

FORWARD PLAN SELECT COMMITTEE

Wednesday, 2nd February 2005

ITEM 9 - Items considered by the Executive that were not included in the Forward Plan

Under the provisions of rule 38 of the Access to Information Rules in the Constitution, the Executive is required to report to Full Council for information any key decisions taken by them but which did not appear in the forward plan. The Executive will report to Full Council on Monday, 31st January 2005 on the following Decisions taken by the Executive under the Council's urgency provisions:-

1. Asset Protection Agreement (APA) Wembley Link Bridge

The above item was considered by the Executive on 25th November 2004.

Decisions taken:

- (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.

Reason why it was impractical to defer the decision until it could be included on the Forward Plan:

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 has 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.

2. Willesden Sports Centre – Updates and Award of Contract in relation to Private Finance Initiative

The above item was considered by the Executive on 25th November 2004.

Decisions taken:

- (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.

Reason why it was impractical to defer the decision until it could be included on the Forward Plan:

In order that the Director of Environment is able to conclude negotiations with the consortium and finalise contract terms within the parameters set out in this report as soon as possible.

3. Authority to Invite Tenders for the Installation of Closed Circuit TV Cameras for Brent Council and Wembley Stadium Contract

The above item was considered by the Executive on 13th December 2004.

Decisions taken:

- (i) that approval be given to the pre-tender considerations and the outline evaluation criteria to be used to evaluate tenders as set out in section 3.8 of the report;
- (ii) that officers invite tenders and evaluate them in accordance with the outline evaluation criteria referred to in section 3.8 of the report which shall be developed further by officers prior to the tender return date.

Reason why it was impractical to defer the decision until it could be included on the Forward Plan:

Arrangements were delayed pending a meeting with Wembley National Stadium Limited. Any further delay is likely to impact on the safety and security arrangements for Wembley Stadium opening.

4. Lease and Sub-Lease of Land off Hannah Close, Wembley

The above item was considered by the Executive on 17th January 2005.

Decision taken:

that a twelve month lease of land off Hannah Close Wembley be acquired from Scottish Amicable Life Assurance Society and a sub lease of the property be granted to Mr and/or Mrs McArdle and/or one or more of the McArdle group of companies (McArdles) upon the terms indicated in the report.

Reason why it was impractical to defer the decision until it could be included on the Forward Plan:

The proposals in this report will assist with attempts to resolve existing litigation commenced against the Council (i.e. a challenge to the CPO required to construct the Wembley SAC) and whilst this legal challenge is outstanding a contract for construction of the Wembley Park Stadium Access Corridor cannot be let. Construction of this needs to start imminently for this to be completed by Stadium opening.