



SCRUTINY BOARD (HOUSING AND REGENERATION)

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 8th August, 2013 at 10.00 am

(A pre-meeting will take place for ALL Members of the Board at 9.30 am)

MEMBERSHIP

Councillors

B Atha	Kirkstall;
D Collins	Horsforth;
J Cummins	Temple Newsam;
P Grahame	Cross Gates and Whinmoor;
M Iqbal	City and Hunslet;
S Lay	Otley and Yeadon;
V Morgan	Killingbeck and Seacroft;
D Nagle	Rothwell;
J Procter (Chair)	Wetherby;
C Towler	Hyde Park and Woodhouse;
G Wilkinson	Wetherby;

Please note: Certain or all items on this agenda may be recorded

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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, notice of an appeal must be received in writing by the Head of Governance Services Officer at least 24 hours before the meeting).</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the 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, as follows:</p> <p>No exempt items have been identified on the agenda.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</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>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</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>APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES</p> <p>To receive any apologies for absence and notification of substitutes.</p>	
6			<p>MINUTES - 25TH JUNE 2013</p> <p>To confirm as a correct record, the minutes of the meeting held on 25th June 2013.</p>	1 - 6
7			<p>EXTERNAL PUBLICATION OF EMPLOYEE INTERESTS FOR HIGH RISK POSTS</p> <p>To consider the report of the Head of Scrutiny and Member Development on the external publication of employee interests for high risk posts which includes the Directorates formal response to the Scrutiny Board's recommendations on this issue.</p>	7 - 18
8			<p>ENFORCEMENT PROCESS - UNAUTHORISED ENCAMPMENT BY GYPSIES AND TRAVELLERS</p> <p>To consider the report of the Head of Scrutiny and Member Development providing a summary of the legal powers available to and the legal obligations placed on the Council when responding to unauthorised encampment of Gypsies and Travellers on Council owned land.</p>	19 - 30

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>WORK SCHEDULE</p> <p>To consider a report of the Head of Scrutiny and Member Development on the Board's work schedule for 2013/14.</p>	31 - 60
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>Tuesday, 24th September 2013 at 10.00am (Pre-meeting for all Board Members at 9.30am)</p>	

Agenda Item 6

SCRUTINY BOARD (HOUSING AND REGENERATION)

TUESDAY, 25TH JUNE, 2013

PRESENT: Councillor J Procter in the Chair

Councillors B Atha, D Collins, P Grahame,
M Iqbal, C Macniven, V Morgan, D Nagle,
C Towler and G Wilkinson

1 Late Items

There were no late items of business to consider, however the Chair agreed to accept the replacement of pages 13 to 18 of the agenda, which had been circulated in error with a document marked appendix a, Board's terms of reference (Agenda item 7) (Minute 5 refers).

2 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

3 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted on behalf of Councillor J Cummins and Councillor S Lay. Councillor C Macniven was in attendance as a substitute Member for Councillor Cummins.

An apology was reported from Councillor B Atha that he would be late attending the meeting due to a prior engagement.

4 Minutes - 30th April 2013

RESOLVED – That the minutes of the meeting held on 30th April 2013 be confirmed as a correct record.

5 Scrutiny Board Terms of Reference

The report of the Head of Scrutiny and Member Development presented the terms of reference for the Scrutiny Board, which remained unchanged.

In line with the Scrutiny Board's role as critical friend to the Housing and Regeneration Partnership Board, the report also presented a summary of the Scrutiny Board's observations and recommendations following its assessment of the Partnership Board in March 2013.

RESOLVED – That the report be noted.

6 Co-opted Members

The report of the Head of Scrutiny and Member Development sought the Board's formal consideration for the appointment of Co-opted Members.

The Board was informed that they could appoint the following:

- Up to five non-voting co-opted members for a term of office that does not go beyond the next Annual Meeting of Council; and/or
- Up to two non-voting co-opted members for a term of office that relates to the duration of a particular and specific scrutiny inquiry.

In consideration of this report, the Board agreed to consider the appointment of co-opted members on an ad-hoc basis for any inquiries where it was deemed appropriate.

RESOLVED – That the report be noted.

7 2012/13 Quarter 4 Performance Report

The report of the Deputy Chief Executive provided a summary of performance against the strategic priorities for the Council and city related to the Scrutiny Board (Housing and Regeneration).

The following officers were in attendance:

- Paul Maney, Head of Strategic Planning Policy and Performance
- Maggie Gjessing, Housing Investment Manager, City Development
- Debra Scott, Head of Performance and Service Review
- John Statham, Head of Housing Partnership, Environment and Neighbourhoods.

In consideration of this report, a number of issues were discussed which included:

- Empty private and Council properties.
- Council tax payments on empty properties.
- Delivery of affordable housing where in respect of the Housing Association programmes the Council anticipates that delivery will be back loaded towards the end of the spending review period i.e. up to 2015 but still expect the properties to be delivered.
- Housing supply and the range of activities that the City Development and Environment and Neighbourhoods Directorates were undertaking to maximise and accelerate housing growth.
- Easel and the developer bringing forward a planning application at Spofforth Hill. Reference was made to the discussions taking place around the possibility of taking the affordable homes contribution as a commuted sum in another part of the city and concern that ward Members had not been consulted on the proposals.

- Confirmation that review of the membership and process of the Strategic Housing Land Availability Assessment (SHLAA) had been completed and that Councillors J Procter and C Campbell had been appointed to this body. The Chair reported that developers had been given notice that they would now be required to submit detailed viability assessments for all brown field sites to the SHLAA which they considered to be economically unviable.
- Clarification as to responsibility for the collection of housing data including house completions and its importance. Reference was made to the fact that persistent under delivery of homes could result in more land being zoned for housing as the 5% buffer as detailed in the National Planning Policy Framework (NPPF) guidance could be increased to 20% in certain circumstances.
- Reference to the review being undertaken to ensure performance reports continue to be fit-for-purpose and the consequent suspension of the next quarter 1 performance report. Members reiterated the fact that they wanted more meaningful data and which was not purely based on relevant priorities in the Council Business Plan and City Priority Plan.

RESOLVED –

- (a) That the report be noted
- (b) That details of empty Council properties going through repairs prior to letting broken down by ALMO and those which are for sale or disposal be circulated to Members of the Board for information.
- (c) That a joint report of the Director of City Development and Director of Environment and Neighbourhoods be submitted to the Board on the Council's policies and approach to determining when an affordable homes contribution from a development is taken as a commuted sum in another part of the city and who is consulted on the proposal.
- (d) That the Director of City Development submit a progress report to a future meeting of this Board updating Members on the review and what data was to be included in future performance reports.

(Councillor B Atha attended the meeting at 10.25am during consideration of this item.)

(In relation to this item and reference made above to a planning application for Spofforth Hill, Councillor G Wilkinson drew the Board's attention to the fact that his son-in-law owns some of this land.)

8 Sources of Work

The report of the Head of Scrutiny and Member Development provided information and guidance on potential sources of work and areas of priority within the Board's terms of reference.

Apologies for absence were reported from Councillor P Gruen, Executive Board Member, Neighbourhoods, Planning and Support Services and Neil Evans, Director Environment and Neighbourhoods.

The following officers were in attendance to share their views on potential areas of work for the Board this year:

- Martin Farrington, Director City Development
- Mr Paul Maney, Head of Strategic Planning Policy and Performance
- John Statham, Head of Housing Partnership, Environment and Neighbourhoods.

The following issues were identified as areas for Scrutiny involvement this year:

- Review the impact and policy implications for the city later in the year of the Government's decision to allow home extensions of a specified size under permitted development for a three year period from May 2013.
- Consider the Council's policies and approach to determining when an affordable homes contribution from a development was taken as a commuted sum in another part of the city and who is consulted on the proposal.
- Review the enforcement process for the removal of gypsies and travellers on illegal sites in the city to ensure it continues to be fit for purpose.
- Receive regular updates on the implementation and operation of the new housing management arrangements agreed by the Executive Board in June 2013.
- Consider how the self-financing Housing Revenue Account was being used to stimulate investment in Council housing and particularly affordable housing?
- Consider and respond to the review by the Communities and Local Government's Select Committee on empty properties to be published later this year.
- Review how Section 106 agreements were constructed, formulated and implemented to ensure the process was fit for purpose.
- Review the Council's policy of not providing gas or electric cookers to its tenants from a health and inequality perspective.
- Undertake site visits to developments which include the provision of affordable homes to review the quality and location of these within the site.

RESOLVED – That the report and issues identified be noted.

9 Inquiry to consider Student Accommodation - Draft Terms of Reference

The Chair referred to the report of the Head of Scrutiny and Member Development on proposed draft terms of reference for an inquiry on student

accommodation in the city which had been requested by the Scrutiny Board at its meeting on 30th April 2013.

The Chair advised the Board that since this report had been circulated he had had discussions with the Executive Board Member, Neighbourhoods, Planning and Support Services on the proposed inquiry. He reported that in order to avoid duplication of effort it was proposed that the working group established by the Executive Board Member reviewed the issues of student accommodation in the city. It was further proposed that a number of Members of this Scrutiny Board be co-opted on to that working group to represent this Board's views and concerns.

RESOLVED – That a number of Members from this Board be co-opted on to the working group to review student accommodation in the city.

10 Work Schedule

The report of the Head of Scrutiny and Member Development presented the draft work schedule for the forthcoming municipal year.

RESOLVED – That the Board's work schedule be updated to reflect the key issues discussed during today's meeting and identified in minute 7 above.

11 Date and Time of Next Meeting

Tuesday, 30th July 2013 at 10.00 a.m. (Pre-meeting for all Board Members at 9.30 a.m.)

(The meeting concluded at 12.00 noon).

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Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Housing and Regeneration)

Date: 8th August 2013

Subject: External Publication of Employee Interests for High Risk Posts

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

1.0 Introduction

1.1 Scrutiny Board (Housing and Regeneration) at its meeting on 26th February 2013 considered an Internal Audit report on the controls in place to detect any potential conflicts of interest on the decisions made in respect of planning applications and agreed the following recommendations:

- That there should be 'one rule for all' in declaration of interests for both Members and Council employees.
- That planning officers should declare no interest on planning applications.
- That planning officers declare there has been no undue influence placed on them.

2.0 Directorates Formal Response

2.1 The Executive Board on 17th July 2013 considered the attached report of the Chief Officer (Human Resources) on the external publication of employee interests for high risk posts which includes the Directorates formal response to the Scrutiny Board's recommendations.

2.2 The Executive Board agreed the proposals contained in the report.

3.0 Recommendation

3.1 The Scrutiny Board is asked to consider and comment on the report of the Chief Officer (Human Resources).

4.0 Background documents

4.1 None used

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Report of the Director of Resources

Report to the Executive Board

Date: 17 July 2013

Subject: External publication of employee interests for High Risk posts

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

Summary of main issues

Public access and access by Members, to the declared interests of employees in High Risk Posts has been discussed at a number of Scrutiny Boards particularly Resources and Council Services and Housing and Regeneration.

This has already resulted in the external publication of business interests only for the top three tiers of employees in the Council.

Public access to interests declared by officers has data protection implications. This report outlines the issues which will need to be considered before information on individual employees could be made available to the public, and in particular considers the circumstances in which it would be fair and lawful for the Council to disclose information about land ownerships, shares or involvement in companies.

