

**A meeting of the Council will be held in the Civic Hall, Leeds on Wednesday, 19th November, 2008 at 1.30 pm**

**Members of the Council are invited to attend and transact the following business:**

**1. Minutes**

To confirm the minutes of the Council Meetings held on 10<sup>th</sup> September 2008

**2. Declarations of Interest**

To receive any declarations of interest from Members

**3. Communications**

To receive such communications as the Lord Mayor, the Leader, Members of the Executive Board or the Chief Executive consider appropriate

**4. Deputations**

To receive deputations in accordance with Council Procedure Rule 10

**5. Reports**

To consider the following report admitted to the agenda by the Chief Executive under Council Procedure Rule 2.2(f))

- a) That the report of the Assistant Chief Executive(Corporate Governance) on appointments be approved.

**J PROCTER**

**6. Questions**

To deal with questions in accordance with Council Procedure Rule 11

**7. Recommendations of the Executive Board**

To consider the report of the Assistant Chief Executive(Corporate Governance) presenting to Council a recommendation of the Executive Board in respect of the Financial Health Monitoring 2008/09 – Half Year Report.

**R BRETT**

## **8. Recommendations of the Constitutional Proposals Committee**

To consider the report of the Assistant Chief Executive(Corporate Governance) on recommendations of the Constitutional Proposals Committee in relation to the establishment of a General Purposes Committee, procedures for changing the form of the executive and amendments to the Call In process.

**R BRETT**

## **9. Minutes**

To receive the minutes in accordance with Council Procedure Rule 2.2(o)

## **10. White Paper - Regional Spatial Strategy**

That this Council believes that the Regional Spatial Strategy (RSS) targets of 4740 should be suspended with immediate effect due to the economic challenges this city currently faces.

This Council notes the housing crisis in this city and resolves to look at innovative ways of tackling this problem by adopting a plan of action that includes:-

- Approaching local developers to see whether unsold properties can be leased by the local authority or local housing associations.
- Working with local housing associations to ensure they maximise Leeds' share of the funding available through the Government's recent rescue package.
- Working with owners of empty flats in the city centre to bring them into use for key workers and others in housing need.
- Ensuring owner occupiers at risk of losing their homes receive high quality advice, including warnings about unscrupulous finance companies.
- Lobbying central government to introduce more security and tenant protection in the private rented sector.

**R LEWIS**

## **11. White Paper Motion - Policing Green Paper**

That this Council notes with concern recommendations in the policing green paper which propose the direct election of individuals specifically and uniquely for the purpose of joining the Police Authority.

The Council recognises that increased police accountability and scrutiny will promote greater public confidence in both local and national policing. However, the Council also recognises that councillors play a vital role in establishing visible links between local people and the police, and do so with a thorough knowledge of wider neighbourhood issues.

We therefore call upon the Chief Executive to write to the Home Secretary and express that we are:

- Opposed to the election of individuals specifically for the purpose of joining the police authority as referred to in the green paper.
- Concerned that joined up approaches to tackling neighbourhood issues will

be undermined if individually elected bodies become responsible for single local authority departments.

- Convinced that councillors on the Police Authority play a vital role in representing the views of local people on a real range of issues.

**R LEWIS**

**12. White Paper Motion - Strategic Housing Land Availability Assessment**

This council expresses its concern at the Government imposed requirement for all Local Planning Authorities to compile a Strategic Housing Land Availability Assessment – Call for sites (SHLAA).

Noting Government advice, Local Planning Authorities cannot exclude green belt, greenfield sites or any other land protected by Council policy from the assessment.

This Council reinforces its commitment to vigorously protect its green heritage and to continue working within its established planning policies. It condemns the enforced stealth tactics employed by the Government which seeks to undermine the local planning policy which protects such areas of land and calls on the Government to reassess its unsustainable housing targets.

This council is also concerned that the SHLAA will raise false aspirations and may be misinterpreted by some that all land contained can be potentially built upon. Therefore the SHLAA for Leeds must state that it's contents will not determine land allocated for housing development or undermine the Council's pre-approved policies.

**A CARTER**

**13. White Paper Motion - Backdating of Housing and Council Tax Benefit and Tax Credits**

This Council deplores the decision implemented on 6th October 2008 to reduce the 12 months period previously allowed for the backdating of Housing and Council Tax Benefits and Tax Credits.

It, therefore, requests the Chief Executive to:

- 1) Write to the Secretary of State for Works & Pensions requesting that the decision is reversed.
- 2) Write to all Leeds MPs urging them to support our call for this reversal.

**A BLACKBURN**

**14. White Paper Motion Submitted Under the Provisions of Council Procedure Rule 3.1(d) - Leeds Rhinos**

That this Council congratulates both players and staff of Leeds Rhinos' on their historic two in a row Grand Final success.

Furthermore this Council underlines its commitment to providing the Rhinos with a Civic celebration worthy of their achievements at a suitable time for all parties.

**K PARKER**

**15. White Paper Motion Submitted Under the Provisions of Council Procedure Rule 3.1(d) - Minimum Size Standards for Family Homes**

This Council notes with concern that England and Wales are the only countries in Western Europe without minimum size standards for family homes. This has led to British Social Housing being on average 30% smaller than the equivalent on the continent. This council calls upon the government to introduce minimum size standards in Britain for family homes.

**J MONAGHAN**

Chief Executive

Civic Hall  
Leeds  
LS1 1UR

NOTE – The order in which White Paper motions will be debated will be determined by Whips prior to the meeting

Proceedings of an Extraordinary Meeting of the Leeds City Council held at the  
Civic Hall, Leeds on Wednesday, 10th September, 2008

**PRESENT:** The Lord Mayor Councillor Frank Robinson 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**

Angela Gabriel  
Adam Ogilvie  
David Congreve

**BRAMLEY & STANNINGLEY**

Ted Hanley  
Neil Taggart

**BURMANTOFTS & RICHMOND HILL**

Ralph Pryke  
Richard Brett  
David Hollingsworth

**WARD**

**CALVERLEY & FARSLEY**

Andrew Carter  
Joseph William Marjoram  
Frank Robinson

**CHAPEL ALLERTON**

Eileen Taylor  
Mohammed Rafique  
Jane Dowson

**CITY & HUNSLET**

Elizabeth Nash  
  
Mohammed Iqbal

**CROSS GATES & WHINMOOR**

Suzi Armitage  
Pauleen Grahame  
Peter John Gruen

**FARNLEY & WORTLEY**

David Blackburn

**GARFORTH & SWILLINGTON**

Andrea McKenna  
Mark Dobson

**GIPTON & HAREHILLS**

Alan Leonard Taylor  
Arif Hussain  
Roger Harington

**GUISELEY & RAWDON**

Graham Latty  
Stuart Andrew  
John Bale

**HAREWOOD**

Ann Castle  
Rachael Procter  
Alec Shelbrooke

**HEADINGLEY**

Jamie Matthews  
James John Monaghan  
Martin Hamilton

**HORSFORTH**

Christopher Townsley  
Andrew Barker

**HYDE PARK & WOODHOUSE**

Penny Ewens  
  
Linda Valerie Rhodes-Clayton

**KILLINGBECK & SEACROFT**

Graham Hyde  
Veronica Morgan  
Brian Michael Selby

**KIPPAX & METHLEY**

John Keith Parker  
James Lewis  
Keith Ivor Wakefield

**KIRKSTALL**

Lucinda Joy Yeadon  
John Anthony Illingworth  
Bernard Peter Atha

**MIDDLETON PARK**

Geoffrey Driver  
Judith Blake  
Debra Ann Coupar

**MOORTOWN**

Brenda Lancaster  
Richard Harker

**MORLEY NORTH**

Robert Finnigan  
Robert William Gettings  
Thomas Leadley

**MORLEY SOUTH**

Judith Elliot  
Terrence Grayshon  
Christopher James Beverley

**OTLEY & YEADON**

Graham Peter Kirkland  
Colin Campbell

**PUDSEY**

Josephine Patricia Jarosz  
Richard Alwyn Lewis  
Mick Coulson

**ROTHWELL**

Donald Michael Wilson  
  
Barry Stewart Golton

**ROUNDHAY**

Matthew Loble  
Valerie Kendall  
Paul Wadsworth

**TEMPLE NEWSAM**

William Schofield Hyde  
Jacqueline Langdale  
Michael Lyons

**WEETWOOD**

Ben Chastney  
Susan Bentley  
Judith Mara Chapman

**WETHERBY**

Gerald Wilkinson  
Alan James Lamb  
John Michael Procter

**29 Appointment of Honorary Aldermen**

It was moved by Councillor Brett seconded by Councillor Wakefield and supported by Councillors A Carter, Leadley and D Blackburn and

**RESOLVED UNANIMOUSLY-** That under Section 249(1) of the Local Government Act 1972, the Council admit the following former Councillors of the Leeds City Council to be Honorary Aldermen of the City in recognition of the long and distinguished public service rendered by them:

Elizabeth Minkin  
Donald Townsley  
Professor Bill Winlow

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Jack Dunn  
Lisa Mulherin

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James McKenna  
Janet Harper

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Adam Ogilvie  
David Congreve

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Angela Denise Atkinson  
Ted Hanley  
Neil Taggart

**BURMANTOFTS & RICHMOND HILL**

Ralph Pryke  
Richard Brett  
David Hollingsworth

**WARD**

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Andrew Carter  
Joseph William Marjoram  
Frank Robinson

**CHAPEL ALLERTON**

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Mohammed Rafique  
Jane Dowson

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Elizabeth Nash  
Patrick Davey  
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Susan Bentley  
Judith Mara Chapman

**WETHERBY**

Gerald Wilkinson  
Alan James Lamb  
John Michael Procter

**30 Announcements**

- (a) Council noted with regret the death of Leeds' soldier Signaller Wayne Bland on service in Afghanistan.
- (b) The Lord Mayor congratulated Councillor Shelbrooke on his recent engagement to be married.
- (c) The Lord Mayor congratulated Councillor Atha on his recent eightieth birthday.

