



**A meeting of the Council will be held in the Civic Hall, Leeds on Wednesday, 18th January, 2012 at 1.30 pm**

**Members of the Council are invited to attend and transact the following business:**

**1. Minutes**

To confirm the minutes of the 2 Council Meetings held on 16<sup>th</sup> November 2011 and Council Meeting held on 7<sup>th</sup> December 2011.

**2. Declarations of Interest**

To receive any declarations of interest from Members.

**3. Communications**

To receive such communications as the Lord Mayor, the Leader, Members of the Executive Board or the Chief Executive consider appropriate.

**4. Deputations**

To receive deputations in accordance with Council Procedure Rule 10.

**5. Reports**

To consider reports as follows (the Monitoring Officer considers that these reports are appropriate to be received at this meeting in accordance with Council Procedure Rule 2.2(f)):-

- a) That the report of the City Solicitor on appointments be approved.

**J LEWIS**

- b) That the report of the City Solicitor on attendance at meetings be approved.

**J LEWIS**

- c) That the report of the Director of Resources on amendments to the officer delegation scheme (executive functions) and the consequential amendments to the Constitution in accordance with Executive Procedure Rule 1.4(b) be noted.

**K WAKEFIELD**

- d) That the report of the Director of Resources on the calculation of the Council Tax Base for 2012/2013, for the purpose of calculating the Council Tax, be approved.

## **K WAKEFIELD**

### **6. Questions**

To deal with questions in accordance with Council Procedure Rule 11.

### **7. Recommendations of the Executive Board**

To consider the report of the Director of Resources on recommendations of the Executive Board in respect of the Large Casino - approval of the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 .

### **8. Minutes**

To receive the minutes in accordance with Council Procedure Rule 2.2(o).

### **9. White Paper Motion (in the name of Councillor Finnigan) - Welfare Reforms**

This Council supports welfare reform. This Council recognises that any new welfare provision must be affordable, effectively targeted, support people into employment and promote active citizenry.

This Council agrees to set up a cross party working group to analyse in depth present proposals to see if they comply with these conditions and advise the Council accordingly on any amendments that need to be lobbied for and any new council processes that should be introduced to accommodate the new welfare system.

## **R FINNIGAN**

### **10. White Paper Motion (in the name of Councillor Blake) - Children and Young People**

This Council believes that young people are being hit harder by the Government's response to the economic downturn than any other age group, as evidenced by recent reports by the Institute for Fiscal Studies.

Council notes with grave concern that the level of young people not in education, employment or training is at a record high, while predictions for economic growth have been significantly downgraded. This comes at a time when Government policies are reducing opportunities in education and destroying the careers service, policies which have resulted in a significant drop in the number of university applications.

Council commits to working together with partner organisations to achieve the best possible outcomes for children and young people in Leeds. This includes fully engaging with the business community to increase the numbers of apprenticeships offered to Leeds young people.

Council therefore:

- a) Calls on our partner organisations to fully support and commit to achieving our ambition to become the UK's first Child Friendly City.
- b) Asks Government to rethink its response to the economic downturn in order to mitigate the damaging effects that policies including the removal of the Education Maintenance Allowance and the raising of tuition fees are having on the life chances of children and young people.

Council requests that the Chief Executive writes to the Minister for Children and Families to highlight the concerns of this council.

**J BLAKE**

**11. White Paper Motion (in the name of Councillor Golton) - Transport Infrastructure**

Council welcomes the commitment made by the Deputy Prime Minister here in Leeds supporting cities to lead our national economic recovery.

Council recognises the role of infrastructure investment in creating jobs, apprenticeships and supporting local businesses and welcomes the recent call from Leeds City Region leaders for greater certainty from the government around long term transport funding.

Council believes that there are actions the council can take now to get the city on the move again, and calls on the Executive to bring forward proposals to progress with park and ride schemes at Stourton and Bodington Hall irrespective of the government's decision on the NGT scheme and to investigate the viability of additional park and ride sites in other parts of the city.

**S GOLTON**

**12. White Paper Motion (in the name of Councillor Lobley) - Mandatory Work Activity Pilot**

"This Council welcomes the planned expansion of the government's mandatory work activity pilot, which asks benefit claimants to undertake community work for four weeks in return for their benefits. Council notes that the scheme is part of the government's drive to reduce people's dependency on benefits and provide positive work experience to aid their search for employment.

"Council believes that, if the scheme were extended nationally, it could both help to reduce the country's huge benefits bill and provide many families in Leeds who want to work with the chance to gain valuable experience. Council requests the Director of Environment and Neighbourhoods to liaise with the Department of Work and Pensions in order to establish how such a scheme would work in Leeds."

**M LOBLEY**

**13. White Paper Motion (in the name of Councillor Downes) - Council Procedure Rule 3.1(d) - NGT Decision**

Council notes with regret that the recent delay to the government's decision on the NGT scheme is costing Leeds taxpayers £1 million per month.

Whilst respecting the government's request for further information about the bid, Council believes that whatever the government decides on the scheme, it should be made swiftly.

Council calls on the chief executive to draft a letter, signed by all party leaders, to the Secretary of State for Transport requesting that once the bid is resubmitted, she and her department treat it as a high priority so that a decision is made as soon as possible.

**R DOWNES**

Chief Executive

Civic Hall  
Leeds  
LS1 1UR

NOTE – The order in which White Paper motions will be debated will be determined by Whips prior to the meeting



Proceedings of the Extraordinary Meeting of the Leeds City Council held  
Civic Hall, Leeds on Wednesday, 16th November, 2011

**PRESENT:** The Lord Mayor Councillor Reverend Alan Leonard Taylor in the  
Chair

**WARD**

**ADEL & WHARFEDALE**

John Leslie Carter  
Clive Fox

**ALWOODLEY**

Dan Cohen  
Peter Mervyn Harrand

**ARDSLEY & ROBIN HOOD**

Jack Dunn  
Lisa Mulherin  
Karen Renshaw

**ARMLEY**

James McKenna  
Janet Harper  
Alison Natalie Kay Lowe

**BEESTON & HOLBECK**

Adam Ogilvie  
David Congreve  
Angela Gabriel

**BRAMLEY & STANNINGLEY**

Ted Hanley  
Neil Taggart

**BURMANTOFTS & RICHMOND HILL**

Asghar Khan  
Ron Grahame  
Ralph Pryke

**WARD**

**CALVERLEY & FARSLEY**

Rod Wood  
Andrew Carter

**CHAPEL ALLERTON**

Mohammed Rafique  
Jane Dowson  
Eileen Taylor

**CITY & HUNSLET**

Patrick Davey  
Mohammed Iqbal  
Elizabeth Nash

**CROSS GATES & WHINMOOR**

Pauleen Grahame  
Peter John Gruen  
Suzi Armitage

**FARNLEY & WORTLEY**

Ann Blackburn  
John Hamilton Hardy  
David Blackburn

**GARFORTH & SWILLINGTON**

Mark Dobson  
Thomas Murray  
Andrea McKenna

**GIPTON & HAREHILLS**

Arif Hussain  
Kamila Maqsood

**GUISELEY & RAWDON**

Paul Wadsworth  
Pat Latty  
Graham Latty

**HAREWOOD**

Matthew James Robinson  
Ann Castle

**HEADINGLEY**

Neil Walshaw  
Martin Hamilton  
Jamie Matthews

**HORSFORTH**

Dawn Collins  
  
Christopher Townsley

**HYDE PARK & WOODHOUSE**

Javaid Akhtar  
Penny Ewens

**KILLINGBECK & SEACROFT**

Veronica Morgan  
Brian Michael Selby  
Graham Hyde

**KIPPAX & METHLEY**

James Lewis  
Keith Ivor Wakefield  
John Keith Parker

**KIRKSTALL**

John Anthony Illingworth  
Bernard Peter Atha  
Lucinda Joy Yeadon

**MIDDLETON PARK**

Judith Blake  
Kim Groves  
Geoffrey Driver

**MOORTOWN**

Rebecca Charlwood  
Sharon Hamilton  
Mark Daniel Harris

**MORLEY NORTH**

Robert William Gettings  
Thomas Leadley  
Robert Finnigan

**MORLEY SOUTH**

Neil Dawson  
Shirley Varley  
Judith Elliott

**OTLEY & YEADON**

Colin Campbell  
Ryk Downes  
Graham Peter Kirkland

**PUDSEY**

Richard Alwyn Lewis  
Mick Coulson  
Josephine Patricia Jarosz

**ROTHWELL**

Karen Bruce  
Barry Stewart Golton  
Donald Michael Wilson

**ROUNDHAY**

Christine McNiven  
Ghulam Hussain  
Matthew Lobleby

**TEMPLE NEWSAM**

Katherine Mitchell  
Michael Lyons  
William Schofield Hyde

**WEETWOOD**

Susan Bentley  
Judith Mara Chapman  
Ben Chastney

**WETHERBY**

Alan James Lamb  
John Michael Procter  
Gerald Wilkinson

**50 Appointment of Honorary Aldermen**

It was moved by Councillor Driver, seconded by Councillor Lobley and supported by Councillors Golton, Leadley and D Blackburn and

**RESOLVED UNANIMOUSLY** – That under Section 249(1) of the Local Government Act 1972, the Council admit the following former Councillors of the Leeds City Council to be Honorary Aldermen of the City in recognition of the long and distinguished public service rendered by them:-

Rt. Hon. John Battle  
Richard Harker  
Valerie Kendall

Council rose at 2.00 pm.

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Proceedings of the Meeting of the Leeds City Council held  
Civic Hall, Leeds on Wednesday, 16th November, 2011

**PRESENT:** The Lord Mayor Councillor Reverend Alan Leonard Taylor in the  
Chair

**WARD**

**ADEL & WHARFEDALE**

John Leslie Carter  
Clive Fox  
Barry John Anderson

**ALWOODLEY**

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Peter Mervyn Harrand

**ARDSLEY & ROBIN HOOD**

Jack Dunn  
Lisa Mulherin  
Karen Renshaw

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Ted Hanley  
Neil Taggart

**BURMANTOFTS & RICHMOND HILL**

Asghar Khan  
Ron Grahame  
Ralph Pryke

**WARD**

**CALVERLEY & FARSLEY**

Joseph William Marjoram  
Rod Wood  
Andrew Carter

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Judith Mara Chapman  
Ben Chastney

**WETHERBY**

Alan James Lamb  
John Michael Procter  
Gerald Wilkinson

**51 Announcements**

- a) The Lord Mayor reported the recent death of Sir Jimmy Savile, OBE, KCSG, and Council stood in silent tribute.
- b) The Lord Mayor also reported the recent death of Geraldine Connor who was a promoter of good race relations within the City and Council stood in silent tribute.

**52 Suspension of Council Procedure Rules**

It was moved by Councillor J Lewis, seconded by Councillor Lobley under Council Procedure Rule 22.1, that Procedure Rule 3.1 (time limits for business) be suspended to allow the business of the ordinary meeting to be extended by the duration of the Extraordinary meeting and

**RESOLVED** – That Council Procedure Rule 3.1 be suspended to allow the business of the ordinary meeting to be extended by thirty minutes.

**53 Minutes**

It was moved by Councillor J Lewis, seconded by Councillor Lobley and

**RESOLVED** – That the minutes of the meeting held on 14<sup>th</sup> September 2011 be approved.

**54 Declarations of Interest**

The Lord Mayor announced that a list of written declarations submitted by Members was on display in the ante-room, on deposit in the public galleries and had been circulated to each Member's place in the Chamber.

Following an invitation to declare further individual interests, declarations in accordance with the Council's Member's Code of Conduct were made as follows:-

- a) Members declared personal interests in minute 61 of this meeting as follows:-

Cllr D Blackburn                      Chair of Green Leeds Board

Cllr C Townsley                      In relation to EB minute 96, President of Horsforth Choral Society

- b) Councillor M Harris declared a personal and prejudicial interest in minute 61 of this meeting due to business interests in relation to Executive Board minutes 123 and 124 as a Director of Andel and left the meeting during discussion of this item.

- c) Members declared personal interests in minute 65 of this meeting as follows:-

Cllr D Blackburn                      Chair of Green Leeds Board

Cllr B Anderson                      Member, Leeds Initiative Climate Change Partnership

Cllr G Latty                              Member, Leeds Initiative Health and Wellbeing Board

Cllr G Wilkinson                      Member, Green Leeds

Cllr R Pryke                      Member of Aire Valley Regeneration Board, Leeds  
East North East Housing and Leeds Initiative  
Climate Change Partnership

d)      Councillor M Harris declared a personal and prejudicial interest in minute 65 of this meeting due to business interests as a Director of Andel and left the meeting during discussion of this item.

e)      Members declared personal interests in minute 63 of this meeting as follows:-

Cllr P Harrand                      Member, Leeds Learning Disabilities Partnership Board

Cllr A Lamb                          Member, Children's Trust Board

Cllr A Lowe                          Member, West North West Health and Social Care Partnership

Cllr G Latty                          Member, Leeds Initiative Health and Wellbeing Board

Cllr P Latty                          Member, Early Years Service Challenge and Advisory Partnership

Cllr W Hyde                          Member, Halton Moor and Osmondthorpe Project for the Elderly

Cllr A Gabriel                      NHS Employee

Cllr S Hamilton                    NHS Employee

Cllr E Taylor                        NHS Employee

Cllr R Pryke                        Member, Richard Hill Elderly Aid Management Committee

f)      Members declared personal interests in minute 64 of this meeting as follows:-

Cllr N Dawson                      Employee of National Power Grid

Cllr D Blackburn                    Chair of Climate Change Environment Working Group

Cllr S Bentley                        Homeowner with solar panels involved

Cllr B Anderson                    Member, Leeds Initiative Climate Change Partnership

Cllr J Procter                        Member, Aire Valley Regeneration Board

Cllr G Latty                          Member, ALMO Outer North West Area Panel

Cllr P Wadsworth                    Member, ALMO - West/North West Homes Leeds  
Member, Leeds Housing Forum

Cllr G Wilkinson                    Member, ALMO - East/North East Homes Leeds  
Member, ALMO Area Panel Outer North East

Cllr R Wood Member, ALMO Outer West Area Panel

Cllr R Pryke Member, Richard Hill Elderly Aid Management Committee, Leeds Initiative Climate Change Partnership, Leeds East North East Homes.

g) Councillor J Illingworth declared a personal and prejudicial interest in minute 64 as he has solar panels fitted to his residence and left the meeting during discussion of this item

h) Councillor M Harris declared a personal and prejudicial interest in minute 64 due to business interests and left the meeting during discussion of this item.

i) Members declared personal interests in minute 62 of this meeting as follows:-

Cllr T Murray Chief Executive of Learning Partnerships

Cllr K Wakefield Chair of Leeds Skills Board

Cllr B Anderson Member, Leeds Initiative Housing and Regeneration Board

Cllr J Procter Member, Aire Valley Regeneration Board  
Member, Sustainable Economy and Culture Board

j) Members declared personal interests in minute 66 of this meeting as follows:-

Cllr N Dawson Relatives work for local media

k) Members declared personal interests in minute 67 of this meeting as follows:-

Cllr N Dawson Relative in HM Armed Forces

Cllr G Hyde Relative in HM Armed Forces

Cllr J Jarosz Relative in HM Armed Forces

Cllr V Morgan Relative in HM Armed Forces

Cllr W Hyde Member, Reserve Forces and Cadets Assoc for Yorks. and the Humber

l) Members declared personal interests in minute 68 of this meeting as follows:-

Cllr M Robinson Member, Leeds School Sports Federation  
Member, Leeds Sports Federation

Cllr P Harrand Member, Leeds Sports Federation

Cllr C Townsley Season ticket holder at Leeds Rhinos

## 55 Communications

a) The Chief Executive reported that he had recently received a response from the Direct Communications Unit at the Home Office in respect of the Community Policing White Paper agreed at the September 2011 Council meeting.

- b) The Chief Executive informed Council of his reasons for stepping down last month from the Board of the Leeds, York and North Yorkshire Chamber of Commerce.

## 56 Deputations

Four deputations were admitted to the meeting and addressed Council, as follows:-

- 1) Leeds and District Branch of the National Federation of the Blind regarding Shire View – The Resource Centre for blind and partially sighted people.
- 2) Scott Hall Tenants and Residents Association regarding the need for proper crossing facilities on Scott Hall Road (by Scott Hall Grove).
- 3) Access Committee for Leeds regarding celebrating the volunteers of Leeds.
- 4) Leeds Cycle Action Group regarding cycling provision in Leeds achieving health and carbon reduction goals.

**RESOLVED** – That the subject matter in respect of the deputations be referred to the Executive Board for consideration.

## 57 Reports

- a) Amendments to the Officer Delegation Scheme (Executive Functions)

It was moved by Councillor Wakefield, seconded by Councillor J Lewis and

**RESOLVED** – That the report of the Director of Resources on Amendments to the Officer Delegation Scheme (Executive Functions), Executive Member Portfolios, and other consequential amendments, as detailed in the report, be noted.

- b) State of the City Council Meeting

It was moved by Councillor J Lewis, seconded by Councillor Lobley and

**RESOLVED** – That the report of the City Solicitor seeking suspension of Council Procedure Rules to allow the format of the State of the City Council meeting on 7<sup>th</sup> December 2011 to be different to that of an ordinary Council meeting be approved, subject to Members noting that Sir Bob Kerslake will not be available to address Council as set out in the report (page 28 of the agenda) and as set out in the draft order paper (page 33 of the agenda).

## 58 Suspension of Council Procedure Rules

It was moved by Councillor Lobley, seconded by Councillor G Latty, that leave of Council be given to suspend Council Procedure Rule 11.2 (Notice of questions) to allow the questions to be taken in an order different to that notified.

**RESOLVED** – That leave of Council be given to reorder the questions, as follows:-

- That Q10 in the name of Cllr A Carter be asked as Q1.
- That Q1 in the name of Cllr A Carter be asked as Q6.
- That Q6 in the name of Cllr Lobley be asked as Q10.

## 59 Questions

- Q1 (Formerly Q10) - Councillor A Carter to the Leader of Council:-
- Will the Leader of Council explain his reasons for resigning his position from the Leeds Chamber of Commerce?
- The Leader of Council replied.
- Q2 Councillor Pryke to the Leader of Council:-
- Does the Leader of Council still believe that a referendum should be held on the East Leeds Incinerator, and when will it take place?
- The Leader of Council replied.
- Q3 Councillor Jarosz to the Executive Member (Children's Services):-
- Would the Executive Board Member responsible for Health update Council on the future of Children's Cardiac Surgery Services in Leeds?
- In accordance with Council Procedure Rule 11.3(b), Councillor Mulherin replied on behalf of the Executive Member (Children's Services).
- Q4 Councillor D Blackburn to the Executive Member (Environmental Services):-
- Would the Executive Member for Environmental Services like to comment on the Government's recent announcement on the Feed In Tariff and its potential effect on the proposed Council Solar PV scheme?
- The Executive Member (Environmental Services) replied.
- Q5 Councillor A Hussain to the Executive Member (Neighbourhoods, Housing and Regeneration):-
- Does the Executive Member for Neighbourhoods, Housing & Regeneration support the Government's plans to boost Right to Buy sales?
- The Executive Member (Neighbourhoods, Housing and Regeneration) replied.
- Q6 (formerly Q1) - Councillor A Carter to the Executive Member (Development and the Economy):-
- Would the Executive Member for City Development give me a categorical assurance that should Bradford Metropolitan District Council move ahead with their proposals to construct 2,700 houses in the Green Belt as part of their Holme Wood and Tong Neighbourhood Development Plan that Leeds City Council will be a statutory objector?
- The Executive Member (Development and the Economy) replied.
- Q7 In accordance with Council Procedure Rule 11.1(c) Councillor Townsley, on behalf of Councillor Cleasby, asked the Executive Member (Development and the Economy):-
- Does the Executive Board Member for Development and the Economy believe that land designated for employment usage in the vicinity of the airport is in a viable location?

The Executive Member (Development and the Economy) replied.

Q8 Councillor E Taylor to the Executive Member (Children's Services):-

Would the Executive Board Member for Children's Services care to comment on the recent report by the Institute for Fiscal Studies describing the largest Government cut in education spending since the 1950s?

The Executive Member (Children's Services) replied.

Q9 Councillor Iqbal to the Executive Member (Leisure):-

Would the Executive Board Member for Leisure care to comment on the route that the Olympic Torch will take through the city when it visits next June?

The Executive Member (Leisure) replied.

Q10 (formerly Q6) - Councillor Lobley to the Executive Member (Environmental Services):-

Will the Executive Board Member for Environmental Services tell me if Council Staff are still being paid by the Airport to patrol the approach roads of the airport?

The Executive Member (Environmental Services) replied.

Q11 Councillor Matthews to the Executive Member (Development and the Economy):-

Can the Executive Board member for Development and the Economy inform Council whether he supports the Inner North West Area Committee's cross party recommendation that the former Royal Park School site should be transferred to the Royal Park Community Consortium?

The Executive Member (Development and the Economy) replied.

At the conclusion of question time, the following questions remained unanswered and it was noted that, under the provisions of Council Procedure Rule 11.6, written answers would be sent to each Member of Council:-

Q12 Councillor Gabriel to the Executive Member (Neighbourhoods, Housing and Regeneration).

Q13 Councillor A McKenna to the Executive Member (Children's Services).

Q14 Councillor Robinson to the Leader of Council.

Q15 Councillor Downes to the Executive Member (Children's Services).

Q16 Councillor Akhtar to the Executive Member (Development and the Economy).

Q17 Councillor Lowe to the Leader of Council.

Q18 Councillor Cohen to the Executive Member (Children's Services).



- Q19 Councillor Bentley to the Leader of Council.
- Q20 Councillor Marjoram to the Executive Member (Development and the Economy).
- Q21 Councillor Bentley to the Executive Member (Development and the Economy).
- Q22 Councillor Fox to the Executive Member (Neighbourhoods, Housing and Regeneration).
- Q23 Councillor Pryke to the Leader of Council.
- Q24 Councillor Cohen to the Executive Member (Children's Services).
- Q25 Councillor Matthews to the Leader of Council.
- Q26 Councillor Marjoram to the Leader of Council.
- Q27 Councillor Matthews to the Executive Member (Environmental Services).
- Q28 Councillor Marjoram to the Executive Member (Resources and Corporate).
- Q29 Councillor Townsley to the Executive Member (Leisure).

**60 Motion to Suspend Council Procedure Rules**

During the debate under minute 59 above, it was moved by Councillor Matthews, seconded by Councillor Loble, that under Council Procedure Rule 22.1, Procedure Rule 11.1(a) be suspended to allow question time to be extended by a period of 10 minutes.

Upon being put to the vote, the motion was declared lost.

**61 Minutes**

It was moved by Councillor Wakefield, seconded by Councillor J Lewis that the minutes be received in accordance with Council Procedure Rule 2.2(i).

An amendment (reference back) was moved by Councillor D Blackburn, seconded by Councillor A Blackburn, to add the following at the end of item 7:-

'To ask the Executive Board to reconsider the decision in relation to the Waste Solutions for Leeds – Residual Waste Treatment PFI Project as contained in Minute 123, Page 56 of the Executive Board minutes of the 2<sup>nd</sup> November 2011.'

The amendment was declared lost and, upon being put to the vote, it was

**RESOLVED** – That the minutes be received in accordance with Council Procedure Rule 2.2(i).

Council Procedure Rule 4, providing for the winding up of business, was applied prior to all notified comments on the minutes having been debated.

On the requisitions of Councillors A Blackburn and Loble, the voting on the amendment (reference back) was recorded as follows:-

PRESENT

86

## YES

Bentley, A Blackburn, D Blackburn, Campbell, Chapman, Chastney, Collins, Davey, Downes, Golton, M Hamilton, W Hyde, Kirkland, Matthews, Pryke, Robinson, Townsley, Wilson.

18

## NO

Akhtar, Armitage, Atha, Blake, Bruce, Charlwood, Cohen, Congreve, Coulson, Dawson, Dobson, Dowson, Driver, Dunn, Elliott, Finnigan, Gabriel, Gettings, P Grahame, Groves, Gruen, S Hamilton, Hanley, Hardy, G Harper, J Harper, A Hussain, G Hussain, G Hyde, Illingworth, Iqbal, Jarosz, Leadley, J Lewis, R Lewis, Lowe, MacNiven, Maqsood, A McKenna, J McKenna, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, E Taylor, Varley, Wakefield, Walshaw, Yeadon.

55

## ABSTAIN

A Carter, J L Carter, Castle, Fox, Harrand, Lamb, G Latty, P Latty, Lobley, J Procter, Wadsworth, Wilkinson, Wood.

13

The meeting was suspended at 5.30 pm and resumed at 5.50 pm.

### **62 White Paper Motion - East Leeds Housing and Regeneration Board**

It was moved by Councillor A Carter, seconded by Councillor J L Carter, that this Council condemns the way in which responsibilities held by the Council regarding regeneration in East Leeds were proposed to be guided by a body with no democratic legitimacy. This Council believes such an unconstitutional move would have undermined transparency but also, by virtue of the body's make up, held conflicting interests which might have compromised the Council's legal position with regard to planning law.

This Council calls on the Chief Executive of the Council to investigate the process which led to the formation of the East Leeds Housing and Regeneration Board and to provide a full report to Executive Board with recommendations for constitutional changes to prevent any similar activity occurring in the future.

An amendment was moved by Councillor Wakefield, seconded by Councillor Gruen to delete all after 'This Council' and replace with:-

'recognises the importance of delivering widespread and lasting regeneration in East Leeds, providing local people with significantly improved housing, transport and economic opportunities.

Council further recognises that without government financial support, existing regeneration efforts in the area are at risk of stalling. Council therefore welcomes efforts to forge stronger working relationships with partners in order to deliver progress for local people.

Council acknowledges that transparency and democratic accountability will be integral to any such partnership arrangements. Council therefore notes the Executive Board's recent introduction of a framework to ensure consistent

governance arrangements for partnerships created through sub-groups of the Leeds Initiative.'

The amendment in the name of Councillor Wakefield was carried and, upon being put as the substantive motion, it was

**RESOLVED** – That this Council recognises the importance of delivering widespread and lasting regeneration in East Leeds, providing local people with significantly improved housing, transport and economic opportunities.

Council further recognises that without government financial support, existing regeneration efforts in the area are at risk of stalling. Council therefore welcomes efforts to forge stronger working relationships with partners in order to deliver progress for local people.

Council acknowledges that transparency and democratic accountability will be integral to any such partnership arrangements. Council therefore notes the Executive Board's recent introduction of a framework to ensure consistent governance arrangements for partnerships created through sub-groups of the Leeds Initiative.

### **63 White Paper Motion - NHS**

It was moved by Councillor Yeadon, seconded by Councillor Mulherin, that this Council remains deeply concerned about the scale of change proposed in the Government's Health and Social Care Bill and the potential impact on NHS patients and their families in Leeds of a massive reorganisation coupled with current funding cuts.

Council further notes the prolonged anxiety and instability these proposals have already caused NHS staff, patients and stakeholders. This Council believes that implementing the proposed reforms risks diminishing access to locally and regionally-based services, reducing accountability and increasing bureaucracy.

The reduction in weighting of health inequalities in the NHS funding formula presents a worrying reflection of national priorities and a very real concern in a city where life expectancy is 12 years higher in our wealthiest suburbs than it is in the most deprived areas.

This Council believes access to health services free at the point of need should be a right not a privilege and therefore commits to doing all it can to protect NHS services in Leeds.

Council further believes that patients receive the best care when services integrate and staff work effectively together. Proposals to introduce significant competition and fragmentation into the service threaten to undermine this principle and risk patient care.

Council requests that the Chief Executive writes to the Secretary of State for Health and Leeds MPs on Council's behalf urging them to prioritise the protection of vital regional health services and to reducing persistent health inequalities. Council further requests that within that Letter the Prime Minister is asked to fulfil his promise to enhance NHS funding in real terms, to maintain waiting time targets and to stop top down reorganisations.

An amendment was moved by Councillor Hamilton, seconded by Councillor Chapman, to delete all after 'This Council' and replace with:-

'welcomes the changes to the Government's Health and Social Care Bill following the listening exercise and Future Forum report earlier this year, and welcomes a number of improvements to the bill.

However, this Council remains concerned about a number of other issues and calls on the Government to continue to listen to the concerns of patients, doctors, NHS staff and the general public.

This Council believes access to health services free at the point of need should be a right not a privilege and welcomes the Government's commitment to this. It also welcomes the fact that the government is fulfilling its promises to enhance NHS funding in real terms, and reduce bureaucracy, thus releasing a further £4.5 billion for front line clinical services over the life of this Parliament. It calls on Her Majesty's Official Opposition to support the government's policy of ring-fencing the NHS budget.

This Council therefore requests that the Chief Executive writes to the Secretary of State supporting the thrust of the NHS reforms, but asking that he continues to listen and respond to the remaining concerns being expressed in particular by health professionals as the bill passes through parliament. The letter should also stress the importance of addressing regional inequalities in the healthcare system throughout the UK, as well as the Council's determination to use its enhanced role in the scrutiny of health to ensure that the founding values of the NHS are upheld.'

A second amendment was moved by Councillor G Latty, seconded by Councillor Lamb, to Delete all after 'This Council' and insert the following:-

'commits to doing all it can to support NHS services in Leeds.

Council recognises that health inequalities and differences in life expectancy in Leeds were not tackled effectively by the previous Government in over a decade of running the NHS, and that during this time services suffered from repeated meddling and micromanagement that did not result in improved outcomes for patients. Council views these failures as both a damning indictment of the status quo and an argument in favour of reform. Council notes that the Health and Social Care Bill aims to build the NHS around the patient, integrate services more fully, hold decision-makers to account, reduce bureaucracy and get better value for money in a climate where the cost of care and the demand for services are both increasing.

Council acknowledges the scale of the proposed reforms and notes that the Government paused to listen to concerns and consult on the best way forward. Council believes that this process will result in improved health services for the people of Leeds.'

Motion would read:-

'This Council commits to doing all it can to support NHS services in Leeds.

Council recognises that health inequalities and differences in life expectancy in Leeds were not tackled effectively by the previous Government in over a decade of running the NHS, and that during this time services suffered from repeated meddling and micromanagement that did not result in improved outcomes for patients. Council views these failures as both a damning indictment of the status quo and an argument in favour of reform. Council notes that the Health and Social Care Bill aims to build the NHS around the

patient, integrate services more fully, hold decision-makers to account, reduce bureaucracy and get better value for money in a climate where the cost of care and the demand for services are both increasing.

Council acknowledges the scale of the proposed reforms and notes that the Government paused to listen to concerns and consult on the best way forward. Council believes that this process will result in improved health services for the people of Leeds.'

The amendments were declared lost and, upon the motion being put to the vote, it was

**RESOLVED** – That this Council remains deeply concerned about the scale of change proposed in the Government's Health and Social Care Bill and the potential impact on NHS patients and their families in Leeds of a massive reorganisation coupled with current funding cuts.

Council further notes the prolonged anxiety and instability these proposals have already caused NHS staff, patients and stakeholders. This Council believes that implementing the proposed reforms risks diminishing access to locally and regionally-based services, reducing accountability and increasing bureaucracy.

The reduction in weighting of health inequalities in the NHS funding formula presents a worrying reflection of national priorities and a very real concern in a city where life expectancy is 12 years higher in our wealthiest suburbs than it is in the most deprived areas.

This Council believes access to health services free at the point of need should be a right not a privilege and therefore commits to doing all it can to protect NHS services in Leeds.

Council further believes that patients receive the best care when services integrate and staff work effectively together. Proposals to introduce significant competition and fragmentation into the service threaten to undermine this principle and risk patient care.

Council requests that the Chief Executive writes to the Secretary of State for Health and Leeds MPs on Council's behalf urging them to prioritise the protection of vital regional health services and to reducing persistent health inequalities. Council further requests that within that Letter the Prime Minister is asked to fulfil his promise to enhance NHS funding in real terms, to maintain waiting time targets and to stop top down reorganisations.

(The provision of Council Procedure Rule 3.1(d) was applied following the debate on this motion.)

#### **64 White Paper Motion - Feed in Tariffs**

It was moved by Councillor D Blackburn, seconded by Councillor Finnigan, that this Council believes that the nonsensical proposals from Central Government to cut the Feed In Tariff by half from 12<sup>th</sup> December 2011 will have a disastrous effect on efforts to reduce CO<sub>2</sub> levels and fuel poverty in our city.

Council further believes that such a change as this at short notice will not only mean that schemes like Leeds City Council's proposals to fit solar panels to 5,000 Council homes will no longer be viable, but will result in a major loss of employment in the renewables sector.

Council therefore requests that:-

- 1) the Chief Executive be asked to write to the Minister expressing our concerns;
- 2) that all Leeds MPs be contacted to ask them for their support in this matter;
- 3) that a Cross Party delegation be organised to lobby the Minister;
- 4) that an early report go to the Executive Board on possible ways the Council's Solar PV scheme can be saved.

An amendment was moved by Councillor Anderson, seconded by Councillor Lamb to delete all after 'This Council' and insert the following:-

'notes that the large take-up and success of renewable schemes has led to a situation where the generous Feed in Tariff rate is unsustainable at current levels, threatening to breach the spending cap for the initiative.

Council regrets that the current administration failed to act quickly enough to take advantage of the current Feed in Tariff when it would have brought maximum benefit to the people of Leeds.

Council urges the administration to develop realistic proposals for improving energy efficiency in Leeds that are not overly dependent on subsidies.'

The amendment was declared lost and, upon the motion being put to the vote, it was

**RESOLVED** – That this Council believes that the nonsensical proposals from Central Government to cut the Feed In Tariff by half from 12<sup>th</sup> December 2011 will have a disastrous effect on efforts to reduce CO<sub>2</sub> levels and fuel poverty in our city.

Council further believes that such a change as this at short notice will not only mean that schemes like Leeds City Council's proposals to fit solar panels to 5,000 Council homes will no longer be viable, but will result in a major loss of employment in the renewables sector.

Council therefore requests that:-

- 1) the Chief Executive be asked to write to the Minister expressing our concerns;
- 2) that all Leeds MPs be contacted to ask them for their support in this matter;
- 3) that a Cross Party delegation be organised to lobby the Minister;
- 4) that an early report go to the Executive Board on possible ways the Council's Solar PV scheme can be saved.

## **65 White Paper Motion - Waste Solution Referendum**

It was moved by Councillor Pryke, seconded by Councillor Campbell that this Council believes that the current administration should stand by its commitment to hold a referendum on their preferred waste solution option of an incinerator at Cross Green. Council therefore requests the relevant Executive Board Member to make the necessary arrangements to hold a referendum on this issue.

An amendment was moved by Councillor Dobson, seconded by Councillor E Taylor, to delete all after 'this Council' and replace with:-

'understands that if it were to now scrap the procurement process for a waste treatment plant and not take further action to divert more of the city's waste from landfill, the cost to the Leeds tax-payer would be hundreds of millions of pounds.

Council acknowledges that it was under the previous administration, of which the Liberal Democrats were a Member, that possible locations in East Leeds for the waste treatment plant, including the market site, were offered up as potential sites for use by developers in 2007.

Furthermore Council also recognises that a proposal by the Labour Group for a referendum was rejected by the Liberal Democrats before the terms and scope of the procurement process for a waste treatment plant were agreed by the Executive Board in July 2008.'

The amendment in the name of Councillor Dobson was carried and, upon being put as the substantive motion, it was

**RESOLVED** – That this Council understands that if it were to now scrap the procurement process for a waste treatment plant and not take further action to divert more of the city's waste from landfill, the cost to the Leeds tax-payer would be hundreds of millions of pounds.

Council acknowledges that it was under the previous administration, of which the Liberal Democrats were a Member, that possible locations in East Leeds for the waste treatment plant, including the market site, were offered up as potential sites for use by developers in 2007.

Furthermore Council also recognises that a proposal by the Labour Group for a referendum was rejected by the Liberal Democrats before the terms and scope of the procurement process for a waste treatment plant were agreed by the Executive Board in July 2008.

**66 White Paper Motion - Council Procedure Rule 3.1(d) - BBC Cuts**

It was moved by Councillor Wakefield, seconded by Councillor Ogilvie, that this Council recognises the valuable role of local radio and the reporting of regional current affairs. Council therefore expresses its regret at the anticipated erosion of these services as a result of the recently announced BBC cuts.

Council asks the Chief Executive to write to the Secretary of State for Culture, Olympics, Media and Sport, the BBC Director General and the Chair of the BBC Governors. Within that correspondence the Chief Executive is asked to highlight the importance of these regional services, and to reflect particular concern about the anticipated loss of 11 posts at Radio Leeds, and a total of 29 posts across Leeds, Sheffield and York.

An amendment in the name of Councillor Cohen was moved by Councillor Lobley in accordance with Council Procedure Rule 12.3(b), seconded by Councillor Robinson, to delete all after 'regional current affairs' and insert the following:-

'Council notes that this reporting is provided by the BBC and also a number of excellent local independent radio stations.

Council recognises that budget issues are a matter for BBC management, but expresses regret at the potential erosion of BBC services. Council believes that consideration should be given to reviewing the high salaries of 'star' personalities, so that budget reductions do not adversely affect regional reporters and lead to staff redundancies. Council also welcomes the decision of the Government to freeze the licence fee.'

Motion would therefore read:-

'This Council recognises the valuable role of local radio and the reporting of regional current affairs. Council notes that this reporting is provided by the BBC and also a number of excellent local independent radio stations.

Council recognises that budget issues are a matter for BBC management, but expresses regret at the potential erosion of BBC services. Council believes that consideration should be given to reviewing the high salaries of 'star' personalities, so that budget reductions do not adversely affect regional reporters and lead to staff redundancies. Council also welcomes the decision of the Government to freeze the licence fee.'

The amendment was declared lost and, upon the motion being put to the vote, it was

**RESOLVED** – That this Council recognises the valuable role of local radio and the reporting of regional current affairs. Council therefore expresses its regret at the anticipated erosion of these services as a result of the recently announced BBC cuts.

Council asks the Chief Executive to write to the Secretary of State for Culture, Olympics, Media and Sport, the BBC Director General and the Chair of the BBC Governors. Within that correspondence the Chief Executive is asked to highlight the importance of these regional services, and to reflect particular concern about the anticipated loss of 11 posts at Radio Leeds, and a total of 29 posts across Leeds, Sheffield and York.

**67 White Paper Motion - Council Procedure Rule 3.1(d) - Military Covenants**

It was moved by Councillor Lyons, seconded by Councillor W Hyde, and

**RESOLVED** – That this Council recognises and remembers the sacrifices made by the Armed Services community.

Leeds City Council believes that the Armed Forces community, including serving personnel, veterans and their families, should not be disadvantaged, by virtue of what they do, when accessing public services.

This Council therefore commits to a Community Covenant which will strengthen the partnership between Leeds City Council and the Armed Forces, encourage the integration of military and civilian communities, explore options for giving members of the Armed Forces higher priority for housing, and promote a wider understanding of issues affecting the Armed Forces community.

Council requests that the Chief Executive produces a report, in consultation with local military representatives, for consideration by the Executive Board, which outlines proposals for the establishment of a Leeds Community Covenant.

**68 White Paper Motion - Council Procedure Rule 3.1(d) - Leeds Rhinos**

It was moved by Councillor Parker, seconded by Councillor Anderson, and



**RESOLVED** – That this Council congratulates the Leeds Rhinos rugby league team who, by defeating St Helens, won an unprecedented fourth Super League championship in five years. Council further wishes the team more success in the World Club Challenge in 2012.

This Council will provide Leeds Rhinos with a Civic celebration worthy of their achievements at a suitable time for all parties.

**69 White Paper Motion - Council Procedure Rule 3.1(d) - Sir Jimmy Savile**

It was moved by Councillor A Carter, seconded by Councillor Atha, and

**RESOLVED** – That this Council expresses its sadness at the death of Sir Jimmy Savile and wishes to convey its deep condolences to his family and friends.

Council recognises the huge contribution that Sir Jimmy made to charity, raising more than £40 million over his lifetime, as well as his inimitable contribution to broadcasting over a long and successful career.

Council resolves to ensure there is a fitting tribute to Sir Jimmy that reflects the scale of his achievements and the high regard in which he was held by people in his home town of Leeds, the UK, and around the world.

Council rose at 7:50 pm.

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Proceedings of an extraordinary the Meeting of the Leeds City Council held  
Civic Hall, Leeds on Wednesday, 7th December, 2011

**PRESENT:** The Lord Mayor Councillor Reverend Alan Leonard Taylor in the  
Chair

**WARD**

**ADEL & WHARFEDALE**

John Leslie Carter  
Clive Fox  
Barry John Anderson

**ALWOODLEY**

Dan Cohen  
Ronald David Feldman

**ARDSLEY & ROBIN HOOD**

Jack Dunn  
Lisa Mulherin  
Karen Renshaw

**ARMLEY**

Alison Natalie Kay Lowe

**BEESTON & HOLBECK**

Adam Ogilvie  
Angela Gabriel

**BRAMLEY & STANNINGLEY**

Ted Hanley  
Neil Taggart

**BURMANTOFTS & RICHMOND HILL**

Asghar Khan  
Ron Grahame  
Ralph Pryke

**WARD**

**CALVERLEY & FARSLEY**

Joseph William Marjoram

**CHAPEL ALLERTON**

Mohammed Rafique  
Jane Dowson  
Eileen Taylor

**CITY & HUNSLET**

Mohammed Iqbal

**CROSS GATES & WHINMOOR**

Pauleen Grahame  
Peter John Gruen  
Suzi Armitage

**FARNLEY & WORTLEY**

Ann Blackburn  
John Hamilton Hardy  
David Blackburn

**GARFORTH & SWILLINGTON**

Mark Dobson  
Thomas Murray

**GIPTON & HAREHILLS**

Arif Hussain  
Kamila Maqsood

**GUISELEY & RAWDON**

Paul Wadsworth  
Pat Latty  
Graham Latty

**HAREWOOD**

Matthew James Robinson  
Ann Castle

**HEADINGLEY**

Neil Walshaw  
Martin Hamilton  
Jamie Matthews

**HORSFORTH**

Dawn Collins  
Brian Cleasby  
Christopher Townsley

**HYDE PARK & WOODHOUSE**

Javaid Akhtar  
Penny Ewens

**KILLINGBECK & SEACROFT**

Veronica Morgan  
Graham Hyde

**KIPPAX & METHLEY**

James Lewis  
Keith Ivor Wakefield  
John Keith Parker

**KIRKSTALL**

John Anthony Illingworth  
Bernard Peter Atha  
Lucinda Joy Yeadon

**MIDDLETON PARK**

Judith Blake  
Kim Groves  
Geoffrey Driver

**MOORTOWN**

Rebecca Charlwood  
Sharon Hamilton  
Mark Daniel Harris

**MORLEY NORTH**

Robert William Gettings  
Thomas Leadley  
Robert Finnigan

**MORLEY SOUTH**

Neil Dawson  
Shirley Varley  
Judith Elliott

**OTLEY & YEADON**

Colin Campbell  
Ryk Downes  
Graham Peter Kirkland

**PUDSEY**

Richard Alwyn Lewis  
Mick Coulson  
Josephine Patricia Jarosz

**ROTHWELL**

Karen Bruce  
Barry Stewart Golton  
Donald Michael Wilson

**ROUNDHAY**

Christine McNiven  
Ghulam Hussain

**TEMPLE NEWSAM**

Katherine Mitchell  
Michael Lyons  
William Schofield Hyde

**WEETWOOD**

Susan Bentley  
Judith Mara Chapman  
Ben Chastney

**WETHERBY**

John Michael Procter  
Gerald Wilkinson

**70 Announcements**

The Lord Mayor reported the recent death of Wayne Baxter, the Council's Chief Procurement Officer, and Gary Speed, MBE, the former Leeds United footballer, and Council stood in silent tribute.

**71 Declarations of Interest**

There were no declarations made at this meeting.

**72 Questions**

Q1 Councillor Wilkinson to Gary Williamson, Chamber of Commerce:-

Will the President of the Chamber of Commerce confirm that the Executive Board Member for Neighbourhoods, Housing and Regeneration and the MP for East Leeds requested the Chamber to prepare papers for the East Leeds Regeneration Board?

Gary Williamson, replied.

Q2 Councillor Golton to Dr Ian Cameron, Director of Public Health:-

Central to the Government's NHS reforms is the opportunity to introduce real accountability to local communities. Can you tell us what is being done in Leeds to prepare for this agenda?

Dr Ian Cameron replied.

Q3 Councillor G Hyde to Neil McLean, LEP:-

What new powers does Neil McLean think partners should be lobbying Government to devolve to the City Region level?

Neil McLean replied.

Q4 Councillor Walshaw to Joanne Pollard, CO<sub>2</sub> Sense:-

How important does Joanne Pollard believe the development of green industries will be to delivering increased economic growth within the city?

Joanne Pollard replied.

Q5 Councillor Castle to CS Money, West Yorkshire Police:-

In light of the recent report into the failings of different agencies to protect vulnerable children from sexual exploitation by male gangs, including the case of a girl in Leeds, will the representative from West Yorkshire Police Force explain what action the Council and partner agencies are taking to prevent young people in Leeds suffering abuse and grooming?

CS Money replied.

Q6 Councillor Campbell to Neil McLean, LEP:-

What do you think should be our priorities to make Leeds more attractive as an opportunity for investment?

Neil McLean replied.

Q7 Councillor Rafique to CS Money, West Yorkshire Police:-

To what extent does CS Money believe strong partnership working enabled the containment of potential public disorder during the summer, given that disorder and rioting escalated in other cities such as London and Manchester during the same period?

CS Money replied.

Q8 Councillor Mulherin to Dr Ian Cameron, Director of Public Health:-

What does Ian Cameron see as the city's biggest health challenges and what will be the role of partnership working in tackling these?

Ian Cameron replied.

Q9 Councillor Cohen to the Leader of Council:-

Will the Leader of Council confirm the total cost of arranging and servicing the State of the City council meeting, including the cost of commissioning, producing and distributing the reports, and at a time when we are making such efforts to cut costs across the city, does he really think this represents the best value for money to the residents of Leeds?

The Leader of Council replied.

Q10 Councillor Chapman to Gary Williamson, Chamber of Commerce:-

Given the level of youth unemployment, do you think employers are getting the balance right between providing opportunities for young people and developing their own workforce?

Gary Williamson replied.

Q11 Councillor Armitage to Kathryn Fitzsimons, Chair, Third Sector Leeds:-

To what extent does Katherine Fitzsimons believe the future of care for our older people relies upon strong partnership working between the Council and third sector organisations?

Kathryn Fitzsimons replied.

At the conclusion of question time, the following questions remained unanswered and it was noted that, under the provisions of Council Procedure Rule 11.6, written answers would be sent to each Member of Council:-

Q12 Councillor J Lewis to Neil Mclean, LEP.

Q13 Councillor Marjoram to the Executive Member (Environmental Services).

Q14 Councillor Matthews to Neil Mclean, LEP.

Q15 Councillor Gabriel to Neil Mclean, LEP.

Q16 Councillor E Taylor to Joanne Pollard, CO<sub>2</sub> Sense.

- Q17 Councillor Marjoram to the Leader of Council.
- Q18 Councillor Downes to Gary Williamson, Chamber of Commerce.
- Q19 Councillor Hanley to CS Money, West Yorkshire Police.
- Q20 Councillor Dowson to Dr Ian Cameron, Director of Public Health.
- Q21 Councillor Hamilton to Neil Mclean, LEP.
- Q22 Councillor Driver to Kathryn Fitzsimons, Chair, Third Sector Leeds .
- Q23 Councillor Mcniven to Gary Williamson, Chamber of Commerce.

**73 State of the City Report**

It was moved by Councillor Wakefield, seconded by Councillor J Lewis and

**RESOLVED** – That the State of the City report be received.

**74 Dr Tony Travers**

At the conclusion of the meeting, Dr Tony Travers addressed Council on the future of Local Government and linked this to the wider local government resource review and the financial challenges facing local authorities.

Council rose at 5.25 pm.

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Report author: Kevin Tomkinson  
Tel: 2474357

## Report of City Solicitor

## Report to Full Council

**Date:** 18<sup>th</sup> January 2012

## Subject: Appointments

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

## Summary of main issues

- 1 Appointments to Boards and Panels and to Joint Authorities are reserved to Council.
- 2 The relevant group which has requested membership changes as detailed in paragraph 3 of the report on various Boards/Panels.

## Recommendations

1. That Council approve the appointments referred to in paragraph 3 of the report.

## **1 Purpose of this report**

1.1 To make appointments to various Committees, Boards and Panels.

## **2 Background information**

2.1 Appointments to Boards and Panels and to Joint Authorities are reserved to Council.

## **3 Main issues**

That Councillor P Grahame replace Councillor Mitchell on Scrutiny Board (Regeneration).

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The relevant Group whip has been consulted in respect of the appointment.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 No implications.

### **4.3 Council Policies and City Priorities**

4.3.1 No implications.

### **4.4 Resources and Value for Money**

4.4.1 No implications.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 No implications.

### **4.6 Risk Management**

4.6.1 No implications.

## **5 Recommendations**

5.1 That Council approve the appointments referred to in paragraph 3 of the report.

## **6 Background documents – None Used**

**Report of the City Solicitor**

**Report to Council**

**Date: 18<sup>th</sup> January 2012**

**Subject: Attendance at Meetings**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. To seek authorisation of the Council to the absence of Councillors Charlwood, Mitchell and Atkinson from meetings of the authority for up to six consecutive months.

**Recommendations**

2. That approval be given to the absence of Councillors Charlwood ,Mitchell and Atkinson from meetings of the authority for a period of six months from this meeting.

## **1 Purpose of this report**

- 1.1 To seek authorisation of the Council to the absence of Councillors Charlwood, Mitchell and Atkinson from meetings of the authority for up to six consecutive months.

## **2 Background information**

- 2.1 Section 85 (1) of the Local Government Act 1972 makes provision in relation to member attendance at meetings. It provides that if a member fails to attend qualifying meetings for a period of 6 consecutive months from the date of their last attendance, they shall cease to be a member of the authority unless, before the expiry of that period, the authority has approved such non attendance.
- 2.2 Members may be aware that Councillor Charlwood has recently given birth and Councillor Mitchell is due to give birth shortly. At the time of writing this report their last attendance at a meeting of the authority was Council on 7<sup>th</sup> December 2011 and East Outer Area Committee on 13<sup>th</sup> December 2011 respectively.
- 2.3 Councillor Atkinson has had ongoing health issues which Members may be aware of and her last attendance at a meeting of the authority was West Inner Area Committee on 19<sup>th</sup> October 2011.

## **3 Main issues**

- 3.1 The group whip for Councillors Charlwood, Mitchell and Atkinson has requested that Council approve their absence from meetings of the authority for a period of 6 months for maternity and health reasons respectively.
- 3.2 Councillor Charlwood's committee memberships are Scrutiny Board (Children and Families), Member Management Committee and the North East (Inner) Area Committee.
- 3.3 Councillor Mitchell's committee memberships are Scrutiny Board (Regeneration), Development Plan Panel and East (Outer) Area Committee.
- 3.4 Councillor Atkinson's committee memberships are West Inner Area Committee and Scrutiny Board (Sustainable Economy and Culture).

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The relevant group whip has been consulted on this report.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 No specific implications.

### **4.3 Council Policies and City Priorities**

- 4.3.1 No specific implications.

#### **4.4 Resources and Value for Money**

4.4.1 No specific implications.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 No specific implications.

#### **4.6 Risk Management**

4.6.1 No specific implications.

### **5 Recommendations**

5.1 Council is asked to approve the absence of Councillors Charlwood, Mitchell and Atkinson from meetings of the authority for a period of six months from this meeting.

### **6 Background documents**

6.1 None

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**Report of the Director of Resources**

**Report to full Council**

**Date: 18<sup>th</sup> January 2012**

**Subject: Amendments to the officer delegation scheme (executive functions)**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: n/a Appendix number: n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The purpose of this report is to set out the changes to the officer delegation scheme (executive functions) approved by the Leader on 8<sup>th</sup> December 2011.
2. This report also sets out the consequential amendments to the Constitution approved by the City Solicitor on 8<sup>th</sup> December 2011.
3. As the post of Chief Economic Development Officer has become vacant with effect from Friday 25<sup>th</sup> November 2011, the delegation scheme (executive functions) for this post has been withdrawn by the Leader, pending further discussions with the Director of City Development regarding when the vacancy will be filled, and whether the duties of the role might be reviewed.

**Recommendations**

4. The Council is asked to note the changes to the officer delegation scheme (executive functions) and the consequential amendments to the Constitution, set out in this report.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to set out the changes to the officer delegation scheme (executive functions) approved by the Leader on 8<sup>th</sup> December 2011.
- 1.2 This report also sets out the consequential amendments to the Constitution approved by the City Solicitor on 8<sup>th</sup> December 2011.

## **2 Background information**

- 2.1 As set out in the Executive Procedure Rules, the Leader of Council may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Director of Resources and to the person, body or committee concerned. The notice must set out the extent of the amendments to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Director of Resources will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 2.2 The Leader signed a delegated decision notice on 8<sup>th</sup> December 2011 setting out the extent of the changes agreed. This decision was published on the Council's website and was communicated directly to the Director of Resources and the Director of City Development.

## **3 Main issues**

- 3.1 As the post of Chief Economic Development Officer has become vacant with effect from Friday 25<sup>th</sup> November 2011, the delegation scheme (executive functions) for this post has been withdrawn by the Leader, pending further discussions with the Director of City Development regarding when the vacancy will be filled, and whether the duties of the role might be reviewed.
- 3.2 As the functions delegated to the Chief Economic Development Officer were concurrently shared with the Director of City Development, there was no need to amend any other delegation scheme as a result of this change.

### Consequential Amendments

- 3.3 By virtue of Article 15.2 of the Constitution, the City Solicitor has delegated authority to approve consequential amendments to the Constitution, as a result of legislative change or to implement decisions of the Council or the Executive, or for the purposes of clarification only. Consequential amendments were needed in relation to:
  - Article 12 of the Constitution - to remove the Chief Economic Development Officer from the list of officers appearing in the delegation scheme;
  - Chief Economic Development Officer - Officer Delegation Scheme (Council (non-executive) functions) - to remove this delegation scheme from the Constitution in light of the post becoming vacant; and



- Management Structure in Part 7 - to remove the reference to the post of Chief Economic Development Officer in light of the relevant concurrent delegations being removed from the Constitution.

3.4 The Head of Governance Services approved these amendments on 8<sup>th</sup> December 2011 under sub-delegated authority from the City Solicitor.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The consequential changes to the Constitution are made to keep the Constitution up to date and for clarification, and so no detailed consultation has been undertaken on these amendments.

4.1.2 The removal of the delegation schemes for the Chief Economic Development Officer has been discussed with the Director of City Development before being approved by the Leader.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 There are no issues in relation to equality and diversity or cohesion and integration arising from this report.

### **4.3 Council policies and City Priorities**

4.3.1 Principle 2 of the Code of Corporate Governance (Part 5 (k) of the Constitution) states that the Council will have clear responsibilities and arrangements for accountability. In order to achieve this, the Council needs up to date and accurate schemes of delegated executive and council responsibilities to Directors and other appropriate officers

4.3.2 Therefore, approving the amendments to the attached documents will contribute towards this principle.

### **4.4 Resources and value for money**

4.4.1 There are no resource implications arising from this report.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 In accordance with the Executive Procedure Rule 1.4(b) the Leader has the authority to make changes to the delegation scheme in relation to executive functions within the Constitution at any time.

4.5.2 Furthermore, the City Solicitor has authority under Article 15.2 to make consequential amendments to the Constitution for the purposes of clarification.

4.5.3 There are no issues in relation to access to information as no parts of this report have been identified as confidential or exempt. The decision taken by the Leader was not a Key or Major decision and was therefore not open to call in.

## **4.6 Risk Management**

- 4.6.1 These amendments to the Constitution prevent it from becoming out of date and ensure that it reflects the current decision making arrangements within the Council.

## **5 Conclusions**

- 5.1 As a result of the post of Chief Economic Development Officer becoming vacant on 25<sup>th</sup> November 2011, the officer delegation scheme has been amended to remove delegated authority from this post. Consequential amendments to the Constitution have been made by the City Solicitor to reflect this change.

## **6 Recommendations**

- 6.1 The Council is asked to note the changes to the officer delegation scheme (executive functions) and the consequential amendments to the Constitution, set out in this report.

## **7 Background documents**

- 7.1 Delegated decision by the Leader of the Council, Amendment to the Constitution: Removal of the concurrent delegation scheme (executive functions) to the Chief Economic Development Officer (Reference CO1112058), 8<sup>th</sup> December 2011
- 7.2 Delegated decision by the City Solicitor, Amendments to the Constitution: Removal of the concurrent delegation scheme (council functions) to the Chief Economic Development Officer and consequential amendments (Reference CO1112058), 8<sup>th</sup> December 2011

**REPORT OF THE DIRECTOR OF RESOURCES**

**COMMITTEE : COUNCIL**

**DATE : 18<sup>th</sup> JANUARY 2012**

**SUBJECT : CALCULATION OF THE COUNCIL TAX BASE FOR 2012/2013 FOR THE PURPOSE OF CALCULATING THE COUNCIL TAX**

**Electoral Wards Affected :**

**Specific Implications For :**

Ethnic Minorities

Women

Disabled People

**1. INTRODUCTION**

Under the Local Government Finance Act 1992 and accompanying regulations, detailed procedures are laid down for calculating the tax base which will be used for calculating the Council Tax. The tax base for the Leeds area is expressed as the number of Band D equivalent properties and will be used both for calculating Leeds City Council's own element of Council Tax and for notifying to the West Yorkshire Police and Fire Authorities for them to calculate their own elements of Council Tax. The West Yorkshire Police and Fire Authorities have to be notified of the tax base by 31 January 2012.

In addition to calculating the tax base for the Leeds area as a whole, a separate tax base has to be calculated for each part of the Council's areas to which a "special item" of expenditure relates. In Leeds, it is considered that only parish precepts should be treated as special items for these purposes and a tax base is therefore also calculated for each parish.

**2. CALCULATIONS**

Details of the calculations for Leeds as a whole and for each individual parish are given in the Appendix. In summary, the Council Tax Base for Leeds is calculated at 240,051 Band D equivalent properties. This is calculated by estimating changes from the Valuation Office Agency's Valuation List that will take place during 2012/13 by reference to the following:

- a) provision for successful appeals,
- b) provision for exempt properties,
- c) changes in number of properties (demolitions and new additions),
- d) estimated single person and other discounts and
- e) estimated collection rate.

The net Council Budget for 2012/13, which will be decided by Council in February 2012, will be divided by the calculated Council Tax Base to arrive at the Council Tax for a Band D property, from which the Council Tax for other valuation bands will be calculated.

3. **RECOMMENDATION**

Members are requested to adopt the following resolution:

that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended), the amount calculated by the Council as its Council Tax Base for the year 2012/2013 shall be 240,051 and for each parish as listed below:

Aberford and District	785
Allerton Bywater	1,382
Alwoodley	3,696
Arthington	294
Austhorpe	26
Bardsey cum Rigton	1,173
Barwick in Elmet and Scholes	2,046
Boston Spa	1,865
Bramham cum Oglethorpe	732
Bramhope and Carlton	1,805
Clifford	751
Collingham with Linton	1,672
Drighlington	1,912
Gildersome	1,971
Great and Little Preston	494
Harewood	1,806
Horsforth	7,006
East Keswick	586
Kippax	3,090
Ledsham	97
Ledston	164
Micklefield	565
Morley	9,911
Otley	4,973
Pool in Wharfedale	977
Scarcroft	679
Shadwell	962
Swillington	1,077
Thorner	765
Thorp Arch	356
Walton	123
Wetherby	4,639
Wothersome	9

**TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013**

**Appendix**

**CALCULATION FOR THE WHOLE OF:**

**LEEDS**

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q +J) x F /G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			378	133,595	71,735	64,827	32,014	19,435	9,264	6,440	629	338,317	1
Less Exempt dwellings			0	9,926	6,064	3,210	1,671	550	200	140	25	21,785	1
	= "H" in formula 2		378	123,669	65,671	61,617	30,343	18,885	9,064	6,300	604	316,532	
Total discounts	= "Q" in formula 2		30	17,243	6,619	5,035	2,054	976	429	263	40	32,688	1
Additions less Reductions	= "J" in formula 2		17	274	303	243	73	35	8	1	0	954	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			203	71,133	46,165	50,511	28,362	21,932	12,484	10,064	1,130		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											241,984	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	3
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												240,048	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												3	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>240,051</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### ABERFORD and DISTRICT

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	75	105	106	144	187	99	62	4	782	1
Less Exempt dwellings			0	1	3	0	4	1	0	1	1	11	1
	= "H" in formula 2		0	74	102	106	140	186	99	61	3	771	
Total discounts	= "Q" in formula 2		0	12	10	10	10	8	3	2	0	56	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	42	71	86	131	217	139	99	6		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											791	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												785	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>785</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### ALLERTON BYWATER

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			5	1,050	557	295	94	24	0	0	2	2,027	1
Less Exempt dwellings			0	24	10	6	2	0	0	0	1	43	1
	= "H" in formula 2		5	1,026	547	289	92	24	0	0	1	1,984	
Total discounts	= "Q" in formula 2		0	111	39	14	4	1	0	0	1	170	1
Additions less Reductions	= "J" in formula 2		0	1	12	14	0	0	0	0	0	27	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			3	611	405	257	88	28	0	0	1		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,393	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,382	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,382</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### ALWOODLEY

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list		0	39	182	1,138	1,156	551	283	350	44	3,743	1
Less Exempt dwellings		0	2	13	35	32	6	8	6	2	104	1
	= "H" in formula 2	0	37	169	1,103	1,124	545	275	344	42	3,639	
Total discounts	= "Q" in formula 2	0	8	25	102	73	27	12	11	1	257	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	20	112	890	1,052	634	379	556	83		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										3,726	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											3,696	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											TOTAL	1

### TAX BASE FOR CALCULATION OF TAX FOR:

### ALWOODLEY

**3,696**

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### ARTHINGTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	2	17	26	23	37	20	92	14	231	1
Less Exempt dwellings			0	0	1	0	0	1	0	2	0	4	1
	= "H" in formula 2		0	2	16	26	23	36	20	90	14	227	
Total discounts	= "Q" in formula 2		0	1	2	2	2	1	1	4	0	13	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	1	11	21	22	43	27	143	28		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											296	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												294	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>294</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### AUSTHORPE

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list			0	1	0	2	9	13	0	0	25	1
Less Exempt dwellings			0	0	0	1	0	0	0	0	1	1
	= "H" in formula 2		0	1	0	1	9	13	0	0	24	
Total discounts	= "Q" in formula 2		0	0	0	0	0	1	0	0	1	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18	2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9	2
RELEVANT AMOUNT FOR EACH BAND			0	1	0	1	9	15	0	0	0	
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										26	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											26	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>26</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### BARDSEY cum RIGTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list		1	25	67	43	141	233	240	219	16	985	1
Less Exempt dwellings		0	2	0	1	4	4	3	6	0	20	1
	= "H" in formula 2	1	23	67	42	137	229	237	213	16	965	
Total discounts	= "Q" in formula 2	0	3	8	6	11	12	12	8	0	60	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	0	1	0	0	0	1	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	13	46	32	126	266	325	342	32		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										1,182	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											1,173	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>1,173</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### BARWICK in ELMET and SCHOLES

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	114	221	815	469	331	180	83	3	2,216	1
Less Exempt dwellings			0	3	7	14	8	2	4	1	1	39	1
	= "H" in formula 2		0	111	214	801	461	329	176	82	2	2,177	
Total discounts	= "Q" in formula 2		0	16	25	64	35	18	7	3	0	170	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	1	3	5	0	0	9	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	63	147	655	427	384	251	131	4		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											2,062	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												2,046	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>2,046</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### BOSTON SPA

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	95	366	291	296	356	271	181	21	1,877	1
Less Exempt dwellings			0	3	7	13	3	9	4	1	1	40	1
	= "H" in formula 2		0	92	359	278	293	347	267	180	20	1,837	
Total discounts	= "Q" in formula 2		0	15	38	31	32	22	14	4	1	156	1
Additions less Reductions	= "J" in formula 2		0	0	2	0	1	0	0	0	0	3	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	51	252	220	262	397	365	294	39		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,880	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,865	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,865</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### BRAMHAM cum OGLETHORPE

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	119	117	87	82	153	92	88	4	742	1
Less Exempt dwellings			0	5	4	5	1	3	1	0	0	18	1
	= "H" in formula 2		0	114	113	82	81	150	91	88	4	724	
Total discounts	= "Q" in formula 2		0	14	9	9	6	9	4	2	0	53	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	67	81	65	76	172	126	143	8		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											738	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												732	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>732</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### BRAMHOPE and CARLTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	67	16	145	294	306	377	334	21	1,560	1
Less Exempt dwellings			0	8	1	6	11	7	7	7	0	46	1
	= "H" in formula 2		0	59	15	139	283	299	370	327	21	1,514	
Total discounts	= "Q" in formula 2		0	8	2	16	29	23	19	12	1	110	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	1	0	0	1	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	34	11	109	254	337	509	525	41		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,820	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,805	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,805</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### CLIFFORD

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	56	103	158	142	80	137	80	2	758	1
Less Exempt dwellings			0	1	3	6	4	1	1	2	0	17	1
	= "H" in formula 2		0	55	100	152	138	79	136	78	2	741	
Total discounts	= "Q" in formula 2		0	11	8	18	15	5	6	2	0	63	1
Additions less Reductions	= "J" in formula 2		0	1	0	0	0	0	0	0	0	1	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	30	72	119	124	91	189	128	4		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											757	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												751	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>751</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### COLLINGHAM with LINTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	17	65	109	83	151	294	468	99	1,286	1
Less Exempt dwellings			0	0	0	4	7	4	9	7	2	32	1
	= "H" in formula 2		0	17	65	105	76	147	285	461	97	1,254	
Total discounts	= "Q" in formula 2		0	2	7	14	9	10	15	20	3	80	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	1	0	0	0	1	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	10	45	81	67	168	390	735	189		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,685	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,672	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,672</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### DRIGHLINGTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			5	610	496	760	270	238	52	15	3	2,449	1
Less Exempt dwellings			0	21	17	8	8	5	2	1	0	61	1
	= "H" in formula 2		5	589	479	752	262	233	50	14	3	2,388	
Total discounts	= "Q" in formula 2		0	78	45	51	14	10	1	0	0	200	1
Additions less Reductions	= "J" in formula 2		0	4	0	0	0	0	0	0	0	4	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			3	343	337	624	248	273	70	23	6		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,927	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,912	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,912</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### GILDERSOME

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			2	646	721	770	202	220	34	9	1	2,605	1
Less Exempt dwellings			0	22	24	13	1	1	1	0	0	63	1
	= "H" in formula 2		2	624	697	757	201	219	33	9	1	2,542	
Total discounts	= "Q" in formula 2		0	91	64	51	9	10	1	0	1	226	1
Additions less Reductions	= "J" in formula 2		0	0	1	0	0	0	0	0	0	1	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		1	355	493	628	192	256	46	15	1			
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,987	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,971	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,971</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### GREAT and LITTLE PRESTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			4	271	43	238	56	36	9	6	0	663	1
Less Exempt dwellings			0	1	8	4	1	2	0	0	0	16	1
	= "H" in formula 2		4	270	35	234	55	34	9	6	0	647	
Total discounts	= "Q" in formula 2		0	30	3	14	4	2	0	0	0	51	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			2	160	25	196	52	40	13	10	0		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											498	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												494	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>494</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### HAREWOOD

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	9	32	314	338	220	258	333	76	1,580	1
Less Exempt dwellings			0	2	1	14	12	12	8	4	1	53	1
	= "H" in formula 2		0	7	31	300	326	208	250	329	75	1,527	
Total discounts	= "Q" in formula 2		0	1	5	32	28	12	12	11	2	103	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	4	21	238	298	240	343	531	146		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,821	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,806	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,806</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### HORSFORTH

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			2	915	2,542	2,183	1,544	825	394	165	11	8,581	1
Less Exempt dwellings			0	43	140	68	31	10	2	4	4	301	1
	= "H" in formula 2		2	872	2,402	2,115	1,513	815	392	161	7	8,280	
Total discounts	= "Q" in formula 2		0	143	260	180	98	39	13	5	2	739	1
Additions less Reductions	= "J" in formula 2		0	0	1	4	1	0	0	0	0	6	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			1	486	1,667	1,724	1,416	949	547	261	11		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											7,062	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												7,006	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>7,006</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### EAST KESWICK

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list		0	14	65	36	44	62	81	183	4	489	1
Less Exempt dwellings		0	0	2	5	3	0	1	3	0	14	1
	= "H" in formula 2	0	14	63	31	41	62	80	180	4	475	
Total discounts	= "Q" in formula 2	0	3	6	3	3	5	4	7	0	30	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	8	44	25	38	69	110	289	8		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										591	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											586	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>586</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### KIPPAX

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			5	1,340	1,101	1,114	482	130	30	3	1	4,206	1
Less Exempt dwellings			0	35	21	17	7	1	1	0	0	82	1
	= "H" in formula 2		5	1,305	1,080	1,097	475	129	29	3	1	4,124	
Total discounts	= "Q" in formula 2		1	145	93	63	20	4	2	1	1	329	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			3	773	768	919	455	153	39	4	1		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											3,115	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												3,090	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>3,090</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### LEDSHAM

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	0	12	3	6	9	12	33	1	76	1
Less Exempt dwellings			0	0	1	0	0	0	0	0	0	1	1
	= "H" in formula 2		0	0	11	3	6	9	12	33	1	75	
Total discounts	= "Q" in formula 2		0	0	2	0	1	0	0	2	0	5	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	1	0	1	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	0	7	2	5	11	17	54	2		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											98	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												97	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>97</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### LEDSTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list		1	63	30	6	15	18	22	23	1	179	1
Less Exempt dwellings		0	3	0	0	1	0	0	0	0	4	1
	= "H" in formula 2	1	60	30	6	14	18	22	23	1	175	
Total discounts	= "Q" in formula 2	0	6	2	1	1	1	2	2	0	14	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		1	36	22	4	14	21	29	36	2		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										165	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											164	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>164</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### MICKLEFIELD

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			3	589	83	77	60	32	7	5	0	856	1
Less Exempt dwellings			0	18	4	0	0	3	0	0	0	25	1
	= "H" in formula 2		3	571	79	77	60	29	7	5	0	831	
Total discounts	= "Q" in formula 2		1	63	6	5	3	1	0	0	0	80	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			1	339	57	64	57	34	10	8	0		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											570	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												565	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>565</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### MORLEY

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			24	5,888	3,210	2,911	1,225	738	89	29	2	14,116	1
Less Exempt dwellings			0	232	101	53	13	9	1	0	0	409	1
	= "H" in formula 2		24	5,656	3,109	2,858	1,212	729	88	29	2	13,707	
Total discounts	= "Q" in formula 2		2	795	292	215	57	24	4	3	1	1,393	1
Additions less Reductions	= "J" in formula 2		0	20	0	1	0	0	0	0	0	21	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			12	3,254	2,191	2,350	1,155	862	121	44	2		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											9,991	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												9,911	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>9,911</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### OTLEY

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			3	816	2,127	1,699	942	519	164	57	6	6,333	1
Less Exempt dwellings			0	33	54	39	14	7	4	1	0	151	1
	= "H" in formula 2		3	783	2,073	1,660	928	512	160	56	6	6,182	
Total discounts	= "Q" in formula 2		0	129	212	150	64	27	7	3	1	592	1
Additions less Reductions	= "J" in formula 2		0	0	5	1	0	1	0	1	0	8	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			2	436	1,451	1,343	865	594	221	90	11		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											5,013	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												4,973	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>4,973</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### POOL in WHARFEDALE

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list		1	45	158	216	186	129	134	113	6	988	1
Less Exempt dwellings		0	0	3	5	2	2	3	4	0	18	1
	= "H" in formula 2	1	45	155	211	184	127	131	109	6	970	
Total discounts	= "Q" in formula 2	0	7	15	19	15	9	8	3	0	76	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	25	109	170	169	145	178	177	12		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										985	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											977	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>977</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### SCARCROFT

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	3	20	42	52	46	68	204	64	499	1
Less Exempt dwellings			0	0	1	2	2	3	1	5	0	14	1
	= "H" in formula 2		0	3	19	40	50	43	67	199	64	485	
Total discounts	= "Q" in formula 2		0	0	2	6	4	3	3	6	1	25	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	2	0	2	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	2	13	30	46	49	93	325	126		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											684	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												679	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>679</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### SHADWELL

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	11	29	62	134	218	170	179	9	812	1
Less Exempt dwellings			0	1	3	2	4	1	1	3	0	15	1
	= "H" in formula 2		0	10	26	60	130	217	169	176	9	797	
Total discounts	= "Q" in formula 2		0	2	4	8	11	16	7	6	0	54	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	5	17	47	119	246	234	284	18		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											970	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												962	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>962</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### SWILLINGTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			5	649	327	321	112	59	21	7	1	1,502	1
Less Exempt dwellings			0	16	8	3	0	0	0	0	0	27	1
	= "H" in formula 2		5	633	319	318	112	59	21	7	1	1,475	
Total discounts	= "Q" in formula 2		1	76	26	21	8	2	1	0	0	135	1
Additions less Reductions	= "J" in formula 2		0	0	0	3	1	0	0	0	0	4	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			3	371	228	267	105	69	29	12	2		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,086	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,077	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,077</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### THORNER

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list		1	66	89	106	109	156	72	117	19	735	1
Less Exempt dwellings		0	1	3	4	2	1	0	3	0	13	1
	= "H" in formula 2	1	65	86	102	107	155	72	114	19	722	
Total discounts	= "Q" in formula 2	0	12	11	11	10	8	4	5	0	61	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		1	36	59	81	98	179	98	181	38		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										771	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											765	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>	<b>THORNER</b>										<b>765</b>	

Notes:

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- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### THORP ARCH

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	0	32	91	45	69	18	67	11	333	1
Less Exempt dwellings			0	0	1	4	3	2	0	0	0	10	1
	= "H" in formula 2		0	0	31	87	42	67	18	67	11	323	
Total discounts	= "Q" in formula 2		0	0	3	8	4	4	1	3	1	23	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	0	22	70	38	77	24	107	21		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											359	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												356	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>356</b>	

Notes:

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- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### WALTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	1	2	15	10	17	20	31	3	99	1
Less Exempt dwellings			0	0	0	1	0	0	0	0	0	1	1
	= "H" in formula 2		0	1	2	14	10	17	20	31	3	98	
Total discounts	= "Q" in formula 2		0	0	0	1	1	2	1	2	0	7	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	1	1	12	9	19	27	49	6		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											124	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												123	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>123</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### WETHERBY

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			2	238	1,099	934	717	1,145	470	299	24	4,928	1
Less Exempt dwellings			0	13	38	20	16	18	11	3	1	118	1
	= "H" in formula 2		2	225	1,061	914	701	1,127	459	296	23	4,810	
Total discounts	= "Q" in formula 2		0	39	132	95	65	55	23	10	1	421	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	1	0	0	0	1	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			1	124	723	729	636	1,312	631	476	44		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											4,676	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												4,639	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>4,639</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2012/2013

### CALCULATION FOR THE PARISH OF:

### WOTHERSOME

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	0	2	4	0	1	0	2	0	9	1
Less Exempt dwellings			0	0	0	0	0	0	0	0	0	0	1
	= "H" in formula 2		0	0	2	4	0	1	0	2	0	9	
Total discounts	= "Q" in formula 2		0	0	0	0	0	0	0	0	0	0	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	0	2	3	0	1	0	3	0		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											9	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											99.2%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												9	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>9</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2011
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



Report author: Kevin Tomkinson

Tel: 2474357

## Report of Director of Resources

## Report to Council

Date: 18<sup>th</sup> January 2012

## Subject: Recommendations of Executive Board

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

## Summary of main issues

1. To present for consideration of Council recommendations of the Executive Board in respect of the Large Casino - approval of the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012.

## Recommendations

2. That Council approves the Large Casino - revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 to come into effect on 23 February 2012 and the consultation report as the Council's response to the public consultation.

## **1 Purpose of this report**

- 1.1 To present for consideration of Council recommendations of the Executive Board in respect of the approval of the Large Casino - revised Gambling Act 2005 Statement of Licensing Policy 2010-2012.

## **2 Background information**

- 2.1 The attached report was considered by the Executive Board on 4<sup>th</sup> January 2012 and contains recommendations to Council.

## **3 Main issues**

- 3.1 The report considered by the Executive Board on 4<sup>th</sup> January 2012 recommended the following :-
- 3.2 Consider the comments made by Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 and the consultation report as the council's response to the public consultation; and,
- 3.3 Refer both documents to Council for approval.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 As per the attached report to the Executive Board.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.2 As per the attached report to the Executive Board.

### **4.3 Council policies and City Priorities**

- 4.3.3 As per the attached report to the Executive Board.

### **4.4 Resources and value for money**

- 4.4.4 As per the attached report to the Executive Board.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.5 As per the attached report to the Executive Board.

### **4.6 Risk Management**

- 4.6.6 As per the attached report to the Executive Board.



## **5 Recommendations**

- 5.1 Council is asked to approve the Large Casino - revised Gambling Act 2005 Statement of Licensing Policy 2010-2012. and the consultation report as the Council's response to the public consultation. If approved the revised policy must be advertised for a period of four weeks which will commence on 23 January 2012 and will therefore come into effect on 23 February 2012.

## **6 Background documents**

- 6.1 Report on Large Casino – Approval of revised Gambling Act 2005 Statement of Licensing Policy 2010-2011.

Minutes of the Executive Board meeting – 4<sup>th</sup> January 2012.

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**Report of the Director of Resources**

**Report to Executive Board**

**Date: 4 January 2012**

**Subject: Large Casino - Approval of revised Gambling Act 2005 Statement of Licensing Policy 2010-2012**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The Gambling Act 2005 provides Leeds City Council with the opportunity to grant a Large Casino Premises Licence. Over the last year officers from Entertainment Licensing and City Development have been preparing the process and related documents. This includes a new section to be inserted in the Gambling Act 2005 Statement of Licensing Policy (“the Policy”) and a full application pack.
2. The council has undertaken a public consultation on the revised Policy, and the application pack. Approval of the revised Policy is a matter reserved to Full Council. Executive Board considered the revised Policy in November and referred the matter to Scrutiny Board (Resources and Council Services). Under Budgetary and Policy Framework the comments from Scrutiny Board and the amended policy should now be considered by Executive Board before being considered for approval by full Council.

**Recommendations**

3. Consider the comments made by Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 and the consultation report as the council’s response to the public consultation; and,
4. Refer both documents to Council for approval.

## **1.0 Purpose of this report**

- 1.1 To present the comments from Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy which contains a statement of the principles the council will apply when making the determination of the large casino licence (background papers).
- 1.2 To present the comments from Scrutiny Board (Resources and Council Services) on the Consultation Report (background papers) which is the proposed Council response to the public consultation on the large casino section in the Policy, and the draft application pack.

## **2.0 Background information**

- 2.1 The Gambling Act 2005 (the Act) changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences were to be granted, each of which are to be significantly larger than existing casinos. The DCMS formed a special Casino Advisory Panel (CAP) to recommend where the new casinos should be located.
- 2.2 In April 2008 Parliament approved the eight small and eight large casinos in line with the CAPs original recommendations. Leeds was awarded the right to issue a large casino licence.
- 2.3 The Act, associated regulations and a Code of Practice describe the process the council and the applicant must complete before issuing a large casino licence. This includes:
  - Updating the Statement of Licensing Policy to include a statement of the principles the council will apply when determining the casino applications.
  - Development of an application pack which describes the procedure the council proposes to follow and the principles that will be applied when determining the licence.
  - Commencement of the application process with an advertisement of the “competition” and a two stage application process:
    - Stage 1 follows the same process as for any other premises licence application under the Act.
    - Stage 2 in which the council’s Licensing Committee determines which of the competing applications would provide the greatest benefit to the area.
- 2.4 The approval of the revised Policy is a matter reserved for full Council and follows the Budgetary and Policy Framework.
- 2.5 The approval of the application pack is a matter for the Licensing Committee. The draft application pack is available as background papers.
- 2.6 Providing the policy receives approval by Council and the application pack approval by Licensing Committee in January, it is intended that Stage 1 of the competition will commence in February and complete at the end of June 2012. If there are no

appeals, Stage 2 will commence at the end of July and it is planned to complete the process and grant the licence within the 2012/13 financial year.

### **3.0 Main issues**

#### Scrutiny Board Comments

3.1 Executive Board referred the revised Statement of Licensing Policy and the consultation report to Scrutiny Board (Resources and Council Services) on the 7th November. Scrutiny Board concluded:

3.1.1 That the Executive Board be advised that this Scrutiny Board recommends that Executive Board and full Council should be confident that there are clear economic benefits in having a large casino and that these benefits are not outweighed by any negative social/economic impacts.

3.1.2 That the Executive Board and full Council note the recommendation made by NHS Leeds during the consultation exercise.

#### Socio-Economic Impact

3.2 It is expected that as Leeds is the only core city with the ability to grant a casino licence, the licence could bring a major boost to the leisure, visitor and night time economies. This in turn will bring jobs and investment to the city.

3.3 In relation to 3.1.1 Executive Board is advised that during the second stage of the application process, applicants are required to provide extensive documentation describing the benefits their proposal will bring to the Leeds area.

3.4 These benefits will be evaluated under the criteria of financial, socio-economic and deliverability. The determination of the licence will be decided on the evaluation of this information.

3.5 Should the council feel that the proposals put forward do not meet their expectations full Council can pass a no casino resolution. This is described at paragraph 16.53 of the Statement of Licensing Policy:

*16.14 The council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. It may choose to exercise this option should there be only one application for a large casino premises licence or should, where there is more than one application, those applications fail to meet the council’s aspirations for benefit for the Leeds metropolitan area. Should the council decide in the future to pass such a resolution, it will update this policy with details of that resolution and any such decision will be made by full Council.*

3.6 In relation to negative social/economic impacts, applicants are required to provide a strategy setting out:

<sup>w</sup> An assessment of diversity issues for the chosen location including identification and assessment of potential positive and negative impacts of establishing the casino (and wider developments where applicable) at this location.

- w Any mitigating factors to reduce the negative impact of the development at their chosen location.
- w Approach to how measures/mitigations of negative impacts will address the requirements outlined in the policy and the Code of Practice.
- w Management arrangements to address social and equality issues including monitoring of mitigation of potential adverse effects of the development
- w Key areas of where cooperation could take place, specifying the nature of activities/programmes, partners to be involved, the role expected of the council.
- w The form that this cooperation would take (e.g. funding/sponsorship, staff time/benefits in kind, development, management/administrative support, facilities, etc).
- w Who will be responsible for the costs of mitigation.
- w Any constraints or dependencies (e.g. support and input from the council or other organisations).

3.7 In addition, where applicants already have an Operating Licence they are required to identify where the actions set out in their strategy are additional to those already required under the DCMS Code of Practice, which are at the discretion of the applicant and which will form part of the Schedule 9 Agreement to be signed with the council.

3.8 In order to support this the Statement of Licensing Policy states:

*16.49 Applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.*

#### NHS Leeds Recommendations

- 3.9 With regard to point 3.1.2, the consultation response considered the recommendations made by NHS Leeds, and incorporated them into the application pack as follows:
- 3.10 NHS Leeds specifically raised the concern that the policy does not acknowledge the potential negative impact that a large casino development could have. Their comprehensive response describes the potential health impacts associated with gambling, problem gambling and casinos.
- 3.11 The licensing process is undertaken in two stages. Stage 1 is the same regulatory process undertaken by all premises licence applicants. Stage 2, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing

Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process rather than look at the mitigation of harm.

3.12 However, the Stage 2 evaluation considers negative effects in a number of ways:

- w Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
- w The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.

3.13 During the stage 2 evaluation process, a number of criteria are considered including:

- w health impacts
- w strategies and safeguards to negative impacts.
- w employment and skills strategies
- w details on how the most disadvantaged could benefit from their proposal
- w job ring-fencing proposals

3.14 These are considered under the socio-economic criteria, whilst commitments on mitigation are required in the schedule 9 agreement (risk and deliverability). Contractual commitments will be sought to ensure that any strategies promised by applicants are delivered.

3.15 The large casino licence operator will fund a Social Inclusion Fund which will support projects that help the financial and economic inclusion agenda (which will include work on health). It is anticipated that some aspects of the Social Inclusion Fund will be used to mitigate social costs brought about by the casino, above and beyond the commitments from operators and may be used to fund such activities away from the boundary of the casino..

3.16 In addition, the social impact of the casino will be monitored through research using a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator. The council is already working on this with leading academics and the other 15 authorities who will grant new casino licences.

3.17 Before a premises licence can be granted, which is required before the casino can open, the operators must have an operating licence - a highly regulated licence that requires commitments to mitigating negative effects. More information on the requirements of an operators licence can be obtained from [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

3.18 The policy was amended to include the following additional paragraph:

*16.49 The applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most*

*vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.*

- 3.19 In addition officers from City Development met with NHS Leeds to discuss their specific concerns relating to the issuing of a large casino licence and as a result of that meeting it is hoped that NHS Leeds will be able to provide expert advice on health mitigation during the evaluation process.
- 3.21 Since the Policy was presented to Scrutiny Board, officers have made one amendment to paragraph 16.43, replacing the word signature with completion.
- 3.22 The Statement of Licensing Policy and the full Consultation Report are provided as background papers and available from the author of the report. Both documents have been circulated to the Executive Board.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The large casino section of the Policy underwent a public consultation which ran from 9th May to 29th July 2011. The consultation was advertised through Talking Point and with posters placed in public spaces such as libraries, one stop shops and leisure centres. A press release was produced, and the consultation was advertised on the council's website. The consultation was advertised by letter directly to 457 people and organisations. The consultation response is provided in the Background Papers.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 The Gambling Act 2005 has three licensing objectives:
- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
  - b) ensuring that gambling is conducted in a fair and open way, and
  - c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.2.2 The licensing authority, in exercising their functions under the Act, shall aim to permit the use of premises for gambling in so far as it thinks its reasonably consistent with the licensing objectives.
- 4.2.3 Therefore the council has produced the revised Policy with this in mind and has taken special consideration of the protection of children and vulnerable people.



