

EXECUTIVE BOARD

Monday 26 November 2007

COUNCILLORS PRESENT: Councillors John Goddard (Chair), David Rundle (Vice-Chair), Mohammed Altaf-Khan, Antonia Bance, Jim Campbell, Jean Fooks, and Matthew Sellwood.

OFFICERS PRESENT: Peter Sloman (Chief Executive), Sarah Fogden, John Kulasek and Martin Lyons (Financial and Asset Management), Jeremy Thomas, Lindsay Cane and Mathew Metcalfe (Legal and Democratic Services Business Unit) and Sue Shutter (Human Resources Business Manager).

192. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sajjid Malik, Partick Murray and Caroline Van Zyl

193. DECLARATIONS OF INTEREST

There were no declarations of interest.

194. MATTERS EXEMPT FROM PUBLICATION

Resolved that in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 the press and public be excluded from the meeting on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule I2A of the Local Government Act 1972.

<u>Items</u>	<u>Reason for exemption</u>	<u>Minutes</u>
C1	information relating to the business affairs of any particular person (including the authority holding that information)	195

195. WESTGATE DEVELOPMENT – COMPLETION OF DEVELOPMENT AGREEMENT

The Strategic Director, Physical Environment, submitted an exempt from publication report (previously circulated and now appended).

Resolved that: -

- (1) The Chief Executive be authorised to complete the following documents: -
 - **Conditional Development Agreement (CDA)** – This creates a conditional contract binding all parties to proceed with the development, covering the period up to and during construction. This agreement would become unconditional once a number of pre-agreed conditions are satisfied. The CDA includes either within its terms or as annexes the following documents:-
 - **Building Agreement** – This document identifies the main terms of the building contract including the construction programme and incorporates agreed design, plans and material specifications of the development;
 - **Head Lease** – Describes detailed terms of the 240-year lease to be granted to WP incorporating the car parking management and initial and ongoing leasing strategies;
 - **Collateral warranties** – These documents allow the Council to bring claims against the contractor, sub-contractors, and WP's professional advisors where they have been negligent;
 - **Construction Contracts** – The Council has agreed the form of construction contract enabling it to ensure that the construction approach proposed by the WP would meet all the Council's objectives in respect of environment, energy efficiency, and disruption during construction etc;
- (2) Project Approval be granted for the ongoing appointment of EC Harris as the Council's cost consultants; and a separate Project Approval be granted to appoint Joint Letting Agents to the Chief Executive once the procurement process has been completed;
- (3) Approval be given to the incorporation of Abbey Place as part of the Westgate scheme, which in effect constitutes a disposal under clauses 20.20 (b) and (c) of the Constitution;
- (4) Officers be authorised to seek the Secretary of State's consent in accordance with Part V of Schedule 2 to the Housing Act 1985 to begin the processes necessary for the relocation of the tenants of Abbey Place into Albion Place or other areas as per individual tenant requests;
- (5) Officers be authorised to commence and conclude negotiations with the 3 shared ownership tenants in Abbey Place to agree the value of their share of the Abbey Place accommodation, with a view to transferring the value of that share into a flat at Albion Place which in effect constitutes a purchase and disposal under clauses 20.20 (b) and (c) of the Constitution.

- (6) Sharon Cosgrove and other officers be thanked for all their work on the Westgate redevelopment.

(Councillors Goddard, Rundle, Campbell, Altaf Khan, Fooks and Bance voted for the recommendations. Councillor Sellwood voted against)

The meeting began at 9.00 am and ended at 9.25 am.