.0 LEGAL AND RESOURCE IMPLICATIONS

- 9.1 It will be important to monitor the potential impact of workforce change issues as we move forward in addressing both attendance and exclusion. The high prioritisation given to this issue across children's services and the broader partnership approach being taken will help to ensure that we do this effectively.

## 10.0 RECOMMENDATIONS

- 10.1 The Board is asked to:
  - Note the contents of the report and celebrate and endorse the work of the range of partners which include the Area Inclusion Partnerships, clusters, children's services and schools to promote inclusion and good attendance
  - Comment and endorse the conclusions and proposed/on-going actions
  - Make any further recommendations for future action

## 11.0 BACKGROUND PAPERS

- 11.1 A full report outlining all the relevant attendance and exclusions data with accompanying analysis is presented as Appendix 1.





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# **APPENDIX 1**

## **ANNUAL ATTENDANCE AND EXCLUSIONS REPORT:**

### **AUTUMN AND SPRING TERM 2009/2010**

#### **Full Data Set and Commentary**

# 1. ATTENDANCE IN PRIMARY SCHOOLS

## 1.1 Overall attendance and absence

1.1.1 In 2009/10, attendance in primary schools rose by 0.17 percentage points to 94.26% as shown in Table 1.1.1 below. This increase is despite the impact of snow days during the severe weather last year, where schools that remained open would have had their attendance impacted on by children who could not get to school. Attendance increased by a larger amount in Leeds than nationally and by comparison to statistical neighbours, thereby narrowing the gap.

Table 1.1.1 Percentage attendance in primary schools

	Leeds target	Leeds	National	Statistical Neighbour Average
2005/06	94.8	94.30	94.24	94.36
2006/07	95.3	94.79	94.82	94.98
2007/08	95.4	94.67	94.74	94.88
2008/09		94.09	94.54	94.60
2009/10		94.26	94.66	94.72

Source: DfE statistical first release

1.1.2 Tables 1.1.2 and 1.1.3 below show a decrease in authorised absence and an increase in unauthorised absence. The increase in unauthorised absence means that schools are taking positive action to challenge regular absence. This includes challenging requests for holidays in term time, not authorising absence when schools remained open during the severe weather. By taking such a stance, schools are tackling the root causes of absenteeism. Ultimately, the only way to sustain significant improvements in attendance is by schools setting clear expectations to parents.

Table 1.1.2 Percentage authorised absence in primary schools

	Leeds	National	Statistical Neighbour Average
2005/06	5.26	5.30	5.22
2006/07	4.71	4.66	4.55
2007/08	4.76	4.69	4.62
2008/09	5.15	4.81	4.82
2009/10	4.88	4.67	4.66

Source: DfE statistical first release

Table 1.1.3 Percentage unauthorised absence in primary schools

	Leeds	National	Statistical Neighbour Average
2005/06	0.44	0.46	0.43
2006/07	0.50	0.52	0.47
2007/08	0.57	0.57	0.50
2008/09	0.75	0.65	0.58
2009/10	0.85	0.68	0.62

Source: DfE statistical first release

## 1.2 Reasons for absence

1.2.1 Table 1.2.1 below shows that there are some changes in the pattern of reasons for absence between 2008/09 and 2009/10 in Leeds primary schools.

Table 1.2.1 Reasons for absence in primary schools: autumn and spring term 2008/09 and 2009/10

Reason for absence	% of absences		% of all possible sessions	
	2008/09	2009/10	2008/09	2009/10
<b>Authorised absence</b>				
Illness	56.40	55.58	3.31	3.19
Medical/Dental appointments	4.37	4.53	0.26	0.26
Religious observance	3.51	2.44	0.21	0.14
Study leave	0.00	0.00	0.00	0.00
Traveller absence	0.50	0.21	0.03	0.01
Agreed family holiday	11.94	9.96	0.70	0.57
Agreed extended family holiday	0.77	0.58	0.05	0.03
Excluded	0.19	0.18	0.01	0.01
Other authorised reason	9.53	11.49	0.56	0.66
<b>Unauthorised absence</b>				
Not agreed family holiday	1.90	2.10	0.11	0.12
Arrived after registers closed	1.53	1.38	0.09	0.08
Other unauthorised reason	7.51	8.62	0.44	0.49
No reason yet provided	1.85	2.79	0.11	0.16

Source: School Census

1.2.2 The majority of absence recorded remains due to "illness". However, as a percentage of all types of absence and as proportion of all sessions, illness has continued to reduce in 2009/10 which is positive as fewer children are being kept out of school for health related issues. In addition, the Positive Health Initiatives between School Nursing and the Attendance Strategy Team have delivered significant and sustained improvements in schools and clusters where they have been operating.

1.2.3 There has been a continued decrease in the total number of days' holiday authorised in 2009/10 because schools are challenging requests by parents to take their children out of school during term time. The evidence that this strategy is

effective is the resulting additional 9,000 extra days' attendance. Overall primary attendance would have been 0.13 percentage points lower in 2009/10 if this improvement had not been achieved. This trend confirms that the policy of not agreeing holidays in term time is having an impact on reducing absence. There are now many examples of cluster-wide holiday policies across the city, which is supporting a consistent message being communicated to parents and carers about the importance of regular attendance.

- 1.2.4. There was an increase in absence due to "*other authorised*" and "*other unauthorised absence*" in 2009/10. Reasons for this include not only the 'snow' days, where some schools remained open despite severe disruption to road transport, other school closures etc but also when volcanic ash prevented air travel, preventing many staff and pupils from being able to return to school. Education Leeds encouraged schools, wherever possible, to keep schools open to maintain continuity in opportunities for learning. The impact of these extreme events was a national phenomenon which prompted the Department for Education (DfE) to make emergency amendments to the Pupil Registration regulations so that schools will not be adversely affected should they remain open, as is desirable, during such occurrences.
- 1.2.5 The proportion of total sessions lost due to "*religious observance*" fell in 2009/10. This measure has been impacted upon by the lower number of religious holidays that fell within the school year in 2009/10. Some schools try to mitigate against absence for religious observance by allocating training days at specific religious festivals and by making expectations clear to parents about the number of days' absence permitted.
- 1.2.6 The occurrence of the code "*no reason yet provided*" increased in 2009/10 after having reduced in 2008/09.
- 1.2.7 The increase in the occurrence of "*other unauthorised reason*" is an indicator that schools are challenging reasons for absence which is critical to tackle the root causes of persistent absence. Accurate marking of registers and the use of unauthorised absence enables the Attendance Strategy Team to make use of parental responsibility measures including parent contracts, penalty notices, parenting orders and other legal measures such as prosecution in the Magistrates Court and Education Supervision Orders. These interventions cannot be used when the absence is authorised.
- 1.2.8 Table 1.2.2 shows the comparison of reasons for absence between Leeds and the national picture. Despite the reduction in agreed family holidays in Leeds, the proportion of sessions missed due to this reason remains higher in Leeds than nationally. Leeds also has a higher number of absences due to "*religious observance*". "*other authorised reason*", "*other unauthorised reason*" and "*no reason yet provided*". The proportion of absence due to "*illness*" remains lower in Leeds than nationally.

Table 1.2.2 Comparison of Leeds and national reasons for absence in primary schools, autumn and spring term 2009/10

Reason for absence	% of absences		% of all possible sessions	
	Leeds	National	Leeds	National
<i>Authorised absence</i>				
Illness	55.58	62.91	3.19	3.35
Medical/Dental appointments	4.53	4.80	0.26	0.26
Religious observance	2.44	1.70	0.14	0.09
Study leave	0.00	0.01	0.00	0.00
Traveller absence	0.21	0.33	0.01	0.02
Agreed family holiday	9.96	9.40	0.57	0.50
Agreed extended family holiday	0.58	0.31	0.03	0.02
Excluded	0.18	0.30	0.01	0.02
Other authorised reason	11.49	7.60	0.66	0.40
<i>Unauthorised absence</i>				
Not agreed family holiday	2.10	2.34	0.12	0.12
Arrived after registers closed	1.38	1.13	0.08	0.06
Other unauthorised reason	8.62	7.00	0.49	0.37
No reason yet provided	2.79	2.18	0.16	0.12

Source: Leeds - School Census; National – DfE Statistical First Release

### 1.3 Persistent absence in primary schools

1.3.1 The criteria for target primary schools set at the end of 2008/09 for the 2009/10 academic year was those schools that have 10 or more PA pupils, where this accounts for 2.5% or more of pupils in the school. Fifty schools in Leeds met these criteria. The DfE have stated that priority schools for reducing persistent absence will no longer be identified.

1.3.2 Levels of PA in primary schools for the last three years are shown on Table 1.3.1. The recent trend of rising persistent absence in primary schools has been reversed in 2009/10 and PA has fallen by 0.6 percentage points. This reduction in PA is greater than that seen nationally and in similar authorities, but levels of PA in Leeds remain higher than national and statistical neighbour benchmarks. The number of PA pupils in primary has decreased by 199, from 1,424 in 2008/09 to 1225 in 2009/10.

Table 1.3.1 Percentage of persistent absentees in primary schools

	Half term 1-4				Half term 1-5		
	2006/07	2007/08	2008/09	2009/10	2006/07	2007/08	2008/09
Leeds	2.3	2.8	3.1	2.5	2.0	2.0	2.2
National	2.2	2.4	2.2	1.8	1.8	1.7	1.5
Statistical neighbours	2.2	2.3	2.2	1.8	1.7	1.6	1.5

Source: DfE statistical first release

## 1.4 School performance against Targets

1.4.1 53 primary schools (24%) met or exceeded their statutory absence targets in 2009/10. In the statutory target setting exercise, schools are provided with national benchmarking information to inform their own target setting. These targets are then agreed with their School Improvement Partner, giving schools more control over their absence targets, based on analysis of individual patterns of attendance and progress over time.

## 1.5 Targeted support to primary schools

1.5.1 Since 2007 the Attendance Strategy Team have targeted their support to schools through allocation to clusters using the total number of persistent absentees in the cluster as a measure of need. In addition, primary schools are banded so that schools with the highest need receive the highest degree of support for improving whole-school attendance and PA.

1.5.2 This focus has been effective and is evidenced by the greater reduction in PA by priority schools in 2009/10: between 2008/09 and 2009/10 PA in those priority schools fell by three times as much as in non-priority schools, falling by 1.4 percentage points, compared to 0.4 percentage points for non-target schools.

1.5.3 In addition to the support of the Attendance Advisers and Attendance Improvement Officers, the Attendance Strategy Team target the Attendance Champions resource to schools with highest levels of PA. The team have delivered the “Reach for the Stars” (RFTS) programme which is a group work based programme around attendance and punctuality for KS2 pupils with strong links to primary SEAL.

1.5.4 26 schools ran the RFTS course in 2009/10 with 278 children completing the course. As seen in table 1.5.5 below, 50% of the children who completed the course were prevented from becoming PA and 52 children who were PA at the start of the programme were no longer PA at the end of their course. The average improvement for the attendance of the children on the programme was 5.57%, with the West achieving a higher average of 7.63%.

Table 1.5.5 Reach for the Stars Impact on PA Data

	Av Improvement	Prevented from PA	No Lifted out of PA	No of children completed course	no schools running	Nil data school	Still in PA
All Schools	5.57%	134	52	278	26	5	92
NW Wedge	2.19%	17	1	32	4	1	14
East Wedge	5.42%	60	11	105	10	2	34
West Wedge	7.63%	15	7	26	3	0	4
NE Wedge	2.85%	10	4	30	3	1	16
South Wedge	7.70%	32	29	94	6	1	33



1.5.6. National Strategies, the primary SEAL consultants and Attendance Strategy Team have delivered a primary Attendance and SEAL programme in 2009/10 to target specific groups of pupils in schools with high levels of PA. 14 schools were identified in the first cohort in 2009/10. The positive and significant impact on attendance is captured in table 1.5.7 below which shows that the SEAL pilot schools had greater improvements in overall attendance than non-SEAL schools. Overall attendance in the pilot schools increased by 2.9%, compared to 1.4% for all other primary schools. A second phase of schools has been recruited and the work now underway. This is innovative work with a regional and national profile, the launch event having been attended by the National SEAL Programme Lead.

*Table 1.5.7 Impact of Attendance and SEAL pilot on overall school attendance*

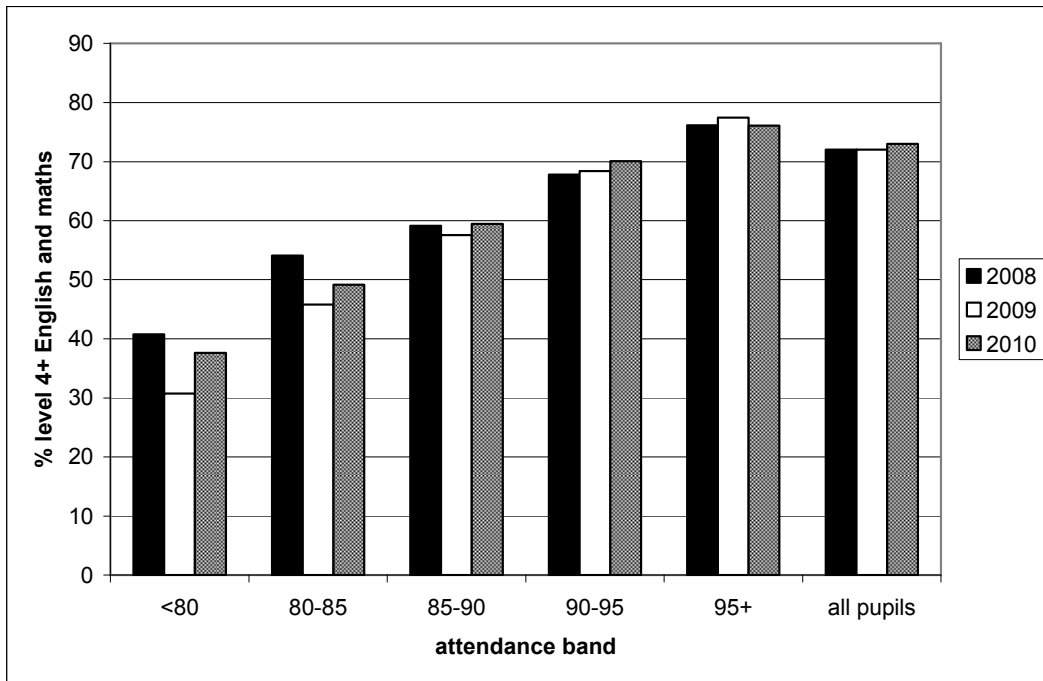
Half Term	OVERALL ATTENDANCE				DIFFERENCE
	HT3 %	HT4 %	HT5 %	HT6 %	HT3-6 %
All Primary Schools (inc. SEAL pilot)	92.8	95.2	95.0	94.4	1.6
All Primary Schools (exc. SEAL pilot)	93.1	95.3	95.1	94.5	1.4
SEAL Primary Schools	89.9	93.6	93.7	92.8	2.9

1.5.8 In addition, there was a significant impact on persistent absentees – the SEAL schools had a total of 80 fewer PA pupils between March and July.

## **1.6 Attendance and attainment**

1.6.1 The link between attendance and attainment is evident from Figure 1.6.1 below. The chart demonstrates that the proportion of pupils achieving level 4 or above in Key Stage 2 English and maths increases as attendance increases.

Figure 1.6.1 Key Stage 2 attainment and attendance



1.6.2 In 2010, only 38% of children in year 6 with attendance below 80% achieved the expected level in both subjects, compared to 76% of those with attendance above 95%. In addition, Figure 1.6.1 indicates that the attainment of those with lower attendance increased in 2010, compared to 2009 which is evidence of closing the gap. It is important that this message is communicated to parents, particularly as a means to address the issue of primary holidays in term time.

1.6.3 Table 1.6.2 below, shows that although this proportion has fallen since 2007/08, almost two thirds of all primary pupils have attendance over 95%. The proportion of pupils with less than 80% attendance has fallen slightly in 2009/10.

Table 1.6.2 Percentage of pupils in attendance bands; autumn and spring terms

Attendance Band	2007/08	2008/09	2009/10
<80%	3.2	3.3	3.1
80-85%	3.4	3.9	3.8
85-90%	8.7	9.8	9.8
90-95%	23.8	25.9	25.4
95%+	60.9	57.2	57.9

Source: School Census

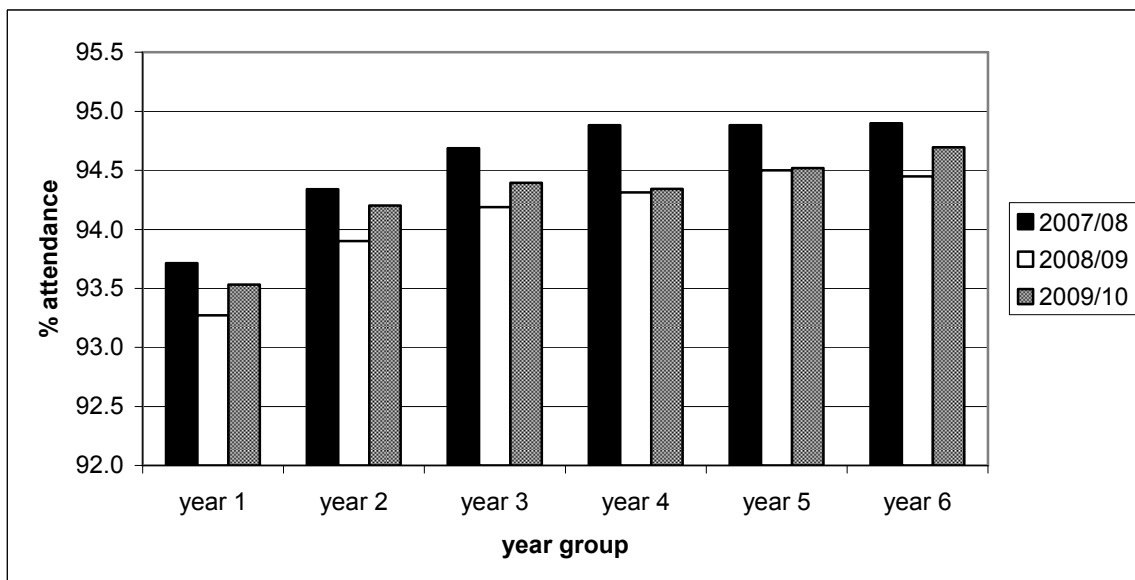
Note: the below 80% attendance band is not the same as the persistent absence figure because it is based on % attendance instead of a threshold number of absence sessions.

## 1.7 Attendance and persistent absence by pupil group

1.7.1 In a contrast to the pattern of attendance seen in secondary schools, attendance in year 1 tends to be poorest but then improves moving up through the key stages to year 6 having the best attendance. There is also much less variation when comparing attendance across year groups in the primary phase, showing greater

consistency. The phenomenon of poorest attendance in year 1 is reflected nationally and is therefore not just a Leeds issue. However, it is positive trend that attendance in all year groups increased in primary schools in 2009/10 as is seen in table 1.7.1 below.

Figure 1.7.1 Primary attendance by year group



Source: School Census

1.7.2 When comparing the attendance of primary year groups in Leeds to national data, year 6 attendance is closely aligned to national statistics. There is, as noted previously, the greatest difference between attendance in year 1 and year 6. Although pupils clearly make up the ground between those key stages, it is worthy of further investigation as lifting attendance in key stage 1 may deliver even better performance at key stage 2.

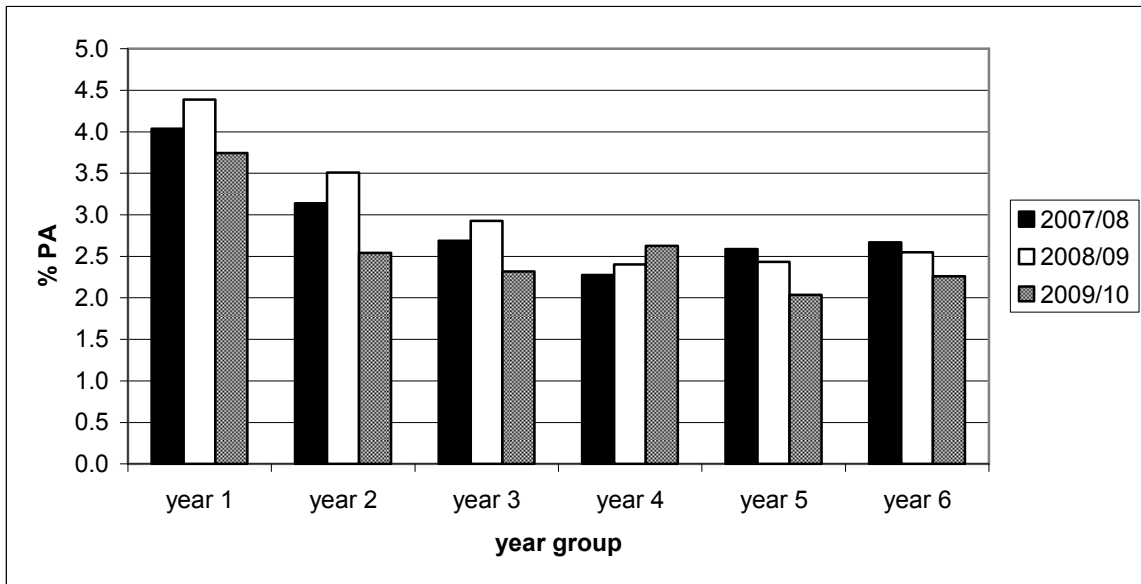
Table 1.7.2 Primary attendance by year group – 2009/10

Year Group	Leeds	National	Difference
Year 1	93.5	94.1	-0.5
Year 2	94.2	94.6	-0.4
Year 3	94.4	94.9	-0.5
Year 4	94.3	94.9	-0.6
Year 5	94.5	94.9	-0.4
Year 6	94.7	94.9	-0.2

Source: Leeds - School Census; National – DfE Statistical First Release

1.7.3 Persistent absence is highest in year 1. Again, the level of PA decreases moving up the key stages in the primary phase. There is a positive trend in levels of persistent absence falling for all year groups, except year 4, in 2009/10 that can be seen in table 1.7.3 below.

