

EXECUTIVE BOARD

FRIDAY, 12TH FEBRUARY, 2010

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

175 Exclusion of the 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 as follows:-

- (a) Appendix B to the report referred to in minute 181 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it is not publicly available from the statutory registers of information kept in relation to certain companies and charities. It is considered that since this information has been prepared for the Council's assessment of various property transactions then it is not in the public interest to disclose this information at this point in time. Also the release of such information would or would be likely to prejudice the Council's commercial interests in relation to and undermine its attempts to acquire by agreement similar properties in the locality in that owners of other similar properties would be aware 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 available from the Land Registry following completion of the purchase and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (b) Appendix 1 to the report referred to in minute 188 under the terms of Access to Information Procedure Rule 10.4(3) and appendix 2 to the same report under 10.4(3,6), and on the grounds that it contains information about the commercial position of the City Council in relation to the proposed procurement; information which would reveal action the authority proposes to take under legislation, in relation to identified sites which are subject to separate consultation in the first instance with residents and staff concerned. The public interest of maintaining the exemption outweighs the public interest in disclosing such information. Whilst it is considered that there is public interest in disclosure of this information at the earliest opportunity, it is deemed more appropriate, and consequently of greater public interest to ensure

that the information is released once a decision has been made by Executive Board.

- (c) Appendix 1 to the report referred to in minute 189 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information which if disclosed to the public would, or would be likely to prejudice the commercial interests of the Council. The Appendix contains commercially sensitive information which if disclosed may prejudice the future negotiation of the contract for the project.
- (d) Appendices 1 and 2 to the report referred to in minute 185 under the terms of Access to Information Procedure Rule 10.4 (3) and on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) which if disclosed to the public would, or would be likely to prejudice the commercial interests of that person or of the Council. The proposals have been considered in terms of the benefit that the Council would seek as part of any proposal to make its land available to facilitate any S106 requirements.
- (e) Appendices B and C to the report referred to in minute 194 under the terms of Access to Information Procedure Rule 10.4 (3) and on the grounds that they contain information that is commercially sensitive relating to the Council's ongoing waste PFI procurement and the financial and business affairs of Bidders, where the benefit of keeping the information confidential is considered greater than that of allowing public access to the information.

176 Declaration of Interests

Councillor Wakefield declared personal interests in the matters referred to in minute 179 as a school and college governor and a personal and prejudicial interest in the matters referred to in minute 185 as a consequence of a close personal association connected to Farsley Celtic.

177 Minutes

RESOLVED – That the minutes of the meeting held on 6th January 2010 be approved.

DEVELOPMENT AND REGENERATION

178 Items relating to the New Generation Transport (NGT) Scheme

RESOLVED - That consideration of the two items entered on the agenda relating to the New Generation Transport scheme be deferred to the next meeting of the Board.

CENTRAL AND CORPORATE

179 Revenue Budget 2010/2011 and Capital Programme

(A) Revenue Budget 2010/11 and Council Tax 2010/11

The Director of Resources submitted a report on the proposals for the City Council's Revenue Budget for 2010/11, on the Leeds element of the Council Tax to be levied in 2010/11 and the Council House rents for 2010/11. In presenting the report the Director indicated that the final determination in respect of the Housing Revenue Account Subsidy was at variance with the figure contained in the papers as submitted to the Board. It was proposed that the estimates for the Housing Revenue Accounts be amended for submission to Council, reflecting the final subsidy determination with a subsequent increase in the HRA reserves. It was reported that a further report will be submitted to the Board with proposals on the use of these additional resources in 2010/11.

On behalf of the Board, the Chair paid tribute to all those officers who had been involved in the preparation of the 2010/11 budget and thanked them for their efforts.

