

EXECUTIVE BOARD

WEDNESDAY, 22ND AUGUST, 2007

PRESENT: Councillor M Harris in the Chair

Councillors A Carter, R Brett, J L Carter,
R Finnigan, R Harker, J Procter and
K Wakefield

Councillor J Blake –Non-voting advisory member

37 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 the view of the nature of the business to be transacted or the nature of proceedings, that if members of the public were present there would be a disclosure to them of exempt information so designated as follows:

- a.) The appendix to the report referred to in minute 41 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 by virtue of the fact that the information contained within the appendix was obtained through inviting of best and final offers for the property and therefore to disclose this information at this point in time could lead to random competing bids which would undermine this method of inviting bids and affect the integrity of disposing of land / property by means of this process in the future. 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 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 would be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighed the public interest in disclosing the information at this point in time.
- b.) The appendix to the report referred to in minute 42 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 of the valuation of the site may be prejudicial to the commercial interests of the Council as it may prejudice the return that the Council may realise on a future sale of the site.

- c.) The appendix to the report referred to in minute 49 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 prejudice the Council's commercial interests as both the appendix and the outline business case include matters where negotiations of a confidential nature will ensue with the Local Education Partnership and Environments for Learning.
- d.) The appendix to the report referred to in minute 50 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 as Education Leeds has a duty to secure improvement and increased confidence in the schools concerned and this would be adversely affected by disclosure of the information.
- e.) The appendix to the report referred to in minute 51 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 as as Education Leeds has a duty to secure improvement and increased confidence in the schools concerned and this would be adversely affected by disclosure of the information.
- f.) The appendix to the report referred to in minute 53 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 prejudice the Council's commercial interests as the appendix details matters where negotiations of a confidential nature will ensue. In these circumstances it is considered that the public interest in not disclosing this commercial information outweighs the public interest in disclosure.
- g.) The appendix to the report referred to in minute 56 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 prejudice the Council's commercial interests as both the appendix and the outline business case include matters where negotiations of a confidential nature will ensue with the Local Education Partnership and Environments for Learning.

38 Declaration of Interests

Councillor J Procter declared a personal interest in the item relating to Leeds Grand Theatre as a Director of the theatre's Board and Councillor Blake as a Director of the theatre's and Opera North Boards.

Councillors Brett and Harker declared personal interests in the items relating to Children's Services PFI and re-provision of Holmfield Children's Home as Chair and as a member, respectively, of the Children Leeds Partnership.

39 Minutes

RESOLVED – That the minutes of the meeting held on 4th July 2007 be approved as a correct record.

DEVELOPMENT AND REGENERATION

40 Draft Leeds Girls High School Planning and Development Brief

The Director of City Development submitted a report on the outcome of the recent public consultation on the Leeds Girls High School Planning and Development Brief. The report also responded to the deputation made to Council in July 2007 on the same subject.

The report outlined a number of options for the site which were recommended for consideration:

1. For the brief to remain essentially the same, with a number of amendments as outlined at paragraph 9.3 of the report. These would include changes to affordable housing provision and the height and density of proposed buildings on the South West corner of the site;
2. To change the brief more radically to meet the wishes of the local community and Elected Members. This would include protecting the playing fields from development;
3. Recognition that the Council's efforts to meet a broad agreement with the school, local community and Elected Members had been unsuccessful and to withdraw the brief.

Documentation and correspondence from G Mulholland MP, Friends of Woodhouse Moor, Councillor Illingworth and a petition were circulated to members of the Board.

RESOLVED – That the planning brief be withdrawn and the future of the school site be determined through the planning process. Outside of the planning process the Council would facilitate further discussions on the future of the site should relevant parties request.

NEIGHBOURHOODS AND HOUSING

41 The former Royal Park Primary School

The Director of City Development and the Director of Environment and Neighbourhoods submitted a joint report on the disposal of the former Royal Park Primary School site. The report recommended the disposal, through the grant of a long leasehold interest, to the preferred developer with the required library and community space being the subject of a long sub-lease back to the Council at a peppercorn rent.

Further to a marketing exercise to identify proposals for the site, Members were informed that two such proposals were considered to be viable options for consideration. These were as follows:

1. That all of the school building, other than that given over to the Council's uses, be converted to residential use with around forty apartments and twenty seven car parking spaces, with a complete separation between the residential element and the Council's uses.
2. That more recent extensions to the school building be demolished and replaced with more sympathetic new-build elements. The main use of the building would then be given over to eighty age-related assisted living units with an on-site warden to be managed privately.

