

## EXECUTIVE BOARD

TUESDAY, 2ND SEPTEMBER, 2008

**PRESENT:** Councillor R Brett in the Chair

Councillors A Carter, R Finnigan, S Golton,  
R Harker, P Harrand, J Procter and  
K Wakefield

Councillor J Blake – Non-Voting advisory member

### 60 **Appeals Against Refusal of Inspection of Documents**

The Chair advised that a Ward Member had sought an appeal in accordance with Access to Information Procedure Rule 25.2 in respect of information relating to the report referred to in minute 81.

In response, the Assistant Chief Executive (Corporate Governance) advised that the information sought did not form part of the report which had been submitted to this meeting and therefore there were no grounds on which to make such an appeal. However, the Board noted that the information in question was also being sought via an appeal in accordance with Access to Information Procedure Rule 25.3, and that access to the requested information was currently being determined so that if required, a meeting of a committee of the Executive Board could be promptly convened to determine the appeal.

In response, the Ward Member acknowledged the comments made and welcomed the prospect of a swift resolution to the matter.

### 61 **Exclusion of the Public**

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

- (a) Appendix 2 to the report referred to in minute 69 under the terms of Access to Information Procedure Rule 10.4(1) and (2) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because Education Leeds has a duty to secure improvement and increased confidence in the schools concerned, which would be adversely affected by the disclosure of this information.
- (b) Appendix 2 to the report referred to in minute 70 under the terms of Access to Information Procedure Rule 10.4(1) and (2), and on the grounds that the public interest in maintaining the exemption outweighs

the public interest in disclosing the information because Education Leeds has a duty to secure improvement and increased confidence in the schools concerned, which would be adversely affected by the disclosure of this information.

- (c) The appendix to the report referred to in minute 73 under the terms of Access to Information Procedure Rule 10.4(3), and on the grounds that this information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through the inviting of best and final offers for the property/land then it is not in the public interest to disclose this information at this point in time as this could lead to random competing bids which would undermine this method of inviting bids and affect the integrity of disposing of property/land by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of offers which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (d) Appendix B to the report referred to in minute 78 under the terms of Access to Information Procedure Rule 10.4(1) and (2), as the appendix makes reference to the situation of an individual affected by the present situation, and 10.4(3) and (5) as the appendix contains an analysis of the Council's current legal position and proposed course of action for resolution through court proceedings. In each case the information is exempt and so long, as in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is submitted that such is the case at the present time.
- (e) Appendix 2 to the report referred to in minute 80 under the terms of Access to Information Procedure Rule 10.4(3), and on the grounds that this information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through inviting best and final offers for the property/land and also one to one negotiations, then it is not in the public interest to disclose this information at this point in time as this could lead to random competing bids which would undermine this method of inviting bids and affect the integrity of disposing of property/land by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level

of offers which may prove acceptable to the Council. It is considered that whilst there may be public interest in disclosure, much of this information will be publicly available from Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

- (f) The appendix to the report referred to in minute 83 under the terms of Access to Information Procedure Rule 10.4(3), and on the grounds that this information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through inviting best and final offers for the land then it is not in the public interest to disclose this information at this point in time as this could lead to random competing bids which undermine this method of inviting bids and affect the integrity of disposing of land by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective bidders for other similar contracts would be aware of the nature and level of offers which may prove acceptable to the Council. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

**62 Late Items**

The Board noted that a Ward Member had submitted a business plan of Kirkstall Community Interest Company and had requested that it was considered in conjunction with the report referred to in minute 81.

In response, the Chair advised that this matter would be determined under the relevant agenda item.

**63 Declaration of Interests**

There were no declarations made at this point, however declarations of interest were made at later points in the meeting (minutes 69 and 71 refer).

**64 Minutes**

**RESOLVED** – That the minutes of the meeting held on 16<sup>th</sup> July 2008 be approved as a correct record.

**NEIGHBOURHOODS AND HOUSING**

**65 Disabled Facilities Grant 2008/09**

The Director of Environment and Neighbourhoods submitted a report on the proposed injection of £1,005,000 of additional Department of Communities and Local Government funding into the capital programme and which sought authorisation of £6,000,000 scheme expenditure in order to meet the demand for mandatory Disabled Facilities Grants for private sector and registered social landlord disabled residents in Leeds during 2008/09.

