

# Public Document Pack

Executive Board Minutes 7 September 2011

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## EXECUTIVE BOARD

WEDNESDAY, 27TH JULY, 2011

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

Councillors J Blake, A Carter, M Dobson,  
R Finnigan, S Golton, P Gruen, R Lewis,  
A Ogilvie and L Yeadon

### 30 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 1 to the report referred to in Minute No. 47 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it relates to the financial or business affairs of the Council and it is therefore considered not to be in the public interest to disclose this information, as it would be likely to prejudice the Council's current negotiations.
- (b) Appendix 1 to the report referred to in Minute No. 48, under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that this information relates to the financial or business affairs of a particular person and of the Council. It is therefore 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. 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.
- (c) The appendix to the report referred to in Minute No. 53, under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it 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

Draft minutes to be approved at the meeting  
to be held on Wednesday, 7th September, 2011

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 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.

- (d) Appendix 2 to the report referred to in Minute No. 54, under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the condition of the exemption is that in all of the circumstances the public interest in exempting should outweigh the public interest in disclosing. In the Council's judgment, the commercial information relating to this proposal should not be disclosed as the interests of potential bidders could be prejudiced if these financial terms became available to them.
- (e) Appendices 1 and 2 to the report referred to in Minute No. 55, under the terms of Access to Information Procedure Rule 10.4(3) and appendix 3 to the report referred to in the same minute, under the terms of Access to Information Procedure Rules 10.4 (3) and (5). This is due to the fact that the appendices contain commercially sensitive information on the City Council's approach to procurement issues, and commercially sensitive pricing and information about the commercial risk position of the City Council's proposed Preferred Bidder, where the benefit of keeping the information confidential is considered greater than that of allowing public access to the information.

### **31 Declaration of Interests**

Councillors Wakefield, Dobson and Ogilvie all declared personal interests in the item entitled, 'Design and Cost Report: Lotherton Estate Improvements', due to being Leeds Card holders (Minute No. 35 refers).

Councillors Finnigan, Blake and R Lewis all declared personal interests in the item entitled, 'Investment Partnership for South Leeds', due to being members of the Investment Partnership for South Leeds. (Minute No. 44 refers).

Councillors Ogilvie and Dobson both declared personal interests in the item entitled, 'Three Year Grant Funding for Culture', due to being members of the Leeds Initiative – Sustainable Economy and Culture Board. (Minute No. 34 refers).

Councillor R Lewis declared a personal interest in the item entitled, 'Arms Length Management Organisations (ALMO) and Tenant Management Organisations Annual Reports for 2010/11', due to being a member of the Outer West ALMO Area Panel. (Minute No. 56 refers).

Councillors Golton and Finnigan both declared personal interests in the items respectively entitled, 'Primary Basic Need 2012 – Outcome of Statutory Notices for the Expansion of Primary Provision in 2012' and 'Primary Basic Need Programme – Permission to Consult on Proposals for Expansion of Primary Provision in 2013 and 2014', due to their respective positions as governors of Primary Schools. (Minute Nos. 58 and 59 refer respectively).

Further declarations of interest were made at a later point in the meeting (Minute Nos. 55 and 56 refer respectively).

### **32 Minutes**

**RESOLVED** – That the minutes of the meeting held on 22<sup>nd</sup> June 2011 be approved as a correct record, subject to the inclusion of the comments made by Councillor A Carter in respect of Minute No. 22 entitled, 'Housing Appeals – Implications of the Secretary of State's Decision relating to Land at Grimes Dyke, East Leeds', in which he emphasised the need to postpone the immediate release of all the Phase 2 and 3 housing allocations within the UDP, as recommended within the report, until after the outcomes from the related Inquiry undertaken by the Scrutiny Board (Regeneration) had been considered.

### **33 Matters Arising from the Minutes**

In respect of Minute No. 22(g), "Housing Appeals – Implications of the Secretary of State's Decision relating to Land at Grimes Dyke, East Leeds", the Chair suggested that a forthcoming visit to be made by Greg Clarke MP, Minister for Cities, would provide an opportunity for an all party lobbying exercise to be undertaken in respect of issues such as the land banking practices of developers.

## **LEISURE**

### **34 3 Year Grant Funding for Culture**

The Chief Libraries, Arts and Heritage Officer submitted a report responding to requests from the large arts organisations to provide longer term funding arrangements. In addition, the report reviewed current approaches and looked to reflect the new strategic priority plan and impact of other agencies' decisions on future funding arrangements, whilst also proposing the introduction of a new, more robust and transparent process.

Members suggested that a report was submitted to a future meeting of the Board outlining the actions being taken to work with young people in order to identify, nurture and retain the sporting and musical talent within the city, in conjunction with the Leeds Arena development.

The report provided details of the equality impact assessment which had been undertaken in respect of the proposals.

**RESOLVED –**

- (a) That the introduction of 3 year grant funding to cultural organisations be approved.
- (b) That the introduction of Culture Leeds grants be approved.

**35 Design and Cost Report: Lotherton Estate Improvements**

The Director of City Development submitted a report seeking an injection into the capital programme for various improvement works at Lotherton Estate, which would be funded by prudential borrowing from additional income raised via changes to the current charging policy.

Members made several comments on the proposals regarding the site improvements and charging policy and suggested that a further report was submitted to the Board, which enabled the outcomes arising from the consultation exercise to be fully considered.

The report provided details of the equality impact assessment which was being undertaken in respect of the proposals.

**RESOLVED –**

- (a) That an injection of £160,000 in to the capital programme for improvements at Lotherton be approved, which will be funded by prudential borrowing from additional income raised from changes to the current charges for Lotherton.
- (b) That the authority to incur expenditure of £160,000 on improvements to Lotherton be approved.
- (c) That the charges for entry to all facilities on the Estate be approved.
- (d) That, following the conclusion of the consultation, any change to the Phase 1 improvements be delegated to the Director of City Development with concurrence of the Executive Board Member (Leisure).
- (e) That a further report be submitted to the Board, which enabled the outcomes arising from the consultation exercise undertaken to be fully considered.

**ADULT HEALTH AND SOCIAL CARE**

**36 Charges for Non-Residential Adult Social Care Services**

Further to Minute No. 141, 15<sup>th</sup> December 2010, the Director of Adult Social Services submitted a report regarding the outcome of the consultation exercise undertaken in respect of charges for non-residential services, whilst making recommendations for changes to such charges.

Members highlighted the need to ensure that consideration was given to the frequency of reviews undertaken on this matter and suggested that details

were provided to Board Members of those Local Authorities which had also altered their charges, in addition to information on the potential impact for Leeds arising from the Dilnot Commission's report.

In noting the cross party support for this matter, the Chair proposed that cross party discussions continued, so that the proposals could be progressed effectively.

The report provided details of the equality impact assessment which had been undertaken in respect of the proposals.