**31 Minutes**

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

**RESOLVED** – That the minutes of the Council meeting held on 2<sup>nd</sup> July 2008 be approved.

**32 Declarations of Interest**

The Lord Mayor announced that a list of written declarations submitted by Members was 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 Practice were made as follows:

- (a) Members declared personal interests in minute 37 of this meeting as follows:

A Taylor	- Governor of Harehills Primary School
Pryke	- Member of the Regional Flood Defence Committee
Beverley	- Close relative employed in a Council Sports Centre

- (b) Members declared personal interests in minute 40(a) of this meeting as follows:

Anderson	- Director Green Leeds Ltd
	- Member, Regional Planning Forum
	- Member Regional Planning Board
Bale	- Chartered Institute of Building, Member, Board of Trustees
	- Society for the Environment (Chartered Environmentalist)
Fox	- St Aidan's Trust Fund and Trust Land Advisory Committee
	- Public Rights of Way Forum
J Procter	- The Country Landowners Association
A Blackburn	- Director of West North West Homes

- (c) Members declared personal interests in minute 38 of this meeting as follows:

D Blackburn	- Mother in receipt of social care
A Blackburn	- Mother-in-law in receipt of social care

Anderson	- Observer of management committee of Older People's Action in the Locality
R Feldman	- Leeds Jewish Care Services
P Harrand	- Member, Moor Allerton Elderly Care
Kendall	- Community Action for Roundhay Elderly Management Committee
Lobley	- Chairman, Community Action for Roundhay Elderly Management Committee
Brett	- Member of Burmantofts Senior Action Management Committee
Hollingsworth	- Member of Richmond Hill Elderly Action Management Committee
Lancaster	- Vice Chair of Meanwood Elderly Neighbourhood Action
A Taylor	- Member of Action for Gipton Elderly

Councillor A D Atkinson declared a personal and prejudicial interest in the same minute as a recipient of home care.

- (d) Members declared personal interests in minute 40(b) of this meeting as follows:

Anderson	- Member, Leeds Initiative – Skills and Economy Partnership
Bale	- Member, Sir Ian Dixon Trust
J L Carter	- The Learning Disability Partnership Board
Fox	- Member, Local Construction and Training Agency
Harrand	- Roseville Enterprises Ltd Board of Management
	- Leeds Learning Disabilities Partnership Board

- (e) Members declared personal interests in minute 41 of this meeting as follows:

Andrew	- Member – Cycling Consultative Forum
R Feldman	- Yorkshire Indoor Cricket School
Wilkinson	- Leeds Sports Federation

- (f) A further declaration made during the meeting is referred to in minute 37 (Councillor Illingworth)

### **33 Deputations**

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

- 1 Local Hyde Park Residents Regarding the Need of Local Schools and Community for Extra Sports Facilities
- 2 Cats Protection Regarding the Enabling of Council Tenants to have their Cats Neutered
- 3 National Federation of the Blind – Leeds Branch- Regarding the Prevention of Development of Shared Spaces

- 4 Leeds Mencap Regarding the Future of the Organisation
- 5 Spenhill Residents Association Regarding the Protection of Butcher Hill Playing Fields and Surrounding Land

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

### 34 Reports

Reports admitted to the agenda in accordance with Council Procedure Rule 2.2(f) were considered as follows:

(a) Appointments

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

**RESOLVED** – That the report of the Assistant Chief Executive (Corporate Governance) on appointments be approved.

(b) Members Allowances

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

**RESOLVED** – That the report of the Chief Democratic Services Officer on amendments to the Members' Allowances Scheme be approved.

### 35 Questions

1 Councillor Taggart to the Leader of Council

Would the Leader of Council please tell us how much he raised for Looked after Children by completing this years Leeds 10k run?

The Leader of Council replied

2 Councillor Hollingsworth to the Executive Member (Environmental Services)

Would the Executive Board Member with responsibility for Environmental Services care to comment on Leeds City Council's recent record on recycling?

Councillor Matthews replied on behalf of the Executive Member (Environmental Services)

3 Councillor W Hyde to the Executive Member (Learning)

Would the Executive member with responsibility for youth services please explain the details and the reasoning behind the increase in ward allocations for youth services across the city?

Councillor Lamb replied on behalf of the Executive Member (Learning)

- 4 Councillor D Blackburn to the Executive Member (Environmental Services)

Can the Executive Member for Environmental Services explain the repeated failure of the black bin collection on certain roads within the Greenhill, Highfield, Kellett, Kirkdale, Leysholme and Silver Royd areas of the Farnley and Wortley Ward.

Councillor Matthews replied on behalf of the Executive Member (Environmental Services)

- 5 Councillor Beverley to the Leader of Council

Would the Leader of Council please tell us his views on the decision of the Leeds Primary Care Trust to deny TB vaccinations to children of English ethnic origin in Leeds high schools?

The Leader of Council replied

- 6 Councillor Gruen to the Executive Member (City Development)

Could the Executive Board Member for City Development please tell us whether he is 'sick of paying tax to support imported spongers'?

The Executive Member (City Development) replied

- 7 Councillor Ewens to the Executive Member (Learning)

Would the Executive Board Member with responsibility for Learning agree with me that this year's GCSE and A-Level results are due to the hard work of the candidates and the staff who taught them?

The Executive Member (Learning) replied

- 8 Councillor Wadsworth to the Executive Member (Leisure)

Could the Executive Board Member for Leisure comment on the recently announced appointment of an operator for Roundhay Mansion?

The Executive Member (Leisure) replied

- 9 Councillor Mulherin to the Executive Member (Children's Services)

Would the Executive Board Member for Children's Services agree with me that the Every Child Matters Agenda is possibly the biggest challenge this Council has ever faced?

The Executive Member (Children's Services) replied

10 Councillor Lancaster to the Executive Member (Children's Services)

Will the Executive Board Member for Children's Services make a statement about the Innovation Fund?

The Executive Member (Children's Services) replied

11 Councillor Wilson to the Executive Member (Learning)

Could the Executive Board Member with responsibility for Learning assure us that this year's Key Stage 2 and Key Stage 3 results are now an accurate reflection of how our young people performed?

The Executive Member (Learning) replied

12 Councillor Lyons to the Executive Member (Environmental Services)

Can the Executive Member for City Services please tell me where his administration plans to site their proposed incinerator?

Councillor Matthews replied on behalf of the Executive Member (Environmental Services)

13 Councillor Chastney to the Leader of Council

Can the Executive Member for the Central and Corporate portfolio please advise council of developments within Human Resources about tackling sickness absence management?

The Leader of Council replied.

At the conclusion of Question Time the following questions 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:

14 Councillor Shelbrooke to the Executive Member (Leisure)

15 Councillor Coupar to the Executive Member (Neighbourhoods and Housing)

16 Councillor Blake to the Leader of Council

17 Councillor Lowe to the Leader of Council

18 Councillor Armitage to the Executive Member (Health and Adult Social Care)

19 Councillor J Lewis to the Leader of Council.

### 36 **Recommendations of the Executive Board**

#### (a) Key Decision Taken Under Special Urgency Provisions

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

**RESOLVED** - That the report of the Assistant Chief Executive (Corporate Governance) on a Key Decision Taken Under Special Urgency Provisions, as submitted to the Executive Board on 16<sup>th</sup> July

2008, be accepted as the quarterly report in accordance with Access to Information Procedure Rule 16.3.

(b) Revision of Byelaws for Pleasure Grounds, Public Walks and Open Spaces

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

**RESOLVED** - That the report of the Assistant Chief Executive (Corporate Governance) on the revision of byelaws for pleasure grounds, public walks and open spaces be approved.

**37 Minutes**

It was moved by Councillor Brett seconded by Councillor J Procter

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

An amendment (reference back) was moved by Councillor Wakefield seconded by Councillor Blake

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

“but to ask the Executive Board to reconsider the decision in relation to the Draft Vision for the Council’s Leisure Centres and Proposals for Future Provision for Public Consultation as contained in minute 74 of the Executive Board minutes of the 2<sup>nd</sup> September 2008’.

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

**RESOLVED** – That the minutes submitted to Council in accordance with Council Procedure Rule 2.2(o) be received.

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

**YES**

Armitage, ,Atha, Atkinson, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harington, Harper, A Hussain, G Hyde, Illingworth, Iqbal, Jarosz, Langdale, J Lewis, R Lewis, Lowe, Lyons, A McKenna, J McKenna, Morgan, Mulherin, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, E Taylor, Wakefield, Yeadon

**42**

**NO**

Anderson, Andrew, Bale, Barker, Bentley, Brett, Campbell, A Carter, J L Carter, Castle, Chapman, Chastney, Cleasby, Downes, Elliott, Ewens, Mrs R Feldman, R D Feldman, Finngan, Fox, Gettings, Golton, Grayshon, Hamilton,



Harker, Harrand, Hollingsworth, K Hussain, W Hyde, Kendall, Kirkland, Lamb, Lancaster, Latty, Leadley, Lobley, Marjoram, Matthews, Monaghan, J Procter, R Procter, Pryke, Rhodes-Clayton, Shelbrooke, A Taylor, Townsley, Wadsworth, Wilkinson, Wilson

**49**

## **ABSTAIN**

A Blackburn, D Blackburn

**2**

Council Procedure Rule 4 providing for the winding up of business was applied prior to all notified comments on the minutes having been debated.