RESOLVED –

- (a) That Council be recommended to approve the Revenue Budget for 2010/11 totalling £569,295,000, as detailed and explained in the submitted report and accompanying papers, including a 2.5% increase in the Leeds element of the Council Tax, subject to appropriate amendments to the report for submission to Council to reflect the final determination in respect of the Housing Revenue Account.
 - (b) That with respect to the Housing Revenue Account Council be recommended to:
 - (i) approve the budget at the average rent increase of figure of 3.1%
 - (ii) increase the charges for garage rents to £6.07 per week
 - (iii) increase service charges in line with rents (3.1%)
- (B) Capital Programme Update 2009-2014
The Director of Resources submitted a report setting out the updated Capital Programme for 2009-2014. A page containing revised recommendations had been circulated to all members in advance of the meeting.

RESOLVED –

- (a) That the following be recommended to Council:
 - (i) That the capital programme, as attached to the submitted report, be approved and that the list of schemes shown at Appendix H to the report be reserved until additional resources become available;

- (ii) That the Executive Board be authorised to approve in year amendments to the capital programme including transfers from and to the reserved programme in accordance with Financial Procedure Rules;
 - (iii) That the proposed Minimum Revenue Provision policies for 2010/11 as set out in 5.3 of the report and explained in Appendix G be approved;
 - (iv) That the Minimum Revenue Provision policies for 2009/10 be amended as set out in 5.3.3 of the report.
- (b) That the list of land and property sites shown in appendix F to the report be disposed of to generate capital receipts to support the capital programme
 - (c) That the Director of Resources be authorised to manage, monitor and control scheme progress and commitments to ensure that the programme is affordable.
- (C) Treasury Management Strategy 2010/2011
The Director of Resources submitted a report on the Treasury Management Policy and Strategy for 2010/11

RESOLVED –

- (a) That approval be given to the initial treasury strategy for 2010/11 as set out in Section 3.3 of the report and that the review of the 2009/10 strategy and operations set out in Sections 3.1 and 3.2 be noted.
- (b) That Council be recommended to set borrowing limits for 2009/10, 2010/11, 2011/12 and 2012/13 as set out in Section 3.4 of the report.
- (c) That Council be recommended to set treasury management indicators for 2009/10, 2010/11, 2011/12 and 2012/13 as set out in Section 3.5 of the report.
- (d) That Council be recommended to set investment limits for 2009/10, 2010/11, 2011/12 and 2012/13 as set out in Section 3.6 of the report.
- (e) That Council be recommended to adopt the revised CIPFA Treasury Management Code of Practice 2009 and revised Prudential Code.

(The matters referred to in parts A(a), A(b), B(a) (i) to (iv) and C(b) to (e) being matters reserved to Council were not eligible for Call In)

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on the decisions referred to in parts (A) and (B) of this minute)

180 Financial Health Monitoring 2009/10 - Quarter Three Report

The Director of Resources submitted a report on the financial position of the authority after nine months of the financial year in respect of the revenue budget and the housing revenue account.

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

181 Changing the Workplace Report and Business Case

The Director of Resources submitted a report presenting the objectives and proposals for the Changing the Workplace programme, with particular focus on the delivery of phase 1 of the initiative in the city centre.

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

RESOLVED –

- (a) That the programme for changing the workplace as outlined in the report be supported
- (b) That the recommendations for phase 1 as detailed in paragraph 5 of the exempt appendix, and with regard to the following matters, be approved
 1. The negotiation of terms for the acquisition of a building on the terms detailed in the appendix or procuring the construction of a building.
 2. Seeking release of freehold and leasehold properties as proposed.
 3. Agreement to the level of fees proposed for specialist property advice.
 4. Agreement to the reinvestment of the property efficiency savings plus 5% of other efficiencies to be delivered through the Changing the Workplace programme, to support delivery of the new workplaces, technology, programme resource and training for phase 1.
 5. Agreement that the Director of Resources bring a further report to this Board regarding a preferred option.

182 City Card

The Assistant Chief Executive (Policy, Planning and Improvement) submitted a report outlining a proposal for the introduction and implementation of the City Card scheme as part of the Council's Business Transformation

programme, as a phased development, focussing in Phase 1 on City Development.

