

## EXECUTIVE BOARD

TUESDAY, 22ND JUNE, 2010

**PRESENT:** Councillor K Wakefield in the Chair

Councillors A Blackburn, J Blake, A Carter,  
S Golton, P Gruen, R Lewis, T Murray,  
A Ogilvie and L Yeadon

Councillor J Dowson – Non-voting advisory member

### 1 **Chair's Opening Remarks**

The Chair welcomed all in attendance to the meeting and thanked his predecessors, Councillors A Carter and Brett, for the equitable way in which they had conducted previous Board meetings.

### 2 **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 as 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 2 to the report referred to in Minute No. 14 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the appendix contains information relating to the business and financial affairs of the Council, and disclosure of such information would, or would be likely to, prejudice the commercial interest of the Council in securing best value for money solutions in the future.
- (b) The appendices and the Final Business Case (FBC) document referred to in Minute No. 15 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that publication could prejudice the Council's commercial interests, as both the appendices and the FBC (lodged with the clerk to this Executive Board and available for inspection by Members of Executive Board) include matters where final negotiations on the Contract are not yet complete, and these negotiations are confidential between the City Council, the Local Education Partnership (LEP) and the Environments for Learning (E4L) Consortium. In addition, both the appendices and the FBC contain sensitive commercial information supplied to the City Council by E4L. In these circumstances it is considered that the public interest in not disclosing this commercial information outweighs the interests of disclosure.
- (c) Appendix 1 to the report referred to in Minute No. 21 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that

the information contained within the appendix relates to the financial or business affairs of a particular person, 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 through one to one negotiations for the disposal of the property/land then it is not in the public interest to disclose this information at this point in time. 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 consideration 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.

### **3 Declaration of Interests**

Councillor Blake declared a personal interest in the item referred to in Minute No. 20, as a trustee of the Health For All organisation.

Councillor Murray declared a personal interest in the item referred to in Minute No. 16, as a Director of Learning Partnerships.

Councillor Murray declared a personal and prejudicial interest in the item referred to in Minute No. 5, due to his involvement in a charitable organisation involved in the running of a Kirkgate Market stall.

Councillor Wakefield declared a personal interest in the item referred to in Minute No. 10, as a stakeholder in Tiger 11.

Further declarations of interest were made at later points in the meeting (Minute Nos. 19 and 24 refer).

### **4 Minutes**

**RESOLVED** – That the minutes of the meeting held on 19<sup>th</sup> May 2010 be approved as a correct record.

## **DEVELOPMENT AND REGENERATION**

### **5 Deputation to Council - The National Federation of Market Traders on behalf of Kirkgate Market Traders regarding the Strategy for Leeds Market**

The Director of City Development submitted a report in response to the deputation to Council from the National Federation of Market Traders on behalf of Kirkgate Market Traders on the 21<sup>st</sup> April 2010.

## **RESOLVED -**

- (a) That the contents of the submitted report and the actions being taken to support the market be noted.
- (b) That endorsement be given to the proposal that following a review of markets management and consultation with Trades Unions, a permanent Markets Manager post is created and that the Council's normal recruitment policies are followed for a post of this grade.
- (c) That there be no immediate rent reduction, but that an independent rent review be undertaken and that the charges for extending produce beyond stalls into the 'Yellow Line' area be reduced and that administrative charges for a change in use etc. be reviewed and that notice periods be reduced from six to three months in line with notice periods of other commercial Council leases.
- (d) That there be no reduction in car parking charges.
- (e) That a fully costed report on the condition of the whole of the market be submitted to a future meeting of Executive Board.
- (f) That tenants continue to be encouraged to take advantage of the Business Support Scheme.

(Having declared a personal and prejudicial interest in this item, Councillor Murray left the meeting for the duration of this item).

## **RESOURCES AND CORPORATE FUNCTIONS**

### **6 Final Statement and Recommendations of the Scrutiny Board (City and Regional Partnerships) on the Kirkstall Joint Service Centre**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report in response to the recommendations detailed within the Scrutiny Board (City and Regional Partnerships) statement regarding Kirkstall Joint Service Centre.

The Chair of the Scrutiny Board at the time the inquiry was undertaken attended the meeting to present the Board's findings.

**RESOLVED** - That the proposed responses to the recommendations of the Scrutiny Board (City and Regional Partnerships) be approved.