(During discussion of the minutes Councillor Illingworth declared a personal interest in minute 81 of the Executive Board minutes of 2<sup>nd</sup> September 2008 as a Director of Kirkstall Valley Park)

(The meeting was suspended at 5.05 pm and resumed at 5.35 pm)

### **38 White Paper Motion - Proposed Increases in Charges for Community Care Services**

It was moved by Councillor Coupar seconded by Councillor Armitage

That this Council notes with serious concern the performance of Adult Social Care and the proposed increases in charges for community care services, which could see people unfairly charged an extra £170 per week for services they already receive.

This Council therefore calls upon the Adult Social Care Department to review all alternative sources of funding to prevent this disgraceful tax on the elderly.

An amendment was moved by Councillor Harrand seconded by Councillor Lancaster

Delete all after “This Council notes with serious concern” and insert:

“the continuing government under-funding of adult social care, not only nationally but specifically in Leeds.”

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

**RESOLVED** – That this Council notes with serious concern the continuing government under-funding of adult social care, not only nationally but specifically in Leeds.

On the requisition of Councillors Gruen and Taggart the voting was recorded as follows:

On the amendment

**YES**

Anderson, Andrew, Bale, Barker, Bentley, Brett, Campbell, A Carter, J L Carter, Castle, Chapman, Chastney, Cleasby, Downes, Elliott, Ewens, Mrs R Feldman, R D Feldman, Finnigan, Fox, Gettings, Golton, Grayshon, Hamilton, Harker, Harrand, Harris, Hollingsworth, W Hyde, Kendall, Kirkland, Lamb, Lancaster, Latty, Leadley, Lobley, Marjoram, Matthews, Monaghan, J Procter, R Procter, Pryke, Rhodes-Clayton, Shelbrooke, A Taylor, Townsley, Wadsworth, Wilkinson, Wilson

**49**

**NO**

Armitage, Atha, A Blackburn, D Blackburn, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harington, Harper, A Hussain, G Hyde, Illingworth, Iqbal, Jarosz, Langdale, J Lewis, R Lewis, Lowe, Lyons, A McKenna, J McKenna, Morgan, Mulherin, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, E Taylor, Wakefield, Yeadon

**43**

**ABSTAIN**

Beverley

**1**

On the substantive motion

**YES**

Anderson, Andrew, Bale, Barker, Bentley, Beverley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Castle, Chapman, Chastney, Cleasby, Downes, Elliott, Ewens, Mrs R Feldman, R D Feldman, Finnigan, Fox, Gettings, Golton, Grayshon, Hamilton, Harker, Harrand, Harris, Hollingsworth, W Hyde, Kendall, Kirkland, Lamb, Lancaster, Latty, Leadley, Lobley, Marjoram, Matthews, Monaghan, J Procter, R Procter, Pryke, Rhodes-Clayton, Shelbrooke, A Taylor, Townsley, Wadsworth, Wilkinson, Wilson

**52**

**NO**

Armitage, Atha, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harington, Harper, A

Hussain, G Hyde, Illingworth, Iqbal, Jarosz, Langdale, J Lewis, R Lewis, Lowe, Lyons, A McKenna, J McKenna, Morgan, Mulherin, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, E Taylor, Wakefield, Yeadon

## **41**

(Having declared a personal and prejudicial interest Councillor Atkinson left the meeting during the discussion and voting on this matter)

### **39 White Paper Motion - Members' Allowances**

It was moved by Councillor Finnigan seconded by Councillor D Blackburn

That Council agrees to freeze all Councillors allowances for the next two years.

Under the provisions of Council Procedure Rule 14.10 leave of Council was given to alter the final paragraph of the amendment as notified by the addition of the words "to instruct officers to investigate whether" and it was moved by Councillor Gruen seconded by Councillor Taggart

Delete all after 'this council' and replace with

"recognises the excellent work of the Independent Remuneration Panel thanks them for their efforts and notes their recommendations. Council furthermore understands the need for pay restraint and with this in mind Council resolves to not increase basic allowances for Councillors beyond the settlements that are agreed with Council staff.

Finally council resolves to instruct officers to investigate whether any increases to allowances could only be paid to Councillors who can prove they live or work within the city's boundaries."

Upon being put to the vote both the amendment and the motion were declared lost.

On the requisition of Councillors Finnigan and Gettings the voting was recorded as follows:

#### **On the amendment**

#### **YES**

Armitage, Atha, Blake, Congreve, Coulson, Coupar, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harington, Harper, A Hussain, G Hyde, Illingworth, Jarosz, Langdale, J Lewis, R Lewis, Lowe, Lyons, A McKenna, J McKenna, Morgan, Mulherin, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, E Taylor, Wakefield, Yeadon

## **39**

## NO

Anderson, Andrew, Bale, Barker, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Castle, Chapman, Chastney, Cleasby, Downes, Elliott, Ewens, Mrs R Feldman, R D Feldman, Finnigan, Fox, Gettings, Golton, Grayshon, Hamilton, Harker, Harrand, Harris, Hollingsworth, W Hyde, Kendall, Kirkland, Lamb, Lancaster, Latty, Leadley, Lobley, Marjoram, Matthews, Monaghan, J Procter, R Procter, Pryke, Rhodes-Clayton, Shelbrooke, Townsley, Wadsworth, Wilkinson, Wilson

**50**

## ABSTAIN

Beverley, Davey

**2**

## On the motion

## YES

Beverley, A Blackburn, D Blackburn, Elliott, Finnigan, Gettings, Grayshon

**7**

## NO

Anderson, Andrew, Armitage, Atha, Bale, Barker, Bentley, Blake, Brett, Campbell, A Carter, J L Carter, Castle, Chapman, Chastney, Cleasby, Congreve, Coulson, Coupar, Dobson, Downes, Dowson, Driver, Dunn, Ewens, Mrs R Feldman, R D Feldman, Fox, Gabriel, Golton, Grahame, Gruen, Hamilton, Hanley, Harington, Harker, Harper, Harrand, Harris, Hollingsworth, A Hussain, G Hyde, W Hyde, Illingworth, Jarosz, Kendall, Kirkland, Lamb, Lancaster, Langdale, Latty, Leadley, J Lewis, R Lewis, Lobley, Lowe, Lyons, Marjoram, Matthews, A McKenna, J McKenna, Monaghan, Morgan, Mulherin, Nash, Ogilvie, Parker, J Procter, R Procter, Pryke, Rafique, Renshaw, Rhodes-Clayton, Selby, Shelbrooke, Taggart, E Taylor, Townsley, Wadsworth, Wakefield, Wilkinson, Wilson, Yeadon

**83**

## **40 Withdrawal of Motions**

During the debate under minute 39 above, under the provisions of Council Procedure Rule 14.11, with the consent of the seconders and of Council,

- (a) Councillor A Carter withdrew the motion in his name relating to the Strategic Housing Land Availability Assessment and;
- (b) Councillor J McKenna withdrew the motion in his name relating to Access to Adult Training

**41 White Paper Motion Submitted Under the Provisions of Council  
Procedure Rule 3.1(d) - Great Britain's Olympic Team**

It was moved by Councillor Harington seconded by Councillor Parker and

**RESOLVED UNANIMOUSLY** - That this Council congratulates Great Britain's Olympic team on their fantastic achievements in Beijing and in-particular Leeds based athletes Alistair Brownlee, Joanne Ellis, Tandi Gerrard and Rebecca Gallantree.

This Council also wishes the GB Paralympics Team and Leeds based athletes Cathy Mitton and David Stone every success at their forthcoming games in Beijing this month. Furthermore we hope this Council will use the achievements of the GB Olympic Team as a positive tool with which to inspire more young people to become active at all levels of sport.

Council rose at 7.20 pm

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Originator: Ian Walton

Tel: 2474350

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## Report of the Assistant Chief Executive (Corporate Governance)

### Council

Date: 19<sup>th</sup> November 2008

Subject: Appointments

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#### Electoral Wards Affected:

☐

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

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### 1.0 Purpose of Report

1.1 Appointments to Boards and Panels are reserved to Council.

1.2 The relevant party whips have requested the following change:-

That Councillor Congreve replace Councillor Atkinson as a member of Scrutiny Board (Health)

That Councillor Parnham replace Councillor David Blackburn as a Member of Development Plan Panel.

### 2.0 Recommendations

2.1 That Council approve the appointments referred to in paragraph 1.2 above.

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Originator: Ian Walton

Tel: 2474130

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## Report of the Assistant Chief Executive (Corporate Governance)

### Council

Date: 19<sup>th</sup> November 2008

### Subject: Recommendations of the Executive Board

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#### Electoral Wards Affected:



Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

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## Executive Summary

### 1.0 Purpose of Report

- 1.1 To present to Council a recommendation as contained in the attached report entitled Financial Health Monitoring 2008/09 – Half Year Report.

### 2.0 Background Information

- 2.1 The attached report was considered by Executive Board on 5<sup>th</sup> November 2008 and contains a recommendation for approval of Council as detailed in minute 129 of the meeting,
- 2.2 The report presented the projected financial position of the Council after six months of the current financial year and recommended to Council budget adjustments as described in section 3.

### 3.0 Recommendation to Council

- 3.1 That the budget adjustments as described in Section 3 of the report of the Director of Resources, and as recommended to Council by the Executive Board on 5<sup>th</sup> November 2008, be approved.

