

EXECUTIVE BOARD

WEDNESDAY, 17TH OCTOBER, 2012

PRESENT: Councillor K Wakefield in the Chair

Councillors J Blake, M Dobson, P Gruen,
R Lewis, L Mulherin and A Ogilvie

Councillor R Downes – Substitute Member
Councillor C MacNiven – Substitute Member
Councillor J Procter – Substitute Member

79 **Substitute Members**

Under the terms of Executive and Decision Making Procedure Rule 2.3, Councillors J Procter, R Downes and C MacNiven were invited to attend the meeting on behalf of Councillors A Carter, S Golton and L Yeadon respectively, who had all submitted their apologies for absence from the meeting.

80 **Exempt Information - Possible Exclusion of the Press and Public**

RESOLVED – That the public be excluded from the meeting during the 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 1 to the report referred to in Minute No. 84 under the terms of Access to Information Procedure Rule 10.4(3) and Appendix 2 to the same report under the terms of Access to Information Procedure Rule 10.4(5) on the grounds that the information contained within the Appendices relates to the financial or business affairs of any particular person (including the authority holding that information). Specifically, Appendix 1 relates to costs which are confidential due to the competition to attract the Tour, whilst Appendix 2 includes details of the Heads of Terms of any contract between Welcome to Yorkshire and Leeds City Council. It is therefore considered that the public interest in maintaining the content of Appendix 1 and 2 as exempt outweighs the public interest in disclosing the information.
- (b) Appendix B to the report referred to in Minute No. 92 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial and business affairs of GMV –Twelve and the Council. The public interest in maintaining the exemption in relation to Appendix B outweighs the public interest in disclosing the information by reason of the fact that it contains information and financial details which, if disclosed, would adversely affect the business of the Council and GMV – Twelve.

81 Declaration of Disclosable Pecuniary and Other Interests

Councillor Gruen declared an 'Other Significant Interest' in respect of the matters contained within agenda item 21, 'Basic Need Programme – Outcome of Competitions to Create Two New Primary Schools', as a member of LEAF Academy Trust (Minute No. 98 refers).

Councillors J Procter and Downes both declared 'Other Significant Interests' in respect of the matters contained within agenda items 13 'Review of Governance Arrangements in West Yorkshire', 14 'West Yorkshire Plus Transport Fund', 15 'Support to the Leeds Rail Growth Package' and 16 'New Generation Transport (NGT) Scheme', due to their respective positions on the West Yorkshire Integrated Transport Authority (Minute Nos. 90, 91, 92 and 93 refer respectively).

A further declaration was made at a later point in the meeting (Minute No. 92 refers).

82 Minutes

RESOLVED – That the minutes of the meeting held on 5th September 2012, be approved as a correct record.

LEISURE AND SKILLS

83 Garforth Leisure Centre

Further to Minute No. 205, 30th March 2011, the Director of City Development submitted a report regarding the current position in respect of the Executive Board resolution to explore the possible Community Asset Transfer (CAT) of Garforth Leisure Centre to the Schools Partnership Trust. In addition, the report also outlined new proposals relating to the status of the CAT process and details regarding the operational performance of Garforth Leisure Centre.

Prior to the meeting, Board Members had received correspondence clarifying the content of the Equality, Diversity, Cohesion and Integration Screening Document, which was appended to the report, in order to ensure that Members had all relevant information before them when considering the matter.

The Board paid tribute to the work which had been undertaken to successfully improve the operating performance of the centre, and it was suggested that a similar approach could be taken when looking to improve the performance of other centres, where appropriate.

Members highlighted the need to ensure that a collaborative and robust approach was taken when considering potential Community Asset Transfers in the future.

RESOLVED –

- (a) That the proposal to explore the potential of a community asset transfer of Garforth Leisure Centre to the School Partnership Trust be discontinued.
- (b) That Garforth Leisure Centre be retained under Council management on 58.5 hours per week.
- (c) That the Council seeks to enter into partnership with the School Partnership Trust (and other interested parties) with the aim of seeking to extend the opening hours beyond 58.5 hours per week.

84 Tour de France: The Grand Départ in Yorkshire

The Director of City Development submitted a report outlining a proposal to host the “The Grand Départ” of The Tour de France in Yorkshire. The report detailed the associated opportunities and implications and sought approval to enter into agreement with ‘Welcome to Yorkshire’ in order to bring the Tour to Leeds and to contribute towards the associated costs.