## **DEVELOPMENT AND REGENERATION**

### **7 Response to Scrutiny Board (City Development) Inquiry into the Method by which Planning Applications are Publicised and Consultation Undertaken**

The Director of City Development submitted a report in response to the recommendations arising from the Scrutiny Board (City Development) inquiry into the method by which planning applications were publicised and consultation was undertaken.

The Chair of the Scrutiny Board at the time the inquiry was undertaken attended the meeting to present the Board's findings.

**RESOLVED** - That the proposed responses to the Scrutiny Board (City Development) recommendations be approved.

**8 Response to Scrutiny Board (City and Regional Partnerships) Inquiry into Integrated Transport Strategies for Leeds and the Wider Region**

The Director of City Development submitted a report in response to the recommendations arising from the Scrutiny Board (City and Regional Partnerships) inquiry into integrated transport strategies for Leeds and the wider region.

The Chair of the Scrutiny Board at the time the inquiry was undertaken attended the meeting to present the Board's findings.

**RESOLVED** - That the Director of City Development's responses to the recommendations of the Scrutiny Board (City and Regional Partnerships) inquiry into "Integrated Transport Strategy for Leeds and the Wider Region", be approved.

**NEIGHBOURHOODS AND HOUSING**

**9 Response to Scrutiny Board (Environment and Neighbourhoods) Statement regarding the Procurement of Housing Contracts**

The Director of Environment and Neighbourhoods submitted a report in response to the recommendations detailed within the Scrutiny Board (Environment and Neighbourhoods) statement regarding the procurement of housing contracts.

The Chair of the Scrutiny Board at the time the inquiry was undertaken attended the meeting to present the Board's findings.

**RESOLVED** – That the proposed responses to the recommendations of the Scrutiny Board (Environment and Neighbourhoods) be approved.

**LEISURE**

**10 South Leeds Sports Centre**

Further to Minute No. 79, 26<sup>th</sup> August 2009, the Chief Recreation Officer submitted a report outlining proposals to extend the Council's management of South Leeds Sports Centre for up to four months, in order to allow continuity of service pending a decision in relation to a possible community asset transfer.

**RESOLVED** –

- (a) That the postponement of the closure of South Leeds Sports Centre for up to four months from the current approved date of 21st June 2010 be

approved, and a further report regarding the proposed community asset transfer be submitted to the Board within that period of time.

- (b) That the financial implications of continued opening, which will be met by the reprioritising of resources in the City Development Directorate, be noted.

**11 Woodhouse Moor Park Barbecue Use**

Further to Minute No. 66, 26<sup>th</sup> August 2009, the Director of City Development submitted a report providing an update on the actions taken following a previous Executive Board decision regarding barbecue usage on Woodhouse Moor, detailing a summary of the research and consultation undertaken in respect to this issue and outlining proposals to address future barbecue usage on the site.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the enforcement of existing byelaws outlawing barbecue usage at Woodhouse Moor Park continue as an alternative to trialling a designated barbecue area on the site.

**ADULT HEALTH AND SOCIAL CARE**

**12 Deputation to Council - The Access Committee for Leeds regarding 'Adult Social Care: The Real Deal'**

The Director of Adult Social Services submitted a report in response to the deputation to Council from the Access Committee for Leeds on 21<sup>st</sup> April 2010.

**RESOLVED –**

- (a) That the concerns raised by the deputation be noted and members of the Leeds Access Committee be thanked for bringing this matter to the attention of the Council.
- (b) That Adult Social Care's approach to tackling the issues raised by the deputation be noted, all of which form part of the Council's commitment to 'Putting People First' and its four key principles of early intervention and prevention, empowering people through choice and control, universal services and developing social capital.
- (c) That Adult Social Care's commitment to developing good practice by issuing additional professional guidance notes to all staff when conducting assessments for vulnerable adults, particularly where support is required to access signposted services, be noted.
- (d) That Adult Social Care's commitment to developing good practice by taking steps to ensure all service users are aware of their right to make representations regarding the outcome of their assessment, be noted.

**13 Leeds Safeguarding Adult Partnership Board Report 2009/2010**

The Director of Adult Social Services submitted a report presenting for approval the Leeds Safeguarding Adults Partnership Board annual report for 2009/10, in addition to the Board's work plan for 2010/11.

**RESOLVED** – That the content of the 2009/2010 annual report be noted, and that the 2010/2011 work programme for the Adult Safeguarding Partnership Board be endorsed.

