

EXECUTIVE BOARD

WEDNESDAY, 9TH DECEMBER, 2009

PRESENT: Councillor A Carter in the Chair

Councillors R Brett, J L Carter, R Finnigan,
S Golton, R Harker, P Harrand,
J Monaghan, J Procter and K Wakefield

Councillor R Lewis – Non-Voting Advisory Member

126 Retirement of Deputy Chief Executive - Dave Page

On behalf of the Board, the Chair paid tribute to and thanked the Deputy Chief Executive, Dave Page for his services to the Council, as this would be the final Board meeting in which he would be in attendance prior to his retirement.

127 Technoprint Court Case

The Board was advised that following the recently announced verdict, the High Court had ruled in the Council's favour with respect to the Court Case regarding the company Technoprint. The Chair thanked all of those officers involved for their efforts throughout the case.

128 Exempt Information - Possible Exclusion of the Press and Public

The substantive reports and assessment documents referred to in Minute Nos. 135 and 136 had been designated as exempt until 3rd December and 9th December 2009 respectively. This designation had arisen from embargoes on the documents which had substantially been the source of the contents of those items and all information had been published on the lifting of those embargoes.

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. 133 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the appendix contains information which if disclosed to the public would, or would be likely to prejudice the commercial interests of the Council.
- (b) Appendix 1 to the report referred to in Minute No. 150 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the appendix contains information relating to the financial or business affairs of a particular person and of the Council, and is not

publicly available from the statutory registers of information kept in respect of certain companies and charities.

It is considered that since the 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 the information at this point in time. Also, it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties could obtain 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 the transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this point in time.

129 Late Items

The Chair admitted the following late item to the agenda:-

Key Decision Taken Under Special Urgency Provisions (Minute No. 157 refers)

Following a Key Decision being taken under the Special Urgency provisions, a report providing details of the decision and recommending that it be forwarded to Council as the quarterly report of the Leader on such decisions was submitted to Executive Board in accordance with Access to Information Procedure Rules. Due to the urgent nature of the Key Decision, it was considered appropriate for this report to be submitted to the next scheduled meeting of the Board.

130 Declaration of Interests

Councillor Wakefield declared personal interests in the items referred to in Minute Nos. 152, 153, 155 and 156, due to his position as a school and college governor.

Councillor Brett declared a personal interest in the item referred to in Minute No. 136 due to being a Board Member of Leeds Ahead.

Councillor J Procter declared a personal interest in the item referred to in Minute No. 133, due to his position as Chair of the Leeds Grand Theatre and Opera House Board of Management, and a personal and prejudicial interest in the item referred to in Minute No. 144 due to having a commercial interest in a biomass company.

Councillor Harrand declared a personal interest in the item referred to in Minute No. 133, due to his position on the Leeds Grand Theatre and Opera House Board of Management.

Councillor Finnigan declared personal interests in the items referred to in Minute Nos. 153 and 154, due to his position as a school governor.

Councillor R Lewis declared personal interests in the items referred to in Minute Nos. 153 and 154, due to his position as a school governor.

Councillor A Carter declared personal interests in the items referred to in Minute Nos. 153 and 154, due to his position as a school governor.

131 Minutes

RESOLVED –

- (a) That subject to the figure £1,000,500 being deleted from minute 112(b) and being replaced with the sum of £1,500,000, the minutes of the meeting held on 4th November 2009 be approved as a correct record.
- (b) That the minutes of the meeting held on 24th November 2009 be approved as a correct record.

LEISURE

132 Design and Cost Report for the Redevelopment of Middleton Park Through a Heritage Lottery Fund Parks for People Grant

The Director of City Development submitted a report providing an update on the development of the Stage 2 Parks for People Heritage Lottery Fund bid for Middleton Park, detailing proposals to progress the scheme and which sought approval for the submission of the bid on or before the 31st December 2009.

