

EXECUTIVE BOARD

WEDNESDAY, 23RD JANUARY, 2008

PRESENT: Councillor A Carter in the Chair

Councillors R Brett, 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

146 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 disclosure to them of exempt information so designated as follows:

- (a) Appendices 1 and 2 of the report referred to in minute 153 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that publication could prejudice the City Council's commercial interests as, both the Appendix and Final Business Case include matters where final negotiations on the Contract are not yet complete, and these negotiations are confidential between the City Council, the LEP and Environments for Learning (E4L). In addition both the Appendix and Final Business Case contain sensitive commercial information supplied to the City Council by the LEP and E4L. In these circumstances it is considered that the public interest in not disclosing this commercial information outweighs the public interests of disclosure.
- (b) Appendix 1 to the report referred to in minute 157 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that publication could prejudice the City Council's commercial interests as, both the Appendix and the Final Business Case include matters where final negotiations on the Contract are not yet complete, and these negotiations are confidential between the City Council and the Preferred Bidder. In addition both the Appendix and the Final Business Case contain sensitive commercial information supplied to the City Council by the Preferred Bidder. In these circumstances it is considered that the public interest in not disclosing this commercial information outweighs the interests of disclosure.

147 Declaration of Interests

Councillor Brett declared a personal interest in the item relating to 'Putting People First' – Vision and Commitment to the Transformation of Adult Social

Care (Minute 156) as a member of the Burmantofts Senior Action Management Committee

148 Minutes

RESOLVED – That the minutes of the meeting held on 19th December 2007 be approved.

NEIGHBOURHOODS AND HOUSING

149 Disabled Facilities Grants

The Director of Environment and Neighbourhoods submitted a report on the proposed injection of £750,000 and proposed scheme expenditure in the same amount to meet the additional demand for mandatory Disabled Facilities Grants for private sector and housing association disabled residents in Leeds during 2007/08.

Following an announcement on 14th January 2008 from the Communities and Local Government Office giving additional grant approval of £530,000 an amended report to reflect this fact had been circulated subsequent to the agenda despatch.

RESOLVED –

- (a) That £220,000 be injected into the Capital Programme from the Capital Programme contingency fund.
- (b) That £530,000 be injected into the Capital Programme from additional Communities and Local Government Office grant funding announced on 14th January 2008.
- (c) That scheme expenditure to the amount of £750,000 be authorised.
- (d) That the Director of Environment and Neighbourhoods report back on progress of the scheme.

150 Local Government Ombudsman Report on Adaptations to a Council house to meet the needs of a disabled tenant

The Director of Environment and Neighbourhoods and the Director of Adult Social Care submitted a joint report on a recent finding of maladministration and injustice in a report issued by the Local Government Ombudsman where the needs of a disabled customer for property adaptation were not dealt with in a timely manner.

RESOLVED –

- (a) That the Ombudsman's report and findings and the Council's response be received and noted.
- (b) That the fundamental changes to procedure and policy resulting from the complaint be noted.
- (c) That a further report be brought to this Board on the operation of the Appeal Panel after the first twelve months of its operation.

CHILDREN'S SERVICES

151 Garforth Schools Trust

The Chief Executive of Education Leeds submitted a report on the detailed arrangements with regard to the changed relationship with the Local Education Authority following the formation of the Garforth Schools Trust.

RESOLVED –

- (a) That the implications of the formation of the Garforth Schools Trust, associated staff transfer arrangements and proposals to formalise the Asset Transfer Agreement be noted.
- (b) That approval be given to the proposal that Leeds City Council continue to provide buildings, contents, employer's liability and other insurance on behalf of the schools (including covering any excess) and recharge the cost of premiums accordingly.

152 Capital Injection of BSF and Existing PFI ICT Funding

The Chief Executive of Education Leeds submitted a report on the injection of the capital grant funding for the BSF programme as described in the ICT Strategic Partner Procurement Final Business Case and on additional funding secured from the national BSF programme to allow existing PFI secondary schools to access equivalent ICT funding.