**RESOLVED –**

- a) That the outcomes of the consultation and the way in which they have been addressed, as set out within sections 4.6 to 5.7 of the submitted report, be noted.
- b) That the outcomes of the equality impact assessment and the way in which they have been addressed, as set out within sections 7.1 to 7.4 of the submitted report, be noted.
- c) That the changes to charges for non-residential services, as set out in sections 5.4 to 5.7 of the submitted report, effective from 1<sup>st</sup> October 2011, be approved.
- d) That the revised Adult Social Care Charging and Contributions Policy Framework, as set out within Appendix 6 of the submitted report be approved.
- e) That the further review of charges and the financial assessment methodology, together with the associated consultation process, as set out within sections 5.15 and 5.16 of the submitted report, be approved.
- f) That a further report on the outcomes of the further consultation process and proposals regarding charges and the financial assessment methodology be submitted to a future meeting of the Board.

**37 Leeds Safeguarding Adults Partnership Annual Report 2010/2011**

The Director of Adult Social Services submitted a report introducing the fourth annual report of the Leeds Safeguarding Adults Partnership Board and providing an update on the work of the Leeds Safeguarding Adults Partnership.

Copies of the Leeds Safeguarding Adults Partnership Board Annual Report for 2010/2011 had been circulated to Board Members for their consideration.

Professor Paul Kingston, Independent Chair of the Safeguarding Adults Partnership Board, was in attendance at the meeting and provided an introduction to the report.

In responding to enquiries, officers undertook to provide Board Members with a breakdown of the statistics regarding the locations of alleged abuse in respect of private and public service providers.

**RESOLVED** – That the content of the attached 2010/11 annual report be noted and that the work programme of the Adult Safeguarding Partnership Board for 2011/12 be endorsed.

## **RESOURCES AND CORPORATE FUNCTIONS**

### **38 Financial Health Monitoring 2011/12 - First Quarter Report**

The Director of Resources submitted a report presenting the Council's financial health position after three months of the 2011/12 financial year.

Enquiries were made into the current position of the Children's Services and Adult Social Care budgets. In response, Members were provided with information where available, with the undertaking that further detail regarding Children's Services would be provided in due course. In general, it was noted that more detailed information relating to those areas facing particular budgetary pressures would be made available at future meetings. Emphasis was then placed upon the Council's current financial pressures and assurances were given that the management of such budgetary pressures remained a priority.

**RESOLVED** –

- (a) That the projected financial position of the authority after three months of the financial year be noted.
- (b) That directorates continue to develop and implement action plans which are robust and which will deliver a balanced budget by the year end.

### **39 Treasury Management Annual Report 2010/11**

The Director of Resources submitted a report providing a final update on Treasury Management Strategy and operations in 2010/11.

On behalf of the Board, the Chair thanked all of those officers who had been involved in the work of the Treasury Management Strategy and operations over the past year.

**RESOLVED** – That the treasury management outturn position for 2010/11 be noted.

### **40 Capital Programme Update 2011 - 2014**

The Director of Resources submitted a report providing an update on the financial position for 2011/12 as at June 2011, which included details of capital resources, a summary of schemes which had been upgraded from 'Amber' status to 'Green' since February and which provided a summary of progress made on some major schemes. In addition, the report sought specific approvals to enable some schemes to progress.



Responses were received to Members' enquiries regarding the ICT related projects which were detailed within the submitted report.

**RESOLVED –**

- a) That the latest position on the general fund and HRA capital programmes be noted.
- b) That the transfer of schemes from the Amber to the Green programmes as set out in section 3.3 of the submitted report be noted.
- c) That the bringing together of a number of ICT schemes within the approved capital programme to form the ICT Essential Services Programme(ESP), with a total value of £5,800,000, as set out in Appendix C of the submitted report, be noted.
- d) That authority be given to incur expenditure of £2,130,000 on the migration to Microsoft technologies from Novell, as included in Appendix C to the submitted report.
- e) That authority be given to incur expenditure of £950,000 on the Storage Consolidation element of the ESP as included in Appendix C to the submitted report.
- f) That an injection into the capital programme of £4,389,500 to progress phase 1 of the Changing the Workplace programme be approved.
- g) That approval be given to the promotion of £168,900 from the reserved to the funded capital programme, in order to allow the demolition of the former Parklees (ASC) building to proceed.
- h) That an injection into the capital programme of £50,000 be approved in order to provide a grant to Clifford Parish Council.

**41 Annual Risk Management Report**

The Director of Resources submitted a report which providing an overview of the Council's corporate risks and the risk management work which had been undertaken by the Risk Management Unit (RMU) in the last year in support of the Council's Risk Management Framework. In addition, the report highlighted future areas of work to improve the management of risk and provided assurances on the strength of the risk management arrangements currently in place.

**RESOLVED –**

- (a) That the contents of the report, the risks on the corporate risk register and the progress made on enhancing the Council's risk management arrangements be noted.
- (b) That Executive Board Members continue to review and challenge the arrangements, particularly in relation to strategic decision-making and the delivery of the authority's new City and Council strategic priorities.

## **DEVELOPMENT AND THE ECONOMY**

### **42 The Strategy for Kirkgate Markets**

Further to Minute No. 123, 15<sup>th</sup> December 2010, the Director of City Development submitted a report providing an update on the findings from a public consultation exercise undertaken earlier in the year, on the petition organised by the Friends of Kirkgate Market Group and outlining the measures taken by the Council to address the issues raised. In addition, the report set out the strategy for Kirkgate Market in order to ensure the market was sustainable.

Having received responses to Members' enquiries regarding rental levels and the potential input of independent retailers into the running of the market, the Chair highlighted the levels of support for the long term future of the market which had been received.

The report noted that full equality impact assessments would be carried out on the different forms of arms-length companies and in determining the optimum size of the market.

#### **RESOLVED –**

- (a) That the Board restates its commitment to the long term future and success of Kirkgate Market.
- (b) That the vision and objectives for Kirkgate Market, as set out within Section 4 of the submitted report, be endorsed.
- (c) That the strategy for Kirkgate Market, as set out within Appendix II of the submitted report be endorsed, specifically in respect of the proposals to:-
  - i) move the management and ownership of Kirkgate Market to an arms length company and establish a Project Board and engage expert opinion to consider and recommend the form this should take;
  - ii) start consultation with staff and the Trades Unions to inform the recommendations to Executive Board;
  - iii) determine the optimum size for the indoor and open markets, after taking expert advice, and determine the necessary steps to reach that size.

### **43 Response to the Scrutiny Inquiry Report on the Future of Kirkgate Market**

The Head of Scrutiny and Member Development submitted a report summarising the responses to the recommendations of the former Scrutiny Board (City Development) arising from its inquiry entitled 'Review of the Future of Kirkgate Market'.

**RESOLVED** – That the directorate responses to the recommendations of the former Scrutiny Board (City Development) arising from its inquiry into the future of Kirkgate Market be noted.

**44 Investment Partnership for South Leeds**

Further to Minute No. 9, 17th June 2009, the Director of City Development submitted a report presenting an update on the work undertaken to date, providing an overview of the Investment Strategy, whilst providing details of the consultation which had been undertaken and the forthcoming launch event for the strategy.

**RESOLVED** –

- (a) That the contents of the submitted report, together with the production of the Investment Strategy for South Leeds be welcomed, subject to the issues raised in paragraph 3.6 of the submitted report.
- (b) That the continuation of more detailed work to support the preparation of the Core Strategy and subsequent Site Allocations Development Plan Document be agreed.
- (c) That a review of the governance arrangements, as the work referred to in paragraph 7.2 of the submitted report progresses, be agreed.