### **4.3 Council Policies and City Priorities**

4.3.1 The revised Policy sets out the principles the council will use to exercise its functions under the Gambling Act 2005. Applicants for the large casino are expected to read the Policy before making their application and the council will refer to the Policy when making its decisions.

4.3.2 The licensing regime contributes to the following aims:

**By 2030, Leeds will be fair, open and welcoming**

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

**By 2030, Leeds' economy will be prosperous and sustainable**

- Opportunities to work with secure, flexible employment and good wages

**By 2030, all Leeds' communities will be successful**

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

**Best city... for communities:**

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

### **4.4 Resources and Value for Money**

4.4.1 Legal Services has provided advice at each stage of the policy development. They have also provided advice during the composition of the consultation report and the development of the application pack.

4.4.2 The large casino provides the council with the opportunity to secure benefits for the city. Although the development of the revised Policy and application pack, as well as the upcoming application process has had a cost associated with it, the project is being delivered within the budget approved at Executive Board on 3rd March 2010.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The development of a Policy under the Gambling Act 2005 is a matter for full Council and follows the Budgetary and Policy Framework which requires that Executive Board refers this matter to Scrutiny Board (Resources and Council Services) and then for it to be further considered by Executive Board before being recommended to full Council for approval. As such this report is exempt from call in by Scrutiny.

4.5.2 The revised Policy and the associated documents (i.e. the application pack and the consultation document), have received internal legal assurance from Legal Services and external legal assurance from Counsel.

4.5.3 The only recourse for applicants is appeal to the Magistrates Court at the end of Stage 1 and Judicial Review of the decision made at the end of Stage 2. Therefore, the revised Policy, application pack, public consultation and the consultation report have been developed with transparency and fairness as a prime consideration.

#### **4.6 Risk Management**

4.6.1 Executive Board has the option of not referring the revised Policy to full Council at this time, and requesting that further work is undertaken. This would impact on the project timescales and may incur additional costs for the council.

### **5 Conclusions**

5.1 A revised Gambling Act 2005 Statement of Licensing Policy has been developed to include a section on the large casino in accordance with the DCMS Code of Practice and the Gambling Act 2005. The revised Policy describes the principles the council will use when determining a large casino licence, particularly at stage two of the process where the test is which application would provide the greatest benefit to the city. The council has consulted with the public in accordance with the legislation and HM Government Code of Practice on Consultations. The responses to the consultation, plus suggested amendments are attached in the Consultation Report.

5.2 The revised Policy is now following the Budgetary and Policy Framework. The next step is for Executive Board to consider the recommendations made by Scrutiny (Resources and Council Services) and to refer the matter to full Council for approval.

### **6 Recommendations**

6.1 That Executive Board members are asked to:

6.1.1 Consider the comments made by Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 and the consultation report as the council's response to the public consultation; and,

6.1.2 Refer both documents to Council for approval.

### **7 Background documents (available from the report author)**

7.1 Revised Gambling Act 2005 Statement of Licensing Policy 2010-2012

7.2 Consultation Report - Large Casino Section - Gambling Act 2005 Statement of Licensing Policy

7.3 Gambling Act 2005 Statement of Licensing Policy 2010-2012 (as currently published)

- 7.4 Insert into the Gambling Act 2005 Statement of Licensing Policy - This report accompanied the public consultation. It explains the background to the legislation, and how the draft policy was developed.
- 7.5 Equality, Diversity, Community Cohesion Impact Screening (October 2011)
- 7.6 Draft Application Pack

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# **Statement of Licensing Policy 2010 – 2012**

## **Gambling Act 2005**

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

Entertainment Licensing  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

Tel: 0113 247 4095  
Fax: 0113 224 3885

Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)  
Web: [www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing)

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

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## Executive Summary

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

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

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

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

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

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

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

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

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

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

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

### 1. The licensing objectives

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

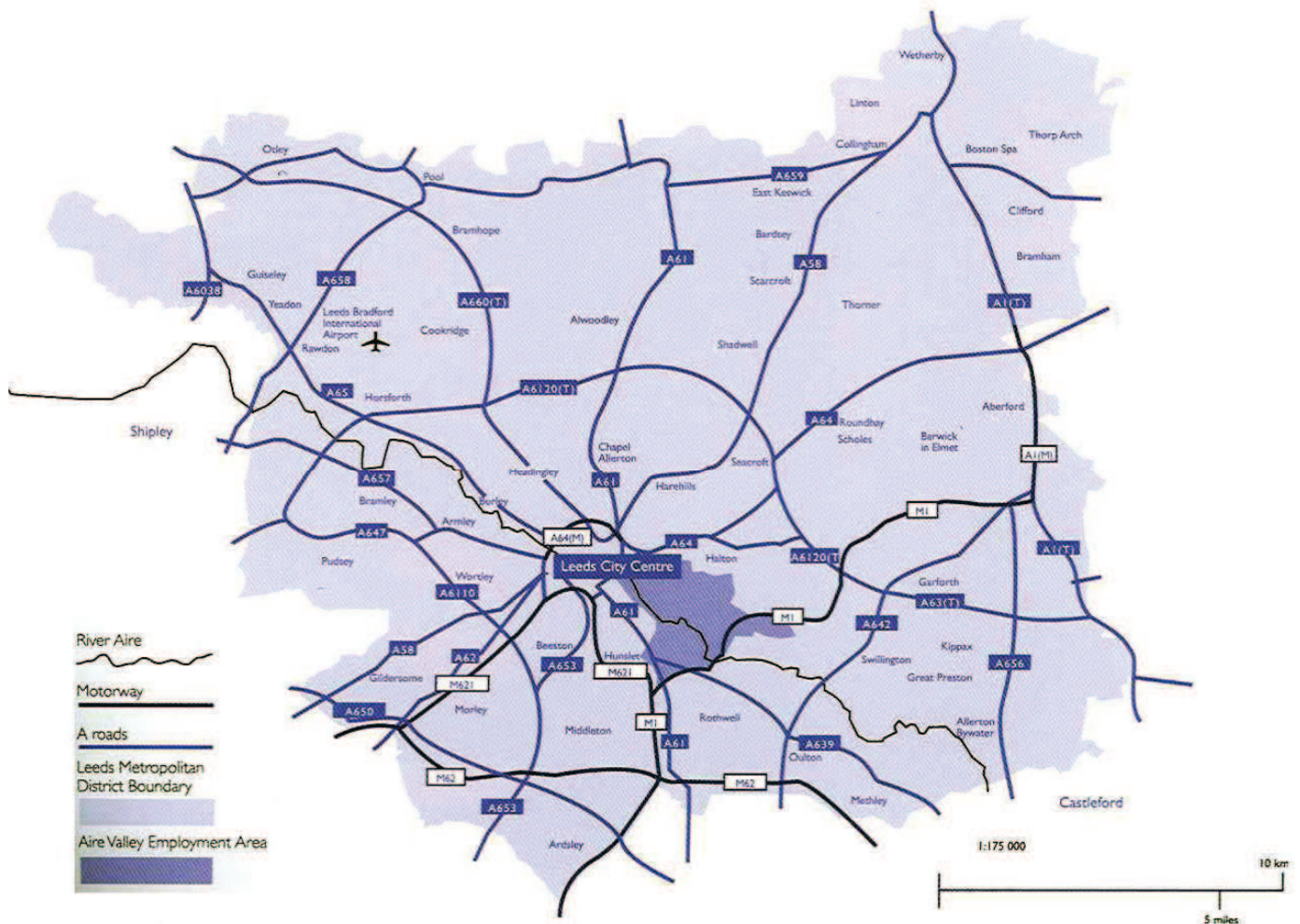
### 2. The Leeds district

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

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

- 2.5 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up almost 11% of the city population.
- 2.6 The Vision for Leeds 2011-2030 is published by the Leeds Initiative, as the city's strategic partnership group. It sets the overall aim that by 2030 Leeds will be the best city in the UK. It has three main aims:
- Leeds will be fair, open and welcoming
  - Leeds' economy will be prosperous and sustainable
  - All Leeds' communities will be successful
- 2.7 This statement of licensing policy seeks to promote the licensing objectives within the overall context of the three aims set out in the Vision for Leeds 2011-2030.

## 2.9 Leeds metropolitan district



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

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

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

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

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

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

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

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

3.5 The policy was approved at a meeting of the Full Council on 18<sup>th</sup> November 2009.

3.6 The policy was revised in 2011 to include a section on the large casino, to update information on the Vision for Leeds and to update Appendix 1. The revised policy was adopted by Full Council on **xxxx**.

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

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

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

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

#### **5. Declaration**

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



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

## **6. Responsible authorities**

6.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.

6.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

6.3 In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board has produced a "West Yorkshire Consortium Procedures Manual which can be found at <http://www.procedures.leedslscb.org.uk>. Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.

6.4 The contact details of all the responsible authorities under the Gambling Act 2005 are:

The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	Tel: 0121 230 6666 Fax: 0121 233 1096 info@gamblingcommission.gov.uk
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West Yorkshire Police Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX	T: 0113 241 4023
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Leeds Safeguarding Children's Board Leeds City Council 7 <sup>th</sup> Floor East Merrion House Leeds LS2 8DT	T: 0113 395 2610 administrator@leedslscb.org.uk
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West Yorkshire Fire and Rescue Service District Fire Safety Officer Leeds Fire Station Kirkstall Road Leeds LS3 1NF	T: 0113 244 0302
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Leeds City Council  
Planning and Development Services  
The Leonardo Building  
2 Rossington Street  
Leeds, LS2 8HD

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

T: 0113 247 6026

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

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

## **7. Interested parties**

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

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

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

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

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

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

## **8. Exchange of information**

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

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

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

## **9. Licensing authority functions**

9.1 Licensing authorities are responsible under the Act for:

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

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



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

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

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

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

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

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

#### Protection of children

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

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

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

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

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

#### Protection of vulnerable people

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**13. Introduction to premises licensing**

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

**Definition of "premises"**

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

**Location**

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

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

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

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

#### Duplication with other regulatory regimes

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

#### Conditions

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

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

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

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

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

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

#### Door supervision

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

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

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

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

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

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

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

## **16. Casinos**

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



### Licence considerations / conditions

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

### Large Casino

#### Background

- 16.5 The Act introduces three new categories of casino; one regional casino, eight large casinos and eight small casinos. In 2006 the council submitted a proposal for a regional and large casino to the Casino Advisory Panel.
- 16.6 On 15<sup>th</sup> May 2008 the Categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 was approved. This specified which licensing authorities could issue premises licences for large and small casinos. Leeds City Council was authorised to issue a large casino premises licence.
- 16.7 On 26<sup>th</sup> February 2008 the Secretary of State for Culture, Media and Sport issued the Code of Practice on Determinations Relating to Large and Small Casinos (Code of Practice). The council will comply with this Code which sets out:
- a. the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 and
  - b. matters to which the Licensing Authority should have regard in making these determinations.
- 16.8 The council recognises that applicants may either apply for a casino premises licence or a provisional statement. As for all premises licences, applicants for a casino premises licence must fulfil certain criteria in that they must:
- a. hold or have applied for an operating licence from the Gambling Commission; and
  - b. have the right to occupy the premises in question.
- 16.9 Should an applicant be unable to meet these two criteria they should apply for a provisional statement.
- 16.10 Unless otherwise specified, any reference to the application and procedures for a premises licence for a casino in the following parts of this section will also include the application and procedures for a provisional statement for a casino.
- 16.11 Where a provisional statement application is successful, the council may limit the period of time for which the statement will have effect. This period may be extended if the applicant so applies.
- 16.12 The council will ensure that any pre-existing contract, arrangement or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant.



- 16.13 In making a decision on both stages the council will take heed of any current Codes of Practice, current Regulations and guidance issued by the Secretary of State for the Department of Culture, Media and Sport and the Gambling Commission.
- 16.14 The council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. It may choose to exercise this option should there be only one application for a large casino premises licence or should, where there is more than one application, those applications fail to meet the council’s aspirations for benefit for the Leeds metropolitan area. Should the council decide in the future to pass such a resolution, it will update this policy with details of that resolution and any such decision will be made by full Council.
- 16.15 As per Part 8, Section 210 of the Gambling Act 2005 the council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building and any licensing decision will not constrain any later decision by the council under the law relating to planning or building.
- 16.16 The council does not have a preferred location for the new large casino. Applicants can submit proposals for any site or location within the Leeds metropolitan area and each will be judged on its own individual merits.

#### Application Process

##### *Stage 1*

- 16.17 The council will publish an invitation calling for applications. This invitation will be published in a trade newspaper, journal or similar publication. It will state the latest date the application must be made and the place from which a person may obtain an application pack.
- 16.18 The part of the application pack which relates to stage 1 will include, as a minimum, the following:
- Guidance for applicants
  - Application form for Stage 1
  - Example notices
- 16.19 With regard to stage 1 of the application process, the general principles as stated in Part C of this gambling policy will apply to all applications.
- 16.20 At stage 1 the Licensing Committee or sub-committee, will determine, if there are valid representations, which applications would be granted if they were able to grant more than one application.
- 16.21 At stage 1, the council will not consider whether any of the applications is more deserving of being granted.

##### *Stage 2*

- 16.22 Should more than one applicant pass through stage 1, the process will proceed to the second stage with each successful applicant being invited to submit information about how their application would, if granted, benefit the area.
- 16.23 The part of the application pack which relates to stage 2 will include, as a minimum, the following:
- Stage 2 evaluation methodology, including scoring matrix
  - Details of current Licensing Committee
  - Details of the Advisory Panel
  - Terms of reference for Advisory Panel

- Example Schedule 9 agreement
- Glossary
- Vision for Leeds 2011 to 2030

16.24 At stage 2, the procedure will follow the DCMS Code of Practice. However, the Code leaves individual councils to determine the detail of their own procedure.

16.25 The council will not bear any abortive costs of the unsuccessful applicants and their participation in all phases of the licence process is conducted entirely at the applicants risk.

#### *Advisory Panel*

16.26 It is recognised that the Licensing Committee does not necessarily have specialised expertise required to fully evaluate each application. It will seek professional expertise from officers of the council. Where this expertise is not available, it may seek independent expertise from outside the council.

16.27 For this purpose, the Licensing Committee will appoint a non-statutory panel to assist it in the evaluation of the stage 2 application process. This panel will be called the "Advisory Panel". The Advisory Panel will evaluate each application using the evaluation methodology and scoring provided in the application pack.

16.28 To ensure there are no conflicts of interest, applicants will be provided with a list of Advisory Panel members. Where objections are made, it will be necessary to give details of the substance of such objection. These objections will be considered by the Licensing Committee before the evaluation of stage 2 applications commence.

16.29 The Advisory Panel will engage in discussions with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Leeds metropolitan area that would result from it (were it granted).

16.30 The Advisory Panel will report its findings to the Licensing Committee. The report will be made available to the applicant before being submitted to ensure that the information provided within it is accurate. Should the applicant disagree with the evaluation, this will be noted and reported to the Licensing Committee, together with any necessary changes to the Advisory Panel's report.

16.31 The Licensing Committee will consider all the applications at Stage 2, and the report of the Advisory Panel. They will evaluate the proposals, in line with the principles below and determine which application, if granted, is likely to result in the greatest benefit to the area. This will involve an evaluation both of the benefits and the likelihood of their delivery.

16.32 The Licensing Committee will instruct officers to complete negotiations on any written agreements made under Paragraph 5(3)(b) of Schedule 9 of the Act. Once the negotiations have been completed officers will report to Licensing Committee who will then grant the licence to the successful applicant and reject the remaining applications.

16.33 In line with paragraph 5.7.4 of the Code of Practice, in determining the principles the council intends to apply in making any determination for a casino premises licence, the council has had specific regard to the following:

- a. The financial and other contribution a second stage applicant proposes to make to the Leeds metropolitan area,
- b. The likely effects of an application on employment, the local economy and regeneration within the authority's area,

- c. Whether, and the extent to which, the benefits offered are pursuant to an agreement under paragraph 5(3)(b) of Schedule 9 or otherwise.

16.34 In line with paragraph 3.3 of the Code of Practice, in determining the principles the council intend to apply at Stage 2, it disregarded the existence of any contract, arrangement or other relationship already in place; and will

- put in place arrangements to ensure that any such contract, arrangement or other relationship does not, actually or apparently, prejudice its ability to conduct the procedure fairly; and will
- prepare a register of interests disclosing their interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant.

#### Principles

16.35 At stage 2 the applicant will be required to state and demonstrate the benefit that they can bring to Leeds metropolitan area.

16.36 The council will seek to determine the greatest benefit through the following principles:

**Financial** To seek to maximise the financial return to the council.

**Social** To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.

**Economic** To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

#### Evaluation Criteria

16.37 The council will publish a detailed evaluation methodology, which includes the information applicants are required to supply in order to support their application, and the weight that will be placed on each criterion. This evaluation methodology will be included in the application pack.

16.38 Applicants should carefully examine the evaluation methodology and tailor their application accordingly to ensure that they maximise benefits in accordance with this methodology.

16.39 In line with paragraph 5.7.4 of the Code of Practice, and the principles stated at 16.37 of this policy, the council has selected the following criteria which they will use to evaluate and score applications:

**Financial Contribution** This criterion relates to 16.33a and the first and second principles

**Socio-economic** This criterion relates to 16.33b and the second and third principles

**Risk and deliverability** This criterion relates to 16.33c and all three principles

### *Financial Contribution*

- 16.40 The council is seeking to identify and quantify the level of financial contribution that could be secured for the Leeds metropolitan area. It is expected that the contribution will comprise a mixture of annual payments received from the applicant and a lump sum payable upon signing of any agreements and on specified dates and/or events thereafter.
- 16.41 The financial contribution will be used by the council to establish and maintain the council administered Social Inclusion Fund (SIF) which will facilitate the delivery of programmes and projects that support the council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- 16.42 The financial contribution will be evaluated in terms of its ability to fund a credible and sustainable SIF. As such a mixture of upfront and annual payments is required.
- 16.43 The scoring of financial contributions will be weighted as follows:

<b>1.0</b>	<b>1.0 Financial Contribution</b>	<b>33%</b>
1.1	Net Present Value of total financial offer	
1.2	Upfront capital payment paid to the council on completion of the Schedule 9 Agreement	
1.3	Net Present Value of annual cash sum offer	
1.4	Credibility of financial assumptions and offer	

- 16.44 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

### *Socio-economic*

- 16.45 The council is seeking to identify and quantify the level of expected net socio-economic benefits that could be secured for the Leeds metropolitan area based on the projected gross levels applicants believe their proposals will generate.
- 16.46 The council will expect to see that the applicant has tailored its proposals specifically to the requirements of Leeds through research and detailed assessment of the physical, social and economic position as outlined in its vision documents. These documents will be made available in the stage 2 application pack.
- 16.47 Applicants should have regard to the proposed location of the premises, with regard to meeting the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. Applicants will be asked to provide information related to the area in which their proposed developed is situated in their strategy and vision documents.
- 16.48 Applicants will be asked to provide information on how their development will impact on employment and training, including amongst others, graduate training, NEETs and vocational qualifications as well as opportunities for Leeds businesses and the local supply chain.

16.49 Applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

16.50 The scoring of the socio-economic benefits will be weighted as follows:

<b>2.0 Socio-economic</b>	<b>34%</b>
2.1 Strategy and vision for proposed development	
2.2 Economic Benefits (Gross):	
- Net contribution to local economy (including direct employment and GVA)	
- Credibility of economic assumptions	
2.3 Net social impacts	

16.51 Further detail including the information required, its format, data requirements and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

*Risk and deliverability*

16.52 At stage 2 the council will assess the risk and deliverability of the proposed scheme. In particular the council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and a contractual obligation with penalties for non-delivery is required.

16.53 The application pack will include a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligation and where the applicant provides damages for non delivery are likely to receive greater weight in the evaluation process.

16.54 The council is aware that the casino application may form part of a wider development proposal or be a new development. A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non delivery and provides proof of funding. These commitments will be contained within the schedule 9 agreement and the five year timescale will start from the signing of the schedule 9 agreement. Applicants must demonstrate that all development proposals are credible.

16.55 The scoring of risk and deliverability will be weighted as follows:

<b>3.0 Risk and deliverability</b>	<b>33%</b>
3.1 Contents of the Schedule 9 Agreement	
3.2 Deliverability:	
- Financing	
- Financial Standing	
- Right to occupy the site/premises	
- Credibility of approach to implementation	

16.56 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack along with a template schedule 9 agreement.

## **17. Bingo premises**

- 17.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act. (see Appendix 1)
- 17.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
  - children will not be admitted to bingo premises unless accompanied by an adult.
- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.
- 17.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## **18. Betting premises**

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

### **Betting machines**

18.2 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

18.3 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted at paragraph 12.7.

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

## **19. Tracks**

19.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totaliser" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be 'off-course' betting operators who may operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

19.2 All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

19.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

19.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.



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

### Betting machines

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

## **20. Travelling fairs**

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



## **21. Provisional statements**

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

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

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

**Statement of Principles**

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

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

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

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

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

## **24. Prize gaming permits**

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

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

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

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

### **Statement of Principles**

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

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

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

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

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

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

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

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

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

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

## **26. Temporary use notices**

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

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

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

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

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



### 29. Enforcement principles

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



### **30. Reviews**

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

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

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

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

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

## Appendix 1 Gaming machines

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

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

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

**Table 1**

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

(Appendix 1 continued)

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

**Table 2**

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

Bingo premises and adult gaming centres are entitled to make available a number of Category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Bingo premises in existence before 13 July 2011 are entitled to make available eight category B3/B4 gaming machines, and adult gaming centres are entitled to make available four category B3/B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.

Bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of eight category B3/B4 gaming machines and adult gaming centres are entitled to make available four category B3/B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

## Appendix 2 Glossary of terms

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

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

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

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

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

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

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# Consultation Report

## Large Casino Section

### Statement of Licensing Policy 2010 – 2012

#### Gambling Act 2005

## Executive Summary

The Gambling Act 2005 (the Act) created a new system of licensing and regulation for commercial gambling in Great Britain. Within this regime local authorities were appointed as Licensing Authorities and became responsible for issuing premises licences to gambling premises such as casinos, bookmakers and amusement arcades.

In April 2008 Leeds City Council was awarded the right to issue a new style of casino licence. The Gambling Act and associated regulations set out the process the council and applicants must undertake before the large casino licence can be granted.

Under the Act the Licensing Authority must publish a statement of the principles that they propose to apply in exercising their functions under the Act. Leeds City Council's Statement of Licensing Policy for the Gambling Act 2005 was last consulted upon in 2009 and was published in January 2010. Licensing authorities are required to review and republish their policy every three years.

The council developed a new section to insert into the Statement of Licensing Policy in order to describe the principles it will apply when determining the large casino applications. The council sought the views of residents and interested parties on the content of the section during a public consultation which ran from 9th May to 29th July 2011. The council developed an application pack which details the two stage process required by the legislation and the evaluation methodology to be used to determine which application would provide the best benefit to the city. The application pack was provided for comment between 4th and 29th July 2011.

The council received 13 responses to the public consultation. This report provides the council's response to the consultation and describes any changes made as a result of the comments received.

The policy will be taken through the approval process, being presented to Executive Board for referral to Scrutiny and Overview Panel with final approval by full council in January 2012.

### Background information

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

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

Local authorities can issue premises licences once they are notified that the applicant has secured operating licences from the Gambling Commission. However operators are able to apply for a provisional statement before they apply for their operating licence but they are not able to open their premises until they have successfully secured a premises licence.

### The Gambling Act and Casinos

The Gambling Act 2005 changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences were to be granted, each of which to be significantly larger than existing casinos. The licences are broken down as follows: one regional casino, eight large casinos, and eight small casinos. The DCMS formed a special Casino Advisory Panel (CAP) to recommend where the new casinos should be located.

In April 2008 Parliament approved the locations of eight small and eight large casinos in line with the CAPs original recommendations. Leeds was awarded the right to issue a large casino licence.

The Act describes the process the council and the applicant must complete before issuing a large casino licence. This includes:

- Updating the Statement of Licensing Policy to include a statement of the principles the council will apply when determining the casino applications.
- Advertisement of the "competition"
- A two stage application process:
  - Stage 1 follows the same process as for any other premises licence application under the Act
  - Stage 2 in which the council determines which of the competing applications would, in the authority's opinion, be likely if granted, to result in the greatest benefit to the authority's area
- At the conclusion of Stage 2 the council may enter into a written agreement with the applicant

## **Purpose of the consultation**

The council has developed a new section to insert into the current Statement of Licensing Policy in order to describe the principles it will apply when determining the large casino applications.

As part of the Act, if the council amends the Statement of Licensing Policy it is required to consult with:

- a) the chief officer of police for the authority's area
- b) one or more persons who appear to the authority to represent the interests of person carrying on gambling businesses in the authority's area, and
- c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

The consultation methodology has been designed to provide a wide selection of the Leeds population with the opportunity to comment on the revised content. In addition comments are sought from the responsible authorities as well as a list of identified stakeholders such as organisations concerned with the social impact of gambling, faith groups, national bodies representing the gambling industry, plus representatives of local businesses.

## **Consultation Methodology**

The consultation ran from 9th May to 29th July 2011. This was a twelve week consultation. The HM Government Code of Practice on Consultation specifies that a 12 week consultation is good practice.

The consultation has been advertised by:

- A mailing to an extensive list of identified stakeholders. This includes existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups.
- A colour poster in all libraries, one stop shops and leisure centres.
- A news items to appear on the [leeds.gov.uk](http://leeds.gov.uk) homepage on the first day of the consultation.
- This report to be uploaded to [www.leeds.gov.uk/gpc](http://www.leeds.gov.uk/gpc) where it will be possible to access an online form to make responses.
- A press release will be issued by the press office advertising the consultation.

## **Application Pack**

Alongside the policy, the council developed a detailed application pack which applicants can use to assist them in applying for the large casino licence. This pack provides details on how to make an application, the two-stage process, the evaluation at second stage, details of the Advisory Panel and other information.

The council ran a four week non-statutory consultation on the contents of the application pack to the industry at the end of June 2011. This consultation was placed on the website at [www.leeds.gov.uk/gpc](http://www.leeds.gov.uk/gpc) and trade representatives were informed in writing.

## Public consultation themes

The council received 14 responses to the consultation on the large casino section of the Gambling Act 2005 Statement of Licensing Policy and the application pack (appendix 1).

There were a number of repeating themes:

### **Debt**

Web response 6042061

Written response 010

Web response 6042061 linked casinos with problem gambling and felt strongly that Leeds should not go ahead with the Large Casino application process. There is a better way of making our economy grow than by providing a casino.

Leeds Citizens Advice Bureau in written response 010 describe their concerns about the possible impact of a large casino in the city especially in relation to an increase in the number of people with gambling problems in the Leeds area.

### Response

This consultation considers the principles that will be used to determine how the licence will be granted rather than to determine if Leeds should grant a casino licence. Notwithstanding this, the Council has the powers to pass a no casino resolution if the benefits do not meet the aspirations for the local area.

At Stage 2 of the application process each applicant will be required to undertake a detailed equality and health impact assessment to detail the impact of their proposals and to outline a comprehensive mitigation strategy for any negative effects caused by the casino. The mitigation measures will form part of a contractual arrangement, incurring a penalty should those commitments not be met.

The Social Inclusion Fund - funded as a consequence of the casino - will also help deliver projects that help mitigate the affects of gambling and financial, economic and social exclusion.

### Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

### **Locality to regeneration areas/location of casino**

Web response 6045262, 6045339

Written response 004, 005, 008, 009

A number of respondents were concerned that the Large Casino may be situated in or close to a regeneration area and that this should not be seen as good for that area or a social good.

## Response

All applications must pass through Stage 1 of the application process. This stage follows the same regulatory checks that every gambling licence application goes through. Along with other checks, the application is evaluated against the licensing objectives, which are:

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

At Stage 2 of the application process all applicants will be required to provide a detailed social and health impact assessment, along with mitigation for their proposals. This must include a comprehensive evaluation of the location of the proposed venue. This will be evaluated alongside other criteria.

The Council will not have a preference for a large casino location. In the modern casino market, it is not expected that large casino applications will be placed in housing areas.

## Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

### **Social costs**

Web response 6045262, 6045339

Written response 004, 005, 006, 007, 008, 009

There was general concern that the council has concentrated on the benefits of a casino, and that there is not enough emphasis placed on potential harm, and ways of mitigating that harm.

A number of respondents commented that the licence should be awarded on the basis of demonstrating how the negative impacts of a casino would be mitigated as well as demonstrating the intended benefits.

There were comments that the Social Inclusion Fund (funded by the casino operator) should indicate that this will be used to mitigate the social costs.

## Response

Stage 2 of the application process, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process.

The Stage 2 evaluation considers negative effects in a number of ways:

- ▶ Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
- ▶ The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.

In addition, the council will monitor the social impact of the casino through a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator.

Applicants will be asked to outline and commit to mitigation measures as part of their stage 2 application. The Social Inclusion Fund will be used to deliver projects that assist the economic and financial inclusion agenda. It is anticipated that some aspects of the Social Inclusion Fund will be used to mitigate social costs brought about by the casino, above and beyond the commitments from operators.

#### Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

#### **Economic benefits**

Written response 006

The response from the Diocese of Ripon and Leeds commented specifically that applicants should be required to demonstrate the local economic benefits as well as those for the whole city.

#### Response

When determining which application should be granted the licence, the council must judge which application, if granted would provide the greatest benefit to the local authority area. This is the test prescribed in the legislation and underpins the evaluation process. During Stage 2, each application will be evaluated against a set criteria which has been developed to test the benefit to the area, not just the area directly impacted by the location of the casino. However applicants will be expected to outline their vision and strategy for the development, which includes strategies for maximising jobs for those living in areas nearby to the casino. Raising the amount of local benefits (e.g. benefits from those nearby to the site) will be encouraged and monitored.

#### Action

No change.

#### **Health Impacts**

Written response 007

NHS Leeds raised the concern that the policy does not acknowledge the potential negative impact that a large casino development could have. Their comprehensive response describes the potential health impacts associated with gambling, problem gambling and casinos and goes on to make a number of recommendations:

- ▶ Assessment criteria should acknowledge the impact of health within the each of the existing headings (Financial, Social & Economic) but ideally with a separate heading entitled 'Health Impacts'.
- ▶ Applicants should be encouraged and assessed upon their strategies and safeguards around minimising the negative impact to individual and community health.

- ▶ Provide flyer/campaign specific to the Leeds area assists patrons to recognise the early signs of gambling addiction and how to access help and support.
- ▶ Provide information about mental health services and self help materials in the entrance areas and offer training to the workforce (e.g. Mental Health First Aid).
- ▶ Provide information about debt advice within the casino and work with Leeds Credit Union to consider encouraging Casino users to join LCU to encourage financial capability through savings provision.
- ▶ Ensure information about alcohol dependency and brief intervention support is available.
- ▶ Maximise the social benefits of having casino as meeting point by providing a venue for social interaction that does not involve gambling, for example, a venue for local community groups to run healthy living activities at a reduced cost.
- ▶ Ensure that Positive Activities for Young People (PAYP) are available in the local area which will educate, stimulate and raise aspirations of local young people.
- ▶ Ensure that a proportionate quota of jobs within the casino are 'ring fenced' for local people.
- ▶ Consider schemes that promote employment in the casino to vulnerable people who stand to gain the most from employment, e.g. Long term unemployed or people with mental health problems.
- ▶ The document should present a more neutral position in relation to the impacts of a Large Casino on Leeds rather than only including positive impacts a casino could bring in key LCC documentation. LCC should clearly include the potential negative impacts of a Large Casino on health.

### Response

The licensing process is undertaken in two stages. Stage 1 is the same regulatory process undertaken by all premises licence applicants. Stage 2, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process.

The Stage 2 evaluation considers negative effects in a number of ways:

- ▶ Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
- ▶ The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.

In addition, the council will monitor the social impact of the casino through a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator. The council is already working on this with leading academics and the other 15 authorities who will grant new style casino licences.



During the stage 2 evaluation process, a number of criteria are considered including:

- ▶ health impacts
- ▶ strategies and safeguards to negative impacts.
- ▶ employment and skills strategies
- ▶ details on how the most disadvantaged could benefit from their proposal
- ▶ job ring-fencing proposals

These are considered under the socio-economic criteria, whilst commitments on mitigation are required in the schedule 9 agreement (risk and deliverability). Contractual commitments will be sought to ensure that any strategies promised by applicants are delivered.

The large casino licence operator will fund a Social Inclusion Fund which will support projects that help the financial and economic inclusion agenda (which will include work on health) and may be used to fund such activities away from the boundary of the casino.

Before a premises licence can be granted, which is required before the casino can open, the operators must have an operating licence - a highly regulated licence that requires commitments to mitigating negative effects. More information on the requirements of an operators licence can be obtained from [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

The Gambling Act 2005 requires all large casinos to provide non-gambling facilities.

#### Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects. Include an extra paragraph in the Policy as follows:

*The applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area.*

*Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.*

Include recommendations in the stage 2 application pack as a suggested benefit or mitigation applicants may propose. The council does not intend to prescribe the benefits applicants should offer but will encourage innovative proposals on mitigation.

## Written response 011

Joelson Wilson, on behalf of Rank, provided a comprehensive consultation response.

### **No Casino Resolution**

We note the reference at paragraph 16.14 to the power of Local Authority to pass a "no casino" resolution under s.166 of GA 2005. The Policy indicates that the Local Authority may choose to exercise the "no casino" resolution option in circumstances either where there is only one application for a large casino premises licence or where there is more than one application "those applications fail to meet the Council's aspirations for the benefit for the Leeds Metropolitan Area".

It is Rank contention that a "no casino" resolution may only be adopted in circumstances where there is only one successful applicant at the conclusion of stage 1 of the competition. Rank's reason for this assertion arises from Schedule 9 to GA 2005. Paragraph 4 of Schedule 9 provides that, at the first stage of the bidding process, the Licensing Authority shall consider in respect of each application whether they would grant such application under s.163 of GA 2005. Paragraph 5 of Schedule 9 then provides that if the Licensing Authority determines under paragraph 4 that they would grant a number of competing applications, then they shall determine which of those applications to grant (see paragraph 5(2) of schedule 9) and in reaching that decision they shall determine which of the competing applications would, in their opinion, be likely, if granted, to result in the greatest benefit to the Authority's area (see paragraph 5(3) of Schedule 9).

It therefore follows that, if more than one bid is successful at Stage 1, the Licensing Authority is obliged to enter Stage 2 of the application process and is obliged to consider which of the competing applications would in their opinion be likely, if granted, to result in the greatest benefit to the Authority's area and to grant a licence accordingly. These requirements are mandatory. It appears to follow that, in the circumstances, a "no casino" resolution would be in conflict with that statutory provisions which are triggered by a "provisional" decision to grant more than one licence at Stage 1. The power to pass a "no casino" resolution by virtue of s.166 of GA 2005 will only arise once the application process has commenced, if only one bid emerges as successful at the end of Stage 1, since there is no mandatory requirement imposed by GA 2005 to grant a licence if there is only one successful applicant at Stage 1.

### Response

The Council does not agree with this analysis of the legislation. The council believes that the ability to pass a 'no casino' resolution is a general power within the statute and not dependent upon the provisions of schedule 9, upon the council having the ability to licence a casino at all or upon starting a licensing process pursuant to that ability under part 8 or schedule 9. It follows that the council believes it retains the right to pass a 'no casino' resolution at any stage of the process.

### Action

No action

Rank notes at point 16.40 that payment will be required "upon the signing of any agreements" and at point 6.46 of the application pack under the heading "Finalisation of Schedule 9 Agreement" "upon the signing of the Schedule 9 Agreement" and payment will be taken "once the Committee make their final decision". Rank believes that the payment falls due at the conclusion of Stage 2 and not at the conclusion of the process, that is when the premises licence is approved in circumstances where a provisional statement has been granted initially. Rank would be grateful for clarification on this point. Further, in circumstances where the development cannot proceed because for example, planning permission was not subsequently granted, would the payment which is required "upon the signing of the Schedule 9 Agreement" be forfeited or refunded?

#### Response

The payment will be received upon the schedule 9 being signed regardless of whether it is a provisional or full premises licence. The up front payment is non-refundable and is a one off payment made upon the end of the process and once the schedule 9 is signed - whether giving effect to the provisional statement or premises licence. No other up front payment will be considered in the evaluation. It is for the applicant to determine if they want to offer the benefit sought or not.

If the development does not arise, the council requires that the provisional licence holder must provide payments for non-delivery and the applicant will not be refunded for any upfront payment. It is a commercial risk applicants must consider. The council needs commitment to deliver any development within 5 years in all instances, along with payments for non-delivery.

Net economic impact will score 14% in the evaluation and a new development has a good chance of scoring higher marks due to the economic impacts from the construction.

#### Action

No action

At 16.5.2 Rank would be grateful for clarification as to the distinction the Council seeks to make between "contractual obligations" as opposed to "merely damages for non-delivery".

#### Response

The council requires a contractual commitment to secure benefits for the local area in the schedule 9 agreement. The council requires payments for non-delivery of said benefits. An application that commits to both will score more highly. This is made clear in the application pack.

#### Action

Clarify this paragraph in the policy as follows:

*The application pack will include a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligation and where the applicant*

*provides damages for non delivery are likely to receive greater weight in the evaluation process.*

In circumstances where the Local Authority is considering a bid from a proposed site which is part of a wider development and not one from an existing site, Rank seeks to clarify point 16.53. Development sites, as the point accepts, will involve certain aspects outside the control of the operator. By contrast, an existing site will not face such constraint. It is proposed that the reference to “development outside the control of the applicant will not be considered” means to favour existing sites, either by suggesting a development site, despite possible regenerative benefits, will not be entertained or because an existing site can guarantee delivery in a way that a proposed site may not?

#### Response

Page 7 to 14 of the Stage 2 Evaluation Methodology clarifies the process. The respondent infers that development sites would be less favoured than existing sites. However this is not the case. The evaluation methodology was specifically developed to ensure that no particular type of development , would be favoured more highly than another.

#### Action

Clarify this paragraph in the policy as follows:

*The council is aware that the casino application may form part of a wider development proposal or be a new development. A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non delivery and provides proof of funding. These commitments will be contained within the schedule 9 agreement and the five year timescale will start from the signing of the schedule 9 agreement. Applicants must demonstrate that all development proposals are credible.*

#### **DRAFT APPLICATION PACK**

On page 4.4, there is further reference to the “no casino” resolution under s.166 of GA 2005 and the same comments apply as made in relation to the Statement of Licensing Policy as mentioned previously.

#### Response

As before

#### Action

As before

At page 6.3 it is stated that “applicants must not publicise their plans or make public statements about their involvement in the Stage 2 process”. Although Rank appreciates the confidential nature of the process and the requirement to keep all details of Stage 2 confidential, involvement in Stage 2 would be a matter for public record and Rank seeks clarification that this point does not seek to prohibit disclosure about participation in the process at Stage 2 by contrast with the content of the proceedings.

#### Response

To clarify, Stage 1 applications are a matter of public record as all premises licence applications are available for public inspection. However the DCMS Code of Practice: Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos, places a number of obligations on the licensing authority to maintain confidentiality:

*5.4.5. A licensing authority may not, during the second stage, discuss the details of a person’s application with the other competing applicants without the person’s permission.*

*5.4.6. A licensing authority must put in place a protocol governing the storage of confidential information submitted to them during the second stage, so as to maintain the confidentiality of that information.*

It is desirable that discussions applicants may have with the council at Stage 2 will remain confidential although the council does appreciate that there is no legal or statutory requirement for applicants to maintain confidentiality about their Stage 2 application.

#### Action

Amend page 6-3 accordingly.

Rank notes that it is currently intended that only 5 representatives from each applicant company will be permitted to attend the hearing before the Advisory Panel. Rank suggests that no limit is placed on those who might be able to attend the hearing. Rank does not suggest that any presentation should involve more than 5 people in total, but would be keen to have representatives in attendance who would be able to assist the Panel as matters arose, since this is the only oral presentation proposed under the consultation document.

#### Response

It should be noted that the council does not intend to hold a hearing at Stage 2. The Advisory Panel will meet to discuss the applications in order to provide an expert evaluation of the bids for the Licensing Committee. This evaluation process will include dialogue sessions where the Advisory Panel will ask applicants to clarify or enhance their bid in order to maximise the benefits for the city. The application pack describes the process. The reference to 5 representatives refers to the dialogue sessions where the Advisory Panel would permit 5 attendees at any one dialogue session.

#### Action

No action

On page 6.6 under the heading "Licensing Committee Stage" the policy states that "applicants will not be permitted to present to the Licensing Committee". Rank should be grateful for clarification in relation to the omission of any reference to hearings at Stage 2 of the process, particularly since it is envisaged that conditions will be attached to any licence during Stage 2. This is made clear at point 6 of the introduction of the draft agreement, where it is stated that "the parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

SI Number 173 of 2007 ("the Hearing Regulations") applies to proceedings of the Licensing Committee in the exercise of its functions under GA 2005 and a hearing complaint with those regulations is required when the Licensing Authority intends to impose conditions on a licence under GA 2005 s.169. Rank would be grateful to receive clarification as to how it is proposed to impose such conditions without a hearing before the Licensing Committee.

### Response

It is clear that Part 8 of the casino licensing procedure is to apply to casino licensing applications at Stage 1. This is expressly stated in Schedule 9 paragraph 4(1)(c) of the Gambling Act 2005 and in paragraph 4.1 of the DCMS Code of Practice.

It is also clear that the procedures in Part 8 of the Act do not apply to Stage 2 of the process. Rather, Schedule 9 of the Act and section 5 of the Code of Practice leave the procedure at Stage 2 to be decided by the licensing authority, subject to the minimum requirements set out in the DCMS Code of Practice. The references to Part 8 provisions in Schedule 9 do not concern the process of determination, merely its consequences.

With regards to the conditions to be attached to the licence, these will be decided at Stage 1.

The single exception is any condition to be attached under Schedule 9 paragraph 5(3)(c). Any difference between the authority and the applicant as to this condition will have been explored during the dialogue process at Stage 2 so that when the council comes to make its final decision as to which application offers the greatest benefit the council will have before it the applicant's proposed written agreement and condition. Based on that material, it will then decide which is the winning applicant. The reference to section 169 in Schedule 9 paragraph 5(3)(c) was not intended to import the requirement for a hearing in section 162. Nevertheless, as a precautionary measure, the authority will invite the winning applicant to waive any entitlement to a hearing prior to the grant.

### Action

No action

Sub-criteria 1.1 at page 7.9 establishes the criterion that the benefits and impacts will be assessed over a 10 year period commencing on 1st December 2012. In cases where sites are to be developed, if the development is not completed for say, 18 months to 2 years, this could provide an advantage to the potential operator of an existing site. Rank suggests that the assessment should commence from the commencement of trade of any new build.

### Response

The evaluation period is from the signing of the schedule 9 agreement and not once the casino is operational. There is no advantage to an existing site as the approach does not dictate the form of payment. For example, the methodology does not state that the payment must only be a % of gaming yield of an operational large casino. Rather it says the payments can be a mixture of a upfront lump sum payment, an annual underwritten payment and an annual variable payment (see page 7-9 of the Stage 2 Evaluation Methodology). There is nothing stopping an applicant making an annual underwritten payment whilst the casino is in construction.

Furthermore, it is made clear in 1.1.4 that payments throughout the duration of the schedule 9 (which is beyond 10 years) will form part of the evaluation. The level of financial benefits will also be evaluated in 3.1, which will include an evaluation of financial benefit beyond the 10 year NPV period. Therefore, for the avoidance of doubt, it should be noted that applicants are expected to provide financial benefits in perpetuity and all financial payment will be considered in the evaluation.

### Action

No action

At page 7.10 Rank would be grateful for clarification of weighting assessment. Rank has assumed that the weighted score is calculated by multiplying the mark out of 10 score by the appropriate factor eg. Where the weighted score is out of 80, the mark out of 10 score is multiplied by 8.

### Response

The weighting for Criteria 1.1.1, 1.1.2. 1.1.3 is made clear on pages 7-3 and 7-4 - which is a pro-rata assessment. Rank assumes correctly that this is how weighted scores are calculated.

### Action

No action

At paragraph 7.19 the reference to planning permission is not qualified in the way that it is at page 7.1 under the heading "background information". Rank suggested that the reference at page 7.19 should be qualified for the avoidance of doubt.

### Response

Agreed.

### Action

Amend 7.19 in the Stage 2 Evaluation Methodology.



**DRAFT AGREEMENT UNDER SCHEDULE 9 OF THE GA 2005**

At "Introduction Point (6)" of the draft agreement it states – "the parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

And at Clause 6.3 – "the parties acknowledge that a variation of this agreement shall only have effect if it is accompanied by a variation of the condition which is attached to the licence/provisional statement under s.169 of the Act, such variation being under s.187 of the Act, as is specified in paragraph 7(2)(c) of Schedule 9 of the Act. The same comments apply in relation to the imposition of conditions as at point 8 of this letter.  
licensing

Response

See before

Action

See before

**FINAL DETERMINATION**

Rank would welcome confirmation that the same Licensing Committee members will consider and determine all applications at Stage 2.

Response

The Licensing Committee comprises of 15 members all appointed by full Council, all of whom will be trained. The quorum for the Licensing Committee is 5 members. It is currently expected that the determination will be made by the full Licensing Committee and not by a sub committee however that is a matter for the Licensing Committee to determine and no guarantees can be given as to the numbers of Councillors who will make the decision or whether it is to be full Committee or a sub committee.

The Stage 2 determination may be undertaken over several days and will be influenced by the number of applications at stage 2. It is expected to include a 'minded to grant' decision followed by confirmation of grant. It is expected that only members who have been present throughout the evaluation process of all applications will be involved in the 'minded to grant' decision.

Action

No action.



## **PLANS**

Rank would be grateful if you could confirm the procedure should the layout drawings have to be altered by reasons beyond their control, during Stages 1 and 2. As you will appreciate, in the normal course of events in relation to a development site, a developer, separate and distinct from the operator of the gaming licence, will be responsible for building the premises to a certain stage. On completion of the "shell" of the building, it is then handed over to the operator who fits out the internal building to its own requirements. Therefore, for some considerable time, the final layout of the premises is a matter which is outside the absolute control of the operator. Clearly, any alterations are kept to a minimum, not least because otherwise considerable costs can be involved. However, if alterations are necessary, which as indicated, would be out of the control of the operator, Rank would be grateful for details as to the procedure to be followed at Stage 2 vis a vis the production of plans, in such circumstances.

### Response

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 place a requirement on applicants to provide plans with a specific level of detail. This requirement is placed on both applicants for premises licences and provisional statements.

The council will not be able to accept altered plans after the completion of Stage 1 as this would lead to plans being assessed at Stage 2 that had not been available for consultation during Stage 1. Should an applicant wish to vary the plans after the completion of Stage 2, and the grant of the licence/provisional statement, they can do so in accordance with the Act.

### Action

No action.

### Changes in red

#### Large Casino

##### Background

- 16.5 The Act introduces three new categories of casino; one regional casino, eight large casinos and eight small casinos. In 2006 the council submitted a proposal for a regional and large casino to the Casino Advisory Panel.
- 16.6 On 15<sup>th</sup> May 2008 the Categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 was approved. This specified which licensing authorities could issue premises licences for large and small casinos. Leeds City Council was authorised to issue a large casino premises licence.
- 16.7 On 26<sup>th</sup> February 2008 the Secretary of State for Culture, Media and Sport issued the Code of Practice on Determinations Relating to Large and Small Casinos (Code of Practice). The council will comply with this Code which sets out:
- a. the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 and
  - b. matters to which the Licensing Authority should have regard in making these determinations.
- 16.8 The council recognises that applicants may either apply for a casino premises licence or a provisional statement. As for all premises licences, applicants for a casino premises licence must fulfil certain criteria in that they must:
- a. hold or have applied for an operating licence from the Gambling Commission; and
  - b. have the right to occupy the premises in question.
- 16.9 Should an applicant be unable to meet these two criteria they should apply for a provisional statement.
- 16.10 Unless otherwise specified, any reference to the application and procedures for a premises licence for a casino in the following parts of this section will also include the application and procedures for a provisional statement for a casino.
- 16.11 Where a provisional statement application is successful, the council may limit the period of time for which the statement will have effect. This period may be extended if the applicant so applies.
- 16.12 The council will ensure that any pre-existing contract, arrangement or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant.
- 16.13 In making a decision on both stages the council will take heed of any current Codes of Practice, current Regulations and guidance issued by the Secretary of State for the Department of Culture, Media and Sport and the Gambling Commission.

- 16.14 The council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. It may choose to exercise this option should there be only one application for a large casino premises licence or should, where there is more than one application, those applications fail to meet the council’s aspirations for benefit for the Leeds metropolitan area. Should the council decide in the future to pass such a resolution, it will update this policy with details of that resolution and any such decision will be made by full Council.
- 16.15 As per Part 8, Section 210 of the Gambling Act 2005 the council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building and any licensing decision will not constrain any later decision by the council under the law relating to planning or building.
- 16.16 The council does not have a preferred location for the new large casino. Applicants can submit proposals for any site or location within the Leeds metropolitan area and each will be judged on its own individual merits.

### Application Process

#### *Stage 1*

- 16.17 The council will publish an invitation calling for applications. This invitation will be published in a trade newspaper, journal or similar publication. It will state the latest date the application must be made and the place from which a person may obtain an application pack.
- 16.18 The part of the application pack which relates to stage 1 will include, as a minimum, the following:
- Guidance for applicants
  - Application form for Stage 1
  - Example notices
- 16.19 With regard to stage 1 of the application process, the general principles as stated in Part C of this gambling policy will apply to all applications.
- 16.20 At stage 1 the Licensing Committee or sub-committee, will determine, if there are valid representations, which applications would be granted if they were able to grant more than one application.
- 16.21 At stage 1, the council will not consider whether any of the applications is more deserving of being granted.

#### *Stage 2*

- 16.22 Should more than one applicant pass through stage 1, the process will proceed to the second stage with each successful applicant being invited to submit information about how their application would, if granted, benefit the area.
- 16.23 The part of the application pack which relates to stage 2 will include, as a minimum, the following:
- Stage 2 evaluation methodology, including scoring matrix
  - Details of current Licensing Committee
  - Details of the Advisory Panel
  - Terms of reference for Advisory Panel

- Example Schedule 9 agreement
- Glossary
- Vision for Leeds 2011 to 2030

16.24 At stage 2, the procedure will follow the DCMS Code of Practice. However, the Code leaves individual councils to determine the detail of their own procedure.

16.25 The council will not bear any abortive costs of the unsuccessful applicants and their participation in all phases of the licence process is conducted entirely at the applicants risk.

#### *Advisory Panel*

16.26 It is recognised that the Licensing Committee does not necessarily have specialised expertise required to fully evaluate each application. It will seek professional expertise from officers of the council. Where this expertise is not available, it may seek independent expertise from outside the council.

16.27 For this purpose, the Licensing Committee will appoint a non-statutory panel to assist it in the evaluation of the stage 2 application process. This panel will be called the "Advisory Panel". The Advisory Panel will evaluate each application using the evaluation methodology and scoring provided in the application pack.

16.28 To ensure there are no conflicts of interest, applicants will be provided with a list of Advisory Panel members. Where objections are made, it will be necessary to give details of the substance of such objection. These objections will be considered by the Licensing Committee before the evaluation of stage 2 applications commence.

16.29 The Advisory Panel will engage in discussions with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Leeds metropolitan area that would result from it (were it granted).

16.30 The Advisory Panel will report its findings to the Licensing Committee. The report will be made available to the applicant before being submitted to ensure that the information provided within it is accurate. Should the applicant disagree with the evaluation, this will be noted and reported to the Licensing Committee, together with any necessary changes to the Advisory Panel's report.

16.31 The Licensing Committee will consider all the applications at Stage 2, and the report of the Advisory Panel. They will evaluate the proposals, in line with the principles below and determine which application, if granted, is likely to result in the greatest benefit to the area. This will involve an evaluation both of the benefits and the likelihood of their delivery.

16.32 The Licensing Committee will instruct officers to complete negotiations on any written agreements made under Paragraph 5(3)(b) of Schedule 9 of the Act. Once the negotiations have been completed officers will report to Licensing Committee who will then grant the licence to the successful applicant and reject the remaining applications.

- 16.33 In line with paragraph 5.7.4 of the Code of Practice, in determining the principles the council intends to apply in making any determination for a casino premises licence, the council has had specific regard to the following:
- a. The financial and other contribution a second stage applicant proposes to make to the Leeds metropolitan area,
  - b. The likely effects of an application on employment, the local economy and regeneration within the authority's area,
  - c. Whether, and the extent to which, the benefits offered are pursuant to an agreement under paragraph 5(3)(b) of Schedule 9 or otherwise.
- 16.34 In line with paragraph 3.3 of the Code of Practice, in determining the principles the council intend to apply at Stage 2, it disregarded the existence of any contract, arrangement or other relationship already in place; and will
- put in place arrangements to ensure that any such contract, arrangement or other relationship does not, actually or apparently, prejudice its ability to conduct the procedure fairly; and will
  - prepare a register of interests disclosing their interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant.

#### Principles

16.35 At stage 2 the applicant will be required to state and demonstrate the benefit that they can bring to Leeds metropolitan area.

16.36 The council will seek to determine the greatest benefit through the following principles:

- Financial** To seek to maximise the financial return to the council.
- Social** To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- Economic** To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

#### Evaluation Criteria

- 16.37 The council will publish a detailed evaluation methodology, which includes the information applicants are required to supply in order to support their application, and the weight that will be placed on each criterion. This evaluation methodology will be included in the application pack.
- 16.38 Applicants should carefully examine the evaluation methodology and tailor their application accordingly to ensure that they maximise benefits in accordance with this methodology.

16.39 In line with paragraph 5.7.4 of the Code of Practice, and the principles stated at 16.37 of this policy, the council has selected the following criteria which they will use to evaluate and score applications:

<b>Financial Contribution</b>	This criterion relates to 16.33a and the first and second principles
<b>Socio-economic</b>	This criterion relates to 16.33b and the second and third principles
<b>Risk and deliverability</b>	This criterion relates to 16.33c and all three principles

#### *Financial Contribution*

- 16.40 The council is seeking to identify and quantify the level of financial contribution that could be secured for the Leeds metropolitan area. It is expected that the contribution will comprise a mixture of annual payments received from the applicant and a lump sum payable upon signing of any agreements and on specified dates and/or events thereafter.
- 16.41 The financial contribution will be used by the council to establish and maintain the council administered Social Inclusion Fund (SIF) which will facilitate the delivery of programmes and projects that support the council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- 16.42 The financial contribution will be evaluated in terms of its ability to fund a credible and sustainable SIF. As such a mixture of upfront and annual payments is required.
- 16.43 The scoring of financial contributions will be weighted as follows:

<b>1.0</b>	<b>1.0 Financial Contribution</b>	<b>33%</b>
1.1	Net Present Value of total financial offer	
1.2	Upfront capital payment paid to the Council on signature of the Schedule 9 Agreement	
1.3	Net Present Value of annual cash sum offer	
1.4	Credibility of financial assumptions and offer	

16.44 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

#### *Socio-economic*

- 16.45 The council is seeking to identify and quantify the level of expected net socio-economic benefits that could be secured for the Leeds metropolitan area based on the projected gross levels applicants believe their proposals will generate.
- 16.46 The council will expect to see that the applicant has tailored its proposals specifically to the requirements of Leeds through research and detailed assessment of the physical, social and economic position as outlined in its vision documents. These documents will be made available in the stage 2 application pack.

- 16.47 Applicants should have regard to the proposed location of the premises, with regard to meeting the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. Applicants will be asked to provide information related to the area in which their proposed developed is situated in their strategy and vision documents.
- 16.48 Applicants will be asked to provide information on how their development will impact on employment and training, including amongst others, graduate training, NEETs and vocational qualifications as well as opportunities for Leeds businesses and the local supply chain.

### New paragraph

16.49 Applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

16.50 The scoring of the socio-economic benefits will be weighted as follows:

2.0 Socio-economic	34%
2.1 Strategy and vision for proposed development	
2.2 Economic Benefits (Gross):	
- Net contribution to local economy (including direct employment and GVA)	
- Credibility of economic assumptions	
2.3 Net social impacts	

16.51 Further detail including the information required, its format, data requirements and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

### *Risk and deliverability*

- 16.52 At stage 2 the council will assess the risk and deliverability of the proposed scheme. In particular the council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and a contractual obligation with penalties for non-delivery is required.
- 16.53 The application pack will include a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligation ~~as opposed to merely damages for non-delivery and where the~~

applicant provides damages for non delivery are likely to receive greater weight in the evaluation process.

16.54 The council is aware that the casino application may form part of a wider development proposal or be a new development. ~~The stage 2 evaluation will only take into consideration parts of a development that the applicant is willing to make a firm contractual commitment to deliver within a set timescale. Any benefits not supported by a contractual commitment in the schedule 9 agreement along with meaningful proposed penalties on non delivery or delay and without proof of funding will receive little, if any, weight.~~ A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non delivery and provides proof of funding. These commitments will be contained within the schedule 9 agreement and the five year timescale will start from the signing of the schedule 9 agreement. ~~Development outside of the control of the applicant will not be considered.~~ Applicants must demonstrate that development proposals are credible.

16.55 The scoring of risk and deliverability will be weighted as follows:

<b>3.0 Risk and deliverability</b>	<b>33%</b>
3.1 Contents of the Schedule 9 Agreement	
3.2 Deliverability:	
- Financing	
- Financial Standing	
- Right to occupy the site/premises	
- Credibility of approach to implementation	

16.56 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack along with a template schedule 9 agreement.



## Changes to the Stage 2 Evaluation Methodology

### Changes in red.

There are likely to be further changes to clarify and simplify some of the terminology in the application pack, especially in the Stage 2 Evaluation Methodology. These changes will be considered by Licensing Committee during approval of the full application pack prior to the commencement of the application process. These changes will not impact on the Statement of Licensing Policy.

### Criteria 2.3: Net social impacts

Potential maximum weighted score = 50

This criterion will assess the net social (including health) impacts that could result from the development of a casino and related developments and the approaches to be adopted by applicants to mitigating any negative social impacts resulting from these developments. It will consider:

- ♦ The nature and scale of potential economic benefits and any negative social impacts.
- ♦ Any health impacts for the local area
- ♦ The approach applicants will adopt to mitigation of effects and the credibility to do so.
- ♦ The role the applicants and their developments could play in the regeneration of the chosen location and the Leeds metropolitan area.

Applicants should identify and provide an assessment of the potential social, health and equality impacts for their proposed location and detail their approaches to mitigating any negative impacts.

In particular, the council considers it important that applicants work in partnership with local employment and social programmes and have a detailed strategy that ensures educational, employment and training opportunities arise for disadvantaged communities. The council also requires that measures are in place to restrict problem gambling issues, and that measures protect residents living closest to the site.

In accordance with the requirements of the DCMS Code of Practice guidance applicants should take into consideration proximity to the following:

- ♦ Schools.
- ♦ Other facilities for children and vulnerable adults.
- ♦ Deprived areas.
- ♦ Places of worship.
- ♦ Large young or elderly populations.

The council requires innovative proposals on mitigation. Applicants may wish to consider some of the following mitigation measures, although these are not prescriptive:

- ♦ Providing flyer/campaign specific to the Leeds area assists patrons to recognise the early signs of gambling addiction and how to access help and support.
- ♦ Providing information about mental health services and self help materials in the entrance areas and offer training to the workforce (e.g. Mental Health First Aid).
- ♦ Providing information about debt advice within the casino and work with Leeds Credit Union to consider encouraging Casino users to join Leeds Credit Union to encourage financial capability through savings provision.

- Ensuring information about alcohol dependency and brief intervention support is available.
- Ensuring that Positive Activities for Young People (PAYP) are available in the local area which will educate, stimulate and raise aspirations of local young people.
- Ensuring that a proportionate quota of jobs within the casino are 'ring fenced' for local people.
- Providing schemes that promote employment in the casino to vulnerable people who stand to gain the most from employment, e.g. Long term unemployed or people with mental health problems.

#### Information required:

A strategy setting out the applicant's:

- Assessment of diversity issues for the chosen location including identification and assessment of potential positive and negative impacts of establishing the casino (and wider developments where applicable) at this location.
- Any mitigating factors to reduce the negative impact of the development at their chosen location.
- Approach to how measures/mitigations of negative impacts will address the requirements outlined in the policy and the Code of Practice.
- Management arrangements to address social, **health** and equality issues including monitoring of mitigation of potential adverse effects of the development
- Key areas of where cooperation could take place, specifying the nature of activities/programmes, partners to be involved, the role expected of the council.
- The form that this cooperation would take (e.g. funding/sponsorship, staff time/benefits in kind, development, management/administrative support, facilities, etc).
- Who will be responsible for the costs of mitigation.
- Any constraints or dependencies (e.g. support and input from the council or other organisations).

Where applicants already have an Operating Licence they should identify where the actions set out in their strategy are additional to those already required under the DCMS Code of Practice, which are at the discretion of the applicant and which will form part of the Schedule 9 Agreement to be signed with the council

Case study examples of existing co-operation with local partners and organisations, including the outcomes of these examples, with appropriate references.

#### Format of information:

An Equality Impact Assessment providing a detailed description and analysis of the:

- Social mix of the location.
- Equality characteristics considered (should cover as a minimum assessment of age, race, sex, carers, disability, religion or belief, sexual orientation, gender reassignment).
- Identification of potential impacts and their remedial action/mitigation.
- Details of key stakeholders and partners.
- Community consultations undertaken (with groups who may be affected and feedback from consultation).
- Research studies undertaken, e.g. into the potential barriers individuals may face based on different equality strands.
- Details of individuals responsible for management of equality and diversity, and of those with lead responsibility for actions detailing type of action, likely timescales, measures to be implemented.

**A health impact assessment providing a detailed description and analysis of the:**

- ◆ Health impacts of the proposed development and details of the remedial action/ mitigation
- ◆ Health statistics of the local wards closest to the casino and of the intended customer base
- ◆ Research studies undertaken, e.g. research of health matters in the Leeds area and research that substantiates analysis provided in the health impact statement
- ◆ Details of individuals responsible for management of health issues, and of those with lead responsibility for actions detailing type of action, likely timescales, measures to be implemented.
- ◆ Consultation undertaken with health professionals

Appropriate diagrammatic and graphical representation to underpin analysis and commentary.

Detailed description of proposed activities, including case studies of previous examples, with plans for how the applicant proposes to involve and cooperate with the council and local partners to support and deliver local social programmes.

Submissions will be evaluated in terms of:

The innovative nature of the strategy and the approaches to mitigating negative impacts which provide net additional benefit to the proposed location over and above the 'costs' of mitigation.

**The quality of analysis of the social, health and equality matters and impacts in the local area**

The degree of pro-activity in working with city wide partnerships and organisations, e.g. the third sector, to maximise economic impact and minimise negative social impacts.

The degree of commitment – as evidenced in the Schedule 9 Agreement – to:

- ◆ Working with the council to support the activities of the SIF.
- ◆ Outputs and outcomes that can be measured and substantiated with appropriate evidence, e.g. service level agreements with city organisations who can work in partnership with organisations, agreements to work together with city partners, contractual documentation, example templates, delivery plans or other relevant evidence.
- ◆ **Mitigating against social, health and equality issues.**
- ◆ **Commitment to cover any costs of negative impacts and mitigation**

The quality and deliverability of detailed strategies and approaches to addressing potential negative social impacts resulting from the proposed developments with a clear commitment from management to undertake the required remedial actions.

Evidence based case study examples of existing approaches to remedying negative social impacts, including cooperation and collaboration with local partners and support for the implementation and delivery of these activities – particularly where this is in the Leeds metropolitan area - supported by evidence of outputs/outcomes and references.

The council is interested in applicants detailing approaches and activities which are additional to those required under the DCMS Code of Practice.

In line with the details provided in the policy the council has no preferred site for the large casino/related development.

## Annex A - Consultation responses

### Web response 6042061

Unfortunately, casinos benefit not just from those who can afford to lose money, but benefit also from those who cannot control their gambling habit. Having met several people who are destroying their lives through gambling, I feel strongly that Leeds should not go ahead with this. Yes, it would bring in some tax revenue, but what about those lives it destroys. The gambling industry will not be there to pick up the pieces of those who wrecked their finances by gambling. The money that people spend on gambling would be much better spent on buying products and services from the local economy more likely be less destructive! I leave you with the words of a gambler, Eileen, I spoke to: *"I have a good job, but through gambling, I am now in more debt than I can ever pay back. I dare not tell my family, because I am ashamed of what I have done. I like gambling, but cannot help myself. I know that overall I lose, but I can't stop myself from playing. I wish I had never discovered this game (the one she plays in the casino)".* Surely there is a better way of making our economy grow than by providing a noose for such people to hang themselves with.

### Web response 6045262

Apologies if you have had this already (computer crash a significant send moment!) Members of Leeds Churches Social Responsibility Forum continue to have concerns about the human cost of a large casino. As Leeds City Council considers the principles underlying the licensing policy, we urge you to ensure that

- 1) applicants for a licence are not encouraged to assume implicitly or explicitly that locating a casino in or close to a regeneration area is a social good and
- 2) the licence is awarded on the basis of demonstrating how social costs will be mitigated as well as demonstrating intended benefit

### Web response 6045339

I have 2 concerns about the large casino licensing policy. Both are related to the location of casinos. The first concern is that those applying for and granting licences should not be allowed to assume that locating a casino near to a deprived area is good for that area, but should be required to provide evidence. The second concern is that licences should take into account the potential social costs associated with casinos (and strategies to address these costs), and not just potential benefits.

### Written response 001 - by email

[Responsible Gambling Fund - Responsible Gambling Strategy Board](#)

Many thanks for offering RGF/RGSB the opportunity to comment on this matter.

On reflection, we feel that we do not have sufficient knowledge of local conditions to make a meaningful response.

However, and apologies if you know this already, we are closely involved in consultation on the commissioning and development of an impact assessment tool for use by all 16 LAs authorised to license 'new' casinos under the terms of the GA05.

### **Written response 002 - by email**

I am writing with regard to the consultation for the large casino in Leeds. I have no problems with the casino if it means jobs are created in Leeds.

### **Written response 003 - by letter**

Thank you for your letter of the 3rd May about the Statement of Licensing Policy in respect of a large casino.

I am not in favour of a large casino and I would be grateful if you could take my comments into account.

### **Written response 004 - by email**

I write as Rector of St Georges Church, Leeds, and chair of the Trustees of St George's Crypt.

We are concerned that if a licence is issued to a large casino, people vulnerable to gambling addiction should be protected.

In particular:

1. One of the criteria for being granted the licence should be a robust plan to mitigate the social costs of having a large casino in Leeds.
2. It should not be assumed that the best location is close to a regeneration area; better to have it further away as there is a high proportion of the most vulnerable people living in regeneration areas.

### **Written response 005 - by letter**

#### West Yorkshire Ecumenical Council

A number of Christian churches in Leeds are concerned at proposals to establish a large casino in the city. We feel that the social and human costs could exceed any benefits, and as such many of us would argue that the large casino should not be established at all.

If such an establishment is to go ahead, however, then it is essential that the Statement of Licensing Policy indicates clearly that the local authority is aware of the potential harm that could be caused by the casino and is determined that any future operator should minimise the risks of harm to the most vulnerable people.

There is a possibility that applicants for a licence would wrongly assume that the benefits of urban regeneration would necessarily outweigh the social and human costs of siting the casino in areas of deprivation. The most vulnerable people are likely to be resident in or adjacent to those brownfield sites which would be most attractive for a casino developer. The Statement of Licensing Policy should indicate that applicants must not only argue a case for regeneration; they must also give serious consideration to the social cost to vulnerable people in the vicinity.

Indeed, the Statement of Licensing Policy should go beyond simply ensuring that applicants are aware of the potential social costs. It should require that applicants give specific and costed indications of how they will mitigate the risks and reduce the negative impact of the casino for the more vulnerable people, especially in that locality. The choice of preferred applicant would be made not only on the basis of regeneration potential, but on the guarantee that the applicant would take concrete steps to minimise the social harm, especially to the most vulnerable people.

These protective steps would cover the full range of the casino's activities. Within that, specific examples could include but not be confined to: minimising the area used for slot machines, arguably the most harmful and dehumanising feature of a large casino, restricting the number of such machines, limiting the time and money which an individual could spend on them, and providing a well advertised counselling service for people with gambling addiction.

I trust these factors will be taken into account in the drawing up of a Licensing Policy.

### **Written response 006 - by letter**

#### Diocese of Ripon and Leeds

I write on behalf of the Church of England diocese of Ripon and Leeds to contribute to the public consultation on the Large Casino Section Statement of Licensing Policy 2011-13.

- a) It is important that proper account is taken of the social costs for local communities of having a casino in their midst. These can be self-evident such as noise, or hidden, such as damage to social cohesion (see Hall Aitken: Social and Economic Casinos in the UK (2006) p.5), and harm to those with gambling addiction. Licence applicants should be required to indicate both intended social benefits, and ways of mitigating social costs (see: Casino Impact Assessment Study - Leeds City council 2006).
- b) There appears to be an assumption that a Casino will lead to local regeneration. The 2006 study makes it clear that this is by no means inevitable. Applicants should be required to demonstrate the local economic benefits, as well as those for the whole city.

I hope these points will be helpful so that the policy indicates clearly a concern for the welfare of the locality in which any casino is set.

### **Written response 007 - by letter**

#### NHS Leeds

#### **NHS Leeds' response to the Leeds City Council public consultation exercise regarding the amendment to the Large Casino Section of the Statement of Licensing Policy.**

Proposed changes to the Large Casino Section of Leeds City Councils (LCC) Statement of Licensing Policy, state that LCC intend to appraise potential Large Casino applicants using the following criteria:

**Financial** - To seek to maximise the financial return to the council

**Social** - To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agendas via the Social Investment Fund (SIF)

**Economic**- To secure a positive and significant economic impact for the local economy through the provision of a large casino in Leeds

**NHS Leeds would like to raise their concerns that nowhere within the 'Statement of Licensing Policy' document do LCC acknowledge the potential**

**negative impacts that a Large Casino development in Leeds could have on both community and/or individual health. As a result of this, assessment criteria for applicants does not include an assessment of health impacts which NHS Leeds believes should be an essential assessment component.**

The following outlines the potential health impacts of a Large Casino.

### **1. Socio economic related health impacts of casinos and problem gambling.**

Leeds City Council (2010) state that the three main drivers for the development of a Large Casino sites are (i) Positive local Economic Impact (ii) Financial return to the Council and (iii) Accrualment of Social Investment to Fund (SIF) activities which contribute towards the 'Narrowing the Gap' agenda. All three objectives could have a positive socio economic impact.

However patterns have emerged across the country which reveal that many proposed development sites for Large Casinos are situated within areas ranking within the top 10% in relation to the Governments Index of Multiple Deprivation (IMD) data (2007).

People living in areas of deprivation are disproportionately affected by higher levels of income deprivation, employment deprivation, higher rates of ill health and disability, lower rates of education, skills and training, lack of social housing, high levels of crime and poor living environments.

Individuals living in areas of deprivation are at much greater risk of negative impacts associated with gambling. The British Gambling Prevalence Survey, (2007) reveals that specific socio-demographic risk factors associated with gambling addiction/problem gambling which include being male, having a parent who was or who has been a problem gambler, being separated or divorced and having a low income.

Low income is one of the most consistent factors associated with problem gambling worldwide (Centre for Social Justice, 2008).

### **2. Impact on finance and debt**

Alongside this, rates of declared bankruptcy amongst regular gamblers have been found to be significantly elevated (Getstein *et al*, 1999); with between 18% and 28% of males and 8% of females having declared bankruptcy (Thompson, Gazel and Rickman 1996; Lesieur and Anderson 1995). Debt can result from gambling directly (debt as a result of money spent gambling) or indirectly (individual cannot make other financial payments due to using money for gambling) (Downs and Woolrych, 2010). Research completed by MIND (2008) showed that debt is an indicator of mental health problems as it can result in problems such as depression and anxiety and can be a risk factor for suicide. Downs and Woolrych (2010) also highlight the negative impact this has on relationships and the wider family. A lower disposable income could result in less money being prioritised on healthy living activities such as fresh fruit and vegetables.

Gamblers are also more likely to lose employment as a result of poor concentration, lowered efficiency, impaired judgment, faulty decision-making, lateness and absences from work and abuse of the telephone and internet to place bets and deal with creditors (Department for Culture Media and Sport, 2005).

### **3. Lifestyle**

The causal relationship between gambling severity and certain medical conditions is poorly understood. This is due to other factors such as low socioeconomic status that may affect the relationship between pathological gambling and some medical conditions;



as people from low socioeconomic backgrounds are more likely to suffer increased rates of a range of health problems (Luo & Waite 2005; Must *et al.*, 1999, cited in Morasco *et al.*, 2006).

#### **4. Impact on alcohol consumption**

Evidence taken from the National Research Council (1999) signifies an overlap between addictive disorders such as alcohol, smoking, drug dependence and problem gambling. There is a correlation between higher levels of alcohol consumption and poorer health outcomes (Rolfe *et al* 2009).

The National Research Council reports that those individuals admitted to addiction treatment programmes were three to six times more likely to be problem gamblers than individuals in the general population. Morasco *et al* (2006) report a range of adverse physical problems including angina, cirrhosis and liver disease to be significantly associated with individuals who gamble.

As in the UK where there is a culture of binge drinking (Measharn 2006), extended opening hours seems to encourage consumption of alcohol (Scottish Government 2007) which in turn may be linked to increased problems with alcohol related crime and disorder (Babor 2003). However, in contrast, a review into the attitudes and perceptions of the public in relation to licensing laws concluded that as alcohol is seen as a substance that is already available, extended licensing laws would not alter the current situation surrounding problem drinking (Lancaster & Dudleston 2002).

#### **5. Impact on smoking levels**

As well as alcohol and substance use, gambling is also associated with cigarette smoking (Bergh & Kuhlhorn., 1994, cited in Morasco *et al.*, 2006), which is directly linked to heart disease; a condition which is frequently co-morbid with pathological gambling. This cycle evidences a direct link between smoking prevalence and heart disease amongst gamblers. The study also showed that increased gambling severity was also associated with nicotine dependence.

#### **6. Impact on Family Cohesion**

The families of problem gamblers often experience difficulties including emotional distress, financial problems and health problems (Dickson *et al*, 2005). Spouses of gambling addicts often report physical and emotional problems similar to those of the gambler including stress and insomnia. Gambling can have serious financial and emotional effects on families (Jacobs, 2000). Rates of separation and divorce are significantly higher amongst gambling addicts (US National Research Council, 1999) as well as an increase in domestic violence. Social learning theory theorises that often children model, learn and maintain behaviours that parents and family members display reinforce. In research conducted by Gupta & Derevensky (1997) with young people aged between the ages of 9 and 14, 86% admitted that experiencing a parent or family member gambling legitimised it as an acceptable activity.

#### **7. Mental Health**

In a review of the relationship between gambling and mental health, Shaffer and Korn (2002) state that it is difficult to determine cause and effect. They give examples of studies that suggest that people who already experience psychological problems are gambling as a result of their mental health issues, and conversely, other studies that show the psychological problems occur as a result of gambling. Either way, a super casino readily accessible is likely to increase both these scenarios.



## **8.a Impact on mental health conditions**

In the past it was suggested that gambling may be a buffer for mental health problems (Rado, 1933) as it can provide a distraction and therefore stop progression to a more distressed state. However the majority of evidence shows a negative relationship (Shaffer and Korn, 2002). In a 1981 epidemiology study (Renee *et al*, 1998) gamblers showed higher rates of psychiatric disorders than people who do not gamble even after they adjusted for sex, age and race. This predicted increase in problem gamblers as a result of the super casino will impact on mental health services through increased rates of referral (Ricketts and Bliss, 2003).

A study by Moodie and Finnigan (2006) found higher rates of depression among pathological gamblers than among those who gamble less frequently. Shaffer and Korn (2002) suggest that anxiety is often obvious among gamblers but as anxiety disorders include a wide range of distinct diagnostic categories, there has been insufficient research into the links with each anxiety disorder (e.g. obsessive compulsive disorder).

Mental health problems cause understandable distress to the individual and their families; 34% of people experiencing mental health problems give their life a rating of 'poor' compared to only 4% of people without mental health problems (Singleton and Lewis, 2003). Mental and physical health is inextricably linked with mental health problems increasing physical health problems and vice versa (NICE, 2009). The risk of hypertension and heart disease are among the number of stress-related physical illnesses associated with pathological gamblers (Lesieur 1998; Volberg 2001).

## **8.b Impact on Suicide Rates**

Suicide attempts amongst pathological gamblers are second only to those individuals with major affective disorders and schizophrenia (Rosenthal & Fung 2004). Newman and Thompson (2007) show that suicide attempts by pathological gamblers are 3.4 times the rates of the general population (but cannot determine causal pathway). Wong *et al* (2010) used psychological autopsy to show that 17 pathological gamblers who committed suicide all had unmanageable debt, with 10 suffering from major depression. Despite the small sample size they suggest that pathological gambling is a one risk factor for suicide that can be modified, supporting the case for interventions for pathological gamblers.

## **8.c Impact to society relating to cost of mental health**

Mental health problems also have wider implications to society; the Sainsbury Centre for Mental Health (2003) show that mental health problems account for £77 billion loss to the economy per year due to lost productivity at work, benefit costs etc. In 2008 the total amount spent on mental health services for adults in England was £5.892 billion (Mental Health Strategies, 2009). A key way to reduce the cost of mental health services is to support people with mental health problems into employment (MHDU, 2010)

## **8.d Impact on social isolation**

Korn and Shaffer (1999) suggest that community cohesiveness as a result of a casino may bring about a sense of belonging/connectedness and respite from social isolation. This may be particularly relevant for older people (Shaffer and Korn, 2002) however the quality of the social interaction is questioned in a study by Zaranek and Chapleski (2004). They found that those that visited the casino occasionally attended for social reasons, but this group already tended to enjoy other social interaction outside of the casino; in contrast the frequent attendees of the casino had less social support suggesting the casino was an alternative way to interact socially. However the nature of this interaction is in itself isolating and therefore does not result in a benefit to

the mental well-being of socially isolated individuals. To support this they found that this group had lower levels of mental health, though they do acknowledge that this is a cross sectional study so cause and effect can not be proven.

## **9. Impact on employment opportunities**

The development of the super casino is estimated to create 700 new jobs for local people (Leeds City Council, 2010). Employment is argued by many to have the single largest positive impact on individual's health and wellbeing (Thomas *et al*, 2005). This positive impact applies to men and women and there is no disparity between ethnicity, culture or marital status (Ross & Mirowsky, 1995). A regular income from employment increase household income and reduces economic hardship.

A key recommendation for reducing health inequalities within the Marmot Report (2010) is an increase in access to focal jobs for people living in deprived areas. Marmot argues that there is a direct correlation between employment and the amount of control and support and individual feels that they have, these two factors can have a biological effect on health and wellbeing.

Evidence suggests (Shaffer *et al*. 1 999) that casino employees display higher rates of gambling than the general population as well as higher rates prevalence of alcohol consumption, smoking, problems, and depression. However the benefits likely to happen include the creation of jobs and economic activity to the area which can have a positive impact on health of those people who gain employment. As poverty, aspirations and employment have a relatively heavy influence on health, through the wider determinants (Marmot, 2010).

### **NHS Leeds recommendations**

The document should present a more neutral position in relation to the impacts of a Large Casino on Leeds rather than only including positive impacts a casino could bring in key LCC documentation. LCC should clearly include the potential negative impacts of a Large Casino on health.

With this in mind the following recommendations are made:

- Assessment criteria should acknowledge the impact of health within the each of the existing headings (Financial, Social & Economic) but ideally with a separate heading entitled 'Health Impacts'.
- Applicants should be encouraged and assessed upon their strategies and safeguards around minimising the negative impact to individual and community health.
- Provide flyer/campaign specific to the Leeds area assists patrons to recognise the early signs of gambling addiction and how to access help and support.
- Provide information about mental health services and self help materials in the entrance areas and offer training to the workforce (e.g. Mental Health First Aid).
- Provide information about debt advice within the casino and work with Leeds Credit Union to consider encouraging Casino users to join LCU to encourage financial capability through savings provision.
- Ensure information about alcohol dependency and brief intervention support is available.

- Maximise the social benefits of having casino as meeting point by providing a venue for social interaction that does not involve gambling, for example, a venue for local community groups to run healthy living activities at a reduced cost.
- Ensure that Positive Activities for Young People (PAYP) are available in the local area which will educate, stimulate and raise aspirations of local young people.
- Ensure that a proportionate quota of jobs within the casino are 'ring fenced' for local people.
- Consider schemes that promote employment in the casino to vulnerable people who stand to gain the most from employment, e.g. Long term unemployed or people with mental health problems.

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Dr Ian Cameron  
Director of Public Health  
18th July 2011

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## **Written response 008 - by email**

### Financial Inclusion Steering Group

The casino policy and application pack was considered by The Financial Inclusion Steering Group (a Leeds Initiative Partnership Group) at its meeting on the 14th July. The meeting agreed to respond to the consultation and made the following comments:

1. That applicants for a licence should not be encouraged to assume implicitly or explicitly that locating a casino in or close to a regeneration area is a social good.
2. That the licence should be awarded on the basis of demonstrating how social costs will be mitigated as well as demonstrating intended benefits.
3. If the Social Inclusion Fund is the key means whereby social costs are mitigated, the Council have an obligation to indicate that this will be used to mitigate the social costs of having a casino, especially if it is located close to or within an area where levels of debt and financial illiteracy are known to be high.

## **Written response 009 - by letter**

### Leeds Churches Together in Mission

On behalf of Leeds Churches Together in Mission (LCTiM) I am writing to contribute to the public consultation on the Large Casino Section Statement of Licensing Policy 2011-13.

LCTiM has particular concern to see two areas addressed in the Licensing Policy. These are -

1. **That applicants for a licence should not be encouraged to assume implicitly to explicitly that locating a casino in or close to a regeneration area is a social good.** Hall Aitken in *Social and Economic Impact of Regional Casinos in the UK (2006)* states that the negative social impacts of casinos are felt more strongly in local communities closest to the casino. Therefore any encouragement to locate a Casino within a regeneration area could have negative social impacts in that area.
2. **That the licence should be awarded on the basis of demonstrating how social costs will be mitigated as well as demonstrating intended benefits.** The Leeds City Council 2006 Casino Impact Assessment Study states "*The extent to which negative or positive impacts are generated by a casino development will crucially rest upon the type of licensing and accompanying management/mitigation measures which are in place*". Licence applicants should therefore be required to indicate both intended social benefits and ways of mitigating social costs.

I hope these points will be a useful contribution to the public consultation.

## Written response 010

### Leeds CAB

Thank you for the opportunity to comment on Leeds City Council's plans regarding a large casino in the city. As the main provider of free, independent debt advice services in Leeds, Leeds CAB has serious concerns about the possible impact of a large casino in the city. Based on evidence from the Gambling Commission, Leeds CAB has concerns that the development of a large casino in Leeds will lead to an increase in the number of people with money problems, with those on low incomes being the most vulnerable to the adverse effects of such a development.

The British Gambling Prevalence Survey of 2010, published by the Gambling Commission, assessed the prevalence of participation in gambling, the prevalence of problem gambling and the socio-demographic and other factors associated with gambling and problem gambling. The survey reported a number of findings that give cause for concern among those of us working with people on low incomes and with money problems, as they evidence a correlation between gambling problems, money problems and low income.

- Prevalence of problem gambling is highest:
  - In areas of high deprivation;
  - Among the unemployed;
  - Among those with very severe money problems.
- High time/high spend gamblers (i.e. those who spend a lot of time and a lot of money on gambling) show a preference for betting on horse races, fixed odds betting terminals (i.e. gaming machines) and playing casino games.
- Problem gambling is also more prevalent among young people (16-24 years olds) and people with serious health problems.
- 0.9% of the population in Britain can be defined as problem gamblers, suggesting that in Leeds there may be around 7,000 people who are already problem gamblers. International comparisons also indicate that the rate of problem gambling is higher where gambling is more readily accessible (1.4% in South Africa and 1.4-2.1% in Australia).

Even a small increase in the number of people with gambling problems in Leeds is likely to have a significant negative economic impact for the city. For example, if the development of a large casino in Leeds results in an increase in problem gambling of only 0.1% that would mean an additional 800 people becoming problem gamblers with the likely corresponding money problems described above. Given that the average value of debts owed by CAB clients is £15,500, that could amount to an additional £12,000,000 of debt in the local population, created as a result of the casino.

If we then take into account further costs to the local economy as a result of these debt problems, such as eviction and homelessness, the potential negative costs of a casino are considerable.

Under the proposed evaluation criteria, impacts such as an increase in the number of local people with debt problems will be assessed under Criterion 2.3 Net social impacts, and will not be taken account of under Criterion 2.2.1 Net contribution to the local economy. The latter criterion has been given a weighting of 140 points, while the former has only a weighting of 50 points. We would therefore like to see a higher weighting given to Criterion 2.3 to reflect the seriousness of likely negative financial effects of a large casino.

If a large casino development does go ahead we believe it is vital that it is contingent on a Social Inclusion Fund making a significant contribution to dealing with these negative effects, for example:

- Making an ongoing contribution to funding debt advice in Leeds, proportionate to the likely increase in debt problems as indicated by the Gambling Commission research.
- Making an ongoing contribution to other services likely to be affected such as counselling services and public health services.

### **Written response 011**

Joelson Wilson

We act on behalf of Rank Group PLC ("Rank"). Further to Rank's response dated 1 October 2009 to the draft revisions to Leeds City Council's Statement of Licensing Principle, we welcome the opportunity to comment upon your draft Statement of Licensing Policy 2011-2013 and Draft Application Pack.

