

## EXECUTIVE BOARD

WEDNESDAY, 5TH NOVEMBER, 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 and K Wakefield

Councillor J Blake – Non voting advisory member

### 113 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) Appendices 7 and 8 to the report referred to in minute 120 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the information contained in the appendices relates to the financial or business affairs of Bellway Homes Ltd, Bellway PLC, and 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 it is not in the public interest to disclose this information at this point in time as this could prejudice the commercial interests of the parties to the Shareholders Agreement. In particular, if Bellway or the Council wished to negotiate terms with other potential developers of a phase or part of a phase, those developers might gain an advantage in those negotiations by knowing the full commercial terms agreed in respect of exclusivity, competition and incentivisation, and how costs are met in respect of the phase approval process.

It is considered that whilst there may be a public interest in disclosure, the council's statutory obligations under sec 123 of the Local Government Act 1972, and under sec 32 of the Housing Act 1985 and the General Housing Consents 2005 to achieve the best consideration that can reasonably be obtained are unaffected by these arrangements, and indeed the phase approval process provides for this to be demonstrated at the initial stage of the process. In addition, much information about the terms of particular land transactions between the parties will be publicly available from the Land Registry following completion and registration. Consequently it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

- (b) Appendices 1 and 2 and associated plans as referred to in minute 133 under the terms of Access to Information Procedure Rule 10.4(3) and

on the grounds, that as they evaluate the short listed bidders' proposals and their financial offers to develop the arena, compares the bidder's financial offers with the evolving Public Sector Comparators and set out the basis of the Council's legal agreements and funding contribution to facilitate the development of the arena, it is considered that the public interest in maintaining this information as exempt outweighs the public interest in disclosing the developer's proposals, the terms of the respective legal agreements and funding provision, as disclosure may prejudice the outcome of the procurement process and the cost to the Council for developing the arena.

**114 Late Items**

The Chair admitted the following late item to the agenda as follows:

Department of Health Extra Care Housing Fund Bid 2008-2010 (Minute 127)

The signed partnership agreement for the development must be in place by November 2008 in accordance with the terms of the grant by the Department of Health.

**115 Declaration of Interests**

Councillor J Procter declared a personal interest in the item entitled, 'Proposed Leeds Arena – Selection of Preferred Developer/Site', (minute 133) as the Chair of one of the subject companies was known to him.

Councillor Brett declared a personal interest in the item entitled, 'Older People's Day Services: Service Improvement Plan', (minute 125) as a member of Burmantofts Senior Action Committee.

Councillor Finnigan declared a personal interest in the item entitled, 'Skills Pledge, Train to Gain and Apprenticeships', (minute 131) as a Governor of Joseph Priestley College.

Councillor Blake declared a personal interest in the item entitled, 'Implementation of the Mental Health Act 2007', (minute 128) as a member of Leeds NHS Primary Care Trust.

**116 Minutes**

**RESOLVED** – That the minutes of the meeting held on 8<sup>th</sup> October 2008 be approved.

**DEVELOPMENT AND REGENERATION**

**117 Adoption of the Supplementary Planning Document of the Street Design Guide and Response to the Deputation of the National Federation of the Blind**

The Director of City Development submitted a report on the outcome of consultation on the Street Design Guide, on its proposed adoption as a Supplementary Planning Document and as a response to the concerns

expressed by the Leeds Branch of the National Federation of the Blind in their deputation to Council on 10<sup>th</sup> September 2008.

The Board noted that additional information which related to this matter had been received from the Leeds Branch of the National Federation of the Blind.

**RESOLVED** – That the report be deferred, with a further report being submitted to the Board following the consideration of the additional information received from the Leeds Branch of the National Federation of the Blind.

## **NEIGHBOURHOODS AND HOUSING**

### **118 Area Delivery Plans for 2008/09**

The Director of Environment and Neighbourhoods submitted a report seeking endorsement of the 10 Area Delivery Plans.

