

SCRUTINY BOARD (HOUSING AND REGENERATION)

FRIDAY, 20TH JULY, 2012

PRESENT: Councillor J Procter in the Chair

Councillors B Atha, D Collins, J Cummins,
P Grahame, V Morgan, D Nagle and
C Towler

Mr G Hall – Co-opted Member

13 Chair's Opening Remarks

The Chair welcomed everyone to the July meeting of the Scrutiny Board (Housing and Regeneration) meeting.

14 Late Item

There were no formal late items of business to consider, however the Chair agreed to accept the following as supplementary information:-

- Apprenticeship Report – Leeds – August 2011 to April 2012/ Quarter 4 2011/12 – City Priority Plan Report Card (Agenda Item 9) (Minute 21 refers)
- Briefing Note - Provision of training and employment opportunities on new affordable housing schemes (Agenda Item 9) (Minute 21 refers)
- Bringing Forward Brownfield Development Sites (Agenda Item 14) (Minute 25 refers)

The documents were not available at the time of the agenda despatch, but subsequently made available to the public on the Council's website.

15 Declaration of Disclosable Pecuniary and Other Interests

There were no disclosable pecuniary and other interests declared at the meeting.

16 Apologies for Absence

An apology for absence was received on behalf of Councillors M Iqbal, S Lay and G Wilkinson.

17 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 26th June 2012 be approved as a correct record.

18 Matters Arising from the Minutes

2011/12 Quarter 4 Performance Report (Minute 9 refers)

Mr G Hall referred to the issue regarding independent assessments undertaken on the 5 year land supply and pointed out that the government

guidance criteria states accessibility and not suitability as reported at the meeting.

19 Financial Position Statement 2012/13 - City Development and Environment and Neighbourhoods Directorates

The Head of Scrutiny and Member Development submitted a report providing Members with a financial position statement of the City Development and Environment and Neighbourhoods Directorate's in relation to this Board's responsibilities after three months of the financial year 2012/13.

Appended to the report were copies of the following documents for the information/comment of the meeting:

- Housing Revenue Account (HRA) – Summary/2012/13 Budget – Period 2 position (Item 7a refers)
- Environment and Neighbourhoods - Regeneration Services 2012/13/Housing General Fund 2012/13 (Items 7b and 7c refer)
- Housing Revenue Account Programme/Leeds ALMO Capital Programme 2012/13 (Item 7d refers)

The following representatives were in attendance and responded to Members' queries and comments:

- Richard Ellis, Head of Finance, Environment and Neighbourhoods
- Kathryn Bramall, Leeds Homes Policy Manager, Environment and Neighbourhoods
- Rob McCartney, Head of Housing Support, Environment and Neighbourhoods.

In summary, specific reference was made to the following issues:

Housing Revenue Account (HRA)/Environment and Neighbourhoods Regeneration Services 2012/13

- Clarification of whether there had been any factoring in concerning likely rent arrears as a consequence of benefit changes which was of concern to many Elected Members
(The Head of Finance responded and informed the meeting that benefit changes concerning under occupation would not start until April 2013 and universal credit in the Autumn of that year. It was stated that there would be no impact on the current financial year 2012/13. He referred to the fact that what had been factored in to the 2011/12 outturn was the creation of a reserve of £2.2 m for costs associated with welfare reform. He accepted that it would be necessary to keep this issue under review)
- Clarification if the department were on track with these figures
(The Head of Finance stated that at period 2 the statutory housing fund variation was £74,000 above estimate as a consequence of managing workshop change and £25,000 above estimate in regeneration as a consequence of a restructure in November 2011 resulting in residual

costs as a consequence of asylum staff being displaced. He stated that based on the current figures the Housing Revenue Account would produce a surplus at the end of the financial year. The Board welcomed this news)

- Clarification as to why Agency Staffing costs were going up
(The Head of Finance responded and informed the meeting that no agency staff were employed in relation to the Housing Revenue Account. The rise in staffing costs related to the creation of an additional post to deal with contracts in the ALMO Business Centre Leeds (ABCL))
- Clarification of the reasons why a projected £1,550k would be paid over to the ALMOs as incentive payments in respect of voids and arrears
(The Head of Finance responded and confirmed that this was part of the performance framework and was a long standing arrangement associated with the setting up of the ALMOs)