### **STATEMENT OF LICENSING POLICY 2011-2013**

#### **1. No Casino Resolution**

We note the reference at paragraph 16.14 to the power of the Local Authority to pass a "no casino" resolution under s.166 of GA 2005. The Policy indicates that the Local Authority may choose to exercise the "no casino" resolution option in circumstances either where there is only one application for a large casino premises licence or where there is more than one application those applications fail to meet the Council's aspirations for benefit for the Leeds Metropolitan Area".

It is Rank's contention that a "no casino" resolution may only be adopted in circumstances where there is only one successful applicant at the conclusion of Stage 1 of the competition. Rank's reason for this assertion arises from Schedule 9 to GA 2005. Paragraph 4 of Schedule 9 provides that, at the first stage of the bidding process, the Licensing Authority shall consider in respect of each application whether they would grant such an application under s.163 of GA 2005. Paragraph 5 of Schedule 9 then provides that if the Licensing Authority determines under paragraph 4 that they would grant a number of competing applications, then they shall determine which of those applications to grant (see paragraph 5(2) of Schedule 9) and in reaching that decision they shall determine which of the competing applications would, in their opinion, be likely, if granted, to result in the greatest benefit to the Authority's area (see paragraph 5(3) of Schedule 9).

It therefore follows that, if more than one bid is successful at Stage 1, the Licensing Authority is obliged to enter Stage 2 of the application process and is obliged to consider which of the competing applications would in their opinion be likely, if granted, to result in the greatest benefit to the Authority's area and to grant a licence accordingly. These requirements are mandatory. It appears to follow that, in the circumstances, a "no casino" resolution would be in conflict with the statutory provisions which are triggered by a "provisional" decision to grant more than one licence at Stage 1. The power to pass a "no casino" resolution by virtue of s. 166 of GA 2005 will only arise once the application process has commenced, if only one bid emerges as successful at the end of Stage 1, since there is no mandatory requirement imposed by GA 2005 to grant a licence if there is only one successful applicant at Stage 1.

2. Rank notes at point 16.40 that payment will be required upon the signing of any agreements" and at page 6.46 of the application pack under the heading "Finalisation of Schedule 9 Agreement" "upon the signing of the Schedule 9 Agreement" and payment will be taken "once the Committee make their final decision". Rank believes that the



payment falls due at the conclusion of Stage 2 and not at the conclusion of the process, that is when the premises licence application is approved in circumstances where a provisional statement has been granted initially. Rank would be grateful for clarification on this point. Further, in circumstances where the development cannot proceed because for example, planning permission was not subsequently granted, would the payment which is required "upon the signing of the Schedule 9 Agreement" be forfeited or refunded?

3. At 16.5.2 Rank would be grateful for clarification as to the distinction the Council seeks to make between "contractual obligations" as opposed to "merely damages for non-delivery".

4. In circumstances where the Local Authority is considering a bid from a proposed site which is part of a wider development and not one from an existing site, Rank seeks to clarify point 16.53. Development sites, as the point accepts, will involve certain aspects outside the control of the operator. By contrast, an existing site will not face such constraint, Is it proposed that the reference to "development outside the control of the applicant will not be considered" means to favour existing sites, either by suggesting a development site, despite possible regenerative benefits, will not be entertained or because an existing site can guarantee delivery in a way that a proposed site may not?

#### **DRAFT APPLICATION PACK**

5. On page 4.4, there is further reference to the "no casino" resolution under s. 166 of GA 2005 and the same comments apply as made in relation to the Statement of Licensing Policy as mentioned previously.

6. At page 6.3 it is stated that "applicants must not publicise their plans or make public statements about their involvement in the Stage 2 process". Although Rank appreciates the confidential nature of the process and the requirement to keep all details of Stage 2 confidential, involvement in Stage 2 would be a matter for public record and Rank seeks clarification that this point does not seek to prohibit disclosure about participation in the process at Stage 2 by contrast with the content of the proceedings.

7. Rank notes that it is currently intended that only 5 representatives from each applicant company will be permitted to attend the hearing before the Advisory Panel. Rank suggests that no limit is placed on those who might be able to attend the hearing. Rank does not suggest that any presentation should involve more than 5 people in total, but would be keen to have representatives in attendance who would be able to assist the Panel as matters arose, since this is the only oral presentation proposed under the consultation document.

8. On page 6.6 under the heading "Licensing Committee Stage" the policy states that "applicants will not be permitted to present to the Licensing Committee". Rank should be grateful for clarification in relation to the omission of any reference to hearings at Stage 2 of the process, particularly since it is envisaged that conditions will be attached to any licence during Stage 2. This is made clear at point 6 of the introduction of the draft agreement, where it is stated that "the parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

SI Number 173 of 2007 ("the Hearings Regulations") applies to proceedings of the Licensing Committee in the exercise of its functions under GA 2005 and a hearing compliant with those regulations is required when the Licensing Authority intends to impose conditions on a licence under GA 2005 s.169. Rank would be grateful to receive clarification as to how it is proposed to impose such conditions without a hearing before

the Licensing Committee.

9. Sub-criteria 1.1 at page 7.9 establishes the criterion that the benefits and impacts will be assessed over a 10 year period commencing on 1 December 2012. In cases where sites are to be developed, if the development is not completed for say, 18 months to 2 years, this could provide an advantage to the potential operator of an existing site. Rank suggests that the assessment should commence from the commencement of trade of any new build.

10. At page 7.10 Rank would be grateful for clarification of the weighting assessment. Rank has assumed that the weighted score is calculated by multiplying the mark out of 10 score by the appropriate factor e.g. where the weighted score is out of 80, the mark out of 10 score is multiplied by 8.

11. At paragraph 7.19 the reference to planning permission is not qualified in the way that it is at page 7.1 under the heading "background information". Rank suggests that the reference at page 7.19 should also be qualified for the avoidance of doubt.

#### DRAFT AGREEMENT UNDER SCHEDULE 9 OF THE GA 2005

12. At "Introduction Point (6)" of the draft agreement it states — lithe parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

and at Clause 6.3 — "the parties acknowledge that a variation of this agreement shall only have effect if it is accompanied by a variation of the condition which is attached to the licence/provisional statement under s.169 of the Act, such variation being under s.187 of the Act, as is specified in paragraph 7(2)(c) of Schedule 9 of the Act. The same comments apply in relation to the imposition of conditions as at point 8 of this letter.

#### **FINAL DETERMINATION**

13. Rank would welcome confirmation that the same Licensing Committee members will consider and determine all applications at Stage 2.

#### **PLANS**

14. Rank would be grateful if you would confirm the procedure should the layout drawings have to be altered by reasons beyond their control, during Stages I and 2. As you will appreciate, in the normal course of events in relation to a development site, a developer, separate and distinct from the operator of the gaming licence, will be responsible for building the premises to a certain stage. On completion of the "shell" of the building, it is then handed over to the operator who fits out the internal building to its own requirements. Therefore, for some considerable time, the final layout of the premises is a matter which is outside the absolute control of the operator. Clearly, any alterations are kept to a minimum, not least because otherwise considerable costs can be involved. However, if alterations are necessary, which as indicated, would be out of the control of the operator, Rank would be grateful for details as to the procedure to be followed at Stage 2 *vis a vis* the production of plans, in such circumstances.

We look forward to hearing from you with your responses to the above points.

## EXECUTIVE BOARD

WEDNESDAY, 14TH DECEMBER, 2011

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

Councillors J Blake, A Carter, M Dobson,  
R Finnigan, S Golton, P Gruen, R Lewis,  
A Ogilvie and L Yeadon

### 139 Introduction of the New City Solicitor

The Chair introduced and welcomed Catherine Witham, the newly appointed City Solicitor, to her first meeting of the Executive Board.

### 140 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 in the form of a schedule of changes to the Leeds Development Framework Annual Monitoring Report based on comments received at the meeting of the Development Plan Panel held on 6<sup>th</sup> December 2011. The schedule was considered as part of agenda item 22 entitled, 'Local Development Framework Annual Monitoring Report 2011' (Minute No. 155 refers).

### 141 Declaration of Interests

Councillors Blake, Dobson, Gruen, Yeadon, Wakefield, Ogilvie, Finnigan, A Carter, R Lewis and Golton all declared personal interests in the agenda item entitled, 'Dog Control Orders – Phase 2', due to their respective positions as school governors (Minute No. 143 referred).

Councillor Wakefield declared a personal interest in the agenda item entitled, 'Commission on the Future of Local Government', due to his position as Chair of the Commission (Minute No. 160 referred).

A further declaration of interest was declared at a later point in the meeting (Minute No. 143 referred).

### 142 Minutes

**RESOLVED** – That the minutes of the meeting held on 2<sup>nd</sup> November 2011 be approved as a correct record.

## ENVIRONMENTAL SERVICES

### 143 Dog Control Orders - Phase 2

Further to Minute No. 110, 3<sup>rd</sup> November 2010, the Director of Environment and Neighbourhoods submitted a report presenting the outcomes arising from the consultation undertaken on changes to the Dog Control Orders for Leeds. The report also sought approval to implement further specified powers under the Clean Neighbourhoods and Environment Act 2005, with effect from 1st

January 2012, in addition to an enforcement policy regarding the walking of more than four dogs at one time. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following enquiries raised regarding the level of consultation which had been undertaken with schools in respect of their potential inclusion within the updated Dog Exclusion Order, officers undertook to re-engage with those schools which to date had not expressed an interest in being included within the Order.

Responding to comments raised which related to the issue of dog fouling, officers undertook to do further work on this matter, specifically addressing the points made during the meeting, namely, the possibility of additional bin provision and also the potential inclusion within the Orders of those public parks affected by dog fouling which were used as play facilities by young people.

The Board received assurances in respect of the further issues which had been raised, specifically regarding the enforcement and prosecution processes, together with the highly visible approach required when publicising such Orders.

In conclusion, the Chair thanked the Scrutiny Board (Safer and Stronger Communities) for the related work which they had undertaken on this issue.

#### **RESOLVED –**

- (a) That the outcomes arising from the consultation be noted.
- (b) That a Dog Control (Dogs on Leads at All Times) Order in the prescribed form be approved, requiring that on the specified land, dogs should be on a lead at all times. (The specified land will comprise all carriageways and adjacent footpaths and grass verges within the Leeds City Council district and in cemeteries and crematoria as detailed within Appendix A to the submitted report).
- (c) That the existing Dog Control (Dogs on Leads by Direction) Order (requiring dogs to be put on a lead when the person in control of it is directed to do so by an authorised officer) be revoked and that a new Order in the same terms be approved, which applies throughout the Leeds district on any land to which the Dog Control (Dogs on Leads at All Times) Order does not apply and to which the public are entitled or permitted to have access (with or without payment).
- (d) That the existing Dog Control (Exclusion) Order be revoked and replaced with a new Order with an updated schedule of land, as detailed within Appendix A to the submitted report, including other land designated for a specific purpose such as remembrance and wildlife gardens and school grounds where the schools have opted in to have such an order.

- (e) That the process for future review and consultation on the schedules of land within the Orders be agreed.
- (f) That the proposed Enforcement Policy for the Dog Specified Maximum Order be approved.

(Councillor Golton declared a personal interest in the decisions referred to within this minute, due to being a dog owner)

#### **144 Recycling Strategy**

Further to Minute No. 123, 2<sup>nd</sup> November 2011, the Director of Environment and Neighbourhoods submitted a report outlining proposals regarding the next phase of implementation for the Council's recycling collection strategy. In summary, the report presented the progress made against the existing recycling strategy, highlighted the extent to which current, planned initiatives would contribute towards recycling performance, detailed the Council's medium and long-term targets for recycling and outlined the strategy which would enable the Council to move towards achievement of its medium-term and longer-term goals. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Board considered and received assurances in respect of a number of issues and implications arising from the proposals, including the need to tailor services to meet the differing demands of households, the capacity of the black bins, the need for services to adapt to any missed collections, issues regarding food waste collection, the potential use of neighbouring authorities' sorting sites, the winter cessation of garden waste collection, the financial implications arising from the proposals and the possibility of expanding the recyclable waste collection to include materials such as glass.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted and that the vision and key principles of the Integrated Waste Strategy for Leeds be reaffirmed.
- (b) That the proposed increases to the Council's household waste recycling target to 55% by 2016, with a long-term target to exceed 60% be approved.
- (c) That the proposed expansion of the Rothwell recycling collection service by up to 6,000 properties in 2012/13 be approved, which includes an injection into the Capital Programme of £27,000 for the purchase of food waste bins, and necessary authority to spend this amount.
- (d) That the proposal to implement a pilot of fortnightly collections of recycling and residual waste during 2012/13 be approved.

- (e) That the aim to roll-out of food waste collections to suitable properties city-wide, with the speed of roll-out in line with resource availability be reaffirmed.
- (f) That the need to procure a treatment solution for food waste alongside the city-wide roll-out of food waste collections be noted, together with the intention to undertake a technical options appraisal with a view to promoting the delivery of an anaerobic digestion solution for Leeds, should this represent the best value for money and environmental option.
- (g) That officers' intentions to seek further Member approvals regarding specific collection service roll-out plans be noted.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the decisions taken above)

#### **145 Solar PV Initiative**

Further to Minute No. 198, 30<sup>th</sup> March 2011, the Director of Environment and Neighbourhoods submitted a report advising of the Government's proposed changes to the Feed-In Tariff (FIT) arrangements for Solar PV and the impact of such changes upon the Council's proposals regarding Solar PV initiatives. The report also presented for approval a response to the Government's consultation on the proposed changes, and outlined proposals to undertake further work on developing cost neutral renewable schemes for council housing and the private sector (including PV), funded via FITs and the Renewable Heat Incentive, once further details of FITs for community schemes had been announced. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to Members' enquiries, the Board received details regarding the process and speed at which the Solar PV initiative had been progressed in Leeds.

Following Members' comments, the Chief Executive highlighted the potential benefits which could be realised from the adoption of an appropriate scheme and suggested that any representations made on behalf of the Council in respect of this matter should be focussed upon the Renewable Heat Incentive.

#### **RESOLVED –**

- (a) That the contents of the submitted report and the reasons for putting both PV schemes on hold be noted.
- (b) That the formal response to the Department for Energy and Climate Change consultation, as detailed within Appendix 1 to the submitted report, be approved.
- (c) That officers be requested to continue to investigate the development of cost-neutral renewable schemes for council housing and the private

sector (including PV), funded via FITs and the Renewable Heat Incentive, once further details of FITs for community schemes are announced.

## **NEIGHBOURHOODS, HOUSING AND REGENERATION**

### **146 Gypsies and Travellers Site Options - Selection Criteria**

Further to Minute No. 57, 27<sup>th</sup> July 2011, the Director of Environment and Neighbourhoods submitted a report seeking the Board's approval to use the proposed site selection criteria, as detailed within the report, for the purposes of identifying potential sites to accommodate Gypsies and Travellers. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to Members' enquiries regarding access to the list of those potential sites which had been identified across the city, it was confirmed that details of the prioritised sites only would be released once the process of identifying such sites had concluded. In addition, Members emphasised the need for such processes to be undertaken thoughtfully and robustly.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the site selection criteria, as detailed within the submitted report, be approved.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the decisions taken above, whilst Councillor Finnigan required it to be recorded that he abstained from voting on the decisions taken above)

### **147 Police Reform and Social Responsibility Act 2011 - Implications of Elected Police and Crime Commissioner**

To consider the report of the Director of Environment and Neighbourhoods providing Executive Board with an overview of the Police Reform and Social Responsibility Act 2011, which received Royal Assent on 15<sup>th</sup> September 2011. In addition, the report highlighted the initial implications for Leeds arising from the introduction of a publicly elected Police and Crime Commissioner. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members highlighted the exceptional partnership which had been developed over time between the Police and the Council and emphasised the need for such a productive partnership to continue in the future.

In conclusion, the Chair requested that a report be submitted to a future meeting of the Board in respect of the Police Reform and an assessment of any associated risks to the Council.

**RESOLVED –**

- (a) That the Police Reform and Social Responsibility Act, which received Royal Assent on 15<sup>th</sup> September 2011 be noted, together with the fact that a public election will take place in the city in November 2012 to appoint a Police and Crime Commissioner for the West Yorkshire Police Force area.
- (b) That the initial implications associated with the introduction of an elected Police and Crime Commissioner from November 2012, as set out within the submitted report, be noted.
- (c) That it be noted that the West Yorkshire Police Authority will oversee the transitional arrangements in the preparation for the introduction of the Act, and that the excellent work which has taken place between the city and the Police Authority over the years be recognised.
- (d) That a project group be established to consider and make recommendations to the Safer Leeds Executive and the Council's Executive Board, on a range of issues, as outlined within section 5 of the submitted report, in preparation for the appointment of the Police and Crime Commissioner.
- (e) That a report be submitted to a future meeting of the Board in respect of the Police Reform and an assessment of any associated risks to the Council.

**CHILDREN'S SERVICES**

**148 Leeds Youth Offer**

The Director of Children's Services submitted a report providing background information about the broader vision for children and young people in Leeds, and how the proposed Leeds Youth Offer fitted into that vision. In addition, the report also presented a summary of current issues in relation to service delivery, service outcomes and investment, and suggested next steps. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following Members' enquiries, assurances were received in respect of greater emphasis being placed upon the role of the locality. In addition, it was proposed that an all party working group was established in order to progress the matters proposed.

**RESOLVED –** That the proposed outline vision and next steps for the delivery of a bigger, bolder, better offer for the young people of Leeds be supported.

**149 The Ofsted Annual Assessment of Children's Services in Leeds**

The Director of Children's Services submitted a report presenting the findings of Ofsted's Annual Assessment of Children's Services in Leeds. The Assessment was reported in the form of a letter to the local authority, as detailed at appendix 1 to the covering report, which was published on the Ofsted website on the 8<sup>th</sup> November 2011. In determining this matter, the



Board took into consideration all matters contained within the accompanying report.

On behalf of the Board, the Chair thanked all of those who had been involved in achieving the improved Ofsted Annual Assessment for Leeds.

**RESOLVED –**

- (a) That the content of the Ofsted Annual Assessment letter, as detailed within appendix 1 to the submitted report be noted.
- (b) That the ongoing improvement work which is taking place across the service be supported.

**150 Transfer of Council Owned Land and Buildings to Academies**

The Director of Children's Services submitted a report which sought in principle approval to the disposal of land, by way of a 125 year lease, to schools converting to Academy status, in accordance with the Academies Act 2010. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In response to Members enquiries, the Board was advised that any restrictions placed upon land which was transferred to Academies would be included within the lease.

**RESOLVED –** That the principle of disposing of land to schools converting to Academies, on the basis set out within the submitted report, be approved, with the final approval of the terms of such disposals being delegated to the Director of City Development, in consultation with the Director of Children's Services, Lead Members and appropriate Ward Members.

**LEISURE**

**151 Scrutiny Board Recommendations - Cemeteries and Crematoria Horticultural Maintenance**

Further to Minute No. 85, 7<sup>th</sup> September 2011, the Director of City Development submitted a report detailing and considering the recommendations arising from the former Scrutiny Board (City Development) inquiry into 'Cemeteries and Crematoria Horticultural Maintenance' and setting out proposals in light of the recommendations made, with particular reference to recommendation 2 of the inquiry report. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Executive Member for Leisure thanked the former Scrutiny Board (City Development) for the work which it had undertaken and provided the Board with clarification on a minor error in respect of paragraph 4.6 of the submitted report.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.

- (b) That approval be given to grave conditions being enforced on cemetery extensions and new cemeteries, following consultation on a site by site basis, in order to determine the proportion of lawned and non-lawned areas.
- (c) That approval be given to the enforcement process set out in paragraph 3.5 of the submitted report, which will take account of any specific faith issues that may be applicable when imposing grave conditions.
- (d) That approval be given to the provision of a designated area for memorials to be placed in strewing areas, as illustrated within Appendix 1 – 3(a) of the submitted report.

### **ADULT HEALTH AND SOCIAL CARE**

#### **152 Proposed Changes to Partnership Arrangements between Leeds City Council Adult Social Care and Leeds Partnerships NHS Foundation Trust**

The Director of Adult Social Services submitted a report regarding the proposed integration of the specialist mental health social care services with the specialist secondary mental health service, which would include Leeds Partnership Foundation Trust (LPFT) acting as host organisation for the partnership. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

#### **RESOLVED –**

- (a) That the proposal to integrate specialist mental health social care services with specialist secondary mental health service, with LPFT acting as host organisation for the partnership, be approved.
- (b) That the development of a Section 75 agreement, detailing the governance of the partnership between Adult Social Care and LPFT, be approved.
- (c) That the secondment of social care staff to LPFT from 1st April 2012 be agreed.
- (d) That it be noted that further detailed work will be undertaken to ensure the ongoing balance of social care management within the partnership.
- (e) That the review of roles and functions of social work within the partnership be noted.

### **RESOURCES AND CORPORATE FUNCTIONS**

#### **153 Financial Health Monitoring 2011/12 - Month 7**

The Director of Resources submitted a report setting out the Council's projected financial health position after seven months of the financial year. The report reviewed the position of the budget after seven months and

commented upon the key issues impacting on the overall achievement of the budget for the current year. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In presenting the report, the Director of Resources provided Members with more recent information which had been received regarding financial contributions from the health service and advised that further details on this matter would be submitted to the next meeting of the Board.

Members emphasised concerns which had previously been raised regarding the need for issues relating to city centre car parking provision to be further considered and addressed. In response, the Director of City Development undertook to liaise with the Director of Environment and Neighbourhoods and report back to the Board on this matter.

Following Members' enquiries, the Board received an update both on the current overall position regarding Looked After Children and also in respect of Residential and Nursing Care Placements.

**RESOLVED –**

- (a) That the projected financial position of the authority, after seven months of the financial year, be noted.
- (b) That a report be submitted to a future meeting of the Board regarding city centre car parking provision.

**154 Initial Budget Proposals**

The Director of Resources submitted a report presenting the initial budget proposals for 2012/2013, which together with a forecast for 2013/2014 and 2014/2015, would form the basis of the Council's new medium term financial strategy. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members were updated on the Local Government Finance Settlement, which had been announced following the publication of the report. The Board then thanked officers for all of their efforts on the savings which had been achieved to date.

**RESOLVED –** That the submitted report be agreed as the initial budget proposals and that such proposals be submitted to Scrutiny for consideration, with the proposals also being used as a basis for wider consultation with stakeholders.

(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 taken above)

(The matters referred to within this minute were not eligible for Call In, as decisions regarding the Council's budget are reserved to Council)

## **DEVELOPMENT AND THE ECONOMY**

### **155 Local Development Framework Annual Monitoring Report 2011**

The Director of City Development submitted a report presenting for approval the Leeds Local Development Framework (LDF) Annual Monitoring Report 2011 for the purposes of submission to the Secretary of State, which was pursuant to Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Full copies of the Leeds LDF Annual Monitoring Report 2011 had been provided to Board Members for their consideration at the time of the agenda despatch. In addition, following the circulation of the agenda, supplementary information in the form of a schedule of changes to the Monitoring Report, based upon comments received at the meeting of the Development Plan Panel held on 6<sup>th</sup> December 2011, had been circulated to Board Members for their consideration.

Members discussed the content of the submitted report with respect to the matter of localism.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the Leeds Local Development Framework Annual Monitoring Report 2011 be approved for submission to the Secretary of State by 31<sup>st</sup> December 2011.

### **156 The Community Infrastructure Levy - Background Information, the Leeds context, and consultation response to the Government's draft regulations for reform**

The Director of City Development submitted a report presenting for approval the Council's proposed response to the Government consultation exercise being undertaken in respect of the Community Infrastructure Levy (CIL). In addition, the report also provided background to the CIL and its implementation in Leeds, whilst also addressing the recommendation of the Scrutiny Board (Regeneration) on the proportion of CIL that should be allocated to local communities, a matter which was previously considered at the Executive Board meeting held on 2<sup>nd</sup> November 2011 (Minute No 117 referred). In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Concerns were expressed that the level of the CIL which would be retained in local areas, as suggested within the submitted report as part of the draft response to the Government's related consultation exercise, may be too low and did not represent a 'meaningful proportion'. Concerns were also raised regarding the proposal, also within the draft response to the Government's related consultation exercise, to remove the cap on the amount of levy funding that charging authorities may apply to administrative expenses. In

response, the Chair requested that further work be undertaken in relation to all the concerns raised, with a further report on such matters being submitted to the Board in due course, in order to inform the Council's position.

**RESOLVED –**

- (a) That the background information relating to the implementation of the Community Infrastructure Levy in Leeds be noted.
- (b) That a Community Infrastructure Levy Charging Schedule be developed as a matter of priority, and that the necessary funding, as set out within paragraph 4.4.2 of the submitted report, be approved.
- (c) That further work be undertaken in relation to all the concerns raised during the discussion, with a further report on such matters being submitted to the Board in due course.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he abstained from voting on the decisions taken above)

**RESOURCES AND CORPORATE FUNCTIONS**

**157 2011/2012 Quarter 2 Performance Report**

The Assistant Chief Executive (Customer Access and Performance) submitted a report presenting a summary of the Quarter 2 performance data for 2011/12 which provided an update on progress in delivering the Council Business Plan 2011-15 and the City Priority Plan 2011-15. In addition, the report also provided an update on the related work undertaken to implement an Outcomes Based Accountability approach within the Council as considered by the Board, at its meeting on 22<sup>nd</sup> June 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED –**

- (a) That the five key issues which have been highlighted: Budget, Looked-after children, Rate of Domestic Burglary, Transport and Planning Performance be noted, together with the work underway to address such issues.
- (b) That it be ensured that all reports Executive Board receive clearly evidence that effective consultation has taken place as appropriate and that due regard has been given to equality.
- (c) That the intention for the strategic partnerships to ensure that the focus remains on delivery be noted and that they lead a robust debate with partners on the performance reports for the shared city priorities.

**158 Response to Scrutiny Board (Resources and Council Services) Inquiry Report into Employees' Register of Interests**

The Director of Resources submitted a report responding to the recommendations arising from the Scrutiny Board (Resources and Council Services) inquiry into Employees' Register of Interests and outlining the actions proposed as a result. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED** – That the proposals, as set out within the submitted report, be adopted.

**159 Equality Improvement Priorities 2011-2015**

The Assistant Chief Executive (Customer Access and Performance) submitted a report presenting for approval the Equality Improvement Priorities 2011-2015, together with the revised Equality and Diversity Policy which outlined the Council's continued commitment to equality, detailed the Council's equality objectives, identified how progress would be measured and how the Council would continue to improve and further embed the equality agenda. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members discussed the involvement of the Member Working Group in the work undertaken on the Equality Improvement Priorities, whilst the Chair congratulated all of those officers who had been involved in the Diversity Peer Assessment, which had received an 'excellent' rating against the Equality Framework for Local Government.

**RESOLVED** –

- (a) That the contents of the submitted report be noted.
- (b) That the Equality Improvement Priorities for 2011 to 2015 be agreed and approved.
- (c) That the revised Equality and Diversity Policy be agreed and approved.
- (d) That the proposal to circulate the submitted report to Area Committees, so that all Members are aware of the Council's Equality and Diversity Policy and Improvement Priorities, be noted.

**160 Commission on the Future of Local Government**

The Assistant Chief Executive (Customer Access and Performance) submitted a report providing an update on the work of the Commission on the Future of Local Government, which was exploring the concept of Civic Enterprise as a way to respond to the extreme change and challenges facing local government. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Chair invited all relevant parties to provide their submissions to the Commission on the matters relating to the future role of Local Government, as detailed within the submitted report. The Chair advised that following further

work being undertaken by the Commission, the matter would be brought back to the Board for further consideration in the Spring of 2012.

**RESOLVED –**

- (a) That the work currently being undertaken by the Commission be noted.
- (b) That Executive Board continue to engage with the process, as detailed within the submitted report, with further updates being received by the Board as the Commission progresses.

**DATE OF PUBLICATION:** 16<sup>TH</sup> DECEMBER 2011

**LAST DATE FOR CALL IN  
OF ELIGIBLE DECISIONS:** 23<sup>RD</sup> DECEMBER 2011 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 28<sup>th</sup> December 2011)

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## EXECUTIVE BOARD

WEDNESDAY, 4TH JANUARY, 2012

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

Councillors J Blake, M Dobson,  
R Finnigan, S Golton, P Gruen, R Lewis,  
A Ogilvie and L Yeadon

Councillor J Procter – Substitute Member

**161 Substitute Member**

Under the terms of Executive Procedure Rule 2.3 Councillor J Procter was invited to attend the meeting on behalf of Councillor A Carter.

**162 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That the public be excluded from the meeting during the consideration of the following parts of the agenda designated as exempt 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 public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix 1 to the report referred to in Minute No. 168 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the disposal of the property/land then it is not in the public interest to disclose this information at this point in time. Also it is considered that the release of such information would, or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (b) Appendix 1 to the report referred to in Minute No. 173 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that the public interest in maintaining the content of

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Appendix 1 as exempt outweighs the public interest in disclosing the information at this point in time.

### **163 Late Items**

The Chair admitted to the agenda, the following late items of business:

- (a) A report entitled, 'East Leeds Regeneration Board' (Minute No. 169 referred). It was deemed appropriate that this matter be considered by the Board as a matter of urgency in order to ensure that the Board received at the earliest opportunity the latest information and clarification with regard to the governance arrangements for the East Leeds Regeneration Board.
- (b) A report entitled, 'Letter from the Minister for Children and Families, Tim Loughton, regarding the Children's Services Improvement Notice', (Minute No. 182 referred). Following receipt of the correspondence from the Minister for Children and Families on the 21<sup>st</sup> December 2011, it was deemed appropriate that Executive Board members be provided at the earliest opportunity with the latest information regarding the lifting of the Improvement Notice upon Children's Services in Leeds.

### **164 Declaration of Interests**

Councillor Dobson declared a personal interest in the agenda item entitled, 'Response to the Consultation on the Foundation Trust Application by Leeds NHS Trusts' due to being a member of Leeds Teaching Hospitals NHS Trust (Minute No. 173 referred).

Councillors Yeadon declared a personal interest in the agenda item entitled, 'Community First', due to her position on the Kirkstall Community First Panel and also a personal interest in the agenda item entitled, 'Response to the Consultation on the Foundation Trust Application by Leeds NHS Trusts', due to being a member of the Leeds Initiative: Health and Wellbeing Board (Minute Nos. 167 and 173 referred respectively).

Councillor Wakefield declared a personal interest in the agenda item entitled, 'Response to the Consultation on the Foundation Trust Application by Leeds NHS Trusts' due to being a member of the Leeds Initiative: Health and Wellbeing Board (Minute No. 173 referred).

Councillor Ogilvie declared a personal interest in the agenda item entitled, 'Community First', due to his position on his local Community First Panel (Minute No. 167 referred).

On behalf of Councillor Blake, who was scheduled to join the meeting at a later point, Councillor Wakefield declared that Councillor Blake had a personal interest in respect of the agenda item entitled, 'Community First', due to her position on her local Community First Panel and also a personal interest in the agenda item entitled, 'Response to the Consultation on the Foundation Trust Application by Leeds NHS Trusts', due to being a member of the Leeds

Initiative: Health and Wellbeing Board (Minute Nos. 167 and 173 referred respectively).

A further declaration of interest was made at a later point in the meeting (Minute No. 178 referred).

**165 Minutes**

**RESOLVED** – That the minutes of the meeting held on 14<sup>th</sup> December 2011 be approved as a correct record.

**DEVELOPMENT AND THE ECONOMY**

**166 Deputation by Leeds Cycling Action Group**

The Director of City Development submitted a report responding to the issues raised by the Leeds Cycle Action Group during the organisation's deputation to the Council meeting held on 16th November 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Correspondence on behalf of the National Federation of the Blind addressed to the Leader of Council had been tabled at the meeting for Board Members' consideration. The correspondence detailed the Federation's specific concerns regarding the proposed cycle way for Cookridge Street and Portland Crescent.

In responding the correspondence circulated, the Executive Member for Development and the Economy undertook to schedule a meeting between representatives of the Council and the Federation, in order to discuss their specific concerns.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the concerns of the Leeds Cycling Action Group be acknowledged together with the programmes and initiatives which are being pursued by the Council which aim to satisfy such concerns, whilst also maintaining a balance of provision for all road users.
- (c) That the Chief Officer of Highways and Transportation be invited to address the Cycling Consultation Forum.
- (d) That a meeting be scheduled between representatives of both the Council and the National Federation of the Blind, in order to discuss the specific concerns which had been highlighted by the Federation.

**NEIGHBOURHOODS, HOUSING AND REGENERATION**

**167 Community First**

The Assistant Chief Executive (Customer Access and Performance) submitted a report which aimed to raise awareness of the Community First

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and Community Organiser programmes. In addition, the report sought the Board's support for the Council's active engagement and co-operation in establishing the Community First Programme in Leeds, together with the undertaking that other programmes, where appropriate, would be aligned with the Community First initiative. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members welcomed the additional funding which would be received within targeted Wards, however, concerns were raised regarding the process by which the funding would be allocated, the extent to which the local authority had been involved in that process and how the targeted Wards had been identified.

Concerns were raised regarding the remit and the accountability arrangements for the Community Organisers. In addition, Members further considered the criteria which had been used to identify the targeted Wards and enquired how the funding would be used to specifically address those issues on which the selection criteria had been based, such as benefit claimant levels. In response, it was requested that a report was submitted to a future meeting of the Board in order to clarify such matters.

**RESOLVED –**

- (a) That the Council's active engagement and co-operation in establishing the Community First Programme in Leeds be supported.
- (b) That the alignment of the programme with other relevant initiatives be endorsed.
- (c) That the Board's awareness of the Community Organisers' Programme and the potential relationships with other related programmes, be noted.
- (d) That a further report be submitted to a future meeting of the Board in order to clarify those matters relating to the initiative which had been raised during the discussion.

**168 60, Sholebroke Avenue, Chapeltown, LS7**

Further to Minute No. 21, 22<sup>nd</sup> June 2010, the Director of Environment and Neighbourhoods submitted a report which sought approval to sell 60, Sholebroke Avenue, Chapeltown, to Unity HA at a less than best consideration in order to bring the property back into use as a 7 bedroomed family home for a family to be housed from the housing register. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

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

**RESOLVED** – That 60, Sholebrook Avenue be sold at a less than best consideration and on the terms detailed within the exempt appendix to the submitted report to Unity HA, in order that the property can be refurbished to Code Level 3 for Sustainable Homes, and brought back into use as a 7 bedroomed family house.

**169 East Leeds Regeneration Board**

The Director of Environment and Neighbourhoods submitted a report outlining proposals regarding the establishment of area regeneration sub-boards to the overarching Housing and Regeneration Strategic Partnership Board, whilst also seeking Executive Board's endorsement of the governance arrangements set out for the East Leeds Regeneration Board. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Copies of the report and appendices had been circulated to all relevant parties following the publication of the agenda papers.

Following Members' enquiries, the Board received clarification with regard to the status of the Shadow Board. It was also emphasised that the Sub Board, when it became operational, would be an advisory body only. In addition, assurances were received regarding the composition of, and the appointment process to the East Leeds Regeneration Board. Enquiries were also raised regarding the geographical area covered by the Board and the added value that the proposals would bring.

Responding to a specific request that opposition representation on the Board was allowed to be taken from the overall membership of each opposition group, rather than just from those opposition Members representing the affected Wards, it was stated that this request would be given serious consideration.

In conclusion, the Chair acknowledged that further work was required to be undertaken with regard to regeneration in other parts of the city. Specifically in relation to the work currently being undertaken in East Leeds, further consideration could be given to the current model by Executive Board, should concerns remain.

**RESOLVED –**

- (a) That the proposal to establish area regeneration sub-boards, be noted.
- (b) That the arrangements for the East Leeds Regeneration Board, as detailed within the submitted report, be endorsed.

**LEISURE**

**170 Review of Leeds City Council Gymnastics Training Scheme**

The Director of City Development submitted a report seeking approval to transfer the operation of the Leeds Gymnastics Training Scheme from Leeds City Council to the City of Leeds Gymnastics Club Community Interest

Company, which would help develop gymnasts to reach their full potential, with a reducing contribution from the Council. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Executive Member for Leisure paid tribute to all of those who had been involved in getting the scheme to its current position, particularly the City of Leeds Gymnastics Club.

Assurances were received in response to enquiries regarding the consultation process which had been undertaken.

**RESOLVED –**

- (a) That the transfer of the Leeds Gymnastics Training Scheme from Leeds City Council to the City of Leeds Gymnastics Club Community Interest Company from 1 April 2012 be approved.
- (b) That approval be given to Leeds City Council providing financial support to City of Leeds Gymnastics Club Community Interest Company up to a maximum of £250,000 over the next 4 year period.
- (c) That approval be given to Leeds City Council acting as guarantor on the leasehold (Unit 1 Limewood Business Park) for a period of 4 years commencing on 1st February 2012 and terminating 31st January 2016.

**ADULT HEALTH AND SOCIAL CARE**

**171 Response to the Deputation to Council by the Access Committee for Leeds about celebrating volunteers of Leeds**

The Assistant Chief Executive (Customer Access and Performance) together with the Director of Adult Social Services submitted a joint report responding to the issues raised by the Access Committee for Leeds during the organisation's deputation to the Council meeting held on 16th November 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

On behalf of the Board, the Chair thanked of those volunteers and voluntary organisations throughout Leeds who made an excellent contribution to the city.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the work which is taking place to support volunteering and the Third Sector be noted.
- (c) That Adult Social Care's approach towards ensuring that a diverse care market thrives in Leeds, and where localism and volunteering are

valued and encouraged alongside a wide variety of other providers, be noted and endorsed.

**172 Outline Plan for Brook House, St Anne's on Sea**

The Director of Adult Social Services submitted a report outlining proposals with regard to the future of Brook House. In summary, the report proposed to cease the use of Brook House, sell the property and pass the proceeds of the sale to Leeds Community Foundation, which would hold the sum in trust for those people of Leeds who broadly met the requirements of the bequest, in order to support their access to their individual choice of holiday arrangements. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to enquiries, officers undertook to provide Members with details of any similar properties within the Council's possession which were located outside of the city boundary.

**RESOLVED** – That the following be approved, subject to the acceptance of the proposed course of action by the Charity Commission:-

- The Council submit a proposal to the Charity Commission for the disposal of the property known as Brook House demonstrating why the intended new purpose is in the best interest of the charity.
- That if approval is given by the Charity Commission to the Council's proposals, the Council proceeds with the sale of the property known as Brook House.
- The Council continues to work with Leeds Community Foundation to further an agreement on the establishment of a trust fund to continue to meet the broad requirements of the bequest from Harry Brook.

**173 Response to the consultation on Foundation Trust application by Leeds' NHS Trusts**

The Director of Adult Social Services submitted a report providing details of the Foundation Trust application process being undertaken by the Leeds NHS Trusts and which enabled the Board to consider and respond to the potential impact of such matters upon the local authority. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

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

**RESOLVED -**

- (a) That the implications for the Local Authority arising from the Foundation Trust applications being undertaken by the Leeds NHS Trusts, be noted.
- (b) That the submission of the formal consultation responses be approved.
- (c) That a report providing further details regarding the current landlord and tenant issue between the Council and the Teaching Hospitals Trust, as outlined within exempt appendix 1 to the report, be submitted in due course.

**174 Public report of the Local Government Ombudsman regarding a complaint about a joint service provided by the Council and Leeds Community Healthcare NHS Trust**

The Director of Adult Social Services submitted a report which informed the Board of a finding of maladministration with injustice, in a report issued by the Local Government Ombudsman in November 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

On behalf of the Council, the Board and the Chief Executive conveyed their full and unreserved apologies to the family concerned for the service which they had received. In addition, the Board acknowledged the swift and positive actions taken by both the Council and Leeds Community Healthcare NHS Trust following receipt of the complaint, whilst tributes were also paid to the invaluable work which continued to be undertaken throughout the city within the area of Adult Social Care.

**RESOLVED -**

- (a) That the Ombudsman's Report and findings, together with the Council's response be received and noted.
- (b) That it also be noted that this case dates back as far as 2008 and since then the Council has provided a significant training programme to workers in the areas of Safeguarding Vulnerable Adults and the Mental Capacity Act.

**RESOURCES AND CORPORATE FUNCTIONS**

**175 Financial Health Monitoring 2011/12 - Month 8**

The Director of Resources submitted a report setting out the Council's projected financial health position after eight months of the financial year. The report reviewed the position of the budget after eight months and commented upon the key issues impacting on the overall achievement of the budget for the current year. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following Members' enquiries, the Board was provided with the latest budgetary position within Environmental Services, specifically in relation to the



provision of waste disposal. In addition, clarification was also provided to Members regarding the proposed allocation of the income which had been received from NHS Leeds.

In conclusion, the Chair welcomed the all party approach which continued to be taken towards addressing the Council's current budgetary position. In addition, he paid tribute to all the actions which had been taken to achieve the savings made to date, whilst emphasis was also placed upon the vital nature of the services the Council continued to provide to vulnerable groups.

**RESOLVED** - That the projected financial position of the authority after eight months of the financial year be noted.

**176 Large Casino - Approval of revised Gambling Act 2005 Statement of Licensing Policy 2010-2012**

The Director of Resources submitted a report presenting comments from the Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy which contained a statement of the principles that the Council would apply when determining the large casino licence. In addition, the report also presented the comments from the same Scrutiny Board on the Consultation Report which was the proposed Council response to the public consultation exercise on the large casino section in the Policy, and the draft application pack. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Copies of the Statement of Licensing Policy 2010-2012 together with the Consultation Report had been circulated to Board Members for their consideration at the time of the agenda despatch.

**RESOLVED –**

- (a) That the comments made by Scrutiny Board (Resources and Council Services) on the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 and the consultation report be noted as the Council's response to the public consultation.
- (b) That the Statement of Licensing Policy 2010 – 2012, together with the associated Consultation Report be referred to full Council for approval.

(The matters referred to within this minute were not eligible for Call In, as the ultimate determination of such matters are reserved to Council)

**DEVELOPMENT AND THE ECONOMY**

**177 Response to Deputation from Scott Hall and Sholebroke Tenants' and Residents' Association regarding the need for a Formal Crossing Facility on Scott Hall Road**

The Director of City Development submitted a report responding to the issues raised by the Scott Hall and Sholebroke Tenants' and Residents' Association during the organisation's deputation to the Council meeting held on 16th

November 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Executive Member for Development and the Economy advised that the matters raised by the deputation would continue to be monitored.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the concerns raised by residents be acknowledged.
- (c) That approval be given to a further survey being undertaken at a different time of year in order to capture any potential additional seasonal pedestrian demand.

**178 Interim Affordable Housing Policy**

Further to Minute No. 221, 18th May 2011, the Director of City Development submitted a report providing a response to the recommendation of Scrutiny Board (Regeneration) agreed by the Scrutiny Board on 29th November 2011, which asked that the Executive Board “reconsiders this interim housing policy as a matter of urgency with a view to reinstating the 2008 affordable housing targets in relation to Greenfield sites”. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Councillor J Procter, as Chair of the Scrutiny Board (Regeneration) highlighted the issues which had been raised during the Scrutiny Inquiry, which had led to the recommendation to Executive Board.

Concerns were raised in relation to the retrospective applications which had been submitted by some developers in line with the lower affordable housing provision percentage targets of the interim policy, despite already having planning permission with agreements for provision of affordable housing at the previous higher level, with specific emphasis being placed upon those instances concerning Greenfield sites.

Responding to the concerns raised, it was emphasised that the interim policy needed to be maintained in order to stimulate the industry, however, Members noted that the matter would be closely monitored and would be resubmitted to the Board for review as appropriate, in order to adapt to any changes within the housing market.

In instances where permissions had been granted at appeal, but developers had yet to submit new planning applications for reduced contributions, Members highlighted as a potential way forward, the scope that the Local Planning Authority had to reconsider Section 106 packages on a case by case basis, and in consultation with local Members and communities could seek increased affordable housing contributions as a priority at the expense of other funding areas.

**RESOLVED –**

- (a) That the existing 2011 Interim Affordable Housing policy targets as agreed by Executive Board in May 2011 be retained.
- (b) That a monitoring report on the progress of the revised policy be received by the Board in Summer 2012.
- (c) That it be clarified that the implementation period is 2 years from the date of the decision to grant planning permission, subject to Section 106 obligations in order to secure the early delivery of affordable housing and that at the end of 2 years if not implemented, the percentage of affordable housing will revert to whatever the policy is at the time.
- (d) That on those Greenfield sites which are granted at appeal with higher levels of affordable housing, and where lower levels of affordable housing is sought in accordance with the interim policy, regard is had to the content of the overall Section 106 package together with local priorities, in consultation with Ward Members and local communities.

(Councillor Golton declared a personal interest in this matter, due to having relatives working within the building trade)

(Under the provisions of Council Procedure Rule 16.5, Councillor Finnigan required it to be recorded that he voted against the decisions taken above)

**179 Bradford's Core Strategy: Further Engagement Draft 2011**

The Director of City Development submitted a report identifying a number of policies and proposals detailed within Bradford's Core Strategy: Further Engagement Draft 2011, which had the potential to impact significantly upon Leeds. In addition, the report also recommended the submission of a response to Bradford's Core Strategy, as appended to the submitted report. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members welcomed the recommendations within the report, but highlighted that similar issues may need to be addressed in respect to other neighbouring Local Authorities' Core Strategy documents. Responding to a specific enquiry, the Board noted that Kirklees Council's Core Strategy was not yet at the same stage as Bradford's and therefore the opportunity had not yet arisen to provide a response to it.

Following comments raised regarding the role which could be played by the Leeds City Region on this issue and the benefits of a cohesive approach being taken between authorities, the Chief Executive emphasised the good working relationships which existed between Leeds and Bradford and advised that further re-engagement could be made with other local authorities and on a Leeds City Region basis in addressing such matters, whilst further officer time could also be invested.

**RESOLVED** – That the Board formally object to Bradford’s Core Strategy: Further Engagement Draft, on the basis that:

- (i) proposals for redrawing the Green Belt boundary to enable development at Holme Wood and Menston would encroach into the strategic gap between Leeds and Bradford leading toward a merging of the two cities.
- (ii) traffic congestion and hazards would be created to roads in Leeds, particularly the A657 and routes to Drighlington and beyond, and the A65.

**180 Neighbourhood Planning - Consultation Response to the Government's Draft Regulations for Reform**

Further to Minute No. 121, 2<sup>nd</sup> November 2011, the Director of City Development submitted a report which presented for approval and subsequent submission to the Department for Communities and Local Government (DCLG), the Council’s draft response to the Government’s proposals regarding the reform of Neighbourhood Planning; Community Right to Build and Neighbourhood Development Orders. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Concerns were raised regarding the resource and budgetary implications arising from the Government’s proposals which would be placed upon the Council and it was suggested that representations were made to the Government emphasising that in order to ensure the proposals were implemented successfully, additional resource would be required.

The Board considered the differing approaches towards the initiative which would be adopted by individual communities and Parish and Town Councils, and highlighted the role of Area Committees and Area Management in neighbourhood planning matters.

**RESOLVED –**

- (a) That the contents of the submitted report, in association with the previous background information received by the Board at the meeting held on 2<sup>nd</sup> November 2011, be noted.
- (b) That the response to the Government’s proposals for reform of Neighbourhood Planning; Community Right to Build and Neighbourhood Development Orders, as set out within section 3 of the submitted report and also in the questionnaire attached as Appendix 1 be approved, and that the response be submitted to the Department for Communities and Local Government before 5<sup>th</sup> January 2012.
- (c) That the submitted report be circulated to Town and Parish Councils for their information.

(The matters referred to within this minute were not eligible for Call In, due to the 5<sup>th</sup> January 2012 deadline for responding to the DCLG consultation process on the draft neighbourhood planning regulations)

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to be held on Friday, 10th February, 2012

## **CHILDREN'S SERVICES**

### **181 Primary Basic Need 2013 - Outcome of Consultation on Proposals for Expansion of Primary Provision in 2013**

The Director of Children's Services submitted a report which detailed the outcomes arising from the public consultation exercises undertaken regarding the expansion of primary provision across the city. In addition, the report made several recommendations with respect to the next steps for each of the proposals detailed within the submitted report. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In presenting the report, it was noted that regarding the Florence Street proposal, further consideration would need to be given to the activities on the existing refuse site which was in the proximity of the proposed school site. In addition, the strong representations which had been made regarding the proposal for the South Leeds Sports Centre site were acknowledged, and it was noted that work was ongoing in considering whether both leisure and educational provision could be accommodated on that same site.

In discussing this matter, Members highlighted the proposed significant expansion of Morley Newlands Primary School, received assurances regarding the work being undertaken in respect of Free Schools in Leeds and were provided with details regarding the costing exercise with respect to the decontamination work required at the Florence Street site. Having received details of what the temporary accommodation arrangements proposed within the submitted report entailed, assurances were provided that implementing such measures would be done in consultation with local Ward Members.

#### **RESOLVED –**

- (a) That the publication of an 'invitation to bid' statutory notice for a proposed new 420 place school with 26 place nursery on land at Florence Street to serve families in that area, be approved.
- (b) That the publication of an 'invitation to bid' statutory notice for a proposed new 420 place school with 26 place nursery on land at the former South Leeds sports centre to serve families in that area, be approved.
- (c) That the publication of a statutory notice for the expansion of Morley Newlands Primary School from 420 pupils to 630 pupils be approved.
- (d) That it be noted the authority will commission temporary increases in a number of areas whilst further evidence is gathered to identify permanent expansion proposals.

**182 Letter from the Minister for Children and Families, Tim Loughton, regarding the Children's Services Improvement Notice**

The Director of Children's Services submitted a report presenting for consideration a letter from the Minister for Children and Families, Tim Loughton, to the Leader of the Council, which confirmed that the Improvement Notice placed upon Leeds Children's Services in March 2010 had been lifted with immediate effect. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Copies of the report and appendices had been circulated to all relevant parties following the publication of the agenda papers.

The Board paid tribute to and thanked all officers involved, members of the Improvement Board, the Executive Member for Children's Services and the Director for all of their efforts which had led to the Minister for Children and Families lifting the Improvement Notice for Children's Services in Leeds. However, it was acknowledged that work would continue in order to ensure that Children's Services provision across the city continued to improve.

**RESOLVED –**

- (a) That the removal of the Improvement Notice from Children's Services in Leeds be noted, and it be acknowledged that this is an important milestone for the ongoing improvement journey.
- (b) That the important role which the Improvement Board has played in supporting the improvements made be formally acknowledged, and in particular, the Independent Chair, Bill McCarthy, together with the Support and Challenge Advisor, Penny Thompson, and all the partner agencies on the Board be thanked for their key contributions.
- (c) That the workforce of the Council together with its partners be thanked for achieving this significant milestone, in addition to their continued support in rising to the outstanding performance challenges faced.

**DATE OF PUBLICATION:** 6<sup>TH</sup> JANUARY 2012

**LAST DATE FOR CALL IN OF ELIGIBLE DECISIONS:** 13<sup>TH</sup> JANUARY 2012 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 16<sup>th</sup> January 2012)

Draft minutes to be approved at the meeting  
to be held on Friday, 10th February, 2012

## SCRUTINY BOARD (RESOURCES AND COUNCIL SERVICES)

WEDNESDAY, 9TH NOVEMBER, 2011

**PRESENT:** Councillor P Grahame in the Chair

Councillors J Akhtar, A Blackburn,  
B Chastney, R Grahame, J Hardy,  
C Macniven, J Matthews, V Morgan,  
M Robinson and R Wood

### 44 Declarations of Interest

None were received

### 45 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted on behalf of Councillors Bentley, JL Carter, Dawson and Lowe.

Councillors Akhtar, Matthews Morgan and Robinson were in attendance as substitutes.

### 46 Call - In Decision - Briefing Paper

The report of the Head of Scrutiny and Member Development informed Members of the Call In arrangements in accordance with the Council's Constitution and the options of action available to the Board. It was reported that the following options were available to the Board:

- Release the decision for implementation
- Recommend that the decision be reconsidered
- Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted

**RESOLVED –** That the report be noted and the procedures adopted as detailed within the report.

### 47 Call In - Beckett Park Building, Foxcroft Close, Leeds, LS6 3NT - Internal Refurbishment Works

The report of the Head of Scrutiny and Member Development presented the background papers to a decision which had been Called In, in accordance with the Council's Constitution. The decision was a Delegated Decision Notice of the Chief Officer Financial Development regarding the release of capital expenditure for internal refurbishment works at the Beckett Park building.

The Chair welcomed the following to the meeting:

- Councillor S Bentley – Signatory to the Call In
- Councillor J Illingworth - Signatory to the Call In
- Maureen Taylor - Chief Officer Financial Development
- Gary Milner – Head of 14 -19 Strategy, Children’s Services
- Denise Finch, Project Manager, Children’s Services
- Christine Addison, Acting Chief Asset Management Officer
- Paul Quarmby – Service Project Manager – City Development
- Iain Priest – Capital Finance Officer – Children’s Services

Councillor Illingworth and Councillor Bentley outlined the reasons for the Call In of the decision. These included the following:

- The lack of detail in the report in terms of alternative locations considered and the lack of evidence within the report to support the statement that Beckett Park Primary School was the ideal location for Vine
- the lack of early and appropriate local ward member involvement and consultation
- The lack of robust administrative processes which would alert decision makers if adequate consultation with members had not taken place
- An opportunity to raise a more fundamental question regarding capital schemes, the decision making process and where accountability lies.

In response to the concerns raised, Officers present raised the following issues:

- Acknowledgment that Member consultation had been inadequate on this occasion
- Acknowledgment of the lack of detail in relation to option appraisals within the delegated decision report
- Reiteration that the Beckett Park scheme offered the best solution

Councillor Illingworth and Councillor Bentley were invited to summarise the reasons for calling in the decision. In doing so, they stated that had they been offered adequate detail, within the delegated decision report, of the option appraisal undertaken, resulting in Beckett Park being chosen, and had there been sufficient Member involvement and consultation then it would have been likely that this decision would not have been Called In. However, the opportunity to raise the wider issue of delegated decisions, capital schemes and accountability was welcomed.

Members were asked to consider the options available to them.

(Councillor A Blackburn joined the meeting during this item at 10.20am)



#### **48 Outcome of Call In**

It was agreed unanimously by the Board that the decision be released for implementation.

It was similarly agreed that a working group of the Scrutiny Board be established to look at the issues raised in terms of the way in which delegated decisions in relation to capital schemes are made, the point at which decisions are published and decision makers accountable and the level of Member consultation during the decision making process.

**RESOLVED** – (i) to release the decision for implementation.  
(ii) to establish a scrutiny working group

#### **49 Date and Time of Next Meeting**

Monday, 5<sup>th</sup> December 2011 at 10.00 a.m. (Pre-meeting at 9.30 a.m. for all Board Members.

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## SCRUTINY BOARD (RESOURCES AND COUNCIL SERVICES)

MONDAY, 7TH NOVEMBER, 2011

**PRESENT:** Councillor P Grahame in the Chair

Councillors S Bentley, A Blackburn,  
J L Carter, Dawson, C Fox, R Grahame,  
J Hardy, A Lowe and C Macniven

### 36 Declarations of Interest

Councillor Ron Grahame declared a personal interest in relation to agenda item 7, Financial Health Monitoring 2011/12 – Month six report, in his capacity as a Director of East North East Homes ALMO, a Member of the GMB Union, a Leeds Credit Union Member and a member of West Yorkshire Fire and Rescue Authority (Minute No. 39 refers)

Councillor Hardy declared a personal interest in relation to agenda item 7, Financial Health Monitoring 2011/12 – Month six report, in his capacity as a Member of West North West Homes ALMO, and as a Member of the GMB Union (Minutes No.39 refers)

### 37 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from Councillor Chastney and Councillor R Wood. Notification had been received that Councillor C Fox was to substitute for Councillor Wood.

### 38 Minutes of the Previous Meeting

**RESOLVED** – That the minutes of the meeting held on 3<sup>rd</sup> October 2011 be confirmed as a true and correct record.

### 39 Financial Health Monitoring 2011/12 - Month 6 Report

The Head of Scrutiny and Member Development submitted a report which provided information for Financial Health Monitoring 2011/12 month 6.

The Board had agreed in October that the November meeting would focus on Children's Services.

The following Councillors and Officers attended;

Executive Board Member Children's Services, Councillor Blake,  
Chair of Scrutiny Board (Children and Families), Councillor Chapman  
Chief Officer (Financial Management)  
Director of Children's Services  
Head of Finance, Children's Services

Opening the discussion the Chief Officer (Financial Management) provided Members with a summary overview of the financial position of the Council at month 6.

The overall projected overspend at the half year stage was £7.2m, which was largely unchanged from last month.

In brief summary the issues discussed relating to the overall financial position of the Council were;

- The increased level of reserves
- Non achievement of assumed procurement savings for residential and nursing care packages within Adult Social Care
- Income shortfalls mainly relating to planning and building regulation fees, car parking, advertising and children's centres
- Projected surplus in the Housing Revenue Account
- The high levels of financial performance management in relation to council tax collection, non-domestic rates and Sundry income

In response to a question on phased budgeting the Chief Officer (Financial Management) explained the role of the monthly budget monitoring reports and the requirements of budget holders and reviewing officers to monitor budget projections against real time expenditure. The Board would be provided with month 6 actual overspend.

Following these general budget discussions the Board focused on Children's Services. A Document entitled, *Children's Services – Turning the curve on placements for looked after children*, referred to as the 'Plan on a Page' was tabled by the Director of Children's Services.

Whilst Members acknowledged the considerable improvements made by Children's Services which were now being evidenced by good external inspections, the following issues were raised and discussed;

- The number of externally provided residential and fostering placements in Children's Services and consequential budget pressures
- Opportunities to safely reduce reliance on external placements through smarter and better working with partners, increased preventative work and maximising the role of fostering and the City Councils 'offer' in relation to fostering.
- Scope to reduce the costs of external placements that continue to be needed
- Ensuring all partners made appropriate financial contributions to the service
- The need to set realistic budgets to meet demand whilst continuing to turning the curve on placements
- The importance of locality working in decision making and the development of a 'total place' culture in the delivery and funding of services.

Throughout the discussion Members were informed of, and acknowledged the work being undertaken by Scrutiny Board (Children and Families) in addressing a number of these issues and noted a general invitation given by the Scrutiny Chair, Councillor Chapman, for Members to observe this work.

**RESOLVED –**

- (i) To thank those members and officers attending for their input
- (ii) To note the Council's Financial Performance for month 6
- (ii) To receive the additional information requested

(Councillor Lowe left the meeting at this point at 11.20 am)

**40 Large Casino - Approval of Revised Gambling Act 2005 - Statement of Licensing Policy 2010 - 2012**

In line with the Budget and Policy Framework, the Director of Resources submitted a report referred from Executive Board presenting the revised Gambling Act 2005 Statement of Licensing Policy which contained a statement of the principles the Council would apply when making the determination of the large casino licence. In addition, the report also presented the Consultation Report which was the proposed Council response to the public consultation on the large casino section in the Policy, and the draft application pack.

The following officers attended the meeting and responded to Members questions and Comments:

Nicole Raper – Section Head – Entertainment Licensing  
Susan Holden – Principal Project Officer – Entertainment Licensing  
Rowena Hall – Executive Manager, Specialist projects, City Development

The main areas of discussion were;

- The role and remit of the Social Inclusion Fund
- The potential social effects on the city of a large casino
- The logistics of how applicants would monitor 'negative social, equality and health impacts' as written in the policy

**RESOLVED –**

- (i) That the Executive Board be advised that this Scrutiny Board recommends that Executive Board and full Council should be confident that there are clear economic benefits in having a large casino and that these benefits are not outweighed by any negative social/economic impacts.

- (ii) That Executive Board and full Council note the recommendations made by NHS Leeds during the consultation exercise

(Cllr Bentley left the meeting during this item at 11.45 am)

#### **41 Fleet Services - Additional Information**

The Chief Commercial Services Officer submitted a report which provided an update for Scrutiny Board on a number of issues raised at its meeting on 3rd October. These included;

- Vehicle down time issues, particularly for the Refuse service
- Progress on more sustainable fuelling strategies
- The financial performance of the service
- The exercise of powers to charge within Commercial Services
- The outcome of a visit by Scrutiny Members to Fleet Services on 21<sup>st</sup> October 2011

The following officers attended the meeting and responded to Members questions and comments:

- Julie Meakin – Chief Commercial Services Officer
- Terry Pycroft – Head of Fleet Services

In brief summary, the main areas of discussion were:

- The potential for merging Fleet Maintenance for Parks and Countryside with Fleet Services at the York Road depot
- Maximising income through more proactive advertising of MOTs for example, working with other public sector partners
- The need to discuss with Streetscene whether Vehicle off Roads are causing a problem and whether the spare vehicle threshold needed to be raised
- Alternative fuels
- Apprentices

#### **RESOLVED –**

- (i) That the report and appendices be noted and the officers thanked for their attendance
- (ii) That further information be brought back to the Board in February 2012 on the following topics:
  - Vehicle replacement programme and the consequences for introducing alternative fuels
  - The cost of Apprentices

- The further considerations taken in relation to expanding income through increased MOTs

#### **42 Work Schedule**

A report was submitted by the Head of Scrutiny and Member Development which detailed the Scrutiny Board's work programme for the current municipal year.

Appended to the report for Members' information was the current version of the Board's work programme, the minutes from the Executive Board meeting held on 12<sup>th</sup> October 2011, together with an extract from the Forward Plan of Key Decisions for the period 1<sup>st</sup> October to 31<sup>st</sup> January 2012.

**RESOLVED** – That the work programme, as amended, be approved.

#### **43 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Monday 5<sup>th</sup> December 2011 at 10.00am in the Civic Hall, Leeds (Pre- Meeting for Board Members at 9.30am)

(The meeting concluded at 12.20pm)

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## SCRUTINY BOARD (RESOURCES AND COUNCIL SERVICES)

MONDAY, 5TH DECEMBER, 2011

**PRESENT:** Councillor P Grahame in the Chair

Councillors S Bentley, A Blackburn,  
J L Carter, B Chastney, N Dawson,  
R Grahame, J Hardy, A Lowe and  
C Macniven

### 50 Wayne Baxter

Board Members wished to record their sorrow on the news of the death of Wayne Baxter and to pass on their condolences to his friends and family

### 51 Declarations of Interest

Councillor Ron Grahame declared a personal interest in relation to agenda item 7, 2011/12 Quarter 2 Performance Report and agenda item 8, Waste Management Process Review Project, as a Member of the GMB Union. (Minute No 54 and 55 refers)

### 52 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from Councillor R Wood.

### 53 Minutes of the Previous Meeting

**RESOLVED** – That the minutes of the meeting held on 7<sup>th</sup> November 2011 and 9<sup>th</sup> November 2011 be confirmed as a true and correct record

### 54 2011/12 Quarter 2 Performance Report

The Assistant Chief Executive (Customer Access and Performance) submitted a report which presented a summary of the quarter 2 performance data relevant to Scrutiny Board (Resources and Council Services).

The following officers attended the meeting and responded to Members questions and comments:

- Doug Meeson - Chief Officer, Financial Management,
- Lee Hemsworth – Chief Officer, Intelligence and Improvement
- Heather Pinches – Performance Manager

The Performance Manager detailed to the Board the new performance management reporting arrangements which include a number of new reports including; Performance Reports for the each of the City Priority Plan priorities and for the 5 Cross-Council Priorities in the Council

Draft minutes to be approved at the meeting  
to be held on Monday, 9th January, 2012

Business Plan. Directorate Priorities and Indicators for each directorate which sets out the high level progress against each of the directorates' priorities and indicators in the Council Business Plan and Self Assessment.

In brief summary, the main areas of discussion were:

- The cost to the authority in managing the performance regime and how the collected data was used in driving improvement across the authority and within partners.
- Concerns about a number of areas where the indicator had still to be developed and that this didn't hinder performance in those areas
- The need (where applicable) to use numbers and percentages to explain performance
- The need to recognise that some priorities were linked, for example Treating People Fairly and Working with Communities and that there might be expertise in the third sector to help drive improvement in these areas and a recognition that the current indicators used were good.
- The improvements seen in the number of staff appraisals undertaken and acknowledgment that the initial findings of the staff survey should be available in the New Year.
- An explanation of the managers and employee's self service project and the operational difficulties being experienced in its development
- The need to reconsider the RAG status given to the delivery of budget savings through procurement. This was currently Green but predicted savings would not be achieved.
- The acknowledgment that the development of category management was green.
- The affect the ELI scheme may potentially have on achieving the service improvements required
- The use of the £8.4 million VAT rebate.
- The acknowledgement that all Scrutiny Boards would be considering relevant performance data and that this could be used to hold Directors and Executive Board Members to account

The following additional information was requested.

- A report from procurement on how end of contracts are monitored and managed
- The cost of Leeds Initiative and its Boards
- Further detail in relation to staff appraisals and the reasons for some staff members not having had an appraisal
- The number of residents involved in the 2010 research project
- Current and projected ELI figures

## RESOLVED –

- (i) To note the progress in relation to the delivery of the Cross Council Priorities in the Council Business Plan.
- (ii) To note the progress in relation to the directorate priorities and indicators within the Council Business Plan that fall within the remit of the Resources and Council Services Scrutiny Board.
- (iii) To request the additional information as detailed above

### 55 Waste Management Process Review Project

The Head of Scrutiny and Member Development submitted a report which provided a resume of the recommendations previously made by a working group of this board following its review of the Customer Access Programme and the issue of missed bins.

The following officers attended the meeting and responded to Members questions and comments:

- Susan Upton – Head of Waste Management
- Keith Lander – Area Management
- Andrew Hickford – Senior Project Leader
- Cathryn Baggott – Project Manager
- Roger Barry-Earnshaw –Environmental Services

Opening the discussion, the Project Manager provide the Board with an update on the Waste Management Process Review Project.

It was noted that the procurement and development of the new Integrated Waste Management System would offer considerable operational benefits and will remove some of the current constraints effecting bin collection performance. However, until this new system is in place a number of interim improvements have been identified and would be implemented as set out below:

- Short term -  
These changes will concentrate on the rationalisation of existing systems and technologies, streamlining current processes, providing customers with clearer information and improving communication between Waste Management and Customer Services. The analysis is focusing on all aspects of the process, from the capture and recording of the service request from the customer, the workflow of the service requests through Siebel CRM to the depot, the Admin Team at the depot providing task sheets to the crews and, completion of the task request by the crew.
- Medium term  
Introduction of online self service access to report missed bin and bulky waste collection requests. Work with the service to make recommendations to improve resource planning and meet service recovery targets.

- Long term

This final phase will utilise the implementation of 'in cab' technology, currently being piloted, and the integrated waste management system. This will enable crews to record real time information on service performance which can then be shared with the customer through integration of customer management systems.

In brief summary, the main areas of discussion were:

- The acknowledgement that the findings of the officer's research mirrored those of the Scrutiny Board Working Group
- The request that the Board be provided with a timescale document for the project, including where appropriate costings and approval requirements
- The need to develop a consistent policy on how missed bins are managed
- Further detail on the reduction of absence levels
- Details on the most common reasons for bins being missed (ordered by frequency)
- Further data in relation to performance related pay

**RESOLVED –**

- (i) To receive a progress report on the Waste Management Process Review Project
- (ii) To consider the proposed action as described by the project
- (iii) To request additional information as detailed above

(Councillor Lowe left the meeting during discussion on this item at 11.25am)

**56 Work Schedule**

A report was submitted by the Head of Scrutiny and Member Development which detailed the Scrutiny Board's work programme for the current municipal year.

Appended to the report for Members' information was the current version of the Board's work programme, the minutes from the Executive Board meeting held on 2<sup>nd</sup> November 2011, together with an extract from the Forward Plan of Key Decisions for the period 1<sup>st</sup> December 2011 to 31<sup>st</sup> March 2012.

**RESOLVED –** That the work programme, as amended, be approved.

**57 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Monday 9<sup>th</sup> January 2012 at 10.00am in the Civic Hall, Leeds (Pre- Meeting for Board Members at 9.30am)

(The meeting concluded at 12.Noon)

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## **SCRUTINY BOARD (CHILDREN AND FAMILIES)**

**THURSDAY, 10TH NOVEMBER, 2011**

**PRESENT:** Councillor J Chapman in the Chair

Councillors G Driver, P Ewens, B Gettings,  
A Khan, P Latty, K Maqsood, M Rafique  
and K Renshaw

### **CO-OPTED MEMBERS (VOTING):**

Mr E A Britten – Church Representative (Catholic)  
Ms A Craven – Parent Governor Representative (Primary)  
Ms J Ward – Parent Governor Representative (Secondary)  
Ms N Cox – Parent Governor Representative (Special)

### **CO-OPTED MEMBERS (NON-VOTING):**

Ms C Foote – Teacher Representative  
Mrs S Hutchinson – Early Years Representative  
Ms T Kayani – Leeds Youth Work Partnership Representative  
Ms A Choudhry – Leeds VOICE Children and Young Peoples Services Forum  
Representative

#### **41 Chair's Opening Remarks**

The Chair welcomed all in attendance to the November meeting of the Scrutiny Board (Children and Families).

#### **42 Late Items**

In accordance with her powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed to accept the following late information:

- Agenda item 7 – Ofsted annual assessment letter (Minute No. 46 refers)
- Agenda item 8 – additional information on the programme plan to 'turn the curve' on placements (Minute No. 47 refers)
- Agenda item 11 – draft terms of reference for the Scrutiny Board's inquiry into increasing the number of young people in employment, education and training (EET) (Minute No. 50 refers)
- Agenda item 12 – notes of the children's social care system review working group held on 24 October 2011 (Minute No. 51 refers).

#### **43 Declarations of Interest**

There were no declarations of interest.

**44 Apologies for Absence and Notification of Substitutes**

Apologies for absence were submitted by Councillors Lamb and A McKenna.

(Councillor Ewens joined the meeting at 9.50am during the consideration of this item.)

**45 Minutes - 6th October 2011**

**RESOLVED** – That the minutes of the meeting held on 6<sup>th</sup> October 2011 be approved as a correct record.

**46 Findings of the Announced Inspection of Safeguarding Services for Children and Young People in Leeds**

The Director of Children's Services submitted a report which presented the findings of the announced Ofsted re-inspection of safeguarding services for children and young people in Leeds.

The Chair welcomed to the meeting, Councillor Blake, Executive Member (Children's Services) and Nigel Richardson, Director of Children's Services.

In brief summary, the key areas of discussion were:

- Acknowledgement of the significant progress reflected in the inspection report, and the ambition to build on this as services continue to improve.
- Concern that there had been further delays with replacement of the ESCR computer system.
- Concern about the comment in the Ofsted report that the quality of the information provided by the police was poor, and recognition of the need for improvements in this area.
- Challenges in terms of tackling domestic violence, linked to work being undertaken by partners, especially the Safer Schools Partnership.
- Acknowledgement of the role and contribution of the voluntary sector.
- The transition from Education Leeds to Children's Services and the impact of these changes on staff.
- The role of clusters.
- The role of Elected Members and governors.

**RESOLVED** – That the report and information appended to the report be noted.

(Councillor Rafique joined the meeting at 9.55am during the consideration of this item.)



## **47 Scrutiny Inquiry - External Placements**

The Head of Scrutiny and Member Development submitted a report which presented additional information as part of the Scrutiny Board's inquiry into external placements.

A copy of the programme plan to 'turn the curve' on placements had been submitted to the Scrutiny Board as late information.

The following Executive Member and officers attended the meeting and responded to Members questions and comments:

- Councillor Blake, Executive Member (Children's Services)
- Nigel Richardson, Director of Children's Services
- Sarah Sinclair, Chief Officer, Strategy, Commissioning and Performance
- Sue May, Head of Looked After Children, Children's Services.

In brief summary, the main areas of discussion were:

- Processes in place to reduce the number of external placements:
  - investment in family group conferencing
  - building in-house capacity
  - positive support and challenge
  - redesign of fostering service
  - weekly reviews of external placements.
- The need to develop family intervention practices.

The Chair requested a monthly update on progress against the plan, and agreed to keep the Board informed of progress.

### **RESOLVED –**

(a) That the issues raised by the additional information provided to the inquiry be noted.

(b) That monthly updates on progress against the Plan be provided to the Chair of the Board.

(Councillor Khan and Maqsood left the meeting at 11.10am at the conclusion of this item.)

## **48 Scrutiny Inquiry - School Attendance**

The Head of Scrutiny and Member Development submitted a report which presented evidence in line with session 1 of the Scrutiny Board's inquiry into school attendance.

The following information was appended to the report:

- Update on Children's Services Obsessions – Improving School Attendance – Report to Children's Trust Board, 12<sup>th</sup> September 2011
- Attendance OBA events reoccurring outputs and suggestions
- DfE press notice – Government changes definition of persistent absence to deal with reality of pupil absenteeism in schools
- DfE Reducing absence – ensuring schools intervene earlier
- Attendance Strategy persistent absence research report
- Scrutiny statement on attendance – March 2010.

The following Executive Member and officers attended the meeting and responded to Members questions and comments:

- Councillor Blake, Executive Member (Children's Services)
- Nigel Richardson, Director of Children's Services
- Jancis Andrew, Head of Service, Attendance Strategy Team, Children's Services.

In brief summary, the key areas of discussion were:

- The multi-agency approach being adopted in relation to attendance.
- Provisional data for last year showed a good rate of improvement.
- Clarification that schools had a statutory duty to provide information regarding deletions from the school register and pupils that had more than 10 consecutive days of unauthorised absence.
- Issues around bullying and mental health.
- The importance of starting a culture of attendance from the early years.
- The work of clusters in tackling persistent absenteeism.
- The role of governing bodies in tracking attendance.
- Links to the Child Friendly City agenda

The Chair invited the relevant Executive Members and the Director to join the Board's site visits on 8 December if they were available.

**RESOLVED** – That the issues raised be incorporated in the draft report of the Scrutiny Board's inquiry.

#### **49 Review of Children's Congenital Cardiac Services in England: Inquiry Report**

The Head of Scrutiny and Member Development submitted a report which summarised the main issues identified by the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) arising from the review of Children's Congenital Cardiac Services in England.

A summary of the recommendations was appended to the report for Members' information.

The Chair welcomed to the meeting, Councillor Mulherin, Chair of the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber), and Steven Courtney, Principal Scrutiny Advisor, to present the report and respond to Members questions and comments.

**RESOLVED –**

- (a) That the issues and recommendations identified by the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber), be noted.
- (b) That the Board be kept informed of any updates.

(Ms Cox left the meeting at 12.10pm, Ms Choudhry at 12.23pm, Ms Foote at 12.25pm and Mrs Hutchinson, Ms Kayani, Councillor Gettings and Renshaw at 12.28pm during the consideration of this item.)

**50 Draft Terms of Reference - NEET Inquiry**

The Head of Scrutiny and Member Development submitted a report which invited Members to agree terms of reference for the Scrutiny Board's inquiry into increasing the number of young people in employment, education and training (EET).

A copy of the draft terms of reference had been submitted to the Scrutiny Board as late information.

There were some minor amendments to the terms of reference to include reference to evidence of how provision reaches and meets the needs of this target group of young people, and information on programme participation rates and completion/achievement rates.

**RESOLVED –** That the terms of reference, as amended, for the Scrutiny Board's inquiry into increasing the number of young people in employment, education and training (EET), be approved.

**51 Work Programme**

A report was submitted by the Head of Scrutiny and Member Development which detailed the Scrutiny Board's work programme for the current municipal year.

Appended to the report for Members' information was the current version of the Board's work programme, minutes of the Executive Board meeting held on 12<sup>th</sup> October 2011, together with an extract from the Forward Plan of Key Decisions for the period 1<sup>st</sup> November 2011 to 29<sup>th</sup> February 2012.

A copy of the notes of the children's social care system review working group held on 24 October 2011 had been submitted to the Scrutiny Board as late information.

It was reported that a meeting of the youth services working group was being arranged. Sarah Sinclair and Paul Brennan would be attending the working group meeting.

**RESOLVED** – That the work programme be approved.

**52 Date and Time of Next Meeting**

Members were advised that as part of the Scrutiny Board's inquiry into School Attendance, the December meeting scheduled to take place on Thursday, 8<sup>th</sup> December 2011, was taking the form of site visits involving all Scrutiny Board members to the two selected clusters of Rothwell and Inner East.

(The meeting concluded at 12.30pm.)

## SCRUTINY BOARD (SUSTAINABLE ECONOMY AND CULTURE)

THURSDAY, 1ST DECEMBER, 2011

**PRESENT:** Councillor M Rafique in the Chair

Councillors J Akhtar, S Bentley, D Cohen,  
M Lyons, J Matthews, V Morgan,  
M Robinson and G Wilkinson

**36 Declarations of Interest**

The following Members declared personal 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:

Councillors Lyons and Morgan declared personal interests in agenda Item 8 – terms of reference for the Scrutiny Inquiry into Transport, as members of WYITA (minute 40 refers)

**37 Apologies for Absence and Notification of Substitutes**

Apologies were received from Councillor Atkinson and Lobley. The Board welcomed Councillor Wilkinson as substitute member for Councillor Lobley

**38 Minutes**

**RESOLVED** – That, subject to an amendment to minute 32 to refer to Scrutiny Inquiry Session 1 (rather than Session 2 as recorded) the minutes of the meeting held 20 October 2011 be agreed as a correct record

**39 Inquiry into the engagement of Young People in Culture, Sporting and Recreational Activities - Session 2**

The Chief Libraries, Arts and Heritage Officer submitted a report setting out the remit of Session 2 of the Inquiry (effectiveness and communication). The report included data collected on the availability and uptake of the different events and activities offered by LCC through various programmes aimed at young people. As reported previously, uptake was tracked through Breeze Card use.

Ms A Stowe of Leeds Owl Trust attended the meeting along with the following officers

Catherine Blanshard – Chief Libraries, Arts and Heritage Officer

Mark Allman – Head of Sport

Sally Coe - Out of School activities co-ordinator

Ms Blanshard stated that the data presented would assist identification of those parts of the Service which needed to maximise access; however it had become clear that there was no comprehensive data collection process and the Department needed to adopt common approach.

The Board heard from Ms Stowe regarding her experience as a representative of a voluntary organisation working alongside LCC. Ms Stowe outlined the activities provided and the usefulness of being able to work from

LCC buildings as a base to provide activities alongside LCC services. This in turn encouraged return visits. She also highlighted the resource issues facing voluntary organisations and her experience of working with Welcome to Yorkshire, a tourism venture jointly funded by Yorkshire local authorities

Discussions followed on the following themes:

**Breeze Card access –**

- Welcomed the 2010 blanket issue of the Breeze card funded by the Activities Fund
- Application forms were available in most public outlets and on-line. Attendees at Breeze events were also registered if they did not have a card
- A joint Library card/Breeze card was issued when a young person joined a library and this initiative was being extended to include sports activities
- Members supported the suggestion that every child entering into the care of LCC should be automatically registered for a Breeze card
- Noted the use of Breeze card recorded approximately 630,000 individual visits last year; and approximately 500,000 non Breeze card holders attended the same events

**Service duplication -**

- Concern there may be duplication of provision or lack of co-ordination with the Youth Service
- Considered the response that activities were not based on the boundaries of departmental responsibility and the two Departments worked in partnership to maximise the number of young people engaged in activities
- Noted that Scrutiny Board (Children and Families) was looking at the role of the Youth Service and Executive Board was due to consider the Youth Service provision in December

**Locations**

- The data showing service provision available across the area clusters and the concern that some areas of the city were not adequately provided for.
- Ms S Coe provided more detail on individual service provision, including the Friday Night Project which was regarded as a successful model to be rolled out across the city.
- Members commented that more should be done for inner-city areas where levels of deprivation were higher and life expectancy shorter. Officers highlighted the key issues of resources and commissioning to ensure relevant groups were reached in order to promote engagement and the healthy living agenda
- Members also commented that even areas regarded as “outer areas” included localities of deprivation or little provision

**Prices**

- Discussed the comment that Sports Centres did not provide substantial discount and the response that lower prices could not be proven to encourage new attendees and could restrict the range of events/activities available

**Other Providers**

Draft minutes to be approved at the meeting  
to be held on Thursday, 26th January, 2012

- Events and activities provided by voluntary and charitable organisations were not all recorded in the schedule. Further work was required to give the full picture of services in order to assess and inform future provision, particularly from those organisations where funding it provided by LCC.

Members expressed surprise to note that Welcome to Yorkshire requested £300 corporate membership fees from local businesses, charities and social enterprises as well as receiving council funding, but required additional funds on top to promote venues, including council venues.

The following **Key issues** were identified

- the importance of involving young people at an early age so that they remained engaged with the scheme when coming up to “youth age”
- noted the challenge to provide events where young people gravitated. On some levels, the Service was hindered by the locations of existing LCC buildings - an example of this was the library service where the use of a mobile library had been successful
- the need to track where grant funding was spent and whether the recipient organisations were the most appropriate and effective. Future grant applications could have conditions to require the organisation to report back to the Department
- further consideration of opportunities to blanket issue the Breeze card was required
- the need to encourage a city wide approach – some area clusters produce publicity material on events available in their area, but each with a different approach. The Morley, Ardsley and Tingley cluster did an audit of all that was going on in their area. This resulted in a co-ordinated programme and could be a best practice model across the City.
- Schemes funded by Wellbeing/Activities Funding could be required to produced a printed programme which is available in every school in its area

The Board thanked the participants for their presentation and noted the discussions. Members suggested the Chair write to Welcome to Yorkshire to express the comments made by the Board today.

**RESOLVED** – To note the contents of the report and the comments made by Members

Councillor Bentley left the meeting at this point)

(Councillor Akhtar withdrew from the meeting for a short while at this point)

**40 Inquiry into the Impact of existing major sources of travel movements within the City and the plans being made to address the impact of known future developments on the City's transport infrastructure - Draft Terms of Reference**

The Head of Scrutiny and Member Development submitted a report setting out the draft Terms of Reference for the Inquiry into the impact of existing major sources of travel movements and the plans being made to address the impact of future known developments on the city's transport infrastructure.

Draft minutes to be approved at the meeting  
to be held on Thursday, 26th January, 2012

The report outlined key areas for scrutiny previously identified by the Board and the scope and timetable of the Inquiry. It was noted that Councillor R Lewis, Executive Member with responsibility for development and economy and Mr M Farrington, Director of City Development had been consulted.

Mr G Bartlett and Mr A Hall attended the meeting and discussed the following comments with the Board

- noted and welcomed the recent announcement of government backing for the proposed Kirkstall Forge and Apperley Bridge train stations
- the impact of the Community Infrastructure Levy, particularly in view of discussions on proposals to establish a West Yorkshire Transport Fund
- provided assurances that this Inquiry would endeavour not to duplicate discussions being held by Scrutiny Board Regeneration on matters of transport and travel.

#### **RESOLVED**

- a) That the contents of the report be noted
- b) That, subject to the inclusion of information on the CIL into Session 1, the draft Terms of Reference as set out in the submitted report be agreed and that the Terms of Reference be updated as necessary throughout the Inquiry
- c) To note the Terms of Reference may incorporate additional information during the Inquiry should the Board identify any further scope for inquiry or request further witness or evidence

#### **41 Reducing CO2 Emissions in the Local Authority Estate**

The Head of Scrutiny and Member Development submitted a report as the basis of discussion on the reduction of CO2 emissions in the local Authority Estate and to determine whether further scrutiny was required and specific areas for further investigation

A copy of the Carbon & Water Management Plan 2011-2021 previously presented to Executive Board on 30 March 2011 was attached to the report, along with the Delivery Plan 2011-2012. The report also referred to the statement published by the former Scrutiny Board (Environment & Neighbourhoods) in 2008 on the Councils role in reducing CO2 emissions. The six recommendations made by that Board were included at appendix C with progress against those recommendations contained in the final 2009 tracking report at Appendix D.

Anne Chambers, Head of Corporate Property Management and Jon Andrews Environment Policy Manager attended the meeting to discuss the report. The term "local authority estate" was clarified and the Board commented that as many council services were sub contracted, those contractors should also be included within the remit of the Inquiry. The response that contractors bidding to provide services for the council had to comply with the requirements of the sustainable procurement process was noted. It was also noted that since tracking ceased in 2009, emission figures were generally still in decline although some Members felt this could be due to data on sub contractors not being included. The Board discussed whether any measures could be imposed on any contractor not seeking to reduce emissions, but noted the



Council could only encourage change by providing an exemplar of good practice and encouraging alternative fuel sources

The Board considered whether to review just the LCC estate or whether to receive further information to advise the board about the performance of Council's sub contractors in reducing CO2. The Board determined that further scrutiny of the issue may be required, but requested that an update on the LCC Delivery Plan containing up to date emission figures be presented to the March 2012 meeting along with information relating to sub contractor performance.

**RESOLVED** – To note the contents of the report and the appendices and to request a further report containing up to date emission figures be presented to the March 2012 Board meeting.

#### **42 Work programme**

The Head of Scrutiny & Member Development submitted a copy of the Work Programme for the 2011/12 Municipal Year which had been populated with the priority areas for scrutiny as identified at previous meetings. Copies of the minutes of the Executive Board meetings held 12 October 2011 and 2<sup>nd</sup> November 2011 were attached for consideration along with a copy of the forward Plan covering the period of 1 November 2011 to 29 February 2012

**RESOLVED** –

- a) To note the contents of the Work Programme
- b) To note any matters raised at this meeting above will be included appropriately
- c) To note the contents of the Forward Plan and the Executive Board minutes

#### **43 Date and time of next meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 26<sup>th</sup> January 2012 at 1.00 am

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## **SCRUTINY BOARD (SAFER AND STRONGER COMMUNITIES)**

**MONDAY, 14TH NOVEMBER, 2011**

**PRESENT:** Councillor B Anderson in the Chair

Councillors B Chastney, R Grahame,  
K Groves, M Hamilton, P Harrand, G Hyde,  
J Jarosz and J Marjoram

### **43 Declarations of Interest**

Councillor R Grahame declared a personal interest in Agenda Item 8, Reform of Council Housing Finance – Comments from Scrutiny on the draft new HRA Business Plan and Agenda Item 9, Response to the Scrutiny Review of the ALMO Business Centre Leeds due to his position on the East North East Homes ALMO.

Councillor B Chastney declared a personal interest in Agenda Item 8, Reform of Council Housing Finance – Comments from Scrutiny on the draft new HRA Business Plan and Agenda Item 9, Response to the Scrutiny Review of the ALMO Business Centre Leeds due to his position on the West North West Homes ALMO.

