



## EXECUTIVE BOARD

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 9th May, 2013 at 1.30 pm

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### Councillors

K Wakefield (Chair)    A Carter  
J Blake  
M Dobson  
P Gruen  
R Lewis  
L Mulherin  
A Ogilvie  
L Yeadon

### MEMBERSHIP

S Golton

## **CONFIDENTIAL AND EXEMPT ITEMS**

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

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

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

### **9.2 Confidential information means**

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

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

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

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

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

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

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

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

# A G E N D A

Item No K=Key Decision	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information within the meaning of Section 100I of the Local Government Act 1972, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If the recommendation is accepted, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those 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 press and public were present there would be disclosure to them of exempt information.</p>	

Item No K=Key Decision	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>MINUTES</b></p> <p>To confirm as a correct record the minutes of the meeting held on 24<sup>th</sup> April 2013</p>	1 - 16

Item No K=Key Decision	Ward	Item Not Open		Page No
6 K			<p><b><u>NEIGHBOURHOODS, PLANNING &amp; SUPPORT SERVICES</u></b></p> <p><b>LEEDS LDF SITE ALLOCATIONS PLAN - ISSUES AND OPTIONS FOR PUBLIC CONSULTATION</b></p> <p>To consider the report of the Director of City Development seeking approval to the site allocations material – the Issues and Options documents - contained within the report in order to enable a period of public consultation to be held during June/July 2013 on the Site Allocations Plan.</p> <p>As part of the wideranging review and Elected Member consultation exercise which has been undertaken in relation to the development of the Leeds LDF Site Allocations Plan, the Development Plan Panel met on 30<sup>th</sup> April 2013 to formally agree the material to be submitted to Executive Board with the recommendation that it is released for the purposes of public consultation. In order for Development Plan Panel's views to be incorporated into the Executive Board report, it has been agreed that this report and the associated appendices will be published as soon as possible and dealt with at the Board meeting as a late item of business. In order to maintain the progress in developing the Leeds LDF Site Allocations Plan, it has been recommended that this matter should be determined at the 9<sup>th</sup> May Executive Board meeting.</p>	17 - 18
7			<p><b>IMPLEMENTATION OF AN AREA LEAD MEMBER ROLE</b></p> <p>To consider the report of the Assistant Chief Executive (Customer Access and Performance) providing details regarding the proposed formation of Area Lead Roles following the consultation exercise which has been undertaken. In addition, the report recommends that Area Committees appoint to these roles in the new municipal year.</p>	19 - 26

Item No K=Key Decision	Ward	Item Not Open		Page No
8 K	Ardsley and Robin Hood; Bramley and Stanningley; Calverley and Farsley; Guiseley and Rawdon; Kippax and Methley; Morley North; Morley South; Pudsey		<p><b><u>CHILDREN'S SERVICES</u></b></p> <p><b>BASIC NEED PROGRAMME: OUTCOME OF CONSULTATION ON PROPOSALS FOR EXPANSION OF PRIMARY PROVISION IN 2014 AND PERMISSION TO CONSULT ON PROPOSALS FOR THE EXPANSION OF PRIMARY PROVISION IN 2015</b></p> <p>To consider the report of the Director of Children's Services outlining proposals submitted to meet the local authority's duty to ensure sufficiency of school places. The report is divided into two parts - Part A describes the outcome of the public consultation on the expansion of primary provision across the city for September 2014, and makes recommendations for the next steps for each of the proposals, whilst Part B seeks permission to commence public consultation on proposals for the expansion of primary provision in the city from September 2015.</p> <p><b><u>RESOURCES &amp; CORPORATE FUNCTIONS</u></b></p> <p><b>EXECUTIVE AND DECISION MAKING PROCEDURE RULES</b></p> <p>To consider the report of the Head of Governance Services setting out amendments to the Executive and Decision Making Procedure Rules intended to reflect the Council's current practice and procedure in relation to executive decision making, as amended in light of the enactment of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012.</p>	27 - 56
9			<p><b>EXECUTIVE AND DECISION MAKING PROCEDURE RULES</b></p> <p>To consider the report of the Head of Governance Services setting out amendments to the Executive and Decision Making Procedure Rules intended to reflect the Council's current practice and procedure in relation to executive decision making, as amended in light of the enactment of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012.</p>	57 - 78

Item No K=Key Decision	Ward	Item Not Open		Page No
10	Headingley; Hyde Park and Woodhouse		<p data-bbox="675 286 1042 320"><b><u>HEALTH &amp; WELLBEING</u></b></p> <p data-bbox="675 392 1385 568"><b>RESPONSE TO DEPUTATION - HEALTH AND WELLBEING OF PEOPLE LIVING IN HYDE PARK AND THE NEED FOR LOCAL SCHOOLS AND COMMUNITY TO ACCESS SPORTS AND LEISURE FACILITIES</b></p> <p data-bbox="675 611 1406 974">To consider the joint report of the Director of Public Health and the Chief Planning Officer responding to the deputation presented to the full Council meeting on 12th September 2012 from the Hyde Park Olympic Legacy Committee regarding the health of people in Hyde Park and the need for local schools and community to access decent sports facilities. This report follows initial consideration of this matter at the December 2012 Board meeting.</p> <p data-bbox="675 1046 1203 1079"><b><u>DEVELOPMENT &amp; THE ECONOMY</u></b></p>	79 - 90
11 K	Beeston and Holbeck	10.4(3) (Appendix 2 only)	<p data-bbox="675 1149 1402 1218"><b>DISPOSAL OF CLEARED SITE IN HOLBECK TO UNITY HOUSING ASSOCIATION</b></p> <p data-bbox="675 1261 1382 1552">To consider the report of the Director City Development seeking approval to dispose of a cleared site in Holbeck at less than best consideration and on the basis of a “one to one” negotiation with Unity Housing Association. The disposal of this site will facilitate the development of an affordable housing scheme in a priority regeneration area of the city.</p> <p data-bbox="675 1592 1369 1697">Appendix 2 to the submitted report is designated as exempt under the provisions of Access to Information Procedure Rule 10.4 (3).</p>	91 - 106

Item No K=Key Decision	Ward	Item Not Open		Page No
12 K	Burmantofts and Richmond Hill; City and Hunslet; Hyde Park and Woodhouse		<p><b>A58 INNER RING ROAD ESSENTIAL MAINTENANCE SCHEME</b></p> <p>To consider the report of the Director of City Development providing an update on the progress made in respect of the A58M Leeds Inner Ring Road Essential Maintenance Scheme. In addition, subject to Full Approval from the Department for Transport, the report also seeks authority to incur expenditure for the construction stage of the Woodhouse Tunnel Strengthening Scheme.</p>	107 - 118



## EXECUTIVE BOARD

WEDNESDAY, 24TH APRIL, 2013

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

Councillors J Blake, A Carter, M Dobson,  
S Golton, P Gruen, R Lewis, L Mulherin,  
A Ogilvie and L Yeadon

### 213 Late Items

With the agreement of the Chair, a report entitled, 'Charges for Non-Residential Adult Social Care Services' was admitted to the agenda as a late item of business. The final stage of the extensive consultation process was the consideration of related matters by a working group of the Scrutiny Board (Health and Wellbeing and Adult Social Care), which met on 12<sup>th</sup> April 2013. In order to enable the outcomes from that working group meeting to be signed off by all attendees and presented for Executive Board's consideration as part of the overarching report, this matter was submitted to the Board as a late item of business. (Minute No. 231 referred).

In addition, with regard to agenda item 9, entitled, "West Yorkshire Plus" Transport Fund', it was noted that an updated version of paragraph 3.35 had been circulated to Board Members for their consideration, following the publication of the agenda (Minute No. 217 referred).

### 214 Minutes

**RESOLVED** – That the minutes of the meeting held on 13<sup>th</sup> March 2013 be approved as a correct record, subject to Minute No. 201 entitled, 'Housing Delivery' being amended to reflect that Councillor Golton voted against the decisions taken in respect of this report, rather than abstaining.

## DEVELOPMENT AND THE ECONOMY

### 215 Elland Road Master Plan Update and Park and Ride Scheme Proposals

Further to Minute No. 236, (11<sup>th</sup> April 2012), the Director of City Development submitted a report providing an update on the progress made at Elland Road, in the context of the Masterplan adopted in 2007 to 'kickstart' the wider regeneration of the site. Specifically, the report outlined the current position including the progress on the proposed development of an ice rink, the progress on the construction of the West Yorkshire Police Authority (WYPA) divisional headquarters on the former Greyhound Stadium site, the progress on the development of a Strategic Park and Ride facility on the site, the acquisition of the Castle Family Trust Land and Leeds United F.C.'s plans for the redevelopment of the East Stand.

Responding to a Member's specific enquiry, the Board was provided with information regarding the considerations which had been given to ensuring that wherever possible, any potentially significant future developments on site would not be prejudiced by the proposals detailed within the submitted report.

Having noted the concerns which had been raised by local Ward Members arising from proposals regarding the development of an on site Strategic Park and Ride facility, and in acknowledging the representations made by Beeston Community Forum, the Chair advised that dialogue with relevant parties would continue and that further work would be undertaken in a bid to address any concerns that the local community currently had, with any related matters being revisited by the Board in due course.

#### **RESOLVED –**

- (a) That the current position with regard to the proposed developments at Elland Road within the context of the Masterplan be noted.
- (b) That the use of Elland Road for park and ride and, subject to negotiation, the terms of occupation of a site for park and ride use for up to five years in the first instance be agreed in principle.
- (c) That the further development of a Park and Ride scheme be approved, which includes the submission of a planning application, detailed design of the car park and public consultation; together with further development of site and operational management proposals.
- (d) That the principle of income arising from parking activities being re-invested into the support of appropriate transport measures be further endorsed, specifically services relating to the Elland Road park and ride scheme.
- (e) That a further report be submitted to Executive Board seeking detailed approval to the scheme once the above processes have been concluded.

#### **216 Wade's Charity: Proposed Contribution Agreement for the use of Future Capital Receipts**

The Director of City Development submitted a report regarding a proposal from Wade's Charity for the equal sharing of any capital receipts received from the future disposal of assets owned by Wade's Charity and leased by Leeds City Council. The report specifically sought agreement to the proposal from the Charity that the Council's proportion of such receipts was earmarked to future projects to improve property and land leased by the Council, from Wade's, with work being undertaken to develop a priority list of projects between Wade's and the Council for which such receipts would be used. In addition, the report also outlined a specific proposal from Wade's to dispose of land at Cross Green Approach, subject to Ward Member consultation, which would provide Wade's with a capital receipt of £222,500 before the equal division of any surplus between Wade's and the Council.

**RESOLVED –**

- (a) That the equal sharing of any capital receipts received from the future disposal of assets owned by Wade's Charity be approved.
- (b) That approval be given for the Council's proportion of such receipts to be earmarked to future projects in order to improve property and land leased by the Council, from Wade's.
- (c) That the development of a priority list of projects between Wade's and the Council for which these receipts would be used, be approved.
- (d) That the terms for the division of sale proceeds for land at Cross Green Approach upon disposal be approved subject to Ward Member consultation, which gives Wade's a capital receipt of £222,500 before the equal division of any surplus between Wade's and the Council at less than best consideration.

**217 "West Yorkshire Plus" Transport Fund**

The Director of City Development submitted a report providing an update on the progress made to date with regard to the development of a 'West Yorkshire Plus' Transport Fund across West Yorkshire and York.

An updated version of paragraph 3.35 of the submitted report had been circulated to Board Members for their consideration, following the publication of the agenda.

Responding to a Member's enquiry regarding the funding of the NGT Trolleybus scheme in Leeds, the Board received details of the reasoning behind why that project was not being incorporated into the 'West Yorkshire Plus' initiative.

Members highlighted the importance of ensuring that all participating Local Authorities were kept engaged and on board for the life of the initiative.

In conclusion, the Board welcomed the all-party support which the initiative had gained and briefly discussed the long term benefits the scheme could provide, together with the options available in respect of maximising the fund's potential.

**RESOLVED –**

- (a) That the principle of establishing a £1 billion 'West Yorkshire Plus' Transport Fund together with the associated, indicative levels of financial commitments, be supported, subject to:-
  - A satisfactory conclusion to on-going City Deal negotiations, specifically including securing clarity and agreement on an acceptable level of Earn Back funding from future additional business rates in West Yorkshire and York; and
  - An in principle agreement being made by all West Yorkshire District Authorities.

- (b) That in principle agreement be given to the scope of improvements to be included in the Fund, as referenced within the submitted report and Appendix A, subject to appropriate on-going engagement and consultation with local Members and other relevant partners and communities during scheme design.

## **218 Review of Governance Arrangements in West Yorkshire**

The Director of City Development submitted a report providing an update on the review of governance arrangements in West Yorkshire, and the proposed next steps towards establishing a West Yorkshire Combined Authority. Specifically, the report sought the Board's views on a draft statutory Review of transport and economic governance arrangements in West Yorkshire; sought the Board's views on the draft governance Scheme, which set out the role and governance arrangements for the proposed Combined Authority; and requested authorisation to consult on the draft Review and Scheme with partners and stakeholders.

Members highlighted the integral role to be played by democratic accountability in the development of such arrangements.

### **RESOLVED –**

- (a) That the draft Review of governance arrangements relating to transport, economic development and regeneration be noted together with any comments made in relation to such matters at the meeting, which pursuant to Section 108 of the Local Democracy Economic Development and Construction Act 2009 and Section 82 of the Local Transport Act 2008, concludes that for the area of West Yorkshire, the Integrated Transport Authority should be dissolved and a Combined Authority created, both as the best option for the area going forward in terms of delivering the City Deal and because it would be likely to improve:
- the exercise of statutory functions relating to economic development, regeneration and transport in the area;
  - the effectiveness and efficiency of transport; and
  - the economic conditions in the area.
- (b) That the draft Scheme for the establishment of a Combined Authority for West Yorkshire which would form the basis for public and stakeholder consultation by the individual West Yorkshire District authorities and the Integrated Transport Authority, be noted along with any comments made in relation to such matters at the meeting.
- (c) That approval be given to the partner and stakeholder consultation exercise, as outlined within section 4.1 of the submitted report, which will test the findings of the draft Review and seek views on the provisional proposals contained in the draft Scheme for a Combined Authority, including how it will interact with these organisations, with the Review and Scheme documents being referred to the Scrutiny Board (Resources and Council Services) for consideration.

- (d) That a further report be submitted to the Executive Board by June 2013 advising Members of the outcomes from the consultation exercise, and having regard to the responses received, proposing a final Review and draft Scheme for a Combined Authority, for the purposes of endorsement by Members and also to seek a recommendation that Council provides the necessary approvals, to facilitate submission to the Secretary of State in July 2013.

## **NEIGHBOURHOODS, PLANNING AND SUPPORT SERVICES**

### **219 Reducing Reported Domestic Burglary in Leeds**

Further to Minute No. 218, (7<sup>th</sup> March 2012) the Director of Environment and Neighbourhoods submitted a report providing a position statement on the delivery of the city's multi-agency Burglary Reduction Programme, which commenced in September 2011. Specifically, the report sought approval to extend the current programme of activity for a further 12 months using funding allocated to the city by the West Yorkshire Police and Crime Commissioner.

Having noted the positive results which had been achieved overall since the commencement of the Burglary Reduction Programme, Members highlighted the important role of the Police and the effective multi-agency approach which had been taken as part of the programme.

The Board then considered those parts of the programme which had been most effective, and discussed the priorities of the Police Crime Commissioner which included burglary reduction. In addition, Members noted the evolving trends in Leeds with respect to drug and alcohol dependency, the evolving trends with regard to certain elements of criminal activity, and how such trends were reflected within the burglary figures.

**RESOLVED** – That expenditure of up to £484,000 to 31<sup>st</sup> March 2014 be approved, in order to enable the existing programme of activity, aimed at reducing domestic burglary, to continue for a further year, and thereby support further work to embed good practice and a lasting legacy in relation to burglary reduction for the future.

### **220 Lettings Policy Review 2013**

Further to Minute No. 137 (12<sup>th</sup> December 2012), the Director of Environment and Neighbourhoods submitted a report providing information on the review which had been undertaken on the Council's Lettings Policy, advising of the outcomes arising from the consultation carried out with the public and Members, and highlighted details of the proposals together with the proposals relating to the updated Lettings Policy document.

In presenting the report, the Executive Member for Neighbourhoods, Planning and Support Services highlighted the importance of a policy which was flexible, intelligent, proactive, visible and which also recognised the importance of 'Local Connection'.

Members noted the work which was ongoing in respect of the proposals and their impact upon certain groups within the community, such as carers and vulnerable adults.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the options outlined within section 6 of the submitted report be noted and that the revised Lettings Policy, to be implemented from May 2013, be approved.
- (c) That the new approach towards centralising the assessment of housing need, together with the training programme for officers involved in lettings issues, be approved.

**221 Proposed changes to the Rent Arrears Recovery Procedures**

The Director of Environment and Neighbourhoods submitted a report providing information on the proposed changes to the Rent Arrears Recovery Procedure and the anticipated impact of the Housing Benefit changes which came into effect from April 2013. In particular, the report outlined the measures developed to ensure that tenants affected by the welfare changes were appropriately informed of how such changes would affect them and were made aware of the options open to them.

As part of the introduction to the report, emphasis was placed upon the need for the procedures to be conducted sensitively but earnestly. Members welcomed the increased staffing resource which would provide intensive support to tenants and highlighted the expertise which existed within financial institutions across the city which could also potentially be utilised. In addition, the Board also highlighted the prevalence of 'loan shark' companies which currently existed and emphasised the actions which needed to be taken at a national level to address this issue.

In conclusion, it was requested that further reports be submitted to the Board in due course which provided updates upon the actions being taken by the Council and other agencies to support and inform individuals who were struggling with their personal finances.

**RESOLVED –**

- (a) That the expected impact of the welfare benefit changes coming into effect from April 2013, be noted.
- (b) That the proposed changes to the Rent Arrears Recovery Procedure, be approved.
- (c) That further reports be submitted to the Board in due course which provide updates upon the actions being taken by the Council and other agencies to support and inform individuals who are struggling with their personal finances.

**222 Design & Cost Report for Property Maintenance Software Package**

The Director of Resources submitted a report which sought approval to replace the existing Synergy ICT system used by Property Maintenance. The report also sought authority to incur expenditure in relation to this project for the sum of £750,000.

**RESOLVED –** That the replacement of the Synergy ICT system used by Property Maintenance be approved, and that authority be given to incur expenditure of £750,000.

(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 referred to within this minute)

**223 Leeds City Council's Procurement Strategy**

The Chief Officer for the Public Private Partnerships and Procurement Units submitted a report which sought the Board's approval of a refreshed Procurement Policy for the Council. The refreshed approach aimed to secure a range of benefits for the Council including: improved outcomes, improved value for money, improved governance and assurance, improved engagement and transparency and improved support for the Council's wider ambitions.

Responding to an enquiry on how the Council encouraged a greater number of small and medium sized enterprises (SME's) to become involved in the Council's procurement exercises, the Board highlighted the importance of SME's to the local economy and noted the actions being taken by the Council to engage with SME's, together with the areas for potential improvement. In addition, emphasis was placed upon the need for consistency around the level of payments being provided to both the Council's contractors and sub-contractors.

In conclusion, officers undertook to provide Board Members with quarterly updates on the number of SME's that the Council had contracts with.

**RESOLVED –**

- (a) That the Strategy, as outlined within the submitted report be approved as the Council's refreshed Procurement Policy, centred upon a category management and whole lifecycle approach.
- (b) That Board members be provided with quarterly updates on the number of SME's that the Council had contracts with

**CHILDREN'S SERVICES**

**224 Corporate Offer to Foster Carers and Care Leavers**

The Director of Children's Services submitted a report outlining the need for a Corporate Offer for Foster Carers and Care Leavers and which detailed what such offers were and highlighted the further work which was being undertaken to improve them.

Responding to a Member's enquiries, the Board received information on the current position in respect of the ongoing work being undertaken around the provision of fees and allowances for foster carers. In addition, the Board also received details of the work being undertaken to ensure that Looked After Children and Care Leavers were provided with the necessary support and skills to gain employment, which included their access to initiatives such as the '250 Opportunities Programme'.

**RESOLVED –**

- (a) That the work which has taken place to provide Corporate Offers for Foster Carers and Care Leavers be noted.
- (b) That it be agreed that the Corporate Offers for Foster Carers and Care Leavers provide a clear and practical example of how an organisation can offer a range of benefits which support vulnerable children and take forward the ambition that Leeds becomes a truly Child Friendly City.

**225 Review of the School Clothing Allowance - Outcome of Consultation and request to Cease with effect from June 2013**

Further to Minute No. 190 (15<sup>th</sup> February 2013), the Director of Children's Services submitted a report detailing the outcomes arising from the consultation undertaken to review the provision of the school clothing allowance. Further to this, the report recommended that the Board approved the ceasing of the current school clothing allowance policy, with effect from June 2013.

Members discussed the role to be played by individual schools and their governing bodies in ensuring that uniforms were both affordable and good value for money.

**RESOLVED –**

- (a) That the findings from the consultation process undertaken in respect of school clothing allowance provision be noted.
- (b) That the recommendation to end the current school clothing allowance with effect from June 2013, be approved.

**226 City Learning Centres**

The Director of Children's Services submitted a report which sought approval of the proposed new arrangements relating to the funding and use of Leeds' four City Learning Centres (CLCs). The proposals detailed within the submitted report aimed to build upon the practice currently available in the CLCs whilst also maximising the potential use of those valuable resources as citywide assets.

**RESOLVED –**

- (a) That it be noted that the Dedicated Schools Funding used to support the running of the City Learning Centres ended on 31 March 2013 and



that the interim funding made available through Children's Services is only in place until 31 August 2013, after which all Council funding for the CLCs will cease.

