



Proceedings of the Meeting of the Leeds City Council held  
at the Civic Hall, Leeds on Wednesday 1<sup>st</sup> November 2005

**PRESENT:** The Lord Mayor Councillor William Schofield Hyde in the Chair

**WARD**

**ADEL & WHARFEDALE**

Barry John Anderson  
John Leslie Carter  
Clive Fox

**ALWOODLEY**

Ronald David Feldman  
Ruth Feldman  
Peter Mervyn Harrand

**ARDSLEY & ROBIN HOOD**

Karen Renshaw  
Jack Dunn  
Lisa Mulherin

**ARMLEY**

Alison Natalie Kay Lowe  
James McKenna  
Janet Harper

**BEESTON & HOLBECK**

Adam Ogilvie  
David Congreve

**BRAMLEY & STANNINGLEY**

Angela Denise Atkinson  
Ted Hanley  
Neil Taggart

**BURMANTOFTS & RICHMOND HILL**

Ralph Pryke  
Richard Brett  
David Hollingsworth

**GUISELEY & RAWDON**

**WARD**

**CALVERLEY & FARSLEY**

Andrew Carter  
Amanda Lesley Carter  
Frank Robinson

**CHAPEL ALLERTON**

Sharon Hamilton  
Mohammed Rafique  
Jane Dowson

**CITY & HUNSLET**

Elizabeth Nash  
Patrick Davey  
Mohammed Iqbal

**CROSSGATES & WHINMOOR**

Suzi Armitage  
Pauleen Grahame  
Peter John Gruen

**FARNLEY & WORTLEY**

David Blackburn  
Ann Blackburn  
Claire Nash

**GARFORTH & SWILLINGTON**

Andrea Harrison  
Mark Russell Phillips  
Thomas Murray

**GIPTON & HAREHILLS**

Alan Leonard Taylor  
  
Roger Harington

**MORLEY NORTH**

Graham Latty  
Stuart Andrew  
John Bale

#### **HAREWOOD**

Ann Castle  
Rachael Procter  
Alec Shelbrooke

#### **HEADINGLEY**

David Morton  
James John Monaghan  
Martin Hamilton

#### **HORSFORTH**

Christopher Townsley  
Brian Cleasby  
Andrew Barker

#### **HYDE PARK & WOODHOUSE**

Penny Ewens  
Kabeer Hussain  
Linda Valerie Rhodes-Clayton

#### **KILLINGBECK & SEACROFT**

Graham Hyde  
Michael James Davey  
Brian Michael Selby

#### **KIPPAX & METHLEY**

John Keith Parker  
James Lewis  
Keith Ivor Wakefield

#### **KIRKSTALL**

Elizabeth M Minkin  
John Anthony Illingworth  
Bernard Peter Atha

#### **MIDDLETON PARK**

Geoffrey Driver  
Judith Blake  
Stuart Bruce

#### **MOORTOWN**

Mark Daniel Harris  
Brenda Lancaster  
Richard Harker

Robert Finnigan  
Stewart McArdle  
Thomas Leadley

#### **MORLEY SOUTH**

Judith Elliott  
Terrence Grayshon  
Gareth Edward Beevers

#### **OTLEY & YEADON**

Graham Peter Kirkland  
Colin Campbell  
Richard Downes

#### **PUDSEY**

Josephine Patricia Jarosz  
Richard Alwyn Lewis  
Mick Coulson

#### **ROTHWELL**

Donald Michael Wilson  
Steve Smith  
Mitchell Galdas

#### **ROUNDHAY**

Matthew Lobleby  
Valerie Kendall  
Paul Wadsworth

#### **TEMPLE NEWSAM**

David Schofield  
Michael Lyons

#### **WEETWOOD**

Brian David Timothy Jennings  
Susan Bentley  
Barry Stewart Golton

#### **WETHERBY**

Gerald Wilkinson  
Andrew Millard  
John Michael Procter

## 61 Announcements

- (a) The Lord Mayor referred to the recent Asian earthquake, the appeal which he had launched shortly thereafter and the book of condolence which had been opened. On the invitation of the Lord Mayor the Party Leaders commented in turn on the consequences of the event, following which Council stood in silence for those who had died.
- (b) The Lord Mayor congratulated Councillors Lancaster, D Blackburn and Downes on their participation in the Great North Run.
- (c) The Lord Mayor informed Council of the success of his forthcoming Civic Ball in being oversubscribed.
- (d) The Lord Mayor invited the attendance of members at the Remembrance Service to be held on Sunday 13<sup>th</sup> November 2005.

## 62 Minutes

It was moved by Councillor J Procter seconded by Councillor Gruen and

**RESOLVED** – That the minutes of the meeting of Council held on 14<sup>th</sup> September 2005 be approved.

## 63 Declarations of Interest

The Lord Mayor announced that a list of written declarations submitted by members was on display in the ante-room, on deposit in the public galleries and had been circulated to each member's place in the Chamber.

Following an invitation to declare further individual interests, declarations in accordance with the Council's Code of Conduct were made as follows:-

- (a) The following members declared personal interests as ALMO board members in relation to the amendment referred to in minute 71 below:

North East Homes: R D Feldman, Dowson, Wilkinson, Lancaster, Wadsworth

North West Homes: Anderson, Ewens, Illingworth, Latty, Jennings

South Homes: Bruce, Ogilvie, Elliot, Iqbal, Galdas

South East Homes: Gruen, Schofield, Parker, Murray, Brett

West Homes: Hanley, A Blackburn, Robinson, R Lewis, Lowe

East Homes: G Hyde, Taylor, Selby, Akhtar, Hollingsworth

- (b) Councillors Wakefield, Taggart and Ogilvie declared personal interests in minute 73 of this meeting as members or substitute members of the West Yorkshire Joint Services Committee

- (c) Councillor E Nash declared a personal and prejudicial interest in minute 74 of this meeting, developers having submitted a planning application for a residential development to the rear of her, and her neighbours houses.
- (d) Councillor Gabriel declared a personal and prejudicial interest in minute 76 as an employee of the Leeds NHS Mental Health Trust
- (e) Councillors Lyons, J Lewis, Jarosz, Downes, D Blackburn and Schofield declared personal interests in minute 77 of this meeting as members of the West Yorkshire Passenger Transport Authority.

#### **64 Deputations**

Three deputations were admitted to the meeting and addressed Council as follows:

- 1 Representatives of the Youth Council in support of fair trade in schools
- 2 Friends of Middleton Park regarding cancellation of the Middleton Park bonfire
- 3 Leeds Chinese Community Association regarding the needs of the Chinese Community in Leeds and the funding of the Association

**RESOLVED** – That the subject matter of each of the deputations be referred to the Executive Board for consideration.

#### **65 Report – Appointments**

It was moved by Councillor J Procter seconded by Councillor Gruen and

**RESOLVED** – That the report of the Director of Legal and Democratic Services on appointments by the Council be approved.

#### **66 Questions**

- 1 Councillor Congreve to the Executive Member (Narrowing the Gap)

Will the Executive Board member with responsibility for 'narrowing the gap' agree with the importance of physical activities and recreation in contributing to narrowing the gap?

The Executive Member (Narrowing the Gap) replied

- 2 Councillor Taylor to the Executive Member (Leisure)

Would the Executive Board Member for Leisure care to comment as to which comes first, community safety or an individual event?

The Executive Member (Leisure) replied.

3 Councillor Bale to the Executive Member (Development)

Can the Executive Board Member responsible for Development please provide an update on the progress of the A65 Quality Bus corridor.

The Executive Member (Development) replied

4 Councillor Finnigan to the Leader of the Council

Can the Executive Board Member responsible for licensing please confirm the costs to local council tax payers up to date of implementing the new licensing legislation.

The Leader of the Council replied

5 Question 5 in the name of Councillor C Nash was withdrawn

6 Councillor Atha to the Executive Member (Narrowing the Gap)

Does the Executive Board member responsible for 'narrowing the gap' agree with the importance of cultural and social activities in helping to narrow the gap?

The Executive Member (Narrowing the Gap) replied

7 Councillor M Hamilton to the Leader of the Council

Would the Leader of Council care to shed any light on recent allegations in the press regarding cuts?

The Leader of the Council replied

8 Councillor Lobley to the Executive Member (Neighbourhoods and Housing)

Can the Executive Member for Neighbourhoods and Housing tell me if there have been any negative effects on homelessness services since the closures of the hostels on July 1<sup>st</sup> 2005?

The Executive Member (Neighbourhoods and Housing) replied.

At the conclusion of Question Time the following remained unanswered and it was noted that under the provisions of Council Procedure Rule 11.6 written responses would be sent to each member of Council.

9 Councillor E Nash to the Executive Member (Development)

11 Councillor Anderson to the Executive Member (Development)

12 Councillor Selby to the Executive Member (Social Care and Health)

13 Councillor Brett to the Executive Member (Learning)

14 Councillor Murray to the Executive Member (Narrowing the Gap)

15 Councillor Cleasby to the Leader of the Council

16 Councillor Congreve to the Executive Member (City Services)

(Question 10 in the name of Councillor Downes had been withdrawn)

## **67 Suspension of Council Procedure Rules**

It was moved by Councillor J Procter seconded by Councillor M Hamilton and

**RESOLVED** – That under the provisions of Council Procedure Rule 22.1 Procedure Rule 12.3(a) be suspended to allow the introduction of the following emergency motion, and that Procedure Rule 2.2 be suspended to give precedence to the motion:

“That this Council condemns the Government for failing to give the decision on the future of the Leeds Supertram”.

## **68 Suspension of Meeting**

It was moved by Councillor Gruen seconded by Councillor Minkin and

**RESOLVED** – That the meeting be suspended for the period of 10 minutes to allow members time to read papers relevant to the motion which had just been made available to them.

On the requisition of Councillors Gruen and Lowe the votes on the motion to suspend the meeting were recorded as follows:

### **YES**

Anderson, Andrew, Armitage, Atha, Atkinson, Bale, Barker, Beevers, Bentley, A Blackburn, D Blackburn, Blake, Brett, Bruce, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Cleasby, Congreve, Coulson, PDavey, M Davey, Downes, Dowson, Driver, Elliott, Ewens, Mrs R Feldman, R D Feldman, Finnigan, Fox, Galdas, Golton, Grahame, Grayshon, Gruen, M Hamilton, S Hamilton, Hanley, Harington, Harker, Harrand, Harris, Harrison, Hollingsworth, Hussain, Illingworth, Iqbal, Jarosz, Jennings, Kendall, Kirkland, Lancaster, Latty, Leadley, J Lewis, R Lewis, Lobley, Lowe, Lyons, McArdle, McKenna, Millard, Minkin, Monaghan, Morton, Mulherin, Murray, C Nash, E Nash, Ogilvie, Parker, J Procter, R Procter, Pryke, Rafique, Renshaw, Rhodes-Clayton, Robinson, Schofield, Selby, Shelbrooke, Smith, Taggart, Taylor, Townsley, Wadsworth, Wakefield, Wilkinson, Wilson

**92**

### **NO**

Phillips

**1**

## **69 Leeds Supertram**

It was moved by Councillor Harris seconded by Councillor A Carter and

**RESOLVED UNANIMOUSLY** - That this Council condemns the Government for failing to give the decision on the future of the Leeds Supertram.

**70 Recommendations in Accordance with Council Procedure Rule 2.2(h)**

It was moved by Councillor Harris seconded by Councillor A Carter and

**RESOLVED** – That the recommendations of the Executive Board as detailed in the report of the Director of Legal and Democratic Services be approved.

**71 Minutes**

It was moved by Councillor Harris seconded by Councillor J Procter

That the minutes submitted to Council in accordance with the Council Procedure Rule 2.2(l) be received.

An amendment was moved by Councillor Wakefield seconded by Councillor R Lewis

To add the following words at the end of item 8:

‘but to ask the Executive Board, in relation to minute 65 on page 24, to consider a ballot of all Council tenants prior to a decision being taken on any proposals recommended as part of the review.’

A second amendment was moved by Councillor J L Carter seconded by Councillor J Procter

To delete from the words ‘to consider’ to the end of the amendment and to replace with the words as contained in the following second amendment:

‘but to ask the Executive Board , in relation to the decision on the future of ALMO’s in Leeds as contained in minute 65 on page 24, to note the undertaking by the Executive Board Member for Neighbourhoods and Housing to consider the need for a ballot.’

Both the amendment and second amendment were carried and upon being put as the substantive motion it was

**RESOLVED** – That the minutes submitted to Council in accordance with Council Procedure Rule 2.2(l) be received, but to ask the Executive Board , in relation to the decision on the future of ALMO’s in Leeds as contained in minute 65 on page 24, to note the undertaking by the Executive Board Member for Neighbourhoods and Housing to consider the need for a ballot

On the requisition of Councillors Gruen and Taggart the votes on the amendment in Councillor Wakefield’s name were recorded as follows:

## **YES**

Anderson, Andrew, Armitage, Atha, Atkinson, Bale, Barker, Beevers, Bentley, A Blackburn, D Blackburn, Blake, Brett, Bruce, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Cleasby, Congreve, Coulson, M Davey, P Davey, Downes, Dowson, Driver, Dunn, Elliott, Ewens, Mrs R Feldman, R D Feldman, Finnigan, Fox, Galdas, Golton, Grahame, Grayshon, Gruen, M Hamilton, S Hamilton, Hanley, Harington, Harker, Harper, Harrand, Harris, Harrison, Hollingsworth, Hussain, G Hyde, Illingworth, Iqbal, Jarosz, Jennings, Kendall, Kirkland, Lancaster, Latty, Leadley, J Lewis, R Lewis, Lobley, Lowe, McArdle, McKenna, Millard, Minkin, Monaghan, Morton, Mulherin, Murray, C Nash, E Nash, Ogilvie, Parker, Phillips, J Procter, R Procter, Pryke, Rafique, Renshaw, Rhodes-Clayton, Robinson, Schofield, Selby, Shelbrooke, Smith, Taggart, Taylor, Townsley, Wadsworth, Wakefield, Wilkinson, Wilson

**95**

## **NO**

**0**

On the requisition of Councillors J Procter and J L Carter the votes on the second amendment in Councillor J L Carter's name were recorded as follows:

## **YES**

Anderson, Andrew, Bale, Barker, Beevers, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Cleasby, Downes, Elliott, Ewens, Mrs R Feldman, R D Feldman, Finnigan, Fox, Galdas, Golton, Grayshon, M Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain, Jennings, Kendall, Kirkland, Lancaster, Latty, Leadley, Lobley, McArdle, Millard, Monaghan, Morton, C Nash, Phillips, J Procter, R Procter, Pryke, Rhodes-Clayton, Robinson, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

**57**

## **NO**

Armitage, Atha, Atkinson, Blake, Bruce, Congreve, Coulson, M Davey, P Davey, Dowson, Driver, Dunn, Grahame, Gruen, S Hamilton, Hanley, Harington, Harper, Harrison, G Hyde, Illingworth, Iqbal, Jarosz, J Lewis, R Lewis, Lowe, McKenna, Minkin, Mulherin, Murray, E Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, Wakefield

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(The meeting was suspended at 5.35 pm and resumed at 6.05 pm)

## **72 White Paper Motion – International Day for Older Persons**

It was moved by Councillor Harrison seconded by Councillor Harrand and



**RESOLVED UNANIMOUSLY** – That this Council congratulates all those involved in organising the week long events to celebrate the International Day for Older Persons 2005. Council particularly thanks all those who made the tea dance held at the Civic Hall such a resounding success and believes that consideration should be given to making the tea dance a more regular event.

### **73 White Paper Motion – Proof of Age Scheme**

It was moved by Councillor Wakefield seconded by Councillor R Lewis

That this Council condemns the ruling administration for failing to fund the Proof of Age Scheme

An amendment was moved by Councillor Finnigan seconded by Councillor Elliott

Delete all and replace with:

“This Council, noting the detrimental impact that changes in the Licensing Legislation have had on binge drinking, requests the ruling administration to reconsider funding the Proof of Age Scheme”

A second amendment was moved by Councillor J L Carter seconded by Councillor Shelbrooke

Delete all and replace with:

That this Council notes that no mainstream funding has ever been made available for the proof of age scheme and condemns the Labour Group for making false public claims on websites and in the press that the ruling administration has withdrawn funding for this project.

This Council asks for consideration to be given in the 2006/7 budget to fund such a project however the Council acknowledges the enormous pressures on the Council’s budget caused by continued government under funding.

The amendment was lost, the second amendment was carried and upon being put as the substantive motion it was

**RESOLVED** - That this Council notes that no mainstream funding has ever been made available for the proof of age scheme and condemns the Labour Group for making false public claims on websites and in the press that the ruling administration has withdrawn funding for this project.

This Council asks for consideration to be given in the 2006/7 budget to fund such a project however the Council acknowledges the enormous pressures on the Council’s budget caused by continued government under funding.

### **74 White Paper Motion – PPG3**

It was moved by Councillor A Carter seconded by Councillor Jennings

This Council, whilst recognising the spirit, guidelines and application of PPG3, expresses its concern and regret that this planning guidance mitigates against the construction of traditional family homes and encourages over-intensive development to the detriment of many neighbourhoods and communities citywide.

Council also expresses its concern that the rigidity of Government guidelines on parking provision is similarly causing serious problems in local communities.

Council resolves, therefore, to write to the ODPM and the Government Office expressing our concerns and also write to the Members of Parliament for Leeds, pointing out that their support of Government planning policies has contributed to the adverse effects outlined above.

An amendment was moved by Councillor Blake seconded by Councillor Minkin

Delete all after This Council and replace with:

'welcomes the spirit, guidelines and application of PPG3, which allows for the construction of traditional family homes whilst encouraging more diverse and imaginative developments which meets the needs of our neighbourhoods and communities citywide.

Council looks forward to the Planning Inspectorates views on the submission from Leeds Planning Department with regard to parking and the revision of the UDP.

Council further resolves to maintain its policy of protecting public open spaces and the green belt.'

The amendment was lost and upon the motion being put to the vote it was

**RESOLVED** - That this Council, whilst recognising the spirit, guidelines and application of PPG3, expresses its concern and regret that this planning guidance mitigates against the construction of traditional family homes and encourages over-intensive development to the detriment of many neighbourhoods and communities citywide.

Council also expresses its concern that the rigidity of Government guidelines on parking provision is similarly causing serious problems in local communities.

Council resolves, therefore, to write to the ODPM and the Government Office expressing our concerns and also write to the Members of Parliament for Leeds, pointing out that their support of Government planning policies has contributed to the adverse effects outlined above.

(Councillor E Nash having declared a personal and prejudicial interest at minute 63 left the meeting during the debate on this item)

## **75 Suspension of Council Procedure Rule**

During the debate under minute 74 above it was moved by Councillor J Procter seconded by Councillor M Hamilton and

**RESOLVED** – That under the provisions of Council Procedure Rule 22.1 that Procedure Rule 3.2 be suspended to allow all White Paper Motions to be debated.

## **76 White Paper Motion – Fire Safety Issues within Leeds Mental Health Trust**

It was moved by Councillor Finnigan seconded by Councillor Elliott

This Council congratulates the Health & Wellbeing Scrutiny Board on the work undertaken concerning fire safety issues within Leeds Mental Health Trust and reconfirms its decision to request a full public enquiry on this matter by writing to all Leeds MP's to support this call.

An amendment was moved by Councillor Minkin seconded by Councillor Gruen

Delete 'and reconfirms its decision to request a full public enquiry on this matter by writing to all Leeds MP's to support this call'

and replace with:

'and looks forward to the report of the working group looking at this issue and consideration of that report by the full Health & Wellbeing Board before deciding what action to take would be the most appropriate.'

The amendment was lost and upon the motion being put to the vote it was

**RESOLVED** – That this Council congratulates the Health & Wellbeing Scrutiny Board on the work undertaken concerning fire safety issues within Leeds Mental Health Trust and reconfirms its decision to request a full public enquiry on this matter by writing to all Leeds MP's to support this call.

(Councillor Gabriel declared a personal and prejudicial interest in this matter in writing prior to the meeting, in the event she did not attend the meeting)

## **77 White Paper Motion – Free Bus Travel for People Aged 60 and Over**

It was moved by Councillor Downes seconded by Councillor Wadsworth

That this Council welcomes the introduction of free bus travel for people aged 60 and over after 9.30 am on weekdays and all day at weekends.

However Council is concerned that the proposed Government funding may not cover the full costs of introducing the scheme and therefore calls upon the Government to fully fund free bus travel for the over 60's so that none of the costs will fall on Leeds' Council Tax.

An amendment was moved by Councillor J Lewis seconded by Councillor Lyons

Delete all after 'This Council' and replace with:

'welcomes the introduction by our Labour Government of free bus travel for people aged 60 and over after 9.30 am on weekdays and all day at weekends. Council notes that this is contrary to the rise in concessionary fares voted for by Conservative and Liberal Democrat Councillors on the West Yorkshire Passenger Transport Authority.

Council believes that this new government financial support for our older people would be more efficiently administered if the funding was directly allocated to PTAs so there would be no cost to district councils.'

The amendment was lost and upon the motion being put to the vote it was

**RESOLVED** - That this Council welcomes the introduction of free bus travel for people aged 60 and over after 9.30 am on weekdays and all day at weekends.

However Council is concerned that the proposed Government funding may not cover the full costs of introducing the scheme and therefore calls upon the Government to fully fund free bus travel for the over 60's so that none of the costs will fall on Leeds' Council Tax

## **78 White Paper Motion – Climate Change**

It was moved by Councillor D Blackburn seconded by Councillor Golton

That this Council recognises that Climate Change is likely to be one of the key drivers of change within our Community this century. It acknowledges that evidence continues to mount that Climate Change is occurring, and welcomes the social, economic and environmental benefits which will come from combating Climate Change.

It therefore agrees that the Council recommends the Executive Board to adopt the Nottingham Declaration on Climate Change, and as required by the Declaration will prepare a plan with local communities to address the causes and effects of Climate Change.

An amendment was moved by Councillor Harington seconded by Councillor Gruen

Add at the end of the final paragraph:

'and looks forward to seeing the appropriate funding for this initiative reflected in next year's council budget'

The amendment was lost and upon the motion being put to the vote it was

**RESOLVED** – That this Council recognises that Climate Change is likely to be one of the key drivers of change within our Community this century. It acknowledges that evidence continues to mount that Climate Change is occurring, and welcomes the social, economic and environmental benefits which will come from combating Climate Change.

It therefore agrees that the Council recommends the Executive Board to adopt the Nottingham Declaration on Climate Change, and as required by the Declaration will prepare a plan with local communities to address the causes and effects of Climate Change.

On the requisition of Councillor Gruen and Taggart the voting on the amendment was recorded as follows:

**YES**

Armitage, Atha, Atkinson, Blake, Bruce, Coulson, M Davey, P Davey, Dowson, Driver, Dunn, Grahame, Gruen, S Hamilton, Hanley, Harington, Harper, Harrison, G Hyde, Illingworth, Jarosz, J Lewis, R Lewis, Lyons, McKenna, Minkin, Mulherin, Murray, E Nash, Ogilvie, Renshaw, Selby, Taggart, Wakefield

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**NO**

Anderson, Andrew, Bale, Barker, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Cleasby, Downes, Elliott, Ewens, Finnigan, Fox, Galdas, Golton, Grayshon, M Hamilton, Harrand, Harker, Harris, Hollingsworth, Jennings, Kendall, Kirkland, Lancaster, Latty, Lobley, McArdle, Millard, Monaghan, C Nash, Phillips, J Procter, Pryke, Rhodes-Clayton, Robinson, Schofield, Shelbrooke, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

**49**

(Council rose at 9.30 pm)

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**Report of the Director of Corporate Services**

**Council**

**Date: 11<sup>th</sup> January 2006**

**Subject: Calculation of the Council Tax Base for 2006/2007 for the Purpose of Calculating the Council Tax**

**Electoral Wards Affected:**

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

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**1.0 Purpose Of This Report**

- 1.1 Under the Local Government Finance Act 1992 and accompanying regulations, detailed procedures are laid down for calculating the tax base which will be used for calculating the Council Tax. The tax base for the Leeds area is expressed as the number of Band D equivalent properties and will be used both for calculating Leeds City Council's own element of Council Tax and for notifying to the West Yorkshire Police and Fire Authorities for them to calculate their own elements of Council Tax. The West Yorkshire Police and Fire Authorities have to be notified of the tax base by 31 January 2006.
- 1.2 In addition to calculating the tax base for the Leeds area as a whole, a separate tax base has to be calculated for each part of the Council's areas to which a "special item" of expenditure relates. In Leeds, it is considered that only parish precepts should be treated as special items for these purposes and a tax base is therefore also calculated for each parish.