RESOLVED –

- (a) That the injection of £1,797,929 into the 2010/11 Capital Programme be approved.
- (b) That the submission of the Stage 2 bid on or before the 31st December 2009 be approved.
- (c) That the use of the Parks Renaissance funding scheme number 12523 to address the £68,500 shortfall in the scheme be approved.
- (d) That the current position in relation to the surrender of the lease and the sale of 218 and 220 Middleton Town Street, which is providing part of the Council's match funding for the project, be noted.
- (e) That the Heads of Terms for the contribution agreement between Leeds City Council and Wades Charity be agreed, and that delegated authority to the Council's Chief Recreation Officer to complete the agreement be approved.

133 City Varieties Music Hall Refurbishment: Project Update

Further to minute 222, 4th March 2009, the Director of City Development submitted a report providing an update on the refurbishment of the City

Varieties Music Hall with reference to a revised timetable for completion. The report also sought authority to spend additional funding on the project.

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

RESOLVED – That the contents of the report, including the update on the scheme be noted, and that the recommendation contained within exempt Appendix 1 be approved.

ADULT HEALTH AND SOCIAL CARE

134 KPMG Health Inequalities Report

The Director of Adult Social Services submitted a report presenting the recommendations arising from a review of health inequalities undertaken by KPMG, detailing the responses to the recommendations and outlining proposed further actions to raise awareness of health inequalities across the City.

RESOLVED –

- (a) That the findings of the KPMG audit on health inequalities be welcomed, and that the action plan appended to the submitted report which has been prepared in response to the recommendations be endorsed.
- (b) That the implications for Council policy and governance, as set out in section 5 of the submitted report, be noted.
- (c) That the Director of Adult Social Services be requested to prepare further reports as appropriate on the development of partnership working with NHS Leeds.

135 Annual Performance Assessment for Adult Social Services

The Director of Adult Social Services submitted a report providing the outcome of the Care Quality Commission Annual Performance Assessment of Adult Social Services for 2008/09.

The Board extended its thanks to all staff within Adult Social Care who had helped to ensure that Adult Social Care provision in the city had been judged to be 'Performing Well'.

Due to the outcome of the Annual Performance Assessment being embargoed until 3rd December 2009, a substantive report providing full details of the outcome was circulated to Members for consideration once the embargo had been lifted.

RESOLVED –

- (a) That the contents of the submitted report, the final assessment letter and the performance review report from the Care Quality Commission for adult social care services in 2008/09 be noted.
- (b) That the areas for improvement, as set out in the annual performance rating report, be referred to the Scrutiny Board (Adult Social Care) for the Scrutiny Board's oversight of performance.

CENTRAL AND CORPORATE

136 Comprehensive Area Assessment 2009

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report presenting the outcomes from the 2009 Comprehensive Area Assessment for Leeds.

Members noted that a further report specifically in relation to Children's Services would be submitted to the next meeting of the Board.

Due to the outcomes of the Comprehensive Area Assessment being embargoed until 9th December 2009, the Area Assessment report, Organisational Assessment report and the Ofsted letter with respect to the Children's Services Annual Rating were tabled at the meeting for Members' consideration once the embargo had been lifted.

RESOLVED – That the covering report and the published reports which provide details of the outcomes from the Comprehensive Area Assessment 2009 be received.

137 Corporate Performance Report 2009/10 Quarter 2

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report presenting an overview of performance against the Council's priority outcomes for the first 6 months of the 2009/10.

RESOLVED – That the overall performance position at Quarter 2 with respect to the strategic priorities, and the action planned to further improve or address performance concerns, be noted.

138 Design and Cost Report: Business Transformation in Leeds City Council and the Introduction of Employee and Manager Self Service

The Director of Resources submitted a report regarding the development and deployment of SAP's Manager and Employee Self Service module as part of the Council's wider transformation agenda.

RESOLVED – That authority be given to spend £1,465,500 over the next 2 year period (plus an additional £117,500 in year 5), to be funded from the Business Transformation allocation and the ICT Development and equipment funds, in order to enable the implementation of the Manager and Employee Self Service initiative to contribute towards the delivery of Business Transformation within Leeds City Council.

