

## **SCRUTINY BOARD (CENTRAL AND CORPORATE)**

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**Call – In meeting to be held in Civic Hall, Leeds on  
Tuesday, 28th October, 2008 at 10.00 am\***

***\*(No pre-meeting will take place)***

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### **MEMBERSHIP**

#### **Councillors**

M Dobson (Chair) - Garforth and Swillington  
B Atha - Kirkstall  
J Bale - Guiseley and Rawdon  
S Bentley - Weetwood  
B Chastney - Weetwood  
P Davey - City and Hunslet  
J Dowson - Chapel Allerton  
P Ewens - Hyde Park and Woodhouse  
M Hamilton - Headingley  
V Kendall - Roundhay  
A Lowe - Armley  
B Selby - Killingbeck and Seacroft  
P Wadsworth - Roundhay

# A G E N D A

| Item No | Ward/Equal Opportunities | Item Not Open |   | Page No |
|---------|--------------------------|---------------|---|---------|
| 1       |                          |               | <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Chief Democratic Services Officer at least 24 hours before the meeting).</p>   |         |
| 2       |                          |               | <p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <ol style="list-style-type: none"> <li>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</li> <li>2 To consider whether or not to accept the officers recommendation in respect of the above information.</li> <li>3 If so, to formally pass the following resolution:-</li> </ol> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information 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 press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items on this agenda.</b></p> |         |

| Item No | Ward/Equal Opportunities | Item Not Open |  | Page No |
|---------|--------------------------|---------------|--|---------|
| 3       |                          |               | <p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>   |         |
| 4       |                          |               | <p><b>DECLARATIONS OF INTEREST</b></p> <p>To declare any personal / prejudicial interests for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>  |         |
| 5       |                          |               | <p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence.</p>   |         |
| 6       |                          |               | <p><b>CALL - IN OF A DECISION - BRIEFING PAPER</b></p> <p>To receive and consider the attached report of the Head of Scrutiny and Member Development.</p>  | 1 - 4   |
| 7       |                          |               | <p><b>REVIEW OF CALLED - IN DECISION - REVIEW OF CAPITAL PROGRAMME 2008 - 2012</b></p> <p>In accordance with the Scrutiny Board Procedure Rules, to review the recent decision of the Executive Board, 8<sup>th</sup> October 2008, to approve adjustments to the Council's capital programme 2008 – 2012.</p> <p>Enclosed are :-</p> <ul style="list-style-type: none"> <li>• Cover report of the Head of Scrutiny and Member Development;</li> <li>• Copy of Call – In request form;</li> <li>• Copy of report submitted to the Executive Board, 8<sup>th</sup> October 2008;</li> <li>• Copy of minutes of the Executive Board meeting, 8<sup>th</sup> October 2008.</li> </ul> | 5 - 28  |

| Item No | Ward/Equal Opportunities | Item Not Open |  | Page No |
|---------|--------------------------|---------------|--|---------|
| 8       |                          |               | <p><b>OUTCOME OF CALL - IN</b></p> <p>In accordance with the Scrutiny Board Procedure Rules, to consider the Board's formal conclusions and recommendation (s) arising from the consideration of the called – in decision.</p> |         |



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### Report of the Head of Scrutiny and Member Development

#### Scrutiny Board (Central & Corporate Functions)

Date: 28<sup>th</sup> October 2008

Subject: CALL- IN OF DECISION – BRIEFING PAPER

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#### Electoral Wards Affected:

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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### 1.0 INTRODUCTION AND BACKGROUND

- 1.1 In accordance with the Council's Constitution, a decision of the Executive Board has been Called In.<sup>1</sup> The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
- 1.2 This report advises the Scrutiny Board (Central & Corporate Functions) on the procedural aspects of Calling In the decision.
- 1.3 The Board is advised that the Call In is specific to the report considered by the Executive Board and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call-In.

### 2.0 REVIEWING THE DECISION

- 2.1 The process of reviewing the decision is as follows:
- Members who have requested the Call-In invited to explain their concern/reason for Call-In request.
  - Relevant Executive Member/Officer(s) asked to explain decision.
  - Further questioning from the Board as appropriate.

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<sup>1</sup> Scrutiny Board Procedure Rules Paragraph 22

## OPTIONS AVAILABLE TO THE BOARD

- 3.1 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of three courses of action as set out below:

Option 1- Release the decision for implementation

- 3.2 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

Option 2 - Recommend that the decision be reconsidered.

- 3.3 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the Executive Board.
- 3.4 In the case of an Executive Board decision, the report of the Scrutiny Board will be presented to the next scheduled meeting. The Executive Board will reconsider its decision and will publish the outcome of its deliberations within the minutes of the meeting. The decision may not be Called In again whether or not it is varied.

Option 3 - Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted.

- 3.5 This course of action would only apply if the Scrutiny Board determined that a decision **fell outside the Council's Budget and Policy Framework** and this determination were confirmed by the Council's Section 151 Officer (in relation to the budget) or Monitoring Officer (in relation to other policies).
- 3.6 If, at the conclusion of this meeting, the Scrutiny Board forms an initial determination that the decision in question should be challenged on the basis of contravening the Budget and Policy Framework, then confirmation will subsequently be sought from the appropriate statutory officer.
- 3.7 Should the statutory officer support the Scrutiny Board's determination, then the report of the Scrutiny Board will be presented in the same manner as for Option 2. If the decision maker accepts the recommendation of the Scrutiny Board in these circumstances, then the revised decision will be published in the same manner as for Option 2 and the decision may not be Called In again. If, however, the decision maker does not accept the recommendation of the Scrutiny Board, then the matter will be referred to full Council for final decision. Decisions of full Council may not be Called In.
- 3.8 Should the appropriate statutory officer not confirm that the decision contravenes the Budget and Policy Framework, then the report of the Scrutiny Board would normally be progressed as for Option 2 (i.e. presented as a recommendation to the decision taker) but with no recourse to full Council in the event that the decision is not varied. As with Option 2, no further Call-In of the decision would be possible.