The report also considers how we can provide a greater level of assurance that employees are declaring relevant interests and that Directors are reviewing and taking appropriate action as the need arises.

Recommendations

The Executive Board are asked to agree the proposals contained in this report.

1 Purpose of this report

- 1.1 This report proposes some practical steps that can be taken to arrange for Members to access the register of employee interests where they demonstrate a legitimate “need to know”.
- 1.2 The report also considers the arrangements that the Council could consider putting in place to make available to the public certain interests of employees who have relevant interests relating to their decision making or advisory role.
- 1.3 The report also considers how we can provide a greater level of assurance that employees are declaring relevant interests and that Directors are reviewing and taking appropriate action as the need arises.
- 1.4 This report also considers the recommendation by the Housing and Regeneration Scrutiny Board on 26 February 2013 that:
 - There should be ‘one rule for all’ in declaration of interests for both Members and council employees.
 - That planning officers should declare no interest on planning applications
 - That planning officers declare there has been no undue influence placed on them.
- 1.5 The proposals contained within the report have been prepared to ensure that we not only comply with the expectation of Members, and Members’ legal “need to know” rights, but also with the data protection principles in the Data Protection Act.
- 1.6 The Executive Board are asked to approve the proposed process in relation to Members’ access and consider issues about wider publication of employee interests.

2 Background information

- 2.1 Following a decision by the First Tier Tribunal (Information Rights) in relation to Bolton MBC a register of business interests declared by senior officers has been compiled and published externally.
- 2.2 These business interests for Senior Officer (defined as Chief Officer level and above), are now published on open data, which means the information is available to both Members and to members of the public without having to request permissions.
- 2.3 In addition to this the Council holds information on a wider range of interests declared by employees deemed to occupy ‘high risk posts’ in terms of their role in the council and their influence on decisions e.g. on property decisions and contracts.
- 2.4 Legal Services have advised that a Member might reasonably have a “need to know” about an officer’s interests in the following circumstances. Firstly where

the Member is part of a committee or other decision-making body, so that they can assure themselves there has been no bias in any reports or advice the decision-making body has received from the officer, or which the officer may have been in a position to influence. Secondly where an officer has taken or is about to take a delegated decision on a particular matter and the Member wishes to assure themselves there has been, or will be no bias in that officer's decision. For example, a Member who is on the Plans Panel would reasonably have a need to know about land ownerships (other than home address), involvement in companies, or shareholdings that an officer has declared if that officer was making recommendations to the Panel or was involved in formulating those recommendations, so that the Member, and the Panel could assure themselves that the recommendations made were objective and unbiased. In these circumstances, a Member's legal "need to know" rights trigger an exemption from the non-disclosure provisions in the Data Protection Act. However, the Council would still need to demonstrate compliance with one or other of the fair processing conditions, and the procedure outlined below is intended to ensure such compliance. In addition, fair processing notices would need to be given to employees in "high risk posts" explaining that disclosures may be made to Members, and the purpose of such disclosures.

2.5 Separate issues arise in relation to public access to officers' declarations of interests, and this report outlines those issues.

2.6 Directors are already accountable for checking declared officer interests and taking appropriate action. This report considers how we can provide a greater level of assurance that employees in high risk posts are declaring relevant interests and that appropriate action is being taken by Directorates.

3 Main issues

3.1 A number of options have been considered to provide Member access to the register of interests for employees in high risk posts. One option, considered and discounted, was to place a copy of the register in the Chief Executive suite with open access to Members. However this was discounted, as it would mean that the Council was in breach of the first data protection principle, that personal data shall be processed fairly and lawfully.

3.2 Following consultation with Legal Services it was decided that the most appropriate process would be to follow existing "Member need to know" protocols in the Council's Access to Information Rules, where the information was requested by Members from the relevant Director, with the Director taking advice from Legal Services in the event there is any doubt about whether a Member has demonstrated a "need to know", or in the event that the Director considered disclosure might be unwarranted in a particular case by reason of potential prejudice to the employee concerned.

3.3 In relation to disclosing any part of an employee's declaration of interests to the public, Legal Services have advised that the following principles need to be considered

- There is no presumption in favour of the release of personal data under the general obligations in the FOI Act, and there is no other separate legal obligation on the Council to make this information accessible to the public.
 - A person in public office or employment should expect their public actions and work duties to be subject to greater scrutiny than their private lives.
 - The individual's reasonable expectations as to privacy must be considered, and in considering whether expectations are reasonable, they must be seen within their context.
 - The Council would need to demonstrate compliance with one or other of the fair processing conditions relevant for processing any personal data (Schedule 2), and in addition (in the case of sensitive personal data) one or other of the conditions relevant for processing sensitive personal data (Schedule 3).
 - For the purposes of Schedule 2, even if the Council took steps to get the consent of individual officers to publication of their interests, it is unlikely that the Council could rely on this successfully in the event of a complaint to the Information Commissioner. This is due to the perceived inequality of bargaining power between employers and employees and the resultant lack of the "freely given" element of consent. The Council could seek to rely condition 6(1) of Schedule 2, namely that processing the data in this way is "necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed" except where this is unwarranted in any particular case by reason of prejudice to the privacy rights of the individual employees. The test required by this condition is a balance between the legitimate interests of those to whom the data would be disclosed (members of the public, their legitimate interests being in the transparency and accountability of decision-making), and prejudice to the rights, freedoms and legitimate interests of the data subject. However, because processing must be "necessary" to satisfy this condition, only where the former interests outweigh the latter should the personal data be disclosed.
 - The Council would need to consider whether overall, processing the personal data of employees in this way is "fair", and whether it is "lawful", in particular whether an appropriate balance has been struck between the need for transparent and unbiased decision-making, and the right of employees to respect for their private, and family lives, and their homes under the Human Rights Act.
 - The Council would need to give fair processing notices to the employees concerned, explaining that a disclosure was to be made, and the purpose of the disclosure.
- 3.4 For example, if it was considered that there was a particular risk of bias in planning or property decisions of the Council by reason of the ownership of land and property, or share ownership/involvement in companies by officers who take or influence those decisions or by officers who may write reports for Plans Panel, then the following steps will need to be taken

- It will be necessary to review the role of each high risk post to establish if they are in positions where they are involved in making decisions or making recommendation to decision makers on property or planning matters.
- It would also then be necessary to review their declared interests in land, property, shareholdings or involvement in companies for potential conflict, and to assess any prejudice to individual officers which might arise from publishing this information
- In the event where it was decided this information could be published an appeal process would have to be considered to ensure there was no prejudice to the employees concerned which would not have been apparent from the information in the declaration alone.

3.5 In considering the Scrutiny Board recommendation that there should be one rule for both members and employees in relation to declarations of interest, the following must be considered:

- Need to know – as in Para 3.3. and 3.4 there is an expectation that employees have a right to privacy unless it can be proved that there is a reasonable need to know information about their interests. The council has over 15,000 employees, and the significant majority have no direct influence on decision making on property and contracts etc. Therefore it could not reasonably be proved that there is a need to know the interests of all employees.
- Logistics of collecting the information. Even if it were the case that there was a need to know all employee interests, the logistics of collecting information on 15,000 employees and checking these through their management chain would be resource intensive, incur considerable cost and focus attention on collection of returns for large numbers of employees rather than a thorough review of relevant interests of employees in high risk posts.

3.6 A number of existing actions are already planned this year to ensure that we can provide a greater level of assurance that employees that are deemed high risk in terms of influence and decision making are declaring relevant interests and that Directors are reviewing and taking appropriate action as the need arises.

3.7 This includes a request that Directors report back on total response rates and actions taken where interests have been declared. This will be summarised in a report to be considered by the Deputy Chief Executive. It is also proposed to review the existing list of high risk posts to ensure it is still fit for purpose.

3.8 It will also include extending the number of employees who work in Planning who will be required to declare their interest, to recognise that it is not grade, but role that will dictate whether there is a need to know information on interests which could conflict, or be perceived to conflict with their role.

3.9 The Scrutiny Board (Housing & Regeneration) at its meeting on 26th February 2013 considered a report on decision-making in the planning process. It was agreed that in addition to the annual declaration of interests that Planning

Officers make, on an annual basis, the decision notice accompanying a planning application will also append a declaration of no interest, to be signed by the case officer and the Principal Planning Officer responsible for signing off the Delegated Decision.

- 3.10 The Chief Planning Officer has agreed that this procedure should be included in the planning application process.
- 3.11 The Board also recommended that, in addition to the above; officers should confirm that no undue pressure had been placed upon them in making their recommendation.
- 3.12 All the most contentious and significant applications are reported to the Plans Panel for decision and all planning decisions are subject to further checks and balances, including challenges to the process of making decisions under the City Council's formal complaints procedure and ultimately the Local Government Ombudsman. In exceptional circumstances, the Local Government Ombudsman is able to request a local authority to make compensatory payments and (rarely) to reconsider the application in order to resolve any defects or undue influence in the original decision-making process. Furthermore, the applicant has a right to submit an appeal against refusal of an application. This appeal is considered by a Planning Inspector appointed by the Secretary of State and is independent of City Council processes. Finally, there is scope for judicial review against any perverse decision. Again, this is available to members of the community and applicants.
- 3.13 In addition, if any officer considers themselves to be under undue pressure from a third party, the report will be compiled by a more senior officer who is remote from the influence alleged by the case officer. It is the responsibility of the case officer to indicate to his or her line manager if they consider that 'undue pressure' is being applied so that the application decision-making process can take place.
- 3.14 It is also difficult to define what might be considered to be 'undue influence'. In the eyes of one party, this might be seen as making appropriate representations. In another case, the actions might be considered inappropriate. It would be difficult to achieve a consistent definition and ensure that it is applied fairly. If a dispute arises that an inappropriate judgement has been made, it could prove complex to investigate and ultimately undermine and delay the decision-making process. In addition, any challenge of this nature is likely to prove difficult to substantiate and could result in complaints which will add to the pressure on staff. A delay in the determination of a planning application (beyond the statutory 13 week or 8 week period for determination) could result in an appeal to the Planning Inspectorate and to the decision being taken out of the Council's hands and possibly be the subject of a costs award. Finally, it is also possible that if an officer or outside party had deliberately exercised undue influence on an officer in order to further or protect a personal interest, this could be reported to the Police on the basis of a potential criminal offence of misconduct in public office.

- 3.15 The Chief Planning Officer considers that the essence of Scrutiny's proposal is satisfied in the ways described.

4 Consultation and Engagement

- 4.1 There has been considerable consultation and communication involved in gathering the data. However employees with information on the register of interests will need to be informed about how this data is shared if there is a change to the current process.
- 4.2 We have consulted with Bolton Council, who following the decision now make the information requested available, but do not publicise it on Open Data. The requirement from the tribunal was about making the information accessible in response to an FOI request.

5 Equality and Diversity / Cohesion and Integration

- 5.1 There are no significant issues.

6 Council policies and City Priorities

- 6.1 Although there is no change to policy there has been no pro-active publishing of officer interests previously, and therefore careful consideration needs to be given to the matters mentioned above, to ensure that any proposal is both necessary and proportionate. .