### **44 Apologies for Absence and Notification of Substitutes**

Apologies for absence were submitted on behalf of Councillors J Hardy, C Townsley and N Walshaw. Councillor B Chastney was in attendance as substitute for Councillor C Townsley.

### **45 Minutes - 10 October 2011**

**RESOLVED** – That the minutes of the meeting held on 10 October be confirmed as a correct record.

### **46 Dog Control Orders - Phase 2 Project - Scrutiny Comments**

The report of the Head of Scrutiny and Member Development included the Board's comments for inclusion into the Executive Board report regarding the Review of the Phase 2 proposed Dog Control Orders.

The Chair welcomed Tom Smith, Locality Manager, Environment and Neighbourhoods to the meeting.

Separate to the proposals set out in Phase 2 of the Dog Control Orders project, the Scrutiny Board had explored the potential use of the Dog Control (Dogs on Leads at All Times) Order in relation to parks and playing pitches that are used by schools that have no on-site green space and are, as such,

Minutes approved at the meeting  
held on Monday, 12 December 2011

secondary facilities. A particular example cited was Calverley Park (Victoria Park) used by Calverley Park Side School. The Board learned that after seeking legal advice, the Project Board had concluded that whilst the use of this Order may assist with enforcement action, the stated purpose of this Order is one of public safety rather than to prevent fouling. The Order would also need to be enforced at all times and not just when schools are using the specified areas. In view of this, it was considered that the Order would be seen as disproportionate to enforce on safety grounds where there is no safety issue. The Scrutiny Board agreed that further work was needed to accurately assess the extent of the problems encountered in such areas in relation to dog fouling in particular and explore the best use of the full range of powers available to the Council in promoting responsible dog ownership in such areas that would be deemed proportionate to enforce and thereby be subjected to public consultation.

The review and consultation process for implementing the orders was discussed and the Board was informed that areas that had problems with fouling could be targeted by enforcement officers. It was also reported that approximately half of schools in Leeds had responded to the consultation on the Phase 2 Project and a reminder would be sent.

Further issues discussed included the following:

- Members received more complaints on fouling rather than safety issues.
- As there were only six Dog Wardens that covered the whole City, other enforcement staff could be used to issue fixed penalty notices in relation to breaches of Dog Control Orders and fouling in particular.
- There would be a publicity campaign regarding the Dog Control Orders arising from the Phase 2 Project.
- Fixed penalty notices were currently £75. Members discussed the possibility of raising this to act as more of a deterrent. However, it was felt that more robust enforcement of repeat offenders was needed in order to act as a greater deterrent. The Scrutiny Board also recognised the need to ensure that non-payment of fixed penalty notices are actively pursued and for further legal action to be taken where required.

**RESOLVED** – That the report and discussion be noted and the Scrutiny Board's comments for inclusion into the Executive Board report be amended to reflect today's discussion.

#### **47 Reform of Council Housing Finance - Comments from Scrutiny on the draft new HRA Business Plan**

The report of the Head of Scrutiny and Member Development presented the draft report summarising the observations, conclusions and recommendations of the Board in relation to the draft Leeds Housing Revenue Account (HRA) Business Plan.

Councillor Gruen, Executive Member for Neighbourhoods, Housing and Regeneration and John Statham, Head of Housing Partnerships were in attendance for this item.

The following amendments to the report were suggested:

- Recommendation 6 – That the narrative surrounding this recommendation makes it clear that whilst a City Wide Investment Standard should be reflective of the Council's aspirations in terms of the quality and sustainability of housing in the city, it also needs to be informed by sustainable funding solutions.
- Recommendations 7 and 11 – that the narrative surrounding these recommendations makes it clear that the Executive Board Member for Neighbourhoods, Housing and Regeneration had already supported the actions proposed.

**RESOLVED** – That the report be noted and amended as suggested.

#### **48 Response to the Scrutiny Review of the ALMO Business Centre Leeds**

The report of the Head of Scrutiny and Member Development presented the response to the Scrutiny Review of the ALMO Business Centre Leeds .

Claire Warren, Chief Executive of West North West Homes ALMO and David Heels Director of Corporate Services, ALMO Business Centre Leeds joined Councillor Gruen and John Statham for this item.

In response to Members comments and questions, the following issues were discussed:

- Merging of back office services – this would ensure that work was not duplicated and be more efficient and effective.
- That further savings would be achieved through process reviews in areas such as contract management and procurement.
- Performance issues – it was reported that service delivery needed to be measured against the Leeds City-Wide Service Offer and the ambition was to become an excellent performing organisation that measured risk well.
- Local Letting Policies – these would be reviewed annually and the latest review took account of the provisions of the Equality Act 2010 relating to age will come into force in April 2012. It was noted that a local lettings policy based on age will have to be justifiable – meaning there must be sufficient evidence to justify the continued or new policy. It was not yet known what the financial impact would be and it was suggested that Local Letting Policies may be an issue that Scrutiny would like to look at. Local Letting Policies would be made by delegated decision and would not be signed off until full consultation had taken place.

- People unable to get on the housing ladder and unable to get housed in the areas where they currently lived.
- Accommodation for the ALMO Business Centre – discussion was held regarding the decision to locate at Navigation House and questions were asked about the transparency behind the decision. It was reported that the process had been done through the Asset Management Board.
- Reference was made to the summary of savings identified to date, as set out in the report. A schedule of how these would be achieved was requested by the Board.
- Staffing issues – Early Leavers Initiative, external recruitment freeze and staffing issues relating to reduced stock.

**RESOLVED** – That the report and discussion be noted.

#### **49 Third Sector Review - Update**

The report of the Head of Scrutiny and Member Development introduced an update on the Council Review of Third Sector Relationships.

Kathy Kudelnitzky, Chief Officer, Leeds Initiative and Partnerships and Pat Fairfax, Community Issues Co-ordinator were in attendance for this item.

The following issues were discussed:

- The Board welcomed the review and emphasised the importance of having more robust systems for monitoring the work of the third sector, particularly where services are being delivered to vulnerable groups across the city
- That where best practice is identified within particular directorates, there is a need to share this across the whole of the Council
- It was reported that the Review was currently a work in progress and that further input from Elected Members would be sought via a Members seminar.
- That further work needs to be undertaken in identifying service delivery outcomes as part of the commissioning process
- The Board requested more detailed information regarding the level of consultation already undertaken as part of the review

**RESOLVED** – That the report be noted and a further more detailed report be brought to the Board in the new year.

#### **50 Financial Health Monitoring 2011/12 - Environment and Neighbourhoods Directorate**

The report of the Head of Member and Scrutiny Development informed the Board of the financial health of the Environment and Neighbourhoods Directorate after six months of the 2011/12 financial year. Attached information had been included by the Directorate's Head of Finance.

Neil Evans, Director of Environment and Neighbourhoods and Richard Ellis, Head of Finance, Environment and Neighbourhoods were in attendance for this item.

In response to Members comments and questions, the following issues were discussed:

- Vehicle repair costs – these were mainly associated with landfill damage and it was hoped that through using different landfill options this would be reduced. Work was ongoing with Fleet Management to investigate the balance between vehicle renewal and repair.
- Income from parking, the possibility of discounted parking to attract more users over the Christmas period was discussed.
- Recycling – it was reported that prices for metals and textiles was currently increasing whilst paper was decreasing.
- Dog fouling enforcement - reference was made to the potential use of other officers such as Parks and Countryside Officers and Police Community Support Officers.
- Scrutiny involvement in the budget process. It was noted that an Outline Budget report was due to be submitted to Executive Board in December 2011.

**RESOLVED** – That the report and discussion be noted.

#### **51 Work Schedule**

The report of the Head of Scrutiny and Member Development detailed the Board's work schedule. Also attached were copies of recent Executive Board Minutes and a copy of the Forward Plan relating to the Board's portfolio.

**RESOLVED** – That the report be noted

#### **52 Date and Time of Next Meeting**

Monday, 12 December 2011 at 10.00 a.m. (Pre-meeting for all Members at 9.30 a.m.)

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## **SCRUTINY BOARD (SAFER AND STRONGER COMMUNITIES)**

**TUESDAY, 22ND NOVEMBER, 2011**

**PRESENT:** Councillor B Anderson in the Chair

Councillors P Ewens, P Grahame, J Hardy,  
P Harrand, G Hyde, J Jarosz, C Macniven,  
M Robinson and N Walshaw

### **53 Exempt Information - Possible Exclusion of the Press and Public**

Councillor Pryke, as signatory to the Called-In decision requested that information that was contained in Appendix B to the report be released as a public document. Following advice from Officers on the sensitive information detailed in Appendices B and C to the report, the Board was asked to take a vote on whether to keep this information restricted and to exclude the public from the meeting during the discussion of the information in these appendices.

#### **RESOLVED -**

That the public be excluded from the meeting during the consideration of the following parts of the agenda designated as exempt 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 public were present there would be disclosure to them of exempt information so designated as follows:-

Appendices B and C to Agenda Item 7, Call-In – Waste Solution for Leeds – Residual Waste Treatment PFI Project, under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that they contain commercially sensitive information on the City Council's approach towards procurement issues, and commercially sensitive pricing and information about the commercial risk position of bidders, where the benefit of keeping the information confidential is considered greater than that of allowing public access to the information.

### **54 Apologies for Absence and Notification of Substitutes**

Apologies for absence were submitted on behalf of Councillors R Grahame, K Groves, M Hamilton and J Marjoram.

Councillors P Grahame, C MacNiven, P Ewens and M Robinson were in attendance as substitutes.

### **55 Call-In of Decision - Briefing Paper**

The report of the Head of Scrutiny and Member Development informed Members of the Call In arrangements in accordance with the Council's Constitution and the options of action available to the Board. It was reported that the following options were available to the Board:

- Release the decision for implementation
- Recommend that the decision be reconsidered
- Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted

**RESOLVED** – That the report be noted.

## **56 CALL-IN - WASTE SOLUTION FOR LEEDS - RESIDUAL WASTE TREATMENT PFI PROJECT**

The report of the Head of Scrutiny and Member Development presented the background papers to a decision that had been Called In in accordance with the Council's Constitution. The decision of the Executive Board regarding the Waste Solution for Leeds – Residual Waste Treatment PFI Project had been called in by Councillors R Pryke and D Blackburn.

The following were in attendance for this item:

Councillor R Pryke, Signatory to the Call-In  
Councillor D Blackburn, Signatory to the Call-In  
Councillor M Dobson, Executive Member for Environmental Services  
Neil Evans, Director of Environment and Neighbourhoods  
David Outram, Chief Officer, Public Private Partnership Unit  
Andrew Lingham, Waste Strategy and Policy Manager  
Andrew Tate, Executive Manager (Projects). Public Private Partnership Unit  
Sarah Covell, Member of Community Organisation for Viable Environments and Neighbourhoods (COVEN) and local resident  
Maria Herlingshaw, Member of Community Organisation for Viable Environments and Neighbourhoods (COVEN) and local resident

Councillors Pryke and Blackburn were invited to address the Board with their reasons for the Call-In.

The following issues were highlighted:

- It was not felt that the Council allowed enough time for consultation.
- Implementing this decision would prevent future options to deal with waste.
- Weighting given to different categories within the decision did not appear to have considered comments by local residents and others affected. This included issues such as having the treatment site as far away from housing as possible.
- Use of third party waste – throughout the consultation process it had been said that waste would not be brought in from other local authority areas, but extra waste from commercial waste would be used to fill the

capacity of the project. It had, however, been reported that waste would be imported from Sheffield. In response to this it was reported that there would be a reciprocal agreement between Leeds and Sheffield to treat each others waste during periods of maintenance at their respective sites.

- There was no evidence to suggest that the minimum tonnage of waste would be available for the site in spite of household growth.
- Likelihood of delays with the planning process for the development of the site. The Secretary of State had cancelled a number of similar projects due to planning matters.
- Concerns that forty percent of the capital costs were subject to exchange rates and that this was a major financial risk for the Council.
- Use of bottom ash from the proposed site. Visits to other areas had shown that there was no market for the bottom ash produced and that this would end up going to landfill.
- The disposal of air pollution control residues – the plant would produce over 6,000 tonnes of this hazardous waste per year.
- Answers had not been given to what would happen to domestic waste that could not be treated at the site such as furniture items.
- Screening of the site – plans for low planting would not reflect artist impressions of the site until plants had grown.
- There had been no marketing of the site for other users.
- Further concern that the costs involved the European market and had the Council done any hedging or planned for the event of the collapse of the Euro.
- Concern regarding the Private Finance Initiative Funding – it was felt the project could have been delivered more cheaply through prudential borrowing or use of reserves.
- Weightings for the qualitative score did not take account of the concerns of Leeds residents. It was reported that this issue was part of an Executive Board decision taken in 2008, and not eligible for further consideration now.
- Concern was also raised regarding Veolia's work in Israel and occupied territories.

Maria Herlingshaw and Sarah Covell were given opportunity to address the Board. The following issues were highlighted:

- It was not known why alternative bids had been rejected and what criteria was used in selecting the preferred bidder.
- How would bottom ash and other residue be transported and what were the safety implications?
- Lack of feedback from previous consultations. It was felt that the consultation had not been concise and questions had been left unanswered.
- Reference was made to problems at the site that hadn't been previously addressed such as smells and flies. No reassurances had been given that this would be improved and there was a concern as the proposals would mean a much larger and demanding project.

- Reference to the Jacobs Report
- Due to increased recycling there would not be enough waste produced within Leeds for the site to operate.
- The potential use of Neville Hill Yard and the possibility of waste being transported by rail.
- High recycling rates.
- Impact of waste being imported from Sheffield – local residents had not been made aware of traffic plans for this.
- Concerns of increased traffic at the site and the impact on air quality.
- The Richmond Hill Forum had not been consulted regarding the proposals.
- Air pollution – particle pollution in East Leeds was amongst the highest in the City.

Officers responded to the reasons behind the Call-In and concerns raised. It was reported that many of the issues raised such as the bid criteria and selection of sites were all subject to decisions made in previous years and no longer subject to Call-In. Further issues highlighted included the following:

- The bid would ultimately be subject to the Council's planning processes.
- Other bids elsewhere that had had funding withdrawn had been deemed by Central Government to be less beneficial or deliverable.
- The site and facility would be subject to strict environmental monitoring.
- There was confidence within the Council and on the part of the bidder that the proposal on the site was deliverable in terms of planning permission.
- Whilst recycling targets had been set at 50%, this did not mean that would be an upper limit.
- Commercial waste from within the City would be used to ensure the plant operated at full capacity.

In response to further comments and questions from Members, the following issues were discussed:

- Fluctuation in interest rates would not affect the Council as the bidder would be funding this project directly themselves. The Board was also informed in further detail of how the PFI scheme worked.
- Forty percent of capital costs would be based on Euro rates due to where parts and materials for the site were manufactured. The Council had asked the bidder to apply a specific rate with the knowledge that rates could change. It was reported that the bidder would take out hedging measures. On the advice of Officers, it was felt to be a manageable risk.
- With regards to the proposed reciprocal agreement with Sheffield regarding the importation and exportation of waste during periods of planned shutdown for maintenance, it was reported that a limit on the tonnage would be built into the contract to ensure that importation did

not exceed exportation, and that this arrangement was restricted to these limited periods of planned maintenance.

- At no stage of the process had it been reported that the site would operate exclusively with municipal waste.
- Issues relating to the planning process and the submission of a planning application.
- It was reported that the wholesale market previously situated at the site had gone out of business. The site had been placed on the open market for re-use and this project had been the only expression of interest for use of the site.
- It was reported that there was a market for the use of bottom ash and the bidder had given performance guarantees regarding this.
- It was reported that environmental monitoring would be done by the Environment Agency throughout the operational life of the plant.
- There were restrictions on some bulky items being treated at the plant. This was expected to be a very small proportion of the waste.
- Low level planting – this would be discussed at the planning stage.
- There were no proposals for the Nevilles area linked to the RWT project.
- At the initial stages of the bid process, technology proposals other than incineration had been submitted. These proposals had performed less favourably when assessed against the Council's evaluation criteria.
- Whilst it was acknowledged that fundamental future changes to the proposed solution could involve additional cost, flexibility had been written into the contract to allow for increases or reduction, or changes in composition, in waste treated at the plant. In this sense there are no 'hidden costs' to the Council.
- There was scope to deal with a broader range of waste should definitions of waste and legislative change re-classify certain kinds of commercial waste as municipal waste.

Members went into private session to discuss the information detailed in the exempt appendices.

#### **57 Outcome of Call-In**

Following a vote by Members present, it was

**RESOLVED** – to release the decision for implementation

#### **58 Date and Time of Next Meeting**

Monday, 12 December 2011 at 10.00 a.m. (Pre-meeting for all Board Members at 9.30 a.m.)

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## **SCRUTINY BOARD (SAFER AND STRONGER COMMUNITIES)**

**MONDAY, 12TH DECEMBER, 2011**

**PRESENT:** Councillor B Anderson in the Chair

Councillors P Grahame, R Grahame,  
K Groves, M Hamilton, J Hardy, P Harrand,  
A Khan, J Marjoram, C Townsley and  
N Walshaw

### **59 Late Items**

Members were issued with a supplementary agenda with the report for Item 8 – Financial Health Monitoring 2011/12 – Environment and Neighbourhoods Directorate

### **60 Declarations of Interest**

Councillors A Khan, R Grahame, P Grahame and K Groves declared personal interests in Agenda Item 9, Grounds Maintenance Contract – Mobilisation Update as they were Members of GMB. Councillor A Khan also declared an interest in the same item as he was a Member of the East North East Homes Area Panel as did Councillors R Grahame and J Hardy due to their respective positions as Directors with East North East Homes ALMO and West North West Homes ALMO.

### **61 Apologies for Absence and Notification of Substitutes**

Apologies for absence were submitted on behalf of Councillors G Hyde and J Jarosz. Councillors P Grahame and A Khan were present as substitutes.

### **62 Minutes - 14 November 2011**

**RESOLVED** – That the minutes of the meeting held on 14 November 2011 be confirmed as a correct record.

### **63 2011/12 Quarter 2 Performance Report**

The report of the Head of Scrutiny and Member Development presented a summary of the quarter 2 performance data relevant to the Safer and Stronger Communities Scrutiny Board. Two issues were highlighted for Members attention: Budget and Rate of Domestic Burglary.

Neil Evans, Director of Environment and Neighbourhoods, Heather Pinches, Performance Manager, and Councillor Peter Gruen, Executive Board Member for Neighbourhoods, Housing and Regeneration were in attendance for this item.

Draft minutes to be approved at the meeting  
to be held on Monday, 16th January, 2012

It was reported that the performance information detailed in the report was the first set against the new strategic plans – the City Priority Plan and Council Business Plan. The performance data detailed in the report was relevant to Safer and Stronger Communities City Priorities. A full set of performance information was detailed on the Council's Intranet site.

In response to Members comments and questions, the following issues were discussed:

- Members welcomed the inclusion of victim demographics in relation to the data around anti-social behaviour.
- Equality Issues – there was a set of equality priorities and it was being considered how best to present these in future reports. There was also a section around Equality and Diversity as part of the State of the City report.
- Whilst the report cards would usually be signed off by the relevant Partnership Boards, the timing of some Partnership Boards had not made this possible in all cases. However, all performance information had been reviewed by relevant stakeholders. The quarter 3 performance reports will be signed off by the Partnership Boards.
- That references made to travelling offenders in the report had referred to those offenders who had committed crimes across police operational boundaries.
- Perpetrator demographics for anti social behaviour – this showed an equally high number of female perpetrators. Members also queried how many offences were alcohol related.
- Leeds had the highest rate of burglary when compared to other comparator authorities. However, there had been an improvement in recent months.
- Joint operations with DVLA to remove unregistered vehicles that are in common use by criminals – Members requested further information on this.
- Mapping of priority and prolific offenders (PPOs) – information regarding PPOs could be facilitated through ward briefing meetings.
- Sharing of crime and anti-social behaviour information with Area Committees and Locality Managers
- Police and Crime Commissioner Role – an update report was due to Executive Board and it was expected that the Scrutiny Board would have an update report in February 2012.

**RESOLVED** – That the report and discussion be noted.

#### **64 Financial Health Monitoring 2011/12 - Environment and Neighbourhoods Directorate**

The report of the Head of Scrutiny and Member Development informed Members of the financial health of the Environment and Neighbourhoods Directorate after seven months of the 2011/12 financial year.



Neil Evans, Director of Environment and Neighbourhoods and Richard Ellis, Head of Finance, Environment and Neighbourhoods were in attendance for this item.

In response to Members comments and questions, the following issues were discussed:

- Restructuring within the Environment and Neighbourhoods Directorate. Work was still ongoing across various service areas and there had been a major restructure of senior management.
- Income from Car Parks. Members discussed pricing issues, the potential impact on local businesses and unregistered car parks. It was reported that the Board was due to receive a further report in the new year.
- Income from enforcement on bus lanes.
- Predicted overspend – this had been affected by a slippage in the timescale of staffing restructures and not achieving predicted levels of income.
- Freezes on expenditure and recruitment.
- That the 2012/13 Budget proposals were due to be submitted to Executive Board in December.
- It was proposed that a Budget Working Group meeting be arranged early in the new year to consider the initial 2012/13 budget proposals for the Environment and Neighbourhoods Directorate.

**RESOLVED** – That the report be noted.

## **65 Grounds Maintenance Contract Mobilisation Update**

The report of the Chief Environmental Services Officer provided an update on the mobilisation of the new Grounds Maintenance contract that was due to commence on 1 January 2012.

Main issues highlighted in the report included:

- Mobilisation of the new grounds maintenance contractor
- De-mobilisation of the current contractors
- The Council's internal contract mobilisation plan

Andrew Mason, Chief Environmental Services Officer and Stephen Smith, Environmental Services were in attendance for this item.

In response to Members comments and questions, the following issues were discussed:

- The contractor had agreed a rental for a site at Calverley Lane for a depot.

- Consultation had been held with Town and Parish Councils which had shown an interest.
- Contractor efficiency plan – this was ongoing as further potential efficiencies would be discussed.
- Monitoring – continued mapping work would be carried out to ensure areas of land did not get missed.
- The contractor would be happy to discuss issues first hand in respect of contact arrangements.
- The mobilisation team was made up of representatives from the ALMOs, BITMO, Highways, Parks and Countryside, Environmental Services and others involved in the procurement process.
- The Board requested further updates on the contract in the new year.

**RESOLVED** – That the report be noted.

#### **66 Work Schedule**

The report of the Head of Scrutiny and Member Development detailed the Board's work schedule. Also attached were copies of recent Executive Board Minutes and a copy of the Forward Plan relating to the Board's portfolio.

**RESOLVED** – That the report be noted

#### **67 Date and Time of Next Meeting**

Monday, 16 January 2012 at 10.00 a.m. (pre-meeting for all Board Members at 9.30 a.m.)

## SCRUTINY BOARD (REGENERATION)

MONDAY, 31ST OCTOBER, 2011

**PRESENT:** Councillor J Procter in the Chair

Councillors B Atha, D Collins, P Ewens,  
J Harper, G Hussain, M Iqbal, K Mitchell,  
T Murray and G Wilkinson

Mr G Hall – Co-opted Member

### 25 Chair's Opening Remarks

The Chair welcomed everyone to the October meeting of the Scrutiny Board (Regeneration).

### 26 Exempt Information - Possible Exclusion of the Press and Public

**RESOLVED** – That the public be excluded from the meeting during the consideration of the following parts of the agenda designated as exempt 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 public were present there would be disclosure to them of exempt information so designated as follows:-

Appendix 2 to the report referred to in Minute No. 33 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business affairs of any person or company (including the authority holding that information) which may result in prejudicial trading of that company. It was therefore considered that it was not in the public interest to release this information at this time, as this would compromise the Council's position.

### 27 Late Items

There were no formal late items of business to consider, however, the Chair agreed to accept the following supplementary items which were circulated at the meeting:-

- Kirkgate Indoor Market Lettings Policy and Process – Replacement Appendix 1 (Agenda Item 9) (Minute 33 refers)
- Kirkgate Market - additional papers on appointment of consultants (Agenda Item 9) (Minute 33 refers)

The documents were not available at the time of the agenda despatch, but were made available on the Council's website prior to the meeting.

### 28 Declarations of Interest

The following personal declaration of interests were made:-

- Councillors J Procter and T Murray in their capacity as Members of the Aire Valley Leeds Regeneration Board (Agenda Item 7)(Minute 31 refers)
- Councillor J Harper in view of her previous Council involvement with the company Jonathan Morgan, Chair of the West Leeds Gateways Board and Managing Director of Morgan's estate agency (Agenda Item 7)(Minute 31 refers)

**29 Apologies for Absence and Notification of Substitutes**

An apology for absence was received on behalf of Councillor R Pryke.

On this occasion no notification of a substitute Member was provided.

**30 Minutes of the Previous Meetings**

**RESOLVED** – That the minutes of the meetings held on 27<sup>th</sup> September 2011 and 10<sup>th</sup> October 2011 be confirmed as a correct record.

**31 East Leeds Regeneration Board**

The Head of Scrutiny and Member Development submitted a report on the proposed formation of the East Leeds Regeneration Board, a sub-board of the Leeds Initiative's Housing and Regeneration Board.

Appended to the report was a copy of the following documents for the information/comment of the meeting;-

- East Leeds Regeneration Board – Position Statement – Report of the Director of Environment and Neighbourhoods
- East Leeds Regeneration Board – Draft Terms of Reference and Working Arrangements (Appendix 1 refers)
- The East Leeds Housing and Regeneration Board Meeting – Monday 3<sup>rd</sup> October from 2-4pm at Leeds City Council, Civic Hall – Agenda/Reports (Appendix 2 refers)
- New Developments to Transform East Leeds – Flyer/Press Release/Press Article (Appendix 3 refers)

The following representatives were in attendance for the first part of this item which commenced at 10.00am and responded to Board Members' queries and comments:-

- Tom Morton, Director, Leeds, York and North Yorkshire Chamber of Commerce
- Gary Williamson, Chief Executive, Leeds, York and North Yorkshire Chamber of Commerce
- Andrew Lindsey, Director, Leeds, York and North Yorkshire Chamber of Commerce

The Chair made reference to the background issues in relation to this item and informed Board Members that the main purpose of this meeting was to explore the context and the way in which preparations were made for the proposed East Leeds Regeneration Board and on the outcome of ongoing

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discussions between the Leeds, York and North Yorkshire Chamber of Commerce and the Council in this regard.

At the request of the Chair, Tom Morton, Director, Chamber of Commerce and Industry briefly outlined the Chamber's current position in relation to the following specific areas:-

East Leeds Regeneration  
New East Leeds  
Matters of Detail  
Summary

Gary Williamson and Andrew Lindsay also provided the meeting with relevant background information.

At the end of the presentation, the Board noted the following specific comments made by the Leeds, York and North Yorkshire Chamber of Commerce :-

- that the Chamber welcomed the partnership spirit underlying its dealings with the Council and wishes this to continue
- that the Chamber was supportive of the objectives of the three Regeneration Boards and was keen to do what it could to facilitate driving forward the agendas of these Boards with energy and dispatch
- that the Chamber was supportive of the private sector initiative recently launched under the name of New East Leeds; however it was not a direct player in this initiative, nor does it, nor will it, seek to make a profit out of the initiative
- that the Chamber was simply undertaking the role of secretariat for the meeting arranged for the 3<sup>rd</sup> October 2011 and a contact between the Council and other interested parties. It had not prepared any of the reports for this meeting which was subsequently cancelled
- that the Chamber conducts its affairs with transparency and integrity, and welcomed the opportunity to clarify their position this morning

In summary, Board Members made specific reference to the following issues:-

- clarification of the discussions undertaken to date between the Chamber and Council officers in relation to 'New East Leeds Ltd' and the role and financial affairs of this company in relation to supporting developers within the city
- clarification of the Chamber's input and views in relation to the draft terms of reference and proposed membership of the East Leeds Regeneration Board
- clarification of the discussions the Chamber has had with the Council's Executive Member with portfolio responsibility for Neighbourhoods, Housing and Regeneration.
- clarification of the Chamber's role regarding the process in producing/clearing reports for the meeting on 3<sup>rd</sup> October 2011

- clarification of the Chamber's views on plans to change the use of Thorpe Park from office accommodation to a retail outlet with Sainsbury's acting as the anchor tenant which would have serious implications for a number of wards and to which elected members had not been made advised of
- concern that the SHLA partnership was not informed of the plans to change the use of Thorpe Park and the need for the Chamber to feed this view back to the developers
- the fact that the Council's Member Management Committee had not to date made any appointments to the new East Leeds Regeneration Board. It was noted that Executive Board on 2<sup>nd</sup> November 2011 would correct this omission

The Chair thanked representatives from the Chamber for their attendance and contribution to the meeting. Members of the Chamber left the meeting at 10.55am.

The following representatives were in attendance for the second part of this item at 11.00am and responded to Board Members' queries and comments:-

- Councillor P Gruen, Executive Member, Neighbourhoods, Housing and Regeneration
- Tom Riordan, Chief Executive, Leeds City Council
- Neil Evans, Director of Environment and Neighbourhoods
- Martin Farrington, Director of City Development
- Christine Addison, Acting Chief Asset Management Officer, Environment and Neighbourhoods

He then invited Tom Riordan, Martin Farrington, and Neil Evans to briefly comment on the Council's position in this regard with specific reference as to how current discussions were progressing in relation to the East Leeds Regeneration Board and on how they perceived the role of the Chamber within this process.

The Chief Executive of the Council reported that he had recently resigned as a Director of the Chamber because of a potential conflict of interest.

Specific reference was made to the following areas:-

that the Council welcomed the Chamber's perspective and role as a partner in delivering more jobs, more housing and encouraging more investment within the city  
 that the Council acknowledged that it had a different role as landowner within this process  
 that the Council had prepared a report by the Assistant Chief Executive (Customer Access and Performance) which would be submitted to the Executive Board meeting on 2<sup>nd</sup> November 2011 seeking to establish a framework for the creation of sub-boards to

support the work of the five Leeds Initiative Strategic Partnership Boards

that the Council had prepared a report by the Director of City Development which would be submitted to the Executive Board meeting on 2<sup>nd</sup> November 2011 about a number of development opportunities in East Leeds that would provide major commercial and housing economic growth to the City, and seeking approval to enter into an agreement with the Developer so as to facilitate part of this future development

In summary, Board Members made specific reference to the following issues:-

- the need for the Council to follow its own procedures for making appointments to external bodies and to provide appropriate secretarial support for meetings which had been established by the Council
- clarification of clearance procedures between the Council and its partners
- economic growth and the progress being made with developers in meeting the Council's priorities
- the need for the Board to express its concerns over the lack of consultation to date with Ward Members in relation to any plans which might be brought forward to change the use of Thorpe Park and on other major retail developments within the city  
*(The Director of City Development advised Members that all Ward Members had been consulted on the November Executive Board paper relating to Thorpe Park and their views were detailed in the report)*
- the need for officers to focus on other flagship schemes within the Council i.e. EASEL and not just Thorpe Park
- the need for the Aire Valley Leeds Regeneration Board to meet to discuss the plans to change the use of Thorpe Park  
*(The Chief Executive, Leeds City Council responded and agreed to look into this matter as to why there had not been a meeting called of the Aire Valley Leeds Regeneration Board for some time)*
- clarification of the Chamber's role within the draft terms of reference for the new NEL Board
- clarification on how the Community infrastructure levy would work and the fact that this will not be implemented for sometime
- *(At the request of the Chair, the Chief Planning Officer, City Development was present in the room and responded to the Board. He reported that for the time being the current status quo would remain with section 106 being the mechanism to fund infrastructure work by developers)*
- the need to seek assurances that plans to change the use of Thorpe Park would be dealt with in accordance with Council procedures in view of the massive implications involved  
*(The Chief Planning Officer responded and confirmed that it would need a full planning application which had yet to be submitted)*

In addition reference was made to the lack of confidential briefing sessions for Ward members which used to occur when significant issues arose in their area.

The Chair thanked officers for their attendance and contribution to the meeting.

The Chair invited Councillor P Gruen, Executive Member, Neighbourhoods, Housing and Regeneration to comment on the issues raised at the meeting.

Specific reference was made to the following areas:-

Team Leeds and the allocation of agreed portfolios to Leeds MP's  
the importance of working closely and effectively with the private sector  
the problems associated with EASEL to date  
the proposals to change the use of Thorpe Park Business Park  
the reasons for his decision to cancel the East Leeds Housing and  
Regeneration Board meeting on 3<sup>rd</sup> October 2011  
that the Executive Board Member was not aware that the Chamber of  
Commerce had established a new East Leeds Ltd company to assist  
the delivery of development at and around the Thorpe Park Business  
Park and to work with a range of land owners and developers to  
maximise employment and training opportunities

In summary, Board Members made specific reference to the following issues:-

- the role of the Executive Member in releasing the papers for the New East Leeds Regeneration Board meeting on 3<sup>rd</sup> October 2011. The Executive Board Member responded that that he had seen some, but not all of the reports
- the need to know which officer had written the reports and who had been responsible for putting forward the names for membership of the new East Leeds Regeneration Board. The Executive Member responded that he understood the author of the papers was not an officer of the Council

The Chair, on behalf of the Board, raised his concerns about the lack of information available in relation to identifying the report author of the reports circulated from those representatives in attendance. From the information provided it appeared that the Chamber had been acting only as the secretariat in distributing the papers for the meeting on 3<sup>rd</sup> October 2011, but this would be pursued.

The Chair thanked Councillor P Gruen for his attendance and contribution to the meeting.

**RESOLVED-**

- a) That the contents of the report and appendices be noted.



- b) That the Principal Scrutiny Adviser be requested to write to the Chief Executive of Leeds, York and North Yorkshire Chamber of Commerce seeking further clarification as to the identity of the originator of the reports for the East Leeds Housing and Regeneration Board meeting which was cancelled on 3<sup>rd</sup> October 2011.
- c) That this Board expresses its concerns over the general lack of confidential briefing sessions for Ward Members on issues affecting their wards using by way of example the lack of consultation to date with Ward Members in relation to any plans which might be brought forward to change the use of Thorpe Park Business Park and that this issue be revisited at a future meeting of the Scrutiny Board.

(Councillor M Iqbal left the meeting at 12.25pm during discussions of the above item)

(Councillor P Ewens left the meeting at 12.30pm at the conclusion of the above item)

### **32 Leeds and Bradford International Airport- Taxi Access**

The Head of Scrutiny and Member Development submitted a report on taxi access at Leeds Bradford International Airport previously considered by Executive Board on 12<sup>th</sup> October 2011.

Appended to the report was a copy of the Executive Board report entitled 'Leeds Bradford International Airport – Taxi Access' previously considered at the meeting held on 12<sup>th</sup> October 2011 for the information/comment of the meeting.

The following representatives were in attendance and responded to Board Members' queries and comments:-

- Martin Farrington, Director of City Development
- Gary Bartlett, Chief Officer, Highways and Transportation, City Development
- Andrew Hall, Acting Head of Transport Policy, City Development

The Board noted that the Executive Board at their meeting held on 12<sup>th</sup> October 2011 had resolved not to proceed with a new taxi rank on Whitehouse Lane as a consequence of the revised costs to undertake this work.

At the request of the Chair, the Director of City Development presented the report and outlined the progress that had been made following consideration of this issue at the Executive Board meetings held on 18<sup>th</sup> May 2011 and 12<sup>th</sup> October 2011.

He made specific reference to the original desk top figure of £80,000 which, unfortunately, had been in-correctly costed. Following this a detailed option for the provision of a taxi rank at the airport had concluded that the estimate total

cost of a scheme was potentially in excess of £900,000 to provide a facility which was of suitable design and appropriately engineered for the site.

In summary, Board Members made specific reference to the following issues:-

- the need for the Scrutiny Board to receive a detailed report at the next meeting covering the following specific issues:-
  - (i) copies of all the costs associated with the provision of a taxi rank on Whitehouse Lane to include a breakdown of the minimum cost of £515,000, plus the potential additional costs of £325,000 for disposal of contaminated material and the £65,000 for landscaping
  - (ii) copies of all correspondence with the Leeds and Bradford International Airport on this matter  
*(The Chief Officer, Highways and Transportation responded and offered to brief two Board Members at the highways headquarters at Middleton on the above issues. However it was the view of the Board that this was inappropriate as it would exclude the majority of the Board from receiving this information)*
- the need for the Board to be provided with a copy of the Director of City Development's original report which showed the estimated cost of this scheme as £80,000 which was considered by Scrutiny Board (City Development) at its meeting on 5<sup>th</sup> April 2011  
*(The Board's Principal Scrutiny Adviser responded and agreed to circulate a copy the relevant report to Board Members for their information/retention)*
- clarification of the annual charge in relation to the 'voyager' area for taxis and other customers

#### **RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That the Director of City Development submit a detailed a report to the Scrutiny Board's next meeting on 29<sup>th</sup> November 2011 on:-
  - all the costs associated with the provision of a taxi rank on Whitehouse Lane to include a breakdown of the minimum cost of £515,000, plus the potential additional costs of £325,000 for disposal of contaminated material and the £65,000 for landscaping
  - copies of all correspondence with the Leeds and Bradford International Airport on this matter

### **33 Kirkgate Market**

Referring to Minute 16 of the meeting held on 27<sup>th</sup> September 2012, the Chief Economic Development Officer submitted a report on issues relating to Kirkgate Market.

Appended to the report was a copy of the following documents for the information/comment of the meeting:-

- Re Appendix 1 – Kirkgate Indoor Market Lettings Policy and Process
- Rent Levels – Appendix 2 which was designated as exempt under Access to Information Procedure Rules 10.4 (3)

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In addition to the above documents, a copy of the following supplementary information was also submitted for Members' consideration:-

- Kirkgate Indoor Market Lettings Policy and Process - Replacement Appendix 1
- Kirkgate Market - additional papers on appointment of consultants

The following representatives were in attendance and responded to Members' queries and comments:-

- Martin Farrington, Director of City Development
- Paul Stephens, Chief Economic Development Officer, City Development
- Sue Burgess, Markets Manager, City Development
- Councillor G Harper, Chair, Kirkgate Markets Forum
- Liz Laughton, Chair of National Markets Traders' Federation (NMTF) Leeds (Kirkgate Branch)
- Michele Hocken, National Market Traders' Federation (NMTF) (Kirkgate Branch)
- Lacky Singh, National Market Traders' Federation (NMTF) (Kirkgate Branch)

At the request of the Chair, the Director of City Development presented the report and outlined the progress that had been made following consideration of this issue at the last meeting.

To assist the Board further with their deliberations, the Chair also invited comments from Councillor G Harper, Chair, Kirkgate Markets Forum and representatives from the National Markets Traders' Federation (NMTF) Leeds (Kirkgate Branch).

In summary, Board Members made specific reference to the following issues:-

- to express grave concerns that communication between the Council and the market traders had not improved on the evidence presented to the Board at today's meeting
- clarification of the consultation process between the Markets Manager, traders and the Friends of Kirkgate Market
- to note and deplore the injury sustained to a Council employee at Kirkgate Market on 26<sup>th</sup> October 2011 following an incident with a representative from the Friends of Kirkgate Market
- to express concern that meetings of the Kirkgate Markets Forum were not held regularly which meant that traders and other parties were not able to plan their attendance well in advance

In concluding, the Chair on behalf of the Board, stated that every effort should be made to work with market traders to improve relationships between them. The Board regretted the delay in implementing the decision of the Executive

Board to move towards an arms length company and the appointment of consultants to advise on this and the appropriate size the market in the future.

The Director of City Development responded and informed the meeting that the consultants had been appointed and the Executive Board minute was being implemented.

The Principal Scrutiny Adviser informed the meeting that there would be a further recommendation tracking report on implementation of the Scrutiny Board's recommendations regarding Kirkgate market at a meeting in the new year.

Following consideration of Appendix 2 to the submitted report, designated as exempt under Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the meeting, it was

**RESOLVED-**

- a) That the contents of the report and appendices be noted.
- b) That the Markets Manager be requested to prepare a report for the next meeting identifying the vacant units at the market, including the length of time they have been vacant, together with responding to Board Member's individual queries raised in the rent levels document (Appendix 2 refers).

(Councillor J Harper left the meeting at 1.05pm during discussions of the above item)

(Councillor G Hussain left the meeting at 1.10pm during discussions of the above item)

**34 Proposals to reform the process for the registration of land as town and village greens and to introduce Local Green Space Developments**

The City Solicitor submitted a report on proposals to reform the process for the registration of land as town and village greens and to introduce Local Green Space Developments.

The following representatives were in attendance and responded to Members' queries and comments:-

- Caroline Allen, Head of Development and Regulatory
- Chris Bramham, Principal Legal Officer

At the request of the Chair, the Head of Development and Regulatory presented the report, together with background detail being provided by the Principal Legal Officer to assist the Board in their deliberations.

In summary, specific reference was made to the following issues:-

- that the Principal Legal Officer's response to the Defra consultation was in the Board's view inadequate and lacked any analytical quality in relation to the protection of green spaces
- clarification of why the report did not make reference to the 1906 Open Spaces Act and PPG 17 legislation and whether or not the Council were currently processing Town and Village Green applications  
(*The Head of Development and Regulatory responded and confirmed that the Council was still dealing with applications for Town and Village Green status*)

The Head of Development and Regulatory informed the meeting that Defra was still accepting late submissions to its consultation on Town and Village Greens and the introduction of Local Green Space Developments.

Arising from discussions it was the general consensus of the meeting that a late submission should be submitted by the Chief Executive to Defra based on the response submitted by the Open Space Society.

**RESOLVED –**

- a) That the contents of the report be noted.
- b) That the Principal Scrutiny Adviser be requested to circulate a copy of the Open Space Society (OSS) submission to Defra to Board Members seeking any expressions of concern.
- c) That subject to no objections being received from Board Members, the Chief Executive be requested to make a late submission, on behalf of the Board, to Defra based on the Open Space Society submission which more accurately reflect the views of this Board.

**35 Work Schedule**

The Head of Scrutiny and Member Development submitted a report providing Members with a copy of the Board's current draft work schedule. The Executive Board minutes of 12th October 2011, together with the Forward Plan of Key Decisions for the period 1<sup>st</sup> October 2011 to 31<sup>st</sup> January 2012 were also attached to the report.

**RESOLVED-**

- a) That the contents of the report and appendices be noted.
- b) That the Executive Board minutes of 12<sup>th</sup> October 2011, together with the Forward Plan of Key Decisions for the period 1<sup>st</sup> October 2011 to 31<sup>st</sup> January 2012 be noted.
- c) That the Board's Principal Scrutiny Adviser be requested to revise the work schedule to incorporate the recommendations made at today's Board meeting.

**36 Date and Time of Next Meeting**

Tuesday 29<sup>th</sup> November 2011 at 10.00am in the Civic Hall, Leeds (Pre-meeting for Board Members at 9.30am)

(The meeting concluded at 2.00pm)

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## SCRUTINY BOARD (REGENERATION)

TUESDAY, 29TH NOVEMBER, 2011

**PRESENT:** Councillor J Procter in the Chair

Councillors B Atha, D Collins, P Ewens,  
P Grahame, J Harper, M Iqbal, K Mitchell,  
T Murray, R Pryke and G Wilkinson

Mr G Hall – Co-opted Member

### 37 Chair's Opening Remarks

The Chair welcomed everyone to the November meeting of the Scrutiny Board (Regeneration).

### 38 Exempt Information - Possible Exclusion of the Press and Public

**RESOLVED** – That this Board resolves not to accept the officers recommendation of possible exclusion of the press and public in respect of Appendix 5 to the report referred to in Minute 46 under the terms of Access to Information Procedure Rule 10.4 (3) on the grounds that it contained information relating to the financial or business affairs of any person or company and therefore requests that this document be released within the public domain with immediate effect.

### 39 Late Items

There were no formal late items of business to consider, however, the Chair agreed to accept the following supplementary item which was circulated at the meeting:-

- Formal comments of the Directors of City Development to the proposed interim recommendation of the Scrutiny Board (Agenda Item 10) (Minute 48 refers)

The document was not available at the time of the agenda despatch, but was made available on the Council's website immediately after the meeting.

### 40 Declarations of Interest

The following personal declaration of interests were made:-

- Councillor R Pryke in his capacity as a Board Member on East North East Homes ALMO (Agenda Item 7) (Minute 44 refers)
- Councillor G Wilkinson in his capacity as a Board Member on East North East Homes ALMO (Agenda Item 7) (Minute 44 refers)
- Councillor J Procter in his capacity as a Member of the Aire Valley Leeds Regeneration Board (Agenda Item 7) (Minute 44 refers)
- Councillor T Murray in his capacity as a Member of the Aire Valley Leeds Regeneration Board; Board Member on East North East Homes

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ALMO and as Chief Executive of Learning Partnerships who were Members of the Chamber of Commerce (Agenda Item 7) (Minute 44 refers)

**41 Apologies for Absence and Notification of Substitutes**

An apology for absence was received on behalf of Councillor G Hussain.

Notification had been received for Councillor P Grahame to substitute for Councillor G Hussain.

**42 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the meeting held on 31<sup>st</sup> October 2011 be confirmed as a correct record.

**43 Matters Arising from the Minutes**

Proposals to reform the process for the registration of land as town and village greens and to introduce Local Green Space Developments (Minute 34 refers)

The Chair informed the meeting that the Chief Executive on the advice of the Director of City Development had decided not to submit a late response to the consultation on the above issue based on the Open Space Society submission. Board Members had been provided with detailed reasons for this decision by the Director of City Development at their Pre-meeting.

Following a brief discussion, the Board requested the Principal Scrutiny Adviser to refer this issue to the Executive Board for consideration on the grounds that the original response/proposals made by officers was inadequate, ineffective and unreasonable.

**44 East Leeds Regeneration Board**

Referring to Minute 31 of the meeting held on 31<sup>st</sup> October 2011, the Head of Scrutiny and Member Development submitted a report on progress made since the last meeting in relation to the East Leeds Regeneration Board.

Apologies for absence were received on behalf of Mr G Mudie MP; Gary Williamson, Chief Executive, Leeds, York and North Yorkshire Chamber and Councillor A Carter, Leader of the Conservative Group.

The Chair informed the meeting that Mr Williamson had stated that there was no benefit in the Chamber attending the Scrutiny Board meeting as they had no further information or knowledge on the issue and could not shed any further light on the commissioning of the papers.

The Board expressed it's concern towards this statement and reiterated that attendance at Scrutiny Board meetings was necessary. It was noted that the Chamber had been provided with a copy of forthcoming Scrutiny Board dates.

The Board was of the opinion that the scope and remit of the of the East Leeds Regeneration Board was too wide because of the number of projects being undertaken which includes Easel, Thorpe Park Business Park, East

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Leeds Orbital Road, Vickers site etc. Members thought that many of these schemes were large enough in themselves to warrant separate reporting mechanisms rather than all reporting through the East Leeds Regeneration Board. It was therefore the view of the Board that the Head of Leeds Initiative and International Partnerships should be asked for a report on this issue for consideration by the Scrutiny Board.

**RESOLVED –**

- a) That the contents of the report be noted.
- b) That the Board's Principal Scrutiny Adviser be requested to liaise with the Head of Leeds Initiative and International Partnerships with a view to a further report been considered on this issue at a future meeting of the Board.

**45 Directors Response to Executive Board on the Recommendations of Scrutiny Board following its Inquiry on Housing Growth and on the Outcome of the Informal Consultation on this Issue**

The Head of Scrutiny and Member Development submitted a report on the Directors response to Executive Board on the Recommendations of Scrutiny Board following its Inquiry on Housing Growth and on the Outcome of the Informal Consultation on this issue.

Appended to the report was a copy of the report of the Director of City Development entitled ' Director's Response to Report by Scrutiny Board Regeneration on Housing Growth – Executive Board – 2<sup>nd</sup> November 2011' for the information/comment of the meeting.

Specific discussion ensued on Recommendation 10 contained within the Executive Board report i.e. the proposal that 80% of the income raised through the Community Infrastructure Levy (CIL) be ring fenced for the benefit of the local communities.

It was noted that the Government's consultation paper deadline in relation to the CIL issue was the end of December 2011.

**RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That the Board's Principal Scrutiny Adviser be requested to write to the Leader of Council, on behalf of the Board, recommending that the Director of Resources submit a response to the Government's consultation paper on CIL before consultation expires on 31<sup>st</sup> December 2011 supporting the view that a "meaningful" proportion of the levy to go to local communities should be 80% of the CIL income.

**46 Leeds Bradford International Airport - Taxi Access**

Referring to Minute 32 of the meeting held on 31<sup>st</sup> October 2011, the Director of City Development submitted a report on outstanding issues in relation to the taxi access at Leeds Bradford International Airport.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Whitehouse Lane at Leeds Bradford International Airport – General Arrangement of Initial Option of a taxi rank (Appendix 1 refers)
- Initial Option (2010) for taxi rank on Whitehouse Lane adjacent to Leeds Bradford International Airport (Appendix 2 refers)
- Whitehouse Lane at Leeds Bradford International Airport – General Arrangement of Detailed Option for a taxi rank (Appendix 3 refers)
- Detailed Option for a taxi rank on Whitehouse Lane Adjacent to Leeds Bradford International Airport (Appendix 4 refers)
- Correspondence with Leeds Bradford International Airport (Appendix 5 refers)

The following representatives were in attendance and responded to Board Members' queries and comments:-

- Gary Bartlett, Chief Officer, Highways and Transportation, City Development
- Andrew Hall, Acting Head of Transport Policy, City Development
- Oliver Priestley, Principal Engineer, City Development Department

The Chair invited the Chief Officer, Highways and Transportation and the Acting Head of Transport Policy to provide a background and detailed breakdown of the cost estimate and the design principles used, together with an explanation of the differences with the originally quoted estimate.

In addition to the above representation, the Principal Engineer also provided the meeting with a full explanation of the design principles in relation to both options (Appendix 2 and 3 refers).

Detailed discussion ensued on the contents of the report and appendices.

**RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That the Chief Officer, Highways and Transportation, City Development be requested to prepare a further report for consideration at the next meeting of the Scrutiny Board providing details of the advice and guidance that was received by the new Engineering Support team for the revised scheme proposed for Whitehouse Lane which justified the higher standard of road proposed for a taxi rank when the road itself was unclassified (Appendix 3 refers)
- c) That officers be asked to confirm that there was no relevant correspondence with the LBIA between the period 8<sup>th</sup> April 2011- 25<sup>th</sup> July 2011.
- d) That the Board's Principal Scrutiny Adviser be requested to update the work schedule accordingly.

(Councillor M Iqbal joined the meeting at 10.45am during discussions of the above item)

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#### 47 **Kirkgate Market - Additional Information**

Referring to Minute 33 of the meeting held on 31<sup>st</sup> October 2011, the Head of Scrutiny and Member Development on additional information provided in relation to Kirkgate Market.

Appended to the report was a copy of a report prepared by the Director of City Development on the provision of additional information on lettings, Leeds Kirkgate Market for the information/comment of the meeting.

The following representatives were in attendance and responded to Members' queries and comments:-

- Cath Follin, Head of City Centre and Markets, City Development
- Parveen Ahmad, Commercial Development Manager, City Development
- Liz Loughton, Chair of National Markets Traders' Federation (NMTF) Leeds (Kirkgate Branch)
- Jo Williams, Consultant, Leeds Markets (Kirkgate Branch)
- Michele Hocken, National Market Traders' Federation (NMTF) (Kirkgate Branch)
- Lacky Singh, National Market Traders' Federation (NMTF) (Kirkgate Branch)

Prior to discussing the report, the Chair informed the meeting that following a recent briefing with the Head of City Centre and Markets and the Markets Manager with regards to rents of different stalls, he was satisfied that there was a rationale being applied at the market. However he was of the opinion that the system was very complex and that there was now merit in making the process much simpler.

The Head of City Centre and Markets responded and gave the Board the assurances that this issue would be addressed through any future changes in the ownership and management of the market.

In summary, Board Members made specific reference to the following issues:-

- a request for the Board to receive a copy of Kirkgate Markets Forum minutes on a regular basis  
*(The Head of City Centre and Markets responded that there had only been one meeting of the Forum recently. A note of these meetings in the future would be circulated to all Members of the Scrutiny Board via the Board's Principal Scrutiny Adviser)*
- a proposal that the Board, including new Members visit the market  
*(The Board's Principal Scrutiny Adviser responded and agreed to arrange a visit in due course)*
- clarification of whether vacant stalls increase the service charges to tenants at the market and the loss of income from vacant stalls for the years specified in the schedule.  
*(The Head of City Centre and Markets agreed to supply this information to a future meeting)*

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- the need for clarification in relation to a list of vacant stalls which had been released to the market traders which differed from the list provided to the Board.  
*(The Head of City Centre and Markets responded and agreed to confirm that the list submitted to the Board was correct or provide Members with an amended copy)*
- clarification of when the consultants report would be available for the Scrutiny Board to see prior to consideration by the Executive Board  
*(The Head of City Centre and Markets responded and informed the meeting that it was on the Forward Plan to go to Executive Board in February 2012)*

In addition to Board Members comments, the Chair also gave the Market trader representatives an opportunity of asking specific questions or seeking clarification of the points raised which were duly noted by the Board.

**RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That the Head of City Centre and Markets be requested to submit a further report to the Board setting out the affect vacant stalls have on the service charges applied to stallholders and on the total estimated loss of income from vacant units listed in the appendix submitted to the Board for the years specified.  
*(At the request of the Board, the Board's Principal Scrutiny Adviser agreed to consult with the Chief Officer the report author, with a view to it being considered at the Board meeting on 17<sup>th</sup> January 2012)*
- c) That a draft copy of the Consultant's report be submitted to this Board on 17<sup>th</sup> January 2012 and that the Chief Officer Public Private Partnership Unit who was leading on this project be invited to this meeting.
- d) That the Board's Principal Scrutiny Adviser be requested to update the Board's work schedule.

(Councillor B Atha left the meeting at 12.45pm during discussions of the above item)

(Councillor K Mitchell left the meeting at 12.50pm during discussions of the above item)

(Councillor M Iqbal left the meeting at 12.55pm during discussions of the above item)

**48 Inquiry to Consider Affordable Housing by Private Developers - Interim Recommendation to Executive Board**

The Head of Scrutiny and Member Development submitted a report in relation to Board's Inquiry on the provision of affordable housing by private developers in the city.

A copy of the formal comments of the Directors of City Development to the Board's proposed recommendation were tabled as supplementary information at the meeting.

The Board was asked having regard to the Director's formal comments whether it wished to agree an interim recommendation to the Executive Board in that it reconsiders this interim housing policy as a matter of urgency with a view to reinstating the 2008 affordable housing targets in relation to Greenfield sites.

The following representatives were in attendance and responded to Members' queries and comments:-

- Martin Sellens, Head of Planning Services, City Development
- Robin Coghlan, City Development
- Maggie Gjessing, Housing Investment Manager, Environment and Neighbourhoods

Prior to discussing this issue, the Board raised their concerns of the non attendance of the Chief Planning Officer and the Deputy Chief Officer Planning Officer at today's meeting. Martin Sellens, Head of Planning Services responded and agreed to convey the Board's comments to Mr Crabtree and Mr Speak.

Detailed discussion ensued on the contents of the report and appendices.

It was the general consensus of the meeting that despite the formal comments received from officers, the Board's recommendations should stand and be presented to Executive Board for consideration.

**RESOLVED –**

- a) That the contents of the report and comments of the Director of City Development to the proposed interim recommendation be noted.
- b) That approval be given to an interim recommendation to the Executive Board in that it reconsiders the interim housing policy as a matter of urgency with a view to reinstating the 2008 affordable housing targets in relation to Greenfield sites.

(Councillor J Harper left the meeting at 1.15pm during discussions of the above item)

**49 Work Schedule**

The Head of Scrutiny and Member Development submitted a report providing Members with a copy of the Board's current draft work schedule. The Executive Board minutes of 2<sup>nd</sup> November 2011, together with the Forward Plan of Key Decisions for the period 1<sup>st</sup> November 2011 to 29<sup>th</sup> February 2012 were also attached to the report.

**RESOLVED-**

- a) That the contents of the report and appendices be noted.

Minutes approved as a correct record at the meeting held on Monday, 19th December, 2011

- b) That the Executive Board minutes of 2<sup>nd</sup> November 2011, together with the Forward Plan of Key Decisions for the period 1<sup>st</sup> November 2011 to 29<sup>th</sup> February 2012 be noted.
- c) That the Board's Principal Scrutiny Adviser be requested to revise the work schedule to incorporate the recommendations made at today's Board meeting.

**50 Date and Time of Next Meeting**

Monday 19<sup>th</sup> December 2011 at 10.00am in the Civic Hall, Leeds (Pre-meeting for Board Members at 9.30am)

(The meeting concluded at 1.20pm)

## SCRUTINY BOARD (REGENERATION)

MONDAY, 19TH DECEMBER, 2011

**PRESENT:** Councillor J Procter in the Chair

Councillors B Atha, P Ewens, P Grahame,  
J Harper, G Hussain, M Iqbal, R Pryke and  
G Wilkinson

Mr G Hall – Co-opted Member

### 51 Chair's Opening Remarks

The Chair welcomed everyone to the December meeting of the Scrutiny Board (Regeneration).

### 52 Late Items

There were no formal late items of business to consider, however, the Chair agreed to accept the following supplementary items which were circulated at the meeting:-

- Report of the Chief Officer, Regeneration Programmes – Establishment of Sub Boards – Housing and Regeneration Strategic Partnership Board - 5<sup>th</sup> December 2011/East Leeds Regeneration Board – Draft Terms of Reference and Working Arrangements (Agenda Item 7) (Minute 56 refers)
- Leeds Bradford International Airport – Taxi Access – Report of the Director of City Development (Agenda Item 10) (Minute 59 refers)
- Executive Board – Minutes of a meeting held on 14<sup>th</sup> December 2011 (Agenda Item 11) (Minute 60 refers)

The documents were not available at the time of the agenda despatch, but were made available on the Council's website immediately on receipt and prior to today's meeting.

### 53 Declarations of Interest

The following personal declaration of interests were made:-

- Councillor R Pryke In his capacity as a Board Member on East North East Homes ALMO; Member of the Aire Valley Leeds Regeneration Board and also a Member on the Leeds Initiative Regeneration Housing Board (Agenda Item 7) (Minute 57 refers)
- Councillor G Wilkinson in his capacity as a Board Member on East North East Homes ALMO (Agenda Item 7) (Minute 57 refers)
- Councillor J Procter in his capacity as a Member of the Aire Valley Leeds Regeneration Board (Agenda Item 7) (Minute 57 refers)

**54 Apologies for Absence and Notification of Substitutes**

Apologies for absence were received on behalf of Councillor K Mitchell and Councillor T Murray.

Notification had been received for Councillor P Grahame to substitute for Councillor K Mitchell.

**55 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the meeting held on 29<sup>th</sup> November 2011 be confirmed as a correct record.

**56 East Leeds Regeneration Board**

Referring to Minute 44 of the meeting held on 29<sup>th</sup> November 2011, the Head of Scrutiny and Member Development submitted a report setting out the information requested at the last meeting in relation to the East Leeds Regeneration Board.

At the request of the Chair, copies of the following documents were circulated as supplementary information:-

- Report of the Chief Officer, Regeneration Programmes – Establishment of Sub Boards – Housing and Regeneration Strategic Partnership Board - 5<sup>th</sup> December 2011/East Leeds Regeneration Board – Draft Terms of Reference and Working Arrangements

The following representatives were in attendance and responded to Board Members' queries and comments:-

- Councillor A Carter, Leader of the Conservative Group
- Gary Williamson, Chief Executive, Leeds, York and North Yorkshire Chamber
- Andrew Lindsay, President, Leeds, York and North Yorkshire Chamber
- Martin Dean, Head of Leeds Initiative and International Partnerships

The Chair outlined that the purpose of the meeting was for Board Members to question witnesses concerning the proposition that there were too many major schemes in East Leeds for the East Leeds Regeneration Board to manage effectively.

In addition, Members were also invited to comment on the difficulties the Board experienced in identifying the author of the reports which had been circulated by the Chamber for the meeting of the East Leeds Regeneration Board which was subsequently cancelled for 3<sup>rd</sup> October 2011.

The Chair invited Martin Dean to provide the meeting with background information on the reasoning behind the establishment of the main Boards and Sub Boards, following the restructure of the Leeds Initiative to assist them in their deliberations on this matter. He stated that the Executive Board on 2<sup>nd</sup> November 2011 had clarified and agreed a framework for the creation



of sub-boards by the Leeds Initiative and the governance arrangements relating to these.

In summary, the Board sought clarification on the following issues, with specific reference to matters contained within the report of the Chief Officer, Regeneration Programmes on the establishment of these Sub-Boards :-

- the reasons why there was so much attention shown in one area and not in other parts of the city as referred to in paragraph 3.10 of the Chief Officer's report. It seemed that there was one reporting mechanism for the East of Leeds and a different one for the rest
- the concern expressed that some Ward Members had not been made aware of their representation on the Sub Boards and of the fact that the membership process was not approved by the Member Management Committee as originally agreed
- clarification of the reporting process in relation to the minutes of the Sub Boards  
*(The Head of Leeds Initiative and International Partnerships responded and informed the meeting that the reporting arrangements had not yet been confirmed)*
- the concern that there were apparent inconsistencies in the way each of the Sub Boards were to operate and that this needed to be addressed
- the need for a similar paper establishing these Sub-Boards to be presented to the Sustainable and Economy and Culture Board  
*(The Head of Leeds Initiative and International Partnerships responded and agreed to address this issue)*
- clarification as to whether the view Leeds Initiative had considered the Employment Land Review and whether any of the new Sub Boards had been presented with a copy of the document  
*(The Head of Leeds Initiative and International Partnerships responded and informed the meeting that this was a Council issue which would be considered through the formal decision process)*

The Chair then invited Councillor A Carter, Leader of the Conservative Group to present evidence to the Board.

In his submission, he informed the meeting that he was totally in favour of regeneration in any part of the city and conveyed his disappointment about the secrecy of issues leading up to this meeting. He made reference to the difficulties the Board experienced in identifying the author of the reports which had been circulated by the Chamber for the meeting of the East Leeds Regeneration Board which was to have been held on 3<sup>rd</sup> October 2011 but was subsequently cancelled by the Leader of the Council. Following his own investigations into this matter, it was his assumption that the report author was Paul Forbes, a former Council employee.

In concluding, he raised his concerns about the way in which this matter had been dealt with. He confirmed that the new Sub Boards terms of reference were advisory and would require Executive Board/Council approval. He stated

that he had been advised that the East Leeds Regeneration Board would not include Aire Valley or Thorpe Park.

The Chair then invited Gary Williamson, Chief Executive, Leeds, York and North Yorkshire Chamber to present evidence to the Board.

In his submission, he informed the meeting that the role of the Leeds, York and North Yorkshire Chamber in relation to this issue was to provide a briefing note on the skills agenda/enterprise zone and that the Chamber were not involved in the drafting of any reports. He confirmed that it was Paul Forbes who had submitted the draft papers to the Chamber for comment which was duly acknowledged by the Board.

In summary, the Board sought clarification on the following issues:-

- the relationship between Paul Forbes and the Chamber  
*(The Chief Executive responded and confirmed that Mr Forbes was recruited by the Chamber as a self employed consultant specialising in Education and Skills issues)*
- the concerns raised that Mr Forbes had been approached to be a Member on the East Leeds Regeneration Board

In concluding, Board Members sought clarification from the Head of Leeds Initiative and Internal Relations on the next reporting stages in relation to 5<sup>th</sup> December 2011 report.

The Head of Leeds Initiative and Internal Relations responded and informed the meeting that a further report on East Leeds would be submitted to the Executive Board for consideration. In view of today's discussion he would ensure that an appendix was added to that report showing the map boundaries for each area for approval. He confirmed that the East Leeds Regeneration Board would not convene a meeting until such time that the report had been considered and approved by the Executive Board.

**RESOLVED** –That the contents of the report and supplementary information be noted.

(Councillor G Wilkinson joined the meeting at 10.35am during discussions of the above item)

(Councillor P Ewens joined the meeting at 11.10am during discussions of the above item)

## **57 2011/12 Quarter 2 Performance Report**

The Assistant Chief Executive (Customer Access and Performance) submitted a report on a summary of the new quarter two performance data for 2011-12 which provided the meeting with an update on progress in delivering the relevant priorities in the Council Business Plan 2011-15 and City Priority Plan 2011-15.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Appendix 1a – Performance Reports for the Housing and Regeneration City Priorities.
- Appendix 1b – City Development Directorate Priorities and Indicators relevant to the Board
- Appendix 1c – Environment and Neighbourhoods Directorate Priorities and Indicators relevant to the Board

The following representatives were in attendance and responded to Board Members' queries and comments:-

- Phil Crabtree, Chief Planning Officer, City Development.
- Heather Pinches, Performance Manager, Planning Policy and Improvement
- Maggie Gjessing, Housing Investment Manager, Environment and Neighbourhoods

In summary, specific reference was made to the following issues:-

- clarification of the city wide consultation with Members regarding the Parks and Countryside investment plan
- the need for Directorates to engage more with Elected Members within their respective wards, in particular around planning issues
- the need to concentrate further on developing the empty properties strategy by addressing the large number of boarded up properties within the city in a cost effective way and thereby providing more suitable housing for those in need
- clarification of the progress achieved to date by the Empty Properties team  
*(The Board's Principal Scrutiny Adviser responded and informed the meeting that this issue was the subject of an inquiry by the Scrutiny Board (Safer and Stronger Communities). He agreed to refer the concerns now expressed to that Board)*
- clarification of the procedures in place around managing equality and diversity  
*(The Performance Manager, Planning Policy and Improvement responded and explained the monitoring and reviews that were undertaken)*
- clarification of when the Draft Core Strategy would be completed  
*(The Chief Planning Officer responded and informed the meeting that it would be presented to the Executive Board meeting in February 2012 for approval)*

**RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That this Board notes the three issues which had been highlighted within the report i.e. Budget, Transport and Planning Performance and supports the work underway to address these issues.

Draft minutes to be approved at the meeting  
to be held on Tuesday, 17th January, 2012

- c) That this Board notes the progress in relation to the delivery of the Housing and Regeneration City Priorities Plans as set out in the Directorate Priorities and Indicators.

**58 Review of Strategic Housing Land Availability Assessment (SHLAA)**

The Director of City Development submitted a report following a fundamental review of SHLAA requested by the Scrutiny Board in its report following completion of its Inquiry on housing growth (Recommendation 6).

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Appendix 1: Extract of Scrutiny Report into Housing Growth, October 2011
- Appendix 2 : Leeds Strategic Housing Land and Assessment – Draft Terms of Reference for the Partnership
- Appendix 3: Practice in other local authorities: questionnaire and results
- Appendix 4: Extract from the SHLAA National Practice Guidance, CLG 2007
- Appendix 5: Extracts from Tunbridge Wells' SHLAA Methodology, SHLAA Report and Core Strategy Inspector's report

The following representatives were in attendance and responded to Members' queries and comments:-

- Phil Crabtree, Chief Planning Officer, City Development
- Robin Coghlan, Team Leader, Policy, City Development

The Chair invited both representatives to explain the behind the fundamental review and proposed make up of the SHLAA Partnership.

Following a brief presentation, in summary, specific reference was made to the following issues:-

- the concern that developers had been full members of SHLAA *(The Chief Planning Officer stated that Government guidance was unequivocal in that house builders were expected to be involved, and in particular give opinion on the deliverability of sites, taking account of market conditions and viability)*
- the concerns expressed about the transparency behind the process operated to date by the SHLAA Partnership and that not all Elected Members were being kept informed of which developments were happening within their ward
- the views expressed at the Boston Spa Churchfield Inquiry that the SHLAA process was a discredited one
- clarification of the further role of the SHLAA process in moving forward *(The Team Leader responded and confirmed that the process was between updates at the present time)*
- reference to the 2011 update of site allocations which will not be published until the end of 2012. Members suggested that a list of all sites coming forward for consideration should be published now with a

health warning that not all sites listed will not necessarily be progressed for a variety of reasons

*(The Chief Planning Officer responded and agreed to this proposal)*

- examples of Directorates within the Council being unaware of proposals within SHLAA to bring sites forward e.g. Florence Street and Shire View and their potential implications for future school provision  
*(The Chief Planning Officer responded and indicated that further work was taking place in this area and that a series of meetings about future school provision was underway)*

**RESOLVED** That the report and appendices be noted.

**59 Taxi Access - Whitehouse Lane**

Referring to Minute 46 of the meeting held on 29<sup>th</sup> November 2011, the Head of Scrutiny and Member Development submitted a report on the position with regard to a proposed taxi access on Whitehouse Lane.

In addition to the above document, a copy of a report prepared by the Director of City Development entitled 'Leeds Bradford International Airport – Taxi Access' was circulated as supplementary information. The report provided the Board with further information on advice and guidance received which justified the higher standard of road proposed for the rank when the road itself was unclassified.

At the request of the Chair, the Board's Principal Scrutiny Adviser also circulated a copy of the previous report submitted to the Board meeting on 29<sup>th</sup> November 2011 which contained the comparative costs of the original scheme and the final scheme recommended by officers to Executive Board to provide a taxi rank on Whitehouse Lane.

The following representatives were in attendance and responded to Board Members' queries and comments:-

- Gary Bartlett, Chief Officer, Highways and Transportation, City Development
- Andrew Hall, Acting Head of Transport Policy, City Development
- Oliver Priestley, Principal Engineer, City Development Department

The Chair outlined that the purpose of the meeting was to question witnesses concerning the advice and guidance the engineers received which required the higher standard of road proposed in the final scheme which was subsequently rejected by the Executive Board because of the high cost of the scheme which had increased from £80,000 to over £900,000.

Prior to discussions, the Board noted that the Director of City Development had advised that there was no relevant correspondence with the airport between 8<sup>th</sup> April and 25<sup>th</sup> July 2011 and that the correspondence provided to the Board at the last meeting was complete.

Detailed discussion of the costs ensued on the contents of the report and appendices comparing the original scheme with that of the final scheme which had been presented to the Executive Board.

The Board concluded that whilst noting that officers could not support the original cheaper scheme, Members were satisfied that this could be implemented and that the Executive Board should be asked to reconsider this matter again if agreement cannot be reached with Leeds Bradford International Airport to find a more appropriate solution for the provision of a hackney carriage rank at the airport.

**RESOLVED –**

- a) That the contents of the report, together with the supplementary information be noted.
- b) That this Board agrees to recommend to Executive Board that the Director of City Development be asked to continue negotiations with Leeds Bradford International Airport to seek a solution to this issue.
- c) That in the event of the Director of City Development being unsuccessful, this Board recommends that the Executive Board be asked to reconsider this matter and implement the original cheaper scheme proposed for a taxi rank on Whitehouse Lane as originally proposed.

(Councillor J Harper left the meeting at 1.15pm during discussions of the above item)

**60 Work Schedule**

The Head of Scrutiny and Member Development submitted a report providing Members with a copy of the Board's current draft work schedule. The Executive Board minutes of 2<sup>nd</sup> November 2011, together with the Forward Plan of Key Decisions for the period 1<sup>st</sup> December 2011 to 31<sup>st</sup> March 2012 were also attached to the report.

In addition to the above documents, a copy of the Executive Board minutes of a meeting held on 14<sup>th</sup> December 2011 was also circulated as supplementary information.

**RESOLVED-**

- a) That the contents of the report and appendices be noted.
- b) That the Executive Board minutes of 2<sup>nd</sup> November 2011 and 14<sup>th</sup> December 2011, together with the Forward Plan of Key Decisions for the period 1<sup>st</sup> December 2011 to 31<sup>st</sup> March 2012 be noted.
- c) That the Board's Principal Scrutiny Adviser be requested to revise the work schedule to incorporate the recommendations made at today's Board meeting.
- d) That the process of dealing with applications for the registration of land as Towns and Village Greens be the subject of a report to the Scrutiny Board in January 2012.

- e) That in relation to the Community Infrastructure Levy (CIL) and the consultation response to the Government's draft regulations for reform, this Board notes and welcomes the decision taken at the Executive Board meeting held on 14<sup>th</sup> December 2011.

**61 Date and Time of Next Meeting**

Tuesday 17<sup>th</sup> January 2012 at 10.00am in the Civic Hall, Leeds (Pre-meeting for Board Members at 9.30am)

(The meeting concluded at 1.40pm)

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## SCRUTINY BOARD (HEALTH AND WELL-BEING AND ADULT SOCIAL CARE)

FRIDAY, 25TH NOVEMBER, 2011

**PRESENT:** Councillor L Mulherin in the Chair

Councillors R Charlwood, C Fox,  
S Armitage, K Bruce, A Hussain, W Hyde,  
J Illingworth, G Kirkland and S Varley

Co-opted Members – J Fisher, S Morgan and  
P Truswell

### 35 Late Items

Although there were no formal late items, the Board was in receipt of the following supplementary information for consideration at the meeting:

- A joint report of the Director of Adult Social Services, Director of Children's Services and the Director of Public Health outlining progress on the Joint Strategic Needs Assessment (JSNA) (minute 39 refers)
- A recommendation tracking schedule relating to recommendations made by the former Scrutiny Board (Health) during its inquiry *Promoting Good Public Health: the role of the Council and its Partners* (minute 39 refers)
- The draft minutes of the Shadow Health and Wellbeing Board from its meeting held on 14<sup>th</sup> October 2011 (minute 42 refers)

### 36 Declarations of Interest

Joy Fisher declared a personal interest through being the Chair of the Alliance of Service Experts as she knew people involved in the request for Scrutiny relating to services for blind and visually impaired people.

### 37 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from Councillor Chapman and Betty Smithson (representing Leeds Local Involvement Network).

### 38 Minutes

**RESOLVED** - That the minutes of the Scrutiny Board (Health and Well-being and Adult Social Care) meeting held on 28<sup>th</sup> October 2011 be approved subject to amendments to minute 28, Request for Scrutiny – Arrangements for meeting the needs of Blind and Visually Impaired People in Leeds, for references to 'Shire Oak' to be altered to read 'Shire View'

minutes approved at the meeting  
held on Wednesday, 21st December, 2011

## 39 Inquiry into Health Inequalities

Further to minute 30 the Board meeting held on 28<sup>th</sup> October 2011, where the Board considered proposals for an inquiry into this matter, the Board considered a report of the Head of Scrutiny and Member Development providing background information on the JSNA and including a briefing produced by the NHS Confederation – in association with the Local Government Improvement and Development and the Royal Society for Public Health on preparing JSNAs.

The Board also considered a joint report of the Directors of Adult Social Care, Children's Services and the Director of Public Health setting out the progress on the current iteration of the JSNA for Leeds.

The Board welcomed the following people who attended for this item:

- Dr Ian Cameron – Joint Director of Public Health, Leeds City Council/NHS Leeds
- Lucy Jackson – Consultant in Public Health, NHS Airedale, Bradford and Leeds
- Nichola Stephens – Senior Information Manager, NHS Airedale, Bradford and Leeds
- Jacky Pruckner – Information Officer Leeds City Council
- Rob Kenyon – Head of Partnerships Leeds City Council, Adult Social Services
- Stuart Cameron-Strickland – Head of Policy, Performance and Improvement – Leeds City Council, Adult Social Services

The Board was informed of the work being undertaken on the latest iteration of the JSNA; the importance of the JSNA and its purpose.

Dr Cameron stated that the primary purpose of the JSNA was to inform commissioning decisions. Dr Cameron identified the targeting for the NHS Health Check as a good example of the JSNA informing local commissioning.

It was also reported that the JSNA had helped bring about a closer working relationship between the NHS and the Council.

Dr Cameron outlined the process for refreshing the JSNA and informed the Board of the wide-ranging data being collected, including details of:

- the diverse population of Leeds, including the different groups, changes and trends;
- behaviour changes and lifestyle issues;
- health conditions;
- the wider determinants of health;
- children – their health and well-being
- vulnerable groups;
- use of services

The Board was advised of the need for information to be obtained at a local level. To achieve this 108 Middle Super Output Areas (MSOA) profiles were being compiled, each covering a population of around 7000 people. Further data packs relating to various geographies (such as Area Committees, Clinical Commissioning Groups (CCGs)) were also being compiled. Such information would soon be accessible on-line through a Leeds Observatory website, which was under development.

A further aspect of the JSNA would be the interpretation of the data and what it revealed. It was suggested that this would be of significance when looking at health inequalities.

In terms of forward planning and developing the work programme for 2012, the Board was informed that further work would be carried out to help incorporate data from the third sector, with reference made to recent positive discussions with the Citizen's Advice Centre around how its data could be incorporated into the local JSNA.

The importance of further qualitative work being undertaken in 2012 was also highlighted, particularly around decision-making and commissioning. This would include understanding how the JSNA was influence commissioning decisions, and if not, the associated reasons.

In summary, the key areas of discussion were:

- the accuracy of the information and associated interpretations;
- the importance of the JSNA in changing behaviour, particularly within Council departments;
- the work carried out with the third sector to raise awareness of the JSNA and how data could be used more effectively;
- the continued refinement of JSNA data to match different geographies – for example, Super Output Areas (SOAs), Middle SAOs and ward boundaries;
- translating the data collected into action and the importance of 'intelligence' skills in interpreting data appropriately;
- the wider determinants of health and the potential impact of the current economic climate on health inequalities across the City. [*On this point Dr Cameron stated that this was a concern and that there was the danger that positive action taken in one area could be undermined by other factors*];
- using the JSNA to identify priority areas of need and priority groups (including the needs of vulnerable groups, such as older people);
- the importance of considering the correlation between social inequalities and health (both mental and physical) inequalities.

The Board considered how to proceed and welcomed Dr Cameron's

minutes approved at the meeting  
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offer to attend the December Board meeting and provide some specific examples of the data sets available as apart of the JSNA. The Board also agreed to form a working group to look at the data being collected in greater detail.

**RESOLVED –**

- i) To note the report and comments made;
- ii) To note the progress that has been made in delivering the work programme since the JSNA was published in April 2009;
- iii) To note the work to develop the refresh of the JSNA for 2012 and the emerging key issues on health and health inequalities;
- iv) That, for Members' information and comment as part of the Board's inquiry into health inequalities, a further report be submitted to the December Board meeting to provide some specific examples of the data sets available as apart of the JSNA;
- v) That a working group be established to take forward some aspects of the Board's health inequalities inquiry.

**40 NHS Foundation Trust proposals**

Further to minute 29 of the Scrutiny Board (Health and Well-being and Adult Social Care) meeting held on 28<sup>th</sup> October 2011 where the Board considered information on proposals for local NHS Trusts to become NHS Foundation Trusts, the Board considered a report which set out the draft comments/main issues identified by Members, to form the basis of the Board's formal consultation response.

Members commented on the following matters:

- that the previous report and presentation had related to two NHS Trusts and therefore the Board's formal responses should be separated out in relation to the Leeds Teaching Hospitals NHS Trust and the Leeds Community Healthcare NHS Trust
- Integrated Health and Social Care Services – the need for this paragraph to be reworded and strengthened particularly relating to governance issues
- Private Income – that the word 'significantly' should be deleted
- Quality – that this paragraph be reworded to include the need for proper staffing levels and quality of care to be maintained throughout the changeover period and for this to be done in a measurable way

In view of the timescales involved, the Chair proposed that the re-drafted version be circulated to Members by e-mail for comment prior to submission

**RESOLVED –** That the proposed amendments be made and circulated to Board Members for comment prior to submission as the Board's formal response to the Foundation Trust proposals.

**41 Yorkshire Ambulance Service (YAS) - NHS Foundation Trust proposals**

minutes approved at the meeting  
held on Wednesday, 21st December, 2011

Further to minute 29 of the Scrutiny Board (Health and Wellbeing and Adult Social Care) meeting of 28<sup>th</sup> October 2011 where the Board considered proposals by Leeds Teaching Hospitals NHS Trust and Leeds Community Healthcare NHS Trust to become Foundation Trusts, the Board considered a report setting out proposals by Yorkshire Ambulance Service (YAS) NHS Trust to become a Foundation Trust.

Attending for this item and representing Yorkshire Ambulance Service (YAS) were Mr. John McSorley and Mr. James Webb (Locality Managers (Leeds)).

Members were informed that YAS was aiming to become a Foundation Trust by the end of 2012 and presenting the proposals to the Board was part of the consultation and engagement process being carried out. The closing date for comments was stated as 4<sup>th</sup> December 2011.

Members noted that YAS covered an extensive area, with Mr McSorley stating this was approximately 6,000 square miles with a population of 5 million.

The benefits of Foundation Trust status were explained as being:

- independence from Government control;
- less bureaucracy; and,
- greater financial flexibility.

YAS hoped the proposals would enable more lives to be saved and better training and equipment to be provided.

The importance of guiding people to the most appropriate care pathways was emphasised, as not all cases required an ambulance and emergency care; the possibility of a system of telephone triage was being considered to direct people appropriately and YAS was in the process of submitting a bid to provide the new 111 service for non-urgent medical care.

YAS was looking to improve the treatment for trauma patients, through better training and more specialised equipment.

In terms of governance arrangements, it was proposed that there would be a Council of 24 Governors made up of:

- 13 public governors elected from the four constituencies of East Yorkshire (2), South Yorkshire (3), North Yorkshire (2) and West Yorkshire (6);
- 7 appointed governors - including two representatives from Local Authorities across the region;
- 4 staff representatives (with staff of all levels eligible to sit as Governors in a mix of front-line and support staff).

The Board commented on the report and the presentation. The key areas of discussion were:

- the proposed governance arrangements; the intention to have only two representatives from Local Authorities; how these would be determined; how these representatives could begin to properly represent the extensive geographic area, which included urban and rural areas, together with the wide-ranging communities, groups and associated needs in the proposed four constituency areas of Yorkshire;
- whether YAS was looking to tailor its services to reflect each area/community or whether a standard service would be provided across all areas;
- budgets and resources, how these would be allocated across such a large geographic area and whether some areas would receive larger amounts;
- how any budget deficit would be managed once the Trust was independent from Government control;
- whether as a Foundation Trust, YAS would be able to set salary levels for all staff and pay Governors (beyond expenses for travel and subsistence);
- whether the organisation considered itself ready for Foundation Trust status, given areas of poor performance previously reported;
- how YAS would work with other services, e.g. the Air Ambulance and Mountain Rescue and how such services would be represented in the governance arrangements of the Foundation Trust;
- the importance of ensuring the governors were truly representative of the areas and communities within YAS's boundaries, with some concerns being raised about the possibility of this being achieved;
- that further information was needed on the arrangements for the election of Public Governors;
- emergencies in neighbouring areas; how the financial arrangements would work if YAS needed to attend a major incident outside of its area and whether there would be reciprocal arrangements;
- the possibility of changing the make-up of the constituencies which might address some of the concerns raised.

The Chair thanked Mr McSorley and Mr Webb for their attendance; the information provided and Mr McSorley's offer to take specific issues back to the organisation for further information.

The Board considered how to proceed.

**RESOLVED –**

- i) That, pending further consideration of the issues raised, a holding response be submitted on behalf of the Board, setting out the initial concerns raised around the proposals for YAS NHS Trust to become a Foundation Trust;
- ii) That the report be resubmitted to the December meeting with senior Executives from YAS invited to attend to address the Board's concerns in more detail.

## 42 Work Schedule

The Head of Scrutiny and Member Development submitted a copy of the work programme for the 2011/2012 Municipal Year which had been populated with six priority areas for scrutiny identified at the meeting.

A copy of the draft minutes of the Shadow Health and Wellbeing Board were tabled for information.

The Chair referred to the request for scrutiny into the services for blind and visually impaired people and informed the Board that Executive Board would consider the deputation which had been made to Council in November, at its meeting on 4<sup>th</sup> January 2012. A working group from Scrutiny Board (Health and Wellbeing and Adult Social Care) would meet on 21<sup>st</sup> December to consider the matter and it was hoped that early sight of the Executive Board report would help inform discussions and the working group's response which would be forwarded to Executive Board ahead of 4<sup>th</sup> January meeting.

In view of two additional items for the 21<sup>st</sup> December Board meeting it was agreed to dispense with the pre-meeting on that day and for the Board meeting to commence at 9.30am.