**45 Consolidation of Enterprise Assets in Chapeltown**

The Director of City Development submitted a report on the proposed transfer of the Chapeltown Enterprise Centre, on a 99 year peppercorn lease basis to Unity Enterprise, and the extension of the management agreement for Leeds Media Centre to Unity Enterprise, as part of the Chapeltown Enterprise Network project.

The report provided details of the equality impact assessment which had been undertaken in respect of the proposals.

**RESOLVED** –

- (a) That the proposal from Unity Enterprise be noted.
- (b) That a 99 year full repairing and insuring lease be provided for the Chapeltown Enterprise Centre to Unity Enterprise on a peppercorn basis, subject to:-
  - i) no revenue grant support being payable;
  - ii) that the agreed refurbishment works are successfully completed.
- (c) That a 10 year service level agreement be provided to Unity Enterprise to manage Leeds Media Centre, subject to:-
  - i) no revenue grant support being payable;
  - ii) that the rent payable by Unity Enterprise is nil;

- iii) that the targets and outputs as part of the service level agreement are in line with those contained within the existing service level agreement for 2011/12.

**46 Permit Scheme for Road and Street Works**

The Director of City Development submitted a report on the proposed permit scheme and detailing the expected benefits of the initiative. In addition, the report also sought approval for the submission of an application to the Secretary of State regarding the operation of the permit scheme.

In response to Members' enquiries regarding the remit of the scheme, it was stated that such matters would be kept under review.

The report provided details of the equality impact assessment which had been undertaken in respect of the proposals.

**RESOLVED** – That officers be authorised to make an application to the Secretary of State to implement the permit scheme, as outlined within the submitted report.

**47 Future Options for Design Services**

Further to Minute No. 182, 9th March 2011, the Director of City Development submitted a report presenting a recommendation about the future provision of Architectural Design Services (ADS) following the extensive investigation of two options previously identified by the Board.

The report presented the following two options, which Executive Board had previously instructed officers to explore further:-

Option 1 - to explore to the establishment of a joint venture arrangement with Norfolk Property Services (NPS) as the preferred route.

Option 2 - to explore alongside this in more detail, the option to separately procure design services using existing frameworks where appropriate e.g. Office of Government Commerce (OGC).

Members highlighted the need for this matter to be progressed without delay.

The report provided details of the equality impact assessment which had been undertaken in respect of the proposals.

Following consideration of Appendix 1 to the submitted 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 Option 1 be pursued and that the establishment of a Joint Venture Company with Norfolk Property Services (NPS) be supported in principle.

- (b) That, subject to the agreement of detailed terms, the Director of City Development be given delegated authority to finalise contractual terms with NPS and to establish appropriate interim arrangements.
- (c) That, should negotiations with NPS not be satisfactorily concluded, Option 2 be pursued, with a further report being brought back to Executive Board should this situation arise.

**48 Development Proposals for the Sovereign Street Site**

The Director of City Development submitted a report informing of the outcomes from the consultation on the Draft Planning Statement for the Sovereign Street site and providing an update on the progress made to date on the potential to create a new city centre greenspace, in conjunction with a mixed use development on the site.

Following consideration of Appendix 1 to the submitted 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 progress made in relation to the development proposals for the Sovereign Street site be noted.
- (b) That the revised Sovereign Street Planning Statement be approved as a guide to future development proposals for the Sovereign Street site.
- (c) That the draft Heads of Terms agreed with KPMG and Sovereign Leeds Ltd, as detailed within exempt appendix 1 for site A be approved, and that authority be delegated to the Director of City Development in order to negotiate the detailed terms.
- (d) That a further six month exclusivity period be granted, for KPMG to complete their due diligence on the site and to complete the Agreement for lease.
- (e) That the marketing of the two remaining development sites be commenced upon completion of the Development Agreement with KPMG, expected in September 2011.
- (f) That the principle of using part of the KPMG receipt to deliver the proposed greenspace be approved.
- (g) That approval is given to appropriate land from highways to planning purposes to allow easements and other rights be overridden pursuant to S237 of the Town and Country Planning Act 1990 on the proposed KPMG (Site A).
- (h) That an injection into the Capital Programme and the authority to spend up to £100,000 of feasibility funding be approved, for the design

brief and scheme development which will enable the procurement of the new greenspace.

**49 Low Emission Zones - Council Resolution 6 April 2011**

The Director of City Development submitted a report addressing the request of Full Council for a feasibility study to be undertaken into the establishment of a Low Emission Zone in Leeds.

**RESOLVED –**

- (a) That the content of this response to Full Council's resolution requesting a study into the feasibility of establishing a Low Emission Zone in Leeds be noted.
- (b) That the bid which has been made to DEFRA in respect of funding be noted and endorsed.
- (c) That, subject to the DEFRA funding bid being successful, the further development of proposals for an initial feasibility study be approved, with a further progress report being received in due course.

**50 National High Speed Rail Strategy Consultation**

The Director of City Development submitted a report detailing the proposed response to the Government's consultation on a National High Speed Rail Strategy.

Members emphasised the need for the lobbying process in respect of this matter to continue.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That support for the Government's high speed rail strategy and network proposals be confirmed.
- (c) That the proposed response to the national high speed rail consultation, as appended to the submitted report, be approved.

**51 Proposal to confirm an Article 4 Direction to require planning permission for a change of use from Use Class C3 to C4 in selected areas of Leeds**

The Director of City Development submitted a report summarising the responses from the recent public consultation exercise in relation to the proposed Article 4 Direction in Leeds, and sought approval to confirm the Article 4 Direction.

In response to Members' enquiries, officers undertook to look into those geographical areas highlighted which were not referenced within the report.

**RESOLVED –**

- (a) That the contents of the submitted report and the responses received in relation to the Article 4 Direction public consultation exercise be noted.
- (b) That the principle of confirming the Article 4 Direction to cover the area proposed be approved and that the Chief Planning Officer be delegated the necessary authority to confirm the Direction.

**52 Planning Applications Highways Issues (White Paper 16)**

The Director of City Development submitted a report responding to full Council's resolution of 6<sup>th</sup> April 2011 requesting that Executive Board instructed the Council's Highways Department to ensure that consultation with Ward Members took place with regard to planning applications' highways matters prior to the Highways Department passing formal comment to planning officers.

The Chief Executive stated that correspondence had been received from Councillor Cleasby in respect of this matter, who had requested that the recommendations detailed within the submitted report be replaced by the resolution which had been formally agreed by Council on the 6<sup>th</sup> April 2011.

**RESOLVED –** That in light of the representations received in respect of this matter, the report be withdrawn from the agenda, with a further report being submitted for consideration in due course.

**53 Site of the Former Wyther Park Primary School Victoria Park Avenue Armley Leeds LS5**

The Director of City Development and the Director of Environments and Neighbourhoods submitted a joint report which sought approval to sell the subject site on the provisionally agreed terms, contained within the exempt appendix to the submitted report, which included deferring payment of part of the receipt until completion of the development.

Following consideration of the Appendix to the submitted 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 site of the former Wyther Park Primary School be sold on a deferred payment basis, on the terms outlined within the submitted report.
- (b) That approval be given to the use of the deferred payment received in a Local Investment Plan priority scheme.