- (b) That approval be given to the inclusion of the Derek Fatchett CLC site as part of the City of Leeds academy proposals and that approval also be given to the inclusion of the CLC staff in the ring-fence for posts in the proposed new academy in addition to TUPE, should that apply based upon continued delivery of existing provision.
- (c) That approval be given to the development of an agreement for an initial period of two years for the West Area Inclusion Partnership (AIP) to take over the running of the West CLC for use as an Inclusion Centre, on the understanding that there will be no budget transferring.
- (d) That the development of an agreement with the North East AIP be approved, to run the North East CLC for the next two years, on the understanding that there will be no budget transferring and that TUPE is likely to apply to some staff based upon proposed future use. (This to be followed by further discussions with the AIP around the use of the CLC by one or more schools to enable them to increase their 11-16 capacity from 2015 onwards).
- (e) That the transfer of the South CLC to the South Leeds Learning Trust be approved in order to enable them to increase their 11-16 capacity on the understanding that there will be no budget transferring.
- (f) That the responsibility of implementing the resolutions (as detailed above) for the four City Learning Centres be delegated to the Director of Children's Services.

**227 Primary Basic Need Programme - Outcome of statutory notices for expansion of primary provision for 2014.**

Further to Minute No. 141 (12<sup>th</sup> December 2012), the Director of Children's Services submitted a report detailing the representations made in response to the publication of the statutory notices for the expansion of Little London Community Primary School, Rufford Park Primary School and Sharp Lane Primary School. In light of the representations made, the report invited the Board to make final decisions on each of the expansions proposed.

The Board noted that the proposal regarding Tranmere Park Primary School had not been progressed, as further work was being carried out in the area in order to determine whether any alternative solutions were available, and that any such matters would be revisited by the Board as and when appropriate.

Responding to a Member's request, officers undertook to submit a report to a future meeting of the Board which provided the context in respect of the pressures being placed upon the provision of school places throughout the city, together with the long term plans being developed to address such

pressures, whilst also providing data illustrating the sources of population growth across Leeds.

**RESOLVED –**

- (a) That the proposal to expand the physical capacity of Little London Community Primary School from 210 to 630 pupils, with an admission number increasing from 30 to 90 and with effect from September 2014 on the adjacent site at Oatland Green, be approved.
- (b) That the proposal to expand the physical capacity of Rufford Park Primary School from 210 to 315 pupils, with an admission number increasing from 30 to 45 and with effect from September 2014 on its existing site, be approved.
- (c) That the proposal to expand the physical capacity of Sharp Lane Primary School from 420 to 630 pupils, with an admission number increasing from 60 to 90 and with effect from September 2014 on its existing site, be approved.
- (d) That a report be submitted to a future meeting of the Board providing the context in respect of the pressures being placed upon the provision of school places throughout the city, together with the long term plans being developed to address such pressures, whilst also providing data illustrating the sources of population growth across Leeds.

**228 Governance Arrangements for the South Leeds Youth Hub (SLYH)**

The Director of Children’s Services submitted a report informing of the progress which had been made in respect of a potential Community Asset Transfer (CAT) of South Leeds Youth Hub (SLYH) to a “not for private profit” organisation.

Responding to Members’ enquiries, the Board received assurances with regard to funding streams, should a CAT take place. In addition, the Board received further details regarding the potential benefits which may be realised from a Community Asset Transfer of the SLYH.

**RESOLVED –**

- (a) That the start of a Community Asset Transfer process, for the SLYH, to a “not for private profit” organisation be approved.
- (b) That support be given to the progressing of a lease for SLYH (at least for the life of the MyPlace grant which expires on 28 October 2028), with details for a rental agreement being determined as part of the process.
- (c) That a reducing revenue contingency over 4 years be approved, with the aim that immediate pressures of any transfer are overcome as the new “building manager” works towards achieving financial sustainability over the term.

- (d) That the establishment of a Partnership Advisory Group be approved, in order to support the management of the Council's investment, in the event that a "not for private profit" organisation submits a successful business plan.

## **LEISURE AND SKILLS**

### **229 Leeds Let's Get Active**

The Director of City Development and the Director of Public Health submitted a joint report providing further information relating to the City Council's 'Leeds Let's Get Active' bid to Sport England's "Get Healthy, Get into Sport" health pilot programme. In addition, the report sought retrospective support for the 'Leeds Let's Get Active' bid and approval to accept a grant offer.

Members welcomed the report and highlighted the fact that it was a good example of effective cross-directorate working.

Responding to an enquiry, the Board received details in relation to how users would be able to access the scheme.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted and that the 'Leeds Let's Get Active' project be supported.
- (b) That approval be given for the Director of City Development to accept the Sport England grant funding award of £500,000.
- (c) That a report be submitted to the Board at the end of the project, evaluating the outcomes arising from it.

## **ADULT SOCIAL CARE**

### **230 Update - Shared Service Partnership with Calderdale Metropolitan Borough Council to meet Adult Social Care System Requirements**

Further to Minute No. 45, (18<sup>th</sup> July 2012), the Director of Adult Social Services submitted a report providing an update regarding the progress made by the Adult Social Care Systems Programme, since the decision to enter into a partnership agreement with Calderdale Metropolitan Borough Council to replace the existing Adult Social Care case management system (ESCR) with Calderdale's Client Information System (CIS), was released for implementation in August 2012.

Members discussed a number of issues around the associated timescales and the budgetary implications arising from the development of the Adult Social Care Systems Programme.

#### **RESOLVED –**

- (a) That the progress made since the decision was released for implementation be noted, and it also be noted that the programme is on track to planned timescales and within planned budget.

- (b) That the work that which has gone into the formal partnership agreement to ensure that risks are appropriately managed throughout the successful implementation of CIS in Leeds and which also provides a high level of on-going protection to the Council, be noted.
- (c) That agreement be given to the Council's Corporate Governance and Audit Committee continuing to review progress at 6 monthly intervals, in order to provide assurances in respect of the programme's successful implementation.

**231 Charges for non-residential Adult Social Care Services**

The Director of Adult Social Services submitted a report which presented the outcomes arising from the consultation undertaken on the review of charges for non-residential adult social care services and which made recommendations for changes to such charges.

Following the presentation of the report, the Board noted the difficult decisions which needed to be made in respect of charges for non-residential Adult Social Care services, given the current economic climate.

Members welcomed the thorough consultation exercise which had been undertaken in respect of this matter, and the changes which had been made in response to the feedback received during that exercise.

**RESOLVED –**

- (a) That the outcomes of the consultation and the way in which such outcomes have been addressed, as set out within sections 4 to 6 of the submitted report, be noted.
- (b) That the outcomes of the Equality Impact Assessment and the way in which such outcomes have been addressed, as set out in section 9.2 of the submitted report, be noted.
- (c) That the changes to charges for non-residential services, as set out within section 5 of the submitted report, be approved.
- (d) That the revised Adult Social Care Charging and Contributions Policy Framework, as set out within Appendix 9 to the submitted report, be approved.
- (e) That the Care Ring and Telecare Eligibility and Prioritisation Policy, as set out within Appendix 10 to 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 within this minute specifically regarding charges to the Care Ring (Pendant Alarm) service and the Care Ring and Mobile Response service)

**232 Assistive Technology Hub for Leeds - Approval to Proceed**

The Director of Adult Social Services submitted a report providing information on the proposals to develop an Assistive Technology (AT) Hub for Leeds by refurbishing 81, Clarence Road, which had been identified as the only suitable site within the Council's portfolio. In addition, the report outlined the drivers behind the development, which included the need to relocate Leeds Community Equipment Store from Roundhay Road, as well as the strategic and financial benefits that would be realised. The report also sought the Board's approval of expenditure worth £2,170,963 from the Community Capacity Grant in order to fund this development.

The Board welcomed the proposals detailed within the submitted report, and in response to Members' enquiries, the Director of City Development undertook to provide Board Members with further information and assurances regarding the level of associated car parking provision (including blue badge parking provision) which would be available for users of the AT Hub.

**RESOLVED –**

- (a) That authority to spend a total of £2,170,963 funded by the Community Capacity Grant (Department of Health) be approved for the development, as detailed within the submitted report.
- (b) That the Director of City Development provide Board Members with further information and assurances regarding the level of car parking provision (including blue badge parking provision) which would be available for users of the AT Hub.

**RESOURCES AND CORPORATE FUNCTIONS**

**233 Financial Health Monitoring 2012/13 - Month 11 report**

The Director of Resources submitted a report which presented the Council's projected financial health position for 2012/13, after eleven months of the financial year.

Members noted that the next financial monitoring report would be a final outturn report for 2012/2013, which would be submitted to the June 2013 Executive Board meeting.

In noting the projected underspend of £4,600,000, the Board considered how best to utilise any underspend from the 2012/2013 financial year, and whether any of this sum should be invested into highways maintenance. In conclusion, it was requested that any underspend from the Council's 2012/2013 budget was added to the General Fund Reserves until all information from the 2012/2013 financial year was known, at which time further consideration could be given to how any underspend was utilised.

**RESOLVED –**

- (a) That the projected financial position of the authority after eleven months of the financial year, be noted.

- (b) That any underspend from the Council's 2012/2013 budget be added to the General Fund Reserves until all information from the 2012/2013 financial year is known, at which time, all relevant information be submitted to the Board in order to enable the Board to determine how any such underspend should be utilised.

**234 Farsley and Calverley Charities**

The City Solicitor and the Director of Resources submitted a joint report regarding the proposed lifting of current restrictions which related to capital monies being released in respect of both the Farsley Public Purposes Charity and the Calverley Charity – The Workhouse Allotment, so as to enable the aims of both of those charities to be carried out more effectively and efficiently.

**RESOLVED** - That any restrictions which apply as to the use of the current capital funds of Farsley Public Purposes Charity (Charity No. 500559) and The Calverley Charity – The Workhouse Allotment (Charity No. 504497) be released with effect from 24<sup>th</sup> April 2013, in accordance with Section 281 of the Charities Act 2011.

**235 Extension of Discretionary Business Rate Relief Scheme**

The Director of Resources submitted a report which sought approval to undertake consultation upon proposals regarding the extension of the guidelines for the award of discretionary rate relief from 2013/14 to 'for profit' organisations which met agreed criteria, as now permitted under Section 69 of the Localism Act 2011.

Members highlighted the importance of small and medium sized enterprises (SME's) to the local economy, and emphasised the need for the Council to effectively engage with such companies as part of this initiative. Emphasis was also placed on the integral role to be played by organisations such as the Federation of Small Businesses and the Chamber of Trade in any proposals relating to the extension of the Discretionary Business Rate Relief Scheme.

**RESOLVED** – That consultation with representative bodies, including the Chamber of Trade and Leeds & Partners on the proposals to extend the guidelines for the award of discretionary relief for Business Rates, be approved.

**HEALTH AND WELLBEING**

**236 The Health & Social Care Act - Establishment of the Health and Wellbeing Board**

The Director of Adult Social Services, the Director of Children's Services and the Director of Public Health submitted a joint report providing information on the role and functions of the Leeds Health and Wellbeing Board, informing of the progress which had been made to establish the Board in its shadow form and providing the Executive Board with an opportunity to consider the proposed governance arrangements for the Health and Wellbeing Board, prior to it being formally established by full Council on the 20<sup>th</sup> May 2013.

**RESOLVED –**

- (a) That the progress which has been made during the shadow period of the Health and Wellbeing Board be noted.
- (b) That the statutory functions of the Health and Wellbeing Board, as set out in its proposed terms of reference, as detailed within appendix 1 to the submitted report, together with the Board's intended role, be noted.
- (c) That the Leader's proposal to nominate 5 Councillors to the Board (3 Executive Members, and one further Councillor from each of the two largest opposition groups) be endorsed.
- (d) That the following be recommended to the General Purposes Committee with regard to the proposed governance arrangements for the Health and Wellbeing Board:-
  - (i). that membership and voting arrangements for the Board are as set out in the attached appendix 2 to the submitted report;
  - (ii). that the Health and Wellbeing Board have a quorum of four members, to include one Councillor and a Clinical Commissioning Group (CCG) representative;
  - (iii). that substitutes for Councillors on the Health and Wellbeing Board are appointed via nomination from the relevant Group Whip; and
  - (iv). that substitutes for other voting representatives are relevant non-voting representatives, if these are appointed by the Board.

**ENVIRONMENT**

**237 Wrap Up Leeds Final Report**

Further to Minute No. 101 (12<sup>th</sup> October 2011), the Director of Environment and Neighbourhoods submitted a report providing a summary of the key achievements and lessons learnt from the 'Wrap Up Leeds' initiative which was launched in January 2012 and which had secured over £3,300,000 worth of private sector investment and had reduced heating costs by almost £1,400,000 per annum.

Responding to a Member's enquiry, officers provided the reasons as to why the ratio between the number of customers contacted and the number of measures installed ranged significantly on a Ward by Ward basis. In conclusion, it was emphasised that future initiatives, such as the 'Green Deal Demonstrator' would build upon the positive work already undertaken and would continue to target those residing in deprived areas of the city.

**RESOLVED** - That the contents of the submitted report and the success of the 'Wrap Up Leeds' project be noted.

## **CHILDREN'S SERVICES**

**238 Submission of Petition entitled: 'To Retain Free School Transport to/from home and school for Children Attending their Nearest Faith School on the basis of their Denomination or Faith'**

Councillor A Carter advised the Board that prior to the meeting he had received a petition entitled, 'To Retain Free School Transport to/from home and school for Children Attending their Nearest Faith School on the basis of their Denomination or Faith'. He formally submitted the petition to the Executive Member for Children's Services for consideration as part of the proposals currently being developed in respect of the Children's Services Transport Policy and Strategy.

**DATE OF PUBLICATION:** 26<sup>TH</sup> APRIL 2013

**LAST DATE FOR CALL IN OF ELIGIBLE DECISIONS:** 3<sup>RD</sup> MAY 2013 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 7<sup>th</sup> May 2013)

Draft minutes to be approved at the meeting  
to be held on Thursday, 9th May, 2013



## **Report entitled: 'Leeds LDF Site Allocations Plan – Issues and Options for Public Consultation'**

As part of the wideranging review and Elected Member consultation exercise which has been undertaken in relation to the development of the Leeds LDF Site Allocations Plan, the Development Plan Panel met on 30<sup>th</sup> April 2013 to formally agree the material to be submitted to Executive Board with the recommendation that it is released for the purposes of public consultation. In order for Development Plan Panel's views to be incorporated into the Executive Board report, it has been agreed that this report and the associated appendices will be published as soon as possible and dealt with at the Board meeting as a late item of business. In order to maintain the progress in developing the Leeds LDF Site Allocations Plan, it has been recommended that this matter should be determined at the 9<sup>th</sup> May Executive Board meeting.

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## Report of Assistant Chief Executive Customer Access and Performance

### Report to Executive Board

**Date: 9<sup>th</sup> May 2013**

### Subject: Implementation of an Area Lead Member Role

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 checked="" type="checkbox"/> Yes	<input 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. A review of area working was completed in December 2012 with a number of recommendations agreed by Executive Board. One of the recommendations was to develop and strengthen the existing local "champion role" and re-launch this as an Area Lead Member role. The main aim being to clarify the role itself, strengthen links to Executive Members and council services, improve training and support and encourage both formal and informal links to relevant partners. This paper sets out the Area Lead Member role in more detail and recommends that Area Committees appoint to these roles in the new municipal year.

### Recommendations

2. Members of Executive Board are recommended to agree to proposals contained within this report for Area Committees to appoint Area Lead Members for the 2013/14 municipal year in accordance with a number of defined roles to be considered at the Annual General Meeting of Full Council on 20 May 2013.

## **Purpose of this report**

- 1.1 A review of area working was completed in December 2012 with a number of recommendations agreed by Executive Board. One of the recommendations was to develop and strengthen the existing local “champion role” and re-launch this as an Area Lead Member role. The main aims being to clarify the role itself, strengthen links to Executive Members and council services, improve training and support and encourage both formal and informal links to relevant partners. This paper sets out the Area Lead Member role in more detail and recommends that Area Committees appoint to these roles in the new municipal year.

## **2 Background information**

- 2.1 One of the recommendations of the review of area working was to develop and strengthen the existing member “champion role” and re-launch this enhanced role as an “Area Lead Member”. This paper further defines the role itself, identifies the training and support required and the linkages to both Executive Members and key officers. The effectiveness of this approach will be monitored through Area Chairs and Area Leaders with updates provided within the Area Working Annual Report to Executive Board (first report due Autumn 2013).
- 2.2 Overall this role is seen as important in providing a local “Lead Member” perspective on various issues and has great potential to do more in driving democratic accountability by providing Area Committee based leadership on key issues. The Area Lead Member role would also work closely with Executive Members and Directors to better align city wide and local policy making, share best practice, provide support and challenge and help embed the locality working design principles.
- 2.3 It also links to the Commission for Local Government which identified the critical importance of local democratic leadership in driving the way in which local government responds to a changing and ever more challenging environment. Within the current financial context where budgets are shrinking and difficult decisions need to be made in terms of service delivery the importance of ensuring a strong local perspective and driving more local decision making is seen as an essential ingredient to making the right decisions.

## **3 Main issues**

### **Defining the Area Lead Member Role**

- 3.1 The Area Lead Member role is defined as follows:
  - Working closely with Area Committee chairs to identify and lead relevant debates at Area Committees supported by relevant officers as required.
  - Representing the Area Committee at local project or partnership meetings, and in the commissioning process to ensure the needs and interests of the area are represented. As required, issues will need to be brought back to the Area Committee for further consultation/discussion and for formal decision making.

- Developing informal opportunities and networks with council services and key partners to build understanding, drive closer partnership working, provide challenge and bring a local democratic perspective to a wider range of service delivery.
- Working with the relevant Executive Member and officer lead(s) to ensure a locality dimension to policy development; championing and supporting the agenda locally; disseminating and building local understanding of the overall policy/strategy; highlighting any service issues/failures; facilitating local problem solving and service improvement; sharing best practice; and capturing and learning from innovative approaches developed through Area Committees. With a focus on ensuring effective 2 way communication links between the Executive and Area Committees.
- Working with officers to ensure progress is monitored through regular performance updates especially for functions delegated to Area Committees.
- Using local forums and local community engagement mechanisms to develop a good understanding of the local needs and feeding these into policy development and service improvement processes.

3.2 The All Party Working Group that oversaw the Area Working Review felt it important that a core set of Area Lead Member roles were nominated by every Area Committee. The group felt these should cover on the key delegated functions as this is where the role can have the greatest impact locally. But it was agreed that there were also some other important areas where a local lead was needed like health and wellbeing. Over and above this core set other roles could be nominated by Area Committees to reflect key local issues. It is also envisaged that Area Committees would have some flexibility to further join up or split roles to suit local needs as long as all the core roles are covered. Consideration could also be given to the appointment of time limited “Area Lead Members” in response to a specific issue eg, implementation of new legislation with a significant local impact such as welfare reform.

3.3 Following the recent consultation with Area Committees concerns were raised about the number of roles proposed and members time capacity to fulfil these. Therefore, it is proposed that for the new municipal year the list of core Area Lead Members is more limited with a focus on getting these right with consideration given to extending this list in future years.

3.4 It is proposed that the above Area Lead Member roles be included within the council’s constitution and be formally reviewed on an annual basis as part of the AGM process. Therefore, it is proposed that the list of Area Lead Members roles for 2013/14 be agreed and formalised at the Annual General Meeting of Full Council on 20 May 2013. It is envisaged that for the first year four to six roles will be proposed.

### **Training and Support**

3.5 Support, training and liaison arrangements will be important in making this work. Clearly these will need to be tailored to the particular Area Lead Member roles

and will be set out in more detail for each role. Training will be accessed through existing member development arrangements and through liaison with area support teams. Training will include the following key elements:

- Core Skills Training – provided through Member Development to ensure Area Lead Members have the necessary knowledge and skills to undertake this role effectively.
- Area Lead Member Induction Training – facilitated by the Area Support Teams with relevant service staff and partners as appropriate. The aim to provide a broad understanding of the service provision in place, link members to the key partners, local partnerships and networks relevant to their area of responsibility. For experienced members or existing champions this might not be needed or would be more tailored.
- On-going Development/Support and Advice - briefings and informal meetings and updates to support Area Lead Members in fulfilling their role. This would also aim to build on-going links with service staff in the local area including more informal opportunities as appropriate eg meet the team and work shadowing. This would include briefings/updates with the relevant Executive Member and officer leads on key policy issues. Again this support would be tailored to individual members skills and experience.
- Peer mentoring/support – this is already available through the political groups and will be extended to include the Area Lead Member role as required. Members would access this through existing 1-2-1 and personal development plan arrangements.

### **Other relevant issues**

- 3.6 Some Area Committees have previously reported difficulties in appointing to the current champion roles. However, we are also aware that some backbench members have raised concerns about a lack of influence. Overall the Area Lead Member role provides an opportunity for backbench members to have more influence which should encourage more individuals to take on the roles. It also provides an opportunity to share the workload and enable members to build on their areas of expertise and interest.
- 3.7 The Area Lead Member role will require members to take on a wider role across the geography of the Area Committee not just their ward; and for other Area Committee Members to endorse/support the area lead in representing the Area Committees views. In the consultation some members expressed concerns that they may not be as knowledgeable about surrounding wards as they are about their own. As well as pointing out that their primary allegiance will be to their own ward rather than the area. However, broadly members were supportive of adopting this approach and key to the success of the role will be the link back to the Area Committee (or through a sub-group) to ensure key issues are debated, views gathered and formal decisions made by the Area Committee as required. The Area Lead Members will also need to work closely with the Area Committee Chairs in scheduling debates and to ensure appropriate time is set aside on agendas.