- 3.9 However, the Scrutiny Board may resolve that, if the statutory officer does not confirm contravention of the Budget and Policy Framework, then it should be released for implementation in accordance with Option 1.

#### **4.0 FAILURE TO AGREE ONE OF THE ABOVE OPTIONS**

- 4.1 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call-In.

#### **5.0 FORMULATING THE BOARD'S REPORT**

- 5.1 If the Scrutiny Board decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.
- 5.2 If the Scrutiny Board wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.
- 5.3 Because of the tight timescales within which a decision Call-In must operate, it is important that the Scrutiny Board's report be agreed at the meeting.
- 5.4 If the Scrutiny Board decides to pursue either of Options 2 or 3, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/ agree this statement as appropriate (a separate item has been included in the agenda for this purpose).
- 5.5 This statement will then form the basis of the Scrutiny Board's report (together with factual information as to details of the Called In decision, lists of evidence/witnesses considered, Members involved in the Call-In process etc).
- 5.6 The Scrutiny Board is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

#### **6.0 RECOMMENDATION**

- 6.1 The Scrutiny Board is asked to note the contents of this report and the procedure as detailed within it.

#### Background Papers

None used

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## Report of the Head of Scrutiny and Member Development

### Scrutiny Board (Central & Corporate Functions)

Date: 28<sup>th</sup> October 2008

Subject: Capital Programme Update 2008 - 2012

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**Electoral Wards Affected: ALL**

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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## 1.0 INTRODUCTION AND BACKGROUND

1.1 This paper presents the background papers to a decision which has been Called In in accordance with the Council's Constitution.<sup>1</sup>

1.2 Papers are attached as follows:

- Copy of completed Call In request form
- Report of the Director of Resources
- Executive Board Minutes of 8<sup>th</sup> October 2008.

1.3 Appropriate Members and/or officers have been invited to attend the meeting in order to explain the decision and respond to questions.

## 2.0 RECOMMENDATION

2.1 The Scrutiny Board (Central & Corporate Functions) is asked to review this decision and to determine what further action it wishes to take.

### Background papers

None used

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<sup>1</sup> Scrutiny Board Procedure Rules Paragraph 22

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**CALL IN REQUEST**

**A Call In request may be made by:**

- a) Any five non-executive Members of council, OR**
- b) two non-executive Members of council if they are not from the same political group<sup>1</sup>**

Date of decision publication: 10<sup>th</sup> October 2008

Delegated decision ref:

Executive Board Minute no: .....97.....Or

Area Committee Name and decision ref: .....

Decision description:

Capital Programme Update 2008-2012

**Reasons for Call In:**

All requests for Call In must detail why, in the opinion of the signatories, the decision was not taken in accordance with the principles set out in Article 13 of the Council constitution (decision making) (principles of decision making) or where relevant issues do not appear to be taken into consideration. *Please tick the relevant box(es) and give an explanation.*

|                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Proportionality (ie the action must be proportionate to the desired outcome)         |
| <input checked="" type="checkbox"/> | Due consultation and the taking of professional advice from officers                 |
| <input type="checkbox"/>            | Respect for human rights   |
| <input type="checkbox"/>            | A presumption in favour of openness  |
| <input type="checkbox"/>            | Clarity of aims and desired outcomes   |
| <input type="checkbox"/>            | An explanation of the options considered and details of the reasons for the decision |
| <input type="checkbox"/>            | Positive promotion of equal opportunities  |
| <input type="checkbox"/>            | Natural justice  |

**Explanation:**

The Labour Group would like clarification that the amount of money being transferred from the HRA in appendix A to the general fund is affordable and will not adversely impact on the ALMOs programs and plans.

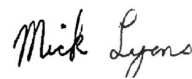
The Labour Group would also like to know what consultation took place with the ALMO Chief Executives and Board Members.

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<sup>1</sup> In the case of decisions made by Area Committees, a Member cannot count as one of the two / five signatures if they are a member of that Area Committee.

The following signatories request that the above decision be called in:

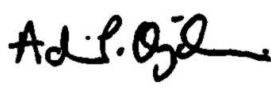
|                                    |   |                        |
|------------------------------------|---|------------------------|
| 1) Signature                       |  | Political group LABOUR |
| Print name .... Cllr Richard Lewis |   |                        |

|                                |   |                        |
|--------------------------------|---|------------------------|
| 2) Signature                   |  | Political group LABOUR |
| Print name.... Cllr Mick Lyons |   |                        |

**NB: Only two signatures are required if the councillors signing this form are not from the same political group (option b above).**

**For option a) continue to fill in the rest of the signatures.**

|                                   |  |  |
|-----------------------------------|--|--|
| 3) Signature                      |  |  |
| Print name.... Cllr Lisa Mulherin |  |  |

|                                   |   |  |
|-----------------------------------|---|--|
| 4) Signature                      |  |  |
| Print name..... Cllr Adam Ogilvie |   |  |

|                               |   |  |
|-------------------------------|---|--|
| 5) Signature                  |  |  |
| Print name.... Cllr Jack Dunn |   |  |

|                 |  |  |
|-----------------|--|--|
| 6) Signature    |  |  |
| Print name..... |  |  |

This form should be submitted to the Head of Scrutiny and Member Development (Scrutiny Support Unit, 1st Floor West, Civic Hall) by **5.00pm on the fifth working**

**day after the decision publication date.** The office is open from 9.00am to 5.00pm.

(For further information on the Call In procedure please refer to the Scrutiny Support Unit intranet site, or contact the Unit on 39 51151).