## **ENVIRONMENTAL SERVICES**

### **54 Solar Photovoltaic Panels Initiative - Corporate Buildings**

The Director of City Development submitted a report regarding proposals to develop a scheme to install a maximum of £3,010,000 of investment in solar photovoltaic systems on Council buildings, including schools, which would generate an income over 25 years.

Following consideration of Appendix 2 to the submitted 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 project proposal for installing photovoltaic in corporate buildings, including schools, be approved.
- (b) That the injection of £3,010,000 into the Capital Programme to be fully funded by Unsupported Borrowing be approved.
- (c) That delegated authority be given to the Director of Resources to authorise expenditure of up to any value on a scheme by scheme basis, up to a total of £3,010,000, which will be subject to a prior approval of a Business Case for each site by the Director of Resources.
- (d) That the Director of City Development be given delegated authority to approve the award of the contract and building selection.

## **NEIGHBOURHOODS, HOUSING AND REGENERATION**

### **55 Little London, Beeston Hill and Holbeck PFI Housing Project: Confirmation of Amended Project Scope and Affordability**

The Director of Environment and Neighbourhoods submitted a report providing an update on the outcome of the Government Value for Money Review of the national housing PFI programme and its impact upon the Little London, Beeston Hill and Holbeck PFI project, the resultant changes required to the project scope, the affordability of the project following such changes and on the recent Key Decision taken by the Director of Environment & Neighbourhoods.

Members received an update on the current position of the project.

The report provided details of the equality impact assessment which had been undertaken in respect of this matter.

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



**RESOLVED –**

- (a) That the outcome of the government value for money review be noted.
- (b) That the overall changes and cost variations to the project be noted.
- (c) That the re-submission of an amended Pre-Preferred Bidder Final Business Case under the Director Delegation Scheme as detailed in paragraph 7.1 of the submitted report, be noted.
- (d) That the revised overall affordability position, as detailed in exempt appendix 2 of the submitted report, be noted.
- (e) That it be noted (without affecting the resolutions of the meeting of this Board on 9th March 2011 including those granting authority to enable the Project to reach financial close) that it is anticipated that a further report be brought to a future Board meeting in due course with details of the Pre-Financial Close affordability.

(Councillors Finnigan and Dobson both declared personal interests in relation to this matter, due to their respective positions as Aire Valley Homes ALMO Board Members).

**56 Arms Length Management Organisations and Tenant Management Organisations Annual Reports for 2010/2011**

The Director of Environment and Neighbourhoods submitted a report presenting the in 2010/11 Annual Reports for the Arms Length Management Organisations (ALMOs) and Belle Isle Tenant Management Organisation (BITMO) which highlighted the achievements and performance results for the previous year.

The Board welcomed the four Chief Executives of the ALMOs and BITMO, who were in attendance to provide additional detail and answer any questions.

Following Members' enquiries regarding tenants' perception of the ALMOs and BITMO, it was proposed that a report was submitted to a future meeting of the Board in respect of such matters and the work being undertaken to improve tenants' satisfaction levels.

**RESOLVED –**

- (a) That the contents of the 2010/11 ALMO and BITMO annual reports and supporting papers be noted.
- (b) That a report be submitted to a future meeting of the Board regarding tenants' satisfaction levels, and the work being undertaken to improve such levels.

(Councillors Finnigan, Dobson and Blake all declared personal interests in relation to this matter, due to their respective positions as either Aire Valley

Homes ALMO Board Members or Belle Isle Tenant Management Organisation Board Members).

**57 Gypsies and Travellers - Progress on Scrutiny Board Inquiry Recommendations**

Further to Minute No. 168, 11<sup>th</sup> February 2011, the Director of Environment and Neighbourhoods submitted a report providing an update on the work undertaken following the Board's consideration of the response to the inquiry undertaken by the former Scrutiny Board (Environment and Neighbourhoods) Inquiry into site provision for Gypsies and Travellers in Leeds.

Members made enquiries into the content of the report, when compared to the current governmental guidance relating to site development for Gypsies and Travellers and due to the fact that the government was currently consulting on new planning policy for such sites. In response, Members received assurances in respect of their enquiries, including those in respect of external funding proposals, whilst officers undertook to circulate the relevant governmental guidance on this matter as appropriate. In addition, it was proposed that a further report was submitted to the Board in due course when the new governmental planning policy for Gypsy and Traveller sites had been released.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the instigation of a search for a new site or sites, in accordance with the principles set out at paragraph 3.9 and 3.10 of the submitted report, be approved.
- (c) That a further report be submitted to the Board in due course when the new governmental planning policy for Gypsy and Traveller sites had been released.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the decisions taken above, whilst Councillor Golton required it to be recorded that he abstained from voting on these matters).

**CHILDREN'S SERVICES**

**58 Primary Basic Need 2012 - Outcome of statutory notices for the expansion of primary provision in 2012**

Further to Minute No. 203, 30<sup>th</sup> March 2011, the Director of Children's Services submitted a report outlining the representations received as part of the consultation exercise on the proposals for expansion of primary provision from September 2012 and seeking a final decision on the proposals.

**RESOLVED –**

- (a) That the capacity of Wykebeck Primary School be expanded from 315 places to 420 places on its existing site.

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- (b) That the former South Gipton Community centre site be earmarked for the expansion of Wykebeck Primary School.
- (c) That the capacity of Bracken Edge Primary School be expanded from 315 places to 420 places on its existing site.
- (d) That the age range of Carr Manor High School be changed from 11-18 to 4-18 years, with a reception admission limit of 30, with land next to the school being used for the primary provision.

**59 Primary Basic Need Programme - Permission to consult on proposals for expansion of primary provision in 2013 and 2014**

The Director of Children's Services submitted a report detailing the requirement for primary school places in the academic year 2013/14 and beyond, presenting a range of proposals to address the identified need and seeking permission to consult on some specific options and identifying further work required on others, prior to any statutory consultation.

Members received responses to their specific enquiries regarding particular school sites or geographical areas of Leeds.

**RESOLVED –**

- (a) That it be noted that Bramley St Peter's will be expanded from 315 to 420 places, with no requirement for a statutory process.
- (b) That formal consultation to expand existing schools be approved, as follows:-
  - i) Rawdon St Peter's Primary School from 315 to 420 places,
  - ii) Morley Newlands Primary School from 420 to 630 places;
- (c) That approval be given to the undertaking of formal consultation on two new 420 place primary schools, to be established on the site of the former South Leeds Sports Centre and on land at Florence Street, with the sites being earmarked for this purpose.
- (d) That further reports detailing the outcomes of these consultation exercises, and any further proposals to cover any remaining shortfall, be submitted to the Board at a later date.