- 3.8 For the two ward Area Committee – Inner West – it was considered whether co-optees to the Area Committee who are not elected members could fulfil an “Area Lead Representative” role. This is an issue that received broad support during the consultation with Area Committees particularly in relation to the concern raised in terms of time capacity to take on Area Lead Member roles. It is proposed that this option is open to all Area Committees to agree locally with a review undertaken as part of the annual report on area working.
- 3.9 A key success factor for the Area Lead Member role is that people understand their role and actively consult, engage and liaise with them on key relevant issues. To be effective this will require the relevant Executive Member and to meet regularly with Area Lead Members ideally with key officers. It will require relevant services and partners to provide opportunities for liaison/engagement as well as training and support.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The development of the Area Lead Member role falls directly out of the recent review of area working which was subject to significant consultation with a range of stakeholders including members and officers. A series of drop in sessions were held for elected members over the summer of 2012 and their views were influential in shaping the recommendations including the change proposed in this paper. An all party working group also further debated and shaped the review findings. Officer consultation was initiated through discussions with each directorate leadership team but were followed up with further specific discussions as required. The area support teams were a particularly important stakeholder as they are directly involved in the work of Area Committees and their views were gathered through team meetings and individual discussions.
- 4.1.2 These specific proposals have also been consulted on further through Area Committee meetings during March and April and key points made were:
- Broadly all Area Committees welcomed the proposals albeit with some concerns, in particular, many welcomed a clearer role/purpose as compared to the existing champion role. Many also wanted the opportunity to shape the role rather than having it tied down in a detailed role description. Many felt it was important that this was “followed through” and made to work in practice.
  - The issue that received the most support was the proposal for a clear link between Area Lead Member and the relevant Portfolio holders but some were concerned about an overlap with the role of scrutiny. However, the focus of the role needs to be on supporting and championing the agenda locally, highlighting local issues/barriers and practical problem solving to better meet local needs.
  - Training and support was universally agreed as crucial to success including induction and support in developing links with partners and identifying best ways to influence partners.

- Concerns were raised about the capacity of members to fulfil this role with worries about it involving lots more meetings and the potential impact on members ward role. This is an issue that need to be further considered in developing the role with members locally and kept under review during implementation. It is proposed that Area Leaders and their teams will work with services/partners to broker practical solutions that meet members needs and ways of working. In addition, it is proposed to adopt a limited number of these roles initially to ensure these are done well prior to rolling this approach out to other areas.
- Some concerns were expressed about it blurring the role of officers and members which may undermine members independence and therefore position to challenge. However, being better informed may also enable constructive challenge. Again this issue will need to be considered during implementation.
- Some specific comments were made in terms of the functional areas proposed and this feedback has been used to shape the list of Area Lead Roles for 2013/14 that will go to the AGM on 20<sup>th</sup> May.

4.1.3 Public consultation was not considered necessary for this decision as it relates to internal arrangements to the council.

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

4.2.1 Equality is clearly represented within a number of the formally stated roles of an Area Committee. These include: to act as a focal point for community involvement, help members listen to and represent their communities and help members understand the specific needs of the community in their area. The development of the Area Lead Member role aims to support members in undertaking this role of championing local needs by providing clear links to both the relevant Executive Member, council service staff and to partners agencies. In addition it provides the mechanism for, and encourages, the negotiation and development of local solutions that suit local circumstances which will in turn address any issues of inequality.

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

4.3.1 These arrangements aim specifically to support in the delivery of improved outcomes in line with the City Priority and Council Business Plans with many of the proposed roles lining directly to key priorities. The aim being to ensure that local needs are represented better in policy/strategy setting, decision making, service design and delivery and partnership working through this key role. The development of the Area Lead Member role provides an opportunity for members to develop their community leadership role as set out within the Commission for Local Government.

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

4.4.1 There are no resource implications arising directly from this proposal.



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

- 4.5.1 There are no specific legal implications, the report is available to the public and is subject to call in.

## **4.6 Risk Management**

- 4.6.1 The proposal in this report implements a recommendation made by Executive Board and as such there are no direct risks arising from the proposals. Improving the governance and accountability of local partnerships through challenge and support from area leads is seen as important in delivering improved outcomes and tailoring services to local needs. There are also clear links to a number of the budget and financial risks and the development and strengthening of our locality working arrangements and local decision making will help to minimise key financial risks going forward.

## **5 Conclusions**

- 5.1 This report sets out more detail on the Area Lead Member role following the review of area working in 2012. The role is seen as crucial in providing a local “lead” perspective on various issues and in driving democratic accountability by providing Area Committee based leadership on key issues.

## **6 Recommendations**

- 6.2 Members of Executive Board are recommended to agree to proposals contained within this report for Area Committees to appoint Area Lead Members for the 2013/14 municipal year in accordance with a number of defined roles to be agreed at the Annual General Meeting of Full Council on 20 May 2013.

## **7 Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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## Report of Director of Children's Services

### Report to Executive Board

Date: 9th May 2013

**Subject: Part A: Basic Need Programme 2014 – Outcome of consultation on proposals for expansion of primary provision in 2014**



**Part B: Basic Need Programme 2015 – Permission to consult on proposals for the expansion of primary provision in 2015**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Ardsley and Robin Hood, Bramley, Calverley and Farsley, Guiseley and Rawdon, Morley North, Morley South, Kippax and Methley, Pudsey		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

1. Leeds City Council has a statutory duty to ensure the sufficiency of school places. The Basic Need programme represents the Council's response to the demographic pressures in primary school provision. Through this programme it has approved over 900 new reception places since 2009. The pace of the programme is accelerating and papers will continue to be brought to Executive Board to increase provision across the city. Under the Education and Inspections Act 2006 proposals to expand school provision constitute prescribed alterations requiring a statutory consultation process.
2. In February 2013 the Executive Board gave permission to consult on a further five statutory proposals to create additional reception places for September 2014 and a further proposal to lower the age range of Hollybush Primary School. Part A of this report presents the outcome of statutory consultation on these proposals and seeks permission to publish statutory notices.
3. Part B of this report seeks permission to consult on proposals for expanding primary provision in September 2015. The first step in the process is a public consultation,

which would run from 3 June 2013 to 12 July 2013. This report asks for permission to begin this consultation.

4. These proposals form part of the ongoing work to address capacity and sufficiency across all of Children's Services, which includes provision for primary and secondary school places, early years, as well as specialist provision. It includes the impact of underlying demographic growth, as well as the core housing strategy. Further papers will be brought forward in 2013 to address the emerging sufficiency issues. These proposals form part of the Council's Basic Need Programme that embeds the 'one council' approach that has achieved shared ownership of proposed solutions.

## **Recommendations**

### **Part A**

Executive Board is asked to:

- Approve the publication of a statutory notice for the expansion of Allerton Bywater Primary School from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2014;
- Approve the publication of a statutory notice for the expansion of Asquith Primary School from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2014;
- Approve the publication of a statutory notice for the expansion of Morley St Francis Catholic Primary School from a capacity of 154 pupils to 210 pupils with an increase in the admission number from 22 to 30 with effect from September 2014;
- Approve the publication of a statutory notice for the expansion of East Ardsley Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2014;
- Approve the publication of a statutory notice for the expansion of Robin Hood Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2014;
- Approve the publication of a statutory notice to lower the age range of Hollybush Primary School from 5 to 11 to 3 to 11.

### **Part B**

- Give permission to consult on the expansion of Pudsey Primrose Hill Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2015;
- Give permission to consult on a linked proposal to expand Guiseley Infant and Nursery School from a capacity of 270 pupils to 420 pupils and raise the age range from 3 to 7 to 3 to 11 with effect from September 2015;

- Give permission to consult on a linked proposal to expand St Oswald's Church of England Junior School from a capacity of 360 pupils to 420 pupils and lower the age range from 7 to 11 to 5 to 11 with effect from September 2015.

## **1 Purpose of this report**

- 1.1 This report contains details of proposals brought forward to meet the local authority's duty to ensure sufficiency of school places. The report is divided into two parts - Part A describes the outcome of the public consultation on the expansion of primary provision across the city for September 2014, and makes recommendations for the next steps for each of the proposals and Part B seeks permission to commence public consultation on proposals for the expansion of primary provision in the city from September 2015.

## **2 Background information**

- 2.1 At its meeting on 15 February 2013 the Executive Board considered a report requesting permission to consult on five proposals for the expansion of existing primary provision in 2014 and a proposal to lower the age range of Hollybush Primary School, and approved those consultations. These proposals were brought forward as part of a range of measures to ensure the authority meets its statutory duty to ensure sufficiency of school places. Under the Education and Inspections Act 2006 the proposals described in part A and part B of this report constitute prescribed alterations requiring a statutory process.
- 2.2 Subject to Executive Board approval, the expansion proposals for 2014 would be followed by the publication of a statutory notice before a final decision is made.
- 2.3 These proposals form part of the ongoing work to address capacity and sufficiency across all of Children's Services, which includes provision for primary and secondary school places, early years, as well as specialist provision. It includes the impact of underlying demographic growth, as well as the core housing strategy. Further papers will be brought forward in 2013 to further address the emerging sufficiency issues.

## **3 Main issues**

### **Part A – Outcome of consultation on proposals for the expansion of primary provision in 2014**

- 3.1 The consultation was conducted from 25 February 2013 to 29 March 2013 and from 25 February to 12 April 2013 in respect of Hollybush Primary School. This is in line with government guidance and local practice, and all ward members were consulted during the formal consultation period. A number of public meetings and drop-in sessions were held, and information was distributed widely, including through schools, early years providers and websites, post offices, libraries, doctors surgeries and area management officers. A summary of the issues raised follows and the public meeting notes and additional analyses referred to can be found at [www.leeds.gov.uk](http://www.leeds.gov.uk) or, along with the responses received, can be requested from the capacity planning and sufficiency team at [educ.school.organisation@leeds.gov.uk](mailto:educ.school.organisation@leeds.gov.uk).
- 3.2 **Proposal one. Expansion of Allerton Bywater Primary School** from 210 to 420 places, by increasing the admission number from 30 to 60 with effect from September 2014.

- 3.3 Rising demographics and house building in the area has resulted in pressure for places in the Lower Aire Valley, particularly around Allerton Bywater Primary School. The school admitted over their admission number in September 2012 and have also agreed to admit an additional reception cohort of up to 30 in September 2013 to manage the immediate need for school places. This arrangement is totally independent of the proposal for permanent expansion.
- 3.4 During the consultation phase, 9 written responses were received, 3 in favour and 6 against. The governing body and the Brigshaw Trust, of which the school are part, are fully supportive of the proposal. The following issues were raised in the responses received and in the meetings:
- 3.5 **Concern:** The physical size of the school, and the impact this would have on existing external space.
- 3.6 **Response:** A viability study has been carried out to determine whether or not the school could be expanded. This study does not set out detailed designs at this stage but is intended to provide sufficient confidence that a feasible solution exists. The study concluded that any expansion to this site could be managed within the existing school boundary. It is local and national planning policy that existing protected play space be retained or re-provided elsewhere on the site. It is anticipated that disruption whilst any building work is taking place would be minimal and could be managed with minimal impact on existing pupils.
- 3.7 **Concern:** That this expansion may not be enough to cope with the additional housing being built in the area.
- 3.8 **Response:** The viability study concluded that the physical constraints of the site and the associated impact of increased traffic limit the potential expansion of the school to 2 forms of entry. The proposal has been developed to cater for the children already living in the area, plus any housing developments that are currently under construction, including the millennium village development. At this stage, the expansion will be sufficient based on current information, however, the situation will continue to be closely monitored.
- 3.9 **Concern:** That the expansion will bring increased traffic and more cars parking on the main road outside of the school, thus risking the safety of the pupils.
- 3.10 **Response:** As part of any proposal, Children's Services works closely with the Highways department who analyse the current and potential traffic issues that an expansion of this size would create. They are then commissioned to design any traffic calming and control that may be required to support an increase in traffic to the site. Any changes to access to the school would be formalised through the planning application process. The school are also pro-active in tackling this issue, including posting articles in the school newsletter. Parking attendants also patrol the area and have been issuing tickets for illegal parking.
- 3.11 **Proposals two and three. To expand Asquith Primary School and St Francis Catholic Primary School, Morley.** Previous reports have indicated pressure in the Morley area and there are currently more under 5s living here than there are places available. Morley Newlands Primary School has been the

subject of previous consultation and statutory notice and will expand to three form entry in September 2013.

- 3.12 **Proposal two. Expansion of Asquith Primary School** from a capacity of 210 to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2014.
- 3.13 The school admitted an extra 30 pupils into reception in September 2012, and have agreed to admit an additional reception cohort of 30 in September 2013. This arrangement is totally independent of the proposal for permanent expansion.
- 3.14 23 responses were received. 13 in favour, 9 against and one was neutral. The governing body are fully supportive of the proposal. The following issues were raised in the responses received and in the meetings:
- 3.15 **Concern:** That the footpath on the perimeter of the school may need to be re-routed and that it may run alongside neighbouring properties. Some respondents felt that the public right of way should be closed except for access to the school. Other local residents were concerned that public open space would be built on, affecting their properties value/views.
- 3.16 **Response:** The focus of consultation is to determine view on the expansion of the school, the creation of additional places at the school rather than the detail of the building design.
- 3.17 The detailed design work has not yet been carried out. The viability study that has been completed demonstrated that the expansion of the school is not dependent on changes to the footpath, and a number of different options to expand the school are available. A separate public consultation process would be required to re-route or close a public right of way. Local and national planning policy prohibits the development of public open space unless appropriate replacement space or measures to mitigate the loss are provided.
- 3.18 **Concern:** That the design of the existing building and the site it sits on are inappropriate for expansion, and that additional non – teaching space such as hall, kitchen, play space would be needed as well as extra classrooms.
- 3.18 **Response:** Whilst detailed design work has not yet been carried out; any expansion would meet the minimum statutory space requirements for a two form entry school. A viability study has been completed and it concluded that it is possible to expand the school on its existing site. Children’s Services would work alongside the school during the design development to ensure that needs specific to the site and the pupils and staff who use it are addressed.
- 3.19 **Concern:** That the building work would cause disruption.
- 3.20 **Response:** Council officers are experienced in expanding operational schools with minimum disruption. The safety of the children, staff, parents and local residents are paramount, and all health and safety guidelines would be followed.



- 3.21 **Concern:** That increasing the size of the school would mean the small family ethos would be lost.
- 3.22 **Response:** The school has grown since it admitted its first 12 pupils in the first year, and is now part of the community. The Head Teacher, leadership team and governing body are confident that they would be able to retain the welcoming family ethos of the school and that the school would maintain its key values regardless of the number of pupils on roll.
- 3.23 **Concern:** That the increase in the birth rate was not anticipated ten years ago and that the same situation may occur in ten years' time.
- 3.24 **Response:** The birth rate has risen over the last 10 years, from 7784 births in the academic year 2001/2 to 10350 in 2011/12. The expansion of existing schools rather than building new ones allows for more flexibility to cope with demographic change. The impact of new housing is also taken into account. The Capacity Planning team monitor new developments and work closely with the Planning Department to plan for this. The focussed Basic Need programme provides a more robust overview of demographic change, and as part of this, further proposals will be brought forward as appropriate to address any further pressure.
- 3.25 **Concern:** That expanding the school will mean an increase in the volume of traffic entering the area to drop off pupils.
- 3.26 **Response:** Potential traffic and highways issues are discussed at an early stage and throughout the design development with the Highways department, who are commissioned to design and deliver any necessary improvements to the local infrastructure. The impact of the school expansion would be considered alongside other local area pressures within the design that is approved through the planning process. Initial discussions with Highways suggest that these issues would not be a barrier to the proposal proceeding.
- 3.27 **Concern:** Morley North Children's Centre, which shares its site with Asquith Primary School have expressed concerns that the proposed expansion will cause disruption for the families who use the centre, have an impact on space for the centre in the future and that services may have to be run from alternative venues.
- 3.28 **Response:** The Council would work closely with all existing building and site users to ensure that disruption is minimised and services unaffected. There are no plans to permanently decrease the size of spaces that are currently available for Children's Centre use.
- 3.29 **Proposal three: to expand St Francis Catholic Primary School Morley** from a capacity of 154 to 210 pupils with an increase in the admission number from 22 to 30 with effect from September 2014. The expansion would better facilitate the management of classes within the school and contribute to meeting the need for increased demographics in the area. The governing body brought forward the proposal and the catholic diocese are supportive of expansion of the school. 12 written responses have been received, 6 in favour and 6 against.

- 3.30 **Concern:** One person attended the public meeting and was concerned that the expansion would result in larger class sizes in older year groups, as the new reception children could potentially bring older siblings with them.
- 3.31 **Response:** The school would increase its capacity from reception upwards and it would therefore take seven years for the school to reach its full capacity. However, it is possible that extra children could enter the higher year groups. This would be for the Head Teacher to agree and manage. In terms of infant classes, legislation currently states that classes may have a maximum of 30 children, unless exceptions are made, reception, year 1 and year 2 would not have classes of more than 30.
- 3.32 **Proposals four and five: To expand East Ardsley Primary School and Robin Hood Primary School.** Demand for places across the Ardsley/Tingley and Rothwell planning areas has been under review for some time. In Ardsley/Tingley in particular, whilst birth data indicates that there are sufficient places for children living in the planning area, the impact of new housing combined with preference data indicates that the creation of an additional 30 places across the two planning areas would provide the flexibility required to be able to manage the admissions system, offer choice and diversity to parents and prepare for the impact of planned new housing.
- 3.33 **Proposal four: To expand East Ardsley Primary School** from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2014.
- 3.34 The school have agreed to admit an additional reception cohort of 15 for September 2013 to meet local demand. This arrangement is totally independent of the proposal for permanent expansion.
- 3.35 18 written responses were received, 9 in favour and 9 against. The school's governing body fully support the proposal. There has been broad support from parents and staff, particularly because the expansion to 2FE would mean that future classes would be single age, as opposed to mixed year groups, which is currently the case.
- 3.36 **Concern:** That the expansion would undermine other schools in the area, for example Thorpe Primary School, and that this would result in a lack of choice for parents.
- 3.37 **Response:** Birth data and house building in the area suggests that there will be continuing demand for places in the near future, which will ensure that other local schools are not undermined. A number of local schools were considered for expansion, including Thorpe Primary School, and viability studies carried out concluded that expansions at both East Ardsley and Robin Hood Primary Schools presented lower risks than other schools under consideration, and would also allow both of these schools to move from mixed age to single age classes.
- 3.38 A small surplus of places is also needed to allow some flexibility in the system and to ensure that families moving into the area during the school year can gain

a place at their local school. Providing more places in the East Ardsley area will increase choice for parents. Having allocated an additional 15 children to East Ardsley for September 2013 it should be noted that Thorpe has also been allocated a full reception class, and have a number of first preferences that have been refused.

- 3.39 **Concern:** That play space will be lost and that a larger hall/kitchen will be required.
- 3.40 **Response:** There is sufficient play space within the existing site to ensure that minimum standards for external space can be provided. Whilst the detailed design work has not yet been carried out, it appears likely that a relatively small extension to the existing building at most would be required; therefore ensuring minimal impact on external space. The existing hall is the required size for a 2 form entry school. The Head teacher and leadership team would determine the most appropriate arrangements for managing the school day e.g. lunch and play times.
- 3.41 **Concern:** That any building work will cause disruption.
- 3.42 **Response:** Part of the expansion would involve some internal remodelling of the existing building, which would potentially be carried out during the school holidays. Any other works would be carried out whilst ensuring all health and safety standards are met. Council officers have a wealth of experience in working around operational schools.
- 3.43 **Concern:** That the school is a PFI school, therefore the expansion would not provide value for money for the authority.
- 3.44 **Response:** The proposal has been brought forward to address the need for places in the area; and at this stage, and following viability studies carried out at other local schools, the proposal is considered to provide value for money. Experience of expanding PFI schools elsewhere in the city has shown that the capital building cost is not impacted by PFI status.
- 3.45 **Proposal five: Expansion of Robin Hood Primary School** from 315 to 420 places, by increasing the admission number from 45 to 60 from September 2014.
- 3.46 There were 78 written responses. 23 in favour of the proposal and 55 against. The governing body fully support the proposal conditional upon an appropriate building solution being identified. There has been broad support from parents and staff, particularly because the expansion to 2FE would mean that future classes would be single age, as opposed to mixed year groups, which is currently the case. Parents and staff also felt that the expansion would bring the benefits of the excellent education provision at the school, to more children, particularly those who live locally, but would not be able to gain a place should the proposal not go ahead.
- 3.47 The following issues were raised in the responses received and in the meetings:

- 3.48 **Concern:** That the expansion of the school would have a detrimental effect on other schools in the area, namely Rothwell Primary School. The Head Teacher, Governing Body and parents of Rothwell Primary School expressed concerns that they were not consulted before the proposal was put forward, and that the proposal would undermine their school. They also felt that there are already sufficient school places in the Rothwell/Robin Hood/Woodlesford area. Similar concerns were also been expressed by Thorpe Primary School. Rothwell Primary School Governing Body also expressed the wish to also be considered for expansion.
- 3.49 **Response:** It is important to note that the expansion of Robin Hood Primary School has been brought forward to ensure that there are sufficient places for those for whom the school is their nearest, and to accommodate extra children potentially generated by a new housing development next to the school. The data demonstrates that whilst there are sufficient places in the wider Rothwell area as a whole, the area is made up of distinct communities, and that in the case of Robin Hood, there are more children living near the school than there are places. The proposal seeks to provide local places for local children.
- 3.50 Preference data also indicates that very few children who have Robin Hood as their nearest choose to attend Rothwell or Thorpe primary schools and it is not anticipated that the expansion of Robin Hood would undermine those schools.
- 3.51 The consultation process is the opportunity to bring forward a proposal and seek the views of a wide range of stakeholders. This is the opportunity to discuss and debate the merits of a particular proposal. The details of the proposal being brought forward was shared with all schools in the area before the public consultation period commenced.
- 3.52 In the case of Rothwell Primary School, whilst it has available land on site on which to expand and has drop off arrangements for parents/carers, demographics indicate that it does not have a high number of children living nearest to the school.
- 3.53 Local demographics, the provision of local places for local children and the reduction in the journey to school are key drivers in determining which proposal to bring forward. Should additional place be required in a Rothwell school, these factors would be taken into account in developing a proposal. The situation in that area will continue to be monitored.
- 3.54 **Concern:** A number of respondents, both at the public meeting and in written responses have raised concerns that the current site is not big enough to accommodate an enlarged school, and that any expansion would limit the amount of play space and dining/hall facilities. Some felt that potential changes to the school day, such as staggered play and dinner times would be detrimental.
- 3.55 **Response:** A viability study has been undertaken on the site and has concluded that the site, whilst challenging, is sufficiently large to accommodate the expanded school. Additional classrooms would be provided, and although no detailed design work has yet been carried out, minimum standards will be met in terms of play and hall space. An appropriate building solution which will enable

the school to maintain its ethos is an important caveat to the governing body's support.