Figure 1.7.3 Primary persistent absence by year group

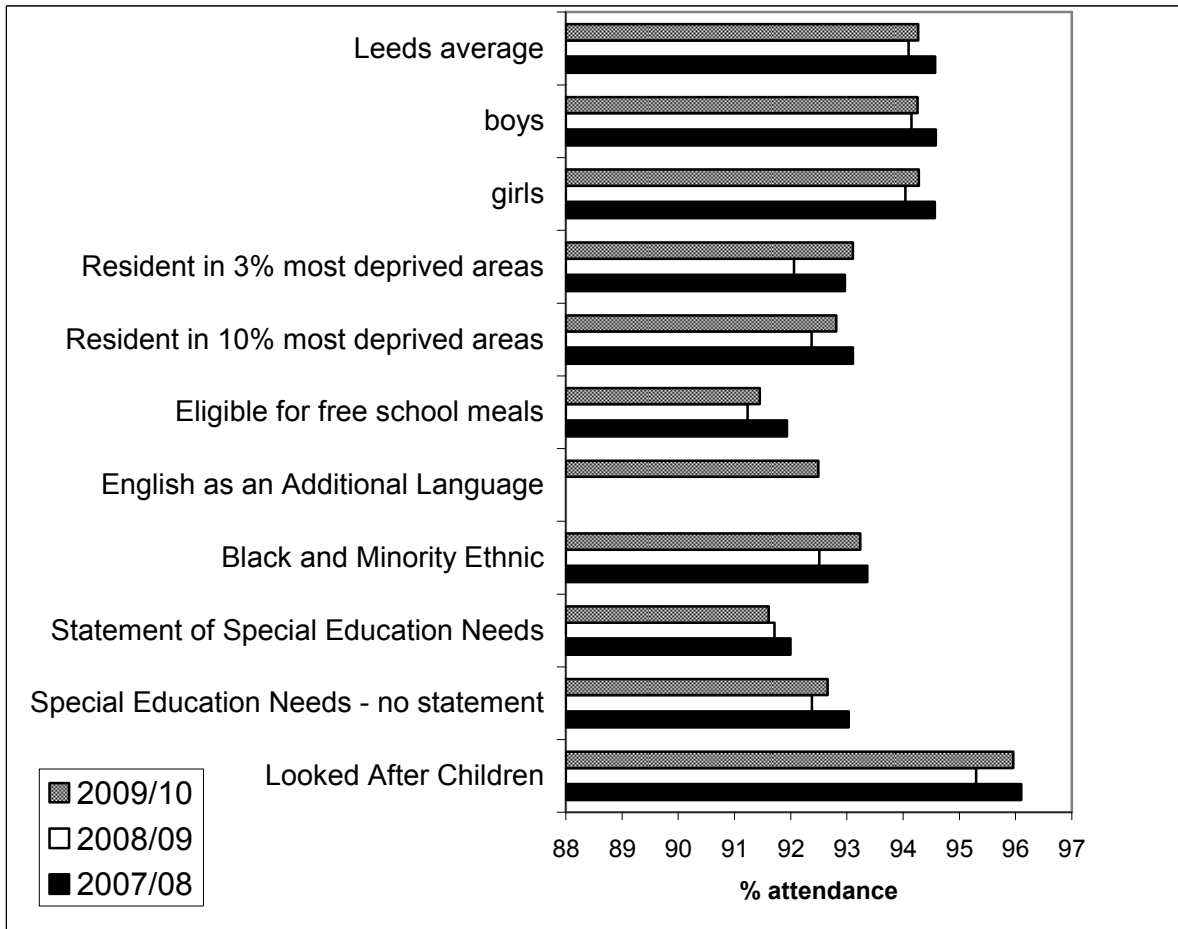


Source: School Census

1.7.4 Figure 1.7.4 below shows no gender bias in the level and trend of attendance between boys and girls in primary schools in the last three years. The lowest levels of attendance were observed for pupils eligible for free schools meals and pupils with statements of Special Education Needs (SEN). Attendance has increased for all pupil groups, with the exception of those with a statement of SEN.

1.7.5 The overall attendance of pupils of Black and Minority Ethnic heritage rose by more than the Leeds average in 2009/10, closing the gap. Detailed analysis of attendance by ethnic group (including comparison to national levels of attendance) is shown in Table 1.7.3 below. Given that outcomes for children and young people that are Looked After are often poor, it is positive to note that again as in 2008/09, attendance for primary children who were Looked After for more than a year was higher than the Leeds average and almost 96%.

Figure 1.7.4 Primary overall attendance by pupil group



Source: School Census

1.7.6 Table 1.7.5 below compares Leeds and national attendance for pupil groups. The difference between Leeds and national is greater for those groups with lower levels of attendance, *i.e.* the difference for those not eligible for free schools meals is smaller than the gap for those that are eligible, the same pattern can be seen for pupils with English as an Additional Language (EAL). This indicates that these factors have a more negative influence on attendance in Leeds.

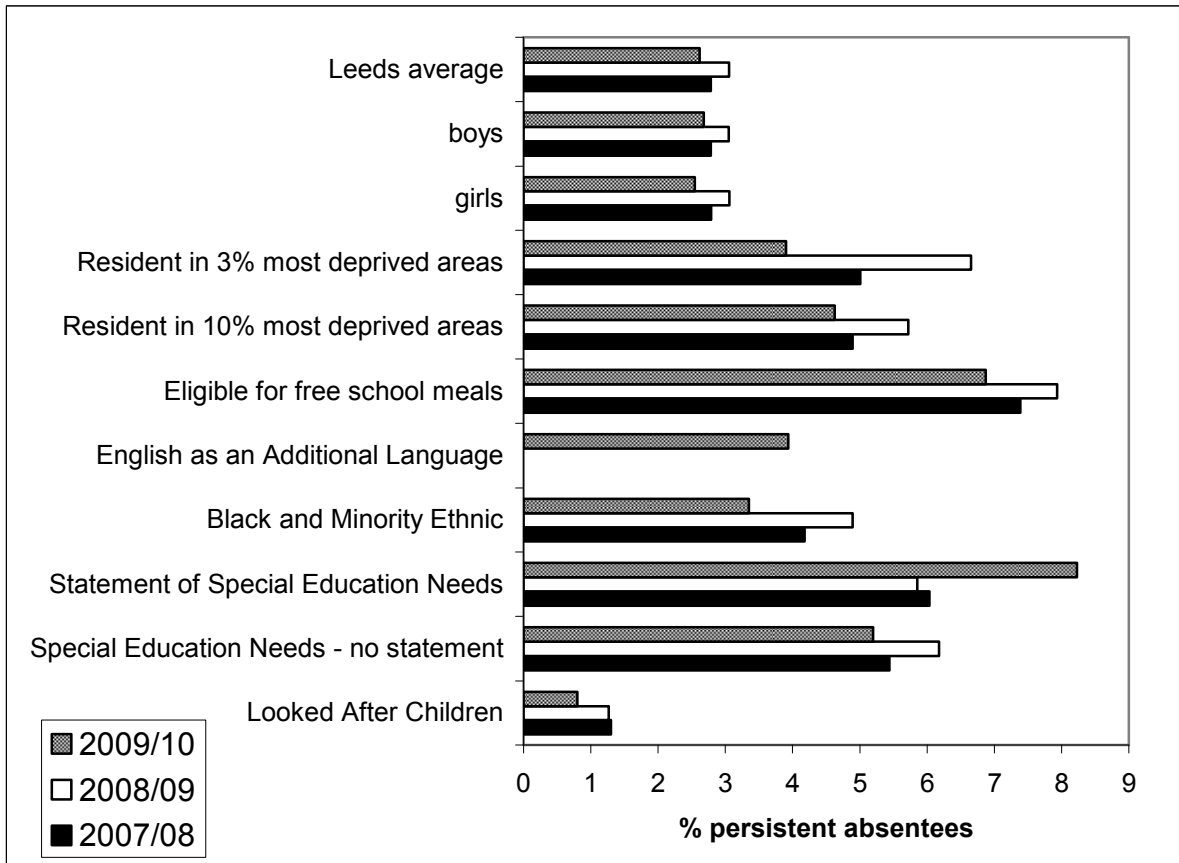
Table 1.7.5 Attendance by pupil group – 2009/10

	Leeds	National	Difference
<i>Gender</i>			
Girls	94.3	94.7	-0.4
Boys	94.3	94.7	-0.4
<i>Ethnicity</i>			
Black and Minority Ethnic heritage	93.2	93.9	-0.7
<i>Language</i>			
First language English	94.6	94.8	-0.2
English as an Additional Language	92.5	93.8	-1.3
<i>Free School Meal eligibility</i>			
Not eligible for free school meals	95.0	95.1	-0.1
Eligible for free school meals	91.5	92.6	-1.1
<i>Special Education Needs</i>			
No SEN	94.7	95.1	-0.4
School Action	92.7	93.5	-0.8
School Action plus	92.5	93.0	-0.4
Statement of SEN	91.6	92.4	-0.8

Source: Leeds - School Census; National – DfE Statistical First Release

- 1.7.7 For PA pupils, patterns mirror those seen for attendance in 2009/10 as in table 1.7.6 below. There was little difference in levels of primary PA between boys and girls. The highest levels of PA were seen for pupils with statements of SEN, who were over 3 times more likely to be PA and levels of PA for these pupils increased by 2.4 percentage points in 2009/10. Pupils eligible for free schools meals remain 2.5 times more likely to be PA despite a reduction in PA in 2009/10. Those with SEN, and pupils resident in deprived areas were around twice as likely to be PA.
- 1.7.8 PA has been positively impacted on for all pupil groups except those with a statement of SEN. The reduction in PA for pupils of Black and Minority Ethnic heritage reduced by a greater amount than the Leeds average and PA for these pupils is now 0.7 percentage points above the Leeds average. Young people that had been Looked After for a year or more had levels of PA below the Leeds average.

Figure 1.7.6 Primary persistent absence by pupil group



Source: School Census

Table 1.7.7 Persistent Absence by pupil group – 2009/10

	Leeds
<b>Gender</b>	
Girls	2.5
Boys	2.7
<b>Ethnicity</b>	
Black and Minority Ethnic heritage	3.3
<b>Language</b>	
First language English	2.4
English as an Additional Language	3.9
<b>Free School Meal eligibility</b>	
Not eligible for free school meals	1.4
Eligible for free school meals	6.9
<b>Special Education Needs</b>	
No SEN	1.9
School Action	5.0
School Action plus	5.5
Statement of SEN	8.2

Source: School Census

- 1.7.9 For individual ethnic groups, PA is highest and attendance lowest for Gypsy/Roma pupils and Travellers of Irish heritage as demonstrated in Table 1.7.8 below. High levels of PA were also seen for White Eastern European, Other White heritage, Asian heritage groups (with the exception of pupils of Indian heritage), most Mixed heritage groups and pupils of Other ethnic heritage. However, levels of PA have fallen for all groups of Asian heritage (with the exception of Other Kashmiri heritage). Rates of PA have also fallen for pupils of Black Caribbean, Black African and most mixed heritage groups. Pupils of Black Caribbean heritage now have levels of PA in line with Leeds average and other black heritage groups have low levels of PA.
- 1.7.10 It is positive to note that when comparing Leeds with national levels of attendance by ethnicity in 2009/10, pupils of Black Caribbean, White Irish and Gypsy/Roma heritage have higher levels of attendance, and those of Mixed Black Caribbean and White heritage have the same attendance in Leeds as nationally. Pupils of Bangladeshi heritage, White Irish Travellers and those of Other ethnic group and other Asian heritage have attendance around 2 percentage points lower in Leeds than nationally. Indian, Black African and Mixed Black African and White pupils have attendance lower in Leeds than nationally, but the gap in attendance is smaller than the gap between attendance for all pupils in Leeds and the national average level of attendance.



Table 1.7.8 Primary attendance and persistent absence by ethnicity

	% attendance			% persistent absence	
	Leeds 2008/09	Leeds 2009/10	National 2009/10	Leeds 2008/09	Leeds 2009/10
<i>Asian or Asian British</i>					
Bangladeshi	89.6	90.6	92.7	7.8	5.2
Indian	93.8	94.3	94.6	2.9	2.1
Kashmiri Other	89.9	91.7	93.0	8.1	8.2
Kashmiri Pakistani	91.3	92.5		5.5	4.2
Other Pakistani	91.4	92.2		4.5	3.0
Other Asian	92.1	92.5	94.4	5.7	3.1
<i>Black or Black British</i>					
Black African	95.4	95.6	95.7	1.7	1.3
Black Caribbean	94.9	95.0	94.5	3.2	2.5
Other Black Background	94.3	94.1	94.9	2.2	2.5
<i>Mixed Heritage</i>					
Mixed Asian and White	93.1	93.4	94.4	5.8	3.2
Mixed Black African and White	94.4	94.3	94.6	1.1	3.2
Mixed Black Caribbean and White	93.5	93.8	93.8	4.2	3.0
Other Mixed Background	93.3	93.7	94.1	5.0	3.0
<i>Chinese or other</i>					
Chinese	96.2	96.0	96.0	1.0	1.5
Other Ethnic group	91.4	91.8	93.7	7.9	6.4
<i>White</i>					
White British	94.6	94.7	94.9	2.4	2.2
White Irish	94.1	94.3	94.2	4.9	3.7
Other White Background	92.9	92.2	93.5	4.2	6.4
White Western European	94.8	94.1		2.7	4.1
White Eastern European	89.7	90.5		10.7	6.2
<i>Traveller Groups</i>					
Traveller Irish Heritage	70.2	75.7	78.1	42.9	42.4
Gypsy Roma	84.4	84.1	83.0	17.8	21.5

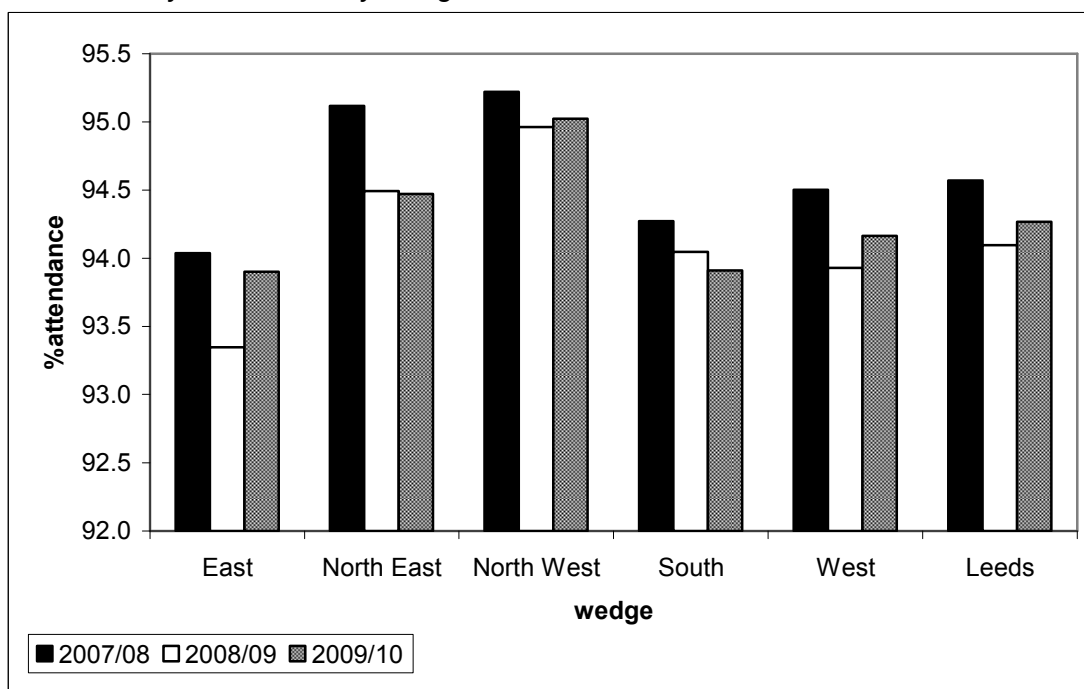
Source: Leeds - School Census; National – DfE Statistical First Release

1.7.11 As has previously been described, the timing of significant religious festivals, such as whether Eid al-Fitr falls during term-time, will impact on the attendance of several ethnic groups.

## 1.8 Wedge based attendance and persistent absence

1.8.1 Attendance in primary schools increased in the East and West wedges, where attendance has often been poorest as seen in Figure 1.8.1 below. Attendance remains highest in the North West of the city and is now lowest in the South.

Figure 1.8.1 Primary attendance by wedge



Source: School Census

1.8.2 Levels of persistent absence fell in all wedges in 2009/10. PA in the West wedge is now below the Leeds average PA as in the North East and North West where PA is at the lowest levels. PA is highest in the East, although there has been a 0.6% decrease in PA from 2008/09 to 2009/10 which is encouraging.

Table 1.8.2 Primary persistent absence by wedge

wedge	Number of persistent absentees			% persistent absentees		
	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10
East	415	449	394	3.5	3.9	3.3
North East	157	172	148	1.9	2.0	1.8
North West	191	169	139	2.2	2.0	1.6
South	360	345	319	3.3	3.2	3.0
West	200	242	189	2.5	3.1	2.4
Leeds	415	449	394	2.8	3.1	2.5

Source: School Census

## 2. ATTENDANCE IN SECONDARY SCHOOLS

### 2.1 Overall attendance and absence

2.1.1. Table 2.1.1 below shows a comparison of levels of attendance between Leeds, national and statistical neighbours. Figures have been presented both excluding and including academies, with the figure excluding academies (maintained schools) in brackets. Attendance in Leeds secondary schools improved in 2009/10 for all state funded and LA maintained schools. However, the impact of two schools with attendance significantly lower than the Leeds average becoming academies has meant that data is no longer comparing like for like across years. As academy data is not reported in the overall figure for the city, the removal of these schools from the LA maintained figure lifts the overall attendance for those schools. Attendance for all secondary schools still improved by 0.17 percentage points in 2009/10. This improvement is smaller than that seen nationally and in statistical neighbours and therefore the gaps in performance to these comparators has widened, attendance being 1.6 percentage points below national.

Table 2.1.1 Percentage attendance in secondary schools (half term 1-4)

	Leeds target	Leeds	National	Statistical Neighbour Average
2005/06	91.9	90.58	91.76	91.67
2006/07	92.2	90.83	92.14	92.23
2007/08	92.3	91.51 (91.64)	92.70 (92.73)	92.87 (92.85)
2008/09		91.43 (91.53)	92.70 (92.76)	92.80 (92.84)
2009/10		91.60 (91.88)	93.16 (93.24)	93.18 (93.29)

Source: DfE statistical first release; LA maintained schools in brackets

2.1.2 The tables below indicate that both authorised and unauthorised absence reduced in 2009/10, although the reduction in authorised absence is larger. Authorised absence decreased by 0.15 percentage points in 2009/10, compared to a 0.02 percentage point decrease in unauthorised absence. Unauthorised absence remains significantly higher in Leeds than nationally and in statistical neighbours. However, 36% of the total unauthorised absence is found in only 6 schools, showing that this is a localised issue in a small number of schools. This figure is also indicative that Leeds' schools are challenging requests for holidays in term time and spurious reasons for absence in order to address the root causes of absenteeism.

Table 2.1.2 Percentage authorised absence in secondary schools

	Leeds	National	Statistical Neighbour Average
2005/06	7.09	6.82	6.73
2006/07	6.55	6.36	6.14
2007/08	6.10 (6.04)	5.86 (5.86)	5.69 (5.65)
2008/09	5.93 (5.88)	5.81 (5.79)	5.69 (5.67)
2009/10	5.78 (5.67)	5.44 (5.42)	5.34 (5.31)

Source: DfE statistical first release; LA maintained schools in brackets

Table 2.1.3 Percentage unauthorised absence in secondary schools

	Leeds	National	Statistical Neighbour Average
2005/06	2.33	1.42	1.60
2006/07	2.63	1.50	1.62
2007/08	2.39 (2.32)	1.43 (1.41)	1.44 (1.51)
2008/09	2.64 (2.59)	1.47 (1.44)	1.51 (1.49)
2009/10	2.62 (2.45)	1.40 (1.34)	1.48 (1.40)

Source: DfE statistical first release; LA maintained schools in brackets

- 2.1.3 It should also be noted that although the gap between performance in Leeds and national data appears to be significant, 17 of 34 schools improved their attendance in 2009/10. It is evident that the problem irregular attendance is not endemic across all schools in Leeds, but key issues are located within a smaller number of schools that are making slower progress than others.
- 2.1.4 In order to address this, the AST target their support to high schools depending on the level of need and whole-school attendance reviews have been conducted in all schools making little or slow progress.

## 2.2 Reasons for absence

- 2.2.1 Analysis of the reasons for absence in Table 2.2.1 below shows that the patterns of absence are generally in line with the previous year. As in primary schools, there has been a decrease in absence due to “*agreed family holidays*” and a decrease in “*non-agreed family holidays*” which means that fewer days are being lost to holidays, demonstrating the impact of consistent school, cluster and area policies. The reduction in holidays in term time amounts to an extra 6,500 school days attended in 2009/10, the equivalent of a 0.12 percentage point increase in attendance.
- 2.2.2 Levels of “*religious observance*” have reduced slightly in 2009/10 in secondary schools due to the timing of specific religious festivals. The impact of ‘snow days’ can also be seen in secondary schools, with an increase in absence coded as “*other authorised reason*” and “*other unauthorised reason*”. Absence coded as “no reason yet provided” continues to fall and has now reduced from 10% of absences

in 2006/07 to 4% in 2009/10 which demonstrates that schools are improving their systems of following up absences and becoming more robust in this area.

Table 2.2.1 Reasons for absence in secondary schools: autumn and spring term 2008/09 and 2009/10

Reason for absence	% of absences		% of all possible sessions	
	2008/09	2009/10	2008/09	2009/10
<i>Authorised absence</i>				
Illness	47.41	47.12	4.01	3.97
Medical/Dental appointments	5.02	4.93	0.42	0.42
Religious observance	1.70	1.20	0.14	0.10
Study leave	0.16	0.24	0.01	0.02
Traveller absence	0.06	0.08	0.00	0.01
Agreed family holiday	4.20	2.89	0.36	0.24
Agreed extended family holiday	0.06	0.02	0.01	0.00
Excluded	2.25	2.58	0.19	0.22
Other authorised reason	8.57	9.72	0.73	0.82
<i>Unauthorised absence</i>				
Not agreed family holiday	2.17	2.14	0.18	0.18
Arrived after registers closed	1.11	1.39	0.09	0.12
Other unauthorised reason	21.14	23.67	1.79	1.99
No reason yet provided	6.16	4.00	0.52	0.34

Source: School Census

- 2.2.3 A comparison of reasons for absence in Leeds with national patterns of absence is shown in Table 2.2.2 below. The proportion of absences in Leeds that are due to “illness” remains lower in Leeds than nationally. This could be as a result of under-reporting, higher degree of challenge by schools or a lesser impact seen in Leeds of winter vomiting, swine flu etc.
- 2.2.4 As in 2008/09 the proportion of sessions that are lost to religious observance in Leeds in 2009/10 was 0.4% higher than nationally. This reflects the diverse nature of the population in the city of Leeds and poses a challenge to schools in seeking solutions to reduce this impact.
- 2.2.5 The level of “agreed family holidays” is lower in Leeds secondary schools than nationally, whereas “not agreed family holidays” are higher. This further evidences Leeds’ schools willingness to challenge requests by parents to remove their children from school for holidays.
- 2.2.6 Levels of all types of unauthorised absence are higher in Leeds than nationally, particularly “other unauthorised reason”, which accounted for 24.7% of absence from Leeds secondary schools in 2009/10, compared to 14.0% nationally. It should be noted that it is a school’s decision to authorise an absence and to refuse to authorise some absences represents a necessary challenge by the school in order to address persistent absence. The Attendance Strategy Team may only utilise legal tools and parental responsibility measures tools if the absence is

unauthorised. They work closely with schools in developing appropriate policies and procedures to enable enforcement where this is deemed appropriate.

Table 2.2.2 Comparison of Leeds and national reasons for absence in secondary schools in 2009/10

Reason for absence	% of absences		% of all possible sessions	
	Leeds	National	Leeds	National
<i>Authorised absence</i>				
Illness	47.12	58.73	3.97	4.00
Medical/Dental appointments	4.93	6.07	0.42	0.41
Religious observance	1.20	0.88	0.10	0.06
Study leave	0.24	0.45	0.02	0.03
Traveller absence	0.08	0.10	0.01	0.01
Agreed family holiday	2.89	3.52	0.24	0.24
Agreed extended family holiday	0.02	0.07	0.00	0.00
Excluded	2.58	2.22	0.22	0.15
Other authorised reason	9.72	7.48	0.82	0.51
<i>Unauthorised absence</i>				
Not agreed family holiday	2.14	1.78	0.18	0.12
Arrived after registers closed	1.39	1.11	0.12	0.08
Other unauthorised reason	23.67	14.00	1.99	0.95
No reason yet provided	4.00	3.58	0.34	0.24

Source: Leeds - School Census; National – DfE Statistical First Release

## 2.3 Persistent absence in secondary schools

2.3.1 A persistent absentee is a pupil that misses 20% or more sessions during the school year, regardless of whether the absence is authorised or not. PA was previously the criteria for identifying target schools. The DfE has stated that target schools for reducing persistent absence will no longer be identified. However, due to the impact that lower levels of attendance has on other outcomes for children and young people, reducing persistent absence remains a priority in Leeds and the Attendance Strategy Team continues to target their monitoring, support and challenge role.