**14 Social Care Systems Review**

The Director of Adult Social Services, the Interim Director of Children's Services and the Director of Resources submitted a joint report outlining proposals for the implementation of new social care business solutions, which were aimed at radically improving the access, assessment, commissioning, provision, management and monitoring of Social Care in Leeds.

Following consideration of appendix 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 incur expenditure as detailed within exempt appendix 2, in order to develop the existing information systems (ESCR) and implement the associated business changes required to support the service improvement and transformational plans in Social Care, as outlined within the submitted report.
- (b) That the staffing resource costs to produce further reports and associated business cases for Executive Board approval in respect of the development and implementation of replacement business solutions to meet ongoing and future demands be approved.
- (c) That Board Members' views be sought in relation to the areas that those future reports referred to in recommendation (b) above should focus upon.

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

**15 Leeds Holt Park Wellbeing Centre Project: Submission of the Final Business Case and Execution of the Contract for the new Holt Park Wellbeing Centre**

Further to Minute No. 189, 12<sup>th</sup> February 2010, the Directors of Resources, City Development and Adult Social Services submitted a joint report providing an update on the Holt Park Wellbeing Centre project, and which sought the necessary approvals to facilitate the submission of the Final Business Case (FBC) to the Department of Health and the execution of the project's contract documentation.

With the Chair's agreement, an updated set of recommendations for this item were circulated at the commencement of the meeting. The recommendations had been revised in response to the recent announcement by the Government that the Holt Park Wellbeing Centre was one of a number of projects to be suspended pending the Government's Comprehensive Spending Review.

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 the contents of the submitted report be noted.
- (b) That the final scope of the Holt Park Wellbeing Centre Project (Project), as set out in the submitted report, be noted and confirmed.
- (c) That the submission of the FBC to the Department of Health be approved and that the Director of City Development be authorised to make any necessary amendments to the FBC. (The Final Business Case covers the Holt Park Wellbeing Centre Project financed through the Government's Private Finance Initiative).
- (d) That the demolition of the existing leisure centre in advance of opening the new Wellbeing Centre, subject to further consultation once the outcome of the spending review is known, be approved in principle.
- (e) That approval be given to the financial implications for the Council of entering into the Project, and agreement be given to the maximum affordability ceiling for the Council in relation to the PFI of £2,428,000 in the first full year of service commencement (2012/13), as set out in exempt Appendix 1 to the submitted report, but subject to resolution (i) (below), should the SWAP rate exceed 5.00%.
- (f) That the balance sheet treatment for the Project be noted.
- (g) That it be noted that the project is one of a number suspended as part of the Government's Comprehensive Spending Review, but that the Department of Health review of, and the Council input into the FBC continue (together with the progress with the Leeds Local Education Partnership (LEP) of any significant outstanding matters on the new project approval process which impact upon the process for the approval of the FBC).
- (h) That, whilst noting the financial close cannot take place until and unless the Government confirms the availability of PFI Credits and the FBC approval, approval be given to the arrangements for Financial Close and the 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 LEP, and

in connection therewith, the arrangements at paragraph 5.4 of the submitted report be confirmed, and (for the avoidance of doubt) authorisation be given to the exercising of delegated powers (as set out at Part 3 Section 3E of the Constitution in relation to PPP/PFI and other Major Property and Infrastructure Related projects), in relation to this Project, by the Director of City Development (or delegee) in consultation with the Director of Adult Social Care (or delegee).

- (i) That authority be delegated to the Director of City Development, or her nominee, to approve the completion of the project should the SWAP rate exceed 5.00% but be less than 5.50% at the time of Financial Close up to a maximum affordability ceiling of £2,500,000 in 2012/13 terms.

## **RESOURCES AND CORPORATE FUNCTIONS**

### **16 Reductions in Grants to Local Authorities 2010/2011**

The Director of Resources submitted a report providing details of the reductions in grants to local authorities as part of the Government's accelerated deficit reduction plan at a national level, and detailing information, in so far as it was available, as to the impact of the grant reductions on this Council.

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That a detailed report be submitted to the July meeting of Executive Board on the implications for Leeds and the options available to meet the funding gap.

### **17 Financial Performance - Outturn 2009/2010**

The Director of Resources submitted a report presenting the Council's financial outturn position for 2009/2010, including both revenue and capital and the Housing Revenue Account. The report also detailed revenue expenditure and income compared to the approved budget and reported on the outturn for Education Leeds and the Arms Length Management Organisations (ALMOs).

#### **RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the contributions to, and the use of, Housing Revenue Account reserves, as outlined within the report, be agreed.



