



---

## SCRUTINY BOARD (CITY DEVELOPMENT)

---

Call-In Meeting to be held in Civic Hall on  
Tuesday, 28th October, 2008 at 3.00 pm\*

\*(No pre-meeting will take place.)

---

### MEMBERSHIP

#### Councillors

R Pryke (Chair)	-	Burmantofts and Richmond Hill
C Beverley	-	Morley South
B Gettings	-	Morley North
R Harington	-	Gipton and Harehills
A Hussain	-	Gipton and Harehills
J Jarosz	-	Pudsey
M Lobley	-	Roundhay
R Procter	-	Harewood
N Taggart	-	Bramley and Stanningley
G Wilkinson	-	Wetherby
A Barker	-	Horsforth
J Matthews	-	Headingley
A Ogilvie	-	Beeston and Holbeck

---

*Please note: Certain or all items on this agenda may be recorded on tape*

---

**Agenda compiled by:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR**

**Janet Pritchard  
247 4327**

**Principal Scrutiny Adviser:  
Richard Mills  
Telephone No: 2474557**

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on this agenda.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes.)</p>	
4			<p><b>DECLARATION OF INTERESTS</b></p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>CALL IN OF A DECISION - BRIEFING PAPER</b></p> <p>To receive and consider the attached report of the Head of Scrutiny and Member Development.</p>	1 - 4
7			<p><b>REVIEW OF DECISION - CEMETERIES AND CREMATORIA FEES AND CHARGES (DD34431)</b></p> <p>In accordance with the Scrutiny Procedure Rules concerning Call In, to review the decision of the Acting Chief Recreation Officer taken on 2<sup>nd</sup> October 2008 to increase fees and charges for burials by 9% under the review of cemeteries and crematoria fees and charges.</p>	5 - 14
8			<p><b>OUTCOME OF CALL-IN</b></p> <p>In accordance with the Scrutiny Board Procedure Rules, to consider the Board's formal conclusion(s) and recommendation(s) arising from the conclusion of the Called-In decision.</p>	

This page is intentionally left blank



---

### Report of the Head of Scrutiny and Member Development

#### Scrutiny Board (City Development)

Date: 28<sup>th</sup> October 2008

Subject: CALL IN OF DECISION – BRIEFING PAPER

---

**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

### 1.0 INTRODUCTION AND BACKGROUND

- 1.1 In accordance with the Council's Constitution, an officer decision has been Called In.<sup>1</sup> The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
- 1.2 This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.
- 1.3 The Board is advised that the Call In is specific to the report considered under the officer delegation decision scheme and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

### 2.0 REVIEWING THE DECISION

- 2.1 The process of reviewing the decision is as follows:
  - Members who have requested the Call In invited to explain their concern/reason for Call In request.
  - Relevant Officer(s) asked to explain decision.
  - Further questioning from the Board as appropriate.

---

<sup>1</sup> Scrutiny Board Procedure Rules Paragraph 22

- 2.2 Members are reminded that it is only the decision Called In that the Board can make any recommendation on

## **OPTIONS AVAILABLE TO THE BOARD**

- 3.1 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of three courses of action as set out below:

### Option 1- Release the decision for implementation

- 3.2 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

### Option 2 - Recommend that the decision be reconsidered.

- 3.3 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- 3.4 In the case of a delegated decision, the report of the Scrutiny Board will be submitted to the appropriate Officer within three working days of this meeting. The Officer will reconsider his/her decision and will publish the outcome of his/her deliberations on the delegated decision system. The decision may not be Called In again whether or not it is varied.

### Option 3 - Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted.

- 3.5 This course of action would only apply if the Scrutiny Board () determined that a decision **fell outside the Council's Budget and Policy Framework** and this determination were confirmed by the Council's Section 151 Officer (in relation to the budget) or Monitoring Officer (in relation to other policies).
- 3.6 If, at the conclusion of this meeting, the Scrutiny Board forms an initial determination that the decision in question should be challenged on the basis of contravening the Budget and Policy Framework, then confirmation will subsequently be sought from the appropriate statutory officer.
- 3.7 Should the statutory officer support the Scrutiny Board's determination, then the report of the Scrutiny Board will be presented in the same manner as for Option 2. If the decision maker accepts the recommendation of the Scrutiny Board in these circumstances, then the revised decision will be published in the same manner as for Option 2 and the decision may not be Called In again. If, however, the decision maker does not accept the recommendation of the Scrutiny Board, then the matter will be referred to full Council for final decision. Decisions of full Council may not be Called In.
- 3.8 Should the appropriate statutory officer not confirm that the decision contravenes the Budget and Policy Framework, then the report of the Scrutiny Board would normally be progressed as for Option 2 (i.e. presented as a recommendation to the decision taker) but with no recourse to full Council in the event that the decision is not varied. As with Option 2, no further Call In of the decision would be possible.

3.9 However, the Scrutiny Board may resolve that, if the statutory officer does not confirm contravention of the Budget and Policy Framework, then it should be released for implementation in accordance with Option 1.