**RESOLVED –**

- (a) That approval be given for the injection into the capital programme of £1,005,000 of Department of Communities and Local Government funding.
- (b) That the scheme expenditure of £6,000,000 for 2008/09 be authorised.
- (c) That the Director of Environment and Neighbourhoods submit a further report to the Board on the scheme's progress at the appropriate time.

**CHILDREN'S SERVICES**

**66 Children's Services update and framework for the next Children and Young Peoples Plan**

The Director of Children's Services submitted a report providing an update on the key areas of progress made across children's services and the Children's Trust arrangements in Leeds, providing the wider context for a number of significant children's services policy developments and outlining the process and progress of the review of Leeds' Children and Young People's Plan in preparation for the production of a new Plan for 2009 and beyond.

**RESOLVED –**

- (a) That the report be noted and received as part of the background to other key children's services reports in the coming months.
- (b) That the government's current consultation on children's trust arrangements and Leeds' position in relation to this be noted.
- (c) That the process for consulting on and developing the Children and Young People's Plan for 2009 be noted and endorsed.
- (d) That the issue of locality working in respect of children's services arrangements be specifically addressed as part of the future Children and Young People's Plan review.

**67 The Placement of Children in Care in Leeds - A Strategy for 2008-2010**

The Director of Children's Services submitted a report on the proposed strategy for the development of improved placements for Looked After Children in Leeds.

**RESOLVED –** That the report be noted and that approval be given to the 2008-2010 Placement Strategy for Looked After Children in Leeds.

**68 Closure of Iveson Approach Children's Home**

The Director of Children's Services submitted a report outlining the business case for the proposed closure of Iveson Approach Children's Home and providing details of the proposed process by which residents welfare and staff employment rights would be protected.

**RESOLVED –** That the proposed closure of Iveson Approach Children's Home be approved.

**69 Biannual update on Ofsted Inspections and Schools Causing Concern - Primary**

The Chief Executive of Education Leeds submitted a report outlining the performance of primary schools from January 2008 to June 2008, and highlighting the actions taken by Education Leeds in order to fulfil its responsibilities to the Board and the schools.

Following consideration of appendix 2 to the report designated as exempt under Access to Information Procedure Rule 10.4(1) and (2), which was considered in private at the conclusion of the meeting, it was

**RESOLVED** – That the progress which has been made in recent years, in addition to the key issues and challenges which are currently being addressed be noted.

(Councillor Finnigan declared a personal interest in this item due to his position as Governor of Morley Victoria Primary School)

**70 Biannual Update on Ofsted Inspections and Schools Causing Concern - Secondary**

The Chief Executive of Education Leeds submitted a report summarising recent OfSTED inspection results for secondary schools and outlining the overall pattern of judgements under the current OfSTED framework. The report also provided an update on the progress of schools causing concern and highlighted the implications of the government's new 'National Challenge' for schools.

Following consideration of appendix 2 to the report designated as exempt under Access to Information Procedure Rule 10.4(1) and (2), which was considered in private at the conclusion of the meeting, it was

**RESOLVED** –

- (a) That the contents of the report and the implications of the information detailed within the report with regard to planning the future support and development of secondary schools in Leeds be noted.
- (b) That the Board's congratulations be extended to the students, staff and governors of Leeds schools on the recent GCSE results which have been achieved.

**71 School Admission Appeals Code - DCSF Consultation Document**

The Assistant Chief Executive (Corporate Governance) submitted a report informing Members of the Department for Children Schools and Families (DCSF) Consultation Document on the School Admissions Appeals Code which was launched on 12<sup>th</sup> June 2008, with particular reference to the proposal to revise a previous amendment to the Code so that Elected Members may in future represent parents who appeared before school admission appeals panels provided there was no conflict of interest. The report also sought approval of a proposed response to the consultation document as appended to the report.

**RESOLVED** – That the report be noted and that approval be given to the proposed response to the DCSF Consultation Document on the School Admissions Appeals Code, as appended to the report.

(Councillor Finnigan declared a personal interest in this item due to his position as a member of the Leeds Admissions Forum)

## **LEISURE**

### **72 Revision of Byelaws for Pleasure Grounds, Public Walks and Open Spaces**

The Assistant Chief Executive (Corporate Governance) submitted a report advising of proposals to revise byelaws which applied to pleasure grounds, public walks and open spaces and requesting Executive Board to recommend to full Council the adoption of the byelaws, subject to public consultation and confirmation by the Secretary of State.