**RESOLVED** - To note the Work Schedule and to agree the following amendments:

- the inclusion of a working group meeting scheduled for 21<sup>st</sup> December 2011 pm to consider issues relating to services for blind and visually impaired people in Leeds
- the rescheduling of the report from the Director of Public Health on the Tobacco Reduction Strategy from the December 2011 meeting to the January 2012 meeting
- the inclusion of a further session on Health Inequalities at the December Board meeting (minute 39 refers)
- the resubmission of the report on the proposals of YAS NHS Trust to become a Foundation Trust, to the December Board meeting, with members of the YAS Executive being asked to attend (minute 41 refers)

## 43 Date and Time of the Next Meeting

Wednesday 21<sup>st</sup> December 2011, with no pre-meeting on this occasion and the Board meeting to commence at 9.30am

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## **Plans Panel (East)**

**Thursday, 3rd November, 2011**

**PRESENT:** Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,  
P Gruen, G Latty, M Lyons, C Macniven,  
K Parker, J Procter, R Pryke and D Wilson

### **100 Chair's opening remarks**

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

### **101 Declarations of Interest**

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 – 12 of the Members Code of Conduct

Application 11/02744/FU – Middleton Arms Middleton Park Road LS10 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had been consulted on the proposals (minute 105 refers)

Application 10/026444/FU – Paddock House Cleavesty Lane LS17 – Councillor Procter declared a personal interest as he knew one of the applicants (minute 106 refers)

Application 11/03814/FU – 69 houses on land opposite Highcroft and Hillside Selby Road Garforth LS25 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 112 refers)

### **102 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 6<sup>th</sup> October 2011 be approved

### **103 Application 10/04762/OT - Outline application for residential development land adjoining 7 Waterwood Close West Ardsley WF3**

Further to minute 94 of the Plans Panel East meeting held on 6<sup>th</sup> October 2011 where Panel further deferred consideration of the outline application for residential development to enable clarification to be sought from Executive Board on housing on unallocated Greenfield sites, the Panel considered a further report of the Chief Planning Officer

A site visit had taken place earlier in the day which some Members had attended

The Panel's Lead Officer presented the report and informed Members that the applicant had submitted an appeal against non-determination so that the determination of this application now rested with the Planning Inspector. The appeal would be dealt with by an Informal Hearing, with this expected to take place early in the new year

Members were informed that since the last meeting, Officers had again considered the application carefully and having applied all of the relevant planning tests, were of the view that reasons for refusal could not be put forward which would stand up at appeal

In view of this, the Panel was being asked to agree not to contest the planning appeal against non-determination, with Members being informed that the applicant would be invited to re-submit an application which would be dealt with under delegated authority

A representation from Councillor Dunn was reported which raised concerns that if the application was granted it would set a precedent and result in green areas of the city being built upon

A proposal to agree the recommendation was made and seconded

Concerns were raised that the Panel's resolution on this matter had not been complied with, i.e. to seek clarification from Executive Board on paragraph 2.2 of the previously submitted report and the reasons for this

The Chief Planning Officer who attended for this application stated that the Chair of Executive Board had been contacted who considered that the paragraph captured accurately the position on unallocated Greenfield sites, and had referred the matter back to Panel

**RESOLVED** - To note the report and not to contest the planning appeal against the non-determination of planning application 10/04762/OT

#### **104 Application 11/02650/FU - Demolition of existing house and erection of replacement detached house - 16 Nook Road Scholes LS15**

Plans, drawings and photographs were displayed at the meeting

A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for the demolition of the existing house at 16 Nook Road and its replacement with a traditional two-storey gable fronted property with a single-storey side extension on a similar footprint. The application had been brought to Panel at the request of Councillor Rachael Procter who had raised concerns about the design of the proposals

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- that Ward Member comments on this case did not appear to have been passed on by Officers to the applicant
- the lack of consultation carried out with the neighbours
- the issues of stability raised by the objector, with Officers stating that the site was relatively flat; that there was no information regarding the instability of the land and that this matter would be covered by building regulations
- that the inclusion of a chimney was necessary in the design of the scheme

- that if approved, there should be some control as to the time of year when demolition and construction could take place to have regard to visiting House Martins

Members discussed the fact that the Panel's time was being spent on a relatively straightforward application which could possibly have been avoided. Concerns were raised that applicants were made aware of Officer's views on an application but reasonable comments made by Ward Members might not be passed to applicants. The importance of Ward Member involvement in the planning process was stressed, as was the need for consultation by applicants

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report, with an amendment to condition 13 to specify the time of year demolition and construction can take place; an additional condition requiring a detailed method statement for the construction works together with consultation with Ward Members about the design of the building

### **105 Application 11/02744/FU - Demolition of public house and erection of single storey retail food store, associated car parking and landscaping at Middleton Arms Middleton Park Road Middleton LS10**

Further to minute 88 of the Plans Panel East meeting held on 6<sup>th</sup> October 2011 where Panel deferred determination of an application for the demolition of the Middleton Arms Public House, Middleton Park Road and its replacement with a single storey retail food store, the Panel considered a further report. A site visit had taken place earlier in the day which some Members had attended

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and informed Panel of the receipt of 5 further letters of representation, one of which raised additional matters. A letter from Tesco's solicitors was also reported which related to retail planning policy and Tesco's intention to submit an application on the site at Benyon House and that this should be considered together with the proposals for the Middleton Arms

Retail planning policies S5 and S9 were outlined for Members' information

Members discussed the proposals and commented on the following matters:

- the impact of the proposals on residential amenity and the possibility of re-siting the building to minimise this
- the practicality of the proposed use as a discount retailer in view of some major retailers taking over discount retailers and how this would affect the use of the site if the application was approved. Members were informed that to alter the use of premises restricted to discount retail use by condition, would require approval to remove the condition
- that although the main building was attractive, several unattractive extensions had been added and that further deterioration of the building was likely
- that no proposals existed to refurbish and reuse the building and that the community would benefit from the employment the application could bring, however further consideration was needed to address the concerns about the impact on residential amenity
- that the decorative brickwork at the front of the building should be salvaged and reused within the new development as a reference to the site's history; if the original pub sign was located, this too should be incorporated into the scheme

Members considered how to proceed

**RESOLVED** - That the Officer's recommendation to refuse the application be not accepted and that further negotiations should take place with the applicant regarding re-siting of the building away from 98 Middleton Park Road; further consideration of the landscaping to be provided; the retention of the lime trees to the front of the building if possible, and if not, high quality replacement trees to be provided within the site or just beyond it; the provision of adequate planting adjacent to 98 Middleton Park Road; the retention and reuse of the decorative brickwork to the front of the building within the scheme; if located, the reinstatement of the Middleton Arms Public House sign within the scheme and that a further report be submitted to Panel setting out the outcome of the negotiations together with detailed conditions to be attached to an approval, for Panel's determination

**106 Application 11/02644/FU - 2 detached houses to site of existing house at Paddock House Cleavesty Lane East Keswick LS17**

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for two detached houses on the site of the existing dwelling at Paddock House Cleavesty Lane LS17 which was situated in the East Keswick Conservation Area and was adjacent to the Green Belt. Members were informed of an extant permission on the site, in outline, for one additional dwelling in the garden area of Paddock House

An error in the report at paragraph 3.6 was clarified in relation to a footpath on the northern boundary, with Members being informed that this was not a public footpath

In terms of contaminated land issues, additional information had been provided and measures recommended to overcome any unexpected contamination

Officers reported the receipt of three additional letters of representation

The Panel commented on the following matters:

- that some trees had been chopped back and that additional planting was needed to fill the gaps which had been created, facing the Green Belt
- concerns that works to the driveway could disturb tree roots. Members were informed that the Council's Tree Officer had been in discussion with the applicant on this matter and that to protect the tree roots, part of the driveway would be gravelled
- that reassurances were needed about the levels of the proposed dwellings

**RESOLVED** – That the application be granted subject to the conditions set out in the submitted report together, with condition no 11 to specify that the dwellings be set at the lower level and additional conditions relating to contaminated land; landscaping and tree protection measures which included a requirement to enhance the landscaping to that part of the site which faced towards the Green Belt

**107 Application 11/02529/FU - Eight x 10m high floodlight columns each with two bracket mounted floodlights (400watts) at junior rugby pitch - Wetherby Sports Association - Lodge Lane Wetherby LS22**

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the provision of eight floodlights to a junior rugby pitch at Wetherby Sports Association, Lodge Lane LS22

Members were informed that although the site was within the Green Belt, sports pitches were classed as acceptable development. The lights serving the sports pitch would have restricted use, with no use at week-ends and limited use Monday-Friday from 17.00 – 22.00. and would be operated by a timer

In terms of impact on residential amenity, it was accepted there would be some impact in the evening but this would be minimised as the lights would be oriented away from residential properties and be pointed downwards

The Panel commented on the following matters:

- that the Council was the landowner
- that floodlights at the two local High Schools were highly visible at considerable distance, with concerns that this would also be the case if the current application was approved
- that further consultation on the proposals with Ward Members was needed as was greater detail on the impact of the lighting on residents
- that the light would be shining across the pitch so it was incorrect to say that this would only be shining downwards
- that a similar problem had occurred in the Rothwell Ward and that a back-mounted baffle had proved effective

The Panel considered how to proceed

**RESOLVED** - To defer determination of the application for further consultation with Ward Members and if agreement could be reached, to defer and delegate approval to the Chief Planning Officer, or if no agreement was reached, to submit a further report to Panel for determination of the application

### **108 Application 11/00793/FU - Laying out of access road and erection of 5 detached houses and garages and new vehicular access to existing semi-detached house on land at 51 Westfield Lane Kippax LS25**

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for five detached dwellings and access on an area of garden land off Westfield Lane, Kippax LS25 which was situated close to the Green Belt and a SSSI (Site of Special Scientific Interest)

Members were informed of previous applications on the site, with an application for nine houses being dismissed on appeal. The Council's reason for refusal relating to development on a Greenfield site was not accepted by the Inspector who in dismissing the appeal for a larger development, had not precluded the possibility of any development on the site

The scheme under consideration was a revised scheme, with Officers' previous concerns relating to height and the garages being addressed

Officers were of the view that the character of the area could support a new development and recommended approval of the application

Members discussed the following matters:

- the importance of seeing all views of the site on visits
- biodiversity and conservation issues; that the report did not provide sufficient detail on the SSSI or about the protected species

- that the land was a garden site and Officers were recommending approval of the application yet the Council had been successfully defending the refusal of such sites at appeal

The Panel's Lead Officer stated that the amendments to PPS3 did not prevent development on garden land and in the cases where the LPA had been successful at appeal, these cases had been won on the impact of the proposals on the character of the area or visual amenity, but not on the principle of development on a Greenfield site

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report

**109 Application 11/02359/FU - Single storey extension including new steps with handrail to rear; gable side extension with dormer window to rear; new steps with handrail to rear of existing garage - 24 Chelwood Avenue Roundhay LS8**

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and informed Panel that only the rear extension and stairs were to be considered as the rest of the proposals were permitted development

The main issues associated with the application was the impact on amenity of residents at 26 Chelwood Avenue with Members being informed that the proposals would cause additional shadowing although this was not considered by Officers to be so great as to warrant refusal of the application

Receipt of a further letter from the applicant was reported as was an error in condition no 4 in the report which should refer to 26 Chelwood Avenue

The Panel heard representations from an objector who attended the meeting Members commented on the following matters:

- the extent of the overshadowing to 26 Chelwood Avenue and that no sun path analysis had been provided to indicate the extent of the issue
- the lack of consultation by the applicant and the possibility that the issues could have been satisfactorily resolved if this had taken place. The Head of Planning Services responded to this point and stated that it was good practice for applicants to talk to their neighbours about their proposals but as this was not mandatory, Officers were required to validate applications even where no consultation had occurred
- the cumulative impact of the proposals

The Panel considered how to proceed

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, with an amendment to condition no 4 to specify 26 Chelwood Avenue

**110 Application 11/03316/FU - Detached house with garage (amendments to plot 4 of approved application 11/00343/RM) - Little Acres Linton Lane Wetherby LS22**

Further to minute 89 of the Plans Panel East meeting held on 6<sup>th</sup> October 2011, where Panel deferred determination of an application for a detached house with garage at Little Acres Linton Lane Wetherby LS22, (amendment to plot 4 of

previously approved scheme) for a site visit, the Panel considered a further report. A site visit had taken place earlier in the day which some Members had attended. Plans and photographs were displayed at the meeting.

Officers presented the report, outlined the proposals and informed Panel that the site was within a Conservation Area; that no objections had been received from local residents and that all of the trees on the site would be protected.

Members commented on the following matters:

- the lengthy negotiations on this site involving Ward Members; that concerns had been raised that the previous application had reached the maximum amount of development the site could accommodate and that the proposals far exceeded what was agreed in the previous application
- the reason for the application, i.e. a prospective purchaser was seeking a larger property to be built on the site
- the importance of Plans Panels having regard to comments made by Ward Members when considering applications
- that the application highlighted the different economies of Leeds
- how Officers could justify the application as not being over massing. Members were informed that the assessment was the demonstrable harm to the character of the area and the impact on the living conditions of neighbours. As the house would be positioned far back into the site and fully complied with Neighbourhoods for Living, it was felt that reasons for refusal could not be substantiated.

The Panel considered how to proceed. The Chair noted the hard work done by Ward Members to negotiate a reasonable development on this site. Proposals to accept and refuse the application were made and seconded.

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report.

**111 Application 11/01051/FU - Three replacement dormer windows to front, replacement dormer window to rear and reduction in height of existing two storey front extension - 61 High Ash Avenue Alwoodley LS17**

Further to minute 34 of the Plans Panel East meeting held on 14<sup>th</sup> July 2011 where Panel deferred determination of an application to regularise aspects of unauthorised development at 61 High Ash Avenue LS17 to enable further discussions with the applicant on the proposals, the Panel considered a further report.

Officers presented the report and outlined the further revisions which had been made to the scheme.

The receipt of 3 further letters of representation was reported.

If minded to approve the application, a further condition was recommended which related to the submission and agreement of the critical dimensions of the proposed works.

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report and an additional condition relating to submission and approval of the critical dimensions of the proposed works.

## **112 Application 11/03814/FU - 69 houses on land opposite Highcroft and Hillside - Selby Road Garforth LS25 - Position statement**

Plans, photographs, drawings and graphics were displayed at the meeting. Officers presented a report of the Chief Planning Officer setting out the position on proposals for a residential development on land off Selby Road Garforth LS25. A previous application for 78 houses on the site had been refused in January 2009 as the Council felt the application was premature and there were outstanding issues relating to highways and flooding. This decision was appealed and the appeal was upheld by the Inspector. The approved S106 Agreement made provision for 30% affordable housing on the site.

Since the appeal decision the Council's policy on affordable housing had changed with the introduction of the Interim Affordable Housing Policy which set the level of provision at 15%, time limited to 2 years to ensure that permissions were implemented reasonably quickly. A Reserved Matters application for 70 houses on the site had been withdrawn in October 2011 and the applicant had subsequently submitted a full planning application on the basis of affordable housing provision of 15%.

The development was proposed to be phased, with work on the first phase to commence in January 2012 which would deliver 22 private units and all of the affordable housing, i.e. 10 units. In 2013, 30 units would be built with the remaining 7 units being constructed in 2014, with the site being completed by June of that year.

Members were informed that there would be a mix of family houses and types comprising detached, semi-detached and terraced properties but no flats would be included in the scheme. The properties would be two and a half to three storeys in height and of a traditional appearance with materials being brick, tile and render.

The Panel commented on the following matters:

- flooding; that the site caused flooding problems around Ninelands Lane and concerns that these issues had not been fully addressed
- that the site currently absorbed water and the implications on the drainage system of building on this site
- concerns that the size of the windows of the proposed properties were small which could lead to more electricity needing to be used and that larger windows should be provided
- that including bungalows for older people should be considered within the mix of affordable housing being provided
- that traffic calming measures should be put in place and funded by the applicant to reduce traffic speed as it goes downhill within the vicinity of the site along Selby Road
- that details were needed of the bin storage/collection on the site, particularly for the terraced properties
- the position of the affordable units in the scheme. Officers indicated the location of this which was in one corner of the site which was not acceptable to the Panel.

The following comments were made in relation to the level of affordable housing within the scheme:

- that 30% affordable housing should be provided in line with the approval given by the Inspector
- that Members were unhappy with the issues flowing from the Grimes Dyke appeal decision yet it seemed that developers were benefiting further through the lower levels of affordable housing provision.



- that the mix of housing should be reconsidered and increases made to the amount of terraced properties on the site which would then increase the amount of affordable housing to be provided
- that it was clear that the applicant had withdrawn one application and then submitted another one which offered the lower level of affordable housing

The Head of Planning Services referred to a report prepared by DTZ regarding viability and the Council's stance to that report which had been to approve the Interim Affordable Housing Policy which applied to all planning permissions after 1<sup>st</sup> June 2011 for a two year period in order to generate the construction of some schemes. Although noting the Panel's concerns about the implications of this, Members were informed that the policy had generated significant interest which in turn could generate construction, employment and affordable housing. Members were also advised of the need to be consistent in relation to this policy and that Plans West had recently approved a scheme with a lower level of affordable housing than was previously agreed

The Panel's Legal representative stated that the affordable housing policy had been changed for a specific purpose; to deliver developments with the affordable housing being provided within two years, this being something which could not be insisted upon in the previous policy. As the application being discussed was new, when it was to be determined, a reason for refusal could not be substantiated on the level of affordable housing being provided

Members commented further on this issue:

- that it had not been considered that in agreeing the interim housing policy, developers would seek to unpick S106 Agreements which had been signed
- that this issue needed to be considered further, including Executive Board, with a suggestion that the Member/Officer Working Group and Joint Plans Panel consider this initially
- that the whole site could comprise terraced properties which would markedly increase the amount of affordable units to be provided, even at a level of 15%. Some concerns were raised at the effect of this on the site, with the view being expressed that a reasonable mix of house types was required

In response to the specific points raised in the report, the Panel provided the following comments:

- range of house types – generally acceptable although more terraced housing could be considered and that some bungalows should form part of the affordable housing mix, with the affordable units being pepper-potted throughout the site. That the size of the windows of the properties should be maximised to allow good natural light penetration
- in terms of materials, these were generally acceptable although it was felt that the rendered elements should be removed and replaced with brick
- that the creation of two plateaux and landscape buffers was acceptable subject to improved landscaping to be provided
- Members were not satisfied with the planting to the upper slopes of the site

- that in terms of the proposed layout of the development that further details were needed especially the access arrangements between the groups of properties; that properties should meet the principles set out in Secured by Design
- in relation to the height of the dwellings, the two storey buildings were considered to be acceptable but that any three storey dwellings should be sited further back into the site on the lower plateaux
- concerning the relationship between properties and sizes of gardens, it was felt that for family accommodation, garden sizes should be generous, whereas if accommodation for a mix of ages was being proposed, smaller gardens could be considered for some properties
- in respect of the affordable housing provision at 15%, that although this was in line with the new policy, Members were most unhappy at the way the applicant had dealt with the provision on this site; that whilst acknowledging the reasons for the policy change, the ramifications of this were now being seen and that the developer should honour the commitment made and accepted by the Inspector, to provide 30% affordable housing on this site
- that Ward Members should be consulted on the content of the new S106 Agreement

**RESOLVED** - To note the report and the comments now made

(Throughout the discussions on this matter, Councillors Gruen, Parker and Pryke left the meeting)

**113 Date and time of next meeting**

Thursday 1<sup>st</sup> December 2011 at 1.30pm in the Civic Hall, Leeds

## Plans Panel (East)

Thursday, 1st December, 2011

**PRESENT:** Councillor D Congreve in the Chair

Councillors R Grahame, P Gruen, G Latty,  
T Leadley, M Lyons, C Macniven, K Parker,  
J Procter, R Pryke and D Wilson

### 114 Chair's Opening Remarks

The Chair welcomed everyone to the December meeting of the Plans Panel (East) and asked Members and officers present to introduce themselves.

It was reported that Agenda Item 12, Application 11/03752/EXT – Foxwood Guest House, Carr Lane, Carlton, WF3 had been withdrawn to allow for a site visit. In regard of Agenda Item 17, Application 11/01673/RM – Land to the rear of 35 Lower Mickletown, Methley, LS26 it was reported that representations had been received from the Environment Agency. These reported that the land had been categorised as Flood Zone 3 which was an area which had a high probability of flooding. When the application had been earlier subject to appeal, there had been conditions to restrict the application to Flood Zone 1, which was an area that was least likely to flood. Members were therefore asked to withdraw the application.

**RESOLVED** – That Agenda Item 17, Application 11/01673/RM – Land to the rear of 35 Lower Mickletown, Methley, LS26 be withdrawn from the Agenda.

### 115 Declarations of Interest

Councillor Lyons declared a personal interest in the following items due to his membership of the West Yorkshire Integrated Transport Authority:

- Item 8 – Application 11/02744/FU – Middleton Arms, Middleton Park Road, LS10
- Item 11 – Application 11/01014/OT – Land Adjacent to Jude's Pond, Haigh Moor Road, West Ardsley, WF3
- Item 20 – Application 10/05048/EXT – Land at Temple Green, Off East Leeds Link Road, LS10

Councillor Mac Niven declared a personal interest in Item 19 – Application 11/03592/LA – Former Braim Wood High School – Wetherby Road, Roundhay, LS 8 due to her position as a Governor at Roundhay School.

Councillor Leadley made the following declarations of interest:

- Item 7 – Application to Register Land as a Town or Village Green, Pit Hill, Churwell, LS27 – Personal Interest as he knew the applicants.
- Item 11 – Application 11/01014/OT – Land Adjacent to Jude's Pond, Haigh Moor, WF3 – Personal and Prejudicial Interest as he knew the land owners.

minutes approved at the meeting  
held on Thursday, 5th January, 2012

### **116 Apologies for Absence**

An apology for absence was submitted on behalf of Councillor R Finnigan. Councillor T Leadley was present as substitute.

### **117 Minutes**

**RESOLVED** – That the minutes of the meeting held on 3 November 2011 be confirmed as a correct record.

### **118 Application to register land as a Town or Village Green - Pit Hill Churwell LS27**

The report of the City Solicitor informed Members of an application submitted to the Council by a group identified as 'Save Pit Hill Churwell' (the applicant) for the registration of an area of land referred to by the applicant as Pit Hill, Churwell as a Town or Village Green under the provisions of Section 15(1) of the Commons Act 2006. Members were shown plans of the area and the land in question was highlighted.

It was reported that the applicant had claimed that the tests had been met to register the land as a Town or Village Green but this had been rebutted by the Landowners and objectors to the application. It was suggested that an Independent Inspector be appointed to examine the evidence submitted by the parties.

**RESOLVED** – That public hearings be called and an inspector be appointed by the City Solicitor, with a view to undertake an examination of the evidence submitted by the parties concerned and to prepare a report in relation to his/her findings for consideration at a future meeting of the Plans Panel East

### **119 Application 11/02744/FU - Middleton Arms Middleton Park Road LS10**

The report of the Chief Planning Officer brought back an application for the demolition of a public house and erection of a single storey retail food store, associated car parking and landscaping at Middleton Arms, Middleton park road, LS10.

The item had been deferred following the November meeting of Plans Panel (East) to allow for further negotiations and consideration of the following:

- Move the store away No 98 Middleton Park Road
- In re-siting of the building, see if TPO trees (lime) at the front of the site could be retained
- If the trees could not be retained, compensatory planting (good sized) to be provided on/off site
- See if the detailed brickwork could be retained/incorporated into the scheme and the retention of the free standing public house be investigated.

Members were shown revised site plans of the site. It was reported that a further submission had been made which moved the development 1.5 metres west and 1 metre north from the TPO trees. Members were also informed that compensatory planting had not been offered and it was felt that the amendments still did not give a satisfactory outcome with respects to 98 Middleton Road.

It was further reported that Highways were now satisfied with the revised plans and one further letter of objection had been received which stated that the proposed re-siting was still not satisfactory.

In response to members comments and questions, the following issues were discussed:

- It was felt that the applicant had made genuine attempts to fall in line with what the Panel had requested at the last meeting and the fact that the application would create employment opportunities for local people needed to be considered.
- It was regrettable that TPO trees would be lost and an additional condition regarding additional planting at the site was suggested.
- Previous highways issues related to car park provision and access.
- It was suggested to add conditions relating to the planting of trees to the front of the site and placing restrictions on the types of goods sold.

**RESOLVED** – That the Panel do not accept the officer recommendation that planning permission be refused and defer and delegate the grant of planning permission top officers. Conditions to include compensatory planting to the front of the site and the premises be restricted to discount food retail.

#### **120 Application 11/02650/FU - 16 Nook Road Scholes LS15**

The report of the Chief Planning Officer informed Members that the application had been presented to Plans Panel at the request of a local Ward Member and concerns regarding the design of the proposal and its effect on the character of the streetscene.

The application had been considered at the previous meeting of Plans Panel East when Members had resolved the following:

- To defer and delegate approval to officers, following further consultation with Ward Members over the design and dwelling.
- That a further condition to be added to require a method statement for the construction of the dwelling, including days and hours of building works.
- Condition 13 to be explicit as to what time of year demolition and construction works can take place.

**RESOLVED** - that permission be granted subject to conditions specified in the report.

#### **121 Application 11/01550/OT - Land adjacent to Castle Mona Lodge Wetherby Road Scarcroft LS14**

The report of the Chief Planning Officer informed Members that outline permission was sought for a residential development on allocated Greenfield site comprising 11 detached dwellings and associated access. The proposal was considered to be acceptable given that it was allocated for housing, was located in a sustainable area and would result in significant public benefits in the form of provision of greenspace within the village. The application had been reported to Plans Panel due to the number of representations received and in light of recent Greenfield appeals.

minutes approved at the meeting  
held on Thursday, 5th January, 2012

The Panel was shown site plans and photographs of the site.

Further issues highlighted in relation to the application included the following:

- The surrounding land was residential and adjacent to greenbelt. The land was marked for phase 3 housing within the UDP.
- The application had been reduced from an initial proposal of 14 dwellings.
- Land that would be allocated as greenspace would be transferred to the Parish Council.
- The layout of the proposals was in keeping with the village of Scarcroft and fit within the character of the area.
- All houses would be set an adequate distance away from others.
- Reference was made to highways measures and the proposals offered safe access into the site.
- In summary, it was reported that the proposals were in accordance with development plans and policies and would also be of a benefit to the local community and residents.
- As there was less than 15 units on the site there was no requirement to provide affordable housing.

An objector to the application addressed the meeting on behalf of local residents.

Main concerns included the following:

- Access from the A58. Although the speed limit was 30 MPH, the average recorded speed was 38 MPH with traffic often travelling much faster.
- It was felt that the report was misleading on the use of greenbelt land for the provision of access. It was stated that a fence had been moved from its original position following the removal of trees. This gave the impression that less greenbelt land was being used than had originally been decided.
- The proposals would have an impact on some resident's privacy and amenity.

The applicants agent addressed the meeting. The following issues were highlighted:

- The site had been identified for housing back in 1992 in the Vision for Leeds and this had been reaffirmed in the UDP review.
- The application took account of TPO trees and proposed large gardens for the dwellings within the character of the area.
- Highways officers were happy with access arrangements. Alternative access would mean the removal of TPO trees.
- The fence where the access to the site would be had been moved back to the original position following the removal of trees.
- Draft legal agreements had been submitted for transfer of the land.
- Layouts had been revised following discussions with residents.
- Meetings had been held with Ward and Parish Councillors and it was felt that the proposals would add to the vitality of the area.

In response to Members comments and questions, the following issues were discussed:

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- Tree Protection Orders had been made in 1999. Of the 5 removed trees, one was in a dangerous condition and 3 others had been diseased. The developer was happy to replace these.
- The land in between the site and the greenspace that would be transferred to the Parish Council was under third party ownership.
- Issues surrounding the greenbelt land – this would not be built on and had not been highlighted as an issue for concern during discussion with Planning Officers.
- The possibility of having access from the adjacent site as opposed to access from the A58. Members were informed that previously, agreement, in terms of access, couldn't be reached with the owner of the adjacent site before that was developed.
- Pillars at the proposed access to the site would be retained, but may have to be moved.
- The proposals would include the provision of a dedicated right hand turn lane into the site off the A58. There would also be the provision of crossing refuges and it was felt that the proposals were acceptable on the issue of highways safety.
- The visibility standard and splay at the access to the site would be based on traffic speeds of 40 MPH.
- Further issues relating to access were discussed including the following:
  - Concern that the access road was too close to houses
  - Potential alternative access points on the land between the site and the proposed greenspace.
  - Access from the adjacent site.

**RESOLVED** – That the application be deferred for one cycle to gather further information regarding:

- What attempts have been made to achieve access to the site from The Meadow.
- The definitive position in respect of the boundary of the Green Belt and whether any part of the proposed access falls within.
- Can the proposed access road be redesigned/sited to reduce the impact on adjacent houses.
- Further information to be included in the report concerning the proposed off site highway works.

### **122 Application 11/01014/OT - Land adjacent to Jude's Pond Haigh Moor Road West Ardsley WF3**

The report of the Chief Planning Officer detailed an outline application to erect 32 houses on land adjacent to Jude's Pond, Haigh Moor road, West Ardsley. The application had been brought to the Plans Panel because it related to a substantial development proposal and was subject to local concern by nearby residents. The proposal was for the residential development of a Greenfield site that was allocated for such purpose (phase 3) in the Unitary Development Plan.

Members were shown photographs and plans of the site.

Further issues highlighted in relation to the application included the following:

- Provision of affordable housing this would be 15% in line with interim policy
- The proposals provided facility for management of the pond
- Kerbing improvements
- Contribution to Education – there was limited availability in local schools.

In response to Members comments and questions, the following issues were discussed:

- Deadlines for affordable housing under the interim policy and receipt of Section 106 monies.
- Use of local suppliers and local employment opportunities on the development – discussions had been held with Employment Leeds.

**RESOLVED** – That approval be deferred and delegated to officers subject to the completion of a Section 106 agreement to include:

- 15% affordable housing provision. Details of commencement and phasing of delivery of development to be agreed. If not commenced by June 2013 the affordable housing shall be provided in accordance with the policy in force at that time. Clauses to be included to safeguard the provision of and to ensure the delivery of affordable housing.
- Greenspace to be laid out (including enhancements to Jude's Pond).
- Improvements to local bus stop.
- Local employment and training,
- Education contribution of £20,000.

And subject to other conditions as outlined in the report including an additional condition regarding the gradient of access.

(Councillor Leadley left the meeting for the duration of this item)

(Councillor Gruen left the meeting at 3.00 p.m. during the discussion on this item)

**123 Application 11/03752/EXT - Foxwood Guest House Carr Lane Carlton WF3**

The report of the Chief Planning Officer informed Members of an application for the extension of bed and breakfast accommodation. It was reported that the development conflicted with Green Belt policy and was recommended for refusal. The application had also been requested for determination by Plans Panel by a local Ward Member on the grounds of intrusion into Green Belt.

**RESOLVED** – That the application be deferred to allow for a site visit.

**124 Application 11/03202/FU - 700-702 King Lane Moortown LS17**

The report of the Chief Planning Officer informed the Plans Panel of an application to vary a condition that required the installation of a second zebra crossing. It was recommended to refuse the request to remove the provision of the zebra crossing as it was a fundamental part of a package of traffic management measures to mitigate



the effects of the proposed retail store at 700-702 King Lane, Moortown. The application had been referred to Plans Panel at the request of a local Ward Member on the basis that the variation had the support of the Parish Council, Ward Councillors and the majority of local people.

Members were shown photographs of the site and a site visit had taken place.

It was reported that traffic speeds in the area were high and during a five week period, over 700 violations had been recorded. The development would bring an increase in traffic activity and the zebra crossing would provide further traffic calming in the area.

In response to Members comments and questions, the following issues were discussed:

- There were other areas across the City that had zebra crossings in close proximity to each other as per the proposals.
- Pedestrian safety.
- Alternative traffic calming measures.

**RESOLVED** – That the permission to vary the condition regarding the installation of a zebra crossing be refused in accordance with the recommendation.

#### **125 Application 11/03639/FU - Land rear of Astura Court Scott Wood Lane LS7**

The report of the Chief Planning Officer informed Members of an application for a detached house and garage at land to the rear of Astura Court, Scott Wood Lane, LS7. The application had been brought to Plans Panel at the request of a local Ward Member on the grounds that the narrow, private access road and access was a problem for highway safety and congestion in the area.

Further issues highlighted in relation to the application included the following:

- There would be improvements to the road surface and a built in turning area by the entrance of the development.
- The site was currently home to a number of pigeon lofts. These would be removed and the site would be used less intensively.

A local resident addressed the Panel with concerns and objections to the application and also answered Members questions. Issues discussed included the following:

- Difficulties with access and problems already encountered with visitors to the site for the use of the pigeon lofts.
- Reference to Land Registry documents and that further investigation should be made into access rights.
- The road was used by 6 residential properties and a business premises.
- The road was difficult to drive on in winter conditions due to the bad bend.
- More pigeon lofts had been placed on the site than had been initially agreed.

The applicants agent addressed the meeting and responded to Members comments and questions. Issues discussed included the following:

- The application sought the removal of the pigeon lofts and the building of a dormer bungalow.
- The number of vehicular movements would be less when the pigeon lofts had been removed.
- There would be access improvements with hard surfacing to the road and a new turning facility.
- Street Design Guide policy in relation to private access roads – in respect of this negotiations had led to the proposed access improvements.
- It was reported that there were no plans to re-introduce the pigeon lofts and that a condition could be applied to remove permitted development rights.

**RESOLVED** – That planning permission be granted in accordance with the recommendation with the deletion of condition 15 and the addition of a condition that removes permitted development rights.

**126 Application 11/02881/FU - Rear of The Hollies Park Avenue Roundhay LS8**

The report of the Chief Planning Officer related to a full planning application for a development to provide 4 five bedroom terrace houses with 2 detached garage blocks and a five bedroom detached house with a detached garage. The application had been reported to Plans Panel at the request of a local Ward Member due to concerns arising due to over development of the site, the design, impact on the character of the Conservation Area, loss of trees and the concerns of local residents.

Members were shown photographs and plans of the site.

Further issues highlighted in relation to the application included the following:

- The proposed development was within an established residential area.
- The proposals were similar to adjacent properties.
- Objections had been received from Woodlands Hall – it was felt that the proposed development was a sufficient distance away.
- The original proposals had been negotiated down from 2 detached properties.
- Access to the site was felt to be satisfactory.
- Further letters of objection had been received on the grounds that the proposals were not in keeping with the character of the area and concern regarding traffic and pedestrians.
- It was suggested that the following conditions be added:
  - Notwithstanding the approved layout, revised plan to adoptable standards
  - Garage doors not to open onto adopted highway

An objector to the application addressed the meeting. The following issues were highlighted:

- The access road to the site was the only way out for pedestrians and this was a significant danger.
- Privacy and amenity space for the terraced houses was sub-standard.
- The proposals would erode the conservation area, not enhance it.
- The proposals were contrary to planning policies, the Unitary Development Plan and the Roundhay Conservation Area Appraisal.
- Demolition of an existing wall by the developers.

The applicants agent addressed the meeting. The following issues were highlighted:

- During meetings with planning officers it had been felt that the proposals had met all necessary requirements and the proposals had been reduced from 6 six dwellings to five.
- Highways officers were satisfied that the safety was not compromised within the proposed development.
- A new wall would be constructed that reflected the nature of the area. This would be built with reclaimed materials.
- It was hoped to commence work in the new year and complete within nine months.
- The development would provide much needed family accommodation in the area.

In response to Members comments and questions, the following issues were discussed:

- Discussions had been held with local neighbours to the site.
- The site was previously part of the walled garden of Woodlands Hall.
- Members were asked to consider the impact on the spatial amenity of the area.
- The proposals fit within design statements and surrounding properties.

**RESOLVED** – That the application be granted in accordance with the recommendation and conditions outlined in the report. Also subject to the following conditions:

- Notwithstanding the approved layout, revised plan to adoptable standards.
- Garage doors not to open out onto adopted highway.

(Councillor R Grahame left the meeting at 4.00 p.m. during the discussion on this item)

(Councillor P Gruen re-joined the meeting at 4.10 p.m. during the discussion on this item).

**127 Application 11/04246/FU - Primley Court, 18 Primley Park Crescent LS17**

The report of the Chief Planning Officer informed Members that the application had been referred to Plans Panel at the request of local Ward Members on the grounds that the proposals would result in a large property out of keeping with the rest of the street, and that the dormers, particularly those to the rear, would result in overlooking

of neighbouring properties, and that the proposals would result in increased traffic, congestion, pollution and noise and also causing the front of the site to become an unsightly parking area.

Permission had been granted in February 2011 for the provision of two additional flats in the roofspace of the property and permission was now sought for the following alterations to the approved scheme:

- Rearrangement of the layout of the two proposed flats within the roofspace to locate the living areas in the rear part of the building and the bedrooms in the front part.
- Provision of two flat-roofed dormers in the rear roofslope of the building to provide increased floor area to the two flats in the roofspace.
- Slight increase in width of dormers to front and re-siting of these to align them with the windows on the floors below.

It was further reported that further letters of objection had been received regarding the proposals being out of character with the area and that the dormers would be unsightly. The Panel was informed that the proposals met Neighbourhoods for Living Standards.

**RESOLVED** – That planning permission be granted in accordance with the recommendation and conditions outlined in the report.

#### **128 Application 11/01673/RM - Land to the rear of 35 Lower Mickletown Methley LS26**

The report of the Chief Planning Officer introduced an application that sought reserved matters approval for the layout, scale and appearance of a detached dwelling house with integral garage. The application had been brought to Plans Panel (East) at the request of local Ward Members on the grounds that the size, height and proximity of the proposed dwelling would have an adverse effect on the residential amenity of the occupants of those properties through loss of light and overshadowing. In addition, there were concerns with access and highway safety.

It was reported that a late representation had been received from the Environment Agency regarding a recent change to flood zone classification and part of the proposals now fell in zone 3. Condition 7 of the planning permission (appeal decision) set out that the house should be sited in zone 1.

**RESOLVED** – That the report be withdrawn from the agenda.

#### **129 Application 11/03893/LA - Site of former Carr Manor High School Stainbeck Lane Moortown LS17**

The report of the Chief Planning Officer introduced a proposal for the development of a new school building on the site of the former Carr Manor High School, Stainbeck Lane, Moortown. The application had been brought to Plans Panel as it related to a substantial and significant redevelopment proposal affecting the local communities in the Meanwood, Chapel Allerton, Potternewton and Harehills areas of the City, in addition to the immediate area surrounding the site.

Photographs, plans of the site and images of the proposed development were shown.

Issues highlighted in relation to the application included the following:

- The development would be on the footplate of the old school building.
- Reference to a deputation made to full Council from the Carr Manor Road Safety Group – Highways had considered and were satisfied with the proposals.
- Highways measures to be implemented – these included additional bus stops and provision of pedestrian handrails.
- The development consisted of a single storey school building with a sports hall.

In response to Members comments and questions, the following issues were discussed:

- Traffic arrangements for dropping off children – there was no provision on site for this.
- Development of a green travel plan.
- It was desired to have the development ready for the school to open in September 2012.
- The building would be of a modular construction and could be added to.

**RESOLVED** – That the application be deferred for further negotiation over:

- The provision of an on site pupil drop off area
- Details of the travel plan to be provided.

### **130 Application 11/03952/LA - Former Braim Wood High School - Wetherby Road Roundhay LS8**

The report of the Chief Planning Officer introduced an application for a primary school on the site of the former Braim Wood High School. The application had been brought to the Plans Panel because the whole of the site was within the Green Belt where inappropriate development would not normally be allowed and even where special circumstances to justify the development could be demonstrated, the impact on the open character of the Green Belt should be minimised. A statement had been submitted with the application, setting out the very special circumstances leading to the decision to pursue development on this site. However for this reason the application was a departure from the adopted UDP and was on land controlled by the Local Authority. In these circumstances and under the Town & Country Planning (Development Management Procedure) Order 2010, if Members were minded to approve the scheme, it would need to be referred to the Secretary of State for Communities and Local Government to enable whether it should be 'called in'; before a decision could be issued.

The application also related to a substantial and significant development proposal affecting the nearby local community of Roundhay as well as its conservation area and the setting of listed buildings.

Photographs and plans of the site were shown to the Panel.

Further issues highlighted in relation to the application included the following:

- The proposed development fell within the Roundhay Conservation Area.
- The development would be on the footplate of the old school building and would make use of the old service area.
- Pedestrian access from Wetherby Road.
- Impact on the highway network.
- An area for on site car parking had been identified.

In response to Members comments and questions, the following issues were discussed:

- Concern that the proposals were out of character for the location.
- It was reported that the previous building had been demolished following anti social behaviour at the site.
- Concern regarding traffic movements on Wetherby Road and Elmet Lane.

**RESOLVED** – That the application be deferred for further negotiation over:

- The provision of an on site pupil drop off area
- Improvements to design and appearance of the building
- Further information to be provided concerning other sites considered for the school and why they are not appropriate.

### **131 Application 10/05048/EXT - Land at Temple Green off East Leeds Link Road LS10**

The report of the Chief Planning Officer referred to an application for extension of time for outline planning application 21/199/05/OT to allow submission of Reserved Matters until 2023 (to erect warehouse and distribution development with car parking and landscaping) at Land at Temple Green off East Leeds Link Road, LS10.

**RESOLVED** – That planning permission be granted in accordance with the recommendation.

- Condition 2 – to read ‘submission of first reserved matters and commencement of development both by 2018’
- Condition 5 – reference to B2 to be deleted.

Additional conditions:

- Update of Landscape and Design Framework for whole site to be submitted with each reserved Matters application.
- Development in accordance with the approved Flood Risk Assessment (October 2010).

### **132 Date and time of next meeting**

Thursday, 5 January 2012 at 1.30 p.m.



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## PLANS PANEL (WEST)

THURSDAY, 10TH NOVEMBER, 2011

**PRESENT:** Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,  
M Coulson, K Groves, J Hardy, J Harper,  
T Leadley, J Matthews, P Wadsworth and  
R Wood

### 67 Election of Chair

Due to the reported late arrival of Councillor Taggart, Members were asked to nominate a Chair for the meeting. A nomination was made on behalf of Councillor J Harper and Members were asked to take a vote.

**RESOLVED** – That Councillor Harper be elected as Chair for the meeting until Councillor Taggart's arrival.

### 68 Declarations of Interest

Councillor Chastney declared a personal interest in Agenda Item 7, Application 10/03063/FU – Richmond House School, 168-170 Otley Road, LS16 due to his Membership of the Far Headingley Village Society. Minute No 71 refers.

Councillor Hardy declared personal interests in Agenda Items 12, Application 11/02847/FU – 21 Lower Wortley Road, Wortley, LS12 and 14, Applications 11/03820/FU, 11/03826/FU and 11/03828/LI – Stonebridge Mills, Stonebridge Lane, Wortley, LS12 due to previous discussions he had been involved with regarding the applications. Minute Nos 76 and 78 refer.

### 69 Apologies for Absence

An apology for absence was submitted on behalf of Councillor Taggart who would be arriving late to the meeting.

### 70 Minutes

**RESOLVED** – That the minutes be confirmed as a correct record subject to the following amendments:

- Minute 58, Application 11/03274/FU – British Home Stores, Bridge Road, Kirkstall, LS5  
Paragraph 2, amend the word Ionic to Iconic.  
Bullet point 2, amend rugby fields to read car park.
- Minute 59, Application 11/03503/FU – Adjacent to Emmott House, Town Street, Rawdon, LS19

Final paragraph, final sentence to read as follows: In response to Members' comments and questions, it was reported that planning permission had been granted for a new house before the sale of its plot by the owner of Emmott House, and confirmed that the plot was two metres narrower than shown on those plans. That was the reason for the new house having been erected in its current position.

It was also confirmed that previous planning permission granted for Emmott House had lapsed.

**71 Application 10/03063/FU - Richmond House School, 168-170 Otley Road, LS16**

The report of the Chief Planning Officer reminded Members of the application that was deferred at the July meeting following a request for clarification and reassurances that the parking area would be properly managed so as to avert parking in local streets and/or on the A660, and that agreement should be sought on funding for local waiting restrictions. Further discussions had been held between the applicant, Highways and local residents regarding traffic regulatory matters and the applicant had now agreed to provide a contribution towards a range of TROs incorporating two hour waiting restrictions on the north side of Glen Road and also to ensure that a scheme was implemented to control and monitor access/egress to the site by parents/visitors. The applicant had also submitted an additional statement setting out the reasoning behind the total number of parking spaces and had agreed that the surface of the car park would be semi permeable as requested by Members. Members were also asked to note that advice had been obtained from the Highways Officer that it was not practical to create a no-parking clearway on the A660.

Members were shown photographs and plans of the site.

Further issues brought to Members attention included the following:

- A representation had been received from the Chair of Weetwood Residents stating that although they still had concerns, they were more comfortable with the revised application.
- The applicant provided further details on the parking arrangements, there would be 58 spaces in the car park of which 43 would be available to parents for dropping off and collecting children. There would also be a drop off point for older children who would be supervised by a member of staff.
- Further objections had been received regarding obstructions on Glen Road and the loss of a playing pitch for the car park.
- It was recommended to approve the application. It was considered that there were net safety benefits in getting more cars off the road whilst children were being dropped off and collected.

A local resident addressed the Panel with concerns. These included the following:

- There had been insufficient analysis of the increase in traffic congestion.
- The application was more in the interests of the school than the local community.
- The loss of greenspace.
- Glen Road was a busy commuter road and this would put increased pressure on the junctions at either end of the road.
- It would cause unacceptable traffic problems for the local community.

The applicants agent addressed the meeting. He raised the following points:

- The plans had been developed following concerns for the safety of children and disturbance to local residents.
- The plans provided more control for the dropping off of children with a secure off road environment.
- Vision splays would be built into either side of the entrance to improve access and egress.

In response to Members comments and questions, the following issues were discussed:

- The applicant had appointed an independent consultant and traffic engineers were satisfied with the proposals.
- It was felt the proposals would improve traffic on Otley Road.
- Two hour parking restrictions on Glen Road.
- The emphasis on safety for children.

**RESOLVED** – That the application be approved in principle and the decision be deferred and delegated to the Chief Officer subject to the specified conditions and further consultation with Ward Members to discuss and agree the most appropriate time restriction for parking on Glen Road.

## **72 Pre-application presentation - PREAPP/11/00518 - vacant land, Off Holt Lane, Adel, LS16**

The pre-application report of the Chief Planning Officer was brought to the Panel due to the history associated with the site, scale of development and the high level of local interest in the proposal. The site was in phase 2 housing allocation. The principal of residential development was allowed on appeal in May 2011 when outline planning permission was granted. Members attention was also brought to the fact that there had been a reduction in the number of proposed dwellings on the site and the reduction of affordable housing in line with current policy.

Members were shown plans and photographs of the site.

The applicant addressed the meeting and highlighted the following issues:

- A number of consultations had been undertaken on the design and layout of the site.

- Building materials were still to be decided upon. There had been local support for stone buildings.
- Another property on the current site had been purchased and would be demolished as part of the proposals.

In response to Members comments and questions, the following issues were discussed:

- The reduction in the proposed number of properties allowed for more appropriate greenspace at the front of the site and also more landscaping throughout.
- The affordable housing element would consist of two and three bedroomed houses which would be on the Otley Road side of the development.
- It was hoped to get permission in February to allow progress on the site to be started from Spring 2012.
- Members discussed having a site visit.

**RESOLVED** – That the report be noted.

**73 Application 11/02980/FU - Greenlea Close, Yeadon, LS19**

The report of the Chief Planning officer advised that the application had been brought to Panel for determination as it related to a substantial development proposal and although there was outline consent, the house builder had decided to resubmit a fresh application to take advantage of the current lower affordable housing requirements.

It was reported that the proposals had initially been for 48 houses when the outline planning permission was granted in 2008. This had now been reduced to 30 houses. Members were shown photographs and plans of the site and surrounding area. Six letters of objection had been received from neighbouring residents and these focussed on loss of amenity and privacy.

Members attention was brought to the photographs and plans of the site in relation to distances between planned and current properties. It was reported that these fell within design guidelines under Neighbourhoods for Living. Further issues highlighted included the drainage scheme for waste and surface water and tree protection orders.

An objector to the application addressed the meeting. The following points were raised:

- The proposals would affect residents at Low Hall as the development would overlook the property.
- Trees that did not belong to the area of land to be developed were earmarked for removal.
- There were concerns regarding the proposed pumping station in terms of noise.

- Concerns regarding the effect on wildlife whilst excavation works were carried out.
- Increased traffic problems.
- Concern that significant consideration had not been given to drainage, there had been previous problems with flooding at the site.

The agent for the applicant addressed the meeting. The following issues were raised:

- The number of dwellings had been reduced to 30 which gave a better reflection of the housing needs of the area.
- Further consultation had taken place with Officers, Elected Members and local residents.
- Discussions would continue with the owners of Low Hall regarding the removal of trees.
- The proposals were in line with all planning policies and met Leeds City Council design standards.
- Discussions with Yorkshire Water had resolved that the surface drainage plans were the most appropriate for this kind of site.

In response to Members comments and questions further discussion was held regarding the provision of Metrocards, tree removal and drainage.

**RESOLVED** – That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement within three months of this resolution to ensure the following:

- 15% affordable housing built on site;
- Greenspace contribution of £84,222.96;
- Residential Metrocard scheme for residents of £12,117.60; and
- Subject to further conditions as outlined in the report.

**74 Application 11/02690/FU - Netherfield Mills, Netherfield Road, Guiseley, LS20**

The report of the Chief Planning Officer informed Members that the application was brought to the Plans Panel because it related to a substantial development proposal and had been subject to a recent appeal decision following a public inquiry. Original planning permission granted on appeal was an outline consent which was valid until March 2014 and a revised outline consent was presented to Members at Plans Panel West in October 2011. The scheme was approved by Members, with a lower Affordable Housing Contribution in line with the Interim Affordable Housing Policy. The developers had also stated a commitment to commence work on the site before the end of this year and to that end, they now required planning permission proposed under this application.

It was reported that the application sought full planning permission for the erection 87 dwellings with landscaping and public open space. Access would be from Netherfield Road via two cul-de-sacs. Members were shown full site plans and photographs of the site.

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The following issues were highlighted:

- Access to the site was as proposed when outline consent was given.
- Materials to be used on the site.
- The inclusion of chimneys on the properties.
- Retention of greenspaces.
- 4 new objections had been made regarding the proposals.

An objector to the application addressed the meeting. Issues highlighted included the following:

- It was hoped that the stone used would be real stone and not re-cast stone.
- It was desired that the chimneys would match those of a neighbouring site.
- Concern regarding extra vehicles and parking.
- Section 106 money to be used on bus shelters would be a waste due to the lack of services.

The applicant's agent addressed the meeting. He reported that outline permission was originally granted for 98 dwellings and that this had been subsequently reduced to 87 to provide quality country space. This had been done following discussion with Council Officers. Further reference was made to the planning gains that had been included and the two year time limit on the development.

In response to Members questions and comments, the following issues were discussed:

- Suggestions for public transport enhancement monies.
- Chimneys would be decorative, they had been requested by local Ward Members to protect the character of the area.
- The Affordable Housing would consist of 2 and 3 bedroom units. There was interest from registered landlords to manage these properties.
- Footpath improvements.

**RESOLVED** - That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement within three months from the date of the resolution to ensure the following:

- 15% Affordable Housing built on site with an appropriate mix and location of house sizes and types across the site;
- Education contribution of £414,451.47;
- Greenspace contribution of £197,028.12;
- Bus Shelter improvements of £20,000.00;
- Off-site highway works contribution towards pedestrian facilities on Oxford Road and Otley Road of £14,700.00;
- Residential Metro Card scheme for residents of £57,239.94;
- Public Transport enhancements of £106,662.00;

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- Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500.00; and subject to conditions as outlined in the report and no further representations raising new material issues being received prior to the end of the further publicity period on 11 November 2011.

Conditions in the report to include further consultation with Ward Members concerning improvement to the footpath and Ginnel to the Northern Boundary.

(Councillors Hardy and Coulson declared a personal interest in this item as Members of the West Yorkshire integrated Transport Authority)

(Councillor Taggart joined the meeting at 3.20 p.m. during the discussion on this item).

**75 Application 11/01803/ADV - Leeds Bradford International Airport, Whitehouse Lane and Victoria Avenue, Yeadon, LS19**  
(Councillor Taggart in the Chair)

The report of the Chief Planning Officer introduced an application which sought advertisement consent for the erection of 7 x 48 poster sheet billboards within Leeds Bradford International Airport's (LBIA) ownership boundary. It was considered that the application should be referred to Plans Panel because of its significance, impact on the local area and at the request of local Ward Councillors. A site visit had been held following the deferral of the application in October.

It was reported that the application was for seven illuminated free standing signs and that these all fell within greenbelt land. Through discussions had been held with highways and Members were informed that decisions could be taken on each individual board. Members were shown pictures of how the proposed billboards would appear.

Further to Members comments and questions, the following issues were discussed:

- No conditions could be made to control what was displayed on the billboards.
- Landscaping
- Road traffic accident history in the area.
- Lighting - the billboards would be illuminated, but not to levels that would distract road users.

Members discussed each of the sites individually and the applicants agent informed the Panel of discussions with their highways consultant in deciding upon the site for each billboard. Members then took a vote on each site.

**RESOLVED** - That signs 1,2,4,5 and 6 be approved and that Signs 3 and 7 be refused on the grounds of signs location and size likely to lead to the distraction of drivers to the detriment of highway safety.

(Councillor Coulson abstained from the voting on this item).

**76 Application 11/02847/FU - 21 Lower Wortley Road, Wortley, LS12**

The report of the Chief Planning Officer introduced a proposal for the retrospective change of the use of shop (A1) to hot food take away (A5). The proposal sought consent to open until 19:00 hours, seven days a week. The report had been brought to Panel at the request of a local Ward Member and had been deferred from the October meeting to allow for a site visit.

It was reported that there had been two applications refused on highways grounds back in 1997 and 1998 but these sought opening until 00:30 hours. Objections had been received from local residents and a Ward Member on highways and parking grounds and also due to a lack of shopping diversity. A build out had been introduced outside the premises and there was available off street parking so it was felt that highways and parking were not grounds to refuse. Similarly with respect to the lack of shopping diversity, the area was not protected by a shop restriction policy and therefore this was not felt to be a ground for refusal.

Further objections had been made on the grounds of anti-social behaviour, but as the shop closed at 19:00 hours, this was not considered to be a problem. A neighbouring premises had also submitted an objection regarding extraction and it was reported that this would form a condition to the application.

In response to Members comments and questions, the following issues were discussed:

- There was rear access to allow deliveries to the premises.
- Parking and enforcement

**RESOLVED** – That planning permission be granted subject to conditions as included in the report and an additional condition to ensure service deliveries are from the rear of the premises.

**77 Application 11/03274/FU - Bridge Road, Kirkstall, LS5**

The report of the Chief Planning Officer reminded Members that a progress report for the retail development by Metric Property Kirkstall for a mixed retail development at the British Home Stores site on Bridge Road was reported to Panel in October. Members commented on and requested additional information on the following:

- Concerns that there were would be higher volumes of traffic
- Proposed use of a requested footbridge to link the development with the rugby fields on the other side of the River Aire
- Concerns over the reduction in car parking and public transport contribution
- Environmental works along the river boundary and provision of survey on Otters.



Members were shown site plans and photographs of the site along with photographs of the views from Kirkstall Abbey as previously requested.

Reference was made to correspondence that had been received from a local Ward Member regarding further concerns that highways issues had not been properly addressed and the contribution for highways improvements was not enough.

Further to previous concerns and requests for further information, the following issues were reported:

- There was no additional impact on highways that was above the resources as provided by the scheme.
- Funding for Public transport had been increased from £170,000 to £199,000
- Funding for highways had increased from £210,000 to £351,000
- The latest Otter Survey had shown that although there were otters in the area there were no breeding sites – planting could be undertaken to encourage otters.
- Wind modelling – for a 2 storey development, the height was not sufficient to do this.
- Active travel – scheme for pedestrians and cyclists – there were funds to improve the area for cyclists and a footpath over the light railway.
- Impact on listed buildings – the nearest were at least 50 metres away – English Heritage had said there was no impact.
- Climate Change/Sustainability – negotiations were ongoing between Planning and the Developer.
- Job Creation – there was liaison with Employment Leeds regarding job opportunities for local people.

Councillor John Illingworth addressed the meeting. He raised concerns over traffic congestion and made reference to road traffic accidents that had happened in the area. The Panel was issued with maps showing locations of accidents that had happened in the surrounding area. Further issues highlighted included the following:

- Lack of traffic signals
- Climate change issues – low energy buildings and impact of increased carbon emissions from extra traffic
- Section 106 agreement – Councillor Illingworth felt that the Council should be getting more from this due to the high investment in the site.

The applicants agent addressed the meeting and informed the Panel of the history of the application and future proposals for the development. Reference was also made to the poor condition of the site when British Home Stores took ownership. Further issues discussed included car parking and floor space of the proposed development.

**RESOLVED** – That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement to ensure the following:

- Submission and monitoring of a Travel Plan (£3750)
- Funding for off site landscape works (approximately £110,000)
- Funding for the improvement of public transport and/or public transport infrastructure (£199,793)
- Use of local labour and local training
- Funding for off site highway works (approximately £40,000)
- Funding for cycle lane on Bridge Road (approximately £55,000)
- No less than 391 car parking spaces
- Bus shelter upgrades and real time bus information (£53,000)

And to resolve issues related to :

- climate change
- job creation and local training
- consideration of late issues raised in an objection submitted by Morrisons (if such issues cannot be resolved the application to be returned to Panel for decision)

and subject to further conditions as outlined in the report.

(Councillors Coulson and Leadley left the meeting at 17:50 and 17:55 respectively during the discussion on this item).

(Councillors Chastney and Matthews left the meeting at 18:05 following the conclusion of this item)

**78 Applications 11/03820/FU, 11/03826/FU and 11/03828/LI - Stonebridge Mills, Stonebridge Lane, Wortley, LS12**

The report of the Chief Planning Officer gave members a position statement on the following three applications at Stonebridge Mills, Stonebridge Lane, Wortley.:

- Laying out of access road and erect retail foodstore with service yard, covered and open car parking and landscaping
- Conversion of listed buildings to form 17 flats
- Listed building consent for refurbishment and demolition of buildings

It was reported that the application had been referred to Plans Panel due to it being a significant development.

Members were shown plans and photographs of the site and the following issues were highlighted:

- The previous application was for a retail development that was only half the size of what was currently proposed.
- It was proposed to demolish more buildings on the site – no extra listed buildings to be demolished.

- Affordable housing – discussions to be held with Housing Associations about management
- Objections had been received from local Ward Councillors and support for and against the plans had been received from local residents.
- The site was allocated for convenience shopping in the UDP
- Highways were in discussion with the developers over the proposals
- Further concerns regarding changes to the original plans included the location of the service yard, the proposed store building being double the original planned height and was nearer to listed buildings.
- Ecology – concern regarding the loss of habitat for wildlife
- The developers had a commitment to job creation for local people.

In response to Members comments and questions, the following issues were discussed:

- A site visit was suggested.
- Significant changes to the original application.
- Retention of heritage and listed buildings.

**RESOLVED** – That the report be noted.

**79 Date and Time of Next Meeting**  
Thursday, 8 December 2011 at 1.30 p.m.

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## PLANS PANEL (WEST)

THURSDAY, 8TH DECEMBER, 2011

**PRESENT:** Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,  
M Coulson, K Groves, J Hardy, T Leadley,  
P Wadsworth, C Fox, M Hamilton and  
E Nash

### 80 **Late Items**

The Panel received a supplementary agenda which included the report for Agenda Item 13, Applications 11/04253/FU and 11/04253 – Commercial Road/Kirkstall Lane/Kirkstall Hill, Kirkstall

### 81 **Declarations of Interest**

Councillors Chastney and Akhtar declared a personal interest in Agenda Item 7, Application to Register Land as a Town or Village Green at Butcher Hill West Park due to their membership of the North West Inner Area Committee.

Councillor Fox declared a personal interest in Agenda Item 8, Stonebridge Mills, Stonebridge Lane, Wortley and Agenda Item 13, Commercial Road/Kirkstall Hill/Kirkstall Lane, Kirkstall as he had a family member who was a Tesco shareholder. He also declared a personal and prejudicial interest in Agenda item 11, The Tannery, Leeds Road, Otley as he knew the applicant.

### 82 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Harper, J Matthews and R Wood.

Councillors E Nash, M Hamilton and C Fox were in attendance as substitute Members.

### 83 **Minutes - 10 November 2011**

**RESOLVED** – That the minutes of the meeting held on 10 November 2011 be confirmed as a correct record.

### 84 **Matters Arising**

With regard to a previous decision of the Plans Panel West in respect of a Town or Village Green application at Yeadon Banks, it was reported that the decision had been the subject of a High Court challenge and Judicial Review. The landowner had argued that the application was retrospective in nature, that legislation was grotesquely unfair to landowners and should not be relevant until 20 years after the provision of the relevant act i.e. 2020. The

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to be held on Thursday, 12th January, 2012

landowner had also challenged the decision through Human Rights legislation as they felt there was no fair balance in the landowners interest. A strong judgement had been made against these appeals and they had been dismissed, it was also requested that the landowner met the Council's costs in this case. The landowner had indicated that they would further appeal to the Supreme Court and had until 30 December 2011 to do so. Part of the land in the application was owned by the Council.

It was also reported that the Chancellor had announced that the Leeds City Region Rail Growth Pack had been approved. The new stations at Kirkstall Forge and Apperley Bridge would now go ahead along with the development of twelve hundred dwellings and commercial developments at Kirkstall Forge. The development would support the creation of 2,500 to 4,000 jobs and lever in £350 million investment. It was hoped that the scheme would reduce congestion on the A65. It was anticipated that work would commence in the summer of 2013 with the station being ready for the end of that year.

**85 Applications to Register Land at Butcher Hill, West Park and Old Farm Drive, Leeds as Town or Village Greens Under the Provisions of Section 15(1) of the Commons Act 2006**

The report of the City Solicitor informed Members of three applications that had been submitted to the Council by Councillor B Atha and the Spennings Hill Resident's Association, Moor Grange Action Group, West Park Resident's Association, Kirkstall Crusaders, Hawkesworth Community Association and North West (Inner) Area committee (The Applicant) for the registration of areas of land identified by the Applicant to be Butcher Hill Playing Fields, West Park Playing Fields and land off Old Farm Drive (the application sites) as Town or Village Greens under the provision of section 15(1) of the Commons Act 2006.

The report advised Members of the relevant issues which should be taken into account in considering the applications and to seek a determination as to the procedure that should be followed in order to resolve the applications and in particular whether in the circumstances outlined whether non statutory public hearings should be held.

The applicant had maintained that the test had been met to register the areas of land concerned as a Town or Village Green and had provided evidence to support this, this was rebutted by the landowner. As it was clear there was a matter of dispute between the applicant and the landowner, the Panel was advised to decide whether to appoint an independent inspector to conduct an inquiry into the application.

Members discussed the possibility of the plans Panel conducting an inquiry into the applications. It was reported that this would require significant training for the Panel and hearings could be held over several days. There was also an issue of the Council owning some of the land and a perception of how this could be viewed. Further suggestions were made as to how the Panel could proceed with this matter and members were asked to vote on the following:

- To appoint an independent Inspector
- To defer the decision for further investigation into the implications of the Plans Panel (West) carrying out the inquiry.
- That the Plans Panel (West) carry out an inquiry into the applications.

Members were further advised that in these cases where distinct opposite views had been made, that an independent inspector should be appointed. It was also mentioned that Members would have to sit through all the evidence at all stages of the inquiry.

**RESOLVED** – That the Plans Panel (West) carry out an inquiry into the applications.

**86 APPLICATIONS 11/03820/FU, 11/03826/FU AND 11/03828/LI -  
STONEBRIDGE MILLS, STONEBRIDGE LANE, WORTLEY, LS12**

The report of the Chief Planning Officer provided the Panel with a position statement on an application for Stonebridge Mills, Stonebridge Lane, Wortley. The report had been deferred from the previous meeting to allow Members an opportunity for a site visit. The site visit had taken place prior to the Panel meeting.

Members were shown plans and photographs of the site and attention was brought to the listed buildings on the site. The Panel was informed of which buildings were earmarked for demolition and concern was expressed regarding the justification for the removal of listed buildings. Further issues highlighted in relation to the application included the following:

- Negotiations with Highways were ongoing.
- The possibility of having a bus lay by on Stonebridge Lane.
- Metro request for a hopper bus.
- Environment and Neighbourhoods had been consulted and would not object to 24 hour deliveries to the proposed supermarket.
- Members were asked to consider the heritage assets of the site. It was reported that the condition of some of the buildings on site had deteriorated and were in need of repair work.

In response to Members comments and questions, the following issues were discussed:

- Members were strongly of the view that listed buildings should be retained where possible. The scheme should come forward with a total package for the historic buildings on site including their reuse with viable uses and not just proposals to use some and seal and secure others.
- In the meantime existing buildings to be retained should be protected to prevent further deterioration.
- Reclamation and reuse of stone should any buildings be demolished.
- Ensuring the retained mill pond had value by the development of a management plan.

- Highways issues – Members were shown details of access to the site and proposed road layouts.

**RESOLVED** – That the report be noted.

(Councillor Taggart declared a personal interest in this item due to his position as Chair of the West Yorkshire Joint Services Committee as representations had been made by the West Yorkshire Archaeology Service. Councillor Hardy also declared the same personal interest as a substitute Member of the West Yorkshire Joint Services Committee).

**87 Applications 11/04253/FU and 11/04253 - Commercial Road/Kirkstall Lane/Kirkstall Hill, Kirkstall**

The report of the Chief Planning Officer provided a position statement on the application for the redevelopment of land surrounded by Commercial Road, Kirkstall Lane, Kirkstall Hill and Beecroft Street in Kirkstall. It was proposed to demolish all the current buildings on the site and these would be replaced with a new supermarket, three storey car park, 7 smaller retail units, a new community centre and a replacement Post Office Workers Club. There would also be a play area to the front of the site.

Members were shown site plans and photos of the site and a model of the proposed development was on display at the meeting. Further issues highlighted included the following:

- Entrances to the site – there would be vehicular entrances at Commercial Street and Kirkstall lane (servicing entrance).
- The scheme would introduce significant highways changes – Commercial Road would be widened to 3 lanes to allow access and new traffic signals would be installed. Kirkstall Hill would also be widened with traffic lights installed and Beecroft Street would become one way out onto Commercial Road but would be widened from its junction with Sandford road up to the junction with Kirkstall Hill. Concerns had been received from Highways regarding the capacity of the local road network to deal with the traffic but a full response to the traffic impact was awaited.
- Impact of a high building development with a small footprint and the impacts on views from Kirkstall Abbey, Beecroft Street and within the wider area given its hillside location.
- Consideration of materials to be used on the proposed development.
- Concern that the size and scale of the proposals together with the associated highways works would create a retail island. Further information would be brought on the likely retail impact.
- The proposed development would create approximately 400 jobs and be a significant regeneration scheme for the area on a largely vacant site.

Members were asked for their initial views on the proposals. The following issues were discussed:



- Highways concerns – roads in the area were already at a saturation level with congestion at junctions and the proposals would bring more traffic into the area. Highways would be able to provide more analysis and assessment of impact in due course.
- Concern that the proposal was not fitting for the area and was more suited to an out of town development. Comparisons were made to a similar development in Batley where the additional retail units had remained empty. Whilst Members were keen to see something happen on this site and were aware of the physical challenges in bringing a scheme forward on the site, there was a general consensus that the scheme presented due to its size, scale and impact would be out of character and detrimental.
- Concern about pedestrian access arrangements.
- Concern regarding the siting and detail of the Children's play area.
- Concern of some Members about the demolition of the existing terrace of commercial premises on the Commercial Road frontage..

**RESOLVED** – That the report and discussion be noted.

(Councillor Nash declared a personal interest as she was a Member of the Co-Operative Retail Group).

**88 Application 11/01860/FU - Carlisle Road/New Street Pudsey**

The report of the Chief Planning Officer informed Members of an application to demolish some existing industrial buildings on an industrial site and replace them with 23 dwellings which would range in size from 2 to 4 bedrooms at Carlisle Road/New Street, Pudsey.

Members were shown site plans and photographs of the site. Members had visited the site prior to the meeting.

Further issues highlighted in relation to the application included the following:

- The design of buildings would be simple to reflect current small buildings and materials would include red brick at the bottom and rendering above. Discussions were ongoing regarding the possible reuse of the stone from the mill building.
- The land was not allocated for residential use in the UDP. The site had been marketed for commercial usage since 2006 and no interest had been received.
- It was not financially viable to convert the mill building into flats.
- Adjoining industrial buildings – discussions would be held with Environmental Health and the Applicant regarding the impact on the new development of the adjoining business and what mitigation measures may be required.
- Reference to Section 106 agreements and provision of greenspace contribution, affordable housing, bus stop upgrades and Metrocards for residents..

In response to Members comments and questions, discussion focussed on the surrounding industrial properties. Further discussion with Environmental Health would consider the possibility of noise disturbance to any new properties and what mitigation was necessary – this may necessitate some change to the layout or more robust boundary treatment. It was reported that there had not been any complaints or objections from existing properties about the 24 hour operation of the existing business adjoining.

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer after further consultation with Ward Members and subject to the submission of a noise report and satisfactory resolution of any issues arising including adequate mitigation and the signing of a Section 106 Agreement to cover:

- Funding for offsite greenspace (£64,570.02)
- Provision of 3 affordable houses on site (2 submarket (plots 12 and 16) and 1 social rent (plot 4))
- Funding for upgrades to two bus stops (£6,000) and metrocards for first 3 years from occupation
- Conditions included in the report and any others considered necessary.

**89 Leeds Bradford International Airport - Monitoring Report of Night Time Aircraft Movements, Noise Levels and Air Quality**

The report of the Chief Planning Officer reminded Members of the previous monitoring report when there had been two breaches of the planning condition relating to night flying and aircraft noise.

It was reported that during the last monitoring period (March to October 2011 inclusive) there had been no further breaches. Members were also informed that a test flight was planned for the new B777 plane that would be used by PIA and was to be introduced in 2012. This would be quieter than the existing plans that was used.

**RESOLVED** –

- (1) That the report be noted in relation to the night time movements, noise and air quality movements. Members also advised that as aircraft technology evolved, aircraft noise should continue to reduce.
- (2) That continued support for the approach of officers in seeking to resolve any future issue of PIA breaches by continued dialogue rather than formal action at this stage, given that no breaches had occurred in the last eight months, be agreed.
- (3) That a verbal update on the introduction of the B777 aircraft for PIA flights be given at a future Panel meeting.
- (4) That Members be updated and a further report on the night time movements, noise and air quality monitoring be reported in six months time.

**90 Application 11/04581FU - St Ann's Lodge. St Ann's Lane, Burley**

The report of the Chief Planning Officer informed the Plans Panel of an application for the change of use of a former hostel into student

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accommodation. There were no physical alterations proposed to the property both externally and internally. The application was solely concerned with the use of the building. The application had been brought to the Panel following objections from local Ward Members.

Members were shown site plans and photographs. Further issues highlighted in relation to the application included the following:

- There were trees covered by Tree Protection Orders (TPOs) in the grounds.
- The building was in a residential area.
- Further objections had been received from the HMO Lobby and local residents.
- The property was not suitable to be converted for family use.
- It was over 35 metres from the nearest residential properties.
- The application was recommended for approval as it met all criteria of Policy H15.

In response to Members comments and questions, the following issues were discussed:

- The property was previously used by the YMCA and was mainly used for short term lets and had a high turnover of occupants.
- Further to objections it was not contrary to Policy H15 as all criteria had been met. The Panel was informed of the criteria involved.
- Members generally felt that the building was better being put back into use.

**RESOLVED** – That planning permission be granted subject to conditions outlined in the report.

**91 Applications 11/04382/FU and 11/04383/CA - The Tannery, Leeds Road, Otley**

The report of the Chief Planning Officer referred to previous applications that had been considered by the Panel and reminded Members of the decision to refuse planning permission in June. At that meeting, Members had also discussed other options and had voted in favour of supporting the full demolition of the Tannery building should an acceptable alternative scheme be proposed.

The application consisted of 10 houses in 3 blocks to replace the Tannery building. This would include two rows of 4 terraced properties and 2 adjoining town houses. Members were shown site plans and photographs of the site.

Further issues highlighted in relation to the application included the following:

- The building was within the Otley Conservation Area but was not listed or listable.

- Reference to previous applications included those that supported some retention of the building.
- Representations against and in support of the application.
- Re-use of stone from the building in the new development and landscaping works.
- Proposed contribution for Metro.
- Retention of the Otley Town Council plaque.

The applicant addressed the meeting. The following issues were highlighted:

- Active marketing of the site had not proved successful.
- The building was in an unlettable condition.
- Otley Museum had rejected an offer to take the building on.
- It would cost too much to bring the building back into a useable condition.
- The proposals for family housing were sympathetic to the area.

Members briefly discussed the proposals and the use of stone as opposed to red brick was suggested along with alterations to the positioning of the front doors on the two adjoining properties.

An objector to the application addressed the meeting. The following issues were highlighted.

- The Tannery was a historic building and was the first distinctive landmark when travelling into the Otley Conservation Area.
- Part of the building was still in use and alternative ways of utilising the building could be investigated.
- Access to the site.
- Members had previously agreed demolition subject to a high quality scheme. It was not felt that red brick would be appropriate and the conservation area was defined by stone buildings.

In response to Members comments and questions, further discussion was held regarding the use of materials with further emphasis being placed on the use of stone and for slate roofs.

**RESOLVED** – That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement before the 16 January 2012 to ensure the following:

- Greenspace contribution of £23,902.59
- Off site highways of £5,000
- Metro Card contribution of £4,700

Subject to conditions as outlined in the report and no further representations raising new material issues being received prior to the end of the further publicity period on 15 December 2011. Further consultation

to held regarding the use of slate and stone and positioning of doors and windows.

- 92 Date and Time of Next Meeting**  
Thursday, 12 January 2012 at 1.30 p.m.

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## Plans Panel (City Centre)

Thursday, 24th November, 2011

**PRESENT:** Councillor B Selby in the Chair

Councillors G Driver, S Hamilton, J Jarosz,  
J McKenna, M Hamilton, C Campbell,  
G Latty, A Castle, A Blackburn and  
M Coulson

### 35 Late Items

No formal late items of business were added to the agenda, Members were in receipt of supplementary information relating to the proposals for the former Alf Cooke Printworks (minute 41 refers)

### 36 Declarations of Interest

The following Members declared 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:

Councillors Campbell and Selby – Update on the First White Cloth Hall – declared personal interests as members of English Heritage which had been involved in the work to progress the reclamation project from the beginning. (minute 42 refers)

Councillor A Castle declared a personal interest in all the items on the agenda as a member of Leeds Civic Trust as the Civic Trust had commented on the proposals contained within all the applications

Councillor Campbell – redevelopment proposals for the Merrion Centre and proposals for the former Alf Cooke Printworks – declared a personal interest in both applications as a member of WYITA Passenger Transport Consultative Committee, as METRO had commented on the applications (minutes 39 & 41 refer respectively)

Councillors Driver & Jarosz – redevelopment proposals for the former Alf Cooke Printworks - declared interests as members of the Leeds College of Building. The legal adviser determined that these were personal interests as Councillor Driver explained he was aware that the College of Building had proposed a development in the vicinity of this site. (minute 41 refers)

### 37 Apologies for Absence

Apologies for absence were received from Councillor Nash. The Panel welcomed Councillor Coulson as her substitute

### 38 Minutes

**RESOLVED** – That the minutes of the meeting held on 27<sup>th</sup> October 2011 be agreed as a correct record

**39 Application 11/03424/FU - Proposed alterations, change of uses and reconfiguration of floorspace, Merrion Centre, Merrion Way and Wade Lane, Leeds**

Further to minute 29 of the meeting held 27<sup>th</sup> October 2011 when Panel deferred determination of the application to allow more time for officers to discuss Members' concerns over the Travel Plan, elevations and lighting, the Chief Planning Officer submitted a report setting out the developers' responses. Members had visited the site prior to the meeting. Site plans, internal layout plans and architects drawings were displayed at the meeting along with computer generated graphics showing the earlier and revised proposals. A copy of the report presented to Panel on 27 October 2011 was included for reference

(Councillor A Blackburn joined the meeting at this point)

The revisions to the scheme were highlighted as being:

**Elevations**

- Glazing was now proposed to extend around the corner of Wade Lane and into the Service area entrance. The glazing would be frosted to prevent views into the gym proposed at this location
- The cladding to the top level of the car park had been reduced by 2m in order to emphasise the linear effect and focus attention to the ground floor double height glazed shop fronts
- Darker coloured cladding panels were now proposed to the rear of the lighter diagrid cladding to encourage greater attention on the new grid formation to the foreground

**Lighting**

- Technical drawings of the proposed diagrid showing the LED points and a slide showing the intended night scene with the car park illuminated were displayed. The LEDs had colour changing ability

**Surface treatment**

- The proposed works were felt to be commensurate with the scale of development proposed under this application
- The Panel had previously identified the pavements between the Arena site and Merrion Centre as requiring refurbishment. Officers responded that the Arena permission included surface treatment works to the footway fronting Merrion Way outside Merrion House. Additionally the proposals for the Grosvenor Casino site on Merrion Way include pedestrian footway improvements

**Travel Plan**

- The revisions to the Travel Plan (TP) addressed the Panels previous concerns and included an increase of 50% to the TP budget, the potential for additional incentives; commitment to participate in local sustainable travel events and an undertaking for additional publicity of the scheme.
- A sequence for the survey and monitoring of the TP throughout the development and occupation phases had been agreed and included a TP Co-ordinator who would be responsible for delivering best practice for the Merrion Centre as a whole
- The Public Transport Contribution had now been agreed



Officers concluded by stating that TCS, the developer, were keen to commence development works with a view for completion prior to the opening of the Arena

(Councillor S Hamilton left the meeting at this point)

Members made the following comments:

- Welcomed the improvement made to the Wade Lane elevation which Members noted was likely to see increased footfall from visitors en route to the Arena. Members suggested further improvement could be made by the inclusion of one more glazed panel to face into the service area
- Sought to confirm the preservation and re-installation of the mosaic at the Wade Lane junction and discussed whether the re-installation could be time limited. Officers responded that this could be discussed with the developer and a management plan for the implementation could be presented to Panel in due course
- One Member expressed the view that the car park elevations looked better at night than day
- One Member retained concerns over the amount of proposed licensable space, but Panel noted that although this space could be deemed suitable in planning terms for licensable purposes, the Licensing Committee would determine any future licensing applications

(S Hamilton rejoined the meeting at this point)

- The need to determine whether Merrion Way would predominantly be a highway or pedestrian use and the need to reflect that in the future treatment of the route
- The TP appeared more robust, but concern remained over its effectiveness and whether the incentives were sufficient. Officers outlined the stronger TP structure now proposed in response

**RESOLVED** – That the application be approved in principle and determination be deferred and delegated to the Chief Planning Officer for final approval subject to the specified conditions contained in the report (and any others which he might consider appropriate) and the completion of a Section 106 Agreement to include the following obligations:

- Public transport contribution (minimum £11,670 to maximum £99,372)
- Travel plan and monitoring fee (£3,000)
- Employment and training initiatives
- Section 106 Management fee (£1,500)

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

**40 Application 11/03759/RM - 29 storey block of flats and use of 2 railway arches for commercial uses and Application 11/03758/LI - works to disused railway viaduct to form new public realm and links to adjoining residential development, former Doncaster Monkbridge site, Whitehall Road, Leeds**

The Chief Planning Officer submitted a report on two applications relating to the former Doncaster Monkbridge site. Panel noted that outline planning

permission had been granted for the residential block in 2007. The reserved matters application related to a 29 storey residential development (the third block out of a total of four on the site) and works to the railway viaduct to create new public realm, access and retail uses. The listed building application relates to the works to the railway viaduct which is Grade II listed. Site plans, photographs and architects drawings were displayed at the meeting. Members had visited the site prior to the meeting. Officers outlined the proposals as:

Viaduct – the listed building application proposed the same repair and restoration works as Application 07/06133/LI which had lapsed on 5/9/11

- Modern brick buttresses to be removed
- The balustrade to be replaced in areas where it had decayed or was missing
- The arches would provide either pedestrian or vehicular access into the site, and a mix of retail/commercial uses
- An elevated walkway connecting the viaduct to the multi-storey car park
- A nature reserve/biodiversity area to be established on the western end of the viaduct with the remainder of the viaduct top being laid out as a publicly accessible landscaped space
- An area of public realm is also to be introduced between the viaduct and the residential building at ground level

Residential Block

- The elevations would incorporate white composite ceramic and porcelain materials
- Ground floor - cycle store and entrance
- First floor – additional entrance with ramped access to account for level changes and to reflect the design of the grit stone steps to be introduced to the viaduct
- Accommodation to be a mix of studio, 1, 2 and 3 bedroom units and duplexes
- The roof is stepped back from level 23 with the introduction of roof terraces
- 3 bed units and duplexes with greater terraced areas are proposed from level 26
- Indicative drawings of the block in situ were displayed showing the proximity of the block to the viaduct and the other three blocks proposed in the overall development
- Officers concluded that the proposals in these applications were in accordance with the design principles submitted at the Outline application stage

Members discussed the following matters with officers:

- Height of the block and the overall impact of the four tall buildings on wind generation at ground level, referencing back to the experience of Bridgewater Place. Officers responded that a condition requiring that a wind survey be undertaken could be added
- Whether sun plotting had taken place. Members noted the indicative drawings showed external seating in the public space to the north of the Viaduct but commented that the sun would be to the south
- Noted the nearby MEPC scheme incorporated greenspace which would complement this scheme. Members requested that the historical aerial photograph of both sites be made available for reference

- The nature of the intended public art. Officers responded that the LCC Design Team would liaise with the developer over public art and that the installations already on site made use of artefacts of the former use of the site, such as the “drop hammer” from the former iron works
- Sought further detail on the size of the flats particularly the 19 three bed units located above level 26. Members queried whether these would be of sufficient size to provide family units and whether they would be suitable for children
- Commented on the safety aspect of the elevated walkway
- Sought to ensure delivery of the Viaduct scheme parallel with the development of the residential units. Officers responded that the viaduct works were integral to the access and public realm arrangements for the residential blocks within the design of the scheme
- Noted that the development of Block 1 was required by September 2012 in order to comply with the existing permission and that none of the blocks could be developed without the development of the Viaduct. Some works had already been done to the Viaduct which was regarded as an asset to the overall site

**RESOLVED –**

a) That **Application 11/03759/FU** be granted subject to an additional condition requiring a wind assessment be undertaken and subject to the specified condition contained within the report.

b) That **Application 11/03758/LI** be granted Listed Building Consent subject to the conditions listed in full at appendix A of the submitted report

**41 Application 11/04293/FU - change of use of former printworks to Class D1 Educational use and Application 11/04278/LI - Listed Building application for demolition works, restoration and alterations to the former Alf Cooke Print Works, Hunslet Road, Leeds LS10**

The Panel had visited the site prior to the meeting. Plans of the existing building footprint were displayed for reference along with proposed site plans, indicative drawings, internal layout plans and computer generated images of the elevations and streetscene. Members had regard to the addendum sent out after the agenda for the meeting.

Officers highlighted the main issues for consideration as being:

- The balance between the buildings to be demolished and those to be retained. Historical internal features within the Main Building printing halls (MB) such as the staircases, balustrade and columns will be retained and modern additions such as partition walls will be removed
- Building 3 will be re-clad with twin-skin glazing and brise soleil with access ramp and will provide the main college entrance and general administrative uses,
- Building 4 is to be extended to provide catering & hospitality courses
- Building 5 will be re-clad with new roof lights and provide hair & beauty courses with likely motor vehicle repair uses introduced in phase 2 of the development.
- Building 6 would be demolished and replaced with landscaping, cycle and motorcycle parking and visitor parking

- A courtyard area will be created to the rear of the site in the void left by the demolition of buildings 2b and 2c
- Computer generated graphics showing the internal atrium of the MB and external elevations on the streetscene were displayed
- Officers also issued a correction to the main report stating that paragraph 10.6.1 should state that whilst the proposed use is classified under PPS25 as “more vulnerable”, the applicant had demonstrated via a submitted sequential test, exceptions test and the submission of a flood risk assessment, that the proposals were acceptable in this location and would adequately safeguard against the potential flooding impact.

Members broadly welcomed the scheme which they felt would provide a prestigious re-use of the site and went onto discuss the following:

- Noted the site was well served with bus links, but access from the Dewsbury Road corridor was difficult
- Proximity of the main entrance to Hunslet Road which was a busy main road into the city. Members noted that once the Mill Building was refurbished a new entrance would be created at the south eastern corner of the site. Officers responded that improved signage would encourage greater use of this entrance away from the main road
- The modern treatment to the elevations of Building 3 was welcomed but Members felt the proposed colour of the glazing should relate better to the red brick colour of the MB. It was noted that this could be discussed with the applicant
- Colour treatment of the gable end of the MB which abuts Building 3 needed to delineate the difference between the buildings. Officers confirmed that this colour could be discussed with the applicant
- Commented that the removal of building 6 could create a wind funnel effect between building 5 and the MB. Officers responded that a wind assessment had not been requested as the scheme did not propose any new buildings taller than those existing. Any wind generated could be dissipated through trees within the courtyard landscaping scheme. However, Members’ concerns about the demolition of buildings altering the potential wind impact were noted and a wind study would be requested by condition
- Treatment and width of the Hunslet Road pavements and whether they had the capacity to withstand the increased footfall
- Noted the proposal to establish a further pedestrian crossing to Hunslet Road, and that the installation of pedestrian crossing near to Crown Point Retail Park and the future creation of the city park would provide a safe and pedestrian friendly route to the College from the city
- The status of the overgrown and unused pedestrian footpath to the rear of the site. Members discussed whether this could be treated in order to promote its use, but noted it lay outside the development site and was not owned by either the developer or LCC. It was acknowledged that the developer would have to address the path in order to gain access to the rear of the site, but that the future maintenance of the path could not be resolved on the back of this application. Officers responded that the future of the path could be further investigated

The Chief Planning Officer highlighted the fact that delivery of this scheme was dependant on successful funding bids, and additional features and complications such as siting of the main entrance and signage could impact on the bid. Officers noted Members comments welcoming the retention of internal features to the MB and highlighted the condition included to ensure that recording of artefacts is undertaken which could highlight the need to preserve any items for future public art installations

(Councillor Jarosz withdrew from the meeting at this point)

**RESOLVED**

**a) Application 11/04293/FU** – That the application be deferred and delegated to the Chief Planning Officer for approval, subject to an additional condition requiring a wind study,, the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement to cover the following matters:

- Off-site highways works contribution for provision of toucan crossing facilities and associated works and TROs (if necessary); and cycle route signing to unsegregated shared pedestrian/cycle use on the Hunslet Road footway between the junctions of Chadwick Street and Sayner Road on the eastern side and provision of a "dismount sign" on the western side of Hunslet Road; and Leathley Road access yellow box and TRO if necessary if the Council's scheme is not in place prior to commencement of development. This has been estimated at approximately £136 000
- Contribution to local bus stop improvements prior to commencement of development £40 000
- Contribution to local public realm enhancements for the proposed City Centre Park prior to first occupation of £15 000
- A contribution to public transport improvements would be made prior to first occupation on the remaining balance up to a maximum sum of £109 000
- Travel plan monitoring fee £2700 prior to first occupation
- Employment and training opportunities for local people
- Section 106 management fee within one month of commencement of development £3000

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer

**b) Application 11/04278/LI** – That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the specified conditions contained in the submitted report (and any others which he might consider appropriate).

