

EXECUTIVE BOARD

WEDNESDAY, 19TH JUNE, 2024

PRESENT: Councillor J Lewis in the Chair

Councillors S Arif, D Coupar, H Hayden,
A Lamb, J Lennox, J Pryor, M Rafique and
F Venner

APOLOGIES: Councillor M Harland

1 Pre-Election Period of Heightened Sensitivity

The Chair reminded the Board that as a result of the General Election being called for the 4 July, the meeting was being held during the pre-election period of heightened sensitivity.

It was noted that whilst the purpose of the pre-election period was not to prevent the Council from carrying out its normal business, it was to prevent the business conducted by the Council being used, or being perceived as being used, to secure any electoral advantage.

Therefore, Members were asked to treat the meeting as a normal Board meeting, but being mindful not to enter into debate that amounts to, or could reasonably be perceived to amount to electioneering.

2 Exempt Information - Possible Exclusion of the Press and Public

There was no information contained within the agenda which was designated as being exempt from publication.

3 Late Items

There were no late items of business submitted to the Board for consideration.

4 Declaration of Interests

There were no Disclosable Pecuniary Interests declared at the meeting.

5 Minutes

RESOLVED – That the minutes of the previous meeting held on 17th April 2024 be approved as a correct record.

CHILDREN AND FAMILIES

6 Special Educational Needs and Disabilities (SEND) - Education, Health and Care Plans (EHCPs) – Review Process – Update Report

Further to Minute No. 83, 13th December 2023, the Director of Children and Families submitted a report setting out proposals regarding the ‘delivery stage’ of the new arrangements regarding Education, Health and Care Plan (EHCP) assessment and provision in Leeds. The report also presented the

Inquiry Report of the Children and Families Scrutiny Board into the provision of EHCP support for the Board's consideration.

The Executive Member introduced the report and in doing so, acknowledged that the Council currently was not delivering the level of service in this area that it wanted to. However, in response to this, it was highlighted that the steps outlined in the report, informed by the outcomes from the review, were being proposed to improve the timeliness by which EHCPs were delivered and improve the experience for children and their families. The significant increase in demand in this area was highlighted, which it was noted was a common experience for many other Authorities. The impact of such demand was emphasised, with staff being thanked for their continued efforts. It was noted that the proposed changes would help the Council achieve and maintain the improvements that were needed and that they would continue to be informed via the views of all relevant parties. As part of the proposals, external resource would be used to tackle the EHCP backlog. Thanks was also extended to the valued work of the Scrutiny Board in this area.

The Board welcomed Councillor Dan Cohen to the meeting, as Chair of the Scrutiny Board Children and Families, who was in attendance to introduce the related Scrutiny Board inquiry report and its recommendations, as included at Appendix 2 to the submitted report. In doing so, Councillor Cohen thanked all parties who had contributed to the Scrutiny Board inquiry and resultant report. Detail was provided on the aims of the inquiry, the areas which the inquiry had focussed upon and the range of stakeholders who had engaged in the process. The Board's attention was also drawn to several of the Scrutiny Board's recommendations. Councillor Cohen acknowledged that whilst some performance had improved, there was still huge room for improvement. It was noted that the Scrutiny Board intended to robustly monitor performance and looked forward to significant improvements being made.

Responding to a specific enquiry regarding the commissioning of the review work undertaken by PricewaterhouseCoopers (PwC), the Board was advised of the cost of the work undertaken. In addition, it was noted that PwC had been commissioned on the basis that a full review was required, which needed an objective view by an organisation with specialist experience. Given the detail and scope of the review, it was noted that the Council could not have conducted the same level of review internally. It was emphasised that the review had put the Council in a very good position to have a clear plan of implementation to realise its absolute commitment to achieve full compliance with statutory duties in this area and to ensure that the needs of children and families were met.

A Member sought assurance around the approach that would be taken to ensure that the current backlog was cleared whilst also delivering improvements at pace in order to enable statutory requirements to be met. In response, further detail was provided, which included the provision of additional resource, together with the cross-Council and multi-agency approach being taken to deliver improvements in key areas such as digitalisation and the reduction of bureaucracy.

