

EXECUTIVE BOARD

WEDNESDAY, 19TH APRIL, 2023

PRESENT: Councillor J Lewis in the Chair

Councillors S Arif, A Carter, D Coupar,
S Golton, M Harland, H Hayden, J Pryor,
M Rafique and F Venner

131 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication 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) That Appendix 2 to the report entitled, 'The Engine House, South Bank Leeds', referred to in Minute No. 137 be designated as being exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 and considered in private on the grounds that Appendix 2 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, the Council's commercial position and linked third parties, and as such, it is considered not to be in the public interest to release such information at this time, as this would compromise the Council's position;
- (B) That Appendix 3 to the report entitled, 'East Leeds Extension Update and Progress on Land Disposal for the Southern Quadrant Primary School', referred to in Minute No. 138 be designated as being exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 and considered in private on the grounds that the information within Appendix 3 relates to the financial or business affairs of a particular person / company, 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 has been obtained through one-to-one negotiations for the disposal of the school site, it is not in the public interest to disclose this information now. Also, it is considered that the release of such information would, or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of consideration which may prove acceptable to the Council. It is

therefore considered that, whilst there may be a public interest in disclosure, the public interest in maintaining the exemption outweighs the public interest in disclosing this information now; and

- (C) That Appendix 2 to the report entitled, 'Kingsdale Court Affordable Housing and Regeneration Scheme' referred to in Minute No. 139 be designated as being exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 and considered in private on the grounds that the information within Appendix 2 relates to the financial or business affairs of a particular person, and of the Council. It is considered that the release of such information would, or would be likely to prejudice the Council's commercial interests in relation to property transactions. Disclosure of this information could seriously harm the Council's negotiating position when discussing property acquisitions at Kingsdale Court. Consequently, it is deemed that the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

132 Late Items

There were no late items of business submitted to the Board for consideration.

133 Declaration of Interests

There were no interests declared at the meeting.

134 Minutes

RESOLVED – That the minutes of the previous meeting held on 15th March 2023 be approved as a correct record.

PUBLIC HEALTH AND ACTIVE LIFESTYLES

135 The Marmot City Approach

The Director of Public Health submitted a report which summarised the progress being made towards Leeds becoming a Marmot City, which was a proposal endorsed by key strategic partners during 2022. The report noted that the Marmot approach for Leeds would work towards the vision of having 'a fairer Leeds for everyone'. Specifically, the report also outlined the two-year programme of work agreed in partnership with the Institute of Health Equity (IHE) and included the key milestones for that journey.

In introducing the report, the Executive Member for Public Health and Active Lifestyles highlighted the commitment for Leeds to become a Marmot City working in partnership with the Institute of Health Equity (IHE), which would aim to drive forward progress on the reduction of health inequalities across the city, considering appropriate approaches for all, but at a range of scales or intensity to reflect the levels of need across different communities. It was also noted that the proposed work programme would build upon current practices and support the Best City Ambition and its three pillars. Opportunities for involvement in the Marmot approach were highlighted and it was noted that

the intention was to produce a report at the end of the first year to reflect upon the outcomes achieved.

Responding to an enquiry, the Board received further information and assurance about the work in this area to ensure that meaningful consultation and engagement is undertaken in relation to the Marmot City programme, but also more widely across the Council so that as broad a cohort as possible was given the opportunity to engage, including the harder to reach parts of the community.

In response to a comment from a Member, the Board received further information and context about how the success of the Marmot City initiative would be measured, with it being noted that whilst the current methods of monitoring health inequalities in the city would remain, additional work would take place to monitor the impact of this programme. It was noted that whilst the Marmot approach would be ambitious, it was also explained why it was deemed appropriate that further consideration be given to determining the measurement of the programme's success, given current trajectories and the challenging socio-economic context.

Also, the Board received further information on the reasons why Leeds, alongside a growing network of towns, cities and regions were undertaking the Marmot approach, and with regard to the recent Health Equity North event referenced during the Board's discussion, it was also noted that in addition to the work being undertaken as part of this initiative, the Council was also engaging with northern academic partners, such as universities, on the issue of addressing health inequalities.

In conclusion, Members welcomed the work being undertaken in this area and highlighted the importance of it.

RESOLVED – That the progress which has been made towards Leeds becoming a Marmot City, as detailed within the submitted report, be noted.

RESOURCES

136 Financial Health Monitoring 2022/23 - Provisional Outturn Month 11 (February)

The Chief Officer (Financial Services) submitted a report presenting the financial health and provisional outturn of the Authority in respect of both the General Fund revenue budget and the Housing Revenue Account as at Month 11 of the 2022/23 financial year.