The Board highlighted the significant opportunities that the hosting of “The Grand Départ” would present for the both the city and the region. Members then discussed the potential financial implications associated with holding the event and it was agreed that Board Members and Group Leaders would receive regular updates in respect of such matters. In addition, when details of any potential routes were known, it was requested that relevant Ward Members were kept informed, as appropriate.

Following consideration of Appendices 1 and 2 to the submitted report, designated as exempt under Access to Information Procedure Rules 10.4(3) and 10.4(5) respectively, which were considered in private at the conclusion of the meeting, it was

RESOLVED – That with the concurrence of the Leader of the Council, delegated authority be provided to the Chief Executive, to enter into an agreement with ‘Welcome to Yorkshire’ in order to enable Leeds City Council to confirm its commitment to staging the Grand Départ within the parameters, as outlined within the exempt appendices to the submitted report.

ADULT SOCIAL CARE

85 Strategy for Governance in Integrated Working with Health

The Director of Adult Services submitted a report regarding the means by which more integrated commissioning and service provision between NHS commissioners and service providers and their Local Authority counterparts could be encouraged and supported in the future. In addition, the report set out the intention to use the powers contained within the 2006 Health Act, in order to utilise legal flexibilities to ensure good governance and accountability for the use of public funds in the pursuit of joint improvement. Also, the report detailed the intention to have one overall Section 75 Agreement to cover all joint commissioning arrangements between Leeds City Council Adult Social

Care and NHS Leeds or its successors and outlined how other dedicated Section 75 agreements would be used to ensure good governance and accountability between providers of NHS care for specific services and their Local Authority counterparts.

RESOLVED –

- (a) That the approach to Section 75, Section 76 and Section 256 agreements for the governance and pooling of Health and Social Care resources be endorsed.
- (b) That the process for the Director of Adult Social Services to approve future agreements under the delegations afforded to her within the Council's Constitution, Officer Delegation Scheme (Executive Functions), be noted.
- (c) That it be noted that the agreements will be subject to formal review every 3 years, but monitored annually during this time in order to assure their continuing relevance and effectiveness.

RESOURCES AND CORPORATE FUNCTIONS

86 Financial Health Monitoring 2012/13 - Month 5 Report

The Director of Resources submitted a report setting out the Council's projected financial health position for 2012/2013 after five months of the financial year.

RESOLVED – That the projected financial position of the authority after five months of the financial year be noted.

87 Financial Strategy 2013 to 2017

The Director of Resources submitted a report regarding the development of a medium to long term financial strategy for the Council, providing information on the Government's technical consultation exercise upon Business Rates Retention and highlighting the potential implications for the Council's financial strategy.

Concerns were raised in respect of the funding of the Government's New Homes Bonus initiative, and the significant implications it potentially had for Local Authorities such as Leeds. Members also highlighted the important role to be played by brownfield development in respect of housing provision in Leeds. In response, it was agreed that cross-party representations were made to Government in relation to the issues which had been raised.

Responding to an enquiry, the Board was provided with assurances regarding departmental spending levels, and it was highlighted that such spending levels had not increased in real terms.

RESOLVED –

- (a) That the contents of the submitted report, together with the response to the Technical Consultation, as detailed within Appendix 2, be noted.

- (b) That it be noted that a further report on the development of the Council's financial strategy will be submitted to the December 2012 meeting of the Board as part of the Council's Initial Budget proposals for 2013/2014.
- (c) That an all-party letter be submitted to Government regarding the issues which had been raised during the meeting in relation to the New Homes Bonus initiative.

88 Leeds City Region Business Rates Pool

The Director of Resources submitted a report regarding the development of the proposed Leeds City Region (LCR) business rates pool, outlining the benefits of pooling and seeking approval for Leeds to act as the "lead authority" for the LCR pool.

Prior to the meeting, Board Members had received correspondence clarifying the content of the Equality, Diversity, Cohesion and Integration Screening Document, which was appended to the report, in order to ensure that Members had all relevant information before them when considering the matter.