RESOLVED – That approval be given to an injection of £692,000 into the Capital Programme, and that authority be given to incur expenditure of £1,342,000 to implement phase one of the City Card project.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this matter pending receipt of a detailed briefing with regard to the proposals)

183 Scrutiny - Half Year Report

The Chief Democratic Services Officer submitted a report introducing the first half yearly report with respect to the operation of the Scrutiny function in Leeds.

RESOLVED – That the report be received.

DEVELOPMENT AND REGENERATION

184 Strategic Housing Land Availability Assessment 2009

The Director of City Development submitted a report summarising the key aspects of, and presenting for approval, the Leeds Strategic Housing Land Availability Assessment (SHLAA) for 2009.

In presenting the report, the Chair thanked all those officers within City Development who had been involved in the preparation of the Leeds SHLAA document for 2009.

RESOLVED – That the Leeds Strategic Housing Land Availability Assessment 2009 be approved for publication.

185 Farsley Celtic Administration

The Director of City Development submitted a report on two proposals in relation to the future use of the Farsley Celtic facility, the Council's interests in the site and the need to inform the Administrator with regard to the Council's intentions in the matter.

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

RESOLVED –

- (a) That Members being satisfied that assisting FC 2010 Limited would promote the social and environmental wellbeing of the area, assistance be offered to FC 2010 Limited as a means of supporting their proposed Creditor Voluntary Arrangement and that approval be given to the following:

- (i) The use of the Council land shown on plan 1 attached to the submitted report to support the delivery of any Section 106 Agreement required for Chartford Homes' adjacent residential development.
 - (ii) The use of the Council's land at less than best consideration, at a peppercorn, on a licence or leasehold basis, on final terms to be approved by the Chief Asset Management Officer.
 - (iii) To utilise the Council's Prudential Borrowing powers to provide a loan to FC 2010 Limited on the basis of the Heads of Terms outlined in Appendix 2 of the report, subject to the Director of Resources being satisfied with the outcome of the final due diligence undertaken and the final terms agreed.
- (b) That in the event that FC 2010 Limited's proposal is not acceptable to the Administrator, officers be authorised to pursue alternative courses of action in the terms now indicated.
 - (c) That this decision be exempt from Call In due to the matter being considered urgent, and that Call In may result in the Administrator seeking to liquidate the Football Club's assets without further delay.

(Councillor Wakefield, having declared a personal and prejudicial interest, left the meeting during the consideration of this matter)

NEIGHBOURHOODS AND HOUSING

186 Future Improvement Priorities for Private Sector Housing

The Director of Environment and Neighbourhoods submitted a report outlining the proposed future priorities for action to improve private sector housing in Leeds, including the basis upon which future investment bids and proposals would be made.

RESOLVED –

- (a) That the following proposals to be adopted as future private sector priorities for action for private sector housing in Leeds.
 - (i) Direct investment towards excess cold / fuel poverty and falls hazards
 - (ii) To progress strong partnership collaborative work with NHS Leeds, the Leeds City Region Partnership, and Government in support of the Health and Housing Agenda.
 - (iii) Exploring new and innovative ways of securing funding to support future investment plans.
 - (iv) Jointly undertake a feasibility exercise to assess the potential of introducing private finance through the use of Social Impact Bonds (SIB) with CLG.

- (b) That a further report be brought to the Board providing further detail on potential funding options.

187 Home Energy Conservation Act (HECA) (1995) - 13th Progress Report

The Director of Environment and Neighbourhoods submitted a report providing an update on the progress which has been made in relation to the overall energy efficiency levels of the Leeds housing stock during the period 1st April 2008 to 31st March 2009.

RESOLVED –

- (a) That content of the 13th HECA Progress Report be approved and that it be noted that the report will be released to Government Office for Yorkshire and the Humber, upon request.
- (b) That an annual report, on the same basis as this report, continues to be brought to this Board.