**RESOLVED** – That Council be recommended to approve that the draft byelaws as appended to the report, be made, sealed and placed on deposit, and that the Assistant Chief Executive (Corporate Governance) be authorised to advertise the intention to apply for confirmation of the byelaws and subsequently to apply to the Secretary of State for confirmation.

(The matters referred to in this minute were matters reserved to Council and were therefore not eligible for Call In)

### **73 Roundhay Mansion - Progress Update**

The Director of City Development submitted a report providing an update on the progress made with the letting of Roundhay Mansion as a restaurant/ function facility. The report also recommended a preferred bidder and sought approval to enter into a lease with that bidder and for the expenditure of capital monies which form part of the landlord's improvements to the premises.

The appendix to the report was designated as 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 conclusion of the meeting it was

**RESOLVED** – That approval be given to the granting of a lease of Roundhay Mansion to Dine Hospitality Limited on the terms as outlined within the confidential schedule of offers circulated at the meeting.

### **74 A Draft Vision for the Council's Leisure Centres and Proposals for Future Provision for Public Consultation**

The Director of City Development submitted a report outlining the current financial position of the Council's Sport and Active Recreation Service and proposing a draft vision for Leisure Centre provision in Leeds. The report also

sought approval of a series of draft proposals regarding the provision of and investment in the Council's Leisure Centres.

It was proposed that the consultation exercise, as detailed within the report, be revised in order to include all ten Area Committees.

**RESOLVED –**

- (a) That the pressures currently facing the Sport and Active Recreation Service be noted.
- (b) That approval be given to the undertaking of a public consultation exercise on the proposals set out in the report subject to the above revision, with the Director of City Development reporting back to the Board on the outcome of the consultation exercise in December 2008.

(Under the provision of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he voted against the decisions taken in this minute)

- 75 West Yorkshire Playhouse First Floor Project - Request for a Loan**  
The Chief Libraries, Arts and Heritage Officer submitted a report outlining the details of a request made by the West Yorkshire Playhouse for a loan of £160,000 to help fund the First Floor Project.

**RESOLVED –**

- (a) That the loan of £160,000 to West Yorkshire Playhouse over a period of 5 years be approved.
- (b) That the loan be repaid over a 5 year period, at a rate of £37,000 per annum, which will be deducted from the annual grant payable to West Yorkshire Playhouse.

**CENTRAL AND CORPORATE**

- 76 Financial Health Monitoring 2008/09 - First Quarter Report**  
The Director of Resources submitted a report setting out the Council's financial health position for 2008/09 after three months of the financial year in respect of the revenue expenditure and income to date compared to the approved budget, the projected year end position and proposed actions to work towards achieving a balanced budget by the year end. The report also highlighted the position regarding other key financial indicators, including Council Tax collection and the payment of creditors.

**RESOLVED –**

- (a) That the projected financial position of the authority after three months of the new financial year be noted.
- (b) That directorates be requested to continue to develop and implement budgetary action plans.
- (c) That the release of £550,000 earmarked reserve for Lifetime Homes as detailed at paragraph 4.6 of the report be approved.

**77 Illegal Money Lending Project - Tackling Loan Sharks**

The Assistant Chief Executive (Corporate Governance) and the Director of City Development submitted a joint report providing an update on the work of the Illegal Money Lending Project and requesting an extension in relation to the work of the project which has been operating in partnership with West Yorkshire Trading Standards Service, to investigate and institute proceedings against illegal money lenders within the Leeds district.

**RESOLVED –**

- (a) That the report be noted and in the light of the extension of funding for the project, the delegated powers to authorise Birmingham City Council to institute proceedings within the Leeds district contained within the Protocol for Illegal Money Lending Team Investigations be extended from March 2009 to March 2011.
- (b) That the Board's thanks be extended to the Financial Inclusion Unit for the valuable work they are undertaking in this field.

**78 Hall Farm, Micklefield - Proposal for Compulsory Purchase Order**

The Director of City Development and the Chief Officer (Legal, Licensing and Registration) submitted a joint report seeking approval to proceed with a Compulsory Purchase Order to acquire a strip of land at Hall Farm, Micklefield for the laying out of a tree belt adjoining the Hall Farm Park estate.