A concern was raised on the specific proposal to change the operating model regarding the provision of 'Funding for Inclusion' (FFI). In response, further detail and context was provided on the reasons for the proposed change, its aims and how it was part of the Council's approach to ensuring that statutory requirements were met. In this case it was noted that this proposal was to ensure that children and young people had access to a statutory assessment in relation to SEND. It was highlighted that significant changes had been experienced in the sector since the introduction of FFI, which was another factor for the proposals. Detail was also provided on the continued consultation and engagement with relevant partners; on the number of children and young people currently in mainstream schools on FFI packages; and the innovative approaches being considered to ensure early intervention in relation to children's needs.

Whilst supportive of the other recommendations, a Member raised further concerns on the proposals regarding FFI and suggested that further detail was needed prior to a decision being made on this specific element. It was also requested that such matters be considered further with the involvement of Scrutiny. In response, it was undertaken that officers would provide a further briefing to the Member in question in relation to FFI, and it was also undertaken that the Executive Member together with officers were happy to work with Scrutiny going forward on this matter, and on the wider issue of EHCP provision.

In conclusion, it was highlighted that through these proposals, there was no suggestion that the Council would be putting less resource into supporting those with SEND, but that it would enable the Council to adapt its approach so that the significant increase in demand was met. It was also noted that where appropriate, representations would continue to be made seeking further resource.

RESOLVED –

- (a) That the proposed changes to be made to the way in which EHCP processes are delivered in Leeds, as detailed within the submitted report, be agreed;
- (b) That the need to ensure that the views and experiences of children, young people, parents and carers are captured during the delivery of changes and improvements, be endorsed;
- (c) That the need to work in partnership with a range of stakeholders, especially schools and other specialist settings, to deliver improvements to EHCP arrangements across Leeds, be endorsed;
- (d) That in accordance with the established arrangements for reporting and commenting upon Scrutiny Board Inquiry reports, the concurrent Children and Families Scrutiny Board Inquiry report, as presented at Appendix 2 to the submitted report, be noted, together with the comments made during the Board's consideration of this Inquiry report.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Lamb required it to be recorded that he abstained from voting on the decisions referred to within this minute)

7 Little Owls Nurseries Review

The Director of Children and Families submitted a report which presented the findings from the review work undertaken into Little Owls nurseries provision to date, together with the associated consultation and engagement responses received. The report, in taking such findings into consideration, made a number of recommendations to the Board in relation to next steps.

In introducing the report, the Executive Member provided an overview of the proposals which were to close 3 of the Little Owls settings, undertake an exploration of other options for the future delivery of childcare in a further 12 settings, and for at least 9 Little Owls settings to remain in operation by the Council where most needed. The impact faced by those affected was acknowledged, however, the reasons for the proposals were highlighted, with reference being made to the significant financial challenges which continued to be faced. Details were also provided on the range of factors taken into consideration as part of the review.

As part of the proposals, it was highlighted that guaranteed places were available for those children currently attending the 3 settings proposed for closure at other local Little Owls nurseries. It was also noted that there were sufficient vacancies in settings within the service to accommodate affected staff.

Responding to a number of enquiries and concerns raised by a Member regarding the proposals, further information was provided on the following:

- The range of consultation and engagement which had been undertaken with parents and carers as part of the review;
- The information which was used to determine the cost per day for a place in a Little Owls setting;
- The actions which had been taken to reduce the overspend position during 2023/24;
- Further information was provided on the context within which the proposals were being made and the actions taken to date to reduce costs and to maximise efficiency;
- Responding to an enquiry regarding the alternative options which had been considered, the Board received further detail on the methodology used during the review that had led to the proposals as presented in the report;
- In responding to a question about the increase in fees that was needed to close the current overspend, it was highlighted that the Council looked to strike the correct balance to ensure that a sustainable service providing value was delivered, and which fulfilled the Council's statutory duties around sufficiency of places, whilst also operating within the agreed budgeted position;

- It was reiterated that guaranteed places were available for those children currently attending the 3 settings proposed for closure at other local Little Owls nurseries, with Members receiving an overview of the responses received to that offer.