**2.0 Main Issues**

- 2.1 Details of the calculations for Leeds as a whole and for each individual parish are given in the Appendix. In summary, the Council Tax Base for Leeds is calculated at 228,329 Band D equivalent properties. This is calculated by estimating changes from the District Valuer's Valuation List that will take place during 2006/2007 by reference to the following:
- a) provision for successful appeals,
  - b) provision for exempt properties,
  - c) changes in number of properties (demolitions and new additions),
  - d) estimated single person and other discounts and
  - e) estimated collection rate.

The net Council Budget for 2006/2007 which will be decided by Council on 28th February 2006, will be divided by the calculated Council Tax Base to arrive at the Council Tax for a Band D property, from which the Council Tax for other valuation bands will be calculated.

### 3.0 Recommendations

3.1 Members are requested :

(i) To adopt the following resolution:

that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended), the amount calculated by the Council as its Council Tax Base for the year 2006/2007 shall be 228,329 and for each parish as listed below:

Aberford and District	766
Allerton Bywater	1,116
Arthington	293
Austhorpe	26
Bardsey cum Rigton	1,141
Barwick in Elmet and Scholes	1,994
Boston Spa	1,826
Bramham cum Oglethorpe	705
Bramhope and Carlton	1,777
Clifford	722
Collingham with Linton	1,636
Drighlington	1,795
Gildersome	1,933
Great and Little Preston	466
Harewood	1,819
Horsforth	6,796
East Keswick	584
Kippax	3,043
Ledsham	90
Ledston	152
Micklefield	542
Morley	9,493
Otley	4,828
Pool in Wharfedale	958
Scarcroft	675
Shadwell	950
Swillington	1,053
Thorner	737
Thorp Arch	348
Walton	113
Wetherby	4,563
Wothersome	8

**TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007**

Appendix to ITEM 5(a)

**CALCULATION FOR THE WHOLE OF:**

**LEEDS**

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q +J) x F /G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list		317	130,476	65,628	60,734	28,946	18,629	9,067	6,298	603	320,698	1
Less Exempt dwellings		0	9,318	4,705	2,701	1,362	500	186	115	20	18,905	1
= "H" in formula 2		317	121,158	60,923	58,033	27,584	18,129	8,881	6,183	583	301,793	
Total discounts	= "Q" in formula 2	23	17,118	6,119	4,635	1,875	898	395	248	43	31,354	1
Additions less Reductions	= "J" in formula 2	0	248	595	552	292	50	10	-1	0	1,790	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		164	69,525	43,088	47,955	26,001	21,122	12,272	9,890	1,080		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										231,097	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	3
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											228,324	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											5	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>228,329</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band



## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### ABERFORD and DISTRICT

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	75	106	103	112	212	96	54	3	761	1
Less Exempt dwellings			0	5	2	2	1	1	2	2	1	16	1
	= "H" in formula 2		0	70	104	101	111	211	94	52	2	745	
Total discounts	= "Q" in formula 2		0	11	10	10	10	7	2	2	0	52	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	8	0	0	0	8	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	40	73	82	101	259	133	84	4		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											776	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												766	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>766</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### ALLERTON BYWATER

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			5	1,032	451	157	38	18	0	0	2	1,703	1
Less Exempt dwellings			0	29	2	2	1	0	0	0	0	34	1
	= "H" in formula 2		5	1,003	449	155	37	18	0	0	2	1,669	
Total discounts	= "Q" in formula 2		0	104	24	7	2	1	0	0	1	139	1
Additions less Reductions	= "J" in formula 2		0	0	8	0	1	0	0	0	0	9	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			3	599	337	132	36	21	0	0	2		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,130	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,116	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,116</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### ARTHINGTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	1	16	27	25	37	17	93	14	230	1
Less Exempt dwellings			0	0	0	1	2	1	0	0	0	4	1
	= "H" in formula 2		0	1	16	26	23	36	17	93	14	226	
Total discounts	= "Q" in formula 2		0	0	2	2	2	1	0	5	0	12	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	1	11	21	22	43	24	147	28		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											297	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												293	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>293</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### AUSTHORPE

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list		0	1	0	2	9	13	0	0	0	25	1
Less Exempt dwellings		0	0	0	1	0	0	0	0	0	1	1
	= "H" in formula 2	0	1	0	1	9	13	0	0	0	24	
Total discounts	= "Q" in formula 2	0	0	0	0	0	1	0	0	0	1	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	1	0	1	9	15	0	0	0	0	
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										26	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											26	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>26</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### BARDSEY cum RIGTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	25	69	39	131	246	225	209	14	958	1
Less Exempt dwellings			0	1	2	0	2	3	3	5	1	16	1
	= "H" in formula 2		0	24	67	39	129	243	222	204	13	942	
Total discounts	= "Q" in formula 2		0	4	8	6	9	13	10	7	0	56	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	2	1	0	0	0	3	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	14	46	30	122	282	306	329	26		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,155	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,141	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,141</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### BARWICK in ELMET and SCHOLES

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	109	222	797	463	319	171	83	3	2,167	1
Less Exempt dwellings			0	3	8	10	11	3	2	0	0	36	1
	= "H" in formula 2		0	106	214	787	452	316	169	83	3	2,131	
Total discounts	= "Q" in formula 2		0	16	24	61	31	15	6	4	0	157	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	2	0	0	0	2	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	60	148	645	421	370	235	133	6		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											2,018	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,994	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,994</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### BOSTON SPA

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list		0	94	361	255	310	353	277	167	16	1,833	1
Less Exempt dwellings		0	3	6	9	6	7	2	4	0	36	1
	= "H" in formula 2	0	91	355	246	304	346	275	163	16	1,797	
Total discounts	= "Q" in formula 2	0	17	40	22	35	25	14	5	1	159	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	14	5	0	0	0	19	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	50	246	199	283	398	377	264	31		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										1,848	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											1,826	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>1,826</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### BRAMHAM cum OGLETHORPE

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	118	117	87	69	149	91	84	5	720	1
Less Exempt dwellings			0	4	4	5	1	2	1	1	0	17	1
	= "H" in formula 2		0	114	113	82	68	147	90	83	5	703	
Total discounts	= "Q" in formula 2		0	13	12	10	6	8	4	1	0	53	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	67	79	64	63	170	124	137	10		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											714	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												705	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>705</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### BRAMHOPE and CARLTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	62	9	150	277	295	388	312	20	1,513	1
Less Exempt dwellings			0	3	0	6	8	3	9	2	1	31	1
	= "H" in formula 2		0	59	9	144	269	292	379	310	19	1,482	
Total discounts	= "Q" in formula 2		0	8	1	18	28	23	16	12	0	105	1
Additions less Reductions	= "J" in formula 2		0	1	0	12	2	0	0	0	1	16	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	35	6	123	243	329	525	498	40		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,799	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,777	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,777</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### CLIFFORD

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	57	99	158	132	88	120	67	2	723	1
Less Exempt dwellings			0	1	4	3	8	0	1	0	0	16	1
	= "H" in formula 2		0	56	95	155	124	88	119	67	2	707	
Total discounts	= "Q" in formula 2		0	9	7	18	16	7	5	2	0	63	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	3	2	13	0	0	18	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	32	68	122	111	102	184	108	4		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											731	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												722	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>722</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### COLLINGHAM with LINTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	14	64	115	78	150	276	467	92	1,256	1
Less Exempt dwellings			0	0	0	9	2	3	8	4	1	26	1
	= "H" in formula 2		0	14	64	106	76	147	268	463	91	1,230	
Total discounts	= "Q" in formula 2		0	2	7	14	9	10	16	18	2	79	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	3	1	0	0	4	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	8	44	82	67	171	366	741	177		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,656	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,636	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,636</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### DRIGHLINGTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			2	591	458	740	249	197	59	14	3	2,313	1
Less Exempt dwellings			0	21	12	10	9	4	0	1	0	56	1
	= "H" in formula 2		2	570	446	730	240	193	59	13	3	2,257	
Total discounts	= "Q" in formula 2		0	76	41	49	11	7	2	1	1	187	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			1	329	315	606	229	228	83	21	5		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,817	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,795	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,795</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### GILDERSOME

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			2	659	692	764	195	212	35	8	1	2,568	1
Less Exempt dwellings			0	22	16	10	6	2	0	0	0	56	1
	= "H" in formula 2		2	637	676	754	189	210	35	8	1	2,512	
Total discounts	= "Q" in formula 2		0	92	65	50	9	9	1	0	1	225	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			1	364	475	626	181	246	49	13	1		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,956	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,933	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,933</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### GREAT and LITTLE PRESTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list	1	277	31	236	40	30	7	5	0	627	1
Less Exempt dwellings	0	5	0	1	1	0	0	0	0	7	1
= "H" in formula 2	1	272	31	235	39	30	7	5	0	620	
Total discounts	0	33	1	10	3	1	0	1	0	49	1
Additions less Reductions	0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18	2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9	2
RELEVANT AMOUNT FOR EACH BAND	1	159	23	200	36	35	10	8	0		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1									472	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1									98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")										466	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)										0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>										<b>466</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### HAREWOOD

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	9	31	317	332	224	252	338	76	1,579	1
Less Exempt dwellings			0	1	3	11	9	4	2	4	2	35	1
	= "H" in formula 2		0	8	28	306	323	220	250	334	74	1,544	
Total discounts	= "Q" in formula 2		0	1	4	32	30	14	12	11	2	106	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	1	0	0	0	1	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	5	18	244	293	253	344	539	145		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,841	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,819	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,819</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### HORSFORTH

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			2	880	2,313	2,077	1,553	824	373	157	8	8,187	1
Less Exempt dwellings			0	46	114	81	30	14	5	2	1	293	1
	= "H" in formula 2		2	834	2,199	1,996	1,523	810	368	155	7	7,894	
Total discounts	= "Q" in formula 2		0	133	249	180	93	36	12	6	2	710	1
Additions less Reductions	= "J" in formula 2		0	47	35	79	0	1	0	0	0	162	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			1	499	1,544	1,684	1,430	947	514	249	11		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											6,879	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												6,796	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>6,796</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### EAST KESWICK

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list		0	12	65	35	44	63	76	185	4	484	1
Less Exempt dwellings		0	0	0	3	0	1	3	1	0	8	1
= "H" in formula 2		0	12	65	32	44	62	73	184	4	476	
Total discounts	= "Q" in formula 2	0	3	5	4	5	5	3	6	0	30	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	6	46	25	39	70	101	296	8		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										591	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											584	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>584</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### KIPPAX

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list		3	1,334	1,087	1,108	456	118	31	3	1	4,141	1
Less Exempt dwellings		0	29	17	9	8	0	0	0	0	63	1
= "H" in formula 2		3	1,305	1,070	1,099	448	118	31	3	1	4,078	
Total discounts		0	147	92	57	17	3	2	0	1	319	1
Additions less Reductions		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		2	772	760	926	431	141	42	5	1		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										3,080	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											3,043	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>3,043</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### LEDSHAM

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list		0	1	12	3	6	8	11	32	1	74	1
Less Exempt dwellings		0	0	1	0	0	0	1	1	0	3	1
= "H" in formula 2		0	1	11	3	6	8	10	31	1	71	
Total discounts		0	0	3	0	1	0	0	1	0	5	1
= "Q" in formula 2		0	0	3	0	1	0	0	1	0	5	1
Additions less Reductions		0	0	0	0	0	0	0	0	0	0	3
= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	1	7	3	5	9	14	50	2		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										91	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											90	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>90</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### LEDSTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list		0	65	29	6	15	16	23	22	1	177	1
Less Exempt dwellings		0	1	0	0	2	2	1	2	1	9	1
= "H" in formula 2		0	64	29	6	13	14	22	20	0	168	
Total discounts		0	5	2	1	1	1	2	1	0	12	1
Additions less Reductions		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	39	21	5	12	16	29	32	0		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										154	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											152	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>152</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### MICKLEFIELD

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list		2	549	78	78	60	32	6	5	0	810	1
Less Exempt dwellings		0	11	1	3	3	3	0	0	0	21	1
= "H" in formula 2		2	538	77	75	57	29	6	5	0	789	
Total discounts		0	59	6	6	4	2	0	0	0	77	1
Additions less Reductions		0	0	2	2	5	0	0	0	0	9	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		1	319	57	64	58	34	8	8	0		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										549	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											542	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>542</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### MORLEY

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note
Dwellings in valuation list			17	5,625	2,797	2,816	1,160	707	82	29	13,235	1
Less Exempt dwellings			0	228	67	50	6	6	5	0	361	1
	= "H" in formula 2		17	5,397	2,730	2,766	1,154	701	77	29	12,874	
Total discounts	= "Q" in formula 2		1	772	251	197	47	27	4	2	1,301	1
Additions less Reductions	= "J" in formula 2		0	21	49	114	58	6	0	0	248	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			9	3,098	1,966	2,385	1,165	832	106	45		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										9,608	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											9,493	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>9,493</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### OTLEY

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			2	769	2,057	1,657	878	503	155	54	6	6,081	1
Less Exempt dwellings			0	31	40	31	7	4	2	1	0	115	1
	= "H" in formula 2		2	738	2,017	1,626	871	499	153	53	6	5,966	
Total discounts	= "Q" in formula 2		1	127	210	139	58	22	6	1	1	565	1
Additions less Reductions	= "J" in formula 2		0	3	38	0	0	10	0	0	0	51	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			1	410	1,435	1,322	813	596	212	87	11		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											4,887	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												4,828	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>4,828</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### POOL in WHARFEDALE

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	26	164	217	178	132	131	109	7	964	1
Less Exempt dwellings			0	1	4	1	6	3	1	3	0	19	1
	= "H" in formula 2		0	25	160	216	172	129	130	106	7	945	
Total discounts	= "Q" in formula 2		0	4	19	24	14	11	7	2	0	80	1
Additions less Reductions	= "J" in formula 2		0	0	0	3	2	0	0	0	0	5	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	14	110	174	160	145	179	174	14		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											970	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												958	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>958</b>	

Notes:

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- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### SCARCROFT

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	3	18	41	52	48	68	206	61	497	1
Less Exempt dwellings			0	1	0	0	0	1	2	4	1	9	1
	= "H" in formula 2		0	2	18	41	52	47	66	202	60	488	
Total discounts	= "Q" in formula 2		0	0	1	6	6	4	4	6	2	28	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	3	0	0	0	3	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	1	13	31	47	57	90	327	117		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											683	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												675	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>675</b>	

Notes:

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- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### SHADWELL

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	8	29	58	130	217	176	171	9	798	1
Less Exempt dwellings			0	0	1	0	4	2	3	2	0	12	1
	= "H" in formula 2		0	8	28	58	126	215	173	169	9	786	
Total discounts	= "Q" in formula 2		0	1	4	6	11	15	8	4	0	49	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	4	19	46	115	245	239	276	18		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											962	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												950	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>950</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### SWILLINGTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			3	634	331	315	110	58	20	7	1	1,479	1
Less Exempt dwellings			0	14	4	4	2	0	1	0	0	25	1
	= "H" in formula 2		3	620	327	311	108	58	19	7	1	1,454	
Total discounts	= "Q" in formula 2		0	74	28	17	8	3	1	0	0	131	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			2	364	232	261	100	68	26	11	2		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											1,066	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												1,053	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>1,053</b>	

Notes:

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- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### THORNER

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	67	88	106	108	150	70	106	19	714	1
Less Exempt dwellings			0	1	0	6	7	4	1	1	0	19	1
	= "H" in formula 2		0	66	88	100	101	146	69	105	19	695	
Total discounts	= "Q" in formula 2		0	13	13	8	10	8	3	4	0	59	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	7	0	0	0	7	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	36	58	82	91	178	95	168	38		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											746	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												737	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>737</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### THORP ARCH

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

	BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list		0	0	36	73	46	37	20	64	11	287	1
Less Exempt dwellings		0	0	1	1	4	1	0	1	0	8	1
	= "H" in formula 2	0	0	35	72	42	36	20	63	11	279	
Total discounts	= "Q" in formula 2	0	0	4	6	4	3	2	2	1	22	1
Additions less Reductions	= "J" in formula 2	0	0	0	0	37	3	0	0	0	40	3
<b>Proportion for relevant Band</b>	= "F" in formula 2	5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2	9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND		0	0	24	59	75	45	26	102	21		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1										352	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1										98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")											348	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)											0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>											<b>348</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### WALTON

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	0	2	13	13	18	15	27	3	91	1
Less Exempt dwellings			0	0	0	0	0	0	0	0	0	0	1
	= "H" in formula 2		0	0	2	13	13	18	15	27	3	91	
Total discounts	= "Q" in formula 2		0	0	0	2	2	1	1	1	0	6	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	0	2	10	11	21	20	44	6		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											114	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												113	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>113</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### WETHERBY

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	224	1,067	940	655	1,020	506	289	25	4,726	1
Less Exempt dwellings			0	9	25	25	14	13	7	7	0	99	1
	= "H" in formula 2		0	215	1,042	915	641	1,007	499	282	25	4,627	
Total discounts	= "Q" in formula 2		0	40	132	94	50	44	25	8	1	393	1
Additions less Reductions	= "J" in formula 2		0	0	0	11	36	46	0	0	0	93	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	117	708	740	628	1,234	686	457	48		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											4,618	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												4,563	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>4,563</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)

## TAX BASE FOR PURPOSE OF CALCULATING COUNCIL TAX 2006/2007

### CALCULATION FOR THE PARISH OF:

### WOTHERSOME

TAX BASE = A x B  
(Formula 1)

Where "A" equals total of relevant amounts as calculated below  
and "B" is the authority's estimation of its collection rate for the year

RELEVANT AMOUNT FOR EACH  
BAND = (H - Q + J) x F / G  
(Formula 2)

Where "H" is the number of chargeable dwellings on the relevant day  
and "Q" is a factor to take account of the discounts to which the amount of council tax payable was  
subject on the relevant day  
and "J" is the amount of any adjustment in respect of changes in the number of chargeable dwellings  
or discounts calculated  
and "F" is the relevant proportion applicable to each band  
and "G" is the relevant proportion applicable to band D

		BAND A (5/9)	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL	Note	
Dwellings in valuation list			0	0	2	3	1	1	0	2	0	9	1
Less Exempt dwellings			0	0	0	0	0	0	0	0	0	0	1
	= "H" in formula 2		0	0	2	3	1	1	0	2	0	9	
Total discounts	= "Q" in formula 2		0	0	0	0	0	0	0	0	0	1	1
Additions less Reductions	= "J" in formula 2		0	0	0	0	0	0	0	0	0	0	3
<b>Proportion for relevant Band</b>	= "F" in formula 2		5	6	7	8	9	11	13	15	18		2
<b>Proportion for Band D</b>	= "G" in formula 2		9	9	9	9	9	9	9	9	9		2
RELEVANT AMOUNT FOR EACH BAND			0	0	1	2	1	1	0	3	0		
<b>TOTAL RELEVANT AMOUNTS</b>	= "A" in formula 1											8	4
<b>ESTIMATED COLLECTION RATE</b>	= "B" in formula 1											98.8%	5
UNADJUSTED TAX BASE FOR CALCULATION OF TAX: ("A" x "B")												8	
Addition by reference to payments from Secretary of State for Defence for Class O exempt properties (SI 1992/2943)												0	1
<b>TAX BASE FOR CALCULATION OF TAX FOR:</b>												<b>8</b>	

Notes:

- 1 From Valuation List / Council Tax records on 30 November 2005
- 2 Laid down in the legislation
- 3 Estimated
- 4 Sum of result of formula 2 for each band
- 5 As for the District as a whole (legal requirement)



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**Report of the Director of Legal and Democratic Services**

**Council**

**Date: 11<sup>th</sup> January 2006**

**Subject: Appointments**

**Electoral Wards Affected:**

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

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**1.0 Purpose Of This Report**

1.1 Appointments to Joint Authorities are reserved to Council

1.2 The relevant party whip has requested the following change:

That Councillor Gerald Wilkinson replace Councillor Amanda Carter on the West Yorkshire Fire and Rescue Authority

**2.0 Recommendations**

2.1 That Council approve the appointment referred to in paragraph 1.2

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**Report of the Director of Legal and Democratic Services**

**Full Council**

**Date: 11<sup>th</sup> January 2006**

**Subject: Amendment to the constitution**

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**Electoral Wards Affected:**

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

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**Executive Summary**

This report notifies Council of an amendment to the Officer Delegation Scheme (Executive Functions) approved by the Leader, as a result of the Civil Partnerships Act 2004. The registration function has been added to the list of executive function delegated to the Director of Legal and Democratic Services. Members of the Council are asked to note this amendment.

**1.0 Purpose Of This Report**

1.1 This report notifies Council of an amendment to the Officer Delegation Scheme (Executive Functions) approved by the Leader, further to the Civil Partnerships Act 2004.

**2.0 Background Information**

2.1 The Executive Procedure Rules (paragraph 1.4 (b)) allow for the Leader to make amendments to the scheme of delegation relating to executive functions. The rules provide for any changes to be reported by the Director to the next ordinary meeting of Council.

**3.0 Main Issues**

3.1 Leeds City Council, is the registration authority for the purpose of the Civil Partnerships Act 2004.

3.2 In accordance with the Local Government Act 2000, the discharge of the functions of the registration authority will fall to the executive.

3.3 The Director of Legal and Democratic Services was authorised to discharge any function of the executive in relation to the registration of births, deaths and marriages. The registration function in relation to civil partnerships has now been added to these functions.

#### **4.0 Implications For Council Policy And Governance**

4.1 There are no implications for council policy which arise from noting this amendment.

4.2 It is part of the Comprehensive Performance Assessment Key Lines of Enquiry for the constitution to be kept under review. Amending the constitution in line with current legislation will have a positive effect on the governance of the Council.

#### **5.0 Legal And Resource Implications**

5.1 The purpose of this report is to notify Members of an amendment which has previously been made. Therefore there are no legal or resource implications arising from noting the amendment.

#### **6.0 Conclusions**

6.1 In order for the Council to discharge the functions assigned to it by the Civil Partnerships Act 2004, the Leader has amended executive functions currently delegated to the Director of Legal and Democratic Services, she is now authorised to carry out any function of the executive in relation to the registration of civil partnerships.

#### **7.0 Recommendations**

7.1 The Council is asked to note the amendment to the constitution described in paragraph 6.1 above.

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**Report of the Director of Legal and Democratic Services**

**Council**

**Date:** 11<sup>th</sup> January 2006

**Subject:** Recommendations of the Executive Board

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**Electoral Wards Affected:**

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

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**Executive Summary**

The Executive Board at its meeting held on 14<sup>th</sup> December 2005 recommended that Council take decisions in respect of functions reserved to full Council as follows:

- (a) That draft byelaws for pleasure grounds, public walks and open spaces be sealed and placed on deposit for public consultation. The proposed byelaws replace those produced in 1961 and take account of more recent statutory provisions and introduce a currently accurate schedule of land.
- (b) That the provisions of Schedule 4 of the Environmental Protection Act, as described in Section 99 of that Act, be adopted. The adoption of the provisions will facilitate the collection of abandoned shopping trolleys from land or watercourses, return to their owner and the recovery of the costs of doing so.

**1.0 Purpose Of This Report**

- 1.1 To present to Council the reports on proposed byelaws for pleasure grounds, public walks and open spaces and on the proposed adoption of Section 99 and Schedule 4 of the Environmental Protection Act 1990.

**2.0 Background Information**

- 2.1 The attached reports were considered by the Executive Board on 14<sup>th</sup> December 2005. Minute 155 refers to the proposed byelaws and minute 173 to the Environmental Protection Act provisions.

### **3.0 Recommendations**

- (a) That Council authorise that the draft byelaws be sealed and placed on deposit and authorise the Director of Learning and Leisure to advertise the intention to apply for confirmation of the byelaws and then to apply to the Secretary of State for their confirmation.
  
- (b) That Council adopt the provisions of Schedule 4 of the Environmental Protection Act 1990, as described by Section 99 of that Act, in order to deal with abandoned shopping trolleys.



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**Report of the Director of Legal and Democratic Services**

**Council**

**Date: 11<sup>th</sup> January 2006**

**Subject: Scrutiny Report – Inquiry into the Fire Safety Standards of Leeds Mental Health Teaching NHS Trust’s PFI Buildings**

<p><b>Electoral Wards Affected:</b></p>	<p><b>Specific Implications For:</b></p> <p>Ethnic minorities <input type="checkbox"/></p> <p>Women <input type="checkbox"/></p> <p>Disabled people <input type="checkbox"/></p>
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**1.0 Introduction**

- 1.1 At its meeting on 22<sup>nd</sup> June 2005, Council resolved to invite the Overview and Scrutiny Committee to arrange an Inquiry into fire safety standards within Leeds Mental Health Teaching NHS Trust’s PFI buildings.
- 1.2 In accordance with the Scrutiny Board Procedure Rules, the Overview and Scrutiny Committee considered this request at its next scheduled meeting on 13<sup>th</sup> July 2005. In conclusion to its discussions, the Committee agreed to refer this request for Scrutiny to the Scrutiny Board (Health and Wellbeing) for further consideration.
- 1.3 At its October 2005 meeting, the Scrutiny Board (Health and Wellbeing) agreed to carry out an Inquiry into this matter.
- 1.4 This Inquiry has now been completed and the Scrutiny Board (Health and Wellbeing) agreed its final report at its meeting on 19<sup>th</sup> December 2005. As the original request came from Council, a copy of Scrutiny Board’s final report has been attached for Members information.