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**Report of the Director of Resources**

**Executive Board**

**Date: 5<sup>th</sup> November 2008**

**Subject: Financial Health Monitoring 2008/09 – Half Year Report**

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**Electoral wards affected:**

**Specific implications for:**

Ethnic minorities ☐

Women ☐

Disabled people ☐

Narrowing the gap ☐

Eligible for call In

☒

Not eligible for call in

(details contained in the report)

☐

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**Executive Summary**

1. The purpose of this report is to inform members of the financial health of the authority after six months of the financial year in respect of the revenue budget, Housing Revenue Account and capital programme.
2. Directorates are projecting an overspend of £5.3m at this stage. Major variations are detailed in the report and a number of budget adjustments are proposed.
3. The report also identifies other potential council wide pressures although funding sources have been identified. All other budget pressures are to be addressed by directorates who are required to continue to develop and implement action plans to manage identified pressures within available resources.
4. In addition the report provides an update on the capital receipts position.
5. Members are asked to note the projected financial position of the authority after six months of the financial year and the proposed actions to mitigate against budget pressures, together with the impact on reserves should directorate spending not be maintained within approved estimates.

## **1. PURPOSE OF REPORT**

- 1.1 This report sets out for the Board the Council's financial health position for 2008/09 after six months of the financial year. The report covers revenue expenditure and income to date compared to the approved budget, the projected year end position and proposed actions to work towards achieving a balanced budget by the year end. In addition it provides an update on the general fund capital programme and also highlights the position regarding other key financial indicators.

## **2. BACKGROUND INFORMATION**

- 2.1 Members will recall that the net budget<sup>1</sup> for the general fund was set at £540.5m, which provided for a contribution of £5.1m from reserves. As a result, the level of general fund reserves at 31<sup>st</sup> March 2009 are estimated to be £12.0m.
- 2.2. As reported in the 2007/08 outturn report<sup>2</sup> to Board in June 2008, the net contribution to General Fund reserves was £0.3m in excess of the budget and Board approved the transfer of this to bolster the 2008/09 Contingency Fund.

## **3. MAIN ISSUES**

- 3.1 After six months of the financial year, directorates are projecting an overspend of £5.3m. It is important that budget pressures are addressed by directorates who are required to continue to develop and implement action plans to manage these pressures within available resources.
- 3.2 However, further debt savings of £3.4m have been achieved through proactive treasury management and interest on revenue balances. In addition, it is likely that the Council will receive a share of the £100m contingency for LABGI which the government retained, pending of the outcome of legal challenges. This could be up to £2m.
- 3.3 The extent to which action plans are not effective in containing spending within approved estimates will impact on the Council's reserves, which are already estimated to be at the minimum level required under the risk based reserves strategy.
- 3.4 The main variations are as follows:
- 3.4.1 Income Variations

The City Development directorate is continuing to feel the effect of the economic downturn through a shortfall of over £2.5m from a number of external income sources, including planning and building fees, rental income, markets income, surveyor and legal fees and Sport income. Budget action plans, which include reductions in staffing, have been implemented in Asset Management, Planning and Sport to reflect the downward trends in income.

It is not now envisaged that any income will be generated from the sale of surplus Landfill Allowance Trading scheme allowances as there is no market for them in the current financial year. It is therefore proposed to fund the pressure of £0.6m from savings in capital financing costs.

As reported in the first quarter, a decline in the number of land searches requested has resulted in a forecasted shortfall in income, partly offset by reduced costs associated with carrying out searches. The net effect of this is an overspend of £0.5m.

Housing Benefit caseload has increased by 1,088 between August 2007 and August 2008 largely due to implementation of the 'local housing allowance' in April 2008. The projected increase in benefits paid is £8.9m compared to budget, which is 100% funded by government grant. However, the value of overpayments identified has reduced during this period, reflecting trends experienced by a number of other local authorities, meaning that budgeted income will not be met by an estimated £350k.

As reported in the first quarter financial health report, the number and value of older peoples social care services that have been submitted to and deemed eligible by the Supporting People Commissioning Body is unlikely to be sufficient to generate the budgeted level of funding. An action plan has been developed to mitigate against some of this pressure, however it is anticipated that there will still be a shortfall of £1.5m which is proposed to be met from savings on Community care packages in respect of fully funded NHS continuing care.

Within Children's Services, additional income of £0.15m is projected in Children's Centres.

#### 3.4.2 Demand Variations

Outside Placement costs continue to be a major pressure on the Children's Services budget and are now projected to be £1.7m overspent, although this is largely offset by projected savings of £1.0m on the in-house fostering budget. The cost of Public Law Fees is projected to be £0.5m higher than the amount allocated from central government. However, the Council is taking a leading role on a judicial review to challenge the additional burden it places on local authorities.

It was noted in the quarter one report that the Adult Social Care Directorate anticipated higher than budgeted nursing care packages transferring to fully funded NHS Continuing Care. The pace of reviews has increased in recent months and the current projection for Community Care packages is an underspend of £1.5m. It is proposed to use this saving to fund the pressure on Supporting People.

As reported in the first quarter, the Elections Service is projected to be £0.4m overspent reflecting increased activity in the service.

In order to pump prime a new model of Occupational Service provision for the Council, whereby core occupational services are delivered in-house and other services jointly procured with other local authorities, the projected costs in 2008/09 of £0.2m are to be funded from savings within the Resources directorate. It is envisaged that the new service will contribute to a reduction in sickness absence generating significant savings in future years.

#### 3.4.3 Staffing

Overall staffing savings are £1.2m at the half year, projected to be £1.9m at the year end. This compares to a projected underspend of £2.9m from the first quarter, a reduction of £1m. This change since the first quarter is mainly within the Adult Social Care budget, although at quarter two this directorate's staffing projection is only £0.2m above budget provision. The main movements since quarter one relate to overtime and agency staff costs. The achievability of budgeted service transformation savings that impact on the staffing budget has been revised at the half year and some additional slippage is included. Contingency actions have been reflected in the projections for some non-staffing budgets which partly offset this impact on staffing.

Of the overall projected saving, £0.8m is within Children's Services which reflects the ongoing capacity issues and difficulties in recruitment and retention.

Within Resources Directorate, staffing savings of £1.0m are projected, mainly in the support service areas of Financial Management, Corporate HR, Corporate Property Management and the Business Support Centre. An element of the saving is due to the non-filling of vacancies pending implementation of new structures in Financial Management and Corporate Property Management.

The staffing budget within City Development assumes that further savings will be made by continuing to closely manage recruitment, particularly to reflect the downward trends in income. A £0.5m underspend is projected.

Within Environment and Neighbourhoods there is a projected overspend of £0.3m on staffing within the Jobs and Skills service which reflects the current position in terms of re-aligning the service.

#### 3.4.4 Other

The above projections do not include other potential pressures relating to the cost of the additional pay award over the 2% provided for in the budget. The latest offer is 2.45% which would cost an additional £2m to general fund services. It is proposed to fund this from capital financing savings although any settlement above this offer will have to be met by directorates.

The impact of the new gas contract is an increase of 37% which equates to a pressure of £0.9m for general fund services in the current year. In addition, the new Street Lighting energy contract is projected to cost an additional £0.7m in the current year, although provision of £0.25m had been made for this by the directorate.

It is proposed to fund the new energy contracts from remaining capital financing savings and contingency fund.

### 4.0 **HOUSING REVENUE ACCOUNT**

- 4.1 At the end of the second quarter, the HRA is projecting an underspend of £2.436m comprising £1.936k operating surplus and £0.5m additional contribution to the Swarcliffe PFI sinking fund.
- 4.2 Void levels for the first six months continue at around 1.5%, which if maintained should generate additional rental income of £1.3m; the corollary of this is that £0.7m of this income will be paid over to the ALMOs as additional incentive payments. The fall in Right to Buy (RTB) numbers during 2007/08 has also resulted in higher opening property numbers than budgeted, and this factor together with the continued decline in RTB numbers projects further contributions to rental income of £1.2m.
- 4.3 One off payments of £0.19m and £0.08m will be paid to the ALMOs to compensate for additional SLA cleaning costs and an additional grass cut.
- 4.4 The compression of the timetable for the Little London and Beeston & Holbeck PFI schemes is projected to result in budgetary pressures this year. Additional resources of around £0.55m are forecast for this year to facilitate the joint procurement of these two PFI schemes e.g. planning fees, site costs etc.

4.5 Based upon write-offs and arrears levels in quarter two, early indications for the bad debts provision suggest £1.3m may be required against the budgeted figure of £1.575m, a projected underspend of £0.3m. Projections for the disrepair provision indicate a lower budget provision of £0.59m against current budget provision of £0.62m.

4.6 Other additional income areas include £0.1m from leaseholders for major repair works, and £0.3m bad debts penalties arising from the performance of the ALMOs and BITMO on debt recovery.

## **5.0 CAPITAL PROGRAMME**

5.1 Executive Board on 8<sup>th</sup> October approved changes to the general fund capital programme. These changes were required to address the high level of overprogramming as a result of changes to the capital receipts forecast. The effect of these was to reduce the overprogramming from £88.3m to £36.4m over the four year period to 2011/12.

5.2 In the present economic circumstances resourcing the Council's capital programme continues to be very challenging and further pressure on capital receipts are forecast. Further work is ongoing to review the capital programme and a report will be brought back to Executive Board.

## **6. PERFORMANCE STATISTICS<sup>1</sup>**

6.1 The level of Council Tax collected at the end of September 2008 is 55.78% of the debit for the year of £249.6m. This is slightly behind the same period last year. The target set by Executive Board for the year is 96.65% and performance against this is being closely monitored.

6.2 The collection of non-domestic rates for the first six months is 61.48% of the current net debit of £322.6m, which is slightly ahead of the same period last year. Again, performance against the target of 98.6% is being closely monitored.

6.3 In terms of Sundry income collection rate at the end of June is 81.0% of the amount due of £56.1m. This is slightly down on last year's figure of 82.4%. As with the other targets this is being closely monitored and there is no concern at this stage that the target will not be met.

