

MEETING	Executive
DATE	13 February 2007
PRESENT	COUNCILLORS Steve Galloway (Chair), Sue Galloway, Jamieson-Ball, Macdonald, Orrell, Reid, Runciman, Sunderland and Waller

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

152. Declarations of Interest

The Chair invited Members to declare at this point any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

153. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex B to agenda item 9 (Amber House and Workshop, Galmanhoe Lane – Freehold Disposal) and Annexes 1-5 to agenda item 10 (Urgent Business – Administrative Accommodation Project), on the grounds that they contain information relating to the financial or business affairs of particular persons, which is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

154. Minutes

RESOLVED: That the minutes of the Executive meeting held on 30 January 2007 be approved and signed by the Chair as a correct record.

155. Public Participation

It was reported that Roger McMeeking had registered to speak at the meeting under the Council's Public Participation Scheme, in relation to agenda item 6 (Response to the Recommendations of the Confidentiality and Transparency Scrutiny Panel). Mr McMeeking indicated that he was speaking as a member of the Scrutiny Panel, but not as the Panel's representative. He spoke in support of the Panel's Recommendation 5c), namely that the Executive Member for Resources should not be a member of any planning committee. He explained that the purpose of this recommendation was to ensure compliance with the Planning Code of Good Practice and restore public confidence in the integrity of the planning process, particularly in respect of applications relating to the Council's own

developments, in which the Executive Member for Resources will have had prior involvement.

156. Executive Forward Plan

Members received and noted an updated list of items included on the Executive Forward Plan at the time the agenda for this meeting was published.

157. Response to the Recommendations of the Confidentiality and Transparency Scrutiny Panel

Members considered a report which presented an evaluation of the resource and policy implications of the recommendations contained in the final report of the Confidentiality and Transparency Scrutiny Panel.

Details of these implications had been requested by the Executive when they considered the Panel's report at their meeting on 17 February 2006. The subsequent delay in undertaking the requested appraisal had been due to the large number of recommendations contained in the report, staffing issues within the Scrutiny team, and the fact that a number of the proposals had been under consideration as part of the review of the Council's Constitution. Results of the appraisal, comprising Officers' comments on each of the recommendations, were set out in Annex 1 to the report.

In response to the comments made under Public Participation on the Panel's Recommendation 5c), Officers' advice was that the Planning Code applied equally to all Members and that potential breaches needed to be dealt with on a case by case basis. Members commented that the vast majority of Planning applications did not relate to Council developments in any event and that current practices had worked well in ensuring that Members did not prejudice their Planning decisions. They agreed that it would not be appropriate to prohibit any individual Member from deciding planning applications in general. Members also thanked the Scrutiny Panel for their work and noted that the Officer comments set out in the report were broadly in support of the recommendations in most cases.

RESOLVED: (i) That the Officer comments in respect of the following recommendations of the Scrutiny Panel be endorsed:

- Recommendation 2
- Recommendations 3a)-3h)
- Recommendations 4a), 4c) and 4d)
- Recommendations 5b), 5d) and 5f)
- Recommendation 6b)
- Recommendations 7b)-7i)
- Recommendations 8a)-8c), 8e) and-8f)
- Recommendations 9a) and 9b)
- Recommendation 10a)
- Recommendation 11

(ii) That the Executive's comments in respect of the following recommendations be recorded, as indicated below:

- Recommendation 5a) - the Executive recognises the importance of the LDF. However, the City may – for example as a result of economic change – on occasions be faced with the need to act promptly to secure jobs in the City. Factors like these will continue to be taken into account in allocating resources and priorities.
- Recommendation 8d) - the Executive believes that there are already sufficient opportunities for elected Members to raise issues without recourse to an expensive whistle-blowing process.

(iii) That Recommendation 4b) be supported in so far as it can be achieved within existing budget allocations.

REASON: In view of Officer advice on the resource implications.

(iv) That Recommendation 5(e) be deferred, to enable the Executive to see a separate report produced on this option and in particular to understand the resource implications of such a move.

REASON: So that an informed decision can be taken.

(v) That no view be taken on the following recommendations, but that they be referred to the Scrutiny Management Committee for consideration:

- Recommendation 1
- Recommendation 10b)
- Recommendation 12

REASON: In accordance with the agreed procedures for assessing topics for review.

