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To: All Members of Council

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Our Ref: A61/sjw/quest

Date: 4th May 2010

Dear Councillor

COUNCIL MEETING – 21st April 2010

At the above meeting, the thirty minutes of Question Time expired with 6 questions unanswered. Council Procedure Rule 11.6 requires that each Member of Council is sent responses to such questions.

Question 11

“Would the Executive Board Member for Environmental Services update Council on measures to increase the amount of doorstep recycling in Leeds?”

Answer

“Measures to increase doorstep recycling are being actioned through the Recycling Improvement Plan. There are approximately 22,000 properties which have not had access to the kerbside recycling service for paper, cans and plastic (types 1,2 & 4).

The first tranche of improvement has been the introduction of a kerbside green bag recycling service to 3,400 homes complementary to their refuse bag collection service. The first collection for these homes will commence on 1st May 2010. This service has been resourced using capacity generated through the rationalisation of Saturday collections through the Streetscene Change Programme.

A further 3,130 properties (currently on a black bag collection route) have been surveyed to assess the suitability of alternative methods for recycling provision including communal facilities. The next phase will be to arrange consultations with residents on their preferred option.



Around 7,000 homes will be provided kerbside SORT wheeled bin recycling in line with the route rationalisation process led by the Streetscene Change Programme. The aim is to offer these properties collections this summer, to tie in with the new working arrangements. In addition work is underway to provide a further 3,000 homes classed as "hard to access" and in rural locations with a recycling collection service, in a similar timeframe.

Work has commenced to evaluate recycling provision for high-rise properties across Leeds (covering approximately 6,000 households) to understand the opportunities and constraints at individual locations. A programme to introduce recycling collections to residents in these properties is being developed and the roll-out of collections to high-rise dwellings will be done on a phased basis.

In addition, in line with the route-redesign and Streetscene Change Programme, plans are being developed to enhance the current garden waste collection service to incorporate a further 33,000 households into the scheme. Collections for these residents will commence in 2010.

The above actions, combined, will contribute to achieving the 41% recycling rate target for 2010/11."

Question 12

"Would the Leader of Council care to respond to comments made by government minister Ed Milliband during the launch of the Labour Party Manifesto that referred to cuts in regeneration budgets and the impact these cuts could have in Leeds?"

Answer

"Leeds is not eligible for most regeneration funding, for example, the Working Neighbourhoods Fund (WNF).

In most cases Leeds has to competitively bid for specific regeneration funding. The Local Enterprise Growth Initiative is an example which has brought £20m to the City over four years to support enterprise in deprived communities. This programme ends in March 2011 and whilst originally it was envisaged as a 10 year programme this now seems unlikely. However, without more details of the proposal changes to regeneration funding it is difficult to assess the impact on the City."

Question 13

"Can the Executive Board Member for Central & Corporate, please outline the total cost to the Council of implementing its 'Leeds Card' scheme in the city?"

Answer

"The Leeds Card currently has a net cost to the Council of £101,620 and the scheme provides card holders with benefits and discounts against a wide range of leisure services, both internal and external to the Council, as well as in participating retail outlets."



Question 14

“Would the Executive Board Member for City Development please update this Chamber on the outcome of Technoprint’s recent legal action against the Council?”

Answer

“TECHNOPRINT v LEEDS CITY COUNCIL PRESENT POSITION

Claim

The Claimants’ (Technoprint plc and Mark Snee) challenged, by way of a judicial review, the Council’s decision to grant planning permission to Archbold Car Shop Ltd on 7 February 2008 was brought on four grounds:

1. The decision was vitiated by procedural unfairness;
2. The scheme of delegation is invalid;
3. In the event the scheme is valid, the Chief Planning Officer did not have authority under that scheme to take the decision and/or ought to have referred the application to a Plans Panel
4. The decision was irrational.

a) Delegation point

Ground 2 relating to the scheme of delegation was considered separately and in advance of the remainder of the grounds of challenge. The decision for this was issued on 9 December 2009 and the Claimant was unsuccessful on this ground.

