

EXECUTIVE BOARD

WEDNESDAY, 13TH DECEMBER, 2006

PRESENT: Councillor A Carter in the Chair

Councillors D Blackburn, J L Carter,
R Harker, P Harrand, M Harris, J Procter,
S Smith, K Wakefield and J Blake

Councillor J Blake – Non Voting Advisory Member

115 Exclusion of Public

RESOLVED – That 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 the exempt information so designated as follows:

- (a) The appendix to the report referred to in minute 127 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as disclosure would, or would be likely to prejudice the commercial interests of the Council.
- (b) The appendix to the report referred to in minute 131 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, by reason that it contains commercially sensitive information about consortia involved in a competitive procurement.
- (c) The appendix to the report referred to in minute 134 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information by reason of the fact that the continued operation of the organisation which provides a valuable service to the community, could be put at risk.
- (d) The appendix to the report referred to in minute 137 on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as disclosure would, or would be likely to prejudice the commercial interests of the Council in any negotiations with operators, developers and funders of the proposed arena development.
- (e) The appendix to the report referred to in minute 140 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information by reason of the fact that it contains commercially sensitive information which, if disclosed, could be prejudicial to negotiations in respect of the disposal of these assets.

116 **Late Items**

There were no late items but the Chair did refer to supplementary information provided since the despatch of the agenda as follows:

- Minute 137 - A summary of the outcome of consultations on the key findings and recommendations contained in the PMP consultants report.
- Minute 138 - A supplementary report on a minor amendment to the Local Development Framework Annual Monitoring Report.
- Minutes 137 & 140 - A supplementary report on the public interest test to be applied to the exempt appendices.
- Minute 140 - A decision of the NW (Inner) Area Committee taken on 7th December 2006 and relevant to this matter.

117 **Declaration of Interests**

Councillor Harris declared personal and prejudicial interests in the item relating to the Cemeteries and Crematoria Strategy (minute 128) in relation to Jewish community interests in this matter and the proposed multi purpose arena development (Minute 137) in relation to his personal commercial activities.

Councillors Blake and Harrand declared personal interests in the item relating to Making Leeds Better (Minute 129) as members of the Making Leeds Better project board.

118 **Minutes**

RESOLVED – That the minutes of the meeting held on 15th November 2006 be approved.

NEIGHBOURHOODS AND HOUSING

119 **The Future of Arms Length Management Organisations in Leeds**

The Director of Neighbourhoods and Housing submitted a report providing feedback on the proposals for Area Panels as discussed at Executive Board in October 2006 and presenting proposals for the relationship between the new ALMOs and the existing ALMOs during the transition period.

RESOLVED – That approval be given to the proposals for establishing the new companies, the winding up of the old Boards and the proposal to make the new company Board members responsible for the old companies.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this decision).

120 Home Energy Conservation Act - 10th Annual Report

The Director of Neighbourhoods and Housing submitted a report on the annual report as required by the Home Energy Conservation Act.

RESOLVED – That the report and the submission of the tenth annual Home Energy Conservation Act progress report to the Government Office for Yorkshire and the Humber be noted.

121 Updated Supporting People strategy

The Director of Neighbourhoods and Housing submitted a report seeking approval to the updated Supporting People Strategy.

RESOLVED – That the report be noted and that the updated Supporting People Strategy be approved.

122 Burley Lodge - Group Repair

The Director of Neighbourhoods and Housing submitted a report on the allocation of a capital grant of £7.18m by the Regional Housing Board for a long term housing market renewal programme, on the anticipated allocation of a further £6.39m and on the proposal to utilise £2.15m of the allocation on an external enveloping scheme, the purpose of which is to extend the life of 50 properties in the Burley Lodge area by 30 years.

RESOLVED – That approval be given to the injection into the capital programme of £2.15m of Regional Housing Board money and of £221,500 from owner occupiers, that scheme expenditure of £2,371,500 be authorised and that a report be brought back to a future meeting of this Board on progress of the scheme.