188 Round 6 Housing PFI Project: Lifetime Neighbourhoods for Leeds

The Director of Environment and Neighbourhoods and the Director of Adult Social Services submitted a joint report setting out a proposal for improvements to older people's housing as a result of the Council's successful Expression of Interest for Round 6 of the national Housing PFI programme.

Following consideration of Appendix 1 to the report, designated as exempt under Access to Information Procedure Rule 10.4(3) and appendix 2 to the report designated as exempt under Access to Information Procedure Rule 10.4 (3) and (6), which were considered in private at the conclusion of the meeting it was

RESOLVED –

- (a) That approval be given to the scope of the project as follows:
- 700 new build accommodation of extra care or lifetime homes aimed primarily at older people, 300 units of extra care; 400 lifetime homes.
 - mostly 2 bedroom units (flats and houses) with a small number of 3 bed houses (2 or 3 per site) where site size allows;
 - a 25 year long HRA Scheme, with a five year construction period;
 - Lifetime Homes standard for all properties. Code for Sustainable Homes Level 4/BREEAM Very Good as a minimum;
 - design, build and facilities management including repairs, lifecycle improvements, housing management, communal service management (for extra care), and leasehold management (if applicable); and
 - 10 sites in 10 locations.
- (b) That the sites listed in the table of exempt Appendix 2a to the report be included in the project.

- (c) That approval be given to an anticipated City Council financial contribution as detailed within section 2 (iii) of exempt Appendix 1 to the report
- (d) That the Outline Business Case be completed and submitted, following approval by the Director of Environment and Neighbourhoods under delegated authority, on the basis of the details set out above.
- (e) That approval be given for a period of statutory consultation to commence with immediate effect to be undertaken as set out in recommendation (i) of exempt Appendix 2a to the report.
- (f) That, having regard to the scope and context of this project and reasons set out in the report, support be given to the principle of replacing sheltered housing as set out in recommendation (ii) of exempt Appendix 2A to the report and that the Chief Housing Officer be authorised to take the final decision on whether the sheltered housing should be replaced as proposed following any relevant formal consultation. Further, that any consequential decisions about suspension of lettings, re-housing and demolition should also be taken by the Chief Housing Officer at the appropriate time under delegated authority.
- (g) That a progress report be brought to this Board in June 2010.
- (h) That the project be allocated to the Housing PFI Project Board for project governance proposals

ADULT HEALTH AND SOCIAL CARE

189 Holt Park Wellbeing Centre - Affordability Position

The Director of Adult Social Services and Director of City Development submitted a joint report on the revised affordability position for the Holt Park Wellbeing Centre 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 –

- (a) That approval be given to the revised estimated affordability implications and sensitivity analysis over the life of the proposed PFI Contract for the Holt Park Wellbeing centre, summarised in table 1 of the exempt appendix to the report
- (b) That the detailed information contained in the exempt appendix with regard to recalculation of PFI credit and reassessment of the affordability position be noted and that the revised affordability position, as contained in paragraph 3.6 of the appendix, be approved.

- (c) That officers be authorised to issue the City Council's affordability thresholds relating to the PFI project to the LEP and to Environments for Learning.

CHILDREN'S SERVICES

190 The Ofsted and Care Quality Commission Inspection of Safeguarding and Looked After Children's Services in Leeds

The Interim Director of Children's Services submitted a report providing details of the outcomes from the recent announced Ofsted inspection of safeguarding and looked after children's services in Leeds.

RESOLVED – That the findings of the announced inspection of safeguarding and looked after children's services and how these fit into the wider improvement work currently taking place be noted.

191 Scrutiny Board (Children's Services) Inquiry into Safeguarding - Interim Report: Director of Children's Services Response

The Interim Director of Children's Services submitted a report presenting a response to the Scrutiny Board (Children's Services) interim report regarding the Safeguarding of Children. The Chair of the Scrutiny Board (Children's Services) attended the meeting and presented the interim report of the Board.