**RESOLVED** – That the 2008/09 Area Delivery Plans produced by the Area Committees be endorsed.

### **119 Public Private Finance Initiative Round 6 - Submission of Expression of Interest**

The Chief Regeneration Officer submitted a report on the development of an expression of interest for the implementation of a programme of new house building in the city in order to create a range of Extra Care and Lifetime Homes provision in key locations through the support of Housing PFI Credits.

#### **RESOLVED –**

- (a) That approval be given for the submission of the Expression of Interest to the CLG for Round 6 Housing PFI Credits of £271,000,000.
- (b) That an Outline Business Case be developed for the implementation of a programme of new house building in the City to create a range of Extra Care and Lifetime Homes housing through the support of Round 6 Housing PFI Credits.
- (c) That a further report be brought to this Board in early 2009 identifying land which will be required to deliver the programme.

### **120 EASEL Joint Venture Partnership**

The Directors of Environment and Neighbourhoods and City Development submitted a joint report on a proposal to set up and operate a joint venture partnership through a private limited company with Bellway plc and Bellway Homes Ltd to deliver the Council's regeneration programme in east and south east Leeds.

Following consideration of appendices 7 and 8 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 reaffirms that the primary objective of the EASEL initiative is to promote and improve the economic, social and environmental wellbeing of the EASEL area and its residents, having considered all of the matters in section 2 of the Local Government Act 2000 as set out in the report, and having also considered all of the evidence set out in the report relating to how the initiative is likely to promote and improve wellbeing in the EASEL area, and agrees that each aspect of the arrangements set out in the report is likely to promote or improve the economic, social and environmental wellbeing of the EASEL area and its residents in the manner set out in the report.
- (b) That the terms of the Shareholders' Agreement for the Joint Venture Company as set out in the report be approved by Executive Board, together with the establishment of the JVCo with Bellway.
- (c) That the first EASEL phase plan, showing the sixteen sites considered as priority for development in the EASEL area be approved.
- (d) That the initial eight sites to be developed through the JVCo be approved.
- (e) That delegation to the Director of City Development be authorised to make amendments to the phase plan to ensure the effective operation of the JVCo as set out in appendix 3 of the report.
- (f) That the Directors of City Development and Environment and Neighbourhoods and Assistant Chief Executive (Corporate Governance) be authorised to conclude and execute the Shareholders' Agreement on behalf of the Council as set out in the report.
- (g) That the development, by the JVCo, of the five neighbourhood plans be approved and that the Chief Regeneration Officer be authorised to manage the production of the neighbourhood plans with the JVCo subject to the completed plans being brought to this Board for final approval.
- (h) That the use of the business case for project development to be operated by the JVCo be approved subject to final approval (by the Council as JVCo shareholder) of a project by Executive Board.
- (i) That the delegations to the Chief Regeneration Officer and Director of City Development for the development of projects as set out in appendix 3 of the report be approved.
- (j) That, as prospective shareholder, approval be given to the initial draft business plan and draft budget for the JVCo and to the delegations to officers to participate in the management of the JVCo as set out in appendix 3 of the report.
- (k) That approval be given to the use of entry premium to fund the working capital of the company subject to approval of the JVCo draft business plan and draft budget.
- (l) That the arrangements for providing additional working capital to the company once the entry premium is spent be noted.
- (m) That the company dividends policy be approved and that responsibility on these issues be delegated to the Director of Resources as set out in appendix 3 of the report.

- (n) That the development of an equity loan scheme on the first phase of the EASEL development sites using a commuted sum mechanism be authorised.
- (o) That the delegations to the Chief Housing Services Officer on the details of the scheme be authorised.
- (p) That the transfer of the remaining funds from the Amberton Park equity loan scheme to the EASEL equity loan scheme be approved.
- (q) That the nomination of the Council's initial directors to the company be the Directors of City Development and of Environment and Neighbourhoods as unpaid directors subject to their acceptance of office and of the directors mandate.
- (r) That the directors mandate for the Council's directors and the provision by the Council of the necessary indemnity insurance for the Council's directors be approved.
- (s) That the arrangements for the appointment of future directors and deputies as set out in appendix 3 of the report be approved.
- (t) That a report be submitted to the Board providing further information on the regenerative aspects of the project in addition to other potential sources of funding which could be pursued.