CHILDREN'S SERVICES

123 Review of Primary Provision in Alwoodley Primary Planning Area

Further to minute 57 of the meeting of the Board held on 20th September 2006 the Chief Executive of Education Leeds submitted a report on the outcome of consultation undertaken on the proposed closure of Fir Tree and Archbishop Cranmer Church of England (Aided) Primary Schools and the establishment of a one and a half form entry primary school, with a Children's Centre, on the Archbishop Cranmer site.

Reference was made to letters received by members from the governors of Fir Tree Primary School expressing support for the proposals and from Councillors R D and Mrs R Feldman with regard to health provision in the area.

RESOLVED –

- (a) That a statutory notice be published to:
 - (i) close Fir Tree Primary School on 31st August 2007
 - (ii) close Archbishop Cranmer Church of England (Aided) Primary School on 31st August 2007

- (b) That it be noted that in line with statutory requirements, the Church of England Diocese will publish the notice to establish a one and a half form entry Voluntary Controlled Church of England Primary School on the Archbishop Cranmer site on 1st September 2007
- (c) That the Director of Children's Services be authorised to agree the text of Education Leeds response to any representations received before submission to the School Organisation Committee.
- (d) That the relevant Primary Care Trust be requested to consider the potential for improved health provision in the area arising from these proposals.

124 Review of Primary Provision in Meanwood Primary Planning Area

Further to minute 14 of the meeting of the Board held on 14th June 2006 the Chief Executive of Education Leeds submitted a report summarising the representations received in respect of the statutory notice to close Miles Hill Primary School and Potternewton Primary School in August 2007 and to establish a one and a half form entry primary school on the current Potternewton site in September 2007.

RESOLVED –

- (a) That having considered the representations received, authority be given to proceed with the proposal to close Miles Hill Primary School and Potternewton Primary School on 31st August 2007 and to establish a one and a half form entry school in the existing Potternewton building on 1st September 2007.
- (b) That it be noted that as a result of the representations the determination of the notice will fall to the School Organisation Committee.
- (c) That the comments prepared by Education Leeds and contained in the report be approved as the Local Authority's response to the representations received.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted against this decision).

125 Review of Residential Children's Homes

The Chief Social Services Officer and the Director of Children's Services submitted a report on the key focus, process, findings, recommendations and suggested actions for improvements arising from a review of children's residential homes in Leeds undertaken over 2005/06.

RESOLVED –

- (a) That the key issues arising from the residential review as set out in the submitted report be noted and that approval be given to the intention to develop an Improvement Plan based on the Improvement Priorities set out in paragraph 3.29 of the report.
- (b) That Holmefield Children's Home be closed at the end of February 2007, subject to alternative suitable care arrangements having been identified and secured for the young people who live there.

LEISURE

126 Leeds Playing Pitch Strategy

The Director of Learning and Leisure submitted a report on developments in the Playing Pitch Strategy since its adoption in 2003, the requirement to update the strategy, the issues currently impacting on the development of the strategy and service delivery and the financial input required to ensure its successful implementation.

RESOLVED –

- (a) That the designation and allocation of pitches on all Parks and Countryside sites be managed in accordance with the overall Playing Pitch Strategy for the City as a whole.
- (b) That in respect of Education Leeds sites, all spare additional capacity, over and above that required for school use (including school team activities), be reserved for community use and allocated in accordance with the Playing Pitch Strategy; only where community groups show no interest should third party use be promoted.
- (c) That the Director of Learning and Leisure be instructed to include an update on the impact on sports provision both on and off school sites when subsequent Business Cases for the Building Schools for the Future programme are considered.
- (d) That the proposed pilot project to promote an increased community use of facilities provided through the Combined Secondary School PFI project through the Playing Pitch Strategy team be noted.
- (e) That the estimated cost of refurbishment of sports pitches and changing facilities across the City be noted and that Council officers and external funding bodies be encouraged to prioritise grants and external funding to outdoor sports facilities.
- (f) That the significant capital funding gap which will inevitably increase without investment be noted and that a further report on developments be brought to this Board towards the end of 2007.