In presenting the report, the Executive Member for Resources provided an overview of the key information within it, which included reference to the fact that an overspend of £16.3m was projected for the Authority's General Fund services, as at month 11 of 2022/23. The ongoing significant financial challenges being faced were highlighted, and that should there be any adverse variation to a balanced budget position at the 2022/23 year-end, then this would require the use of the Strategic Contingency Reserve balance.

Responding to several enquiries, the Board was advised that the balance of the Merrion House capital reserve is £23.4m, with the proposal being for that to be applied to Minimum Revenue Provision (MRP) resulting in a reduction in the general fund budget required to fund MRP, the saving from this allocation will enable a contribution of the same amount then being made towards the Strategic Contingency Reserve. Members also received information regarding the balance which would remain in the Strategic Contingency Reserve following the payment of the currently projected 2022/23 overspend, with the Board also receiving information on the current position regarding any potential variation to the Council's projected overspend between months 11 and 12, together with the plans in place to respond to any such potential variation.

Following comments raised, the Board received further information on the range of actions being taken to mitigate the financial challenges which continued to be faced within the Children and Families directorate, including the actions of the cross-directorate Delivery Board. The Board also received details of the ways in which Elected Members were updated and engaged in the actions being taken in this area.

In discussing the financial challenges being faced in Children and Families, it was acknowledged that a key factor was the increased demand across a number of the directorate's services which continued to be experienced. It was noted that the situation in Leeds reflected the national trend. As part of this discussion, further detail was provided on the representations being made at a national level in response to such matters. It was also emphasised that the Council was committed to ensuring that children and young people would continue to receive the appropriate support that they required.

Members discussed the provision of care services within Children and Families directorate and received further information on the actions being taken to maximise the level of services being provided in-house and within Leeds, where appropriate and where possible. Also, further detail was provided on the collaborative approach which was being taken across Local Authorities in this area. Finally, the Board was updated on the work being undertaken locally and nationally around addressing the challenges faced in relation to the recruitment and retention of staff in a number of service areas across the Council, including services within Children and Families.

RESOLVED –

- (a) That it be noted that at Month 11 of the 2022/23 financial year (February), the Authority's General Fund services are forecasting an overspend of £16.3m and that the Housing Revenue Account is forecasting a balanced position;
- (b) That it be noted, that where an overspend is projected, directorates, including the Housing Revenue Account, are required to present action plans to mitigate their reported pressures, in line with the Revenue Principles agreed by Executive Board in 2019; with it also being noted

that savings actions identified to date are included in the reported overspend position and actions will continue to be identified which will contribute towards improving this projected financial outturn position;

- (c) That it be noted that known increased inflation and known impacts of the rising cost of living, including the agreed 2022/23 pay award, have been incorporated into this reported financial position, with it also being noted that these pressures will continue to be assessed, with the final position being incorporated into Final Outturn position for 2022/23 to be received by Executive Board in June 2023;
- (d) That it be noted that the report entitled, '*Financial Performance – Outturn Financial Year Ended 31st March 2023*', which will be received at this Board in June 2023 will recommend that the final overspend at Outturn is balanced through the use of the Strategic Contingency Reserve;
- (e) That the application of the remaining balance of the Merrion House capital receipt to redeem debt in 2022/23, to reduce MRP by the same amount and to contribute the resulting revenue saving to an earmarked revenue reserve, be approved.

INFRASTRUCTURE AND CLIMATE

137 The Engine House, South Bank Leeds

The Director of City Development submitted a report providing an update on the continued regeneration of the South Bank Leeds. Specifically, the report outlined an opportunity to continue the momentum which had been achieved by securing the future refurbishment of the Grade II listed Engine House, located within the centre of the Tower Works site, with the report seeking the necessary approvals from the Board.

Members welcomed the proposals detailed within the submitted report.

Following consideration of Appendix 2 to the submitted report designated as being exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the public part of the meeting, it was

RESOLVED –

- (a) That approval be given to the Council disposing of the Engine House site at market value to Mustard Wharf Property Unit Trust (MWPUT), in accordance with the Heads of Terms, as outlined within exempt Appendix 2 to the submitted report;
- (b) That, utilising the external ringfenced monies held, approval be given for the Council to provide a heritage grant capped at £1m to MWPUT as a contribution towards the shell and core works in accordance with the Heads of Terms, as outlined in exempt Appendix 2 to the submitted

report, subject to subsidy control compliance agreement of satisfactory security arrangements;

- (c) That approval be given to the Director of City Development, in consultation with the Director of Resources and the Executive Member for Infrastructure and Climate, to finalise detailed terms, in accordance with the terms as set out in exempt Appendix 2 to the submitted report.

138 East Leeds Extension Update and Progress on Land Disposal for the Southern Quadrant Primary School

Further to Minute No 124, 10th February 2021, the Director of City Development submitted a report providing an update on the progress made to date on the construction of the East Leeds Orbital Route (ELOR) and the development of East Leeds Extension (ELE), and which sought the necessary approvals from the Board in relation to the next steps regarding the proposed disposal of Council owned land at Leeds Road/Smeaton Approach for use as a new primary school and the related delivery of new community infrastructure in the Middle and Southern Quadrants.

