

APPENDIX 3

EXECUTIVE BOARD

WEDNESDAY, 11TH JUNE, 2008

PRESENT: Councillor R Brett in the Chair

Councillors A Carter, 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

1 **Exempt Information - Possible Exclusion of the Press and 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 1 to the report referred to in minute 15 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 on the basis that disclosure of the information could prejudice the Council's position in commercial negotiations if the PFI credits are allocated and the project proceeds.
- b) Appendix C to the report referred to in minute 5 under the terms of Access to Information Procedure Rule 10.4 (3) and on the grounds that this is information relating to the financial or business affairs of the parties identified in the report and of the Council. In the circumstances it is felt that any negotiations which have already taken place should not be in the public domain prior to any future competitive process as this may prejudice commercial interests. The Council acknowledges that, whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- c) Appendix 3 to the report referred to in minute 23 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it is considered that since the proposed means of disposal will be through inviting offers for the property by public auction, then it is not in the public interest to disclose this information at this point in time as this could undermine this method of inviting bids and affect the integrity of disposing of property by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial

interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of offers which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

- d) Appendices E, F and G to the report referred to in minute 24 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it is considered that its non disclosure outweighs the public benefit of disclosure as disclosure could seriously prejudice the outcome of future commercial dealings relating to this matter and could result in the Council suffering financial loss.
- e) A second report referred to in minute 7 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains financial and other confidential information relating to the Caddick and unsolicited offers. This information relates to the financial or business affairs of those particular companies, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained either through the negotiations with Caddick, which were conducted on a confidential basis, or in relation to the unsolicited offer, from the letter of offer which was made to the Council on a confidential basis, then it is not in the public interest to disclose this information at this point in time as to do so could lead to further competing bids from these companies or from the market generally, and in turn this would undermine the process for disposing of this site which the Council selects and affect the integrity of the disposal process. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and currently there is a greater public interest in ensuring that the site is disposed of in a fair and equitable manner with no party gaining a commercial advantage over another by having details of the likely level of other offers. Consequently, it is considered that in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

2 Declaration of Interests

Councillors A Carter, J L Carter, Finnigan, Golton, Harker, Harrand, Smith and Blake declared personal interests in the item relating to the Primary Capital Programme (minute 14) as Primary School Governors.

Councillor Wakefield declared personal interests in the item relating to Leeds Local Enterprise Growth Initiative (minute 26) as a member of the Catalyst project and in the items relating to the Joint Area Review (minute 11) and the review of the Children and Young People's Plan (minute 12) as a member of the Learning and Skills Council.

Councillor Harrand declared a personal interest in the item relating to Small Industrial Units (minute 24) as an unpaid director of an organisation occupying such a unit.

3 Minutes

RESOLVED – That the minutes of the meeting held on 14th May 2008 be approved.

ENVIRONMENTAL SERVICES

4 Deputation to Council - West Yorkshire Animals in Need seeking to ban the giving of goldfish as prizes

The Director of Environment and Neighbourhoods submitted a report responding to the deputation from West Yorkshire Animals in Need to Full Council on 9th April 2008. The report detailed the Council's current position with regard to this issue and offered proposals to strengthen that position.

RESOLVED – That approval be given to the insertion of a suitable clause in the land licenses provided to operators of events and fairs, to specifically prohibit the giving of goldfishes as prizes.

DEVELOPMENT AND REGENERATION

5 Deputation to Council - Local Residents Requesting the Council to Purchase Sports Facilities at Leeds Girls High School for use by Primary Schools and the Local community

The Director of City Development submitted a report providing a full response to the deputation from local residents to Full Council on 16th January 2008, following the holding response submitted to Executive Board on 12th March 2008.

Following consideration of appendix C 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- That the conclusions of the report be noted and

- (a) That the principle of any public greenspace requirement associated with a residential scheme, to comply with UDP Policy, being mainly provided at Ford House Garden be supported
- (b) That, over and above what is required by UDP Policy, and subject to it being affordable to the Council support be given to negotiations for the acquisition of the land south of Victoria Road, for use as informal greenspace, through a negotiated agreement, and that officers be authorised to continue to investigate this with the school.
- (c) That it be further noted that any proposal that the Elinor Lupton Centre become a licensed premises would not be supported by this Board and that the proposed use of the sports hall and swimming pool by a private operator with a 'community access agreement' would be supported by this Board.