RESOLVED –

- (a) That in general terms, the contents of the submitted report, be noted;
- (b) That it be noted that the Council will continue to directly deliver day care at the following Little Owls settings:
- Chapeltown
 - Harehills
 - Middleton Laurel Bank
 - New Bewerley
 - Swarcliffe
 - Two Willows
 - Little London
 - Seacroft
 - Armley Moor
- (c) That the consultation and engagement responses in relation to the proposal, as detailed within the submitted report and appendices, be noted; and having had regard to those, the withdrawal from and/or closure of Little Owls Gipton North, Little Owls Chapel Allerton and Little Owls Kentmere, be approved;
- (d) That following resolution (c) above, where possible and noting ancillary use, those buildings be declared surplus to operational requirements following the closedown of Little Owls functions;
- (e) That the initial consultation and engagement responses in relation to the proposal to explore the potential amalgamation of some Little Owls settings and to explore potential and viable interest from other providers, as detailed within the submitted report and appendices, be noted; and that agreement be given to the undertaking of a ‘market sounding exercise’ to deliver additional nursery places to replace specific Council run settings at the following locations:
- Shepherds Lane
 - City & Holbeck
 - Hunslet Rylestone
 - Meanwood
 - Parklands
 - Osmondthorpe
 - St Mary’s Hunslet
 - Quarry Mount
 - Rothwell
 - Hawksworth Wood
 - Bramley
 - Burley Park
- (f) That the subsequent ‘market sounding exercise’ in relation to the settings set out in resolution (e) above, be agreed, and that it be noted that those ‘market sounding exercises’ will commence immediately;
- (g) That it be noted that the Director of Children and Families may take further decisions in respect of the settings listed at resolution (e) above following the market sounding exercise for the twelve settings indicated, which would be as a direct consequence of this decision.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Lamb required it to be recorded that he abstained from voting on the decisions referred to within this minute)

8 Children Looked After, Sufficiency Strategy

The Director of Children and Families submitted a report presenting a draft Children Looked After Sufficiency Strategy which aimed to set out the Council's approach towards meeting its Sufficiency Duty and the needs of children in its care. Further to this, the report noted that detailed three-year profiles and implementation plans would sit underneath the strategy and would be monitored monthly and updated annually.

In presenting the report, the Executive Member highlighted the importance of this service area and the key benefits arising from the delivery of an effective sufficiency strategy. It was noted that the voices of children and young people with lived experience were highlighted within the strategy. The Council's corporate parent role was also emphasised as a key consideration.

The need for the strategy to deliver the best outcomes for children and young people was highlighted, whilst emphasis was also placed upon the key role that this service area played in terms of the Council's management of its ongoing financial challenge.

A Member raised an enquiry which sought reassurance that through the strategy the Council would deliver the changes which were needed at the pace required. In response, the Board received an overview of the aims and ambitions of the strategy, and the actions being taken to deliver it. Key aspects included the cross-Council approach being undertaken and the additional resource from within the directorate being utilised.

RESOLVED –

- (a) That the proposed Children Looked After Sufficiency Strategy, as presented at Appendix 1 to the submitted report, be agreed, and that the comments raised by the Board during the consideration of this item, be noted;
- (b) That it be noted that this strategy document will be subject to regular review, and that any significant changes may mean that the Sufficiency Strategy is re-presented to Executive Board for endorsement.

9 Update report – Joint Targeted Area Inspection (JTAI) on serious youth violence in Leeds

The Director of Children and Families and the Director of Communities, Housing and Environment submitted a joint report providing an overview of the Joint Targeted Area Inspection (JTAI) undertaken into the response of Leeds' multi-agency partnership of the Local Authority, Police, violence reduction partnership and health services to children affected by serious youth violence. The report noted that the inspection was undertaken in March 2024, with the resulting inspection report published on 16th May 2024. The report presented the findings in the published inspection report and the proposals in terms of next steps and actions.

In presenting the report, the Executive Member provided an overview of the key elements of the inspection. The strengths of the service identified within

the inspection report were noted, with the improvements which had been made regarding multi-agency relationships being highlighted. However, it was emphasised that the Council was not complacent in this area and that an action plan was underway to look to further develop and improve the service.

Responding to enquiries, the Board received further detail on the actions being taken to address the 3 areas for improvement which had been identified.

Regarding the requirement for a plan to be compiled and submitted in response to the report's findings, the Board noted that this was being produced in collaboration with key partners. In response to a Member's enquiry regarding the democratic oversight of the plan, it was undertaken that the plan could be shared with the Scrutiny Chair when completed, and that the Leeds Safeguarding Children Partnership Executive would oversee the implementation of the plan, in line with expectations.