7 Resources and value for money

- 7.1 There are resource issues in relation to the time involved in keeping the register and in ensuring appropriate access to the register by Members, and in relation to ensuring appropriate wider publication of this information. .

8 Legal Implications, Access to Information and Call In

- 8.1 The report highlights the possible legal implications of accessing information and specifically data protection and human rights risks.
- 8.2 The Information Commission does not require councils to publish data including registers, only to publicise what registers it holds and how the information can be made available to the public. This is outlined in the Definition Document for Local Authorities.

9 Risk Management

- 9.1 If Members do not follow the constitution and gain open access to the officer register of interests, there would be a breach of the data protection principles and the Council would be open to claims from individuals whose personal information has been accessed. Likewise, if there was a general publication of all interests declared by all officers in "high risk" posts, there would be a breach of these principles. There would also be breaches of the Human Rights Act. In relation to serious breaches of the data protection principles the Information Commissioner can impose a monetary penalty on the Council up to £500k.

- 9.2 Individuals must be made aware if their information might be made available to Members or other people other than their Director or nominated deputy. Consideration should be given to giving the option to have their declarations made private or having an appeal mechanism to enable them to object to their declarations made available.

10 Conclusions

- 10.1 It is acknowledged that Members have a legitimate need to know information on employee interests in certain circumstances. A process is now suggested which can enable this while minimising risks on releasing information.
- 10.2 The constitution provides a mechanism for Members accessing Council information. All directors now hold a copy of the register of interests for the relevant officers in their directorate.
- 10.3 Accessing these records through the Access to Information Procedure Rules, as outlined above, provides a balance between transparency in decision making and respect of individual privacy, and contains sufficient safeguards in releasing the information.
- 10.4 The council, in pro-actively publishing the business interests of the top three tiers, is already going beyond what is required to satisfy the requirements of the Information Commissioner.
- 10.5 It is considered that the pro-active publishing of officer interests in accordance with the process outlined above may prove to be disproportionately intrusive to individual officers, and resource intensive for the organisation. Therefore, it is further proposed that the Council publicise the fact that it holds a register of interests for officers who hold posts deemed as 'high risk'. However, access to this would only be in response to an FOI request, and would be under the terms and exemptions outlined in the Freedom of Information Act.
- 10.6 It is considered that the proposals outlined in this report are the most appropriate response to the first Scrutiny Board recommendation of "one rule for all" in the declaration of interests for Members and Council employees.
- 10.7 The Chief Planning Officer will be implementing the second Scrutiny Board recommendation that planning officers should declare no interest in specific planning applications.
- 10.8 The Chief Planning Officer does not support the third recommendation that planning officers declare there has been no undue influence placed on them for the reasons set out in this report.

11 Recommendations

- 11.1 It is recommended that the Executive Board:
- Agree the proposals contained in this report

12 Background documents¹

12.1 None.

¹ 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 Head of Scrutiny and Member Development

Report to Scrutiny Board (Housing and Regeneration)

Date: 8th August 2013

Subject: Enforcement Process – Unauthorised Encampment by Gypsies and Travellers

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

1.0 Introduction

1.1 The Scrutiny Board at its last meeting agreed to review the enforcement process for the removal of gypsies and travellers on illegal sites in the city to ensure it continues to be fit for purpose.

2.0 Director's Report

2.1 The Director of Environment and Housing has submitted the attached report on the enforcement process for the consideration and comment of the Scrutiny Board.

3.0 Recommendation

3.1 The Scrutiny Board is asked to consider and comment on the report of the Director of Environment and Housing and determine what, if any, further scrutiny it wishes to undertake on this issue.

4.0 Background documents

4.1 None used.

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Report of Head of Housing Support

Report to Scrutiny Board (Housing and Regeneration)

Date: 8 August 2013

Subject: Enforcement Process – Unauthorised Encampment by Gypsies and Travellers

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

Summary of main issues

Leeds City Council, in common with all other local authorities, must adhere to set legal obligations when responding to an unauthorised encampment of Gypsies and Travellers on Council owned land.

A Local Authority can only evict trespassers from land it owns by securing a possession order through a court process. A failure to do so could render a local authority liable to legal challenge by way of judicial review action.

The Council has significantly reduced the number, size and cost of unauthorised encampments in the last two years.

This has been achieved by maintaining long standing practice and complementing this with new opportunities such as applying for injunctions and tolerating encampments on specific sites.

Recommendations

To note the contents of the report.

1. Purpose of this report

- 1.1. To provide Scrutiny Board members with a summary of the legal powers available to and the legal obligations placed on the Council when responding to unauthorised encampment of Gypsies and Travellers on Council owned land.
- 1.2. To provide detail of the Council's legal powers and obligations in respect of unauthorised encampment by Gypsies and Travellers on non-Council owned land.

2. Background information

- 2.1. The 2011 Scrutiny Inquiry (Environment and Neighbourhoods) Report into site provision in Leeds for Gypsies and Travellers identified that there were 12 Leeds based 'roadside' families who invariably encamp on public or private land in the city. Significant work has been carried out since the Scrutiny Inquiry with the proposal to expand Cottingley Springs by 12 pitches (a pitch is a parcel of land that can accommodate the vehicles and caravans of one household) being focused, although not exclusively, on these 12 families. There are other Gypsies and Travellers, many of whom are passing through the city as part of their nomadic lifestyle, also encamping on public and private land in the city.

2.2. Eviction Action – Leeds City Council

- 2.2.1. Leeds City Council, in common with all other local authorities, must adhere to set legal obligations when responding to an unauthorised encampment of Gypsies and Travellers on Council owned land.
- 2.2.2. A Local Authority can only evict trespassers from land it owns by securing a possession order through a court process. A failure to do so could render a local authority liable to legal challenge by way of judicial review action.
- 2.2.3. Leeds City Council ordinarily obtains a possession order through the local County Court under Civil Procedure Rules Part 55 to remove trespassers from property and/or land (owned or controlled by the Council). A writ of possession would then be obtained and enforced by an instructed bailiff. The possession order is enforceable against the defendants for a three month period (without leave) on the specific parcel of land that the trespassers were encamped on.
- 2.2.4. If an encampment is located on a highway, then a local authority can, under section 77 of the Criminal Justice and Public Order Act 1994, direct the trespassers to remove themselves and vehicles from the land. If the trespassers fail to leave as soon as reasonably practicable then a local authority can seek an order authorising the Local Authority to take steps to remove the trespassers through the Magistrates Court. An instructed bailiff can then evict. The direction applies for a three month period on the specific parcel of land that the trespassers were encamped on. It is a criminal offence to contravene the direction to leave land under s77 but Leeds City Council has to date limited itself to securing an order to authorised the eviction.

- 2.2.5. The then ODPM has published 'Guidance on Managing Unauthorised Camping' which local authorities must have regard for in responding to unauthorised encampments of Gypsies and Travellers.
- 2.2.6. The guidance sets out an obligation for local authorities to make 'welfare enquiries' into the circumstances of the people trespassing on council land. The local authority may have legal obligations towards the unauthorised campers, child welfare, access to education, homelessness being examples) and a welfare assessment should identify these issues. The identification of welfare needs is a 'material consideration' for the local authority to determine what action to take in respect of the encampment.
- 2.2.7. The three options available to a local authority are to 'tolerate' the encampment, for a period of time; to direct the trespassers to alternative council land, or to recover possession of the land through a court process. (Where trespassers are tolerated for a period of time they are required to agree to behavioural conditions.)
- 2.2.8. The unauthorised campers can raise a public law defence in respect of a local authority's decision to evict them. This could relate to perceived flaws in the process followed to reach the decision to try to recover possession or the reasonableness/proportionality of the decision. The latter challenge could relate to the absence of alternative site provision within the locality with the argument being that the Gypsies and Travellers have consequently no choice but to trespass.
- 2.2.9. The possession proceedings must be served on the trespassers, giving notice of the hearing. Notice can be shortened where an encampment is located on land that is particularly 'unacceptable' such as Sites of Special Scientific Interest (SSSI). The Council has been successful in accelerating the court process relating to encampments on Burley Village Green, Killingbeck Meadow and Wortley Rec.

2.3. Eviction Action – Police

- 2.3.1. Section 61 of the Criminal Justice and Public Order gives powers to the police to direct trespassers to leave land, and to remove vehicles, if there are more than six vehicles on land or the trespassers are causing disruption/alarm for the landowner.
- 2.3.2. Section 62(A) of the Criminal Justice and Public Order Act 1994 gives powers to the police to direct trespassers to alternative land where there is available accommodation for caravans on a relevant caravan site.
- 2.3.3. The Council and West Yorkshire Police have a joint working protocol in respect of using S61 powers. A Council officer, if the encampment is on Council owned land, must ask a senior police officer to use the s61 powers and the ultimate decision rests with the police. The police must have the ultimate decision making power, as the legal framework vests the power with the police, to ensure that operational decisions can be made such as available resources

and the implications of arresting people who refuse to leave. Asking the police to regularly use s61 powers would also be circumventing the legal obligation on a local authority to recover possession of land through a court process.

2.4. Eviction Action – Private Land

2.4.1. Private landowners may obtain a possession order to remove trespassers from land using Civil Procedures Rules Part 55 through the County Court. There is no obligation on the part of private landlords to carry out welfare enquiries relating to the trespassers.

2.4.2. A private landowner can avoid going through a court process by exercising common law rights to remove trespassers from land using 'reasonable force'. This means appointing a 'reputable' bailiff to carry out the eviction. It is expected that a private landowner or appointed bailiff would ask the police to attend the eviction to ensure that there is no breach of the peace. It is also expected that the eviction would be deferred if the police believe that it is an inappropriate time to carry out an eviction.

2.5. Environmental Enforcement

2.5.1. Section 33 of the Environmental Protection Act 1990 (EPA) gives local authorities the power to prosecute perpetrators of the illegal disposal of controlled waste on land without the required permit. This is an indictable offence and can result in fines of up to £50k.

2.5.2. Section 34(1) of the EPA gives local authorities powers to investigate compliance with duty of care regarding waste and vehicles, not allowing that waste to escape and other legal requirements. This is an indictable offence and can result in an unlimited fine.

2.5.3. The Control of Pollution (Amendment) Act 1989 created offences of failing to be registered or provide proof of registration in relation to business waste. Section 6 of the Act enables local authorities to apply for a warrant to seize and dispose of vehicles used in illegal waste disposal where the local authority cannot identify the person in control of the vehicle when the illegal waste disposal took place. Failure to register can result in a fine of up to £5k or a fixed penalty of £300.00. Failure to provide proof of lawful waste transfer (lawful disposal of waste) pursuant to Section 34(5) of the Act may result in a fine of up to £5k or £300.00 fixed penalty.

2.6. Planning Enforcement

2.6.1. **Temporary Stop Notices:** The main planning enforcement power that has been used by the Council to control encampments on third party land where planning permission has not been obtained is the temporary stop notice. Where the local planning authority consider that there has been a breach of planning control and it is necessary in order to safeguard the amenity of the area that the activity that amounts to the breach should stop immediately, it can issue a temporary stop notice. This differs from the normal stop notice

powers because the temporary stop notice does not have to wait for an enforcement notice to be issued. In addition the effect of a temporary stop notice will be immediate, it will not be necessary to wait three days before the temporary stop notice takes effect or give reasons why the temporary stop notice will take effect immediately. They remain in effect for up to 28 days. Until this year there have been restrictions on the use of temporary stop notices to control certain categories of development including the use of a building as a dwelling house or a caravan where that caravan is the main place of residence of the occupier of the caravan. Compensation may arise from the service of a temporary stop notice in limited circumstances – notably if it is subsequently established that planning permission was not required to authorise the occupation.