**For office use only:** (box A)

Received on behalf of the Head of Scrutiny and Member Development by:

Richard Mills .(signature)

Date: 17<sup>th</sup> October 2008    Time: 15.42    SSU ref: 2008/09 97/30

**For office use only:** (box B)

Exemption status  
checked:

☒

Call In authorised: Yes

Date checked:

☒

Signed: Richard Mills

Signatures checked:

☒

Date: 17<sup>th</sup> October 2008

Receipts given:

☒

Validity re article 13

☒

Receipt details: .....

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Originator: Maureen  
Taylor  
Tel: 247 4234

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## Report of the Director of Resources

### Executive Board

Date: 8<sup>th</sup> October 2008

Subject: Capital Programme Update 2008-2012

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#### Electoral Wards Affected:

☐

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

Eligible for Call In

☒

Not Eligible for Call In

(Details contained in the report)

☐

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## EXECUTIVE SUMMARY

1. This report sets out the latest capital programme position for both the general fund and housing. The current economic climate is impacting on the Council's ability to generate capital receipts from the disposal of surplus land and buildings, to support the financing of the capital programme and without actions being taken; the current programme cannot be afforded. The report contains proposals on expenditure and resources which will bring the capital programme to a more manageable position.
2. The capital programme in February 2008 included the Strategic Development Fund, a sum of £100m phased over 5 years. This report makes high level proposals for the allocation of the Strategic Development Fund.

## **1.0 Purpose Of This Report**

- 1.1 To provide Members with an updated financial position on the 2008 – 2012 Capital Programme. In view of a reduced level of resources, the report seeks to realign the programme through a combination of re-profiling of expenditure, scheme reductions and through allocating resources from the Strategic Development Fund to existing capital programme schemes. The report also details the action that is being taken in respect of individual capital schemes to ensure that the overall level of Capital Programme expenditure can be managed within the tolerances assumed for what is an ever changing resource position.

## **2.0 Background Information**

- 2.1 The Capital Programme 2007/08 – 2011/12, approved by Council in February 2008, projected expenditure of £1,404.3m from 2007/08 to 2011/12. General Fund overprogramming over that period of £48.1m was assumed, which based on previous years was considered to be manageable.
- 2.2 Some of the resources to fund the capital programme are generated from the sale of assets. In light of the current economic climate the projected capital receipts from the sale of surplus land and buildings have fallen considerably resulting in insufficient resources to fund the general fund capital programme. This report sets out proposals in respect of expenditure and resources to bring the Capital Programme to a more acceptable resource position. Also included is an update on the HRA (including ALMOs) capital programme position.

## **3.0 General Fund Capital Programme**

- 3.1 The Capital Programme approved by Council in February 2008, projected general fund expenditure of £752.5m from 2008/09 to 2011/12. Taking account of the projected resources available, there was an overprogramming position of £48.1m, which based on previous years and with close monitoring, was considered to be manageable.
- 3.2 Over the four year period to 2012 capital receipts of £154.1m were projected with an additional target over the period of £16m. Since the February Capital Programme was approved there has been a significant downturn in the economy and particularly in the property market. Some large disposal sites assumed within the forecast are now unlikely to deliver capital receipts within the timescale originally envisaged and a more pessimistic view on valuations generally has been taken on other sites.
- 3.3 The projected level of capital receipts over the four year period now stands at £122.5m and unless actions are taken, this will result in an overprogramming position of £88.3m. This level of overprogramming is not manageable and therefore proposals have been drafted to reduce it to a more acceptable level.
- 3.4 Details of the proposals for capital programme amendments set out in Appendix A, have been discussed with service directorates and are summarised in the table below. The proposals summarised below include:
- (i) Annual programmes - amendments to provisions which are made annually in the programme and tend to be for ongoing upgrade and replacement programmes etc
  - (ii) Asset management – sums made available to address backlog maintenance of existing buildings



- (iii) Scheme reductions and re-profiling – adjustments to existing sums in the programme either in total or on a year on year basis.
- (iv) Use of Strategic Development Fund - see paragraph 4 below
- (v) Other – calling on other resources, specifically HRA capital receipts and other receipts.

### **Proposed Amendments to the Capital Programme**

| <b>Adjustment</b>  | <b>2008 to<br/>2012<br/>£m</b> | <b>After<br/>2012<br/>£m</b> | <b>Total<br/>£m</b> |
|--|--------------------------------|------------------------------|---------------------|
| Annual Programmes  | -3.30                          |                              | -3.30               |
| Asset Management   | -2.00                          | +2.00                        | Nil                 |
| Scheme reductions and re-profiling                                 | -9.10                          | +3.00                        | -6.10               |
| Allocation of the Strategic Development Fund to existing schemes   | -24.00                         |                              | -24.00              |
| Use of Capital Receipts usually applied to the HRA/ALMOs programme | -11.50                         |                              | -11.50              |
| Other capital receipts   | -2.00                          |                              | -2.00               |
| <b>TOTAL ADJUSTMENTS</b>   | <b>-51.90</b>                  | <b>+5.00</b>                 | <b>-46.90</b>       |

- 3.5 After the above amendments the overprogramming to 2012 would reduce to £36.3m which is considered more manageable. It is important that tight control is maintained over capital spending and commitments and the Director of Resources will continue to exercise the controls necessary to ensure that the programme is affordable.
- 3.6 It should be noted also that due to the impact of the economic climate on the property market, further variations in capital receipts forecasts could arise in which case a further review of capital resources may be required.