(Councillor Finnigan declared a personal interest in this matter as a member of Plans Panel (East))

6 Deputation to Council- Retailers and Residents of Morley regarding the number of Charity Shops in Morley Shopping Centre

The Director of City Development submitted a report responding to the deputation from Retailers and Residents of Morley to Full Council on 9th April 2008.

RESOLVED-

- (a) That the Morley Mayor and traders be advised that, Leeds City Council, whilst sympathetic, is not disposed, at this stage, to support a national campaign to change national planning legislation, but will continue to support town and district centres through a range of positive interventions.
- (b) That discussions be held with other local authorities via the Local Government Association with a view to identifying any commonality of view and that a further report be brought to this Board on the outcome of those discussions.

7 Quarry Hill, Leeds 9

Referring to minute 34 of the meeting held on 11th June 2003, the Director of City Development submitted a report advising of the current situation relating to the disposal of the Council owned site at Quarry Hill.

Following consideration of the second 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 Director of City Development be authorised to complete the disposal of land at Quarry Hill to Caddick Developments Limited on the terms reported, subject to the adjustments set out in the report.
- (b) That all decisions relating to the disposal of this site at Quarry Hill be delegated to the Director of City Development.

NEIGHBOURHOODS AND HOUSING

8 Activity in the Private Rented Sector regarding Energy Efficiency

The Director of Environment and Neighbourhoods submitted a report on the current position and activity in relation to energy efficiency measures within the private rented sector.

RESOLVED –

- (a) That the proposed actions to promote energy efficiency measures in the private rented sector as contained in paragraph 5.0 of the report, and which build on those undertaken to date, be approved.
- (b) That the discretionary elements of housing benefit provisions be examined to determine whether they could be used in a manner which

would provide an incentive to landlords to improve energy efficiency in their properties.

9 Update on the Supporting People Programme

The Director of Environment and Neighbourhoods submitted a report providing an update on developments relating to the Supporting People programme since the Audit Commission inspection in January 2007.

RESOLVED – That the report be noted and that the Director of Environment and Neighbourhoods report to this Board on proposals for any changes to current governance and funding arrangements relating to the Supporting People programme once the Communities and Local Government Department confirm what changes they intend to make to the delivery of the programme.

10 Under Occupation in Council Housing

The Director of Environment and Neighbourhoods submitted a report providing details of the extent of under-occupation in Leeds, and proposing that new incentive schemes be developed to encourage under-occupying Council tenants to move to smaller properties to promote best use of housing stock. The report also clarified how the Leeds Arm's Length Management Organisations should use Ground 16 powers under the Housing Act 1985 to move under-occupying tenants who have succeeded to a Council tenancy following the death of the tenant.

RESOLVED –

- (a) That approval be given to expenditure of up to £300,000 in 2008/09 on encouraging under-occupiers in the largest stock to move to more appropriately sized accommodation.
- (b) That the available legal powers to manage under-occupation be used in accordance with section 3.3.5-6 of the submitted report.
- (c) That a further report be brought to the Board in February 2009 providing a detailed action plan with targets on how incentives for under-occupation can be adopted for 2009/10.

CHILDREN'S SERVICES

11 Leeds Joint Area Review

The Director of Children's Services submitted a report advising of the outcome of the inspection and of the formal requirements on actions arising from the inspection.

RESOLVED – That the outcome of the Joint Area Review and resultant actions to be undertaken be noted and that the Action Plan in that respect be brought to the July meeting of the Board.

12 The 2008 Review of the of the Children and Young People's Plan

The Director of Children's Services submitted a report presenting the 2008 review of the Children and Young People Plan and seeking endorsement of the revised Plan.

RESOLVED - That the 2008 Children and Young People's Plan Review be approved and endorsed.

13 Carlton Primary School - School Hall Extension

The Chief Executive of Education Leeds submitted a report on a proposed new build extension to Carlton Primary School to provide a new hall and kitchen, and associated remodelling works.

RESOLVED –

- (a) That the design proposals be approved and that authority be given to proceed with an extension to Carlton Primary School to provide a new hall and kitchen, and associated remodelling works;
- (b) That expenditure of £1,008,000 from capital scheme 14130 be authorised.

14 Primary Capital Programme Strategy for Change

The Chief Executive of Education Leeds submitted a report on the proposed strategic approach towards renewing primary schools, including prioritisation of need, within the first four years, and on the proposed Strategy for Change prior to final submission to the Department for Children, Schools and Families.