**DATE OF PUBLICATION:** 29<sup>TH</sup> JULY 2011

**LAST DATE FOR CALL IN OF ELIGIBLE DECISIONS:** 5<sup>TH</sup> AUGUST 2011 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 8<sup>th</sup> August 2011)

Draft minutes to be approved at the meeting to be held on Wednesday, 7th September, 2011

Draft minutes to be approved at the meeting  
to be held on Wednesday, 7th September, 2011

## EXECUTIVE BOARD

WEDNESDAY, 7TH SEPTEMBER, 2011

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

Councillors J Blake, A Carter, M Dobson,  
R Finnigan, S Golton, P Gruen, R Lewis,  
A Ogilvie and L Yeadon

**60 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 and Annex 1 to the report referred to in Minute No. 66 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the publication of the documentation could prejudice the City Council's commercial interests as, Appendix 1, and the Final Business Case include matters where final negotiations on the contract are not yet complete, and these negotiations are confidential between the City Council, the LEP and the E4L Consortium. In addition, both the Appendix and the Final Business Case contain sensitive commercial information supplied to the City Council by E4L. In such circumstances it is considered that the public interest in not disclosing this commercial information outweighs the interests of disclosure.
- (b) Appendix 2 to the report referred to in Minute No. 68 under the terms of Access to Information Procedure Rule 10.4(5) on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In addition, Appendix 3 to the report referred to in the same minute is designated as exempt under Access to Information Procedure Rule 10.4 (3) on the grounds that it contains financial information relating to individual homes. The information in both appendices is exempt if, and for so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (c) Appendix 1 to the report referred to in Minute No. 73 under the terms of Access to Information Procedure Rule 10.4 (3) on the grounds that it contains information relating to the financial or business affairs of any person or company (including the authority holding that information) which may result in prejudicial trading of that company. It is considered not to be in the public interest to release such

Draft minutes to be approved at the meeting  
to be held on Wednesday, 12th October, 2011

information at this time, as this would compromise the Council's position.

- (d) Appendix 1 to the report referred to in Minute No. 79 under the terms of Access to Information Procedure Rule 10.4(2) and 10.4(3), as it contains information, which if disclosed to the public would, or would be likely to lead to the identification of an individual or individuals. In addition to the fact that the terms of the disposals are subject to further negotiation and publication may prejudice those negotiations and the commercial confidentiality of financial information held by the Council and Unipol. In addition, Appendix 2 to the report referred to in the same minute is designated as exempt under Access to Information Procedure Rule 10.4 (3) on the grounds that it contains information relating to the financial or business affairs of the Council and of Unipol, which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of the Council and Unipol.
- (e) Supplementary information tabled at the meeting in relation to Minute No. 83, under the terms of Access to Information Procedure Rule 10.4(1) and (2) on the grounds that it contains details of personal correspondence between a member of the public and Council officers and it is not considered to be in the public interest to share such personal details.

## **61 Late Items**

There were no late items as such, however, it was noted that the following supplementary information had been circulated to Board Members following the despatch of the agenda:

- (a) A Statement by the Scrutiny Board (Health and Wellbeing and Adult Social Care) which accompanied the report entitled, 'Better Lives for Older People: Future Options for Long Term Residential and Day Care Services' (Minute No. 67 refers).
- (b) Additional correspondence which was designated as exempt under the terms of Access to Information Procedure Rule 10.4(1) and (2), accompanying the report entitled, 'Public Reports of the Local Government Ombudsman regarding Complaints' (Minute No. 83 refers).

## **62 Declaration of Interests**

Councillors Gruen and Finnigan both declared personal interests in the item entitled, 'E-ACT Leeds East Academy Final Business Case', due to being members of Plans Panel (East), as the Panel was scheduled to formally consider the matter of full planning approval for the development later in the year (Minute No. 84 refers).

The Chief Executive declared a personal interest in the item entitled, 'Building Intelligence Capacity for the City and the City Region', due to being a former employee of Yorkshire Forward (Minute No. 70 refers).

**63 Minutes**

**RESOLVED** – That the minutes of the meeting held on 27<sup>th</sup> July 2011 be approved as a correct record.

**ADULT HEALTH AND SOCIAL CARE**

**64 Deputation to Council: TENFOLD, The Leeds Learning Disability Forum regarding People with Learning Disabilities who live in Leeds**

The Director of Adult Social Services submitted a report responding to the deputation to Council on the 13<sup>th</sup> July 2011 from Tenfold, the Leeds Voluntary Sector Learning Disabilities Forum, regarding people with learning disabilities living in Leeds and also in respect of the ‘Council Takeover Day’ which the group undertook in January 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED -**

- (a) That the positive impact that the ‘Council Takeover Day’ had on people with learning disabilities living in Leeds be noted.
- (b) That agreement be given to support a similar event to be held in the autumn of 2011 and thereafter on an annual basis.

**65 Transforming day opportunities for adults with learning disabilities**

Further to Minute No. 113, 3<sup>rd</sup> November 2010, the Director of Adult Social Services submitted a report outlining the progress made to date in respect of the day services transformation and changing places programme, whilst also seeking approval to implement the next phase of activity. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Having received reassurances in response to the enquiries which had been raised during the course of the discussion, Members emphasised their support for the proposals detailed within the report.

**RESOLVED -**

- (a) That the contents of the submitted report, together with the progress which has been made to date in the day services transformation and changing places programme, be noted.
- (b) That in relation to West North West Leeds, approval be given to the proposals which will by June 2012 lead to Horsforth Fulfilling Lives Centre becoming surplus to requirements through the creation of new community fulfilling lives service bases and the refurbishment of Bramley Fulfilling Lives centre, as detailed within the submitted report.
- (c) That in relation to Wetherby, the Board’s endorsement be given to further work being undertaken in Wetherby in order to develop a proposal in consultation with stakeholders, with this proposal forming the basis of a further report to Executive Board in due course.

- (d) That in relation to South South East Leeds, the proposed investment into the Rothwell Fulfilling Lives West building be noted, which will allow Adult Social Care to complete the transformation of services in the South and by April 2013 lead to West Ardsley Fulfilling Lives Centre and Rothwell Fulfilling Lives East building becoming surplus to requirements.
- (e) That an injection of £1,332,000 into the capital programme be approved to facilitate the delivery of the remaining asset requirements within the strategy, funded by the ring-fencing of future capital receipts, as identified within the submitted report.

**66 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. 15, 22<sup>nd</sup> June 2010, the Director of City Development and the Director of Adult Social Services submitted a joint report providing an update on the progress of the procurement via the Local Education Partnership (LEP) of the Holt Park Wellbeing Centre. In addition, the report sought confirmation and approval of the final scope of the project, the maximum affordability position for the City Council and the process which would facilitate the project's Commercial and Financial Close. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members received reassurance in respect of the provision of dedicated accommodation for young people as part of the proposed development.

The Director of Adult Social Services highlighted that there were several minor drafting errors within the report's recommendations which would be corrected via the formal minutes of the meeting.

Following consideration of Appendix 1 and Annex 1 to the submitted 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 within the submitted report be confirmed and noted.
- (c) That the financial implications for the Council of entering into the Project be approved, and that agreement be given to the maximum affordability ceiling for the Leeds City Council contribution in relation to the PFI of £484,000 in the first full year of service commencement (2014/15), as set out within exempt Appendix 1 of the submitted report, but subject to resolution (e) below, should the SWAP rate exceed 5.00%.