**18 Corporate Performance Report 2009/2010 Year End**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report presenting an overview of the Council's performance against the priority outcomes at the 2009/2010 year end.

**RESOLVED** - That the overall performance position at quarter 4 of 2009/2010 against the strategic priorities and the action planned to further improve or address the performance concerns be noted.

**DEVELOPMENT AND REGENERATION**

**19 Deputation to Council - Wetherby Business Association seeking reinstatement of the Wetherby Historic Market Town Signage on the A1**

The Director of City Development submitted a report in response to the deputation to Council from Wetherby Business Association on 21<sup>st</sup> April 2010.

**RESOLVED -**

- (a) That the contents of the submitted report be noted.
- (b) That the application for appropriate brown tourist signing for Wetherby from the A1(M), from a third party, for example either the business community in Wetherby or the Wetherby Town Council, be supported.
- (c) That the applicant should fund all associated costs.

(During the course of the discussion on this matter, Councillor Gruen declared a personal interest in this item, due to his employment by the Department for Transport)

**20 Granting a New 20 Year Lease at a Peppercorn Rent in respect of the New Middleton Enterprise Centre**

Further to Minute No. 170, 6<sup>th</sup> January 2010, the Director of City Development submitted a report outlining proposals to grant a new 20 year lease to the Health for All (HFA) organisation, at a peppercorn rent in respect of the new Middleton Enterprise Centre.

**RESOLVED** - That the proposal to grant a 20 year lease to Health for All for the new Middleton Enterprise Centre at a peppercorn rent be approved.

**NEIGHBOURHOODS AND HOUSING**

**21 Disposal of 60, Sholebroke Avenue, LS7 3HB**

The Director of Environment and Neighbourhoods submitted a report outlining the options available to the Council with respect to the future of 60, Sholebroke Avenue, LS7 3HB.

Following the conclusion of an options appraisal exercise, the report presented the following four alternatives:

1. An open market sale of the property
2. The refurbishment and letting of the property as a Council house, managed by the relevant Arms Length Management Organisation (ALMO)
3. The Council entering into negotiations with a partner Registered Social Landlord currently managing other stock in the immediate neighbourhood, with a view to them purchasing the property, investing in it and creating a new affordable home.
4. The Council entering into negotiations with a local supported housing provider, with a view to them leasing the property from the Council at a peppercorn rent for a 21 year period.

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 progress with Option 3, as detailed above and within the submitted report.
- (b) That the property be declared surplus to the Council's operational requirements
- (c) That approval be given to enter into negotiations with a partner Registered Social Landlord, with the aim of concluding a sale to them which represents the value of the property and which recognises the level of refurbishment needed to bring the property to a decent homes standard.
- (d) That approval be given to covenant the sale, in order that the property is retained in perpetuity as a socially rented family home and that the Council retains nomination rights in respect of lettings.

- 22 Government Review of Council Housing Finance: The Council's Response to the Consultation Paper: "Council Housing: A Real Future"**  
The Director of Environment and Neighbourhoods and the Director of Resources submitted a joint report providing a proposed response to the Government's consultation paper entitled, "Council Housing: A Real Future".

**RESOLVED -**

- (a) That the proposed response to the Government's consultation paper "Council Housing: A Real Future" be agreed.
- (b) That this decision be exempt from Call In, as there is insufficient time for the Call In process to be concluded prior to the closing date for responses to the consultation exercise.

## **ENVIRONMENTAL SERVICES**

### **23 Grounds Maintenance Contract**

The Director of Environment and Neighbourhoods submitted a report outlining the progress made to date in relation to the procurement of a new grounds maintenance contract for the Council, recommending a proposed approach to the contract's packaging and procurement, whilst also informing of a proposed revision to the contract start date.

#### **RESOLVED –**

- (a) That the progress made to date regarding the procurement of a new grounds maintenance contract be noted.
- (b) That the contract administration and monitoring arrangements, as set out in the submitted report, be approved.
- (c) That approval be given to the contract being advertised on the basis of one, single city-wide contract, with the option to require a variant bid to allow interested Parish or Town Councils to tender for work within their areas.
- (d) That approval be given to a contract being advertised for five years with the option to extend for up to a further five years.
- (e) That the contract with Glendale and ATM be extended until 31<sup>st</sup> December 2011, subject to the issue of a transparency notice.
- (f) That a contingency sum of £60,000 in year 1 (financial year 2012/2013) and £20,000 in year 2 onwards, be allocated to enable any future orphan sites identified to be properly maintained.