## **4.0 Strategic Development Fund**

- 4.1 The Capital Programme approved in February 2008 contained a £100m Strategic Development Fund. This fund is phased over 5 years and is funded through unsupported borrowing, the cost of which falls to be met by the revenue budget. The purpose of the fund was to provide additional capital resources for projects that lead to service delivery improvements, spend to save and efficiency and for investment in strategic infrastructure projects.
- 4.2 In accordance with these intentions it is proposed to sub divide the fund into specific investment types and these are outlined below:

| Investment Type                               | Amount<br>£m | Description   | Potential Calls against<br>these   |
|---|--------------|---|--|
| Major Infrastructure                          | 60.0         | Investment to facilitate major city wide infrastructure. May include transport and road initiatives or contribute to such issues as flood alleviation   | £24m as per Appendix A<br><br>Land at Lowfields Rd approved at Exec. Board<br><br>New Generation Transport<br><br>Flood Alleviation<br><br>Leeds Arena       |
| Investment in delivery of Strategic Outcomes  | 20.0         | Investment in projects that work towards delivering specific outcomes from the Strategic Plan   | Capital investment strategies being developed by services setting out capital investment needs. An example would be investment in the healthy living agenda. |
| Business Transformation / Efficiency Projects | 20.0         | Business Transformation projects which are critical to changing our organisation in order to deliver many of the Business Plan objectives and Strategic Plan outcomes. Many of these projects will generate future revenue savings which can be reinvested in services. | The first tranche of projects are 'enabling' and will provide the basis to support the future business transformation programme                              |

- 4.3 It should be noted that the proposals set out in paragraph 3.4 allocate £24m of the major infrastructure element of the fund to existing capital programme schemes. In addition, Executive Board at their meeting in July 2008 made an allocation from the fund for the acquisition of land at Lowfields Road.

## 5.0 Housing Capital Programme

- 5.1 The February 2008, capital programme projected HRA expenditure of £273.4m between 2008/09 and 2012. Over this period there was overprogramming of £18m. Since that time the forecast of Right to Buy capital receipts has fallen significantly due to the situation in the property markets. The revised projected position is for expenditure to 2012 of £289.3m with overprogramming of £19.7m.
- 5.2 An updated position with regard to the achievement of the decent homes standard has been established. Using the Government's definition of decency (on which Government funding for decency was based) the latest position is that there are surplus resources available of £30m. The proposals on the General Fund capital programme in 3.4 above includes using capital receipts of £11.5m which in the past have been used to support the HRA capital programme. If this is agreed, this plus other resources adjustments would reduce this surplus of resources to £18m.
- 5.3 In order to put this proposal into context, it should be noted that the level of capital receipts used to support the ALMO capital programmes since 2003 has been significantly in excess of those originally envisaged. Since 2003/04 capital receipts of £41m have been or are planned to be used to support the HRA and ALMO programmes. This compares to the original business plan which only required capital receipts of £7.7m, an increase of £33.3m.

- 5.4 In addition, ALMOs currently have net reserves available of £14m (after retaining working balances) and there are HRA reserves of £5.85m earmarked for decency which can more than compensate for the £11.5m capital receipt reduction.
- 5.5 Whilst in overall terms there are sufficient resources to deliver the decent homes standard across the city, there are some significant variations between the ALMOs with Aire Valley Homes and East North East Homes showing that they can achieve the Decent Homes standard by 2010/11, whilst West North West Homes are projecting a shortfall. WNWH have not revised their investment requirement since it was presented in January 2008. Therefore once updated to reflect capital spend incurred in 2007/2008 this position could change.
- 5.6 Whilst there are sufficient resources within the HRA to fund the Government's definition of decency, it must be recognised that there are capital investment needs in respect of mandatory and essential non-decency works. The mandatory element of this is adaptations and DDA work. Further work needs to take place to establish which non-decency works are essential so that consideration can be given to possible funding options.

## **6.0 Implications for Council Policy and Governance**

- 6.1 As reported in February 2008, following the approval of the Strategic Plan and Business Plan, service directorates have reviewed schemes within the programme in relation to the new strategic outcomes, and have started to develop plans for the capital investment which will be required if these outcomes are to be achieved.
- 6.2 These plans are being developed into a capital investment strategy which will also highlight strategic infrastructure investment for the city. These plans will be used to inform the detailed allocation of the Strategic Development Fund referred to in section 4.

## **7.0 Legal and Resource Implications**

- 7.1 Due to the reduction in the forecast level of capital receipts, the existing capital programme cannot be afforded. If the adjustments proposed in this report are made, the overprogramming on the general fund programme to 2012 will stand at £36.3m. To manage this overprogramming, the Director of Resources will continue to closely monitor expenditure, resources and commitments.
- 7.2 It is proposed that the control measures currently in place for managing the capital programme will continue. These are:
- All Leeds funded schemes are subject to individual review at the point at which the client service seeks spending approval
  - No new injections to the programme can be made without first identifying additional resources or substituting for an existing scheme
  - No capital receipts assumed to fund the programme can be diverted to other projects or initiatives without identifying alternative resources that will be available within the same year.