**2.0 Recommendation**

- 2.1 Council is asked to note the Scrutiny Board (Health and Wellbeing) final report following its Inquiry into the Fire Safety Standards of the Leeds Mental Health Teaching NHS Trust’s PFI Buildings.



Report of Scrutiny Board  
(Health and Wellbeing)

Inquiry into the Fire Safety Standards of  
Leeds Mental Health Teaching NHS Trust's  
PFI buildings

**Date of Publication: December 2005**



## **Report of Scrutiny Board (Health and Wellbeing)**

### **Inquiry into the Fire Safety Standards of Leeds Mental Health Teaching NHS Trust's PFI buildings**

#### **SESSIONAL EVIDENCE**

##### Reports and Publications Submitted

A full list of the documents submitted to the Scrutiny Board during its Inquiry can be found in Appendix 1.

(Copies of the written submissions are available on request from the Scrutiny Support Unit.)

##### Witnesses Heard

- Chris Butler – Chief Executive of Leeds Mental Health Teaching NHS Trust
- Peter McGinnis – Director of Nursing and Clinical Governance, Leeds Mental Health Teaching NHS Trust
- David Brown – Contract Manager, Leeds Mental Health Teaching NHS Trust
- Michele Moran – Director of Service Delivery, Leeds Mental Health Teaching NHS Trust
- Martin Kelly – Chief Executive, Accent Group
- Claire Stone – Managing Director, Accent Group
- John Kitchen – Managing Director, Accent Project Solutions
- Simon Hartley – Operations Manager, Accent
- Ian Germain – Strategy and Marketing Director, Accent
- John Graham – Deputy Director of Finance, West Yorkshire Strategic Health Authority
- Graham Scott – Estates Adviser, West Yorkshire Strategic Health Authority
- Carol Cochrane, Director of Strategic Planning & Modernisation, Leeds North West Primary Care Trust
- Paul Roberts – Risk Management Adviser, Department of Health
- Paul Cockcroft – Staff Side Health and Safety Representative/Amicus Staff Side Representative
- Anne Szczepanska – Staff Side Health and Safety Representative
- Simon Pilling – Assistant Chief Fire Officer and Director of Fire Safety & Technical Services, West Yorkshire Fire and Rescue Service
- Nigel Charlston – Senior Fire Safety Officer, West Yorkshire Fire and Rescue Service
- Eric Bottomly – Group Manager Fire Safety, West Yorkshire Fire and Rescue Service
- Chris Hindle – Interested member of the public
- Councillor Finnigan – Member of Leeds City Council
- Clive McKevitt, Head of Building Standards and Compliance Services, Leeds City Council
- Nigel Brown, Building Control Surveyor, Leeds City Council

## Dates of Scrutiny

- 12<sup>th</sup> September 2005 – Scrutiny Board meeting
- 10<sup>th</sup> October 2005 – Scrutiny Board meeting
- 2<sup>nd</sup> November 2005 – Working Group site visits to the Mount, Newsam and Becklin Centres
- 11<sup>th</sup> November 2005 – Working Group meetings with key representatives
- 16<sup>th</sup> November 2005 – Working Group meeting with representatives from Leeds City Council Building Control Section

## **Report of Scrutiny Board (Health and Wellbeing)**

### **Inquiry into the Fire Safety Standards of Leeds Mental Health Teaching NHS Trust's PFI buildings**

#### **Executive Summary**

Against a backdrop of accusations that fire safety standards within the Newsam Centre, the Becklin Centre and The Mount were inadequate, Scrutiny Board (Health and Wellbeing) has, at the request of Leeds City Council, undertaken a comprehensive and detailed Inquiry.

The scope of our Inquiry has been to consider the fire safety standards of these three centres against the prevailing regulations and the extent to which these standards meet the needs of such a vulnerable client group using the centres.

We did not hear any evidence from any of our witnesses that would suggest that the buildings themselves are unsafe, nor that they contradict fire regulations.

However, we have concluded that there is an alarming lack of clarity with regard to fire safety regulations within NHS buildings, and it is this lack of clarity which has generated the abundance of correspondence and documents submitted in evidence and the differences of opinion being expressed about the fire safety standards applied to these buildings.

Our Inquiry has shown that the Department of Health's Firecode guidance is open to interpretation, and therefore a significant amount of discretion is exercised by NHS Trusts when applying the guidance to a new build.

At the time of planning for the three PFI buildings there was no explicit NHS fire safety guidance for Mental Health facilities over and above the normal statutory requirements for any building work.

Our Inquiry has also shown that there is a lack of a sufficiently comprehensive approach nationally towards designing and implementing fire safety standards within NHS buildings.

Importantly, our Inquiry highlighted that there is a lack of an independent inspectorate within the NHS structure to oversee the fire safety issues of an initial build and ongoing implementation and maintenance of fire safety procedures

In response to these issues therefore we are exercising our powers under the Health and Social Care Act 2001 and writing to the Secretary of State for Health to express our concerns.

We have also recommended to all Leeds NHS Trusts and the West Yorkshire Strategic Health Authority that, for future new builds, a statement is issued clearly outlining which elements of the Firecode are to be applied. We believe this will ensure a clear and transparent process is established in relation to fire safety and avoid the confusion experienced in the PFI buildings which were the subject of our Inquiry.

During our Inquiry we tried to meet as many members of staff working in the centres as possible in order to understand the operational context of the fire safety standards. We have subsequently made a number of recommendations to the Trust and Accent (the PFI partner) around fire safety training for staff.

Our final recommendations are as follows:

**Recommendation 1**

**That the Chair of the Scrutiny Board (Health and Wellbeing) writes to the Secretary of State for Health outlining the concerns raised by the Board about the lack of an independent inspectorate overseeing the design and operational elements of NHS buildings in terms of fire safety.**

**We also recommended that the Secretary of State's response is brought back to the Scrutiny Board (Health and Wellbeing) for consideration.**

**Recommendation 2**

**We recommend that, for future Leeds NHS builds (including partnership builds), a clear and transparent process is established to specifically address issues of fire safety for all staff, users and visitors, and that this process is clearly documented.**

**Recommendation 3**

**That the findings of the design review by Accent and the Trust are brought back to the Scrutiny Board (Health and Wellbeing) for consideration. We also recommend that the Trust's Health and Safety Committee is kept fully informed of the progress made throughout the review.**

**Recommendation 4**

**That the Trust reviews its contractual procedures in relation to the formal handover of new buildings to ensure that agreed specifications have been met.**

**Recommendation 5**

**That the Trust and Accent carry out an audit of staff training immediately and report the findings of this audit to the Trust's Health and Safety Committee for consideration and action.**

**Recommendation 6**

**That the Trust creates a centralised system to help monitor staff training records.**

**Recommendation 7**

**That the matter of false alarms within the Trust's three PFI buildings is kept under constant review by the Trust's Health and Safety Committee.**

**Recommendation 8**

**That an update report on the matter of false alarms within the Trust's three PFI buildings is brought back to the Scrutiny Board (Health and Wellbeing) in 12 months.**

## **Report of Scrutiny Board (Health and Wellbeing)**

### **Inquiry into the Fire Safety Standards of Leeds Mental Health Teaching NHS Trust's PFI buildings**

#### **1.0 INTRODUCTION**

- 1.1 In early 1996, the Leeds Mental Health Teaching NHS Trust embarked on a procurement process under the Private Finance Initiative (PFI) to re-provide the remaining Mental Health services located at High Royds Hospital and the Roundhay Wing at St James's University Hospital at ten new facilities located around the Leeds area. These ranged from 16-bed community units to 90-bed short stay units for people undergoing acute phases of their mental illness.
- 1.2 Over the period between embarking on the procurement and signing the PFI contract in February 2000, these 10 facilities were consolidated into seven, four small community-based units and three larger units, the Mount, Newsam and Becklin Centres. The Trust occupied the Newsam Centre in August 2002, the Becklin Centre in December 2002 and The Mount in February 2003.
- 1.3 During the period September 2002 to August 2003, the Trust's Fire Safety Officer carried out Fire Safety Audits on the Mount, Newsam and Becklin Centres and consequently identified a number of areas of concern. In response to this, the Trust agreed in late November 2003 to undertake an independent review of the fire safety designs and provisions at these centres. This focused on their occupancy and their compatibility with the principles and objectives of the Department of Health's Firecode guidance, as applicable to these types of units. In January 2004, Inventures/NHS Estates were appointed to carry out this independent review.
- 1.4 Following delays in completing the review, details of which are set out later in the report, the three independent reports were finalised and forwarded to the Trust in May 2005. However, unofficial release of these reports to the press led to significant publicity surrounding the fire safety standards of the Trust's three PFI buildings.
- 1.5 In view of such publicity, this issue was brought to the attention of Leeds City Council and it was resolved at a full Council meeting on 22<sup>nd</sup> June 2005 that the Overview and Scrutiny Committee be invited to arrange an Inquiry into this matter.
- 1.6 In accordance with the Council's Scrutiny Board Procedure Rules, the Overview and Scrutiny Committee considered this request at its meeting on 13<sup>th</sup> July 2005 and agreed to refer the request to the Scrutiny Board (Health and Wellbeing) for further consideration.

- 1.7 At our meeting on 12<sup>th</sup> September 2005, we considered this request and Councillor Finnigan, who had originally brought this issue to the attention of Council, was invited to attend the meeting to explain the rationale behind the request. In preparation for this meeting, we requested a written report from the Leeds Mental Health Teaching NHS Trust on the matter. The Trust's report presented a summary of the independent review findings and the actions taken by the Trust to address the issues raised. Prior to this meeting, we had already received a brief verbal report on this issue in July 2005 from the Chief Executive of the Leeds Mental Health Teaching NHS Trust.
- 1.8 Whilst acknowledging the work carried out by the Trust to address the issues raised by the independent review, we felt it would be prudent to also hear from other key representatives before reaching a conclusion on this matter. Such representatives included the Trust's Fire Safety Officer, a representative from the Trust's Trade Union and a representative from Accent (the PFI partner agency)<sup>1</sup>
- 1.9 At our meeting on 10<sup>th</sup> October 2005, we received an updated action plan from the Trust on the actions taken to address the issues raised by the independent review. We also received verbal reports from the Trust's Director of Service Delivery, the Trust's Contract Manager and the Strategy and Marketing Director at Accent. An official Trade Union representative was unable to attend this meeting.
- 1.10 During the meeting we also agreed to hear from two members of the public, after learning of their background as the Trust's Fire Safety Officer and the Trust's Chair of Staff Side (Health and Safety). During our discussions, it was evident that the two speakers were involved in ongoing personnel issues with the Trust, which the Scrutiny Board clearly has no remit to become involved in. However, as it was clear that differences in opinion did exist about the fire safety standards of the Trust's PFI buildings, this led us to conclude that further scrutiny into this matter was required.
- 1.11 Recognising the need for any fire safety concerns to be addressed urgently, we agreed to establish a small working group to carry out the majority of the work, thus enabling the Scrutiny Board to conclude its findings as quickly as possible. The membership of this working group was drawn from the membership of the Board and included Councillors Lancaster (Chair of the Scrutiny Board), Lewis, Rhodes-Clayton and Wilkinson and also the Board's two co-opted members, Eddie Mack and Joy Fisher. The Leeds Mental Health Teaching NHS Trust's Patient and Public Involvement Forum was also formally invited to nominate a representative to join the working group during the inquiry. In response to this invitation the Forum nominated Robert Burton as its representative on the working group<sup>2</sup>.

## **2.0 THE SCOPE OF THE INQUIRY**

- 2.1 In determining the scope of this Inquiry, we agreed that the focus of our investigations would be on the Trust's three large PFI buildings, which are the Becklin Centre, Newsam Centre and The Mount. The aim of our Inquiry was to 'consider the fire safety standards of these three centres against prevailing regulations and the extent to which these standards meet the needs of such a vulnerable client group using the centres'.

<sup>1</sup>. Bradford and Northern Housing Association was the original PFI partner, who then became Accent.

<sup>2</sup>. Robert Burton only took part in the working group site visits on 2<sup>nd</sup> November 2005.

- 2.2 In taking forward this Inquiry, the working group agreed to first carry out site visits to each of the three PFI centres, in order to observe first hand the layout of the buildings, as well as to provide an opportunity for staff and service users at the centres to speak with the working group in confidence about issues relating to fire safety standards.
- 2.3 Following the site visits, key witnesses were then formally invited to attend a meeting of the working group to answer questions from members. These witnesses included representatives from the West Yorkshire Fire & Rescue Service, Leeds Mental Health Teaching NHS Trust Trade Unions, Department of Health, the five Primary Care Trusts, West Yorkshire Strategic Health Authority, Accent, Leeds Mental Health Teaching NHS Trust, Leeds City Council's Building Control Section, and Chris Hindle as an interested member of the public.

*(A summary of the evidence considered in arriving at our conclusions is presented at Appendix 2).*

### **3.0 THE BOARD'S CONCLUSIONS AND RECOMMENDATIONS**

- 3.1 In line with the scope of our Inquiry, we set out to consider the fire safety standards of the Trust's three PFI buildings against prevailing regulations and the extent to which these standards meet the needs of the vulnerable client group using the centres.
- 3.2 As we were clearly not in a position to make that professional and technical judgement ourselves, we consulted the relevant statutory bodies, NHS representatives and other interested parties during our Inquiry. We would therefore like to sincerely thank all those who have assisted us with our investigations.
- 3.3 As a result of our Inquiry, we have come to acknowledge the complexities surrounding the existing fire safety regulations and guidance for NHS buildings. Whilst we recognise the diversity of NHS facilities, we feel strongly that there is a lack of a sufficiently comprehensive approach nationally towards designing and implementing fire safety standards within NHS buildings.
- 3.4 The Department of Health's Firecode contains the policy and technical guidance on fire safety in hospitals and other NHS premises. The Firecode is not one document. It consists of a series of Health Technical Memoranda (HTM) and Fire Practice Notes (FPN) which provide guidance on operational and management issues and give both general and specific guidance on design and construction matters.
- 3.5 As the Firecode suite of documents is open to interpretation, we recognise that a significant amount of discretion is exercised by NHS Trusts when applying the guidance to a new build. In view of this we would expect to see, within the NHS structure, an independent inspectorate overseeing a) fire safety issues in the initial build and b) ongoing implementation and maintenance of fire safety procedures.
- 3.6 Instead, we discovered that Trusts are only required to undergo a self assessment process which results in the submission of a Certificate of Firecode Compliance each year to the Department of Health.

- 3.7 During our Inquiry, we learned from the Department of Health that, due to limited resources within the Department, the Certificates submitted by Trusts are not critically reviewed. Where there was evidence of serious deficiencies recorded on the Annual Certificates, we were informed that the matter would be referred to the relative Strategic Health Authority for consideration. However, we were informed by West Yorkshire Strategic Health Authority that they had no statutory responsibilities in relation to fire safety. It was the evidence of the West Yorkshire Strategic Health Authority that such responsibilities would apply to the Fire Authority and the Local Authority Building Control service.
- 3.8 However, West Yorkshire Fire & Rescue Service explained to us that the existing fire safety legislation is restricted as it only protects employees within an NHS building and not patients. Fire certificates issued to NHS buildings are therefore only relevant to office and shop areas within that building and not wards and clinical areas.
- 3.9 We were told in evidence that the Fire Service would also advise in relation to patient safety, but they have no statutory responsibility for this area. The fire certificates relate only to shops and office areas and not to patient areas.
- 3.10 In relation to Building Control, we learned that their role is to ensure that the functionality of a building meets the requirements of the Building Regulations. Building Regulations do recognise the Firecode suite of documents. However, given the complexity of such buildings, Building Control felt that the NHS would be best placed to know their own facilities, particularly their usage, and the guidance set out for their buildings.
- 3.11 When considering a new NHS build, Building Control will take into account planned fire safety and evacuation strategies within a building. However, once approval is given, Building Control does not have a statutory duty to ensure that such strategies have been implemented sufficiently.
- 3.12 We also acknowledge that once approval is given, Building Control has no statutory obligation to re-inspect a building following any re-assessment of the facilities and usage of the building by the NHS.
- 3.13 Our findings therefore reinforce our concerns that there is insufficient overview by an independent inspectorate to safeguard both patients and staff within NHS buildings.
- 3.14 We therefore recommend that the Chair of the Scrutiny Board (Health and Wellbeing) writes to the Secretary of State for Health outlining the Board's concerns on this matter.

#### **Recommendation 1**

**That the Chair of the Scrutiny Board (Health and Wellbeing) writes to the Secretary of State for Health outlining the concerns raised by the Board about the lack of an independent inspectorate overseeing the design and operational elements of NHS buildings in terms of fire safety.**

**We also recommended that the Secretary of State's response is brought back to the Scrutiny Board (Health and Wellbeing) for consideration.**



- 3.15 In relation to the Leeds Mental Health Teaching NHS Trust's three PFI buildings, we learned from the Trust that when planning these buildings, the key aim was to provide a far more patient-friendly environment, although it was accepted that this required a balance to be struck between clinical utility and a more private and domestic feel. The task was therefore not to design and build District General Hospitals but modern Mental Health Facilities in which the privacy and dignity of service users could be assured along with clinical relevance.
- 3.16 We acknowledge that at the time of planning for the three buildings (and currently), there was no explicit NHS fire safety guidance for Mental Health facilities over and above the normal statutory requirements for any building work. The Trust and its partners therefore consulted a number of statutory bodies and professionals in the field to help interpret which elements of the Firecode would be appropriate for these buildings. However, it was differences in opinion as to which elements of the Firecode should have been applied that have led us to carry out this Inquiry.
- 3.17 Particular reference had been made to two elements of the Firecode. These were Health Technical Memorandum (HTM) 81 – Fire Precautions in New Hospitals, and Fire Practice Note 7 – Patient Hotels. We therefore focused our attention on these two sets of guidance.
- 3.18 We learned that it was the opinion of the Inventures Consultant during his independent review of the buildings that, in the absence of any explicit guidance for Mental Health Facilities, the buildings needed to be fully compliant with HTM 81. We acknowledged that this view was also shared by other witnesses during our Inquiry.
- 3.19 However, it was the opinion of the Department of Health, the West Yorkshire Fire & Rescue Service and Building Control during our Inquiry that HTM 81 was too rigid for a Mental Health Facility and therefore was not applicable to the buildings in question in its fullest form. We acknowledge that within the guidance for HTM 81, paragraph 1.10 sets out the status of the guidance. This states '*The complex nature of hospitals will sometimes require a more flexible approach to ensure that the correct balance is achieved between fire safety and the requirements for treatment and nursing care. This should be done on the basis of professional judgement and an understanding of the nature of the problems. However, care should be taken to avoid compromising the safety of patients, visitors and staff*'.
- 3.20 However, all witnesses acknowledged that the criteria set out in Fire Practice Note 7 for Patient Hotels was also considered to be inappropriate for these buildings. Some witnesses felt that an amalgamation of the two sets of guidance needed to be applied.
- 3.21 We heard evidence from the Trust and Accent that, as a result of early consultations with key statutory bodies and interested parties, it was agreed that the three larger PFI buildings would be based on Fire Practice Note 7 plus relevant/applicable elements of HTM 81.
- 3.22 In view of the fact that the Firecode suite of documents is open to interpretation and opinion, the Trust and its partners believed they carried out the design process for

these buildings with due diligence in the current environment, seeking the approvals and advice of the recommended statutory bodies and experts.

- 3.23 However, we are extremely concerned that there is no clear demonstration of process or statement to indicate exactly which elements of the Firecode were applied to the buildings and why. An abundance of correspondence and documents were submitted to the Scrutiny Board to illustrate the views expressed and the discussions held in relation to the fire safety standards of the buildings. We feel that this further demonstrates the lack of clarity.
- 3.24 Whilst it may not be a statutory requirement to make such a statement, we believe that given the vulnerability of the client group, such a statement needs to be made. We therefore recommend that, for future Leeds NHS builds (including partnership builds), a clear and transparent process is established to specifically address issues of fire safety for all staff, users and visitors, and that this process is clearly documented.

### **Recommendation 2**

**We recommend that, for future Leeds NHS builds (including partnership builds), a clear and transparent process is established to specifically address issues of fire safety for all staff, users and visitors, and that this process is clearly documented.**

- 3.25 Following the findings of the Inventures/NHS Estates independent review, we acknowledge that Accent have agreed with the Trust to facilitate a review of the design, construction and management of the three PFI buildings in respect of fire safety. This review will consider whether the fire safety measures, procedures and detection/alarm systems will meet the future needs of service users. This review is expected to be completed before March 2006.
- 3.26 We therefore welcome this decision and recommend that the findings of this review are brought back to the Scrutiny Board (Health and Wellbeing) for consideration.
- 3.27 We also support the establishment of a joint project team to direct and monitor the review. We understand that this team will include representation from various Clinical Services Managers, Corporate Services, a representative from the Staff-Side Trade Unions and the West Yorkshire Fire & Rescue Service, who will input directly to the process. In carrying out this review, we strongly recommend that the Trust's Health and Safety Committee is also kept fully informed of progress.

### **Recommendation 3**

**That the findings of the design review by Accent and the Trust are brought back to the Scrutiny Board (Health and Wellbeing) for consideration. We also recommend that the Trust's Health and Safety Committee is kept fully informed of the progress made throughout the review.**

- 3.28 We were concerned to learn that deficiencies were found during the independent review in relation to the fire compartmentation as designated in the Fire Safety designs. This primarily related to fire stopping. A recommendation was therefore made for the Trust to undertake a detailed survey of fire stopping, dampers, intumescent collars and fire doors, and to rectify any deficiencies found.

- 3.29 We heard evidence from the Trust that whilst fire stopping specifications were correct at the design stage, it was during the construction stages that such fire stopping measures had not been carried out sufficiently. This raised the question as to how a building could be handed over to the client which did not meet the build specification, and for this to go unnoticed at the time. We therefore recommend that the Trust reviews its contractual procedures in relation to the formal handover of new buildings to ensure that agreed specifications have been met.

**Recommendation 4**

**That the Trust reviews its contractual procedures in relation to the formal handover of new buildings to ensure that agreed specifications have been met.**

- 3.30 As it is mandatory for all staff to receive fire safety training and attend fire safety refresher courses on an annual basis, we were very concerned to hear evidence about the lack of a consistent approach towards fire safety training for staff within the buildings. In view of the vulnerability of the client group, many patients rely on staff to evacuate them safely in the event of a fire. Fire evacuation procedures are therefore only effective if appropriate training is provided. We therefore recommend that the Trust and Accent carry out an audit of staff training immediately which is then reported to the Trust's Health and Safety Committee for consideration and action.
- 3.31 To help manage the monitoring of such training, we also recommend that this is carried out using a centralised mechanism rather than by individual ward areas.

**Recommendation 5**

**That the Trust and Accent carry out an audit of staff training immediately and report the findings of this audit to the Trust's Health and Safety Committee for consideration and action.**

**Recommendation 6**

**That the Trust creates a centralised system to help monitor staff training records.**

- 3.32 We noted the evidence presented on the sophistication of the buildings' fire alarm system technology. However, we are concerned about the high numbers of false alarms raised within the buildings. These concerns were also shared by all interested parties during our Inquiry.
- 3.33 We recognise that this is a common problem within the NHS and acknowledge that Accent and the Trust are involved in ongoing negotiations with the West Yorkshire Fire & Rescue Service on this matter. However, we would recommend that this matter is kept under constant review by the Trust's Health and Safety Committee.
- 3.34 We would also like to invite a report back to the Scrutiny Board (Health and Wellbeing) in 12 months on this matter.

**Recommendation 7**

**That the matter of false alarms within the Trust's three PFI buildings is kept under constant review by the Trust's Health and Safety Committee.**

**Recommendation 8**

**That an update report on the matter of false alarms within the Trust's three PFI buildings is brought back to the Scrutiny Board (Health and Wellbeing) in 12 months.**

- 3.35 We recognise that during the design and construction stages of the Trust's PFI buildings, the NHS was undergoing a major restructure. We therefore acknowledge the difficulties involved when trying to carry out a large NHS capital programme from start to finish within an organisation that is constantly undergoing restructure.
- 3.36 During our Inquiry, we were also made aware of the new Regulatory Reform (Fire Safety) Order. This new fire safety legislation comes into force in April 2006. We were informed that this consolidates existing fire legislation and puts more responsibility on the employer or 'responsible person' for a particular building to carry out risk assessments. We acknowledge that such risk assessments will have to take into consideration the effect a fire may have on anyone in or around the building.
- 3.37 We also acknowledge that the Department of Health is currently undertaking a review of the Firecode, with particular reference to Health Technical Memorandum 81. We understand from the Department of Health that this review seeks to address the significant gaps in fire safety guidance for Mental Health Facilities.
- 3.38 Having recognised the need for such reforms and reviews, we hope that this will help to address some of the major concerns highlighted during our Inquiry.
- 3.39 The original request for Scrutiny came from Council. Therefore, in line with the Scrutiny Board Procedure Rules, we will submit this report to Council for its information. We acknowledge that, separate to our Inquiry, Council agreed on 1<sup>st</sup> November 2005 to lobby Leeds MPs to support a public inquiry into this matter. In view of this, we will submit a copy of this report to Leeds MPs.