Housing Revenue Account Programme – Capital Programme

- Clarification as to whether the regeneration resources of £2.7m was sufficient to meet the regeneration requirements contained within the Council's Core Strategy and the reasons why a further £500,000 had been added to this fund for the outer areas and how this was to be allocated
(The Head of Finance responded and agreed to obtain more information on this issue and to let the Principal Scrutiny Adviser have the information so it can be circulated to all Members of the Board)
- Clarification as to the effect of Welfare Reform on the provision of aids and adaptations in Council houses
(It was stated that the Department for Works and Pensions was fully aware of the consequences of the welfare proposals but there was no exception for disability. It was explained that local authorities have now been given additional discretionary housing powers that will enable it to fund additional rental costs as a consequence of for example under occupation to enable a tenant to remain in their home where adaptations have been carried out. The Government had placed a duty on local authorities to protect disabled tenants in this way. Reference was also made to the development of the accessible Housing Register. The Chair informed the meeting that a report on this issue had been discussed at the Executive Board meeting held on 20th June 2012 where it had been resolved that correspondence be forwarded to the relevant Government Ministers and Leeds MP's, highlighting the Council's concerns regarding this issue)

Leeds ALMO Capital Programme 2012/13

- Clarification of where the money came from in relation to improving a neighbours properties
(The Head of Finance responded and informed the meeting that the monies was paid from Housing Revenue Account monies)

- Clarification of the empty properties procedure
(*The Head of Finance responded and outlined the Decent Homes Standard procedure*)
- Clarification of how the department addressed the upgrade of boilers
(*The Head of Finance responded and outlined the investment priorities contained in the Housing Revenue Account Business Plan for the coming year*)

RESOLVED -

- a) That the contents of the report and appendices be noted.
- b) That this Board notes the projected financial position of the Directorates City Development and Environment and Neighbourhoods in relation to the areas listed in the appendices after three months of the financial year 2012/13.

20 Consultation Major Change in Housing Policy

The Head of Scrutiny and Member Development submitted a report on proposed major changes in housing policy which would determine how the Council would allocate its housing stock over the next ten years.

Appended to the report were copies of the following documents for the information/comment of the meeting:

- Tenancy Strategy 2013-2015 and Lettings Policy Review – Executive Board – 20th June 2012 – Report of the Director Environment and Neighbourhoods (Appendix 1 refers)
- Tenancy Strategy 2013 – 2015 – Consultation Draft (Appendix 2 refers)

The following representatives were in attendance and responded to Members' queries and comments:

- Kathryn Bramall, Leeds Homes Policy Manager, Environment and Neighbourhoods
- Rob McCartney, Head of Housing Support, Environment and Neighbourhoods.

Arising from a brief discussion of the background issues, the Chair informed the meeting that proposals were in hand to establish a Working Group to which all Members of this Board would be invited to attend in August /early September 2012 in order to have input into this important review.

RESOLVED -

- a) That the contents of the report and appendices be noted.
- b) That this Board notes the report of the Director of Environment and Neighbourhoods on the Tenancy Strategy 2013-2015 and lettings policy review approved by the Executive Board on 20th June 2012.
- c) That approval be given to the establishment of a Working Group to which all Members of the Board would be invited to attend in order that Members can contribute to the consultation process in an informal setting.

21 **Queries Raised Under Quarter 3 Performance Report March 2012**

Referring to Minute 9 of the meeting held on 26th June 2012, the Head of Scrutiny and Member Development submitted a report on queries raised under Quarter 3 Performance Report at the former Scrutiny Board (Regeneration) meeting held on 27th March 2012.

Appended to the report were copies of the following documents for the information/comment of the meeting:

- Housing Distribution (Appendix 1 refers)
- City Priority Plan Performance Report – Guidance (Appendix 2 refers).

In addition to the above documents, the following additional information was circulated as supplementary information:

- Apprenticeship Report – Leeds – August 2011 to April 2012/ Quarter 4 2011/12 – City Priority Plan Report Card
- Briefing Note - Provision of training and employment opportunities on new affordable housing schemes.

Sue Wynne, Chief Officer, Employment and Skills, Environment and Neighbourhoods was in attendance to specifically address the apprenticeship framework element and responded to Members' queries and comments.

In summary, specific reference was made to the following issues:

- Clarification of the sector breakdown of apprenticeships
(The Chief Officer, Employment and Skills responded and provided the meeting with a breakdown during the period August 2011-April 2012)
- Clarification of the number of full time apprentices that had been secured in Leeds
- Clarification of the incentives available to encourage apprenticeships
- The concerns expressed that that there seemed to be little feedback from developers who were supporting apprenticeship schemes
(The Chief Officer, Employment and Skills responded and made specific reference to Leeds Arena who had taken on 53 apprenticeships to date as apart of their contractual obligations. It was also reported that a further 59 apprenticeships had been taken on through the Affordable Housing Scheme)
- Clarification of the monitoring process for developers implementing apprenticeship schemes
(The Chief Officer, Employment and Skills responded and outlined the monitoring procedures currently in place)
- The concerns expressed that there was no mention in the report regarding the City Provider Steering Group/Construction Services Board
- Clarification of the costs involved in training apprentices and who was paying the further education costs

(The Chief Officer, Employment and Skills responded and provided the meeting with the information requested)

RESOLVED - That the contents of the report and appendices be noted.