Thanks was extended to all those involved in the delivery of support for young people in this complex area, including services across the Council and also in terms of the key role played by partner organisations.

RESOLVED –

- (a) That the contents of the submitted update report, be noted;
- (b) That the findings in the published inspection report, as appended to the submitted cover report, be noted;
- (c) That it be noted that the Children and Families directorate accept the findings of the inspection and will address any areas for improvement for the Local Authority in partnership with Safer Leeds, as identified by the inspection team;
- (d) That it be noted that Leeds City Council is the principal authority and should prepare a written statement of proposed action responding to the findings outlined in the report, which should be a multi-agency response involving the individuals and agencies that the inspection report is addressed to. That it also be noted that the response should set out the actions for the partnership and, when appropriate, individual agencies, and that the local safeguarding partners should oversee the implementation of the action plan through their local multi-agency safeguarding arrangements.

10 Children's Transport Policy: Permission to Consult on Proposed Changes to Transport Assistance for Post-16 Learners with Special Educational Needs and Disabilities (SEND)

The Director of Children and Families submitted a report which sought approval for the Council to undertake a period of consultation on a range of proposals regarding the future provision of transport assistance for post-16 learners with Special Educational Needs and Disabilities (SEND).

In presenting the report, the Executive Member highlighted that should the proposal for consultation be agreed, the intention was to submit a further report to the Board in October 2024 presenting the consultation findings and any associated proposals. The context and factors which had led to the proposal to undertake consultation in relation to this service area were noted, and it was highlighted that any changes which were delivered would be phased in from September 2025 for new applications.

Concern was raised by a Member regarding the recommendation within the report that the decisions from it be exempted from Call In. In response, it was highlighted that the proposed consultation was required to be undertaken during school term time and that the subsequent report due to be submitted in October outlining any proposals to change the service would be eligible for Call In. It was also highlighted that due to the level of transformation across the directorate, the work which had been undertaken to date on this matter and due to the capacity available, it had meant that this was the earliest opportunity to submit this report to the Board.

A further concern was raised about the principles of the proposals, and the need to ensure that the requirements of young people needed to be prioritised ahead of the need to save money.

Members discussed the benefits of independent travel training and the scale at which it was being delivered.

RESOLVED –

- (a) That in general terms, the contents of the submitted report, be noted;
- (b) That the plan for consultation to take place over a four-week period starting 24th June 2024 and closing on 21st July 2024 on a range of proposals for post-16 SEND transport assistance, be approved;
- (c) That it be agreed that the findings from the consultation be used in the preparation of a new post-16 SEND transport offer, with it being noted that it is currently planned for this to be presented to Executive Board for approval in October 2024;
- (d) That the resolutions from this report ((a) – (e)) be exempted from the Call In process for the reasons as set out in paragraphs 32 – 34 of the submitted report;
- (e) That it be noted that the officer responsible for the implementation of such matters is the Director of Children and Families.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Lamb required it to be recorded that he abstained from voting on the decisions referred to within this minute)

(The Council's Executive and Decision Making Procedure Rules state that a decision may be declared as being exempt from the Call In process by the

decision taker if it is considered that the matter is urgent and any delay would seriously prejudice the Council's, or the public's interests. In line with this, the resolutions contained within this minute were exempted from the Call In process, as per resolution (d) above, and for the reasons as set out within sections 32 - 34 of the submitted report and as discussed during the meeting)

LEADER'S PORTFOLIO

11 Celebrating and Commemorating the life of Rob Burrow CBE

The Chief Executive submitted a report which celebrated and commemorated the life of Rob Burrow CBE, who sadly died on 2nd June 2024 after suffering from Motor Neurone Disease (MND) since his diagnosis in late 2019. The report highlighted how much adoration and recognition had been shown for Rob and provided Executive Board with an opportunity to reflect upon his life and his achievements.

In presenting the report, the Leader highlighted how the report set out the Council's proposed approach to commemorating the life of Rob Burrow. It was noted that in January 2023 both Rob and Kevin Sinfield CBE had been made Honorary Freemen of the City of Leeds. This was in recognition of their contribution to Leeds in terms of their sporting achievements and also their charitable work with the MND Association and their support to the wider MND community.