RESOLVED –

- (a) That the inclusion of Leeds within the final pooling proposal, to be submitted on behalf of the Leeds City Region, be approved.
- (b) That the governance arrangements, as appended to the submitted report be approved in principle, and that the responsibility for finalising detailed matters be delegated to the Director of Resources.
- (c) That it be agreed that Leeds should act as the "lead authority" for the proposed pool.
- (d) That a further report be presented to the December 2012 Board meeting, once the 2013/2014 funding details are known, so that a final decision on whether to go ahead can be taken.

89 Community Right to Challenge

Further to Minute No. 221(C), 7th March 2012, the Director of Resources submitted a report providing an update on the Community Right to Challenge initiative, whilst also facilitating an opportunity for the Board to consider how the Council would implement the legislation within the Localism Act 2011.

Members highlighted the need to ensure that community organisations were fully engaged in the proposed process, and that, in progressing this matter, it was requested that a further report be submitted to the Board on how the Council was engaging more proactively with community organisations in respect of service provision.

RESOLVED –

- (a) That the publication of the Localism Act 2011 regulations, be noted.
- (b) That the following proposed approach to decisions upon Community Right to Challenge expressions of interest be endorsed:-
 - (i) PPPU/PU and directorates jointly consider any expression;
 - (ii) Relevant Members are consulted and the Executive Board Member who is responsible for the service area that is being considered in the expression of interest may refer the expression to Executive Board for a decision;
 - (iii) Liaison is undertaken with Area Leadership;
 - (iv) A report is provided jointly by the PPPU/PU lead and the directorate, taking account of feedback;
 - (v) The Chief Officer PPPU and Procurement approves the report
 - (vi) The relevant Director makes a decision on an expression, except where referred to Executive Board.
- (c) That it be noted that the relevant schemes of delegation will need to be amended to reflect the proposals detailed within resolution (b) above.
- (d) That the proposed approach towards engagement, as referred to within paragraph 3.3 of the submitted report, be supported.
- (e) That a further report be submitted to the Board on how the Council was engaging more proactively with community organisations in respect of service provision.

90 Review of Governance Arrangements in West Yorkshire

The Assistant Chief Executive (Customer Access and Performance) and the Director of City Development submitted a joint report seeking authority for a statutory review of specified functions to be undertaken with the intention of a further report being prepared in due course to include a draft Scheme of Governance for a Combined Authority, should the Review conclude that this was the most beneficial option for the area, and that it satisfied the statutory tests.

By way of an introduction to the report, the Chief Executive advised that although the primary focus of the proposals was upon transport provision, potentially it could also relate to wider arrangements aimed at the promotion of economic development and regeneration in West Yorkshire. The Board was also informed that York City Council had expressed an interest in being more formally involved in the potential establishment of a Combined Authority for the area.

The suggestion was welcomed that a cross-party approach would be taken in respect of the further work to be carried out on the potential establishment of a Combined Authority.

RESOLVED –

- (a) That it be agreed that the Council should be party, together with other West Yorkshire Authorities (including the ITA), to a Review of governance arrangements relating to transport, economic development and regeneration in West Yorkshire, pursuant to Section 108 of the Local Democracy, Economic Development and Construction Act 2009 and Section 82 of the Local Transport Act 2008.
- (b) That the Chief Executive in consultation with the Leader be authorised to commission the preparation of the Review, in consultation with the other West Yorkshire Authorities.
- (c) That the Chief Executive in consultation with the Leader be authorised to commission the preparation (in consultation with the other West Yorkshire Authorities) of a draft Scheme for a Combined Authority for consideration by Executive Board and Council, if the Review recommends that a Combined Authority would be the most beneficial option for West Yorkshire.
- (d) That the provisional timetable and next steps on the governance review process be noted, including, if appropriate, the submission of a draft Scheme to Executive Board and Council by January 2013 and a final scheme which takes account of consultation and submitted to the Secretary of State by July 2013, in order to be in a position by April 2014 to receive significant devolved powers and funding via the City Deal.

DEVELOPMENT AND THE ECONOMY

91 West Yorkshire Plus Transport Fund

The Director of City Development submitted a report providing an update upon the progress made to date in developing a West Yorkshire Transport Fund and which sought approval to continue the development work, which would enable authorities to confirm the setting up of the Fund and the associated 10 year programme later this year.