- (d) (Noting that financial close cannot take place until and unless the Government confirms the availability of PFI Credits and the FBC approval), that approval be given to the arrangements to 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 Leeds Local Education Partnership (LEP), and
- in connection therewith, confirmation be given to the arrangements at paragraph 4.8.5 of the submitted report, and that (for the avoidance of doubt) the necessary authority be delegated for the functions, as set out at Part 3 section 3E of the Constitution (Officer Delegation Scheme (Executive Functions)) in relation to Public Private Partnerships/Private Finance Initiative and other Major Property and Infrastructure Related projects, to be exercised in relation to this Project by the Director of City Development (or delegee) in consultation with the Director of Adult Social Services (or delegee).
- (e) That the necessary authority be delegated to the Director of City Development or his 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 to a maximum affordability ceiling of £484,000 for the Leeds City Council contribution in 2014/15 terms.
- (f) That the existing Holt Park Leisure Centre site be injected into the capital receipts programme for disposal.

## **67 Better Lives for Older People: Future Options for Long Term Residential and Day Care Services**

The Director of Adult Social Services submitted a report on the extensive consultation exercise that had been undertaken in relation to proposals regarding a number of residential care homes and day centres for older people. The report advised of the outcomes from the consultation exercise and detailed a number of recommendations for either closure or retention of each unit. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following the introduction of the report, a detailed discussion ensued, with several specific enquiries and suggestions being made regarding a number of homes affected by the proposals. In summary, the main points of discussion were as follows:-

- Concerns were raised in respect of the caveats which accompanied some of the proposals, specifically with regard to NHS funding arrangements, with a request that Board Members were kept informed of any developments which occurred in respect of such NHS funding arrangements.
- Clarification was sought on the provision of independent sector beds in respect of specific homes and the criteria used to generate the data, as detailed within the report

- Emphasis was placed upon the need for residents to be allocated accommodation of their choice, prior to their movement and upon the need for residential and day care services provision to be based upon a mixed economy model and not solely via the private sector.
- Members discussed the proposed Community Asset Transfer of one of the homes in question and highlighted the role of Ward Members in this process, acknowledged the varying standard of provision which currently existed in the city and emphasised the need to ensure that the level of care for all was raised throughout Leeds.

Responses and assurances were provided to those representations which had been received following the publication of the agenda papers and also to those concerns which had been raised by Members during the discussion. It was emphasised that residents would be allocated accommodation of their choice prior to their movement, that the standards of care for all needed to be raised across the city and that all actions taken in respect of the proposals would be in line with the 'Care Guarantee', as appended to the report.

Copies of the documents accompanying the submitted report, namely, the Consultation Report and the Equality Impact Assessment, which framed the recommendations within the report, had been included within the agenda papers, whilst a statement of the Scrutiny Board (Health and Wellbeing and Adult Social Care) responding to the proposals contained within the report was tabled at the meeting for Members' consideration.

**RESOLVED -**

- (a) That the very extensive and wide ranging consultation exercise undertaken be noted, and that all contributors be thanked for their thoughtful and helpful comments which have informed the recommended outcomes.
- (b) That the commitment and process which will be followed to ensure all people affected by the adoption of the recommendations are provided with comprehensive care planning and support in identifying appropriate alternative provision, be noted.
- (c) That the proposals in respect of day care services be agreed, namely:
  - To retain as specialist services Middlecross, Apna, Springfield, Calverlands, Laurel Bank, The Green, Frederick Hurdle and Wykebeck
  - To decommission Spring Gardens, Firthfields, Rose Farm and Lincolnfields.
- (d) That the proposals in respect of specialist residential care homes be agreed, namely:
  - To retain as specialist dementia units, Middlecross, Siegen Manor and The Green
  - To recommission Richmond House as a specialist residential intermediate care home (in partnership with the NHS)

- To recommission Harry Booth House as a specialist nursing/residential intermediate care home commencing operation in April 2012 (in partnership with the NHS)
  - To set aside consideration of Amberton Court as a specialist care unit pending further work with the NHS and consideration of its long term future alongside other Local Authority residential care facilities not specifically covered in this report
- (e) That the implementation of proposals for the long term residential care homes be agreed, namely:
- To decommission Westholme, Kirkland House and Grange Court
  - To agree the decommissioning of Spring Gardens and Knowle Manor at a future date and on completion of new build Residential Care facilities in Otley and Morley respectively
  - To agree the decommissioning of Dolphin Manor at a future date through either the transfer of ownership to a community interest company (subject to satisfactory business evaluation and due diligence test) or on completion of new build residential care facilities in Rothwell
- (f) That discussions be commenced immediately with the company planning to build residential home facilities in Otley to bring forward the development at the earliest opportunity.
- (g) That approval be given to the proposals to identify land in Morley and Rothwell and that approval also be given to work with officers in City Development to advertise for residential/nursing care development at the earliest opportunity.
- (h) That approval be given to the immediate commencement of dialogue with interested community groups and stakeholders with regard to future building use.
- (i) That approval be given to proposals to bring forward further options in relation to the remaining six day centres and eight residential homes.
- (j) That approval be given to the ongoing review of remaining facilities, with such a review being undertaken with City Development and Environment and Neighbourhoods colleagues, in order to ensure that the choice of local housing, care and support options for older people are expanded.
- (k) That as part of this process, officers be authorised to take appropriate steps to secure appropriate partners to exploit development opportunities for the remaining facilities.

(Under the provisions of Council Procedure Rule 16.5, Councillor Golton required it to be recorded that he abstained from voting on decisions taken above, whilst Councillor A Carter emphasised that he was in agreement with

the resolutions, subject to the caveats he raised during the course of the discussion)

**68 Adult Social Services Procurement Efficiencies 2011/12 Care Home Fees**

The Director of Adult Social Services submitted a report providing information on the current position in achieving procurement efficiency targets in respect of fees paid to Leeds independent sector residential and nursing care homes, detailing issues that had arisen since the original budget setting process for 2011/12 was concluded, and recommending ways forward in seeking to progress efficiency, service modernisation and quality in the sector. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members received information regarding the circumstances which had led to the current position.

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

**RESOLVED -**

- (a) That the difficulties in achieving the targeted procurement efficiencies in fees paid to independent sector providers to support publicly funded residents of residential and nursing care homes for older people in Leeds be noted.
- (b) That the immediate commencement of a negotiated implementation of a revised temporary fee structure for publicly funded residents taking up placements in Leeds homes from October 1<sup>st</sup> this year be approved.
- (c) That the content of exempt Appendix 3 to the submitted report be noted, which sets out the indicative level of temporary fees that will be negotiated with Independent sector providers following the adoption of resolution (b) above.
- (d) That the inflationary payment standstill, initiated in April 2010, be confirmed.
- (e) That the establishment by the Director of Adult Social Services of an advisory board to include representatives of all groups with a direct interest in commissioning, providing and receiving sustainable high quality care for older people, be approved.
- (f) That the advisory board membership, as referred to in resolution (e) above, be agreed with the Executive Lead Member for Adult Social Services.

- (g) That approval be given to the negotiation of the terms of reference for the board established at resolutions (e) and (f) above, which will include:-
- (i) that the Board be given the primary remit of bringing forward a long term sustainable fee settlement framework which incorporates the development of a quality framework linked to the fee settlement;
  - (ii) whilst also including proposals to deal with the issue of sector inflation against a background of reducing Council funding in the medium term, to ensure that any equality issues arising out of its work are assessed and addressed; and
  - (iii) to examine, with reference to best practice examples elsewhere in the country, the means by which quality standards could be embedded within the overall fee settlement framework.