It was undertaken that the Council will work with Rob's family, Leeds Rhinos and MND charities to ensure that a fitting memorial is established for Rob.

Members echoed the comments made, highlighting how Rob transcended the world of sport and had a huge impact upon the city of Leeds and beyond. Members supported the wish to continue his legacy and commemorate and honour Rob, taking into account the wishes of his family.

RESOLVED –

- (a) That continued support be given to the celebration and commemoration of the life of Rob Burrow CBE and to his contribution to rugby league, the ongoing fight against MND and to showing the world how to live courageously and illustrating the meaning of true friendship;
- (b) That the work being undertaken to mark Rob's life and legacy, be supported, via engagement with Leeds Rhinos and Rob Burrow CBE's family in the most appropriate way in order to support Rob's ambitions, which included work to build the Leeds MND Centre and finding a cure for MND.

RESOURCES

12 Financial Health Monitoring 2023/24 - Outturn Financial Year Ended 31st March 2024

The Chief Officer, Financial Services submitted a report which presented an update on the financial performance of the Authority against the 2023/24 Revenue and Capital budgets at the Outturn of the financial year. The report also recommended actions in relation to several areas including the flexible use of Capital Receipts, the creation of earmarked reserves and injections into the Capital Programme.

In presenting the report the Executive Member provided an overview of the key points in which a balanced position for 2023/24 was being reported through the use of the £17.7m refund from the West Yorkshire Combined Authority and also through use of part of the Merrion House reserve. It was also highlighted that directorates had delivered 77% of savings required, with all directorates being thanked for their contribution towards this.

A Member raised enquiries regarding the reasons for the use of £10.25m Adults and Health reserves in order for the directorate to achieve a balanced budget in 2023/24 and the impact of that upon reserve levels. In response, the Board received further information with it being noted that this was due to significant increase in demand for specific services, which had now stabilised in some areas. Whilst it was acknowledged that this was a challenging position, further detail was provided on the actions that continued to be taken by the directorate in this area.

In terms of the lessons which had been learned from the experience in Adults and Health directorate and whether this could be shared with Children and Families directorate, the Board received information regarding the cross-directorate work which was being undertaken. Further detail was provided on the approach being taken in this area across the Council generally and within Children and Families directorate specifically.

Responding to an enquiry, the Board received an update on the impact regarding the removal of the Maximum Assessed Charge (MAC) cap in relation to non-residential Adult Social Care, with Members noting the actions which were taken in the preparation and delivery of the policy in order to achieve a smooth transition.

In response to an enquiry about the delivery of the strategy in place to manage and deliver the Children and Families directorate budget moving forward, assurance was provided that robust and appropriate plans were in place, together with the cross-Council approach to address the ongoing challenges. It was noted that this was however within the context of the significant issues being experienced nationally including major challenges regarding demand and demography.

RESOLVED –

- (a) That it be noted that at Outturn, the Authority's General Fund revenue budget is reporting a balanced position after the application of reserves and one off measures;
- (b) That it be noted that during the year where an overspend was projected, directorates, including the Housing Revenue Account, were required to present action plans to mitigate their reported pressures, in line with the amended Revenue Principles agreed by Executive Board in February 2024, with it also being noted that savings actions identified are included within the submitted report;
- (c) That it be noted that known inflationary increases, including demand and demographic pressures in Social Care, known impacts of the rising cost of living, and the agreed 2023/24 pay award, have been incorporated into this reported financial position;
- (d) That it be noted that that at Outturn the Authority's Housing Revenue Account is reporting a balanced position after a contribution of £0.9m to reserves;
- (e) That the updated planned use of flexible use of Capital Receipts, be approved as follows, following Full Council's approval of the Strategy for the flexible use of Capital Receipts at the February 2023 Budget, as set out at paragraph 3.1 in Appendix 1 of the submitted report:
 - £1.52m Voluntary Leaver Scheme costs and flexible retirements;
 - £0.35m Strategy & Resources' staff supporting transformational projects/ work;
 - £0.35m Communities' staff supporting transformational projects/ work in climate change and Community Hubs;
- (f) That in accordance with the Council's Budget and Policy Framework, the creation of earmarked reserves, as detailed at Appendix 5 to the submitted report, be approved, and that their release be delegated to the Chief Officer, Financial Services;
- (g) That in accordance with the Council's Budget and Policy Framework, approval be given for the following injections into the Capital Programme, as detailed at Appendix 6A(iii) to the submitted report:
 - £8,029.4k of 24/25 High Needs Provision Capital Allocation (HNPCA) Grant;
 - £7,758.6k of additional funding injections to HRA Schemes;
 - £1,313.5k of external contributions for works on Highways schemes;
 - £1,000.0k of additional Highways Grant for the TCF City Centre Cycle Network scheme;
 - £110.5k of additional departmental borrowing for the Waste Depot scheme; and
 - £2,416.1k of other external contributions;