(vi) That the following recommendations *not* be agreed:

- Recommendation 5c)
- Recommendation 5g)
- Recommendation 6a)
- Recommendation 6c) (however, the Executive recognises that the current practice, where on occasions objectors have been given the opportunity to present their views in a less structured way than occurs at a formal planning committee, should remain an option for the Committee Chair to consider)
- Recommendation 7a)

REASONS: 5c) – in accordance with Officer advice and the Executive's view that the allocation of individuals to committee places should continue to be the responsibility of the party groups and that individual members of all committees should

continue to declare any interests they may have on any item being discussed and, if necessary, leave the meeting when the item is considered.

5g) – in accordance with the advice of the Head of Finance that the ring fencing of income in this matter should not be supported.

6a) - in the absence of any evidence to substantiate shortcomings in the existing Planning Code of Good Practice)

6c) – in accordance with Officer advice.

7a) – in the absence of sufficient resources to support this proposal.

158. 2nd Annual Progress Report: Implementation of Recommendations from the Executive following the Final Report of the Flood Scrutiny Panel report 2004

Members considered a report which detailed progress on the implementation of recommendations agreed in September 2004 regarding flood prevention work.

This was the second annual progress report on the actions agreed by the Executive in response to the final report of the Flood Scrutiny Panel from August 2004. Details of progress on each recommendation were set out in Annex A. The report had previously been to the Scrutiny Management Committee (SMC), who had noted that the Executive's original request for an annual update to the relevant Executive Member was still outstanding. In view of the new constitutional arrangements, Members were asked to consider whether they wished to continue receiving annual updates in the future or whether these should instead be the responsibility of the Executive Member for Neighbourhood Services, who now had delegated authority to consider reports relating to river flooding.

In response to the update, the Executive Member for Neighbourhood Services made a number of comments on the Scrutiny Panel's recommendations. In particular, he noted that:

- Regarding Recommendation 3, the Council had supported the Environment Agency Flood Awareness campaign in October 2006, with a website link enabling people to sign up for the free Floodline service.
- Regarding Recommendation 8, a watching brief on the maintenance of critical water courses would be required following the enmainment of these by the Environment Agency.
- Regarding Recommendation 9, the Executive Member would follow this up as the Council's representative on the CAB Trustee Board.
- Regarding Recommendation 21, a review of the Scrutiny report would be appropriate if another event occurred requiring Silver Command to be convened.

RESOLVED: (i) That the current update report considered by the SMC be noted.

(ii) That an annual update be requested in the first instance, during the late summer / early autumn period, to the Neighbourhood Services EMAP, with any significant cross-cutting issues to be referred to the Executive for attention as necessary.

REASON: To ensure that the multi-departmental impact of flooding issues is monitored annually and addressed as appropriate.

159. Amber House & Workshop, Galmanhoe Lane - Freehold Disposal

Members considered a report which sought approval to dispose of the Council's freehold interest in Amber House and workshop, Galmanhoe Lane.

The property had been leased to York Archaeological Trust for use as a conservation laboratory and workshop. It was currently in a poor state of repair. The sale was included in the 2007/08-2010/11 Capital Receipts Programme, as approved by the Executive on 16 January.

Three options were available, namely:

Option 1 – dispose of the property on the open market

Option 2 – let the property on the open market.

Option 3 – utilise the property for Council use

Option 1 was recommended, as it would produce a receipt to support the Council's capital programme. Option 2 was not recommended due to lack of demand and the cost of bringing the building to a suitable standard. Option 3 was not recommended as no alternative Council use had been identified.

The press and public were excluded from the meeting for part of this item (Minute 153 refers), during which time Members questioned Officers on the reserve sale figure in Annex B to the report.

RESOLVED: (i) That Option 1 be approved and that Amber House and the associated workshop be approved for freehold sale by informal tender.

REASON: To obtain a capital receipt, which will support the capital programme.

(ii) That an outline planning application be submitted for residential development of the site.

REASON To maximise the value of the property.

(iii) That the sale only be completed if the best offer is at or above the reserve figures stated for employment use or residential development.

REASON: To ensure that best consideration is received for the property.

(iv) That approval be given to vire £6,525 in lost rent from the provision in the general fund budget to the commercial property rental budget, pro rata, from the date of sale.