- 3.56 As the statutory process is separate to the design process and planning approval requires separate consultation; it is not possible to provide assurances beyond the fact that the Council will work closely with the school governing body throughout the process of design development to ensure that their needs and concerns are fully considered and addressed. Play times are currently split and this may need to continue, along with other changes to the school day, however, most larger schools in the city already operate staggered break times and assemblies and this does not cause disruption to the school day.
- 3.57 **Concern:** That the expansion would result in increased traffic on an already busy road and create additional dropping off and parking issues.
- 3.58 **Response:** It is recognised that traffic and highways issues are a challenge for this particular proposal; however, early advice received from the Highways Department has indicated that these issues would not be a barrier to the expansion of the school. The building design would be subject to a separate planning process, and Highways have been commissioned to design and deliver an appropriate response to the potential issues. It must also be noted that this proposal is designed to accommodate children living near to the school i.e. within walking distance, thus minimising any traffic impact. Measures to alleviate any increase in traffic may include a reduction in the speed limit outside the school.
- 3.59 **Concern:** That the building work will cause disruption to teaching and learning.
- 3.60 **Response:** The building project would be managed by specialist Council officers who have extensive experience in managing projects around operational schools. Every possible measure would be undertaken to ensure that the work has no detrimental impact on the education or working environment of the pupils or staff.
- 3.61 **Concern:** That the before and after school club will be too small to cater for the potential increase in parents requiring this facility.
- 3.62 **Response:** The sufficiency of nursery and before and after school provision is currently being reviewed across the city, and work is being undertaken to identify and address areas where there is pressure for such provision.
- 3.63 **Proposal six: to lower the age range of Hollybush Primary School** from 5 to 11 to 3 to 11 from September 2014. Since September 2011, the school have taken responsibility for the leadership and management of the delivery of nursery education provision delivered on the school site. The provision is established as a 52 place nursery and has operated since September 2004. The proposal to lower the age range of the school would formalise these arrangements.
- 3.64 The public meeting was not well attended and one written response was received, strongly agreeing with the proposal. The respondent felt that the proposal would send out a positive message about the school and that it would

result in more joined up childcare for parents, potentially improving access to work.

## **Part B – Permission to consult on proposals for the expansion of primary provision in 2015**

- 3.65 Under the Education and Inspections Act 2006 these proposals constitute prescribed alterations requiring a statutory consultation process, of which the first step is public consultation, which would run from 3 June 2013 to 12 July 2013. Depending on the issues raised, approval could be sought to proceed to the statutory notice stage in the autumn of 2013 and to a final decision in the spring of 2014.
- 3.66 **Proposal one: expansion of Pudsey Primrose Hill Primary School.** Increased demographics as well as the impact of new housing means that one form of entry is required in the area from September 2015.
- 3.67 As well as an increase in the birth rate over the last four years, Pudsey schools have also historically drawn children from surrounding areas, namely Bramley, Armley and Farsley. One form of entry would provide the additional capacity required and allow some flexibility to be able to manage the admissions system, and offer choice and diversity to parents.
- 3.68 Work has been carried out to interrogate the existing school estate in the Pudsey area to determine viable options for expansion, and this work has been taken into account when bringing forward these proposals.
- 3.69 **Proposal one: to expand Pudsey Primrose Hill Primary School** from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2015. The expansion of this school would provide an additional 15 places in an area of Pudsey where there is particular demand for places. The school has taken additional children into reception over the last four years.
- 3.70 Expanding the school from 1.5 to 2 forms of entry would also bring the opportunity to establish single age classes and deliver a more efficient revenue structure for the school. The governing body have also expressed their support to begin consultation.
- 3.71 **Pudsey St Joseph’s Catholic Primary School.** The Catholic Diocese have indicated the need for additional places for baptized children in the area; the governing body of St Joseph’s are therefore seeking to create an additional 10 places at the school and the governing body will be bringing forward a proposal to increase their capacity of 210 pupils to 280 pupils with an increase in the admission number from 30 to 40 with effect from September 2015. The school is an academy and the proposal is complimentary to the one to increase Primrose Hill. The proposal is included here for completeness and provides an overview of provision in the Pudsey area.
- 3.72 **Proposals two and three: linked proposals to raise the age range and expand Guiseley Infant and Nursery School and lower the age range and**

**expand St Oswald's Church of England Junior School.** Previous reports have identified a shortage of places in the Guiseley area, where birth rates are rising year on year. House building in the area has also added to the underlying demographic pressure, which has resulted in the need for an additional form of entry. A report to the December 2012 Executive Board recommended that a previous proposal to expand Tranmere Park Primary School from September 2014 was paused to allow further work to be carried out in the area. Whilst there was support from the school's governing body and some of the local community, there were also a significant number of objections to the proposal, which led to the need to explore possible alternatives for Guiseley.

- 3.73 In response to this, individual and joint meetings of the governing bodies of Guiseley Infant and Nursery School and St Oswald's Church of England Junior School have taken place. As a result, permission is sought to consult on creating two 2 form entry primary schools by raising the age range of the infant school, lowering the age range of the junior school and physically expanding both schools. These proposals must be treated as linked proposals as one cannot happen without the other.
- 3.74 **Proposal two:** expand **Guiseley Infant and Nursery School** from a capacity of 270 pupils to 420 pupils and raise the age range from 3 to 7 to 3 to 11 with effect from September 2015. The governing body of the school support the move to consultation on expansion.
- 3.75 **Proposal three:** expand **St Oswald's Church of England Junior School** from a capacity of 360 pupils to 420 pupils and lower the age range from 7 to 11 to 5 to 11 with effect from September 2015. This proposal is being brought forward by the governing body and the local authority, as in this case, only the governors can propose lowering the age range of the school. The governing body of the school support the move to consultation on expansion.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The consultation in relation to part A of the report has been managed in accordance with all relevant legislation and local practice. Ward members in all wards city wide were formally consulted at the public consultation stage, both individually, and through area committees to ensure awareness of all proposals city wide and improved understanding of the impact of proposals in neighbouring areas. Several members of Allerton Bywater Parish Council attended the public consultation meeting in respect of the Allerton Bywater proposal and provided feedback on the proposal. As far as future proposals are concerned, arrangements will be put in place to ensure that parish councils are formally notified of proposals at the start of the consultation process.
- 4.1.2 The consultation process in respect of proposals to expand primary provision in 2015 will be carried out in line with good practice and in accordance with relevant legislation. Drop in sessions will continue to be offered alongside public meetings where appropriate.

4.1.3 All respondents are routinely asked for their views on how the consultation process can be improved. The issues raised during the consultation for the 2014 proposals are summarised in Appendix 2. Following feedback from previous consultations, informal drop in sessions were held at the beginning or end of the school day in addition to the public meetings. Where possible, the consultation was also communicated through local community groups to ensure a wider knowledge of the proposals and associated meetings.

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

4.2.1 Equality Impact Screening forms have been completed in relation to part B of this report (three proposals for expansion in 2015) and are attached. Screening forms for the five proposals for expansion and the proposal to lower an age range in 2014 (part A of the report) have previously been completed and published as part of a report to the Executive Board in February 2013, therefore, they are not attached to this report.

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

4.3.1 The proposals are being brought forward to meet the Council's statutory duty to ensure there are sufficient school places. Providing places close to where children live allows improved accessibility to local and desirable school places, and thus reduces the risk of non-attendance.

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

4.4.1 **Part A** - The high level estimated cost of delivery of the proposals is £5.7m which will be funded through the education capital programme. Feasibility studies have been commissioned at risk for all projects and the outcomes of this are expected during early summer 2013. Early highways design work has commenced with the outcomes of this also expected during autumn 2013.

4.4.2 In addition, section 106 funding has been secured in respect of housing developments in the vicinity of several of the proposed schools. This amounts to £435,719 in Ardsley/Tingley, and £414,451 in Morley. This will contribute to the overall funding of these projects.

4.4.3 **Part B** - The high level estimated cost of delivery of the proposals excluding the expansion at Pudsey St Josephs' is £4.84m which will be funded through the education capital programme. Feasibility studies will be commissioned at risk for all projects and the outcomes of this are expected during autumn 2013. Early highways design work will commence alongside the feasibility studies with the outcomes of this expected during late autumn/winter 2013.

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

4.5.1 The changes described in the proposals constitute prescribed changes under the Education and Inspections Act 2006. The consultations have been, and will be, managed in accordance with that legislation and with local practice.

#### 4.6 **Risk Management**



- 4.6.1 A detailed risk register has been established and will be maintained for each project. It is necessary to progress feasibility design work at risk during the public consultation stage; however the decision to proceed to detailed design stages will be dependent on approval to progress to the latter stages of the statutory process. Therefore any delay to the statutory process will increase the risk of delayed delivery of the building solution or financial risk of abortive design fees being incurred.
- 4.6.2 The risk of objections through the planning process will be mitigated by engaging in early and detailed discussions with colleagues in City Development. These have commenced for proposals within Part A.
- 4.6.3 In recognition of the concerns raised during the public consultation stage, highways design work has commenced at risk such that an agreed solution can be submitted as part of the planning application for each school.

## **5 Conclusions**

- 5.1 **Part A:** The issues raised in consultation have been considered, and on balance, the proposals for the expansion of five primary schools, and the proposal to lower the age range of Hollybush Primary School from September 2014 remain strong ones, which address sufficiency needs in their immediate areas. The issues raised regarding the detailed design have been noted and commented upon in the report and would be addressed further should the proposals be progressed at detailed stage through the planning process.
- 5.2 Whilst concerns were raised during the consultation phase, in particular in relation to the expansion of Robin Hood Primary School regarding the potential impact upon schools in the Rothwell area, the proposal was brought forward to manage increased demand for local places for local children at a popular and outstanding school and it is still felt to be a strong proposal. .
- 5.3 There has been broad support during the public consultation for all of the proposals, and although there are a number of challenges presented by each, it is believed that these can be addressed.
- 5.4 **Part B:** The proposals for increasing primary provision in 2015 form part of the authority's ongoing planning to meet the need for school places. This work involves other council directorates to ensure holistic planning and best use of corporate assets.

## **6 Recommendations**

### **Part A**

- 6.1 Executive Board is asked to:
- Approve the publication of a statutory notice for the expansion of Allerton Bywater Primary School from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2014;

- Approve the publication of a statutory notice for the expansion of Asquith Primary School from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2014;
- Approve the publication of a statutory notice for the expansion of Morley St Francis Catholic Primary School from a capacity of 154 pupils to 210 pupils with an increase in the admission number from 22 to 30 with effect from September 2014;
- Approve the publication of a statutory notice for the expansion of East Ardsley Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2014;
- Approve the publication of a statutory notice for the expansion of Robin Hood Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2014;
- Approve the publication of a statutory notice to lower the age range of Hollybush Primary School from 5 to 11 to 3 to 11.

## **Part B**

- Give permission to consult on the expansion of Pudsey Primrose Hill Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2015;
- Give permission to consult on a linked proposal to expand Guiseley Infant and Nursery School from a capacity of 270 pupils to 420 pupils and raise the age range from 3 to 7 to 3 to 11 with effect from September 2015;
- Give permission to consult on a linked proposal to expand St Oswald's Church of England Junior School from a capacity of 360 pupils to 420 pupils and lower the age range from 7 to 11 to 5 to 11 with effect from September 2015.

## **7 Background documents<sup>1</sup>**

7.1 There are no background documents to this report.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

# Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

<b>Directorate:</b> Children’s Services	<b>Service area:</b> Capacity Planning and Sufficiency
<b>Lead person:</b> Rosie Fluin	<b>Contact number:</b> 2475793

**1. Title:**  
Pudsey Primrose Hill Primary School

Is this a:

**Strategy / Policy**
                 
  **Service / Function**
                 
  **Other**

**If other, please specify**  
 Proposal to expand the school from a capacity of 315 pupils to 420 pupils with an increase in the admission number of 45 to 60 with effect from September 2015

**2. Please provide a brief description of what you are screening**

To increase the reception intake at Pudsey Primrose Hill Primary School, from 45 places to 60 places, increasing the school’s capacity from 315 to 420, from September 2015. This will involve physically expanding the school.

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### 3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul>		X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

#### 4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

• **How have you considered equality, diversity, cohesion and integration?**  
(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The proposal is to increase the number of places at Pudsey Primrose Hill Primary School. The demographics of the area were considered when working up the proposal, such as the number of under 5's living nearest the school, parental preference trends, and projections, and it was concluded that additional capacity is required. The types of schools in the area were also considered, to ensure we adhere to our legal duty of ensuring parents are offered choice and diversity.

We will be consulting with those affected on this proposal in June/July 2013, including parents and prospective parents, governors and staff of the school and nearby schools, the Diocese, Councillors, MPs and local residents. Typically, respondents raise issues regarding the size of the proposed school, traffic and highways issues, and the reasons why the school has been selected.

• **Key findings**  
(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

Age – a further 15 reception places will be created in the Pudsey area. If the proposal is agreed, the school will grow from reception upwards over a period of 7 years.  
Disability – any new accommodation will meet DDA guidelines.  
Positive impact on ensuring we promote choice and diversity.

• **Actions**  
(think about how you will promote positive impact and remove/ reduce negative impact)

If the proposal is taken forward, the extra places at Pudsey Primrose Hill will be made available in reception from September 2015, parents will therefore have the option of applying for these places or choosing alternative schools.

During the consultation period, all views and responses will be considered equally.

**5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.**

Date to scope and plan your impact assessment:	
--	--

Date to complete your impact assessment	
---	--

Lead person for your impact assessment (Include name and job title)	
--	--

**6. Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Liz Lowes	Senior Planning Manager	8 April 2013

**7. Publishing**

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

<b>Date screening completed</b>	8 April 2013
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<b>If relates to a Key Decision send to Corporate Governance</b>	8 April 2013
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<b>Any other decision please send to Equality Team (equalityteam@leeds.gov.uk)</b>	
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# Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

<b>Directorate:</b> Children's Services	<b>Service area:</b> Capacity Planning and Sufficiency
<b>Lead person:</b> Rosie Fluin	<b>Contact number:</b> 2475793

<p><b>1. Title:</b> Guiseley Infant School</p> <p>Is this a:</p> <p> <input type="checkbox"/> <b>Strategy / Policy</b>                                  <input type="checkbox"/> <b>Service / Function</b>                                  <input checked="" type="checkbox"/> <b>Other</b> </p> <p><b>If other, please specify</b> Linked proposal to expand Guiseley Infant School and raise the age range from September 2015.</p>
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<p><b>2. Please provide a brief description of what you are screening</b></p> <p>This is a linked proposal to expand Guiseley Infant School from a capacity of 270 pupils to 420 pupils and raise the age range from 3 to 7 to 3 to 11, from September 2015. This will involve physically expanding the school.</p>
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### 3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul>		X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.



#### 4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The proposal is to expand Guiseley Infant School and raise the age range so that the school becomes a two form entry primary school.

The demographics of the area were considered when working up the proposal, such as the number of under 5's living nearest the school, parental preference trends and projections, and it was concluded that more capacity is required. The types of schools in the area were also considered, to ensure we adhere to our legal duty of ensuring parents are offered choice and diversity.

We will be consulting with those affected on this proposal in June/July 2013, including parents and prospective parents, governors and staff of the school and nearby schools, the Diocese, Councillors, MPs and local residents. Typically, respondents raise issues regarding the size of the proposed school, traffic and highways issues, and the reasons why that school has been selected.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

Disability – any new accommodation will meet DDA guidelines  
Positive impact on ensuring we promote choice and diversity

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

During the consultation period, all views and responses will be considered equally.

#### 5. If you are **not** already considering the impact on equality, diversity, cohesion and

integration you <b>will need to carry out an impact assessment.</b>	
Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

<b>6. Governance, ownership and approval</b>		
Please state here who has approved the actions and outcomes of the screening		
<b>Name</b>	<b>Job title</b>	<b>Date</b>
Liz Lowes	Senior Planning Manager	10 April 2013

<b>7. Publishing</b>	
This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.	
Please send a copy to the Equality Team for publishing	
<b>Date screening completed</b>	8 April 2013
<b>If relates to a Key Decision send to Corporate Governance</b>	
<b>Any other decision please send to Equality Team (equalityteam@leeds.gov.uk)</b>	

# Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

<b>Directorate:</b> Children's Services	<b>Service area:</b> Capacity Planning and Sufficiency
<b>Lead person:</b> Rosie Fluin	<b>Contact number:</b> 2475793

**1. Title:**  
St Oswald's Church of England Junior School, Guiseley

Is this a:

**Strategy / Policy**
                 
  **Service / Function**
                 
  **Other**

**If other, please specify**  
Linked proposal to expand the school and lower the age range.

**2. Please provide a brief description of what you are screening**

This is a linked proposal to expand St Oswald's Church of England Junior School from a capacity of 360 pupils to 420 pupils, and lower the age range from 7 to 11 to 5 to 11, from September 2015.

This will involve physically expanding the school.

### 3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	X	
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul>		X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

#### 4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

• **How have you considered equality, diversity, cohesion and integration?**  
(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The proposal is to increase the number of places and lower the age range at St Oswald's Church of England Junior School to create a two form entry primary school. This will mean there will be more faith based school places in the Guiseley area.

The demographics of the area were considered when working up the proposal, such as the number of under 5's living nearest the school, parental preferences, and projections. It was concluded that more capacity is required. Work has also been undertaken to look at the other schools in the area to ensure we adhere to our legal duty to promote choice and diversity.

We will be consulting with those affected on this proposal in June/July 2013, including parents and prospective parents, governors and staff of the school and nearby schools, the Diocese, Councillors, MPs and local residents. Typically, respondents raise issues regarding the size of the proposed school, traffic and highways issues, and the reasons the school has been selected.

• **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The increase in the number of faith based places will potentially have a positive impact on the local community, as it will provide more choice for parents when considering schools for their children, however, some may feel that this will benefit a certain group (C of E) at the expense of other faith groups.

Age – a further 30 reception places will be created in the area from September 2015.  
Disability – any new accommodation will meet DDA guidelines.

• **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

If the proposal is taken forward, the extra places at St Oswalds will be made available in reception from September 2015, parents will therefore have the option of applying for these places or choosing alternative schools.

During the consultation period, all views and responses will be considered equally.

**5. If you are **not** already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.****

Date to scope and plan your impact assessment:

Date to complete your impact assessment

Lead person for your impact assessment  
(Include name and job title)

**6. Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Liz Lowes	Senior Planning Manager	8 April 2013

**7. Publishing**

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

Date screening completed

8 April 2013

If relates to a Key Decision send to Corporate Governance

Any other decision please send to Equality Team (equalityteam@leeds.gov.uk)

## Appendix 2 Consultation Improvements suggested

- Some consultees expressed the view that the consultation booklet should have been sent home to all families of children attending the schools affected by the proposals. This has been commented on in previous proposals and we have reviewed the cost of the production of additional booklets and carried out a cost benefit analysis. It was concluded that this would not be an effective use of public resources.
- Some local residents, particularly those living in new housing developments near East Ardsley Primary School, felt that the consultation meetings could have been advertised more widely around the local area. Others felt that there could have been better engagement with the local community. The meetings were advertised to local schools, children's centres, whose outreach workers distributed posters, and private early years providers, as well as in post offices, doctors surgeries, libraries and on the Council website. Other options have been explored, such as advertising in the local press, supermarkets and other suitable locations, but due to time constraints, could not be utilised, however, these options will be considered for future consultations.
- Some respondents commented on the lack of detailed design information available at the consultation meetings, and felt that they could not agree or disagree with the proposals without this information. Others commented that there was a lack of transparency as to what options in terms of the building design and location, were under consideration. There is a balance between the work required and the cost involved in developing detailed designs at the consultation stage before the decision is made to proceed. However, it is acknowledged that this may cause people to feel that they cannot make an informed response. There are further opportunities for the community to comment during the planning application stage, and we will endeavour to ensure there is sufficient pre-application involvement with ward members and the local community in the future.
- Two respondents felt that the public consultation period was too short. The statutory guidance regarding prescribed alterations to a school states that public consultation **must** be undertaken for a minimum of 4 weeks. Wherever possible we seek to consult over a period of 6 weeks, however in this case due to school holidays, the consultation period for this round was shortened to 5 weeks.

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## Report of Head of Governance Services

### Report to Executive Board

**Date: 8<sup>th</sup> May 2013**

### **Subject: Executive and Decision Making Procedure Rules**

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 checked="" type="checkbox"/> Yes	<input 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. In May 2012 the Council adopted new Executive and Decision Making Procedure Rules bringing together all aspects of the executive decision making process set out within the Council's constitution.
2. In August 2012 the Secretary of State for Communities and Local Government enacted the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which came into force on 10<sup>th</sup> September 2012.
3. Following consultation with General Purposes Committee, Head of Governance Services took steps to ensure that practice within the Council was compliant with the 2012 Regulations.
4. As part of the Annual Review of the Constitution it is timely now to amend the procedures to reflect both the 2012 Regulations and the arrangements that were put in place by the Head of Governance Services. This report introduces amendments to the Executive and Decision Making Procedure Rules, attached as Appendix A to this report, which are intended to ensure that this practice and procedure is adequately reflected in the Council's Constitution.

### Recommendations

5. Executive Board are requested to approve Rules 1.1 to 1.4, 2.1 and 3.1 of the proposed amended Executive and Decision Making Procedure Rules set out in Appendix A attached.

## **1 Purpose of this report**

- 1.1 This report introduces amendments to the Executive and Decision Making Procedure Rules which are intended to reflect the Council's practice and procedure in relation to executive decision making, as amended in light of the enactment of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **2 Background information**

- 2.1 At the Executive Board meeting of 16<sup>th</sup> May 2012 and the Annual Meeting of Council of 21<sup>st</sup> May Council 2012, the Executive and Decision Making Procedure Rules were adopted. These rules brought together the various provisions relating to the making of executive decisions, previously dispersed throughout the Council's constitution.
- 2.2 On 10<sup>th</sup> August 2012, the Secretary of State for Communities and Local Government made the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, (the 2012 Regulations) which govern the making of executive decisions.
- 2.3 At its meeting of 30<sup>th</sup> August 2012 the General Purposes Committee were invited to consider the implications of the 2012 Regulations, and noted the intention of the Solicitor to the Council to amend the Constitution to give effect to the Regulations and to the Council's current practice in respect of executive decision making.