## **8.0 Conclusions**

- 8.1 Over the four year period of 2008/09 to 2011/12, the council is seeking to deliver a total of £817.5m general fund capital investment within the city. Current expenditure plans exceed the resources available to deliver these plans. After making the adjustments detailed in Appendix A, overprogramming is reduced to £36.3m which for the size of the programme is considered manageable with careful monitoring and control. However, the council will continue to seek to maximise the external funding sources and to deliver capital receipts to ensure the programme can be delivered.
- 8.2 A number of measures are taken to ensure that the programme remains affordable as outlined in 7.2. The Director of Resources will continue to work with service directors to ensure that capital schemes are properly developed and that a business case process is operated to demonstrate investment is aligned to corporate objectives, meets the needs of the public and will deliver best value.
- 8.3 In managing the overall funding for the programme particular emphasis is placed on ensuring that contractual commitments are only made when there is reasonable certainty that the appropriate resources are available. The Director of Resources will co-ordinate the approval of schemes to ensure that they are brought forward in a timely way and are affordable. Update reports on the overall capital programme position will be reported to Executive Board 3 times each year.

## **9.0 Recommendations**

- 9.1 Members are requested to approve:
- a) The adjustments to capital programme expenditure and resources as detailed in Appendix A.
  - b) That the Strategic Development Fund be sub-divided into 3 investment areas as set out in section 4.

## **Appendices**

A – Proposals for realigning the capital programme

## **Background Documents**

Capital Programme 2007 -2012, Executive Board and Full Council February 2008

## CAPITAL PROGRAMME REALIGNMENT

| Position Statement as at 15/08/2008            | 2008/09<br>£000 | 2009/10<br>£000 | 2010/11<br>£000 | 2011/12<br>£000 | Memo               |               | Explanatory Notes  |
|--|-----------------|-----------------|-----------------|-----------------|--------------------|---------------|--|
|  |                 |                 |                 |                 | After 2012<br>£000 | Total<br>£000 |  |
| Overprogramming Position as at 15 Aug 2008     | -48,606.6       | -49,460.3       | 936.6           | 8,869.7         |                    | -88,260.7     |  |
| <b>Adjustments - Annual Programmes</b>         |                 |                 |                 |                 |                    |               |  |
| Vehicle Programme                              |                 | -250.0          | -500.0          | -500.0          |                    | -1,250.0      | Defer purchases by one year where possible   |
| Equipment Programme                            |                 | -250.0          | -500.0          | -500.0          |                    | -1,250.0      | Cut back on replacement purchases  |
| Private Street Works                           |                 | -281.6          | -300.0          | 581.6           |                    | 0.0           | Rephase existing provision   |
| Housing Needs                                  |                 | -100.0          | -100.0          |                 |                    | -200.0        | LCC match funding for Travellers will not be required until 2011/12                              |
| Education - General refurbishment works        |                 | -200.0          | -200.0          | -200.0          |                    | -600.0        | Reduction to £2m annual provision whilst protecting all urgent H&S works                         |
| <b>Adjustments - Asset Management</b>          |                 |                 |                 |                 |                    |               |  |
| Corporate Property Management                  |                 |                 |                 | -2,000.0        | 2,000.0            | -2,000.0      | Rephase £2m beyond 2011/12   |
| <b>Adjustments - Leeds Funded Schemes</b>      |                 |                 |                 |                 |                    |               |  |
| East Leeds Family Learning Centre              | -250.0          | -2,500.0        | -1,100.0        |                 |                    | -3,850.0      | Leaves £2.5m, sufficient to cover decant/reprovision of nursery and demolition of ELFLC building |
| World Corporate Games                          | -203.3          |                 |                 |                 |                    | -203.3        | Funding not required; event completed  |
| Lawnswood Cemetery - Phase 1                   | -820.0          | -1,130.0        | 56.0            |                 |                    | -1,894.0      | Provision for Phase 1 reduced from £5.2m to £3m.   |
| City Academy Highway Works                     | -152.2          |                 |                 |                 |                    | -152.2        | Will need to consider capital investment overall when the cemeteries strategy is developed.      |
|  |                 |                 |                 |                 |                    |               | Works depend on the use of site in future  |
| <b>Total Adjustments</b>                       | -1,425.5        | -4,711.6        | -2,644.0        | -2,618.4        | 2,000.0            | -11,399.5     |  |
| <b>Use of Strategic Development Fund</b>       |                 |                 |                 |                 |                    |               |  |
| Leeds Arena                                    | -400.0          | -10,000.0       |                 |                 |                    | -10,400.0     | Existing capital scheme transferred to strategic development fund                                |
| Northern Ballet/Phoenix Dance Theatre          | -1,148.9        | -5,150.0        | -225.0          |                 |                    | -6,523.9      | Existing capital scheme transferred to strategic development fund                                |
| City Varieties Refurbishment                   | -102.2          | -1,457.8        | -525.0          |                 |                    | -2,085.0      | Existing capital scheme transferred to strategic development fund                                |
| City Centre Upgrade Programme                  | -1,511.3        | -1,440.7        | -2,048.0        |                 |                    | -5,000.0      | Existing capital scheme transferred to strategic development fund                                |
| <b>Total Use of Strategic Development Fund</b> | -3,162.4        | -18,048.5       | -2,798.0        | 0.0             |                    | -24,008.9     |  |