2.3.2 The trend of reducing persistent absence continued in 2009/10. As with overall attendance, data both including and excluding academies are shown in Table 2.3.1 below, with figure for LA maintained schools (excluding academies) shown in brackets. The percentage of persistent absentees in all Leeds secondary schools fell by 1.1 percentage point in Leeds in 2009/10, this is in line with improvements seen nationally and in statistical neighbours. Leeds has higher levels of PA, 2.9 percentage points above national and 2.7 percentage points above statistical neighbours. However, this is not a city-wide issue: 3 high schools are responsible for 21% of all the secondary PA in the city. This evidence supports the assertion that the majority of schools are being successful and impacting on attendance and PA, again as evidenced by 23 of 35 schools reducing their PA in 2009/10.

2.3.3 The number of persistent absentees fell to 3000 in 2009/10 down 10% from 3322 in 2008/09. Overall the number of secondary persistent absentees has fallen by over a third (35%) since 2005/06, from 4625 to 3000.

*Table 2.3.1 Percentage of persistent absentees in secondary schools*

	Half term 1-4				Half term 1-5		
	2006/07	2007/08	2008/09	2009/10	2006/07	2007/08	2008/09
Leeds	9.8	9.2 (8.9)	8.5 (8.3)	7.4 (6.9)	(9.8)	(7.9)	(7.4)
National	6.9	6.4 (6.4)	5.7 (5.6)	4.5 (4.3)	(6.7)	(5.6)	(4.9)
Statistical neighbours	7.3	6.4 (6.5)	5.9 (5.8)	4.7 (4.5)	(7.0)	(5.8)	(5.0)

*Source: DfE statistical first release; Notes: data not available for all state-funded schools for ht1-5*

## **2.4 School performance - Target schools**

2.4.1 Targeted support has been effective in reducing levels of persistent absence in target schools, with the drop in PA in target schools being greater than the drop for all schools.

*Table 2.4.1 Persistent absence in secondary target schools*

	2008/09 % PA	2009/10 % PA	change
Target schools	9.9	8.2	-1.7
Non-target schools	6.4	5.0	-1.4
All schools	8.4	6.9	-1.5

*Source: School Census  
Note: excludes academies*

2.4.2 Of the 22 target secondary schools, 18 saw reductions in PA in 2009/10. The number of schools with below 5% PA has increased from 9 in 2008/09 to 13 in 2009/10.

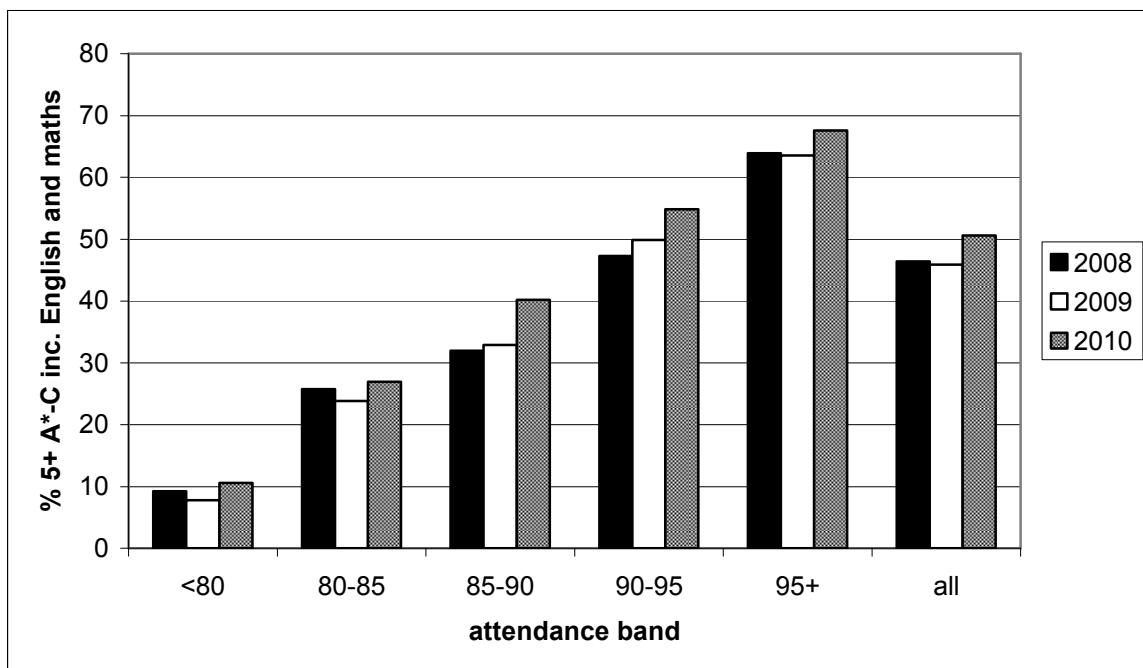
## **2.5 School performance against targets**

2.5.1 In the 2008/09 academic year, 2 secondary schools met their absence targets. Schools set their statutory targets with their School Improvement Partner based on guidance from the DCSF stating that schools should target to be at or below the median level of absence for schools with the same level of free school meal eligibility. 2010/11 is the last year in which these targets have been a statutory requirement as this has been removed by the government.

## Attendance and attainment

- 2.6.1 The need to tackle poor school attendance is critical if overall standards and levels of attainment are to improve and every child is to achieve their potential. The direct link between attendance and levels of attainment is graphically illustrated in figure 2.6.1 below. The impact on later life outcomes for young people who leave school with few or no qualifications is well documented.
- 2.6.2 The chart below shows that very few pupils with low levels of attendance achieved 5 or more GCSEs at grades A\*-C including English and maths. In 2010, less than 11% of pupils with below 80% attendance achieved this standard, compared to 68% of those with attendance above 95%.
- 2.6.3 It is encouraging that the improvements in attainment that occurred in 2010 have been reflected in all attendance bands. The greatest increase in achievement occurred for pupils with attendance between 85% and 95%.
- 2.6.4 Over one fifth of those pupils with less than 50% attendance and one tenth of those with below 80% attendance achieved no GCSEs at the end of school.

Figure 2.6.1 Percentage of pupils achieving five or more GCSEs grades A\*-C including English and maths by attendance band: 2008-2010



- 2.6.5 There is also a high correlation between school leavers who are Not in Education, Employment or Training (NEET) who were persistently absent before leaving school - over a quarter of pupils with below 80% attendance in year 11 being NEET after leaving school in 2007 (compared to 7% for all pupils).
- 2.6.6 Positively, Table 2.6.2 below shows that nearly half of all secondary pupils have good attendance above 95%. However, the proportion of pupils with attendance



above 95% has reduced slightly in each of the last two academic years. Schools are responsible for the attendance of pupils in this band.

Table 2.6.2 Percentage of secondary pupils in each attendance band; autumn and spring terms

Attendance Band	2007/08	2008/09	2009/10
<80%	9.4	8.8	8.5
80-85%	5.4	5.0	5.4
85-90%	10.7	11.6	11.1
90-95%	24.5	24.9	25.5
95%+	50.0	49.7	49.4

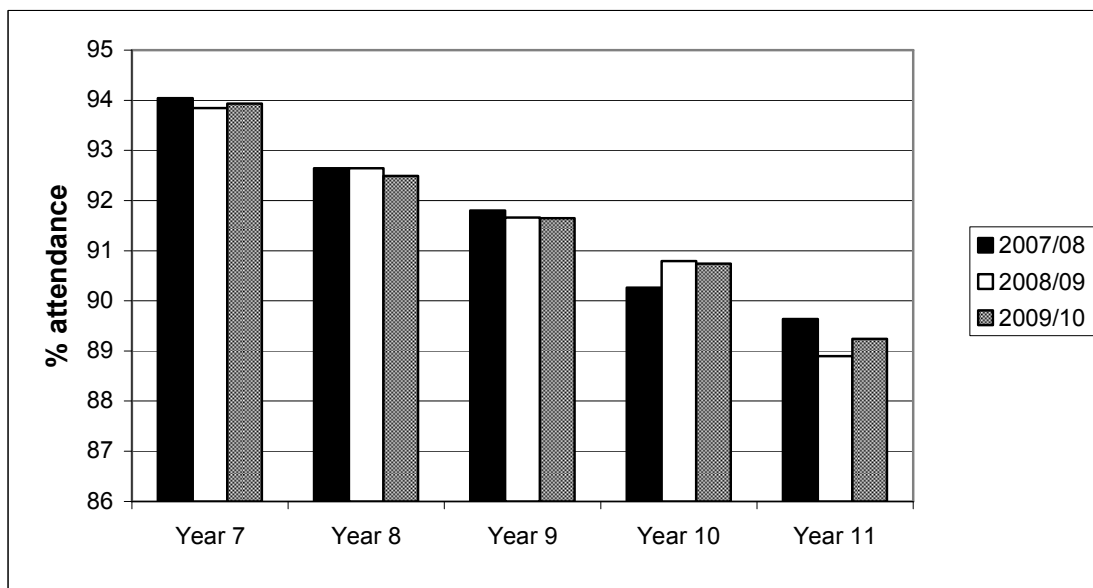
Source: School Census

Note: the below 80% attendance band is not the same as the persistent absence figure because it is based on % attendance instead of a threshold number of absence sessions

## 2.7 Attendance and persistent absence by pupil group

2.7.1 The trend for attendance to decrease with age continues, with attendance in year 7 being almost 5% higher than in year 11 as seen in Figure 2.8.1 below.

Figure 2.7.1 Secondary attendance by year group



Source: School Census

2.7.2 As seen in Table 2.7.2, this is a national trend. However, the difference in attendance between Leeds and national data increases with age, with the difference in year 7 being 0.7 percentage points, rising to 2.7 percentage points in year 11.

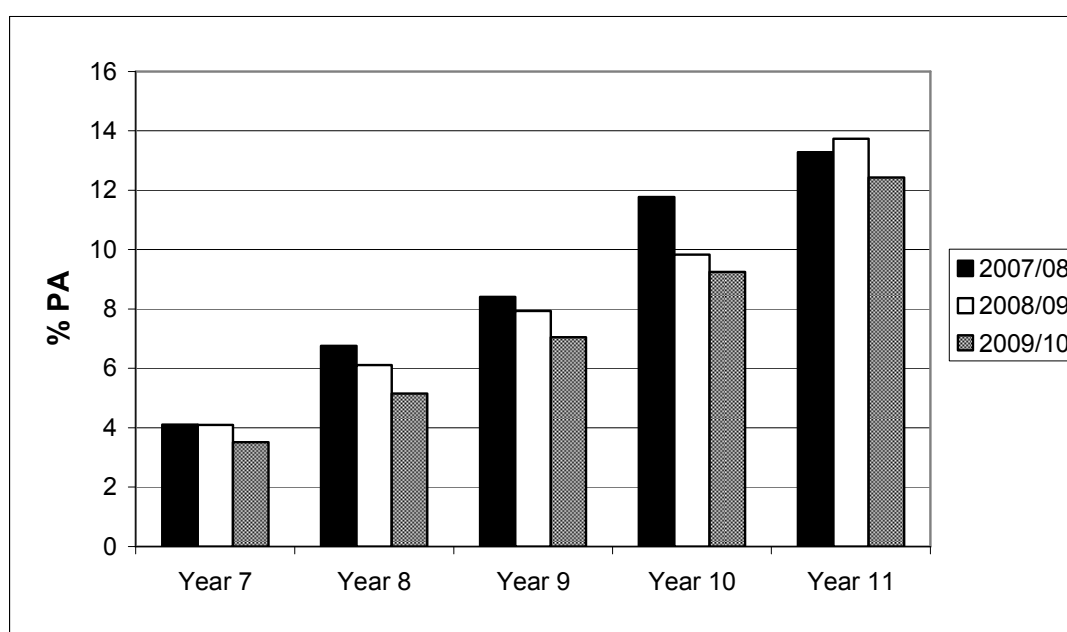
Table 2.7.2 Attendance by year group - 2009-10

Year Group	Leeds	National	Difference
Year 7	93.9	94.6	-0.7
Year 8	92.5	93.7	-1.2
Year 9	91.6	93.1	-1.5
Year 10	90.7	92.7	-2.0
Year 11	89.2	91.9	-2.7

Source: Leeds - School Census; National – DfE Statistical First Release

2.7.3 A key achievement is that once again, levels of PA fell for all year groups in 2009/10 with the greatest reduction achieved in year 11. This is important as levels of persistent absence increase moving up the secondary phase where 7% of year 7 pupils being persistently absent compared to 12% of year 11 pupils.

Figure 2.7.3 Secondary persistent absence by year group



Source: School Census

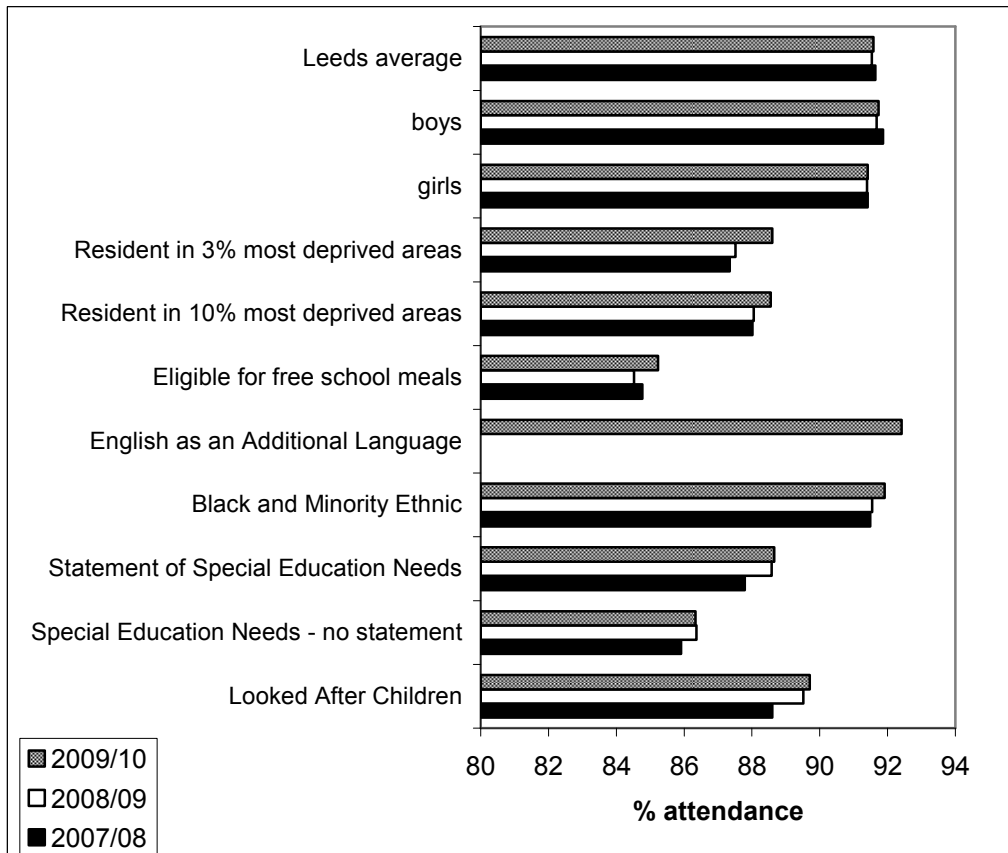
2.7.4 It is positive to note that levels of attendance improved for all pupil groups, as seen in Figure 2.8.3 below.

2.7.5 Overall attendance of Looked After Children has improved again in 2009/10, although still below the Leeds average.

2.7.6 The pupil groups with the lowest level of attendance are those eligible for free school meals, those that are resident in deprived areas (which correlates closely) and those with SEN but no statement. Pupils with EAL have attendance above the Leeds average. An increase in attendance for pupils of Black and Minority Ethnic heritage means that they now have attendance above the Leeds average. Detailed analysis of attendance by ethnic group (including comparison to national levels of attendance) is shown in Table 2.7.4 below.

2.7.7

Figure 2.7.4 Secondary attendance by pupil group



2.7.8 Table 2.7.5 below compares Leeds and national attendance for pupil groups. As with overall attendance, all pupil groups have lower levels of attendance in Leeds than nationally. The difference between Leeds and national is greater for those groups with lower levels of attendance, i.e. the difference for those not eligible for free schools meals is smaller than the gap for those that are eligible, however, the same pattern is not seen for pupils with EAL, where attendance in Leeds is higher for those with EAL than those with English as a first language, whereas the opposite is true nationally. The gap between Leeds and national attendance is greatest for pupils eligible for free school meals and pupils on School Action plus.

Table 2.7.5 Attendance by pupil group – 2009/10

	Leeds	National	Difference
<i>Gender</i>			
Girls	91.4	93.0	-1.6
Boys	91.7	93.3	-1.6
<i>Ethnicity</i>			
Black and Minority Ethnic heritage	91.9	93.7	-1.8
<i>Language</i>			
First language English	91.5	93.9	-2.5
English as an Additional Language	92.4	93.1	-0.6
<i>Free School Meal eligibility</i>			
Not eligible for free school meals	93.1	93.8	-0.7
Eligible for free school meals	85.2	89.7	-4.5
<i>Special Education Needs</i>			
No SEN	93.2	94.0	-0.8
School Action	88.5	91.5	-3.0
School Action plus	80.6	88.2	-7.5
Statement of SEN	88.7	90.8	-2.1

Source: Leeds - School Census; National – DfE Statistical First Release

2.7.9 A positive trend of a reduction in persistent absence continued for all pupil cohorts in 2009/10 as is shown in Figure 2.7.6 below. PA is highest for those eligible for free school meals, pupils with SEN and those that are resident in deprived areas. Young people eligible for free school meals remain 2.5 times more likely to be PA than the Leeds average.

2.7.10 PA has reduced for Looked After Children, although this group is still over-represented in the PA cohort.

2.7.11 Positively, PA for Black and Minority Ethnic heritage pupils remains lower than the Leeds average in 2009/10 although table 2.7.8 below indicates that there are some key differences between ethnic groups and some ethnic groups do have levels of PA above the Leeds average.

Figure 2.7.6 Secondary persistent absence by pupil group

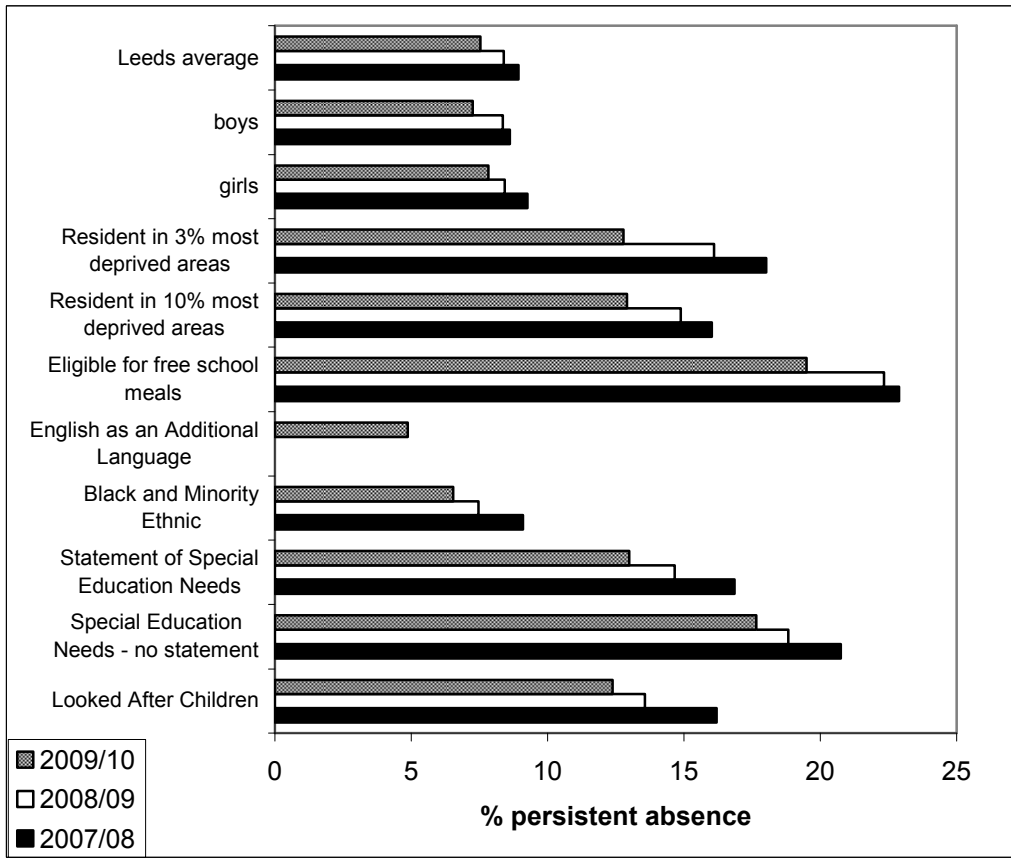


Table 2.7.7 Persistent Absence by pupil group – 2009/10

	Leeds
<b>Gender</b>	
Girls	7.8
Boys	7.3
<b>Ethnicity</b>	
Black and Minority Ethnic heritage	6.5
<b>Language</b>	
First language English	7.9
English as an Additional Language	4.9
<b>Free School Meal eligibility</b>	
Not eligible for free school meals	4.7
Eligible for free school meals	19.5
<b>Special Education Needs</b>	
No SEN	4.4
School Action	12.8
School Action plus	30.4
Statement of SEN	13.0

Source: School Census

- 2.7.12 Traveller groups still have the lowest levels of attendance and highest PA. Attendance improved and levels of PA fell for all Asian heritage groups in 2009/10 and PA is lower than the Leeds average for all Asian groups. Attendance improved for pupils of Black Caribbean and pupils of Other Black heritage, but fell slightly for Black African pupils.
- 2.7.13 PA fell for all Black heritage groups and is now lower than the Leeds average for all of these groups. PA did increase for those of Other Black heritage. All Mixed heritage groups (with the exception of Mixed Black African and White) have attendance lower than the Leeds average and higher levels of PA.
- 2.7.14 Significant improvements in attendance and PA were seen for pupils of Mixed Black African and White heritage in 2009/10. Improvements were also seen for pupils of Other ethnic heritage. Pupils of White Eastern European and Other White background still have lower levels of attendance and higher levels of PA than the Leeds average.
- 2.7.15 A comparison of attendance of ethnic groups between Leeds and national figures shows that no ethnic group has a higher level of attendance in Leeds than nationally, although pupils of White Irish heritage have the same level of attendance. The greatest differences in attendance are seen for Traveller groups, in addition, the attendance of Bangladeshi pupils in Leeds is 3.7 percentage points lower in Leeds than nationally.