## **3 Main issues**

- 3.1 Following the consultation with the General Purposes Committee on 30<sup>th</sup> August 2012, the Head of Governance Services has taken steps to ensure that the Council's practice reflects the requirements set out in the 2012 Regulations. In addition the Head of Governance Services has offered full briefings in relation to the changes to all Directorate Management Teams, together with update briefings made available to all officers involved in the decision making process.
- 3.2 As part of the Annual Review of the Constitution the Head of Governance Services now proposes that the Executive and Decision Making Procedure Rules should be amended to read as set out in Appendix A attached, giving a clear account of the executive decision making practice and procedure adopted by Leeds City Council in accordance with the 2012 Regulations.
- 3.3 In accordance with the 2012 Regulations the proposed Executive and Decision Making Procedure Rules provide for:-
- Notification of meetings at which exempt or confidential information is to be considered at both 28 and 5 days prior to the meeting.
  - Inclusion of proposed Key Decisions are in the List of Forthcoming Key Decisions for 28 days prior to being taken. (This replaces the previous Forward Plan arrangement.)

- Publication of the intention to take a Key decision 5 clear working days in advance of the decision, which although no longer required by the 2012 Regulations was requested by General Purposes Committee.

3.4 As the Executive and Decision Making Procedure Rules bring together the previous Executive Procedure Rules, which were within the remit of the Executive Board and provisions from other procedure rules within the remit of Full Council, the approval of these rules is divided between Executive Board and Full Council.

3.5 Executive Board are requested to approve those items contained within rules 1.1 to 1.4, 2.1 and 3.1. General Purposes Committee will be requested to recommend approval of the remaining rules to Full Council at its meeting on 20<sup>th</sup> May 2013.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The General Purposes Committee were consulted upon enactment of the 2012 regulations and their comments taken into account in the variation of practice to meet the requirements of those regulations, whilst maintaining what was considered to be best practice within the authority.

4.1.2 More recently the Corporate Leadership Team have been invited to comment on the proposed new Executive and Decision Making Procedure Rules.

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

4.2.1 There are no implications in relation to the proposed new rules.

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

4.3.1 The Council's Business Plan 2011 – 2015 sets out the Council's priorities in delivering services to the public over that period. Particularly the priorities and performance measures for Corporate Directorate require that we "Ensure there are good rules and procedures to govern the council's business".

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

4.4.1 The controls in place on decision making enable Members to scrutinise decisions to ensure value for money. The new rules retain provisions in relation to notification of proposed Key decisions which are no longer required by law following the 2012 Regulations, as Members indicated that these provisions were of value in their review of decision making within the authority.

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

4.5.1 Whilst practice and procedure has at all times been compliant with current legislation, these amendments ensure that the Council's Constitution accurately reflects that practice and procedure.

### **4.6 Risk Management**

4.6.2 There are no risks arising from this report.

## **5 Conclusions**

5.1 The amended Executive and Decision Making Procedure Rules set out at Appendix A to this report would ensure that the Council's Constitution contains an accurate reflection of the practice and procedure adopted by the authority in line with the 2012 Regulations.

## **5.2 Recommendations**

5.1 Executive Board are requested to approve Rules 1.1 to 1.4, 2.1 and 3.1 of the Executive and Decision Making Procedure Rules as set out at Appendix A attached.

## **6 Background documents<sup>1</sup>**

6.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

## EXECUTIVE AND DECISION MAKING PROCEDURE RULES

### 1. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

#### 1.1 Who may make executive decisions

The Leader may discharge any functions which are the responsibility of the Executive<sup>1</sup>; or may provide for executive functions to be discharged collectively by all Executive Members meeting as the Executive Board ; or by

- an individual Executive Member<sup>2</sup>;
- a committee of the Executive;
- an Area Committee;
- the Health and Wellbeing Board;
- joint arrangements;
- another local authority; or
- an officer.

#### 1.2 Appointment of Executive Members

The Leader will appoint a Deputy Leader and up to 8 additional Members of the Executive Board<sup>3</sup>. In addition the Leader may appoint Deputy Executive Members and Support Executive Members.

At the annual meeting of the Council, the Leader will present to the Council the names, addresses and wards of the Executive Members, and the names of any Members appointed as Deputy Executive Members and Support Executive Members<sup>4</sup>.

Subject to Article 7, the Leader may appoint Executive Members (and where a vacancy in office arises must appoint a Deputy Leader), Deputy Executive Members or Support Executive Members or remove them from this office at any time<sup>5</sup>. The Leader will report any such appointment or removal to the next ordinary meeting of the Council. The appointment or removal will take effect upon publication of the decision notice.

#### 1.3 Delegation of Executive Functions

At the annual meeting, the Leader will present to the Council a written record of executive delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader

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<sup>1</sup> Subject to any provisions made under Local Government Act 2000 in relation to the discharge of functions by area committees, another local authority or jointly).

<sup>2</sup> This does not currently take place in Leeds

<sup>3</sup> 'Executive Members'

<sup>4</sup> As detailed in Part 3 Section 3A of the Constitution.

<sup>5</sup> This decision will be recorded in accordance with Rule 4.2 but shall not be subject to Call In in accordance with Rule 5.1.2 of these rules.

## *Executive and Decision Making Procedure Rules*

will contain the following information about executive functions in relation to the coming year:

- the extent of authority of the Executive Board;
- the extent of any authority delegated to individual Executive Members, including details of any limitation on their authority;
- the terms of reference and constitution of such executive committees as the Leader appoints and the names of Executive Members appointed to them;
- the nature and extent of any delegation of executive functions to Area Committees, the Health and Wellbeing Board, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

The Leader may amend the scheme of delegation relating to executive functions at any time during the year<sup>6</sup>. The decision notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive Board. The amendments will take effect upon publication of the decision notice unless otherwise stated thereon. The Leader will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

### **1.4 Sub-delegation of executive functions**

Subject to any statutory provisions about the discharge of functions to area committees, by another local authority, or the joint exercise of functions:

- if the Leader delegates functions to the Executive Board, then unless he/she directs otherwise, the Executive Board may delegate further to a committee of the executive or to an officer;
- if the Leader delegates functions to an Executive Member, then unless the Leader otherwise directs, that Executive Member may delegate further to an officer.
- if the Leader delegates functions to a committee of the executive, then unless he/she directs otherwise, the committee may delegate further to an officer.

Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

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<sup>6</sup> This decision will be recorded in accordance with Rule 4.2 but shall not be subject to Call In in accordance with Rule 5.1.2 of these rules

## **2. PROCEDURE BEFORE TAKING A DECISION**

### **2.1 Executive Meetings – when and where**

The Executive Board will meet at a frequency, location and time agreed by the Leader.

### **2.2 Notice of Public Meetings<sup>7</sup>**

The Head of Governance Services will arrange to give notice of the time and place of a public meeting by publishing the agenda, together with every report, for that meeting on the Council's website at least five clear working days before the meeting.

Where the meeting is convened less than five clear working days before the meeting, notice will be given by publishing the agenda, together with every report, for that meeting on the Council's website at the time the meeting is convened.

Where an item is added to the agenda for a meeting after publication of that agenda, copies of the revised agenda and any report relating to that item, will be published on the Council's website when the item is added to the agenda.

Nothing in this rule requires a copy of an agenda, item or report to be available for inspection by the public until a copy is available to members of the decision making body concerned.

### **2.3 Notice Of Meetings At Which Exempt Or Confidential Information Is To Be Considered<sup>8</sup>**

2.3.1 With the exception of the requirements of the Access to Information Procedure Rules 16 and 17, nothing in these rules permits the disclosure of confidential information<sup>9</sup> or requires the disclosure of exempt information<sup>10</sup>.

2.3.2 Where the whole or part of any report is not available for inspection by the public because it contains confidential or exempt information every copy of that report or part of that report must be marked "not for publication" and must state that it contains confidential information or, by reference to Schedule 12A Local Government Act 1972 the description of exempt information which it contains.

#### **2.3.3 28 Days Notice**

At least 28 clear calendar days before a meeting at which exempt or confidential information is to be considered, the Head of Governance Services will arrange for a notice to publish on the Council's website a notice of the intention to hold a meeting, or part of a meeting of the Executive Board<sup>11</sup> in private.

<sup>7</sup> Regulations 6 & 7, Executive Arrangement Regulations 2012

<sup>8</sup> Regulation 5, Executive Arrangement Regulations 2012

<sup>9</sup> As defined at Rule 9.2 Access to Information Procedure Rules.

<sup>10</sup> As defined at Rule 10.4 Access to Information Procedure Rules.

<sup>11</sup> Or a Committee fulfilling executive functions

## *Executive and Decision Making Procedure Rules*

The notice will include a statement of the reasons why it is intended that the meeting, or part of the meeting, should be held in private.

### 2.3.4 5 Days Notice

At least five clear working days before a meeting at which exempt or confidential information is to be considered, the Head of Governance Services will publish further notice of the Executive's intention to hold the meeting in private. This will be done by including in an open report to the meeting:-

- A statement of the reasons for the meeting to be held in private;
- Details of any representations received about why the meeting should be open to the public; and
- A statement of response to any such representations

### 2.3.5 Urgent Meetings At Which Exempt Or Confidential Information Is To Be Considered

Where the date a meeting must be held makes compliance with rules 2.3.1 and 2.3.2 impracticable then the meeting may only consider exempt or confidential items in private with the agreement of the chair of the relevant Scrutiny Board<sup>12</sup>. In considering the matter the Scrutiny Board Chair must be satisfied that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after obtaining the Scrutiny Chair's agreement the Head of Governance Services will publish on the Council's website notice of the intention to hold the meeting at which exempt or confidential information is to be considered. This will be done by including in an open report to the meeting:-

- The reason why the meeting is urgent and cannot reasonably be deferred
- Confirmation of the agreement of the chair of the relevant Scrutiny Board.

## 2.4 Publicity in connection with Key Decisions<sup>13</sup>

### 2.4.1 List of Forthcoming Key Decisions

The Head of Governance Services will maintain a List of Forthcoming Key Decisions which will be published on the Council's website.

If it is intended to take a Key Decision in the course of the discharge of an Executive function, the decision taker<sup>14</sup> will give details of the matter, as set out below, to the Head of Governance Services for inclusion in the List of Forthcoming Key Decisions, not less than 28 days in advance of the date of the proposed decision.

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<sup>12</sup> Or in their absence the Lord Mayor, or in the absence of the Lord Mayor, the vice chair of the authority.

<sup>13</sup> Regulation 9, Executive Arrangement Regulations 2012

<sup>14</sup> If the decision is to be taken by a Committee then the officer whose report will be placed before the committee for consideration in relation to the matter is responsible for ensuring that appropriate details are included within the List of Forthcoming Key Decisions.



The List of Forthcoming Key Decisions will give the following information in so far as it is available or might reasonably be obtained:

- the matter in respect of which a decision is to be made;
- where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and a list of its Members;
- the date on which, or the period within which, the decision will be taken;
- a list of the documents submitted to the decision taker for consideration in relation to the matter;
- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any documents listed are available;
- that other documents relevant to those matters may be submitted to the decision taker; and
- the procedure for requesting details of those documents (if any) as they become available.

Particulars of Key Decisions included in the List of Forthcoming Decisions need not include exempt information and may not include confidential information.

#### **2.4.2 Notification of Delegated Decisions By Directors**

Where a Director receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until the report has been available for public inspection for at least 5 clear days.

The Director will provide the Head of Governance Services with a delegated decision notice stating his/her intention to make the decision and provide a copy of the relevant report.

The Head of Governance Services will arrange for the publication of the notice and accompanying report on the Council's website.

The Head of Governance Services will also arrange for a copy of the report to be forwarded to every Member of the authority as soon as reasonably practicable.

#### **2.5 General Exception<sup>15</sup>**

If a matter which is likely to be a Key Decision has not been included in the List of Forthcoming Key Decisions for 28 clear calendar days before the decision is planned to be taken and the decision must be taken by such a date that it is impracticable to defer the decision until the decision has been included in the List of Forthcoming Decisions for 28 clear calendar days, the decision may still be taken if:

- The Head of Governance Services has forwarded a copy of the agenda for the meeting or the delegated decision notice to the chair of the relevant Scrutiny Board;

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<sup>15</sup> Regulation 10, Executive Arrangement Regulations 2012

## *Executive and Decision Making Procedure Rules*

- the Head of Governance Services has published copies of that agenda or notice on the Council's website; and
- at least 5 clear working days have elapsed since the Head of Governance Services complied with these requirements.

Any report in relation to a decision taken in accordance with this rule and any delegated decision notice published in accordance with this rule will state why it is impracticable to include the decision in the List of Forthcoming Key Decisions for a period of 28 clear calendar days prior to taking the decision.

### 2.6 **Special Urgency**<sup>16</sup>

#### 2.6.1 Use of Special Urgency

If by virtue of the date by which a decision must be taken Rule 2.4 (Publicity in connection with Key Decisions) cannot be followed, then the decision can only be taken if the relevant Director obtains the agreement of the chair of a relevant Scrutiny Board<sup>17</sup> that the decision is urgent and that taking the decision cannot be reasonably deferred.

As soon as reasonably practicable after obtaining the relevant agreement, the Head of Governance Services will publish on the Council's website the agenda for the meeting at which the decision is to be taken or the delegated decision notice together with the report in relation to the urgent item.

Any report in relation to a decision taken in accordance with this rule and any delegated decision notice published in accordance with this rule will state why the decision is urgent and cannot reasonably be deferred.

Details of any decision taken in accordance with this rule will be included in the Leader's report to Corporate Governance and Audit Committee made in accordance with Rule 6.2 below.

#### 2.6.2 Quarterly Reports On Special Urgency Decisions<sup>18</sup>

The Corporate Governance and Audit Committee will receive on behalf of the Council, annual reports from the Leader on the executive decisions taken in the circumstances set out in Rule 4.2 (special urgency) in the preceding year.

The report will include details of

- the number of decisions so taken,
- each decision made, and
- a summary of the matters in respect of which each decision was made.

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<sup>16</sup> Regulation 11, Executive Arrangement Regulations 2012

<sup>17</sup> If there is no chair of a relevant Scrutiny Board, or if the chair of the relevant Scrutiny Board is unable to act, then the agreement of the Lord Mayor or in the absence of the Lord Mayor the vice chair of the Council will suffice.

<sup>18</sup> Regulation 19, Executive Arrangement Regulations 2012

### **3. TAKING EXECUTIVE DECISIONS**

#### **3.1 Decisions Taken At Executive Meetings**

Save for those decisions delegated to an Area Committee, which are to be taken in accordance with the Area Committee Procedure Rules, where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive Board.

##### **3.1.1 Exclusion of the Public from Meetings of the Executive Board**<sup>19</sup>

All meetings of the Executive Board will be in public. However the public must be excluded from the part or parts of a meeting whenever:-

- Confidential information is likely to be disclosed during an item of business;
- The meeting passes a resolution, identifying the relevant part of the meeting to which it applies, that the public should be excluded because exempt information, described with reference to Rule 10.4 of the Access to Information Procedure Rules, is likely to be disclosed during an item of business; or
- A lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting.

The public may only be excluded from that part or parts of the meeting to which the circumstances set out above relate, and where notice has been given in accordance with Rule 2.3 above.

##### **3.1.2 Statutory Officers Attendance at Meetings**

The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its committees.

##### **3.1.3 Quorum**

The quorum for a meeting of the Executive Board shall be four. The quorum for a meeting of a committee of the Executive shall be three.

##### **3.1.4 How decisions are to be taken by the Executive Board**

Executive decisions which are the responsibility of the Executive Board will be taken at a meeting convened in accordance with Rules 2.1 to 2.3 set out above.

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<sup>19</sup> Regulation 3, Executive Arrangement Regulations 2012

## *Executive and Decision Making Procedure Rules*

### 3.1.5 Who presides

The Leader and in his/her absence, the Deputy Leader will preside at any meeting of the Executive Board or its committees at which he/she is present. In the absence of both, the Leader may appoint another person to do so. If no such appointment is made, those present at the meeting shall decide by majority who should preside.

### 3.1.6 Membership

The Executive Board shall comprise those Members listed at Part 3, Section 3A of the Constitution.

In the absence of an Executive Board Member, the Executive Board may invite any Member it considers appropriate to attend its meetings and to speak on behalf of the absent Member. However that Member will not be considered a co-opted member of the Executive Board and will not be able to vote on business being transacted.

### 3.1.7 What business?

At each meeting of the Executive Board the following business will be conducted:

- consideration of the minutes of the last meeting;
- declarations of interest, if any;
- matters referred to the Executive Board (whether by a Scrutiny Board or by the Council) for reconsideration by the Executive Board in accordance with the provisions contained in these or other relevant Procedure Rules set out in Part 4 of this Constitution;
- consideration of reports from Scrutiny Boards; and
- matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not.

### 3.1.8 Who can put items on the Executive agenda?

The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/ she wishes, whether or not authority has been delegated to the Executive Board, a committee of it or any officer in respect of that matter.

The Head of Governance Services will make sure that an item is placed on the agenda of the next available meeting of the Executive Board where a relevant Scrutiny Board or the full Council have resolved that an item be considered by the Executive.

In exceptional circumstances the Council's statutory officers may require that a matter be considered by the Executive Board<sup>20</sup>.

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<sup>20</sup> The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive Board meeting and may require the Head of Governance Services to call such a meeting in pursuance of their statutory duties. In other circumstances where any two of the Head of Paid

### **3.2 Compliance With The Budget And Policy Framework**

The Budget and Policy Framework Procedure Rules contained within part 4 of this constitution set out the procedure to be followed to adopt or amend the Budget and Policy Framework.

Subject to paragraphs 3.1.1 to 3.1.3 below, all decisions in relation to Executive Functions must be taken in line with the Budget and Policy Framework<sup>21</sup>.

#### **3.2.1 Taking Advice**

If it is intended to make an Executive Decision, which might be considered to fall outside the Budget or Policy Framework the decision taker shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the budget and policy framework.

Where a Scrutiny Board is of the opinion that an Executive Decision is, or if made would be, contrary to the budget and policy framework, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

In the event that the Monitoring Officer or the Chief Finance Officer concludes that the decision would not be a departure from the budget and policy framework they shall prepare a report to the relevant Scrutiny Board, with a copy to the Executive Board.

#### **3.2.2 Referral to Council**

If a decision has yet to be made, or has been made but not yet implemented, and the Monitoring Officer and/or the Chief Finance Officer are of the view that the proposed decision would be contrary to the budget and policy framework, and the decision taker still intends to make or to implement the decision;

- the Monitoring Officer and/or the Chief Finance Officer shall report to the Executive Board, with a copy to the relevant Scrutiny Board and to every Member of the Council;
- the Executive Board shall meet to consider the report of the Monitoring Officer and/or the Chief Finance Officer and shall prepare a report to Council; and
- the decision taker shall refer the decision to the Council for decision or ratification as appropriate,

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Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive Board needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive Board meeting. If there is no meeting of the Executive Board soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

<sup>21</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 4

## *Executive and Decision Making Procedure Rules*

In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

The Council shall meet within 28 days of the referral by the decision taker. At the meeting it will receive the Executive Board's report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

If Council decides that the decision is not contrary to the budget and policy framework it shall endorse the decision as falling within the existing Budget and Policy Framework.

If Council decides that the decision is contrary to the budget and policy framework it may either:

- approve or ratify the decision outside the budget and policy framework;
- amend the Council's budget and policy framework as necessary to encompass the decision and approve or ratify the decision with immediate effect; or
- require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

### 3.2.3 Urgent Decisions Outside The Budget Or Policy Framework<sup>22</sup>

Any decision which is contrary to the policy framework<sup>23</sup>, or not wholly in accordance with the budget<sup>24</sup> approved by full Council, may only be taken by the Council, unless:

- the decision is urgent and it is not practical to convene a quorate meeting of the full Council;
- the decision taker has briefed the chair of a relevant Scrutiny Board<sup>25</sup> about why it is not practical to convene a quorate meeting of full Council, and
- the chair agrees that the decision is urgent.

The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the chair of the relevant Scrutiny Board<sup>26</sup> to the decision being taken as a matter of urgency must be noted on the record of the decision, together with the reasons for the Chair's consent.

The decision taker will provide a full report to the next available Council meeting after the decision is taken explaining:

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<sup>22</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 5(2)

<sup>23</sup> Or amendments which may be made to the policy framework in accordance with the provisions for in year changes to policy framework set out in the Budget and Policy procedure Rules.

<sup>24</sup> Or virements made in accordance with the Budget and Policy Procedure Rules.

<sup>25</sup> or in the absence of the chair of the relevant Scrutiny Board the consent of the Lord Mayor, and in the absence of both, the Deputy Lord Mayor

<sup>26</sup> Or Lord Mayor or Deputy Lord Mayor as appropriate

## *Executive and Decision Making Procedure Rules*

- the decision,
- the reasons for it; and
- why the decision was treated as a matter of urgency.

### 4. **PROCEDURE AFTER TAKING A DECISION**

#### 4.1 **Recording Of Executive Decisions Taken At Meetings**<sup>27</sup>

As soon as reasonably practicable, and in any event within 2 working days, after any meeting of the Executive or within 10 working any of its committees, the Head of Governance Services or, where no officer was present, the person presiding at the meeting, will produce a minute of every decision taken at that meeting and publish it on the Council's website together with the report in relation to the decision made. The minute will include;

- A record of the decision including the date it was made,
- a statement of the reasons for each decision,
- details of any alternative options considered and rejected at that meeting and
- a record of any interest declared by any Member together with a note of any dispensation granted in respect of that interest .

#### 4.2 **Recording Of Executive Decisions Taken by the Leader**<sup>28</sup>

As soon as reasonably practicable, and in any event within 2 working days, after a decision has been taken in relation to executive arrangements<sup>29</sup> by the Leader, the Head of Governance Services will prepare a record of the decision and publish it on the Council's website together with the report in relation to the decision made. The record will include;

- A record of the decision including the date it was made,
- a statement of the reasons for it,
- details of any alternative options considered and rejected by the Member at the time of making the decision, and
- a record of any interest declared by any Executive Member consulted by the Member who made the decision together with a note of any dispensation granted in respect of that interest .