RESOLVED-

- (a) That the Strategy for Change formal submission to the DCSF, to ensure capital funding is received by Leeds, be approved
- (b) That specific proposals for school projects for the first two years of the programme will be considered by this Board in due course and in accordance with usual procedures.

LEISURE

15 Endorsement of Expression of Interest for PFI Credits for Holt Park New Leaf Well Being Centre Project

The Director of City Development submitted a report on an Expression of Interest for the Holt Park New Leaf Wellbeing Project submitted to the Department of Health.

Following consideration of the appendix to this 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 content of this report be noted and that the submission of the Expression of Interest for the Holt Park New Leaf Wellbeing Project be endorsed.
- (b) That approval be given to the combining of the Well Being Leisure Project with the New Leaf Well Being Centre Project, under the Education PFI Project Board should Credits be allocated for the project.

ADULT HEALTH AND SOCIAL CARE

16 Deputation to Council - Access Committee for Leeds Regarding Disability Inclusion Through Meaningful Involvement

The Director of Adult Social Services submitted a report responding to the deputation from the Access Committee for Leeds to Full Council on 9th April 2008.

RESOLVED

- (a) That the report be noted
- (b) That elected members and officers be supported and encouraged to work with the Independent Disability Council on a broad range of issues concerning disabled people.
- (c) That the widest possible participation in the debate on the future of social care, which is being undertaken by the government over coming months be supported and encouraged.
- (d) That the City Council's commitment to consultation and engagement with disabled people, in particular in addressing the major challenges to independent living arising from demographic change and the increasing costs of personal care, be confirmed.

17 Income for Community Care Services - Proposals for Consultation

The Director of Adult Social Services submitted a report setting out the current position of the review of income for non-residential adult social care services and on proposals for consultation on options.

RESOLVED-

- (a) That the contextual information outlined in the report and how it impacts on the contributions review be noted.
- (b) That the context for the consultation process be supported as the need to generate more income from service user contributions to improve our ability to invest in social care services and to support fairness, equity and consistency
- (c) That the contributions options set out in section 8.4 of the report be approved as the basis of stakeholder consultation.

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

18 Safeguarding Vulnerable Adults in Leeds

The Director of Adult Social Services submitted a report on the work underway in the city to strengthen arrangements designed to ensure that vulnerable adults in Leeds are adequately safeguarded.

RESOLVED-

- (a) That the report be noted in relation to the revisions to the Safeguarding Adults structures in the City and that the content of the annual report 2007/08, attached to the report be also noted
- (b) That the overall arrangements for Safeguarding Adults in the City be referred to the Scrutiny Board (Adult Social Care) so that consideration

can be given to the terms of an enquiry designed to test the strength and efficacy of Safeguarding work conducted across the partnership.

CENTRAL AND CORPORATE

19 Council Business Plan 2008-2011

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report providing information on the development, approach and broad content of the Council Business Plan 2008-11, and seeking endorsement of the plan prior to its formal approval by Full Council.

RESOLVED

- (a) That the Council Business Plan 2008-11 as attached at Appendix 1 to the report be endorsed
- (b) That the Assistant Chief Executive (Planning, Policy and Improvement) be authorised to update and complete the Council Business Plan with any outstanding information prior to its submission for approval to Full Council on 2nd July 2008.
- (c) That Council be recommended to approve the Council Business Plan 2008-11 at their meeting on 2nd July 2008.

20 Corporate Assessment 2008

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report detailing the outcome of the Corporate Assessment Inspection and highlighting the main findings and key issues for action.

RESOLVED -

- (a) That the Corporate assessment report and the action plan as attached at appendices 1 and 2 to the report be noted.
- (b) That the proposals outlined in the report for monitoring delivery of the action plan be noted.

21 Ward Based Initiatives 2008/2009

The Director of Resources submitted a report on a proposed Ward Based Initiative scheme to allow Elected Members to sponsor capital projects within their respective Wards

RESOLVED – That the report be noted and that expenditure of £990,000 be authorised, subject to approvals in line with procedures set out in the Guidance Notes attached to the report, and subject to an amendment to those notes to make clear the sums of money which can be awarded to such schemes.

22 Financial Performance - Outturn 2007/08

The Director of Resources submitted a report on the Council's financial performance for the year ending 31st March 2008, prior to submission of the annual accounts to the Corporate Governance and Audit Committee for approval, and subject to Audit.