139 Progress Report on the PPP/PFI Programme In Leeds

A report was submitted by the Deputy Chief Executive providing an update on the Council's current portfolio of PPP/PFI projects and programmes, highlighting the planned key activities earmarked for the investment programme, identifying the employment opportunities which have been created and detailing information on the recent review of governance arrangements for such projects.

RESOLVED –

- (a) That the current status of the PPP/PFI projects and programme be noted.
- (b) That the winding up of the Coordination Board and the transfer of responsibilities to Directors, with effect from the date of approval of the amendments to Director delegations by the Leader, as outlined at section 6 of the submitted report, be approved.
- (c) That the proposed revised Terms of Reference for the Strategic Investment Board (SIB) be noted.
- (d) That the Deputy Chief Executive, and subsequently the Director of Resources and Deputy Chief Executive be authorised to implement any necessary Project Board changes, in terms of structure, Chair and composition, as detailed within paragraph 7.1.1 of the submitted report.
- (e) That the proposal detailed at paragraph 7.2 of the submitted report in relation to Final Business Case approvals be noted.

140 Consultation Response - Transitional Arrangements for Regulation of Lap Dancing Clubs

The Assistant Chief Executive (Corporate Governance) submitted a report on the reclassification of lap dancing establishments, and on the proposed response to the public consultation exercise undertaken on the transitional arrangements for the regulation of such establishments.

RESOLVED – That the proposed responses to the consultation be noted and endorsed as the Council's response.

DEVELOPMENT AND REGENERATION

141 A65 Quality Bus Initiative

The Director of City Development submitted a report providing an update on the progress made in relation to the A65 Quality Bus Initiative and outlining the necessary approvals required to continue the development of the Initiative.

RESOLVED –

- (a) That the contents of the submitted report be noted, and prior to the Full Approval being granted by the Department for Transport, the following be approved:
- i) the additional fee expenditure of £126,000.
 - ii) the remaining ECI Contract costs of £175,000.
 - iii) the mobilisation and start up costs of £180,000.
 - iv) further advance payments to statutory undertakers at a cost of £455,000.
- (b) That following Full Approval being granted by the Department for Transport, approval be given to:
- i) rescind all previous approvals.
 - ii) the implementation of the A65 Quality Bus Initiative scheme at a total cost of £21,580,000.
 - iii) incur expenditure of £14,880,000 works, £2,000,000 land, £2,300,000 statutory undertakers and £2,400,000 fees, all of which is included within the approved capital programme.

- 142 Leeds Local Development Framework - Annual Monitoring Report 2009**
The Director of City Development submitted a report presenting the proposed Local Development Framework Annual Monitoring Report 2009 for submission to the Secretary of State for Communities and Local Government.

The Board noted that an amendment to the Annual Monitoring Report 2009 document had been proposed, namely the replacement of paragraph 7.1.5 with the following:

‘Overall waste arisings continue to decrease. Moreover, management methods of recycling and composting are increasing their share of total management. This is also encouraging as it means less waste is being diverted to landfill’.

RESOLVED – That, subject to the incorporation of the above amendment, the Leeds Local Development Framework Annual Monitoring Report 2009 be approved for submission to the Secretary of State, pursuant to Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004.

- 143 Business Support Scheme for the Council's Small Business Tenants and Investment in Kirkgate Markets**

The Director of City Development submitted a report regarding the proposed establishment of a Business Support Scheme to support the Council’s commercial tenants in the markets, estate shops, miscellaneous small shops

and small industrial units, whilst also outlining the financial implications of establishing such a scheme.

RESOLVED –

- (a) That the establishment of a Business Support Scheme for the Council's small independent business tenants be agreed.
- (b) That £250,000 revenue be earmarked to establish the scheme, with £50,000 released from Contingency Fund in 2009/10.
- (c) That further decision making on the details of the scheme and the terms and conditions for giving support be delegated to the Director City Development in consultation with the Executive Member for Development and Regeneration.
- (d) That officers be requested to monitor the scheme and its effectiveness, and to report back to Executive Board in six months time.
- (e) That £125,000 be injected in 2010/11 and £125,000 be injected in 2011/12, when the Capital Programme is reviewed in February 2010, in order to improve facilities at Kirkgate Market.
- (f) That the proposed Lower Kirkgate Townscape Heritage Initiative (THI) bid to the Heritage Lottery Fund be the subject of a separate report.