## **7. RECOMMENDATION**

- 7.1 Members of the Executive Board are asked to
- Note the projected financial position of the authority after six months of the new financial year
  - Request that directorates continue to develop and implement action plans.
  - Recommend to Council the budget adjustments as described in section 3.

## **BACKGROUND**

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<sup>1</sup> Revenue Budget and Council Tax 2008/09 – report to Executive Board 8<sup>th</sup> February 2008

<sup>2</sup> Financial Performance – Outturn 2007/08 – report to Executive Board 11<sup>th</sup> June 2008







### Report of the Assistant Chief Executive (Corporate Governance)

#### Council

Date: 19 November 2008

**Subject: Amendments to the constitution / appointment of members to a new General Purposes Committee**

#### Electoral Wards Affected:

☐

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

### Executive Summary

1. This report sets out recommendations to Council from the Constitutional Proposals Committee, together with a consequential recommendation to appoint members to a new committee.

#### General Purposes Committee

2. The principal recommendations to Council are to:
  - abolish the Constitutional Proposals Committee;
  - appoint a new General Purposes Committee with the terms of reference set out in appendix 1 to this report; and
  - amend the terms of reference of the Corporate Governance and Audit Committee to those set out in appendix 2 to this report.
3. This report also recommends Council to appoint members to the new committee, as set out in appendix 3 to this report.

#### Delegations to Assistant Chief Executive (Corporate Governance) – procedure for changing executive arrangements

4. The Constitutional Proposals Committee also considered the **procedure** for changing the form of the executive. Appendix 4 sets out which functions may be delegated, and which must be reserved to full Council.

5. The Committee recommended that to expedite the process, functions should where possible be delegated to the Assistant Chief Executive, with the proviso that the delegation to consult being subject to consultation with party Leaders about the consultation plan (See further appendix 4). The Committee also recommended Council to instruct the Assistant Chief Executive (Corporate Governance) to begin the consultation process on the change in form, subject to that proviso.

### **Scrutiny Board review**

6. This report sets out proposed amendments to the Scrutiny Board Procedure Rules, relating to the Call in process. The proposed amendments are set out at appendix 5. These relate to signatories, substitutes, information submitted, witnesses and adjournments, and should improve the effectiveness and efficiency of the Call in process.

## **1.0 Purpose Of This Report**

1.1 This report sets out recommendations to Council from the Constitutional Proposals Committee in relation to:

- appointing a new General Purposes Committee;
- amendments to the officer delegation scheme for the Assistant Chief Executive (Corporate Governance); and
- amendments to the Scrutiny Board Procedure Rules.

## **2.0 Background Information**

2.1 The Constitutional Proposals Committee is authorised to consider proposals to amend the constitution and make recommendations about this to Council.

2.2 At its meeting on 30 October 2008, the Committee met to consider

- the appointment of a new General Purposes Committee;
- proposed delegations to the Assistant Chief Executive (Corporate Governance) relating to the procedure for changing executive arrangements; and
- proposed amendments to the Scrutiny Procedure Rules (Call in procedure).

## **3.0 Main Issues**

### **3.1 General Purposes Committee**

3.1.1 The Corporate Governance and Audit Committee currently has authority to consider and determine Council (non-executive) functions delegated to a director, where the director has decided not to exercise the delegated authority and has referred the matter to the Committee. However, because of the restricted membership of that committee, Executive Members, party group leaders and Whips are not able to participate directly in such decisions, other than, in some cases, by making representations, or attending and speaking at a meeting.

3.1.2 Also, there is no Member forum for making recommendations to Council, about some specific functions which are reserved to full Council. (For example, the new function introduced by the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) of resolving to change the form of the executive).

3.1.3 At their meeting on 30 October 2008, the Constitutional Proposals Committee resolved to recommend to Council to:

- abolish the Constitutional Proposals Committee;
- appoint a new General Purposes Committee with the terms of reference set out in appendix 1 to this report;
- resolve that the Council Procedure Rules apply to the General Purposes Committee as if it were appointed at the annual meeting under Rule 1(1)(g);

- approve substitute arrangements for the General Purposes Committee, which allow an Executive Member, Deputy Executive Member, Whip or Assistant Whip to attend meetings in place of a regular member of the committee;
- amend the terms of reference of the Corporate Governance and Audit Committee to those set out in appendix 2 to this report.

3.1.4 If Council appoint a new General Purposes Committee, Council will also have to appoint members to it. The proposed membership is set out in appendix 3 to this report. It is proposed that the membership and political balance for this committee is the same as for the Constitutional Proposals Committee which it replaces.

### **3.2 Delegations to Assistant Chief Executive (Corporate Governance) – executive arrangements**

3.2.1 The Constitutional Proposals Committee also received a report setting out how the 2007 Act:

- changed the forms of the executive;
- provided a mechanism which allows an authority to change its executive arrangements; and
- includes transitional provisions which require the Council to resolve to change the form of its executive by **31 December 2009**.

3.2.2 To change the form of its executive, the authority has to:

- **consult** before drawing up proposals for a change in form;
- **draw up proposals**;
- decide whether the change should be subject to approval by a **referendum**;
- **publicise** the proposals;
- **hold the referendum** if they have decided there should be one;
- **resolve** to change the form;
- **implement** the new governance arrangements; and
- **publicise** the new arrangements.

3.2.3 Functions relating to the procedure for changing executive arrangements have now been identified as council functions. Some of these must be reserved to full Council, such as resolving to adopt a new form, but others may be delegated. These are set out in appendix 4 to this report.

3.2.4 The Constitutional Proposals Committee recommended that to expedite the procedure to be followed by 31 December 2009, the Council delegate all of the functions which the regulations allow to be delegated, **except** the duty to draw up proposals (see further appendix 4). The Committee recommended that this function should rest with full Council, since it is such an important stage in the process.

3.2.5 The Committee recommended that the delegation to consult be subject to consultation with party Leaders about the consultation plan, and recommended Council to instruct the Assistant Chief Executive (Corporate Governance) to begin the consultation process on the change in form, subject to that proviso.

### **3.3 Scrutiny Board Procedure Rules – amendments to call-in procedure**

- 3.3.1 The Constitutional Proposals Committee also considered a report from the Head of Scrutiny Support and Member Development about the Call In process. This process was amended at Council on 22<sup>nd</sup> May 2008. Since then, six Call Ins have taken place, which have raised a number of issues.

#### **Signatories to the Call in request**

- 3.3.2 Since May these come from a much wider pool of Members (any non-Executive Members). To avoid the perception that decisions regarding the approval of Call Ins may have been pre-determined, the Constitutional Proposals Committee recommended that Scrutiny Board Members should no longer be signatories to Call Ins relevant to the Board on which they sit.

#### **Substitutes for Call in meetings**

- 3.3.3 The Head of Scrutiny Support and Member Development stated in his report that because of the requirement to hold a Scrutiny Board meeting within seven working days of a Call In request being received, full Board attendance cannot always be achieved. This is not always due to Member unavailability but sometimes is a result of a Member's declared interests preventing them from participating.
- 3.3.4 The Constitutional Proposals Committee recommended that to address this problem, for Call In meetings, a substitute Member should be entitled to attend in place of a regular Member. The Committee recommended the defined pool of substitutes to be any member of a Scrutiny Board *excluding* those who have been signatures to the Call In.

#### **Information submitted to a Call In meeting**

- 3.3.5 Currently the Scrutiny Board Procedure Rules are ambiguous about the type and quantity of information allowed to be submitted as evidence to Call In meetings by Members calling in a decision. The Constitutional Proposals Committee accepted that a blanket restriction on the submission of written evidence should *not* be imposed. The Committee recommended that any evidence submitted should clearly support the original justification for the decision having been Called In. The Head of Scrutiny Support and Member Development confirmed at the meeting that it would be the responsibility of the relevant Scrutiny Board Chair to determine whether all of the information received should be considered.

#### **Witnesses to Call In meetings**

- 3.3.6 The current Scrutiny Board Procedure Rules are ambiguous about the calling of witnesses to Call In meetings (outside the signatories to the Call In and the original decision maker). The Constitutional Proposals Committee considered that there should be no restrictions on witnesses, except that any called should be providing evidence to support the original justification for the decision having being Called In.

#### **Adjournment**

- 3.3.7 The current procedure rules assume that a Call In meeting will be concluded on the day it meets. The Constitutional Proposals Committee recommended that for clarity, the Scrutiny Board Procedure Rules be amended to allow an adjournment in exceptional circumstances, to receive information not available at the time, which is

considered crucial by the Scrutiny Board in order to reach a decision. In order to keep the process within a manageable timescale, it is recommended that a maximum of 5 working days be allowed for such an adjournment.

### **Amendments to the Scrutiny Board Procedure Rules**

- 3.3.8 To implement these recommendations, the Constitutional Proposals Committee recommend Council to approve the amended Scrutiny Board Procedure Rules attached as appendix 5 to this report.

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

- 4.1 Reviewing the Council's committee arrangements and delegating specific responsibilities to officers will help the Council ensure that there are clear responsibilities and arrangements for accountability.
- 4.2 The Council's Scrutiny arrangements are one of the key parts of the Council's governance arrangements. This review of Scrutiny Boards will ensure that the arrangements will be more efficient and transparent.

## **5.0 Legal And Resource Implications**

- 5.1 Under Article 15 of the Constitution, these amendments to the Constitution must be approved by full Council, after consideration from Constitutional Proposals Committee.
- 5.2 The Monitoring Officer can make any additional consequential amendments under her delegated authority set out in Article 15.

## **6.0 Conclusions**

- 6.1 Appointing a new committee to consider miscellaneous council functions, and make recommendations to full Council on constitutional proposals and other issues, would enhance Member engagement in the decision-making process.
- 6.2 The delegations proposed to the Assistant Chief Executive (Corporate Governance) would expedite the procedure required to be followed by December 2009, particularly in relation to the consultation process.
- 6.3 The recommended amendments to the Scrutiny Board Procedure Rules would improve the effectiveness of the Scrutiny Call in process.