#### **121 A Strategy for Improving Leeds Private Sector Housing**

The Director of Environment and Neighbourhoods submitted a report on proposed future investment and regeneration proposals for private sector housing in Leeds with reference to findings of recent research into back-to-back housing and the most recent Leeds Private Sector Housing Condition Survey.

#### **RESOLVED –**

- (a) That the findings of the report together with the actions undertaken by the Council to improve the private rented sector stock be noted.
- (b) That a further report be brought to this Board on urgent action to tackle poor quality private housing.
- (c) That a detailed submission be made to the Homes and Communities Agency setting out a costed programme of investment over the next five years.
- (d) That a report be brought back to this Board on the outcome of discussions as part of a comprehensive plan to improve private sector housing in Leeds with a focus on back-to-back housing.

#### **CHILDREN'S SERVICES**

#### **122 Deputation to Council - The need of Local Schools and Communities for Sports Facilities in the Hyde Park Area**

The Chief Executive of Education Leeds submitted a report in response to the deputation to Council from local Hyde Park residents on 10<sup>th</sup> September 2008.

A revised version of the report which provided more detailed information in the form of paragraphs 5.3 to 5.5, and minor clarification to wording in paragraph 5.1, had been circulated to Members prior to the meeting.

**RESOLVED** – That the report be deferred, with a further report being submitted to the Board for consideration in due course.

**123 Inclusion and Early Support: Hawthorn Centre Deputation to Council**

The Acting Chief Officer Early Years and Integrated Youth Service submitted a report in response to the deputation to Council from representatives of Leeds Mencap on 10<sup>th</sup> September 2008.

**RESOLVED** – That the Board accept the report showing how Hawthorn had the opportunity to be involved throughout the commissioning process and how as a result of that process, services will continue to be provided that meet the needs of disabled children and their families and look to further develop the quality of that support in the future.

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

**LEISURE**

**124 Radio Frequency Identification (RFID) New Technology in Libraries - Phases 3 and 4.**

The Director of City Development submitted a report on a proposal to complete the installation programme of Radio Frequency Identification technology in libraries to enable self service within libraries allowing them to open for longer hours at a reduced cost.

**RESOLVED** – That approval be given for the injection of £1,249,950 into the 2008/09 Capital Programme, funded by the Strategic Development Fund, and that scheme expenditure in the same amount be authorised.

**ADULT HEALTH AND SOCIAL CARE**

**125 Older People's Day Services: Service Improvement Plan**

Further to minute 46 of the meeting held on 16<sup>th</sup> July 2008 the Director of Adult Social Services submitted a report on progress of work undertaken to implement the proposals which were approved and on other ongoing work in relation to the pilots and developing locality plans which will set out how the service model will be delivered city wide.

**RESOLVED –**

- (a) That the Board notes the work which has been done to implement the decision of July 2008 relating to Richmond Hill Day Centre, Farfield, the Willows and Pendas Way and agrees the proposal that day services no longer be provided on those sites.
- (b) That the related commitment to reinvest in older people's services be noted together with the progress being made to develop locality plans to deliver the new service model through pilots, consultation and other detailed work.

- (c) That further reports be brought to this Board in 2009 as the change process progresses.

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

**126 The Mental Capacity Act 2005**

The Director of Adult Social Services submitted a report on the principal requirements and implications associated with the implementation in Leeds of the Mental Capacity Act 2005 and outlining the requirements of the Deprivation of Liberty Safeguards which are incorporated into the Act.

**RESOLVED –**

- (a) That the key features of the Act, as highlighted in the report, be noted together with progress made to date in its full implementation and the plans which are being progressed to raise greater awareness among the public of its provisions and implications.
- (b) That the content of the annual report of the Articulate Advocacy Service also be noted.