**Report Agreed by the Board on 19<sup>th</sup> December 2005**

.....Date.....

**Signed by the Chair of Scrutiny Board (Health and Wellbeing) Cllr Lancaster**

## **A list of documents submitted to the Scrutiny Board (Health and Wellbeing) during its Inquiry**

The following documents were submitted by key witnesses during the Scrutiny Board's Inquiry:

### Documents submitted by Leeds Mental Health Teaching NHS Trust

- A report from the Director of Nursing and Clinical Governance on the Fire Safety Review received in May 2005, dated 26<sup>th</sup> August 2005
- Letter from the Chief Executive of the Leeds Mental Health Teaching NHS Trust to the Chair of the Scrutiny Board (Health and Wellbeing), dated 8<sup>th</sup> November 2005
- Leeds Mental Health Teaching NHS Trust's statement to the Scrutiny Board (Health and Wellbeing) regarding the Fire Safety Matters at Newsam Centre, Becklin Centre and The Mount
- Copy of the Leeds Community & Mental Health Services Teaching NHS Trust Private Finance Initiative Clinical Output Specification for The Mount Acute Mental Health Unit, dated 24<sup>th</sup> January 2001
- Copy of the Leeds Community & Mental Health Services Teaching NHS Trust Reprovision of Mental Health Services to Facilitate the Closure of High Royds Hospital, Leeds. Private Finance Initiative – General Property Output Specification, dated January 2000
- Copy of the minutes of a meeting on 2<sup>nd</sup> March 2001 between Bradford & Northern (B&N), Leeds Building Control, West Yorkshire Fire Service and West & Machell Architects in relation to the fire safety designs for the Leeds Mental Health Reprovision Project
- Copy of the meeting agenda dated 2<sup>nd</sup> March 2001 for the meeting between B&N, Leeds Building Control, West Yorkshire Fire Service and West & Machell Architects in relation to the fire safety designs for the Leeds Mental Health Reprovision Project
- Copy of a letter from the Fire Safety Officer at West Yorkshire Fire & Civil Defence Authority to Leeds PFI Construction Team at B&N Housing, dated 15<sup>th</sup> February 2001
- Copy of a letter from the Project Manager, B&N Housing, to the West Yorkshire Fire & Civil Defence Authority, dated 11<sup>th</sup> February 2001
- Copy of a letter from the Fire Safety Officer at West Yorkshire Fire & Civil Defence Authority to the Leeds PFI Construction Team at B&N Housing, dated 26<sup>th</sup> January 2001
- Copy of the notes from a meeting at Leeds City Council Building Control regarding the Seacroft Mental Health Facility, dated 24<sup>th</sup> January 2001
- Copy of a letter from the Fire Safety Officer at the West Yorkshire Fire & Civil Defence Authority to the Chief Executive of the LMHT, dated 17<sup>th</sup> January 2001
- Copy of the notes from a meeting at Leeds City Council Building Control regarding the Seacroft Mental Health Facility, dated 8<sup>th</sup> November 2000
- A copy of the notes and recommendations from the Inspecting Officer following an inspection by the West Yorkshire Fire Service of the building design plans for the Seacroft Mental Health Facility on 1<sup>st</sup> November 2000
- Copy of a memo from the NHS Estates Advisor regarding the Trust's response to the ROs assessment for Re-provision of Mental Health Services to facilitate the closure of

High Royds Hospital and Roundhay Wing, St James's Hospital, Leeds, dated 15<sup>th</sup> November 1999

- Copy of the report by Bill Houlton on the Review of Compliance Requirements for Bradford and Northern Housing Association, dated 1<sup>st</sup> July 1998
- Copy of the West Yorkshire Fire Service Fire Certificate under the Fire Precautions Act 1971 for the Becklin Centre, dated 12<sup>th</sup> November 2003
- Copy of the West Yorkshire Fire Service Fire Certificate under the Fire Precautions Act 1971 for The Mount, dated 20<sup>th</sup> October 2003
- Copy of the West Yorkshire Fire Service Fire Certificate under the Fire Precautions Act 1971 for the Newsam Centre, dated 30<sup>th</sup> June 2003
- Copy of the Notice of Decision from Leeds City Council on the Approval of Building Plans with Conditions for the new mental health facility, Beckett Street, St James, dated 15<sup>th</sup> December 2000
- Copy of a note dated 4<sup>th</sup> January 2001 from West & Machell Architects setting out the schedule of drawings on which conditional building regulation approval was granted on 20<sup>th</sup> November 2000 and received on 2<sup>nd</sup> January 2001
- Copy of a Building Regulations Certificate from Leeds City Council relating to Beckett Street, St James, dated 13<sup>th</sup> May 2003
- Copy of a letter from the PFI Contract Manager at LMHT to Colin Newman dated 25<sup>th</sup> March 2004
- Copy of a letter from the PFI Contract Manager at LMHT to Colin Newman dated 26<sup>th</sup> January 2004
- Copy of a Proposal for Specialist (Fire) Consultancy Services from Inventures 'Leeds Mental Health Teaching NHS Trust: Specialist Consultancy Services', dated January 2004
- Copy of the NHS Estates report (prepared by Colin Newman) on the Newsam Centre Fire Safety Review, dated May 2005
- Copy of the NHS Estates report (prepared by Colin Newman) on the Becklin Centre Fire Safety Review, dated May 2005
- Copy of the NHS Estates report (prepared by Colin Newman) on The Mount Fire Safety Review, dated May 2005
- Copy of an e-mail from Colin Newman to the Contracts Manager, LMHT, dated 16<sup>th</sup> June 2005
- Copy of the LMHT Fire Safety Action Plan dated October 2005
- Copy of the brief to Atkins Faithful & Gould from Accent on the inspection of units for fire protection measures, dated 27<sup>th</sup> June 2005
- Copy of a letter from Atkins Faithful & Gould to Accent Group dated 1<sup>st</sup> November 2005
- A copy of the brief to Atkins Faithful & Gould from Accent Group to facilitate a review of the design, construction and management of three mental health units in respect of fire safety, dated 24<sup>th</sup> October 2005
- Copy of an e-mail from the West Yorkshire Fire & Rescue Service to the Facilities Manager, LMHT, dated 31<sup>st</sup> August 2005
- Copy of an e-mail from the Fire Safety Officer, LMHT, to the Director of Nursing & Clinical Governance, LMHT, dated 8<sup>th</sup> July 2005
- Copy of an e-mail from the Fire Safety Officer, LMHT, to an officer within the LMHT on the Fire Strategy, dated 7<sup>th</sup> September 2005
- Copy of the minutes of a meeting with West Yorkshire Fire and Rescue Services held on 31<sup>st</sup> August 2005
- Copy of the minutes of a meeting with West Yorkshire Fire and Rescue Services held on 18<sup>th</sup> May 2005

- Copy of a letter from the Head of Facilities at LMHT to the Station Officer, Fire Safety Group, West Yorkshire Fire & Rescue Services, dated 15<sup>th</sup> April 2005
- Copy of a protocol for liaison between the West Yorkshire Fire Authority and a NHS Trust, dated 5<sup>th</sup> April 2005
- Copy of the LMHT Fire Evacuation Strategy for the Newsam Centre by the LMHT Fire Officer, dated May 2005
- Copy of the LMHT Fire Evacuation Strategy for the Becklin Centre by the LMHT Fire Officer, dated June 2005
- Copy of the LMHT Fire Evacuation Strategy for the Mount by the LMHT Fire Officer, dated May 2005
- A briefing note from the LMHT on the fire evacuation lifts at The Mount

#### Documents submitted by West Yorkshire Fire & Rescue Service

- Fire Precautions Act 1971. Requirement to have a Fire Certificate. Applicable to Hospitals which are used for Office, Shop or Factory purposes
- Fire Precautions Act (Workplace) Regulations 1997 (as amended). Applicable to Hospitals to protect employees only
- Copy of the West Yorkshire Fire Service Fire Certificate under the Fire Precautions Act 1971 for the Becklin Centre, dated 12<sup>th</sup> November 2003
- Copy of the West Yorkshire Fire Service Fire Certificate under the Fire Precautions Act 1971 for The Mount, dated 20<sup>th</sup> October 2003
- Copy of the West Yorkshire Fire Service Fire Certificate under the Fire Precautions Act 1971 for the Newsam Centre, dated 30<sup>th</sup> June 2003

#### Documents submitted by the Department of Health

- Firecode. Health Technical Memorandum 81. Including Amendment 1. Fire precautions in new hospitals. NHS Estates. (1996)
- Fire Precautions Act 1971. Requirement to have a Fire Certificate. Applicable to Hospitals which are used for Office, Shop or Factory purposes
- Fire Precautions Act (Workplace) Regulations 1997 (as amended). Applicable to Hospitals to protect employees only

#### Documents submitted by Accent

- Statement from Martin Kelly, Chief Executive, Accent Group.
- Accent Group Fire Safety Statement and Evidence
- Copy of e-mail from Operations Manager (Accent) to the Strategy and Marketing Director (Accent) dated 10<sup>th</sup> November 2005
- Copy of letter from PFI Contract Manager (LMHT) to Facilities Manager (Accent) dated 23<sup>rd</sup> March 2004
- Copy of letter from Accent Group Chief Executive to Deputy Chief Executive of LMHT dated 11<sup>th</sup> June 2004
- Copy of letter from Contract Manager (LMHT) to Operations Manager (Accent) dated 16<sup>th</sup> February 2005
- Copy of letter from Contract Manager (LMHT) to Acting Operations Manager (Accent) dated 18<sup>th</sup> February 2005

### Documents submitted by Chris Hindle – Interested Member of the Public

- Firecode – Fire Practice Note 7. Fire Precautions in patient hotels. NHS Estates. (1995)
- Letter to Head of Scrutiny and Member Development
- Copy of letter from Project Surveyor, B&N, to Leeds City Council Department of Building Control dated 29<sup>th</sup> April 1999
- Extract from the Fire Safety Policy of the Department of Health
- Extract from the Fire Practice Note 7, Fire Precautions in patient hotels. NHS Estates.
- Copy of a letter from the Fire Safety Officer, West Yorkshire Fire & Civil Defence Authority, to the Chief Executive of LMHT, dated 17<sup>th</sup> January 2001
- Copy of a letter from the Project Surveyor, B&N, to Leeds City Council's Building Control Department, dated 30<sup>th</sup> January 2001
- Copy of a memo from the Fire Officer, LMHT, to the Project Team regarding the Seacroft Mental Health Unit, dated 9<sup>th</sup> April 2001
- Copy of a memo from the Fire Officer, LMHT, to the Project Manager, LMHT, regarding the Seacroft Mental Health Unit, dated May 2002
- Copy of a memo from the Fire Officer, LMHT, to the Project Manager, LMHT, regarding Fire Safety: PFI Projects, dated June 2002
- Copy of a memo from the Fire Officer, LMHT, to the Facilities Manager, Contract Manager and Centre Manager of the Becklin Centre, regarding the Fire Safety Audit Report in respect of the Becklin Centre, dated 29<sup>th</sup> August 2003
- Copy of a memo from the Fire Officer, LMHT, to the Contract Manager, Facilities Manager and Centre Manager of The Mount, regarding the Fire Safety Audit Report in respect of The Mount, dated 16<sup>th</sup> July 2003
- Copy of a statement from the Fire Officer, LMHT, on the PFI Hospitals, dated June 2004
- Copy of a memo from the Fire Officer, LMHT, to the Facilities Manager, LMHT, regarding the Fire Safety Issues: The Mount, dated 29<sup>th</sup> March 2003
- Copy of the NHS Estates report (prepared by Colin Newman) on the Newsam Centre Fire Safety Review, dated May 2005
- Copy of the NHS Estates report (prepared by Colin Newman) on the Becklin Centre Fire Safety Review, dated May 2005
- Copy of the NHS Estates report (prepared by Colin Newman) on The Mount Fire Safety Review, dated May 2005
- Copy of the Fire Safety Audit Report on the Becklin Centre by the Fire Officer, LMHT, dated 12<sup>th</sup> September 2004
- Copy of the Fire Safety Audit Report on The Mount by the Fire Officer, LMHT, dated 19<sup>th</sup> October 2004
- Copy of the Fire Safety Audit Report on The Newsam Centre by the Fire Officer, LMHT, dated August 2004

### Documents submitted by Paul Cockcroft and Anne Szczepanska – Staff Side Health and Safety Representatives

- Email from Director of Nursing and Clinical Governance, LMHT, to Secretary of Staff Side (Health and Safety), dated 30<sup>th</sup> September 2005
- Email from Secretary of Staff Side (Health and Safety) to Director of Nursing and Clinical Governance, LMHT, dated 22<sup>nd</sup> September 2005



- Newline Issue 2 August/September 2000, including mental health reprovion update article
- Letter to Building Control, Leeds City Council, from Property Surveyor, dated 29<sup>th</sup> April 1999
- Letter to Building Control, Leeds City Council, dated 30<sup>th</sup> January 2001
- Firecode Fire Practice Note 7 Fire Precautions in Patient Hotels – front cover and extract
- Firecode Health Technical Memorandum 81 Fire Precautions in New Hospitals – front cover
- NHS Estates Mental Health 2004/2005 Information on Unwanted Fire Signals – Trust wide Comparison. Generated 05/10/2004
- Media article – ‘Patient borrowed cash then left the ward... to throw himself under a train’ dated Thursday 9<sup>th</sup> September 2004
- Media article – ‘Roof death leads to safety review at psychiatric units’ Morley Observer, dated 2<sup>nd</sup> April 2004
- Media article – ‘Patient lay dead on ward for four days’ Yorkshire Evening Post, dated 13<sup>th</sup> May 2005
- Media article – ‘Health Trust under fire over patient death fall’ Yorkshire Evening Post, dated 26<sup>th</sup> May 2005
- Media article – ‘Inquiry starts into tragic death of Holly’ Yorkshire Evening Post, dated 1<sup>st</sup> March 2005
- NHS National Patient Safety Agency ‘Building a memory: preventing harm, reducing risks and improving patient safety’, dated July 2005
- Leeds Mental Health Teaching NHS Trust Update/briefing on high temperatures in PFI buildings by Director of Nursing and Clinical Governance, LMHT, dated 13<sup>th</sup> May 2005
- Inventures information on Inventures consultant, dated January 2004
- Extract from the NHS Estates report (prepared by Inventures consultant) on The Mount Fire Safety Review, dated May 2005
- Letter to Amicus Staff Side Representative from Chairman, LMHT, dated 26<sup>th</sup> April 2004
- Fire Safety update - October 2005 from Chief Executive, LMHT
- Email from West Yorkshire Fire Authority to Fire Officer, LMHT, dated 6<sup>th</sup> September 2005
- Front cover of Fire Certificate for the Becklin Centre (certificate number 8302/1) dated 12<sup>th</sup> November 2003
- Front cover of Fire Certificate for The Mount (certificate number 8281/1) dated 20<sup>th</sup> October 2003
- Front cover of Fire Certificate for the Newsam Centre (certificate number 8285/1) dated 30<sup>th</sup> June 2003
- LMHT Teambrief, dated July 2005
- East Leeds Primary Care Trust Newline issue 31, dated June/July 2005
- Letter to Amicus Staff Side Representative from Freedom of Information Officer, LMHT, dated 4<sup>th</sup> August 2005
- Letter to Operational Estates Manager (Head of Facilities) from Amicus Staff Side Representative, dated 29<sup>th</sup> June 2005
- Letter to Chairman, LMHT, from Amicus Staff Side Representative, dated 8<sup>th</sup> September 2005
- Letter to Amicus Staff Side Representative from Freedom of Information Officer, LMHT, dated 15<sup>th</sup> September 2005

- Email from Risk Management, LMHT, to Secretary of Staff Side (Health and Safety), dated 19<sup>th</sup> May 2005
- LMHT Health and Safety Committee Minutes of meeting held on 22<sup>nd</sup> March 2005
- LMHT Health and Safety Committee Agenda for meeting held on 22<sup>nd</sup> March 2005
- Letter to Risk Manager, LMHT, from Amicus Staff Side Representative, dated 25<sup>th</sup> July 2005
- Letter to Risk Manager, LMHT, from Amicus Staff Side Representative, dated 16<sup>th</sup> August 2005
- Extract of Health and Safety Executive publication 'Safety Representatives and Safety Committees' 3<sup>rd</sup> edition 1996
- Media article – 'Mum recovering after crash leaves son injured and man dead' Yorkshire Evening Post, dated 4<sup>th</sup> August 2005
- Media article – 'Woman stabbed and left for dead' Yorkshire Evening Post, dated 28<sup>th</sup> July 2005
- Letter to Director of Nursing and Clinical Governance, LMHT, from Chair of Joint Staff Side Negotiation and Consultation Committee, dated 4<sup>th</sup> November 2005
- Letter to Amicus Staff Side Representative from Temporary Staffing Manager, LMHT, dated 6<sup>th</sup> October 2005
- Letter to Temporary Staffing Manager, LMHT, from Specialist Registrar in Occupational Medicine, Occupational Health Service, dated 17<sup>th</sup> October 2005

#### Documents submitted by Paul Cockcroft – Amicus Staff Side Representative

- Letter to Scrutiny Adviser, Leeds City Council, from Amicus Staff Side Representative, dated 15<sup>th</sup> November 2005
- Letter to the Chief Executive NHS Estates from Fire Officer, LMHT, dated 24<sup>th</sup> May 2004
- Letter to Fire Officer, LMHT, from Chief Executive, NHS Estates, dated 22<sup>nd</sup> June 2004
- Letter to Chairman, LMHT, from Amicus Staff Side Representative, dated 8<sup>th</sup> September 2005
- Letter to Amicus Staff Side Representative from Freedom of Information Officer, LMHT, dated 15<sup>th</sup> September 2005
- Letter to Freedom of Information Officer, LMHT from Amicus Staff Side Representative, dated 6<sup>th</sup> November 2005
- Letter to Amicus Staff Side Representative from Freedom of Information Officer, LMHT, dated 10<sup>th</sup> November 2005
- Letter to Scrutiny Adviser, Leeds City Council, from Amicus Staff Side Representative dated 22<sup>nd</sup> November 2005
- Leeds Mental Health Teaching NHS Trust (LMHT) Safety Representatives: Consultation with Employees Policy, dated September 2003
- Letter from Director of Nursing and Clinical Governance LMHT, dated 23<sup>rd</sup> May 2005
- LMHT Annual General Meeting 29<sup>th</sup> September 2005 - Verbatim Notes taken during the Question Session
- Letter to Director of Nursing and Clinical Governance, LMHT, from Amicus Staff Side Representative, dated 6<sup>th</sup> July 2005
- Letter to Amicus Staff Side Representative from Director of Nursing and Clinical Governance, LMHT, dated 12<sup>th</sup> July 2005
- Email from Staff Side Health and Safety Secretary to Unison Branch Secretary and Unison Representative, dated 3<sup>rd</sup> October 2005

## **Report of Scrutiny Board (Health and Wellbeing)**

### **Inquiry into the Fire Safety Standards of Leeds Mental Health Teaching NHS Trust's PFI buildings**

#### **Summary of written and verbal evidence**

#### **1.0 Scrutiny Board meeting - 12<sup>th</sup> September 2005**

- 1.1 At its September 2005 meeting, the Board formally considered a request for Scrutiny relating to the fire safety standards of the Leeds Mental Health Teaching NHS Trust's PFI buildings, which had originated from Council.
- 1.2 At its previous meeting in July 2005, the Board had already received a brief verbal update from the Chief Executive of the Leeds Mental Health Teaching NHS Trust on this matter, as part of his overview presentation to the Board on the Trust's key issues of priority for the coming year. In anticipation of the Board considering this matter as a formal request for Scrutiny, the Trust was asked to prepare a written report for the Board's September meeting. Councillor Finnigan was also invited to attend the Board's meeting to explain his reasons for bringing this to the attention of Leeds City Council and advocating the need to carry out a Scrutiny Inquiry into this matter.
- 1.3 The Trust's report, produced by the Director of Nursing and Clinical Governance, provided a summary of the findings arising from the three independent review reports on fire safety at each of the three buildings in question. The Trust's report also provided details of the Trust's actions to rectify the concerns raised. These concerns related to the following areas:

#### Documentation

- 1.4 It was highlighted to the Board that the availability of certain documentation during the independent review was reported as being less than was expected. In particular, this related to the availability of fire safety strategy reports, fire safety drawings, building manuals and construction design management documentation.
- 1.5 The Trust reported that on receiving the three fire reports, the audit trail relating to documents and decisions was reviewed in order to ascertain the level of fire safety presently in the three units. The Board was informed that all three units presently meet building control standards and had appropriate fire certification in place. The Trust also reported that the West Yorkshire Fire & Rescue Service confirmed that no immediate action was necessary and that the buildings were appropriate (and still are appropriate) for occupancy by those with a mental health problem.

### Design issues

- 1.6 The Trust reported that issues relating to the separation of day and night accommodation, the containment of hazard departments and the containment of hazard rooms were raised in regard to design issues. Some concerns were also raised about the open staircases within two of the units and the limited amount of Progressive Horizontal Evacuation (PHE) that was available.

### Construction issues

- 1.7 The Board was informed by the Trust that fire stopping within joint interfaces as well as comments around the fire resisting construction of the buildings were described fully in the independent review reports as construction matters that needed attention.
- 1.8 In response to this, the Trust reported that in July 2005, Accent Partnerships commissioned Atkins Faithful & Gould to undertake a further detailed survey of fire stopping, dampers, risers, intumescent fittings and other issues identified in the independent report as requiring fire resisting construction. Atkins Faithful & Gould were also asked to inspect all fire doors for excessive gaps, to consider fire equipment for evidence of date of servicing and to review all relevant electrical equipment for evidence of PAT testing.
- 1.9 Members noted that further inspections in July and August 2005 had also taken place in regard to the soft furnishings, mattresses and other materials used within the three PFI units. In addition, the Trust reported that inspections had taken place within all service ducts, and all means of escape had been inspected to make sure they were not obstructed in any way.
- 1.10 The Trust reported that a maintenance team had been on site within the Trust since 15 July 2005 putting right any construction defects that were identified and that were immediately fixable.

### Operational and Management issues

- 1.11 The Trust highlighted that management issues were also brought to its attention within the review reports. Particular reference was made to the preservation of fire escape routes and to fire incident roles, responsibilities and procedures.
- 1.12 The Trust also reported that comments were made regarding flammable material and obstructions to risers. In response to this, the Board was informed that all risers had been inspected, all obstructions had been removed and clear guidance had been issued regarding the need to keep these areas free from obstruction and available for the purpose for which they were designed.
- 1.13 The Board was also informed that work was in hand to finalise the fire strategies for all three sites and that close contact with the West Yorkshire Fire & Rescue Service was being maintained throughout this process. It was reported that work had also been completed on the designation of nominated fire officer roles on each ward and in each site and that the Trust had also been working on reducing the number of unwanted fire alarms.

- 1.14 The Trust reported that, following receipt of the three independent review reports, the eight Leeds MPs were given a joint briefing note from the Trust and Accent Partnerships.
- 1.15 In addition, the Trust reported that following receipt of the three reports, four presentations had taken place within the Trust involving senior staff, Accent Partnership, the Trade Unions and the West Yorkshire Fire & Rescue Service. This action was taken to ensure that all parties involved were made fully aware of the contents of the review reports and the immediate action required.
- 1.16 The Board also received a copy of the Trust's fire safety action plan, drawn up in July 2005, and details on progress to meet the plan. Members noted that this plan was being reviewed on a regular basis by both the Trust and Accent Partnerships.
- 1.17 During the Board's discussions on this matter, Councillor Finnigan raised particular concerns about the Trust's original design specification for the three buildings, explaining that the buildings were built to meet the fire safety standards of a patient hotel rather than a hospital. In the view of Councillor Finnigan, and others, the distinction between a patient hotel and hospital was an important one as it determined which fire regulations and guidance were followed. Councillor Finnigan stressed to the Board that these concerns were shared by the Trust's own Fire Safety Officer. Councillor Finnigan also highlighted that the Trust had the highest number of false alarms for fire signals in the country. This consequently led Members to further question the fire safety monitoring arrangements in place within the Trust.
- 1.18 In view of this, the Board agreed to hear from other representatives before concluding on this matter. Such representatives included the Trust's Fire Safety Officer, a representative from the Trust's Trade Union, and a representative from Accent.