ENVIRONMENTAL SERVICES

144 Climate Change Action Plan (and Eurocities Declaration on Climate Change)

The Director of City Development submitted a report regarding the proposed adoption and publication of the Leeds Climate Change Action Plan, in addition to the approval and signing of the Leeds Climate Change Charter and the Eurocities Declaration on Climate Change.

RESOLVED –

- (a) That the Leeds Climate Change Action Plan be adopted and made public.
- (b) That the Leeds Climate Change Charter and the Eurocities Declaration on Climate Change be signed on behalf of the Council.
- (c) That the current target to reduce corporate CO₂ emissions by 33.4% by 2020/21 be amended, and a stretch target to reduce corporate CO₂ emissions by at least 40% by 2020/21 be adopted, as referred to in paragraph 4.6 of the submitted report.

(Having earlier declared a personal and prejudicial interest in relation to this item, Councillor J Procter left the room during the consideration of this matter)

145 Recycling Improvement Plan

The Director of Environment and Neighbourhoods submitted a report providing an update on recycling performance, outlining the progress made with respect to the provision of kerbside recycling and which proposed the initiation of a Recycling Improvement Plan.

RESOLVED –

- (a) That the initiation of the Recycling Improvement Plan be approved.
- (b) That the aims, guiding principles and programmed approach to giving equality of access, but not necessarily uniform methods of recycling, across the city, be endorsed.
- (c) That the additional costs of extending the garden waste collection service and how these costs can be met in the future by driving through the agreed efficiency improvements in the Waste Collection Service be noted.

NEIGHBOURHOODS AND HOUSING

146 Deputation Response - Residents Concerned at Levels of Local Authority Provision for the Travelling Community

The Director of Environment and Neighbourhoods submitted a report in response to the deputation to Council on 15th July 2009 submitted by local residents concerned at levels of local authority provision for the travelling community.

A revised version of the verbatim record of the deputation, which was appended to the submitted report, had been circulated for Members' information prior to the meeting.

RESOLVED – That the response to the deputation, as contained within the submitted report, be noted.

147 Regional Housing Board Programme 2008-11 - Update on schemes within the overall programme

The Director of Environment and Neighbourhoods submitted a report outlining the changes to the funding position and proposing a revised resource programme for the Regional Housing Board 2008/11 which was within the reduced funding available.

RESOLVED –

- (a) That due to the reduced funding position and the resource allocations, the revised investment programme be agreed.
- (b) That an additional £307,367 energy efficiency grant funding be injected into the 2009/10 capital programme.
- (c) That additional private sector contributions of £151,100 be injected into the programme and that expenditure be authorised as detailed at

Appendix B to the submitted report, which is earmarked for Cross Green Phase 3 A&D scheme.

- (d) That authority to spend on the schemes as detailed in Appendix B to the submitted report be rescinded.
- (e) That all remaining individual authority to spend requests be brought forward to Executive Board or the appropriate Director as per the Financial Procedure Rules.

148 Leeds Housing Strategy 2009 - 2012/Leeds Private Rented Housing Strategy

The Director of Environment and Neighbourhoods submitted a report presenting for approval the updated Leeds Housing Strategy 2009 - 2012 and the updated Leeds Private Rented Housing Strategy.

RESOLVED – That the updated Leeds Housing Strategy 2009 – 2012 and the updated Private Rented Housing Strategy be approved.

149 Little London and Beeston Hill and Holbeck PFI Project - Demolition of Empty Properties Prior to the Start of the PFI Contract

Further to minute 214, 4th March 2009, the Director of Environment and Neighbourhoods submitted a report proposing the demolition of a number of tower blocks and maisonette properties which have been emptied in readiness for the Little London and Beeston Hill and Holbeck PFI project, in advance of the start of the PFI contract.