Responding to an enquiry, assurances were provided regarding the timescales in place for the fund to reach £1billion and the primary funding sources involved.

RESOLVED –

- (a) That the contents of the submitted report and appendix be noted.
- (b) That the further development and progression of the work on the West Yorkshire Plus Transport Fund be agreed.

92 Support to the Leeds Rail Growth Package

The Director of Resources and the Director of City Development submitted a joint report seeking in principle agreement to the Council providing financial assistance to support the delivery of the Leeds Rail Growth Package.

The Board was informed by the City Solicitor that the relevant legal powers detailed within the report under which the financial assistance was being proposed was Section 3 of the Local Authorities (Land) Act 1963. However, Members noted that those powers only covered loans where the person to whom the money was advanced undertook the work. In this instance it would be Metro who built the rail infrastructure, rather than the owner/developer involved. Therefore, the powers in Section 3 would only be appropriate where the recipient of the loan undertook the works, and insofar as this was not the case, then the appropriate power was the new general power of competence within the Localism Act 2011.

Following consideration of Appendix B to the submitted report, designated as exempt under Access to Information Procedure Rules 10.4(3), which was considered in private at the conclusion of the meeting, it was

RESOLVED – That in principle agreement be given to the Council providing financial assistance to support the delivery of the Leeds Rail Growth Package, but that this be subject to the finalisation of the agreement of terms and conditions which ensure that the Council's position is as secure as possible, and that final agreement be sought from Executive Board.

(Prior to the consideration of the exempt appendix to this item and the subsequent resolutions made by the Board, Councillor Wakefield vacated his position of Chair and left the meeting room for the remainder of the discussion. This was due to Councillor Wakefield's potential decision making role with respect to the Growing Places Fund, and wanted to avoid any perception of bias or predetermination on this matter. Councillor Blake assumed the position of Chair for the duration of the discussion upon the exempt appendix and the subsequent making of the resolutions).

93 New Generation Transport (NGT) Scheme

Further to Minute No. 220, 18th May 2011, the Director of City Development submitted a report providing an update on the New Generation Transport (NGT) scheme following the Department for Transport's confirmation of Programme Entry Approval. In addition, the report sought approval to a capital programme injection and spend which would enable a Transport and Works Order to be submitted to the Secretary of State for Transport for powers to construct and operate the scheme.

It was requested that when appropriate, political groups received briefings in respect of the proposals regarding route alignments.

RESOLVED –

- (a) That the contents of the submitted report be noted.
- (b) That authority be given to spend £1,200,000 from within the existing Capital Programme in order to progress the scheme which would enable a Transport and Works Order to be submitted to the Secretary of State for Transport for powers to construct and operate the scheme.

94 Planning Applications Highways issues (White Paper 16)

Further to Minute No. 235, 11th April 2012, the Director of City Development submitted a report providing an update on the further four month trial period undertaken in relation to Ward Member notification of planning applications on which Highways had been consulted. The report included Member feedback received on the success and value of the process and sought agreement to the continuation of the current notification process without further modification.

RESOLVED –

- (a) That the issues raised during the further four month Member consultation trial period and the views raised from the Member feedback exercise, be noted.
- (b) That it be agreed that the current process be adopted in its current format.
- (c) That it be noted that amended processes to improve public engagement at the pre-application stage have been proposed by the Chief Planning Officer with support from the Executive Member for Neighbourhoods, Planning and Support Services and that such proposals were noted at Full Council on 12 September 2012.

ENVIRONMENT

95 Green Deal Go Early

The Director of Environment and Neighbourhoods submitted a report providing an update on a recently announced grant opportunity for energy efficiency improvements, linked to the City Deal. In addition, the report sought authority to spend a capital grant of £1,280,000 on energy efficiency grants and loans in 2012-2013 and to make a contingency budget of £10,000 available in 2013-14. The report also sought approval for the proposed approach towards the targeting and marketing of the grants and loans.

RESOLVED –

- (a) That the proposed delivery approach, as described within section 3 of the submitted report, be approved.
- (b) That approval be given to use the outcome of the current Leeds City Region Domestic Energy Efficiency Programme (LCR DEEP) tender process to award contract(s) to the highest scoring bidder(s) to manage and deliver each of the lots that make up the different elements of this project.
- (c) That approval be given to the injection of, and the authority to spend the Department of Energy, Climate and Change grant of £1,278,400 on a mixture of grants and loans for energy efficiency measures, together with associated administration costs.