**69 Shadow Health and Wellbeing Board for Leeds**

The Director of Adult Social Services submitted a report providing an update on the changes to the NHS following the publication of *Equity and Excellence: Liberating the NHS* and, in particular, outlining the progress made to establish a shadow Health and Wellbeing Board for Leeds. In addition, the report also highlighted the development of the Joint Strategic Needs Assessment (JSNA) since 2010 and the emerging themes, whilst outlining the future central role of the JSNA within the new Health and Wellbeing Boards and Joint Health and Wellbeing Strategy. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Executive Member for Adult Health and Social Care clarified that in respect of the proposed membership for the Shadow Board, this would include the opposition group Leaders, or their representatives.

**RESOLVED -**

- (a) That the progress which has been made in developing a shadow Health and Wellbeing Board for Leeds be noted.
- (b) That the recent clarification of public health functions to be transferred to the Local Authority be noted along with the intention to submit further reports on issues and implications once further information is known.
- (c) That the progress which has been made in delivering the work programme identified in the first JSNA report in April 2009 be noted along with the implications of the new role of the JSNA as central to the new commissioning structures.
- (d) That it be noted that a further update on the JSNA will be published in the autumn as part of the State of the City report.
- (e) That the ongoing refinement of the priorities and indicators within the City Priority Plan, following NHS Leeds Board, partnership and scrutiny contributions, be agreed.

## **RESOURCES AND CORPORATE FUNCTIONS**

### **70 Building intelligence capacity for the city and city region**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report outlining the rationale underpinning the proposal to transfer Yorkshire Forward's Chief Economists Unit to the Council, detailing the actions being taken to secure an appropriate operating and funding model, whilst seeking formal agreement to transfer the Chief Economists Unit to the Council from 1st November 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Emphasis was placed both upon the importance of possessing high quality intelligence in order to inform the Council's strategic and operational planning and also upon the opportunities that this initiative would offer the Council and others.

In response to Members' comments that this initiative needed to be self financing, assurances were received that it was anticipated that this would be the case and that a further report would be submitted to the Board in March 2012, in respect of such matters.

#### **RESOLVED -**

- (a) That the rationale underpinning the proposal to transfer Yorkshire Forward's Chief Economists Unit to the Council be noted.
- (b) That the actions being taken to secure an appropriate operating and funding model which will fully mitigate the financial impact on the Council be noted.
- (c) That the transfer of the Chief Economists Unit to the Council, subject to satisfactory consultation with the trade unions, effective from 1st November 2011, be formally agreed.
- (d) That a further report be submitted to the Board in March 2012 in respect of the initiative.

### **71 Financial Health Monitoring 2011/12 - Month 4**

The Director of Resources submitted a report setting out the authority's projected financial health position, after four months of the 2011/2012 financial year. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Board received an update in respect of income generation from events and in response to a specific enquiry, officers undertook to provide the Member in question with a breakdown of the financial details regarding the projected shortfall in respect of car parking income.

Enquiries were made regarding the Council's attempts to recruit greater numbers of foster carers in Leeds and it was proposed that a further report was submitted to the Board on this matter in due course.

**RESOLVED –**

- (a) That the projected financial position of the authority after four months of the 2011/12 financial year be noted.
- (b) That the release of £800,000 from Housing Revenue Account reserves be approved in order to fund the remaining acquisition and demolition costs as outlined in paragraph 3.4 of the submitted report.
- (c) That approval be given to the budget adjustments, as detailed within paragraph 3.5 of the submitted report.
- (d) That a report be submitted to the Board in due course, regarding the Council's attempts to recruit greater numbers of foster carers in Leeds.

**72 Sex Establishment Statement of Licensing Policy**

The Director of Resources submitted a report presenting the Sex Establishment Statement of Licensing Policy for the purposes of formal adoption, ready for the start of the transitional period on 1st October 2011, whilst also presenting the related Working Group report for approval as the Council's response to the public consultation on the draft Statement of Licensing Policy. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Copies of the Sex Establishment Statement of Licensing Policy, together with the report of the Working Group had been circulated to Board Members for their consideration.

**RESOLVED –**

- (a) That the report of the Working Group be endorsed as the Council's response to the public consultation on the draft Statement of Licensing Policy.
- (b) That the Sex Establishment Statement of Licensing Policy be approved.

**DEVELOPMENT AND THE ECONOMY**

**73 Design & Cost Report for Re-location of the UTMC (Urban Traffic Management Control) Service and the Provision of Upgraded and New UTMC Infrastructure**

The Director of Resources and the Director of City Development submitted a joint report seeking approval of a funded injection into the Capital Programme and the related authority to spend, in respect of the move and upgrade of the Urban Traffic Management Control (UTMC) Unit. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following consideration of Appendix 1 to the submitted 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 an injection into the capital programme of £2,321,000 be approved, of which £716,000 is allocated from the Changing the Workplace Programme, £244,200 is contributed by Calderdale Council, with the balance of £1,360,800 being the subject of a prudential borrowing business case, and funded by annual revenue savings accruing from the project.
- (b) That authority to spend the amount of £2,480,000 on the relocation of UTMC and provision of upgraded and new UTMC infrastructure be approved.
- (c) That by giving the authority to spend as detailed at resolution (b) above, it be noted that the Board are committing £716,000 to complete the UTMC relocation, in advance of the formal consideration of the Changing the Workplace business case later in the year.

**74 Deputation to Council: Carr Manor Road Safety Group regarding Road Safety Issues in the Carr Manor Area**

The Director of City Development submitted a report in response to the deputation to Council on 13<sup>th</sup> July 2011 from Carr Manor Road Safety Group regarding road safety issues in the Carr Manor area. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED –**

- (a) That the concerns of the local residents, as raised within the deputation to Council on the 13<sup>th</sup> July 2011 be acknowledged and recognised.
- (b) That it be noted that the approval of the proposal for additional primary provision does not presuppose the outcome of the planning application.
- (c) That as part of any planning application submission for new primary provision, road safety issues of concern be addressed as part of the transport statement

**75 Approval to the Submission of a Best and Final Bid for Funding of the A58M Inner Ring Road Highway Structures Essential Maintenance Scheme**

The Director of City Development submitted a report seeking approval for the submission of the Best and Final Bid for the A58M Leeds Inner Ring Road Highways Structures Essential Maintenance Scheme to the Department for Transport by 9th September 2011, whilst also seeking agreement on the level of local contributions needed to ensure that the scheme had the best possible chance of securing government funding. In determining this matter, the Board took into consideration all matters contained within the accompanying report.



**RESOLVED –**

- (a) That the submission of the Best and Final Bid for the A58M Inner Ring Road Highways Structures Essential Maintenance Scheme to the Department for Transport by 9<sup>th</sup> September 2011 be approved.
- (b) That the local contribution to the scheme of £3,000,000 be agreed and that approval be given to the injection of this funding into the Inner Ring Road scheme within the approved capital programme.

(The matters referred to in this minute, were not eligible for Call In due to the external deadline set by the Department for Transport for the submission of Best and Final Bids, which if not met, would have negative implications upon the funding of the scheme)

**76 Informal City Centre Commuter Car Parking Policy**

The Director of City Development submitted a report seeking approval to introduce an informal interim policy to deal with commuter car parking sites in the city centre. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members discussed the process and the timescales by which the informal interim policy had been developed, in addition to the level of cap on spaces which had been proposed.