Table 2.7.8 Secondary attendance and persistent absence by ethnicity

	% attendance			% persistent absence	
	Leeds 2008/09	Leeds 2009/10	National 2009/10	Leeds 2008/09	Leeds 2009/10
<i>Asian or Asian British</i>					
Bangladeshi	89.2	89.9	93.6	8.6	7.0
Indian	94.2	94.6	95.2	2.6	1.8
Kashmiri Other	89.5	91.2	93.0	9.7	3.2
Kashmiri Pakistani	90.9	91.9		6.1	4.9
Other Pakistani	91.0	91.5		6.0	5.3
Other Asian	92.1	92.9	94.9	5.0	4.7
<i>Black or Black British</i>					
Black African	95.9	95.7	95.8	2.4	2.1
Black Caribbean	92.5	92.6	93.8	6.8	6.1
Other Black Background	91.0	91.7	94.1	11.0	7.4
<i>Mixed Heritage</i>					
Mixed Asian and White	90.8	91.1	93.3	10.6	7.9
Mixed Black African and White	91.7	92.7	93.3	11.2	2.8
Mixed Black Caribbean and White	89.2	89.1	91.8	12.4	12.2
Other Mixed Background	89.9	90.7	93.0	11.8	11.0
<i>Chinese or other</i>					
Chinese	96.8	96.7	96.8	1.1	1.7
Other Ethnic group	91.2	92.2	93.9	8.0	3.7
<i>White</i>					
White British	91.6	91.5	93.0	8.6	7.7
White Irish	92.6	92.4	92.4	6.8	5.9
Other White Background	91.5	89.9	92.7	8.5	8.8
White Western European	92.7	93.5		3.4	2.6
White Eastern European	89.1	89.1		11.7	10.3
<i>Traveller Groups</i>					
Traveller Irish Heritage	69.4	59.4	73.3	51.4	66.7
Gypsy Roma	70.7	67.9	80.4	47.4	49.2

Source: Leeds - School Census; National – DfE Statistical First Release

2.7.15 It has been seen that pupils eligible for free school meals and certain ethnic minority groups have higher levels of PA. Previous analysis of levels of PA for combinations of these characteristics has shown that there are groups that can be identified as having higher levels of PA. For example, pupils of Traveller heritage have high levels of PA regardless of whether they are eligible for free schools meals or not. For all other combinations of ethnic group and gender, those eligible for free school meals have higher levels of PA than those who are not eligible and all of the groups identified as having high levels of PA were eligible for free school meals. For girls, those of Mixed Asian and White, Mixed Black African and White, White British, White Irish and White Other heritage have high levels of PA. For boys those of Bangladeshi, Black Caribbean, Black other, Mixed other and White British have the highest levels of PA.

## 2.8 Wedge based attendance and persistent absence

- 2.8.1 Attendance in secondary schools increased in the East and North East wedges, remained stable in the North West and fell in the South and West. Attendance in the South wedge has now fallen in the last two academic years. Attendance remains highest in the North West and lowest in the West.
- 2.8.2 The number and percentage of persistent absentees fell in all wedges in 2009/10. The greatest reductions were seen in the East and North West of the city. Although levels of PA are highest in the West, South and East of the city the trajectory is positive in all areas.

Table 2.8.2 Secondary persistent absence by wedge

wedge	Number of persistent absentees			% persistent absentees		
	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10
East	821	773	720	10.0	9.6	8.1
North East	445	469	423	5.9	6.3	5.8
North West	711	623	519	7.6	6.7	5.7
South	884	791	747	10.1	9.3	8.8
West	768	654	579	11.5	10.1	9.4
Leeds				9.2	8.5	7.4

Source: School Census



### 3 Attendance in Specialist Inclusive Learning Centres

#### 3.1 Overall attendance and absence

- 3.1.1 Attendance in SILCs rose in 2009/10 by over three quarters of a percentage point. Authorised absence has fallen, but unauthorised absence has increased.
- 3.1.2 Attendance continues to be between 85 and 91% for all SILCs, with the exception of Elmete Central BESD SILC, where attendance was 57% in 2009/10, down from 61% in 2008/09. It should be noted that many children at the SILCs are those with complex medical and health needs which are contributory factors to absence.

Table 3.1.1 Attendance and absence in SILCs

	% Attendance	% Authorised Absence	% Unauthorised Absence
2004/05 <sup>1</sup>	88.39	9.39	2.22
2005/06 <sup>1</sup>	88.76	9.02	2.22
2006/07 <sup>2</sup>	87.90	8.97	3.13
2007/08 <sup>1</sup>	82.60	13.01	4.39
2008/09 <sup>2</sup>	83.97	11.40	4.63
2009/10 <sup>2</sup>	84.73	9.97	5.31

Source: 1: half-termly attendance data collections, 2: School Census

#### 3.2 Reasons for absence

- 3.2.1 Reasons for absence in SILCs in Leeds are shown in the table below, the analysis separates out the wedge based SILCs from the BESD SILC due to the significant variations in reasons for absence between the two types of SILC. The majority of absence from the wedge based SILCs is due to illness and other authorised reason, whereas for the BESD SILC, over a quarter of all possible sessions were missed due to other unauthorised reason. Again, the rate of absence due to medical appointments in the wedge based SILCS is more than twice that seen in mainstream primary and secondary phases which is a reflection of the medical needs of the children who attend these provisions.

Table 3.2.1 Reasons for absence in SILCs: 2009/10

Reason for absence	% of absences		% of all possible sessions	
	Wedge based SILCs	BESD SILC	Wedge based SILCs	BESD SILC
<i>Authorised absence</i>				
Illness	47.6	8.2	5.2	3.5
Medical/Dental appointments	11.5	1.1	1.3	0.5
Religious observance	1.0	0.0	0.1	0.0
Study leave	0.0	0.0	0.0	0.0
Traveller absence	0.0	0.0	0.0	0.0
Agreed family holiday	4.7	0.4	0.5	0.2
Agreed extended family holiday	0.0	0.0	0.0	0.0
Excluded	0.7	10.8	0.1	4.6
Other authorised reason	18.1	14.2	2.0	6.1
<i>Unauthorised absence</i>				
Not agreed family holiday	0.5	0.0	0.1	0.0
Arrived after registers closed	0.1	0.0	0.0	0.0
Other unauthorised reason	15.6	65.3	1.7	27.9
No reason yet provided	0.0	0.0	0.0	0.0

Source: School Census

## 4 Permanent Exclusions

### 4.1 Permanent exclusion trends

4.1.1 The table below (4.1.1) shows the number and rate of permanent exclusions in Leeds. The figures in brackets include permanent exclusions from academies. After a long term trend of falling numbers of permanent exclusions in Leeds, the number rose slightly in 2009/10 – for all state funded secondary schools and for Local Authority maintained schools. There was a slight rise in exclusions from Local Authority maintained schools despite two schools becoming academies in 2009/10 and their exclusions not being included in the Local Authority maintained figure. The rate of permanent exclusion still remains below the national level in 2008/09 (national 2009/10 data is not yet available).

4.1.2 There were 10 permanent exclusions from academies in 2009/10.

Table 4.1.1 Comparative permanent exclusion data

	Leeds			National
	Target	Number of Exclusions	Percentage of pupils excluded	
2004/05		120	0.11	0.12
2005/06	100	85	0.08	0.12
2006/07	70	65 (80)	0.06	0.12
2007/08	40	51 (61)	0.05	0.11
2008/09	40	46 (54)	0.05	0.09
2009/10		49 (59)		

Source: Leeds data: Synergy Education Case Management System; National Data: Statistical First Release

4.1.3 As in 2008/09 there were two permanent exclusions from Leeds primary schools in 2009/10. This indicates a small rise in exclusions at primary level. Between 2004/05 and 2006/07 there were no primary permanent exclusions. In 2007/08, one primary age pupil was permanently excluded from school. The trend of zero permanent exclusion from Specialist Inclusive Learning Centres has continued.

Table 4.1.2 Permanent exclusions by school type – percentage of pupils excluded

	Primary		Secondary		Special	
	Leeds	National	Leeds	National	Leeds	National
2005/06	0.00	0.02	0.17	0.24	0.00	0.23
2006/07	0.00	0.02	0.14	0.22	0.00	0.20
2007/08	0.01	0.02	0.11	0.21	0.00	0.19
2008/09	0.03	0.02	0.11	0.17	0.00	0.09
2009/10	0.03		0.11		0.00	

Source: DfE statistical first release

- 4.1.4 The commitment of the Area Inclusion Partnerships to work collaboratively with schools and the Local Authority has had a significant impact on maintaining the low number of permanent exclusions. The ongoing development and use of a Common Assessment Framework and an integrated multi agency approach to supporting children at risk of exclusion and their families has also made a valuable contribution. Children’s Panels developed at local level and supporting the early identification of children at risk and the subsequent interventions around the child and their family will continue to contribute in the reduction of both permanent and multiple fixed term exclusions.
- 4.1.5 One significant factor contributing to the reduction in the number of permanent exclusions has been the number of exclusions that have been successfully challenged and overturned by the Pupil Planning Team. A total of 11 permanent exclusions were withdrawn by head teachers before governor’s hearings as alternative solutions had been found through working in partnership with the Exclusions Team. One exclusion was overturned by governors at the Independent Appeal Panel (this will read two as the data adjusts).

## 4.2 Reasons for permanent exclusion

- 4.2.1 Successfully the proportion of exclusions due to physical assault (of both pupils and staff) decreased in 2009/10; however, numbers of exclusions remained in line with the previous year. There were no exclusions for bullying in Leeds in 2009/10 and the trend of no exclusions for racial abuse in Leeds continued. The number of permanent exclusions for verbal abuse of staff halved in 2009/10 (from 10 to 5).
- 4.2.2 After a trend of decreasing exclusions the proportion of permanent exclusions for persistent disruptive behaviour increased in 2009/10 in Leeds. The number of exclusions for persistent disruptive behaviour doubled. The proportion excluded for this reason is now in line with national proportions.

Table 4.2.1 Reasons for permanent exclusions

Reason for Exclusion	% of Permanent Exclusions			
	Leeds			National
	2007/08	2008/09	2009/10	2008/09
Physical Assault – Pupil	20	13	10	17
Physical Assault – Staff	22	22	18	11
Bullying	4	4	0	1
Dangerous Behaviour*	14	7	4	
Persistent Disruptive Behaviour	12	9	27	30
Damage to Property	0	4	0	2
Drug and Alcohol Related	6	0	4	6
Other	2	17	12	15
Racial Abuse	0	0	0	0
Sexual Misconduct	0	0	0	2
Theft	0	2	8	2
Verbal Abuse – Pupil	4	2	6	4
Verbal Abuse – Staff	18	20	10	11

Source: DfE statistical first release

Notes: \* Leeds local reason for exclusion

### 4.3 School performance

- 4.3.1 Over 50% of schools now have 0-1 exclusions. In 2009/10, only one secondary school excluded 5 or more pupils, this equates to 20% of the total number of exclusions from Leeds maintained schools.

Table 4.3.1 School analysis of permanent exclusions

Number of exclusions	Number of schools			% of exclusions		
	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10
5+	2	2	1	22	9	20
2-4	11	7	11	61	32	57
0-1	25	13	23	18	59	22

Source Synergy Education Case Management System

- 4.3.2 The development of a Readiness for Learning framework (behaviour challenge) in line with National Strategies initiatives have evidenced some success in the positive monitoring of behaviour management in schools. School documentation is showing that through Pupil Voice they believe behaviour is improving in their schools and Ofsted reports are showing improvements across the city in behaviour grades. School Improvement Partners and Advisers report improvements in the leadership of behaviour for learning in schools. There is dedicated time from Education Leeds teams and Children's Services to support Readiness for Learning. Since 2005, 123 primary schools have engaged in the primary SEAL programme. Each year an independent externally administered evaluation has shown the programmes positive impact on the learning behaviours and attendance of the tracked cohort of pupils. Similarly, positive impact on attainment, especially in reading and mathematics, has been shown. The primary consultants have built upon these successes and developed more focused work on improving whole attendance and reducing persistent absence, now being implemented in 26 schools. Initial data is showing the programme to have a significant impact. Schools are further supported by a network of leading practice schools and leading teachers.

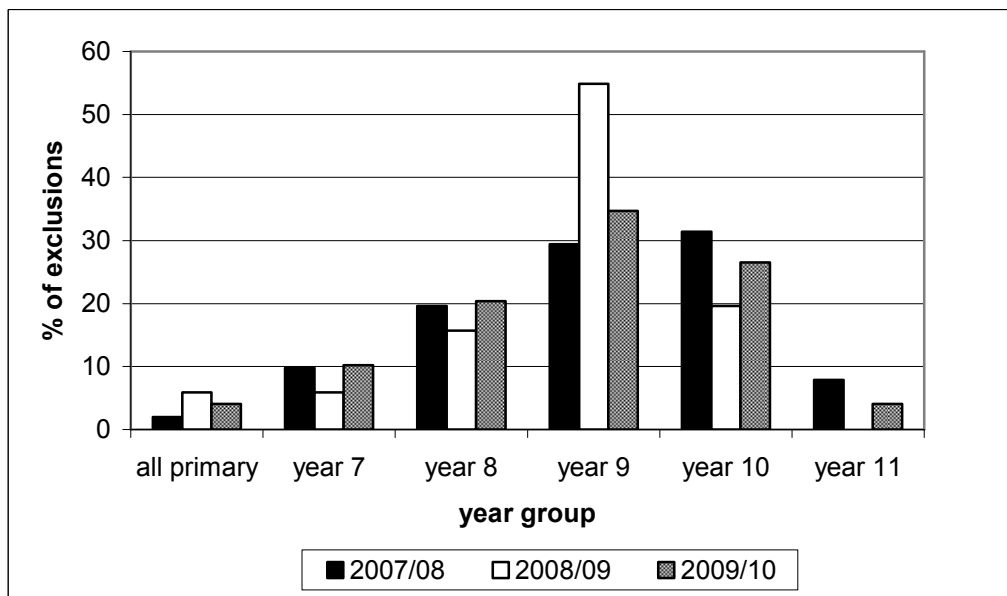
There has been positive engagement with the year-long National Programme for Specialist Leaders of Behaviour and Attendance (NPSLBA), delivered by a team drawn from the Pupil Development Centres and co-ordinated by the National Strategies. Since January 2009, eighty one staff in the behaviour and attendance field have either completed or are actively engaged in the programme. This consists of thirty two secondary staff; thirty primary staff; ten Local Authority officers and nine staff working with alternative providers and support services. The programme will continue with a further group of staff in January 2011. The positive impact of the programme is shown through testimonies from senior leaders on the development of participants' leadership skills and the impact on children and young people (part of final accreditation processes); reports from individual schools and headteachers on the impact on whole school practice; participants gaining promotion during and after the course and the popularity and reputation of the course within the city as high quality CPD for staff specialising in behaviour and attendance.

4.3.3 A credible network of expertise for headteachers and other senior leaders in schools to assist them in finding solutions for behavioural barriers has been established through the ongoing development of the Area Inclusion Partnerships. This allows opportunities for sharing good practice and developing solution focussed approaches to meeting the needs of individual young people in schools.

#### 4.4 Permanent exclusions of pupil groups

4.4.1 The table below (4.4.1) below shows the peak year group for permanent exclusions remains year 9, however, the share of exclusions for this year group has fallen in 2009/10, with increases for all other secondary year groups. It is acknowledged that the curriculum tends to get much tighter due to exam preparation, often teaching intensifies and there may be a perception that the curriculum offer becomes less personalised. Pupils with learning difficulties are inclined to struggle more. Greater levels of monitoring are in place around this cohort of pupils. In addition a Framework Contract is now in place, between the Local Authority, schools and alternative learning providers that encompasses learners from age 13. This allows access to quality assured off site placements, providing courses leading to qualifications which can be accredited from the learner's 14<sup>th</sup> birthday. This enables the Area Inclusion Partnerships to make appropriate referrals to support pupils who are facing challenges in the mainstream settings which may have previously led to an exclusion based sanction.

Figure 4.4.1 Permanent exclusions by year group

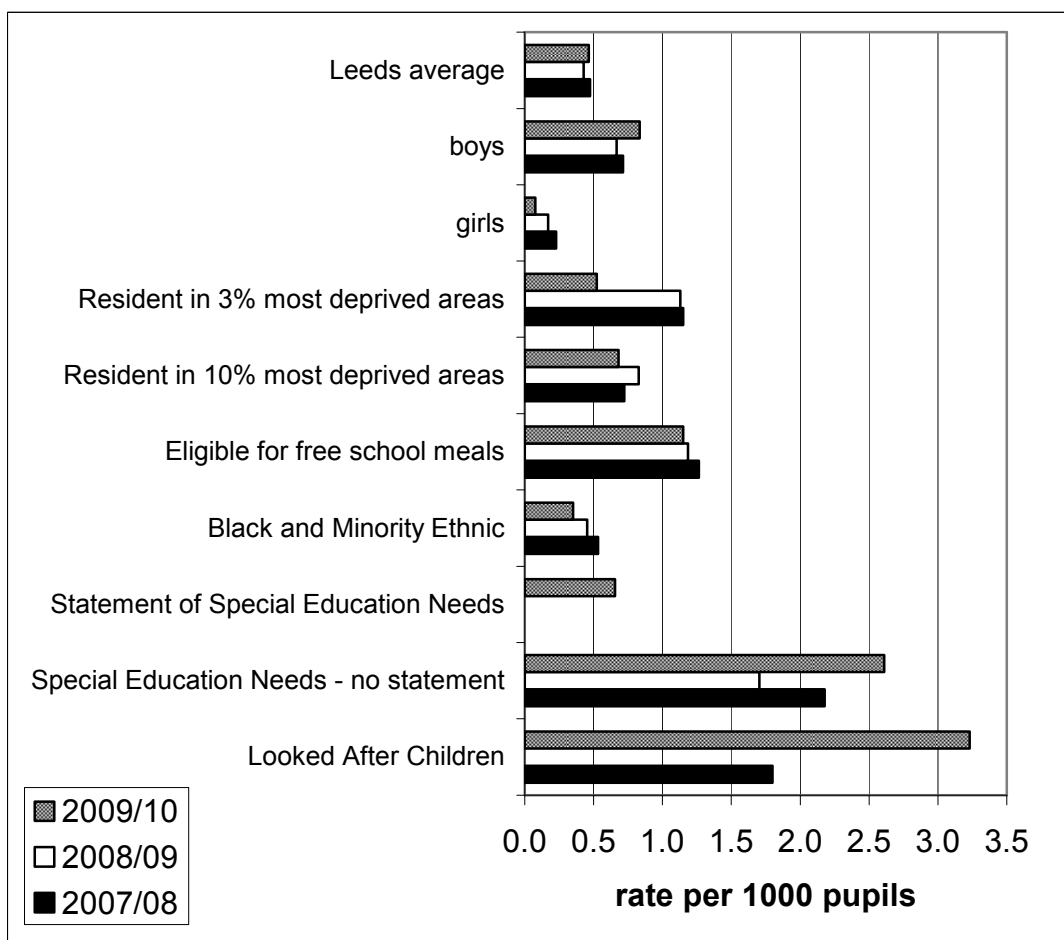


Source: Synergy Education Case Management System

4.4.2 The ongoing development of the KS3 & 4 panel meeting 2 Pupil Support Centre Admissions Panel has facilitated timely entry into and exit out of the centre. This has both safeguarded the education of vulnerable primary aged pupils, reduced the rates of fixed term exclusions and avoided the permanent exclusion of a further 5 primary pupils.

- 4.4.3 The number of permanent exclusions for girls continued to fall in 2009/10 and only 4 of the 49 exclusions were girls. A further 6 permanent exclusions of girls were avoided.
- 4.4.4 After two years where there were no permanent exclusions for pupils with statements of SEN, there were 3 in 2009/10. A further 8 permanent exclusions of pupils with a statement of SEN were avoided. There was also an increase in exclusions of pupils with SEN but no statement. This reflects the move within Leeds to separate Funding For Inclusion from the statementing process. As a result, the number of statements of SEN written has fallen. Overall, almost three quarters of all permanent exclusions were for pupils with SEN.
- 4.4.5 After no exclusions of Looked After Children in 2008/09, 3 were excluded in 2009/10. A further 3 permanent exclusions of LAC pupils were avoided. Of these three, after a period of assessment, two transferred into specialist provision and one has been successfully reintegrated into a mainstream school.
- 4.4.6 The rate of permanent exclusion of pupils eligible for free school meals continued to fall in 2009/10. These pupils remain 2.5 times more likely to be permanently excluded than the Leeds average.
- 4.4.7 Pupils of Black and Minority Ethnic heritage now have a rate of exclusion below the Leeds average, for the first time. The permanent exclusion of a further 6 BME pupils were avoided. This trend is mirrored by an upward trajectory for this group in terms of attendance. No one ethnic group has been consistently over-represented in permanent exclusions. In 2009/10 there were no exclusions of pupils of Black Caribbean heritage, the group with the largest number of exclusions was Other Pakistani with three. No other group had more than one permanent exclusion. We are committed to continue to support this upward trend via the Black Minority Ethnic Raising Achievement Group and in partnership with Race Equality Education Partnership Board. This cohort of vulnerable pupils remain a priority for the Local Authority.

*Figure 4.4.2 Permanent Exclusions of Pupil Groups*



Source Synergy Education Case Management System

## 4.5 Permanent exclusions by wedge

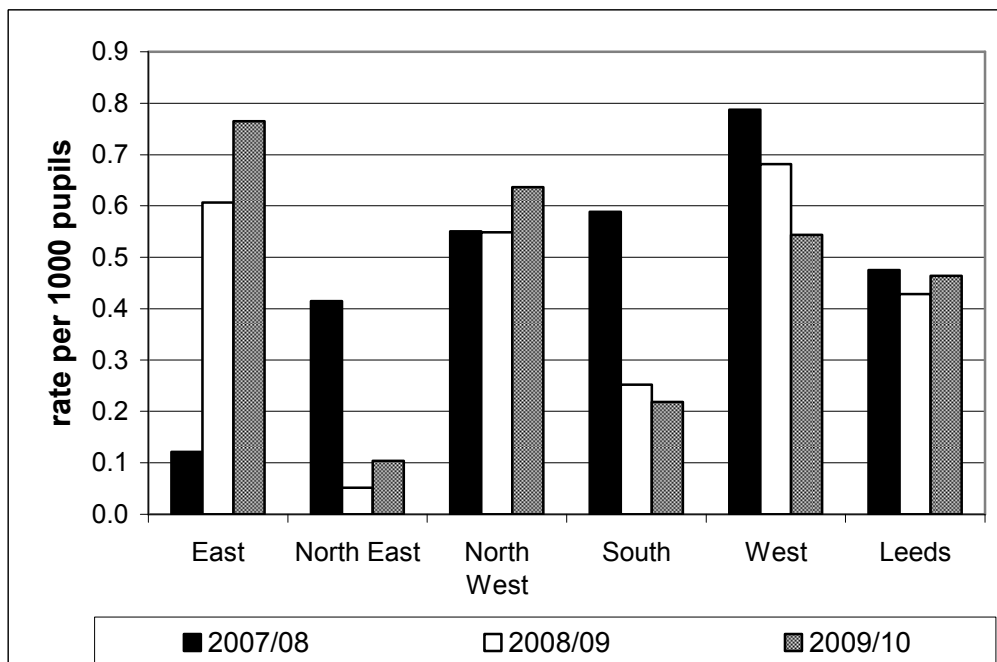
4.5.1 As can be seen in Figure 4.5.1 below, the rate of permanent exclusion has fallen in the South and West wedges, however, these are the two wedges where the two schools who became academies in 2009/10 are located and their removal from the figures may impact on this. The rate of permanent exclusion continued to increase in the East wedge. However, much of this rise can be accounted for by one secondary school. Permanent exclusions are often a response to individual events which happen within schools and thus cannot be related to the wide variety of indicators of social deprivation with any degree of validity. It should be noted that fixed term exclusions are lowest in the East wedge, where the rate of exclusion is two thirds that of the city as a whole.