#### 4.3 **Recording Of Executive Decisions Taken by Officers**<sup>30</sup>

##### 4.3.1 **Key decisions and Significant Operational decisions**

As soon as reasonably practicable, and in any event within 2 working days after a Key or Significant Operational Decision has been taken by an officer he/she will

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<sup>27</sup> Regulation 12, Executive Arrangement Regulations 2012

<sup>28</sup> Regulation 13, Executive Arrangement Regulations 2012

<sup>29</sup> The Leader may take decisions in relation to the Executive Portfolios and executive delegations to officers as set out in Part 3 Section 3 of the Constitution.

<sup>30</sup> Regulation 13, Executive Arrangement Regulations 2012

## *Executive and Decision Making Procedure Rules*

prepare a record of the decision and arrange for its publication on the Council's website together with the report in relation to the decision made<sup>31</sup>. The record will include;

- A record of the decision including the date it was made,
- a statement of the reasons for it,
- details of any alternative options considered and rejected by the officer at the time of making the decision, and
- a record of any interest declared by any Executive Member consulted by the officer who made the decision together with a note of any dispensation granted in respect of that interest .

### 4.3.2 Administrative decisions

There is no formal requirement to record Administrative Decisions for the purpose of Council or Public Access, however officers are responsible for retaining a record of administrative decisions, and the reasons for them, which is sufficient for audit and evidential purposes, and for ensuring that all those who need to know are informed promptly of the decision.

## 5. **IMPLEMENTATION OF EXECUTIVE DECISIONS**

### 5.1 **Implementation of Decisions Which are Subject to Call-In**<sup>32</sup>

5.1.1 Decisions which are subject to the Call In procedure set out in rules 5.1.2 to 5.1.5 below should not be implemented until the Call In procedure is exhausted in relation to those decisions<sup>33</sup>.

#### 5.1.2 Decisions Eligible for Call In

Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board<sup>34</sup>:

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<sup>31</sup> Key decisions will be published in accordance with Rules 2.4 to 2.6 above, and will therefore, subject to the provisions in respect of urgency, be published no less than 5 clear working days in advance of the decision being taken. The Council's web site will in these circumstances contain details of the dates upon which the decision will be taken and the Call In period will expire.

<sup>32</sup> The Local Government Act 2000 requires that Overview and Scrutiny Committees *be given the power to recommend that a decision made but not implemented, be reconsidered*. The Act gives local authorities considerable discretion over the detailed operation of such a "Call In" mechanism.

<sup>33</sup> The Call In procedure will be exhausted when:-

- the Call In period expires if the decision is not called in (Steps should not be taken to implement any decision subject to Call In until after 12 noon on the sixth working day after publication, to ensure that the Scrutiny Officer has had opportunity to advise them of any request for call in received before the expiry of the call in period);
- at the end of the call in meeting if the decision is released for implementation; or
- when the decision has been confirmed or amended in accordance with these rules if the decision is subject to a recommendation that it be reconsidered.

<sup>34</sup> Where a decision falls within the terms of reference of more than one Scrutiny Board, the Scrutiny Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.



## *Executive and Decision Making Procedure Rules*

- all decisions of the Executive Board;
- Executive decisions taken by the Health and Wellbeing Board<sup>35</sup>; and
- Key Decisions taken by Officers.

The power to call in decisions does not extend to;

- Decisions which have been the subject of a previous Call In;
- Decisions made in accordance with the Budget and Policy Framework Procedure Rules;
- Decisions made by the Leader in relation to the executive arrangements
- decisions made by Area Committees;
- decisions made under regulatory arrangements;
- decisions made by Joint Committees; or
- decisions not taken by the authority.

### 5.1.3 Exemption from Call In

The decision taker may declare a decision as being exempt from Call In if the decision taker considers that the decision is urgent (i.e. that any delay would seriously prejudice the Council's or the public's interests).

Records of decisions taken will indicate where a decision has been declared exempt from Calling In and will indicate:-

- what the implications would be if the decision were to be delayed by the operation of the Calling In mechanism; and
- why the decision could not have been taken earlier so as to have been eligible for Calling In.

There will be no appeal mechanism against a decision to exempt a decision from Calling In. .

### 5.1.4 Operation of Call In

#### 5.1.4.1 Initiation of Call In

To initiate a Call In, a request must be submitted to the Scrutiny Officer<sup>36</sup> by 5 p.m. of the fifth working day after a decision has been published.

The request must be made on the approved pro forma and contain the original signatures of those calling in the decision<sup>37</sup>.

If a Member withdraws their signature from the Call In request prior to the expiry of the Call In period, the decision may still be called in provided sufficient Members add their signatures to the call in request.

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<sup>35</sup> That is functions delegated to the Health and Wellbeing Board by the Leader

<sup>36</sup> This Officer is the Head of Scrutiny and Member Development.

<sup>37</sup> An Elected Member who is not a member of a political group may be a signatory but co-opted members may not sign a Call In request.

The decision may be called in by either;

- two non executive elected Members (who are not from the same political group); or
- five non executive elected Members

one of whom shall be the nominated signatory.

#### 5.1.4.2 Grounds for Calling in a decision

All requests must detail on the pro forma why in the opinion of the signatories the decision was not taken in accordance with the principles set out in Article 13 - Decision Making, Paragraph 13.4 - Principles of Decision Making, or where relevant issues do not appear to have been taken into consideration.

Prior to submitting a Call In, the nominated signatory must contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. The nominated signatory must also ascertain the financial consequences to the authority of having the decision Called In. The outcome of this contact must be detailed on the Call In request proforma.

#### 5.1.4.3 Convening a Meeting

Upon receipt of the request, the Scrutiny Officer will, in consultation with the Chair of the relevant Scrutiny Board, convene a special meeting of the relevant Scrutiny Board, to take place within seven clear working days of the Call In request being received.

#### 5.1.4.4 Adjourning a Call In Meeting

In exceptional circumstances, the Scrutiny Board may resolve to adjourn the meeting to consider information regarded as essential for the Board to come to a conclusion. The maximum time allowed for an adjournment is 5 working days.

#### 5.1.4.5 Outcome of a Call In Meeting

At the meeting the Scrutiny Board will consider the notification and review the background papers. The Scrutiny Board will invite signatories to the notification<sup>38</sup> to explain the reasons for the Call-In<sup>39</sup>. The relevant member of the Executive Board, Health and Wellbeing Board or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to

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<sup>38</sup> or their nominees

<sup>39</sup> The signatories should specify which of the principles of decision making (set out in Article 13.4 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

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other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.

The Scrutiny Board shall then either;

- release the decision for implementation; or
- recommend to the decision-maker that the decision should be reconsidered.

If the Scrutiny Board resolves that a decision is to be referred back for consideration, the Scrutiny Officer will prepare a report<sup>40</sup> within three working days of the Scrutiny Board meeting. Where the decision was taken by the Executive Board the report will be submitted to the next meeting of the Executive Board. Where the decision was taken by the Health and Wellbeing Board the report will be submitted to the next meeting of the Health and Wellbeing Board. Where the decision was taken by an officer the report will be submitted to the relevant Director.

### 5.1.5 Reconsideration of Decisions

#### 5.1.5.1 Confirmation of Decisions

If the Decision Taker wishes to confirm the original decision, that decision shall be submitted to the next Executive Board meeting.

If the original decision was taken by the Health and Wellbeing Board or an officer, and the relevant Director is of the view that the original decision should be confirmed, but that urgency prevents them from submitting the decision to Executive Board;

- The Director shall obtain the approval of the relevant Executive Board Member before implementation;
- Details of the Executive Member approval, together with reasons of urgency will be included in the new delegated decision form; and
- The Director and relevant Executive Board Member will also be required to attend and give their reasoning to the relevant Scrutiny Board

#### 5.1.5.2 Variation of Decisions

If it is intended to vary the decision in line with the recommendations of the Scrutiny Board then the amended decision is not defined as a Key decision, regardless of the financial or impact thresholds. It will not therefore be necessary to include the proposed variation of decision in the List of Forthcoming Key Decisions or to give notice of the proposed decision.

If it is intended to vary the decision in any way that is not in line with the recommendations of the Scrutiny Board then the amended decision may be a Key decision if it meets the thresholds set out in Article 13, and if so is subject to rule 2.7 above.

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<sup>40</sup> the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

## *Executive and Decision Making Procedure Rules*

If the original decision was taken by the Executive Board the Executive Board may vary the decision.

If the original decision was taken by the Health and Wellbeing Board the Health and Wellbeing Board, or the relevant Director may vary the decision.

Where the Director agrees with the views of Scrutiny a new delegated decision form will be submitted for recording in accordance with Rule 5.1 above.

### 5.1.5.3 Record of Revised decision

In all instances a revised record of the decision, indicating the outcome of decision taker's further deliberations, must be published in accordance with Rule 4.1 or 4.3 above.

## 5.2 **Implementation of Decisions Which are Not Subject to Call In**

Decisions which are not subject to Call In under Rule 5.1.2 above or are exempted from Call In under Rule 5.1.3 above should be implemented as follows:-

### 5.2.4 Key Decisions

Key Decisions should be recorded in accordance with Rules 4.1 to 4.3 above as appropriate but may be implemented as soon as they have been taken.

### 5.2.5 Significant Operational Decisions

Significant Operational Decisions should be recorded in accordance with Rules 4.1 to 4.3 above but may be implemented as soon as they have been taken.

### 5.2.6 Administrative Decisions

Administrative decisions may be implemented as soon as they have been taken.

## 6. **SCRUTINY OF THE MAKING OF KEY DECISIONS**

### 6.1 **Decisions Which Appear to Have Been Wrongly Treated**<sup>41</sup>

Where an executive decision has been made and

- was not treated as a Key Decision, and
- a relevant Scrutiny Board thinks that it should have been treated as a Key Decision

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<sup>41</sup> Regulation 18, Executive Arrangement Regulations 2012

## *Executive and Decision Making Procedure Rules*

that Scrutiny Board may require, by resolution passed at a meeting of that Scrutiny Board, the Decision Taker to submit a report to the Council within such reasonable time as the Scrutiny Board specifies.

The relevant Director will prepare a report for submission to the next available meeting of the Council<sup>42</sup> following the end of the period specified by the Scrutiny Board.

The report to Council will set out particulars of;

- The decision,
- The reasons for the decision,
- The individual or body making the decision, and
- if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

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<sup>42</sup> Allowing 5 clear working days to prepare the report prior to dispatch of the summons.

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**Report of the Director of Public Health and the Chief Planning Officer**

**Report to Executive Board**

**Date: 9<sup>th</sup> May 2013**

**Subject: Health and Wellbeing of people living in Hyde Park and the need for local schools and community to access sports and leisure facilities.**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>If relevant, name(s) of Ward(s):</b> Hyde Park & Woodhouse and Headingley		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

1. Impact of the proposed retail and housing development at Victoria Road on the Health and Wellbeing of the residents of Hyde Park
2. Planning and access to sports facilities.

**Recommendations**

Executive Board is asked to note that this is an area acknowledged as having a deficiency in sports facilities and pitches. Whilst recognising the role of the Local Planning Authority the Executive Board is recommended to support the principle of enhancing opportunities for the local community to engage in physical activity to improve health and wellbeing in the area.

**Purpose of this report**

- 1.1. This report is a response to the Deputation to Full Council 12 September 2012 (appended to this report) and seeks to respond to the issues raised in respect of the Council's role as the lead organisation to improve health and reduce health inequalities locally and the role of the Council as Local Planning Authority.
- 1.2. The Deputation speech concerns community access to sports facilities and was prompted by a planning application (12/02491/OT) for a retail and housing development on a site at Victoria Road, Hyde Park. This site has a sports hall and swimming pool and a grass pitch.

This application would have been referred to the South and West Plans Panel for a decision and considered by that Panel on its merits in the light of prevailing planning policy and any other material planning considerations. The application was however withdrawn on the 5 November 2012. A revised application was submitted on 20<sup>th</sup> February 2013 and will be considered by Members at a future meeting of the South & West Plans Panel.

- 1.3. A report was presented to Executive Board on 12<sup>th</sup> December 2012 responding to the Deputation. However, following receipt of legal concerns which related to the submitted report, the consideration of this matter was deferred to a future Executive Board meeting, in order to enable further work to be undertaken to address such concerns.

## **2. Background information**

- 2.1. The Leeds City Priority Partnership Plan includes priority indicators leading to improved health and wellbeing. These include increased healthy life expectancy for all, and reduction in the differences in life expectancy and healthy life expectancy between communities. Achieving these outcomes will be a measure of the success of actions taken across the whole business of Leeds City Council and partners.
- 2.2. The Health and Social Care Act 2012 (HSCA) Section 12 states that each local authority must take such steps as it considers appropriate for improving the health of the people in its area.
- 2.3. The Chestnut Avenue/Victoria Rd playing fields are situated in the centre of a residential area that houses people living with greater socio-economic disadvantage than the average for Leeds. The consequent impact of this disadvantage is to contribute to the physical and mental health problems that affect the local population, and ultimately lead to higher levels of premature mortality. The health of people living in this area has been assessed in the Leeds Joint Strategic Needs Assessment. The rate of premature mortality (before age 75 years) is higher than the average for Leeds with the principle causes identified as cancers in both men and women and Cardio-Vascular Disease in women.
- 2.4. There is now a planning approval which establishes the principle of housing on the land which was formerly part of the Leeds Girls High School (LGHS) which provided open space and tennis courts for that school. In 2008 the school became part of the Grammar School at Leeds (GSAL) which has a site at Alwoodley and at that time this site (and the main school site on the opposite side of Victoria Road) closed and the sports and other school functions transferred to the Alwoodley site, including a new swimming pool and enhanced sports pitch provision. This site, in addition to the school buildings, contains a number of former tennis courts and open grassed areas.
- 2.5. A Public Inquiry into the development on the main school site was held in July 2011. Although the Inspector dismissed the appeal this was essentially on matters of detail, the Inspector did not consider that refusal of the application was justified on grounds of loss of the playing pitches or implications for public health. .
- 2.6. The deputation raised concerns about the inadequate provision of playing space at a number of state schools. There are five primary schools in the area; Brudenell Primary, Blenheim Primary, Quarry Mount Primary, Little London Primary and Rosebank Primary. Two of these have grass sports pitches; only one of which is meets national external space guidance for a school of its size. Four of the five schools are classified as being on a confined site, which requires pitch provision to be provided off-site. Indoor sporting provision is limited at three of the five schools by the size of the school hall and the need for this space to be used for dining.



- 2.7. School Premises Regulations were revised in 2012; and this revision removed the minimum statutory external space requirement for schools. In its place, schools other than pupil referral units are now required to provide 'suitable outdoor space' in order to enable physical education to be provided to pupils in accordance with the school curriculum; and to enable pupils to play outside

### **3. Main Issues**

#### Summary of the Deputation speech

- 3.1. The Deputation Speech sets out as a background the need for the local schools and community to access decent sports facilities. It is pointed out that those in inner city areas tend to die on average 10-12 years earlier than those in the outer suburbs. Exercise can help to redress that balance, but 5 of the primary schools in the area are described as seriously deprived in terms of space for participation in active sport. Reference is made to the Health and Social Care Act and the obligation of the Council to narrow the health gap.
- 3.2. The Deputation goes on to reference the Victoria Road site subject to the (then) current planning application and suggests that the site could accommodate valuable community sports facilities.
- 3.3. The Deputation then sets out a concern regarding the publicity for the recently withdrawn planning application being done at the commencement of school holidays. Sport England is criticised as supporting the transfer of facilities to the outskirts of the city and there follow criticisms of Education Leeds and the content of Planning Reports.

#### Sport and Active Lifestyles in The City

- 3.4. Before considering the specific details relating to the deputation some wider context is provided in terms of the Council's commitment to sport and being active.
- 3.5. The Council has a long tradition in providing and encouraging the development of sport in the city from grass roots right through to the elite performers, including our Olympic and Paralympic medallists from last year's London Olympic Games. This commitment has helped Leeds reach 13<sup>th</sup> of all local authority areas in terms of Sport England's latest "Active People" survey and by far the most active of all the core cities. This achievement is not solely down to what the Council directly provides, rather its is a reflection of the wider sports community including voluntary sector, colleges, professional clubs, coaches, public and private sectors.
- 3.6. In the context of large scale budget reductions the Council remains committed to providing sustainable sports opportunities. In September 2012 the Council's Executive Board approved a report titled 'Inspire a Generation' which made a number of recommendations to maximise the legacy of the 2012 Olympic and Paralympic Games by increasing participation in sport and physical activity to contribute to improving health in the City. The report references a number of city wide initiatives that could seek to extend opportunities for people to take part in sport and physical activity and includes extending rate relief for voluntary clubs and providing a legacy fund. The report also included reference to exploring ways of offering more opportunities to local people where levels of participation are lowest and where there may not be traditional sports facilities. To support this Leeds has made a successful bid to Sport England's national 'Get Healthy, Get into Sport' fund. The Leeds scheme will be known as "Leeds Let's Get Active".
- 3.7. By way of illustrating current development work in the area the Council is seeking to maximise the use of community recreational facilities located near to the former LGHS site including Woodhouse Moor, which has sports facilities including tennis courts. In conjunction

with the Lawn Tennis Association, plans are being developed to increase participation in tennis playing among the local community. A number of community sports clubs are also located in the area including Hyde Park Harriers, Hyde Park Rovers Junior Football Club and Hyde Park United. The council's Sport and Active Lifestyles Service has officers who can support these clubs to increase participants.

#### Improving Health and Wellbeing, and Reducing Health Inequalities

- 3.8. The relationship between the availability of sports facilities, exercise and public health is important. Moreover participation in physical activity such as sports and walking is strongly related to household income. There is an association between reducing levels of physical activity and decreasing household income with the potential to increase health inequalities.
- 3.9. The Victoria Road site is situated in a residential area that houses people living with greater socio-economic disadvantage than the average for Leeds. The consequent impact of this disadvantage is to contribute to the physical and mental health problems that affect the local population, and ultimately lead to higher levels of premature mortality.
- 3.10. The presence of the urban green space provided by the playing fields can impact positively on the health of the local population in many ways. Proximity and accessibility of green spaces to residential areas can lead to:
- increased overall levels of physical activity across age groups which contribute to the prevention of many health problems such as cardiovascular disease, diabetes, stroke, some cancers and osteoporosis;
  - improved mental health and well-being providing effective relief from everyday stress, improved self esteem, and alleviation from anxiety and depression;
  - increased opportunities for education, social inclusion and cohesion by supplying space for social mixing, creating networks and relationships. Playing in local green spaces helps children to develop intellectually and learn about social interaction;
  - a contribution in reducing flood risk, reducing atmospheric pollution and traffic/residential noise.
- 3.11. The presence of a visible and useable urban green space can contribute to the health and wellbeing of the community. Therefore the availability of the green space provided by Chestnut Avenue/Victoria Rd playing fields is an important consideration in addressing the needs of this community.
- 3.12. Section 12 of the Health and Social Care Act 2012 provides that each local authority must take steps as it considers appropriate for improving the health of the people in its area. Whilst this will be relevant to planning decisions, it does not alter the fact that planning decisions are still required under the Planning Acts to be made in accordance with the development plan unless material considerations indicate otherwise (including the policies contained in the National Planning Policy Framework).

#### Permission for development on the main former GSAL site

- 3.13. Prior to advising the Plans Panel on the weight to be afforded to the loss of the former tennis courts on the main former GSAL site, the Chief Planning Officer sought the opinion of Vincent Fraser, QC, on the loss of playing pitch issue. The advice was very clear – the facilities had been replaced elsewhere and the aim of Policy N6 of the UDPR (which addresses the loss of protected playing pitches) had been met.

- 3.14. Provision for sport and recreation and open space is a key consideration of the planning system and this was a key consideration debated at the Public Inquiry into the development of the main school site on the opposite side of Victoria Road. The application involved the loss of the previous sports provision (former tennis courts) on land which is moreover a Protected Playing Pitch in the adopted Unitary Development Plan. On this issue the Planning Inspector was clear; there had been no community access to the tennis courts which served the private school only. Alternative superior provision had been provided at the Alwoodley site and moreover there is community access to those facilities. The Planning Inspector in his report said that he had had careful regard to the evidence on health issues presented at the Inquiry, but concluded that as there had been no public access to the facilities the development of the site could not itself be harmful to the health and well-being of the community.

### Planning changes since the GSAL Public Inquiry

- 3.15. Since publication of the Inspector's report into the previous appeal in July 2011, the Health and Social Care Act has come into force, and the implications of this are addressed elsewhere in this report
- 3.16. In addition, the Government has subsequently greatly simplified previous planning guidance through publication of the National Planning Policy Framework in March 2012. The guidance maintains the Government's position that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and goes on to state that 'At the heart of the NPPF is a presumption in favour of sustainable development'. For decision takers this means 'approving development proposals that accord with the development plan without delay'. The NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on although a number of exceptions are set out including that 'the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'. This is essentially the same test that was examined at the Public Inquiry referred to above.
- 3.17. It should also be noted that important mature trees on the Victoria Road site have been protected through a Tree Preservation Area since submission of the withdrawn planning application, and these trees will be an important consideration relative to any development proposals for the site.

### The Victoria Road Proposals

- 3.18. The Victoria Road case differs somewhat from the application to develop the land including the former tennis courts on the main school site. Although both sites include land designated as Playing Pitches in the Unitary Development Plan Review 2006, the statutory plan for Leeds, in the case of those former tennis courts, there had been no public access. The courts were used by the private school only. In the Victoria Road case, there has been limited community use.
- 3.19. Sport England is the Government agency responsible for sport and is a Statutory Consultee on planning applications that affect playing fields. This means that any planning application that affects a playing field has to be referred to Sport England for comment by the local authority.
- 3.20. It is Sport England's policy to object to any planning application, which will result in the loss of a playing field, unless it meets one of five exceptions. In addition, where a local authority is minded to grant planning permission against Sport England's advice the matter may be

referred to the Secretary of State for Communities and Local Government for possible 'call in', taking the decision making power away from the local authority. They chose not to object to the earlier application on the Victoria Road site.