REASON: In order to compensate the commercial property portfolio budgets from the provision held corporately for this purpose.

160. Urgent Business - Administrative Accommodation Project

Members considered a report of the Corporate Landlord which sought approval for the appointment of design and construction partners for the Administrative Accommodation Project.

The Chair had agreed to accept this item as Urgent Business under the Local Government Act 1974, on the basis that a decision on letting the contracts was required by 20 February, in order to meet EU regulations. The decision could have been taken by the Executive Member for Corporate Services and Advisory Panel (EMAP), but the next scheduled EMAP meeting was not until 20 March, so the matter had been brought to the Executive. Because a key decision was required, urgency procedures had been followed and a Notice issued under Regulation 15 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

Following a comprehensive procurement process, conducted on the basis of Most Economically Advantageous Tender (MEAT), preferred bidders had been selected for each of five categories (or 'Lots') within the integrated partnering team that would design and construct the new office building. Three of these had not submitted the lowest price bid for the respective Lot, so under Financial Regulations their appointment would require Member approval. Two had submitted lowest price bids; of these, one had already been appointed and the other would be appointed in due course. Members had the option either to approve the proposed appointments with regard to Lots 2, 3 and 4 or to refer the matter back to the Corporate Landlord for further assessment.

The press and public were excluded from the meeting for part of this item (Minute 153 refers), during which time Members questioned Officers on the financial details of the tenders, as set out in Annexes 1-5 of the report. It was confirmed that, although the preferred bidders for Lots 2, 3 and 4 were not the lowest bidders, their fees in each case were within the range that could be afforded by the project. Officers were confident that they would be the right appointments in terms of quality of service. Correct procedures had been followed throughout the tendering process.

RESOLVED: (i) That the appointment of Shepherd Construction as Constructor for the Administrative Accommodation project (Lot 1) be acknowledged.

(ii) That the appointment of RMJM Ltd. as the Architect, Structural Engineer, Space Planner and Planning Supervisor for the Administrative Accommodation project (Lot 2) be approved.

(iii) That the appointment of Gifford as the Mechanical and Electrical Engineer for the Administrative Accommodation project (Lot 3) be approved.

(iv) That the appointment of WT Partnership as the Quantity Surveyor for the Administrative Accommodation project (Lot 4) be approved.

(v) That the appointment of Turner and Townsend as Project Manager for the Administrative Accommodation project (Lot 5) be acknowledged.

REASON: In order to achieve the best quality of service for the project within the available budget and to avoid unnecessary delay.

(vi) That the above appointments be subject to the Chief Executive arranging for another department of the Council to carry out an independent review of the reasoning behind the decisions of the Corporate Landlord in those cases where he has not recommended acceptance of the lowest tender.

REASON: So that Members can be absolutely certain that, whilst the appointments are all within budget for the project, the additional expenditure occasioned by not accepting the lowest tenders is justified on the grounds of mitigating risk and adding value and quality to the scheme.

PART B - MATTERS REFERRED TO COUNCIL

161. Leeds City Region Leaders' Board

Members considered a report which presented proposals for the establishment of a Joint Committee, to be known as the Leeds City Region Leaders' Board (the Board).

The Leeds City Region included the five West Yorkshire Districts, plus Craven, Harrogate, Selby and York in North Yorkshire and Barnsley in South Yorkshire. The Political Leaders of the 11 Partner Councils had made a collective commitment to work together for the benefit of the Region and deliver sustainable economic growth and improved competitiveness. This matter had been considered by Urgency Committee on 17 July 2006.

On 11 September 2006, the City Region Leaders had agreed to develop a formal structure. To this end, an Agreement had been drawn up to establish the Board as a joint committee. The Agreement, details of which had been agreed by City Region Leaders, was attached as Annex 1. Each Partner Authority would appoint its Leader as its representative on the Board. It was proposed that the new arrangements would commence from 1 April 2007 and that the Board's first meeting would take place on 2 April.

RECOMMENDED: That the terms of the Agreement attached as Annex 1 to the report be approved.

REASON: To enable the Council to play an active part in the development of the City Region agenda.

S F Galloway, Chair

[The meeting started at 2.00 pm and finished at 3.15 pm].