127 Swimming and Diving Centre, John Charles Centre for Sport

The Director of Learning and Leisure submitted a report on the current budget shortfall in respect of the above development and on action taken and proposed to be taken to meet the current shortfall.

Appendix 1 to the report was designated exempt under Access to Information Procedure Rule 10.4(3) and was circulated at the meeting.

Following consideration of the exempt appendix in private at the end of the meeting it was

RESOLVED – That the recommendations identifying funding to make up the current budget shortfall, as contained in the exempt appendix 1 to the report, be approved.

128 Review of the Cemeteries and Crematoria Strategy - Cemetery Provision for East and North East Leeds

Referring to minute 247 of the meeting held on 22nd March 2006 the Director of Learning and Leisure and Director of Development submitted a joint report on a review of the Cemeteries and Crematoria 50 Year Strategy in relation to cemetery provision in East and North East Leeds.

RESOLVED –

- (a) That negotiations continue for the acquisition of Green View Mount and extension of Harehills Cemetery, and that £40,000 be realigned from the current capital scheme to fund site investigation and feasibility studies.
- (b) That an option appraisal and feasibility study into the suitability of Killingbeck Site A be undertaken and that £40,000 to undertake this work be allocated from the current capital scheme; the areas of investigation to include access to Foundry Lane, negotiations with the Killingbeck developer and the impact on the adjacent flood plain.
- (c) That the Whinmoor Grange site should accommodate a 5 acre cemetery which will allow for burials in North East and East Leeds for the next 25 years.
- (d) That a working group be established to examine the feasibility of a Trust for the Muslim part of the Cemetery and that the Member Management Committee be requested to determine the members representatives on the group.
- (e) That a report be brought back to this Board on completion of the feasibility studies for Green Mount View, Killingbeck Site A and Whinmoor Grange to confirm the course of action to be taken.

(Having declared a personal and prejudicial interest, Councillor Harris left the meeting during consideration of this matter).

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this decision).

ADULT HEALTH AND SOCIAL CARE

129 Making Leeds Better - Strategic Services Plan

The Director of Adult Social Services submitted a report on the progress towards preparing the Outline Business Case and the statutory public consultation under the Making Leeds Better programme and on widespread consultation and engagement which has led to the identification of six key themes, which will require addressing prior to formal public consultation.

RESOLVED –

- (a) That the position outlined in section 2 and appendix 1 of the report with regard to the proposals for Making Leeds Better be noted.
- (b) That the six themes which the Making Leeds Better team have identified through an analysis of the initial phase of consultation be noted.

- (c) That the implications for social care and other City Council responsibilities with regard to the six themes be noted.
- (d) That the Leeds Health and Social Care Scrutiny Board in partnership with the Scrutiny Boards of adjoining authorities be requested to continue their oversight of the consultation process.

130 Star Rating for Adult Social Care Services

The Director of Adult Social Care Services submitted a report on the assessment of the Council's performance, under the Department of Health Performance Assessment Framework, from the Commission for Social Care Inspection.

RESOLVED – That the report and the attached Performance Review Report from the Commission for Social Care Inspection for adult social care services be noted.

131 Independent Living Project - Ground Investigation Survey

The Chief Social Services Officer and Director of Development submitted a report outlining the current position with regard to ground investigation surveys in the Independent Living Project.

Appendix 1 to the report was designated exempt under Access to Information Procedure Rule 10.4(3).

Following consideration of the exempt appendix in private at the conclusion of the meeting it was

RESOLVED –

- (a) That officers be authorised to negotiate with Bidders to agree that only in the event of the City Council withdrawing from the procurement, and provided that the full benefit of the ground investigation surveys passes to the Council, that the Council reimburses costs incurred by Bidders in relation to ground investigation surveys.
- (b) That the Deputy Chief Executive be authorised as Chair of the Project Board, and with the concurrence of two of the Board members, to agree the final terms of the agreement and take any other necessary action to conclude the agreement.
- (c) That the resource implications as outlined at point 5.2 of the report be noted.

CENTRAL AND CORPORATE

132 Provisional Local Government Finance Settlement 2007/08

The Director of Corporate Services submitted a report on the provisional Local Government Revenue Support Grant Settlement for 2007/08 which was announced on 28th November 2006.

