

MINUTES OF THE EXECUTIVE MEETING (SPECIAL)
Thursday 25th November 2004 at 6.30pm

Councillor John (Chair), Councillor Coughlin (Vice-Chair) and Councillors Beswick, Fox, Jones, D Long, Lyon and R S Patel.

Apologies for absence were submitted on behalf of Councillors Kagan and Thomas.

1. Declarations of Personal and Prejudicial Interests

There were none at this meeting.

2. Exclusion of Press and Public

RESOLVED:

that the press and public be now excluded from the meeting as the following items contain exempt information as specified in Paragraph 9 Schedule 12A of the Local Government Act 1972 namely:-

“Information relating to the financial or business affairs of any particular person (other than the Authority).

Any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.”

3. Willesden PFI

This report provided Members with an update on the negotiations on the Willesden Sports Centre PFI and on the key commercial parameters and principles within the Project Agreement. The Director of Environment circulated supplementary information on the progress of negotiations which suggested an amendment to recommendation 2.2 which was accepted

Sue Harper (Assistant Director) gave an update on the position since last reported in September and outlined the current financial position and the possible financial position in 25 years time. She also outlined the implications of early termination by either party. The Assistant Director also referred to income benchmarking, ‘dark ground’ risks, national non-domestic rates relief and asbestos removal. Feedback had been received indicating that the Department of Media, Culture and Sports were happy to sign off the project subject to Partnerships UK being satisfied. A letter had been received from PricewaterhouseCoopers that they were mindful not to challenge the balance issue. Members raised questions over the arrangements for the removal of asbestos from the Centre and were advised that this work had been subcontracted and would be carried out to Health and Safety Executive standards.

The Executive congratulated all officers in bringing the lengthy negotiations to a successful conclusion.

RESOLVED:-

- (i) that the progress on negotiations for the Willesden Sports Centre PFI and the feedback from the Department for Culture, Media and Sport (DCMS) on the Final Business Case be noted;
- (ii) that agreement in principle be given, to award the PFI contract to the Linteum Consortium to design, build, finance and operate the new Willesden Sports Centre and, subject to paragraph 2.3 of the report from the Director of Environment, to delegate to the Director of Environment authority to conclude negotiations within the parameters set out in the report and to sign contracts and certificates;
- (iii) that it be noted that there remains an outstanding contract and leases with Leisure Connection, part of the consortium, in respect of Vale Farm and Charteris Sports Centres and that the PFI contract will not be finalised by officers unless and until those outstanding contracts and leases are concluded satisfactorily. An update on this position will be provided at the meeting.

4. **Wembley Link Bridge**

This report advised Members of the progress of the Wembley Stadium Station Hub project, and in particular the proposed construction of the Link Bridge which is intended to provide ticketed access to the station and a pedestrian thoroughfare linking the stadium with the Wembley High Road. In order to proceed to construction the London Development Agency need to have in place an Asset Protection Agreement with Network Rail to which Brent must be a signatory party. The report described the insurance which Brent must have in place for the agreement to be concluded. seeks approval for the indemnities to Network Rail to be included in the agreement and recommends an increase in the Council's public liability insurance cover.

The Chair certified this report as a urgent for the following reason:

The need to complete the APA in order to minimise the delay to the construction of the Link Bridge which is required for the opening of the national stadium. In order to ensure completion by Stadium opening, the London Development Agency have had to commence work and incur expenditure without the formal APA being in existence. However, this is not a satisfactory situation, and it is imperative that the obligations of the parties are formalised by completing the agreement, as a matter of urgency.

RESOLVED:-

- (i) that approval be given to the increase of the Council's public liability insurance cover to a level specified in the report from the Director of

Environment in respect of any number of claims arising from any one event;

- (ii) that approval be given to the indemnities to Network Rail in the APA;
- (iii) that the proposal that liability for the Council's small contractors (who would have found the insurance requirements being imposed by Network Rail prohibitive) be brought within the Council's policy for the difference in cover from the usual £5m up to a level of £25m that has been agreed with Network Rail be noted and approved, noting that this will be at no additional cost to the Council as suitable terms have been negotiated with Zurich;
- (iv) that it be noted that the Borough Solicitor will negotiate and finalise the detailed terms of the APA and Schedule 8 of the APA (which contains the cleaning, maintenance and repairing obligations of the Council) and agree final terms with Network rail's solicitors to reflect the above.

The meeting ended at 8.05 pm

A John
Chair

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