## **2.0 Scrutiny Board Meeting – 10<sup>th</sup> October 2005**

- 2.1 During the Board's meeting in October, Members received an updated action plan from the Trust on the actions taken to address the issues raised from the independent review. The Board also received verbal reports from the Trust's Director of Service Delivery, the Trust's Contract Manager, and the Strategy and Marketing Director at Accent. A Staff-Side<sup>3</sup> Trade Union representative was unable to attend this meeting.
- 2.2 During the meeting, Members also agreed to hear from two members of the public after learning of their background as the Trust's Fire Safety Officer and the elected Chair of Staff Side Health and Safety. These were Chris Hindle and Paul Cockcroft respectively.

<sup>3</sup>. The Staff Side Trade Unions (often abbreviated to 'Staff Side') are the collection of Trade Unions that are recognised by the NHS and the Trust and which include UNISON and AMICUS. They meet periodically as a group and can nominate or elect individuals to represent the Staff Side on certain topics such as Health & Safety.

- 2.3 However, there was confusion during the meeting as to the current status of these individuals. Members were advised by the Trust's Director of Service Delivery that neither individual was attending the Scrutiny Board's meeting as official representatives of the Trust. Nevertheless, given the knowledge and expertise these individuals could bring to the Board's Inquiry, the Board agreed to hear from Mr Hindle and Mr Cockcroft as 'interested members of the public'<sup>4</sup>.
- 2.4 Mr Hindle expressed specific concerns to the Board about the fire safety standards of the Trust's three PFI buildings, claiming that the Trust had deviated from the standards set out for new hospitals and had applied a lower standard in relation to patient hotels, which he felt was inappropriate for mental health facilities. Mr Hindle provided the Board with a dossier of information which included specific reference to the Department of Health's Firecode guidance and copies of the full reports produced by the independent consultant, Inventures/NHS Estates. During the meeting, Mr Cockcroft reiterated the views expressed by Mr Hindle.
- 2.5 In response, both the Trust's Director of Service Delivery and the Strategy and Marketing Director at Accent explained to the Board that there continued to be no specific guidance provided in relation to mental health facilities and that the Department of Health's Firecode suite of documents was open to interpretation.
- 2.6 In recognising that there were clear differences in opinion about the fire safety standards of the Trust's PFI buildings, the Board decided to carry out an inquiry into this matter and agreed to establish a working group to carry out the majority of the work for the Scrutiny Board.

### **3.0 Working Group Site Visits – 2<sup>nd</sup> November 2005**

- 3.1 On 2<sup>nd</sup> November 2005, the Board's working group carried out site visits to the Leeds Mental Health Teaching NHS Trust's 3 PFI buildings; the Becklin Centre, the Newsam Centre, and The Mount.
- 3.2 The purpose of these visits was to allow the working group to observe first hand the layout of the buildings, as well as to provide an opportunity for staff and service users at the centres to speak with the working group in confidence about issues relating to fire safety standards. Staff and service users were therefore notified in advance of the working group's planned visits through the Trust's staff communication mechanisms and notices were also placed within the centres (these notices were observed by the working group during their visits).
- 3.3 At each of the centres, the working group split into two smaller groups and were given a tour of the premises. During the tour, the groups were accompanied by the Centre Managers and other officers from the Trust and Accent. Also available to accompany the groups on the tour was the Group Manager, Fire Safety, at West Yorkshire Fire & Rescue Service.

<sup>4</sup>. Subsequent to this meeting, Mr Cockcroft provided further evidence to the Scrutiny Board at a meeting with the Working Group on 11<sup>th</sup> November as the elected representative of the Staff Side Trade Unions in respect of Health and Safety. He also provided documents subsequent to this meeting as Amicus Trade Union Representative.

### Visit to the Becklin Centre

- 3.4 Members were informed that the Becklin Centre accommodated five inpatient wards (all of which are open wards) with the rest made up of offices. It was highlighted that all of the wards had been designed with the same layout.
- 3.5 Members were informed that the service user group was working age adults (between 17–65 years of age) and that service users could stay between 2 days and 7-8 weeks maximum. Members noted that the centre had 128 beds, with supporting staff (average 4-5 staff per ward), 15 housekeeping staff and approximately 20-30 administration staff. It was noted that it was difficult to predict how many people would be occupying the centre's outpatient area and 15 appointment rooms at any one time. However, it was estimated that the centre could have approximately 250 people occupying it at any one time.
- 3.6 During the tour, members observed that the service users were able to move around the wards at will. Each service user was allocated their own bedroom. Officers explained that whilst these bedrooms were not locked, a service user was allowed their own key to lock their bedroom door from the outside. Members questioned whether any of the service users within the centre were disabled and required the use of a wheelchair, as this clearly had implications for fire evacuation procedures. Officers highlighted that whilst the centre had a number of disabled bedrooms in each ward, the degree of disability was very low and none of the service users were bed ridden.
- 3.7 Officers explained that each of the wards had two communal lounges for service users, one of which was designated as a smoking lounge. In visiting one of the smoking lounges members noted that there were no sprinklers installed. However, officers explained that smoke or heat detectors were installed in all of the rooms and along the corridors. These detectors were visible throughout the tour.
- 3.8 Members also observed that fire extinguishers were visible along the corridors and it was noted that fire extinguishers were also placed behind the reception areas and in clinic rooms on the wards. As part of the tour, members were also shown where fire door seals had been re-fitted following the advice of fire officers.
- 3.9 Members were given a tour of the staff offices, interview rooms, dining room and kitchen areas. The working group was also shown where the medical records were stored and members noted that this was a secured room which was locked at night and also air conditioned. When questioned about the centre's pharmacy area, officers explained that this too was a locked area.
- 3.10 During the tour, members asked about the procedures set out for the centre in the event of a fire. In line with the Centre's Fire Safety and Evacuation Strategy, the officers explained that the centre's fire alarm system covered the whole of the building. Therefore, in the event of a fire within the building, a detector would pick this up and sound the alarm. Members were informed that the fire alarm control equipment was very sophisticated and would immediately pin-point the detector or call point which had been activated. This information was then displayed on the digital read-out on the Control Panels within the ward and all other Control Panels throughout the building. When the alarm sounded, staff were therefore required to

make their way to a Control Panel to discover the location of the fire, even if the fire was not on their particular ward or area.

- 3.11 Members also noted that the building had been broken up into fire zones. This meant that if a small fire did occur in a particular fire zone, a continuous signal would sound only in that fire zone to indicate to staff and service users that they must evacuate that area immediately. All other adjacent areas would hear an intermittent signal and those areas remote from the outbreak would only hear a beeping signal at their Control Panel. Staff were therefore required to evacuate patients to an area where there was an intermittent alarm or no alarm at all.
- 3.12 During the tour, members were able to observe the Control Panels within the ward areas and also at the outpatient reception area. Officers also stressed that when an alarm had been activated in the past, the response time from the West Yorkshire Fire & Rescue Service had been excellent.

#### Visit to the Newsam Centre

- 3.13 Members were informed that whilst the Newsam Centre also accommodated working age adults, it had two Psychiatric Intensive Care Units, which were secured units. As part of the tour of the centre, Members were given the opportunity to observe the secured units, the outpatient waiting room, the Café Society area of the centre, and a number of other open wards within the centre, including the Yorkshire Centre for Eating Disorders. Whilst noting that most of the wards within the centre, including the secured units, had a smoking lounge, members were interested to learn that the centre had adopted a no smoking policy for one of its wards.
- 3.14 With regard to the secured units in particular, members were informed that both of these wards had a similar design and provided around 30 beds. Members noted that service users were again provided with their own bedroom. During the tour of these wards, members highlighted that no fire extinguishers were visible. However, officers explained that the fire extinguishers were only kept in the offices as they were considered to be a potential weapon that could be used by the service users. For security purposes, it was highlighted that the fire doors within these units would not open automatically in the event of a fire. Instead, these doors were key operated by staff. Members noted that the ward staff were issued with a key to open the fire doors. With regard to the evacuation procedures for these wards, members were also informed that the service users were evacuated directly out of the ward and into a secured courtyard area for safety. Members also observed that the fire alarm activators within these wards were also operated with a key. Officers explained that this approach was adopted to help reduce the number of false alarms triggered by service users on the ward.
- 3.15 Members were informed that the same fire safety and evacuation procedures which applied to the Becklin Centre, also applied to this centre and during the tour, members noticed the Control Panels within each of the ward areas visited.

#### Visit to The Mount

- 3.16 Members noted that the service user group for this centre was older people (over 65 years of age). As part of the tour, members visited a number of wards within the centre. Members noted that each service user was given their own bedroom and



officers explained that there were 20 beds within wards 1 and 2, and 22 beds within wards 3 and 4. However, whilst highlighting that the centre normally operated at an 85% occupancy rate, it was considered by some officers that there were too many beds within the wards.

- 3.17 Members were informed that whilst the centre had imposed a no smoking policy for staff, smoking rooms had been provided for service users. However, members observed that notices had been placed within these rooms which stated that visitors were also prohibited to smoke in these rooms.
- 3.18 During the tour, members were shown the two fire evacuation lifts within the centre, located at the far end of the ward block and in the larger of the two bank lifts near the main entrance/reception. Members were informed that in the event of a fire alarm, the lifts descended to the lowest floor until made operational from the lift car controls only by an authorised person via a key to the external control panel. Officers explained that it was envisaged that the authorised person would be the fire brigade, who would direct any evacuation requiring the lifts. Members were also informed that as the lift at the far end of the ward block could only be accessed on fire alarm activation, the operation of this lift had been modified at the Trust Fire Officer's request to continue to operate normally in the event of a fire alarm activation. This was to enable authorised ward staff to initially call the lift and commence evacuating disabled persons if necessary, after which it could be switched to 'evacuation' mode to operate via the lift car control only.
- 3.19 Members again noted the Control Panels within the wards, which were operated in the same way as the other two centres. Officers explained that most doors within the centre were activated to close in the event of a fire in order to prevent the spread of smoke.

#### Issues raised by staff and service users

- 3.20 During the visits, both staff and service users were given the opportunity to speak with the working group in confidence. Two members of staff took up this opportunity and a summary of the key issues raised with the working group is set out below:
- Whilst it was considered that the buildings were not unsafe, a concern was expressed to the working group about the design specifications of the three PFI buildings, with particular issues raised about the fire safety standards of the buildings not complying in full with the Department of Health's HTM 81 guidance for new hospitals. It was therefore felt that the Trust should commission another independent consultant to ensure that the recommendations of the earlier review had been met;
  - It was highlighted that, where nurse stations had been positioned at the entrance of a ward, this made it difficult for staff to observe service users along the corridors. It was therefore considered that the lack of observation routes within the buildings were a contributing factor to the high number of false alarms as staff were unable to observe service users effectively;
  - It was felt that the provision of fire safety training for staff was not consistent;

- Concerns were raised about doors within The Mount being wedged open on a regular basis when such doors were required to be kept shut in line with fire policy;
- It was highlighted that complaints had been made about the high temperatures of the buildings, with particular reference to The Mount.

#### **4.0 Working Group Meetings – 11<sup>th</sup> November 2005**

4.1 On 11<sup>th</sup> November 2005, members of the Board's working group held a number of separate meetings with the following interested parties:

- West Yorkshire Fire & Rescue Service
- Leeds Mental Health Teaching NHS Trust Trade Unions
- Chris Hindle
- Department of Health
- Leeds Primary Care Trusts
- West Yorkshire Strategic Health Authority
- Accent
- Leeds Mental Health Teaching NHS Trust

4.2 Summaries of the verbal evidence presented at these meetings are set out below.

#### Summary of the verbal evidence presented by the West Yorkshire Fire & Rescue Service

4.3 Simon Pilling, Assistant Chief Fire Officer and Director of Fire Safety & Technical Services, Nigel Charlston, Senior Fire Safety Officer, and Eric Bottomly, Group Manager Fire Safety, attended a meeting with the working group to represent the West Yorkshire Fire & Rescue Service on this matter.

4.4 At the start of the meeting, Members asked for clarification in terms of the statutory responsibility of the West Yorkshire Fire & Rescue Service in relation to NHS premises. Members were informed that the Fire Authority was responsible for enforcing the statutory requirements set out within the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997 as amended by the Fire Precautions (Workplace) (Amendment) Regulations 1999.

4.5 Officers explained that all offices, shops, railway premises, hotels and factories were subject to the Fire Precautions Act 1971. In relation to hospitals, the Fire Authority would need to determine whether the NHS building concerned met the criteria set out within the Act and the corresponding regulations. Members noted that the determining factors related to the number of office or shop workers within the building. If 20 or more workers were in the building, or more than 10 workers were placed above the ground floor, then that building would require a fire certificate. Members noted that the fire certificate did not directly protect nursing staff or doctors, only administrative staff and shop workers. However, officers explained that the majority of hospitals would still meet this criteria and that the three PFI buildings belonging to the Leeds Mental Health Teaching NHS Trust also met this criteria. Members noted that a fire certificate was therefore required for the buildings, but only in relation to the offices and shop areas within the buildings.

- 4.6 In accordance with the Fire Precautions (Workplace) Regulations 1997 (as amended), Members were informed that these regulations did protect all employees, which would include nursing staff and doctors. However, it was stressed again that patients were not protected under these regulations.
- 4.7 Members were informed that the other designating order issued under the Act stated that any hotel or boarding house providing sleeping accommodation for more than six persons, being guests or staff, or with sleeping accommodation above the first floor or below the ground floor, also required a fire certificate. Members questioned whether any distinctions were being made between a hotel and a patient hotel as it appeared more appropriate to issue a hotel fire certificate for the Trust's three PFI buildings, which would then safeguard everyone within the buildings. However, officers explained that the Act did not classify patient hotels as hotels.
- 4.8 Members further questioned whether the Fire Authority had the ability to set its own fire safety standards for a building. In response, officers explained that whilst there was nothing to prevent a Fire Authority from doing this, existing policy stated that where a national standard did exist then this standard should be adopted. This was therefore considered to be the general approach used by all Fire Authorities.
- 4.9 During the meeting, the Senior Fire Safety Officer explained that, although fire officers were there primarily to protect employees, they could take into account any other persons who may affect their own safety or the safety of the employees. In relation to the role of nursing staff, whose main responsibility was to safeguard patients and therefore safely evacuate patients in the event of a fire, members were informed that the actions of such staff would be taken into account by fire officers. Members therefore noted that whilst it was only by implication, the safety of patients was being taken into account by the Fire Authority.
- 4.10 However, it was stressed to the working group that whilst most fire regulations were there to protect employees, it was now hoped that the new Regulatory Reform (Fire Safety) Order, which would come into force in April 2006 and replace the Fire Precautions Act, would help safeguard everyone with a legitimate right to be on the premises.
- 4.11 Members noted that the new fire safety legislation aimed to improve fire safety by placing the responsibility for fire safety on the employer or 'responsible person' for that building or premises. Under the new legislation, the responsible person for the building would be required to carry out an assessment of the risks of fire and take steps to reduce or remove that risk. Such risk assessments would have to take into consideration the effect a fire may have on anyone in or around the building and this would also need to be kept under regular review.
- 4.12 With regard to the existing fire certificate application process, the working group was informed that, when a Fire Authority was awaiting a fire certificate application, the buildings were allowed to be occupied. However, until a building was issued with a fire certificate, the owners were obliged to carry out certain interim duties which were detailed by the Fire Authority. Once the application was received, the Fire Authority had a duty to inspect the building. If the fire precautions were found to be below a necessary standard, the owner would be issued a 'steps to be taken'

notice detailing certain works to be carried out before a fire certificate could be issued. Members noted that such a notice may cover a period of 12 months.

- 4.13 In relation to the Trust's three PFI buildings, officers explained that these were occupied prior to a fire certificate being issued and that a 'steps to be taken' notice was also issued to all three buildings in relation to minor works, which primarily focused on signage within the buildings. However, it was reiterated again that such notices would only be given to safeguard office and shop employees and would not relate to other medical staff or patients. Members noted that once the works were completed, it was the opinion of the Fire Authority that the offices and shop areas within the buildings were safe.
- 4.14 Officers explained that in line with current regulations, fire certificates were issued based on a single inspection and owners were not required to apply for another fire certificate unless modifications were made to the building or when any structural problems occurred. The certificate was therefore not associated with the operation of a building. The officers acknowledged that the existing fire legislation did have its limitations. They therefore welcomed the Government's decision to revise the legislation and felt that the new legislation should prove to be less restrictive.
- 4.15 Members noted that whilst there was no requirement under the existing legislation for Fire Authorities to re-inspect premises, they supported the West Yorkshire Fire & Rescue Service's intentions to carry out a highest risk re-inspection programme next year, covering 5,000 premises across West Yorkshire. It was highlighted to the working group that as hospitals were recognised nationally as high risk buildings, these were more likely to appear on re-inspection programmes. Officers informed the working group that the West Yorkshire Fire & Rescue Service re-inspection programme next year would include the Trust's three PFI buildings. This again was welcomed by members.
- 4.16 During the meeting, members raised the issue about the number of false alarms within the three PFI buildings. Whilst acknowledging that these buildings had had a significant number of false alarms, it was highlighted to the working group that there had been a downward trend over the last twelve months. However, officers recognised the need to address this matter as it could lead to staff and fire officers becoming complacent whenever a fire alarm was triggered. Members noted that the West Yorkshire Fire & Rescue Service continued to be in negotiations with the Trust about their fire alarm technology and the activation methods applied. However, officers highlighted to the working group that it was often visitors to the buildings who chose to ignore the fire safety guidance of the Trust and triggered the alarms by smoking in non-smoking areas. Such problems were therefore associated with the management of the buildings.
- 4.17 Members asked the officers whether they felt the Trust should carry out full evacuation drills within the buildings on a regular basis. In response to this, officers stressed that a full evacuation of the buildings could cause distress to patients unnecessarily. The Fire Authority would therefore rely on staff to be trained in smaller areas of the buildings which would therefore avoid the need to have full evacuations.
- 4.18 Finally, it was stressed to the working group that the Fire Authorities do have specific enforcement powers under section 10 of the Fire Precautions Act 1971. This means that when it was the opinion of a Fire Authority that a building was dangerous then, as the enforcing body, the Authority may use such powers to issue

a prohibition or restriction notice. It was highlighted that such enforcement measures could be carried out immediately following an inspection to a building. Members noted that where any referrals were made to the Fire Authority about the fire safety standards of a building, this would be followed up with an inspection.

- 4.19 Officers highlighted that such notices had been issued in the past across the region. However, members were informed that it remained the opinion of the West Yorkshire Fire & Rescue Service that such action was not needed in relation to the Leeds Mental Health Teaching NHS Trust's three PFI buildings.

Summary of the verbal evidence presented by the Leeds Mental Health Teaching NHS Trust Trade Unions.

- 4.20 Paul Cockcroft and Anne Szczepanska, Staff Side Health and Safety Representatives, attended a meeting with the working group to represent the Leeds Mental Health Teaching NHS Trust's Trade Unions on this matter.
- 4.21 In relation to the role of Staff Side within the Trust, Members learned that the Staff Side representatives on the Health and Safety Committee were responsible for raising any health and safety issues with the Trust. Whilst members of the Committee were not trained specifically in relation to fire safety, their role was to ensure that the Trust's fire safety procedures were adhered to. The Committee would therefore carry out its own inspections and would convey any concerns raised by staff to the Trust Board.
- 4.22 Opening the discussions, both Paul and Anne stated that in their opinion, all staff were able to express any concerns freely. It was noted that the Staff Side Health and Safety Committee met monthly to discuss any concerns raised. The Trust's Health and Safety Committee met bi-monthly. The working group was particularly interested to learn that the Staff Side Health and Safety Committee had not received one call from a member of staff in relation to the fire safety standards of the Trust's PFI buildings either before or after the independent review reports were publicised.
- 4.23 It was highlighted to the working group that an issue often raised by staff was the lack of observational routes within the buildings.
- 4.24 When questioned about the findings of the independent review reports, it was stressed to the working group that the Staff Side Health and Safety Committee wished the Trust to implement the recommendations set out within these reports in order to achieve a better standard. In particular, Staff Side wished to see the fire procedures mentioned within the reports put into place. It was also highlighted that a particular issue which the Health and Safety Committee wished to see addressed by the Trust, was the upgrading of patients' bedrooms. Members were informed that concerns about the gaps in between the bedroom ceilings and walls were initially reported in May 2002. It was thought that such gaps could enable smoke from one bedroom to flow into the adjacent bedrooms.
- 4.25 With regard to staff training, members were informed that the Health and Safety Committee continued to be concerned about the level of attendance at staff fire safety training. Whilst such training was mandatory, members noted that the decision to attend was left with the staff. It was the view of the Staff Side Health

and Safety Committee that the low turnout of staff at training sessions resulted in staff not being kept informed of the Trust's Fire Safety Strategy.

- 4.26 The low turnout of staff was attributed to staff shortage problems. It was felt that staff were often being left to make a judgement about whether or not to attend the training sessions and in doing so, leaving their ward short staffed.
- 4.27 Members questioned whether all employees had a personal training plan. In response, it was highlighted that not all staff did have training plans and that some wards were better than others in keeping staff training records and schedules. It was also highlighted that the Health and Safety Committee was working on this issue and would like to see a file created where all staff training details could be kept up to date.
- 4.28 The working group was informed that the delivery of training for bank staff had also proved to be problematic and in view of the fact that some wards had been staffed with 50% bank staff, this had raised serious concerns. It was stressed again that all staff should be trained and receive annual updates on the Trust's fire safety strategy.
- 4.29 Members asked about the monitoring of training and noted that such training was monitored locally. However, it was highlighted to the working group that there had been a strong recommendation made by the Health and Safety Committee that such monitoring should be carried out through a more centralised mechanism.
- 4.30 Members asked the Health and Safety Staff Side representatives if they considered it a useful exercise to carry out full evacuations of the PFI buildings. In response, it was felt that this would cause undue distress to patients and it was acknowledged that the buildings were not designed to carry out full evacuations.
- 4.31 When asked about the number of false alarms within the centres and the impact this had had on staff, members were informed that the current perception amongst staff was that the false alarms happened on a daily basis in some wards. Staff would therefore now question whether there was a real fire within the building. Members noted that patients were also becoming more and more frustrated with the alarms.
- 4.32 At the end of the meeting, Mrs Szczepanska and Mr Cockcroft left a dossier of information in relation to the process that was followed during the design and construction stages of the three PFI buildings and also the commissioning of the independent review for the three PFI buildings. It was highlighted to the working group that Mr Cockcroft had asked the Trust to provide him with a copy of the document which clearly set out the Trust's demonstrable approach to the Firecode guidance in relation to the three PFI buildings, but was informed that such a document did not exist. Mr Cockcroft expressed concern and frustration that the Health and Safety Committee had not been kept adequately informed or indeed engaged in both processes.

### Summary of the verbal evidence presented by Chris Hindle

- 4.33 Following his attendance at the Scrutiny Board's October meeting, the working group felt it was appropriate for Chris Hindle to be given the opportunity to present further evidence. However, in view of the ongoing personnel issues involving Mr Hindle and the Trust, Mr Hindle was invited to speak to the working group as an interested member of the public.
- 4.34 The working group asked Mr Hindle to firstly clarify the role of a Fire Safety Officer within the Trust. Members learned that it was the responsibility of the Fire Safety Officer to carry out inspections within the Trust's buildings. Whilst the frequency of such inspections was not set down in any guidance, Mr Hindle explained that inspections would generally happen on an annual basis where patients were residing at a building, and between 2 to 3 years for other buildings. However, members noted that the Fire Safety Officer would also carry out spot checks to the buildings.
- 4.35 Mr Hindle explained that the Fire Safety Officer responsible for the Leeds Mental Health Teaching NHS Trust was also responsible for the five local Primary Care Trusts.
- 4.36 With regard to staff training, Members were informed that it would also be the role of the Fire Safety Officer to arrange and conduct fire safety training with staff. Staff training was therefore considered to be a primary role, with approximately 6,000 staff to train on an annual basis.
- 4.37 When asked about the turnout of staff to training sessions, Mr Hindle explained that in the second year of running the training sessions, the turnout would generally involve 50% of staff. However, members were informed that the turnout had continued to worsen and that ward based staff had the worst record for attending fire safety training (it was estimated that only 10% of ward based staff would attend training).
- 4.38 Members were informed that such training was mandatory and had to be carried out on an annual basis. The working group was also informed that staff were given sufficient opportunities to attend the training sessions, with three sessions being held during the first week of every month, including evening sessions. Mr Hindle explained that staff would often be reluctant to attend outside their own working hours and felt pressured not to leave the wards during their shifts. However, Mr Hindle highlighted that he did get to see all new starters, which also included bank staff. When questioned about the management's response to the low turnout figures at staff training, Mr Hindle felt that such issues were not taken as seriously as he would have wished.
- 4.39 Members also asked about the communication links between Accent and the Trust in relation to concerns raised about fire safety issues. Mr Hindle explained that he personally had not experienced any direct contact with Accent during the last three years and that any issues and concerns raised by him were relayed to his line manager, the Trust's Facilities Manager, and copied to the Trust's Contract Manager who would then interface with Accent.