- 3.21. Section 12 of the Health and Social Care Act states that each local authority must take steps as it considers appropriate for improving the health of the people in its area. We will be assessing the relevance of the NPPF and the Public Health Act to the new planning application at Victoria Road.

#### **4. Corporate Considerations**

- 4.1. **Consultation and Engagement** The Victoria Road planning application has been publicised by means of advertisements in the press and notices placed around the site and officers have briefed Ward Members directly. The Council is carrying out statutory consultation with relevant consultees on the planning application including the Highway Authority and Sport England. The applicant has carried out some community consultation events but did not undertake a pre-application consultation process with the Planning Authority or local community representatives as recommended in such situations. Any future planning applications will be subject to separate consultation as required by the Development Management Procedure Order 2010 and LCC requirements.

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

- 4.2.1 Equality is central to the deputation speech in terms of sports provision in the inner areas and it is acknowledged that less advantaged communities in the city have poorer access to facilities.

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

- 4.3.1 Relevant Council policies are referred to above.

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

- 4.4.1 The decision on the new Victoria Road planning application rests with the Plans Panel South & West. If the refusal of the application on grounds of loss of sports facilities cannot be adequately substantiated, such a refusal could result in an award of costs against the Council following an appeal.

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

In respect to future planning applications of a similar nature to that which was withdrawn, a refusal on grounds which could not be adequately substantiated at appeal would carry a high risk of costs being awarded against the Council on grounds of unreasonable behaviour. This is particularly likely given that a Government Planning Inspector has fairly recently set out clear views on this issue in the context of the appeal on the main former school site.

#### **4.6. Risk Management**

- 4.6.1 The risks to the Council in terms of potential award of costs are set out above.

#### **5. Conclusion**

- 5.1. Officers concur that the desire for the community to gain Victoria Road playing fields for wider public use would be supported in principle. However, in a planning context officers are

mindful that refusal of the Victoria Road application would not serve to enhance local sports provision or community health as desired. In addition, such an approach could be+ an unsound basis upon which to refuse an application and could therefore lead to a cost award against the Council.

## **6. Recommendations**

- 6.1. Executive Board is asked to note that this is an area acknowledged as having a deficiency in sports facilities and pitches. Whilst recognising the role of the Local Planning Authority the Executive Board is recommended to support the principle of enhancing opportunities for the local community to engage in physical activity to improve health and wellbeing in the area.

## **7. Background documents<sup>1</sup>**

- 7.1. None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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### DEPUTATION THREE – HYDE PARK OLYMPIC LEGACY GROUP

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

MR D DAVISON: Hello, Lord Mayor and Members of the Council. My name is John Davison, I am a grassroots football coach, a teaching assistant and a volunteer. I have with me Amit Roy, who is a resident and I suppose a community organiser, Yasmin Ajib, who is a resident and parent of Hyde Park, and Rachael Ryan with young Amir. Adel, Rachael's husband, he is a football coach as well and a colleague of mine, I suppose.

I am going to talk to you about the health of the people of Hyde Park and the need for the local schools and community to access decent sports facilities.

There is great scope for increasing the health of this or any inner city population and I have a got a good idea of how to do it, but first some facts.

Some of you will be aware of the statistic that people living in inner city areas like Hyde Park, Woodhouse, South Headingley and Burley tend to die on average 10 to 12 years younger than their contemporaries in the outer suburbs. There are many reasons for this, but in my experience the quickest and most effective way to remedy a person's poor health is to get them into an exercise habit.

My father, a general practitioner of some 30 years, would agree with me that poor diet, smoking and excess drinking can be curtailed by the fact that aside from cardiovascular benefits, when you are good at a sport it motivates you not mess your body up. As a member of a team you tend to want to improve the facets about yourself that you do not have, and this flows into your general life. You become a more balanced and compassionate person. A person who cares about a sport will tend to avoid such extremes of behaviour that will be damaging to them. You develop a desire to help others, be nice to people, be carefree, and I see this in the people who work in a team or a group around me, or who I have taught.

Five of the primary schools in my immediate area are what I would term seriously deprived in terms of space for participation in competitive sport. Three of them - Quarry Mount, Rosebank and Brudenell Primary - have only access to tarmac playing pitches. These are often shared-use facilities, inaccessible for certain times of the day as PE lessons can clash with other year group's playtimes. Often these playgrounds are on slopes. School halls in primary schools are generally small and are put out of action at key times of the day as they are used as dining areas, and nearby green space can be problematic due to dog mess and litter and one head teacher has even mentioned discarded needles on a field near a school.

Limits such as these conspire to make competitive sport on these areas difficult or dangerous for fear of injury. This does not mean decent athletes cannot be produced in poorer inner city areas (Thierry Henry for example, is the initial product of good free-to-use sports facilities in inner city Paris). A person's environment and influences in their early life can set the habit, or not, to truly excel in terms of

technique, determination and athleticism, and it isn't just about producing Olympians or, for that matter, professional athletes, but just good people.

I can't legally talk about any live planning applications, but I must talk about the plans myself and an organisation that I helped to form had to change this situation for the better and, for that matter support, the agenda that the Government's new Health and Social Care Act legally infers upon you, the local Council — namely to narrow the gap in terms of this health divide.

Let us say that a playing field with an adjoined sports hall (let us say it is the second biggest sports hall in Leeds ) an additional hall area which is currently a swimming pool became available in an inner city area like ours that had previously been offered for free to a community group that could run it. Now, let us think about the model of how this site could operate if it were run as a non-for-profit enterprise by a charitable trust.

I want you to imagine a few things now. A playing pitch which was a hypothetical 90m x 63m could be an official eleven-a-side pitch, with the option of two x seven-a-side football pitches running across it, like the local-use AstroTurf pitches in Spain. This meets the requirements laid out by FIFA for these pitch sizes. The use of high netting around the field would stop balls going into neighbouring gardens. The centre circle of the pitch would be interceded by a coir-mat or an artificial turf wicket, and a cricket oval of 60m x 90m (which complies with the governing body's legal requirements) could be put as the border. At least five or six local clubs could share-use these facilities and the primary schools can access them during the day. The requirement of each club that uses them is that they hire the facility for their senior teams on the condition that they are actively promoting their sport within the community, and especially to young people.

I want you to imagine a pyramid feeder system. At the bottom is your under 8s, boys and girls, your under 12s, your under 16's, your development squad and your senior squad. All of this is accessible to anyone who wants to play the sports offered. At the heart of this pyramid is a sphere. That is you. You can enter sport at any level and find a place. Above this are your exit routes (sports scholarships, semi professional clubs) and above that still are professional athletes, your Olympians. You could add to this over 35s, over 40s, playing for fun or playing for fitness. Anyone from the bottom can see the progression to the top and there are at least five different sports here running every week.

To have this beacon site that anyone can access giving encouragement, good technical coaching and a diversity of options to people in the area where it is actually needed. The site can be used by people from other more disadvantaged areas of the city where transport can be set up.

THE LORD MAYOR: Could you make your final point? You have got to the end of your five minutes.

MR J DAVISON: We have set up free after school clubs at this facility between 4.00 to 6.00pm every day, a multi-sports company would do this. This helps address the particularly high rates of type 2 diabetes and cardiovascular



disease in the South Asian population in this area often genetically suffered from and it would help lower the risk of cancer, improve cardiovascular health and improve community cohesion.

My last point is something which is seriously needs to be considered by those who can. If you look at a map of Leeds and pinpoint where the existing sports clubs are.

THE LORD MAYOR: I must ask you - final warning to wind up, please.

MR J DAVISON: OK, sorry. They are generally around the outskirts you do not have a lot in the inner city and in Woodhouse you have got a load of back-to-back houses and someone got stabbed there recently and I saw a guy down there and it was one of my old guys that I was coaching and I wondered maybe something could be done better between planners giving 21 days, it is like a major development which involves of green site loss Between Sport England, which is supposed to be protecting pitches in the inner city showing bias by only transporting them to the outskirts, Education Leeds, defending their position in 2008, saying the provision in primaries is adequate and the new PPG or PPS survey which cannot make any distinction between sports pitches which the public can use and which they can't, planning officers writing reports and omitting certain facts...

THE LORD MAYOR: Thank you for attending.

MR J DAVISON: Doing their jobs adequately – they should be doing better than adequate, we should be looking to try and make things work. *(Applause)*

THE LORD MAYOR: Thank you for attending and for what you have said. You will be kept informed of the consideration which your comments will receive. Good afternoon. *(Applause)* I am sorry, you have completely thrown me off kilter!

COUNCILLOR J LEWIS: I move that the matter be moved to the Executive Board for consideration.

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**Report of Director of City Development**

**Report to Executive Board**

**Date: 9<sup>th</sup> May 2013**

**Subject: Disposal of cleared site in Holbeck to Unity Housing Association**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Beeston and Holbeck		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number; 10.4 ( 3 )		
Appendix No. 2		

**Summary of main issues**

- (i) This report sets out proposals to dispose of a cleared site, at Brown Lane East in Holbeck, to Unity Housing Association at a less than best consideration to facilitate the development of new affordable homes. The development will complement other forthcoming housing investment in the area.
- (ii) Grant funding has been secured by Unity HA from the Homes and Communities Agency (HCA) Affordable Homes Programme 2011/15 to support the redevelopment of 41 new affordable homes. In addition Unity's own resources will be utilised to fund this scheme.
- (iii) The scheme will contribute to the strategic objective of delivering additional affordable homes within a priority regeneration area of the city and will meet some of the objectives of the Holbeck Regeneration Plan 2010.
- (iv) The Council will receive 100% nomination rights on the first lettings of the new homes and 75% thereafter.

## **Recommendations**

Executive Board is recommended to:

- (i) approve a proposal to dispose of a cleared site in Holbeck as identified at appendix 1 on the basis of a “one to one” negotiation with Unity Housing Association at a less than best consideration on the terms detailed in the confidential appendix 2.
- (ii) delegate authority to the Director of City Development (with the power to sub-delegate) to approve the detailed terms of the sale.

### **1 Purpose of this report**

- 1.1 The purpose of the report is to seek approval to dispose of a cleared site in Holbeck at less than best consideration and on the basis of a “one to one” negotiation with Unity Housing Association. The disposal of this site will facilitate the development of an affordable housing scheme in a priority regeneration area of the city.

### **2 Background information**

- 2.1 The Council’s Executive Board at its meetings of 20<sup>th</sup> September 2006, 4<sup>th</sup> January 2007 and 4<sup>th</sup> October 2007 approved proposals to commence the acquisition and demolition of 113 pre 1919 properties of mixed tenure across three phases. The project was funded utilising grant funding from the Single Regional Housing Pot (SRHP).
- 2.2 At its meeting in February 2008, the Council’s Executive Board agreed to delegate responsibility for the disposal of sites held within the Affordable Housing Strategic Partnership (AHSP) at an agreed fixed figure of £5k per plot which at that time was less than best consideration This was an amount based on HCA funding levels at that time and was applied across all the sites held by the partnership.
- 2.3 In March 2008, Executive Board approved a recommendation that the cleared sites on Brown Lane East, Holbeck, along with three other sites cleared with SRHP funding, should be transferred to the AHSP for redevelopment as affordable housing.
- 2.4 Unity Housing Association has approached the Council with a proposal to develop the Brown Lane East site as they have an indicative funding allocation from the HCA for the development of approximately 40 units on a non site specific basis.
- 2.5 Executive Board has previously approved proposals in January 2011 and June 2012 to transfer two of the four SRHP cleared sites, the Beverelys & St Hildas, to Chevin Housing Association at nil consideration to facilitate the development of affordable housing schemes.

### **3 Main issues**

- 3.1 This site has been cleared since June 2011. The Holbeck area has seen a significant number of demolitions over recent years and this development will mark the start of a new phase of regeneration for the locality. The location of this site overlooking Holbeck Moor and the cleared site of the former Holbeck Towers presents an opportunity to make a significant impact on the local area and demonstrate the Council's commitment to regeneration of this area. Whilst other uses have been considered for this site including retail, no firm proposals have been brought forward, and Unity's proposal represents a deliverable and funded scheme. The proposals presented by Unity would meet the objectives of the Holbeck Regeneration Plan which was adopted as formal planning guidance in 2010.
- 3.2 Housing associations have previously been invited to express interest in a package of sites which included this one. Chevin HA were selected to deliver affordable housing on the site through this process, but had withdrawn their proposals when housing associations were required by the HCA to scale back their submissions in view of the oversubscription of the programme. At the time that submissions were made to the HCA no other housing association had presented proposals to develop this site and the current affordable housing programme is on the whole committed. At this point in time there is no viable alternative to the Unity scheme for the foreseeable future. The Council has therefore entered into a "one to one" negotiation with Unity HA for the disposal of the site in order to facilitate this much needed investment in the area. The Unity scheme in itself will contribute to the regeneration of the area and make a significant contribution to quality affordable housing in that location, with the advantage that the Council has nomination rights.
- 3.3 Unity Housing Association has been successful in securing funding from the HCA as part of the Affordable Homes Programme 2011/2015 for the development of approximately 40 new affordable homes on a non site specific basis.
- 3.4 Unity Housing Association approached the Council with a proposal to deliver a scheme of 41 units at Brown Lane East by using secured HCA funding. The proposed scheme will consist of 18 two bedroom flats, 17 three bedroom and 6 four bedroom houses. 25 of these houses will be available for rent at an Affordable Rent level (80% of the market rent) with 16 being made available for shared ownership. The houses will have private gardens and all properties will have designated parking.
- 3.5 Unity already has a presence in the area and has completed, over recent years, two new affordable housing developments in the area. They have demonstrated their commitment to regeneration in the city particularly in relation to their performance in the provision of employment and training opportunities on the recently completed Beverleys site in Beeston.
- 3.6 A planning application for the proposed affordable housing scheme was submitted by Unity Housing Association in February 2013.

- 3.7 As part of a Town and Country Planning Act 1990 section 106 agreement the Council will receive 100% nomination rights on first lettings of the houses and 75% of nomination rights on subsequent lettings.
- 3.8 Unity has commissioned an appraisal and valuation of their proposals from independent Chartered Surveyors which reported in January 2013. A copy of this report has been submitted to the Council and made available on an open book basis. The findings of the report indicate that the scheme is not financially viable if they are required to pay market value for the land.
- 3.9 City Development officers have reviewed the report provided by Unity and have carried out their own appraisal of the development potential for residential development on the site. It can be confirmed that in the current market it is not financially viable to develop the site for this use in that the total costs of the scheme exceed the Gross Development Value of the development on completion. The scheme only becomes viable with the support of HCA grant funding and therefore only a housing association with access to this funding would be able to develop this site at this time.
- 3.10 Unity has submitted a request for the Council to dispose of the land to them at a less than best consideration, the details of which are set out in the confidential appendix 2.
- 3.11 Executive Board has previously considered similar recommendations based on the standard approach taken by the Council to assess the viability of schemes and has approved the disposal of sites to various Housing Associations at less than best consideration in pursuit of housing growth and in recognition of the strategic benefits which will be achieved. These include 100% nomination rights, an increase in housing market confidence in low value areas and an opportunity to create employment and training opportunities. In all such cases the terms of disposal would include restrictions to ensure that the site could only be used for the provision of affordable housing in perpetuity. Similarly an overage clause would be included to ensure that in the event that the scheme went into profit over the next 20 years 75% of that profit would be payable to the Council.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Ward Members were briefed about the proposals prior to the submission of the planning application and are supportive.
- 4.1.2 The proposals to develop the site were presented to the Holbeck Forum on 10<sup>th</sup> December 2012 and were agreed in principle. This was followed by a meeting with Holbeck residents and Unity Housing Association attended by two of the ward members. Residents and ward members attending the meeting were supportive of the scheme. The third ward member had previously confirmed his support via email.
- 4.1.3 The Holbeck Neighbourhood Forum is working to prepare a Neighbourhood Plan under the new powers granted in the Localism Act 2012. This will set out

additional improvements in the wider area but the scheme is seen as a positive contribution to commence regeneration in this area.

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

4.2.1 This proposal will make a positive contribution towards equality, diversity, cohesion and integration objectives by providing 41 units of general needs accommodation built to lifetime home standards. As some of these units will have four bedrooms they will address the specific needs of larger families. The development would also provide opportunities for families to access affordable home ownership as some of the units will be offered for shared ownership.

4.2.2 An equality, diversity, cohesion and integration screening exercise has been carried out. This has affirmed that equality, diversity, cohesion and integration considerations have been effectively considered in relation to this proposal and that a full impact assessment was not required. The screening report is attached.

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

4.3.1 The scheme is located within an area identified as a target area within the Leeds Housing Investment Plan.

4.3.2 The development of the Brown Lane East Site will increase the number of new affordable homes built each year which is an objective of City Priority Plan 2011-2015.

4.3.3 The development of new affordable homes on the cleared site will help to increase housing market confidence in the area and will indicate the Council's commitment to the regeneration of the Holbeck area.

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

4.4.1 The proposed details of the disposal of the Holbeck site at a less than best consideration to Unity is detailed in the confidential appendix 2.

4.4.2 The development of new housing on this site will also generate New Homes Bonus with the affordable housing uplift.

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

4.5.1 Section 32 of the Housing Act 1985 provides that local authorities cannot dispose of land which they hold for the purposes of Part II of that Act without the consent of the Secretary of State. Section 25 of the Local Government Act 1988 provides that a local authority cannot provide any person with financial assistance for privately let housing accommodation without the consent of the Secretary of State. It is proposed that the land be disposed of using a general consent given by the Secretary of State, such consent being General Consent A under section 25 of the Local Government Act 1988 for the Disposal of Land to Registered Providers of Social Housing 2010 ('the Consent'). The consent also operates as a consent for the purposes of Section 32 of the Housing Act 1985. The Consent provides that a local authority may provide a registered provider (within the meaning of Part 2 of the Housing and Regeneration Act 2008) with financial

assistance or any gratuitous benefit consisting of the disposal of land to that registered provider for development as housing accommodation subject to a number of conditions. The Head of Property Services confirms that the aggregate value of assistance provided by the Council by the proposed disposal and any gratuitous benefit or financial assistance provided previously by the Council under the Consent in the current financial year has not exceeded the limit of £10 million as prescribed by the Secretary of State and Legal Services has therefore confirmed that the conditions provided by the Consent are met in relation to the proposed disposal and that consent for the disposal of the site and the provision of financial assistance by way of a disposal at less than best consideration is given by The General Consent under Section 25 of the Local Government Act 1988 for the Disposal of Land to Registered Providers of Social Housing 2010.

- 4.5.2 The information contained in Appendix 2 attached to this report relates to the financial or business affairs of the Council. It is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to the disposal of sites to Housing Associations 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. It is therefore considered that this element of the report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

#### **4.6 Risk Management**

- 4.6.1 There is a risk that if this opportunity for redevelopment of the site is not pursued the site could remain undeveloped for the foreseeable future and 41 affordable homes would not be provided in this area of housing need.
- 4.6.3 A further round of funding from the HCA has been recently announced. However, no other Housing Association has indicated that they would apply for funding to develop this site during the 2011/2015 Affordable Homes programme.
- 4.6.5 In view of the site development and likely property values, it is considered as unlikely to be a viable site for a developer. With this in mind it is considered unlikely that the site would be sold on the open market in the current economic climate. If sold on the open market the site would attract two affordable housing units via s106 in line with current planning requirement at 5% in this location, (which falls under the City Centre Housing Market Zone).

#### **5 Conclusions**

- 5.1 This proposal offers an opportunity to deliver affordable housing in one of the city's priority regeneration areas, contributing to the affordable housing targets within the City Priority Plan.
- 5.2 On the basis of the viability assessment undertaken for this site, it is proposed that the site should be disposed of to Unity HA at less than best consideration on the terms set out in the confidential appendix 2.



5.3 Unity HA have secured grant funding which could be used to deliver the scheme and in line with the conditions of the HCA's grant funding programme are in a position to complete the scheme by April 2015.

## **6 Recommendations**

6.1 Executive Board is recommended to:

- (i) approve a proposal to dispose of a cleared site in Holbeck as identified at appendix 1 on the basis of a "one to one" negotiation with Unity Housing Association at a less than best consideration on the terms detailed in the confidential appendix 2.
- (ii) delegate authority to the Director of City Development (with the power to sub delegate) to approve the detailed terms of the sale.