RESOLVED – That the recommendation of the Children's Services Scrutiny Board Inquiry into Safeguarding-Interim Report be noted and that the response set out by the Interim Director of Children's Services in Paragraphs 3.2 to 3.7 of the submitted report be approved as an appropriate response to the recommendation.

192 Outcome of Consultation on the Expansion of Primary Provision for September 2010

Further to minute 103 of the meeting held on 14th October 2009 the Chief Executive of Education Leeds submitted a report detailing the outcomes arising from the statutory public consultation process undertaken with respect to the prescribed alterations to:

- permanently expand the 17 primary schools identified in paragraph 2.3 of the report
- add community specialist provision for up to 14 pupils with complex medical physical needs at New Bewerley Primary School
- add community specialist provision for up to 14 pupils with complex medical physical needs at Whitkirk Primary School.

RESOLVED –

- (a) That the outcome of statutory public consultation on the prescribed alterations be noted
- (b) That approval be given for the publication of a statutory notice in respect of the proposals

- (c) That it be noted that a report detailing the response to the statutory notice will be brought to this Board for determination.

193 Outcome of Consultations on the Expansion of Primary Provision at Gildersome Primary School in 2011 and at Richmond Hill Primary School in 2012

Further to minutes 104 of the meeting held on 14th October 2009 and 120 of the meeting held on 4th November 2009 the Chief Executive of Education Leeds submitted a report detailing the outcomes from the statutory public consultation exercise undertaken with respect to Richmond Hill Primary School and Gildersome Primary School.

RESOLVED –

- (a) That the outcome of statutory public consultation on the prescribed alterations to permanently expand Gildersome and Richmond Hill Primary Schools be noted.
- (b) That approval be given for the publication of a statutory notice proposing:
 - (i) the expansion of Gildersome Primary School to a new capacity of 420 pupils from September 2011, with an admission limit of 60 pupils
 - (ii) the expansion of Richmond Hill Primary School to a new capacity of 630 pupils from September 2012, with an admission limit of 90 pupils.
- (c) That it be noted that a report detailing the response to the statutory notice will be brought back to this Board in the Summer of 2010 for a final decision.

ENVIRONMENTAL SERVICES

194 Waste Solution for Leeds - Residual Waste Treatment PFI Project - Results of Detailed Solutions Stage

The Director of Environment and Neighbourhoods submitted a report presenting the outcomes arising from the evaluation of bids at the Detailed Solutions stage of the procurement process. The report also provided an update on the progress of the Residual Waste Treatment PFI Project since the report which was considered by the Board in November 2008 (minute 136).

Following consideration of Appendices B to the report and C which was circulated at the meeting, designated as exempt under Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion to the meeting it was

RESOLVED –

- (a) That approval be given to the exclusion of the residual waste transfer station from the scope of the Residual Waste Treatment PFI project
- (b) That approval be given to the proposal not to develop a dedicated residual waste transfer station, with the result that all residual waste for treatment under the PFI contract will be delivered directly to the main residual waste treatment facility once the operational phase of the PFI contract commences
- (c) That the Board notes the continued requirement for the provision at Evanston Avenue of a household waste sorting site (HWSS) and the existing level of waste transfer capacity for a range of materials, and the intention to bring a further report to this Board on the proposed city-wide HWSS strategy, which will expand on the strategy for redevelopment of the Evanston Avenue site
- (d) That the programme going forward to complete the Residual Waste procurement and to award the contract be noted
- (e) That the communications strategy going forward be noted
- (f) That the Board notes the affordability issues detailed in the exempt section of the submitted report and approves that the Price Ceiling will be calculated based upon the methodology set out in Appendix B paragraphs 1.6 and 1.7 until the selection of Preferred Bidder.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

DATE OF PUBLICATION: 16th February 2010
LAST DATE FOR CALL IN: 23rd February 2010

(Scrutiny Support will notify Directors of any items Called In by 12.00 noon on Wednesday 24th February 2010)