## CAPITAL PROGRAMME REALIGNMENT

| Position Statement as at 15/08/2008 | Memo            |                 |                 |                 |                    | Explanatory Notes |               |
|-------------------------------------|-----------------|-----------------|-----------------|-----------------|--------------------|-------------------|---------------|
|                                     | 2008/09<br>£000 | 2009/10<br>£000 | 2010/11<br>£000 | 2011/12<br>£000 | After 2012<br>£000 |                   | Total<br>£000 |
| Other Possible Adjustments          |                 |                 |                 |                 |                    |                   |               |
| LCC share of LBIA escrow account    | -2,000.0        |                 |                 |                 |                    |                   | -2,000.0      |
| City Centre Swimming                | -750.0          | 750.0           |                 |                 |                    |                   | 0.0           |
| Highways maintenance programme      | -1,000.0        |                 | -2,000.0        |                 |                    | 3,000.0           | -3,000.0      |
| Use of HRA capital receipts         | -11,495.0       |                 |                 |                 |                    |                   | -11,495.0     |
| Total Other Adjustments             | -15,245.0       | 750.0           | -2,000.0        | 0.0             | 3,000.0            |                   | -16,495.0     |
| TOTAL REALIGNMENT                   | -19,832.9       | -22,010.1       | -7,442.0        | -2,618.4        | 5,000.0            |                   | -51,903.4     |
| REVISED OVERPROGRAMMING             | -28,773.7       | -27,450.2       | 8,378.6         | 11,488.1        |                    |                   | -36,357.3     |

## **EXECUTIVE BOARD**

**WEDNESDAY, 8TH OCTOBER, 2008**

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

Councillors J L Carter, R Finnigan, S Golton,  
R Harker, P Harrand, J Procter, S Smith,  
K Wakefield and J Blake

Councillor J Blake – Non-voting advisory member

### **84 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 A to the report referred to in minute 95 under the terms of Access to Information Procedure Rule 10.4 (4) and (5) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would seriously prejudice the Council's position in negotiations and litigation in relation to current and future legal proceedings in the employment tribunal. This could result in significant cost liability to the Council which would have to be met from the public purse.
- (b) Appendix 1 to the report referred to in minute 104 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 because publication could prejudice the City Council's financial interests in relation to negotiations currently underway with private sector investors and Yorkshire Forward.

## **CHILDREN'S SERVICES**

### **85 Managing Pupil Numbers at the new Swallow Hill Community College from 2009/10**

The Chief Executive of Education Leeds submitted a report on proposals for managing pupil numbers at the new Swallow Hill Community College when it opens in September 2009 including the proposed provision of an annex on the Wortley School site.

**RESOLVED** –

- (a) That the strategy proposed to accommodate the additional pupil numbers be approved.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 5th November, 2008

- (b) That the expenditure from the education capital programme for the capital costs for establishment of the annex be supported.

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

**86 Sharp Lane Primary School - Creation of New Entrance and Provision of Remodelling Works**

The Chief Executive of Education Leeds submitted a report on proposals to create a new entrance and undertake associated remodelling works at Sharp Lane Primary School and to incur the necessary expenditure.

- (a) That the design proposals in respect of the scheme to create a new entrance and undertake associated remodelling works at Sharp Lane Primary School be approved.
- (b) That the injection of a Section 106 funding contribution, in the sum of £2,866,204, into the approved Capital Programme be approved
- (c) That expenditure of £902,200 be authorised in respect of this scheme.

**87 Report on the September 2008 Admission Round for Community and Controlled Schools**

The Chief Executive of Education Leeds submitted a report providing statistical information on the September 2008 admission round for community and controlled schools.

**RESOLVED** – That the report be noted.

**88 The National Challenge and Structural Change to Secondary Provision in Leeds**

The Chief Executive of Education Leeds submitted a report on the context and proposals for the next phase in developing secondary school provision in Leeds with specific reference to the National Challenge response.

**RESOLVED** – That a review of provision in East and North East Leeds be commenced by consulting with schools, ward members, young people and communities and an options paper be brought to this Board later this year.

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

**LEISURE**

**89 Deputation to Council - Friends of Woodhouse Moor Regarding the Provision of Park Wardens on Woodhouse Moor**

The Director of City Development submitted a report responding to issues raised in the deputation by the Friends of Woodhouse Moor to Council in July, on proposed future capital investment, the current revenue situation and measures taken in respect of anti-social behaviour and barbecues on Woodhouse Moor.



- (a) That approval be given for the development of a fully funded bid to the Heritage Lottery Fund Parks For People Programme to be brought back to this Board for approval prior to submission.
- (b) That the work of the Woodhouse Moor Multi-Agency Forum approach to tackle anti-social behaviour in the park be noted.
- (c) That the proposal to consult on the potential for a barbecue area in the park be noted.

**90 Garforth Library - Big Lottery Grant**

The Director of City Development submitted a report on a proposal to develop a new Library and One Stop Centre for Garforth and the surrounding area following a successful bid to the Big Lottery Fund.

**RESOLVED** – That a fully funded injection of £1,334,900 into the 2008/11 Capital Programme be approved and that authority be given for expenditure of £1,434,900 on this scheme.

**91 The Government Offer in respect of Free Swimming for those 60 years and over and the 16 years and under**

The Director of City Development submitted a report on the response to the Government's offer of free swimming for the over 60s and on proposals in respect of the offer in respect of under 16s.

In presenting the report the Executive Member (Leisure) corrected information in table 1 therein with reference to 'Leeds Share' in the right hand column by replacing "£350,000" with "£347,272" and "£143k" with "£170,714".

**RESOLVED** –

- (a) That it be noted that officers wrote to the Development of Culture, Media and Sport by 15 September indicating acceptance of the offer for free swimming for the over 60s (Pot 1).
- (b) That the Council's participation in Pot 2 to provide free swimming for the under 16s be approved and that a further report be brought back to this Board to agree allocation of government capital provided as part of the free swimming initiative.
- (c) That a further report be brought to this Board in 2010/11 reviewing the free swimming scheme in light of the government funding available at that time for the continuation of such a scheme.