Documentation and correspondence from Councillors Hussain, Morton and Rhodes-Clayton, the Leeds Muslim Council, and Royal Park Community Consortium were circulated to members of the Board.

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

RESOLVED –

- a.) That a preferred developer be selected on the basis of the schemes described at section 3 of the report as recommended in the exempt appendix;
- b.) That the proposal that the disposal should be on the basis of less than best consideration exercising the Council's powers under the General Consent 2003 as set out in the report be approved;
- c.) That the disposal of a long leasehold interest in the property to the selected developer at the value set out in paragraphs 3.3 and 3.8 of the exempt appendix, subject to a requirement that the Council be granted a sub-leasehold interest at a peppercorn rent, be approved;
- d.) That the decision on any 'less than best' reduction in this disposal value which may arise as a result of the detailed negotiations be delegated to the Director of City Development in consultation with the Executive Member for Development and Regeneration;
- e.) That the consultation process described at 4.5 of the report to determine the precise nature and use of the community space be approved and that a report be brought back to the Board in this respect;
- f.) That the commencement of negotiations with the preferred developer for the undertaking of the fit-out of the library and community space as part of the main contract for the refurbishment with the costs of these works to be deducted from the capital receipt, subject to the Directors of Environment and Neighbourhoods and City Development being satisfied that these costs represent value for money, be approved.

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

CHILDREN'S SERVICES

42 Deputation to Council - Lingfields and Fir Trees Residents Group re: Fir Tree Primary School Site

The Director of Environment and Neighbourhoods submitted a report on the deputation made by Lingfield and Fir Trees Residents Group to Council in June 2007 following the decision to close Fir Tree Primary School and to recommend that further work be undertaken to identify the most appropriate way to meet community needs.

It was reported that Education Leeds had need of the school site until 2010 however, so no new community facilities would be able to be developed before this time, giving an opportunity for a more in-depth analysis of the need for community facilities in the area.

Following consideration of the appendix 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 North East Area Management Team work with partner agencies, through the Moor Allerton Partnership, (MAP) to lead on a programme of public consultation and partner agency work to consider the future needs of the area for community activities, provision and facilities;
- b.) That the Area Management Team and MAP also work together to facilitate the continuation of community activities and provision currently being accommodated at Fir Tree School.

LEISURE

43 Wharfemeadows Park Fencing Proposals - Recommendation of the Scrutiny Board (Culture and Leisure)

The Head of Scrutiny and Member Development submitted a report on the decision of the Scrutiny Board (Culture and Leisure) to request that work to erect a fence at Wharfemeadows Park be suspended whilst a scrutiny enquiry into the issue is undertaken. In conjunction with this the Assistant Chief Executive (Corporate Governance) submitted a report commenting upon the request.

RESOLVED – That the request of the Scrutiny Board be not acceded to and that the decision of 13th June 2007 (minute 9) be implemented.

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

DEVELOPMENT AND REGENERATION

44 Deputation to Council - Representatives of the Leeds Licensed Taxi Trade Regarding Concerns Over Insufficient Taxi Ranks in Leeds

The Director of City Development submitted a report responding to concerns raised by a deputation to Council in July 2007 made by the Leeds Licensed Taxi Trade regarding the number of taxi ranks in Leeds. The deputation had raised concerns regarding the time taken to carry out a review of taxi rank provision in the city centre.

The report gave an update as to the status of the review. It was outlined that a draft Traffic Regulation Order was in the process of being drafted which would allow the Council to enforce the ranks and take action against those illegally parked within them. Progress was also being made towards the creation of additional 24-hour ranks.

RESOLVED – That the contents of the report in response to the deputation be noted.

45 Street Trading Act of Parliament

The Director of City Development submitted a report on the current arrangements for street trading in Leeds city centre and the district as a whole and proposing that approval be given to the promotion of a local Act of Parliament to deal with pedlars and street trading. As a core city with an attractive retail centre, Leeds would find itself increasingly at risk from unregulated street sellers unless a suitable solution was adopted.

RESOLVED –

- a.) That the possible benefits to the city of a local act and the estimated costs be noted;
- b.) That Council be recommended to authorise the promotion of a local Act of Parliament to deal with pedlars and street trading and to authorise the Assistant Chief Executive (Corporate Governance) to agree minor amendments to the Bill at any stage during its promotion.

46 Major Transport Schemes - Local Government Act Section 31 Grant Claim

The Director of City Development submitted a report on the terms and conditions of the Section 31 Grant Determination for major schemes in 2007/08 and requested that delegated authority be granted to the Director of Resources to accept and submit all future claims.