- (d) That approval be given to move £10,000 of the existing 'Wrap Up Leeds' budget from 2012-2013 to 2013-2014, as contingency for up to 20 small grants.
- (e) That the necessary authority be delegated to the Director of Environment and Neighbourhoods to take operational decisions in order to ensure that the grant is fully disbursed.
- (f) That approval be given to ring-fence the loan repayments in an account to be spent on future domestic energy efficiency projects, particularly preparing for the Green Deal and tackling fuel poverty.

NEIGHBOURHOODS, PLANNING AND SUPPORT SERVICES

96 Gambling Act 2005 Statement of Licensing Policy

The Head of Licensing and Registration submitted a report advising of the progress made in respect of the triennial review of the Gambling Act 2005 Statement of Licensing Policy and which sought approval for the matter to be referred to full Council for approval in accordance with the Budget and Policy Framework.

RESOLVED – That the contents of the submitted report be noted and that the matter be referred to the 14th November 2012 full Council meeting for approval, in line with the Budget and Policy Framework.

(The resolutions referred to within this minute were not eligible for Call In, as the ultimate determination of such matters are reserved to Council, in line with the Council's Budget and Policy Framework)

97 Review of ALMO Arrangements

Further to Minute No. 111, 3rd November 2010, the Assistant Chief Executive (Customer Access and Performance) submitted a report setting out the background to the review of housing management services in Leeds and the proposal to extend the Management Agreements with the ALMOs for up to an additional year.

Responding to an enquiry, the Board was provided with assurances regarding the inclusive approach towards communication and consultation which would be undertaken with tenants and Elected Members in respect of any proposals regarding future ALMO arrangements.

RESOLVED –

- (a) That a report be submitted to the December 2012 Executive Board meeting, in order to consider the option(s) for the future governance and delivery arrangements for the management of council housing in Leeds, prior to wider consultation on the future direction.
- (b) That an extension in the term of contract for the ALMOs for a period of up to one year be agreed, in order to allow time for the review to be concluded and any current arrangements implemented.

CHILDREN'S SERVICES

98 Basic Need Programme - Outcome of competitions to Create two new Primary Schools

Further to Minute No. 181, 4th January 2012, the Director of Children's Services and the Director of Environment and Neighbourhoods submitted a joint report on the outcome of two competitions held to establish new primary schools in Harehills and South Leeds. The report outlined a recommendation relating to the preferred bidders to run the new schools, a final decision for which was required to be made by no later than 20th October 2012.

The Board noted that representations had been received from one organisation who had submitted a bid, but who had not been identified as one of the organisations recommended to run one of the schools. The representations were in relation to some perceived inaccuracies within the submitted Executive Board report. Prior to discussing the matter, the Board was provided with details of the perceived inaccuracies and also provided with the accompanying responses from Children's Services.

Members raised concerns regarding the increasing number of children starting school across the city and the pressures which as a result were being placed upon school places and education provision. In response it was suggested that Ward Members were invited to become further involved in the work which was ongoing to address this issue.

Responding to an enquiry, the Board was provided with assurances regarding the proposal to close of the Stanley Road Household Waste Sorting Site, specifically in respect of the alternative provision which would be available to service users in the area.

RESOLVED –

- (a) That approval be given for the Co-Operative to be the party to open the new 420 place primary school with 26 place FTE nursery at Florence Street, Harehills, to open in September 2013 and to serve families in that area.
- (b) That approval be given for the The Learning Trust South Leeds to be the party to open the new 420 place school with a 26 place nursery on land at the former South Leeds Sports Centre, and to open in September 2014 and serve families in that area.
- (c) That the closure of the Stanley Road Household Waste Sorting Site be approved, and that agreement be given to the site's incorporation into the Harehills school design (in accordance with section 3.10 of the submitted report).

(The matters referred to within this minute were not subject to Call In, as a decision was required within two months of the end of the 'summary of bids')

notice period, which was no later than 20th October 2012. Therefore, due to the timescales involved, this matter was not subject to Call In)

DATE OF PUBLICATION: 19TH OCTOBER 2012

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 26TH OCTOBER 2012 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 29th October 2012)