2.6.2. Following the enactment of Statutory Instrument 2013/830 in May 2013, Councils are now able to use temporary stop notices where caravans are main residences. This enables authorities to act quickly against new unauthorised sites and save on enforcement costs; however the Gypsy or Traveller household(s) must be directed elsewhere.

2.6.3. **Stop Notices:** A stop notice is used to prohibit any breach of planning control specified in an enforcement notice. A stop notice is served with or in the period up to the time the enforcement notice takes effect. It can be served on any person who appears to have an interest in the land or engaged in any activity prohibited by the notice.

2.6.4. There is no right of appeal against a stop notice although it can be challenged on the grounds that it was not properly authorised or was unreasonable. A stop notice remains in force until the end of the compliance period specified by the associated enforcement notice, or until that notice has been withdrawn or quashed on appeal. Under the Town and Country Planning Act, 1990, a planning authority can prosecute non-compliance with temporary or stop notices.

2.6.5. Planning authorities must consider whether a stop notice is proportionate to the activity. There is also the possibility of compensation if it subsequently emerges that the occupation was not in breach of planning control.

2.7. Legal Duties – Accommodation Provision

2.7.1. Since the repeal of the 1968 Caravans Act in 1994 there has been no duty on local authorities to provide pitch based accommodation provision for Gypsies and Travellers.

2.7.2. The 2004 Housing Act places a duty on local authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers and to make reasonable provision for these groups through the planning process. This duty is commensurate with the obligation on local authorities to make reasonable provision of housing for the settled population.

2.8. Assessment of Need

- 2.8.1. An accommodation needs assessment, in relation to current and future pitch provision, was carried out in 2008 for the West Yorkshire sub-region by Sheffield Hallam University: Gypsy and Traveller Accommodation Assessment (GTAA). The research concluded that Leeds would have an unmet pitch need of 48 by 2015.
- 2.8.2. Leeds City Council has never fully accepted the findings of the GTAA and the view of officers is that the research was predicated on flawed methodology. Specifically, that the assessment of pitch need was based upon whether a Gypsy or Traveller had a 'cultural preference' for pitch based living. This includes Gypsies and Travellers who are living in conventional housing.
- 2.8.3. The alternative approach recommended by officers is that the Council should firstly assess whether a Gypsy and Traveller is homeless. For example because:
 - 2.8.4. They have no place to legally station their mobile home
 - 2.8.5. They are living care of family and friends on pitch based provision but have no legal interest in this land
 - 2.8.6. They are living in conventional housing but feel this accommodation is not reasonable for their occupation because they have a 'cultural aversion' to conventional housing.
 - 2.8.7. In the first two examples, the Council may decide that a Gypsy or Traveller is homeless but decide that a suitable offer of accommodation (if such a duty applies) is conventional housing. The Council would need to be able to demonstrate that an offer of conventional housing is suitable because the Gypsy or Traveller does not have a 'cultural aversion' to conventional housing'.
 - 2.8.8. In the third example, the Gypsy or Traveller occupying conventional housing would only be homeless if it was established that they had a 'cultural aversion' to conventional housing and therefore their accommodation was not reasonable for occupation.
 - 2.8.9. The Council could not adopt a blanket policy in relation to assessing whether Gypsies and Travellers have a 'cultural aversion' to conventional housing and would need to assess each application on its individual merits. For example, it would not be lawful to determine that every Gypsy or Traveller occupying conventional housing does not have a 'cultural aversion' to such housing simply on the basis of their occupation of such housing.
 - 2.8.10. The assessment of future pitch provision, up to 2028, and a five year programme of sites to meet this pitch need, is required for the Leeds Core Strategy. Assessed future pitch need is likely to be lower than that determined by the GTAA, if the assessment was predicated on the 'cultural aversion' principle.

3. Main issues

3.1. There has been a significant reduction in the number and size of unauthorised encampments of Gypsies and Travellers since the beginning of April 2011.

Year	Public	Private	Total	Number of Caravans
2012/13	35	11	46	293
2011/12	51	25	76	913
2010/11	53	34	87	1002
2009/10	39	33	72	614
2008/09	69	57	126	1164

3.2. The total number of encampments in 2012/13 was 47% lower than the comparable figure for 2010/11 and 63% lower than the number in 2008/09.

3.3. There has been a 31% reduction in encampments on public land between 2012/13 and 2010/11.

3.4. The number of caravans encamped in 2012/13 was 71% lower than in 2010/11 and 75% lower than in 2008/09.

3.5. The reduction in the number and size of unauthorised encampments has consequently reduced the cost incurred by the Council in relation to legal costs, site cleaning and other associated costs:

- 2010-11: £324,405.00
- 2011-12: £302,988.00
- 2012-13: £211,153.00

3.6. The reduction in cost over the last three years equates to over £113k or 35%. This is funding that the Council has been able to use for other priorities.

3.7. The reduction in the number and size of unauthorised encampments has been achieved by maintaining long standing practice in recovering possession, looking at further opportunities (such as injunctions) within the legal framework and complementing enforcement action with a strategy of toleration.

3.8. Since April 2011, Gypsies and Travellers trespassing on public land have defended possession action taken by Leeds City Council on one occasion. This related to a parcel of land at Cross Green Approach which has been leased to the Council by Wade's Trust Land. This encampment occurred in late 2011. The Council was successful in securing a possession order.

3.9. Prior to April 2011, the absence of alternative sites was periodically put forward by Gypsies and Travellers in an attempt to delay or stop an eviction from Council land. The proposal to expand Cottingley Springs by 12 pitches may well be serving to reduce the capacity of Gypsies and Travellers to defend possession action.

- 3.10. The Council has agreed to tolerate the Leeds based 'roadside' families on two occasions in 2012 and 2013. The group were tolerated at Bath Road in Holbeck between August and November 2012. The Council subsequently directed the Travellers, and tolerated their encampment thereafter, to the old Primrose High School site in Lincoln Green. The Travellers lived at the Primrose site between November 2012 and April 2013.
- 3.11. The toleration of the Leeds based 'roadside' Travellers for an 8 month period helped to reduce the number of encampments in 2012/13 and the impact on local communities of unauthorised encampments.
- 3.12. None of the 12 Leeds based 'roadside' Traveller families are currently trespassing on Council owned land in the city. Some of the group have been rehoused at Cottingley Springs, some are living care of family or friends at Cottingley Springs ('doubling up') and others are travelling elsewhere.
- 3.13. There is still Gypsy and Traveller encampments in the city relating to other, generally non-Leeds based groups. At the time of writing (12 July) there are two groups of Travellers encamped on private land in the city. This is not surprising given that it is the height of the 'travelling season' with many nomadic groups moving around the country and often travelling to fairs. One encampment, at Burley Sports Bar, has proved to be problematic as the leaseholder (and hence person entitled to possession of the land) has not taken steps to evict the trespassers.
- 3.14. The Council has been successful in securing two injunctions, covering parcels of land in Burley, Armley and Wortley, against named Travellers within the Leeds 'roadside' Traveller group. Injunctions are not the ultimate panacea for addressing unauthorised encampment but are a useful option especially in relation to repeated trespass on parcels of land in close proximity to each other.
- 3.15. Since April 2012, the police have used their S61 powers to remove Travellers from land on 7 occasions. The most recent application was the removal of Travellers from Kirkstall Abbey car park.
- 3.16. The legal enforcement, in respect of fines and meaningful prosecution outcomes, of littering and tipping of uncontained waste on unauthorised Gypsy and Traveller encampments has to date been challenging.
- 3.17. It has been difficult to prove/identify who has actually committed the offence. Also, as the occupiers are not actually formal tenants or the landowners (they are simply people on a piece of land) we cannot prosecute them under environmental legislation designed to ensure the control of waste on a property or litter clearance notices known as "waste in gardens".
- 3.18. There is also the likelihood that even if a notice could be served on an individual (for example for straight forward littering or fly tipping), the chances of either a Fixed Penalty Notice being paid or a prosecution through courts being successful is too small to justify the amount of time and resource that would be

required. The use of the officer resources should be on enforcement efforts that stand the best chance of making a difference in our neighbourhoods.

- 3.19. This is not to say that environmental enforcement action will not and is not taken where possible on and around such sites. But this provides a realistic assessment of the balance of likely success versus the use of resources that would otherwise have greater success when used to tackle other local priorities/problems.

4. Corporate Considerations

4.1. Consultation and Engagement

- 4.1.1. No specific consultation has been carried out in respect of this report but the Council's approach to responding to unauthorised encampments has been shaped by on-going dialogue with local communities, members, Gypsies and Travellers and legal advocates.

4.2. Equality and Diversity / Cohesion and Integration

- 4.2.1. An equality, diversity, cohesion and integration screening exercise will be carried out.

4.3. Council policies and City Priorities

- 4.3.1. Action to address the housing needs of Gypsies and Travellers in the city specifically reflect two of the aims of the Vision for Leeds: 'Leeds will be fair, open and welcoming' and 'All Leeds' communities will be successful'. This work will especially contribute to the 'Safer and Stronger' Communities Plan priority around 'Increasing a sense of belonging that builds cohesive and harmonious communities' and those relating to reducing crime and anti-social behaviour.

4.4. Resources and value for money

- 4.4.1. The Council's approach to responding to unauthorised encampments of Gypsies and Travellers has led to a reduction in annual costs of £113k – equating to 35% - in the last two years.

4.5. Legal Implications, Access to Information and Call In

- 4.5.1. There is no legal requirement for the Council to provide sites for Gypsies and Travellers although the Council does have a duty to consider and make reasonable provision for the accommodation needs of this group.
- 4.5.2. The Council is aware that, as a public body, it must ordinarily secure a possession order through a court order to have Gypsies and Travellers evicted from Council owned land.
- 4.5.3. The report contains no exempt information.

4.6. Risk Management

4.6.1. A failure on the part of the Council to adhere to legal obligations could lead to legal challenge and further costs being incurred.

5. Conclusions

5.1. The Council has developed its approach to responding to unauthorised encampments of Gypsies and Travellers in accordance with the legal framework and with regard to national guidance. There has been a significant reduction in the number, size and cost of unauthorised encampments over the last two years and this can be attributed to the Council maintaining its long standing practice whilst looking for other response opportunities such as toleration and injunction.

6. Recommendations

Scrutiny Board members to note the content of this report.

7. Background documents¹

None.

¹ 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.

Report of Head of Scrutiny and Member Development

Report to Housing and Regeneration Scrutiny Board

Date: 8th August 2013

Subject: Work Schedule

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

1.0 Purpose of this report

1.1 The purpose of this report is to receive and review the Scrutiny Board’s work schedule for the current municipal year.

2.0 Main issues

2.1 A draft work schedule is attached as appendix 1 which incorporates issues identified for inclusion at the last meeting. The work schedule has been provisionally completed pending on- going discussions with the Board. The work schedule will be subject to change throughout the municipal year.