RESOLVED –

- (a) That the demolition of the identified empty properties in Little London and Holbeck be approved.
- (b) That the injection of £1,700,000 into the Capital Programme, from the use of Unsupported Borrowing be approved.
- (c) That scheme expenditure of £1,700,000 be authorised.

150 Council House Building - 25 Properties for the Over 55s

The Director of Environment and Neighbourhoods submitted a report outlining a proposal to release monies, dispose of land at nil consideration and appoint builders for the provision of 25 two bed properties for the over 55s.

The report detailed the following options available to progress the development of the sites involved, with option 3 being recommended as the preferred option:

Option 1 - Sell the land at Waterloo on the open market for £500,000 which would deliver 20 open market units and 9 affordable units. The land at Silver Royd and Evelyn Place could be sold on the open market for £210,000 which would deliver 17 units and no affordable units as the size of the sites would be below the threshold for affordable housing. This option would result in a

capital receipt of £710,000 and 9 units of affordable housing. However this would rely on an open market sale which would not be likely due to present market conditions, and so would instead, leave all three sites undeveloped for the foreseeable future and no new council properties.

Option 2 - As the Waterloo Site was already in the remit of the Strategic Affordable Housing Partnership Board this could be sold to a Registered Social Landlord (RSL) for a capital receipt of £ £145,000. Subject to receiving a grant from the Homes and Community Agency (HCA) this could result in 29 affordable units being delivered by an RSL. The sites at Silver Royd and Evelyn Place being sold on the open market for £210,000 and no affordable housing on those two sites. This option would result in a capital receipt of £355,000 and 29 units of affordable housing would be delivered via an RSL on the Waterloo Road site. This would be dependant on a grant being secured from the HCA and would leave the other two sites undeveloped for the foreseeable future and would result in no new council properties.

Option 3 - Sell the land at Waterloo Road for nil consideration to Keepmoat PLC and issue a licence to allow Keepmoat PLC to build on the Councils behalf, at Evelyn Place and Silver Royd. Use £1,516,424, Section 106 monies to purchase 25 completed units across the 3 sites. This option would result in no capital receipt for the Council but retained ownership of land at Silver Royd and Evelyn Place and 25 new council properties to be owned by the Council and managed by West North West Homes. This option would also ensure that all three sites were developed, bringing additional work and confidence to these areas. Across the three sites this would equate to 55% new council housing.

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

RESOLVED –

- (a) That the appointment of Keepmoat PLC to build the new properties on behalf of the Council be authorised.
- (b) That £1,516,424 of Section 106 funding be injected into the Capital Programme.
- (c) That expenditure of £1,516,424 be authorised to acquire 25 x 2 bed properties for the over 55s funded through Section 106 resources.
- (d) That land at Waterloo Road, as detailed within the submitted report, be disposed of at nil consideration.

CHILDREN'S SERVICES

151 Proposed Variations to the BSF Capital Programme

The Deputy Chief Executive and the Director of Children's Services submitted a joint report outlining proposed budgetary variations to the BSF Capital

Programme and providing information on the outcome of the Compensation Event Claims arising from the Phase 1 Design and Build contract.

RESOLVED –

- (a) That the contents of the submitted report be noted.
- (b) That £683,000 be injected into the Education Capital Programme to reflect the additional funding notified by the Partnerships for Schools.
- (c) That £800,000 be injected into the Education Capital Programme to reflect the current asset valuation of Wortley High School.
- (d) That the proposed changes to the profile of spend against the proposed Programme Contingency, including the incorporation of the two sums injected at (b) and (c) be agreed, and that authority to spend against this budget in line with the profile detailed within the submitted report and Appendix 1 be approved.
- (e) That an injection of £300,000 into the Education Capital Programme to reflect the current asset valuation of Pudsey Grangefield School be approved.

152 Transfer of Responsibilities from the LSC to the Local Authority

The Director of Children's Services and the Chief Executive of Education Leeds submitted a joint report providing an update on the progress made with respect to the transfer of responsibilities from the Learning and Skills Council to the Local Authority and in relation to the future arrangements for the planning and funding of 14-19(25) provision at local authority and sub-regional level.