(Councillor P Grahame joined the meeting at 11.10am during discussions of the above meeting)

22 Position Statement - Community Engagement Guide for Developers

The Chief Planning Officer submitted a report on the development of a community engagement guide for developers.

Phil Crabtree, Chief Planning Officer, City Development was in attendance and responded to Member's queries and comments.

In summary, specific reference was made to the following issues:

- The concerns expressed that often developers and officers do not consult with ward members and the local community at an early stage in the planning process and welcomed the initiative to produce a guide/protocol for developers to try and introduce consistency and clarity in what the Council expects from developers
(The Chief Planning Officer stressed the need for stakeholders to buy in to the development of a guide as there was no statutory requirement for developers to engage with local communities or take on board community concerns)
- Examples were cited where developers had not engaged well with the community in meaning full discussion which included Red Hall playing fields and various levels of consultation by three developers in Crossgates and Whinmoor. Reference was also made to Scarborough Development Group, the owners of Thorpe Park, Leeds, who will shortly begin pre-application consultation on a new outline planning consent for the future phases of the 270-acre development
(The Chief Planning Officer commented on these including Red Hall which was owned by the Council and was an allocated site in the UDP, developers in Scholes who have been consulting in the community but have not spoken to planning officers and the guidance given by planning officers to Scarborough Development Group as to who to consult with regarding proposals for Thorpe Park which included Parish Councils, Ward Members and other neighbouring authorities. He offered a briefing to Ward Members if the Group had not been in touch in this regard)
- Reference to a leaflet produced by the Chief Planning Officer some time ago entitled ' Protocol for pre-application discussions with local communities and ward members'
(The Board's Principal Scrutiny Officer responded and agreed to circulate a copy of the leaflet for the Board's attention)
- The need for the Board to encourage the practice of having a 'gold standard for development' and to have as rigid a framework as

possible in place that encourages consistency of approach within the Council and sets out clearly its expectation of developers

- Clarification of whom would be consulted on the position statement
(The Chief Planning Officer responded and brought the Board's attention to paragraph 3.10 of the report which addressed this point)

In concluding discussions, the Board supported the suggested principles of the protocol as outlined in 3.5 of the report.

RESOLVED -

- a) That the contents of the report be noted.
- b) That approval be given to the proposed process to produce the guide, involving stakeholders as now outlined.
- c) That approval be given to the timescale for the production of the guide in accordance with the report now submitted.

23 Community Infrastructure Levy (CIL)

The Head of Scrutiny and Member Development submitted a report regarding the Community Infrastructure Levy (CIL).

Phil Crabtree, Chief Planning Officer, City Development was in attendance and responded to Member's queries and comments.

The Chief Planning Officer advised the Board that GVA Grimley consultants had recently been appointed to do the feasibility study on viability of sites for development across the city. and that the Chief Planning Officer would come back to Board Members on this issue in due course.

In summary, specific reference was made to the following issues:

- Confirmation by the Chief Planning Officer that the Council was following national practice in relation to the appointment of consultants to undertake work concerning the viability of sites
(It was agreed to invite GVA Grimley Consultants to address a future meeting of the Board to help Members understand their approach for defining viability of sites for development and the work they have carried out in other local authorities)
- The fact that Section 106 agreements would remain in reduced form for the delivery of affordable housing, onsite green space and highways works relating to a development
- Clarification as to whether CIL could also be used for the provision of affordable homes
(The Chief Planning Officer responded and agreed to come back to the Board on this specific issue)
- Reference to the House of Commons 'SN1298 Consultation on CIL – affordable housing retained in S106 Planning Obligations (Planning gain or planning contribution)' which stated that the Council opted for the provision of affordable homes through Section 106 Agreements

RESOLVED -

- a) That the report and current position be noted.
- b) That the Board's Principal Scrutiny Adviser be requested to invite GVA Grimley Consultants to address a future meeting.

24 Consultation Undertaken with regard to Section 106 Agreements

The Head of Scrutiny and Member Development submitted a report on the engagement undertaken by the City Development Directorate with Elected Members in developing Section 106 agreements.

Phil Crabtree, Chief Planning Officer, City Development was in attendance and responded to Member's queries and comments.

In summary, concerns were continuing to be expressed that local Councillors were often not being consulted or not consulted at an early enough stage in the process to contribute to the formulation of Section 106 agreements. Whilst recognising that the Plans Panels were the ultimate decision making body it was thought appropriate that Plans Panels in considering proposed Heads of Terms for Section 106 Agreements as part of the developers planning application ought to be made aware as to whether ward members were content or not with the terms of that agreement.