## **7 Background documents<sup>1</sup>**

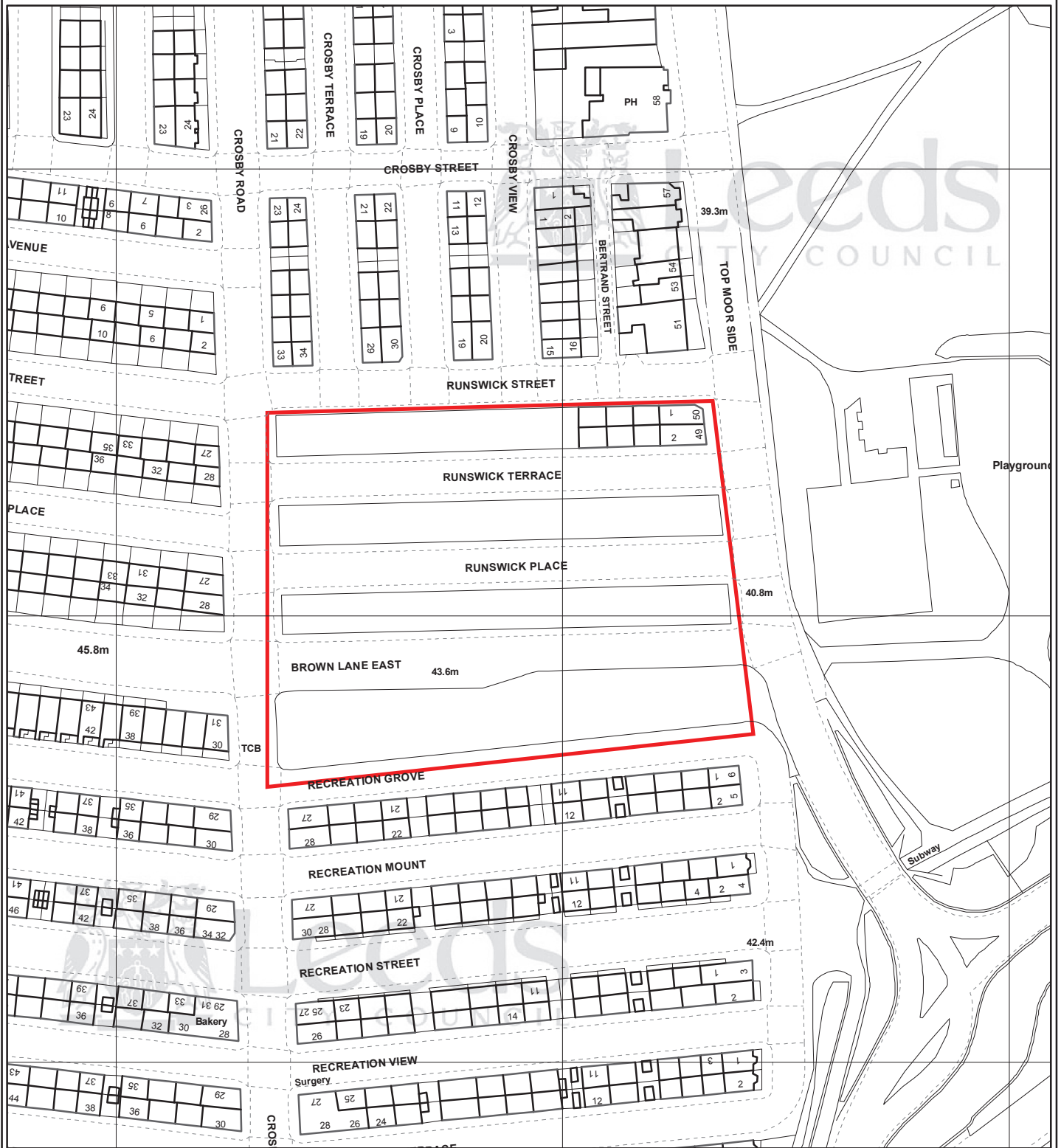
7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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**LAND AT  
BROWN LANE EAST  
HOLBECK  
LEEDS LS11**



**Leeds**  
CITY COUNCIL

(c) Crown Copyright and database right [2013]  
Ordnance Survey LA100019567

PREP BY K. HOCKER

DATE 06/02/2013

OS No SE2832SW

Scale 1:1,250

**PLAN No 17060**



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# Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

<b>Directorate: City Development</b>	<b>Service area: Housing Investment Team</b>
<b>Lead person: James Kilroy</b>	<b>Contact number: 2474491</b>

## 1. Title: Transfer of cleared site in Holbeck

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

## 2. Please provide a brief description of what you are screening

This screening is with regards to a proposal to transfer a cleared site in Holbeck to Unity Housing Association at nil consideration in order that the development of affordable housing on the site may take place.

### 3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		√
Have there been or likely to be any public concerns about the policy or proposal?	√	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		√
Could the proposal affect our workforce or employment practices?		√
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul>	√	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.



#### 4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

• **How have you considered equality, diversity, cohesion and integration?**  
(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

Unity Housing Association approached the Council with a proposal to develop affordable housing on this site in October 2012.

Officers from the Housing Investment Team and Unity HA attended the Local Neighbourhood Forum in December 2012 to discuss the proposals, the forum is attended by local residents and local ward members.

Following this meeting the Local Neighbourhood Forum were supportive of the proposals.

It is recognised that access to affordable housing is vitally important in mitigating the impact of economic pressures on equality groups who are more vulnerable to financial exclusion. Their housing choice may be restricted since they may not be able to obtain mortgages or afford market rents. People with specific housing requirements, such as families requiring larger homes, face additional potential restrictions in their housing choices in this area which this development will help to ease.

• **Key findings**  
(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The development of good quality affordable homes in the area will be a positive impact to the local area.

Unity specialise in working with BME communities and have demonstrated their contribution towards community cohesion and creating positive links with existing communities on other affordable housing schemes across the city.

The proposal is considered to offer a positive impact on equality and diversity, particular in regards to the creation of larger family affordable housing in the area.

• **Actions**  
(think about how you will promote positive impact and remove/ reduce negative impact)

Unity HA and council officers will work closely with The Local Neighbourhood Forum, local residents, ward members and businesses to promote the positive impact of this development.

Unity have in the past been very proactive in terms of publicity and tackling negative issues surrounding the development of new housing in existing communities.

**5. If you are *not* already considering the impact on equality, diversity, cohesion and integration you *will need to carry out an impact assessment*.**

Date to scope and plan your impact assessment:	
--	--

Date to complete your impact assessment	
---	--

Lead person for your impact assessment (Include name and job title)	
--	--

**6. Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date

**7. Publishing**

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to [equalityteam@leeds.gov.uk](mailto:equalityteam@leeds.gov.uk). For record keeping purposes it will be kept on file (but not published).

<b>Date screening completed</b>	
---------------------------------	--

If relates to a Key Decision - <b>date sent to Corporate Governance</b>	
---	--

Any other decision – <b>date sent to Equality Team (equalityteam@leeds.gov.uk)</b>	
--	--

**Report of the Director of City Development**

**Report to Executive Board**

**Date: 9 May 2013**

**Subject: A58M Leeds Inner Ring Road Essential Maintenance Scheme**

**Capital Scheme Number :- 16444/000/000 Woodhouse Tunnel**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City & Hunslet, Hyde Park & Woodhouse, Burmantofts & Richmond Hill		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

**Summary of main issues**

1. The early stages of the Leeds Inner Ring Road (IRR) which were built in the late 60's and early 70's are in urgent need of structural repair and strengthening mainly due to the damage caused by winter de-icing salt. Without intervention, there is a significant risk that due to safety reasons, the IRR would need to be closed within five years.
2. An Essential Maintenance Scheme has been developed for three key structures on the Leeds IRR, and the Department for Transport (DfT) has given a commitment to fund up to a maximum of £16.344 million out of a total scheme budget of £24.96 million.
3. In April 2012, the Executive Board authorised expenditure of £2.446m to implement work to Lovell Park Bridge, one of the three key structures, and also to progress the procurement of the necessary works required for Woodhouse Tunnel by appointing a contractor through Early Contractor Involvement.
4. This report provides a progress update on the Essential Maintenance Scheme and seeks approval from the Executive Board to progress with the proposed construction works on Woodhouse Tunnel.

## **Recommendations**

5. The Executive Board is recommended to:

- (i) Note the update provided in this report, including the substantial completion of New York Flyover and Lovell Park Bridge.
- (ii) Note that a contractor has been appointed for Woodhouse Tunnel and is currently utilising Early Contractor Involvement to look at the optimum solution for delivery and also to feed into the Full Approval process.
- (iii) Subject to Full Approval by the DfT, authorise expenditure of up to £19.483 million to implement the construction phase for Woodhouse Tunnel.

### **1 Purpose of this report**

1.1 The purpose of this report is to:

1.2 Provide an update on progress on the A58M Leeds IRR Essential Maintenance Scheme.

1.3 Subject to Full Approval from the DfT, seek authority to incur expenditure for the construction stage of the Woodhouse Tunnel Strengthening Scheme.

### **2 Background information**

2.1 Stages 1 to 3 of the Leeds IRR, which were constructed in the late 60's and early 70's, have been subject to chloride attack caused by the use of winter de-icing salt on the road since they were constructed.

2.2 Despite significant investment on maintenance, some of the key structures on the IRR have deteriorated, especially in the last decade, to a point where major intervention is now required.

2.3 A scheme was developed which included significant strengthening and repair work on 3 of the key structures on the IRR. These were New York Flyover, Lovell Park Bridge and Woodhouse Tunnel. This scheme was submitted to the Secretary of State for Transport in a funding bid and in December 2011 was granted "Programme Entry" status.

2.4 As mentioned in previous reports to the Executive Board, scheme promoters are expected to provide a local funding contribution. Historically this is 10% minimum and chances of success increase if this can be maximised, and also include Third Party funding. The total scheme budget is currently £24.96 million and the Programme Entry commitment from the Secretary of State for Transport, through the DfT is for £16.344 million. The remaining £8.616 million forms the local contribution element consisting of £3.45 million from the Local Transport Plan Fund, £3.00 million centrally funded from LCC and a combined third party contribution of £2.166 million from the University of Leeds and Leeds NHS Trust to cover their maintenance obligation for Woodhouse Tunnel. A Full Approval

submission is programmed to be submitted to the DfT in May 2013 with a decision expected six weeks later.

- 2.5 Works on New York Flyover and Lovell Park Bridge are now substantially complete and were programmed to be done in advance of the opening of Leeds Arena. Lovell Park Bridge was the subject of a previous Executive Board report and New York Flyover works were undertaken as part of the Bridges capital programme.
- 2.6 However, the most significant of the three elements of the Essential Maintenance Scheme is Woodhouse Tunnel. Some critical repairs were carried out in summer 2011 but the major maintenance and strengthening works are programmed to start in summer 2013 but this will be subject to obtaining Full Approval from the DfT.
- 2.7 Previous reports on the A58M Inner Ring Road Essential Maintenance Scheme have been submitted to the Executive Board on 7 September 2011 and 11 April 2012.

### **3 Main issues**

- 3.1 All the structures on the A58M and A64M Leeds IRR are exhibiting deterioration consistent with chloride contamination from the ingress of winter de-icing salts. A scheme has been developed to undertake urgent maintenance and strengthening work on 3 of the key structures. Works on two of the three key structures is now substantially complete with the works on Woodhouse Tunnel remaining.
- 3.2 Woodhouse Tunnel is by far the largest of the three structures included in the current IRR Essential Maintenance Scheme and without timely intervention runs the risk of being closed within five years.
- 3.3 Due to the sensitivity of the road network, and the fact that the tunnel sits below a hospital and university, the contract for this work has been developed using a similar contract strategy that was used for earlier major schemes in Leeds including the A65 Quality Bus Initiative and Stage 7 of the Leeds IRR. These contracts were also in two phases with Phase 1 involving Early Contractor Involvement (ECI).
- 3.4 Following Executive Board approval in April 2012 to adopt this strategy, the ECI Phase of the Woodhouse Tunnel was awarded to Carillion in November 2012 and is currently ongoing. The ECI Phase will result in a robust cost estimate and detailed programme for the implementation of the works. This will then be used in the Full Approval submission to the DfT.
- 3.5 In the early stages of the ECI Phase, it became apparent that the design proposals for the tunnel, which involved the removal of some of the existing concrete, would require temporary supports to prop the tunnel roof whilst the permanent works were installed. The ECI Contractor utilised his expertise to look at the implications of doing this. Providing the necessary props and the associated traffic management and protection would require the tunnel to be fully closed for extended periods of time. This would have an unacceptable effect on

the surrounding highway network and also significantly increase the scheme budget.

- 3.6 The ECI Phase also allows the Contractor to work with the designers to look in detail how the works are to be delivered and look to overcome potential problems. There is also a great deal of knowledge gained from earlier works on the IRR including the tunnel repairs in summer 2011, and the beam lifts for Lovell Park Bridge.
- 3.7 In light of the above, an alternative design was developed which required less of the original structure to be removed, thus avoiding the need to prop the tunnel roof. This would also reduce the amount of disruption in the peak periods and reduced the risk of overspending the existing budget.
- 3.8 The contractor has already looked at a number of options and working within prescribed constraints is formulating the optimum solution for delivery. As already mentioned, one of the key considerations is the effect that the works will have on the highway network, and regular meetings are being held with the Network Management Section. These meetings are looking at all the known events that are planned for Leeds including the potential impact the works might have on the Arena and also to ensure a total embargo for the Tour de France.
- 3.9 The proposed tunnel works are currently programmed to commence on 29 July 2013 to take advantage of the reduced traffic volumes during the summer holiday period. This is after the first event at the Leeds Arena, but it will be important not to have an adverse impact on the opening season. Accordingly, specific consultation will be undertaken with the Arena Operator in order to establish the programme including the size and nature of events. Appropriate working restrictions will then be agreed with Network Management around these events. At this stage it is difficult to assess the effect that network restrictions will have on the overall programme as the full extent of events is not yet known. Some assumptions have been made and it is expected that the works will be completed within the 2015/16 financial year.
- 3.10 Separate consultation will also be undertaken with the *Local Delivery Group* and *Travel Planning Group* which have been established for the Tour de France. Again, appropriate working restrictions will need to ensure that there is no impact on the Grand Depart.
- 3.11 As a result of the constraints placed on the contractor and the re-design of the strengthening proposals, the majority of the work will be undertaken with night time closures of a single bore with contra-flow in the other. This has worked successfully for previous work on the tunnel and existing plans are available. Weekend closures will be required for some operations which include further repair works to the tunnel roof. These will now be kept to a minimum and will be similar to what has successfully been done in the past and can again be programmed for quieter holiday periods.
- 3.12 Regular meetings are continuing to be held with the University and Hospital Trust to update them on progress. As mentioned in previous reports, agreement has been reached with the University of Leeds and Leeds NHS Trust whereby they

have contributed £2.166 million towards the current essential maintenance scheme, which will guarantee the tunnel for the next fifteen years. A payment of a further £1.8516 million (discounted to account for the future works costs) has also been agreed for the following 15 years, removing the liability of costs for maintenance repairs to the tunnel from the University of Leeds and Leeds NHS Trust until 1<sup>st</sup> April 2042 (30 years).

- 3.13 The University of Leeds and Leeds NHS Trust have engaged a private consultant to give an independent check to the current LCC proposals to give further assurance that the strengthening scheme will deliver the required outcome. The Bridges design team are working with this consultant to satisfy their requirements.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Widespread consultation has already been undertaken as part of the bid made to the DfT and extensive consultation was carried out as part of the tunnel repairs in Summer 2012 and for the full closures of the IRR which were required for the Lovell Park Bridge beam lifts.
- 4.1.2 As a result of this consultation, and with careful programming, both the tunnel roof repairs, and the beam lifts took place with minimal disruption to traffic, especially on the adjacent highway network.
- 4.1.3 The proposed works for Woodhouse Tunnel are essential maintenance works, there is little scope for making significant change to the proposals as a result of consultation. The feedback from consultation will be considered as part of the construction programming to minimise impact and where possible address any concerns raised.
- 4.1.4 Although the proposed works for Woodhouse Tunnel are more extensive than the earlier repair work, a similar traffic management strategy will be used, and the majority of the proposed work will be undertaken at night with selected weekend closures future consultation. This will utilise, and build on the existing good practice which is already in place. As the works progress, consultation and engagement will continue but due to the nature of the work this will mainly be in the form of information about ongoing and proposed works.
- 4.1.5 As mentioned previously, detailed consultation is already taking place with Network Management looking at the effect the works might have on events and the availability of the network. This will also include specific consultation with the Leeds Arena Operator, and also take account of the Tour de France.
- 4.1.6 Around 80,000 vehicles a day travel through the tunnel, a significant proportion of which are travelling through the city rather than travelling to or from an area within the city. It is difficult to engage with these people but extensive use of the Council's website, including social media will be used in consultation. Variable message signs are also proposed at either end of the tunnel to advertise pending work.

## 4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality, diversity, cohesion and integration screening (attached as an appendix) has been completed and indicates that a full EDCI Impact Assessment is not required for the proposals in this report.
- 4.2.2 The screening report did not identify any positive/negative impacts that would have an impact on the equality characteristics.

## 4.3 Council policies and City Priorities

- 4.3.1 The Inner Ring Road is the city's most important strategic road and maintaining it to safe and serviceable standards is therefore crucial to the city and the wider city region. The approach recommended within this report is entirely consistent with the key aims contained within the City Priority Plan and the Council Business Plan.

## 4.4 Resources and value for money

- 4.4.2 The current total funding, for the A58 Leeds Inner Ring Road Essential Maintenance Scheme is £24.96 million which is made up of £16.344 million grant from the DfT, £2.166 million third party funding from the University of Leeds and Leeds NHS Trust, Local Transport Plan (LTP) grant of £3.45 million and a local LCC contribution of £3 million.

### 4.4.3 Capital Funding and Cash Flow.

Funding Approval :	Capital Section Reference Number :-						
<b>Previous total Authority to Spend on this scheme</b>	<b>TOTAL</b>	<b>TO MARCH 2012</b>	<b>FORECAST</b>				
	£000's	£000's	2012/13	2013/14	2014/15	2015/16	2016 on
			£000's	£000's	£000's	£000's	£000's
DESIGN FEES (6)	400.0	80.2	319.8				
OTHER COSTS (7)	0.0						
<b>TOTALS</b>	<b>400.0</b>	<b>80.2</b>	<b>319.8</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Authority to Spend required for this Approval</b>	<b>TOTAL</b>	<b>TO MARCH 2012</b>	<b>FORECAST</b>				
	£000's	£000's	2012/13	2013/14	2014/15	2015/16	2016 on
			£000's	£000's	£000's	£000's	£000's
CONSTRUCTION (3)	18219.6			8595.3	9434.3	190.0	
DESIGN FEES (6)	1263.4		394.7	551.7	317.0		
<b>TOTALS</b>	<b>19483.0</b>	<b>0.0</b>	<b>394.7</b>	<b>9147.0</b>	<b>9751.3</b>	<b>190.0</b>	<b>0.0</b>
<b>Total overall Funding (As per latest Capital Programme)</b>	<b>TOTAL</b>	<b>TO MARCH 2012</b>	<b>FORECAST</b>				
	£000's	£000's	2012/13	2013/14	2014/15	2015/16	2016 on
			£000's	£000's	£000's	£000's	£000's
LCC Supported Borrowing	2125.4		281.1		1844.3		
LTP Grant	1413.6	80.2	433.4	450.0	350.0	100.0	
Government Grant	16344.0			8697.0	7557.0	90.0	
<b>Total Funding</b>	<b>19883.0</b>	<b>80.2</b>	<b>714.5</b>	<b>9147.0</b>	<b>9751.3</b>	<b>190.0</b>	<b>0.0</b>
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>



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

- 4.5.1 Other than the normal statutory processes involved in procuring and carrying out works on the highway, there are no further legal implications directly related to this report.

## **4.6 Risk Management**

- 4.6.1 Over the last decade, many of the structures on the Leeds IRR have deteriorated to a state where significant intervention is now required. An Essential Maintenance Scheme has been developed to address three of the key structures. Works are substantially complete on two of the structures but works on Woodhouse Tunnel are reliant on grant funding from the DfT. Without intervention, there is a real risk that Woodhouse Tunnel would need to be closed on safety grounds within five years.
- 4.6.2 Progress is being made on the final stages of design for Woodhouse Tunnel which includes Early Contractor Involvement. As the maximum contribution from the DfT is capped at £16.344 million the use of ECI should provide a degree of confidence in delivering the scheme within the overall budget envelope.

## **5 Conclusions**

- 5.1 The Council has been successful in securing Programme Entry approval from the DfT for funding up to £16.344 million for essential maintenance for 3 key structures on the Leeds IRR.
- 5.2 The Council has also reached agreement with the University of Leeds and the Leeds NHS Trust over the terms of their lease for Woodhouse Tunnel and secured Third Party contributions for the works to Woodhouse Tunnel.
- 5.3 In order to consolidate these agreements and secure the available funding, a contractor has been appointed firstly through ECI to work with LCC in the final stages of design for Woodhouse Tunnel.
- 5.4 At the end of the ECI phase, a Full Approval document will be submitted to the DfT in May 2013. This will include a robust cost estimate and programme prepared by the contractor to substantiate the DfT's earlier commitment for £16.344 million at Programme Entry. A favourable Full Approval decision is expected from the DfT to allow construction work to commence on Woodhouse Tunnel at the end of July 2013.
- 5.5 Whilst the Essential Maintenance Scheme will address the immediate pressures caused by the poor condition of the IRR structures, it is essential that a longer term strategy is developed for the long term future of the IRR.

## **6 Recommendations**

- 6.1 The Executive Board is recommended to:
- (i) Note the update provided in this report, including the substantial completion of New York Flyover and Lovell Park Bridge.

- (ii) Note that a contractor has been appointed for Woodhouse Tunnel and is currently utilising Early Contractor Involvement to look at the optimum solution for delivery and also to feed into the Full Approval process.
- (iii) Subject to Full Approval by the DfT, authorise expenditure of up to £19.483 million to implement the construction phase for Woodhouse Tunnel.

## **7 Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

# Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

<b>Directorate:</b> City Development	<b>Service area:</b> Highways and Transportation Engineering Services – Projects
<b>Lead person:</b> P Russell	<b>Contact number:</b> 0113 2476171

**1. Title: A58M Leeds Inner Ring Road Essential Maintenance Scheme Works to Woodhouse Tunnel**

Is this a:

Strategy / Policy     
  Service / Function     
  Other

**If other, please specify**

**2. Please provide a brief description of what you are screening**

The proposed works on Woodhouse Tunnel involve structural repair by selective patching of the existing reinforced concrete and strengthening by adding additional reinforced concrete to the existing structure.

Tunnel bores will be closed to traffic whilst work is being undertaken, mainly at night and with occasional weekend closures.

There is no pedestrian access to Woodhouse Tunnel and a contra-flow will generally be available when one of the tunnel bores is closed in off-peak periods.

**There are occasions when a full closure of the tunnel will be required which again will be off-peak and alternative diversion routes will be fully signed.**

**Emergency breakdown recovery will be available at all times when the tunnel has restricted traffic flow and emergency evacuation routes will be maintained.**

### **3. Relevance to equality, diversity, cohesion and integration**

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

<b>Questions</b>	<b>Yes</b>	<b>No</b>
Is there an existing or likely differential impact for the different equality characteristics?		<b>X</b>
Have there been or likely to be any public concerns about the policy or proposal?		<b>X</b>
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		<b>X</b>
Could the proposal affect our workforce or employment practices?		<b>X</b>
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul>		<b>X</b>

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

#### 4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings** (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- **Actions** (think about how you will promote positive impact and remove/ reduce negative impact)

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**5. If you are **not** already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.****

Date to scope and plan your impact assessment:	
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Date to complete your impact assessment	
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Lead person for your impact assessment (Include name and job title)	
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**6. Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Roy Coello	Head of Engineering Services	18 March 2013

**7. Publishing**

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

<b>Date screening completed</b>	11 March 2013
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<b>Date sent to Equality Team</b>	4 April 2013
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<b>Date published</b> (To be completed by the Equality Team)	
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