(Councillors Driver and J McKenna withdrew from the meeting for a short while at this point. Councillor S Hamilton left the meeting)

#### **42 First White Cloth Hall**

The Panel received a report providing an update on the progress made to restore the First White Cloth Hall, Lower Kirkgate and setting out future development options. The Regeneration Manager (Projects & Programmes) attended the meeting and presented the following key issues:

- The remaining structure comprises of two-thirds of the original First White Cloth Hall (FWCH) with the west wing being lost due to the demolition of a neighbouring property in 2010. The demolition enabled safe access to the site, an analysis of which determined that repairs to the fabric of the building could be undertaken and as such were eligible for funding from the Heritage Lottery Fund
- The FWCH will now be included within the Stage 2 bid to the Heritage Lottery Fund for repair and restoration works to Lower Kirkgate. The Stage 2 bid will be made by May 2012
- The owner of FWCH owned a number of other properties within the THI developments along with the car park to the rear of the FWCH. In order to show how these developments will relate in spatial and financial terms the owner had been asked to produce a wider master plan for the area
- Works were anticipated to commence on the FWCH in Autumn 2013 if the Stage 2 bid was successful

Members discussed the following

- Emphasised their concern that, given the history of the site, there was a need to establish time limits for action and to provide timely updates to Panel on the progress of the HLF bid and subsequent actions
- The phasing of the five year development plan for all properties within the Townscape Heritage Bid
- The documenting of the archaeology of the site which will continue into 2013 depending on what is discovered there
- The difference between the two artists impressions of the original FWCH façade shown and the need to ensure one drawing is presented to the HLF. It was noted that the drawings had evolved as the archaeology was further investigated

**RESOLVED** – That the contents of the report be noted and to note in particular that work is progressing towards repairing the First White Cloth Hall. To request a further report be presented to the 16th February 2012 Panel meeting to include information on the preferred development option

#### **43 Date and time of next meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 22<sup>nd</sup> December 2011 at 1.30 pm

## Plans Panel (City Centre)

Thursday, 22nd December, 2011

**PRESENT:** Councillor B Selby in the Chair

Councillors G Driver, J Jarosz, J McKenna,  
E Nash, M Hamilton, C Campbell, G Latty,  
A Castle, A Blackburn and C Macniven

### 44 **Declarations of Interest**

The following Members declared 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:

Councillor A Castle declared a personal interest in Application 11/03655/FU - Change of use and extensions for restaurant, casino and serviced apartments at Merrion Way) and Application 11/04023/FU (office space and hotel on Whitehall Road) as a member of Leeds Civic Trust. The Civic Trust had commented on the proposals contained within the applications (minutes 47 and 48 refer)

### 45 **Apologies for Absence**

Apologies were received from Councillor S Hamilton and the Panel welcomed Councillor Macniven as her substitute

### 46 **Minutes**

**RESOLVED** – That the minutes of the last meeting held on 24<sup>th</sup> November 2011 be agreed as a correct record

### 47 **Application 11/03655/FU - Change of use of ground floor offices to A3 (Restaurant), extensions to form two A3 units, extension to Casino and construction of 102 Bedroom Serviced Apartments, Merrion Way, Brunswick Terrace and Tower House Street, Leeds**

Plans, architects drawings and photographs of the site were displayed at the meeting along with computer generated graphics showing the development in situ. Plans showing the footprint of the current buildings were displayed for comparison with the proposals. Members had visited the site prior to the meeting.

Officers outlined the proposals which included new active frontages to Brunswick Terrace, ground and first floor extensions to the casino, new shopfronts and recladding of the podium building, construction of a part 6 and part 10 storey serviced apartment building, a new entrance into Tower House and important public realm around the site which is pivotal to the regeneration of the area. The uses would help to reinforce the function of this part of the city centre as a major leisure and visitor centre. Key issues to consider were highlighted as being:

### Buildings

- The resurfacing of the terrace over the basement car park, together with extended public realm to the side (enabled by the infilling of the existing ramp) and rear (enabled by the removal of the surface car park) to improve pedestrian access and the appearance of the area.
- The delivery of a series of meaningful steps in building mass rising towards Tower House.
- The protection and framing of key views of the arena at ground and upper levels.
- The use of a calm monochromatic palette of materials responding to the form of the existing buildings whilst avoiding conflict with the detail of the arena building to the rear.
- The recladding of the base of Tower House to form a positive base to the building.
- The provision of a comprehensive lighting scheme around the development adding additional interest to the building and evening environment.

### Public realm

- Footways around the periphery of the site to be resurfaced with materials consistent with those to be used at the Merrion Centre and the arena.
- Concrete steps outside Tower House to be replaced with granite steps.
- Railings to the front of the podium to be replaced with a clear balustrade to present a more open vista.
- New planting and seating proposals on the terrace and two trees to the front of Tower House as an extension to existing trees to the front of the terrace.

Computer generated graphics showing the development in the street scene were displayed, including night time views showing the lighting scheme which incorporated a crown of uplighters to Tower House and horizontal strip lighting to the podium elevations.

The Panel noted that any development proposals were constrained by the podium building - which would not support any vertical extensions and was leased until 2037. Members commented that any development here should be of the highest quality and discussed the following matters:

- the apart/hotel was intended for stays of up to 90 days
- the single width extension provided rooms facing Brunswick Terrace connected by a single corridor which faced onto Merrion Way
- queried whether there was a need for the apart/hotel element
- Some Members voiced concern that the apart/hotel extension obscured the view of the Arena from the south and expressed the opinion that the iconic design of the Arena should retain views around it.
- The need to reconsider the current siting of the disabled parking bays on Brunswick Terrace as this would be a busy pedestrian route. Officers reported that provision of the disabled parking bays was outside the remit of this developer, however discussions had begun with the Arena developer on their possible removal
- Members had regard to the width and future use of Brunswick Terrace once the proposed tall buildings were developed and queried whether a wind assessment had been undertaken. Officers reported the results of a survey



had found a neutral /slightly positive impact and a proposed condition required measures to mitigate any adverse impact.

(Councillor Jarosz withdrew from the meeting for a short time at this point)

Members generally welcomed the principle of the redevelopment and proposed use of the site but remained concerned about its impact on views of the Arena and commented that although the redevelopment would improve Brunswick Terrace and the existing buildings, the design was uninspiring and presented a missed opportunity.

Officers referred to the Unitary Development Plan which earmarked this site where development of this type and scale was encouraged and to previous Panel discussions on the Arena development when Members had supported the suggestion that the Arena would be set in a landscape of tall buildings. Officers concluded that the Arena would remain a focal point, with only the oblique view of the southern Arena elevation partially obscured by the proposals before Panel. Officers outlined the discussions held between the developer and the Design Team to achieve these proposals.

Some Members were concerned over the design of the narrow apart/hotel extension and commented that too much was being proposed for the site. Members considered whether the apart/hotel could be moved eastwards to reveal more of the Arena. The Panel noted a comment that the treatment of the Merrion Way end elevation of the apart/hotel presented an attractive frame and whether a similar treatment would benefit the other elevations of the apart/hotel. Members also noted a comment that a taller build adjacent to Tower House could be acceptable if the apart/hotel extension was lower or moved back.

The Panel noted the officer recommendation to defer and delegate approval to the Chief Planning Officer, however were not minded to do so

**RESOLVED** – To defer determination of the application for one cycle to allow time for further discussion with the developers on the issues raised by Panel, namely the scale, position and design of the apart/hotel element to the rear of the podium.

**48 Application 11/04023/FU - Part 6 and Part 10 storey mixed use development comprising office space (Class B1) and 130 bed Hotel (Class C1) with basement car parking, Whitehall Road, Leeds LS1**

The Panel considered the report of the Chief Planning Officer on a significant major application containing proposals for a part 6 and 10 storey mixed use development at Whitehall Road, Leeds LS1. The Panel had visited the site prior to the meeting. Site plans, aerial photographs, architects' drawings and slides of the Whitehall Road masterplan – which included this development plot - were displayed at the meeting. 1:20 detailed drawings showing the window apertures and elevational treatment and slides showing the development in the streetscene were also displayed. A palette of the proposed materials was presented for reference.

Officers outlined the planning history of the site and highlighted key features as:

- Site access off Whitehall Road, the hotel from the eastern entrance and office space from western entrance. The hotel reception will incorporate a real-time bus display
- 38 parking spaces provided in the basement car park split between 8 Hotel and 30 office spaces, with car Club and disabled parking bays at ground level to the rear of the building
- Floors 1 – 4 incorporate office accommodation with elevations of light coloured ceramic cladding
- Floors 5 – 9 incorporate hotel accommodation with darker coloured ceramic cladding panels and zinc cladding
- The ground floor to be raised above the floodplain and include glazed curtain walls, with planters and glazed balustrades to the elevated walkway
- Elevations to be treated with ceramic cladding panels

Members commented on the following:

- The route, length and usefulness of the proposed cycle way. Officers clarified the proposed treatment to the carriageway of Whitehall Road as each development within the Whitehall Road masterplan came forward
- The surface treatment and landscaping scheme which some Members felt was too harsh and advocated inclusion of more trees. It was noted that this site was within an urban landscape with limited space for green planting, although located near to the riverside walkway. Officers noted the comment that Whitehall Road would have a high volume of pedestrian footfall and this could be the opportunity to create a tree lined boulevard into the heart of the city. It was noted that development on the other side of the road did incorporate trees along the site boundaries and if this development could be set back in the plot, trees could be incorporated. Officers responded that the masterplan indicated the building line of the plots should follow the line established by the already developed Novotel Hotel near the station, however as each building plot came on line and the highway was realigned, this comment could be considered further.
- Location of the office plant equipment in relation to the hotel accommodation.
- Design of the scheme and the need for the developer to have regard to the design of this development when other plots in the masterplan come forward
- Whether the Environment Agency was satisfied with the proposals for the ground floor level and what measures incorporated to secure the basement level in the event of flood
- The robustness of the Travel Plan. Officers responded that the TP targets had been set having regard to the city centre snapshot of commuter travel which showed 27% using cars, this development therefore had a target of 27% and once that was met, the developers were required to reduce car travel to 20%. Targets had also been set to ensure that employee travel surveys were returned and a TP Steering Group would be established to monitor the targets and manage a fund of £2k per year to implement measures to support the TP
- It was noted that a S106 could encourage but could not insist that a developer employ local people. Members acknowledged that this would depend on the

skills required by the schemes, however they considered whether it would be appropriate to set a target for local young apprentices. Officers responded that further discussions on this suggestion would have to be taken up with LCC Jobs&Skills. The comment that this site was well served by public transport reaching the Middleton, Holbeck and Beeston areas of the city was also noted as information to pass to Jobs & Skills

(Councillor Jarsoz withdrew from the meeting for a short time at this point)

- Impact of implementation of the Whitehall Road masterplan on city centre parking, Members noted that some undeveloped plots were used for car parking in the interim, and as each plot came forward for development, those spaces would be lost. Members commented that a management plan should be devised to ensure car parking is retained on Whitehall Road. The local ward Councillor highlighted the fact that local residents experienced problems with on street parking already near their homes and sought clarification on what off-peak parking measures could be implemented in the locality. It was agreed that this information should be supplied directly, but was not within the remit of this development

**RESOLVED** – To defer and delegate approval of the application to the Chief Planning Officer, subject to consideration of the Panel’s comments where appropriate and subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement to cover the following matters:

- Contribution to public transport improvements in accordance with SPD5 prior to first occupation £97 496
- Car club space and trial provision prior to first occupation £2500
- Public access around the site
- Travel plan implementation and monitoring fee prior to first occupation £4750
- Employment and training opportunities for local people.
- Management fee payable within one month of commencement of development £1500

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

#### **49 Pre-Application Presentation - PRE APP 11/ 00276 - Proposed Hotel development at D Car Park, Portland Crescent, Cookridge Street and Woodhouse Lane, Leeds**

The Panel received a presentation on pre-application proposals for the development of a hotel on the former council owned D Car Park which is bounded by Portland Crescent, Cookridge Street and Woodhouse Lane. Members were familiar with the site which was opposite the Civic Hall and were aware of a previous application for a hotel development on the same site. This presentation would afford them the opportunity to comment on and ask questions on the proposals prior to a formal application being submitted. It was noted that no formal decision would be made at this meeting.

The Panel welcomed Mr J Suckley on behalf of the developer who outlined the design changes proposed to meet the requirements of the hotel operator now secured by the developer. Plans, architects drawings and aerial photographs of the site were displayed at the meeting. Slides showing computer generated graphics of the scheme approved in 2009 were shown for comparison with the 2011 scheme and photo montages showing both proposals in situ were displayed which provided views to and across the development from several vantage points.

Mr Suckley outlined the main changes to the scheme and reported that a full application would be submitted in January 2012 with commencement of works on site anticipated in May 2012. Members picked out the following key elements for particular attention to discuss with Mr Suckley:

- relocation of the Hotel entrance and impact on the siting of the taxi pick up/drop off point.
- impact of the glazing to the 13<sup>th</sup> floor and the lift shaft to add relief to the elevations. Members expressed concern over the loss of windows to the south elevation which overlooked Millennium Square as the design of this façade had been the focus of much discussion in 2009.
- design of the Woodhouse Lane elevation
- one Member suggested that glazing to all the elevations would be welcome as this would present an elegant façade which would reflect the historic buildings in the vicinity and echo the design of the Rose Bowl
- impact on the setting of the Civic Hall and views of the Civic Hall from the east
- the inclusion of the bar at the 13<sup>th</sup> floor was specific to the hotel operators business model

(Councillor Hamilton left the meeting at this point)

Officers reported that the site plan included in the officer report was incorrect as required amendment to delete the Academy and bar buildings from within the red line development boundary

Members remained supportive of the principle of a hotel development on this site and had no concerns over the increase in height or the inclusion of a bar but expressed reservations over the deletion of the windows to the southern elevation which they suggested now presented a blank façade to Millennium Square

To sum up, the Panel would wish to see the following matters addressed:

- detail on the relocation of the hotel entrance and impact on the drop off/pick up point
  - concerns regarding the southern elevation and loss of fenestration
- RESOLVED** – To thank Mr Suckley for his presentation and to note the contents of the presentation and the comments of the Panel

(Councillor Jarosz left the meeting at this point)

**50 Pre-Application Presentation - PRE APP 11/ 00899 - Proposals for Residential use at the former Yorkshire Chemicals site, Black Bull Street, Leeds**

The Panel received a presentation on pre-application proposals for residential use at the former Yorkshire Chemicals site, Black Bull Street, Leeds. Members had visited the site prior to the meeting and this presentation would afford them the opportunity to comment on and ask questions on the proposals prior to a formal application being submitted. It was noted that no formal decision would be made at this meeting. Plans and photographs of the site were displayed at the meeting along with architects drawings of the proposals.

The Panel welcomed Mr R Maxwell and Ms H Smith to the meeting to present the pre-application proposals. They reported that an illustrative masterplan for the development was being established having regard to LCC policies and guidance and the commercial/industrial and residential uses around the site. Aerial photographs were displayed along with slides showing the South Bank Plan. The following key issues were highlighted for consideration:

- The site was split by Black Bull Street and two pedestrian crossing points would be installed to link the two sites with some landscaping incorporated to the roadside
  - 3 parts of the site were identified as suitable for taller buildings of 3 to 7 storeys, fronting Hunslet Road and at the end of Cudbear Street
  - Each site would include a central communal space
  - Hard and soft landscaping to be maintained, incorporating plants and shrubs which would thrive in this formerly industrial location, the reserved matters stage would require a landscape architect
  - The residential homes were a modern interpretation of a Georgian theme with proposed mews style integral garaging and parking
- Western site
- Parking courts located to the rear of residences and shared car parking for the apartments. The use of the parking spaces would be monitored
  - House elevations faced Black Bull Street
  - Some homes with gardens, some utilise terrace gardens over car ports and some homes with flat roofs to accommodate communal space
- Eastern site
- the central community space would be part gated for use by residents
  - north eastern corner would be left as open greenspace to accommodate NGT route

The Panel commented on the following issues:

- concern that streets could be dominated at ground level by garages, entrance doors and blank frontages. This aspect was not supported at the Yarn Street development.
- lack of open space large enough for outdoor play for children
- the principle of family home development was welcomed but there was concern over the provision of amenities – such as schools, healthcare

- concern that this would be a remote development and further consideration should be given to the dynamics of the future community and how it will relate to the city centre, amenities and support networks necessary for family life
- the view that every household should have its own car park space
- the view that every home should have its own garden space which would encourage maintenance, rather than use of a communal space which could become unused and uncared for in time
- the view that the layout of the scheme and house design was regimental
- welcomed the inclusion of pedestrian links between the sites and provision of crossings to Black Bull Street, noting that these would provide traffic calming, but commented that traffic stop/starting also brought problems of noise and engine fumes and there was concern over the impact these issues would have on those homes proposed to face onto Black Bull Street
- the proximity of the homes facing Black Bull Street to the highway and the perceived narrowness of the pavement

Members noted the response that the development of family homes opened a wider debate on education, healthcare and families in a city centre setting and noted the following responses:

- the balance of consideration of public space and private space in an urban setting when considering provision of playspace
- the regimented design would benefit dual aspect houses, which incorporated larger windows at the higher levels to allow more natural light into living spaces.
- the east/west orientation would afford the homes natural light all day
- the detailing would have a positive impact on the perceived regimental approach to the house design, bearing in mind that these were indicative illustrations presented to show what could be achieved on the site
- confirmed every home had its own designated car parking space with additional car parking spaces delineated for visitor parking throughout the site
- the comment about management of shared spaces was noted and a management plan would be devised
- the eastern site had sufficient space to pull homes facing Black Bull Street back from the highway, but there was insufficient space on the western site to do so. Further consideration of how to fit the requirements for communal space, car parking, homes and acceptable pavement width would be needed
- a ground floor community facility could be incorporated into the proposed commercial element on the eastern site, adjacent to the car dealership

(Councillors M Hamilton and G Latty left the meeting at this point)

To conclude, Members also highlighted those issues they would require further details on as being:

- Provision of education and the impact of the possible numbers of children in this site on local schools. Members were requested general information on the numbers of children in an area that would trigger the requirement for a new school development
- The design of the pedestrian links, some of which appeared as “cut throughs/ginnels” and their treatment to ensure pedestrian safety

- The design, safety and suitability of roof gardens for families with children
- The level of affordable housing
- The possibility for local employment and skills in the development of the site
- Consideration of future status of Black Bull Street since the opening of the new link road and whether some traffic could be diverted away from the site.

**RESOLVED** - To thank Mr Maxwell and Ms Smith for their presentation and that the contents of the proposals and the comments made by Panel be noted

**51 Date and time of next meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 19<sup>th</sup> January 2012 at 1.30 pm

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## **Development Plan Panel**

**Tuesday, 8th November, 2011**

**PRESENT:** Councillor N Taggart in the Chair

Councillors B Anderson, C Campbell,  
C Fox, T Leadley, J Lewis, E Nash and  
N Walshaw

### **21 Chair's Opening Remarks**

The Chair welcomed all in attendance to the November meeting of the Development Plan Panel.

### **22 Declaration of Interests**

There were no declarations of interest at this stage, however, a declaration of interest was made at a later point in the meeting. (Minute No. 25 refers)

### **23 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Richard Lewis and Mitchell.

### **24 Minutes - 11th October 2011**

**RESOLVED** – That the minutes of the meeting held on 11<sup>th</sup> October 2011 be approved as a correct record.

### **25 Aire Valley Leeds Area Action Plan: Report on the informal consultation on the emerging proposal for the draft plan February/March 2011**

The Director of City Development submitted a report which updated Members on the informal consultation of the draft Aire Valley Leeds Area Action Plan which took place during February and March 2011.

The following information was appended to the report:

- Leaflet and Plan showing boundary extensions
- Schedule of organisations, groups and individuals consulted
- Schedule of responses to informal consultation
- Plan showing proposed minor extension to the Area Action Plan (AAP) boundaries.

The following officers attended the meeting and responded to Members questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Sue Speak, Team Leader, Planning and Sustainable Development
- Steven Wilkinson, Planning Officer, City Development.

A summary of the consultation responses was provided and the key areas of discussion were:

- Concern that Hunslet Mills had been derelict for some time – it was reported that the owners of Hunslet Mills did not consider the site viable for residential development in the present economic climate.
- Options for future development at Hunslet Mills – it was suggested that a letter be sent from the Chief Planning Officer, reminding the owners of their obligations to maintain the site.
- The need to ensure accessibility of housing developments, particularly Skelton Grange.
- Update of Network Rail's draft plans for 2014-19, and issues around under capacity of trains. Also, plans to convert Leeds-Castleford line as Metro/tram facility.
- Ongoing work to develop public transport links across the Aire Valley from Stourton.
- Exploring development of affordable energy efficient modular housing to assist in meeting housing needs.
- Greater creativity needed in relation to the development of council housing provision.
- Update on submission by freight operator DB Schenker to the Natural Resources and Waste Examination which proposes freight related use to the west of the Neville's area.

## **RESOLVED –**

- (a) That the report and information appended to the report be noted
- (b) That the minor extension of the AAP boundary to include the whole of the Neville Hill rail depot site as shown on the Plan in Appendix D, be supported
- (c) That a letter be sent to the owners of Hunslet Mills, reminding them of their obligations to maintain the site.

(Councillor James Lewis declared a personal interest in this item in his capacity as Chair of West Yorkshire Integrated Transport Authority)

(Councillor Campbell joined the meeting at 1.40pm during the consideration of this item)

(Councillor Leadley left the meeting at 1.55pm during the consideration of this item)

## **26 Sue Speak**

It was reported that Sue Speak was retiring from the Council at the end of the year. On behalf of Members, the Chair thanked Sue for her hard work and wished her all the best for the future.

## **27 Date and time of next meeting**

Tuesday 6<sup>th</sup> December 2011 at 1.30pm.

(The meeting concluded at 2.25pm.)

## **Development Plan Panel**

**Tuesday, 6th December, 2011**

**PRESENT:** Councillor N Taggart in the Chair

Councillors B Anderson, C Campbell,  
C Fox, T Leadley, J Lewis, K Mitchell and  
N Walshaw

### **28 Chair's Opening Remarks**

The Chair welcomed all in attendance to the December meeting of the Development Plan Panel.

### **29 Declaration of Interests**

There were no declarations of interest.

### **30 Apologies for Absence**

Apologies for absence were submitted by Councillors Hamilton and Nash.

### **31 Minutes - 8th November 2011**

**RESOLVED** – That the minutes of the meeting held on 8<sup>th</sup> November 2011 be approved as a correct record.

### **32 Leeds Local Development Framework : Annual Monitoring Report 2011**

The Director of City Development submitted a report which presented a summary of progress against milestones set out for the preparation of Local Development Documents identified as part of the Local Development Scheme (LDS).

The Chair welcomed to the meeting the following officers to present the report and respond to Members' questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Lyla Peter, Team Leader (Data), Forward Planning and Implementation.

In brief summary, the key areas of discussion were:

- Issues associated with actual and projected 5 year land supply.
- Update on housing market assessment, particularly around underlying trends in meeting housing needs.
- Clarification that there were a number of office schemes which already had planning permission for out of centre locations, despite guidance in PPS4 stating that offices were a town centre use.
- Amendment to page 57 of the report, table 28, under out of centre, all sites, to read 10,020 not 5,370.
- It was agreed to include reference in the report to the Regional Spatial Strategy, the number of windfall sites, and the number of planning applications that had not been implemented to date.

- Clarification when the Strategic Housing Land Availability Assessment (SHLAA) was due to be published. It was advised that the SHLAA was being referred to partners and Executive Board for final approval.
- Development of the Core Strategy and evidence based approach.

**RESOLVED** – The Development Plan Panel recommends that the 2011 Annual Monitoring Report, be approved, subject to amendments, by the December Executive Board for submission to the Secretary of State by 31 December 2011, pursuant to Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004.

### **33 Date and Time of Next Meeting**

It was agreed to schedule the meeting on Tuesday 3<sup>rd</sup> January 2012, as an informal Member workshop session. Members also agreed to schedule a further Member workshop session on Monday 16<sup>th</sup> January 2012, at the slightly later time of 2.00pm.

(The meeting concluded at 2.30pm.)

## Joint Plans Panel

Thursday, 17th November, 2011

**PRESENT:** Councillor N Taggart in the Chair

Councillors J Akhtar, A Blackburn,  
C Campbell, A Castle, B Chastney,  
D Congreve, G Driver, R Finnigan,  
R Grahame, J Hardy, J Harper, J Jarosz,  
T Leadley, C Macniven, J Matthews,  
J McKenna, E Nash, K Parker, J Procter,  
R Pryke, B Selby, D Wilson and R Wood

**11 Election of the Chair**

**RESOLVED** – Councillor Taggart was elected Chair for the meeting

**12 Late Items**

No formal late items of business were added to the agenda however a copy of the document “A plain English guide to the Localism Act” issued by the Department of Communities and Local Government was tabled at the meeting with reference to the item on Neighbourhood Planning (minute 19 refers)

**13 Declarations of Interest**

There were no declarations of interest

**14 Apologies for Absence**

Apologies for absence were received from Councillors Coulson, Gruen, Groves, M Hamilton, S Hamilton, G Latty, Parker and Wadsworth and also from Mr S Butler, West Area Planning Manager

**15 Minutes of the previous meeting**

**RESOLVED** – That the minutes of the last Joint meeting of the Plans Panels held on 30<sup>th</sup> June 2011 be agreed as a correct record

**16 Matters Arising**

Member Training Day – the next Training Day is scheduled for Tuesday 22 November 2011 and will include a presentation on the Localism Act by the Planning Co-operative

Appeals & Inquiries (min 7) - the issues raised at the previous JPP had been discussed by the Joint Member Officer Working Group (JMOWG). Some officers had received the training advocated by JPP to improve witness skills and a further session was scheduled to be held in conjunction with the private sector

**17 Performance Management report for Planning Services for Quarter 1 and 2, April to September 2011**

The Head of Planning Services introduced the performance management report for Planning Services covering the April to September 2011 period. Members noted that 2011/12 continued to be a difficult year in terms of the

budget but that there had been some increase in planning activity in the second quarter resulting in an increase in planning application fees. The Head of Planning Services additionally highlighted the following matters:

Appeals and costs - A number of cost decisions had been awarded against the Council (Grimes Dyke £278k had just been requested by the appellants and would be negotiated: Churchfield, Boston Spa - £200k requested by the appellants and being negotiated and Riverside Nurseries had been settled at £1.2k). It was noted however that no application for costs had been made in the case of the 6 day Clariant appeal which had recently been completed as LCC had clearly substantiated the case why it was opposing development

Applications - Targets for determination met in terms of "minor" and "other" applications, however not met with regard to major applications. This was attributed to the Department concentrating on encouraging delivery of developments already in the system and the report outlined those Major Projects which had progressed during the 6 months

Compliance and Enforcement - The report highlighted the significant legal work and costs incurred by pursuing planning enforcement case and the difficulties faced when those costs were not covered by the outcome at Court

Resources and Staffing - The ongoing service restructure will achieve the staff savings required for this year

Members discussed the following:

- The number of applications considered by Plans Panels at the request of Ward Members and the impact of Panel involvement in terms of the length of time for determination and procuring a better development
- The importance of the pre-application process on the quality of a proposed development
- Whether comparative information on the performance of the three Panels would be useful
- The usefulness of statistics on customer footfall to the Development Enquiry Centre
- Whether the contents of the Inspectors letter on the costs application at the Morley Market appeal could be used as a training tool as it contained the Inspectors considerations during the decision making process where Members had disagreed with the officers recommendation
- Courses of action available to the Local Planning Authority (LPA) should a developer ignore the outcome of a court case which ruled in favour of the LPA
- Member notification of applications received. It was noted that Councillors were notified of major or sensitive developments in their wards, but should use the Public Access system to access details of all other applications. Members agreed with the suggestion that the email notifications should include information on trees with a Tree Preservation Order which were proposed to be felled

**RESOLVED –**

- a) To note the contents of the report
- b) To request a further performance monitoring report in 6 months

**18 Matters Arising from Plans Panels**

The Head of Planning Services submitted a report on matters previously discussed at Plans Panels meetings and referred for discussion to the Joint

Member Officer Working Group (JMOWG) held 2<sup>nd</sup> November 2011. Comments made at the JMOWG meeting were included within the report for consideration.

Members discussed:

Local planning policy regarding the proliferation of Hot Food Take Aways (HFTA)-

- Plans Panel East had discussed the proliferation of such premises and the impact they had on small local shopping parades.
- JMOWG had considered the issue needed addressing in order to protect the amenity of local residents and daytime vitality of local shopping parades and that the Policy Team should progress the development of an appropriate retail policy
- The Panel considered the approach being adopted by Birmingham which restricted HFTA use to 10% of any local shopping parade. Members considered this approach could support the Cumulative Impact Policy utilised under the Licensing Act 2003 to address the proliferation of licensed premises in an area, however the LPA should be mindful of the individual character of an area and the effects of the recession.
- Members commented on the usefulness of site visits when considering HFTA applications and suggested that any future guidance/policy should address the principle that there should not be a preponderance of any one type of use in a locality, rather than focussing on just HFTA. This guidance could therefore address other uses where the community felt there had been a proliferation (ie: charity shops) and support the LPA endeavour to bring a mix of uses to a retail parade

(Councillor Hardy left the meeting at this point)

Outline planning permissions and subsequent Reserved Matters applications -

- Plans Panel East had considered whether there was scope to guard against subsequent material changes in circumstance that could be detrimental to the provision of benefits to the local community usually secured through the terms of the Section 106 Agreement negotiated after the grant of outline permission
- Noted that imposing a time limit for implementation was not consistent with the governments response to the recent economic difficulties which was to encourage local planning authorities to be more flexible when granting planning permissions
- JMOWG had discussed the issue and agreed with the conclusion reached by officers that it would be difficult to substantiate a reasoned argument to justify the common use of conditions that shortened the time period for implementation of planning permission

(Councillor Akhtar withdrew from the meeting for a short while at this point)

Issues associated with outline planning applications and the submission of indicative layouts and concerns regarding development creep -

- Plans Panel East had expressed concerns that schemes presented for outline permission suggested one style of development, however the same scheme at subsequent Reserved Matters stage was significantly different

- Officers were suggesting adopting a new approach on schemes at outline stage and to be more rigorous in issuing a “direction” to the applicant once the outline permission was received if insufficient detail was submitted
- The Panel discussed the matter with some Members stating a preference for no indicative plans to be submitted at outline stage to prevent over reliance on architects indicative drawings and some Members preferring to see drawings which could help them better understand proposed access/siting of development
- The role of pre-application process was important and the need to express views at this early stage on any indicative drawings. Noted the comment by the Chief Planning Officer that many developments submitted an illustrative masterplan at outline stage and a Panel could choose to grant the principle based on the drawings, but that the reserved matter would not be granted if not based in the plans agreed at outline stage
- The Panel agreed that the JMOWG should consider this issue further and noted the request that officers should take a more robust approach to the information provided with Outline applications as set out in paragraph 3:3:4 of the submitted report under the current powers set out in Article 4 (2) of the Town & Country Planning (Development Management Procedure) (England) Order 2010

**RESOLVED –**

- a) To note the contents of the report and the comments of the Joint Plans Panel
- b) To support the undertaking to draft a guidance document/policy to address the preponderance of uses in an area
- c) To note the proposal for JMOWG to further consider the LPA approach to Outline Applications and indicative layouts

(Councillors Matthews and Finnigan left the meeting at this point)

## **19 Neighbourhood Planning**

The Chief Planning Officer gave a presentation on Neighbourhood Planning and highlighted the following key issues:

- Neighbourhood Plans were intended to be community led but retained a role for the local authority in terms of support; funding and independent inspection
- Communities would not be able to block development already identified or permitted in the Unitary Development Plan, the Core Strategy or Site Allocations Development Plan Document. Neighbourhood Plans would be required to generally conform with the Core Strategy
- Leeds had a good track record of neighbourhood planning, and consideration should be given to the number of village design statements, neighbourhood design statements, conservation area appraisals and community plans which were already adopted and could be more appropriate to the needs of a community. The Department of Communities & Local Government estimated the costs of Neighbourhood Plans as £17 - £63k depending on the size and nature of the area. That cost would be borne by the community
- Leeds had identified four distinct areas to pilot the preparation of a plan making use of funding available from central government - Boston Spa, Otley, Kippax and Beeston. It was hoped that at least one of these would be successful in the bidding process

(Councillor J McKenna left the meeting at this point)

Draft minutes to be approved at the meeting  
to be held on Thursday, 28th June, 2012



- One Member cited Morley as an example of a neighbourhood which contained very different localities where three separate plans could be appropriate, it was also noted that some localities could require “cross area neighbourhood plans”

(Councillor Nash withdrew from the meeting for a short time at this point)

- Members noted the costs could be expensive for communities but noted that existing design statements or plans could serve a community just as well and be cheaper

**RESOLVED** – To note the contents of the report and the comments made by Members

## 20 National Planning Policy Framework consultation response

The Chief Planning Officer submitted a report setting out the Leeds City Council response to the consultation on the draft National Planning Policy Framework (NPPF). The Framework had been published by the Department for Communities and Local Government in July 2011. The report included the letter of response signed by the Leaders of all the political parties on Leeds City Council

**RESOLVED** – That the contents of the report and the letter dated 17<sup>th</sup> October 2011 be noted

## 21 Housing Growth Update

The Chief Planning Officer submitted a report and provided a summary of activity regarding the housing growth agenda in Leeds and highlighting:

- The informal consultation undertaken with stakeholders. The outcome of the three consultation meetings was reported to Executive Board on 2<sup>nd</sup> November 2011 setting out proposals for a set of draft housing growth principles for inclusion in the Core Strategy
- Scrutiny Board (Regeneration) Inquiry into housing growth and how this dovetailed into the emerging Core Strategy. The outcome of the Inquiry had been reported to Executive Board on 2<sup>nd</sup> November 2011, with the proportion of community ring fenced Community Infrastructure Levy (CIL) to be subject to further discussion by the Executive Board
- Copies of both reports could be provided on request

The Chief Planning Officer set out the following issues:

- the need to set and phase in the Leeds housing targets
- the need to consider opportunities to spread Leeds’ housing requirements into neighbouring authority areas
- the need to improve consultation and community engagement prior to submission of planning applications
- the need to link Brownfield and Greenfield development wherever possible

The Chief Planning Officer highlighted the fact that Scrutiny had suggested a CIL of 80% in particular communities but that this had not been agreed by Executive Board and would require further discussion. The concern expressed by one Member that the Executive Board report on the informal consultation did not refer to the comments generated at the consultation with Town and Parish Councils was noted. The Chief Planning Officer offered an apology and responded that the comments from the third public/developers consultation had been included

**RESOLVED** – To note the contents of the report and the comments made by the Panel

**22 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 28<sup>th</sup> June 2012 at 2:00 pm

## Licensing Committee

Tuesday, 15th November, 2011

**PRESENT:** Councillor S Armitage in the Chair

Councillors K Bruce, R Downes, J Dunn,  
B Gettings, G Hussain, G Hyde, A Khan,  
P Latty, B Selby, C Townsley, D Wilson  
and G Wilkinson

**46 Late Items**

No formal late items of business were added to the agenda. The Committee had however received a representation submitted by Unite Leeds prior to the meeting in response to the Taxi & Private Hire information report (minute 50 refers).

**47 Declarations of Interest**

There were no declarations of interest.

**48 Apologies for Absence**

Apologies for absence were received from Councillors Feldman and Hanley

**49 Minutes**

**RESOLVED** – That the minutes of the previous meeting held on 18<sup>th</sup> October 2011 be agreed as a correct record

**50 Taxi & Private Hire Licensing - Information report on Operational and Delegated Administrative Process for the year 4 October 2010 to 3 October 2011**

The Head of Licensing and Registration submitted a report on operational and administrative activity undertaken by the LCC Taxi and Private Hire Licensing (TPHL) Section between October 2010 and October 2011. The report outlined key areas of work and was presented for Members information.

The Section Head, Taxi & Private Hire Licensing Office attended the meeting to present the information contained within the report and highlighted the following issues for Members particular attention:

Vehicles – statistics showed that drivers and operators were making use of the age criteria exemption, as more applications were being made and approved for vehicles over the 7 year age criteria limit. Members noted the success of the scheme aimed at improving the overall safety of vehicles by encouraging drivers/operators to properly maintain the fleet.

Staffing and resources – a copy of the staffing structure was included within the report along with statistics showing the number of applications/renewals/enquiries and actions dealt with by TPHL. A number of posts were vacant and were being pursued through the appropriate recruitment process. Implementation of a new ICT system will improve administration time and reduce the number of trade customers who visited the

offices in person. Additionally, consideration was being given to the introduction of a new “3 year licence” for drivers where appropriate. Delegated Decisions - Appendix B set out the decisions taken in line with LCC policies relating to the conditions and applications for new licences or renewals. Statistical data was presented showing a breakdown of the types of action taken by officers in line with the policies and further detail was provided on the following:

- Revocations – decisions made by officers were taken in line with the policy focussing on public safety
- Remedial training – such as refresher courses where appropriate for drivers who had been referred on receipt of complaints.
- Enforcement – action taken in respect of vehicle defects or after receipt of notification of police action involving a driver. Legislation regarded being a Hackney Carriage (HC) or Private Hire (PH) drivers as being in a position of trust and it was therefore a notifiable occupation.
- Public complaints – the number and nature of complaints and the measures LCC could employ to address the issues raised.
- Offences – Officers reiterated that conviction of an offence did not automatically result in the revocation of a licence but LCC policy required action to be taken where public safety was put at risk

The Committee noted the information provided and went onto comment and discuss the following issues:

- the work undertaken to identify vehicle defects, such as defective tyres
- the number of vehicles being granted an exception to the 7 year age criteria rule (68 out of 114 applications).
- the number of prosecutions undertaken and the number of those that were of drivers from outside Leeds (52 out of 96)
- the number of customers dealt with by the licensing officer counter staff (approximately 13,000 by 3 to 5 staff)
- the liaison undertaken with other neighbouring authorities to seek a consistent approach; noting that some of Leeds’ policies had been adopted by other authorities and as examples of good practice
- the approach taken by the Courts.

One Member raised a number of his concerns relating to:

- the length of time of suspensions and the financial impact this had on the drivers
- figures on training and the ethnicity of drivers which he felt would be particularly useful when dealing with complaints against drivers
- the NVQ Working Group and lack of information on the progress of that group;
- the policy review consultation documents

The Committee noted that the TPHL Equality Impact Assessment had been despatched to all Members of the Committee previously and the consultation documents had also been formally considered by the Committee.

Officers reiterated that legislation prevented a local authority from considering hardship when dealing with suspensions and revocations. On receipt of a

complaint; TPHL was duty bound to investigate the matter and suspension of a driver or vehicle may be necessary for reasons of public safety even if that period was extensive whilst a criminal case was pursued.

Members further discussed:

- whether wheelchair accessible PH vehicles required a specific livery, noting that an application had been granted for such a vehicle to be painted “anthracite” . Officers responded that the authority had sought to ensure differentiation between HC and PH vehicles, however it was possible for the PH trade to make an application for any type or colour of vehicle to be licensed and there were no grounds by which LCC could substantiate refusal of that application.
- whether TPHL staff liaised with WYP when defects were found on vehicles. Officers responded that LCC officers did not have authority to issue Fixed Penalty Notices for vehicle defects but pursued prosecutions under the Local Government Act 1972.
- noted a comment acknowledging the number of complaints was small but supported officers in their commitment to deal with the complaints in order to ensure public safety
- Moving on, officers described a “traffic light system” approach to the trade and stated that most of the drivers were excellent drivers with no complaints received – these were described as the “green” group. The smaller “amber” group included those drivers who may need to retrain or maintain their vehicles better. The “red” group contained a number of drivers who were perpetually investigated for their behaviour and/or their vehicle.
- Officers outlined consideration of the introduction of three year licences where applicable – some drivers required stronger management than others, those which were only seen once a year at renewal could be eligible for a three year licence rather than the current annual renewal – these drivers would be on “green”, but those drivers with 9 points or more are those the authority would want to keep a check on and could still require an annual renewal of their licence.

The Committee generally noted that responsibility for the upkeep, maintenance and safety of vehicles lay with the trade and acknowledged the work done through education, training and promotion by TPHL to advise the trade of non-compliance with the Policies and Conditions. The Chair referred to the Licensing Newsletter issued twice a year to all drivers which provided the trade with relevant information and advice on the policies and the role of trade forum meetings and unions in keeping their members informed.

(Councillor Townsley withdrew from the meeting at this point)

The Section Head, TPHL, reminded Members of the availability of training on taxi and private hire issues and extended an invitation to visit the Torre Road offices. Members were also invited to attend a late night site visit to view the work of the enforcement team and consider relevant late night economy issues.

**RESOLVED –**

- a) that the contents of the report be noted

**51 De-Brief Report to Members following the Leeds Festival 2011 held at Bramham Park**

The Head of Licensing and Registration submitted a report on the outcome and findings of the Leeds Festival Multi-Agency meeting held on 29 September 2011. The Festival had been held over August Bank Holiday weekend and the report referred to the comments made by the various agencies involved in preparations for the Festival.

Members noted the comments of Mr G Mudhar on behalf of LCC Environmental Protection Team regarding the nature of the noise complaints received during the event.

It was noted that this year's event had the lowest crime figures for 5 years and officers highlighted the swift action taken by Festival Republic to address issues when raised

The Committee noted that all agencies had been satisfied with the event this year and welcomed the efforts made by the promoter to address issues identified in previous years to provide a successful Festival.

**RESOLVED** – To note the contents of the report and to thank all agencies and LCC officers involved in the event for their continued effort to produce a successful Festival.

**52 DCMS Consultation on the Deregulation of Regulated Entertainment**

Further to minute 42 of the meeting held 13th September 2011, the Head of Licensing and Registration submitted a further report on the Governments' proposals to reform those activities currently classed as "regulated entertainment" in Schedule One of the Licensing Act 2003 and setting out the Councils response to that consultation having regard to the comments made by Members at the previous meeting and those submitted afterwards.

A copy of the full draft response was attached to the report for members consideration and approval.

**RESOLVED** – That the Licensing Committee endorses the document attached at Appendix 1 of the submitted report as the Council's response to the DCMS consultation on the deregulation of entertainment.

**53 Changes to the Licensing Act 2003**

The Head of Licensing and Registration submitted a report providing the Committee with information on the measures within the Police Reform and Social Responsibility Act 2011 which will have an impact on the provisions of the Licensing Act 2003. Measures included in the Act were intended to overhaul the Licensing regime and give more powers to local authorities and police to tackle problem premises.

The Committee noted that it was likely the changes would lead to substantial revisions to the Section 182 Guidance and were mostly likely to commence after April 2012

**RESOLVED** – To note the contents of the report

**54 Licensing Work Programme**

The Committee noted that Member Learning Day was scheduled for Tuesday 22<sup>nd</sup> November 2011 and would include gambling and equality & diversity issues

**RESOLVED** – To note the contents of the Work Programme

**55 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Tuesday 20<sup>th</sup> December 2011 at 10:00 am

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## Licensing Sub-Committee

Monday, 31st October, 2011

**PRESENT:** Councillor R D Feldman in the Chair

Councillors J Dunn and P Latty

### 117 Election of the Chair

Councillor Feldman was elected Chair of the meeting.

### 118 Exempt Information - Possible Exclusion of the Press and Public

**RESOLVED** – That the public be excluded from the meeting during consideration of that part 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 public were present there would be disclosure to them of exempt information so designated as follows:

- (a) Appendices A and B of the report referred to in Minute 122 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the report contains information relating to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain.

### 119 Late Items

No formal late items of business were added to the agenda for the meeting, however the Sub Committee received additional information prior to the meeting in respect of Agenda item 6 (Minute 122 refers), comprising:

- a revised copy of the letter from Leeds City Council Environmental Protection Team;
- letters of support and a petition submitted by the applicant, which were referred to and tabled on the day of the initial hearing held on 26<sup>th</sup> September 2011.

### 120 Declarations of Interest

Councillor Dunn declared a personal interest in agenda item 7 (Minute 122 refers) as his wife is a distant relative of the applicant.

### 121 "High Farm" - Application to vary a Premises Licence in respect of High Farm, Farrar Lane, Adel, Leeds LS16 7AQ

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application to vary an existing premises licence in respect of the High Farm, Farrar Lane, Adel, Leeds, LS16 7AQ.

The hearing had been adjourned from an earlier meeting held on 26<sup>th</sup> September 2011 to allow all parties to have a further discussion and try to reach agreement with regard to a closing time earlier than the requested

02:00 hours, or for activities to take place on Saturday nights only rather than Fridays and Saturdays.

Representations had been submitted by local residents and local ward Councillors. Not all of the local residents attended the hearing and the Sub-Committee resolved to consider their written representations and proceed in their absence. The hearing was attended by the following:

Ms Christina Groves - the applicant

Councillor Anderson – Adel and Wharfedale ward Councillor

Councillor Bentley – Weetwood ward Councillor

Mr M Brain; Mr B King; Mr P Brewer and Mrs L Brewer – local residents.

A representation had also been submitted by LCC Environmental Protection Team, however the measures proposed had been agreed by the applicant and the representation subsequently withdrawn on the understanding that those measures would appear on the Premise Licence as conditions should the application be granted.

The Sub-Committee first heard from Ms Groves who explained that a meeting had been held with residents at the premises on 11<sup>th</sup> October 2011. She had offered a number of alternative options, including closing at 01:30 on a Friday and Saturday, only opening until 02:00 on a Saturday, or only opening the function room until 02:00 on a Friday and Saturday, however none had been agreed and the residents had requested the use of Temporary Event Notices (TENs) instead. Ms Groves explained that she didn't want to use TENs as this would prevent being able to hold a function at short notice.

During questions from the Sub-Committee, it was confirmed that the request to add one hour to the finish time of all licensable activities on the commencement of British Summertime had been included in error, and was therefore agreed that it would be removed. Ms Groves also confirmed that she would be happy not to extend the hours for the exhibition of films and indoor sporting events, and she would be happy for performances of live music to finish at 0:00 hours on a Friday and Saturday.

Members then heard from Councillor Anderson who explained that his residents' main concerns were that the premises is close to older peoples' accommodation, and the noise which would be caused by cars and taxis which would be more noticeable in the early hours of the morning. There were also concerns in relation to the noise from the smoking area. Councillor Anderson acknowledged that Ms Groves had been successful in improving High Farm, but was concerned that issues may reoccur if another Designated Premises Supervisor was appointed. The residents had requested that the application be refused and that TENs be used instead, and that licensed door supervisors be appointed. Councillor Bentley added that the area around the premises is very open, therefore any noise is not absorbed, and there are many children in the area who would be affected by the noise.

Bearing in mind the representations made by both parties, and particularly noted the compromises which had been offered by the applicant.

**RESOLVED** – To grant the application in the following manner:

- Exhibition of films, indoor sporting events and performance of live music – no variation to current licence;
- Playing of recorded music, performances of dance, provision of facilities for making music, provision of facilities for dancing, late night refreshment and supply of alcohol – hours extended to 01:00 on Fridays and Saturdays only;
- Hours premises are open to the public – hours extended to 01:30 on Fridays and Saturdays only; and
- The following conditions are applied – no entry to new patrons and no bottles or glasses allowed outside after 23:00 hours on all days, and the measures proposed by LCC Environmental Protection Team to address the public nuisance licensing objective and previously agreed by the applicant shall be included as conditions on the premises licence.

**122 Mr R Hainsworth - Application for the Grant of a Personal Licence**

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application for the grant of a Personal Licence in respect of Mr R Hainsworth.

West Yorkshire Police (WYP) had submitted representations which necessitated a hearing. All of the hearing was conducted in private due to the nature of business to be discussed and the evidence before the Sub-Committee.

Mr Hammond (Mr Hainsworth's solicitor) addressed the Sub-Committee and provided details of Mr Hainsworth's background. He went on to explain why he believed granting Mr Hainsworth a personal licence would not undermine the licensing objective of the prevention of crime and disorder.

PC Dobson attended the hearing on behalf of WYP. PC Dobson provided an overview of the concerns held by WYP regarding Mr Hainsworth.

Mr Hainsworth was in attendance at the hearing and addressed the matters raised by WYP and answered queries from the Sub-Committee.

The Sub Committee carefully considered the documents before them and the verbal submissions made at the hearing. Members shared the concerns of WYP, however they were also persuaded by Mr Hainsworth's case and agreed that he deserved a chance to prove that he could be a responsible licence holder.

**RESOLVED** – To grant the application.

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## **Licensing Sub-Committee**

**Monday, 7th November, 2011**

**PRESENT:** Councillor Hyde in the Chair

Councillors B Gettings and T Hanley

### **123 Election of the Chair**

Councillor Hyde was elected as Chair for the meeting.

### **124 Declarations of Interest**

There were no declarations of interest.

### **125 "White Swan" - Application to vary an existing Premises Licence in respect of the White Swan, Cross hills, Kippax, LS25 7JP**

The application was withdrawn prior to the hearing.

### **126 "Tesco Stores Ltd" - Application for the grant of a Premises Licence for Tesco Stores Ltd, Bradford Road, East Ardsley WF3 2JA**

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application for a premises licence for Tesco Stores Ltd, Bradford Road, East Ardsley, Wakefield. The application was for the Sale of Alcohol every day from 06:00 to 00:00 hours. The premises was currently licensed for the Sale of Alcohol from 06:00 to 23:00 hours.

Representations had been made by local residents regarding the application.

The following were present at the hearing:

- Paddy Whur, Representing the Applicant
- Kerry Cooper, Tesco Ltd
- Nicky Britton, Tesco Ltd

Mr Whur addressed the sub-committee and reported that when the previous licence had been applied for, it was an error that it had only been requested till 23:00 hours and they now wished to rectify this to match the opening hours of the store. The new application offered tighter controls with the respect to CCTV coverage and an Incident Report register. Reference was also made to clean up work in the local community arranged and funded by Tesco..

The Sub-Committee carefully considered all the written and verbal submissions and were of the opinion that granting the license would uphold the licensing objectives.

**RESOLVED** – That the application be granted as applied for.

**127 "Jaldi Jaldi" - Application for the grant of a Premises Licence in respect of Jaldi Jaldi, Merrion Centre, 44a Woodhouse Lane, Leeds LS2 8LX**

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application for a premises licence for Jaldi Jaldi, 44A Woodhouse Lane, Woodhouse, Leeds, LS2 8LX. The application was to provide Late Night Refreshment on the premises every day between 23:00 and 05:00 hours.

Representations had been made by West Yorkshire Police regarding the application.

The following were in attendance for this item:

- Nizam Nijamudeen, Applicant
- David Smith, representing the Applicant
- PC Cath Arkle, West Yorkshire Police
- Bob Patterson, West Yorkshire Police

Mr Smith addressed the Sub-Committee on behalf of the applicant. It was reported that the Jaldi Jaldi was part of the Mumtaz group and they had run restaurants and the Jaldi Jaldi chain without any problems. The Merrion Street store had been opened in recent weeks on Saturday evenings via the use of Temporary Event Notices (TENs) and there had been no problems reported. The application was made on the submission of certain conditions which included provision of CCTV, contribution to the Street Marshall scheme, having fully trained staff and always ensuring at least two members of staff would be present.

In response to Members comments and questions, the following issues were discussed:

- The premises would offer an alternative to other late night refreshment places, providing a healthy range of Indian food.
- Under the operation of the premises when TENs have been used, it had been closing between 03:30 and 04:00.
- The turnover of the premises had approximately doubled with late night opening.
- There was a small eating in area with 6 stools.

Mr Patterson and PC Arkle addressed the Sub-Committee in relation to the objections registered by West Yorkshire Police. The following issues were highlighted:

- With regards to the Cumulative Impact Policy, it was felt that the license should be refused under the grounds of Crime and Disorder.
- It was recognised that it was difficult for the applicant to demonstrate how their opening would not add to the cumulative impact of such licensed premises in the area.

- The Woodhouse Lane area already had problems with alcohol related crime and violence.
- Late night refreshment premises attracted crowds and could become a flashpoint for alcohol related incidents. People would also congregate in the area longer.
- There had been no indication that there had been a decrease in alcohol related crime in the area.
- Further discussion included reference made to other late night refreshment outlets in the area and the provision of Street Marshalls by these and the use of SIA registered door staff.
- It was recognised that it was a generous offer of Jaldi Jaldi to contribute to the Street Marshall Scheme.

In summary, Mr Smith acknowledged the problems of alcohol related crime in the area and informed the Sub-committee that there would be no sale of alcohol from the premises. He reminded Members of the recent opening under Temporary Event Notices which had passed without problem and felt that the offer of a contribution to the Street Marshall scheme was sufficient to demonstrate a responsible operation that would not add to problems in the area. He also suggested that reduced hours would be sufficient for the application and that the application had been submitted until 05:00 to allow for flexibility.

The Sub-committee carefully considered all the verbal and written submissions and following confirmation from the applicant that they would contribute to the provision of one extra Street Marshall during their hours of operation, it was considered that the applicant had demonstrated that their application would not add to the cumulative impact of such licensed premises in the area by the conditions proposed.

**RESOLVED** – That the application be granted for Friday and Saturday evenings between 23:00 and 0300 hours with the conditions proposed at Part P of the Application to be implemented into the operating schedule with specific amendments to the conditions to ‘Participate in the local street marshalling scheme on a Friday and Saturday evening’.

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## Licensing Sub-Committee

Monday, 14th November, 2011

**PRESENT:** Councillor C Townsley in the Chair

Councillors B Gettings and P Latty

### 128 Election of the Chair

**RESOLVED** - Councillor C Townsley was elected Chair for the meeting.

### 129 Late Items

There were no formal late items of business to consider, however the Chair agreed to accept the following supplementary information:-

- Representation from LCC Environmental Protection Team (Agenda Item 7) (Minute 132 refers)
- Representation from West Yorkshire Police (Agenda Item 7) (Minute 132 refers)
- Statistical evidence submitted by West Yorkshire Police (Agenda Item 7) (Minute 132 refers)

The documents were not available at the time of the agenda despatch, but subsequently made available to the public on the Council's website.

### 130 Declarations of Interest

There were no declarations of interest made at the meeting.

### 131 "Hillcrest Primary School" - Application for the grant of a Premises Licence for Hillcrest Community Primary School, Cowper Street, Chapeltown Leeds LS7 4DR

(This application was withdrawn from the agenda prior to the meeting as the applicants and all interested parties had reached agreements on measures suggested in order to promote the licensing objectives of the city. The Premise Licence will therefore be issued by the Licensing Officer in accordance with the agreed conditions)

### 132 "Station Hotel" - Application to vary a premises licence in respect of the Station Hotel, 1 Station Road, Crossgates, Leeds LS15 7JX

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application seeking to vary an existing premises licence in respect of The Station Hotel, 1 Station Road, Cross Gates, Leeds LS15 7JX.

Representations had been submitted by LCC Environmental Protection Team (LCC EPT) and West Yorkshire Police (WYP) containing measures to address public nuisance and crime and disorder licensing objectives respectively.

Written representations had also been submitted by local residents which were taken into consideration by the Sub Committee.

The hearing was attended by the following:

Mr J Baker /Mrs J Baker – The DPS/ Mangeress of the Premises  
Mr A Evans – Applicants Barrister on behalf of The Spirit Pub  
Company (Services) Ltd  
Mr R Stark – Area Manager on behalf of The Spirit Pub  
Company (Services) Ltd  
Councillor S Armitage, representing Members of the Public  
Mr B Kenny – Environmental Protection Team  
Mr M Everson – Environmental Protection Team (Observing)  
PC Dobson – West Yorkshire Police

Mr Evans addressed the Sub Committee and substantially amended the application to reduce the variation sought to:-

- to open the premises from 9:00 hours Monday to Sunday
- for the removal of the Embedded Restrictions on hours for Christmas Day as referred to in the Premises Licence

On behalf of the applicant he outlined the recent refurbishment works undertaken at the premises and gave reassurances to the meeting that the applicant would seek to address residents concerns in relation to any future proposals put forward to increase the hours for licensable activities.

The Chair then invited representations from West Yorkshire Police; Environmental Protection Team and the Crossgates Watch Residents Association.

In view of the revised application put forward by the applicants Barrister, representations from the above parties were withdrawn at the meeting.

**RESOLVED** - To grant the revised application in the following manner:

- to open the premises from 9:00 hours Monday to Sunday
- for the removal of the Embedded Restrictions on hours for Christmas Day (i.e. 9 (a) of the Premises Licence)

(The meeting concluded at 10.35am)

## Licensing Sub-Committee

Monday, 21st November, 2011

**PRESENT:** Councillor G Wilkinson in the Chair

Councillors A Khan and D Wilson

### 133 Election of the Chair

**RESOLVED** – Councillor Wilkinson was elected Chair for the meeting.

### 134 Late Items

No formal late items of business were added to the agenda for the meeting, however in respect of agenda item 6 (Minute No. 135 refers), the Sub Committee received a copy of the letter from Leeds City Council Environmental Protection Team, confirming their representation had been withdrawn.

Additional information had been submitted in relation to agenda item 8 (Minute No. 137 refers), in support of the application for a premises licence. The documents included a plan of the premises and a list of outlets run by the applicant.

### 135 "Devon" - Application to vary an existing premises licence in respect of the Devon, Kingswear Crescent, Whitkirk, Leeds LS15 8LR

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application to vary an existing premises licence in respect of the Devon, Kingswear Crescent, Whitkirk, Leeds, LS15 8LR.

Representations had been submitted by local residents and Ward Members.

A representation had also been submitted by LCC Environmental Protection Team, however the measures proposed had been agreed by the applicant and the representation subsequently withdrawn on the understanding that those measures would appear on the premises licence as conditions should the application be granted.

The hearing was attended by the following:

- Carmel Daly-Fletcher, Designated Premises Supervisor
- Hugh Maloney, Area Manager, Greene King Brewing & Retailing Ltd
- Councillor Armitage (Ward Member representing Cross Gates and Whinmoor)
- Local residents.

Carmel Daly-Fletcher addressed the Sub-Committee and made the following points:

- The applicant was only seeking to extend the licence on Friday's and Saturday's.
- There had been no complaints in relation to temporary events that had been held at the premises.

- The applicant was a member of Pubwatch and hosted local committee meetings.
- There was a strong management team in place, which included a zero tolerance policy to drugs and underage drinking.
- A high tech alarm facility had been installed at the premises.
- Door security would be in operation on Friday and Saturday evenings.

In response to Members' questions and comments, the following points were made:

- Confirmation that the nearby public house at the station already had a licence to sell alcohol up to midnight.
- Confirmation that the applicant attended local residents' meetings.
- It was reported that the volume of the music was turned down from 10.30pm and turned off at 11.10pm.

Councillor Armitage (Ward Member) and local residents then made their representations as follows:

- The premises were situated in the middle of a residential area.
- Issues associated with taxis ranked up outside the premises.
- Reports of anti-social behaviour after individuals had left the premises, e.g. swearing, fighting, glasses and bottles left in residents' gardens, etc.
- Reports of excessive drinking and groups congregating on benches.

In response to Members' questions and comments, the following points were made:

- Confirmation that issues associated with taxis ranked up outside the premises had been reported to the Council's taxi and private hire section.
- Noise arising from the smoking area and outside tables.

In summing up, the applicant made the following key points:

- Confirmation that the applicant collected glasses and bottles left outside the premises.
- Regular ID checks were in operation at the premises.

The Sub Committee then carefully considered all the written and verbal submissions and made the following decision:

**RESOLVED** – To grant the application as requested, subject to conditions.

**136 "Vineataly" - Application for the grant of a premises licence for Vineataly, Unit Z, Granary Wharf, Leeds LS1 4BR**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a premises licence for Vineataly, Unit Z, Granary Wharf, Leeds, LS1 4BR.

Representations had been received from West Yorkshire Police (WYP) which included measures proposed to address the licensing objectives. Those measures had been agreed by the applicant prior to the hearing and WYP had subsequently withdrawn the representation on the understanding the measures would be imposed on the premises licence, should it be granted.

A representation had also been submitted by LCC Environmental Protection Team, however the measures proposed had been agreed by the applicant and the representation subsequently withdrawn on the understanding that those measures would appear on the premises licence as conditions should the application be granted.

Representations had also been submitted by local residents.

The hearing was attended by the following:

- Mattia Boldetti, Designated Premises Supervisor
- David Deacon, Landlord
- John White, Licensed Trade Consultant
- Rob Thompson, Licensed Trade Consultant
- Emma Hopkins, Objector.

John White addressed the Sub-Committee on behalf of the applicant and made the following points:

- The applicant already operated successful premises in Pudsey.
- An informal meeting had taken place with local residents regarding the application.
- Acknowledgement that there had been some concerns from local residents in relation to the application referring to late music, which the applicant felt was misleading.

Emma Hopkins, objector, made the following points:

- Concern about the proposed opening hours.
- Concern about the potential for noise nuisance.
- The premises were situated in a predominantly residential area.

The Sub Committee then carefully considered all the written and verbal submissions and made the following decision:

**RESOLVED** – To grant the application as requested, subject to conditions.

**137 "KFC" - Application for the grant of a premises licence for KFC, Merrion Centre, 76 - 78 Merrion Street, Leeds LS2 8LW**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a premises licence for KFC, Merrion Centre, 76-78 Merrion Street, Leeds, LS2 8LW.

A representation had been submitted by West Yorkshire Police (WYP) containing measures to address public nuisance and crime and disorder licensing objectives.

The hearing was attended by the following:

- David George, Proposed Licence Holder
- Paddy Whur, Licence Holders Agent
- PC Cath Arkle, West Yorkshire Police

Paddy Whur, Licence Holders Agent, addressed the Sub-Committee on behalf of the applicant and made the following points:

- Approval of the application would create an additional 40 jobs.
- Investment in management infrastructure.
- 2 SIA registered doormen were being employed at the premises.
- Installation of CCTV and in-house electronic incident reporting system.

PC Cath Arkle, West Yorkshire Police, addressed the Sub-Committee and made the following points:

- Confirmation that West Yorkshire Police had submitted a representation as the premises were located within an area covered by a Cumulative Impact Policy.
- Issues in relation to crime and disorder.

The Sub Committee then carefully considered all the written and verbal submissions and made the following decision:

**RESOLVED** – To grant the application as requested, subject to conditions.

(The meeting concluded at 1.35pm.)

## Licensing Sub-Committee

Monday, 28th November, 2011

**PRESENT:** Councillor S Armitage in the Chair

Councillors K Bruce and R Downes

**138 Election of the Chair**

**RESOLVED** – Councillor Armitage was elected Chair for the meeting

**139 Late Items**

No formal late items of business were added to the agenda; however the Sub Committee had received supplementary information supplied by the applicant relating to the Ibiza Bar (minute 141 refers)

**140 Declarations of Interest**

There were no declarations of interest.

**141 "Ibiza Bar" - Application for the grant of a premises licence for Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane, Harehills, Leeds LS9 6PJ**

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application for the grant of a new premises licence for Ibiza Bar, Harehills.

Representations had been received from LCC Environmental Protection Team. Measures suggested by LCC EPT to address the prevention of public nuisance licensing objective had been agreed by the applicant prior to the hearing and that representation had been withdrawn on the understanding that the measures would appear as conditions on the new Licence, should the application be granted. Representations had also been received from West Yorkshire Police (WYP) and by local residents regarding the application. The following were present at the hearing:

Mr A Amiri – the applicant

PC L Dobson – WYP

Mr Y Sina – the applicants representative

Inspector J Hawkes – WYP

Mr B Patterson – WYP

Mr D Myers – local resident

Mrs M Ingham - observer

The Sub Committee heard from Mr Sina and Mr Amiri over the intended style of operation of the premises which would provide music and dancing on an ad-hoc basis. Mr Sina responded to the written comments made by WYP and stated the premises were not currently open, although the landlord Mr A Parsiani had held an event there against the wishes of the applicant but with permission from WYP. Mr Amiri would not sell cigarettes and had absolutely no connection to Mr H Rafique – a previous applicant

Mr Sina stated that Mr Amiri no longer intended to be DPS of the premises, but nominated Mr P Howaka. The Legal Adviser to the Sub Committee

clarified that no application for Mr P Howaka had been received and Members could only consider the application before them showing Mr Amiri proposed as DPS.

Members queried the operating hours as the application stated the intention to have a drinking up time, but the hours did not reflect this. In response Mr Sina confirmed the applicant would cease the sale of alcohol at 22:30 hours, with the premises to close at 23:00 hours. The Sub Committee noted the premises benefited from a current premises licence and queried whether this would be surrendered if this application was granted. Neither Mr Sina nor Mr Amiri could provide details of the whereabouts of the existing Premises Licence.

PC Dobson and Inspector Hawkes then addressed the Sub Committee highlighting specific concerns over the history and management of the premises and the associates of Mr Amiri. PC Dobson confirmed the existing premise licence was in the name of Mr N Khan who was an associate of Mr H Rafique. Mr H Rafique was known to WYP and Her Majesties Revenues and Customs Services with regards to sales of illegal tobacco/cigarettes from several shops in the Harehills area and in relation to previous hearings concerning the former Starlight Bar (now Ibiza Bar). PC Dobson addressed the contents of the letter submitted as supplementary evidence by the applicant and stated the following

- The premise did not have a fire risk assessment. WYP had spoken to the officer who had visited the Ibiza bar
- WYP had visited the premises to speak to Mr Amiri and encountered Mr H Rafique who had rung Mr Amiri from his personal phone. WYP suggested it was not the case that Mr Amiri had nothing to do with Mr Rafique
- Mr A Parsiani owned the building which housed Ibiza Bar and was known to WYP under an alias
- The event which was stated to be held by Mr Parsiani against the wishes of Mr Amiri was either held under the auspices of a Temporary Event Notice requiring consent from WYP or as a private party. The description of the event made by Mr Parsiani and reported by Mr Sina fell into neither category, but PC Dobson stated she had not and would not have granted permission for such an event if a TEN application had been made
- Residents had seen disco equipment being taken into the premises and were aware of people coming and going from the premises, additionally patrons were seen to be congregating on the front street smoking and drinking. This building lay within an area covered by a DPPO. No bottles/drinks should be permitted off the premises under the terms of the existing premises licence

Inspector Hawkes provided details of two visits undertaken by WYP to the premises – the first where she had found the premises to be insecure and had met Mr H Rafique, the second where she had been unable to gain entry as the gates were locked from the inside leading WYP to believe, as residents had suggested, someone was currently living in the property. These factors, along with concerns of Neighbourhood Policing Team about noise, littering and impact of people spilling out onto the local streets if this premises was opened again, formed the basis of WYP misgivings over who had access to and overall control of the premises.



The Sub Committee then heard from Mr D Myers, a local resident, who stated that local residents were opposed to the application. He believed the bar would not serve local residents but attract patrons from elsewhere which would lead to disruption to the neighbourhood and increase the likelihood of patrons congregating outside the premises

In discussions with all parties, the Sub Committee noted the following matters:

- the refurbishment works undertaken by Mr Amiri
- the contents of the tenancy agreement and stated name of the landlord
- access rights to the premises that other parties retained
- the relationship between the applicant and Mr H Rafiq and the relationships between other parties linked to the premises
- the status of the fire safety checks
- the experience of the applicant in the licensed trade

The Sub Committee carefully considered the report and the supplementary documents and listened carefully to the verbal representations of WYP, the local resident and those made on behalf of the applicant. Members had been keen for the applicant to demonstrate that he maintained full control of the premises. However they maintained serious concerns about the application and the representations made by the applicant and on behalf of the applicant. In reaching their decision, Members had regard to the following matters:

- the tenancy agreement which stated a different landlord to the one named by Mr Amiri
- Noted there was no separate application for Mr Howaki to become DPS of the premise although he had been named by the applicant at the hearing
- Concerns that Mr Amiri was not in control in the premises and that Mr A Parsiani had free reign of the building and had held an event at the premise against the instructions of Mr Amiri
- Concerns of public safety given that Mr Amiri stated he had undertaken a fire risk assessment but had actually obtained a fire safety certificate which he produced in evidence at the hearing

Members considered that this premise in this location required strong and clear management and felt that this was not the case in this instance. The Sub Committee preferred the evidence of WYP and noted the contents of their report of events on 5 November 2011 and noted that PC Dobson had not given permission for a Temporary Event Notice and would not in any case for a private party

**RESOLVED** – That the application be refused

**142 "Malthurst Phoenix" - Application for the grant of a Premises licence for Malthurst Phoenix, 277 Meanwood Road, Meanwood, Leeds LS7 2JD**

This application was withdrawn from the agenda prior to the meeting as the applicants and all interested parties had reached agreements on measures suggested in order to promote the licensing objectives of the city. The Premise Licence will therefore be issued by the Licensing Officer in accordance with the agreed conditions

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## **Licensing Sub-Committee**

**Friday, 2nd December, 2011**

**PRESENT:** Councillor J Dunn in the Chair

Councillors C Townsley and G Wilkinson

### **143 Election of the Chair**

**RESOLVED** – Councillor Dunn was elected Chair for the meeting.

### **144 Appeals Against Refusal of Inspection of Documents**

There were no appeals against the refusal of inspection of documents.

### **145 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That the public be excluded from the meeting during consideration of that part 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 public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix D of the report referred to in minute 148 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain. Additionally the information relates to ongoing police investigations which could be jeopardised if discussions were held in public; and
- (b) The Sub Committee also noted that the press and public would also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to allow the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules.

### **146 Late Items**

No formal late items of business were added to the agenda for the meeting, however in respect of agenda item 6 (minute no 148 refers), the Sub Committee received the following:

- supplementary information from the Environmental Protection Team entitled 'Review of the Premises Licence, The Fellmonger';
- a copy of the Premise Licence;
- a Statement of Lee William Wilson;

- a Statement of Guy Thomas Lissimore;
- a Statement of Martin Richard Hall;
- a Statement of Marc Ronald Burnham– Thomas; and
- a chronology prepared by the Licence Holder entitled – ‘History of Ownership and DPS Appointments with Events.

#### **147 Declarations of Interest**

There were no declarations of interest.

#### **148 "The Fellmonger"**

The Sub-Committee considered a Review of a Premises Licence held at the premises known as “The Fellmonger” North Parkway, Seacroft Leeds LS14. The Review was considered under the provisions of Section 167 of the Licensing Act 2003 following the issuing of a Section 161 Closure Notice by West Yorkshire Police at the premises on 17 November 2011. The Licensing Authority was therefore required to review the Premises Licence under the provisions of Section 167 of the Act.

Present at the hearing:

- West Yorkshire Police – the applicant, represented by Mr Patterson, PC Dobson, Inspector Emmett. (WYP);
- Sergeant Rob Fulliove, Inspector King and PC Shelton (observers)
- Councillor Vonnie Morgan (witness for WYP);
- Leeds City Council (Environmental Protection Service), represented by Gurdip Mudhar; and
- CAL Management Ltd – Premise Licence Holder (PLH), represented by Nadeem Bashir (Counsel);
- Lee Wilson, Duty Manager at “The Fellmonger”;
- Martin Hall of Zolfo Cooper (the administrator); and
- Guy Lissimore Director of Asset Manager Solutions and Marc Burnham – Thomas, Area Manager of Asset Manager Solutions (appointed by the administrator to run the pub).

The Sub-Committee first considered representations from WYP who provided the background of events leading up to the Section 161 Closure Notice being issued and also the previous history of the premises highlighting the following:

- the number of serious incidents that have occurred at the “The Fellmonger”;
- the measures previously put in place to reduce the number of incidents occurring;
- the effect of the disturbances at “The Fellmonger” on the residents surrounding the pub;
- the family connections and repeated involvement of the same individuals in the incidents irrespective of management structure;
- the lack of appetite from the present owners of “The Fellmonger” to re-brand the pub due to financial constraints imposed by the administrator in control of the pub; and

- that the premises had not engaged with pubwatch.

WYP also called the local ward Councillor, Vonnie Morgan, as a witness who informed the Committee of the complaints she had received which, were increasing. Cllr Morgan also informed the Committee that she has received no complaints from other premises in the ward.

Further to this, the Leeds City Council (Environmental Protection Service) representative provided details of complaints received between 2007 and 2010, it was highlighted that no complaints had been received in 2011.

The Sub Committee then heard from the PLH who responded to the submissions of WYP in detail. Evidence was called from Guy Lissimore, Director of the PLH, Mark Burnham – Thomas, Area Manager on behalf of the PLH, Martin Hall on behalf of the Court appointed administrators and Lee Wilson the current manager of the premises. Nadeem Bashir, counsel for the PLH, highlighted the following points which the sub committee gave careful consideration to:

- W Licensing Ltd were the new PLH and that they should not be held responsible for previous failures;
- the experience of the management company in managing many venues successfully;
- only the one incident, that had led to the closure order, under the tenure of the current holders and that had happened shortly after they assumed control;
- the conditions proposed were a serious effort to address the issues and provide a way forward for these premises
- the premises had remained shut voluntarily since the incident which led to the closure order and would remain shut until the new DPS took over;
- a new DPS, acceptable to WYP, would be appointed following a successful interview process;
- although Asset Manager Solutions Ltd were operationally in control the administrators appointed by the court were required to maximise asset realisation and therefore were limited in terms of allowing funding for re-branding meaning the options with regard to re-branding were limited.

In summing up for WYP PC Lynn Dobson made the following key points:

- there has been 5 changes of PLH and 9 changes of DPS in recent years;
- the PLH has no appetite to re-brand and re-furbish the premises, which could possibly be something that could improve the situation the pub faces;

- the conditions submitted to the committee by the PLH were, unacceptable and unenforceable, with nothing to show how the licensing objectives would be upheld;
- revocation would be a serious step and could result in displacement but WYP viewed this as the only option; and
- suspension of the licence would not be appropriate as it does not address the problems of these premises.

In summing up on behalf of the PLH Nadeem Bashir made the following key points:

- the police objected to linking with old with the new in terms of current DPS Lee Wilson continuing in the role, however the police were doing just that by linking this PLH with what had gone before, and that in any case the proposal had been for an acceptable DPS and this would not necessarily have been Mr Wilson;
- Asset Manager Solutions (AMS) had only recently taken over the premises and in line with the administrators instructions were getting to grips with the premises. Further to this, AMS are considered a responsible company who would manage the premises responsibly despite them being in a challenging area; and
- the Conditions submitted were serious proposals and AMS had committed to keeping the premises shut until an acceptable DPS was in place.

Following full and lengthy consideration of the options open to the Sub-Committee in the determination of Review applications Members made the following decision:

**RESOLVED** – To revoke the premises Licence.

Whilst the Committee accepted that these were new premises licence holders and had some sympathy with the argument that they should not be responsible for previous failures, Members felt they could not ignore the history. These were tough premises in a tough area and to continue to operate they would need a strong management team.

This management company did have experience but there were no proposals on the table to show how they would address the problems caused by the 8-10 individuals whose names cropped up repeatedly in the incidents.

Given the constraints of the administration and lack of a proposed and checked acceptable DPS/manager the committee could not conclude that allowing the premises to operate would uphold the promote the licensing objectives.

The conditions proposed were those which would often appear on premises licences in any event and on their own did not address the issues at this premise and would not adequately promote the licensing objectives of prevention of crime and disorder.

## **Licensing Sub-Committee**

**Monday, 5th December, 2011**

**PRESENT:** Councillor in the Chair

Councillors S Armitage, J Dunn and  
R D Feldman

**APOLOGIES** Councillor G Hussein

### **149 Election of the Chair**

**RESOLVED** – Councillor Feldman was elected as Chair for the meeting.

### **150 Appeals Against Refusal of Inspection of Documents**

There were no appeals against the refusal of inspection of documents.

### **151 Exempt Information - Possible Exclusion of the Press and Public**

There were no resolutions to exclude the public.

### **152 Late Items**

There were no late items.

### **153 Declarations of Interest**

There were no declarations of interest.

### **154 "The Spice Box" - Application for the grant of a Premises Licence for The Spice Box Limited, 152 High Street, Boston Spa, Wetherby LS23 6BW**

Agenda item 6 "The Spice Box" was not discussed due to I having previously been dispensed with.

### **155 "Silver Vase" - Application for the grant of a premises licence for Silver Vase, 2 Stainbeck Lane, Meanwood, Leeds LS7 3QY**

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a premises licence for Silver Vase, 2 Stainbeck Lane, Meanwood, Leeds, LS7 3QY.

Representations had been received by West Yorkshire Police (WYP) objecting to the application in light of the premises being located within an area affected by the Cumulative Impact Policy.

Representations had also been submitted by Ward Councillors and a local resident objecting to the application, although no ward Councillors were in attendance.

The hearing was attended by the following:

- Cuong Bang, Proposed Licence Holder;
- Jagjit Rall, Observer;
- Mike McRath (Chapel Allerton Neighbourhood Plan), Observer.

Cuong Bang addressed the Sub Committee and made the following points:

- The premises had previously had a licence to serve hot takeaway food which had lapsed due to a breakdown in family relationships;
- The premises, which Mr Bang had worked at, had previously had a good reputation with no police intervention; and
- There was no significant change in the hours the takeaway planned to open compared to the previous takeaway.

PC Lynn Dobson, West Yorkshire Police, addressed the Sub Committee and made the following points:

- Confirmation that West Yorkshire Police had submitted a representation as the premises were located within an area covered by the Cumulative Impact Policy; and
- The increasing number of takeaways causing problems for the Police in terms of crime and disorder as people often patronise them after pubs have closed.

In summing up the applicant re-iterated the good record the premises previously had and offered to install CCTV.

The Sub Committee then carefully considered all the written and verbal submissions and made the following decision:

**RESOLVED** – To grant the application as requested, subject to conditions imposed by the Committee as follows:

The Committee considered that the hours sought are minimal and that licensed premises in the immediate area operate until 2am and therefore these premises would not impact on the area by increasing the number of persons in the area or contribute to public nuisance.

They also took into account, which was confirmed with West Yorkshire Police, that these premises have operated successfully in the past to these hours with no problems as of today's date.

The Licensing Subcommittee is therefore mindful to grant the application with the condition to install CCTV to the satisfaction of West Yorkshire Police within 6 weeks from today. The CCTV to be retained to the satisfaction of West Yorkshire Police.



These are considered necessary and proportionate in line with the licensing objectives.

**156 "Jaldi Jaldi" - Application for the grant of a premises licence for Jaldi Jaldi, 4 Stainbeck Lane, Meanwood, Leeds LS7 3QY**

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a premises licence for Jaldi Jaldi, 4 Stainbeck Lane, Meanwood, Leeds, LS7 3QY.

Representations had been received by West Yorkshire Police (WYP) objecting to the application in light of the premises being located within an area affected by the Cumulative Impact Policy.

Representations had also been submitted by Ward Councillors and local residents objecting to the application. However no Ward Councillors were in attendance.

Representations had also been submitted by Chapel Allerton Neighbourhood Plan.

The hearing was attended by the following:

- Rashad Mahmood, Proposed Licence Holder;
- David Smith, Licensing Consultant;
- Henry Price, Observer; and
- Mike McRath (Chapel Allerton Neighbourhood Plan), Objector.

David Smith addressed the Sub Committee and made the following points:

- Jaldi Jaldi is part of a large successful organisation with a reputation for quality and good service;
- a number of temporary event licences have recently been issued and these have passed off with no trouble;
- installation of CCTV to take place and also signs to be installed insisting noise be kept to a minimum in the premises;
- the Management to ensure litter in the area around the premises is cleared;
- the original request to be open until 3am on Friday and Saturday to be reduced to 2am.

PC Dobson, West Yorkshire Police, addressed the Sub Committee and made the following points:

- confirmation that West Yorkshire Police had submitted a representation as the premises were located within an area covered by the Cumulative Impact Policy; and
- the increasing number of takeaways caused problems for the Police in terms of crime and disorder as people often patronise them after pubs have closed.

Mike McRath (Chapel Allerton Neighbourhood Plan) made his representation as follows:

- there are already a large number of late night takeaways in the area;
- this application requests a later licence than most takeaways in the area;
- the potential that if this application was to be approved that other requests would be made to extend licensing hours; and
- the likelihood of an increase in noise and litter if the proposed hours of licensable activities are approved;

In summing up the applicant made the following key points:

- for the business to be viable it needs to be open at times when there is an abundance of trade;
- a genuine belief that the business can trade until 2am responsibly; and
- confirmation that noise and litter will be taken seriously.

The Sub Committee then carefully considered all the written and verbal submissions and made the following decision:

**RESOLVED** – To grant the application as requested, subject to conditions imposed by the Committee as follows;

The Licensing Sub Committee did not feel that the applicant had demonstrated that their application would not impact on the Cumulative Impact after 11:30/midnight and to grant beyond these hours would be detrimental to the majority of residents in the area.

The decision was to grant the licence limited to 23:00 until 23:30 Monday to Wednesday and 23:00 to midnight Thursday to Sunday.

**157 "Cocktail Bar" - Application for the grant of a premises licence for Cocktail Bar, 39 Call Lane, Leeds LS1 7BT**

The Sub Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a premises licence for Cocktail Bar, 39 Call Lane, Leeds, LS1 7BT.

Representations had been received by West Yorkshire Police (WYP) objecting to the application in light of the premises being within an area affected by the Cumulative Impact Policy.

Representations were received by Leeds City Council Environmental Protection Team.

Representations were also received by Leeds City Council Health and Safety Service however the measures proposed had been agreed by the applicant and the representation subsequently withdrawn on the understanding that those measures would appear on the premises licence as conditions should the application be granted.

The hearing was attended by the following:

- Alexander William Neil, Proposed Licence Holder;
- Christopher Neil, Supporter;
- Jonathan Neil, Supporter;
- PC Kath Arkle, West Yorkshire Police

Christopher Neil addressed the Sub Committee and made the following points:

- the Premises would be a small and exclusive venue which would be unlikely to add to the problems in Call Lane;
- the applicant and his supported have many years experience at running licensed venues and have had made one call to the police in 21 years;
- the change of use has already been granted by Leeds City Council's planning department;
- registered SIA doormen would be employed at the premises;
- a willingness to work with West Yorkshire Police.

PC Cath Arkle, West Yorkshire Police, addressed the Sub Committee and made the following points:

- confirmation that West Yorkshire Police had submitted a representation as the premises were located within an area covered by the Cumulative Impact Policy; and
- the large number of bars and clubs already present in the Call Lane area already causes serious crime and disorder issues which would be added to if this licence application were to be granted.

Brian Kenny, Leeds City Council, Environmental Protection Service, addressed the Sub – Committee and made the following points:

- confirmation that Leeds City Council, Environmental Protection Service had submitted a representation as the premises were located within an area covered by the Cumulative Impact Policy; and
- complaints are regularly received about bars and clubs on Call Lane due to the close proximity of residential property.

In summing up the applicant made the following key points:

- the numbers likely to use the proposed premises would not have a significant impact on the Call Lane area; and
- the intention to have live bands only on rare occasions.

The Sub Committee then carefully considered all the written and verbal submissions and made the following decision:

**RESOLVED** – To refuse the application for the following reasons:

The Committee considered the Leeds City Council Cumulative Impact Policy and heard the full objections from West Yorkshire Police and the Environmental Protection Service and the particular problems in this area which has now reached saturation point. The Licensing Subcommittee is mindful that this is a new additional premises in the area that will impact on the cumulative impact in the area. The decision of the Licensing Subcommittee is that the applicants have not demonstrated that their application would not add to the cumulative impact of such premises in the area and therefore refused the application.

## **Licensing Sub-Committee**

**Monday, 12th December, 2011**

**PRESENT:** Councillor G Hyde in the Chair

Councillors B Gettings and T Hanley

### **158 Election of the Chair**

Councillor Hyde was elected Chair for the meeting.

### **159 Late Items**

No formal late items of business had been added to the agenda, however Members had received a revised representation from LCC Health and Safety Team in respect of KFC City Station. Additional paperwork had been submitted in respect of Shell at Roydsbeck in order to name a new DPS.

### **160 Declarations of Interest**

There were no declarations of interest.

### **161 "K F C" - Application for the grant of a premises licence, KFC, City Station, New Station Street, Leeds LS1 4DT**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence in respect of KFC, City Station, New Station Street, Leeds LS1.

Representations had been received from the LCC Health and Safety Team, however agreement had been reached with the applicant and these representations had been withdrawn prior to the hearing. A representation had also been received from West Yorkshire Police.

Present at the hearing were:

Mr P Connell- Unit Manager  
Ms N Smith- Solicitor for the Applicant  
Mr J Heathcote- Operations Manager  
Mr K Dungey- Regional Operations Manager  
PC Arkle- West Yorkshire Police  
Sgt M Jackson- British Transport Police

The Sub-Committee heard from Ms Smith who informed them that the application was for Late Night Refreshment only (no alcohol) until 02.00 .am. The KFC premises is currently a convenience store which is licensed to sell alcohol, this licence would be surrendered once the premises was running as a KFC if this application was

granted. The Sub-Committee was informed that the applicant has extensive experience running business in stations across the country, including in Leeds where they run a number of other businesses in Leeds Station, and have done for many years. The proposed KFC would have a dedicated seating area of 32 seats outside the premises for customers to eat at. There would be CCTV. The applicant stated that he was used to dealing with queuing systems and other issues that were relevant to a business at the station, and that the KFC would cater both to travellers and station staff. He stated that they had a good working relationship with the British Transport Police.

PC Arkley made representation on behalf of West Yorkshire Police against the grant of the Licence. Sgt Jackson outlined the concerns of the British Transport Police regarding the application, which were around customers congregating around the premises late at night rather than dispersing, and that people could be attracted from outside the station, such as from the taxi rank, to congregate around the premises. The applicants reiterated their experience in managing similar premises at Leeds City Station and clarified that the premises needed to have seats for customers to eat at.

The Sub-Committee carefully considered all the written and verbal submissions. Members felt that granting the application with conditions would uphold the licensing objectives.

**RESOLVED-** To grant the license as per the application as agreed with the responsible authorities and with the inclusion of a condition requiring that the external seating be removed from 12.00 midnight until close every night.

### **162 "Shell Garage" - Application for the grant of a premises licence for Shell Roydsbeck, Ring Road, Lower Wortley, Leeds LS12 6AN**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance, and the Authority's own Statement of Licensing Policy considered an application received for the grant of a premises licence for Shell Roydsbeck, Ring Road Lower Wortley, Leeds LS12. The application was to allow sale by retail of alcohol. The application also sought Late Night Refreshment from 23.00 – 05.00 daily.