4.5.2 Thirty one permanent exclusions were avoided across the city following the intervention of Education Leeds teams. In terms of outcomes for these pupils, 48% of the pupils were supported to successfully return to their original school setting, 36% of the pupils had a successful managed move to another mainstream school and 16% moved, with support, to a SILC. See appendix 1 for a break down of outcome by wedge. It should be noted that a number of pupils avoided permanent exclusion as the result of work carried



out at wedge level and in some cases following proactive support from the Day 6 cover put in place locally.

Figure 4.5.1 Permanent exclusions by wedge



Source Synergy Education Case Management System

4.5.3 Permanent Exclusions were avoided by the multi-agency working of the Pupil Planning Team. The details of these pupils are as follows:

4.5.4 *Avoided Permanent Exclusions by Wedge*

Wedge	Percentage	Managed moves	Returned to original school	Statement – move to SILC
East	16%	3	1	1
North East	26%	1	5	2
North West	29%	3	5	1
South	10%	2	1	0
West	19%	2	3	0
<b>Totals City Wide</b>	<b>100%</b>	<b>11</b>	<b>15</b>	<b>4</b>

#### 4.5.5 Avoided Permanent Exclusions by Year Group

<b>Year Group</b>	<b>Percentage</b>
5	3%
6	13%
7	16%
8	13%
9	19%
10	23%
11	13%

#### 4.5.6 Avoided Permanent Exclusions by LAC and SEN

Of the 31 Avoided Permanent Exclusions

- 10% had LAC status.
- 26% had SEN status.
- 3% had both LAC and SEN status (1 child)

#### 4.5.7 Avoided Permanent Exclusions – Outcomes for LAC

Managed move to another school - 1 pupil

Out of Authority – specialist provision – 1 pupil

Remained on roll at named school (off site provision – phased re-integration back to school) – 1 pupil

#### 4.5.8 Avoided Permanent Exclusions by Ethnicity

<b>Ethnicity</b>	<b>Percentage</b>
AOPK	3%
BBRI	3%
BC	3%
BCRB	6%
WBRI	82%
WIRT	3%

#### 4.5.9 Avoided Permanent Exclusions by Gender

Of the 31 Avoided Permanent Exclusions, 19% were Female and 81% were Male.

#### 4.5.10 Avoided Permanent Exclusions- Outcomes for all Pupils

Dual registered with the Pupil Referral Unit and then returned to school	10%
Individualised Programme put in place utilising off-site provision	3%
Managed Move to another school	35%
Out of Authority - specialist provision	3%
Remained on roll at their named school	39%
Change of placement on statement (SILC)	10%

Schools have been supported to reduce exclusions by the Pupil Planning Team making 46 referrals to other agencies, raising awareness of and supporting the establishment of 38 parenting contracts, attending 163 multi agency meetings and 41 review meetings, carrying out 113 home visits and writing / disseminating 64 detailed re-inclusion plans. Of the pupils worked with, 25 had a pre-existing Common Assessment Framework (CAF). A further 52 families were advised of the role of the CAF in supporting their child, but only 9 families took up the support offered. The Pupil Planning Team Re-Inclusion Officers had active involvement in 40 CAFs. This work is in addition to (and often in partnership with) that done by the Area Inclusion Partnerships.

## **5 Fixed Term Exclusions**

- 5.1 The data collected regarding fixed term exclusions is reliant on the maintenance of school submissions. Ongoing support for schools is continuing to ensure that data relating to fixed term exclusions are submitted as soon as is possible by schools, although their statutory responsibility is not until the end of the specific term. The data for 2009/10 is the latest picture held, but is provisional data and is subject to change as further exclusions are submitted by schools. Academies are not required to submit exclusions information to the Local Authority, therefore fixed term exclusions from academies are not included in the analysis for this report.

### **5.1 Fixed term exclusion trends**

- 5.1.1 As illustrated in the Table 5.1.1 below the number of fixed term exclusions has reduced in 2009/10. However, the decrease in the number of exclusions is misleading due to two schools becoming academies in 2009/10 and therefore their exclusions are not included in 2009/10 figures. The rate of fixed term exclusions has reduced marginally in 2009/10. Therefore, the trend of significant reductions in fixed term exclusions seen in recent years has not occurred in 2009/10. The rate of exclusion in Leeds in 2009/10 remains below the national rate of exclusion in 2008/09, although if the national trend of reducing exclusions continues, when national figures for 2009/10 are published in June 2011 the rate in Leeds could be higher than that seen nationally.
- 5.1.2 Education Leeds remains committed to the continuing reduction of fixed term exclusions. The collection and dissemination of data has improved and is more rigorous. The challenge to schools, governors and stakeholders continues to improve practice and seeks to find alternative strategies to exclusion.
- 5.1.3 The use of Parental measures of engagement / support continue to be rolled out across the city by the Behaviour Improvement Officer (BIO). Delivering training for school staff has begun, the evaluation of which have been extremely positive and has lead to an increased number of schools implementing contracts with families. In conjunction with the Parenting Unit, the BIO has consulted with parents who have taken up a Parenting Contract, to seek their views as to the benefits for them and their child. The results of this exercise have fed into an action plan for further improvement. There has been an increase in the number of returns to the DfE in respect of Parenting Contracts for behaviour across both mainstream settings and within the Pupil Referral Units.
- 5.1.4 A new service delivery model was implemented over 2009/10 realigning Educational Psychology, SEN support, Early Years support and Inclusion Support into one Integrated Support and Psychology Service (ISPS). All practitioners within ISPS are deployed within a wedge of the city but centrally managed to allow flexibility in meeting specialised needs. All service delivery is based upon a model of consultation with front-line workers in relation to early intervention and problem solving techniques

Table 5.1.1 Comparative fixed term exclusion data: rate of exclusion per 1000 pupils

	Leeds			National <sup>2</sup>
	Number of exclusions	Target (rate of exclusion)	Rate of exclusion per 1000 pupils	
2005/06	7513		68.1	na
2006/07	6527	39	60.2	56.6
2007/08	5837	25	54.4	51.4
2008/09	5018	25	46.8	48.9
2009/10	4923		46.6	

Source: Leeds data: Synergy Education Case Management System; National Data: Statistical First Release  
Notes: 1: not including exclusions from Pupil Referral Units or academies; 2: national data is not available for 2005/06 or 2009/10

5.1.4 Table 5.1.2 shows that the rate of fixed term exclusion in 2009/10 has increased slightly in secondary schools, fallen slightly in primary schools and increased in Specialist Inclusive Learning Centres.

5.1.5 The number of exclusions from primary schools fell from 392 in 2008/09 to 357 in 2009/10. The rate of exclusions for primary schools remains lower than the national rate in 2008/09.

5.1.6 The number of exclusions from SILCS increased by over a third in 2009/10, from 386 to 523 and the rate of exclusion remains significantly above national levels of exclusions from special schools. 89% of exclusions from Specialist Inclusive Learning Centres are from Elmete Central BESD SILC and the number of exclusions from this school increased from 279 in 2008/09 to 463 in 2009/10. The Local Authority has recognised this as a significant challenge. An intervention strategy is in place and an action plan is in place. This will enable the Local Authority and the BESD SILC to work in partnership to address some of the issues around the most vulnerable and challenging young people. The ongoing development of the Behaviour Strategy and continuum will also seek to concentrate on overcoming the placement of young people who require specialist behaviour support in a central provision. The level of exclusions is low in the other SILCs.

Table 5.1.2 Comparative fixed term exclusions by school type: rate of exclusion per 1000 pupils

	Primary		Secondary		Special (SILCs)	
	Leeds	National	Leeds	National	Leeds	National
2005/06	6.0	na	144.8	104.0	79.9	na
2006/07	5.5	11.1	129.6	108.3	162.2	185.6
2007/08	7.3	10.6	109.2	97.8	409.3	183.1
2008/09	6.4	9.7	93.1	92.6	428.9	177.1
2009/10	5.8		93.8		574.7	

Source: Leeds data: Synergy Education Case Management System; National Data: Statistical First Release

5.1.7 In 2009/10 the number of pupils receiving fixed term exclusions continued to fall, although the impact of this is lower than might be expected given that there are two fewer schools in the dataset. However, the percentage of pupils with exclusions also reduced.

Table 5.1.3 Number of pupils with fixed term exclusions

	Number of pupils	% of pupils
2004/05	3666	3.3
2005/06	3603	3.3
2006/07	3336	3.1
2007/08	2631	2.5
2008/09	2557	2.4
2009/10	2241	2.1

Source: Synergy Education Case Management System

5.1.8 A comparison between local and national lengths of exclusion is shown in Table 5.1.4 below. For primary schools the distribution of exclusions by duration is similar in Leeds to the national pattern, with almost half of exclusions lasting for one day or less and 84% of exclusions being for three days or less. The average length of exclusion in primary school is marginally lower in Leeds than nationally. For secondary schools, there is a slightly lower proportion of shorter exclusions in Leeds than nationally and a higher proportion of longer exclusions, the average length of exclusion from secondary schools in Leeds is half a day longer than the national average length of exclusion. In SILCs, the proportion of short exclusions is higher than seen nationally and therefore the average length of exclusion from this type of school is almost a day shorter than the national average.

Table 5.1.4: Percentage of exclusions by duration

Days	Leeds – 2009/10				National – 2008/09			
	primary	secondary	SILC	total	primary	secondary	SILC	total
1	46.8	32.9	70.0	37.9	42.2	34.9	47.3	36.2
2	24.9	20.3	18.2	20.4	25.8	25.6	23.7	25.6
3	12.0	19.6	7.1	17.8	14.6	17.7	12.7	17.2
4	3.9	3.9	2.1	3.7	5.1	4.1	4.8	4.2
5	9.0	17.0	1.7	14.8	8.9	14.5	8.2	13.6
6	0.6	0.4	0.4	0.4	1.1	0.5	0.7	0.6
7	0.0	0.3	0.0	0.2	0.4	0.3	0.3	0.3
8	0.3	0.2	0.2	0.2	0.3	0.2	0.2	0.2
9	0.3	0.2	0.0	0.2	0.2	0.2	0.2	0.2
10	1.7	2.9	0.0	2.5	0.4	1.0	0.6	0.9
10+	0.6	2.3	0.4	2.0	1.0	1.1	1.1	1.1
Average length of exclusion	2.1	3.1	1.3	2.8	2.2	2.6	2.2	2.6

Source: Leeds - Synergy Education Case Management System; National – DfE Statistical First Release

## 5.2 Reasons for fixed term exclusion

5.2.1 The table below (Table 5.2.1) shows that in 2009/10 the distribution of reasons for fixed term exclusion has remained relatively static compared to the previous year, with a slight increase in exclusions due to persistent disruptive behaviour. Over a

quarter of exclusions are due to persistent disruptive behaviour, a higher proportion than the national picture. There has been a fall in 2009/10 in the percentage of exclusions for verbal abuse of staff. Reasons for exclusion in Leeds are generally in line with those seen nationally.

*Table 5.2.1 Reasons for fixed term exclusions*

Reason for Exclusion	% of Fixed Term Exclusions			
	Leeds			National
	2007/08	2008/09	2009/10	2008/09
Physical Assault – Pupil	15	15	16	19
Physical Assault – Staff	7	8	8	5
Bullying	2	1	1	1
Dangerous Behaviour*	5	2	2	
Persistent Disruptive Behaviour	23	21	27	23
Damage to Property	2	3	3	2
Drug and Alcohol Related	3	2	2	2
Other	13	14	9	17
Racial Abuse	2	1	1	1
Sexual Misconduct	1	1	1	1
Theft	1	2	2	2
Verbal Abuse – Pupil	3	3	3	4
Verbal Abuse – Staff	23	29	25	22

*Source: DfE statistical first release*

*Notes: \* Leeds local reason for exclusion*

### **5.3 School performance**

- 5.3.1 For the first time, there were no primary schools with more than 30 exclusions in 2009/10. There were only two schools with more than 20 exclusions.
- 5.3.2 The proportion of schools with zero fixed term exclusions remains at two thirds of primary schools.

*Table 5.3.1 Primary school analysis of fixed term exclusions*

Number of exclusions	% of schools			% of exclusions		
	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10
30+	0.5	0.5	0.0	8	8.9	0
<30	35.0	35.6	36.1	92	91.1	100
0	64.5	63.9	63.9	0	0	0

*Source: Synergy Education Case Management System*

- 5.3.3 The number of secondary schools with a rate of exclusion in excess of 150 per 1000 pupils remains at nine in 2009/10. These schools accounted for over half of exclusions (see Table 5.3.2).

5.3.4 Over a third of secondary schools had a rate of exclusion less than 50 per thousand pupils.

Table 5.3.2 Secondary school analysis of fixed term exclusions

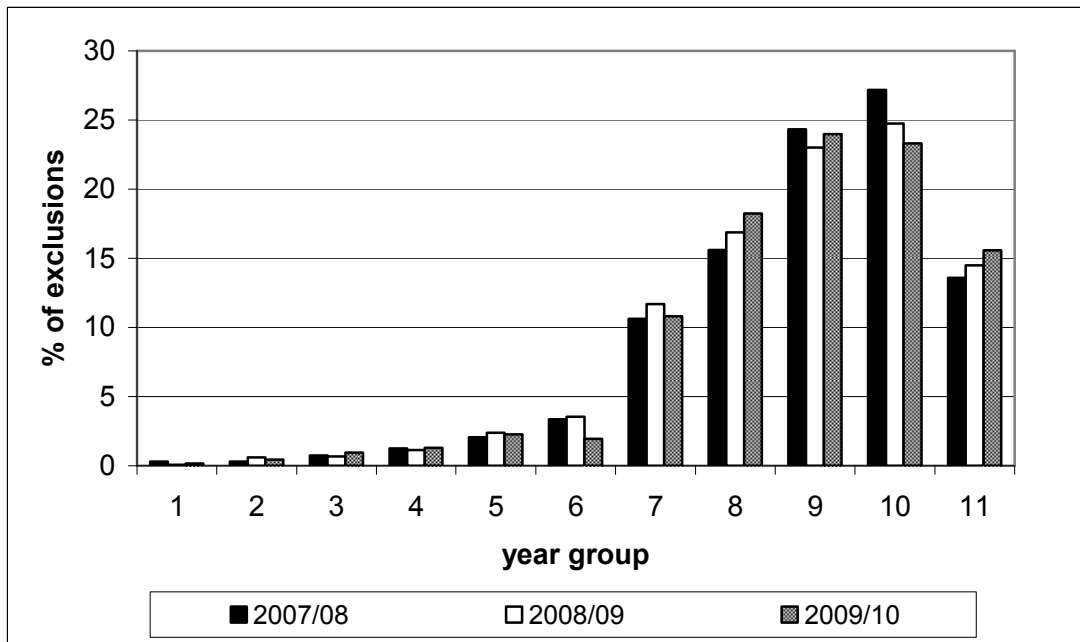
Number of exclusions	Number of schools			% of exclusions		
	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10
150+	12	9	9	64	52.1	56.8
50-150	13	16	13	28	39.0	33.0
<50	13	12	13	8	8.8	10.2

Source: Synergy Education Case Management System

## 5.4 Fixed term exclusions of pupil groups

5.4.1 As seen in Figure 5.4.1 the year groups with the highest levels of fixed term exclusions are years 9 and 10. The level of exclusions tends to increase with age, other than a decrease in year 11. Years 9 and 10 account for almost half of all fixed term exclusions in Leeds. Increases in the proportion of exclusions were seen for years 8, 9 and 11 in 2009/10, with exclusions in year 10 continuing to decrease. This is in part the result of the ongoing work done to decrease permanent exclusions within the city. In order to avoid a permanent exclusion, young people will be given fixed term exclusion, followed up with a comprehensive re-inclusion package. Schools are working to extend the day 6 provision for pupils with fixed term exclusions.

Figure 5.4.1 Fixed term exclusions by year group

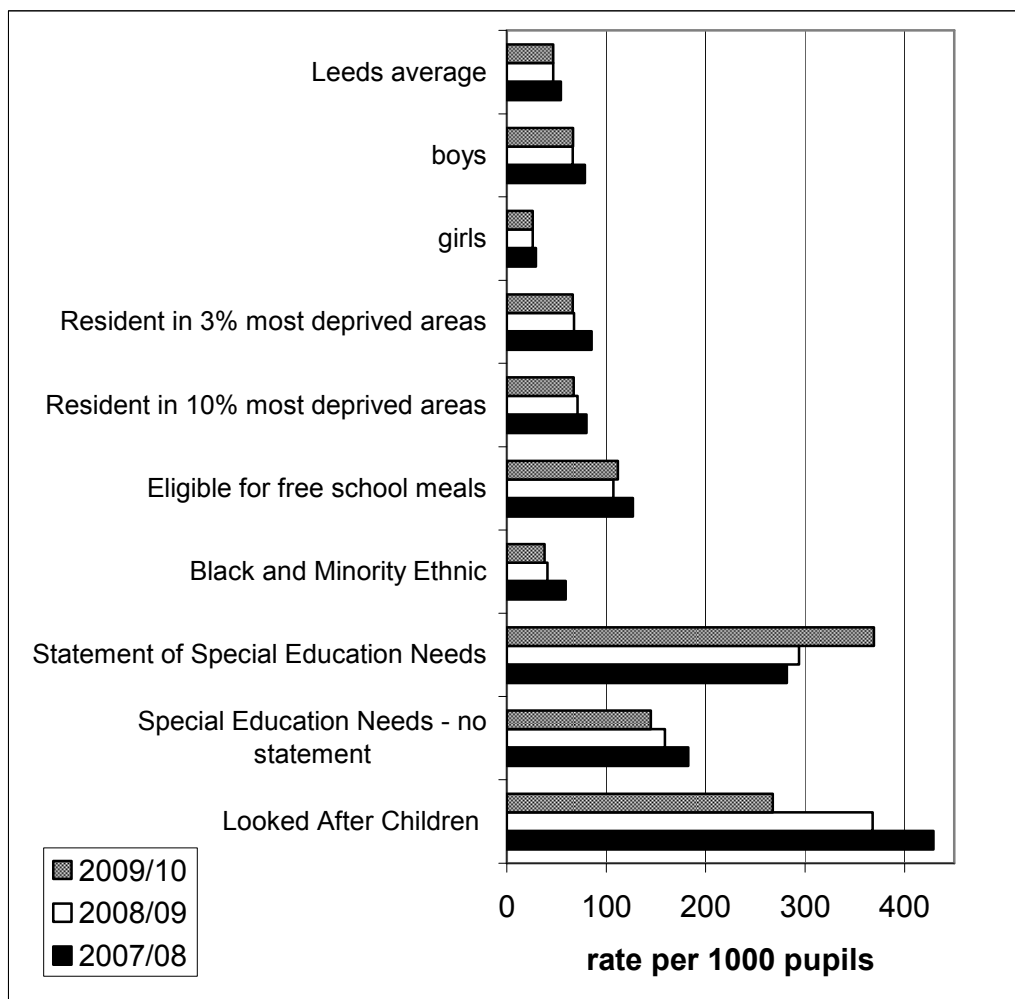


Source Synergy Education Case Management System



- 5.4.2 The rates of fixed term exclusion by pupil group are shown in Figure 5.4.2 below, with national comparisons in Table 5.4.1. The rate of exclusion has remained the same for girls and increased for boys, boys are still more than twice as likely to be excluded than girls. The rate of exclusion in Leeds is higher than national for girls, and lower for boys.
- 5.4.3 The rate of exclusion for pupils with a statement of SEN continues to rise and these pupils were 8 times more likely to be excluded than the Leeds average. This is impacted on by the high level of exclusions from the BESD SILC. The rate of exclusion for pupils with SEN but no statement continues to reduce, but these pupils still have a rate of exclusion three times higher than the Leeds average. The rates of exclusion for pupils with no SEN and those with SEN but no statement are lower than the national average in Leeds. However, the rate of exclusion for pupils with statements in 2009/10 is almost double the national rate in 2008/09.
- 5.4.4 For pupils eligible for free school meals, the rate of exclusion increased slightly in 2009/10, following a recent trend of reducing exclusions for this group of pupils. Pupils eligible for free school meals have a rate of exclusion 2.5 times the Leeds average. The rate of exclusion for pupils eligible for free school meals is in line with national rates of exclusion for this group. Interestingly the rate of uptake of free school meals is below the national average in Leeds. The reasons for this form a piece of research undertaken as part of the Leeds School Meals Strategy. Programmes of work are currently being implemented through the strategy to address the issues identified.
- 5.4.5 The rate of fixed term exclusion for pupils of BME heritage continues to fall and remains below the Leeds average. However, there are significant variations between groups as seen in Table 5.4.2 below. The rate of exclusion of pupils of BME heritage in Leeds is in line with national levels of exclusion for BME pupils.

Figure 5.4.2 Fixed term exclusions by pupil group



Source Synergy Education Case Management System

Table 5.4.3 Rate of fixed term exclusion per 1000 pupils

	Leeds		National
	2008/09	2009/10	2008/09
<b>Gender</b>			
Girls	26.2	26.0	25.3
Boys	66.5	66.5	71.5
<b>Ethnicity</b>			
Black and Minority Ethnic heritage*		48.2	48.8
<b>Free School Meal eligibility</b>			
Not eligible for free school meals	33.5	32.3	37.7
Eligible for free school meals	107.3	111.6	111.0
<b>Special Education Needs</b>			
No SEN	17.2	17.4	21.9
SEN no statement	158.9	144.9	191.1
Statement of SEN	293.9	369.1	142.4

Source: Leeds - Synergy Education Case Management System; National – DfE Statistical First Release  
 Note \*: rate of exclusion for BME pupils in this table is based on pupils of compulsory school age to enable national comparison

- 5.4.6 The published national rate of fixed term exclusions for individual ethnic groups are not directly comparable to local figures as they are based only on an analysis of pupils of compulsory school age, whereas local analysis and all other national analyses are based on all year groups. Therefore the national ratio of the rate of exclusion for an individual group to the total rate of exclusion is presented below to allow a comparison of the extent to which different ethnic groups are over-represented in fixed term exclusions.
- 5.4.7 Although the rate of exclusion for all pupils of BME heritage is lower than the Leeds average there are some groups that are over-represented in fixed term exclusions. The groups with rates of exclusion higher than the Leeds average are: White Irish Travellers, Gypsy/Roma, pupils of Black Caribbean, Other Black, Mixed Black Caribbean and White and Mixed Asian and White heritage.
- 5.4.8 Although the rate of exclusion has reduced for all black heritage groups in 2009/10, pupils of Black Caribbean heritage are still twice as likely to be excluded; this over-representation is also seen nationally as is the over-representation of pupils of Other Black heritage who are 1.4 times more likely to be excluded. However, the rate of exclusion has reduced for pupils of Black African heritage in 2009/10. Viewed against the increase in attendance for pupils of Black and Minority Ethnic heritage, this indicates a positive trend.
- 5.4.9 All Asian groups are under-represented in fixed term exclusions and this picture is also seen nationally. White Irish Travellers, Gypsy/Roma, pupils of Black Caribbean, Other Black, Mixed Black Caribbean and White and Mixed Asian and White heritage but reduced for Mixed Black African and White pupils.