**92 New Leaf - Financial Close Position**

The Director of City Development submitted a report providing an update on the progress of the procurement through the Local Education Partnership (LEP) of the New Leaf Leisure Centres in Armley and Morley and on the financial position agreed at Financial and Contract Close, which took place on 7<sup>th</sup> August 2008.

**RESOLVED** – That the report be noted.

**ADULT HEALTH AND SOCIAL CARE**

**93 Department of Health Extra Care Housing Fund Bid: 2008-2010**

The Chief Officer Adult Social Care submitted a report on a proposal to redevelop Hemingway House older persons residential home in Hunslet, replacing it with 45 units of Extra Care Housing for older people, in partnership with Methodist Homes Association and the Primary Care Trust.

**RESOLVED –**

- (a) That the proposal to develop 45 units of Extra Care Housing for older people on the site of Hemingway House, in partnership with Methodist Homes Association and the Primary Care Trust be approved.
- (b) That the sale of the land at Hemingway House at less than best value to a value forgone of £225,000 be endorsed.

**94 Putting People First: Vision and Commitment to the Transformation of Adult Social Care**

The Director of Adult Social Services submitted a report providing an update on the work undertaken in Leeds to prepare for the personalisation agenda, since the publication of the concordat “Putting People First” In December 2007.

**RESOLVED –**

- (a) That progress made in Leeds towards the development of a more personalised system of social care through the Self Directed Support project and other initiatives be noted.
- (b) That, acknowledging the scale and scope of the transformation agenda and the challenge it presents, the approach taken in Leeds to deliver successful change be endorsed.
- (c) That the direct engagement of elected members in these developments be continued by the submission of further reports to this Board, involvement in workshops, seminars, conferences and in the recently established members’ forum.
- (d) That the Board notes the impact Self Directed Support will have on existing service provision including directly provided services and commissioned services in Leeds and the need to accelerate the transformation of these services to meet the challenges and impact of personalisation and customer choice.
- (e) That it be noted that progress and the pace of change regarding the delivery of Personalisation in Leeds will be the subject of some detailed feedback from the recent inspection of Older People’s Services.
- (f) That the Scrutiny Board (Health and Adult Social Care) be requested to monitor progress of the personalisation agenda.

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

**CENTRAL AND CORPORATE**

**95 Pay and Grading Review (Including a response to the Deputation to Council by GMB regarding the Current Dispute on Equal Pay)**

The Director of Resources submitted a report providing an update on the Pay and Grading Review and responding to the deputation from GMB to full Council on the current dispute relating to Equal Pay.

Following consideration of the appendix to this report, designated as exempt under Access to Information Procedure Rule 10.4 (4) and (5), which was considered in private at the conclusion of the meeting it was

**RESOLVED –**

- (a) That the response to the GMB Deputation to Full Council on 2 July 2008 be noted.
- (b) That the progress regarding implementation of the new Pay and Grading arrangements be noted.

**96 Leeds Benefits Service Annual Report 2007/08**

The Director of Resources submitted a report providing information on the performance of Leeds Benefits Service during 2007/08 and on the main issues facing the service over the forthcoming year.

**RESOLVED –** That the report be noted.

**97 Capital Programme Update 2008 - 2012**

The Director of Resources submitted a report providing an updated position on the 2008-2012 Capital Programme.

**RESOLVED –**

- (a) That the adjustments to capital programme expenditure and resources as detailed in Appendix A to the report be approved.
- (b) That the Strategic Development Fund be sub-divided into 3 investment areas as set out in section 4 of the report.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this matter only in relation to those matters relating to the ALMOs programme).

**98 Leeds, by Example: Developing a Corporate Social Responsibility Policy**

The Deputy Chief Executive submitted a report highlighting the progress made in developing a Corporate Social Responsibility Policy for Leeds, outlining current developments and seeking agreement of a programme of work to enable the initiative to move forward.

**RESOLVED –** That the vision, definition and plans as set out in the report be approved and that ongoing and piloted schemes currently under development be noted.

**99 Managed Print Service**

The Head of ICT submitted a report on a proposed scheme to introduce a managed print service across the Council.

**RESOLVED** – That approval be given to an injection of £1,835,000 into the Capital Programme and that scheme expenditure in the same amount be authorised.

**100 Progress Report on the PPP / PFI Programme in Leeds**

The Deputy Chief Executive submitted a report providing an update on the Council's PPP/PFI projects and programmes.

**RESOLVED** –

- (a) That the current status of PPP/PFI projects and programmes be noted
- (b) That approval be given to the completion and entry into all necessary legal documentation in relation to the Design and Build contract for Crawshaw High School.

(Councillor J L Carter declared a personal interest in this item as a member of the West Yorkshire Police Authority).

**101 Cohesion and Integration Priorities and Delivery Plan 2008-2011**

The Assistant Chief Executive (Planning, Policy and Improvement) and Director of Environment and Neighbourhoods submitted a joint report on the development of the policy framework and strategic approach to cohesion in Leeds, highlighting a new definition of cohesion and integration and on the proposed cohesion and integration priorities 2008 – 2011 and delivery plan.

**RESOLVED** – That the report be noted and that the Cohesion and Integration Priorities 2008-2011 and the Delivery Plan attached as appendix 1 to the report be approved.

**DEVELOPMENT AND REGENERATION**

**102 Pudsey Bus Station - Associated Highway Works**

The Director of City Development submitted a report on the design and implementation of the associated highway works required to accommodate the redevelopment of Pudsey Bus Station.