2.2 A copy of the latest minutes of the Executive Board are attached as appendix 2.

3.0 Recommendations

3.1 Members are asked to:

- a) Note and comment on the issues the Board has identified for consideration in 2013/14.
- b) Note the latest minutes of the Executive Board meeting.

4.0 Background papers¹

4.1 None used.

¹The 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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Scrutiny Board (Housing and Regeneration) Work Schedule for 2013/2014 Municipal Year - Last updated 10th July 2013

Area of review	Schedule of meetings/visits during 2013/14		
	June	July Postponed meeting	August
Inquiry to be determined	Consider proposals that a working group established by the Executive Board Member Neighbourhoods, Planning and Support Services review student accommodation in the city and co-opt members of the Scrutiny Board on to the working group.		
Briefings	Consider appointment of Co-opted Members to the Board		Review the enforcement process for the removal of gypsies and travellers on illegal sites in the city to ensure it continues to be fit for purpose.
Budget & Policy Framework Plans			
Recommendation Tracking			External Publication of Employee Interests for High Risk Posts including formal response to Scrutiny Board's recommendations.
Performance Monitoring	Quarter 4 performance report		

Scrutiny Board (Housing and Regeneration) Work Schedule for 2013/2014 Municipal Year - Last updated 10th July 2013

Area of review	Schedule of meetings/visits during 2013/14		
	September	October	November
To be determined			
Briefings	<p>Review of performance indicators at pre meeting - report of Director of Environment & Housing</p> <p>Consider a joint report of the Director of City Development and Director of Environment and Housing on the Council's policies and approach to determining when an affordable homes contribution from a development is taken as a commuted sum in another part of the city and who is consulted on the proposal.</p>	<p>Report on devolution to Local Enterprise Partnerships (LEP) and the LEP bidding process. The incoming Chair of the Leeds City Region Partnership, Roger Marsh has been invited to attend the Board for consideration of this item</p>	<p>Update on the implementation and operation of the new housing management arrangements.</p> <p>Consider how the self-financing Housing Revenue Account is being used to stimulate investment in Council housing and particularly affordable housing</p>
		<p>Consider a half year review report on Housing Revenue, General Fund Regeneration and Capital Programme.</p>	
Recommendation Tracking	<p>Formal response from Hsg & Regeneration Strategic Partnership Board to the Board's report as 'critical friend'.</p>	<p>Private Rented Sector Housing.</p>	<p>Affordable Housing by Private Developers.</p>
Performance Monitoring	<p>Quarter 1 performance not being submitted this month due to review.</p>		

Scrutiny Board (Housing and Regeneration) Work Schedule for 2013/2014 Municipal Year - Last updated 10th July 2013

Area of review	Schedule of meetings/visits during 2013/14		
	December	January	February
To be determined			
Briefings		<p>Update on the implementation and operation of the new housing management arrangements.</p> <p>Respond to the review by the Communities and Local Government's Select Committee on empty properties to be published late 2013.</p>	
Budget & Policy Framework Plans			
Recommendation Tracking	Housing Growth.		
Performance Monitoring	Quarter 2 performance report SB 09/12/13 @ 10 am		

Scrutiny Board (Housing and Regeneration) Work Schedule for 2013/2014 Municipal Year - Last updated 10th July 2013

Area of review	Schedule of meetings/visits during 2013/14		
	March	April	May
Scrutiny Inquiry – Strategic Partnership Board	The Scrutiny Board Procedure Rules state that all Scrutiny Boards will act as a “critical friend” to the relevant Strategic Partnership Board and consider and report on the 3 areas specified in the constitution		
Briefings	Review the impact and policy implications for the city on the Government’s decision to allow home extensions of a specified size under permitted development for a three year period from May 2013	Update on the implementation and operation of the new housing management arrangements	
Budget & Policy Framework Plans			
Recommendation Tracking			
Performance Monitoring	Quarter 3 performance report SB 10/03/14 @ 10 am		

EXECUTIVE BOARD

WEDNESDAY, 17TH JULY, 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

25 **Exempt Information - Possible Exclusion of the Press and Public**

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

- (a) Appendix A to the report entitled, 'Little London, Beeston Hill and Holbeck: Housing PFI: Confirmation of Financial Close and Final Affordability Position' referred to in Minute No. 46 is designated as exempt in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that it contains commercially sensitive information on the Council's approach to procurement issues (including project affordability position), together with commercially sensitive information in relation to the Contractor. As such, on this occasion, it is deemed that under such circumstances, the benefit of keeping the information confidential is considered greater than that of allowing public access to it.

26 **Late Items**

With the agreement of the Chair, a report entitled, 'Tour de France Grand depart 2014' was admitted to the agenda as a late item of business. The report was being presented as a late item following the conclusion of the Council's discussions with UK Sport on the governance and financial arrangements in the week leading up to the Board meeting. In view of the need to progress the governance arrangements it is considered important that Executive Board considered and approved the principles outlined in the submitted report as soon as possible, so that they could be implemented. (Minute No. 32 referred).

Prior to the meeting, the Board had received supplementary information relating to agenda item 32 entitled, 'Investing in Young People: Targeted Youth Work Area Formula', in the form of a Joint Scrutiny Statement from the

Children and Families and Sustainable Economy and Culture Scrutiny Boards (Minute No. 55 referred).

In addition, prior to the meeting, the Board had received and paid due regard to some late correspondence which respectively related to agenda item 15 (Sex Establishments: Statement of Licensing Policy) and agenda item 20 (Derelict and Nuisance Property Programme Update including the former Royal Park School and former South Leeds Sports Centre). (Minute Nos. 41 and 31 referred respectively)

27 Declaration of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interests made at this point in the meeting, however, a reference was made later in the meeting (Minute No. 54 referred).

28 Minutes

RESOLVED – That the minutes of the meeting held on 19th June 2013 be approved as a correct record.

DEVELOPMENT AND THE ECONOMY

29 Using our Assets effectively to Support the Delivery of the Council's Business Plan and Financial Strategy

The Director of City Development submitted a report providing information about the current review of Council assets which was designed to ensure that, in a time of significant financial challenge, the Council utilises its assets as effectively as possible.

Emphasis was placed upon the crucial importance of Ward Member involvement in the development of this initiative.

RESOLVED –

- (a) That the work to review Council assets and deliver efficiencies in line with the Council's Budget Strategy and Best Council Plan respectively, including the proposals for detailed Ward Member involvement, be supported.
- (b) That the proposed organisational arrangements for the management of assets between City Development and Strategy and Resources be supported in principle, subject to Trade Union and Staff consultation being undertaken.
- (c) That the good asset management principles set out within the submitted report be adopted, and that the Director of City Development be requested to take forward detailed proposals to ensure that these principles are embedded into future asset management planning.
- (d) That approval be given for a new Asset Management Plan to be developed in line with the period of the Best Council Plan and the

Budget Strategy to 2017, which will be reported to a future Executive Board.

30 West Park Centre Options Appraisal and Response to West Park Centre Campaign Group Deputation to Council

Further to Minute No. 4, 19th June 2013, the Director of City Development submitted a report which enabled the Board to consider and determine the future of the West Park Centre, in the context of the outcome of the assessment of two options, which had been explored, as requested by Executive Board in February 2013. In addition, the report provided a response to the deputation to Full Council on 8th May 2013 from the West Park Centre Campaign Group.

As resolved by Executive Board on 15th February 2013, the two options further explored were as follows:

Option 1: partial demolition of the West Park Centre with refurbishment and re-opening of the remainder;

Option 2: demolition of the West Park Centre and decant of city-wide services elsewhere with a local community facility developed on the existing site.

Emphasis was placed upon the fact that all users of the centre who were yet to find alternative accommodation would be provided with the necessary support to identify suitable premises or rehearsal space for their use in the future, and it was requested that an update be submitted to a future Board meeting in respect of progress being made to accommodate all relevant users of the West Park Centre.

The value of the West Park Centre building, as an important focal point and asset for the community was highlighted by a Member.

RESOLVED –

- (a) That the points raised in the deputation by the West Park Centre Campaign Group to Full Council on the 8th May 2013 be noted.
- (b) That having considered the assessment of the 2 options outlined within the submitted report, the following be approved:
 - (i) the option detailed within the submitted report for partial demolition of the West Park Centre and reopening of the remainder is not progressed;
 - (ii) the West Park Centre is therefore demolished and authorisation to incur expenditure of £613,000 from Capital Scheme Number 16765/WES/000 on the proposed demolition of the West Park Centre is approved;
 - (iii) the Council makes available up to £800,000 of capital, financed from the receipt from the sale of the West Park Centre site, should it be required, to deliver solutions to meet the needs of the former

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users as identified within paragraph 3.26 of the submitted report, which may include the provision of a new build community facility or investment in an existing community building in the area, with the Executive Member for Leisure and Skills taking the lead role in the accompanying consultation process;

(iv) subject to the outcome of resolution (iii) above, to progress proposals for the disposal of the West Park site.

(c) That an update report be submitted to a future Board meeting in respect of progress being made to accommodate all relevant users of the West Park Centre.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he abstained from voting on the matters included within this minute, whilst Councillor Golton required it to be recorded that he voted against the matters included within this minute)

31 Derelict and Nuisance Property Programme Update, including the former Royal Park School and former South Leeds Sports Centre

Further to Minute No. 39, 18th July 2012, the Director of City Development submitted a report detailing the progress which had been made to tackle a number of derelict and nuisance properties across the city. Such properties had been identified following detailed work at locality level and were prioritised for action by Executive Board in February 2012. In addition, the report highlighted some of the achievements to date, outlined the changes to be made to improve the overall efficiency of enforcement activities within the programme and detailed proposals regarding potential links which could be made to the Housing Investment Land Strategy. Finally, the report sought permission to demolish two council owned buildings, the former South Leeds Sports Centre and the former Royal Park School.

In presenting the report, the Executive Member for Development and the Economy made reference to the late correspondence which had been received and circulated to Board Members, specifically with regard to the proposals around the future of the former Royal Park School. The Board took such correspondence into regard when considering this matter.

Members received a brief update on the programme and the work which had been achieved in making visible improvements to some identified sites. In addition, it was noted that, linked with other reports on the July Executive Board agenda, there was an opportunity to deliver new housing on some sites across the city.

Responding to an enquiry regarding the future of the former Royal Park School, assurances were provided that consideration had been given to the site being once again utilised as a school, however, the issues around the site's location and the prohibitive costs involved were noted.

With regard to the site of the former Royal Park School, Members discussed and highlighted the value of additional greenspace in the area.

Responding to a specific enquiry, officers provided the Board with the void costs to date in respect of the former South Leeds Sports Centre.

In conclusion, noting the comments which had been made, it was highlighted that the Executive Member was willing to engage in further discussions with community groups, should there be any further proposals regarding the former Royal Park School in the short term. However, this would not delay the recommendation to demolish, if no sustainable proposal was forthcoming.