RESOLVED –

- (a) That the progress made since the appointment of the ICT Strategic Partner be noted.
- (b) That approval be given to the injection of £23,877,000 BSF ICT Capital Grant funding for the 14 secondary schools being rebuilt or substantially refurbished as part of Wave 1 of the BSF programme in Leeds into capital scheme number 12137/000/000 and that expenditure of the same be authorised.
- (c) That approval be given to the injection of £12,410,600 BSF ICT Capital grant funding for the existing 8 PFI secondary schools into capital scheme number 14133/000/000 and that expenditure of the same be authorised.

153 Leeds Building Schools for the Future - Final Business Case and Execution of Contract for the New School for West Leeds and Wortley

The Deputy Chief Executive submitted a report on the proposed Final Business Case and arrangements to secure the provision of a new school for West Leeds and Wortley ('the Project') under Phase 2 of the Council's Wave 1 of the Building Schools for the Future programme financed through the Government's Private Finance Initiative.

It was reported at the meeting that approval of the Outline Business Case was still awaited.

Following consideration of appendices 1 and 2 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 approval be given to the submission of the Final Business Case to the Department for Children, Schools and Families and to Partnerships for Schools. The Final Business Case covers the new school for West Leeds and Wortley, as part of Phase 2 of the City Council's BSF Wave 1 programme financed through the Government's Private Finance Initiative.
- (b) That approval be given to the financial implications for the Council of entering into the Project and that the maximum affordability ceiling for the City Council in relation to the PFI contract of £3,973,000 as set out in Appendix 1 to the report, be agreed.
- (c) That approval be given to the arrangements to Financial Close and implementation of the Project to include (but not by way of limitation) the award/entry into a PFI Project Agreement to a special purpose company to be established under terms agreed between the City Council and the Leeds Local Education Partnership (LEP); and in connection therewith, the Deputy Chief Executive (or in his absence the Director of Resources) be authorised to make any necessary amendments to the Final Business Case, and give final approval to the completion of the Project, including (but not by way of limitation) the terms of the following:
 - i The Project Agreement
 - ii The Funders Direct Agreement
 - iii The Pensions Admission Agreement
 - iv Arrangements to appoint an independent certifier to assess the quality of the contractors' work
 - v Appropriate collateral warranties and
 - vi Governing body agreement with the Temporary Governing Body of the new school for West Leeds and Wortley

Together with any other documentation ancillary or additional to the above necessary for the completion of the Project ('Project Documents') subject to

- (A) DCSF approval of the Final Business Case
- (B) The Deputy Chief Executive (or in his absence the Director of Resources) being satisfied that the Project remains within the affordability constraints set out in Appendix 1 to the report
- (C) Receipt of a report satisfactory to the Deputy Chief Executive (or in his absence the Director of Resources) from the Council's external legal advisers, as described in paragraph 5.4 of the report
- (D) The Director of Resources (or in his absence the Chief Officer – Financial Management's) assessment on the balance sheet treatment in relation to the PFI contract as set out in paragraph 4 of Appendix 1 to the report
- (d) That the Director of Resources, as the statutory officer under section 151 of the Local Government Act 1972, or in his absence the Chief Officer – Financial Management be authorised to sign any necessary

certificates under the Local Government (Contracts) Act 1997 in relation to the Project.

- (e) That, in respect of certification under (d) above, and subject to the advice of the Assistant Chief Executive (Corporate Governance), a contractual indemnity be provided to the Director of Resources (or the Chief Officer – Financial Management, as appropriate) in respect of any personal liabilities arising from the certification.
- (f) That approval be given to the execution of the Project Documents, by affixing the Council's common seal and / or signature (in accordance with Articles 14.4 and 14.5 of Part 2 of the City Council's Constitution) and to approve that the Assistant Chief Executive (Corporate Governance) (or any other officer of the Council authorised by her) take any necessary further action to complete the Project including any final amendments to the Project Documents and to give effect to Members' resolutions and the delegated decisions referred to in the recommendations of the report.
- (g) That the Chair of the Education PFI/BSF Project Board (in consultation with the Director of Resources and the Assistant Chief Executive (Corporate Governance) be authorised to:
 - (i) authorise preparation, mobilisation and enabling works to be carried out in advance of 1st March on appropriate terms
 - (ii) subject to being satisfied that the risks of such an approach are appropriate, authorise terms to enable early works on site to be commenced in advance of financial close.
- (h) That a further report be brought to the Board providing general information on the demographic calculations used for the determination of future pupil numbers.