**RESOLVED -**

- (a) That the City Centre Commuter Car Parking Policy, as set out within Appendix A to the submitted report be approved as a material consideration in planning decisions.
- (b) That as a temporary policy, officers be requested to monitor the impact of the policy in the context of public transport improvements and development in the city centre.

**NEIGHBOURHOODS, HOUSING AND REGENERATION**

**77 Deputation to Council: Lingfields and Fir Trees Residents Group regarding Resources in the Moor Allerton Area with Particular Reference to the Open House Community Centre**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report in response to the deputation to Council on 13<sup>th</sup> July 2011 from the Lingfields and Fir Trees Residents Group regarding resources in the Moor Allerton area with particular reference to the Open House Community Centre. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

It was noted that local Ward Members had been involved in the drafting of the report and that further consultation would be had with them in due course.

**RESOLVED -**

- (a) That the Area Leader, East North East Leeds, in consultation with the relevant Ward Members, develop an interim package to ensure the continued operation of the Open House community centre until end of March 2012.
- (b) That the options for the future, long term management arrangements for the Open House community centre be explored, involving and including a consultation with local residents.

**78 Developing a Locality Approach between Leeds City Council Services and Police Community Safety Officers (PCSOs)**

The Director of Environment and Neighbourhoods submitted a report providing an overview of the progress which was being made to develop more joined-up working arrangements between locality based City Council services and Police Community Safety Officers (PCSOs). In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Superintendent Simon Whitehead, Chief Officer Leeds Community Safety, was in attendance at the meeting to respond to Members' enquiries.

Members highlighted the vital role played by PCSOs in respect of combating crime of all levels and regarding information gathering, whilst also emphasising the role played by PCSOs in other areas such as the children's agenda. In addition, the superintendent stressed the vital nature of the cross partnership approach which was needed to effectively combat crime in the city.

In response to Members' enquiries, the Executive Member for Neighbourhoods, Housing and Regeneration undertook to progress the formalisation of the joint protocols between the Council and West Yorkshire Police in respect of PCSOs.

**RESOLVED -**

- (a) That the progress which has been made to develop more joined up working within localities between Leeds City Council services and Police Community Safety Officers be noted.
- (b) That a report be tailored for each Area Committee on Police Community Safety Officers and the proposed areas of closer working for local environmental priorities.

**79 Proposal to lease and sell miscellaneous Council properties to Unipol Student Homes**

The Director of Environment and Neighbourhoods submitted a report presenting a proposal for Unipol Student Homes to lease 73 Council properties and purchase 15 of such properties from the Council over a 4 year period. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

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

**RESOLVED -**

- (a) That the granting of a 21 year lease at less than best consideration for 73 properties to Unipol be approved.
- (b) That the sale of 15 of the properties referred to in resolution (a) to Unipol Student Homes on an individual market value basis over the next 4 years be approved, the first of such properties has been declared surplus by the Director of Environments & Neighbourhoods.
- (c) That approval be given for the Director of Environments and Neighbourhoods to authorise future surplus declarations for those properties identified to be sold, through the Delegated Decision process.

**80 Employment and Skills**

The Director of Environment and Neighbourhoods submitted a report providing an update on current claimant rates for out of work benefits, detailing the progress achieved under current programmes to support priority groups back into employment, summarising the Government's revised delivery framework of employment support activity and the resultant changes required in local provision. In addition, the report also identified key initiatives proposed to be taken forward by the Council in partnership with others in response to business needs, whilst also supporting recovery and growth and maximising opportunities for local people to secure employment. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members emphasised the need for a partnership approach to be taken between participating companies, agencies and the Council, in order to ensure that the apprenticeship opportunities provided were in line with demand.

**RESOLVED -**

- (a) That the activity undertaken to date to support local people to improve their skills and secure employment be noted.
- (b) That in principle support be given to the proposals to develop an Apprenticeship Training Agency and further develop the Retail Academy in order to provide a national centre of excellence, subject to the consideration of further detailed feasibility and delivery plans.

## **CHILDREN'S SERVICES**

### **81 Recent Examination Results**

Following the high levels of attainment which had been achieved in the examination results over the summer, the Executive Member for Children's Services paid tribute to and congratulated all of the students and staff involved.

### **82 Primary Basic Need Programme - Outcome of statutory notices for the expansion of primary provision in 2012**

Further to Minute No.226, 18<sup>th</sup> May 2011, the Director of Children's Services submitted a report detailing the outcomes arising from the publication of the statutory notices regarding the expansion of primary provision in 2012 and sought a final decision on the proposal in respect of Roundhay School Technology and Language College. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED** - That the age range of Roundhay School Technology and Language College be changed from 11-18 to 4-18 years, with a reception admission limit of 60, and with the expansion of the school's capacity using land off Elmete Lane for the primary provision.

### **83 Public reports of the local government ombudsman regarding complaints**

The Director of Children's Services submitted a report providing details of a recent finding of maladministration with injustice in three reports issued by the Local Government Ombudsman. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In presenting the report, the Chair and the Board conveyed their unreserved apologies for the service which the children involved and their families had received. In addition, tribute was paid to the families for their resilience and determination throughout the process. The Director of Children's Services also took the opportunity to outline the actions which had been and continued to be taken to ensure that such instances of maladministration did not occur again.

Following consideration of the supplementary information tabled at the meeting, designated as exempt under Access to Information Procedure Rule 10.4(1) and (2), which was considered in private at the conclusion of the meeting it was

#### **RESOLVED –**

- (a) That the contents of the covering report along with the three Ombudsman reports be noted.
- (b) That the actions taken by the Council to remedy the issues raised be noted.

**84 E-ACT Leeds East Academy Final Business Case**

Further to Minute No. 12, 22<sup>nd</sup> June 2011, the Director of Children's Services submitted a report presenting the Final Business Case for the E-ACT Leeds East Academy for the purposes of approval and submission to the Partnerships for Schools. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED** - That the submission of the Final Business Case to the Partnerships for Schools (PfS) for E-ACT Leeds East Academy (BSF Wave 1, Phase 5) be approved.

**LEISURE**

**85 Scrutiny Board Recommendations - Cemeteries & Crematoria Horticultural Maintenance**

Further to Minute No. 232, 18<sup>th</sup> May 2011, the Director of City Development submitted a report further considering the recommendations arising from the former Scrutiny Board (City Development) inquiry into 'Cemeteries and Crematoria Horticultural Maintenance' and detailing proposals in response to the recommendations made, with particular reference to recommendation 2 of the inquiry report. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

**RESOLVED** - That the report be withdrawn from the agenda, with a further report being submitted for consideration in due course.

**DATE OF PUBLICATION:** 9<sup>TH</sup> SEPTEMBER 2011

**LAST DATE FOR CALL IN OF ELIGIBLE DECISIONS:** 16<sup>TH</sup> SEPTEMBER 2011 (5.00 P.M.)

(Scrutiny support will notify Directors of any items called in by 12.00 p.m. on 19<sup>th</sup> September 2011)

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