RESOLVED –

- (a) That the progress made with respect to the transfer of responsibilities from the Learning and Skills Council to the Local Authority be noted, and that the approach to the preparation for the transfer of such responsibilities be approved.
- (b) That support for Elected Member representation on the reconstituted 14-19 Strategic Partnership, as indicated at paragraph 3.1.3 of the submitted report be confirmed.
- (c) That the Memorandum of Understanding, as detailed at appendix 3 to the submitted report, be approved.

153 Proposal for Statutory Consultation for the Expansion of Primary Provision for September 2011

The Chief Executive of Education Leeds submitted a report outlining proposals to undertake a statutory formal consultation exercise with respect to the proposed permanent expansion of those primary schools detailed within the report.

The Board was advised that the proposed capacity in relation to West End Primary should have read 315, rather than the 420 as detailed within appendix 1 to the report.

RESOLVED –

- (a) That subject to the above amendment, the statutory formal consultation on the prescribed alterations to permanently expand the primary schools identified within Appendix 1 to the submitted report, be approved.
- (b) That a report detailing the outcome of the consultations be submitted to Executive Board in Spring 2010.
- (c) That the proposals for further primary school expansions from 2012 onwards, which will be the subject of further reports to the Board, be noted.

154 Proposal to Relocate the West SILC from the Farnley Park Site under Building Schools for the Future

The Chief Executive of Education Leeds submitted a report outlining proposals to undertake formal consultation on the relocation of the West Specialist Inclusive Learning Centre (SILC) (Victoria Park) modular building at Farnley Park Maths and Computing college to Bruntcliffe High School.

RESOLVED –

- (a) That a formal consultation process be undertaken on the relocation of the provision currently made in the West SILC (Victoria Park) modular building at Farnley Park Maths and Computing College, as planned under the Building Schools for the Future initiative.
- (b) That a further report be submitted to the Board in March 2010 reporting on the outcome of the consultation commencing in January 2010.

155 Outcomes for Looked After Children in Leeds

To consider the report of the Director of Children's Services summarising the progress made against the Every Child Matters outcomes with respect to Looked After Children in Leeds, and which identifies the strategies for improving such outcomes.

RESOLVED – That the main findings detailed within the submitted report, and its conclusions, be noted.

156 Children's Trust Arrangements - Area and Locality Governance Arrangements

The Director of Children's Services submitted a report outlining proposals with respect to formal arrangements for the area and locality aspects of the children's trust arrangements in Leeds. In addition, the report set out the context for such proposed developments and provided supporting background information and analysis.

RESOLVED –

- (a) That the need to establish formal procedures for the area and local working of children's trust arrangements in Leeds be noted.
- (b) That the proposed approach to the development of area and locality Children Leeds Partnerships, as set out in Section 5 of the submitted report and appendices, be approved.
- (c) That the children's trust arrangements in Leeds be updated in accordance with the proposals detailed within the submitted report.

157 Key Decision Taken Under Special Urgency Provisions - Buslingthorpe Conservation Area

The Assistant Chief Executive (Corporate Governance) submitted a report informing of a Key Decision taken under the 'Special Urgency' provisions contained within the Constitution with respect to Buslingthorpe Conservation Area. The report recommended that it was forwarded to Council as the quarterly report on such decisions in accordance with paragraph 16.3 of the Access to Information Procedure Rules.

The report relating to this matter had been circulated to Members for their consideration prior to the meeting.

RESOLVED –

- (a) That the report be approved as the report of the Leader for submission to Council as the quarterly report in accordance with Access to Information Procedure Rule 16.3.
- (b) That this decision be exempt from Call In due to being concerned with matters which are reserved to Council.

DATE FOR PUBLICATION: 11TH DECEMBER 2009

LAST DATE FOR CALL-IN: 18TH DECEMBER 2009

(Scrutiny Support will notify Directors of any items called in by 12:00 noon on 21st December 2009)