Following consideration of appendix B to the report designated as exempt under Access to Information Procedure Rule 10.4(1), (2), (3) and (5), which was considered in private at the conclusion of the meeting, it was

**RESOLVED –** That officers be authorised to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order at Hall Farm, Micklefield.

**DEVELOPMENT AND REGENERATION**

**79 Deputation to Council - Local Residents concerned with the deteriorating condition of Tingley Bar Roundabout / Gyrotory**

The Director of City Development submitted a report in response to the deputation to full Council on 9<sup>th</sup> April 2008 by local residents concerned about the condition of Tingley Bar Roundabout/Gyrotory. The report outlined the actions which had been taken following the submission of the deputation.

**RESOLVED –** That the actions taken by various sections of the Council following the receipt of the deputation relating to Tingley Bar Roundabout/ Gyrotory, Morley, be noted.

**80 Deputation to Council - Newton Futures Residents Group Regarding the Condition of Former Council Property at 9 Newton Grove**

The Director of City Development submitted a report in response to the deputation to full Council on 2<sup>nd</sup> July 2008 by Newton Futures Residents' Group regarding the condition of the former Council owned property at 9, Newton Grove. The report also provided the background to the sale of the



property, and sought approval to take appropriate action to ensure that the property was transferred into responsible ownership.

Appendix 2, detailed as exempt under Access to Information Procedure Rule 10.4(3) contained several options which the Council could pursue in connection with the property and following consideration of that appendix, which was considered in private at the conclusion of the meeting, it was

**RESOLVED –**

- (a) That approval be given to option 4.1(iii) as detailed within exempt appendix 2 to the report and that the buy back notice is served on the owner of the property, and negotiation of a back to back sale onto the Leeds and Yorkshire Housing Association takes place.
- (b) That an injection into the capital programme of £105,000 be authorised.

**81 Response to Deputation by Kirkstall Valley Community Association to Full Council and a Separate Verbal Deputation to North West (Inner) Area Committee in Respect of St Ann's Mills**

The Chief Asset Management Officer submitted a report in response to the deputation to full Council on 2<sup>nd</sup> July 2008 by Kirkstall Valley Community Association concerning the future of the mill buildings in Kirkstall and the separate verbal deputation to the North West (Inner) Area Committee on 3<sup>rd</sup> July 2008 regarding the disposal of St Ann's Mills, Kirkstall.

Further to minute 62, the Chair advised that in accordance with Access to Information Procedure Rule 4.3, he would not permit the consideration of a business plan of Kirkstall Community Interest Company which had been submitted by the Ward Member, as he had been previously permitted to submit a document of a similar nature to the Board for consideration.

**RESOLVED –** That the deputation to full Council by the Kirkstall Valley Community Association, the separate verbal deputation to the North West (Inner) Area Committee and the response as detailed within the report be noted.

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

**82 Adoption of the Supplementary Planning Document of the Streets Design Guide**

The Director of City Development submitted a report outlining the outcome of the consultation exercise on the Street Design Guide. The report also sought endorsement of the amended document and approval for the adoption of the Street Design Guide as a Supplementary Planning Document.

**RESOLVED –** That the report be withdrawn, due to the expected receipt of a deputation regarding the prevention of development of shared spaces by the

Leeds Branch of the National Federation of the Blind to full Council on 10<sup>th</sup> September 2008.

**83 Former Leeds International Pool Site, Wilson Street, Leeds, LS1**

The Director of City Development submitted a report advising of the progress which had been made and discussions which had taken place between the Council and its preferred developer of the site. The report also sought approval to progress with the disposal of the site on the revised terms as contained within the exempt appendix to the report.

The report presented the following options:-

- (A) Withdraw from the sale and remarket the property
- (B) Withdraw from the sale and the Council retain the property
- (C) Proceed with the Council's preferred developer on the proposed revised terms

The appendix to the report was designated as 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 conclusion of the meeting it was

**RESOLVED** – That the Council progress with the sale of the site to the Council's preferred developer, Hbg Properties Ltd, on the revised terms as contained within the exempt appendix, with the Director of City Development having the delegated powers to agree the detailed terms.

DATE OF PUBLICATION: 4<sup>TH</sup> SEPTEMBER 2008  
LAST DATE FOR CALL IN: 11<sup>TH</sup> SEPTEMBER 2008 (5.00 PM)

(Scrutiny Support will notify Directors of any items Called In by 12.00 noon on Friday, 12<sup>th</sup> September 2008)