(This decision was exempt from Call In by reasons of urgency as detailed in paragraphs 2.6 and 2.7 of the report)

154 The Adjudicator decision on a proposal to close St Gregory's Catholic Primary School

Further to minute 64 of the meeting held on 11th September 2007 the Chief Executive of Education Leeds submitted a report on the outcome of the proposal to close St Gregory's Catholic Primary School in August 2008, referred by the Board to the Schools Adjudicator for determination.

RESOLVED – That the Adjudicator's decision to approve the proposal to discontinue St Gregory's Catholic Primary School in August 2008 be noted.

155 Academy Protocols

The Chief Executive of Education Leeds submitted a report on the proposed process of consultation with identified stakeholders to determine a framework of protocols against which Expressions of Interest for Academies in Leeds will be evaluated.

RESOLVED –

- (a) That Education Leeds carry out the consultation on the protocol framework.
- (b) That further reports be brought to this Board outlining the outcome of consultation and Expressions of Interest in joining the Alliance and sponsoring any Academies in Leeds.

ADULT HEALTH AND SOCIAL CARE

156 Putting People First - Vision and Commitment to the Transformation of Adult Social Care

The Director of Adult Social Services submitted a report summarising the content of a recently published document on the future development of Adult Social Care services, the regulatory framework through which the performance of local authorities will be judged in order to demonstrate a customer orientation to the delivery of those services and on work and proposed work to be undertaken in Leeds.

RESOLVED –

- (a) That the principles and direction contained in the protocol 'Putting People First – Vision and Commitment to the Transformation of Adult Social Care' be endorsed.
- (b) That the proposals to involve Elected Members through information, seminar, Executive Member leadership, cross party discussion and regular reporting to the Health and Adult Social Care Scrutiny Board be approved.
- (c) That the themes and framework for the inspection of Social Care Services and informal notification of a Service Inspection in 2008/09 be noted.
- (d) That the allocation of a Social Care Reform Grant be noted and that the Director of Adult Social Services in liaison with the Director of Resources develops an action plan incorporating the conditions of the grant.
- (e) That following the Government's recently published documents, a further report be prepared in respect of service implications for people with a learning disability.

157 Leeds Independent Living PFI Project - Final Business Case and Execution of Contracts

The Deputy Chief Executive submitted a report on the proposed Final Business Case and arrangements under the Council's Independent Living PFI Project ('the Project') to secure the building and maintenance of 75 properties with 343 bed spaces in the form of new independent living accommodation for adults with learning disability and mental health needs.

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 approval be given to the submission of the Final Business Case to the Department for Communities and Local Government (DCLG), Department for Health (DoH) and the Department for Children, Schools and Families (DCSF).
- (b) That the submission of this report and subsequent minutes to DCLG, DoH and DCSF be approved.
- (c) That the financial implications for the Council of entering into the Project be approved and that the maximum affordability ceiling for the City Council of £5,113,000 as set out in appendix 1 to the report be agreed.
- (d) That approval be given to the arrangements to Financial Close and implementation of the Project to include (but not by way of limitation) the award/entry into a PFI Project Agreement to a special purpose company to be established by the Leeds Independent Living Accommodation Company Consortium (LiLAC); and in connection therewith the Deputy Chief Executive (or in his absence the Director of Resources) be authorised to give final approval to the completion of the Project, including (but not by way of limitation) the terms of the following:
 - i The Project Agreement
 - ii The Funders Direct Agreement
 - iii The Pensions Admission Agreement
 - iv Arrangements to appoint an independent certifier to assess the quality of the contractors' work
 - v Appropriate collateral warranties

together with any other documentation ancillary or additional to the above necessary for the completion of the Project ('Project Documents') subject to