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

Further to minute 94 of the meeting held on 8<sup>th</sup> October 2008, the Chief Officer Adult Social Care submitted a report which clarified the cost implications of the proposal to redevelop Hemingway House older persons residential home in Hunslet.

**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 foregone of £525,000 be endorsed.

**128 Implementation of The Mental Health Act 2007**

The Director of Adult Social Services submitted a report advising of the main changes to the Mental Health Act and on the submission of the Implementation Self Assessment Tool to the Department of Health in June of this year.

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

**CENTRAL AND CORPORATE**

**129 Financial Health Monitoring 2008/09 - Half Year Report**

The Director of Resources submitted a report on the Council's financial health position for 2008/09 after six months of the financial year, covering revenue expenditure and income to date compared to the approved budget, the projected year end position and proposed actions to work towards achieving a balanced budget by the year end. The report also provided an

update on the general fund capital programme and highlighted the position in relation to other key financial indicators.

**RESOLVED –**

- (a) That the projected financial position of the authority after six months of the new financial year be noted.
- (b) That directorates continue to develop and implement action plans.
- (c) That Council be recommended to approve the budget adjustments as described in section 3 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 the decisions contained within this minute).

**130 Treasury Management Strategy Update 2008/09**

The Director of Resources submitted a report providing a review and update of the Treasury Management Strategy for 2008/09 which was approved by the Board on 8<sup>th</sup> February 2008.

**RESOLVED –**

- (a). That the report be noted.
- (b). That the Board's thanks be extended to those colleagues employed within the field of Treasury Management for the valuable work which they continue to undertake.

**131 Skills Pledge, Train to Gain and Apprenticeships**

The Director of Resources submitted a report on three key initiatives arising from the national skills improvement agenda, namely 'The Skills Pledge', 'Train to Gain Funds' and 'Apprenticeships'.

**RESOLVED –**

- (a) That this Board endorses the signing of the Skills Pledge and the associated action plan to ensure maximisation of Train to Gain funding and improved skills levels.
- (b) That the changes in approach to the provision of apprenticeships in the Council be noted.

**132 Information Governance Framework**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report on a proposed Information Governance Framework as the corporate model for implementing information governance across the Council.

**RESOLVED –**

- (a) That the Information Governance Framework be approved as a method for defining the Council's approach to information governance and setting out the policies, procedures and standards required to deliver the information governance objectives.
- (b) That the intention of the Assistant Chief Executive (Planning, Policy and Improvement) to sign-off relevant policies and procedures



associated with the Framework under the Council's delegated decision making arrangements be endorsed.

## **DEVELOPMENT AND REGENERATION**

### **133 Proposed Leeds Arena, Selection of Preferred Developer/Site**

The Director of City Development submitted a report on progress made with the procurement of a developer and site for the proposed Leeds Arena, on the proposed preferred and reserve sites for the development and necessary financial approvals.

Appendices 1 and 2 and associated plans were designated as exempt under Access to Information Procedure Rule 10.4(3). Appendix 2 and associated plans were circulated at the meeting.

Following consideration of the 2 exempt appendices and associated plans in private at the conclusion of the meeting it was

#### **RESOLVED –**

- (a) That the developer procurement competition for the arena be terminated without the award of a contract.
- (b) That Claypit Lane be approved as the preferred site for the development of an arena.
- (c) That Elland Road be approved as the reserve site for the development of an arena.
- (d) That in the event that the preferred site cannot be delivered or it ceases to be the most economically viable or it no longer offers the best value for money to the Council, the Director of City Development with the concurrence of the Executive Member for Development and Regeneration be authorised to take appropriate action to pursue the development at Elland Road as the reserve site for the proposed development of an arena.
- (e) That the acquisition of the site of the Brunswick Building from Leeds Metropolitan University on the terms detailed in the report be approved.
- (f) That the Directors of Resources and City Development be authorised to enter into a legal agreement with Town Centre Car Parks Ltd on the terms as detailed in the report on the basis that such an agreement is economically advantageous to the Council and will financially support the development of an arena on the preferred site.
- (g) That authority be given to incur expenditure as detailed in the report from existing Capital Scheme No 13307 on the acquisition of the site of the Brunswick Building, its demolition and the cost of fees to progress design/cost proposals and the project delivery model.
- (h) That officers report back on the proposed project delivery model and scheme proposals/costs for the development of an arena on the preferred site.
- (i) That the transfer of funds as detailed in the report from the Strategic Development Fund into existing Capital Scheme No 13307 be authorised.