- (h) That the additional Capital Receipts Incentive Scheme (CRIS) allocations to Wards and Community Committees for the period October 2023 to March 2024 of £0.2m, be noted;
- (i) That it be noted that the Chief Officer, Financial Services is responsible for the implementation of such matters following the conclusion of the Call In period.

13 Treasury Management Outturn 2023/24

The Chief Officer, Financial Services submitted a report which presented the Council's Treasury Management position as at the Outturn for the 2023/24 financial year.

The Executive Member introduced the report, and paid tribute to the officers involved in the area of Treasury Management for the outcomes which had been achieved. The lower than forecasted borrowing levels were highlighted.

An enquiry was raised which sought further information and context regarding the less than forecasted borrowing levels, which were a result of the Council being underspent on the Capital Programme. In response, the Board was provided with further information in relation to the underspend and noted that it was not an intentional strategy but that schemes had slipped into the next year, which would be for a range of reasons.

RESOLVED – That the Treasury Management outturn position for 2023/24, as presented within the submitted report, be noted; with it also being noted that treasury activity has remained within the Treasury Management Strategy and Policy framework.

ECONOMY, TRANSPORT AND SUSTAINABLE DEVELOPMENT

14 Leeds Business Improvement District Ballot (2025 - 2030)

The Director of City Development submitted a report which presented proposals regarding the Council's role in operating the Leeds Business Improvement District (LeedsBID) ballot for a third term for the period 2025-2030.

The Executive Member introduced the report providing an overview of the key points and highlighting LeedsBID's intention to increase the geographical area of the BID by extending it south of the river into the South Bank. It was noted that this would increase the number of businesses in the BID by 100. Also, an update on footfall figures for the city centre was provided.

Clarification was provided that a further report would be submitted to the Board in September 2024 regarding LeedsBID's Business Plan for 2025-2030 and also in relation to the Council's vote in the upcoming ballot.

Responding to a Member's enquiry, the Board was provided with further detail on LeedsBID's consultation with stakeholders regarding the proposed geographical expansion of the BID area.

Also, further detail was provided on the work which had been undertaken in the city centre by the BID to date, and the positive impact that had been noted both in terms of footfall in the city centre and also from an economic perspective.

RESOLVED –

- (a) That the arrangements for the Council to operate a ballot, as presented in the submitted report, and in accordance with the statutory role of the Local Authority as set out in the BID regulations 2004, be approved;
- (b) That the draft Statement of Services, as presented in Appendix 2 to the submitted report, be approved, and in doing so, the Board provides a commitment to continue to maintain provision of services within the LeedsBID area;
- (c) That the proposed Operating Agreement, as presented at Appendix 3 to the submitted report, be approved;
- (d) That the stages and timescales, as outlined within the submitted report, which are required to implement the Board's resolutions, be noted, with it also being noted that the Head of City Centre Management is responsible for the implementation of such matters;
- (e) That it be noted that a further report will be submitted to Executive Board in September 2024 containing LeedsBID's Business Plan for 2025-2030 and that will provide a recommendation for the Council's vote in the upcoming ballot. That it also be noted that additional financial information will be provided at this time;
- (f) That LeedsBID's intention to extend their geographical area into the South Bank of the city centre, be noted, with it also being noted that in line with BID regulations, this change requires a new ballot to be held rather than a renewal ballot.

DATE OF PUBLICATION: FRIDAY, 21ST JUNE 2024

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 5.00PM, FRIDAY, 28TH JUNE 2024