RESOLVED -

- a) That the report be noted.
- b) That the Chief Planning Officer to confirm the arrangements for engaging and reporting the views of Ward Councillors on the proposed Heads of Terms for Section 106 agreements.

(Councillor B Atha left the meeting at 12.20pm during discussions of the above item)

25 Formal Response and Recommendation Tracking - Private Rented Sector Housing

The Head of Scrutiny and Member Development submitted a report on the Safer and Stronger Communities Scrutiny Board's recommendations following completion of its inquiry on private rented sector housing.

Appended to the report were copies of the following documents for the information/comment of the meeting:

- Recommendation tracking flowchart and classifications: Questions to be considered by Scrutiny Boards (Appendix 1 refers)
- Inquiry into Private Rented Sector Housing (April 2012)(Appendix 2 refers).

The following representatives were in attendance and responded to Member's queries and comments:

- John Statham, Strategic Landlord Officer, Environment and Neighbourhoods
- Mark Ireland, Service Manager, Environment and Neighbourhoods.

For the benefit of the meeting, the Chair went through each individual recommendation.

RESOLVED -

- a) That the contents of the report and appendices be noted.
- b) That the proposed category status of Appendix 2 of the report be dealt with as follows:-
 - Recommendation 1 (i), (ii), (iii) and (iv) remains at category 4
 - Recommendation 2 (i) and (ii) remains at category 2 and category 4
 - Recommendation 3 (i) and (ii) remains at category 4 and category 1
 - Recommendation 4 remains at category 4
 - Recommendation 5 remains at category 4
 - Recommendation 6 remains at category 4
 - Recommendation 7 remains at category 4
 - Recommendation 8 remains at category 1
- c) That approval be given to those recommendations which no longer require monitoring in accordance with the report now submitted.
- d) That the Strategic Landlord Officer be requested to forward a copy of 2012-15 Empty Homes Strategy to the Board's Principal Scrutiny Adviser for dissemination to the Board.

26 Bringing Forward Brownfield Development Sites

The Chief Planning Officer submitted a report presenting an overview of the issues relating to bringing forward brownfield development land in Leeds for residential use.

The following representatives were in attendance and responded to Members' queries and comments:

- Phil Crabtree, Chief Planning Officer, City Development
- Christine Addison, Acting Chief Asset Management Officer, City Development
- Adam Brannen, Programme Manger, East and South Leeds, City Development

In summary, specific reference was made to the following issues:

- The fact that Bellway Homes had commenced development of the former Vicker's tank factory with three and four bed roomed houses which was a change of emphasis by developers in producing more traditional type family housing estates at lower densities
- The former Yorkshire Chemicals Site in Black Bull Street and an update by the Chief Planning Officer on the current position regarding redevelopment of this site and the desire to have housing on this site that would complement proposals for Clarence Dock and the former Tetleys site

- Clarification as to whether brownfield sites that were not currently deemed as viable would remain in the Strategic Housing Land Availability Assessment (SHLAA) or be removed
(The Chief Planning Officer responded and confirmed that they would remain on the SHLAA because the viability might change and there is a need to maximise the use of brownfield sites)
- Various information was requested for consideration by the Board having regard to the work already undertaken Scrutiny Board (Resources and Council Services) to avoid any duplication

RESOLVED -

- a) That the contents of the report be noted.
- b) That the Acting Chief Management Officer and Chief Planning Officer submit a joint report to the September Board meeting which provides the following information:-

- (i) a list of all Council owned brownfield sites and buildings in the city showing how long they have been declared surplus to requirements, what marketing has been undertaken and what incentives have been offered to encourage redevelopment of those brownfield sites*
- (ii) a list of non Council owned land that are brownfield sites that have been declared not viable and the reasons why they are not viable and what has been offered to move those sites forward for redevelopment*

(Councillor D Nagle left the meeting at 12.35pm during discussions of the above item)

27 Work Schedule

A report was submitted by the Head of Scrutiny and Member Development which detailed the Scrutiny Board's work programme for the current municipal year.

Appended to the report was a copy of the following documents for the information/comment of the meeting:

- Revised Scrutiny Board (Housing and Regeneration) Work Schedule for 2012/2013 Municipal Year
- Executive Board – Minutes of a Meeting held on 20th June 2012
- Forward Plan of Key Decisions – 1st July-31st October 2012.

The Principal Scrutiny Adviser, Scrutiny Support presented the report and responded to Members' queries and comments.

RESOLVED -

- a) That the contents of the report and appendices be noted.
- b) That the Executive Board minutes and Forward Plan be noted.
- c) That the work schedule be approved as now outlined.

28 Date and Time of Next Meeting

Tuesday 25th September 2012 at 10.00am in the Civic Hall, Leeds (Pre-meeting for Board Members at 9.30am)

(The meeting concluded at 12.55pm)