## **7.0 Recommendations**

Council are recommended to resolve to:

- a) abolish the Constitutional Proposals Committee;
- b) appoint a new General Purposes Committee, with the terms of reference set out in appendix 1 to this report;
- c) appoint the membership of the General Purposes Committee as set out in appendix 3 to this report;
- d) resolve that the Council Procedure Rules apply to the General Purposes Committee as if it were appointed at the annual meeting under Rule 1(1)(g);

- e) approve substitute arrangements for the General Purposes Committee which allow an Executive Member, Deputy Executive Member, Whip or Assistant Whip to attend meetings in place of a regular member of the committee;
- f) amend the terms of reference of the Corporate Governance and Audit Committee to those set out in appendix 2 to this report;
- g) delegate the following functions relating to changes in executive arrangements, to the Assistant Chief Executive (Corporate Governance):
  - to consult prior to drawing up proposals<sup>1</sup>, subject to consultation with party Leaders about the consultation plan;
  - to make arrangements to hold a referendum (where the Council has decided to hold a referendum)<sup>2</sup>;
  - to publish a notice if proposals are not approved in referendum<sup>3</sup>;
  - to implement new governance arrangements<sup>4</sup>; and
  - to comply with any direction given by Secretary of State.<sup>5</sup>
- h) instruct the Assistant Chief Executive (Corporate Governance) to begin the consultation process on the change in form, subject to consultation with party Leaders about the consultation plan.
- i) approve the Scrutiny Board Procedure Rules, as amended in appendix 5 to this report.

## **Background documents**

Reports to Constitutional Proposals Committee 30 October 2008:

- Appointment of new General Purposes Committee
- New Executive arrangements – delegation of functions
- Proposed Amendments to the Scrutiny Board Procedure Rules – Call In

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<sup>1</sup> S33E of the Local Government Act 2000

<sup>2</sup> S33K(2) of the Local Government Act 2000

<sup>3</sup> S33K(6) of the Local Government Act 2000

<sup>4</sup> S33G and S33H of the Local Government Act 2000

<sup>5</sup> S33I of the Local Government Act 2000.

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**General Purposes Committee**

With the exception of any matter which falls within the terms of any other council committee, the General Purposes Committee is authorised:

1. to consider and determine Council (non-executive) functions<sup>1</sup> delegated to a Director<sup>2</sup> where the Director has decided not to exercise the delegated authority and has referred the matter to the Committee;
2. to consider proposals to amend the constitution and make recommendations to full Council; and
3. to make recommendations to full Council in connection with the discharge of any of its functions.<sup>3</sup>

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<sup>1</sup> Where the functions do not fall within the terms of reference of any other council committee. These functions, which include those local choice functions, which have been determined as non executive functions, are detailed in Sections 1 and 2 of Part 3 of the Constitution.

<sup>2</sup> Director" includes those Officers specified in Sections 1 and 2 of Part 3 of the Constitution.

<sup>3</sup> "Function" in this context does not include shared functions with the executive

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**Corporate Governance and Audit Committee**

The Corporate Governance and Audit Committee is authorised to discharge the following functions<sup>1</sup>:

1. to consider the Council's arrangements relating to accounts including:
  - (a) the approval of the statement of accounts and any material amendment of the accounts recommended by the auditors;
  - (b) the approval of the Statement on Internal Control; and
  - (c) with the exception of any matter, which may result in the accounts being qualified, responding to the Council's auditors in respect of any matter where it is not considered appropriate to make the amendments recommended by the auditors.
2. to consider the Council's arrangements relating to external audit requirements including:
  - (a) agreement and review of the nature and scope of the annual audit plan,
  - (b) the receipt of external audit reports so as to:
    - (i) inform the operation of Council's current or future audit arrangements; and
    - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.
3. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance
4. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management)
5. to consider the Council's arrangements relating to internal audit requirements including:
  - (a) considering the Annual Internal Audit Report
  - (b) monitoring the performance of internal audit

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<sup>1</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.

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## Appendix 3

### Membership of General Purposes Committee<sup>1</sup>

<b>LABOUR</b>	<b>LIB DEM</b>	<b>CONS</b>	<b>MBI</b>	<b>GREEN</b>
<u>Councillors</u>				
J Blake P Gruen N Taggart K Wakefield	R Brett S Bentley	A Carter (Chair) J Procter	R Finnigan	D Blackburn

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<sup>1</sup> Appointments in accordance with Section 17 of the Local Government and Housing Act 1989

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## Appendix 4

<b>Function</b>	<b>Can function be delegated?</b>	<b>Recommended to delegate to Assistant Chief Executive (Corporate Governance)</b>
To consult prior to drawing up proposals	Yes	Yes – subject to consultation with party Leaders about the consultation plan
To draw up proposals	Yes	No
To include provision in executive arrangements for the council to remove the executive leader by resolution	No	No
To decide whether a change should be subject to a referendum	No	No
To make arrangements to hold a referendum	Yes	Yes
To publish notice if proposals not approved in referendum	Yes	Yes
To resolve to make a change in governance arrangements	No	No
To implement new governance arrangements	Yes	Yes
To comply with direction given by Secretary of State	Yes	Yes

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**SCRUTINY BOARD PROCEDURE RULES****1.0 GENERAL ARRANGEMENTS**

1.1 The Council will have the Scrutiny Boards set out in Article 6 of its Constitution. It will appoint to them as it considers appropriate from time to time

1.2 No Scrutiny Board may include an Executive Board Member.

1.3 Working Groups

A Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work<sup>1</sup>.

1.4 Co-opted Members

Each Scrutiny Board shall be entitled to select non-voting co-opted members to assist in the discharge of the Board's role, in accordance with Article 6 of the Constitution.

Except as set out in Article 6, co-opted members may participate in the debate in the same way as Elected Members, but have no voting rights.

1.5 Education Representatives

The Scrutiny Board (Children's Services) shall select education representatives in accordance with Article 6 of the Constitution.

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards.<sup>2</sup>

1.6 Matters within the terms of reference of more than one Scrutiny Board  
The Proper Officer, after consultation with Scrutiny Chairs, shall arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.

**2.0 DECLARATIONS OF INTEREST**

2.1 Elected Members and voting co-opted members of Scrutiny Boards must observe the authority's Code of Conduct.

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<sup>1</sup> These must be appointed to carry out specific tasks such as visits to premises or other information gathering activities. The Scrutiny Board Procedure Rules Guidance Note provides guidance on Working Groups.

<sup>2</sup> A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive.

## *Scrutiny Board Procedure Rules*

- 2.2 Where any non-voting co-opted member of a Scrutiny Board has an interest in an item, he/she must declare the interest and may be required by the Chair of the Scrutiny Board to withdraw from the meeting at which that issue is under discussion.
- 2.3 The Scrutiny Board (Health) may include Members who are involved in the executive of a particular NHS body<sup>3</sup>, as a member or an employee. Where such a Member has a personal or prejudicial<sup>4</sup> interest in a matter, they must declare the interest. If the interest is prejudicial they must not participate in any Inquiry or consultation process which concerns that NHS body. In addition Scrutiny Board (Health) Members may not be involved in any scrutiny exercise that may advantage the NHS body where they have a prejudicial interest.

### **3.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS**

- 3.1 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.2 A Scrutiny Board meeting may be called by
- the Chair of the relevant Scrutiny Board; or
  - any three Members of the Board; or
  - the Proper Officer if he/she considers it necessary or appropriate.
- 3.3 A Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.

### **4.0 QUORUM / SUBSTITUTE MEMBERS**

- 4.1 The quorum for a Scrutiny Board shall be as set out for committees in the Council Procedures Rules in Part 4 of this Constitution.
- 4.2 A substitute Member shall be entitled to attend a Call In meeting of a Scrutiny Board in place of a regular Member.<sup>5</sup>

### **5.0 NOTICES OF MEETINGS**

- 5.1 Notices for all meetings of a Scrutiny Board shall be issued from the office of the Chief Executive. No matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been provided with any written report or with full details of any intended verbal report.

### **6.0 ADMISSION TO MEETINGS**

- 6.1 Subject to any statutory prohibitions and to sub-paragraph 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules. This shall be without prejudice to any power of

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<sup>3</sup> In Leeds this means the Leeds Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, the Leeds Mental Health Teaching NHS Trust and the NHS Yorkshire and Humber.

<sup>4</sup> See the Members Code of Conduct paragraphs 8 to 12 on Interests

<sup>5</sup> The defined pool of substitutes will be any member of a Scrutiny Board *excluding* those who have been signatures to the Call In.

exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

- 6.2 A Scrutiny Board may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution under the Access to Information Procedure Rules.

## **7.0 MINUTES**

- 7.1 All meetings of each Scrutiny Board shall be minuted.
- 7.2 All oral evidence given to a Scrutiny Board shall be recorded in full, either in writing or by such other method (such as tape recording) as shall appear to the Scrutiny Board to be appropriate.
- 7.3 The tapes of oral evidence must be kept for an appropriate period of time to be determined in each case.<sup>6</sup>

## **8.0 CHAIRS**

- 8.1 The Chair of a Scrutiny Board will be appointed in accordance with the Council's Procedure Rules.

## **9.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS**

- 9.1 In addition to their rights as Councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 9.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board<sup>7</sup> shall have a right of access to any documents which are relevant to the subject matter of the review.<sup>8</sup>
- 9.3 Nothing in the above paragraph prevents more detailed liaison between the Executive and a Scrutiny Board as appropriate depending on the particular matter under consideration.