RESOLVED –

- (a) That the contents of the submitted report and the progress made to date on the Derelict and Nuisance Properties Programme be noted.
- (b) That the use of £100,000 of the previously approved funding to be used to fund dedicated officer time to the programme be approved, with the necessary authority for detailed approval being delegated to the Director of City Development.
- (c) That approval be given for officers to identify sites and interests within the programme that could be suitable for development through the Housing Investment Land Strategy and that consultation with the Executive Members for Neighbourhoods, Planning & Support Services and Development & the Economy be undertaken on those sites identified;
- (d) That the demolition of the former South Leeds Sports Centre be approved.
- (e) That approval be given for the demolition of the former Royal Park School and the temporary grassing over of the site until a deliverable primarily public sector, affordable housing or community use is brought forward.

LEISURE AND SKILLS

32 Tour de France Grand Depart 2014

Further to Minute No. 84, 17th October 2012, the Director of City Development submitted a report which sought approval for the financial, contractual and organisational requirements to deliver a successful Grand Départ starting in Leeds in July 2014. The proposals included the establishment of a joint venture delivery vehicle between UK Sport and Leeds City Council on behalf of the local authority partners. In addition, the report also proposed to delegate the necessary authority to the Chief Executive, in consultation with the Leader of the Council and Lead Executive Member for Leisure and Skills, to work on the detailed arrangements for the benefit of Leeds and other local authorities.

In presenting the paper, the Executive Member for Leisure and Skills emphasised the huge scale of the event, the significant benefits for both the city and the region, together with the potential legacy which could be created.

Clarification was provided with regard to the hosting costs associated with the event, together with costs associated with the event's legacy.

Responding to a specific enquiry, officers undertook to provide the Member in question with a separate briefing on relevant matters.

RESOLVED –

- (a) That the creation of a new company, TDF 2014 Ltd, jointly with the Government to oversee the delivery of the Tour de France while in the UK, be approved. UK Sport, the Government major sport event agency, will be the first member and Leeds will be the second and only other member of the company on behalf of the other local authorities.
- (b) That approval be given to the principle of Leeds City Council acting as the accountable body for the new company and underwriting the £11,000,000 of Local Authority contributions (of which £3,600,000 is from Leeds City Council), thus unlocking the £10,000,000 of Government funding and Government underwriting the event, subject to final confirmation from government and parliament.
- (c) That the necessary authority be delegated to the Chief Executive, in consultation with the Leader of the Council and Executive Member for Leisure and Skills, to work on the detail of TDF 2014 Ltd agreement for the benefit of Leeds and other local authorities.
- (d) That the financial and contractual requirements of the Grand Départ of the Tour de France be approved, subject to final confirmation from Government and Parliament, as set out within the submitted report.

ADULT SOCIAL CARE

33 Leeds Safeguarding Adults Board Annual Report 2012/2013

The Director of Adult Social Services submitted a report presenting the sixth annual report of the Leeds Safeguarding Adults Board, whilst also provides an update on the work of the Leeds Safeguarding Adults Board.

Dr Paul Kingston, Independent Chair of the Leeds Safeguarding Adults Partnership Board was in attendance to introduce the Annual Report and highlight its key themes.

On behalf of the Leeds Safeguarding Adults Partnership Board, the Executive Member for Adult Social Care thanked Dr Kingston for his continued work in this field.

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RESOLVED – That the contents of the submitted Leeds Safeguarding Adults Partnership Board Annual Report for 2012/2013 be noted, and that the work programme of the Adult Safeguarding Board for 2013/2014 be endorsed.

LEADER OF COUNCIL'S PORTFOLIO

34 Financial Health Monitoring 2013/14 - First Quarter Report

The Director of Resources submitted a report presenting the Council's projected financial health position for 2013/2014, after three months of the financial year.

Discussion was had in relation to the budget details presented for Commercial Services. In addition, Members considered the process of budget forecasting, and the need to ensure that the targets arising from such forecasting needed to be met wherever possible.

It was noted that a more detailed submission for the Public Health directorate would be included within the financial health monitoring data for quarter 2.

RESOLVED – That the projected financial position of the authority after three months of the financial year be noted.

35 Spending Review 2013

The Director of Resources submitted a report providing an overview of the Spending Review that was announced by the Government on 26th June 2013, together with details of the 'Investing in Britain's Future' paper that was issued by HM Treasury the following day.

Members considered the extent of the funding inequalities between Local Authorities located in the north compared to those in the south. Also, in acknowledging the evolving role of the Local Authority, Members discussed how this may impact upon the future role of the Department for Communities and Local Government.

RESOLVED – That the contents of the submitted report be noted.

36 Annual Risk Management Report

The Director of Resources submitted a report which provided assurances on the strength of the Council's risk management arrangements and which presented an overview of the authority's strategic risks.

Responding to a Member's enquiry, the Board was provided with an update regarding the current position on the establishment of Business Contingency Plans across the Council. It was noted that all outstanding plans needed to be completed by September 2013 and it was requested that Board Members received an update on this matter in due course.

RESOLVED – That the Annual Risk Management report be received and that the assurances provided within the report be noted.

37 Treasury Management Outturn Report 2012/2013

The Director of Resources submitted a report providing a final update on the Council's treasury management strategy and operations for the year 2012/2013.

RESOLVED – That the Treasury Management outturn position for 2012/2013 be noted, together with the fact that the treasury strategy has remained within the Council's treasury management strategy and policy framework.

38 Capital Programme Quarter 1 Update - 2013-2016

The Director of Resources submitted a report providing an update on the progress made in respect of the capital programme as at June 2013. The report included an update of capital resources, a summary of schemes which have been upgraded from 'Amber' status to 'Green' status since February 2013 and which also provided a summary of progress made on some major schemes. In addition, the report advised of recent changes to the Capital Approvals process which had been introduced to reduce bureaucracy and increase accountability, included an update on the economic impact of the capital programme and provided details of current approval levels regarding schemes completed in the last financial year. Finally, the report sought some specific approvals in relation to funding injections and the method for distribution of Capital Receipts Incentive Scheme funding across all Wards.

Responding to an enquiry, the Board received an update on the current position regarding the Changing the Workplace initiative, specifically around the work which had been undertaken in respect of Merrion House.

RESOLVED –

- (a) That the latest position of the General Fund and HRA capital programmes be noted.
- (b) That the changes to the Capital Approval process, designed to reduce bureaucracy and improve accountability, be noted.
- (c) That the transfer of schemes from the Amber to the Green programmes, as set out within section 3.4 of the submitted report, be noted.
- (d) That authority to incur expenditure of £734,000 to allow completion of an alternative technical solution to delivery of the Electronic Documents Records Management System (EDRMS), as set out within section 3.3.4 of the submitted report be approved.
- (e) That the following injections into the capital programme be approved:-
 - £12,860,600 funded by government grant to enable the provision of additional primary school places;
 - £1,247,000 funded by additional LTP grant towards costs of developing a Park and Ride facility at Elland Road;

- £355,000 of prudential borrowing, funded by Children's Services Directorate to fund the replacement of Infobase IT system;
- £416,000 for the Refurbishment of Shire View former Home for Older People, funded by prudential borrowing;
- £311,200 unsupported borrowing for capitalisation of interest on assets under construction.

- (f) That the economic impact of the Council's capital programme, as detailed within section 5 of the submitted report, be noted.
- (g) That the position on completed schemes and authority to spend be noted.
- (h) That approval be given for the 'Capital Receipts Incentive Scheme' receipts available for allocation across all wards, be transferred to the Area Committees with the sum available being allocated to individual Committees on the basis of the existing Area Wellbeing needs based formula.

39 West Yorkshire Joint Services

A report was submitted by the Chief Executive providing detailing the findings from the recent review of the management and organisational structure of the West Yorkshire Joint Services (WYJS) organisation, and providing an overview of the response to the review from the Leaders of the West Yorkshire Authorities, which included a recommendation to pursue a savings target of £1,000,000.

In presenting the report, the Leader of Council highlighted that it was anticipated that further reports on this initiative would be submitted in due course.

RESOLVED –

- (a) That the contents of the submitted report, specifically the outcome of the WYJS Review and the proposed next steps, be noted.
- (b) That an invitation be made for any specific concerns in respect of this matter be raised with the Leader of Council or the other three Leeds City Council representatives on the WYJS Committee (Cllr Peter Harrand, Cllr Ronald Grahame and Cllr Bill Urry).
- (c) That further update reports on the progression of the WYJS Review be submitted to the Board in due course.

40 Commissioning a new advice service for Leeds

The Director of Environment and Housing submitted a report providing an update on the progress which had been made towards commissioning a new advice service for Leeds. The report included the outcomes of the review on the provision of advice services across the city and the market-sounding exercise undertaken to determine the capability of potential providers of the service.

RESOLVED –

- (a) That subject to ongoing successful negotiations, agreement be given for a 3 year contract with capacity for two one year extensions to be put in place with the Leeds Advice Consortium, for the Consortium to deliver a new advice service for Leeds from early 2014 onwards. (The value of the contract will be approximately £1,360,000 per year (£1,230,000 from Environment and Housing Directorate and £135,000 from Children’s Services). The size of the contract may increase if current funding for advice via Adult Social Care and Public Health, is invested from April 2014 onwards).
- (b) That the responsibility for the new advice service be transferred from the Director of Environment and Housing to the authority of the Assistant Chief Executive (Citizens and Communities).

41 Sex Establishments - Statement of Licensing Policy

The Assistant Chief Executive (Citizens and Communities) submitted a report presenting the Sex Establishment Statement of Licensing Policy for the purposes of formal adoption, which would take effect from 1st September 2013. The proposals detailed within the report had been referred to the Board from the Licensing Committee for determination.

It was noted that late correspondence on this issue had been received and circulated to Board Members prior to the meeting. The Board took such correspondence into regard when considering this matter.

RESOLVED – That having considered the draft policy in view of the consultation responses received and the recommendation of the Licensing Committee, the draft policy, as appended to the submitted report, be approved as the Council’s Sex Establishment Statement of Licensing Policy, to take effect from 1st September 2013.

HEALTH AND WELLBEING

42 Amendment to the City Priority Plan 2011-2015

The Deputy Chief Executive submitted a report which sought approval of changes to the City Priority Plan 2011-2015, in light of the new Joint Health and Wellbeing Strategy. The current City Priority Plan 2011-2015 set out the strategic priorities and indicators the Council has agreed with partners in order to deliver the ambition for Leeds to be the best city, including a set of priorities related to health and wellbeing. The Council’s Health and Wellbeing Board agreed a Joint Health and Wellbeing Strategy identifying a number of “commitments” as its top priorities. This report sought approval for those priorities to be adopted as the Health and Wellbeing element of the City Priority Plan, in order to ensure that the City Priority Plan remained up to date.

RESOLVED – That the revision of the Health and Wellbeing Priorities in the City Priority Plan 2011-2015, in light of the commitments agreed in the new Joint Health and Wellbeing Strategy, be approved.

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43 Leeds' Expression of Interest to become an Integrated Health and Social Care Pioneer

The Director of Public Health, the Director of Adult Social Services and the Director of Children's Services submitted a joint report informing of the Leeds Health and Wellbeing Board's Expression of Interest (EoI) to become an 'integrated health and social care pioneer'. Specifically, the report set out how becoming a pioneer could help Leeds achieve its ambition to become the Best City for Health and Wellbeing in the UK. In addition, the report also sought support to go further and faster in integrating health and social care, should the EoI be successful.

Members noted that the outcome of the pioneer bid was expected to be received in the Autumn.