- 4.40 During the meeting, the working group also raised the issue about the high number of false alarms being raised within the Trust's three PFI buildings. Mr Hindle explained that this had been an ongoing problem with the Trust and one which he felt required more attention.
- 4.41 When asked his opinion on the independent reports by Inventures/NHS Estates, Mr Hindle expressed his unhappiness with the reports but explained that the findings were a matter of perception. Mr Hindle felt that the reports dwelt too much on the buildings rather than on the individuals who occupied the buildings. In response to the independent review, Mr Hindle also explained that no one had consulted him at the time in his capacity as Fire Safety Officer when drawing up an action plan to address the issues raised.
- 4.42 Members raised the issue of existing fire legislation only applying to staff and not patients and Mr Hindle felt that this was appropriate given that patients should not be relied upon to evacuate themselves from the buildings safely. The assumption therefore was that staff should take appropriate action to evacuate patients safely.
- 4.43 When asked whether the Trust should carry out full evacuation drills for the three PFI buildings, Mr Hindle stressed that the buildings were very robust buildings and therefore would withstand a fire. However, he again emphasised the importance of ensuring that staff were trained correctly on the buildings' fire safety and evacuation procedures. Whilst Mr Hindle did not consider it necessary to carry out full evacuation drills for the buildings, he continued to express his concern about the design of the buildings and the fact that the Trust had not fully complied with the Firecode guidance HTM 81 for new hospitals and instead had adopted the criteria set out in Fire Practice Note 7 for patient hotels. Mr Hindle highlighted that the Trust claimed that the buildings were an amalgamation of the two sets of guidance, which he referred to as 'Patient Hotels Plus'. However, he explained to the working group that he had identified areas within the buildings that did not comply with the minimal standards of patient hotels.
- 4.44 When asked for his interpretation of the Fire Practice Note 7 in relation to patient hotels, Mr Hindle circulated to the working group a full copy of the Fire Practice Note 7. Within this, Mr Hindle referred to paragraph 1.7 which stated '*Patient hotels provide high-quality accommodation for low-dependency patients who are mobile and able to look after themselves and who consequently do not require the full facilities of an acute ward. The standard of accommodation is broadly comparable to a motorway travel lodge.*' Reference was also made to paragraph 1.11 which stated '*The following facilities should not be provided in a patient hotel:*
- a) *medical gases and other bedhead services, although emergency alarms may be provided to call on nursing or medical assistance from elsewhere in the hospital;*
  - b) *nursing or medical care*
- 4.45 Mr Hindle highlighted that the only example of a patient hotel of which he was aware of was a facility within the Great Ormond Street Children's Hospital campus in London. Mr Hindle explained that this particular facility was built to accommodate children and their families prior to being admitted into the hospital for treatment and also afterwards during recovery. It was stressed that no treatment was therefore administered at this particular patient hotel.



- 4.46 In his opinion, Mr Hindle felt that the Leeds Mental Health Teaching NHS Trust had applied the criteria of a patient hotel to the three PFI buildings. Mr Hindle considered this to be inappropriate in view of the vulnerability of the patients using the buildings and the fact that nursing care and treatment was also being administered to patients, which in his view went against the criteria set out within Fire Practice Note 7.
- 4.47 Whilst acknowledging that there was no simple answer when interpreting the Firecode suite of documents, Mr Hindle stressed that it was clear to him that the buildings were not patient hotels. Mr Hindle also informed the working group that design guidance in relation to mental health facilities did exist and that he had accessed such guidance.
- 4.48 When asked who would make the decision to deviate away from the HTM 81 criteria for new hospitals, Mr Hindle explained that he was not aware of who made such decisions and that he had never had sight of any document setting out the Trust's demonstrable approach to the Firecode suite of documents in relation to the three PFI buildings.

Summary of the verbal evidence presented by the Department of Health

- 4.49 Paul Roberts, Risk Management Adviser, attended a meeting of the working group to represent the Department of Health on this matter.
- 4.50 When asked about the statutory responsibilities of the Department of Health in relation to fire safety standards of NHS buildings, Mr Roberts explained that the Department of Health did not have any statutory responsibility in relation to fire regulations. Members were informed that responsibilities for complying with legislation would lie with the Trusts themselves. Mr Roberts highlighted that the Building Control Authority (either local authority or Approved Inspector) had responsibility for enforcing legislation for new buildings or alterations to existing buildings. Fire Authorities enforced fire legislation once the building had been occupied.
- 4.51 Mr Roberts explained that, whilst the Fire Authority enforced the fire legislation, the Department of Health provided its own guidance set out in the Firecode suite of documents. Members were informed that the Secretary of State for Health had issued a 'Direction' under section 17 of the National Health Service Act 1977 and the National Health Service and Community Care Act 1990 relating to the Firecode. This Direction, which commenced on 1<sup>st</sup> April 1994, required an NHS body to comply with the requirements of those provisions of 'Firecode Policy and Principles, Section 3' which applied to that body. This therefore meant that each NHS General Manager or Chief Executive of an NHS Trust must complete and sign a Certificate of Firecode Compliance covering all premises owned or occupied by the Trust at the end of each calendar year and submit this to the Department of Health.
- 4.52 When questioned about who monitored the responses of the Trusts in relation to their Certificate of Firecode Compliance, Mr Roberts explained that such responses would not generally be questioned and would simply be logged onto a database and filed away. However, where there was evidence of serious deficiencies recorded on the Annual Certificate, the matter would be referred to the relative Strategic Health Authority. It was stressed to the working group that the

Department of Health did not have the resources available to critically review each response. It was highlighted that the resources available within the Department of Health to carry out such duties involved Mr Roberts and only one other officer for the whole of England.

- 4.53 Mr Roberts explained that in relation to the issues being raised about the Leeds Mental Health Teaching NHS Trust's PFI buildings, his division was only made aware of such issues when first contacted by the Council's Scrutiny Support Unit to take part in the Scrutiny Board's Inquiry.
- 4.54 In response to the working group's question about who would decide, during the design stages of a scheme, which elements of the Department of Health's Firecode suite of documents were applicable, Mr Roberts explained that the decision would be taken by the design team.
- 4.55 In terms of monitoring the decisions made by the design team, Mr Roberts explained that this would depend on the value of the scheme. Members noted that the Department of Health would look at schemes over £25 million, but would generally only be involved if particular fire safety issues were raised.
- 4.56 Mr Roberts acknowledged that there was a gap in terms of the advice provided for mental health facilities and that the advice currently provided stated that if a new NHS facility was providing nursing or medical care then the HTM 81 guidance should be applied. However, Mr Roberts felt that HTM 81 could be too onerous for some NHS buildings and therefore it was often considered appropriate to only apply elements of this guidance to a scheme. However, Mr Roberts also warned that when certain elements of the guidance were adopted, there was a danger that other corresponding elements of the guidance were overlooked.
- 4.57 In relation to the Leeds Mental Health Teaching NHS Trust's three PFI buildings, Mr Roberts informed the working group that his advice would be that these facilities did not meet the criteria for a patient hotel.
- 4.58 When asked about whether the Trust needed to produce a 'demonstrable approach' document, as referred to by the Trade Unions, Mr Roberts was unfamiliar with this term and therefore queried whether this approach was indeed a statutory duty placed upon the Trust.
- 4.59 In relation to the HTM 81 guidance, Members were informed that this was last revised in 1997. Whilst there had been a number of supplements produced since the introduction of HTM 81, Mr Roberts confirmed that the Department of Health was now looking at revising this guidance again.
- 4.60 Mr Roberts was aware that the fire certificates issued by the Fire Authority only applied to the offices and shops in the buildings. It was explained to the working group that as hospitals were not originally designated under the Act, it would have proved very expensive to bring the standards of the Act up to the levels required for a hospital. In view of this, the Firecode suite of documents was brought in to cover NHS buildings.
- 4.61 Mr Roberts confirmed that he was aware of the reports produced by Inventures/NHS Estates but was unable to comment specifically on their findings as

he had not personally visited any of the three PFI buildings. However, where recommendations were made as part of the independent review, it was stressed to the working group that it would not be the responsibility of the Department of Health to follow up this matter. Instead, it was felt that the Trust, as commissioners of the independent review, would have responsibility for responding to any recommendations. However, it was stressed that where serious issues were raised and not acted upon by the Trust then, in the event of a fire, the Trust would need to justify its actions.

- 4.62 Mr Roberts clarified to the working group that Inventures was the trading arm of NHS Estates. However, in July 2004, the Department of Health published the 'Reconfiguration of the Department of Health's Arm's Length Bodies' and two outcomes of this report were to abolish NHS Estates as an Executive Agency and to close Inventures. Inventures consequently ceased trading at the end of March 2005. Following this, NHS Estates also closed on 30<sup>th</sup> September 2005 and a small core function moved to the new Department of Health Estates & Facilities Division. In the period between the end of March and the end of September, staff remaining at Inventures were transferred back into NHS Estates pending re-deployment or voluntary early severance. As a result, the independent reports produced by the Inventures consultant were published in the name of NHS Estates.
- 4.63 Mr Roberts explained that it was not clear who would have the authority to ensure that the Trust implemented the recommendations of the independent review. However, it was suggested that the Strategic Health Authority would have significant authority in this area as they were responsible for overseeing the performance of the Trust. Mr Roberts highlighted that the Fire Authority would also be very likely to expect to see the results of the independent report included as part of the fire risk assessments, as this would influence where the Trust needed to prioritise resources.
- 4.64 In conclusion, Mr Roberts highlighted again that the Department of Health's planned revision of HTM 81 would hopefully address the gaps in relation to both primary care and mental health.

#### Summary of verbal evidence presented by the five Leeds Primary Care Trusts

- 4.65 Carol Cochrane, Director of Strategic Planning & Modernisation at Leeds North West Primary Care Trust, attended a meeting of the working group as the representative of the five Primary Care Trusts (PCTs) in Leeds on this matter.
- 4.66 The working group asked Ms Cochrane to clarify the relationship between the PCTs and the Leeds Mental Health Teaching NHS Trust. Ms Cochrane explained that the five PCTs in Leeds commissioned the bulk of their mental health and learning disabilities services from Social Services and the Leeds Mental Health Teaching NHS Trust. However, members were informed that the PCTs had a Service Level Agreement (SLA) with the Leeds Mental Health Teaching NHS Trust, which was managed and reviewed on a quarterly basis. In addition, a number of services were commissioned from the voluntary sector, including some that were jointly commissioned with Social Services. The five PCTs also had a separate SLA with Leeds Mental Health Teaching NHS Trust for estates services which included the services of the Trust Fire Officer.

- 4.67 The working group was informed that during the planning and design stages of the Trust's three PFI buildings, the previous Leeds Health Authority was still in existence and therefore this process pre-dated the establishment of PCTs. However, whilst not being involved in the technical design stages, Ms Cochrane explained that there was some involvement during the commissioning of the scheme.
- 4.68 When questioned about how the PCTs would be involved in such processes in the future, Ms Cochrane explained that such discussions would be fed through the established Modernisation Teams for Older People and Working Age Adults
- 4.69 Members asked whether the PCTs were satisfied with the fire safety standards of the Leeds Mental Health Teaching NHS Trust's PFI buildings. In response to this, Ms Cochrane explained that as part of the Service Level Agreement with the Trust, there was a requirement for the Trust to meet statutory legislation and to provide care in a safe and healthy environment. In terms of fire safety standards, the PCTs had acknowledged that the Trust's buildings had been issued fire certificates and they were informed by the Trust that it had also received assurances from the West Yorkshire Fire & Rescue Service that the buildings remained adequate.
- 4.70 When asked about whether the buildings should be classified as patient hotels or hospitals, Ms Cochrane gave her own personal view that the buildings should be classified as hospitals, but also stressed that she would need to look at the definitions in order to be confident of such a view.
- 4.71 Ms Cochrane highlighted that whilst the PCTs had not seen the full independent review reports by Inventures/NHS Estates, they had received a summary report from the Trust which outlined their action plan for addressing the issues raised. It was stressed to the working group that the PCTs accepted the assurances given by the Trust and that if any doubts were raised, the PCTs would need to request technical advice from an external source. In terms of the Trust's action plan, Ms Cochrane also stressed that this would be reviewed as part of their contract quarterly review meetings.
- 4.72 Ms Cochrane clarified to the working group that even as commissioners of the Trust's services, the PCTs had no statutory duty to specifically monitor the Trust's fire safety standards. However, they were responsible for monitoring their contractual arrangements with the Trust.
- 4.73 When asked her opinion about who should be responsible for monitoring the Trust's fire safety standards, Ms Cochrane felt that the Healthcare Standards Commission should be partly responsible for ensuring that the Trust had in place appropriate fire certificates and building regulation certificates. However, it was also stressed that there was a need to be realistic about what could be externally monitored on a daily or weekly basis.
- 4.74 In terms of the recommendations arising from the independent review, Ms Cochrane explained that the PCTs would expect the Trust to fully implement these. However, where the Trust had specific reasons for not implementing a recommendation, then the PCTs would be open to hearing their reasons.

- 4.75 Whilst the working group appreciated that the PCTs were not involved in the planning and design stages of these particular buildings, members suggested that for future builds, the PCTs should have a greater involvement in discussing issues such as the fire safety standards. Ms Cochrane stressed that such policing could refer to a lot of areas and not just fire safety. It was noted by members that as the existing LIFTCO Board had a broad representation of members sitting on it, then it may be appropriate for such policing responsibilities to also be considered as part of its remit.

Summary of the verbal evidence presented by the West Yorkshire Strategic Health Authority

- 4.76 John Graham, Deputy Director of Finance, and Graham Scott, Estates Adviser, attended a meeting of the working group to represent the West Yorkshire Strategic Health Authority on this matter.
- 4.77 The working group asked about the statutory responsibility of the West Yorkshire Strategic Health Authority in relation to the fire safety standards of NHS buildings. In response to this, members were informed that the Strategic Health Authority had no statutory responsibilities in relation to fire safety and that such responsibilities would apply to the Fire Authority and the Local Authority Building Control Department. However, officers explained that it would be the responsibility of the Trust's Chief Executive to ensure that the operational procedures within a building were adequate in terms of fire safety.
- 4.78 The working group discussed the Department of Health's Firecode guidance with the officers. Officers explained that the Firecode suite of documents was the Department of Health's interpretation of the fire regulations. However, whilst it was recommended that an NHS body used such guidance as best practice, officers stressed that it was not a mandatory requirement.
- 4.79 The officers also stressed that as the West Yorkshire Strategic Health Authority considered the safety of patients and staff as paramount, it would want to be satisfied by all NHS organisations that they too had this uppermost in their minds.
- 4.80 In relation to the design and construction stage of any new NHS scheme, the working group was informed that the West Yorkshire Strategic Health Authority would receive a business case from the NHS organisation for the new scheme. Officers explained that it would be the responsibility of the design team to ensure that they had considered all the expertise and guidance available. During this stage, it was also stressed that the Building Control Department of the City Council would have needed to give its approval to the scheme, with regard to compliance with Building Regulations, including the Fire Precautions Regulations. Members were informed that Building Control officers would also make regular site visits to ensure that the building works were progressing in accordance with the approved design. This procedure was mandatory and no Health Organisation was exempt.
- 4.81 The working group was informed that each Trust would have internal estates support and would also have access to an Estates Advisor at the West Yorkshire Strategic Health Authority. If invited by the Trust, this role could involve offering advice on any estates issues. The advisor had no authority to ensure that the Trust followed that advice.

- 4.82 When told by the working group that they had been advised by the Fire Service that the remit of the Fire Service was only to safeguard staff and not patients, concerns were also raised by the officers. However, it was stressed to members that it would be the responsibility of the Chief Executive of every Health Organisation to complete and submit a Certificate of Fire Safety Management to the Department of Health on an annual basis, which stated that they were compliant with the Fire Precautions Regulations. (Following the meeting, the West Yorkshire Strategic Health Authority stated that the Fire Service had the authority to enter any premises within any health organisation and check compliance with the Fire Precautions Regulations. Where there was non compliance, they did have the statutory authority to issue improvement notices and to ensure that those improvements were carried out.)
- 4.83 Officers acknowledged that different models of care were required to meet the needs of patients. Therefore it was felt that, where there was a facility being run by an NHS organisation, the overall responsibility for the fire safety standards of that facility lay with that organisation. However, it was also recognised that as part of the process, there was an element of self certification by the Chief Executive in terms of assuring the Department of Health that they were meeting the requirements set out within the Firecode.
- 4.84 In relation to the independent review reports by Inventures/NHS Estates, the officers confirmed that they were aware of the issues raised within the reports. The working group was informed that the West Yorkshire Strategic Health Authority would generally expect the Trust to act upon the issues raised and implement any recommendations made. However, officers also stressed that this would very much depend on how fundamental the issues were, for example, where issues were raised about the design of the buildings then these would need to be looked at again by whoever made those decisions. However, in terms of any operational issues raised, then the Authority would expect the Trust to resolve such matters.
- 4.85 When asked whether the West Yorkshire Strategic Health Authority would monitor the Trust's action plan for carrying out the recommended remedial works, the officers explained that this would generally be monitored through direct discussions with the Trust's Operations and Finance Directors.
- 4.86 Members raised concerns with the officers that there appeared to be a lack of a clear governance structure within the NHS in terms of ensuring that the Trust was meeting its fire safety responsibilities. In response to this, the officers explained that the Strategic Health Authority would follow up any queries raised, but that any monitoring would be carried out by the Fire Authority and through the annual certification process by the Trust, mentioned previously. During the working group's discussions on this matter, both members and officers raised issues about who would monitor the fire safety standards of a private sector provider. The officers were of the opinion that this statutory authority rested with the Fire Services.
- 4.87 The working group also discussed the issues raised about the number of false alarms being triggered within the Trust's buildings. In acknowledging that such a high number of false alarms would clearly impact on the operation of the buildings, the officers stressed that they would expect such concerns to be raised with the appropriate authority and for that authority to deal with it accordingly.

### Summary of verbal evidence presented by Accent

- 4.88 Martin Kelly, Chief Executive, Claire Stone, Managing Director, John Kitchen, Managing Director, Simon Hartley, Operations Manager, and Ian Germain, Strategy and Marketing Director, attended a meeting of the working group to represent Accent on this matter.
- 4.89 At the start of the meeting, Martin Kelly, Chief Executive, gave a statement to the working group as to the position of Accent on this matter. Members also received a dossier of information covering three particular areas: the establishment of the relevant Firecode to the final design and construction specifications; Fire Safety Reports – their content and reasons for delay; and agreed policy on design reviews. Such information also included a response and comments on Mr Hindle’s submission of evidence to the Scrutiny Board in October.
- 4.90 Members were informed that a key consideration during the planning of these buildings was the need to design modern, non-institutionalised units that provided a domestic type environment for the service users. However, in accepting that the main areas of concern involved issues of staff observation and compartmentation, officers explained that both of these areas were considered in detail by all the stakeholders and statutory bodies. It was therefore stressed to the working group that the buildings were designed to be operated and managed as modern mental health units that met the needs of the service users and staff and the requirements of all the statutory authorities.
- 4.91 Whilst acknowledging that draft guidance was now in the process of being developed by the Department of Health for mental health facilities, officers stressed again that there still remained no specific guidance for the fire safety provision of mental health facilities. The working group was therefore informed that the Trust and its partners undertook a fire safety engineering approach utilising guidance from all the Firecode suite of documents.
- 4.92 Officers explained that whilst documentation refers to using Fire Practice Note 7 as a basis for design purposes, in practice, the fire safety measures incorporated guidance from many other Health Technical Memorandum and Fire Practice Notes, including HTM 81, as agreed with the Fire Service. For example, HTM 81 requirements such as mattress evacuation were included in changes to the design.
- 4.93 It was stressed to the working group that Accent, as a ‘not-for-profit’ Social Enterprise, also strongly refuted any suggestion that they had minimised construction costs and produced the PFI units on the basis of putting profit before quality. It was highlighted that additional costs were incurred during construction to the fire sounders and emergency lighting systems and standby generator units were installed in each of the three units at an additional cost of approximately £675,000.
- 4.94 During the meeting, Members asked whether Accent had accepted the findings of the independent review reports by Inventures/NHS Estates. In response to this, members were informed that Accent did not accept the notion that HTM 81 was the only way to assess the buildings. However, in view of the other remedial works that were outlined in the report, officers explained that Accent responded by carrying out an inspection of the buildings within 48 hours of receiving the reports and included the West Yorkshire Fire & Rescue Service in these inspections. Members were

informed that the Fire Service would have allowed the Trust 6–8 months to put right the issues raised. However, it was stressed that Accent had immediately addressed all of the issues.

- 4.95 Officers felt that the opinions expressed by the Trust's Fire Safety Officer and the Inventures Consultant were based on their interpretation of the Firecode and therefore the premise that HTM 81 should be applied to the buildings. However, it was stressed to the working group that this was at odds with previous advice and approvals by specialist consultants, the Fire Service and of NHS Estates at the time of the Full Business Case. Officers also stressed that the anticipated introduction of specific fire safety guidance for mental health units was also an indication that designing to 'hospital' standards, in line with HTM 81, was not considered appropriate in its entirety.
- 4.96 Officers stressed that the Inventures Consultant had confirmed that, when undertaking the independent review, he had not investigated or taken into consideration the original design and approval process or the views of those involved in the process. The Consultant also acknowledged that there was no specific guidance for the design and construction of mental health units. The Consultant was therefore carrying out the review based entirely on his own expectation and opinion of the Firecode. Members noted that he had also not considered the fire alarm and detection systems as part of his report and therefore was only focusing on the construction of the buildings. This meant that he was focusing on an observational approach to detecting fires rather than through technology.
- 4.97 The working group was informed that Accent also did not accept the criticism that particular documents requested during the independent review should have been made available as a matter of course, as they were unaware of the need and there were no requirements to do so in line with the regulations. Officers also explained that during the review, Accent Project Solutions had moved offices, closing the Leeds office, and therefore had archived some documents but also shredded some working documents and correspondence prior to the request for information. In view of this, the working group was informed that Accent only accepted part responsibility for the initial delay in providing documentation to the Inventures Consultant. Members were informed that Accent had to laboriously request information, which was in the possession of Consultants, Contractors and the Trust.
- 4.98 Officers stressed to the working group that at no point did Accent perceive the buildings to be unsafe and that Accent were not made aware of the Fire Safety Audit Reports, prepared by the Trust Fire Officer, until three to six months after their first being issued. Accent had therefore expressed their disappointment with the Trust that these reports had been withheld for so long.
- 4.99 In acknowledging that discretion could be applied to the Firecode suite of documents, the working group asked Accent who they thought should be responsible for making the final judgement about what should be adopted. In response to this, officers explained that as the Fire Service and Building Control had to be satisfied that the buildings were safe before giving approval, then they would have to make that judgement based on the final design and construction specifications. However, it was also stressed again that in order for the Trust and B&N/Accent to sign a contract for the construction of the buildings, the fire safety



design and construction was subject to a final review and approval by a number of parties, which included:

- West Yorkshire Fire Service;
- Leeds City Council's Building Control Department as part of building regulations approval;
- The Trust's Fire Officer and senior clinical managers for operational purposes;
- Technical advisors acting on behalf of the Trust to confirm compliance with the contract requirements;
- Technical advisors acting on behalf of B&N/Accent;
- Technical advisors acting on behalf of the funders;
- The Regional Health Authority, advised by NHS Estates, had to give approval to the Full Business Case under PFI rules.

- 4.100 It was therefore the view of Accent that, although the issues were complex and subject to interpretation, the buildings had been designed and constructed in accordance with the Firecode suite of documents, had undergone the due process and had been formally approved as required by the appropriate regulatory and statutory bodies.
- 4.101 When asked about who monitored the building's Fire Safety Strategies, officers confirmed that this responsibility would lie with the Trust and they would also lead on ensuring that all staff received fire safety training. Officers explained that Accent engaged an external consultant to conduct annual reviews of the buildings and, where recommendations were made, these were acted upon promptly. However, members noted that it was the responsibility of the Trust to review any clinical changes to the buildings and to plan and pursue any appropriate actions with Accent. It was also highlighted that there was a formal change request process to follow if the Trust wanted to change the use of an area within the buildings.
- 4.102 When questioned about Accent's communication links with the Trust, officers explained that Accent and the Trust held annual review meetings as well as quarterly planning meetings and monthly operational meetings. Such meetings therefore enabled any issues to be dealt with in an appropriate and prompt manner.
- 4.103 It was explained to the working group that as the Trust was responsible for Health and Safety, then Accent would follow their instructions. However, it was also stressed that, where it was felt that such instructions had associated risk implications, these would be questioned by Accent.
- 4.104 Members raised the issue about the number of false alarms within the buildings (mainly due to misuse by the service users), and the suggestion made by the Inventures Consultant to move away from the auto dial mechanism. Officers acknowledged this recommendation but stressed that Accent would not be able to carry out any changes to the system without the Fire Service's approval. In view of this, it was highlighted that the Fire Service had stated that they would rather have the problem of false alarms than remove the auto dial mechanisms. It was stressed that the insurers for the buildings would also not give permission to remove the auto dial mechanism. However, the working group was informed that the Fire Service continued to work with the Trust in addressing this problem.

