

SUMMONS ITEM 9(a)

LONDON BOROUGH OF BRENT

FULL COUNCIL MEETING – 29th NOVEMBER 2004

REPORT FROM THE EXECUTIVE

1. Items to be reported by the Executive

The Leader has given notice that the Executive will report to Council on the following items:

- (i) 2 star rating for Social Services
- (ii) GCSE results
- (iii) Wembley update
- (iv) Olympic bid

2. Decisions taken by the Executive under the Council's urgency provisions

Under the provisions of rule 38 of the Access to Information Rules in the Constitution, the Executive is required to report to the next Full Council for information any key decisions taken by them but which did not appear in the forward plan.

Proposed settlement of High Court litigation by Whitewater Leisure Management Ltd and Marjess Ltd regarding Brent sports centres

The above item was considered by the Executive on 15th November 2004.

Decision taken

That the settlement of the High Court proceedings under case numbers HQ02X04334 and HQ03X03689 be approved by a payment as contained within the report to Whitewater Leisure Management Limited and Marjess Limited; this sum to be inclusive of all principal sums, interest and costs, and this payment to be made within fourteen days of such approval by the Executive.

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

The proposed settlement derives from a day of mediation which took place on 28th October 2004. This mediation was proposed by the Claimants' solicitors on 6th October 2004 and thus arranged at fairly short notice. At the mediation session the Council officers indicated to the other side that they would seek approval of the settlement from the next available Executive on 15th November.

Approving settlement on 15th November 2004 allowed payment to be made soon after and the court proceedings concluded. It would not have been in the interests of the Council if there had been a delay in implementation of the proposed agreement. The High Court proceedings would have remained in place and some legal costs would have been unnecessarily incurred.