The report outlined that as part of the offer of a Section 31 Grant the Department for Transport apply a number of legally binding and financially significant terms and conditions which need to be agreed by Authorities. It was reported that none of the conditions were considered unacceptable or likely to cause the Council any difficulties.

RESOLVED –

- a.) That the acceptance of the Section 31 Grant offer to Leeds City Council for 2007/08 under the terms and conditions offered be approved;
- b.) That the Director of Resources be confirmed as having the delegated authority for the acceptance and submission of all future grant offers under the terms and conditions offered.

NEIGHBOURHOODS AND HOUSING

47 Design and Cost Report - Disabled Facilities Grants

The Director of Environment and Neighbourhoods submitted a report requesting an additional injection of £2m into the Capital Programme and seeking authority to spend an additional £4.5m on Disabled Facilities Grants for 2007/08. Such investment would represent significant additional investment for the purpose of altering dwellings in order to give increased independence for disabled residents.

RESOLVED –

- a.) That the injection into the capital programme of £2m be noted;
- b.) That scheme expenditure of up to £4.5m be authorised;
- c.) That officers be instructed to bring a report back in the future on the progress of the scheme.

CHILDREN'S SERVICES

48 Deputation to Council - Parents of Fountain Primary School regarding the loss of teachers at the school

The Chief Executive of Education Leeds submitted a report in response to the deputation to Council in June 2007 by the parents of Fountain Primary School regarding resources and staffing issues at the school following the opening of the school in September 2005 as the result of a merger.

RESOLVED –

- a.) That the concerns expressed by the deputation be noted;
- b.) That the establishment of a Scrutiny Board working group to undertake an independent inquiry into the matter be noted;
- c.) That Education Leeds' assurance that the comments received as part of the deputation be placed as part of the evidence for the inquiry be noted.

49 Leeds Building Schools for the Future Phases 2 and 3 - Submission of the Outline Business Case

The Director of Children's Services and the Chief Executive of Education Leeds submitted a joint report on the outline business case for phases 2 and 3 of the Council's wave one Building Schools for the Future programme, for the re-building and refurbishing of fourteen secondary schools in Leeds over three phases.

Following consideration of the appendix 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 outline business case for phases 2 and 3 of the Council's Wave 1 Building Schools for the Future Programme be approved and that its submission to the Department for Children, Schools and Families and to the Partnerships for Schools be authorised;
- b.) That the capital expenditure and funding as set out in table 2 of the exempt appendix to the report be agreed;
- c.) That the affordability implications over the life of the proposed PFI contract for the new West Leeds High School, as summarised in the exempt appendix, be agreed;
- d.) That the comments in paragraph 2 of the exempt appendix, that the proposed West Leeds High School PFI will provide good value for money to the City Council and the public sector, be noted;
- e.) That the recommendations contained in the exempt appendix be approved and officers be authorised to issue the Council's affordability thresholds relating to both the PFI element and the design and build element to the LEP and Environments for Learning.

50 Termly Report on Standards in Leeds Primary Schools and Update on OfSTED Inspections and Schools Causing Concern

The Chief Executive of Education Leeds submitted a report on the outcome of recent OfSTED inspections in Leeds Primary Schools and an update on schools causing concern.

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 report be noted together with the successes in primary schools and strategies for improvement that have been developed to support further increases in achievement for all pupils, groups and schools.

51 Termly Report on Standards in Leeds High Schools and Update on OfSTED Inspections and Schools Causing Concern

The Chief Executive of Education Leeds submitted a report on the outcome of recent OfSTED inspections in Leeds High Schools and an update on schools causing concern.

Following consideration of appendix 2 to the report and an addendum 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 report be noted together with the strategies for improvement that have been developed to support further increases in achievement for all pupils groups and schools.

52 Allerton C of E Primary School - Additional Classroom Accommodation

The Chief Executive of Education Leeds submitted a report which sought authority to proceed with a proposed scheme to provide additional classroom accommodation at Allerton C of E Primary School. The report outlined that the school would open in September 2007 as a result of the merger of Archbishop Cranmer C of E Primary and Fir Tree Primary Schools.

The works were necessary as the new school had been identified as the location of a new Children's Centre facility, however the present building was not capable of housing the required number of children and therefore additional building work would need to take place.