They have asked the trial judge (Mr Justice Wyn Williams) for permission and his decision on that is awaited. If the judge refuses permission, Mr Snee/Technoprint have 3 weeks from the date that refusal is communicated to them to file an Appellant's notice at the Court of Appeal.

b) Planning point

On 15 February 2010 Mr Justice Wyn Williams considered the Claimants’ remaining three grounds of challenge, and he found for the Council with regard to grounds 1 and 3. However, he upheld ground 4 and concluded that the decision to grant planning permission was unreasonable or irrational because no reasonable planning authority would have granted planning permission subject to conditions 2 and 14-20 inclusive. His decision therefore was that the planning permission should be quashed.

Implication of the planning decision

Although the judge did conclude, in respect of the green space condition imposed, that “it was unreasonable or irrational to grant planning permission subject to such a condition.” (Para 46), the basis of his conclusion was that “no proper appraisal was undertaken of the legality of the condition or whether it would or could achieve what it was intended to achieve at any time before the planning permission was granted.” (Para 45).

At no point in the judgment does Mr Justice Wyn Williams state that the provision of a cash payment in lieu of provision of actual green space on site would be unlawful either specifically



in respect of the circumstances before him or as a general proposition. In fact, at paragraph 41 he states ‘... Policy N4(ii) permits the Defendant to choose between requiring provision of land or payment of a sum of money. There is little doubt that it would have been open to the Defendant to enter into an agreement with the interested Party for payment of an appropriate sum in this case.’

The Council could seek to pursue an appeal against the ‘planning’ decision and further consideration is being given to that.

The planning permission having been quashed the application will now be considered as if it were a fresh application and follow the usual procedures.

Costs

So far as the Council’s own costs are concerned these are, more or less, now known. The only outstanding issue is the question of a claim for costs from Mr Snee. He has sought an order for costs because he has succeeded in his claim for an Order quashing the planning permission.

Submissions on the appropriate costs order have been submitted to the trial judge who is now considering what order to make. The Claimants seek an order for all their costs incurred in the claim, despite being only successful on 1 of 4 grounds. It is our principle submission that there should be no order as to costs between the parties since the Defendants have incurred significant costs in successfully resisting the claim on all issues bar one. In the alternative, if this principle submission is not accepted, it is submitted that the only just and fair costs award would be to reflect the fact the Claimants were only successful on one of the many issues raised in this claim.

The Council have incurred barristers fees of £149,629.75 plus VAT and the in-house solicitors costs are £42,080.10. for the work done to-date.”

Question 15

“Would the Executive Board Member for Central and Corporate update Council on the progress of the Sustainable Communities Act bids from Leeds and other Councils?”

Answer

“Local authorities, including Leeds, put forward proposals to improve their local area to the Local Government Association (LGA), in its capacity as the selector, last summer. In December 2009, the LGA produced a shortlist of 199 proposals which the Government are required to consider and respond to under the Act. This included the Leeds proposal to:

“Amend schedule 7 of the traffic management act 2004 to extend the powers of civil enforcement officers to issue penalty charge notices for obstructive parking”.

Three meetings took place took place between the LGA and Government officials in January 2010 although no final decisions were taken. On April 6, a ministerial statement confirmed that a formal decision would be taken on all 199 proposals by the end of the year and further action had been agreed on 17. The Leeds proposal has not been highlighted for further action at this stage.”



Question 16

“Would the Executive Board Member for Central and Corporate care to comment on the work of the Standards Committee and the Corporate Governance Team which supports it?”

Answer

“ The Standards Committee, and the Officers who support it, face a difficult task in implementing legislations and rules which frequently fail to take account of the day to day realities of a Councillors life. However, they have taken on this difficult task and worked hard to achieve the best results possible. In particular, I would like to thank Mike Wilkinson for the work he has put in as Chair over the past eight years. I’m also pleased to welcome the recognition the whole team achieved for their work in the recent MJ awards”

Yours sincerely

Sophie Wallace
Governance Officer