## **10.0 AGENDA ITEMS**

- 10.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:
- appeals against refusal of inspection of documents;

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<sup>6</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on the use of taped evidence to Scrutiny Boards.

<sup>7</sup> Information received as a member of a Scrutiny Board should be used only in this capacity. Such information should not for example be used by an elected Member to further their ward work.

<sup>8</sup> The Protocol for Elected Member/Education Leeds Relations sets out rights of access to information relating to the activity of Education Leeds. Rights of access are subject to the Data Protection Act 1998.

- exclusion of public;
- late items;
- declarations of interest;
- apologies for absence;
- minutes of the last meeting;
- the Scrutiny Board's work programme; and
- the business otherwise set out on the agenda for the meeting.

## **11.0 WORK PROGRAMMING**

11.1 No Scrutiny Board may undertake a review into:

- any decision of a Regulatory Panel or the Licensing Committee or a Licensing sub-committee;<sup>9</sup>
- any decisions which may be appealed against to a Regulatory Panel;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Regulatory Panel or the Licensing Committee or a Licensing Sub-Committee;<sup>10</sup>
- any decision taken prior to 24 May 1999<sup>11</sup>, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of an Inquiry; or
- except in exceptional circumstances, any decision in respect of which there are:
  - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure;<sup>12</sup> or
  - individual personnel issues.

11.2 The role of the Scrutiny Boards in the development of the Council's Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules.

11.3 In relation to the development of plans and strategies which are not part of the authority's Budget and Policy Framework, a Scrutiny Board may investigate the available options for policy development.

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<sup>9</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>10</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>11</sup> This was the date of the commencement of scrutiny arrangements in Leeds.

<sup>12</sup> It might be appropriate for a Scrutiny Board to conduct an Inquiry at the conclusion of any of the proceedings referred to. For example it could investigate why proceedings were started. Such an Inquiry should not however act as an appeal against those proceedings.

## **12.0 REQUESTS FOR SCRUTINY**

### Inquiries requested by the Executive or Council

- 12.1 Where the Executive or Council resolves to recommend that an Inquiry should be undertaken into a particular matter, the Proper Officer shall add this recommendation to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board. Where a Scrutiny Board decides not to undertake an Inquiry recommended by the Executive or Council, the reasons for the decision shall be minuted by Scrutiny Board.

### Inquiries requested by a member of a Scrutiny Board

- 12.2 Any member of a Scrutiny Board may propose an Inquiry be undertaken into a particular matter. The Scrutiny Board will then consider whether to undertake the Inquiry. In doing so, it shall take into account the wishes of all members of that Board including those who are not Members of the political group(s) forming the Council's administration on the Council.

### Requests for Inquiries from other sources

- 12.3 The appropriate Scrutiny Board shall consider a request from any other source<sup>13</sup> to conduct an Inquiry<sup>14</sup>.
- 12.4 All such requests for an Inquiry must be submitted in writing to the Proper Officer. The Proper Officer shall add the request to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.
- 12.5 The Proper Officer shall acknowledge all such requests for an Inquiry.
- 12.6 At the next Ordinary Meeting, the Scrutiny Board shall consider any request for an Inquiry which the Proper Officer has added to the agenda.
- 12.7 Where the request has not come from the Executive or the Council, the person or body making the request will be invited to attend the Board's meeting to explain the reasons for the request. The Scrutiny Board Chair will decide how much time will be given to the person or body for addressing the Scrutiny Board.
- 12.8 The Proper Officer will inform whoever submitted the request and any other relevant parties about the decision of the Scrutiny Board.<sup>15</sup>

## **13.0 SELECTING SCRUTINY INQUIRIES**

- 13.1 Before deciding to undertake a scrutiny Inquiry, a Scrutiny Board must:

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<sup>13</sup> including Scrutiny Chairs.

<sup>14</sup> Except in exceptional circumstances, the Proper Officer will not refer requests which relate solely to the interests of one individual or company to the Scrutiny Board for consideration, and will refer requests relating to matters of purely local concern to the relevant Area Committee.

<sup>15</sup> Other parties may include relevant Directors, and Area Committees.

## *Scrutiny Board Procedure Rules*

- consider how the proposed Inquiry meets criteria approved from time to time<sup>16</sup>; and
- consider the current workload of the Scrutiny Board and the available resources required to carry out the work.

13.2 Where a Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall

- consult with any relevant Director<sup>17</sup> and Executive Member.
- agree the Terms of Reference of the Inquiry;
- agree the period within which the Inquiry's Report is to be completed;
- compile a preliminary list of witnesses from whom the Scrutiny Board require evidence<sup>18</sup>; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

## **14.0 INQUIRY REPORTS AND RECOMMENDATIONS**

14.1 At the conclusion of an Inquiry a Scrutiny Board shall, where it considers it to be appropriate, produce a written report summarising the evidence that it has taken and setting out its recommendations.

14.2 The Board shall submit its report to the Proper Officer for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate.<sup>19</sup>

14.3 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations<sup>20</sup>. The detail of that advice shall be reported to the Scrutiny Board and considered before the report is finalised.

14.4 The Inquiry Report shall include:

- an explanation of the matter reviewed or scrutinised;
- a list of the participants involved in the Inquiry (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality)<sup>21</sup>;
- a list of all documentation that has been considered by the Board; and
- any conclusions and recommendations on the matter reviewed or scrutinised.

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<sup>16</sup> set out in the Scrutiny Board Procedure Rules Guidance Notes

<sup>17</sup> Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution. These include chief officers with concurrent delegations to directors.

<sup>18</sup> As an Inquiry proceeds it may become apparent that further witnesses are required

<sup>19</sup> A Scrutiny Board may also send a copy of a report to any relevant partnership.

<sup>20</sup> The Director shall consult with the appropriate Executive Member before providing any such advice.

<sup>21</sup> Where it is necessary to preserve the confidentiality of a witness, their name need not be disclosed nor where the evidence which they gave amounted to exempt information, need this be disclosed if it would breach the witness's confidentiality.

- 14.5 The Scrutiny Board should note whether any documents contain exempt or confidential information on the list of documents.<sup>22</sup>
- 14.6 Where any voting member of the Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The Minority Report will be an appendix to the Scrutiny Board's Report.<sup>23</sup>
- 14.7 The Council, the Executive Board, Area Committees or officers shall consider a Report of a Scrutiny Board within two months of it being submitted to the Proper Officer.

#### Health Service Scrutiny Functions

- 14.8 The Scrutiny Board (Health) may make specific recommendations to a local NHS body.
- 14.9 Where the Scrutiny Board (Health) has completed its scrutiny and made reports and recommendations to local NHS bodies scrutinised, the Proper Officer will copy the report to:
- Local MPs and MEPs;
  - NHS Yorkshire and Humber;
  - PCT and other NHS Trusts;
  - Leeds Voice;
  - Patient and public involvement forums; and
  - Other bodies or organisations that have expressed an interest in the Inquiry.
- 14.10 The Proper Officer will place a copy of the report on the Council's web-site.

### **15.0 RESPONSE TO INQUIRY REPORTS AND RECOMMENDATIONS**

- 15.1 Where a Scrutiny Board has sent a Report to a body, the body concerned will be asked to send its response to the Board within 2 months<sup>24</sup> of receipt of the Report.
- 15.2 The body should set out in response to the recommendations made:
- the views of the body<sup>25</sup>;
  - details of any action already taken in response to the recommendations;
  - proposed action and timescales; or
  - reasons for inaction.

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<sup>22</sup> In order to preclude inadvertent disclosure of any such document.

<sup>23</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

<sup>24</sup> For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002. Where a Scrutiny Board has sent a report to a partnership the partnership is not required under these Rules to provide a response. Any partnership not otherwise required to provide a response will be invited to do so.

<sup>25</sup> Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a response.

## *Scrutiny Board Procedure Rules*

15.3 In the case of responses from NHS bodies the response should also be copied to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the Inquiry

The Proper Officer will also place a copy of the response on the Council's web-site.

## **16.0 RECOMMENDATIONS MADE OUTSIDE THE FORMAL SCRUTINY INQUIRY PROCESS**

16.1 It is recognised that from time to time Scrutiny Boards may wish to make comment or issue recommendations which have been generated outside of the formal Scrutiny Inquiry process.

16.2 Where a Scrutiny Board makes a recommendation outside of the formal Scrutiny Board Inquiry process this will be set out in a Statement<sup>26</sup> from the Scrutiny Board.

16.3 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations<sup>27</sup>. The detail of that advice shall be reported to the Scrutiny Board and considered before the Statement is finalised.

16.5 Where the Scrutiny Board (Health) has made recommendations to local NHS bodies scrutinised, the Proper Officer will copy the Statement to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the issue.

16.6 Where a Scrutiny Board has sent a Statement to a body, the body concerned will be asked to send its response to any recommendations to the Board within 2 months<sup>28</sup> of receipt of the Statement.

16.7 The body should set out in response to the recommendations made:

- the views of the body<sup>29</sup>;
- details of any action already taken in response to the recommendations;
- proposed action and timescales; or

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<sup>26</sup> Statements from Scrutiny Boards result from work undertaken by a Scrutiny Board outside the formal Inquiry process in order to allow the Scrutiny Board to express comments and recommendations.

<sup>27</sup> The Director shall consult with the appropriate Executive Member before providing any such advice.

<sup>28</sup> For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

<sup>29</sup> Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a response.



- reasons for inaction.

16.8 In the case of responses from NHS bodies the response should also be copied to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

The Proper Officer will also place a copy of the response on the Council's web-site

## **17.0 WITNESSES – GENERAL PRINCIPLES**

17.1 Where a Scrutiny Board wishes to take evidence from a witness, the Proper Officer shall notify the witness of:-

- the date upon which their evidence is to be taken;
- the matters upon which evidence is sought;
- any documents that the Scrutiny Board wishes to have produced; and
- the date upon which the Board requires any written evidence from the witness.