Table 5.4.4 Fixed term exclusions by ethnicity

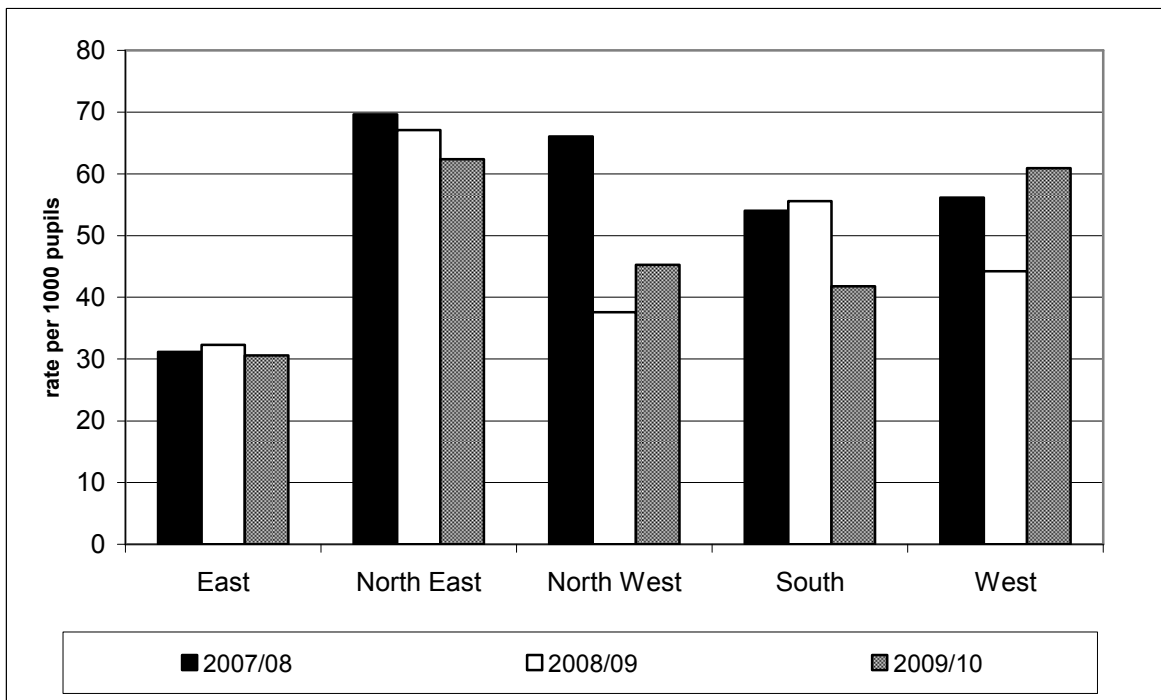
	rate per 1000 pupils			National ratio to average rate of exclusion	Ratio to Leeds average rate of exclusion	
	2007/08	2008/09	2009/10	2008/09	2008/09	2009/10
<i>Asian or Asian British</i>						
Bangladeshi	31.3	38.6	17.0	0.6	0.8	0.4
Indian	13.8	10.6	6.6	0.2	0.2	0.1
Other Kashmiri	75.6	66.7	45.8	0.6	1.4	1.0
Kashmiri Pakistani	37.3	19.3	20.7		0.4	0.4
Other Pakistani	37.1	16.6	21.6		0.4	0.5
Other Asian	33.6	28.2	30.5	0.4	0.6	0.7
<i>Black or Black British</i>						
Black African	33.1	29.8	25.6	1.0	0.7	0.5
Black Caribbean	176.2	113.2	100.7	2.0	2.4	2.2
Black Other	148.6	100.3	67.2	1.7	2.2	1.4
<i>Mixed heritage</i>						
Mixed Asian & White	51.7	59.3	67.8	0.7	1.2	1.5
Mixed Black African & White	65.3	73.1	26.0	1.2	1.6	0.6
Mixed Black Caribbean & White	152.2	106.8	117.6	2.1	2.3	2.5
Mixed Other	81.3	51.1	48.8	1.1	1.1	1.0
<i>Other groups</i>						
Chinese	3.9	0.0	9.5	0.2	0.0	0.2
Other Ethnic Group	22.4	7.4	8.9	0.7	0.2	0.2
<i>White</i>						
White British	54.2	49.1	50.2	1.0	1.1	1.1
White Irish	8.4	40.2	42.2	1.1	0.9	0.9
White Other	18.0	1.7	17.9	0.7	0.0	0.4
White Eastern European	30.4	12.4	14.9		0.3	0.3
White Western European	13.5	15.2	7.7		0.3	0.2
<i>Traveller groups</i>						
Traveller of Irish heritage	312.0	142.9	309.3	3.1	4.5	6.6
Gypsy/Roma	162.3	108.9	68.3	2.9	2.4	1.5

Source: Leeds - Synergy Education Case Management System; National – DfE Statistical First release

## 5.5 Fixed term exclusions by wedge

5.5.1 Fixed term exclusions are lowest in the East wedge, where the rate of exclusion is two thirds of that of the city as a whole. The rate of fixed term exclusion is highest in the North East and West after an increase in exclusion from schools in the West. The North East wedge includes information relating to the BESD Specialist Inclusive Learning Centre and the children with behavioural needs educated at the North East SILC. Plans are under development to support the North East SILC in terms of their fixed term exclusions as part of the devolvement of central resources to the localities. The rate of exclusions has fallen in the South, although this will have been impacted on by South Leeds High School becoming an academy. The sharing of good practice across the city, via the Area Inclusion Partnerships, to reduce rates of fixed term exclusion continues and is supported by the Local Authority.

Figure 5.5.1 Fixed term exclusion by wedge



Source Synergy Education Case Management System

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Originator: Jane Cash

Tel: 43493

## Report of Acting Director of City Development

To Executive Board

Date: 9th March 2011

**Subject: Long Term Burial Supply for North East Leeds: Whinmoor Grange Cemetery Design & Cost Report and Draft Whinmoor Grange Informal Planning Statement – Scheme no 1358/WHN**

### Electoral Wards Affected:

Crossgates and Whinmoor  
Harewood  
Roundhay

### 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

This report provides Executive Board with an update about the burial requirements for the North East of the city. The report follows on from the decisions made by Executive Board in December 2008 to develop a 5 acre cemetery at Whinmoor Grange and to explore the scope to develop a further 5 acre cemetery at Elmete in order to ensure a medium term supply of burial plots for this area of the City.

The report also seeks approval to go to consultation with a draft Informal Planning Statement for Whinmoor Grange. This includes options for a masterplan for that area involving cemetery provision which would facilitate any future decision to re-locate the Council's nursery and some other Parks & Countryside activities from Red Hall to Whinmoor Grange.

The report includes a Design & Cost Report seeking approval to incur expenditure of £309,579 for construction works in relation to the development of the 5 acre cemetery at Whinmoor.

The report also advises Members that a planning application is being prepared for a proposed cemetery at the former Elmete caravan park.

## **1 Purpose of this Report**

1.1 The purpose of the report is to inform Executive Board of progress in relation to:-

- the supply of burial space in north east Leeds;
- the preparation of a masterplan for the Whinmoor Grange site, included in a Draft Planning Statement, that allows for the development of a 5 acre cemetery and the potential decant of the Council's nursery from Red Hall;
- the outcome of feasibility works undertaken to explore the potential to deliver a 5 acre cemetery on the site of the former Elmete Caravan Park and the potential submission of a planning application for the site on that basis;

1.2 and to seek approval:-

- of the Draft Planning Statement for Whinmoor Grange as a basis for public consultation;
- to incur expenditure of £309,579 from scheme 'Cemetery Exts City Wide 1358' for construction works in relation to the development of the 5 acre cemetery at Whinmoor.

## **2 Background**

2.1 On the 3<sup>rd</sup> December 2008, Executive Board received a report which reviewed the long term supply of burial space in the City. The report included options for meeting demand for the next 50 years and beyond. Consideration was also given to the outcome of the then Leisure and Enterprise Scrutiny Board's report of 2002 which made a series of recommendations in relation to future cemetery provision. The December 2008 meeting, Executive Board made a number of resolutions with respect to cemeteries including:-

- to establish a preference for smaller, locally based cemetery sites combined with the extension, where possible, for existing sites, to be adopted;
- that approval be given to the development of a 5 acre cemetery at Whinmoor in a location previously identified and that the implementation of this is delivered as part of a larger masterplan for the site, involving the decant of the Council's operation from Red Hall;
- that officers explore further the potential to deliver a 5 acre cemetery on the site of the former Elmete Caravan Park;
- that officers liaise further with representatives of the Muslim community, on the accommodation of Muslim burial needs in the Council's network of smaller cemeteries;

2.2 In 2008, the Council had 8,485 new graves available across the city, equivalent to 15-16 years supply. These were distributed across the city as below:-



<b>Area</b>	<b>Number of Graves</b>
East North East	1,080
West North West	4,289
South South East	3,116
<b>TOTAL</b>	<b>8,485</b>

- 2.3 The Council also had a number of proposals, which were at advanced stages of development. This included Garforth Cemetery extension, now completed (1,463 plots) and Kippax (248 plots). Harehills has also been extended, but now has only 270 multi faith plots left, which is approximately a 20 month supply. The Muslim burial area currently has approximately 4 years supply remaining.
- 2.4 When the location of graves available was considered in 2008, it was evident that the East North East area of the city had the lowest supply of new graves available and therefore was under most pressure, particularly as Harehills is the only active cemetery in this area. To address this, proposals have been developed for cemetery construction at Whinmoor and Elmete in line with the Executive Board decision in December 2008.

### **3 Main Issues**

#### **Whinmoor Grange**

- 3.1 Whinmoor Grange is a 104 acre (43 ha) site to the North East of Leeds, bounded by Thorner Lane and York Road. It is owned exclusively by Leeds City Council. The majority of the site is currently used for rough grazing. However, there is an unused former depot in the centre of the site, which housed office facilities with car parking.
- 3.2 In 2002, planning approval was granted for the construction of a large scale (46 acre) cemetery on the site. Early infrastructure works for the first two phases (16 acres gross) were completed in 2004. However, following the adoption of the policy for smaller, locally based cemeteries, the feasibility of Whinmoor as a large scale cemetery was reviewed. Approval was then given by Executive Board in December 2008, for the development of a net 5 acre cemetery, located within the 16 acres planning approval boundary as shown in Appendix 1.
- 3.3 Further to this approval, a Draft Informal Planning Statement has been prepared which incorporates the development of a cemetery and the potential decant of Red Hall as part of a larger masterplan.

#### **Draft Planning Statement (DPS)**

- 3.4 Land around the eastern edge of Leeds has been defined as the East Leeds Extension under the Leeds UDP Review 2006. The area covers some 215ha of land, extending from the edge of Manston, to the west of the A58 at Wetherby Road. It includes the land at Red Hall which has an operational depot and the horticultural nursery. This land has been allocated as potential housing land (Policy H3-2). In addition the Red Hall playing field land is allocated as a Key Business Park reserved for B1 office use under policy E4:11. Altogether this land is approximately 70 acres.
- 3.5 In anticipation of the future potential development of Red Hall, a relocation plan is required to release the site from its present uses. This includes the continuation of the relocation of Parks & Countryside staff to the operational headquarters at Farnley Hall. However, there is a requirement to maintain some staff and operational functions in the east of the city and Whinmoor Grange has been identified as a suitable site for their relocation. These functions include the horticultural nursery comprising glasshouses

and polytunnels; green and brown waste recycling site; machinery workshop; east area depot and general offices.

3.6 The draft 'Whinmoor Grange Informal Planning Statement' is attached at Appendix 2. It is envisaged that this statement will be put out for consultation prior to being finalised and adopted as non statutory planning guidance. The statement will provide:-

- a starting point for the consideration of development proposals;
- opportunities to relocate facilities and services in a planned and co-ordinated way;
- clarity in relation to the potential future land uses of the site;

3.7 The DPS includes two options for consideration as part of the consultation.

#### **Option 1**

Option 1 provides net 5 acre cemetery in a c16 acre area located as per Appendix 1. This area will provide approximately 3,250 multi-faith graves. Based on current burial rates of 170/year in the North East, without Elmete this should give a lifespan of up to 19 years.

#### **Option 2**

Option 2 gives greater flexibility to the future development of the cemetery. The cemetery could in the future be extended to provide an additional net 10 acres (14 acres gross); an additional 38 years burial supply. On this basis, subject to further approvals, the total burial supply at Whinmoor could be 15 acres net; a supply of over 57 years. This could still be consistent with the policy for smaller cemeteries, should Members choose this option.

3.8 Subject to the view of Executive Board, the consultation about the DPS will seek views about these options. The planning statement will be finalised for approval following the consultation period.

#### **Whinmoor 5 Acre Cemetery Design Proposals/Scheme Description**

3.9 The works previously undertaken as part of the phase 1 & 2 planning approval consisted of the construction of the highways access to the site off Thorner Lane, the sub-base to the main access road through the proposed cemetery, and planting along the boundary of the site with Morwick Terrace.

3.10 It is proposed to provide a full 5 acres (net) burial space within this red line boundary where the infrastructure works have already been completed. The proposed layout for the cemetery is attached at Appendix 3. The works will consist of the surfacing of the existing base of the car park and main access road to highways standard; the construction of internal roadways and footpaths around the cemetery; and the construction of swales and a retention pond as part of a sustainable drainage system.

3.11 To ensure continuity of supply in the North East of the city, works are proposed to commence in July 2011, allowing the first burials to take place from March 2012 while there is still approximately six months' supply at Harehills.

#### **Proposed Elmete Cemetery**

3.12 Further to Executive Board in December 2008, officers have also explored the potential to develop up to a 5 acres (net) cemetery at Elmete, in addition to the 5 acres at Whinmoor. In 2009/10. Feasibility work indicates that the site is suitable for a cemetery but that the final site lay out and capacity will need to be investigated further due to the

possible existence of a Romano-Celtic Temple on part of the site. It is proposed to submit a planning application in March 2011 for the creation of Elmete Cemetery based on a plan to use approximately 4 acres net for burial. This, added to 5 acres at Whinmoor, would give capacity of 35 years.

### East North East Supply

- 3.13 In summary, the potential burial provision in the East North East of the city, as per the options in the DPS for Whinmoor, is shown in the table below.

Option in DPS	Site	Acres	Multi-Faith Plots	Years
Option 1	Whinmoor Cemetery	5	3250	19
Option 2	Whinmoor - Extension	10	6500	38
<b>Option 1 + 2</b>	<b>Whinmoor Total</b>	<b>15</b>	<b>9750</b>	<b>57</b>
	Elmete Cemetery	4	2600	15
	<b>East North East Potential Total</b>	<b>21.5</b>	<b>12,350</b>	<b>72</b>

- 3.14 Further to Executive Board consideration, consultation will take place on the DPS and also with all faith groups about these options and the outcome of this will be reported to Executive Board in Summer 2011.

### Consultation

- 3.15 At the time of the Executive Board report of December 2008, the Association of Leeds Mosques outlined their aspiration to secure a long term supply of burial space to meet the needs of the Muslim population of Leeds. This could be part of a larger multi-faith cemetery but the preference from the Association of Leeds Mosques was for a single exclusivity location. In 2008 the Council considered this request and took the view that the most appropriate course was to accommodate Muslim burials within the network of locally based cemeteries. The Council decided this at that time partly because of the preference for developing smaller cemeteries and partly in line with the Council's provision of cemeteries being based on a multi-faith approach as the chosen means of accommodating the diversity of the City's population.
- 3.16 The proposals at Whinmoor for 5 acres and Elmete for 4 acres will provide replacement cemetery provision for Harehills and Muslim burial space within multi faith cemeteries for over 35 years for all faiths in the north east of the city.
- 3.17 Officers have written to faith groups to consult about the proposals for both Whinmoor and Elmete and the policy for the development of smaller, locally based cemetery sites which are capable of accommodating burials for all faiths. Time has also been set aside to meet with any faith groups, to discuss the proposals further.

### Ward Member Consultations

- 3.18 During the development of both Whinmoor Cemetery and the proposals for a 4 acre cemetery at Elmete, a significant amount of consultation was undertaken with Executive board members and Ward Members, including site visits. Now that proposals for Whinmoor are ready to be implemented, further consultation about the proposed layout and programme have been arranged and will be undertaken in the near future. Elmete cemetery will be subject to consultation as part of the planning process but feedback from ward members has been supportive of the scheme to date.

- 3.19 In addition to the consultations above, it is proposed to consult Area Committees about the proposals for the long term supply of burial space. This is to ensure that all groups are represented and that future requirements are understood. The Equality Impact Assessment produced in 2008 will be further updated to reflect these discussions.

### **Programme**

- 3.20 Bearing in mind the imminent shortage of burial space in this area of the city, subject to Executive Board approval, it is proposed to move forward on the basis of the following outline construction programme for construction for both cemeteries:-

#### **Whinmoor Cemetery**

DCR to Executive Board	March 2011
Works to commence on site	July 2011
Completion of road infrastructure	October 2011
Construction of swales	October – December 2011
Burials commence	March 2012

#### **Elmete Cemetery**

Planning application submitted	March 2011
Planning approval	July 2011
Commencement of road construction	April 2012
Installation of entrance fencing/access gates	June 2012
Construction of car park	August 2012
Planting/seeding works	September 2012
Completion/burials commence	March 2013

## **4. Implications for Council Policy and Governance**

- 4.1 These schemes sit within the policy framework of the Council through the following documents:-

#### **Council Business Plan 2008-2011**

- ensure fair access to all our services
- increase involvement, engagement and participation of all communities, especially under-represented groups

#### **Leeds Strategic Plan 2008-2011**

- the environment is clean, green attractive and above all sustainable
- enable a robust and vibrant voluntary, community and faith sector to facilitate community activity and directly deliver services

#### **Environmental Policy**

- Work towards a more sustainable future preventing pollution and minimizing waste
- Improve local neighbourhoods by providing new green spaces, keeping them free from pollution

#### **Equality and Diversity Policy**

- Provide fair access to services, which meet the needs of our diverse communities and individuals
- Increase the number of equality, diversity and community cohesion impact assessments undertaken to identify and reduce, or remove, barriers to accessing services experienced by any particular groups

#### **Cemeteries and Crematoria 50 year Burial Strategy**

## 5. Resource Implications

### 5.1 Scheme Design Estimate

**Scheme being wholly funded from LCC resources – Scheme No 1358**

#### Whinmoor Cemetery

##### Works

Site Clearance and preparation	£21,455
Hardworks	£167,432
Planting/soft works	£50,807
Site Furniture	£12,000
Contingencies	£20,135
Administration	£37,750
<b>TOTAL</b>	<b>£309,579</b>

#### Capital Funding and Cash Flow

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2010 £000's	FORECAST				
			2010/11 £000's	2011/12 £000's	2012/13 £000's	2013/14 £000's	2014 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	271.8			271.8			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	37.8		10.0	27.8			
OTHER COSTS (7)	0.0						
<b>TOTALS</b>	<b>309.6</b>	<b>0.0</b>	<b>10.0</b>	<b>299.6</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 2010 £000's	FORECAST				
			2010/11 £000's	2011/12 £000's	2012/13 £000's	2013/14 £000's	2014 on £000's
LCC Funding	750.0		10.0	440.0	200.0	100.0	
Total Funding	750.0	0.0	10.0	440.0	200.0	100.0	0.0
<b>Balance / Shortfall =</b>	<b>440.4</b>	<b>0.0</b>		<b>140.4</b>	<b>200.0</b>	<b>100.0</b>	<b>0.0</b>

Parent Scheme Number :

Title : 1358

### 5.2 Revenue Effects

The estimated initial grounds maintenance cost of the site is £12.5k per annum. This figure may rise slightly as the cemetery fills up. While there will be an income from burials, these will have switched from existing cemeteries which still have to be maintained. Therefore there will be a net cost to the service. However, it is proposed to contain this within the ongoing budget provision.

### 5.3 Risk Assessments

- 5.3.1 An updated design risk assessment has been undertaken since the original scheme design and will be used to generate the contractor method statement for the implementation of the works.

### 5.4 Equality Impact Assessment (EIA)

- 5.4.1 An Equality Impact Assessment was undertaken in 2008 of the proposed 50 year Burial Strategy. Since then there have been consultations with planning, legal highways and specific faith groups as well as site visits with ward members, in relation to the proposals to develop Elmete and Whinmoor.
- 5.4.2 The assessment identified that people of all faiths could be buried at any of the city's municipal cemeteries of their choosing. However, there are 2 cemeteries that have specific sections for Muslim burials – Harehills and Cottingley and 1 cemetery that has a specific section for Jewish burials – Harehills.
- 5.4.3 The EIA and the Executive Board report of December 2008 highlighted that the Councils consulted (Bradford, Bristol, Liverpool, Newcastle, Nottingham, Sheffield, Wakefield, Kirklees and Calderdale) accommodate specific faith burials within a multi-faith cemetery environment, with the exception of Bradford. The development proposals for current and future cemeteries in the city, can meet the burial needs of the Muslim community and all other faiths, in a multi-faith setting. The ongoing consultations with all faith groups in relation to the city's long term burial supply, will be reflected in an updated EIA.
- 5.4.4 Further consultation is taking place with a range of faith groups. The EIA will be updated to reflect this.

## **6 Conclusions**

- 6.1 This report sets out proposals, in line with the previous decision by Executive Board, which address the anticipated burial requirements for a large part of the city through the development of cemeteries at Whinmoor Grange and at Elmete. The proposals included in this report allow for approximately 19 years supply of burial space on 5 acres at Whinmoor Grange, with an opportunity to expand on this, depending on decisions about the proposed masterplan. There is also the potential to add up to a further 4 acres at Elmete, which would bring the supply to between 35-70 plus years, depending on the final option agreed for the Whinmoor Grange masterplan.
- 6.2 On the basis of the recommendations in this report, the Council will be able to meet its burial needs in the North East of the city for a minimum of 35 years through a series of smaller multi-faith cemeteries serving all faiths in Leeds.