- 4.105 Members also raised the issue about poor attendance by Trust staff at staff training sessions. Officers explained that all Accent staff were required to attend the training sessions and that such training was monitored through Accent's training department and via staff reviews. It was highlighted that within a large unit there could be 30-40 Accent staff. It was stressed, however, that Accent did not keep records relating to the Trust's own staff.
- 4.106 Towards the end of the meeting, officers stated that should any of the criteria change for the buildings, or the risk category of service users change, then Accent would endorse any review of the fire safety design. Indeed, the working group was informed that Accent had recently agreed with the Trust to facilitate a review as to whether the fire safety measures, procedures and detection/alarm systems would meet the future needs of service users and staff. This review was expected to be completed before March 2006.

Summary of evidence presented by Leeds Mental Health Teaching NHS Trust

- 4.107 Peter McGinnis, Director of Nursing and Clinical Governance, and David Brown, Contract Manager, attended a meeting of the working group to represent the Leeds Mental Health Teaching NHS Trust on this matter.
- 4.108 In preparation for this meeting, the Trust's Chief Executive submitted a file of information to the working group setting out in more detail the processes that were followed in relation to the design and construction of the three PFI buildings and also the actions taken by the Trust to address any concerns raised. This information was categorised into four sections: Fire safety design standards applicable to the Newsam Centre, Becklin Centre and The Mount; Trust/Accent actions since Mr Hindle raised concerns; Inventures/NHS Estates Reports and Recommendations; and Comments on Mr Hindle's statement and dossier presented to the Scrutiny Board in October.
- 4.109 At the start of the meeting, the working group sought clarification as to who the responsible officer would be within the Trust for the fire safety standards of the buildings. In response, the Trust explained that the overall responsibility would lie with the Chief Executive, but that presently this was delegated to the Director of Nursing and Clinical Governance, the Facilities Manager and also the Fire Safety Officer. Prior to February 2005, the delegated Director was the Deputy Chief Executive. It was explained that the operational procedures within the three specific PFI buildings were the responsibility of the Trust, whereas the maintenance of the buildings was the responsibility of Accent. However, it was highlighted that the day to day management of the buildings was jointly dealt with by Accent and the Trust. Members were also informed that the Trust's Health and Safety Committee had a role in monitoring issues relating to fire safety and could raise any particular concerns with the Trust Board through appropriate officers if necessary.
- 4.110 When asked whether the Trust accepted the findings and recommendations of the independent review report by Inventures/NHS Estates, officers explained that whilst the Trust accepted the majority of the recommendations, a number of questions had been raised about some of the observations. This was primarily due to the independent consultant not having all of the information needed and also in view of the fact that some of the observations were based on the independent consultant's own interpretation of the application of the Firecode. In view of this, officers

explained that the Trust would utilise a risk assessment approach to these issues, which was in line with the approach that would be required under the impending changes to fire legislation.

- 4.111 In recognising that fire stopping was crucial when dealing with a building that was designed for progressive horizontal evacuation, Members questioned officers about why it had taken an independent review to identify issues relating to the building's fire stopping, when these issues should have been addressed during the design stage. Officers explained that this was not a design issue and that it was during the construction stage that the intended fire stopping had not been carried out sufficiently. Members were informed that this appeared to have been a result of poor site supervision and quality control during construction and had nothing to do with the design intent. Members noted that to recognise that the fire stopping had not been carried out sufficiently would have required an expert to access those parts of the building that became hidden from view during the latter stages of construction. Officers informed the working group that the Trust was therefore also surprised to learn of this.
- 4.112 The working group was informed that all of the fire construction recommendations set out within the independent reports had now been actioned and that the buildings now met the original design standard.
- 4.113 The officers also highlighted that one of the recommendations arising from the independent review was to conduct a 'risk based' design review. This recommendation therefore suggested that the Trust carry out a review of whether it had adopted the right approach during the design stages of the three buildings in light of there not being any specific guidance for mental health units. Officers confirmed that such a review was now underway and at the end of the process, this would indicate what, if any, design issues may need to be addressed. However, it was stressed again by officers that the Trust and its partners were happy with the original designs and felt that if the process was to be carried out again, they would more than likely reach similar conclusions.
- 4.114 When asked whether the Trust would carry out full fire evacuation tests of the buildings, the officers felt that such an approach was unnecessary. This was due to a combination of the fire compartmentation and evacuation strategy of the buildings; of their function; and the client groups involved as this approach would cause undue distress to patients. It was highlighted that this view was also shared by the West Yorkshire Fire & Rescue Service.
- 4.115 Members also raised the issue of staff training and questioned how many of the ward based staff had received fire safety training. In response to this, the officers explained that all staff had access to fire safety training and that approximately 81% of staff had received training on basic fire principles.
- 4.116 However, it was noted that whilst basic fire safety training was provided during induction, particular staff, such as ward based staff, would require additional training in relation to raising and operating fire alarms, safety issues around when to open doors and around compartmentation, and in particular, on the safe evacuation of patients. The officers highlighted that such staff should also receive annual refresher courses as this was mandatory training.

- 4.117 The officers acknowledged that whilst attendance at training had not been satisfactory in the past, the numbers were starting to increase. It was highlighted to the working group that there were a number of mandatory requirements relating to staff training which could lead to ward staff being taken away from their role for approximately 32 days a year. However, to help address this issue, the officers explained that additional sessions had been put on at the three acute units. Members noted that an annual training programme had also been set up which required a staff signature once they had completed their training. It was also highlighted that training issues would be raised as part of the staff Personal Development Plans.
- 4.118 When asked who monitored staff training, the officers confirmed that the Trust was responsible for monitoring its own staff training through the Trust Fire Safety Officer and that the Health and Safety Committee would receive reports on this training.
- 4.119 The working group also raised the matter of doors being wedged open within the buildings when there were clear policies in place which stated that such doors must remain shut for fire safety reasons. Members made particular reference to instances that had been reported within The Mount. In response to this, the officers acknowledged that certain doors within The Mount had been wedged open for two reasons. Firstly, to increase ventilation and secondly, to aid better movement of patients through the corridors. However, it was stressed that an instruction had now been given to Accent to install electro-magnetic hold-open devices linked to the fire alarm system on these doors in order to serve all purposes and meet the requirements of the policy. These devices automatically released the doors to close on a fire alarm activation.
- 4.120 Finally, the officers clarified again that it had been agreed between Accent and the Trust that the three PFI buildings would be subject to a design review in respect of fire safety. Accent had been requested to appoint a specialist consultant to immediately draw up a method statement as to how the review would be undertaken and also an outline programme, for consideration and approval by the Trust. Members noted that this review would be completed by March 2006. A copy of the consultant's brief prepared by Accent was included as part of the file of information from the Trust.
- 4.121 Given that there was discretion in relation to the application of HTM 81, Members were particularly interested to know from the Trust who they felt had the final say as to what aspects of the code were adopted. As this question was raised after the working group's meeting with the Trust, officers were asked to provide this answer in writing to the working group. The following answer was therefore provided by the Trust's Director of Nursing & Clinical Governance:
- 4.122 In following the process outlined in HTM 81, early and continued consultation took place between the building design teams; B&N/Accent; Building Control; West Yorkshire Fire Authority; Trust Clinical Project Teams; the Trust Fire Officer and the Trust's Risk Manager. As a result of this process, which also took account of the opinion of an acknowledged expert in this field, a collective decision was made on the elements of the respective Firecode suite of guidance that should be adopted. Accent's Consultants and technical advisers and the funder's technical advisers were also party to the decision.

4.123 This decision was ratified as part of the Full Business Case approvals process by NHS Estates, the Department of Health Regional Office and the Private Finance Unit, before being signed off by the Trust Board and B&N's Board in February 2000.

Out of the above, there were two key decision points that needed highlighting:-

- a) The Full Business Case (FBC) would not have been approved had NHS Estates not ratified the basis of the fire safety designs, as FBC approval by the Department of Health Regional Office and then the PFU was dependent on NHS Estates being satisfied with all major aspects of the designs, not just fire safety. The project could not have proceeded beyond this point without FBC approval.
- b) The Trust Board approved the signing of the Contract in the knowledge of the above approvals process, which could only take place following FBC approval. This was all part of the 'due diligence process' undertaken by Trust Boards when agreeing PFI schemes. Ultimately, the Trust Board approved the processes which were followed and the decision made.

## **5.0 Working Group Meeting – 16<sup>th</sup> November 2005**

- 5.1 During the Inquiry, the working group also decided to meet with representatives from Leeds City Council's Building Control Section, as it was clear that their role in the planning and design of the Trust's three PFI buildings was significant.
- 5.2 Clive McKevitt, Head of Building Standards and Compliance Services, and Nigel Brown, Building Control Surveyor, attended a meeting of the working group on 16<sup>th</sup> November 2005.
- 5.3 The working group was informed that the Building Act 1984 was the enabling Act under which the Building Regulations had been made. Members noted that existing Building Regulations dealt with the minimum standards of design and building work for the construction of domestic, commercial and industrial buildings. In relation to fire safety, officers explained that such regulations primarily focused on: the structural ability of a building in terms of means of escape in case of fire; travel distances; fire detection and warning systems; fire resistance of structural elements; fire separation; compartmentation and isolation to prevent fire spread; and access and facilities for fire fighting. They therefore provided a functional statement based on what the owner was trying to achieve with the building.
- 5.4 Officers explained that there was also practical guidance on ways to comply with the functional requirements in the Building Regulations. These were outlined in a series of Approved Documents. These documents contained general guidance on the performance expected of materials and building work in order to comply with each of the requirements of the Building Regulations and also practical examples and solutions to achieve compliance for some of the more common building situations. Members noted that Building Regulations 2000 Approved Document B related specifically to fire safety. However, officers explained that it was also recognised that there were other ways of meeting the required standard. In view of this, it was the role of Building Control to enforce the requirements set out in the regulations and therefore a building regulations application was required by an owner of a building.
- 5.5 With regard to hospitals, the officers explained that such buildings were considered to be more complex as they were more specialised and therefore had a whole set of

requirements that were different to other buildings. Given the complexity of such buildings, it was felt that the NHS would be best placed to know their own facilities and guidance set out for their buildings. However, it was stressed that the role of Building Control was still to ensure that the functionality of the building met the requirements of the regulations.

- 5.6 Members were informed that Building Control officers would inspect the means of escape for a building. However, in relation to hospitals, it was recognised that this generally involved dealing with infirm patients and treatment taking place at the bedside. In view of this, it was taken into consideration that, with a hospital building, it was not normally practical to evacuate the whole building and therefore progressive evacuation would be the more desired method.
- 5.7 In relation to the Trust's three PFI buildings, the officers explained that Building Control officers involved in the original design and planning stages of the builds were no longer employed by Leeds City Council. However, members were informed that it was the understanding of the Council that the basic guidance given had led to the conclusion that Building Control was not dealing with a basic hospital facility, where there would normally be limited movement of patients to a safe area, and was led to believe that these new facilities would not be delivering that higher level of clinical support.
- 5.8 Although it was a NHS facility, the design criteria showed that the Trust did not want to build an institutional building and that it would be providing very limited clinical and medical treatment within the buildings. In view of this, it was considered by Building Control that they were dealing more with a domestic environment than a hospital environment, and as Building Control had to ensure that the design met the building's functional requirements, it was considered acceptable for the patient hotel criteria to be used.
- 5.9 During the meeting, it was the opinion of the officers that the HTM 81 guidance was in excess of the requirements set out for a patient hotel as they were based on the assumption that all patients were treated at their bedside. It was therefore felt that HTM 81 would be too onerous for the Trust's PFI buildings.
- 5.10 However, it was also stressed to the working group that the buildings far exceeded the basic Approved Documents and had been enhanced in terms of means of escape. As Building Control was therefore satisfied with the design of the build, approval was consequently given.
- 5.11 During the meeting, officers clarified that the Approved Documents do make reference to a number of the guidance documents set out within the Firecode, which include HTM 81 and Fire Practice Note 7. The Building Regulations therefore recognised such guidance.
- 5.12 With regard to the Firecode documents, officers stressed that these were only guidance and therefore the Trust was not obliged to use them. The difficulty of providing guidance for every type of building was acknowledged, and therefore Building Control had to deal with generic forms of buildings. However, Building Control would still need to look at the functional requirements of a building.

- 5.13 Officers explained that the management of staff within a building was also taken into account. Whilst the Building Regulations were there to act as a failsafe by not relying on the role of people to safely evacuate the building, Building Control accepted that the management of the buildings was still key and that the owners of the buildings must manage the risks appropriately.
- 5.14 In relation to an NHS building, it was highlighted that the assumption was made that these buildings would be supervised by a number of staff and that such staff would have a role to play in detecting fires and evacuating patients. When considering a new build, it was stressed that it was often left to professional judgement and therefore Building Control would expect their officers to apply such judgement based on their experience. The difficulty of course, was that Building Control was not able to ensure afterwards that the strategies agreed had sufficiently been put into place.
- 5.15 It was made clear to the working group that it was the PFI partner who was the applicant and not the Trust. Building Control were therefore not involved in their relationship. It would have been the responsibility of the applicant to satisfy their clients.
- 5.16 The working group questioned whether Building Control would revisit a property if the function of that property had changed. In response to this, the working group learned that there were no continued provisions made within the Building Regulations and therefore approval was only required once. Officers highlighted that Building Control could be disadvantaged by such limitations in the regulations.
- 5.17 Whilst officers explained that it was currently the role of the Fire Authority to monitor the usage of the buildings and issue fire certificates in this regard, they acknowledged that there was due to be a shift in responsibility and the onus would eventually be put onto the owners to ensure they carried out fuller risk assessments that would inform their own fire safety strategies.
- 5.18 Members asked whether Building Control would play a monitoring role during the construction stages of a new build. Officers explained that, as part of the process, Building Control officers would be on site at times during the construction stages. However, it would be the responsibility of another body to carry out that supervisory role.
- 5.19 It was highlighted to the working group that Building Control could challenge the specifications of a new build if they were not happy. However, it was highlighted that Building Control would try to get involved in the early stages of the building process in order to make an informed assessment. Fundamentally, Building Control had to be satisfied with the means of escape for a new building based on the information given by the applicant.



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**Report of the Director of Legal and Democratic Services**

**Full Council**

**Date: 11<sup>th</sup> January 2006**

**Subject: Recommendations of the Corporate Governance and Audit Committee**

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**Electoral Wards Affected:**

All

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

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**Executive Summary**

This report presents to Members recommendations of the Corporate Governance and Audit Committee relating to amendments to the constitution. The recommendations relate to Article 4 of the constitution; the budget and policy framework; Sections 2A and 2B of Part 3 of the constitution; committee terms of reference; schedule 1 of the Members Allowances Scheme.

**1.0 Purpose Of This Report**

1.1 This report presents recommendations made by the Corporate Governance & Audit Committee to Council in respect of amendments to the constitution and asks Members to approve the amendments.

**2.0 Background Information**

2.1 Corporate Governance and Audit Committee's terms of reference authorise the committee to consider proposals to amend the Constitution and make recommendations to full Council.

**3.0 Main Issues**

3.1 The Budget and Policy Framework

The first recommendation within this report was considered by the Corporate Governance and Audit Committee on 26<sup>th</sup> October 2005. The committee report is attached at appendix 1 of this report.



- 3.2 Council is asked to consider an amendment to Article 4 of the Constitution so that the budget and policy framework is amended with the:
- addition of the Children and Young People's Plan;
  - the removal of the Children's Strategy;
  - the removal of the Children's Residential Strategy.

3.3 Licensing Committee and Licensing and Regulatory Panel Terms of Reference

The second recommendation within this report relates to the matter considered by the Corporate Governance & Audit Committee on 21<sup>st</sup> December 2005. The committee report is attached at appendix 2 of this report.

- 3.4 Council is asked to consider an amendment to Sections 2A and 2B of Part 3 of the Constitution, so as to remove the making of alcohol designated places orders from the terms of reference of the Licensing and Regulatory Panel and add this power to the Terms of Reference of the Licensing Committee.

3.5 Members' Allowances

The third recommendation within this report relates to the matter considered by the Corporate Governance & Audit Committee on 21<sup>st</sup> December 2005. The committee report is attached at appendix 3 of this report.

- 3.6 Further to recommendations made by the Independent Remuneration Panel, the Corporate Governance and Audit Committee recommend to Council the adoption of changes to the Members' Allowances Scheme relating to additional payment to Members of the Licensing Committee for attending Licensing Sub-Committees as detailed in Schedule 3 in the attached report.

**4.0 Implications For Council Policy And Governance**

- 4.1 It is part of the Comprehensive Performance Assessment Key Lines of Enquiry that the constitution is kept under review. Amending the constitution in line with current legislation will have a positive impact on the Council's governance.

- 4.2 As set out in the attached reports at appendices 1,2 and 3.

**5.0 Legal And Resource Implications**

- 5.1 As set out in the attached reports at appendices 1, 2 and 3.

**6.0 Conclusions**

- 6.1 The Corporate Governance and Audit Committee are proposing three amendments to the constitution for approval by Council.

## **7.0 Recommendations**

- 7.1 Council is recommended to approve the proposals referred to in paragraphs 3.2, 3.4 and 3.6 above and as set out in the attached appendices.



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**REPORT OF THE CHIEF DEMOCRATIC SERVICES OFFICER**

**MEETING: CORPORATE GOVERNANCE AND AUDIT COMMITTEE**

**DATE : 26<sup>TH</sup> OCTOBER 2005**

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**SUBJECT : THE BUDGET AND POLICY FRAMEWORK**

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**Electoral Wards Affected :**

**Specific Implications For :**

Ethnic Minorities

Women

Disabled People

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**1.0 PURPOSE OF REPORT**

1.1 The purpose of the report is to outline to Members proposed changes to the coverage of the Council's Budget and Policy Framework prior to submission of a report to full Council.

**2.0 BACKGROUND**

2.1 The authority's Budget and Policy Framework is set out in Article 4 of the Council's Constitution. Changes to the Articles must be considered by this Committee, which must make recommendations to full Council on such proposals.

2.2 Regulations issued under the Local Government Act 2000 set out twelve policies which must be included within the Framework. An authority may however include additional policies within its Framework. There are currently a further six policies within the Framework, in addition to those which the authority is required to include.

**3.0 PROPOSED CHANGES**

3.1 The Children and Young People's Plan (England) Regulations 2005 came into force on 1<sup>st</sup> September 2005 and in accordance with these Regulations each authority in England shall prepare and publish a plan (referred to in these Regulations as a Children and Young People's Plan) setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.

3.2 The Children and Young Peoples Plan will:

- Bring together in one document the vision of all agencies for children and young people. This also includes the vision children and young people have for themselves.

- Demonstrate that all agencies are committed to delivering services in a coordinated manner.
- Identify priority areas for all partners to address

3.3 The Budget and Policy Framework Rules set out the process for approving individual policies within the Framework. Approval of the Children and Young People's Plan, if included within the Framework, would therefore be subject to these Rules. Under the Rules the executive must:

- canvass the views of local stakeholders
- publish initial proposals
- refer the initial proposals to the appropriate Scrutiny Board
- consider the reported outcome of the Scrutiny Board
- submit the proposals to Council for consideration

The Council must then consider the proposals and may

- adopt and amend them; or
- refer them back to the executive for further consideration; or
- substitute its own proposals in their place

3.4 Should Members agree to the inclusion of the Plan officers within Social Services consider that the Children's Strategy and the Children's Residential Strategy that are currently in the Budget and Policy Framework should be removed As the Children and Young People's Plan is more appropriate for inclusion.

#### **4.0 RECOMMENDATION**

4.1 The Corporate Governance and Audit Committee is asked, in relation to the Budget and Policy Framework, to recommend to full Council:

- the addition of the Children and Young People's Plan
- the removal of the Children's Strategy
- the removal of the Children's Residential Strategy

## ARTICLE 4 – THE FULL COUNCIL

### 4.1 MEANINGS

#### • Policy Framework

The Policy Framework means the following plans and strategies:

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) 2000 to be adopted by the Council:
- Annual Library Plan <sup>1</sup>
  - Best Value Performance Plan
  - Children and Young Peoples Plan
  - Children's Services Plan<sup>2</sup>
  - Community Care Plan
  - Community Strategy
  - Crime and Disorder Reduction Strategy
  - Development plan documents<sup>3</sup>
  - Early Years Development Plan
  - Education Development Plan
  - Local Transport Plan
  - Plans and alterations which together comprise the Development Plan
  - Youth Justice Plan
- (ii) other plans and strategies adopted by the Council in accordance with ODPM guidance which recommends adoption by the Council as part of the Policy Framework<sup>4</sup>:
- Food Law Enforcement Service Plan
  - The Plan and Strategy which comprise the Housing Investment Programme
  - Corporate Plan
- (iii) other plans and strategies adopted by the Council<sup>5</sup>:
- **Children's Residential Care Strategy 2003-2005 – to be deleted**
  - **Children's Strategy 2002-2005 – to be deleted**
  - Council Plan<sup>6</sup>

Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time.

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<sup>1</sup> Plan no longer required, retained on the Constitution until the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 are amended

<sup>2</sup> Plan no longer required, retained on the Constitution until the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 are amended

<sup>3</sup> Section 15 Planning and Compulsory Purchase Act 2004

<sup>4</sup> In accordance with Schedule 4 of the Regulations

<sup>5</sup> In accordance with Schedule 4 of the Regulations

<sup>6</sup> This is comprised of the annual review of the Council's Corporate Plan and the Best Value Performance Plan.

- **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and setting of virement limits.

- **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

#### 4.2 **FUNCTIONS OF THE FULL COUNCIL**

Only the Council will exercise the following functions:

- adopting and changing the Constitution;
- appointing the Leader;
- all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive, except where those functions have been delegated by the Council;
- all those functions of the full Council set out in Section 2A of Part 3 of the Constitution; and
- all other matters which, by law, must be reserved to the Council.

#### 4.3 **COUNCIL MEETINGS**

There are three types of Council meeting:

- The annual meeting
- Ordinary meetings
- Extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### 4.4 **RESPONSIBILITY FOR FUNCTIONS**

*Article 4 - The Full Council*

The Council will maintain the documents in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.



**REPORT OF DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES COMMITTEE**

**REPORT TO CORPORATE GOVERNANCE AND AUDIT COMMITTEE**

**DATE : 21ST DECEMBER 2005**

**SUBJECT : ALCOHOL DESIGNATED PUBLIC PLACES ORDERS – AMENDMENTS TO CONSTITUTION**

Electoral Wards Affected :	Specific Implications For :
All	Ethnic Minorities <input type="checkbox"/> Women <input type="checkbox"/> Disabled People <input type="checkbox"/>

**1.0 PURPOSE**

1.1 To seek Members' views on proposed amendments to the Council's Constitution to amend the schemes of delegation to the Licensing Committee and the Licensing and Regulatory Panel to allow the Licensing Committee to make alcohol designated public places orders which are currently within the Terms of Reference of the Licensing and Regulatory Panel.

**2.0 BACKGROUND**

2.1 The Corporate Governance and Audit Committee is authorised under its terms of reference to consider proposals to amend the Constitution, and make recommendations to full Council on such proposals.

**3.0 RESPONSIBILITY FOR FUNCTIONS**

3.1 The power to make an order to designate a place as one where alcohol may not be consumed under s13(2) of the Criminal Justice and Police Act 2001 is a Council function under Para 1 of Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000. This power is delegated to the Licensing and Regulatory Panel of the Council as set out in Part 3 Section 2A and 2B of the constitution.

**4.0 THE PROPOSALS**

4.1 The Director of Legal and Democratic Services recommends that changes be made to the delegations to and terms of reference of the Licensing Committee to enable the

Licensing Committee to make an alcohol designated public places order under the powers set out in 3.1 above

- 4.2 This proposal is made in view of the close links between licensed premises and designated areas in any district. In particular there is a need to assess whether there is a history of anti social street drinking, consult licensees in area before a designation order is made and the practice in Leeds has been to seek the support and co-operation of licensees in advertising and promoting the designation. The Licensing Committee has rapidly developed an expertise in alcohol licensing issues and in particular in assessing crime, disorder and anti social behaviour alleged to emanate from licensed premises.
- 4.3 The Terms of Reference of the Licensing Committee already includes the exercise of any functions other than licensing functions under the Licensing Act 2003 which are delegated to it by Council. The Licensing Act 2003 requires the Licensing Committee to be consulted before any such functions are delegated to it. On the 25<sup>th</sup> October 2005 the Licensing Committee considered a report requesting their views on this proposal. The Committee had no objections to such a function being delegated to it.
- 4.4 The proposals will require amendments to Sections 2A and 2B of Part 3 of the constitution. A revised version of the Sections is attached at Appendix 1 for Members to consider.