RESOLVED –

- a.) That the design proposals in respect of the scheme to provide additional classroom accommodation at Allerton C of E Primary School be approved;
- b.) That expenditure of £1,220,000 from capital scheme 13767/EXT/000 be authorised;
- c.) That the reimbursement of the incurred expenditure against the scheme from the realisation of a future capital receipt be approved, to be injected into the Education capital receipt for reinvestment into the Education estate.

53 Children's Services Private Finance Initiative (PFI) Project

The Director of Children's Services submitted a report on the proposed Children's Services PFI project with the recommendation that it be included within the scope of the Independent Living PFI procurement. The report outlined a proposal to utilise PFI credits to build and equip a residential unit to offer short breaks for young people with learning disabilities and behavioural problems. This was part of the wider modernisation programme for Independent Living, which currently sought to improve housing, care and services for learning disabled adults in the city.

Following consideration of the appendix 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 extension of the scope of the Independent Living Project to include the procurement of the Children's Services PFI Project be approved;
- b.) That the Children's Services PFI projects as outlined in the report be approved;
- c.) That the financial issues covered within appendix 1 of the report be noted;
- d.) That the affordability threshold for the first full year of the Unitary Charge 2010/11 as set out in appendix 1 be agreed;
- e.) That the agreed affordability threshold as set out in appendix 1 be issued to bidders.

- 54 Design and Cost Report - Improvement Works to Various Establishments to Reprovide for the Loss of Holmfield Children's Home**
The Chief Officer, Children and Young People's Social Care submitted a report on the decanting requirements after the closure of Holmfield Children's Home which also sought permission to release part of the future capital receipt to the value of £226,210. The report outlined a summary of proposed works to be undertaken to minimise the impact of the placement move for those children affected by the closure of Holmfield.

RESOLVED –

- a.) That £226,210 of the capital receipt from the sale of Holmfield be used to fund the relocation costs as outlined in the report;
- b.) That the injection of the scheme into the capital programme be approved and authority given to incur expenditure of £226,210.

LEISURE

- 55 Leeds Grand Theatre Refurbishment, Phase 2 Works**
The Director of City Development submitted a report on the final cost of phase one works for the refurbishment of the Grand Theatre and on proposals for phase two of the works to continue the refurbishment of the theatre and renovate the adjacent Assembly Room.

The Director of City Development reported that the estimated construction and total project costs for the phase 2 works were within the total budget provision.

In presenting the report the Executive Member (Leisure) reported because of timing arrangements in relation to the contract there could be significant cost implications if this decision was to be subject to Call In.

RESOLVED –

- a.) That the revised estimated final cost of the phase 1 works at £22,365,000 be noted;
- b.) That a fully funded injection of £19,605 into existing capital scheme no. 03611/PH1/000 and the incurring of expenditure on the phase 1 works to refurbish the Grand Theatre be authorised;
- c.) That the current position regarding the proposed phase 2 works to refurbish Leeds Grand Theatre and adjacent Assembly Room be noted;
- d.) That the Council be authorised to conclude a grant agreement with the Arts Council England for a grant of £2,200,000 towards the cost of refurbishing the Leeds Grand Theatre and adjacent Assembly Room;
- e.) That an injection of £400,000 into existing capital scheme no. 03611/PH2/000 to be funded from Leeds Grand Theatre and Opera House Ltd and the Opera North and Leeds Grand Theatre Development Trust;
- f.) That, subject to concluding grant funding agreements with Arts Council England and the Heritage Lottery Fund, authorisation be given to entering into a building works contract with the preferred participating

contractor and to authorise total expenditure of £10,459,000 from existing capital scheme no. 03611/PH2/000 on the proposed refurbishment of Leeds Grand Theatre and Assembly Room;

- g.) That it be noted that the Council will be responsible for any cost overruns that may occur on the project that cannot be contained within the phase 2 project budget of £10,664,000.
- h.) That this decision be exempt from the provisions of Call In.

56 Leeds New Leaf Leisure Centres - Affordability Position

The Director of City Development submitted a report seeking agreement on the estimated affordability implications over the life of the proposed PFI contract for the new leisure centres in Armley and Morley. The report also requested permission to issue an outline proposal to the Department for Culture, Media and Sport (DCMS) regarding the potential to replace the existing leisure centre at Holt Park.

Following consideration of the appendix 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 following recommendations from the exempt appendix be agreed:
 - i.) The funding of the annual revenue deficits set out in detail in the annexe to the exempt appendix and at paragraph 2.6 of the appendix;
 - ii.) The funding of the annual client contract management costs following the successful signing of the contract;
 - iii.) That the approvals in (i) and (ii) above be subject to a.) the subsequent successful conclusion of negotiations through the Leeds LEP Ltd; and b.) further reports being submitted to the Board at appropriate times during the procurement, culminating in the approval of the submission of the Final Business Case and appropriate authorities to enter into the Contract at Final Close.