## **7. Recommendations**

- 7.1 Executive Board is recommended to note the current position in relation to implementing the proposals agreed at its December 2008 meeting.
- 7.2 Executive Board is recommended to approve:
- a) the Draft Informal Planning Statement for Whinmoor Grange for public consultation to be undertaken over 4 weeks and the findings to be reported back to Executive Board;
  - b) expenditure of £309,579 on the construction of a 5 acre cemetery at Whinmoor (Cemetery Exts City Wide – Green Schemes, Scheme Number 1358)
- 7.3 Executive Board is also requested to note:-

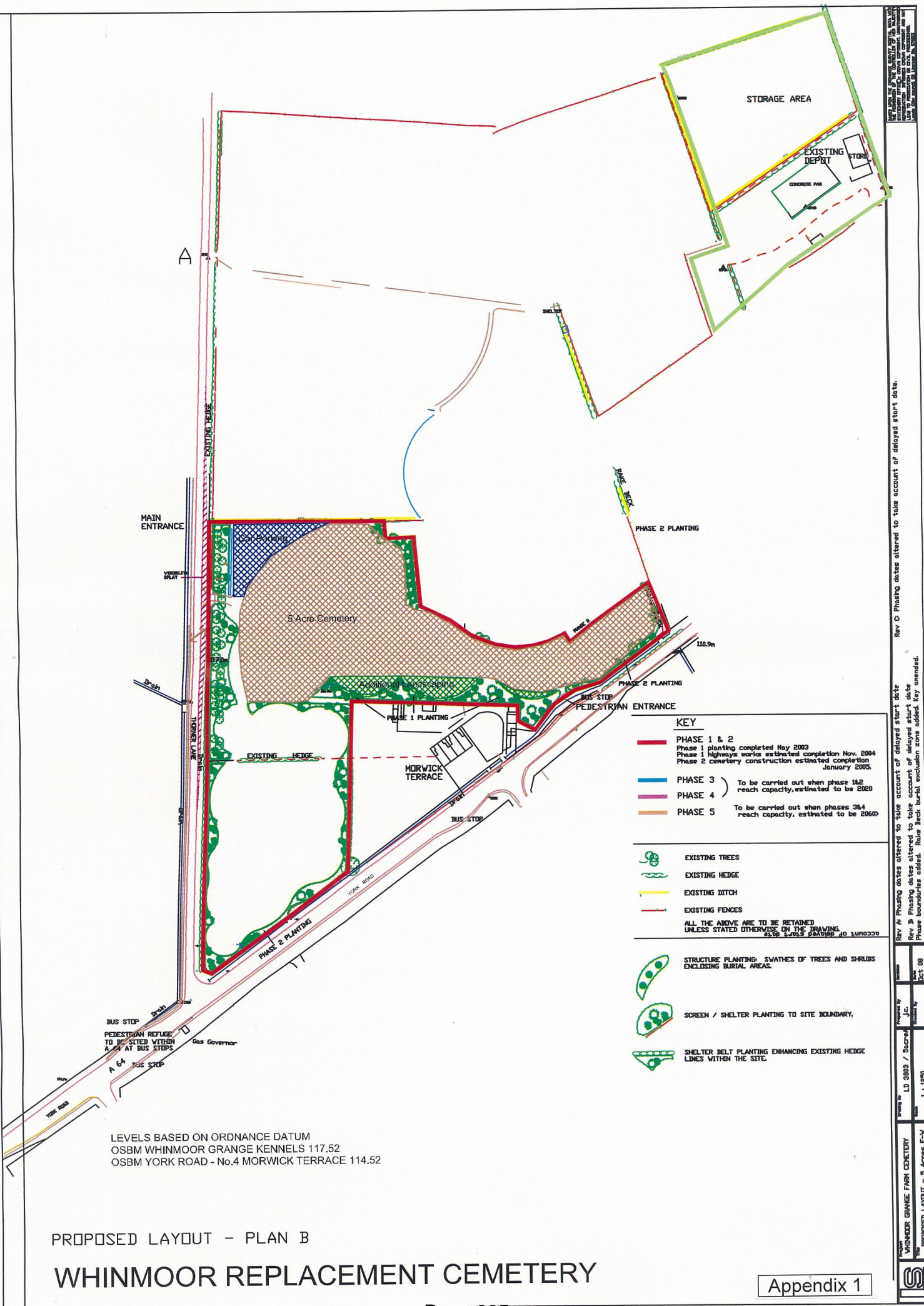
- c) the proposal to move forward with a planning application for a cemetery at the former Elmete caravan park.

### **Background Papers**

Leisure and Enterprise Scrutiny Board Report, December 2002  
Executive Board Report, December 2008, Long Term Burial Supply  
Equality Impact Assessment of Burial Supply in Leeds 2008

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LEVELS BASED ON ORDNANCE DATUM  
 OSBM WHINMOOR GRANGE KENNELS 117.52  
 OSBM YORK ROAD - No.4 MORWICK TERRACE 114.52

PROPOSED LAYOUT - PLAN B

# WHINMOOR REPLACEMENT CEMETERY

Appendix 1

- KEY**
- PHASE 1 & 2  
 Phase 1 planting completed May 2003  
 Phase 2 highway works estimated completion Nov. 2004  
 Phase 2 cemetery construction estimated completion January 2005.
  - PHASE 3 ) To be carried out when phase 1&2 reach capacity, estimated to be 2020
  - PHASE 4 )
  - PHASE 5 ) To be carried out when phases 3&4 reach capacity, estimated to be 2060
- EXISTING TREES
  - EXISTING HEDGE
  - EXISTING DITCH
  - EXISTING FENCES
  - ALL THE ABOVE ARE TO BE RETAINED UNLESS STATED OTHERWISE ON THE DRAWING
  - STRUCTURE PLANTING: SWATHES OF TREES AND SHRUBS ENCLOSING BURIAL AREAS.
  - SCREEN / SHELTER PLANTING TO SITE BOUNDARY.
  - SHELTER BELT PLANTING ENHANCING EXISTING HEDGE LINES WITHIN THE SITE.

THE AUTHOR OF THIS DRAWING IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING OR FOR THE CONSEQUENCES OF ANY ACTION TAKEN OR NOT TAKEN IN RELIANCE ON THIS DRAWING.  
 Rev D Phasing dates altered to take account of delayed start date.  
 Rev C Phasing dates altered to take account of delayed start date.  
 Rev B Phasing dates altered to take account of delayed start date.  
 Rev A Phasing dates altered to take account of delayed start date.  
 Phase boundaries altered. Refer back sheet enclosure zone added. Key amended.  
 Drawn by: J.C. / S.C. / J.C.  
 Checked by: J.C. / S.C. / J.C.  
 Date: 1.1.2005  
 Project: WHINMOOR GRANGE FARM CEMETERY  
 Sheet: PROPOSED LAYOUT - 5 Acres E-Y  
 Scale: 1:1250

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**DRAFT**  
**Whinmoor Grange**  
**Informal Planning Statement**



**January 2011**  
**Appendix 2**

## Whinmoor Grange Informal Masterplan Statement



### Contents

#### Section 1

##### Background -

Introduction  
Aims and Objectives of Masterplan

#### Section 2

##### Site and Setting -

Uses – Existing and Previous  
Description  
Access  
Visibility  
Site Constraints

#### Section 3

##### Planning Policy Context

Site Allocation  
Green Belt Policy  
East Leeds Extension  
Red Hall Allocation and Decant requirement  
Whinmoor Cemetery  
Future Land Uses at Whinmoor

#### Section 4

##### Development Opportunities

Masterplan Development – Options  
Potential Layouts  
Design Principles  
Possible Timescales

#### Section 5

Summary

#### Section 6

Appendices

## **Whinmoor Grange Informal Planning Statement**

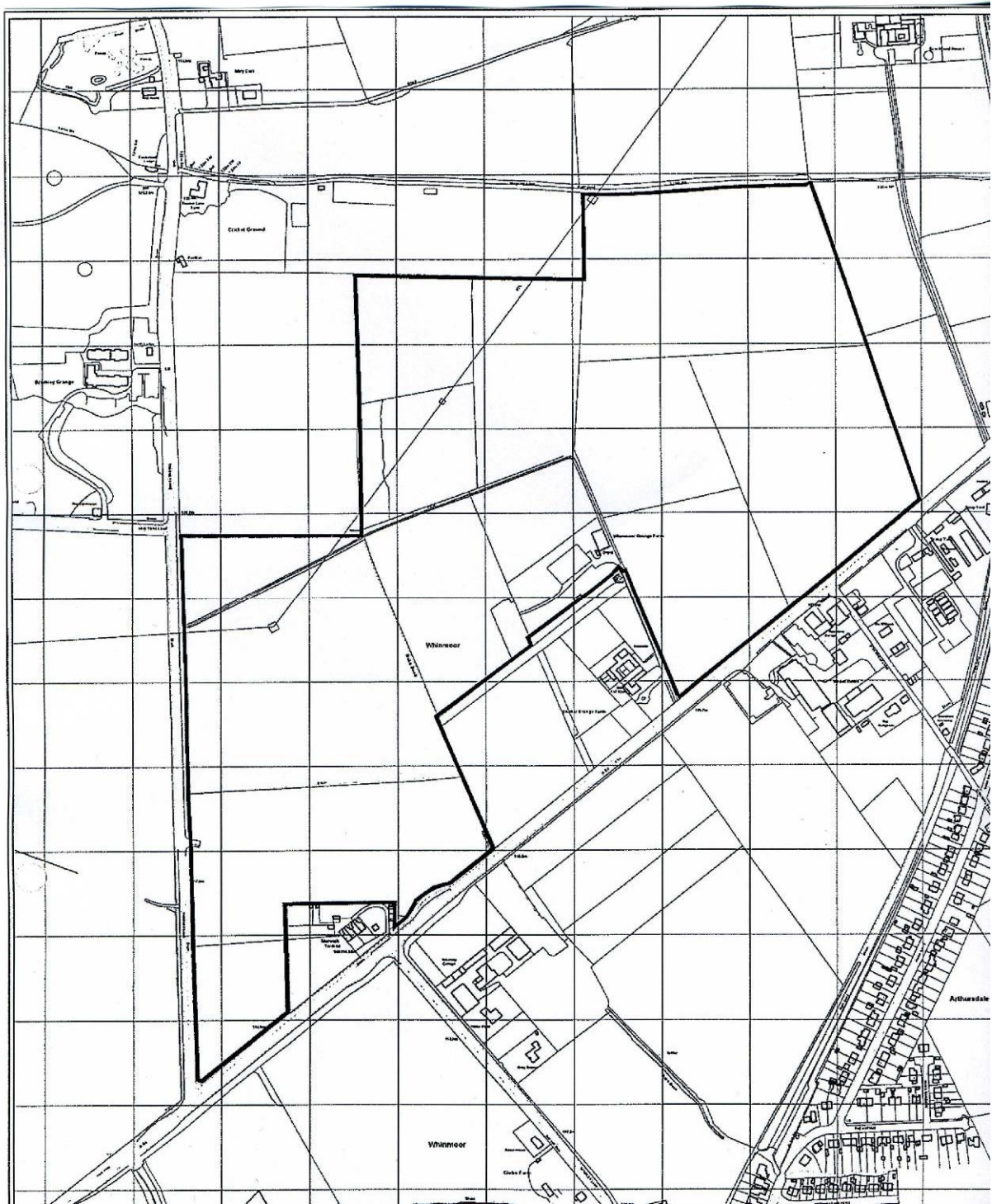
### **1.0 Background**

#### **1.1 Introduction**

Whinmoor Grange is a 104 acre (43 hectares) site to the north east of Leeds. It is bounded by Thorner Lane to the west and York Road to the south and is owned



exclusively by Leeds City Council.



The majority of the site is currently used for rough grazing, however there is a now defunct depot in the centre of the site, which houses a large storage shed, office facilities and car parking. Currently this area of the site is being used for the storage of outdated and unusable equipment and machinery. (aerial photo)



In 2002, planning approval was granted for the construction of the first and second phase of a large scale 46 acre (19 ha) cemetery on the site, which amounted to approximately 16 acres (6.5 ha). However, a review of cemetery provision across the city, following the reconsideration of the provision of large scale cemetery sites has resulted in the requirement for a more strategic assessment of cemetery requirements on a smaller scale and an exploration of the potential alternative future uses of the site which will be encapsulated in the masterplanned options of the site.

## **1.2 Scope of the Statement**

This Statement sets out the development principles for the redevelopment of a large area of agricultural land at Whinmoor Grange Farm. It has been prepared to take account of the wider regeneration of north east Leeds, taking account of alterations in the Leeds UDP Review regarding the East Leeds Extension and provides opportunities to relocate facilities and services in a co-ordinated and planned way. It will provide guidance to officers, Council departments, ward members, stakeholders and the general public, to the formation of development proposals moving forward.

It will set out key principles and options for the redevelopment of the site and its structures and will be used by the Council as a reference document against which submitted proposals and future planning applications will be assessed.

The document will be laid out as follows:-

- Section 1 - Background to the site and this document
- Section 2 – Information regarding the site and the area
- Section 3 – Planning Policy context, pressures and previous approvals
- Section 4 – Development framework for the site and potential uses with associated masterplan options
- Section 5 – Summary and way forward

## **2.0 Site and Setting**

### **2.1 Site Description**



The Whinmoor Grange site is located approximately 6 miles to the north east of Leeds city centre, 1 mile to the south of Thorner and half a mile east of Whinmoor (location plan). The Council's land ownership extends to approximately 104 acres (42 ha) and includes the Whinmoor Grange Farm building, storage area and surrounding agricultural land.



The site is bounded to the south by the A64 York Road, to the west by Thorner Road and to the north by Mirycarr Road. It slopes gently west to east and north to south. It contains three electricity pylons and is transected by the overhead power cable associated with them. In addition, an underground gas main runs north-south through the western portion of the site. Internally there are several defined fields with hedgerows as boundaries, where several different crops have been grown in the past.

## **2.2 Uses – Existing and Previous**

The existing site, on the whole, is currently used for rough grazing, with a small area in the centre of the site providing storage space for the Council's defunct agricultural and maintenance equipment and machinery.

In 2002, access and infrastructure works commenced for the first and second phases of the Whinmoor cemetery along with a large amount of planting. However these were not fully completed as a result of a full cemetery provision review, but the approvals for the works are still in place, allowing the potential for these, or a smaller scale cemetery to come forward at some future point in time.

The storage area of the site was previously the operational depot of the Landscape Construction Team of the Parks and Countryside Service, with an access route along a narrow track off York Road. This operation was relocated in the late 1990's, to Red Hall, the then, head office for the service.

## **2.3 Access**



The A64 York Road is a major highway route into the city centre that passes along the south of Whinmoor Grange. There is a narrow track off the A64 that runs northwards into the depot area of the site, which was used as the site access until the function was relocated. The A64 is a very busy route for traffic travelling between York and Leeds and the reestablishment of this track off the A64 is unlikely to be explored as an option. PHOTO Thorner Road is generally a quiet route past the site and as a result of this, the access for the proposed cemetery site was constructed off this highway. The area has public transport links, with regular bus services along York Road in particular.



## 2.4 Views

Views into the site are not comprehensive, being restricted by trees and hedgerows which cross and block vistas west-east and north-south. However, within the site, the views are not wholly restricted apart from around the depot area, as the existing hedgerows are relatively well maintained and kept low.

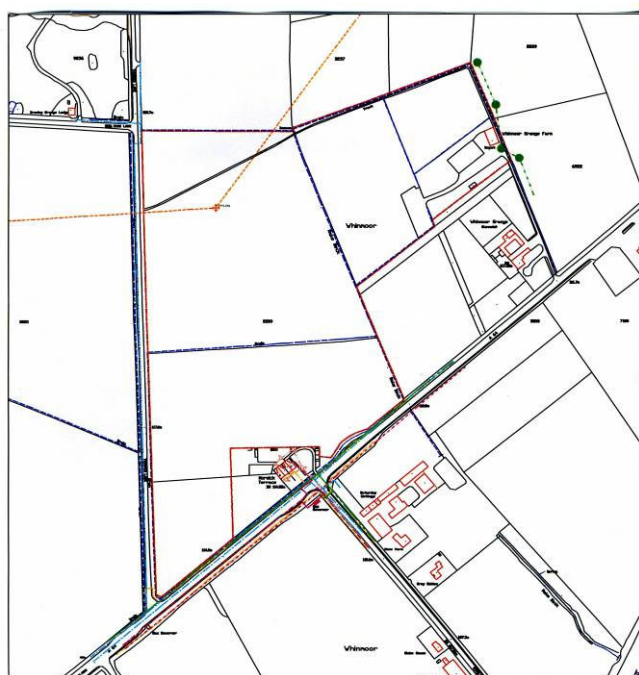


## 2.5 Site Constraints

There are several constraints that need to be taken into consideration in the development of the future master plan of the site. These include:-

- the Green Belt status of the site;
- existing trees and hedgerows;
- the overhead powercable and associated electricity pylons
- the underground gas main;
- the existing planning permission for phase 1 and 2 of the cemetery development;
- and the poor drainage and high water retention in the south west corner of the site.

The site is also crossed by several services and watercourses which are shown on the plan below

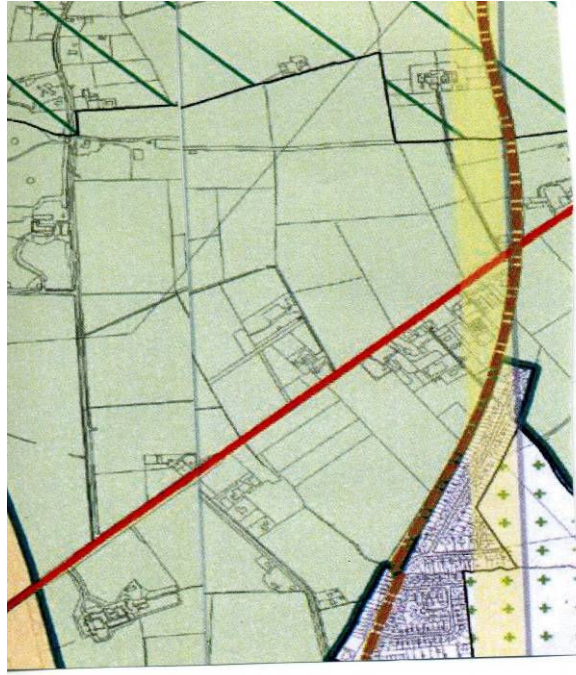


### KEY

Site Boundary	
Existing Watercourses	
Existing Foul Sewers	
Electricity High Voltage Overhead 132kv	
Electricity Low Voltage Underground	
Existing Water Mains	
Gas Low Pressure	
Gas High Pressure	
Telecom Overhead	
Telecom Underground	

### 3.0 Planning Policy Context

#### 3.1 Whinmoor Grange Site Allocation



- This site and the surrounding area is designated as Green Belt under policy N32 of the Leeds UDP Review 2006. (plan)

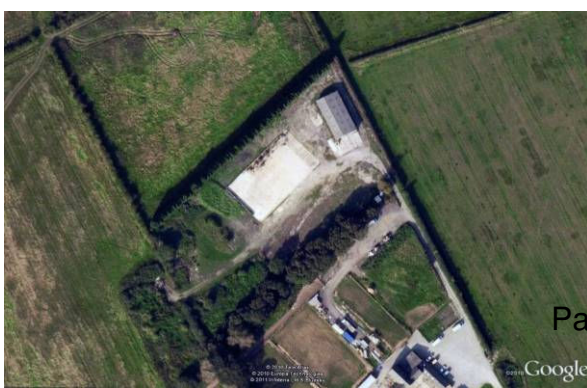
#### 3.2 Planning Policy Context

There is a general presumption against inappropriate development within Green Belts. As such, the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:-

- Agriculture and forestry
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans

In addition, cemeteries are also an acceptable use in Green Belt areas.

As previously stated, a small portion of the site used to function as the office and depot for the landscape construction team within Parks and Countryside Service.

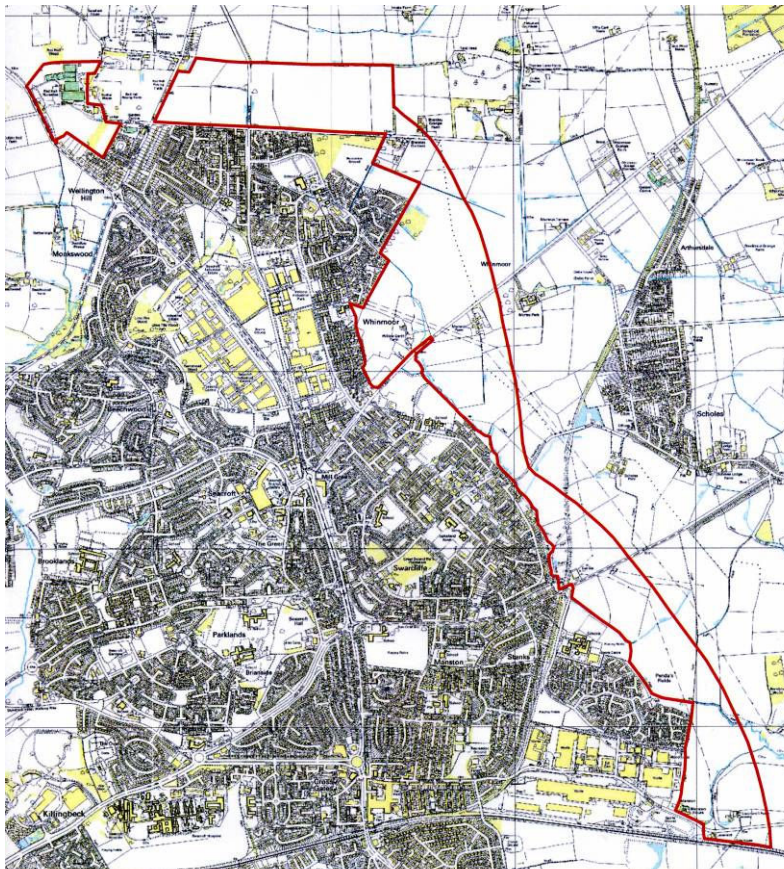




This area is 0.65ha in size and contains a storage depot/shed and a large concrete hard standing, previously an additional storage shed. In addition there is a large gravel area surrounding the depot that was used for car parking when the facility was active.

### 3.3 Leeds UDP Review – East Leeds Extension

Land around the eastern edge of Leeds has been defined as the East Leeds Extension under the Leeds UDP Review 2006. The area covers some 215ha of land, extending from the edge of Manston, to the west of the A58 at Wetherby Road and includes Grimes Dyke and Red Hall. PLAN.

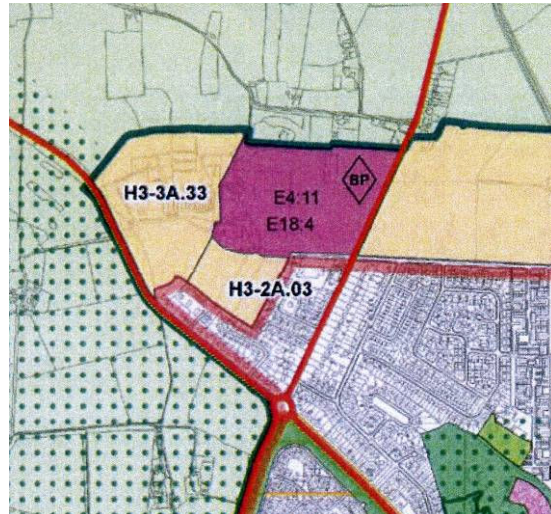


It is intended that development of this area will include housing, employment, greenspace and ancillary uses. The overall extension site is a significant Greenfield area, however its urban edge location will allow residents to benefit from integrated services and facilities available within the city centre and adjacent communities.

Future development of East Leeds Extension will need to be planned in an integrated way, which links to adjacent residential communities and employment areas. . New highway infrastructure will be required at an appropriate level based upon an assessment of the need for a new orbital relief road which would not only serve the development but offer an alternative for the A6120 Ring Road.

The land at Red Hall, included in the East Leeds Extension, is owned by Leeds City Council and includes the operational depot of the Parks and Countryside, now allocated as potential housing land. Land to the south of Red Hall Lane (H3-2A) is allocated for housing under phase 2 of the UDP. Land to the west of Red Hall (H3-

3A) is allocated for development under phase 3. The Council has not yet released phase 2 sites for development. The Red Hall playing field land is allocated as a Key Business Park reserved for B1 office use under policy E4:11 in the Leeds Unitary Development Plan which was adopted on 1<sup>st</sup> August 2001. This position is likely to be reviewed through the Local Development Framework (LDF) process to reflect changed planning circumstances, which now promote new office development within town centres. If it is established that there is no need for alternative employment land, this area is also likely to be brought forward for housing.



Under Policy H3-3A, this area will be subject to:-

- preparation of a Development Framework which will determine the phasing, mix and location of uses, density of development and location of access points
- assessment of the need for an orbital relief road and if required, funding by the development
- the provision of appropriate highway infrastructure incorporating the facility for public transport to serve the development
- financial support for enhance public transport routes, provision and services
- provision of local, community and education facilities
- provision of an appropriate level of affordable housing
- establishment of an overall landscape structure including substantial planting to site boundaries and main highway and footpath corridors
- retention of existing footpaths and creation of additional links to existing communities, local facilities and the countryside
- submission of a sustainability appraisal
- submission of a satisfactory flood risk assessment incorporating an appropriate drainage strategy

In order to facilitate any proposals coming forward under these policies in relation to Red Hall, the Council will need to assess the service requirements for Parks and Countryside in the future and develop a co-ordinated, pragmatic solution to their relocation. The key element to this is the development and subsequent agreement of

this Planning Statement that will allow all of the elements requiring decant to be assessed and the optimal location for these elements of the Service to be defined.