RESOLVED –

- (a) That it be noted that the Executive Member for Health and Wellbeing was nominated by the Health and Wellbeing Board to approve the final Expression of Interest (EoI) prior to its submission on 28th June 2013.
- (b) That it be noted that the EoI to become an integrated health and social care pioneer has been submitted and that the first cohort of pioneers will be announced in September 2013.
- (c) That should Leeds be successful in its pioneer bid, the Leeds transformation offer, as described within the EoI, be supported.
- (d) That it be noted that becoming a pioneer will enable Leeds to improve outcomes around health and wellbeing for the people of Leeds.

DEVELOPMENT AND THE ECONOMY

44 Housing Investment Land: A Strategic Approach to Delivery

The Director of City Development submitted a report which sought support for proposed new policy measures and actions which were aimed at maximising investment to increase housing choice and affordability. This approach aimed to consolidate and build upon a number of policies which were already operational throughout the city.

Members emphasised the need to ensure that the Council was seen by Government to be doing everything possible to encourage housing development.

The Board highlighted the importance of mixed tenure developments, however, it was suggested that in the current climate, the Council needed to take a flexible approach on such matters.

The potential of self-build projects was acknowledged, however, it was noted that the monitoring and quality control of such projects was required.

Clarification and assurance was provided around how the release of land proposed within the submitted report related to the Council's site allocation processes.

RESOLVED –

- (a) That alongside the general support provided for Sustainable and Inclusive Growth and housing growth in the city, approval be given to the prioritisation of regeneration areas and ensuring that brownfield sites are developed for housing purposes.
- (b) That a disposal programme be developed for those sites listed at Appendix 1 of the submitted report, which aims to increase housing supply through redevelopment of brownfield land.
- (c) That the sites listed within Appendix 1a to the submitted report be prioritised to support the new Council Housing Growth programme; or for the development of affordable housing by housing associations, depending upon the outcome of a demand analysis, site specific aspirations and funding availability.
- (d) That self-build in the city be supported and promoted and that the sites listed in Appendix 1b to the submitted report be prioritised in respect of being released for sale at market value for self-build purposes.
- (e) That a disposal programme be developed for the sites listed at Appendix 1c to the submitted report.
- (f) That the delegation of a decision to vary the development route for delivery of any of the sites listed at appendix 1 be made to the Director of City Development.
- (g) That it be noted that the sites listed in Appendix 1d of the submitted report already have Executive Board approval for the purpose of increasing the supply of older people's housing, and that these will be brought forward for market disposal at the appropriate time on this basis.
- (h) That the policy position on the application of commuted sums for the development of off-site affordable housing be noted and that the application of this policy be considered carefully as a means of stimulating brownfield development in areas of greatest housing need.

NEIGHBOURHOODS, PLANNING AND SUPPORT SERVICES

45 Council Housing Growth Programme

The Director of Environment and Housing and the Director of City Development submitted a joint report providing details of a proposed approach towards investment in new council housing, funded through the Housing Revenue Account. In addition, the report sought approval of the proposed programme which would contribute towards the overall level of

resources available to support housing priorities as well increasing the Council Tax base and the level of New Homes Bonus receivable.

As part of the introduction to the submitted report, the Executive Member for Neighbourhoods, Planning and Support services thanked all the officers who had been involved in the development of this programme.

Members received further information regarding the debt ceiling which had been established by Government in respect of the amount of borrowing that could be undertaken through the Housing Revenue Account.

RESOLVED –

- (a) That the development of an investment programme, as described within the submitted report, be approved, including the use of Right to Buy receipts.
- (b) That the injection of £28,512,000 into the Capital Programme be approved.
- (c) That the authority to spend £40,623,000 be authorised, with a detailed programme being reported to a subsequent meeting of the Board.
- (d) That further authority to spend of £2,015,000 be authorised, subject to a successful bid to the Homes and Communities Agency (HCA).
- (e) That the detailed development of the investment programme be delegated to the Directors of City Development (in respect of land use) and Environment and Housing (in respect of programme and scheme details and cost).

46 Little London, Beeston Hill and Holbeck - Housing PFI - confirmation of Financial Close and final affordability position

Further to Minute No. 180, 15th February 2013, the Director of Environment and Housing submitted a report providing details of the outcomes which would be delivered by the Little London, Beeston Hill and Holbeck Private Finance Initiative Project. In addition, the report also confirmed the final affordability position achieved at the project's Financial Close.

The Executive Member for Neighbourhoods, Planning and Support Services confirmed that this project had now reached the position of contract close and paid tribute to all who had been involved throughout the protracted process.

The Board welcomed the conclusion of the project, specifically in terms of the opportunities it would bring in respect of regeneration, housing, employment and apprenticeships.

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

RESOLVED – That the following be welcomed:-

(i). that the contract was eventually completed on 5th July 2013 with financial close programmed for 11th July 2013, and that the planned date of service commencement (including start on site) will be 30th September 2013 with mobilisation and preliminaries currently underway;

(ii). the final affordability position achieved at close and as set out in detail at exempt Appendix A to the submitted report; and

(iii). the progress made on other regeneration activities in the PFI project areas.

47 Housing Management Review Implementation

Further to Minute No. 24, 19th June 2013, the Director of Environment and Housing submitted a report informing of the proposed role and functions of the Housing Management Advisory Board and providing an update on the progress made to establish the shadow Board arrangements. In addition, the report provided an opportunity to consider the proposed governance arrangements prior to consideration by the General Purposes Committee.

By way of an introduction to the report, the Executive Member for Neighbourhoods, Planning and Support Services paid tribute to the work which had been undertaken by the ALMO Boards and set out the proposed timescale for the implementation of the new arrangements.

Members welcomed the speed at which the new arrangements were being progressed.

With regard to the Belle Isle Tenant Management Organisation (BITMO), Members welcomed the fact that this organisation had not been involved in the scope of the review and looked forward to receiving further information on how BITMO would be involved in the relevant governance arrangements moving forward.

RESOLVED –

- (a) That the shadow board arrangements, together with the creation of a Housing Management Implementation Board that will be put in place to lead the Council through the implementation phase, be noted.
- (b) That the following be recommended to the General Purposes Committee on the proposed governance arrangements for the Housing Management Advisory Board:-
- That the Terms of Reference for the Board be as set out in section 3.4.7 of the submitted report.
 - That the Housing Management Advisory Board has a quorum of four members, to include two Councillors and a tenant representative.

48 Response to Deputation to Council on Destitution in the Asylum Seeking Population of Leeds

The Assistant Chief Executive (Citizens and Communities) submitted a report which provided a response to the deputation presented to full Council on the 8th May 2013 by the Regional Asylum Activism Project in respect of the issues around 'Asylum Support and the Destitution of Asylum Seekers'.

In writing to the Home Secretary, particular reference should be made to the concerns outlined in Section 4 of the report.

RESOLVED –

- (a) That the Chief Executive write to the Home Secretary voicing concerns that the current application of the asylum process is allowing too many people to fall destitute, and that the burden of responsibility needs to be more equally shared between local and national government.
- (b) That the findings of the All Party Parliamentary Inquiry be endorsed, and that approval be given to act on the findings that can be achieved by local government.
- (c) That relevant policies of the 'Still Human, Still Here' campaign to end institutional destitution for asylum seekers, be supported.

49 Holt Park - A new Heart for Holt Park - Completing the Picture: Draft Planning Statement for Holt Park District Centre

The Director of City Development submitted a report presenting the content of the draft Planning Statement for Holt Park District Centre and which sought approval of the draft statement for the purposes of a consultation exercise, which was proposed to be undertaken with stakeholders, to commence in September 2013 for a period of six weeks.

Members welcomed the significant regeneration opportunities which potential redevelopment of this area could provide.

RESOLVED – That the draft Planning Statement, as appended to the report, be approved for the purposes of consultation, which will commence with stakeholders in September 2013 for a period of six weeks.

50 External Publication of Employee Interests for High Risk Posts

The Director of Resources submitted a report which outlined a series of proposals relating to Elected Member, and in certain circumstances, public access to interests declared by officers. The proposals also aimed to provide a greater level of assurance that employees were declaring relevant interests and that Directors were reviewing and taking appropriate actions on related matters, as the need arose. In addition, the report also considered the related recommendations of the Scrutiny Board (Housing and Regeneration).

It was noted that any arrangements put in place would be monitored, in order to ensure that they were working effectively.

RESOLVED – That the proposals detailed within the submitted report, be agreed.

CHILDREN'S SERVICES

51 Investing in Looked After Children Part A: Kinship Care, Foster Care and Adoption Services

The Director of Children's Services submitted a report which sought agreement to a range of proposals intended to enhance the provision of locally based placements for looked after children. Such proposals included an increase of allowances and fees to foster carers; the strengthening of the Council's informal kinship care strategy, together with associated proposals linked to the adoption reform grant.

Members welcomed the proposals which had been made, emphasised the importance of the support packages provided to foster carers, kinship carers and adopters, whilst also highlighting the need to maintain an all-party approach towards such matters.

RESOLVED – That the following be approved:-

- to increase foster carer allowances to 90% of Fostering Network recommended rates from October 1st 2013 and to 100% from April 2014 at an estimated cost of £380,000 in 2013/14 and £1,850,000 in 2014/15;
- to restructure foster carer fees making them simpler to administer and more transparent at an estimated total cost of £390,000 in 2013/14 and £790,000 in 2014/15 .
- to benchmark future increases in allowances to Fostering Network minimum rates.
- to provide a range of additional support to informal kinship carers (cost neutral)
- to support a range of proposals intended to improve the recruitment of adopters and speed up the adoption process at an estimated cost of £1,580,000 in 2013/14 and £1,620,000 in 2014/15.
- (The estimated cost of the above proposals in 2013/14 is £2,100,000 after taking account of anticipated savings of £250,000 from accelerating the adoptions process. This is set against £1,720,000 of funding available from the Adoption Reform Grant (£630,000) and base budget (£1,090,000)).
- (The estimated cost in 2014/15 is £3,550,000 which it is assumed will again be set against circa £1,720,000 of funding, leaving a balance of £1,830,000 to be managed within the 2014/15 budget strategy. This needs to be seen within the context of the Budget Plus strand for looked after children and the delivery of gross savings of £20,000,000 by 2016/17).

52 Investing in Looked After Children Part B: Residential Child Care Provision

The Director of Children's Services submitted a report outlining the background to the proposals for the development of residential services in the

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city. Specifically, the report outlined plans to close and decommission the remaining two eight-bed children's homes in order to develop three new smaller children's homes, which aimed to improve the quality and range of residential services in Leeds, to improve outcomes for children and also to reduce dependence upon expensive external placements.

As part of the discussion on this report, Members noted that consultation with the relevant Ward Members would be undertaken in respect of any proposals regarding the potential location of the three new homes.

RESOLVED –

- (a) That the Children's Homes strategy be agreed.
- (b) That approval be given for the properties at Inglewood and Wood Lane to be disposed of, with the retention of the capital receipts, as necessary, on these two properties, in order to support the development of the Children's Homes strategy for Leeds.