Responding to an enquiry, the Board received an update on the provision of a retail facility and a healthcare facility as part of the proposed development at the Leeds Road/John Smeaton Approach site, with it being noted that both facilities remained active workstreams, as illustrated in appendix 2 to the submitted report.

Following consideration of Appendix 3 to the submitted report designated as being exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the public part of the meeting, it was

RESOLVED –

- (a) That the continuing progress being made across the four quadrants which make up the East Leeds Extension alongside completion of the construction of the East Leeds Orbital Route, be noted;
- (b) That the progress made to date in relation to the development of the Council's land at Leeds Road/John Smeaton Approach for a new 2 form primary school and community facilities, including the proposed new access road for the site, be noted;
- (c) That the disposal of c2 ha of land at the Leeds Road/Smeaton Approach site for the provision of a new primary school at less than best consideration and on the basis of the terms, as set out in exempt Appendix 3 to the submitted report on a long lease at a peppercorn rent to the School Operator, be approved, whilst noting the provisions of the Equalisation Agreement previously approved by Executive Board and entered into by the Council in relation to the site;

- (d) That approval of the final terms for the disposal of the land at Leeds Road/Smeaton Approach to the School Operator, be delegated to the Director of City Development;
- (e) That the current position regarding the relocation of two existing sports pitches from the land at Leeds Road/John Smeaton Approach to land at Whinmoor Grange, so as to facilitate the development of the Leeds Road/John Smeaton Approach site to support the development of the Middle and Southern Quadrants, be noted.

139 Kingsdale Court Affordable Housing and Regeneration Scheme

Further to Minute No. 115, 10th February 2021, the Director of City Development and the Director Communities, Housing and Environment submitted a joint report setting out the progress which had been made regarding the acquisition and regeneration of Kingsdale Court in the Boggart Hill Priority Neighbourhood, Seacroft. Related to this, and to enable the delivery of this affordable housing and regeneration scheme, the report also provided details of the emerging case for the possible use of compulsory purchase powers and sought approval for a capital funding injection in order to achieve full site acquisition.

In introducing the report, the Executive Member for Infrastructure and Climate highlighted how the proposal to acquire and regenerate Kingsdale Court for good quality affordable housing would support the three pillars of the Best City Ambition and was also consistent with the Leeds Marmot City approach, as discussed earlier in the meeting.

In response to an enquiry, the Board was advised that whilst all options detailed in the reported options appraisal, including the refurbishment of the properties, were being carefully considered, currently the comprehensive acquisition and redevelopment of the full site was thought to be the most appropriate way forward given the poor state of repair of the properties.

Again in response to an enquiry, the Board noted that given the passage of time, it was now expected that the initial and indicative estimate for the acquisition of the properties, as detailed in the report considered by the Board in 2021, would be exceeded. Further to this, the Board received an update on the progress made and the work which continued on the acquisition of the properties on site, with it being reiterated that whilst the comprehensive acquisition and redevelopment of the full site was thought to be the most appropriate way forward, the intention would be submit a further report in due course with associated recommendations for the Board's consideration.

Responding to references during the discussion regarding properties at Sugar Hill Close and Wordsworth Drive, the Board noted that the site was being used for the development of affordable homes via the delivery of Housing Association properties.

Following consideration of Appendix 2 to the submitted report designated as being exempt from publication under the provisions of Access to Information

Procedure Rule 10.4(3), which was considered in private at the conclusion of the public part of the meeting, it was

RESOLVED –

- (a) That the progress made by the Council in identifying and acquiring all legal and property interests in order to enable the full assembly of the Kingsdale Court site, as detailed within the submitted report, be noted;
- (b) That the capital funding injection, as set out in exempt Appendix 2 to the submitted report, in order to achieve full site acquisition based upon an assessment of current negotiating positions, which continue to evolve, be approved;
- (c) That the development of a case by the Council for the use of Compulsory Purchase powers to secure complete site assembly should this be considered necessary as a last resort to facilitate the comprehensive regeneration of Kingsdale Court, through the delivery of new affordable housing, be supported;
- (d) That the legal obligations that the Council has now assumed as landlord in acquiring the freehold of the site, be noted, together with the management arrangements now in place to support remaining leaseholders and tenants in accordance with those obligations;
- (e) That a further report be submitted to the Board at the earliest opportunity presenting the up to date position with respect to purchase negotiations and setting out the requirements and justification for the potential use of a Compulsory Purchase Order if reasonable negotiations to fully assemble the site fail.

DATE OF PUBLICATION: FRIDAY, 21ST APRIL 2023

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 5.00 P.M., FRIDAY, 28TH APRIL 2023