A representation had been received from West Yorkshire Police regarding the application.

Present at the hearing were:

Mr L Charalambloes- Barrister for the applicant  
Mr G Wardell- Cluster Manager for Shell  
Mr C Lockett- Licence Holders Agent  
Mr B Patterson- West Yorkshire Police

The Sub-Committee heard from Mr Charalambloes who requested that the Licence Application be determined prior to applying the s176 test in order to determine the primary use of the Shell premises. Mr Charalambloes was informed that the Sub-

Committee needed to hear all of the evidence and that the s176 test would be applied first.

Mr Charalambloes informed the Sub-Committee that additional conditions had been agreed with West Yorkshire Police in respect of football match days. Mr Charalambloes tabled actual trading figures in respect of the application. The Sub-Committee were informed that Shell is the Premises Licence Holder.

Mr Pattison, of West Yorkshire Police informed the Sub-Committee that there had been concerns regarding the premises, and its proximity to the Football Ground, however conditions had been agreed and he was now satisfied regarding this. He commented that the Licence Agents had always provided data to him when requested.

The Sub-Committee having carefully considered both the written and verbal representations from the applicant and West Yorkshire Police declined to accept the application. The Sub-Committee considered the application and use of the premises in line with Section 176 of the Licensing Act 2003 and concluded the primary use of the premises was as a garage. In making this decision the Sub-Committee considered the figures provided by the applicant; the number of litres of fuel sold and the locality.

**RESOLVED** - That the application should not be accepted as it related to an excluded premise under s176 of the Licensing Act 2003

**163 "Leeds Deli Limited" - Application for the grant of a premises licence for Stall 232/23, Leeds Kirkgate Market, Leeds LS2 7HY**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance, and the Authority's own Statement of Licensing Policy considered an application received for the grant of a premises licence in respect of Stalls 232/234 of Leeds Kirkgate Market, Leeds, LS2.

Representations had been received from West Yorkshire Police.

PC Arkle made representation on behalf of West Yorkshire Police against the grant of the Licence. Mr Jai Van-Toch, from HMRC informed the Sub-Committee of previous events at the applicant's other premises on Dewsbury Road, and at the applicant's home whereby illegal cigarettes and wine had been found, together with large amounts of cash.

The Sub-Committee carefully considered all the written and verbal submissions. Members felt that use of premises for crime was particularly serious and that it would be necessary to take steps to address this issue. Members felt that this premises could be used for tax evasion by the importing of goods where no duty had been paid.

The Sub-Committee therefore was satisfied that granting the application in part or with condition would undermine the crime prevention objective. It was therefore necessary for the promotion of this objective to refuse the application.

**RESOLVED-** To refuse the application



## Licensing Sub-Committee

Monday, 19th December, 2011

**PRESENT:** Councillor B Selby in the Chair

Councillors P Latty and C Townsley

**164 Election of the Chair**

Councillor Selby was elected Chair of the meeting.

**165 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

**166 Exempt Information - Possible Exclusion of the Press and Public**

There were no resolutions to exclude the public.

**167 Late Items**

No formal late items of business were added to the agenda for the meeting. However, the Sub Committee did however receive additional information prior to the meeting in respect of the following matters:

Agenda item 6 (minute 169 refers) – additional information submitted on behalf of the applicant in relation to the proposed hours of operation of the premises.

**168 Declarations of Interest**

There were no declarations of interest.

**169 "Bengal Brasserie" - Application for the grant of a Premises Licence for Bengal Brasserie, Victoria Court, Wetherby LS22 6JA**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application for the grant of a premises licence in respect of Bengal Brasserie, Victoria Court, Wetherby, LS22 6JA. The original application was for the supply of alcohol, recorded music and opening hours from 11.00 – 0.00 hours every day, and the provision of late night refreshment from 23.00 – 0.00 hours every day.

Representations had been submitted by local residents. Not all of the residents attended the hearing. Members resolved to consider their written submission and proceed in their absence. The hearing was attended by the following:

- Mr Molik Dobir Miah – applicant;
- Ms Tanya Forret and Ms Susan Alexander – Solicitors for the applicant; and
- Councillor Gerald Wilkinson, Mrs Margaret Learmouth and Ms Anne Shann – objectors.

It was noted that a letter had been received from the applicant's solicitor following the publication of the agenda, which stated that in view of the concerns of local residents, the applicant now wished to apply for the following:

- Sale of alcohol by retail: 11.00 – 23.00 hours every day;
- Performance of recorded music: 11.00 – 23.00 hours every day; and
- Opening hours: 11.00 – 23.00 hours every day.

The letter also stated that Mrs Learmouth had confirmed that she, and the other members of the Victoria Court Committee would be happy to agree to the application on the basis of the amended hours outlined above.

However, at the hearing Mrs Learmouth stated that she was not willing to withdraw her objection until she had assurance that the premises would be cleared of members of the public by 23.30 hours.

Therefore, the hearing proceeded as normal, and the Sub-Committee heard from Ms Forret on behalf of the applicant. Ms Forret stated that no representations had been received from responsible authorities, however representations had been received from members of the public with concerns about the noise that would be caused. In response to concerns which had been raised in relation to the performance of recorded music, it was confirmed that this would be soft background music which would not be audible outside of the restaurant.

Ms Forret then requested that the opening hours of the restaurant be confirmed as 11.00 – 23.30 hours every day, instead of 23.00 hours as stated in the letter. This was to allow the applicant sufficient opportunity to ensure that all customers had left the premises by the closing time.

Mrs Learmouth stated that she would be happy for the application to be granted if all members of the public would be required to leave the restaurant by 23.30 hours.

Members considered the representations made and

**RESOLVED** - To grant the application in the following manner:

- Sale of alcohol by retail: 11.00 – 23.00 hours every day;
- Performance of recorded music: 11.00 – 23.00 hours every day;
- Opening hours: 11.00 – 23.30 hours every day; and
- Conditions – that the premises must be clear of members of the public by 23.30 hours every day.

**170 "Catering Van" - Application for the grant of a Premises Licence for a Catering Van located on the forecourt of 27 - 29 Headingley Lane, Headingley, Leeds LS6 1BL**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application for the grant of a premises licence in respect of a

Catering Van located on the forecourt of 27-29 Headingley Lane, Headingley, Leeds, LS6 1BL. The application was for the provision of late night refreshment, from 23.00 – 04.00 hours from Sunday to Thursday, and 23.00 – 05.00 hours on Friday and Saturday.

The applicant was not present at the hearing, and the Sub-Committee resolved to proceed in their absence.

Written representations had been received from LCC Environmental Health, ward Members and a number of local residents. Not all of the objectors attended the hearing. Members resolved to consider their written submissions and proceed in their absence.

Present at the hearing were:

- Mr Brian Kenny – Environmental Protection Team; and
- Councillor Neil Walshaw – objector.

The Sub-Committee heard from Mr Kenny, who stated that the application should be refused because the premises is opposite a residential area, the applicant has failed to show how the application would not have an adverse impact on a Cumulative Impact Policy area, and the applicant would not be able to control any noise, anti-social behaviour or increased traffic caused as a result of the application.

The Sub-Committee then heard from Councillor Walshaw who stated that the application should be refused because the premises is in a Cumulative Impact Policy area, and there are already a lot of takeaway outlets in the Headingley and Hyde Park areas. He also stated that the premises is opposite a residential area, and the residents already experience a high level of noise and anti-social behaviour. He went on to explain that Council and Police resources are already stretched, and this would be exacerbated if any further noise and/or anti-social behaviour occurred as a result of the application being successful. He also stated that a high number of representations had been received from local residents which showed that the application was unwanted and unnecessary.

In discussion, the Sub-Committee particularly considered the Cumulative Impact Policy which states that 'It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 2... for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.'

The Sub-Committee did not consider that the applicant had demonstrated how the application would not add to the cumulative impact of such licensed premises in the area, and therefore it was **RESOLVED** – That the application be refused.

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## **EMPLOYMENT COMMITTEE**

**FRIDAY, 2ND DECEMBER, 2011**

**PRESENT:** Councillor J Blake in the Chair

Councillors J Dowson, G Latty, K Maqsood  
and D Wilson

### **44 APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS**

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 25 of the Access to Information Procedure Rules.

### **45 EXCLUSION OF PUBLIC**

**RESOLVED** - That the public be excluded from the meeting under the terms of Access to Information Procedure Rule 10.4(1) and (2) and on the grounds that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information by reason of the need to maintain the competitive nature of the interview process and to retain information submitted by individual applicants in confidence, as disclosure could undermine the process, future appointment processes, or the outcome on this occasion to the detriment of the Council's and public interest.

### **46 DECLARATIONS OF INTEREST**

There were no declarations of 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.

### **47 APPOINTMENT OF THE DEPUTY DIRECTOR - LEARNING SKILLS AND UNIVERSAL SERVICES**

The Committee interviewed four applicants for the post of Deputy Director – Learning Skills and Universal Services.

**RESOLVED** – That none of the applicants be offered the post of Deputy Director – Learning Skills and Universal Services.

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## Corporate Governance and Audit Committee

Wednesday, 9th November, 2011

**PRESENT:** Councillor G Driver in the Chair

Councillors P Grahame, N Taggart,  
C Campbell, G Kirkland, A Lowe , C Fox,  
P Harrand (as substitute for W Hyde),  
T Leadley (as substitute fro J Elliot) and  
G Hussain

**Co-optee**  
G Tollefson

Apologies Councillors J Elliott, W Hyde and T Hanley

### **43 Appeals Against Refusal of Inspection of Documents**

There were no appeals against the refusal of inspection of documents.

### **44 Exempt Information - Possible Exclusion of the Press and Public**

There were no resolutions to exclude the public.

### **45 Late Items**

The Chair admitted two late items to the Committee which were presented as verbal reports in light of new developments in the following subject areas, (Minutes 49 and 50 refer):

- future of Local Public Audit; and
- developments affecting Standards for Members in the Localism Bill.

### **46 Declaration of Interests**

There were no declarations of interest at this point in the meeting. However Councillor G Hussein declared a personal interest in Agenda item 8 (Minute 53 refers) as a Member of Leeds Faith Forum, Councillor C Campbell declared a personal interest in Agenda item 8 (Minute 53 refers) as a Member Leeds Initiative – City Centre Partnership and Leeds Initiative Sustainable Economy and Culture Board and Mr G Tollefson declared a personal interest in Agenda item 8 (Minute 53 refers) as a Member of NHS Clinical Commissioning Group.

### **47 Apologies For Absence**

Apologies for absence were received from Councillors: Hanley; Hyde; and Elliott.

**48 Minutes of the Previous Meeting**

The minutes of the Corporate Governance and Audit Committee held on 30<sup>th</sup> September 2011 were approved as a correct record.

**49 Future of Local Public Audit**

The Chair invited the Chief Officer (Audit and Risk) to present the Committee with a verbal update on the future of local public audit, following information presented by a representative of the Department for Communities and Local Government (CLG) at the Core Cities Audit Committee – Chairs’ meeting.

The Committee were informed that to date around 450 responses had been received following recent consultation on the proposals put forward. A summary of the responses will be published by CLG in the near future and then Government will publish their response to the consultation.

Members were also told about the ongoing Audit Commission fee consultation which proposes a 10% reduction in audit fees for 2012/13. At this point the Committee were also informed about a £41k refund receive by the council from the Audit Commission for 2011/12.

**RESOLVED** – The Committee resolved to:

- (a) thank the Chief Officer (Audit and Risk) for his comprehensive update
- (b) request the minutes of the Core Cities Audit Committee – Chairs’ meeting from 7<sup>th</sup> November 2011 be circulated to them when they become available; and
- (c) request a further update report as required.

**50 Developments Affecting Standards for Members in the Localism Bill**

The Chair invited the Head of Governance Services to provide a verbal update on the Localism Bill. The Head of Governance Services informed the Committee that on 7<sup>th</sup> November 2011 the House of Commons agreed amendments to the Localism Bill relating to Standards.

The Bill now requires that all Principal Authorities, amongst other matters, to;

- adopt a code of conduct which must be consistent with the Nolan Principles;
- ensure that the adopted code of conduct sets out the council’s requirements in terms of the registration and disclosure of pecuniary and non-pecuniary interests; and
- put in place arrangements under which they can investigate and take decisions on written allegations that a member has not complied with the code of conduct.



**RESOLVED** – The Committee resolved to thank the Head of Governance Services for his timely update and ask that the Committee be kept informed of further developments .

## **51 Leeds City Region - Local Enterprise Partnership Governance**

The Head of Regional Policy presented a report of the Assistant Chief Executive (Customer Access and Performance) which set out the current governance arrangements for the Leeds City Region Partnership. The report particularly focussed on the current relationship between the formally constituted Joint Committee and the recently established Local Enterprise Partnership Board (LEP).

The Chief Officer (Localities and Partnerships) was also in attendance.

Members discussed the report in detail particularly exploring the governance arrangements and how democratic accountability is provided – both in terms of input and feedback. Members considered that further scope exists for the work of the joint committee to have a working democratic relationship with councillors in the constituent authorities.

Members also gave consideration to the existing voting arrangements for the joint committee, particularly whether there might be scope for examining the potential for an alternative approach based on a ‘weighted’ vote.

**RESOLVED** – The Committee resolved to:

- (a) note the contents of the report, particularly the relationship between the City region Joint Committee and the LEP Board; and
- (b) to receive further reports as required on developments of the legal status of the LEP as it is determined.

## **52 Leeds Initiative Governance**

The Head of Leeds Initiative and International Partnerships presented a report which updated Members on progress with the review of the Leeds Initiative partnership arrangements and the associated and the associated planning and performance management arrangements in the city.

The Chief Officer (Localities and Partnerships) was also in attendance.

Members considered the report noting the improvements made to the governance arrangements of the Leeds Initiative. Members were also of the view that further consideration should be given to whether the meetings of the Leeds Initiative Board and its five supporting Strategic Partnership Boards should be held in public to provide greater transparency and openness.

**RESOLVED** – The Committee resolved to note the contents of the report and recommend that the Head of Partnerships ask the Leeds Initiative Board, and

its five supporting Strategic Partnership Boards, to further consider the possibility of their meetings being held in public.

### **53 Small compensation claims made against the council**

The Insurance Manager (Resources) presented a report of the Director of Resources which provided information detailing the amount and type of small claims received by the Council and which also illustrated the monitoring processes which have been put in place in order to enable services to take action, where possible, to reduce the numbers of small claims made against there service.

Members considered the report and raised questions about the arrangements for paying smaller claims and the monitoring undertaken surrounding these payments.

Members also highlighted the areas where most money was paid out to claimants and suggested that a focussed effort should be made to reduce the number of claims made in the first instance.

**RESOLVED** – The Committee resolved to note the report.

### **54 Work Programme**

The Director of Resources submitted a report notifying Members of the work programme.

The Committee reviewed its forthcoming work programme and considered a request from the Head of Governance Services for the deferral of an item related to the review of the Council's Code of Corporate Governance to a later date due to the imminent announcement of the Localism Bill and the likely impact this will have on the code.

**RESOLVED** – The Committee resolved to agree to the request of the Head of Governance Services to defer the review of the Code of Corporate Governance scheduled for December and otherwise agree the work programme as submitted.

## **NORTH WEST (INNER) AREA COMMITTEE**

**THURSDAY, 15TH DECEMBER, 2011**

**PRESENT:** Councillor J Akhtar in the Chair

Councillors B Atha, S Bentley, J Chapman,  
P Ewens, M Hamilton, J Illingworth,  
J Matthews and N Walshaw

Apologies Councillor B Chastney, L Yeadon and  
G Harper

**OFFICERS:** Chris Dickinson, West North West Area Management  
Stuart Byrne, West North West Area Management  
Zahid Butt, West North West Area Management  
Jason Singh, Locality Manager, West North West

### **MEMBERS OF THE PUBLIC:**

Dr Richard Tyler, Leeds HMO Lobby  
Sue Buckle, SHCA, RPCC, FOWM  
David Salinger, Local Resident  
Doreen Illingworth, Local Resident  
Amanda Jackson, Leeds University Union  
Rose Hampton, Leeds University Union  
Ben Fisher, Leeds University Union  
Jonathan Bentley, Observer  
Marian Charlton, Cardigan Centre  
Josie Green, NHPNA  
Tony Green, NHPNA

#### **43 Declarations of Interest**

There were no declarations of interest

#### **44 Apologies for Absence**

Apologies for absence were received from: Councillor G Harper, Councillor L Yeadon and B Chastney.

#### **45 Open Forum**

In accordance with paragraph 6.24 and 6.25 of the Area Committee Procedural Rules, the Chair allowed a period of up to 10 minutes for members of the public to make representations or ask questions on matters within the terms of reference of the Area Committee.

- (i) **Contributions from the floor** – Dr Richard Tyler, Leeds HMO Lobby raised the issue of public participation at meetings of the Area Committee, suggesting that with the exception of “Open Forum” contributions from the floor appeared to be limited, the majority of the contributions coming from elected Members and officers.

Speaking in support of Dr Tyler a number of Members were of the opinion that greater discretion should be exercised in allowing public participation.

In responding the Chair suggested that if everyone was allowed to speak on each item there was the possibility that the business on the agenda would not be completed. The venue was only available until 9.00pm, but in order to be accommodating and allow greater public participation an earlier start time may be a possibility

**RESOLVED** – It was agreed to leave management of contributions from the floor to the discretion of the Chair, with a request that members of the public indicate to the Chair prior to the start of the meeting if they had a point to raise on any particular agenda item.

- (ii) **Hyde Park Neighbourhood Improvement Board** - Sue Buckle raised a number of issues regarding Agenda Item 14, Priority Neighbourhood Update Report. These included concern that the Hyde Park Neighbourhood Plan did not reference the demographic imbalance within Hyde Park being a major cause of issues facing the area and that noise nuisance, although a major problem for the area, was not specifically highlighted as a priority. Concern was also expressed regarding the number of community representatives that sat on the Board. It was also requested to know the amount of the funding set aside for Hyde Park was spent on conducting the Hyde Park Neighbourhood Survey?

In responding officers recognised that the demographic imbalance was a major contributing factor to many of the issues raised but where people chose to live little was something that could not be controlled.

It was noted that although noise nuisance was not specifically highlighted as a priority for Hyde Park, actions were included under both the Community Safety and the Environmental priority headings which looked at this issue.

It was recognised within the Hyde Park Programme Review that further work was needed to confirm how community engagement would be undertaken in support of the delivery of

the neighbourhood improvement programme. It was understood that this will be discussed in detail at the next Hyde Park Board meeting.

In responding to how much of the funding set aside for Hyde Park was spent on conducting the Hyde Park Neighbourhood Survey, it was noted that this work was delivered through existing service resources and did not use any of the allocated funding.

#### **46 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 27<sup>th</sup> October 2011 be accepted as a true and correct record

#### **47 Matters Arising from the Minutes**

Members considered a report by West North West Area Management which identified issues requiring further action following the last meeting of the Area Committee.

Stuart Byrne, West North West Area Management provided an update on the following issues:

**Cycle Routes** – It was confirmed that the Chair had written to the Chief Officer, Highways and Transportation seeking clarification on a number of issues. The Hyde Park and Woodhouse Forum had also raised similar concerns.

It was reported that the Chief Officer, Highways and Transportation was now investigating the areas of concern.

**Transport Sub Group** – Previously Members of the Committee had requested assistance from Highway Officers in supporting the work of the Transport Sub Group.

It was reported that a workshop, led by Gary Bartlett from Highways and Transportation would take place early in the new Year.

**Former Royal Park School** – It was confirmed that the Chair had written to the Leader of Council making known the views of the Area Committee on the former Royal Park School site. A response had since been received indicating that the Executive Board Member responsible would meet with the Chair to discuss issues within City Development.

Officers suggested that the issue may be discussed at the Executive Board early in the new year.

**RESOLVED** – That the contents of the report be noted

#### **48 Area Chair's Forum**

The Committee received for information and comment the Minutes of the Area Chair's Forum held on 5<sup>th</sup> September 2011

**RESOLVED** – That the Minutes from the Area Chair's Forum held on 5<sup>th</sup> September 2011 be noted

#### **49 Environmental Services - Update on the Service Level Agreement**

The Locality Manager (West North West) submitted a report which provided an update on the performance against the Service Level Agreement between Inner North West Committee and the WNW Environmental Locality Team for the period 8<sup>th</sup> September 2011 to November 2011. The report also provided feedback on discussions that had taken place at the Area Committee's Environmental Sub Group meetings.

Included within the report were the following appendix:

- Half year service update (September – November 2011)

Jason Singh, Locality Manager West North West Area Management, presented the report and responded to Members queries and comments.

In summary, specific reference was made to the following issues:

- In consultation with Ward Members and local residents the development of more localised plans.
- A review of environmental services on offer in the area with a view to improved integration of service.
- Response/ reaction times.
- Delivery of service, target resources, adjust to fit in with the needs of the area (Headingley frequent litter picks at weekends).
- Cleaning at the Arndale Centre on Sundays, adjusted to accommodate social patterns had been very beneficial to the area.
- Improved street cleaning in the Kirkstall area but not so good in other areas.
- Leaf clearance required in the Weetwood Lane and Monkbridge Road areas.
- Accumulation of rubbish in Back Regent Park Avenue (Behind Hyde Park Pub) only cleaned on request not regularly maintained.
- Provision of new litter bins in the area, how many and when would they arrive.
- Resident representation on Sub Groups.

#### **RESOLVED –**

- (i) To note the progress being made by the Locality Team in delivering the Service Level Agreement.

- (ii) That approval be given to authorise officers to develop proposals to expand the current Sub Group Membership to include residents representatives.

## **50 Leeds Citizens Panel in Support of Locality Working**

The Assistant Chief Executive, Community Access and Performance submitted a report which outlined the progress being made to create and manage a new and enlarged Leeds Citizen's Panel that would form an important tool for the Council and partners consultation activity.

The report also identified the advantages of the new Panel in terms of efficiency, partnership working and supporting localised consultation of communities of place of interest. The potential opportunities and the progress towards launching the new Citizens Panel

Included within the report was the following appendix :

- Leeds Citizens' Panel progress update, 27<sup>th</sup> October 2011

Chris Dickinson, West North West Area Management, presented the report and responded to Members queries and comments.

In summary, specific reference was made to the following issues:

- Value for money, peoples perception of service
- The need to obtain the views of young people
- The importance of asking the right questions
- Large focus groups was not always the best way of doing things
- The need to refresh the Membership of the Panels (30% every 3 years)
- Internet usage

### **RESOLVED –**

- (i) To note the development of a new Citizen's Panel in Leeds as described in section 3 of the submitted report.
- (ii) To support the use of the new Leeds Citizens' Panel and to take up its use as part of the Committee's community engagement activities in support of Wellbeing fund priority setting and in the development of the Area Business Plans.

## **51 Localism Act 2011**

The Assistant Chief Executive, Customer Access and Performance submitted a report which provided a high level summary of the main elements of the Localism Act that would be of direct relevance to Area Committees and would allow an opportunity to debate and influence the way the Council implements the legislation.

Draft minutes to be approved at the meeting  
to be held on Thursday, 23rd February, 2012

Jane Maxwell, West North West Area Management, presented the report and responded to Members queries and comments.

In summary, specific reference was made to the following issues:

- The creation of Neighbourhood Forums.
- The creation of Neighbourhood Plans.
- Planning concerns, development within the Greenbelt.
- Lots of opportunity in the West North West area for Localism.
- Elected Mayor and the impact on local democracy.
- Competence.

**RESOLVED –**

- (i) That the contents of the report be noted.
- (ii) That the comments made by Members be fed back to officers with a view to inclusion in a future report to the Executive Board.

**52 Developing a Locality Approach Between Leeds City Council Services and Neighbourhood Police Teams/Police Community Safety Officers (PCSOs)**

The Director of Environments and Neighbourhoods submitted a report which provided an overview of progress to develop a more joined up working arrangement between locality based City Council services and Neighbourhood Police Teams/ PCSOs.

Included within the report were the following appendix:

- The Key contacts within the West North West area.

Zahid Butt, Area Community Safety Coordinator, presented the report and responded to Members queries and comments.

In summary, specific reference was made to the following issues:

- The role of PCSOs in tackling noise nuisance.
- The new duties of PCSO's and the necessity for the Chief Inspector to be kept informed.

**RESOLVED –** To note the progress being made to develop more joined up working within localities between Leeds City Council services and Neighbourhood Police Teams/ PCSOs.

**53 Priority Neighbourhood Update Report**

The Deputy Chief Executive submitted a report which provided an update of the neighbourhood improvement work in the Inner North West Leeds area.

Draft minutes to be approved at the meeting  
to be held on Thursday, 23rd February, 2012



The report also set out the position on the delivery of the Hyde Park Neighbourhood Improvement Programme including a brief review of progress made to date in addressing the key neighbourhood improvement priorities: environment, community safety, parking and health and wellbeing.

Included within the report were the following appendices:

- Hyde Park Board - Programme Review and Way Forward.
- Hawksworth Wood Neighbourhood Improvement Programme – Programme Development Proposal: November 2011.

Stuart Byrne, West North West Area Management, presented the report and responded to Members queries and comments.

In summary, specific reference was made to the following issues:

- Issues around insurance for Community Volunteers.

#### **RESOLVED –**

- (i) To note the progress made in the Hyde Park area as part of the neighbourhood improvement work.
- (ii) To approve the development of neighbourhood improvement work in Hawksworth Wood.
- (iii) To approve the inclusion of Hawksworth Wood as a priority neighbourhood for the Inner North West Area Committee

#### **54 Wellbeing Commissioning**

The Deputy Chief Executive submitted a report which provided an update on the 2011-12 Wellbeing budget position and identified how individual projects had spent against their individual grants.

The report also sought approval for proposed Wellbeing fund priorities for 2012-13, following consultation with Elected Members through the Area Business Plan, and requested authorisation to launch the proposed Wellbeing Commissioning Round.

Included within the report were the following appendices:

- Inner North West Area Committee Wellbeing Budget Statement 2011-12.
- Area Committee Wellbeing Fund Large Projects Guidance Notes.

Chris Dickinson, West North West Area Management, presented the report and responded to Members queries and comments.

In summary, specific reference was made to the following issues:

Draft minutes to be approved at the meeting  
to be held on Thursday, 23rd February, 2012

- The suggested priorities for Wellbeing Funding 2012 -13.
- Concern that the Commissioning deadline of 4 weeks was too short given that fact that many smaller Community Groups meet infrequently.

**RESOLVED –**

- (i) To note the current Wellbeing budget position.
- (ii) To approve the Wellbeing funding priorities for 2012 -13.
- (iii) That approval be given to launch the 2012 - 13 Wellbeing Commissioning Round.
- (iv) That the Commissioning Round be extended from 4 to 6 weeks.

**55 Capital Receipts Incentive Scheme Report to Executive Board**

The Assistant Chief Executive (Customer Access and Performance) submitted a report which set out details of the Capital Receipt Incentive Scheme which received approval at the Executive Board meeting on 12<sup>th</sup> October 2011.

Included within the report were the following appendices:

- Report to Executive Board, 12<sup>th</sup> October 2011, Capital Receipts Incentive Scheme.

Chris Dickinson, West North West Area Management, presented the report and responded to Members queries and comments.

In summary, specific reference was made to the following issues:

- The Area Committee to be made aware of the assets available for disposal in the West North West area.
- How proceeds from the sale of assets would be used by the Area Committee.
- That Ward Based Initiative funding may not be the most appropriate way of distributing Capital Receipts.

Referring to section 3.2 of the submitted report Chris Dickinson reported that 20% of receipts generated would be retained locally up to a maximum of £100K per capital receipt with 15% retained by the Ward and 5% pooled across the Council and distributed to Wards on the basis of need.

**RESOLVED –**

- (i) That the contents of the report be noted.

- (ii) That the assets available for disposal in the West North West area be made known to Members of the Area Committee.

## **56 Area Update Report**

The Deputy Chief Executive submitted a report which provided a summary of the Sub Groups business since the October Area Committee. The report also included an update on the Little London Community Centre

Included within the report were the following appendices:

- North West Inner Area Committee: Environmental Sub Group – Terms of Reference

Stuart Byrne, West North West Area Management, presented the report and responded to Members queries and comments.

In summary, specific reference was made to the following issues:

- How issues are addressed at an open Forum.
- Previously a Draft Housing Strategy had been produced for the area and such information could be called upon again.
- Residents Groups to be invited to put forward nominations for the Environmental Sub Group.

### **RESOLVED –**

- (i) To note and action as appropriate the Key Messages from the Sub Groups as set out in section 3.9 of the submitted report.
- (ii) To note the update on the Little London Community Centre.
- (iii) To approve the introduction of resident attendance at meetings of the Environmental Sub Group.
- (iv) That residents groups to be invited to put forward nominations for the Environmental Sub Group.
- (v) To note the position in relation to the recent robberies in the Hyde Park and Woodhouse Wards as set out in section 3.21 of the submitted report.

## **57 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Thursday 23<sup>rd</sup> February 2012 at 7.00pm at the City of Leeds High School, Bedford Field, Woodhouse Cliff, Leeds, LS6 2LG

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## NORTH WEST (OUTER) AREA COMMITTEE

MONDAY, 7TH NOVEMBER, 2011

**PRESENT:** Councillor G Latty in the Chair

Councillors B Anderson, C Campbell,  
B Cleasby, R Downes, C Fox, G Kirkland,  
C Townsley, P Latty and P Wadsworth

### 34 Chair's Opening Remarks

The Chair welcomed all in attendance to the meeting of the North West (Outer) Area Committee.

### 35 Late Items

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

- (a) A further expression of interest for Wellbeing funding from the Youth Service, to be considered as part of the report entitled, 'Wellbeing Fund Budget Report' (Minute No. 43 refers).
- (b) Appendix 2 to the report entitled, 'Outer North West Area Committee Business Plan' (Minute No. 44 refers).

### 36 Declaration of Interests

There were no declarations of interest made during the meeting.

### 37 Apologies for Absence

Apologies for absence from the meeting had been received on behalf of Councillor J L Carter and Councillor Collins.

### 38 Open Forum

In accordance with Paragraphs 6.24 and 6.25 of the Area Committee Procedure Rules, the Chair allowed a period of up to 10 minutes for members of the public to make representations or ask questions on matters within the terms of reference of the Area Committee.

On this occasion, there were no members of the public present.

### 39 Minutes of the Previous Meeting

**RESOLVED** – That the minutes of the previous meeting held on the 26<sup>th</sup> September 2011 be approved as a correct record.

### 40 Matters Arising from the Minutes

Minute No. 24 – Consultation on Expression of Primary School Provision for September 2013

With regard to the potentially significant financial implications arising from the extension of PFI school buildings, the Committee noted that this matter had

been highlighted at a recent public consultation meeting considering the expansion of Primary School provision. Members also made reference to the impact upon traffic management arising from such building extensions.

#### **41 Annual Report - for Parks and Countryside Service in North West (Outer) Area Committee**

The Head of Parks and Countryside submitted a report providing a profile of the key assets within the Outer North West area, whilst detailing information on park usage and observations from a customer perspective. In addition, the report highlighted the progress currently being made towards Leeds Quality Park (LQP) status for community parks in the area and provided details regarding the capital improvements made to the facilities during the past 12 months. In addition, the report also detailed a breakdown of events and volunteering in the area and informed of the actions being taken in line with the Committee's 2008-2011 Area Delivery Plan.

In presenting the report, Phil Staniforth, Senior Area Manager, Parks and Countryside, led the Committee through the key points of the report.

A discussion relating to the details contained within the report then ensued. The main points raised were as follows:-

- Members highlighted the significant demand for playing pitch provision for junior football teams, specifically in the Guiseley and Menston area. In response, the Senior Area Manager, Parks and Countryside, invited Members to contact him on this matter should they continue to have related concerns.
- Details were provided in respect of the newly established 'Friends of Parkinson Park' group.
- Having received an update on the work being undertaken to ensure that community parks in the area attained Leeds Quality Park (LQP) status, Members made enquiries into the methods used to involve Ward Members in such matters. In response, the Committee noted that as part of the work undertaken to improve facilities, ongoing discussions continued with Ward Members. The Committee was then invited to contact Parks and Countryside, should they have any comments or concerns regarding community parks provision in the area.
- The report detailed the levels of investment required to achieve LQP status in the remaining community parks in the area which to date had not achieved the necessary standard. In considering this data, Members sought, and were provided with details of both the internal and external funding streams which were pursued in order to finance parks' improvement works.
- Responding to enquiries, Members were provided with details regarding the classification of Springfield Park and also Golden Acre Park.
- Members highlighted the requests which had been received for the provision of youth facilities, such as skate parks, in the Holt Park area. In response, the Senior Area Manager undertook to look into this matter.

- The Committee paid tribute to and thanked all of those individuals and groups which continued to be involved in the invaluable work undertaken by volunteers within the Parks and Countryside service.
- Members made reference to Planning Policy Guidance (PPG) 17, which related to service users' access levels to open space, sport and recreation facilities, and suggested that such matters were included within future reports.
- The Committee highlighted the considerable time that certain public rights of way within the area had been on the waiting list to be formally identified upon the authority's definitive map and requested that this issue be pursued. In response, the Senior Area Manager undertook to look into this matter.
- Regarding the provision of facilities for young people in the area, Members highlighted the concerns often cited by local residents when considering the location of such provision, and discussed the differing approaches taken towards ensuring that appropriate facilities were provided.

**RESOLVED** – That the contents of the submitted report, and the comments made by the Committee during the discussion, be noted.

#### **42 Annual Community Safety Report**

The Director of Environment and Neighbourhoods submitted a report providing details of the community safety activity undertaken within the area over the past twelve months. In addition, the report presented data relating to crime levels and provided comparisons with the previous year.

Following an introduction to the report from Inspector Coldwell of West Yorkshire Police, a question and answer session ensued. The key points raised during the debate were as follows:-

- Responding to Members' enquiries, the Committee were provided with details of the range of actions being taken to address those specific criminal offences in the Horsforth Ward which had experienced a recent increase.
- Members noted that the North West Outer area was a leader in the field of the Community Action and Support Against Crime (CASAC) and the target hardening initiatives.
- The Committee received an update from Nigel Atkins, West Yorkshire Fire and Rescue Service, on the initiatives being undertaken by the Service in respect of fire prevention and community safety.
- Responding to Members' enquiries, the Committee was provided with the definitions of different criminal offences.
- The Committee received an update and clarification in respect of the home safety fire check provision and the installation of fire alarms service, specifically regarding the eligibility criteria for the initiatives and the extent to which they remained operational.
- Members emphasised the need for a multi-agency approach to be taken towards addressing the increasingly common problem of fuel poverty.

- Specifically in relation to addressing the levels of burglary in the area, the Committee highlighted the value of lighting timers and received an update on the provision and distribution of such devices.

In conclusion, Inspector Coldwell provided an update on the changes to senior management within West Yorkshire Police which had recently occurred and invited Members to approach him, should they wish to receive further details on matters such as crime figures or service users' satisfaction ratings.

**RESOLVED** – That the contents of the submitted report, and the comments made during the discussion, be noted.

#### **43 Well-Being Fund Budget Report**

The Assistant Chief Executive (Customer Access and Performance) submitted a report outlining the current position statement for the Area Committee's Wellbeing budget, detailing for determination those expressions of interest received for Wellbeing funding and presenting for information those small grant applications which had been received to date.

The Committee discussed the proposed costings detailed within the report for the erection of the Micklefield House Information Board.

Members requested that the remainder of Otley and Yeadon's balance for the provision of skips was transferred to the Ward's Small Grants budget.

The Committee highlighted the Small Grants funding which had been recently allocated towards the construction of a memorial dedicated to Mr. Phil Lecutier. The Committee paid tribute to Mr Lecutier, who had been a teacher at Cookridge Holy Trinity Church of England Primary School for almost 25 years and who was tragically killed in a road traffic accident whilst cycling at Carlton Crossroads, Bramhope in November 2010. The Committee noted that the memorial was in the form of the planting of a mature tree.

A further expression of interest for Wellbeing funding from the Youth Service had been circulated to Members prior to the meeting for their consideration and determination. In considering this matter, the following points were raised:-

- Members noted that this expression of interest had been submitted to the Committee, following initial consideration of the matter by the Children and Young People's Sub Group. The Committee was provided with further details regarding the expression of interest and clarification on any restrictions in place relating to the transportation of young people via minibus.
- The Committee highlighted that there was already minibus hire provision in the Horsforth area which was currently underused, and made enquiries into whether such provision could be utilised as an alternative to the request made by the Youth Service.
- Members suggested that if approval was given to the application, then such approval should be accompanied by caveats which ensured that the funding provided a specified level of increased value to the service



and which would also encourage those individuals trained to remain in the employ of the Council for a designated period of time.

- Clarification was provided regarding the impact upon service delivery during the designated training periods.
- Enquiries were made into whether this issue was specific to the Outer North West area or whether it was a wider problem, and discussed whether the Area Committee was the most appropriate funding source.
- The Committee emphasised the value of further discussions taking place with all relevant agencies on this matter, prior to a decision being made.
- Members highlighted the need for young people in the area to be afforded the opportunity to access activities in other parts of the city, which was often via minibus.
- The Committee considered the current role and funding arrangements of the Youth Service and the current level of outcomes being achieved.

In conclusion, the Committee agreed that this matter should be deferred to the next scheduled meeting in order to enable further consultation to be undertaken with operators of current minibus provision in the area, relevant Ward Members and the Youth Service.

**RESOLVED –**

- (a) That the current position of the Wellbeing budget, as set out at sections 2 and 3 of the submitted report, be noted.
- (b) That the following be agreed in respect of those expressions of interest received for Wellbeing funding, as detailed within section 4 of the submitted report:-

<u>Name of Project</u>	<u>Name of Delivery Organisation</u>	<u>Decision</u>
Micklefield House Information Board	West North West Area Management	£1,150.00 (Capital) agreed.
Driving Training	Youth Service	£2,460.00 (Revenue) (£615.00 per ward). Decision deferred until next meeting in order to enable further information to be sought and submitted to the Committee following consultation with operators of current minibus provision in the area, relevant Ward Members and the Youth Service.

- (c) That the small grant and skip approvals, as detailed within section 5 of the submitted report be noted, and that the remainder of Otley and Yeadon’s balance for the provision of skips be transferred to the Ward’s Small Grants budget.

#### **44 Outer North West Area Committee Business Plan**

The West North West Area Leader submitted a report presenting an update on the work which had been undertaken to develop the Area Committee's Business Plan.

Appendix 2 to the submitted report, which detailed the draft Business Plan's Priorities for Action, had been tabled at the meeting for Members' consideration.

In presenting the report, Jane Pattison, West North West Area Management, suggested that a workshop event for all Committee Members was scheduled for the end of November 2011, in order to consider the Business Plan in greater detail. In response, Members requested that a date and arrangements for the workshop were confirmed at the earliest opportunity.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the contents of the Business Plan, as detailed at Appendix 1 to the submitted report, be noted.
- (c) That the draft Action Plan which accompanies the Business Plan, as detailed at Appendix 2 to the submitted report, be noted.
- (d) That all Committee Members be invited to a Workshop at the end of November 2011 in order to consider the Business Plan in further detail.
- (e) That agreement be given to the Area Management Team continuing to develop the Business Plan.
- (f) That updates be received at future meetings of the Committee and that the Area Committee adopt a three year plan at the March 2012 meeting, which will be subject to an annual refresh.

#### **45 Area Update Report**

The Assistant Chief Executive (Customer Access and Performance) submitted a report which brought together a range of information regarding Area Committee business. As such, the report provided details of the key messages from Area Committee Sub Groups and Forums, whilst also presenting an update in respect of projects and service provision.

The Committee received an update on the staffing restructure within Area Management which had recently occurred.

**RESOLVED –** That the contents of the submitted report be noted.

- 46 Date and Time of Next Meeting**  
Monday, 12<sup>th</sup> December 2011 at 2.00 p.m.  
(Venue – Civic Hall, Leeds, LS1 1UR)

(The meeting concluded at 3.27 p.m.)

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## **NORTH WEST (OUTER) AREA COMMITTEE**

**MONDAY, 12TH DECEMBER, 2011**

**PRESENT:** Councillor G Latty in the Chair

Councillors B Anderson, C Campbell,  
J L Carter, D Collins, R Downes, C Fox,  
P Latty and C Townsley

**47 Chair's Opening Remarks**

The Chair welcomed all in attendance to the meeting of the North West (Outer) Area Committee.

**48 Late Items**

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

- (a) A further expression of interest for Wellbeing funding from West North West Area Management, to be considered as part of the report entitled, 'Wellbeing Report' (Minute No. 57 referred).
- (b) The minutes from the Children and Young People's Sub Group meeting held on 2<sup>nd</sup> November 2011, to be considered as part of the report entitled, 'Area Update Report' (Minute No. 61 referred).

**49 Declaration of Interests**

There were no declarations of interest made during the meeting.

**50 Apologies for Absence**

Apologies for absence from the meeting had been received on behalf of Councillors Wadsworth, Cleasby and Kirkland.

**51 Open Forum**

In accordance with Paragraphs 6.24 and 6.25 of the Area Committee Procedure Rules, the Chair allowed a period of up to 10 minutes for members of the public to make representations or ask questions on matters within the terms of reference of the Area Committee.

On this occasion, there were no members of the public present.

**52 Demonstration by CASAC (Community Action and Support Against Crime)**

The Committee received a demonstration by Neil Goldip of CASAC, an organisation which provided security improvements, advice and crime prevention initiatives to communities across Leeds. The demonstration highlighted the issues which existed with a number of lock cylinders currently found on UPVC doors and the range of actions being taken by CASAC to

address the issue as part of an overarching campaign to reduce burglary levels in Leeds.

Following the demonstration, a question and answer session ensued. The key points raised were as follows:-

- Details were provided on how the affected locks could be changed and the levels of cost involved;
- Members noted the extent to which the improved security measures undertaken by CASAC would act as a deterrent to potential burglars;
- The Committee highlighted the criteria used by the Home Office to compile burglary statistics in the UK;
- Members were provided with advice as to how affected locks could be identified;
- Information was provided regarding the services offered by CASAC to residents in West Yorkshire;
- Having discussed the ongoing negotiations taking place with the ALMOs regarding Council housing stock being fitted with the recommended lock cylinders, the Area Leader undertook to pursue this matter and report the latest position to the next meeting of the Area Committee.

### **53 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on the 7<sup>th</sup> November 2011 be approved as a correct record.

### **54 Environmental Services - Update on the Service Level Agreement**

Further to Minute No. 23, 26<sup>th</sup> September 2011, the Locality Manager for West North West Leeds submitted a report providing an update on the performance achieved against the Service Level Agreement (SLA) between North West (Outer) Area Committee and the West North West Environmental Locality Team. In addition, the report also provided feedback on discussions that had taken place at the Area Committee's Environment Sub Group meetings.

In presenting the report, Jason Singh, Locality Manager, West North West Leeds, provided details of the work which had been undertaken in the initial stages since the SLA had been agreed and advised that further update reports would be submitted in due course. Kris Nenadic, of Parks and Countryside was also in attendance in order to respond to relevant questions raised.

In response, Councillor Anderson, Chair of the Area Committee's Environmental Services Sub Group advised that a good start had been made in respect of the delegated service and that good working relationships had been established. He then thanked the Locality Manager for the work that had been undertaken and the progress made to date. However, Councillor Anderson went on to highlight a number of outstanding concerns which still remained for the Sub Group, which included the need for greater resource in order to fully address issues such as leaf clearance, the working patterns and work loads of those within the locality, issues in neighbouring areas which were impacting upon the Outer North West, the perceived lack of co-

ordination with Streetscene, matters relating to the issue of enforcement and the winter cessation of garden waste collection.

**RESOLVED** – That the contents of the submitted report, together with the comments raised in respect of the progress being made by the Locality Team in delivering the Service Level Agreement, be noted.

#### **55 Leeds Citizens' Panel in Support of Locality Working**

The Assistant Chief Executive (Community Access and Performance) submitted a report outlining the progress being made to create and manage a new and enlarged Leeds Citizens' Panel that would form an important tool in respect of the Council's and partners' consultation exercises. In addition, the report invited the Committee to consider whether it would like to utilise the Panel as part of its community engagement activities.

Having received a brief introduction to the report from Matt Lund, Corporate Consultations Manager, a question and answer session ensued. The key points raised were as follows:-

- Members were reassured that non-internet users would not be precluded from being involved with the Panel;
- Emphasis was placed upon the need for the Panel to be truly representative of the city and responses were provided to questions raised on the checks and balances which would be established to ensure that this was always the case. Specific responses were also provided to enquiries regarding the safeguards in place to prevent any deliberate distortion of the Panel's representative nature by individual groups;
- Members highlighted that the wording of the proposed questions to the Panel would be crucial;
- Responding to the Committee's enquiries regarding the recruitment process and the finite number of Panel places available in each geographical area, Members were informed that any applications received were merely expressions of interest and that no places were guaranteed;
- Following Members' enquiries, details were provided regarding the financial and staffing resource which was being committed to the initiative;
- Having discussed the recommendation within the submitted report which related to the utilisation of the Panel by the Committee as part of its community engagement activities in support of Wellbeing fund priority setting and in the development of the Area Business Plans, Members sought clarification on this matter, particularly in respect of what it would commit the Area Committee to. In response, it was proposed that further clarification on this matter was sought, with further details being submitted to the next meeting of the Area Committee.

#### **RESOLVED –**

- (a) That the development of a new Citizen's Panel in Leeds, as described within the submitted report, be noted.

- (b) That in respect of the second recommendation within the submitted report, (namely, to support the use of the new Leeds Citizen's Panel and to take up its use as part of the Committee's community engagement activities in support of Wellbeing fund priority setting and in the development of the Area Business Plans), further clarification be sought, particularly in respect of what it would commit the Area Committee to, with the relevant details being submitted to the next meeting of the Area Committee for consideration.

**56 Developing a Locality Approach Between Leeds City Council Services and Neighbourhood Police Teams/Police Community Safety Officers (PCSOs)**

The Director of Environment and Neighbourhoods submitted a report providing an overview of the progress made to develop more joined up working arrangements between locality based City Council services and Neighbourhood Police Teams/PCSOs.

Having received a brief introduction to the report from Zahid Butt, Area Community Safety Co-ordinator, a discussion ensued. The key points raised were as follows:-

- Members highlighted the need to ensure that Neighbourhood Policing Teams and PCSOs were not viewed as distinct entities;
- The Committee highlighted the vital role which was played by PCSOs in the community and the need to ensure that such an asset was safeguarded, as new policing arrangements were introduced in West Yorkshire;
- Members considered the role of PCSOs, specifically in terms of enforcement in a number of areas such as environmental services, and discussed the appropriateness or otherwise of such responsibilities falling to PCSOs;
- The Committee considered the benefits of Elected Member attendance at Tasking Group meetings and requested that in future, they received invitations to attend such meetings. In response, officers acknowledged Members' requests, undertook to pursue the matter and to report back on the issue at the next Committee meeting;
- The Committee noted that Chief Superintendent David Oldroyd of West Yorkshire Police had been invited to address Ward Members and discuss any issues that Members may have;
- With regard to the new policing arrangements which were to be introduced and the authority which the elected Police and Crime Commissioner would have over Council funded PCSOs, the Committee highlighted the need to ensure that the Commissioner was made aware of the Council's priorities regarding PCSOs.

**RESOLVED –**

- (a) That the progress made to develop more joined up working within localities between Leeds City Council services and Neighbourhood Policing Teams/ PCSOs be noted.



- (b) That the comments made by Members during the consideration of the report be noted and fed back to the local tasking arrangements in order to progress such matters.
- (c) That in response to Members' requests, officers undertake further enquiries and report back to the next meeting of the Committee in respect of Elected Member attendance at future Tasking Group meetings.

## 57 Wellbeing Report

The Assistant Chief Executive (Customer Access and Performance) submitted a report outlining the current position statement for the Area Committee's Wellbeing budget, detailing for determination those expressions of interest received for Wellbeing funding and presenting for information those Small Grant applications which had been received to date.

A further expression of interest for Wellbeing funding received West North West Area Management entitled, 'Horsforth Festive Lights', had been circulated to Members prior to the meeting for their consideration and determination.

The Committee received a response to enquiries raised regarding a Small Grant application which had been recently received and following a specific question, details were provided on the regulations around the allocation of Wellbeing funding to schemes associated with religious organisations.

### RESOLVED –

- (a) That the current position of the Wellbeing budget, as set out within sections 2 and 3 of the submitted report be noted.
- (b) That the following be agreed in respect of those expressions of interest received for Wellbeing funding, as detailed within section 4 of the submitted report:-

<u>Name of Project</u>	<u>Name of Delivery Organisation</u>	<u>Decision</u>
Springfield Play Area	West North West Area Management	£30,000.00 (Capital) agreed.
Youth Service Driver Training	Youth Service	£2,460.00 (Revenue) (£615.00 per ward) – Application withdrawn, pending further discussions with Ward Members.
No Cold Calling Zones 2012	Yeadon & Rawdon Neighbourhood Watch Association	£1,229.00 (Revenue) (Horsforth Ward £49.16, Otley & Yeadon Ward 589.92, Guiseley &

Rawdon Ward £589.92)  
agreed.

Horsforth West North West Area £5,000.00 (Revenue)  
Festive Lights Management agreed.

- (c) That the small grant and skip approvals, as detailed within section 5 of the submitted report, be noted.

## 58 Localism Act 2011

The Assistant Chief Executive (Customer Access and Performance) submitted a report outlining the main elements of the Localism Act which would be of direct relevance to Area Committees, whilst also providing the Committee with an opportunity to debate and influence the Council's implementation of the legislation.

Having received a brief introduction to the report from Jane Maxwell, West North West Area Leader, the Committee touched upon several issues arising from the report. These included:-

- The relaxation of restrictions around the maximum size of Area Committees;
- Members highlighted the aspects of the legislation which enabled the community to challenge and formally submit ideas, via an expression of interest, to run specific Council services. The Committee considered the implications arising from this part of the legislation and emphasised the need to ensure that public expectations in relation to service provision were managed effectively.

In conclusion, the Chair requested that this matter be referred to the Committee's Policy Sub Group for further consideration.

### RESOLVED –

- (a) That the contents of the submitted report and the comments raised during the discussion be noted.
- (b) That the submitted report be referred to the Area Committee's Policy Sub Group for further consideration, with any outcomes arising from the discussion being relayed to officers in order to inform both a further report scheduled to go to Executive Board on the implications of the Act and also the more detailed reports/sessions on Planning, Assets of Community Value and the Right to Challenge.

## 59 Capital Receipts Incentive Scheme Report to Executive Board

The Assistant Chief Executive (Customer Access and Performance) submitted a report presenting for comment the paper on the Capital Receipt Incentive Scheme which was considered and received approval at the Executive Board meeting held on 12<sup>th</sup> October 2011.

Following Members' comments and questions, clarification was provided in that 20% of the capital receipts generated would be retained locally, up to a

maximum sum of £100,000 per receipt. Of that 20%, 15% would be retained by the relevant Ward, with the remaining 5% being pooled across the Council and subsequently being distributed to Wards on the basis of need.

In considering this matter, Members highlighted that any resource accrued from local capital receipts, which would be retained by Wards under the proposed scheme, needed to be solely used to fund additionality of service rather than the Council's statutory provision in the relevant area. Members also highlighted the need to ensure that the Capital Receipts Incentive Scheme was consistent with the Council's approach towards the Community Infrastructure Levy (CIL), a matter which was to be considered by the Executive Board on 14<sup>th</sup> December 2011.

**RESOLVED –**

- (a) That the contents of the Executive Board report on the Capital Receipts Incentive Scheme be noted.
- (b) That the Committee's views regarding this matter be raised as part of the accompanying consultation exercise, particularly in respect of the need for any resource accrued from local capital receipts, which would be retained by Wards under the proposed scheme, to be solely used to fund additionality of service rather than the Council's statutory provision in that area.

**60 Area Chairs' Forum Minutes**

The Assistant Chief Executive (Customer Access and Performance) submitted a report presenting for comment the minutes of the Area Chairs' Forum meeting held on 5<sup>th</sup> September 2011.

**RESOLVED –** That the submitted report, together with the content of the minutes from Area Chairs' Forum meeting held on 5<sup>th</sup> September 2011, be noted.

**61 Area Update Report**

The Assistant Chief Executive (Customer Access and Performance) submitted a report which brought together a range of information regarding Area Committee business. As such, the report provided details of the key messages from Area Committee Sub Groups and Area Forums, whilst also presenting an update in respect of projects and service provision.

Members noted that in line with a request previously made by the Area Chair's Forum, appended to the report was a series of documents for the Committee's information regarding welfare reform and a response to the localisation of Council Tax Support.

The minutes from the Area Committee's Children and Young People's Sub Group meeting held on 2<sup>nd</sup> November 2011 had been circulated to Members prior to the meeting for their consideration.

**RESOLVED** – That the contents of the submitted report and the comments made during the discussion on this item, be noted.

- 62 Date and Time of Next Meeting**  
Monday, 6<sup>th</sup> February 2012 at 2.00 p.m.  
(Venue – To be confirmed)

(The meeting concluded at 3.53 p.m.)

## NORTH EAST (INNER) AREA COMMITTEE

MONDAY, 12TH DECEMBER, 2011

**PRESENT:** Councillor G Hussain in the Chair

Councillors J Dowson, S Hamilton,  
C Macniven, M Rafique and E Taylor

### 46 Chair's Opening Remarks

The Chair welcomed all in attendance to the December meeting of North East (Inner) Area Committee.

In particular he also welcomed James Rogers, Assistant Chief Executive, Customer Access and Performance who was attending all Area Committee meetings as an observer.

### 47 Apologies for Absence

Apologies for absence were received on behalf of Councillor R Charlwood, Councillor M Harris and Councillor M Lobley.

Notification of apologies was also received from Tony Head, Station Commander, Gipton Fire Station.

### 48 Declaration of Interests

Councillor E Taylor declared a personal interest in her capacity as Lead Member for Environmental Services (Agenda Item 9) (Minute 53 refers).

### 49 Open Forum

In accordance with paragraphs 6.24 and 6.25 of the Area Committee Procedure Rules, the Chair allowed a period of up to 10 minutes for members of the public to make representations or to ask questions on matters within the terms of reference of the Area Committee.

#### a) Old Central Hebrew Congregation Synagogue – Back Sholebroke Avenue, Leeds 7

Sally Duggan, Deirdre Quill and Mike Davies, Newton Park Residents Association raised their serious concerns about the impact of future development of an area land in relation to the Old Central Hebrew Congregation Synagogue, Back Sholebroke Avenue, Leeds 7.

They requested the Area Committee:-

- to support the proactive efforts between the Sikh Council and the City Council in relation to the afore mentioned area of land
- to ask the planning authority to address the issue of increased traffic flow should this site be developed

- to take recognition of the serious impact this development would have to the Conservation area and also those properties located at 2, 4, 6 Oak Road
- to undertake an independent impact assessment on the site, costs and community benefits

Rory Barke, East North East Area Leader responded and informed the meeting that he would pick up the issues raised and instruct the Area Support Team to ascertain what responses the Area Committee could get towards these issues. He also agreed to keep the Newton Park Residents Association informed of any future developments.

In concluding, Councillor E Taylor informed the meeting that she would be meeting with the owners of the building in the next day or so and would also brief the Newton Park Residents Association accordingly.

**50 Minutes of the Previous Meeting**

**RESOLVED** - That the minutes of the meeting held on 17<sup>th</sup> October 2011 be confirmed as a correct record.

**51 Matters Arising from the Minutes**

a) Area Committee Business Plan 2011/12 (Minute 38 refers)

Councillor S Hamilton referred to the above issue and reaffirmed the importance of attracting more public or communities to the Open Forum and engaging with the work of the Area Committee.

The Chair informed the meeting that he had recently discussed this issue with the East North East Area Leader and that proposals on community engagement would be presented to the Area Committee early in the New Year.

In concluding, Rory Barke, East North East Area Leader responded and confirmed that a report would be presented to the Area Committee early in the New Year outlining a number of choices and options for Members to consider with regards to engaging with the public.

b) Well-being Fund Capital and Revenue Budgets (Minute 39 refers)

Sharon Hughes, East North East Area Improvement Manager informed the meeting that the application from the Isis (Black Health Initiative) for £5,000 had now been approved as a delegated decision.

c) Priority Neighbourhood Update Report (Minute 40 refers)

The Chair referred to the above issue and enquired if any progress had been made with regards to looking at the links and work across the North East Inner boundaries.

Sharon Hughes, East North East Area Improvement Manager informed the meeting that this issue would be highlighted in the Priority Neighbourhoods report due to be considered at the next meeting on 30<sup>th</sup> January 2012.

- d) Annual Report for Parks and Countryside Service in North East Inner Committee (Minute 41 refers)  
Sharon Hughes, East North East Area Improvement Manager informed the meeting that she would follow up the outstanding issues relating to Meanwood Park with the Business Development Manager, Parks and Countryside with a report back to Members in due course. It was noted that the skate park at Roundhay Park was discussed at a Ward Members meeting last week.
- e) East North East Homes Leeds Capital Programme Update (Minute 42 refers)  
Sharon Hughes, East North East Area Improvement Manager informed the meeting that the updated appendix relating to capital programme areas had now been distributed to Members for their retention/information.

(Councillor M Rafique joined the meeting at 4.15pm during discussions of the item relating to the Area Committee Business Plan 2011/12)

## **52 Well Being Fund Capital and Revenue Budgets**

The East North East Area Leader submitted a report on an update on the current position of the capital and revenue budget for the Inner North East and setting out applications made for consideration by the Area Committee.

Appended to the report was a copy of the following document for the information/comment of the meeting:-

- Inner North East Area Committee Well-Being Budget 2011-12 (Appendix 1 refers)

Sharon Hughes, East North East Area Improvement Manager presented the report and responded to Members' comments and queries.

### **RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That approval be given to the North Leeds Cricket Club Fencing scheme of £4,200 to be administered by LCC Parks and Countryside.
- c) That, subject to the applicants applying for POCA funding during the month of December, approval be given to the Deen Enterprises Ozbox project of £1,235.
- d) That consideration of the Parivhar Luncheon Club Sambhavon project be deferred and referred to the Well-being Member Working Group for consideration.
- e) That this Committee notes the East North East Homes Leeds funding for the Scot Hall Hedges scheme as outlined in the report now submitted.

### 53 Environmental Services - Performance Update on the Service Level Agreement

The Locality Manager (Environmental Services, East North East) submitted a report providing an update on performance against the Service Level Agreement between Inner North East Area Committee and the East North East Locality Team.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Delegation of Environmental Services - Inner North East Area Committee – Service Level Agreement 2011/12 – Half Year Performance Update (September – November 2011) (Appendix A refers)
- ENE Enforcement Statistics – 1<sup>st</sup> September – 15<sup>th</sup> November 2011 (Appendix B refers)

John Woolmer, Locality Manager (Environmental Services, East North East) presented the report and responded to Members' comments and queries.

The Locality Manager drew Members' attention to the information provided on actions delivered by the enforcement staff in the Locality Team during the reporting period.

In summary, specific reference was made to the following issues:-

- clarification behind the removal of a litter bin on Scott Hall Road  
*(The Locality Manager (Environmental Services, East North East) responded and agreed to look into this issue with the aim of replacing the bin in consultation with Councillor S Hamilton)*
- the need to congratulate the Locality Manager (Environmental Services, East North East) and his staff following the very successful de-leafing programme in the Roundhay ward  
*(The Locality Manager (Environmental Services, East North East) responded and agreed to feed this back to the team)*
- to welcome the positive feedback from a resident on Shaftesbury Avenue who wrote a letter praising the locality team's de-leafing staff in their work and attitude towards the public
- to request that further consideration be given to tackling the problems caused when cleaning the highway whilst parked cars providing an obstacle  
*(The Locality Manager (Environmental Services, East North East) responded and agreed to look at what could be done where the problems are the greatest, but cautioned that efforts to provide notice to residents to move cars is not always effective, would be resource intensive and may set the service up to fail as cleaning could never be absolutely guaranteed on a certain day – for example due to sickness or bad weather)*



- the need to praise the Locality Manager (Environmental Services, East North East) and his staff for their efforts in tackling an extensive leaf problem nearby to St James Hospital

**RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That the Locality Officer (Environmental Services, East North East) and the Support Team be congratulated on the work undertaken to date within the East North East area.

**54 Area Update Report**

The East North East Area Leader submitted a report updating the meeting on progress made in relation to priorities set out in the area committee business plan, together with an update on community engagement plans to feed into the priority setting for the 2012/13 area committee business plan.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Area Committee Community Charter – Priorities for Action (Appendix 1 refers)
- Community Engagement Autumn 2011(Appendix 2 refers)

Sharon Hughes, East North East Area Improvement Manager presented the report and responded to Members' comments and queries.

Discussion ensued on the contents of the report and appendices. A specific request was made to relax or reduce the fee for individual applications for street parties for the Queens Jubilee in June 2012 in favour of a one street closure application for everyone residing in that street.

Rory Barke, East North East Area Leader responded and agreed to investigate this issue further with a report back to a future meeting.

**RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That this Committee notes the progress made to deliver the priorities set out in the Community Charter in accordance with the report now submitted.
- c) That this Committee notes that the community engagement activity plan would feed into the Area Committee Business Plan.

**55 Welfare Reform**

The Assistant Chief Executive, Customer Access and Performance submitted a report on Welfare Reform.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Welfare Reform timetable (Appendix 1 refers)
- Reports on Welfare Reform submitted to the Area Committee Chairs Forum meeting held on 3<sup>rd</sup> November 2011 (Appendix 2 and 3 refers)
- Welfare Reforms: Cross ALMO/BITO Action Plan 2011/12 (Appendix 4 refers)
- Copy of a letter from the Leader of Council on a response to localisation of Council Tax Support addressed to the Council Tax Benefit Reform Team (Appendix 5 refers)

Rory Barke, East North East Area Leader and Sharon Hughes, East North East Area Management presented the report and responded to Members' comments and queries.

Detailed discussion ensued on the contents of the report and appendices.

In summary, specific reference was made to the following issues:-

- to congratulate the report author on a well written report
- to express concerns that the new proposals may require extra resources for the Credit Union
- the need to address the role of BITMO rent collectors  
*(The East North East Area Leader responded and confirmed that at present there was no more detail available on this issue. At the request of the Chair, the East North East Area Improvement Manager agreed to circulate to Members of the Committee a copy of a report that was presented to a recent ALMO Board meeting on this specific issue)*
- to encourage more people to conduct their business affairs online, wherever possible
- the need to look at spreading the work around the clusters with increased monthly mobile library provision  
*(The East North East Area Improvement Manager responded and confirmed that discussions had taken place regarding clusters in Inner North Leeds with increased mobile library provision confirmed)*
- the need for plan of action to be drawn up on welfare reform  
*(The Committee agreed to this proposal)*
- the need to improve local publicity in relation to inter-agency work and for a report back to the Area Committee following consideration by the Area Leadership Team on this issue
- the need for Elected Members to be kept informed of current developments in order for them to brief their residents

**RESOLVED** – That the contents of the report and appendices be noted.

## 56 Area Chair's Forum Minutes

The Assistant Chief Executive, Planning, Policy and Improvement submitted a report notifying Members of the minutes of Area Chairs Forum meeting held on 5th September 2011 and to give a brief overview of the issues raised at the Area Chairs Forum.

Appended to the report was a copy of the Area Chairs Forum minutes of the meeting held on 5<sup>th</sup> September 2011 for the information/comment of the meeting.

Members commented again on the non-availability of the latest Area Chairs Forum minutes for consideration and discussion.

Rory Barke, East North East Area Leader responded and reminded the Area Committee that the minutes of the previous Area Chairs Forum were approved and released at each Forum meeting which would result in a delay in them being released to the Area Committee.

**RESOLVED-** That the contents of the report and appendices be noted.

## **57 Localism Act 2011**

The Assistant Chief Executive, Customer Access and Performance submitted a report providing a high level summary of the main elements of the Localism Act that would be of direct relevance to Area Committees and to provide an opportunity to debate and influence the way the Council implements the legislation.

Rory Barke, East North East Area Leader presented the report and responded to Members' comments and queries. He informed the meeting that this was a complex matter with a number of important issues for the Area Committee to consider.

In summary, specific reference was made to the following issues:-

- the need to establish a small, time limited working group comprising of one Member from each ward to address the complex proposals
- clarification of the process and whether or not some groups within the Council could make a challenge on a service delivered by the Council  
*(The Assistant Chief Executive, Customer Access and Performance responded and explained the procurement process regarding the community right to challenge)*
- clarification of how the authority would cost schemes that were not Council led
- the need for a proper business case to be established in relation to asset transfers providing it met the Government's criteria
- the need for evidence to be collated on how the Area Committee could engage more with the local community  
*(The East North East Area Leader responded and informed the meeting that community engagement was a major piece of work which required all agencies and partners to work together)*
- the need to work in tandem with the Police/Health authorities and the ALMO in order to make progress in this area

**RESOLVED –**

- a) That the contents of the report be noted and welcomed.

- b) That this Committee supports the continuing developments around localism and the contents of Act in view of the important element for areas to begin to think about what localism means for them and what they see as the main opportunities, challenges and risks taking into consideration the role they wished to play in future in engaging with their communities on this issue.
- c) That in order to support the above developments, a small, time limited working group be established comprising of the following Members from each ward to address the complex proposals:-  
Councillor G Hussain  
Councillor S Hamilton  
Councillor M Rafique
- d) That the East North East Area Leader be requested to convey the above views, ideas, suggestions and concerns to officers in order to inform a further report to go to Executive Board on the implications of the Act and more detailed reports/sessions on Planning, Assets of Community Value and Right to Challenge as agreed by area chairs.

**58 Developing a Locality Approach between Leeds City Council Services and Neighbourhood Police Teams/Police Community Safety Officers (PCSOs)**

The Director of Environment and Neighbourhoods submitted a report providing Members with an overview of progress to develop more joined-up working within locality based City Council services and Neighbourhood Police Teams/PCSOs.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Key Contacts/Duties in North East and other areas (Appendix 1 refers)
- Safer Leeds Executive – Protocol to Support Local Working between Leeds City Council Environmental Services and Police Community Support Officers (Appendix 2 refers)

Beverley Yearwood, Area Community Safety Officer, Environment and Neighbourhoods presented the report and responded to Members' comments and queries.

In summary, specific reference was made to the following issues:-

- clarification of previous funding in relation to alcohol and the current status of Operation Buzzer  
*(The Area Community Safety Officer responded and informed the meeting that a full evaluation was submitted regarding Operation Buzzer)*
- the need for more regular feedback on those schemes previously funded by the Area Committee
- opportunities for ward Councillors to influence priority setting via the task framework

In concluding, the East North East Area Leader informed the meeting that he welcomed the expanded role of PCSOs and that the Area Committee should be focusing on their tremendous value within the Inner North East area.

**RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That this Committee notes the progress made to develop more joined up working within localities between LCC services and Neighbourhood Police Teams/PCSOs.
- c) That the above areas of closer working on local environmental priorities be fed back to local tasking arrangements to progress.

**59 Capital Incentive Scheme Report to Executive Board**

The Assistant Chief Executive, Customer Access and Performance submitted a report highlighting the Capital Receipt Incentive Scheme that received approval at the Executive Board meeting on 12<sup>th</sup> October 2011.

Appended to the report was a copy of the Executive Board report on Capital Receipts Incentive Scheme considered at the meeting held on 12<sup>th</sup> October 2011 for the information/comment of the meeting.

Rory Barke, East North East Area Leader presented the report and responded to Members' comments and queries.

In summary, specific reference was made to the following issues:-

- to acknowledge that this Committee supports the proposal that 20% of receipts generated would be retained locally up to a maximum of £100k per capital receipt with 15% retained by the Ward and 5% pooled as a bottom line figure across the Council and distributed to Wards on the basis of need
- clarification of the protocol for disposing of properties within the new scheme

**RESOLVED –** That the contents of the report and appendices be noted.

**60 Leeds Citizens Panel in Support of Locality Working**

The Assistant Chief Executive, Customer Access and Performance submitted a report outlining the progress being made to create and manage a new and enlarged Leeds Citizens' Panel that would form an important tool for the Council and partners' consultation activity.

Appended to the report was a copy of a document entitled 'Leeds Citizens' Panel progress update, October 27<sup>th</sup> 2011' (Appendix 1 refers) for the information/comment of the meeting.

Chris Dickinson, Area Management Officer, Planning, Policy and Improvement presented the report and responded to Members' comments and queries.

In summary, specific reference was made to the following issues:-

- clarification of the recruitment process for Panel Members and why University students had been selected in view of their non-resident Leeds status  
*(The Area Management Officer responded and informed the meeting that no decision had been made at present with regards to recruiting students on the Citizens Panel. It was noted that at this stage in the proceedings, the process was solely aimed at registering their interest)*
- clarification of why the criteria for Panel Members was aimed at 18+ in view of the fact that the Youth Council had active younger people available  
*(The Area Management Officer responded and agreed to feed back these comments)*
- clarification why NHS Trusts were selected within the process  
*(The Assistant Chief Executive, Customer Access and Performance responded and outlined the demographic process for the Citizens Panel and of the fact that interested parties could apply)*
- clarification of the composition of the Citizens Panel  
*(The Area Management Officer responded and confirmed that more work was required in this area)*
- the need to include schools within the recruitment process which would ensure that the proposals would be then disseminated down to families

**RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That this Committee notes the development of a new Citizen's Panel in Leeds as outlined in the report.
- c) That this Committee supports the use of the new Leeds Citizens' Panel and to take up its use as part of the Committee's community engagement activities in support of Wellbeing fund priority setting and in the development of the Area Business Plans.
- d) That Members of the Committee be requested to feed any further views on this issue to Sharon Hughes, East North East Area Improvement Manager.

**61 Date and Time of the Next Meeting**

Monday 30<sup>th</sup> January 2012 at 4.00pm at the Reginald Centre, 263 Chapeltown, Leeds LS7 3EX.

(The meeting concluded at 6.00pm)

## NORTH EAST (OUTER) AREA COMMITTEE

MONDAY, 5TH DECEMBER, 2011

**PRESENT:** Councillor G Wilkinson in the Chair

Councillors R D Feldman, P Harrand,  
A Lamb, J Procter and M Robinson

**53 Chair's Opening Remarks**

The Chair welcomed all in attendance to the December meeting of North East (Outer) Area Committee.

**54 Apologies for Absence**

Apologies for absence were received on behalf of Councillors A Castle, D Cohen and R Procter.

**55 Declaration of Interests**

There were no declarations of interest made at the meeting.

**56 Open Forum**

In accordance with paragraphs 6.24 and 6.25 of the Area Committee Procedure Rules, the Chair allowed a period of up to 10 minutes for members of the public to make representations or to ask questions on matters within the terms of reference of the Area Committee.

On this occasion, there were no matters raised under this item by members of the public.

**57 Minutes of the Previous Meeting**

**RESOLVED** -That the minutes of the meeting held on 24<sup>th</sup> October 2011 be confirmed as a correct record.

**58 Matters Arising from the Minutes**

a) Outer North East Business Plan 2011/12 (Minute 45 refers)

Carole Clark, East North East Area Management informed the meeting that discussions were ongoing with Ward Members in relation ward profiles prior to implementation/publication of the Business Plan.

b) West Yorkshire Fire and Rescue Service (WYFRS) – Fire Cover Proposals (Minute 48 refers)

The Chair informed the Committee that the Ward Members meeting due to be held prior to Council on 16<sup>th</sup> November 2011 for the purpose of Members formulating a collective response to the West Yorkshire Fire and Rescue Service was cancelled.

It was noted that this issue was ongoing with another Ward Members meeting planned in the near future.

c) Annual Report for Parks and Countryside Service in North East Outer Area Committee (Minute 49 refers)

Carole Clark, East North East Area Management informed the meeting that, to date, she had not received a copy of the protocol used for calculating the visitor figures/resident surveys from Parks and Countryside.

She apologised for the delay in disseminating this information to Members and agreed to liaise with Parks and Countryside.

d) East North East Homes Capital Programme (Minute 50 refers)

Carole Clark, East North East Area Management confirmed that the comparative figures requested at the previous meeting in relation to the Alwoodley ward had been disseminated to Members by the Director of Technical Services.

e) East North East Homes Leeds Estate Investment Bids (Minute 51 refers)

Carole Clark, East North East Area Management informed the Committee that a Ward Members meeting would be convened early in the New Year to discuss similar schemes that had been approved by Aire Valley Homes.

## 59 **Well Being Fund Capital and Revenue Budgets**

The East North East Area Leader submitted a report on an update on the current position of the capital and revenue budget for the Outer North East and setting out applications made for consideration by the Area Committee.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Outer North East Area Committee Well-Being Budget 2011-12 (Appendix 1 refers)
- Outer North East Area Management Capital Budget Information (Appendix 2 refers)

Carole Clark, East North East Area Management presented the report and responded to Members' comments and queries.

### **RESOLVED-**

- a) That the contents of the report and appendices be noted.
- b) That this Committee notes the spend to date and current balances for the 2011/12 financial year as outlined in the report now submitted.



c) That the following project proposals be dealt with as follows:-

Project /Organisation	Decision
Troughs, Tools and Rugs - Slaid Hill in Bloom	Approved £925.09
Sambhav - Parivhar Luncheon Club	Refused
Refilling Grit Bins - Leeds City Council	Approved £1,368
Security of Bardsey Recreation Ground - Bardsey-cum-Rigton Parish Council	Refused
Farmwatch and Pre Christmas Patrols - Wetherby Neighbourhood Policing Team	Approved £6,000 (Farmwatch) to be split between Wetherby and Harewood and £3,500 pre Christmas patrols to be funded from MICE

## 60 Environmental Services - Performance Update on the Service Level Agreement

The Locality Manager (Environmental Services, East North East) submitted a report providing an update on performance against the Service Level Agreement between Outer North East Area Committee and the Environmental Services, East North East Locality Team.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Delegation of Environmental Services - Outer North East Area Committee – Service Level Agreement 2011/12 – Half Year Performance Update (September – November 2011) (Appendix A refers)
- ENE Enforcement Statistics – 1<sup>st</sup> September – 15<sup>th</sup> November 2011 (Appendix B refers)

John Woolmer, Locality Manager (East North East) and Beverley Kirk, Technical Enforcement Officer, Environment and Neighbourhoods presented the report and responded to Members' comments and queries.

Specific reference was made to flytipping of tyres and clarification was sought with regards to the protocol used by garages for commercial disposal and the departments legal powers in this regard.

Draft minutes to be approved at the meeting  
to be held on Monday, 6th February, 2012

During discussions reference was also made to the safety aspects and disposal arrangements in relation to a large number of tyres flytipped at the Tockwith airfield which was in close proximity to the Wetherby ward.

The Technical Enforcement Officer responded and agreed to follow up this issue with a report back to Members on the latest position.

**RESOLVED** – That the contents of the report and appendices be noted.

(Councillor P Harrand left the meeting at 5.55pm during discussions of the above item)

**61 Developing a Locality Approach between Leeds City Council Services and Neighbourhood Police Teams/Police Community Safety Officers (PCSOs)**

The Director of Environment and Neighbourhoods submitted a report providing Members with an overview of progress to develop more joined-up working within locality based City Council services and Neighbourhood Police Teams/PCSOs.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Key Contacts/Duties in North East and other areas (Appendix 1 refers)
- Safer Leeds Executive – Protocol to Support Local Working between Leeds City Council Environmental Services and Police Community Support Officers (Appendix 2 refers)

Beverley Yearwood, Area Community Safety Officer, Environment and Neighbourhoods presented the report and responded to Members' comments and queries.

Specific reference was made to the continuing speeding problems and safety issues on Harrogate Road from the Grammar School to the Ring Road and on the non-availability of speed cameras despite warning signs in the vicinity.

The Area Community Safety Officer responded and agreed to follow up this issue with West Yorkshire Police and Highways with a report back on progress to Ward Members in due course.

**RESOLVED** –

- a) That the contents of the report and appendices be noted.
- b) That this Committee notes the progress made to develop more joined up working within localities between LCC services and Neighbourhood Police Teams/PCSOs.

**62 Leeds Citizens Panel in Support of Locality Working**

The Assistant Chief Executive, Customer Access and Performance submitted a report outlining the progress being made to create and manage a new and

enlarged Leeds Citizens' Panel that would form an important tool for the Council and partners' consultation activity.

Appended to the report was a copy of a document entitled 'Leeds Citizens' Panel progress update, October 27<sup>th</sup> 2011' (Appendix 1 refers) for the information/comment of the meeting.

Matthew Lund, Corporate Consultation Manager, Planning, Policy and Improvement presented the report and responded to Members' comments and queries.

Detailed discussion ensued on the contents of the report and appendices.

In summary, specific reference was made to the following issues:-

- clarification of how much the Council spends on consultation and on the criteria used in achieving such savings  
*(The Corporate Consultation Manager responded and agreed to supply the best available cost to Members via the East North East Area Leader)*
- the need for the report to make it clear that the Leeds Citizens Panel was not responsible for spending Area Committee well-being monies
- clarification of the cost implications in managing the Leeds Citizens Panel at officer level
- clarification of the process in relation to recruiting members of the Leeds Citizens Panel and whether or not an ethical mix of people throughout the city was taken into consideration  
*(The Corporate Consultation Manager responded and agreed to supply a copy of the demographic profile spreadsheet to Members via the East North East Area Leader)*
- clarification of the procedures in place to protect conflict of interests
- the need for the Area Committee to be supplied with a list of questions that the Citizens Panel had been asked over a five year period  
*(The Corporate Consultation Manager responded and agreed to supply a copy to Members via the East North East Area Leader, subject to this information been available)*
- clarification of the breakdown in responses relating to the 74% pilot figure arising from consultations with the Citizens Panel on local issues  
*(The Corporate Consultation Manager responded and informed the meeting that this percentage was based on the receipt of 300 out of 400 responses)*
- clarification as to why universities were chosen as many students were not Leeds residents
- clarification of the input and support received from Leeds Rhinos and Leeds United Football club
- clarification of the role of 'About Leeds' and the budget implications around questionnaires
- clarification as whom set the questions prior to them being issued

- clarification of whether or not officers were barred from being a panel member
- clarification as why the Private Sector i.e. You Gov were not involved which would have eliminated conflict of interest
- clarification of the budget questions asked and whether or not reference was made to the £90 million figure in Spending Challenge 2010
- clarification of the proposed input of Area Management staff within the data analysis process. Members indicated that they would not fund or support Area Management resources being used for such purposes
- clarification as to whether or not Parish Councils had been consulted (*The Corporate Consultation Manager responded and agreed to look into this issue with a report back via the East North East Area Leader*)

Following discussions, it was the general consensus of the meeting that the process towards the creation of the new and enlarged Leeds Citizens Panel in support of locality working was inadequate and not cost effective.

#### **RESOLVED –**

- a) That the contents of the report and appendices be noted.
- b) That this Committee notes the development of a new Citizen's Panel in Leeds as outlined in this report.
- c) That this Committee does not support the use of the new Leeds Citizens' Panel and to take up its use as part of the Committee's community engagement activities in support of Wellbeing fund priority setting and in the development of the Area Business Plans.
- d) That this Committee confirms that there will be no funding or support available from the Committee for the Citizen's Panel..

### **63 School Demographic Update Report**

The Director of Children's Services submitted a report on the School demographic process with Outer North East.

The purpose of the report was to provide Members with an update by ward of the latest demographics including the numbers of children attending schools within these areas. The report also identified known housing developments and the impact this may have on the schools within this area.

Lesley Savage, Senior Planning and Bids Manager, Children's Services presented the report and responded to Members' comments and queries.

In summary, specific reference was made to the following issues:-

- clarification of the location of planned housing developments within the Harewood area
- the concerns expressed that Children's Services were not up to speed with regards to Phase 2/Phase 3 development sites which had been recently discussed at Plans Panel (East) and the issues around Section 106 and the Community Infrastructure Levy

- the need for Children's Services to acknowledge the principle that where housing development takes place, appropriate education provision should be made
- to acknowledge that Councillor M Robinson would give consideration to whether there was a need for Scrutiny Board (Regeneration) to look into the issue of planning for strategic housing growth and regeneration in view of the complexity and speed of events
- clarification of which Free Schools had been approved for 2012 and how they had been considered in the planning process  
(Councillor A Lamb informed the meeting that he would raise this specific issue at a forthcoming meeting with the Director of Children's Services)
- the need for the Committee to be supplied with information relating to:-
  - the exact location of the site in Thorp Arch where 400 houses were proposed to be built
  - a copy of the national regulation guidelines which showed how calculations were undertaken regarding family homes  
(The Senior Planning and Bids Manager responded and agreed to supply this information to Members via the East North East Area Leader)
- the need for this issue to be discussed at ward level in more detail

**RESOLVED –**

- a) That the contents of the report be noted.
- b) That this issue be discussed at Ward level and that the East North East Area Leader be requested to liaise with the Senior Planning and Bids Manager on bringing forward the information and detail as required.

**64 Welfare Reform**

The Assistant Chief Executive, Customer Access and Performance submitted a report on Welfare Reform.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Welfare Reform timetable (Appendix 1 refers)
- Reports on Welfare Reform submitted to the Area Committee Chairs Forum meeting held on 3<sup>rd</sup> November 2011 (Appendix 2 and 3 refers)
- Welfare Reforms: Cross ALMO/BITO Action Plan 2011/12 (Appendix 4 refers)
- Copy of a letter from the Leader of Council on a response to localisation of Council Tax Support addressed to the Council Tax Benefit Reform Team (Appendix 5 refers)

Jill Wildman, Director of Housing Services, East North East Leeds Homes presented the report and responded to Members' comments and queries.

Prior to discussing this issue, the Chair informed the meeting that he had written to Alec Shelbrooke, MP raising his serious concerns over the proposal to pay housing benefit direct to tenants.

Draft minutes to be approved at the meeting  
to be held on Monday, 6th February, 2012

In summary, specific reference was made to the following issues:-

- the concerns expressed that the implications of this Act would put the Council in the same position potentially as private landlords
- the concerns expressed that more and more people would potentially result in crime and disorder and drug abuse resulting from the welfare reform
- the need for the Area Committee to recognise that there were also some potential benefits arising from the reform
- the need to focus on how housing rent was paid for and to deplore the fact that some people receive more in benefit than working
- clarification if ALMOs could impose a condition requiring rent to be paid by direct debit on a given day  
*(The Director of Housing Services responded and informed the meeting that work was continuing on this issue between the ALMO and the Council)*

In concluding, Rory Barke, East North East Area Leader informed the meeting that work was currently being undertaken on a multi-agency basis across the East and North East of Leeds and that an action plan would be submitted to a future Area Committee meeting for comment.

**RESOLVED** – That the contents of the report and appendices be noted.

**65 Capital Receipts Incentive Scheme Report to Executive Board**

The Assistant Chief Executive, Customer Access and Performance submitted a report highlighting the Capital Receipt Incentive Scheme that received approval at the Executive Board meeting on 12<sup>th</sup> October 2011.

Appended to the report was a copy of the Executive Board report on Capital Receipts Incentive Scheme considered at the meeting held on 12<sup>th</sup> October 2011 for the information/comment of the meeting.

Rory Barke, East North East Area Leader presented the report and responded to Members' comments and queries.

**RESOLVED** – That the contents of the report and appendices be noted.

**66 Localism Act 2011**

The Assistant Chief Executive, Customer Access and Performance submitted a report providing a high level summary of the main elements of the Localism Act that would be of direct relevance to Area Committees and to provide an opportunity to debate and influence the way the Council implemented the legislation.

Andy Birkbeck, Localism Officer, Planning, Policy and Improvement presented the report and responded to Members' comments and queries.

In summary, specific reference was made to the following issues:-

Draft minutes to be approved at the meeting  
to be held on Monday, 6th February, 2012

- clarification if local schools could challenge the youth service under the 'Community right to challenge' proposal  
*(The Localism Officer responded and agreed to follow up this issue with a report back to Members via East North East Area Leader)*
- clarification if communities could draw up a list within their ward in relation to assets of community value  
*(The Localism Officer responded and agreed to follow up this issue with a report back to Members via East North East Area Leader)*
- the need for a co-ordinated response in relation to the Community Infrastructure Levy (CIL) 80% proposal
- the need for officers to address the issue in relation to how a community asset was defined and whom from the Council decided if it was of sufficient community value

**RESOLVED –**

- a) That the contents of the report be noted.
- b) That this Committee welcomed the debate at today's meeting about localism and the contents of the Act in view of the important element for areas to begin to think about what localism means for them and what they see as the main opportunities, challenges and risks taking into consideration the role they wished to play in future in engaging with their communities on this issue.
- c) That the above views, ideas, suggestions and concerns be fed back to officers in order to inform a further report to go to Executive Board on the implications of the Act and more detailed reports/sessions on Planning, Assets of Community Value and Right to Challenge as agreed by Area Chairs.

**67 Area Chairs Forum Minutes**

The Assistant Chief Executive, Planning, Policy and Improvement submitted a report notifying Members of the minutes of Area Chairs Forum meeting held on 5th September 2011 and to give a brief overview of the issues raised at the Area Chairs Forum.

Appended to the report was a copy of the Area Chairs Forum minutes of the meeting held on 5<sup>th</sup> September 2011 for the information/comment of the meeting.

**RESOLVED-** That the contents of the report and appendices be noted.

**68 Date and Time of Next Meeting**

Monday 6<sup>th</sup> February 2012 at 5.30pm in the Civic Hall, Leeds.