53 Learning for Leeds - Setting our strategic direction for ensuring sufficient good quality school places

The Director of Children's Services and the Director of City Development submitted a joint report providing an outline strategy for the recommended strategic approach towards planning for learning places. The report provided a summary of the national and local context and highlighted key risks and issues. In addition, the report also presented recommendations on a number of key principles for consideration when planning for learning places.

Members highlighted the importance for the Council to have constructive and positive relationships with the providers of Free Schools and Academies.

In addition, Members discussed the role of the Community Infrastructure Levy (CIL), however the Board emphasised the need to ensure that the contribution provided by developers towards infrastructure development, whether this be education accommodation, affordable housing or highways provision, be maximised.

RESOLVED –

- (a) That the proposals, as contained within the submitted report, be noted.
- (b) That the emerging strategy and key principles required to ensure sufficient, good quality learning places for children and young people in Leeds, be supported.
- (c) That the risks and issues, as detailed within the submitted report, be noted.

54 Basic Need Programme: Part A Permission to consult on further proposals for expansion of primary provision in 2015 and Part B Proposal to change the status of Calverley CE (VC) Primary school from Voluntary Controlled to Voluntary Aided

The Director of Children's Services submitted a report in respect of the Basic Need Programme. Part A of the report sought permission to undertake a consultation exercise on further proposals for expansion of primary provision in 2015. Part B of the report considered the intention of the Governing Body of Calverley Church of England Primary School to formally consult on a proposal for the School to change its status from Voluntary Controlled to Voluntary Aided.

RESOLVED –

- (a) That in respect of part A of the submitted report:-
- Approval be given to consult on the expansion of Calverley Church of England 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;
 - Approval be given to consult on a linked proposal to expand Farsley Westoyd Infant School from a capacity of 180 pupils to 210 pupils and raise the upper age limit from 7 to 11 with effect from September 2015;
 - Approval be given to consult on a linked proposal to expand Farsley Springbank Junior School from a capacity of 240 pupils to 420 pupils and change the lower age limit from 7 to 4 with effect from September 2015.
- (b) That in respect of part B of the submitted report, the proposal published by the Governing Body of Calverley CE Primary School to change the school status from Voluntary Controlled to Voluntary Aided with an implementation date of 31st August 2013, be approved.

(At the commencement of this item, Councillor A Carter drew the Board's attention to the fact that he was a Governor of Calverley Church of England Primary School)

55 Investing in Young People: Targeted Youth Work Area Formula

Further to Minute No. 206, 13th March 2013, the Director of Children's Services submitted a report which sought approval of a new formula for the distribution of the targeted youth work budget which would underpin the redesign of youth work in Leeds and strengthen the shaping and commissioning role of Area Committees.

Prior to the meeting, Board Members had received supplementary information in the form of a joint Scrutiny statement and recommendations from the Children and Families and Sustainable Economy and Culture Scrutiny Boards.

It was highlighted that the formula proposed needed to be reviewed regularly, in order to ensure that it was an effective use of resource from an outcomes perspective.

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RESOLVED –

- (a) That the formula for the distribution of the targeted youth work budget as detailed within the submitted report be endorsed. Specifically, with 50% (£1,500,000) of the total funding allocated on the basis of young people resident in the 40% most deprived lower super output area and 50% (£1,500,000) on a headcount basis. (£500,000 has already been distributed to Area Committees on a headcount basis re the activity fund). The table below outlines proposed targeted youth work allocations at an Area Committee level and aggregated at an area (3) level.

Area Committee	Area	Population aged 11-17	11 -17 resident in 40% most deprived LSOA (Note 1)	allocation based 50% on headcount and 50% on 40% LSOA
Inner East		7857	7563	490540
Inner North East		6206	2420	219159
Outer North East		4914	549	108784
	East North East	18977	10532	818483
Inner South		5812	5788	372026
Outer East		7019	2682	245263
Outer South		7188	2960	261276
	South	20019	11430	878566
Inner North West		4231	2588	193843
Inner West		3818	3541	232019
Outer North West		6756	903	156581
Outer West		5558	2679	220508
	West North West	20363	9711	802951
		59359	31673	2500000

(Note1 - the number of young people in each area committee area that are resident in areas that are in the 40% most deprived LSOA (lower super output areas) in the country. The deprivation data used is based on the 2010 Index of Multiple Deprivation – the index is a national measure of relative levels of deprivation in small areas (lower super output areas produced by the Department for Communities and Local Government)).

- (b) That Children’s Services be requested to ensure that capacity is available to support Area Committees in respect of commissioning and quality assurance, as it is noted that targeted youth work resource is largely staffing, therefore further change will also require that sufficient Human Resources support is also put in place.
- (c) That the Targeted Youth Work Area formula be reviewed regularly, in order to ensure that it was an effective use of resource from an outcomes perspective.

- (d) That the recommendations, as set out within the joint Scrutiny statement of the Children and Families and Sustainable Economy and Culture Scrutiny Boards, be agreed.

56 Outcome of the transport consultation and proposed changes to the children's services transport policy

Further to Minute No. 189, 15th February 2013, the Director of Children's Services submitted a report presenting the outcome of the recent public consultation exercise undertaken in respect of the current Children's Services Home to School Transport Policy. In acknowledging the results from the consultation exercise, the report detailed recommendations for proposed inclusion within a new policy, which was presented as Appendix 1 to the submitted report for consideration.

In presenting the report, the Executive Member for Children's Services emphasised the extent of the consultation exercise which had been undertaken, the fact that the comprehensive review had covered all elements of the delivery of the free children's transport provision and how the review had aimed to explore ways in which the Council might work better with key partners in order to improve overall provision in support of Leeds' ambition to be a Child Friendly City. Specifically, it was confirmed that the proposed policy would continue to ensure that children and young people who were eligible under the extended statutory eligibility criteria for low income families and geographical criteria would continue to receive home to school transport paid for by the local authority.

It was noted that should the recommendations within the report be approved, then an implementation group of key partners would be formed to ensure that a robust decision making pathway was established.

A concern was raised regarding the potential impact that the proposal to withdraw all discretionary transport provided solely on the basis of religion or belief from September 2015 may have on those young people who would be part way through their education at this time. In addition, a concern was also raised regarding the potential impact that the overall proposals in respect of discretionary provision may have in 2015, when the proposed new policy would be fully phased in.

Having taken all of the points raised during the discussion on this item into consideration, it was

RESOLVED –

- (a) That the extent of the consultation on changes to the current home to school transport policy be noted.
- (b) That the legal implications and risk management sections of the submitted report be noted.
- (c) That the specific agreement of key partners (e.g. College Principals, Metro, faith partners, and school heads) to work with the Local

Authority on the implementation of the new policy over the next two years as it is fully phased in, be noted.

- (d) That the receipt of a petition submitted on behalf of a faith group wishing the authority to retain current provision be noted.
- (e) That the draft policy entitled, 'Leeds Children's Services Transport Policy', as appended to the submitted report be approved.
- (f) That the following specific recommendations be approved:-

Statutory provision

Approval be given to a fundamental remodelling of all statutory provision where it is safe to do so. This would take place following individual assessment of need. There is no intention to make any immediate changes to how statutory services are provided without proper assessment and, where appropriate, liaison with affected parties. Some of the proposed changes, which would continue to meet the Council's statutory obligations, would include:

- introducing more independent travel training opportunities
- replacing, wherever possible, the current automatic provision of taxis with a pass to enable free travel on public transport
- introducing a wider partnership approach to providing transport services
- developing a more flexible approach in partnership with parents/carers

Discretionary provision - post 16 SEN home to school/college

- agree that the proposed provisions of the new Children & Families Bill should be kept under review and any implications taken into account in the implementation of a new policy.
- agree to the principle that in the first instance parents/carers not eligible for statutory support should be expected to organise and fund the transporting of their own children to school or college.
- agree to support the proposal that the delivery of statutory low level need should continue to be re-modelled with the appropriate use of independent travel training, and, in order to be more efficient and cost effective, review the delivery method of all intermediate and complex need transport provision over the next twelve months.
- agree that for those post 16-19 SEN students already attending school/college (including those due to start in September 2013) the current offer would remain in place for a further academic year (2013/14).

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- agree **in principle** that following a detailed assessment by Children's Services, where it is deemed not possible for the parent or carer to transport their child/young person to school/college, and the provision of a taxi or similar is the only safe, cost-effective and appropriate way of transporting the child/young person, the authority would provide a personalised means-tested budget towards the cost of transportation.
- agree that this budget should be provided on a means-tested basis only from September 2017, but phased in over a three year transitional period from September 2014 for all existing recipients. At this stage it is proposed that the budget could reasonably be set at a maximum of up to £5,000 per annum for all new means-tested applicants once the policy is approved, but this figure, and any proposed transitional arrangements, would first need to be considered and agreed by Executive Board.
- agree that further detailed work should take place during 2013/14 in order to develop an implementation plan and establish robust eligibility criteria. It would be unwise for Executive Board to formally approve the changes to this part of the policy at this stage without detailed planning as it may lead to unintended consequences. Until Executive Board approval, therefore, this aspect of the new policy would remain as it is currently described in the current policy.
- agree that the future proposals should continue to be developed and reported back to Executive Board with the relevant detail. The proposed model has been initially budgeted; the indications are that savings in the region of **£1,250,000** in 2014/15 rising cumulatively to **£2,000,000** in 2015/16 and **£2,200,000** in 2016/17 would be achievable against the current spend of **£2,600,000**.
- agree to preserve the current offer for existing students and new September entrants for a further year. This will allow the necessary planning to take place and also enable further discussion with service leads and strategic partners on the most sensible way of implementing any proposed changes.
- agree that independent travel training would continue to be available during that time, including access to a valid pass for travel on public transport across West Yorkshire, paid for by the local authority.

Discretionary provision - faith transport

- agree to provide discretionary transport for a further two years, until 31st August 2015, for all those currently receiving 100% support.
- agree that from 1st September 2015 all discretionary transport provided solely on the basis of religion or belief, would be withdrawn.
- agree that from 1st October 2013 new applicants, who do not meet the requirements of the new policy for local authority support, will only be eligible to travel on the relevant service on a parent-to-pay basis. They would be advised to obtain a Young Person's PhotoCard (often referred to as a half-fare pass).

Discretionary provision - post 16 mainstream home to school/college

- agree to continue to fund post 16 mainstream discretionary transport for a further two years, until 31st August 2015, for students who enrol on either a one or two year course for the academic year 2013/14.
- agree that new applicants from 1st October 2013 would be recommended to obtain a Scholar's PhotoCard (often referred to as a half-fare fare pass) in order to travel on regular service provision at a discounted rate.
- agree that from 1st September 2015 all post 16 discretionary mainstream free transport would be withdrawn.

Discretionary provision - not the nearest school

- agree to provide discretionary transport for a further two years, until 31st August 2015, for all those currently receiving 100% support.
- agree that from 1st September 2015 all discretionary free transport provided, if it is not the nearest qualifying school, would be withdrawn.
- agree that from 1st October 2013 new applicants, who do not meet the requirements of the new policy for local authority support, will

only be eligible to travel on the relevant service on a parent-to-pay basis. They would be advised to obtain a Young Person's PhotoCard (often referred to as a half-fare fare pass).

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the matters included within this minute)

DATE OF PUBLICATION: 19TH JULY 2013

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 26TH JULY 2013 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 noon on Monday, 29th July 2013)