RESOLVED -

- (a) That the report be noted
- (b) That £300,000 be transferred to the contingency fund in 2008/09 in accordance with paragraph 3.4 of the submitted report
- (c) That the additional contributions to and the creation of, earmarked reserves of £3,800,000 in respect of the HRA be agreed as outlined in the HRA report attached at Appendix 1 to the report
- (d) That the creation of two new General Fund earmarked reserves as outlined in paragraph 3.5 of the report be agreed
- (e) The Board noted that right to buy capital receipts that are not required in 2007/08 to fund the HRA capital programme have been used to fund the general fund, thereby reducing borrowing costs with compensating resources to be returned to the HRA programme in 2008/09.

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

DEVELOPMENT AND REGENERATION

23 Deputation to Council -Muslim Society of Leeds regarding the future of Bentley Primary School

The Director of City Development submitted a report responding to the deputation from the Muslim Society of Leeds to Full Council on 9th April 2008.

Following consideration of appendix 3 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- That the request from the Muslim Society of Leeds to acquire the former Bentley Primary School for community purposes be noted, but that the proposed sale on the open market in support of the Council's capital programme proceed as soon as possible in this financial year.

24 The Future Ownership and Management of the Council's Small Industrial Unit Portfolio, St Ann's Mills/ Abbey Mills, Kirkstall and the Investment and Agricultural Property Portfolios

The Director of City Development submitted a report providing an update on the outcome of the partnering / marketing exercises for the SIU portfolio and for St Ann's Mills / Abbey Mills, Kirkstall and setting out the outcomes in the context of the current Capital Programme pressures.

Following consideration of appendices E, F and G 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 the Board notes:
 - (i) the failure to identify a suitable partner to manage the Council's SIU portfolio
 - (ii) the failure to identify a suitable partner and to receive a credible offer for St Ann's Mills, Kirkstall
- (b) That disposals in support of the Capital Programme be agreed as follows:
 - (i) selected miscellaneous investment properties as detailed in Appendix E Tables 3a and 3b of the report
 - (ii) the farm buildings and gardens, but not the associated farm land, of the agricultural properties detailed in Appendix E Table 2a.
 - (iii) the selected small industrial unit properties detailed in Appendix E Table 1a (including St Ann's Mills, Kirkstall), subject to discussion with ward members on details relating to the proposed Ledston Luck disposal

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

25 City Centre Vision Conference

The Director of City Development submitted a report advising of the outcomes arising from the City Centre Vision Conference held in January and recommending how best to take forward the issues and ideas that emerged.

RESOLVED-

- (a) That the successful outcome of the City Centre Vision Conference and the ongoing work regarding the arena, funding and the removal of street clutter be noted
- (b) That officers investigate the feasibility of implementing the 'Big Ideas' from the Conference and the work as proposed in section 5.0 of the report
- (c) That the Council work with and consult the Leeds Initiative and other partnership groups to help develop more detailed proposals
- (d) That an annual update on overall progress be brought back to this Board in January 2009 and that reports on individual projects be brought back at the appropriate time.

26 Sharing the Success: Leeds Local Enterprise Growth Initiative (LEGI)

The Director of City Development submitted a report on progress made on the implementation of Sharing the Success, the Leeds LEGI programme.

RESOLVED-

- (a) That the programme as commissioned to date by the programme Board be endorsed

- (b) That decisions on expenditure in line with the approved Officer Delegation Scheme be taken by the Director of Development in consultation with the LEGI Board
- (c) That further annual reports on progress in implementing the LEGI programme be brought to the Board.

27 Kirkgate Market Development Strategy Update

Further to minute 274 of the meeting held on 18th May 2005, the Director of City Development submitted a report detailing the outcome of the public consultation regarding Kirkgate Market and inviting consideration of the alternatives available for moving the preferred redevelopment option forward.

RESOLVED-

- (a) That the results of the public and tenant and trader consultation be noted and that development proposals continue to be advanced on the basis of those set out in the consultation document and on the basis of the accord shown in the public, tenant and trader opinions as set out in section 3 of the report;
- (b) That the informal discussions with the Leeds Partnership be noted;
- (c) That the commencement of an initial three month period of exclusivity with the Leeds Partnership in order to identify a suitable development option for Kirkgate Market be approved;
- (d) That officers bring back a further report to this Board detailing the outcome of the discussions with the Leeds Partnership.

DATE OF PUBLICATION 13TH June 2008
LAST DATE FOR CALL IN (5.00 PM) 20TH June 2008

(Scrutiny Support will notify Directors of any items Called In by 12 noon on Monday 23rd June 2008)