RESOLVED – That the report be noted.

133 Strong and Prosperous Communities White Paper

The Chief Officer Executive Support submitted a report summarising the contents of the White Paper and recommending that more detailed reports examining the implications of the White Paper for Leeds are prepared for the Executive Board.

RESOLVED – That a series of more substantive papers be brought to this Board and other relevant committees identifying the implications for Leeds City in the key areas outlined in the White Paper.

134 Hunslet Hawks RLFC

The Director of Corporate Services and Director of Learning and Leisure submitted a joint report on a proposal to offer financial support and guidance to Hunslet Hawks RLFC.

Appendix 1 to the report was designated exempt under Access to Information Procedure Rule 10.4(3).

Following consideration of the exempt appendix in private at the conclusion of the meeting it was

RESOLVED – That, in recognition of the community work provided by the club, a grant of £30,000 be authorised.

135 Annual Report on Corporate Risk Management Arrangements

The Director of Corporate Services submitted a report on the Council's risk management arrangements in line with the corporate policy which was approved in February 2005.

RESOLVED – That the report be noted together with the progress made in implementing and embedding risk management within the management culture of the Council.

136 Corporate Community Engagement Policy and Toolkit

The Chief Officer Executive Support submitted a report presenting the Community Engagement Policy and the Community Engagement Toolkit for approval and adoption. The policy sets out the Council's overall approach to community engagement and is complemented by the toolkit which is a comprehensive guide to good practice, both being key components of the Council's strategic approach towards joined-up consultation and engagement.

RESOLVED –

- (a) That approval be given to the principles set out in the Community Engagement Policy and that it be adopted.
- (b) That the Community Engagement Toolkit be approved and adopted as the key point of reference and good practice for council staff and members when carrying out effective community engagement and consultation.

DEVELOPMENT

137 Proposed Multi Purpose Arena Development

The Director of Learning and Leisure and Director of Development submitted a joint report on proposals to progress the proposed multi purpose arena development in Leeds. The Director of Development presented a summary of the consultation undertaken with the Leeds Chamber of Commerce, Leeds Chamber Property Forum Steering Group and Leeds Civic Trust on the key findings and recommendations in the PMP consultants' report and on the recommendations made to this Board.

Appendix 1 to the report was designated exempt under Access to Information Procedure Rule 10.4(3).

Following consideration of the exempt appendix in private at the conclusion of the meeting it was

RESOLVED –

- (a) That the findings and recommendations contained in the PMP consultants' report on the proposed funding and procurement of a multi purpose arena and associated facilities be supported.
- (b) That approval be given to the proposed delivery plan to be pursued by the City Council to select an operator and developer/funder for the development of a multi purpose arena and associated facilities.
- (c) That the requirement for up to £20m as the public sector investment limit needed to facilitate the development of a multi purpose arena in the City be acknowledged.
- (d) That authority be given for the ongoing appointment of PMP Consultants to project manage the implementation of the detailed delivery plan to select a preferred operator and developer/funder to develop a multi purpose arena and associated facilities.
- (e) That authority be given for an injection of up to £235,000 into existing Capital Scheme No 12589/ARE and the incurring of expenditure of up to £535,000 for the appointment of consultants and internal City Council fees to project manage the detailed delivery plan.
- (f) That the project governance arrangements to be established to guide, manage and control the successful delivery of the next phase of the project to procure an operator and developer/funder for the development of a multi purpose arena be noted.
- (g) That the Director of Development respond to the parties referred to in the consultation in the terms now discussed.

138 Leeds Local Development Framework Annual Monitoring Report

The Director of Development submitted a report presenting the Local Development Framework Annual Monitoring Report for submission to the Secretary of State pursuant to Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004.

A supplementary report with regard to a minor amendment to the monitoring report had been circulated in advance of the meeting.

RESOLVED – That, subject to the inclusion of the minor amendment contained in a supplementary report, the Local Development Framework Annual Monitoring Report 2006 be approved for submission to the Secretary of State pursuant to Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004.