- b.) That the following recommendations from the open report be agreed:
 - i.) That the recommendations to the confidential appendix to the report be agreed and officers be authorised to issue the City Council's affordability thresholds relating to the PFI project to the LEP and to Environments for Learning;
 - ii.) That an outline proposal be issued to the DCMS regarding the potential to replace the existing leisure centre at Holt Park and pump prime the regeneration of the district centre and linkages with the community theatre and library at Ralph Thoresby PFI school should additional PFI credits become available be agreed.

ADULT HEALTH AND SOCIAL CARE

57 Reprovision of Windlesford Green Hostel for adults with learning disabilities and site disposal at less than best consideration

The Director of Adult Health and Social Care submitted a report on plans to reprovide the Supported Living Service for twenty seven people with a learning disability at Windlesford Green and to dispose of the Windlesford Green site at less than best consideration to enable the construction of suitable accommodation that meets the needs of service users and care standards requirements.

Three options were identified in the report for Members' consideration, as outlined below:

1. Continue providing services in the current building. This would lead to the loss of Supporting People income and refurbishment capital costs, and would also result in the loss of benefit income for residents.
2. Provide the service in a dispersed model. This would increase service operating costs to an unaffordable £250,000 per annum.
3. Single site development. Whilst this involves some loss of gross income through housing benefit, this is significantly less than losses experienced under option 1. The sale of the site would also release a capital receipt. This option was identified as most favourable as it met the strategic need to provide services within individuals homes and carried the lowest level of capital risk and revenue liability for the Authority.

RESOLVED –

- a.) That option 3 (single site development) be approved for the reprovision of Windlesford Green;
- b.) That proposals for the disposal of the site at less than best consideration to a value forgone of £455,000 or less dependent on the success of the bid for a Housing Corporation Grant be approved.

CENTRAL AND CORPORATE

58 Capital Programme Monitoring Update 2007/08

The Director of Resources submitted a report giving an update on the resources and estimated spend on the Capital Programme between 2006 and 2009 and highlighting the success of the scheme in delivering investment across the city. The report outlined capital programme pressures and recommended injections into the programme to address these.

RESOLVED –

- a.) That the contents of the report be noted;
- b.) That the Capital Programme injections detailed in paragraphs 3.1.3 to 3.1.10 of the report and appendix A be approved;
- c.) That the Director of Resources be given delegated authority to release funds from a capital contingency scheme of £200,000 for expenditure towards the World Corporate Games;

- d.) That the key principles for managing and controlling the Capital Programme as detailed in paragraph 3.1.11 of the report be approved;
- e.) That the amendment to the capital strategy as outlined in paragraph 3.4 of the report and Appendix B be approved;
- f.) That the measures being taken by the Director of Resources, in liaison with other directors, to ensure the affordability and sustainability of the Capital Programme be endorsed.

59 Financial Health Monitoring 2007/2008 - Quarter 1 Report

The Director of Resources submitted a report on the financial health of the Authority following the first three months of the new financial year, in respect of the revenue budget for general fund services and the housing revenue account.

RESOLVED –

- a.) That the projected financial position of the authority after three months of the financial year be noted;
- b.) That the treatment of LABGI and capital finance savings be approved;
- c.) That the use of up to £195,000 to fund new year pressures being £150,000 for flood alleviation, £24,000 for the part year costs of increasing Youth Service budgets delegated to Area Committees, and £45,000 for the co-location of business and enterprise with the Chamber of Commerce.

60 Treasury Management Annual Report

The Director of Resources submitted a report on the Treasury Management Strategy and operations for 2006/07 as required under the Prudential Code introduced in April 2004. This lifted the restriction on local authority borrowing and created a mechanism to stimulate capital investment, encouraging authorities to borrow whilst interest rates were at a low.

The report outlined that due to long term low interest rates and the restructuring of market loans throughout the year, the Council had made £22.2m in revenue savings.

RESOLVED – That the Treasury Management outturn position for 2006/07 be noted.

DATE OF PUBLICATION: 24TH AUGUST 2007
LAST DATE FOR CALL IN: 5TH SEPTEMBER 2007

(Scrutiny Support will notify Directors of any items called in by 12:00 noon on Thursday 6th September 2007.)