## **5.0 RECOMMENDATIONS**

- 5.1 Members are asked to recommend to Council that they approve the amendments to Sections 2A and 2B of Part 3 of the constitution so as to remove the making of alcohol designated places orders from the terms of reference of the Licensing and Regulatory Panel and add this power to the Terms of Reference of the Licensing Committee.

## **The Licensing Committee**

With the exception<sup>1</sup> of

- any licensing function<sup>2</sup> reserved to full Council;<sup>3</sup> or
- any licensing function where full Council has referred a matter to another committee,<sup>4</sup>

the Licensing Committee is authorised to discharge<sup>5</sup> the following functions<sup>6</sup>:

1. to discharge the licensing functions of the licensing authority;
2. to discharge any other function of the authority referred to it by full Council;<sup>7</sup>
3. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;<sup>8</sup>
4. To receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.<sup>9</sup>

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<sup>1</sup> In accordance with Section 7(2) of the Licensing Act 2003 (the 2003 Act).

<sup>2</sup> "Licensing functions" mean functions under the Licensing Act 2003 (the 2003 Act).

<sup>3</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>4</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>5</sup> The Committee may arrange for any of its functions to be discharged by one or more sub-committees, or by an officer, subject to the exceptions set out in Section 10(4) of the 2003 Act.

<sup>6</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>7</sup> Full Council may arrange for the Licensing Committee to discharge any function of the authority which relates to a matter referred to the Committee but is not a licensing function (Section 7(3)). It may also refer a matter to the Committee where a matter relates to a licensing function and to a function of the authority which is not a licensing function, and arrange for the Committee to discharge the other function (Section 7(5)(b)). Before exercising this power, the Council must consult with the Committee.

Pursuant to this provision on 12 January 2006 Council delegated to the Licensing Committee the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001

<sup>8</sup> Including recommendations arising from the monitoring of the operation and impact of the licensing policy by the Licensing Committee.

<sup>9</sup> Where the licensing authority exercises its power under Section 7(5)(a) of the 2003 Act the other Committee must consider a report of the Licensing Committee. Where the Council does not make arrangements under Section 7(3), it must (unless the matter is urgent) consider a report of the Licensing Committee with respect to the matter before discharging the function (Section 7(4)).

## **Licensing Sub-Committees**

The Licensing Sub-Committees are authorised to discharge<sup>1</sup> the following functions<sup>2</sup> concurrently<sup>3</sup>:

1. functions<sup>4</sup> under:

- (a) section 18(3) (determination of application for premises licences where representations have been made);
- (b) section 31(3) (determination of application for provisional statements where representations have been made);
- (c) section 35(3)(determination of application for variation of premises licence where representations have been made);
- (d) section 39(3)(determination of application to vary designated premises supervisors following police objection;
- (e) section 44(5)(determination of application for transfer of premises licences following police objection;
- (f) section 48(3)(consideration of police objection made to an interim authority notice);
- (g) section 72(3)(determination of application for club premises certificates where relevant representations have been made;
- (h) section 85(3) (determination of application to vary club premises certificates where representations have been made);
- (i) section 105(2)(decision to give counter notice following police objection to a temporary event notice);
- (j) section 120(7)(determination of application for grant of personal licence following police objection);
- (k) section 121(6)(determination of application for renewal of personal licences following police objection);
- (l) section 124(4)(revocation of licence where convictions come to light after grant or renewal of personal licences);

2. To discharge any other function referred by the Licensing Committee, including making representations to the Licensing Committee in connection with the discharge of its functions.

## **Exceptions**

A Sub Committee is not authorised to discharge functions under paragraph 1 (a) to (e) above where the application relates to an event in the open air, in a temporary structure or where the proposed capacity of the event exceeds 30,000 people.

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<sup>1</sup> With the exception of those functions set out in paragraphs 1 and 2 above, and subject to any direction given by the Licensing Committee, the Licensing Sub-Committees may arrange for any of these functions to be discharged by an officer (Section 10(2) and (5) of the Licensing Act 2003 (the 2003 Act)).

<sup>2</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>3</sup> Section 10(3) of the Act.

<sup>4</sup> Including agreeing whether a hearing is necessary.

## **REGULATORY PANELS**

### **Licensing and Regulatory Panel**

The Licensing and Regulatory Panel is authorised to discharge<sup>1</sup> the following functions:<sup>2</sup>

1. To discharge all Council (non-executive)<sup>3</sup> functions relating to:

(a) licensing and registration functions<sup>4</sup> in respect of:

- (i) caravan sites<sup>5</sup>
- (ii) hackney carriages and private hire vehicles<sup>6</sup>
- (iii) pool promoters<sup>7</sup>
- (iv) track betting licences<sup>8</sup>
- (v) amusement machines<sup>9</sup>
- (vi) lotteries<sup>10</sup>
- (vii) amusements with prizes<sup>11</sup>
- (viii) sex shops and sex cinemas<sup>12</sup>
- (ix) performances of hypnotism<sup>13</sup>
- (x) acupuncture, ear-piercing and electrolysis<sup>14</sup>
- (xi) pleasure boats and vessels<sup>15</sup>
- (xii) market and street trading<sup>16</sup>
- (xiii) game<sup>17</sup>
- (xiv) premises for the preparation of food<sup>18</sup>
- (xv) scrap yards<sup>19</sup>
- (xvi) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals<sup>20</sup>

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<sup>1</sup> With the exception of any licensing function under the Licensing Act 2003, the Panel and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution

<sup>2</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>3</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the 2000 Regulations).

<sup>4</sup> Para. B of Schedule 1 to the 2000 Regulations

<sup>5</sup> Items 1 and 2 of Para. B of Schedule 1 to the 2000 Regulations

<sup>6</sup> Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

<sup>7</sup> Item 6 of Para. B of Schedule 1 to the 2000 Regulations

<sup>8</sup> Items 7 and 8 of Para. B of Schedule 1 to the 2000 Regulations

<sup>9</sup> Item 9 of Para. B of Schedule 1 to the 2000 Regulations

<sup>10</sup> Item 10 of Para. B of Schedule 1 to the 2000 Regulations

<sup>11</sup> Item 11 of Para. B of Schedule 1 to the 2000 Regulations

<sup>12</sup> Item 15 of Para. B of Schedule 1 to the 2000 Regulations

<sup>13</sup> Item 16 of Para. B of Schedule 1 to the 2000 Regulations

<sup>14</sup> Item 17 of Para. B of Schedule 1 to the 2000 Regulations

<sup>15</sup> Item 18 of Para. B of Schedule 1 to the 2000 Regulations

<sup>16</sup> Item 20 of Para. B of Schedule 1 to the 2000 Regulations

<sup>17</sup> Item 23 of Para. B of Schedule 1 to the 2000 Regulations

<sup>18</sup> Item 24 of Para. B of Schedule 1 to the 2000 Regulations

<sup>19</sup> Item 25 of Para. B of Schedule 1 to the 2000 Regulations

<sup>20</sup> Items 29 - 33 of Para. B of Schedule 1 to the 2000 Regulations

### *Council Committees' Terms of Reference*

- (xvii) knackers' yards<sup>1</sup>
- (xviii) the employment of children<sup>2</sup>
- (xix) premises for the solemnisation of marriage<sup>3</sup>
- (xx) charitable collections<sup>4</sup>
- (xxi) operation of loudspeakers<sup>5</sup>
- (xxii) movement and sale of pigs and cattle<sup>6</sup>
- (xxiii) storage of celluloid<sup>7</sup>
- (xxiv) meat product premises and dairy establishments<sup>8</sup>
- (xxv) egg products, butchers and fish products<sup>9</sup>
- (xxvi) auction and wholesale markets<sup>10</sup>
- (xxvii) food business premises<sup>11</sup>
- (xxviii) motor salvage operators<sup>12</sup>

\* Licensing functions under the Licensing Act 2003 in respect of these matters will be discharged by the Licensing Committee from a date to be appointed by the Secretary of State. Between 7 February 2005 and a date to be appointed by the Secretary of State, the Licensing Committee will deal with conversions and variations of premises licenses which will include entertainment licences. However Licensing and Regulatory Panel will continue to deal with new applications for entertainment licenses and requests for immediate variations of an existing licence.

- (b) health and safety at work<sup>13</sup> to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
2. In respect of any approval, consent, licence, permission, or registration which they may grant,
- (a) To impose conditions limitations or restrictions;
  - (b) To determine any terms;
  - (c) To determine whether and how to enforce any failure to comply;
  - (d) To amend, modify, vary or revoke;
  - (e) To determine whether a charge should be made or the amount of such a charge.
3. To discharge any licensing function<sup>15</sup>, where full Council has referred a matter to the Panel.<sup>16</sup>

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<sup>1</sup> Item 34 of Para. B of Schedule 1 to the 2000 Regulations

<sup>2</sup> Item 35 of Para. B of Schedule 1 to the 2000 Regulations

<sup>3</sup> Item 36 of Para. B of Schedule 1 to the 2000 Regulations

<sup>4</sup> Item 39 of Para. B of Schedule 1 to the 2000 Regulations

<sup>5</sup> Item 40 of Para. B of Schedule 1 to the 2000 Regulations

<sup>6</sup> Items 43 – 46 of Para. B of Schedule 1 to the 2000 Regulations

<sup>7</sup> Item 56 of Para. B of Schedule 1 to the 2000 Regulations

<sup>8</sup> Items 57 – 59 of Para. B of Schedule 1 to the 2000 Regulations

<sup>9</sup> Items 60 - 63 of Para. B of Schedule 1 to the 2000 Regulations

<sup>10</sup> Item 66 of Para. B of Schedule 1 to the 2000 Regulations

<sup>11</sup> Items 67-68 of Para. B of Schedule 1 to the 2000 Regulations

<sup>12</sup> Item 71 of Para. B of Schedule 1 to the 2000 Regulations

<sup>13</sup> Para. C of Schedule 1 to the 2000 Regulations

<sup>15</sup> Under the Licensing Act 2003

<sup>16</sup>(Section 7(5)(a) of the Licensing Act 2003). The matter must relate to

- a licensing function of the licensing authority and

- 
- a function which is not a licensing function.

Unless the matter is urgent, the Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7(6)).

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**REPORT OF:** THE CHIEF DEMOCRATIC SERVICES OFFICER  
**REPORT TO:** CORPORATE GOVERNANCE AND AUDIT COMMITTEE  
**DATE :** 21st DECEMBER 2005

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**SUBJECT:** MEMBERS' ALLOWANCES – LICENSING COMMITTEE

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## **1.0 INTRODUCTION**

1.1 This report asks the Corporate Governance and Audit Committee to consider whether it would wish to reconsider its previous recommendations to Council in relation to the payment of allowances to Members of the Licensing Committee.

## **2.0 BACKGROUND**

2.1 It is a function of the full Council to make, amend, revoke or replace the Members' Allowance Scheme which appears as Part 6 of the Council's Constitution. In doing so, Council must first seek recommendations of the Independent Remuneration Panel. Council may, as it considers appropriate, modify, accept or reject the recommendations of the Panel.

2.2 In May 2005, the Council agreed remuneration arrangements which addressed the additional temporary workload for Members of the Licensing Committee, brought about by the Licensing Act 2003. In September 2005, the Independent Remuneration Panel published a further report in relation to the payment of allowances to Members of the Licensing Committee (Appendix A).

2.3 In anticipation of this report being considered by Council on 14<sup>th</sup> September 2005, the Corporate Governance and Audit Committee met on 13<sup>th</sup> September 2005 and resolved to recommend to Council that a modification of the Panel's recommendations be adopted.

2.4 Appendix B presents a summary of the existing provisions for payments to Members of the Licensing Committee, together with details of the recommendations to vary these provisions.

2.5 This matter was not considered at the September meeting of Council and the matter was put back for consideration at the January 11<sup>th</sup> meeting in order for the full effect of the bulge in licensing applications to be assessed.



- 2.6 It should be noted that, in October 2005, all Members' Allowances were adjusted for inflation. For ease of comparison, all figures detailed in the appendices to this report are calculated on the basis of pre October 2005 levels of remuneration.

### **3.0 SUBSEQUENT DEVELOPMENTS**

- 3.1 At the time that this matter was last considered by the Corporate Governance and Audit Committee in September, it was not possible to determine with any accuracy, the likely pattern of workloads and consequent remuneration for Licensing Committee Members. Whilst it is still not possible to provide a definitive assessment of eventual workloads, it is now possible to provide a reasonable estimate, which is detailed at Appendix C.

### **4.0 RECOMMENDATION**

- 4.1 The Corporate Governance and Audit Committee is asked to consider what recommendations it would like to make to full Council with regard to the report of the Independent Remuneration Panel.

# LEEDS CITY COUNCIL

## Report of Panel on Members' Allowances

September 2005

### Introduction

1. The Independent Panel on Members' Allowances was appointed by the Council to make recommendations on Members' Allowances in accordance with relevant Regulations and the Government's statutory guidance. The Panel comprises Rodney Brooke CBE (Chair), Trevor Nuttall and Carolyn Stephenson.
2. The Panel issued its first report in May 1999. It updated its recommendations in October 2002 following new Government guidance. The Council adopted those recommendations with modifications. It made further recommendations in October 2003 and June 2004, which again were accepted with modifications.
3. In May 2005, the Panel made a number of further recommendations, principally arising out of the transfer of alcohol licensing functions from the Magistrates to the Council by the Licensing Act 2003. The Council accepted the recommendations of the Panel on 23 May 2005

### Background

4. The report of May 2005 set out the background to the present report. Applications to convert or vary an alcohol licence had to be made by 6 August 2005. This transitional phase of transfer of alcohol licensing is recognised nationally as being of crisis proportions, because of the number of applications that must be handled in a very tight timeframe. The problem is particularly acute in Leeds, given the City's pre-eminence as a regional centre of entertainment. The May report explained the very substantial workload that would fall on members of the Council's Licensing Committee as a result.
5. The 2003 Act restricts the number of councillors involved to fifteen. Licensing Sub-Committees (each consisting of three members of the Licensing Committee) must hold a hearing where representations are made in respect of applications. Their workload must be discharged over a very limited period, basically the last four or five months of 2005. In May it was expected that Licensing Sub-Committees would have to sit on Mondays, Wednesdays and Fridays. It was planned that two sub-committees would sit simultaneously and that their meetings would last all day. They would be programmed to hold three hearings in the morning and three in the afternoon. Such a workload falls well outside what can reasonably be expected from councillors as part of the normal course of their duties.

6. Because of this wholly exceptional temporary workload, the Panel in May recommended the payment of a special responsibility allowance to all members of the Licensing Committee of £513. Bearing in mind the potential variation of workload between members of that Committee, the panel also recommended that any member attending Licensing Sub-Committees on between 11 and 15 days or part days be allocated an additional special responsibility allowance of £513; those attending on between 16 and 20 days or part days be allocated a further £513; and those attending on 21 or more days or part days be allocated a further £513. The Panel recommended that these special responsibility allowances should be paid during the 2005-06 municipal year only and that they be in addition to any other special responsibility allowances to which the members were entitled.

### **The present situation**

7. With the expiry of the 6 August 2005 deadline, the actual extent of the workload imposed on the members of the Licensing Committee has become clearer. The majority of applications (92%) have now been made, 45% in the last two weeks. It is now apparent that even the intensive schedule planned will not be sufficient to cope with the number of hearings required. Licensing Sub-Committees have now been programmed on Tuesdays and Thursdays, as well as Mondays, Wednesdays and Fridays. They are now expected to deal with five applications in the morning and five in the afternoon.
8. Understandably not all members of the Licensing Committee can make a full input to such a punishing schedule. Members with employment or other commitments are often able only to set aside half days for their licensing duties. For other members, alcohol licensing has become almost a full-time, albeit temporary, commitment. The Chair of the Licensing Committee and others frequently fill in gaps to make the Sub-Committees quorate. They are obliged to set aside what is left of their spare time to their other Council duties.
9. Given its new knowledge of this extraordinary situation, the Panel believes that its original proposals on remuneration for those taking part in the alcohol licensing function must be extended. When it met in May, it was not expected that any one member would have to sit on more than 25 days. It was not expected that the Chair would have to undertake the 'reserve' role that has fallen upon him: he has already (2 September) had to sit on fifteen days. There was in May incomplete recognition of the distinction between members who can set aside only half days and those who are able to make themselves more generously available.
10. To recognise that some members might well attend on more than 25 days, the Panel proposes that the incentive payments it recommends extend beyond 25 days. In particular – recognising the distinction between members able to offer only half days and those who can make themselves available for the whole day – it believes that, as from 5 September 2005, those who can offer an entire day be given a further incentive. This should be an additional 50% of the normal special responsibility allowance for between 16 and 20 whole days and double the normal special responsibility allowance for every further five whole days. Thus a member able to devote 35 whole days in the short time scale necessary (every weekday for seven weeks) would receive £4,873.50. The proposed commencement date of 5 September

relates only to definition of 'whole days', ie days or part days worked before that date will be included in the cumulative total as whole days. The Panel also believes that the special contribution of the Chair to meeting this crisis should be recognised. The need for him to be such a constant member of Licensing Sub-Committees is not adequately recognised by his present special responsibility allowance of £6,380. Taking these considerations into account, the Panel recommends that the scheme for members of the Licensing Committee attending Licensing Sub-Committees be amended to read as follows:

## **11. Recommendations**

- (a) A flat rate special responsibility allowance of £513 should be paid to members of the Licensing Committee (unchanged).**
- (b) In addition to the flat rate, members of the Licensing Committee attending Licensing Sub-Committees on between 11 and 15 days or part days should receive an additional special responsibility allowance of £513. Members attending Licensing Sub-Committees on between 16 and 20 days or part days should receive a further £513. Members attending Licensing Sub-Committees on between 21 and 25 days or part days should receive a further £513. For every additional five days or part days attended, members should receive a further £513.**
- (c) In addition to the special responsibility allowances set out in (a) and (b) above, as from 5 September 2005, members allocating between 16 and 20 whole days for attendance at the Licensing Sub-Committees (even if in the event meetings do not extend for the whole day) should receive a further additional special responsibility allowance of £256.50; for between 21 and 25 whole days a further additional special responsibility allowance of £513; and for every additional five whole days a further additional special responsibility allowance of £513.**
- (d) In addition to his special responsibility allowance as chair of the Licensing Committee, the chair should receive an additional special responsibility allowance of £513 for attending Licensing Sub-Committees on between 16 and 20 days or part days; an additional special responsibility allowance of £513 for attending Licensing Sub-Committees on between 21 and 25 days or part days; and for every additional five days or part days attended, he should receive a further special responsibility allowance of £513.**
- (e) The special responsibility allowances payable to members of the Licensing Committee should be made in the 2005-06 municipal year only but they should be additional to any other special responsibility allowances to which those members are entitled (unchanged).**

**Rodney Brooke  
Trevor Nuttall  
Carolyn Stephenson**

**5 September 2005**

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**Schedule 1 – Current Remuneration Arrangements**

Days	Committee Members	Committee Chair
0-5	£513	£0
6-10	£513	£0
11-15	£1,026	£0
16-20	£1,539	£0
21-25	£2,052	£0
26-	No further payments	£0

**Schedule 2 – Recommendations of the Independent Remuneration Panel**

Days	Committee Members (Days or part days)	Committee Members (Whole days only)	Committee Chair
0-5	£513	£513	£0
6-10	£513	£513	£0
11-15	£1,026	£1,026	£0
16-20	£1,539	£1,795.5	£513
21-25	£2,052	£2,821.5	£1,026
26-30	£2,565	£3,847.5	£1,539
31-35	£3,078	£4,873.5	£2,052
36-40	£3,591	£5,899.5	£2,565

**Schedule 3 – Recommendations of the Corporate Governance and Audit Committee**

Days	Committee Members (Days or part days)	Committee Members (Whole days only)	Committee Chair
0-5	£513	£513	£1,026
6-10	£513	£513	£1,026
11-15	£1,026	£1,026	£1,026
16-20	£1,539	£1,539	£1,026
21-25	£2,052	£2,052	£1,026
26-30	£2,565	£3,078	£1,026
31-35	£3,078	£4,104	£1,026
36-	No further payments	No further payments	No further payments

## Notes

- a) A maximum number of 40 meetings has been assumed although, within Schedule 2, an additional payment would be made for every block of 5 meetings beyond this number
- b) The Special Responsibility Allowance for the Chair of the Licensing Committee is not included in any of the above calculations.

### Estimated Pattern of Payments Members

No of Meetings	No of Members	Payments under Schedule 1 (£ payment per Member)	Payments under Schedule 2 (£ payment per Member)	Payments under Schedule 3 (£ payment per Member)
0-5	0			
6-10	0			
11-15	1	£1,026 (€1,026)	£1,026 (€1,026)	£1,026 (€1,026)
16-20	0			
21-25	2	£4,104 (€2,052)	£5,643 (€2,821.5)	£4,104 (€2,052)
26-30	2	£4,104 (€2,052)	£7,695 (€3,847.5)	£6,156 (€3,078)
31-35	4	£8,208 (€2,052)	£19,494 (€4,873.5)	£16,416 (€4,104)
36-40	5	£10,260 (€2,052)	£29,497.5 (€5,899.5)	£20,520 (€4,104)
Total Payments		£27,702	£63,355.5	£48,222

### Estimated Pattern of Payments to Chair

No of Meetings	Payments under Schedule 1	Payments under Schedule 2	Payments under Schedule 3
36-40	£0	£2,565	£1,026

### Estimated Total Expenditure

Total Payments under Schedule 1	Total Payments under Schedule 2	Total payments under Schedule 3
£27,702	£65,920.5	£49,248

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**Report of the Director of Legal and Democratic Services**

**Council**

**Date:** 11<sup>th</sup> January 2006

**Subject:** Council's Statement of Licensing Policy – Cumulative Impact Policy for Chapel Allerton

**Electoral Wards Affected:**

Chapel Allerton

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

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**Executive Summary**

This report is to bring to the attention of Council the recommendation of the North East Inner Area Committee regarding the proposed introduction of a Cumulative Impact Policy for the Chapel Allerton area of the City, the practical effect of which would be to allow the Council, as Licensing Authority, to refuse any new licence applications for pubs, clubs, bars, café bars and restaurants in the specified area, unless the applicant can demonstrate that the proposal will not add to the impact of the current number of licensed establishments already in the area.

**1.0 Purpose Of This Report**

To request Council to consider approving an Addendum to its Licensing Policy Statement, the effect of which would be to introduce a Cumulative Impact Policy for a designated part of the Chapel Allerton area of the City, as defined on the map accompanying this report.

**2.0 Background Information**

Over the past year, the North East Inner Area Committee, which covers the Wards of Moortown, Roundhay and Chapel Allerton, has considered several reports regarding the proposed introduction of a Cumulative Impact Policy for a designated part of the Chapel Allerton area, and has considered the results of the formal public consultation exercise carried out in this regard.

### **3.0 Main Issues**

The main issues are identified in the reports of the Director of Legal and Democratic Services submitted to the 17<sup>th</sup> October and 5<sup>th</sup> December 2005 meetings of the North East Inner Area Committee, and these reports, together with the relevant minutes of those meetings, are available from **Ian Walton**, Chief Executive's Department, on **Leeds 2474350**.

### **4.0 Implications For Council Policy And Governance**

The recommendation of the Area Committee, which Council is being asked to approve, will require an amendment to the Council's previously agreed Licensing Policy Statement by the addition of a proposed Addendum, the effect of which is to introduce a Cumulative Impact Policy for the designated area of Chapel Allerton.

### **5.0 Legal And Resource Implications**

The legal implications of adopting such a policy are set out in the reports to the Area Committee. When Council approved the Statement of Licensing Policy in January 2005 the policy included a commitment to review the cumulative impact policy six months after the second appointed date i.e. by May 2006. If Council is minded to approve a further cumulative impact policy for Chapel Allerton and, in the light of the review of the statutory guidance which is ongoing, it is recommended that this review now take place in November 2006.

The resource implications are minimal as the decision will only require the production and publication of a four page insert to the Statement of Licensing Policy.

### **6.0 Conclusions**

Following comprehensive evidence gathering and public consultation exercises in respect of this proposed Policy, the North East Inner Area Committee are strongly in favour of the proposal.

### **7.0 Recommendations**

That Council be recommended to approve the proposed Addendum to the Council's Licensing Policy Statement, the effect of which will be to introduce a Cumulative Impact Policy for a designated area of Chapel Allerton and review all cumulative impact policies in November 2006.