(The meeting concluded at 8.00pm)

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## EAST (INNER) AREA COMMITTEE

THURSDAY, 1ST DECEMBER, 2011

**PRESENT:** Councillor G Hyde in the Chair

Councillors A Hussain, R Pryke, B Selby,  
V Morgan, A Khan, R Grahame and  
K Maqsood

IN ATTENDANCE Ms L Johnson – Richmond Hill Forum  
Mr R Manners – Killingbeck & Seacroft CLT  
Mr P Rone – Burmantofts Forum

### 52 **Late Items**

The Chair accepted on late item of business onto the agenda relating to a further application to the Wellbeing Fund from Deen Enterprises. The application was considered at this meeting as the project was scheduled to commence in January 2012 prior to the next Area Committee meeting. (minute 58 refers). The Committee was also in receipt of supplementary documents relating to Item 15 of the agenda – Developing a Locality Approach between LCC and PCSO's (minute 60 refers)

### 53 **Declaration of Interests**

The following Members declared 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:

Councillors G Hyde, R Grahame, Khan, Morgan, A Hussain and Selby all declared a personal interest as members of the GMB union in agenda item 10 Community Centre Update (minute 61 refers)

Councillor Maqsood declared a personal interest as a member of UNISON in agenda item 10 Community Centre Update (minute 61 refers)

Councillors G Hyde declared a personal interest as a member UCATT in agenda item 10 Community Centre Update (minute 61 refers)

### 54 **Apologies for Absence**

Apologies for absence were received from Councillor A Taylor. The chair welcomed Mr T Riordan, LCC Chief Executive to the meeting and short introductions were made

### 55 **Open Forum**

No matters were raised under the Open Forum

### 56 **Minutes**

**RESOLVED** – That, subject to a revision to minute 49 to amend the sub heading to read "Land Adjacent to Lincoln Green Medical Centre", the minutes of the previous meeting held 20<sup>th</sup> October 2011 be agreed as a correct record

**57 Matters Arising**

Minute 47 – WYFRS Fire Cover proposals – the Chair confirmed that a letter had been sent to the Fire Authority expressing the concerns of EIAC over the proposals. A copy of the letter had been sent to Members for information prior to this meeting. EIAC briefly discussed whether consultation had been undertaken with local businesses over the proposals

**58 Wellbeing report**

The East North East Area Leader submitted a report providing an overview of spending to date from the EIAC Wellbeing Budget and five new proposals seeking funding from the revenue budget. One additional application had been received after the despatch of the agenda for the meeting and this was presented as a late item of business, however it was reported that ENE Homes Ltd Area Panel had now agreed to fund half the project costs so it was unclear whether the scheme would require funding from EIAC

**RESOLVED -**

- a) To note the contents of the report and to approved the following grants:
- |   |         |
|---|---------|
| i. Replacement of Nowell Park Mount Play Area               | £2,575  |
| ii. Beckett Street/Lincoln Green Environmental Improvements | £1,500  |
| iii. Rookwood Recreation Area                               | £15,000 |
| iv. Carols on the Green Community Notice Board              | £1,610  |
| v. Community Pantomime                                      | £220    |
| vi. South Seacroft CCTV                                     | £27,000 |
- b) To defer consideration of the application from Deen Enterprises for the Oz Box project (£962.50)

**59 Environmental Services - Performance update on the Service Level Agreement**

The Environmental Services Locality Manager for the East and North East of Leeds submitted a report providing the first update on performance against the Service Level Agreement between EIAC and the ENE Environmental Locality Team. Attached to the report were schedules showing the progress towards the implementation of the new service principles and progress on the delivery of the strands of the service across the wards, including specific examples of achievements so far.

(Councillor Pryke joined the meeting at this point)

Mr J Woolmer attended the meeting to present the report and seek feedback on the style and content of future SLA updates. The following issues were discussed:

- Examples of responsive working were outlined in the schedules which referred to “capacity days” where season specific tasks had been undertaken across the ENE area (such as autumn leaf clearance). Future capacity days could be utilised to address service blocks which had been missed due to staff sickness.
- Partnership working between the Team and PCSOs had been established and produced encouraging results tackling environmental crimes and offences.
- Ginnel mapping was being undertaken and an A1 plan of the locality was displayed at the meeting

- A future priority was to educate and work in partnership with residents and businesses in specific locations to tackle long term environmental problems such as littering and fly-tipping. Further discussion was required with Area Management on the lead for that priority and the creation of a small team to tackle such “improvement zones”. Work undertaken in Harehills with the “Save Harehills Lane” group had proved a success and could provide a best practice model for the future
- The Environmental Sub Group had proposed an approach to target a small number of the worst zones in terms of environmental condition (included at appendix C) and had established a criteria for the purchase of new/replacement litter bins reported at Appendix D
- A litter bin budget was provided and measures to encourage match funding from local businesses for every new bin provided in their area were being considered.
- Members suggested that advertisements placed on litter bins could also generate funds for new or re-provision of bins. It was noted that a new style of bin was being acquired with concrete bases and notice slots which could facilitate this
- The need to continue the review of litter bin locations to ensure their placement at areas of high usage such as bus stops and outside businesses/shops. Comments from local ward councillors were welcome to feed information into that process
- Liaison with the Community Leadership Teams as well as the emerging Citizens Panel was suggested as the CLTs could provide more effective local knowledge
- The need to re-prioritise in order to focus the service on those localities most at need. The comments of the Burmantofts & Richmond Hill Members were noted with regards to the provision and emptying of litter bins, missing bins and fly-tipping

EIAC commented on the positive outcomes already achieved by the new way of working and commended the work undertaken by the Team so far

**RESOLVED –**

- a) That the contents of the report and the comments of the Area Committee be noted
- b) That the recommendations made by the Environmental Sub Group be agreed

**60 Developing a Locality Approach between LCC Services and Neighbourhood Police Teams/ Police Community Safety Officers (PCSO's)**

The Director of Environment and Neighbourhoods submitted a report providing an update on the development of closer working arrangements between the locality based LCC services and the Neighbourhood Policing Teams/PCSO's. Mr J Woolmer reported that the lead officer and Chief Inspector were unable to attend the meeting. The Area Committee commented on the importance of the discussions on the report and

**RESOLVED –** That consideration of the report be deferred to the next meeting

Draft minutes to be approved at the meeting  
to be held on Thursday, 2nd February, 2012

## **61 Inner East Community Centre Update**

The East North East Area Leader submitted an update report on the work of the Inner East Community Centre Working Group to assess the community centres in the area in order to gauge their condition, current usage and to maximise their future use.

Ms Sarah May attended the meeting to present the report and highlighted the following matters:

- Three centres had been identified with low attendance figures (Alston, Lincoln Green and Knowle Mount) and a campaign was being considered to highlight their availability and uses in the localities, including leafleting and open days
- Richmond Hill Community Centre had re-opened on 18 November 2011 and generated increased usage and interest

(Councillor A Hussain withdrew from the meeting for a short time at this point)

EIAC discussed the location of and access to the existing community centres and the LCC lettings process which was regarded as being over complicated by community groups and in need of revision. EIAC also noted a suggestion that Lincoln Green community centre should incorporate a Job Shop facility

### **RESOLVED -**

- a) To note the contents of the report and the comments of the Area Committee
- b) To support the suggestion that Lincoln Green Community Centre incorporate a Job Shop facility

## **62 Employment and Skills - Services and Opportunities**

Ms S Wynne, Chief Officer of LCC Employment Skills Services, attended the meeting to present a report on the employment and training opportunities for local people, access to those opportunities and the work undertaken by the Service to liaise with local employers and businesses. The following key issues were highlighted:

- Role of local Job Shops in provision of support, training opportunities and job/skills matching for local jobseekers
- The role of EIAC in providing local knowledge to the Service and residents in order to provide effective local events and recruitment drives in the right locations to maximise the number of participants
- A mapping exercise on provision within the locality was being undertaken and would be presented once complete
- The importance of early identification of future employment opportunities in the planning process and being able to work with developers and employers to identify prospective staff and train them appropriately

Discussions followed on related matters including:

- Links already established between the Service and developers of city centre sites, such as the Trinity development

- The need to ensure all Councillors are notified of city centre opportunities, not just the local ward councillors, as city centre developments were likely to draw staff from all across the city
- Amendments to the welfare system would lead to a number of former recipients of disability living allowance being in receipt of Job Seekers Allowance and the measures in place to support those new to the job seeking process
- The range of programmes available to support different claimants and claimant groups
- Acknowledgement that the area covered by EIAC contained some of the most deprived localities in the City and the need to ensure resources and provision are effectively targeted. The Burmantofts & Richmond Hill Members commented on the lack of Job Shop provision in the ward and residents' difficulty in accessing Job Shops located in other wards. It was noted that the Service had limited resources and had completed a review of historical locations of the Job Shops, seeking to maximise their use by re-siting some in multi-use buildings, such as one-stop shops, where jobseekers would be able to access a raft of other council services

Members noted that two separate Scrutiny Board inquiries were currently being undertaken. The Sustainable Economy & Culture Board was reviewing the links between planning, S106 and employment and skills. The Regeneration Board was reviewing transport. Councillor Morgan reported the Regeneration Board held on 29<sup>th</sup> November 2011 and attended by a METRO representative had received a deputation from a Cross Green resident about the local bus service.

Councillor R Grahame, with the permission of the Chair, introduced three guests from the NHS Recovery Programme to the meeting. EIAC agreed to vary normal procedure to receive a short representation from Mr F Ahmed, youth co-ordinator for Lincoln Green on the challenges faced by young people from that area in terms of health, education, skills and employment. EIAC commended Mr Faisal for the issues he raised. The ENE Area leader responded that a multi-agency approach to tackle those issues was required, particularly in view of the forthcoming Welfare Reform programme.

**RESOLVED** – That the contents of the report and the comments of the Area Committee be noted

### **63 Leeds Citizens Panel in Support of Locality Working**

Mr C Dickinson, WNW Area Team, attended the meeting to present the report of the Assistant Chief Executive Customer Access and Performance which set out the timetable for the development, management and co-ordination of the Leeds Citizen Panel.

The strong community links and roles of the Community Leadership Teams already established in this locality were acknowledged and it was emphasised that the Citizens Panel was regarded as an additional tool for community liaison, not a replacement for the CLT's

**RESOLVED** – That EIAC

- a) Note the development of the new Citizens Panel in Leeds as described in the submitted report
- b) Support the use of the new Leeds Citizens Panel
- c) Commit to take up the use of the Citizens Panel as part of the Committees community engagement activities in support of the Wellbeing Fund priority setting and in the development of the Area Business Plans

**64 Area Chairs Forum Minutes**

**RESOLVED** – To note the minutes of the Area Chairs Forum meeting held 5<sup>th</sup> September 2011

(Councillor Selby withdrew from the meeting at this point)

**65 Capital Receipts Incentive Scheme**

The Area Committee considered the report of the Assistant Chief Executive Customer Access and Performance on the Capital Receipts Incentive Scheme which received approval at the Executive Board meeting held on 12<sup>th</sup> October 2011. A copy of that report which proposed that assets should be identified in order to release capital funds was included. It was noted that assets were not evenly spread across the city and this scheme would help to release capital funds from elsewhere to the benefit of the areas which had no assets to release or were most deprived

**RESOLVED** – That the contents of the report to Executive Board (12 October 2011) on the Capital Receipts Incentive Scheme be noted

(Councillor Selby resumed his seat in the meeting)

**66 Welfare Reform**

The Assistant Chief Executive Customer Access and Performance submitted a report providing an update on the Governments Welfare Reform proposals and the impact this could have on Leeds' citizens. The report included a copy of the three year timetable for reform and schedules showing the likely impact of the changes on residents, the ALMO/BITMO resources and possible measures to tackle the changes. A letter dated 13 October 2011 from the Leader of Council to the Department of Communities and Local Government was included at Appendix 5

The Committee commented on the challenge ahead to focus resources in order to mitigate the impact of the reforms on residents of East Leeds who lived on the poverty borderline. It was noted that the ENE Area Leader had been asked to establish an inter-agency team to look at ways to support residents in terms of digital access, easy banking access and a communication strategy. An Action Plan would be developed and reported to EIAC in due course

(Councillor Morgan withdrew from the meeting for a short while at this point)

EIAC commented on the following issues:

- the need to liaise with relevant authorities over those residents prevented from digital access
- the economic impact on the area and local businesses and the need to seek the views of the local Chamber of Commerce and Small Business Federations
- noted the city centre One Stop Shop had already experienced a 40% increase in visits from Leeds residents seeking advice
- the impact on private and social housing landlords in terms of benefit recipients being unable to meet the costs of rents
- the role of neighbourhood networks

**RESOLVED** – That the contents of the report and its appendices, be noted

**67 Localism Act 2011**

The Area Committee considered the report of the Assistant Chief Executive, Customer Access and Performance which summarised those main elements of the Localism Act of direct relevance to Area Committees, in order to support future debate on how the Council will implement the legislation. EIAC noted that no guidance on the implementation of the measures within the Act had been issued by the Department for Communities and Local Government yet.

**RESOLVED** –

- a) To note the contents of the report as the basis for future debate on the opportunities, challenges and risks the Area Committee associates with the legislation taking into account the role Members identify for the Committee in the future in engaging with communities on this issue
- b) That the comments of the Committee be fed back to officers in order to inform a further report to a future Executive Board meeting on the implications of the Act and more detailed reports/sessions on Planning, Assets of Community Value and Right to Challenge agreed by area chairs

**68 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 2<sup>nd</sup> February 2012 at 5:00 pm in Leeds Civic Hall

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## EAST (OUTER) AREA COMMITTEE

TUESDAY, 13TH DECEMBER, 2011

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

Councillors S Armitage, P Grahame,  
P Gruen, W Hyde, J Lewis, M Lyons,  
K Mitchell and T Murray

**41 Late Items**

There were no late items of business.

**42 Declarations of Interest**

No declarations of interest were made at this point in the point, however during discussions on the Demographic Update report, Councillor B Hyde declared a personal interest as a Governor of Colton Primary School (minute 53 refers)

**43 Apologies for Absence**

Apologies for absence were received from Councillors Dobson, McKenna and Wakefield

**44 Minutes**

**RESOLVED** – That the minutes of the previous meeting held on 18<sup>th</sup> October 2011 be agreed as a correct record

**45 Matters Arising**

Minute 34 - Colton Primary school

Councillor Hyde reported on discussions held at the School Governors meeting on 12 December 2011. He reported that proposals to expand the school were still under review and that Governors had expressed concern over the proposed temporary arrangements to facilitate an increased admission limit for 2012/2013. It was noted a more detailed report on east Leeds schools appeared later on the agenda (minute 53 refers)

Minute 38 - Crossgates Christmas Lights

Councillor P Grahame reported the success of the Crossgates Christmas Lights Switch On event

**46 Chair's Remarks**

Thorpe Park Green Plan – Councillor Parker reported he attended a meeting on 12 December 2011 where he had been invited to review the Green Plan associated with Thorpe Park. He stated he advised the developers to consult with local ward members prior to presenting the Green Plan for public consultation. The Area Committee noted comments made regarding the Manston Link Road and requested a meeting be arranged with the developers to discuss the Green Plan in January/February 2012

**RESOLVED** – To note the discussions

**47 Open Forum**

No matters were raised under the Open Forum

**48 South and Outer East Locality Team Service Level Agreement Performance Update**

The Locality Manager for the South and Outer East Leeds submitted a report providing the first update on performance against the Service Level Agreement between the Outer East Area Committee and the SSE Environmental Locality Team. The report outlined the progress made towards implementing the new service principles and the delivery of the key priorities of the SLA.

Specific examples of achievements so far and key issues were highlighted as:

- benefit of “capacity days” which can be utilised to undertake additional works such as locality “clear-up days” or seasonal tasks such as autumn leaf clearance
- enforcement activity would be prioritised in 2012 to ensure the officers were more visible in the locality
- strong partnership working had been established between the Enforcement staff, mechanical cleansing staff and the fly tipping staff. The whole team was working well with external agencies, including the PCSO’s and the ALMO’s to deliver a more effective service response
- ginnel mapping had been undertaken including a review of their current condition and proposals to draw up a planned maintenance programme for the future.
- further discussions were required to identify whether there were any more localities which could be identified as priority neighbourhoods

Members raised the following matters:

- The need to ensure that issues raised by neighbourhood housing wardens are addressed
- Identified a link between schools and problem areas for litter and considered how to encourage schools to become involved in education around the issues of litter and fly-tipping
- The success of the Osmondthorpe project undertaken with ENE Homes

Members commended the team on the work undertaken so far. The Chair reported that nominees were sought to act as Chair of the Environmental Services Sub Committee whilst Councillor Mitchell was on maternity leave. Councillor Murray accepted the nomination from the Committee

**RESOLVED** – That the contents of the report and the comments of the Committee be noted

**49 Developing a locality approach between Leeds City Council Services and Neighbourhood Police Teams/Police Community Safety Officers (PCSOs)**

The Director of Environment & Neighbourhoods submitted a report providing an update on the development of closer working arrangements between the locality based LCC services and the Neighbourhood Policing Teams/PCSO’s.

Bev Yearwood, Area Community Safety Manager, attended the meeting and highlighted the role local ward councillors had in influencing local tasking arrangements. It was noted that a training programme had been devised and implemented for the PCSO's in the ENE Area to ensure they were familiar with their remit and what assistance they could give under their existing powers to the area enforcement teams.

Members supported the work done so to establish closer working links with the Neighbourhood Policing Teams

**RESOLVED –**

- a) to note the progress being made to develop more joined up working within localities between LCC services and Neighbourhood Police Teams/PCSO's
- b) To note the contents of the discussions on proposed areas of closer working on environmental priorities

(Councillor Armitage withdrew from the meeting for a short while at this point)

**50 Localism Act 2011**

The Area Committee considered the report of the Assistant Chief Executive, Customer Access and Performance, which summarised those main elements of the Localism Act of direct relevance to Area Committees, in order to support future debate on how the Council will implement the legislation.

Martin Hackett, Area Improvement Management, presented the report and highlighted the key issues, particularly relating to neighbourhood planning and the choice of Kippax as one of the 4 pilot areas chosen in Leeds. Members commented on the voluntary code of conduct and whether there were measures in the Localism Act to address instances when a community group or individual caused detriment to the council or an individual councillor. It was noted that the Corporate Governance & Audit Committee had discussed a similar issue relating to whether there were powers to deal with councillor complaints against officers

Members were concerned that sufficient time should be allowed to ensure meaningful consultation and discussions were held with Members on those measures due to be implemented in April 2012, particularly

- Whether the Committee needed to take a stance on neighbourhood planning
- The need to review commissioning
- The need to look at the procurement process and guidance in view of the fact that local groups and public can bid to operate council services

Officers reported that Guidance on the implementation of the Act was anticipated in early 2012. It was noted that the briefing note on the 4 pilot areas would be despatched to all Area Committee Members

**RESOLVED –**

- a) To note the contents of the report as the basis for future debate on the opportunities, challenges and risks the Area Committee associates with

- the legislation taking into account the role Members identify for the Committee in the future in engaging with communities on this issue
- b) That the comments of the Committee be fed back to officers in order to inform a further report to a future Executive Board meeting on the implications of the Act and more detailed reports/sessions on Planning, Assets of Community Value and Right to Challenge agreed by area chairs

#### **51 Capital Receipts Incentive Scheme Report to Executive Board**

The Area Committee considered the report of the Assistant Chief Executive, Customer Access and Performance, on the Capital Receipts Incentive Scheme which received approval at the Executive Board meeting held on 12<sup>th</sup> October 2011. A copy of the Executive Board report was included which proposed that assets should be identified in order to release capital funds.

Members noted the scheme would be administered under the existing Ward Based Initiative scheme with the intention to retain 15% of receipts locally, with 5% being pooled for the city. The Committee clarified that any unspent monies would be rolled into the following financial year but queried whether the £100k cap on receipts was reasonable, given that some areas could generate extensive redevelopment.

The Committee noted the WBI guidance and requested further clarification on:

- the administration of funding generated by release of land/assets for developments which had an impact on several wards and residents living on the boundaries of the wards
- the implications for Academy and Trust schools with assets to release

#### **RESOLVED –**

- a) That the contents of the report to Executive Board (12 October 2011) on the Capital Receipts Incentive Scheme be noted
- b) That the comments of the Area Committee be reported back to Executive Board and further clarification be provided on the issues noted above during the consultation period

#### **52 Leeds Citizens' Panel in support of locality working**

Mr M Lund, Corporate Consultation Manager, attended the meeting to present the report of the Assistant Chief Executive, Customer Access and Performance, which set out the timetable for the development, management and co-ordination of the Leeds Citizen Panel (LCP).

(Councillor Armitage withdrew from the meeting at this point)

Members discussed the following matters:

- The LCP had an advisory role. The 6000 members would have no decision making powers
- The need to ensure the LCP members were representative of every ward
- The need to use the LCP effectively, noting that LCC already had an established consultation panel of 2-3000 local residents which

Members commented had not been managed or utilised effectively in recent years.

- Methods of communication with LCP members and concern that the ICT systems necessary to support on-line consultation were inadequate
- The cost of establishing the LCP, noting the response that the LCP should reduce costs as Departments/Services would draw on consultation responses from the LCP rather than undertake individual consultations which could result in duplication

(Councillor Murray withdrew from the meeting for a short time at this point and Councillor Armitage rejoined the meeting)

- The Committee requested that information on the cost of the LCP be circulated to members after the meeting
- The intention to involve “attitude groups” as well as reach groups identified by age, location, interests etc

Members remained concerned over the establishment and management costs of the LCP and whether the creation of such a Panel presented any real benefits over and above the consultation already undertaken by the Council. It was noted that the LCP was intended to monitor the delivery of the Council’s priorities city wide, whereas the Area Committees would still consult and focus on a local level.

**RESOLVED** – That the Outer East Area Committee

- a) Note the development of the new Citizens Panel in Leeds as described in the submitted report
- b) Support the use of the new Leeds Citizens Panel
- c) Commit to take up the use of the Citizens Panel as part of the Committees community engagement activities in support of the Wellbeing Fund priority setting and in the development of the Area Business Plans

### **53 Demographic update report**

The Director of Children’s Services submitted a report providing an update on the demographics and current situation for school places within the Outer East (OE) area. Lesley Savage, Senior Planning & Bids Manager, attended the meeting and discussed the following matters with the Committee:

- The report set out demographic data providing a snapshot of the pupils on roll in OE schools in September 2011 and those expected up to 2015. However the Department was now aware of several planning applications for residential developments with the OE area which would impact on the projections.
- Ward member meetings were proposed to discuss the impact of future housing developments and review school place provision
- Discussions had taken place with Colton Primary School over proposals for future expansion; and further discussions would be required having regard to the projected pupil figures for 2014/15 and possible impact Colton expansion would have on other primary schools within the local family of schools

(Councillor Armitage left the meeting at this point)

- The likely impact of the government's targets for house building on east Leeds and the comment that sustainability issues which now included provision of education formed part of the consideration of applications for new residential developments.
- The problems experienced by local residents since the expansion of Whitkirk Primary schools with regards to highways and car parking

The Committee noted that Member briefing sessions would be arranged as part of the continued discussions on possible expansion of Colton primary school

**RESOLVED** – That the contents of the report and the comments of the Area Committee be noted

#### **54 Telecare**

The Director of Adult Social Care submitted a report in order to promote awareness of the Telecare Service. Donna Lancaster attended the meeting to give a short presentation highlighting the benefits of the equipment and outlining what telecare equipment was available to Fair Access to Care (FACS) eligible service users in Leeds. Members noted the service had recently relocated to a new city centre site and was currently trying to promote the service to reach as many eligible service users as possible.

Members noted the Telecare Service was provided free under Adult Social Services and requested that information on the number of service users be provided to them on a ward by ward basis.

**RESOLVED** – To note the contents of the report and presentation and to support the Telecare Service Team to promote the service city wide so all Fair Access to Care customers can benefit from the service

(Councillor Gruen left the meeting at this point)

#### **55 Outer East Area Committee Well Being Budget Report**

The Area Leader, South East Leeds, submitted a report providing an overview of spending to date from the Outer East Area Committee Wellbeing Budget and an update on the current position of the Small Grants Budget. Details of three new proposals seeking funding from the revenue budget were provided.

**RESOLVED -**

- a) To note the position of the Wellbeing Budget
- b) To note the Small Grants approved to date
- c) To grant approval for funding for the following projects:
  - i. Cross Gates Christmas Lights Switch-on £1,250
  - ii. Kippax & Methley grit bins refill £3,000
  - iii. Garforth Library Christmas event £180

#### **56 A summary of key work**

The South East Area Leader presented a report which detailed priority work carried out within the area in recent weeks, including the minutes of partnership meetings and Area Chairs meeting and recent community engagement activities. The report also provided an update on the

Draft minutes to be approved at the meeting  
to be held on Tuesday, 14th February, 2012

government's welfare reform proposals. Copies of the minutes of the Cross Gates Forum meeting held 19<sup>th</sup> October 2011 were also tabled at the meeting  
**RESOLVED** – To note the contents of the report

**57 Date and Time of next meeting**

**RESOLVED** – To note the date and time of the next meeting as Tuesday 14<sup>th</sup> February 2012 at 3:00 pm in the Civic Hall, Leeds

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## **SOUTH (INNER) AREA COMMITTEE**

**TUESDAY, 8TH NOVEMBER, 2011**

**PRESENT:** Councillor A Gabriel in the Chair

Councillors J Blake, D Congreve, P Davey,  
G Driver and E Nash

### **35 Chair's Opening Remarks**

The Chair welcomed all in attendance to the November meeting of the South (Inner) Area Committee and invited everyone present to introduce themselves.

### **36 Declarations of Interest**

There were no declarations of interest.

### **37 Apologies for Absence**

Apologies for absence were submitted by Councillors Groves, Iqbal and Ogilvie.

### **38 Minutes - 21st September 2011**

**RESOLVED** – That the minutes of the meeting held on 21<sup>st</sup> September 2011 be approved as a correct record.

### **39 Matters Arising from the Minutes**

#### Minute No. 19 – Matters Arising from the Minutes

Kris Nenadic, Parks and Countryside, confirmed that progress was being made in relation to steps in need of repair at Cross Flatts Park.

Area Management advised that work was ongoing in relation to concerns raised about an empty property on Stratford Terrace, Beeston, and issues in relation to empty housing in Hillside.

### **40 Open Forum**

In accordance with paragraphs 6.24 and 6.25 of the Area Committee Procedure Rules, the Chair allowed a period of up to 10 minutes for members of the public to make representations or to ask questions on matters within the terms of reference of the Area Committee.

On this occasion there were no members of the public in attendance at the meeting to make representations or ask questions.

#### **41 Annual Report - for Parks and Countryside Service in South Inner Area Committee**

The Head of Parks and Countryside submitted a report which provided an overview of the service and set out some of the challenges faced together with key performance management initiatives.

Detailed residents survey information was appended to the report for Members information.

The Chair welcomed to the meeting, Kris Nenadic, Parks and Countryside, to present the report and respond to Members questions and comments.

In brief summary, the key areas of discussion were:

- Utilising section 106 monies to improve local parks.
- Development of the city centre park adjacent to Tetley brewery site – it was agreed to provide a further update on this at the January Area Committee.
- Concern that travellers had occupied a site on Pepper Road and the need to install barriers.
- Members thanked officers involved in organising the bonfire in Middleton, which despite the bad weather was a great success.

**RESOLVED** – That the contents of the report be noted.

(Councillor Blake joined the meeting at 6.37pm during the consideration of this item.)

#### **42 Leedswatch - CCTV Delegated Function Update Report**

The Director of Environment and Neighbourhoods submitted a report which provided an update on service delivery and highlighted areas for future development of the service within the inner south area of Leeds.

The Chair welcomed to the meeting, Derek Whitehouse, CCTV Co-ordinator, to present the report and respond to Members questions and comments.

In brief summary, the main areas of discussion were:

- Clarification of funding arrangements for CCTV in the inner south area – Derek Whitehouse, CCTV Co-ordinator, agreed to report back to the Area Committee with confirmation of this.
- Concern that not all Members had been made aware of the weekly reports which provided information about recent activity and arrests across Leeds.
- Acknowledgement of the need to ensure that appropriate measures were in place to follow up local priorities at PACT meetings.
- Development of new tasking arrangements.

**RESOLVED** – That the contents of the report be noted.

#### **43 Jobs & Skills Action Plan - Middleton Park**

The South East Area Leader submitted a report which provided an update on the work of the Middleton Park Jobs and Skills sub-group that was established in summer 2011.

Martin Hackett, Area Improvement Manager, presented the report and responded to Members questions and comments.

The following information was appended to the report:

- Summary of Working Age Client Group claimants in Middleton Park Ward
- Summary of Job Seekers Allowance Claimants (JSA) in Middleton Park Ward
- Action Plan for Jobs and Skills – Middleton Park Ward.

Members welcomed the report although it was felt that greater strategic direction was needed in pursuing some the issues that had been highlighted, particularly in terms of links with the Area Committee's employment and training representative. It was anticipated that similar work would be undertaken in relation to Beeston and Holbeck and City and Hunslet Wards.

**RESOLVED** – That the report and information appended to the report be noted.

#### **44 Wellbeing Report**

The South East Area Leader submitted a report which updated Members on both the capital and revenue elements of the Committee's Wellbeing budget, advised the Area Committee of the Small Grants approved since the last meeting and invited Members to determine the capital and revenue proposals, as detailed within the report.

The following information was appended to the report:

- Committed funding 2011/12
- Inner South Area Wellbeing Budget position – September 2011.

Gavin Forster, Area Officer, presented the report and responded to Members' questions and comments.

Members were informed that there had been an error in the report to the September meeting. It was advised that in relation to the Belle Isle Christmas lights project, the correct figure for the project was £1,860 not £1,830.

There was a request from Members of the Middleton Park Ward to transfer some of their ward based initiative funding allocation to capital funding. The

Area Committee agreed to this request, subject to legal officer approval, which Area Management agreed to follow up.

#### **RESOLVED –**

(a) That the report and information appended to the report, which includes the available balance of the Area Committee's revenue and capital wellbeing budgets, be noted

(b) That the changes outlined in 3.2 to the report, be approved

(c) That the following decisions be made in relation to the wellbeing funding proposals which had been submitted for determination at the meeting:

- Aire Valley Homes / Corporate Asset Management – Cottingley Sphinx Improvements – £5,000 (£2,000 revenue & £3,000 capital) from Beeston & Holbeck Ward – Approved, subject to design proposals being agreed by Ward Members
- Youth Theatres Leeds – South Leeds Youth Theatre – £6,800 (£2,092.31 from Beeston & Holbeck, £3,923.07 from City and Hunslet, and £784.62 from Middleton Park Wards) – Approved
- Friday Night Project – £1,500 from Middleton Park Ward – Approved
- West Yorkshire Police – Safer Middleton – £5,000 revenue from the Inner South Community Safety ringfence – Approved.

#### **45 A Summary of Key Work**

The South East Area Leader submitted a report which detailed work by the Area Management Team on key priorities in the inner south area of Leeds since the last Area Committee meeting.

The following information was appended to the report:

- Minutes of Environmental Sub Group held on 7<sup>th</sup> October 2011
- Minutes of South East Health and Wellbeing Partnership held on 13<sup>th</sup> October 2011
- Minutes of Middleton Park Strategic Advisory Group held on 21<sup>st</sup> September 2011
- Update on the merger of Joseph Priestley College with Leeds City College.

Gavin Forster, Area Officer, presented the report and responded to Members' questions and comments.

In brief summary, the key highlighted points were:

- One Member advised that in relation to 4.1 of the report, the South Leeds Employment, Enterprise and Training Partnership (SLEET), no longer existed.
- Nominations were invited for Members to serve on the Middleton Park Strategic Advisory Group. It was reported that Councillor Ogilvie had

already agreed to serve on the group as Beeston and Holbeck representative.

- One Member emphasised the importance of developing links with Leeds City College, particularly in terms of receiving regular reports back and attendance at Area Committee meetings.

**RESOLVED –**

- (a) That the contents of the report be noted
- (b) That Councillor Driver (Middleton Park) and Councillor Davey (City & Hunslet) (via e-mail) be appointed to serve on Middleton Park Strategic Advisory Group.

**46 Dates, Times and Venues of Future Meetings**

One Member requested changing the date of the February Area Committee meeting from Tuesday, 7<sup>th</sup> February 2012 to Wednesday, 8<sup>th</sup> February 2012.

Meeting dates as follows:

Wednesday, 11<sup>th</sup> January 2012  
(Civic Hall, Leeds, LS1 1UR)

Wednesday, 8<sup>th</sup> February 2012  
(Venue to be confirmed)

Wednesday, 21<sup>st</sup> March 2012  
(Venue to be confirmed)

(All meetings to commence at 6.30pm.)

(The meeting concluded at 8.05pm.)

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## **SOUTH (OUTER) AREA COMMITTEE**

**MONDAY, 5TH DECEMBER, 2011**

**PRESENT:** Councillor in the Chair

Councillors K Bruce, N Dawson, J Dunn,  
J Elliott, B Gettings, S Golton, T Leadley,  
L Mulherin, K Renshaw, S Varley and  
D Wilson

### **36 Appointment of Chair**

In the absence of Councillor Finnigan, Members were asked to nominate a Chair for the meeting. A nomination was made for Councillor Leadley to Chair the meeting, following a vote by Members present, it was

**RESOLVED** – That Councillor Leadley be appointed as Chair for the meeting.

### **37 Declaration of Interests**

Councillors Elliott, Gettings and Varley declared a personal interest in Agenda Item 8, Morley Literature Festival due to their involvement with the Festival Management Committee (Minute No. 41 refers)

### **38 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor Finnigan.

### **39 Minutes - 17 October 2011**

**RESOLVED** – That the minutes of the meeting held on 17 October 2011 be confirmed as a correct record.

### **40 Open Forum**

The agenda made reference to the provision contained in the Area Committee Procedure rules for an Open Forum Session at each ordinary meeting of an Area Committee, for members of the public to ask questions or to make representations on matters within the terms of reference of the Area Committee. On this occasion, no matters were raised under this item by those members of the public who were in attendance.

### **41 Morley Literature Festival**

The report of the Area Leader presented the Evaluation Report of the 2011 Morley Literature Festival to the Area Committee as part of the Well-being monitoring process and asked Members to note funding agreed for the 2012

Draft minutes to be approved at the meeting  
to be held on Monday, 13th February, 2012

festival and to consider a funding recommendation to support the 2013 festival.

The Chair introduced Jennifer Harris, Director of the Morley Literature Festival to the meeting.

It was reported that the festival had been the most successful yet with good feedback from attending authors and the audiences. Book sales had been good and the festival had gained a good reputation on the national literature scene. Further issues highlighted included the following:

- This year's festival had had the highest audience turn out to date.
- Reference was made to new marketing opportunities available.
- School involvement – offers had been made for authors to attend schools – 14 schools across the outer south area had taken this up and there were plans to do further visits.
- Funding arrangements – alternative sources of funding were being sought for 2012 and beyond.
- Support from the Friends of Morley Literature Festival including volunteer work and stewarding at events.

In response to Members comments and questions, the following issues were discussed:

- Members thanked Jennifer for her hard work in making the festival a success.
- Engagement with young people and schools
- There would be an exhibition of children's work in local libraries in January
- Short story writing competition
- As part of funding arrangements, a value for money exercise had been carried out. This had evaluated a cost of 22 pence per attendee.
- The possibility of registering for VAT.

#### **RESOLVED –**

- (1) That the report be noted.
- (2) That funding already ringfenced for the 2012 festival be confirmed.
- (3) That funding for the 2013 festival be ringfenced, subject to Executive Board approval of the 2012/13 revenue Well being Budget.

#### **42 SLA Performance Update**

The report of the Locality Manager (South and Outer East Leeds) provided an update on performance against the Service Level Agreement (SLA) between the South (Outer) Area Committee and the South South East Environmental Locality Team. The Area Committee was asked to note and comment on the report.



The Chair welcomed Tom Smith, Locality Manager (South and Outer East Leeds) to the meeting.

It was reported that the information in the report covered the period from September to the third week in November. Significant progress had been made and Members' attention was drawn to Section 6 of the SLA which set out the principals and priorities against which performance would be monitored.

The following issues were highlighted in relation to the performance update:

- Mechanical miles covered
- There had been a quicker response to complaints
- Extra capacity for leaf clearing
- Meeting local needs – moving of resources from Morley to East Ardsely being an example of flexibility within the SLA
- Enforcement Issues
- Problems with fly tipping in Outer South Leeds
- Community action and meeting the needs of local people
- Work with partners including Aire Valley Homes and Parks and Countryside led by the Area Leader through the Integrated Environmental Sub Group and developing reciprocal agreements for cross boundary, cross sector work.

In response to Members comments and questions, the following issues were discussed:

- Gritting of pavements – discussions were underway with Highways and priority areas were being flagged up by the Environment Sub Group.
- Cleaning up of Ginnels – a maintenance programme would be developed in the new year.
- Service requests and records of completion – these could be included in future performance reports.
- Issue of fixed penalty notices – it was hoped to increase the number of patrols and widen the staff who could issue fixed penalty notices.
- Scheduling new housing developments into services – this should be immediate for street cleansing and could take six to eight weeks for refuse collection.
- Grit bins and ensuring they were topped up.

**RESOLVED** – That the report be noted.

**43 Developing a Locality Approach Between Leeds City Council Services and Neighbourhood Police Teams/Police Community Safety Officers (PCSOs)**

The report of the Director of Environment and NEighbourhods provided Members with an overview of progress to develop more joined up working arrangements between locality based City Council services and

Neighbourhood Policing Teams (NPTs)/Police Community Support Officers (PCSOs).

Tom Smith, Locality Manager (Outer South and East Leeds) presented the report.

Members attention was brought to the protocol that was appended to the report. Further issues highlighted included the following:

- Tasking arrangements and revised NPT areas.
- Joint agency approach for the co-ordination of resources.
- Expanding the role of PCSOs

Further discussion was held regarding the training of PCSOs and other environmental enforcement staff to support the work of dog wardens particularly in relation to dog fouling.

**RESOLVED** – That the report be noted.

#### **44 Leeds Citizens Panel in Support of Locality Working**

The report of the Assistant Chief Executive, Community Access and Performance outlined the progress being made to create and manage a new enlarged Leeds Citizen Panel that would form an important tool for the Council and its partners consultation activity. It also presented the advantages of the new Panel in terms of efficiency, partnership working and supporting localised consultation of communities and updated the Area Committee on the progress towards launching the new Leeds Citizens Panel.

The Chair welcomed Chris Dickinson, Area Management Officer – Planning Policy and Improvement to the meeting.

It was reported that the development of the new Leeds Citizens Panel would provide a more hands on approach for community engagement across the City. The current city wide Citizens' Panel engaged between 1,100 and 1,200 citizens which was not considered enough at Area Committee level for efficient consultation. The new Leeds Citizens Panel would engage approximately 600 across each Area Committee. Recruitment was currently underway and was hoped to be completed by March 2012.

The new Leeds Citizens Panel would allow more local consultation and could help the Area Committee with business planning, setting priorities and allocation of Well being funds.

In response to Members comments and questions, the following issues were discussed:

- Consultation with Area Committees regarding what issues the Citizens' Panel would be consulted on.

- Development of surveys for the Citizen's Panel – it was suggested that the Area Committee Chairs could be involved with this. It was reported that the Corporate Communications team would have an involvement and it would be ensured that surveys would be fit for purpose.
- Equality Impact Assessment – a question was asked as to whether the Citizen's Panel would be fully representative of the different communities across the City and local areas and how to make sure minority groups had representation. The appendix to the report made reference to the demographic profile of the ideal panel for Leeds. Analysis was being carried out on those recruited so far and further information would be reported at a later date.
- With regard to setting priorities, it was hoped that surveys of the Citizen's Panel would give a clear position of what people wanted to see on a local basis.

#### **RESOLVED –**

- (1) That the report and development of a new Citizen's Panel for Leeds be noted.
- (2) That the use of the new Leeds Citizen's Panel and to take up its use as part of the Committee's community engagement activities in support of Wellbeing fund priority setting and in the development of the Area Business Plans be supported.

#### **45 Capital Receipts Incentive Scheme Report to Executive Board**

The report of the Assistant Chief Executive, Customer Access and Performance made the Area Committee aware of a report on the Capital Receipt Incentive Scheme that had received approval at the Executive Board meeting on 12 October 2011.

Tom O'Donovan, South East Area Management presented the report.

The Committee was asked to note the report and Members were informed that the Consultation period would last until April 2012.

Members attention was brought to the appendix of the report, which included the Executive Board report and further information on the scheme.

In response to Members comments and questions, the following issues were discussed:

- Issues surrounding the use of Section 106 monies.
- Further information was requested on how the capital receipts would be divided across the City.
- Consultation with Elected Members. It was reported that the consultation was in its very early stages and Members would receive further updates.

**RESOLVED** – That the content of the Executive Board Report on the Capital Receipts Incentive Scheme be noted.

#### **46 Localism Act 2011**

The report of the Chief Executive, Customer Access and Performance provided a high-level summary of the main elements of the Localism Act that will be of direct relevance to Area Committees and to provide an opportunity to debate and influence the way the Council would implement the legislation.

Tom O'Donovan South East Area Management presented the report.

It was reported that the Localism Act 2011 had recently been given Royal Assent and there were a range of commitments that affected the Council including Elected Mayors, reform of committee structures, business rates and power to communities.

In response to Members comments and questions , the following issues were discussed:

- National Planning and Policy Framework
- Community First Panels – these involved Morley South and Ardsley & Robin Hood Wards in Outer South Leeds.
- Training and further briefings for Elected Members

**RESOLVED** – That the report be noted.

#### **47 Well Being Report**

The report of the Area Leader, South East Leeds provided the following:

- Confirmation of the 2010/11 carry forward figure and the 2011/12 revenue allocation
- An update on both the revenue and capital elements of the Well being budget
- A summary of the revenue spend approved for 2011/12
- Details of projects that required approval
- A summary of all revenue and capital projects agreed to date
- An update on the Small Grants Budget

Tom O'Donovan, South East Area management presented the report.

**RESOLVED** –

- (a) That the report be noted.
- (b) That the position of the Wellbeing Budget be noted.
- (c) That the revenue amounts for 2011/12 be noted.
- (d) That the Wellbeing capital projects already agreed be noted.
- (e) That the following project proposals be approved:

- Operation Darker Nights – Morley Neighbourhood Policing Team - £2,996.85 – revenue
  - Springhead Park – LCC Parks and Countryside - £15,900 – capital
  - Rothwell Country Park - £1,000 – capital (in principle, subject to additional funding from elsewhere to allow the project to go ahead).
- (f) That the small grants situation be noted.
- (g) That £2,000 from the remaining revenue balance be allocated to small grants. £500 for each Ward.
- (h) That the capital wellbeing balance for Rothwell to be ringfenced for a youth project at Wood Lane Estate.

#### **48 A summary of Key Work**

The report of the Area Leader, South East Leeds presented a summary of key work that had taken place within the Outer South Leeds Area.

Tom O'Donovan. South East Area Management presented the report.

Members attention was brought to the following issues:

- Minutes of the Area Chair's Forum
- Final details on staffing restructure to a future meeting
- Community Centres Sub Group – Members endorsed the decision of the Sub Group to reduce lettings prices at St Gabriel's Community Centre to £10 per hour. Members also aired concerns regarding the list of maintenance work that still had to be completed at the centre.
- Community Safety – reference was made to new tasking arrangements and the involvement of the Environmental and Community Safety Champions.
- An update on the Middleton Park SAG
- An update on Welfare Reform.
- Update on the new Crime & Grime tasking Groups.

**RESOLVED** – That the report be noted.

(Councillor Renshaw declared a personal and prejudicial interest and left the room during the discussion regarding St Gabriels Community Centre as she was a Member of the Management Committee.)

#### **49 Dates, Times and Venues of Future Meetings**

Monday, 13 February 2012 at 4.00 p.m., Morley Town Hall

Monday, 26 March 2012 at 4.00 p.m., Rothwell One Stop Centre

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## WEST (INNER) AREA COMMITTEE

WEDNESDAY, 14TH DECEMBER, 2011

**PRESENT:** Councillor Hanley in the Chair  
Councillors T Hanley, A Lowe and N Taggart

Co-optees Hazel Boutle, Armley Forum  
Eric Bowes, Armley Forum  
Stephen McBarron, Bramley and  
Stanningley Community Forum

Apologies Councillors D Atkinson, J Harper and  
J McKenna

### 53 Apologies for Absence

Apologies had been received from Councillor Atkinson, Councillor Harper and Councillor McKenna.

### 54 Chair's Opening Remarks

The Chair extended his best wishes for a speedy recovery to Councillor Atkinson.

### 55 Declaration of Interests

There were no declarations of interest.

### 56 Open Forum / Community Forums

In accordance with paragraphs 6.24 and 6.25 of the Area Committee Procedure Rules, the Chair allowed a period of up to 10 minutes for members of the public to make representations or to ask questions on matters within the terms of reference for the Area Committee.

#### Allotments in the local area

Kate Lee referred to the above issue, informing the Area Committee of the high demand for local Allotments, and the length of the waiting lists for Allotments; and suggesting possible locations for additional Allotments to alleviate the high levels of demand.

Members discussed current availability of Allotments in the area, and possible means to increase Allotment provision.

\* During the initial consideration of these items, the meeting was inquorate, however once the meeting became quorate the Area Committee formally ratified the recommendations initially made.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 15th February, 2012

**57 Minutes - 19th October 2011**

**RESOLVED-**

-That the minutes of the meeting held on 19<sup>th</sup> October 2011 be approved as a correct record\*

- That the recommendations made at Minute 47 be ratified\*

**58 Matters Arising from the Minutes**

There were no matters arising from the minutes

**59 Area Chairs' Forum Minutes**

**RESOLVED-** That the report and minutes be noted\*

**60 Minutes - Community Forum Meetings**

A copy of the minutes of the Armley Community Forum held on 15<sup>th</sup> November 2011, together with the minutes of the Bramley and Stanningley Community Forum meeting held on 24<sup>th</sup> November 2011 were submitted for Members' information.

**RESOLVED-** That the minutes of the Armley Community Forum held on 15<sup>th</sup> November 2011, together with the minutes of the Bramley and Stanningley Community Forum meeting held on 24<sup>th</sup> November be received and noted\*

**61 Minutes - ALMO Inner West Area Panel**

A copy of the minutes of the ALMO Inner West Area Panel meeting held on 10<sup>th</sup> October 2011 was submitted for Members' information.

Michael Parker, West North West homes Leeds informed the Area Committee that a special call centre had been set up by the contractor to deal with repair related calls, and it was hoped that this would improve the performance of the main call centre by removing repairs calls. The Area Committee were also informed that work had begun on the Gassy Field site in order to prevent future Traveller encampments there.

Hazel Boutle, Armley Forum, informed the Area Committee that following the previous meeting, she had received and had fitted a Fire Fly device, with which she was very pleased.

Councillor Taggart joined the meeting during consideration of this item, and the meeting became quorate.

\* During the initial consideration of these items, the meeting was inquorate, however once the meeting became quorate the Area Committee formally ratified the recommendations initially made.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 15th February, 2012



**RESOLVED-** That the minutes of the ALMO Inner West Area Panel held on 10<sup>th</sup> October 2011 be received and noted

## **62 Wellbeing Budget Update**

The Deputy Chief Executive submitted a report seeking to update Members on the capital and revenue funding committed via the Area Committee Well-Being funding that has been allocated in the Inner West, whilst also detailing the small grant applications received since the last Area Committee meeting.

Chris Dickinson, West North West Area Improvement Manager, presented the report and responded to Members' comments and queries.

In summary, reference was made to the following issues:-

- there was £135.51 remaining in the Small Grants Fund. Another application for funding had been received, which would be passed to Members
- a Funding Forum for Members to review applications for the next financial year had been organised for 19<sup>th</sup> January at 3.30 p.m.
- the provision of Christmas Lights in Bramley, and how this situation could be improved for next year

**RESOLVED-** That the position of the Wellbeing Budget and the small grant approvals be noted.

## **63 Inner West Area Committee Business Plan**

The Area Leader, West North West, submitted a report presenting an update on the work to date to develop an Area Committee Business Plan Action Plan and presenting a draft version of the Business Plan.

Chris Dickinson, West North West Area Improvement Manager, presented the report and responded to Members' comments and queries.

**RESOLVED-**

- That the contents of the report be noted.
- That the contents of the Business Plan Action Plan be noted.
- That the Area Management Team continue to develop the Business Plan.
- That updates be brought to future meetings, and that a three year plan

\* During the initial consideration of these items, the meeting was inquorate, however once the meeting became quorate the Area Committee formally ratified the recommendations initially made.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 15th February, 2012

subject to an annual refresh be adopted at the March 2012 Area Committee.

#### **64 Area Update Report**

The Deputy Chief Executive submitted a report informing Members of the progress made against the Area Management Team's work programme and locality priorities.

Chris Dickinson, West North West Area Improvement Manager presented the report and responded to Members' comments and queries.

In summary, specific reference was made to the following issues:-

- The level of vacancies on Armley Town Street being less than the national average
- The impact of the new Housing Strategy and local Reform Bill on people within the Armley and Bramley areas, and the possibility of participating in a National Pilot to evaluate the changes.

**RESOLVED-** That the contents of the report be noted.

#### **65 Annual Community Safety Report**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report providing crime statistics for Inner West Leeds and details of key activity to address crime and antisocial behaviour issues.

Gill Hunter, Area Community Safety Co-ordinator, Environment and Neighbourhoods presented the report and responded to Members' comments and queries.

In summary, specific reference was made to the following issues:-

- Work had focussed on burglary, metal theft, and reassurance
- Partnership working with partners such as the Environmental Action Team had addressed problems including ginnels, overgrown hedges, littering and graffiti. There was a need to improve "unloved areas"
- Other initiatives such as enforcement days and Joint Community Events had been successful
- The Captive Car and Captive House had been very successful over the year
- West Inner was the only area to show consecutive improvement over the last five months. Target hardening in Armley and Bramley had been very important over the last year

\* During the initial consideration of these items, the meeting was inquorate, however once the meeting became quorate the Area Committee formally ratified the recommendations initially made.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 15th February, 2012

Mark Wheeler, the new Police Inspector, attended the meeting and introduced himself to the Area Committee. He informed the Area Committee of the current ways of working, such as officers doing 6-6 nightshifts, which was proving successful in reducing burglaries in the area.

The Chair thanked the outgoing Police Inspector, Mark Bonass for all his hard work and welcomed Inspector Mark Wheeler to the Area Committee.

**RESOLVED-** That the contents of the report be noted.

## **66 Developing a Locality Approach between LCC Services and Neighbourhood Police Teams / PCSOs**

The Director of Environment and Neighbourhoods submitted a report informing Members of the work done to develop more joined up working within Leeds City Council services and Neighbourhood Police Teams / PCSOs.

Gill Hunter, Area Community Safety Co-ordinator, Environment and Neighbourhoods presented the report and responded to Members' queries and comments.

In summary, specific reference was made to the following issues:-

- Leeds City Council funds 50% of PCSOs in Leeds, and much partnership working such as with Environmental Service, is already done, however the report seeks to formalise and expand this.
- The method of allocating PCSOs to wards- all the wards have the same number of PCSOs, and if this is the most effective method of PCSO deployment across the city.
- That there will be a review covering all of West Yorkshire Police staffing in 2012.

**RESOLVED-** that the progress made to develop more joined up working within localities between Leeds City Council Services and Neighbourhood Police Teams / PCSOs be noted.

## **67 Leeds Citizens Panel in Support of Locality Working**

The Assistant Chief Executive (Community Access and Performance) submitted a report informing of progress in creating a new Panel of residents for consultation in Leeds, and seeking support of the use of the new Leeds Citizens' Panel within the committee's community engagement activities in support of the Wellbeing Fund priority setting and in the development of the Area Business Plans.

Chris Dickinson, West North West Area Improvement Manager, presented the report and responded to Members' queries and comments.

\* During the initial consideration of these items, the meeting was inquorate, however once the meeting became quorate the Area Committee formally ratified the recommendations initially made.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 15th February, 2012

In summary, specific reference was made to the following issues:-

- Membership of the Panel had already reached approximately 2500, with the intention of attaining a membership of 6000 panellists, which would be sufficient for consultation at Area Committee level. It was hoped that this would be achieved by March 2012.
- The importance of working with other organisations to assist in recruiting Panel Members to ensure that a representative Membership was achieved.

**RESOLVED-**

- That the development of a new Citizens' Panel in Leeds be noted
- That the use of the new Leeds Citizens' Panel be supported, including it's use for community engagement activities in support of Wellbeing Fund priority setting and in the development of Area Business Plans.

**68 Environmental Services- Update on the Service Level Agreement**

The Locality Manager (West North West) submitted a report providing the first half-year update on performance against the Service Level Agreement between Inner West Area Committee and the West North West Environmental Locality Team.

Jason Singh, Locality Manager (West North West), presented the report and responded to Members' queries and comments.

In summary, specific reference was made to the following issue:-

- Over the last two months, start up activity such as improving the accessibility of the service and raising the profile of the service had been done to ensure residents could access the service.

Members of the Area Committee were reminded that should they need any help or advice regarding the service, they should contact Jason Singh.

**RESOLVED** – That the progress being made by the Locality Team in delivering the Service Level Agreement be noted.

**69 Inner West Community Centres Consortium Update**

The Business Facilities and Social Enterprise Manager (BARCA Leeds) submitted a report updating on the Inner West Community Centres Consortium (CCC), particularly the Business Facilities and Social Enterprise Manager post which is funded by the Inner West Area Committee and works under the umbrella of the CCC.

\* During the initial consideration of these items, the meeting was inquorate, however once the meeting became quorate the Area Committee formally ratified the recommendations initially made.

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Bill Graham, BARCA Leeds, presented the report and responded to Members' queries and comments.

In summary, specific reference was made to the following issues:-

- The Fairfield Community Centre has been transformed into a vibrant Community Centre which is nearly self sufficient, with improved attendance at events such as Lunch Club.
- The New Wortley Community Centre has been doing well, however there have been problems in recent months such as difficulties caused by people who suffer from substance misuse.
- There is less partnership working at New Wortley Community Centre than at the Fairfield Community Centre, it is more difficult to get partners to engage at the New Wortley Community Centre.
- The New Wortley Community Centre is in a very deprived ward.

Councillor Taggart left the meeting during consideration of this item.

**RESOLVED-** That the contents of the report be noted\*

## **70 Localism Act 2011**

The Assistant Chief Executive (Customer Access and Performance) submitted a report informing of the Localism Act 2011 and the key issues around it.

Jane Maxwell, Area Leader West North West, presented the report and responded to Members' queries and comments.

In summary, specific reference was made to the following issues:-

- The community right to challenge and how community groups could be supported to do this.
- Neighbourhood planning which would be focussed on particular areas rather than being city wide.

**RESOLVED** -That the contents of the report be noted\*

Councillor Taggart returned to the meeting following consideration of this item.

## **71 Capital Receipts Incentive Scheme Report to Executive Board**

The Assistant Chief Executive (Customer Access and Performance) submitted a report informing of the Capital Receipts Incentive Scheme which was approved by Executive Board in October 2011.

\* During the initial consideration of these items, the meeting was inquorate, however once the meeting became quorate the Area Committee formally ratified the recommendations initially made.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 15th February, 2012

Jane Maxwell, Area Leader West North West Area Management, presented the report and responded to Members' queries and comments.

In summary, specific reference was made to the following issues:-

- Some capital receipts are already allocated to capital schemes, and some sites have affordable housing, however other capital receipts would have a proportion of the value retained within the Ward.
- The scheme is intended to be introduced in April 2012 following a period of Member consultation.

**RESOLVED-** That the contents of the Executive Board report on the Capital Receipts scheme be noted.

## **72 DATE, TIME AND VENUE OF NEXT MEETING**

Wednesday 15<sup>th</sup> February 2012 at 5.00 p.m. Venue to be confirmed.

The Chair wished all at the meeting a Happy Christmas and best wishes for the New Year.

The meeting concluded at 7.35 p.m.

\* During the initial consideration of these items, the meeting was inquorate, however once the meeting became quorate the Area Committee formally ratified the recommendations initially made.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 15th February, 2012

## **WEST (OUTER) AREA COMMITTEE**

**FRIDAY, 16TH DECEMBER, 2011**

**PRESENT:** Councillor D Blackburn in the Chair

Councillors A Blackburn, J Hardy, J Jarosz  
and R Wood

Co-optees Rev Paul Ayers, Rev Kingsley Dowling

### **66 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 25 of the Access to Information Procedure Rules.

### **67 Exempt Information - Possible Exclusion of the Press and Public**

There were no resolutions to exclude the public.

### **68 Late Items**

There were no late items submitted to the agenda for consideration.

### **69 Declaration of Interests**

No declarations of interest were made.

### **70 Apologies for Absence**

Apologies for absence were received on behalf of Councillors Carter, Coulson, Lewis and Marjoram.

### **71 Open Forum**

Reference was made to the provision contained in the Area Committee Procedure Rules for an Open Forum session to take place at every ordinary meeting of an Area Committee, whereby members of the public could ask questions or make representations on any matter which fell within the remit of the Area Committee. On this occasion, no such matters were raised.

### **72 Minutes - 14th October 2011**

**RESOLVED** – That the minutes of the meeting held on 14<sup>th</sup> October 2011 be confirmed as a correct record.

### **73 Matters Arising from the Minutes**

Further to Minute 60, it was agreed that draft versions of the Wellbeing Fund reports would be circulated to all Members of the Committee in order that Members can alert the Chair and/or Deputy Chair of any potential issues relating to their ward.

Further to Minute 59, Councillor Jarosz informed Members that Stephen Walker, the Council's newly appointed Deputy Director of Safeguarding, Targeted and Specialist Services may be attending a future Area Committee meeting as part of the more localised approach to Children's care.

Further to Minute 63, Councillor Hardy reported that the Director of Children's Services was checking whether class size could be increased at schools close to the site of the former South Leeds Sports Centre.

### **74 Appointment of Co-optees to the Outer West**

The Area Improvement Manager presented a report of the West North West Area Leader seeking approval for the appointment of a new Co-optee, the Rev. Paul Ayers from the Pudsey ward.

**RESOLVED** – That the appointment of the Rev. Paul Ayers as Co-optee to the West (Outer) Area Committee be approved.

### **75 Wellbeing Fund Budget Update**

The Area Improvement Manager presented a report of the West North West Area Leader updating Members on the current amount of capital and revenue funding committed and available via the Area Committee Wellbeing Budget for wards in the Outer West area.

The Area Improvement Manager informed Members that if approved, the funding requested by New Farnley Community Association would be drawn from the 2011/12 revenue budget, not the 2012/13 revenue budget as stated in the report.

**RESOLVED** –

- (a) That the relatively small amount of revenue Wellbeing Budget available for 2011/12 be noted;
- (b) That the following decisions be taken in respect of applications before the Committee today for consideration:

#### **Revenue 2011/12**

- (i) Replacing Damaged Tables - £1,660.16 – Approved.

#### **Revenue 2012/13**

- (i) Summer Bands in the Park - £3,000.00 – Approved.



- (c) The approval for the small grant given since the last Area Committee, as set out in paragraph 3.7 of the report, be noted.

(At the conclusion of this item the meeting was adjourned for 5 minutes from 1.20 – 1.25pm.)

## **76 Clare Wiggins and Sam Woodhead, Area Management Team**

On behalf of the Committee, the Chair thanked Clare Wiggins and Sam Woodhead for the excellent support they had provided to the Area Committee and its Members. The Chair informed Members that both Sam and Clare had been appointed as Area Improvement Managers as part of the restructure of the Area Management Teams, and that Sam would continue to work in the West North West Area, but would not be attending Area Committee meetings, and Clare had now moved to the East North East Area team.

## **77 Area Progress Report**

The Area Improvement Manager presented a report of the West North West Area Leader informing Members of progress against the Area Management work programme for Outer West Leeds and local contributions to Council priorities.

Members particularly discussed the following issues:

- The damage caused to the 'ginnel' by a runaway vehicle, and the difficulty encountered in establishing who is responsible for the boundary wall. The Area Improvement Manager informed Members that a letter would be sent seeking assurance that payment would be received for repairing the wall, and that a copy of this would be sent to the Calverley and Farsley Ward Councillors;
- The pilot of joined up working between West North West Homes ALMO and Environmental Services, which will take place on the Tongs estate. It was confirmed that the pilot would commence in January, and would be reviewed after four or five months;
- Concerns regarding the amount of litter on the footpath leading from Priesthorpe School. The Locality Manager informed Members that Green Flag (who operate in the same area) had been served with a fixed penalty notice, and further to Councillor Wood's request undertook to inform him of the date the notice was sent and the date it expires. He also informed Members that additional litter bins would be placed on the path on a temporary basis, as eighty one bags of rubbish had recently been removed from it. Members were also informed that in the new year, a week of targeted action would be undertaken with PCSOs in this area, following which there would be regular patrols, and that stickers would be placed on the bins to highlight the £75 fixed penalty notice;
- The resignation of the Chair and Deputy Chair from the Pudsey Business Forum. It was reported that the Pudsey Town Centre

Manager is attempting to resolve this issue, however the Business Forum may not continue as a result;

- Whether the Area Committee could provide funding for grit bins. Due to potential issues in relation to the placing of bins and keeping them stocked, the Area Improvement Manager undertook to look into whether this would be feasible; and
- The Committee's request to move trees in order for a nearby CCTV camera to gain visibility to the soft play area in Pudsey Park, which had not progressed due to the concerns of the Parks and Countryside service in relation to the cost of moving trees. It was agreed that the Area Leader would seek to progress this with the Head of Parks and Countryside.

**RESOLVED –**

- (a) That the contents of the report be noted;
- (b) That the Area Improvement Manager investigate whether it would be feasible for the Area Committee to provide funding towards grit bins; and
- (c) That the Area Leader seek to progress the Area Committee's request to move trees in order for a nearby CCTV camera to gain visibility to the soft play area in Pudsey Park with the Head of Parks and Countryside.

## **78 Annual Community Safety Report**

Gill Hunter, Area Community Safety Co-ordinator and Inspector Richard Cawkwell presented the annual community safety report, providing Members with details of the community safety activity undertaken during the last 12 months. The report also provided details of crime data, making comparisons with previous years.

Further to requests made by Members, the Area Community Safety Co-ordinator undertook to:

- E-mail the Calverley and Farsley Ward Councillors with an update in relation to the railing project being undertaken near to Red Lane;
- Look into opportunities for linking CCTV surveillance with that undertaken by West North West Homes ALMO; and
- Check whether there are still problems with bikes in the area around Lawns Lane, and pass on concerns raised regarding noise in Matalan car park (when it is closed) to the off road bikes team.

The Committee congratulated Inspector Cawkwell on the work undertaken by him and his team during the last year, and the improved crime statistics. Members felt that the media should be informed of the figures, and to that end it was agreed that officers would prepare a letter to be signed by all members of the Area Committee and sent to the local media.

**RESOLVED –**

- (a) That the contents of the report be noted; and

- (b) That the officers prepare a letter regarding the improved crime statistics to be signed by all members of the Area Committee and sent to the local media.

## **79 Environmental Services - Update on the Service Level Agreement**

The Locality Manager (West North West) presented a report providing an update on performance against the Service Level Agreement between the West (Outer) Area Committee and the West North West Environmental Locality Team.

Members were supportive of the intention to combine education and enforcement approaches to tackling long standing problems.

In response to a query raised regarding the purchasing of new litter bins, the Locality Manager confirmed that the Environmental Locality Team has six damaged bins, three of which could be refurbished for re-use.

**RESOLVED** – That the progress being made by the Locality Team in delivering the Service Level Agreement be noted.

## **80 Outer West Area Committee Business Plan**

The Area Improvement Manager presented a report of the West North West Area Leader providing an update on the work to date to develop an Area Committee Business Plan Action Plan.

Members raised concerns regarding the new structure of the Area Management Team. It was agreed that the Area Leader would discuss these concerns further with the Chair of the Committee who requested that Councillor Carter and Councillor Coulson also be invited.

**RESOLVED** –

- (a) That the contents of the report be noted;
- (b) That the contents of the Business Plan Action Plan, as attached at Appendix 1 to the report, be noted;
- (c) That the Area Management Team continue to develop the Business Plan;
- (d) That updates be received at future meetings, and that a four year plan be adopted at the March 2012 meeting that will be subject to an annual refresh; and
- (e) That the Area Leader discuss Members' concerns regarding the new Area Management Team structure with the Chair of the Committee, Councillor Carter and Councillor Coulson.

(Councillor Jarosz left the meeting at 3.00pm, at the conclusion of this item.)

**81 Developing a Locality Approach between Leeds City Council Services and Neighbourhood Police Teams/Police Community Safety Officers (PCSOs)**

Gill Hunter, Area Community Safety Co-ordinator presented a report of the Director of Environment and Neighbourhoods providing Members with an overview of progress to develop more joined up working arrangements between locality based City Council services and Neighbourhood Police Teams/PCSOs.

Members requested an update in relation to the dog watch initiative, and the Area Community Safety Co-ordinator undertook to provide this at a future meeting of the Area Committee.

**\*RECOMMENDED –**

- (a) That the progress made to develop more joined up working within localities between LCC services and Neighbourhood Police Teams/PCSOs be noted; and
- (b) That an update on the dog watch initiative be provided at a future Area Committee meeting.

**82 Update Report on Pudsey Market**

The Markets Service submitted a report updating Members on current issues and opportunities facing Pudsey Market and outlining future proposals to better promote the market. As the Markets Manager was unable to attend to present the report and respond to Members' questions, the Chair agreed to defer consideration of this report.

**83 Area Chairs Forum Minutes**

**\*RECOMMENDED –** That the minutes of the Area Chairs Forum meeting held on 5<sup>th</sup> September 2011 be received and noted.

**84 Localism Act 2011**

The Assistant Chief Executive (Customer Access and Performance) submitted a report providing a high level summary of the main elements of the Localism Act that will be of direct relevance to area committees and to provide an opportunity to debate and influence the way the Council implements the legislation.

Members were requested to provide any comments regarding this report to the Area Leader and/or Area Improvement Manager.

**\*RECOMMENDED –** That the report be noted.

## **85 Capital Receipts Incentive Scheme Report to Executive Board**

The Assistant Chief Executive (Customer Access and Performance) submitted a report making Area Committees aware of the report on the Capital Receipts Incentive Scheme that received approval at the Executive Board meeting held on 12<sup>th</sup> October 2011.

Members were requested to provide any comments regarding this report to the Area Leader and/or Area Improvement Manager.

**\*RECOMMENDED** – That the contents of the Executive Board report on the Capital Receipts Incentive Scheme be noted.

## **86 Leeds Citizens Panel in Support of Locality Working**

Chris Dickinson, Area Improvement Manager presented a report of the Assistant Chief Executive (Customer Access and Performance) outlining the progress being made to create a new Citizens' Panel of 6000 residents who would be representative of population profiles at Area Committee level. The report also set out how the new Leeds Citizens' Panel will be developed and managed, and sought the Area Committee's views on the opportunities it presents for supporting local decision making.

Members were supportive of the proposals within the report, but highlighted the importance of achieving a representative panel, and ensuring that activists do not have the opportunity to distort the views of the Panel. As only residents aged 18 and over can join the Panel, it was recommended that the Youth Council be used to obtain the views of Leeds' younger citizens.

**\*RECOMMENDED** –

- (a) That the report be noted; and
- (b) That the use of the new Leeds Citizens' Panel be supported, and that it be used as part of the Committee's community engagement activities in support of Wellbeing fund priority setting and in the development of the Area Business Plans.

## **87 Forward Plan**

The Area Improvement Manager informed Members that a Community Safety Update would not be submitted to the Committee in January due to the short timescale between today's meeting and the January meeting. It was also confirmed that the report on Pudsey Market which had been deferred from today's agenda would now be received in January.

The Chair requested that the update on Dog Watch be submitted to the January meeting, if possible.

**\*RECOMMENDED** – That the forward plan be noted.

## **88 Dates, Times and Venues of Future Meetings**

Friday 20<sup>th</sup> January 2012 at 1.00pm, Farsley Community Church

Friday 23<sup>rd</sup> March 2012 at 1.00pm, Swinnow Community Centre

Friday 18<sup>th</sup> May 2012 at 1.00pm, Venue tbc

The meeting concluded at 3.35pm.

\* As the Committee was inquorate during the consideration of this item, the decisions will be ratified at the next meeting, to be held on 20<sup>th</sup> January 2012.

## SCRUTINY BOARD (HEALTH AND WELL-BEING AND ADULT SOCIAL CARE)

WEDNESDAY, 21ST DECEMBER, 2011

**PRESENT:** Councillor L Mulherin in the Chair

Councillors C Fox, J Chapman, A Hussain,  
J Illingworth, G Kirkland, S Varley,  
G Driver, M Robinson and N Walshaw

Co-opted Members – J Fisher and P  
Truswell

#### 44 Declarations of Interest

No declarations of interest were made at this point, although a declaration was made later in the meeting (minute 50 refers)

#### 45 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from:

Councillor Bruce who was substituted by Councillor Driver  
Councillor Charlwood who was substituted by Councillor Walshaw  
Councillor Hyde who was substituted by Councillor Robinson  
Councillor Armitage  
Sally Morgan – Equality Issues  
Betty Smithson – Leeds LINK

The possibility of obtaining substitutes for Co-opted Members who had given their apologies was raised. It was understood that the Council's constitution precluded this, but it was agreed that this would be discussed with the Council's Head of Scrutiny and Member Development

#### 46 Minutes of the Previous Meeting

**RESOLVED** - That the minutes of the Scrutiny Board (Health and Well-being and Adult Social Care) meeting held on 25<sup>th</sup> November 2011 be approved

#### 47 Yorkshire Ambulance Service (YAS) - Foundation Trust Proposals

Further to minute 41 of the Board's meeting held on 25<sup>th</sup> November 2011, where Members received a report on the Yorkshire Ambulance Service (YAS) NHS Trust's proposals to become a Foundation NHS Trust (FT), the Board

Draft minutes to be approved at the meeting  
to be held on Wednesday, 25th January, 2012

considered a further report. Appended to the report was a copy of the consultation document prepared by YAS; a list of issues/queries raised by the Board at the previous meeting with written responses provided by YAS together with a copy of the Board's interim consultation response

Attending for this item and representing YAS were:

- David Whiting –Chief Executive – YAS
- Fiona Barr – Foundation Trust Programme Director – YAS
- Paul Mudd – Operations Manager – YAS

Members queried and commented on the following matters:

- funding for new ambulances, with the Board being informed that the A&E ambulances were a relatively young fleet but that some improvements were proposed to the Patient Transport Service fleet
- whether two Local Authority representatives were sufficient to properly represent such a large population which differed considerably in terms of geography, demographics, communities and needs. On this matter, the Board was informed that the Foundation Trust legislation only required one Local Authority representative to be an Appointed Governor but that two places were being proposed; these being one representing rural areas which would be East Riding of Yorkshire Council and one representing cities, which would be Sheffield City Council. It was the view of the YAS Executive that while trying to balance the diversity of the Yorkshire region, the Council of Governors should be manageable in number and be active and well developed. Advice obtained from other FT Ambulance Services had highlighted the importance of a relatively small Council of Governors as a large Governing Body could become unwieldy
- details of the process which had been undertaken to select these two Local Authority representatives was requested. Mr Whiting stated that this had been discussed at their Board level. Concerns were raised by the Board that there had not been a democratic process carried out on this issue
- the process for electing Public Governors; the measures in place to ensure these would properly represent the region across all areas; how hard to reach groups would be represented; the need for equality and whether any positive discrimination would be applied. Ms Barr informed the Board that links had been made with many groups and that early indications were that there was a good mix of people wishing to become governors. YAS sought advice from Leeds City Council on how to ensure all groups were represented
- the importance of recruiting actively from under-represented areas. On this matter, Members were informed that as part of the tests for FT status, YAS would need to demonstrate their membership was representative of its area. The Board was also advised there would be a drive to encourage membership early in 2012
- the Government's position on FTs and whether, given a choice, YAS would currently be seeking to become a FT. Mr Whiting stated that



irrespective of the requirement to either become a FT by April 2014 or be merged with another FT, YAS would be seeking FT status; that the very planning for this had led to improvements in service. It was stated that YAS could make a positive contribution to the quality of services that would align with the Government's aim of providing more services to patients in their own homes – resulting in lower hospital admissions

- the working relationship between the FT and Local Authorities with concerns about whether Leeds would receive what it needed from the service. The Board was informed that moving to FT status would not hinder the way YAS worked locally
- the regulation role of Monitor in the authorisation process and beyond
- funding/financial issues and the transfer of assets to the Foundation Trust. Mr Whiting highlighted the importance of demonstrating financial stability and that it was for YAS to create a level playing field before authorisation. In terms of income, this would not change but FT status would allow for greater borrowing which would help initiate some of the developments and improvements YAS wished to carry out. As part of the work towards FT status, YAS's 5 year plan would be rigorously tested by Monitor
- cross-border work and funding, with Mr Whiting explaining the process of mutual aid which operates across all 11 Ambulance Trusts

Members continued to voice their concerns at the limited Local Authority representation proposed for the Council of Governors particularly that not only was there no representation for Leeds with a population in the region of 750,000 people, but there was no representation for the Leeds City Region or for the whole of West Yorkshire. Whilst accepting there could not be a representative from each of the 13 Local Authorities, the Chair asked that consideration be given to having a representative from each of the traditional 4 Ridings

Mr Whiting agreed to take these concerns back to the YAS Executive Board for detailed debate and consideration and stated that whilst it was inevitable that some Local Authorities would not be represented individually, the suggestion of a Local Authority representative from the East, West, North and South Ridings of Yorkshire could be considered

**RESOLVED** - To note the information provided and the comments now made and that a further response from the Board would be sent on the proposals for YAS NHS Trust to become a Foundation Trust

## 48 2011/12 Quarter 2 Performance Report

Members considered a report of the Assistant Chief Executive (Customer Access and Performance) providing a summary of the quarter 2 performance data relevant to the Scrutiny Board (Health and Well-being and Adult Social Care), with two key issues being highlighted; the budget and health

inequalities. Appended to the report were detailed City Priority Plan performance reports in respect of the following priorities:

- Help protect people from the harmful effects of tobacco
- Support people to live safely in their own homes
- Give people choice and control over their health and social care services, and
- Make sure that people who are the poorest improve their health the fastest

The latest performance report from NHS Airedale, Bradford and Leeds was also provided, which gave an overview of performance against key performance indicators for the Leeds element of the NHS Airedale, Bradford and Leeds Cluster

Attending for this item were:

- Councillor Lucinda Yeadon – Executive Member (Adult Health and Social Care)
- Heather Pinches – Performance Manager Planning, Policy and Improvement LCC
- Dr Ian Cameron – Joint Director of Public Health – NHS Leeds and LCC
- Sandie Keene – Director Adult Social Services LCC
- Stuart Cameron-Strickland – Head of Policy, Performance and Improvement Adult Social Services – LCC

Considering the City Priority Performance Plan reports and the Adult Social Care Directorate Scorecard, the key areas of discussion were:

- Safeguarding referrals, the increased focus on safeguarding for adults in view of recent media coverage of incidents in other parts of the country; the multi-agency approach and the importance of Elected Members taking an interested view in Adult safeguarding
- Budgetary pressures; that the overspend was decreasing and that this could be attributed to the work being done to enable people to live in their homes for longer, thereby decreasing the amount of time people needed to spend in residential or nursing home care

Members raised concern that the print used to produce the report was especially small, which may lead to the document not being used to full effect due to the difficulties reading it

Considering the report provided by Airedale, Bradford and Leeds NHS setting out performance for Leeds, the key areas of discussion were:

- Fractured neck of femur operated within 48 hours, with concerns being raised that performance had decreased and that delays could lead to fatalities

- 30 day readmission rates, following elective discharge and that these remained too high
- Emergency home visits and that waiting times of 1 and 2 hours were lengthy
- C.difficile rates
- Diabetes treatment
- Health visitor numbers
- Stroke care, with concerns that the information provided lacked clarity
- Alcohol related harm, particularly whether there was sufficient treatment slots available for those in need

Dr Cameron responded to the points raised by Members and provided the following information:

- That the concerns raised were noted and that much work was being carried out to address the issues highlighted by the performance indicators and as a result it was hoped that an improving picture would be seen when this data was next presented
- There had been significant progress in addressing the occurrence of MRSA and that addressing C.difficile rates was a top priority for the local health economy. It was confirmed that the situation was improving but it was likely that it would take time for improvement activities to translate into an improved performance indicator due to the significance of the issue
- That over recent years greater investment had been directed towards bariatric surgery to help counteract the health impacts associated with obesity, including diabetes and that further trend information would be provided
- That as part of the proposed NHS reforms, responsibility for services for 0-5s would remain with the NHS until at least 2015
- That a further written response would be provided on the performance indicator for stroke care and the actions taken to improve performance in relation to the operation times to treat fractured neck of femur episodes
- It was confirmed that currently there were not enough treatments slots for people with alcohol related issues, although additional financial investment was to be directed to this area next year, subject to priority setting

The Board discussed the possibility of receiving data captured over a longer period of time which would enable trends to be identified. In responding, Dr Cameron informed Members that they way the data had been produced had already been the subject of much debate; that any changes to the format would need to be considered by colleagues in the NHS and that he would take this request back for consideration

The Board also discussed the process for setting targets and whether these should be determined locally

In responding, Dr Cameron referred to the NHS Outcomes Framework which provided a suite of indicators aimed at measuring outcomes. It was suggested that in the future, Scrutiny Board might wish to consider how the 3 Clinical Commissioning Groups and the NHS Commissioning Board were performing against this suite of indicators

**RESOLVED –**

- i) To note the two key issues of the budget and health inequalities which were highlighted
- ii) To note the overall progress in relation to the delivery of the Health and Wellbeing City Priorities and that a Scrutiny Inquiry into Tobacco would commence in January 2012
- iii) To note the information provided by NHS Airedale, Bradford and Leeds and the comments made by Dr Cameron
- iv) To note that further information would be provided to the Board by Dr Cameron on the following issues:
  - the layout of performance indicator reports
  - bariatric surgery
  - stroke care

**49 Scrutiny Inquiry : Health Inequalities**

Further to minute 39 of the meeting held on 25<sup>th</sup> November 2011 which detailed the Board's first session into its Inquiry on Health Inequalities, the Board undertook its second session

Following on from the Director of Public Health's presentation on the JSNA at the meeting on 25<sup>th</sup> November 2011, the Board considered some specific examples of the data sets which formed part of the JSNA refresh; these providing both statistical information and commentary. Appended to the report were draft data sets in respect of the following:

- Coronary heart disease (CHD)
- Active lifestyles
- Smoking and tobacco

In the context of the Inquiry, premature mortality from CHD was considered with the above data sets being explored as affecting life expectancy

The following people were present for this item

- Dr Ian Cameron – Joint Director of Public Health – NHS Leeds/LCC
- Lucy Jackson – Consultant in Public Health – NHS Airedale, Bradford and Leeds
- Nichola Stephens – Senior Information Manager – NHS Airedale, Bradford and Leeds

Dr Cameron provided information exploring the link between poverty, income and health and to assist the debate, the following draft data sets were also appended to the report:

- Homes and Housing
- Child Poverty
- Deprivation
- Incomes and Benefits

To highlight the health inequalities which existed within Leeds, information had been provided indicating health inequalities citywide as well as in deprived and non-deprived areas of Leeds. Dr Cameron provided a slide presentation which brought the issues into sharp focus when considering data relating to two different areas of Leeds; Gipton South and Adel. Details were also provided on the Leeds Observatory, a website which when completed would be the mechanism for accessing data, enabling links and searches to be made to provide both general and postcode specific profiles of a range of health and wellbeing related data

As the issue of smoking and tobacco would be the subject of a discussion in January 2012, the Chair asked that Members wait until then to discuss any specific issues in this area

In summary, the key areas of discussion were:

- the focus of the Board and whether this should be on the key causes of premature mortality or to look wider and at areas which over the long-term could lead to improved health and less inequalities
- mortality rates and differences between men and women
- housing; the impact of poor housing on health
- the link between poverty and health and the likely negative impact of changes to the benefits system
- the introduction of the health premium with concerns this could lead to pressure being placed on health professionals to register data in a certain way
- the fluid nature of the population in some areas of Leeds and the distortion to the data caused by the large student population
- whether or not significant improvements/results could be achieved
- data quality and reporting rates among local GPs
- the range of data being collected; that winter deaths should be recorded and the importance of including details of residential properties in the city which had been adapted

Dr Cameron and his colleagues responded and provided the following information

- that to secure quick wins, it was appropriate to concentrate on heart and respiratory disease. However it should be recognised that health inequalities were across the life course and that possibly greater

benefits would be seen by focusing on longer-term building blocks/health determinants and how these are affected by Council policies/strategies

- that Leeds Metropolitan University had recently concluded a major piece of work looking at health and gender issues. It was outlined that it was important to make best use of the research skills and expertise that existed within Leeds for the benefit of its citizens
- that encouraging data was being seen to suggest that the NHS Healthcheck was being taken up equally by women and men
- that data packs indicated the number of homes in the city which did not meet decency standards and that through the JSNA it was hoped to raise the profile of this important determinant
- that further information on the health premium would be provided in a future report
- that the areas identified as being deprived were not seen collectively; that there were differences and that understanding the dynamics of each area was vital to help ensure services were tailored accordingly
- that the inequalities within Leeds were often masked due to the size of the City. It was recognised that historically this had led to the City missing out on a number of funding streams

The Chair welcomed Dr Cameron's comments on the best approach to be taken and suggested that the working group looking at this subject in greater depth, invite input from representatives of Housing, Planning, Leisure and Education. It was also suggested that the working group meetings take place at venues in some of the City's deprived areas, ie Inner East, Inner South and Inner West. Consideration should also be given to inviting representatives from Leeds Metropolitan University who had carried out a study on gender and health

**RESOLVED** - To note the report, the presentation and comments now made and that a series of working groups be held in January, February and March to undertake detailed scrutiny of key issues

## **50 Scrutiny Inquiry : Consultation**

Further to minute 19 of the Board's meeting held on 21<sup>st</sup> September which detailed the Board's first session on its Inquiry into Consultation, the Board undertook its second session

The Board considered a report of the Head of Scrutiny and Member Development and a report from NHS Airedale, Bradford and Leeds on consultation and patient involvement. Appended to the reports was information from the Clinical Commissioning Groups (CCGs); Leeds Involving People – a user-led charity which championed the voice of service users and carers and an NHS Confederation discussion paper of October 2011 entitled *Patient and public engagement in the new commissioning system*

Attending for this item were the following:

Draft minutes to be approved at the meeting  
to be held on Wednesday, 25th January, 2012

- Matt Neligan – Executive Director Commissioning Development – NHS Airedale, Bradford and Leeds
- Dr Andy Harris – Leeds South and East CCG (Leodis)
- Dr Jason Broch – Leeds North CCG (Calibre)
- Dr Gordon Sinclair – Leeds West CCG (H3Plus)
- Barry Naylor – Chair Leeds Involving People
- Jagdeep Passan – Chief Executive – Leeds Involving People
- Tim McSharry – Management Committee – Leeds Involving People
- Joseph Alerdice – Involvement and Development Officer – Leeds Involving People

Joy Fisher declared a personal interest through being a member of the Alliance of Service Experts which was served by Leeds Involving People which were making a presentation to the Board and through knowing many of the people present for this item

The Board heard first from the Executive Director (Commissioning Development) and the CCG representatives, receiving information on:

- the changeover process for responsibilities shifting from the PCTs to the CCGs, including an outline of the authorisation process. It was outlined that CCGs would become formal sub-committees of the PCT and that shadow arrangements would be in place from April 2012, in preparation for CCGs taking over responsibility from April 2013
- the three CCGs, the geographical areas covered, including population and number of GP practices
- the work undertaken by each of the CCGs in respect of patient and public involvement and the importance of this under the proposed NHS reforms
- the on-going feedback and dialogue that CCGs and the constituent GPs had through daily contact with patients. The invaluable resource this provided was also discussed

The Board questioned the CCG representatives, with the key points of discussion being:

- data quality
- the difficulties of setting up and maintaining community groups especially in deprived areas; that multi-issue consultation and engagement was encouraged and the need to work with partners to achieve this
- the importance of retaining and using existing resources, groups and networks
- that adequate time be allowed for consultation
- the variations between the CCGs priorities and the potential impact this may have across the City

- the importance of benchmarking and independently auditing consultations
- the timescales for achieving the required level of meaningful engagement with patients, carers and communities, as part of the authorisation process
- geography – including how cross-boundary issues would be addressed, with some parts of the city split geographically and where other areas bordered different local authority/CCG areas

The Chair stated that once the Inquiry into consultation had concluded, a Scrutiny Inquiry Report would be produced and was likely to include details of what was expected when consulting, with a set of minimum standards. Mr Neligan welcomed the proposed report and stated that any recommendations would be a key part of how the CCGs in Leeds carried out their involvement and engagement processes

The Board then heard from representatives of Leeds Involving People. Details of the work carried out by the organisation and a copy of their latest newsletter were presented for Members' information

The key points presented to the Board were:

- the definition of consultation and its role in involving people
- the amount of consultation being carried out and the importance of ensuring this remained manageable in order to keep people fully engaged
- the importance of feedback to participants following the conclusion of any consultation and associated decisions
- partnership working to obtain better outcomes from consultation and the economic efficiencies of good consultation
- that consultation should be people driven, with accessibility and inclusiveness being core elements
- the need to recognise when evaluating consultation that the number of returned surveys was not necessarily evidence of qualitative consultation and that surveys alone did not necessarily represent a good form of consultation
- that 'making reference to' or enabling people to 'comment on' issues was not involvement
- the benefits of successful consultation and involvement both to large organisations such as the Council and NHS and to groups and individuals and equally the problems which occurred following bad consultation and poor involvement
- that Leeds Involving People was an active Service-User led organisation which was constantly evolving and taking on board modern methods of involvement and could be viewed as a critical friend

The Chair thanked the Leeds Involving People representatives for their comprehensive and informative presentation



**RESOLVED** - To note the information provided and the comments now made and that the evidence gathered by the Board would be drawn up into a draft report for consideration at the February Board meeting

**51 Work Schedule**

The Head of Scrutiny and Member Development submitted a report together with a copy of the Board's current work programme. Also appended to the report was the Council's current Forward Plan – 1<sup>st</sup> December 2011 to 31<sup>st</sup> March 2012 relating to the Board's portfolio and terms of reference

**RESOLVED** - To note the information provided and to agree the work schedule presented in Appendix 1

**52 Date and Time of the Next Meeting**

Wednesday 25<sup>th</sup> January 2012 at 10.00am (pre-meeting for all Board Members at 9.30am)

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