

# Public Document Pack

**EXECUTIVE BOARD**

**15<sup>TH</sup> FEBRUARY 2013**

**SUPPLEMENTARY DOCUMENT – NOTICE OF THE INTENTION OF THE EXECUTIVE BOARD TO CONSIDER MATTERS IN PRIVATE**

This page is intentionally left blank

## NOTIFICATION OF THE INTENTION FOR EXECUTIVE BOARD TO CONSIDER MATTERS IN PRIVATE

The Executive Board is the principal decision making body of the Council. All meetings of the Executive Board are open to the public, except where certain parts of an agenda contains exempt or confidential information. In these circumstances, the Executive Board may decide that it is in the public interest to discuss certain aspects of a report in private, and as such, choose to treat that specific part of the meeting as a 'private meeting' by excluding the public. Even when an element of a report is designated as exempt and considered in private, the remainder of the report and the related discussion by the Board will always be in the public domain.

Where there is a proposal for a meeting of Executive Board to consider part of a report in private, Part 2 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires the Council to provide notification of it's intention to do so.

This notice provides the required notification of the intention for certain aspects of the following Executive Board reports to be considered in private at its meeting on **15<sup>th</sup> February 2013**.

<b>Issue Proposed to be Considered by Executive Board</b>	<b>The Reasons why Certain Aspects of the Report are Required to be Considered in Private</b>	<b>The Relevant Access to Information Procedure Rule – Further Information regarding these rules can be found within the Council's Constitution</b>	<b>Contact Person - To which any Representations should be made</b>
Bridgewater Place	The information contained in Appendix 4 is exempt under Access to Information Rule 10.4 (5) as it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered that the public interest in maintaining the content of Appendix 4 as exempt outweighs the public interest in disclosing the information as there are potential legal implications with the proposals contained in this report.	Access to Information Procedure Rule 10.4(5)	Gillian Macleod, Leonardo Building, 2 Rossington Street, LS2 8HD. Tel 0113 3951341. gillian.macleod@leeds.gov.uk

Initially Published on 17/01/13. Republished on 12/02/13.

Following the initial publication of this notice, confirmation has been received that the item(s) listed below which propose to contain exempt information require consideration during the private part of the **15<sup>th</sup> February 2013** Executive Board meeting. In line with Part 2 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the relevant Scrutiny Board Chair(s) has provided confirmation that consideration of this matter is urgent and cannot reasonably be deferred.

<b>Issue Proposed to be Considered by Executive Board</b>	<b>The Reasons why Certain Aspects of the Report are Required to be Considered in Private</b>	<b>The Relevant Access to Information Procedure Rule – Further Information regarding these rules can be found within the Council’s Constitution</b>	<b>Contact Person - To which any Representations should be made</b>
Leeds Arena: Legal Action: Montpellier Estates Ltd.	The information contained in Appendix 1 is designated as exempt as it details the actions likely to be pursued by the Council in recovering its legal costs from MEL and comments on the potential of MEL progressing an appeal of the decision. The content of the Appendix would be covered by legal privilege, as it includes the substance of communications between the Council and its lawyers, where the purpose of those communications is the giving of legal advice. It is acknowledged that there is a strong element of public interest inbuilt into the privilege itself and, that the general maintenance of confidentiality between client and lawyer is a matter which is in the public interest. Conversely, whilst there is always some public interest in disclosure and whilst there may be relatively strong public interest in the public knowing	Access to Information Procedure Rule 10.4(3) and (5)	Chris Coulson City Development Tel: 0113 247 4459 Email: chris.coulson@leeds.gov.uk

Initially Published on 17/01/13. Republished on 12/02/13.

	<p>about the way forward in respect of the recovery of legal costs and the potential of an appeal, it would seem there is little public interest in the disclosure of the advice and information contained in the Appendix.</p> <p>It is, therefore, considered that in all the circumstances of the case, the public interest in maintaining the content of the Appendix as Exempt outweighs the public interest in disclosing the information contained in the Appendix. In addition, the Appendix contains information about an individual's and companies financial and business affairs.</p>		
<p><b>The reasons provided by the relevant directorate as to why the consideration of this matter cannot be delayed to a subsequent meeting are detailed below:-</b></p> <p>As the decision on the legal proceedings between the City Council and MEL was only handed down by the Rt. Hon. Mr Justice Supperstone on 6 February 2013, it was not possible for this report to be included within the formal agenda papers. However, it was deemed appropriate that Board Members be provided with a summary of the main findings of the Hearing at the earliest opportunity and also, there is a need for the City Council to determine the approach to be pursued for the recovery of costs incurred by the Council in the legal action that can not wait until the next meeting of the Executive Board in March 2013.</p>			

Little London and Beeston Hill and Holbeck Housing PFI Project	Appendix B to this report contains exempt information under Access to Information Procedure Rule 10.4 (3) as it contains commercially sensitive information on the Council's approach to procurement issues and in relation to the Preferred Bidder, where the benefit of keeping the information confidential is considered greater than that of allowing public access to the information.	Access to Information Procedure Rule 10.4(3)	Adam Brannen Programme manager City Development Tel: 0113 247 6746 Email: adam.brannen@leeds.gov.uk
<p><b>The reasons provided by the relevant directorate as to why the consideration of this matter cannot be delayed to a subsequent meeting are detailed below:-</b></p> <p>This report has been introduced as a late item as the urgency of the issues and implications of further delays to the project require the immediate consideration of Executive Board. These cannot be reasonably delayed until the next meeting of the Board for reasons of good governance and transparency. The Chair of Scrutiny Board (Housing &amp; Regeneration) has been briefed and agreed to the late submission.</p>			