### **3.4 Red Hall Decant Requirement**

The Red Hall site, currently occupied by the Parks and Countryside service, provides services such as:-

- The horticultural nursery comprising glasshouses and poly tunnels
- Green and brown waste recycling site
- Horticultural machinery workshop
- East area depot
- General offices

These facilities occupy 18.50 hectares/45 acres (2.25 ha/5 acres is Green Belt). It does not include the Rugby Football League site. In addition there are 11 ha of playing fields (E4:11) identified as Key Business Park site which is not included as part of the East Leeds Extension.

In 2006, Phase 1 of the project to relocate staff from Red Hall to Farnley Hall was completed. This project to date has consolidated a range of service functions at Farnley Hall and has initiated the relocation strategy required to release the Red Hall site in the future for potential development.

To fully release land at Red Hall for the formation of the East Leeds Extension and realise the benefits of future developments, all of the remaining functions at Red Hall require decanting as part of a wider relocation strategy. Part of this strategy involves the continuation of the relocation of Parks and Countryside staff to the operational headquarters at Farnley, where appropriate. However, some of the remaining functions at Red Hall will either require a significant land take, such as the horticultural nursery and the recycling unit or need to be located at the eastern side of the city i.e. the east area depot. In addition, this allocation is subject to the provision of offsite highways improvements, the protection of the setting of the listed buildings at Red Hall and the provision of high quality replacement playing fields and changing rooms.

The playing fields are protected under Planning Policy Guidelines 17 (PPG 17) which states:-

‘Where an exchange of land is required/takes place, to compensate for loss of recreational provision at another location, Local Authorities should secure any necessary works and subsequent management agreement by planning conditions or obligations associated with the grant of the planning permission. Exchanges should be equivalent in terms of size, quality, accessibility, usefulness and attractiveness to that being lost’.

As such, the Whinmoor Grange site, with its previous use as the landscape construction depot, its large land area (104 acres) and access infrastructure works completed as part of the development of Whinmoor Cemetery, has been considered for some time as a potential site for the decant of Red Hall. This Informal Planning



Statement will explore the potential future mix of uses the site could be put to, based on its UDP allocation, the activities/land uses requiring relocation from Red Hall along with any previous planning approvals for the site.

### **3.5 Whinmoor Grange Cemetery**

The land at Whinmoor Grange was identified as being suitable as the site for the Replacement Harehills Cemetery as it fitted many of the criteria set at that time for the location of new north east Leeds cemetery. These were;-

- The site was in the Council's ownership
- The use of the site as a cemetery was an appropriate use of land within Green Belt
- Road access was good
- Statutory services were close by the site
- Geological conditions were satisfactory
- Generally, the site was not generally visible within the wider landscape







cemetery (phases 1 & 2 16 acres or 6.5ha) and the requirement for a maximum of 9.5ha for the horticultural nursery and the works depot, plus 15 ha of playing field land to replace the 11 ha decanted from Red Hall Playing Fields, with increased capacity to address other local pitch quality issues, there is enough land to accommodate all of the proposed decant, including a small cemetery.

In 2008, Executive Board approved the 'development of a 5 acre cemetery at Whinmoor in the location identified on the plan submitted with the report (PLAN below) and with the recommendation that its implementation is delivered as part of the larger masterplan for the site.'

Phases 3-5 of the proposed cemetery development are now not proposed to come



forward and will be considered for other land uses linked to the relocation of Red Hall.

### **3.6 Future Land Uses at Whinmoor - Aspirations**

3.6.1 Our aspiration for the Whinmoor masterplan is to:-

- Provide opportunities for increased access to the countryside by enhancing existing desire lines through the site and linking into existing permissive footpaths where appropriate
- Explore opportunities for increased nature conservation and environmental sustainability
- Protect and enhance existing habitats where possible
- Provide opportunities for formal and informal recreation
- Utilise the site to allow for the existing uses at Red Hall to be accommodated on the site, taking account of the Green Belt location
- Explore the options in relation to the construction of the ancillary buildings required for the site operations
- Recommence construction works in relation to the development of a 5 acre cemetery on the site, within the existing planning approval boundary
- Explore potential highway options into and out of the site to service all of the proposed land uses

### **4.0 Development Opportunities**

#### **4.1 Masterplan Layout – Options**

The overall vision for Whinmoor Grange is for consideration to be given to a range of land uses that are complementary to Green Belt policy through an agreed masterplan. This will include the previous approval for a 5 acre cemetery. Potential uses falling within this scope are:-

- horticultural glasshouses/nursery
- recreational facilities such as outdoor sports pitches and associated changing rooms
- agriculture – which is the site's existing land use
- natural amenity areas for nature conservation
- footpaths and bridleways, linking in to the existing network
- depot/office facilities and associated car parking
- other land uses permissible in green belt such as allotments, natural land etc

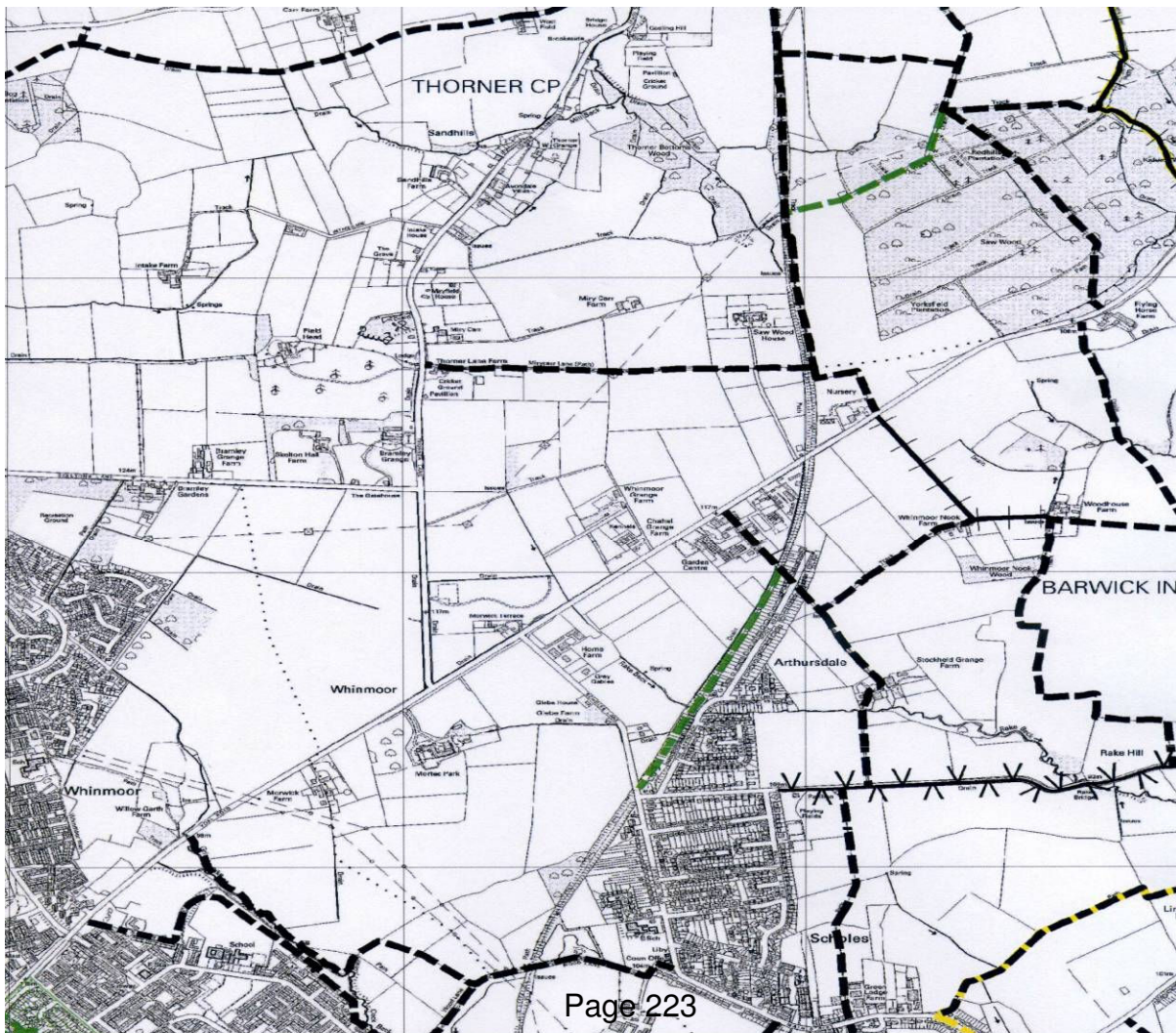
#### **4.2 Pedestrian & Cycling Networks and Links**

Whinmoor Grange currently has a definitive footpath running along Mirycarr Lane to the north of the site. There are no other identified paths within the site, either definitive or permissive. To the south of the site and the A64 York Road, there is a bridleway that links Whinmoor Nook Farm and Woodhouse Farm to footpaths southwards and northwards across the A64 and beyond to Saw Wood House and Thorner.

Inside the site however, there is a vehicle 'track' that runs from the sites northern access gate, around internal field boundaries, to the old depot area. This route was used daily when the depot was active but has now become overgrown as a result of the depot being relocated to Red Hall. Consideration could be given to the potential for this route to be utilised as a future access route into and out of the site following any recommencement of operational functions.



As the site develops, particularly when the cemetery works are completed, access for informal recreation (dog walking, cycling) will increase. Opportunities to expand the internal footpath network, from the cemetery into the wider footpath network and





the potential for the creation of new linkages will be explored.

### **4.3 Transport Access and Parking, Green Travel Plan**

In developing a masterplan for the Whinmoor Grange site the following objectives need to be taken into account when considering transportation issues. These are:-

- The existing planning approval for phases 1 & 2 of Whinmoor Cemetery, including the completed highways works and car parking base
- The promotion of sustainable travel modes where possible
- Minimal impact on the strategic highway network around the site, in particular the A64
- Minimise the impact of generated traffic for existing residents and businesses in the vicinity of the site
- Provide appropriate infrastructure to enable the safe access and egress for vehicles arriving and departing the site
- The potential to utilise the northern entry point of the site from Thorner Lane as the new site access for all uses apart from the cemetery, to ensure appropriate consideration and separation is given to mourners and other operational uses

Both physical infrastructure and operational management of the site in the future needs to consider how to accommodate the sites function as a depot for the Parks and Countryside Service during weekdays, the cemetery usage including funerals, the horticultural nursery and both formal and informal recreation. This will be explored in greater detail through the planning process and the development of management plans.

### **4.4 Building Form & Quality**

To ensure that any proposals in relation to the relocation of Red Hall depot are consistent to Green Belt policies, any scheme design for the reuse of the existing building or former building plots should:-

- minimise the impact on the openness of the Green Belt
- ensure that the rural appearance of the land is retained by appropriate building materials and screening
- ensure that the location of the changing facilities is the most usable in relation to the playing fields

### **4.5 Site Layout**

In considering potential site layouts and proposed land uses within the 104 acre site, there are key requirements that need to be taken into account. These are:-

- The need for a separate entry to the site that is detached from the already constructed entry into the proposed 5 acre (2ha) cemetery area from Thorner Lane
- The requirement to provide 3 acres (1.2ha) of land for the relocation of the horticultural nursery

- The requirement to relocate the playing field land from Red Hall to Whinmoor 27 acres (11ha) with its associated changing facilities and the opportunity to explore the use of the site for additional quality playing field provision
- The potential relocation of the recycling unit and 5 acre site
- Future pedestrian, cycling and bridleway linkages through/within the site and beyond to wider existing routes
- The overhead electricity pylons and the requirement to have a 60m wide easement beneath them
- The existing underground gas main that runs north-south through the site with a 12m easement
- The potential to utilise the site for other service uses that are complementary to Green Belt use such as allotments, tree planting and habitat creation
- The potential to explore the expansion of the cemetery in the future to a maximum size of approximately 12 acres
- The requirement to provide office accommodation for Parks and Countryside staff from
  - Forestry
  - Natural environment
  - Nursery
  - Landscape Construction
  - Area officers for the east

After taking these factors into consideration, there are 2 proposed masterplan options for consideration as part of this Draft planning Statement, Option 1 and Option 2, which are shown below.

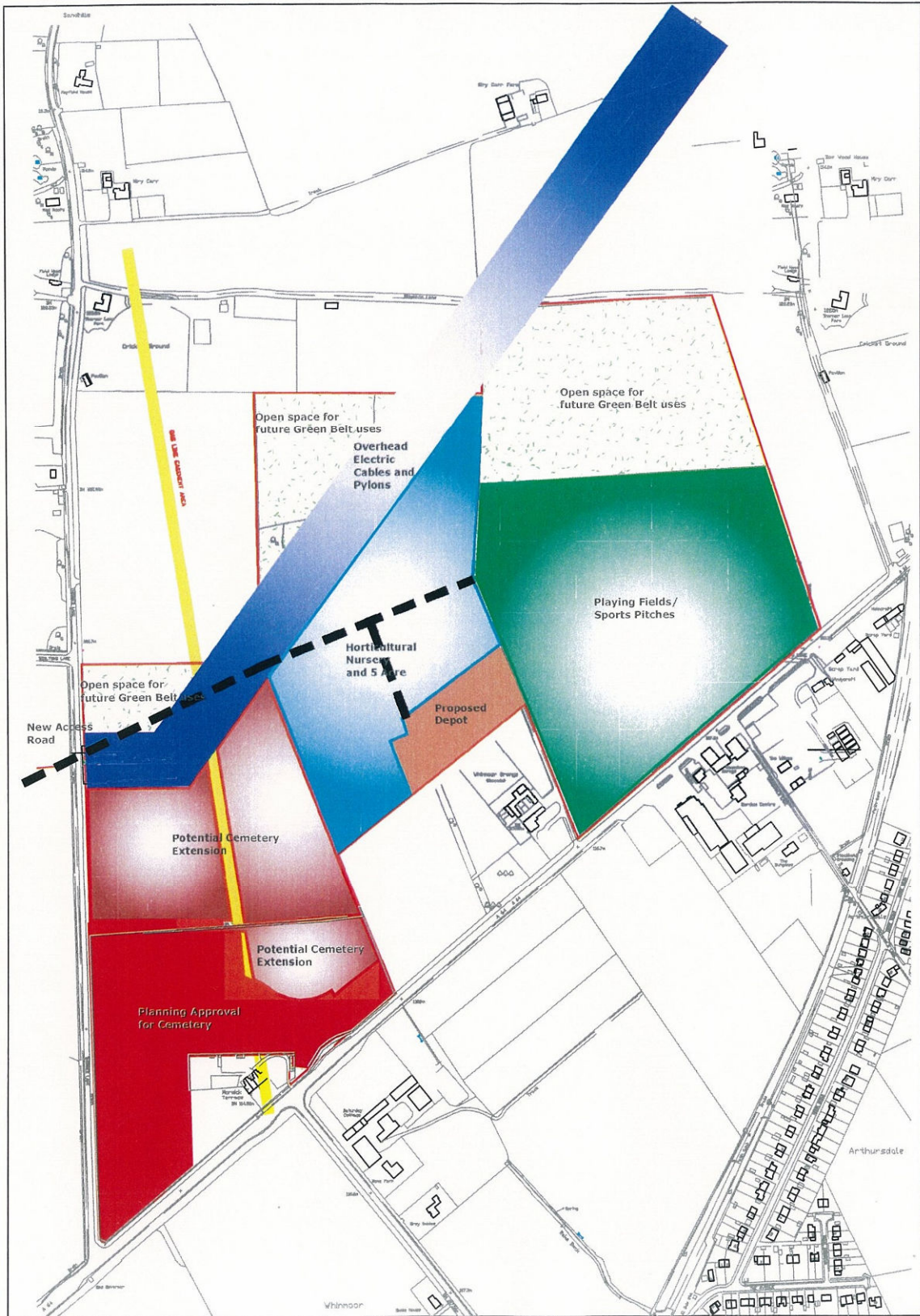
### **Option 1**

This option shows the net 5 acre cemetery located as per the planning approval, which will provide 19 years of multi faith burial supply. Above this is an area of proposed playing field land to allow for the decant of Red Hall playing fields with space for additional pitches for club growth or other playing pitch relocation. This area is approximately 20 acres in size and could accommodate up to 10 playing pitches. The proposed depot sits over the existing area that used to house the former landscape construction depot and is XXX in size. The proposed horticultural nursery sits to the north of the depot and cover an area of approximately 15 acres. There is also the potential to explore other complementary green belt uses with the remaining land area, such as allotment use, woodland development etc.





# Option 2



This option provides for the net 5 acres in the location as per the planning approval but also retains an area that could be utilised for a future cemetery extension of up to 10 acres. This could provide additional burial time of up to 38 years if required. The playing field land is now accommodated to the east of the site and is over 25 acres in area which could accommodate up to 15 playing pitches. The depot sits in the same location for both options and the position of the nursery varies only slightly from option 1. There is also still remaining land to explore other site uses that are complementary to green belt use.

#### **4.6 Whinmoor Grange Design Principles**

As a site that is rural in nature and mainly agricultural in use, the main aims for any designs coming forward will be to:-

- Improve the setting of the site, whilst maintaining its open aspect and rural setting
- Improve pedestrian access through and beyond the site and provide clearly defined routes
- Provide an appropriate setting in the cemetery where funerals/burials can take place and afford grieving families time and space for reflection
- Improve and enhance existing tree, shrub and other landscape elements
- Biodiversity enhancements will be explored, which should seek to provide linked habitat areas across the site
- Maintenance of the site will be hugely important to the success of the whole relocation of the Red Hall depot, cemetery and wider site and will encourage and retain local users
- Any building development must be sensitive to the surrounding land uses and any existing property close by.
- Consideration must be given to the public utilising public transport to access the site

#### **5.0 Planning Procedures – Next Steps**

##### **5.1 Consultation strategy**

The Council will seek to engage stakeholders including the people of Leeds and appropriate statutory agencies, simultaneously over a period of 6 weeks, utilising a variety of media, including public exhibitions, hard copy and electronic questionnaires and documents, presentations and public meetings prior to the adoption of this document.

The adopted Leeds City Council statement of Community Involvement (SCI) sets out ways that can be used to make sure that people:-

- I. Are aware of what is happening
- II. Know how and when they can have a say on any issue
- III. Have access to all the available information
- IV. Find out what decisions have been made following consultation and whether they can take any further action should they wish to do



## **5.2 Planning Pre-application Process – Planning Performance Agreements**

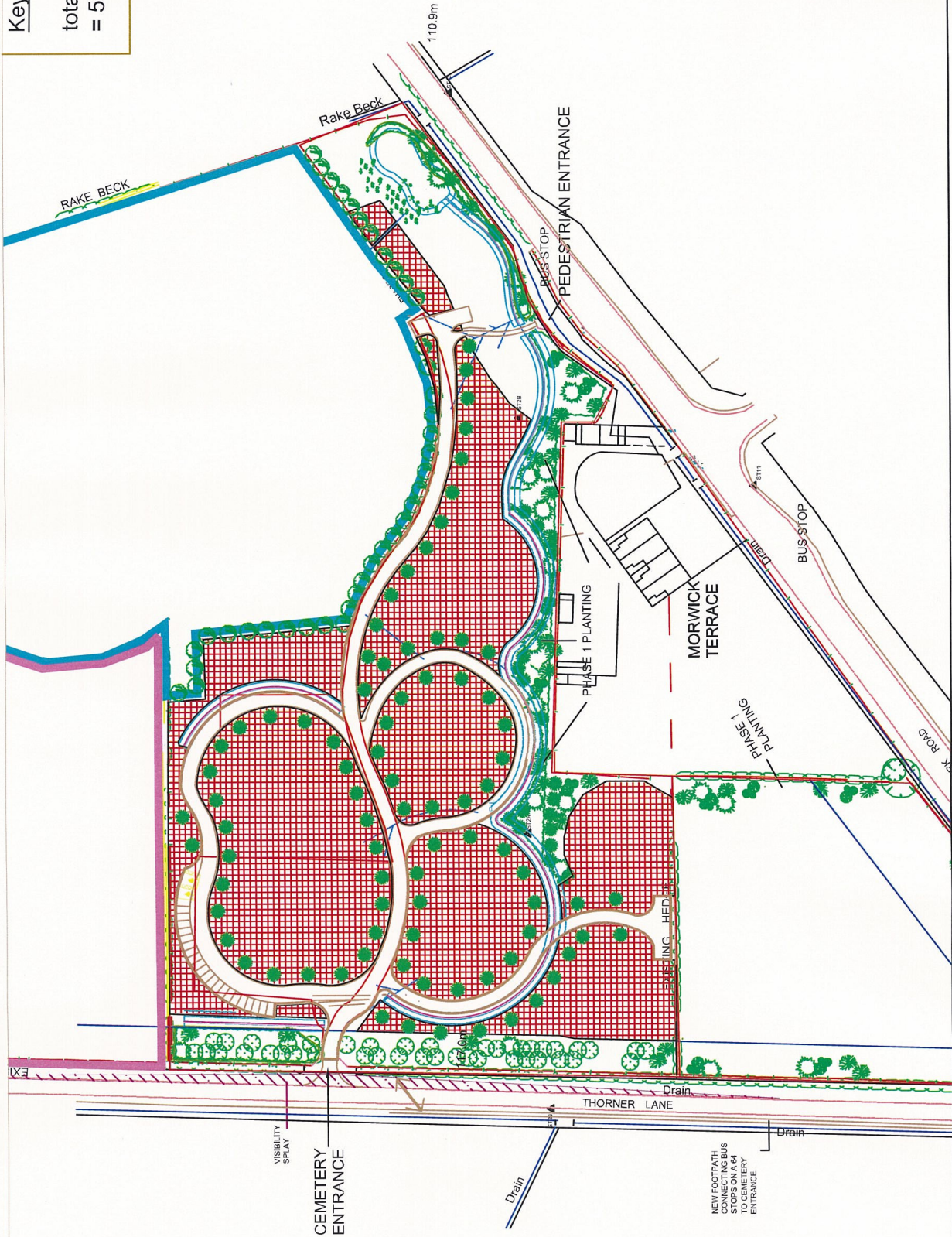
- Leeds City Council Planning Services offers an integrated approach to dialogue with stakeholders and will coordinate all planning and related inputs, including advice on Building regulations issues. This will extend through the pre-application period to the formal planning application stage.
- For further information please contact XXXXXXXXXXXXX quoting 'Whinmoor Grange Informal Planning Statement'

[http://www.leeds.gov.uk/Environment\\_and\\_Planning/Planning\\_service\\_and\\_performance.aspx](http://www.leeds.gov.uk/Environment_and_Planning/Planning_service_and_performance.aspx)

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Key

total burial space  
= 5.00 acres



### Appendix 3

City Development Plan 7th Phase West Municipal Office 118 Market Street Leeds LS2 8JY	
Project Name	Whinmoor Cemetery
Project No.	Proposed Layout
Client	City of Leeds
Scale	1:10000
Date	12/02/2016
Drawn By	LS20547EB011
Checked By	
Project Manager	

### Whinmoor Cemetery Proposed Layout Option C

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