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

### **24 Strategic Review of Household Waste Sorting Sites and Bring Sites**

The Director of Environment and Neighbourhoods submitted a report providing an update on the current provision and performance of Household Waste Sorting Sites (HWSS) and Bring Sites in Leeds, outlining issues which influence their usage and effectiveness and recommending options in relation to spatial policy and joint working with neighbouring authorities.

#### **RESOLVED -**

- (a) That the permanent closure of the Calverley Bridge zero waste site be approved.
- (b) That approval be given to maintaining the current free access of border HWSS by residents from neighbouring authorities, on the proviso that protocols and procedures to account for the shared cost of the provision of facilities, on a site by site basis, are developed and subject to continuous review.

- (c) That the development of joint working with neighbouring authorities North Yorkshire and Wakefield in parallel with the undertaking of a revised replacement site search, to be carried out during the interim period before Gamblethorpe closes upon completion of East Leeds redevelopment, be commended.
- (d) That approval be given to the redevelopment of the HWSS at Kirkstall Road and modernisation of the existing transfer station by means of an injection of £3,800,000 into the Capital Programme, with a full design and cost report (DCR) and business case being prepared and submitted to Executive Board for approval when the detailed plans have been fully worked up and costed. At this stage it is proposed to fund the redevelopment of the site using a DEFRA grant (£500,000) and unsupported borrowing, with the borrowing repayments being funded from savings made as part of the overall HWSS review. The scale of the revenue repayment will be dependant upon the use of the £1,050,000 currently identified for a replacement site for Gamblethorpe, as set out in paragraph 5.5.4 of the submitted report.
- (e) That approval be given to the further review of operational practices, in order to deliver a consistently high performance across all sites, with a further report being submitted to a future meeting of Executive Board.
- (f) That approval be given to the maintenance and development of the current complementary bring site infrastructure, whilst continuing to evaluate the effectiveness of bring site provision.

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

(During the course of the discussion on this matter, Councillor Golton declared a personal interest in this item, as a user of the Gamblethorpe site)

## **CHILDREN'S SERVICES**

### **25 Updated Statements of Purpose for the Fostering and Adoption Services of Leeds City Council**

The Interim Director of Children's Services submitted a report presenting for approval the revised statements of purpose for Leeds City Council's Fostering and Adoption Services.

**RESOLVED** – That the Statements of Purpose for both the Fostering and Adoption services of Leeds City Council be approved.

### **26 Building Schools for the Future Phase 2 - Farnley Park Maths and Computing College**

Further to Minute No. 151, 9<sup>th</sup> December 2009, the Chief Executive of Education Leeds submitted a report presenting for approval and submission

to Partnerships for Schools (Pfs) the Final Business Case (FBC) for the Farnley Park Maths and Computing College project.

**RESOLVED** – That the submission of the Final Business Case for the Farnley Park Maths and Computing College Project to Partnerships for Schools be approved.

**27 Outcomes of the Consultation on the Proposals for the West Leeds Specialist Inclusive Learning Centre (SILC)**

Further to Minute No. 154, 9<sup>th</sup> December 2009, the Chief Executive of Education Leeds submitted a report providing the outcomes from the public consultation exercise undertaken with respect to the proposed relocation of the West Leeds Specialist Inclusive Learning Centre (SILC) modular building at Farnley Park Maths and Computing College to Bruntcliffe High School. The report also outlined an alternative proposal formulated in response to the feedback received.

**RESOLVED –**

- (a) That the outcome of the formal public consultation exercise on the relocation of the West SILC modular building at Farnley Park Maths and Computing College to Bruntcliffe High School be noted.
- (b) That the alternative proposal formulated in response to the public consultation, to make provision for the pupils currently educated on the Farnley Park site at the West SILC Milestone site, be noted.

**28 Response to Scrutiny Board (Children's Services) Inquiry Statement regarding School Attendance**

The Chief Executive of Education Leeds submitted a report in response to the recommendations detailed within the Scrutiny Board (Children's Services) statement regarding school attendance.

**RESOLVED** – That the proposed responses to the recommendations of the Scrutiny Board (Children's Services) be approved.

**DATE OF PUBLICATION:** 24<sup>th</sup> June 2010  
**LAST DATE FOR CALL IN:** 1<sup>st</sup> July 2010 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00noon on 2<sup>nd</sup> July 2010)