- (j) That authority be given for an injection of funds as detailed in the report into existing Capital Scheme No 13307, comprising funding from Yorkshire Forward (subject to formal approval from the Yorkshire Forward Board) with the balance in the first instance to be funded from unsupported borrowing.

(The matters referred to in this minute were not eligible for Call In on the basis that the City Council took the decision to pursue a two stream procurement process to select a preferred developer/site for the proposed arena at a meeting of the Executive Board on 13 December 2006. Thereafter, at its meeting on 4 July 2007, Executive Board authorised the Director of City Development under the Council's scheme of delegation, to approve the short listing of potential developers/sites during the Competitive Dialogue Procurement process. Both decisions taken by the Executive Board were subject to the Council's Call In procedures. The decisions contained within this minute which relate to the selection of the preferred site for the arena are consistent with the decisions taken by Executive Board in December 2006 and July 2007.

The matters relating to the proposed legal agreements to be entered into to progress the arena development on the preferred site, the proposed funding arrangements and the authority to incur expenditure, were also designated as exempt from Call In. This is due to the fact that under the Council's Constitution, a decision may be declared as being Exempt from Call In if it is considered that any delay in concluding the funding arrangements and legal agreements may result in parties to the agreements seeking to renegotiate the terms of such agreements and as such could increase the level of public sector gap funding required to facilitate the arena development.)

**134 Former Horsforth Library - Refurbishment for Youth Centre and Area Management Team Accommodation**

The Director of City Development submitted a report on the proposed refurbishment of the former Horsforth library building to provide accommodation for a youth centre and the area management team and for use by the Area Committee.

**RESOLVED** – That authority be given for expenditure of £895,000 on this scheme.

**135 Proposed Takeover of HBOS by Lloyds TSB**

The Director of City Development submitted a report providing an update on the action being taken locally in relation to the proposed takeover of HBOS by Lloyds TSB; the takeover of Bradford and Bingley by the Government, and sale of some of its assets.

The Board was advised of the recent announcement that the Carlsberg Tetley Brewery in Leeds was due to close in 2011. In response the Board discussed potential ways in which the Council could assist those affected by the closure.

**RESOLVED** – That the report be noted, that the actions being taken be endorsed and that further reports be brought back to the Board as the position becomes clearer.

### **ENVIRONMENTAL SERVICES**

**136 Waste Solution for Leeds - Residual Waste Treatment PFI Project - Evaluation Methodology and Update**

The Director of Environment and Neighbourhoods submitted a report on progress of the project, on proposed criteria and sub-criteria for the evaluation of bids, identifying a price ceiling above which bidders may be disqualified and on the proposed approach to dealing with third party waste.

**RESOLVED –**

- (a) That the report be noted and approval given to the criteria, sub-criteria and weightings for the evaluation of bids received for the project.
- (b) That the revised Price Ceiling resulting from the change in the waste flow model be noted and that this Board approves that any bids received above this ceiling may not proceed further in the procurement.
- (c) That the approach towards third party waste be approved.

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

DATE OF PUBLICATION: 7<sup>TH</sup> NOVEMBER 2008  
LAST DATE FOR CALL IN: 14<sup>TH</sup> NOVEMBER 2008

(Scrutiny Support will notify Directors of any items Called In by 12.00 noon on Monday 17<sup>th</sup> November 2008)