- (A) DCLG, DoH and DCSF approval of the Final Business Case
- (B) The Deputy Chief Executive (or in his absence the Director of Resources) being satisfied that the Project remains within the affordability constraint set out in (b) above.
- (C) Receipt of a report satisfactory to the Deputy Chief Executive (or in his absence the Director of Resources) from the Council's external legal advisers, as described in paragraph 5.4 of the report
- (D) The Director of Resources (or in his absence the Chief Officer – Financial Management's) assessment on the balance sheet treatment in relation to the PFI contract.
- (e) That the Director of Resources, as the statutory officer under section 151 of the Local Government Act 1972, or in his absence the Chief Officer – Financial Management, be authorised to sign any necessary certificates under the Local Government (Contracts) Act 1997 in relation to the Project
- (f) That, in respect of certification under (e) above and subject to the advice of the Assistant Chief Executive (Corporate Governance), a contractual indemnity be provided to the Director of Resources (or the

- Chief Officer – Financial Management as appropriate) in respect of any personal liabilities arising from the certification.
- (g) That approval be given to the execution of the Project Documents, by affixing the Council's common seal and / or signature (in accordance with Articles 14.4 and 14.5 of Part 2 of the City Council's Constitution) and that the Assistant Chief Executive (Corporate Governance) (or any other officer of the Council authorised by her) take any necessary further action to complete the Project including any final amendments to the Project Documents and give effect to Members' resolutions and delegated decisions referred to in these recommendations.
 - (h) That a further report be brought to this Board following completion of the affordability analysis of the Children's element of the PFI Project.

CENTRAL AND CORPORATE

158 Annual Report on Risk Management Arrangements

The Director of Resources submitted a report providing an assessment of how well each Directorate is progressing in implementing and embedding risk management arrangements across the authority, based on the information collated from each Directorate and on a proposed revised Risk Management Policy.

RESOLVED –

- (a) That the report and progress made in implementing and embedding risk management within the culture of the Council be noted.
- (b) That the revised Risk Management Policy on Risk Management be approved.
- (c) That the Director of Resources be authorised to revise the policy.

DEVELOPMENT AND REGENERATION

159 Leeds Local Development Framework - West Leeds Gateway Area Action Plan Preferred Options

The Director of City Development submitted a report seeking approval to consult on the Preferred Options for the West Leeds Gateway Area Action Plan.

RESOLVED – That the West Leeds Gateway Area Action Plan Preferred Options be approved for publication together with its Sustainability Appraisal Summary Report and other supporting documents and that representations be formally invited between 26th February and 8th April 2008.

160 Chapeltown Road Integrated Transport Scheme

The Director of City Development submitted a report seeking approval for the implementation of bus priority measures, pedestrian and cycling facilities, road safety improvements and traffic management measures as part of an integrated scheme on Chapeltown Road and Sheepscar Interchange.

RESOLVED –

- (a) That the Chapeltown Road Integrated Transport Corridor proposal as shown on drawing numbers 760248/100/001 and 760248/010/101A at an estimated total cost of £745,000 be approved.
- (b) That expenditure of £580,000 comprising £520,000 works costs and £60,000 staff costs for supervision be approved. (These costs being met from the Integrated Transport Scheme 99609 within the approved Capital Programme and being eligible for 100% Government funding.)
- (c) That the previous approval of staff costs of £165,000 to be met from the Integrated Transport Scheme 99609 within the approved Capital Programme be noted.

DATE OF PUBLICATION: 25TH JANUARY 2008
LAST DATE FOR CALL IN: 1ST FEBRUARY 2008 (5.00 PM)

(Scrutiny Support will notify Directors of any items called in by 12 noon on Monday 4th February 2008)