139 New Horizons School

Further to minute 56 of the meeting of the Board held on 21st September 2006 the Director of Development submitted a report on options in respect of the Council owned property, Newton Hill House, Chapeltown and on the proposed disposal of the site to the trustees of the New Horizons school at less than best consideration.

The report examined the options of the Council seeking to take possession of the building on the basis of the rent arrears outstanding, of seeking to complete the lease agreement with the trustees as previously approved by this Board or of seeking to dispose of the freehold of the building to the trustees.

RESOLVED –

- (a) That, should the trustees of the New Horizons School agree to acquire the freehold of Newton Hill House from the Council for the sum of £465,000, then officers be instructed to expedite the disposal with each party meeting its own legal and surveyor costs and that current rent arrears of £15,000 to be written off under this option.
- (b) That, should the trustees of the New Horizons School not agree to acquire the freehold of Newton Hill House from the Council for the sum of £465,000, officers be instructed to seek immediate repayment of rent arrears outstanding and the signing of the lease and should this fail, to take any recovery action appropriate in the circumstances.

140 Headingley Primary School

The Director of Development submitted a report on a proposal to market Headingley Primary School for disposal to support the Capital Receipts programme.

The report addressed issues raised through the evaluation of a request from Headingley Development Trust that the disposal should be postponed whilst the Trust further develops its business case and seeks funding to support an application for the ownership of the property to be transferred to the Trust at nil or less than best consideration.

The report recommended that the request should be declined because of the loss of the envisaged capital receipt, the questions about the extent to which the Headingley Development Trust's business case can be delivered and because of the risks to which the Council would be exposed.

Reference was made to the decision of the North West (Inner) Area Committee of 7th December 2006.

Appendix 1 to the report was designated exempt under Access to Information Procedure Rule 10.4(3).

Following consideration of the exempt appendix in private at the conclusion of the meeting it was

RESOLVED –

- (a) That the Headingley Development Trust be advised that by 30th June 2007, it must submit to the Director of Development final proposals and business case demonstrating to the Council that all the necessary capital funding for its proposal has been secured and that the proposals make no assumptions which would carry with them revenue budget consequences for the City Council.
- (b) The Board notes that funding previously allocated to the Primary School Review will now be delayed or foregone and requests the Director of Corporate Services to review the Capital Programme accordingly and to make recommendations as to how the impact of this can be mitigated.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this decision).

141 Request to Commence CPO Proceedings at Hall Farm , Micklefield

The Director of Development submitted a report seeking authority to make a Compulsory Purchase Order (CPO) to acquire a strip of land to deliver a tree belt adjoining a residential development at Hall Farm, Micklefield.

RESOLVED –

- (a) That subject to the prior completion of appropriate indemnity and development agreements and the identification of an alternative funding stream, the Council makes a Compulsory Purchase Order under the provisions of Section 226(1)(b) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land within the area shown on Plan No 1 attached to the submitted report for the purpose of securing the planting of a tree belt.
- (b) That officers be authorised to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including:
 - (i) the publication and service of all notices and the presentations of the Council's case at any Public Inquiry
 - (ii) approving the acquisition of interests in land within the compulsory purchase order either by agreement or by way of compulsory powers
 - (iii) approving agreements with land owners setting out terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land from the Order and/or making arrangements for relocation of occupiers

- (iv) to authorise officers to enter into negotiations and to provisionally agree the terms of an appropriate indemnity agreement and any other agreements required to facilitate the scheme on detailed terms to be approved by the Director of Development.

142 Refurbishment of Mid Albion Street

The Director of Development submitted a report on a proposed scheme for the refurbishment of the mid section of Albion Street to a comparable standard to the Briggate refurbishment.

RESOLVED – That the scheme design as outlined in the report be approved and that the release of scheme expenditure in the total sum of £1,382,000 be authorised.

DATE OF PUBLICATION: 15TH DECEMBER 2006
LAST DATE FOR CALL IN : 22ND DECEMBER 2006 (5.00 PM)

(Scrutiny Support will notify relevant Directors of any items Called In by 12.00 noon on 27th December 2006)