- (a) That approval be given to the design and implementation of associated highways works to the redevelopment of Pudsey Bus Station as set out in the submitted report and on drawing HDC/298886/C06, at a total cost of £766,750.
- (b) That authority be given to incur expenditure of £615,000 works and £131,750 staff costs (£20,000 previously approved) which can be met from the Integrated Transport Scheme 99609 within the approved Capital Programme.
- (c) That it be noted that a separate report will be presented to the Chief Highways Officer seeking approval for the advertising and sealing of the associated Traffic Regulation Orders.

**103 Sustainable Education Travel Strategy and the Development of an Integrated School Transport Policy for Children's Services**

The Director of City Development submitted a report on a proposed Sustainable Education Travel Strategy for Leeds and on the ongoing collaborative work between Education Leeds and Children and Young People's Social Care to develop and introduce a Children's Services School Transport Policy which encompasses all statutory demands.

**RESOLVED –**

- (a) That the adoption and publication of the Leeds Sustainable Education Travel Strategy be approved.
- (b) That approval be given for the development of a Children's Services School Transport Policy and to the intention to integrate this with the Leeds Sustainable Education Travel Strategy by September 2010.

**104 Lands Lane and Central Square Refurbishment**

The Director of City Development submitted a report on a proposal to spend a designated sum from the Council's Capital Programme in order to fund the refurbishment of Lands Lane and Central Square.

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

**RESOLVED –**

- (a) That the scheme design as outlined in the report be approved.
- (b) That release of expenditure and authority to spend in respect of this scheme be given in the terms detailed in the exempt appendix to the report.

**105 Town and District Centre Regeneration Scheme - Armley Town Street**

The Director of Environment and Neighbourhoods submitted a report on a proposal to spend £794,274 of Town and District Centre Regeneration Fund monies to aid the regeneration of Armley's Town Street.

**RESOLVED –**

- (a) That the project brief and scheme design as presented be approved.
- (b) That authority be given to spend £794,274 of capital expenditure from the Town and District Regeneration scheme.

**106 Proposed Lloyds TSB Takeover of Halifax Bank of Scotland**

The Director of City Development submitted a report on potential implications of the proposed takeover of Halifax Bank of Scotland by Lloyds TSB, and of action proposed by the City Council and its partners.

**RESOLVED –**

- (a) That the proposed actions detailed in section 1 of the report be endorsed and that a meeting with representation from all political groups be convened in the near future to consider the ongoing situation in this respect.

- (b) That a further report be brought to the next meeting of this Board.

## **NEIGHBOURHOODS AND HOUSING**

**107 Deputation to Council - Designated Public Places Order Consultative Committee Regarding the Designated Public Places Order Proposed for Hyde Park and Woodhouse**

The Director of Environment and Neighbourhoods submitted a report responding to the deputation from the Designated public Places Order Consultative Committee to Full Council on the Designated Public Places Order Proposed for Hyde Park and Woodhouse.

**RESOLVED** – That approval be given to the approach of creating two DPPO's covering Little London and Little Woodhouse immediately with consultation for a further DPPO to cover Woodhouse Moor and nearby residential areas and greenspaces to be started in October.

**108 Environment and Neighbourhoods Lettings Policy Revision**

The Director of Environment and Neighbourhoods submitted a report on a proposal to implement a revised version of the Council's lettings policy from Wednesday 22<sup>nd</sup> October 2008.

**RESOLVED** –

- (a) That the implementation of the revised lettings policy with effect from 22<sup>nd</sup> October 2008 be approved.
- (b) That the submitted report be used as the basis for a briefing document for all Members of Council.

**109 Update report on the Regeneration of 'The Beverleys' Area of Beeston**

The Director of Environment and Neighbourhoods submitted a report providing an update on the progress of the Beverleys acquisition and demolition scheme and on the proposed expenditure to undertake the scheme.

**RESOLVED** –

- (a) That approval be given to the injection of additional private sector resources of £156,000 received from Beeston Group Repair Phase 2 additional to those previously accounted for within this group repair scheme.
- (b) That Scheme Expenditure to the amount of £2,952,700 be authorised .
- (c) That officers report back in future on the progress of the scheme.

**110 Assistance to Vulnerable Households**

The Director of Environment and Neighbourhoods submitted a report providing an update on the progress made in relation to the Assistance to Vulnerable Households scheme and of Regional Housing Board funding for the 2008-2011 programme.

**RESOLVED** –

- (a) That scheme expenditure of £1,800,000 fully funded through Regional Housing Board grant for the three year 2008-2011 programme be authorised and that a report on progress of the Scheme be brought back to this Board.

**111 Policing Green Paper - From the Neighbourhood to the National: Policing Our Communities Together**

The Director of Environment and Neighbourhoods submitted a report commenting on the government green paper and outlining concerns with some of the key proposals.

**RESOLVED** – That the submitted report together with the resolution of the Local Government Association and Association of Police Authorities on the same subject be approved as the formal response of this Council to the Government's Policing Green Paper: From the Neighbourhood to the National: Policing our Communities Together and that the submission be made under cover of a letter from the Safer Leeds Partnership.

|                       |   |
|-----------------------|---|
| DATE OF PUBLICATION   | 10 <sup>th</sup> October 2008           |
| LAST DATE FOR CALL IN | 17 <sup>th</sup> October 2008 (5.00 pm) |

(Scrutiny Support will notify Directors of any items Called In by 12.00 noon on Monday 20<sup>th</sup> October 2008).

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