17.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy<sup>30</sup>.

17.3. When a Member with a prejudicial interest in a matter is giving evidence to the Scrutiny Board<sup>31</sup>, they should ensure they act as a witness by moving to the area in which other witnesses are giving evidence. The Member should only be present in the room when giving the evidence and must leave the room once they have given their evidence and answered any questions.

## **18.0 MEMBERS AND OFFICERS GIVING ACCOUNT**

18.1 A Scrutiny Board may require any Executive Member, the Chief Executive and/or any senior officer to attend before it to provide information about:

- any particular decisions or series of decisions;
- the extent to which actions taken implement Council policy; and/or
- their performance.

18.2 It is the duty of those officers and Members to attend.

18.3 The Chair of a Scrutiny Board will inform the Proper Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Proper Officer shall inform the Member or officer of this, giving at least 7 working days notice of the meeting at which he/she is required to attend.

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<sup>30</sup> see Member/Officer Protocol in Part 5 of the Constitution.

<sup>31</sup> Members' Code of Conduct paragraph 12(2)

## *Scrutiny Board Procedure Rules*

18.4 The notice will state:

- the nature of the item on which he/she is required to attend to give account; and
- whether the Scrutiny Board requires him/her to produce any documents or reports.

18.5 Where the Scrutiny Board requires the person to produce a report, then the Proper Officer will give the Member or officer concerned sufficient notice to prepare it.

18.6 The Chair of the Scrutiny Board will inform the Proper Officer where a Scrutiny Board requires a Director to attend a Scrutiny Board in person.

18.7 Directors may be accompanied by any other officer the Director feels appropriate.

18.8 Where the Scrutiny Board does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.

18.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Proper Officer shall, in consultation with the Chair of the Scrutiny Board and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

### Health Scrutiny Functions

18.10 Scrutiny Board (Health) may require an officer of a local NHS body to attend and answer such questions as appear to the Scrutiny Board to be necessary for discharging its functions.<sup>32</sup>

18.11 An NHS body must provide the Scrutiny Board with such information about the planning, provision and operation of health services in the area as the Board shall reasonably require in order to discharge its functions.<sup>33</sup>

## **19.0 ATTENDANCE BY OTHERS**

19.1 A Scrutiny Board may invite members of the public or other persons to address it, discuss issues of local concern and/or answer questions<sup>34</sup>.

19.2 A Scrutiny Board may appoint advisers and assessors to assist them in their work.

19.3 A Member with a prejudicial interest in a matter may make representations and/or answer questions at a Scrutiny Board<sup>35</sup>. In such circumstances the Member should move to the area of the room in which such other members of the public or persons are seated, and should only be present in the room while making representations and/or answering questions. The Member must leave the room once they have

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<sup>32</sup> Regulation 10 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended. Officer includes a Chief Executive.

<sup>33</sup> Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

<sup>34</sup> It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector and shall invite such people to attend.

<sup>35</sup> Members' Code of Conduct paragraph 12(2)

made their representations and/or answered any questions until the end of that item.

## **20.0 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

20.1 The relevant Director shall seek the agreement of the Chair of the relevant Scrutiny Board that a decision can be taken as a matter of urgency where:

- a proposed decision is contrary to the Council's policy framework, or is not wholly in accordance with the budget approved by full Council; and
- the decision is a matter of urgency; and
- it is not practical to convene a quorate meeting of the full Council.

20.2 The Director shall give detailed reasons to the Chair about why it is not practical to convene a quorate meeting of full Council when seeking his/her agreement.

20.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

20.4 The Director must note on the record of the decision:

- the consent of the Chair of the relevant Scrutiny Board to the decision being taken as a matter of urgency; and
- the Chair's reasons for giving consent.

20.5 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining:

- the decision;
- the reasons for it; and
- the reason why taking the decision was treated as a matter of urgency.

## **21.0 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN**

### General exception

21.1 Where it is proposed to take a Key Decision which has not been included in the Forward Plan, the relevant Director will give the Chair of the relevant Scrutiny Board not less than 5 days written notice of the matter on which the decision is to be made.

### Special urgency

21.2 If by virtue of the date by which a decision must be taken, it is not possible to give 5 days written notice of the matter, the decision taker (if an officer) or the Chair of the body making the decision shall seek the agreement of the Chair of the relevant Scrutiny Board that the decision cannot reasonably be deferred.

## *Scrutiny Board Procedure Rules*

21.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

### Report to Council

21.4 A Scrutiny Board can require the Executive to submit a report to Council where it considers that a Key Decision has been taken which was not in the Forward Plan or which has not been the subject of the general exception or special urgency provisions<sup>36</sup>.

## **22.0 CALL-IN<sup>37</sup>**

22.1 Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board<sup>38</sup>:

- all decisions of the Executive Board;
- executive decisions taken by Area Committees; and
- Key and Major Decisions taken by Officers.

22.2 The power to call in decisions does not extend to<sup>39</sup>:

- decisions made under regulatory arrangements;
- decisions made by Joint Committees; or
- decisions not taken by the authority.

22.3 When a decision is made which is subject to Call-In, the Chief Democratic Services Officer shall publish the decision, and make it available on the Council database within two days of the decision being made.

22.4 He/she will also send each elected Member of the relevant Scrutiny Board an electronic copy of the record of the decision within two days of it being made.

22.5 The notice will bear the date on which it is published. It will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called in.

22.6 During that period, the Proper Officer shall Call-In a decision for scrutiny by the relevant Scrutiny Board if:

- two non executive elected Members (who are not from the same political group) or
- any five non executive elected Members

request him/her to do so<sup>40</sup>. The Proper Officer will call a meeting of the relevant Scrutiny Board to review or scrutinise the decision.

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<sup>36</sup> See Access to Information Procedure Rules

<sup>37</sup> There is a separate Guidance Note which sets out in full the operation of the Call-In

<sup>38</sup> Where a decision falls within the terms of reference of more than one Scrutiny Board, the Proper Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

<sup>39</sup> A decision which is a direct consequence of implementing a previous key or major decision, cannot be called in – see definition of key and major decisions, guidance notes on delegated decision-making.

- 22.7 At the meeting the Scrutiny Board will invite signatories to the notification<sup>41</sup> to explain the reasons for the Call-In<sup>42</sup>. The relevant member of the Executive Board, Area Committee Chair or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.
- 22.8 The Scrutiny Board shall then either;
- release the decision for implementation; or
  - recommend to the decision-maker that the decision should be reconsidered; or
  - where the decision is considered to fall outside the agreed budget or policy framework, recommend to the decision-maker that the decision should be reconsidered, and notify the decision-maker that if it is not, the Scrutiny Board will refer the matter to full Council.
- 22.9 If the Scrutiny Board resolves that a decision is to be referred back for consideration, the Proper Officer will prepare a report<sup>43</sup> to the decision-maker within three working days of the Scrutiny Board meeting.
- 22.10 In exceptional circumstances, the Scrutiny Board may resolve to adjourn the meeting to consider information regarded as essential for the Board to come to a conclusion. The maximum time allowed for an adjournment is 5 working days.

### **23.0 CALL-IN EXCEPTIONS**

- 23.1 The Call-In procedure set out above shall not apply:
- where the decision being taken is stated by the decision maker to be urgent<sup>44</sup>; nor
  - where the decision is in relation to a matter which has been the subject of a previous Call-In.<sup>45</sup>

### **24.0 NHS BODIES - CONSULTATION WITH THE SCRUTINY BOARD (HEALTH)**

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<sup>40</sup> A Member cannot be a signatory to call-in a decision of the Area Committee of which they are a member. This also excludes members of the Scrutiny Board to which the Call In will be referred.

<sup>41</sup> or their nominees

<sup>42</sup> The signatories should specify which of the principles of decision making (set out in Article 13.2 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

<sup>43</sup> the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

<sup>44</sup> A decision may be declared urgent by the decision-maker if they consider that any delay in implementing the decision would seriously prejudice the authority's interest or the public interest.

<sup>45</sup> This includes a decision which has been modified by the decision making body following a recommendation by a Scrutiny Board after call in of the earlier decision

### *Scrutiny Board Procedure Rules*

- 24.1 A local NHS body must consult the Scrutiny Board (Health) where it has under consideration any substantial development of the health service in the authority's area, or for a substantial variation in the provision of a service<sup>46</sup>.
- 24.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body.
- 24.3 Where the NHS body is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff, the NHS body shall notify the Scrutiny Board immediately of:
- the decision taken; and
  - the reason why no consultation has taken place.
- 24.4 Where the Scrutiny Board (Health) is not satisfied that:
- consultation on any proposal referred to in paragraph 24.1 has been adequate in relation to content or time allowed; or
  - where paragraph 24.3 applies, the reasons given by the NHS body are adequate;
- it may report this to the Secretary of State in writing. The Secretary of State may require the local NHS body concerned to carry out such consultation, or such further consultation, with the Scrutiny Board as he/she considers appropriate.
- 24.5 Where further consultation has been required, the local NHS body shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.
- 24.6 In any case where the Scrutiny Board (Health) considers that the proposal would not be in the interests of the health service in the authority's area, it may report this to the Secretary of State in writing. The Secretary of State may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he/she may direct.

## **25.0 ANNUAL REPORT TO COUNCIL**

- 25.1 The Proper Officer will report to Council<sup>47</sup> annually about how the authority has carried out its overview and scrutiny functions.

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<sup>46</sup> Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

<sup>47</sup> After consultation with the Scrutiny Chairs.

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