#### **4.0 FAILURE TO AGREE ONE OF THE ABOVE OPTIONS**

4.1 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

#### **5.0 FORMULATING THE BOARD'S REPORT**

5.1 If the Scrutiny Board decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.

5.2 If the Scrutiny Board wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.

5.3 Because of the tight timescales within which a decision Call In must operate, it is important that the Scrutiny Board's report be agreed at the meeting.

5.4 If the Scrutiny Board decides to pursue either of Options 2 or 3, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/ agree this statement as appropriate (a separate item has been included in the agenda for this purpose).

5.5 This statement will then form the basis of the Scrutiny Board's report (together with factual information as to details of the Called In decision, lists of evidence/witnesses considered, Members involved in the Call In process etc).

5.6 The Scrutiny Board is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

#### **6.0 RECOMMENDATION**

6.1 The Scrutiny Board (City Development) is asked to note the contents of this report and to adopt the procedure as detailed within it.

#### **Background Papers**

There are no background papers.

This page is intentionally left blank



Originator: Richard Mills

Tel: 24 74557

---

## Report of the Head of Scrutiny and Member Development

### Scrutiny Board (City Development)

Date: 28<sup>th</sup> October 2008

Subject: REVIEW OF DECISION – Cemeteries and Crematoria Fees and Charges  
(DD34431)

---

Electoral Wards Affected: ALL

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

## 1.0 INTRODUCTION AND BACKGROUND

1.1 This paper presents the background papers to a decision which has been Called In in accordance with the Council's Constitution.<sup>1</sup>

1.2 Papers are attached as follows:

- Copy of completed Call In request form
- The Delegated Decision Notification.

1.3 Appropriate Members and/or officers have been invited to attend the meeting in order to explain the decision and respond to questions.

1.4 Members should note that the Call-In of this decision is concerned only with the increase in charges for burials at cemeteries across Leeds.

## 2.0 RECOMMENDATION

2.1 The Scrutiny Board (City Development) is asked to review this decision and to determine what further action it wishes to take.

---

<sup>1</sup> Scrutiny Board Procedure Rules Paragraph 22

This page is intentionally left blank

**CALL IN REQUEST**

**A Call In request may be made by:**

- a) Any five non-executive Members of council, OR**
- b) two non-executive Members of council if they are not from the same political group<sup>1</sup>**

Date of decision publication: 10<sup>th</sup> October 2008

Delegated decision ref: DD34431

Executive Board Minute no: .....or

Area Committee Name and decision ref: .....

Decision description:

Cemeteries and Crematoria Fees and Charges

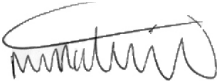
**Reasons for Call In:**  
All requests for Call In must detail why, in the opinion of the signatories, the decision was not taken in accordance with the principles set out in Article 13 of the Council constitution (decision making) (principles of decision making) or where relevant issues do not appear to be taken into consideration. *Please tick the relevant box(es) and give an explanation.*


<input checked="" type="checkbox"/>	Proportionality (ie the action must be proportionate to the desired outcome)
<input type="checkbox"/>	Due consultation and the taking of professional advice from officers
<input type="checkbox"/>	Respect for human rights
<input type="checkbox"/>	A presumption in favour of openness
<input checked="" type="checkbox"/>	Clarity of aims and desired outcomes
<input checked="" type="checkbox"/>	An explanation of the options considered and details of the reasons for the decision
<input type="checkbox"/>	Positive promotion of equal opportunities
<input type="checkbox"/>	Natural justice

**Explanation:**  
Charges for burials at cemeteries across Leeds have risen by 9%. The Labour Group questions whether the proportionality of this decision is appropriate given this increase is 4% more than the current level of inflation. Therefore the Labour Group believes a more detailed explanation of the aims and desired outcomes of this decision need to be made public, and what reasons were given in reaching this verdict.

<sup>1</sup> In the case of decisions made by Area Committees, a Member cannot count as one of the two / five signatures if they are a member of that Area Committee.


**Leeds City Council Scrutiny Support Unit**

1) Signature  Political group LABOUR  
Print name .... Cllr Mohammed Rafique

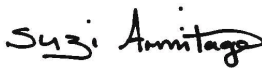
2) Signature  Political group LABOUR  
Print name.... Cllr Ted Hanley

**NB: Only two signatures are required if the councillors signing this form are not from the same political group (option b above).**

**For option a) continue to fill in the rest of the signatures.**

3) Signature  Political group LABOUR  
Print name.... Cllr Mohammed Iqbal

4) Signature  Political group LABOUR  
Print name..... Cllr Brian Selby

5) Signature  Political group LABOUR  
Print name.... Cllr Suzi Armitage

This form should be submitted to the Head of Scrutiny and Member Development (Scrutiny Support Unit, 1st Floor West, Civic Hall) by **5.00pm on the fifth working day after the decision publication date**. The office is open from 9.00am to 5.00pm.

(For further information on the Call In procedure please refer to the Scrutiny Support Unit intranet site, or contact the Unit on 39 51151).

**For office use only:** (box A)

Received on behalf of the Head of Scrutiny and Member Development by:

Richard Mills .....(signature)

Date: ...17<sup>th</sup> October.....Time: 4.23pm      SSU ref:2008/09 DD34431-29

**For office use only: (box B)**

Exemption status  
checked:

Call In authorised: Yes /

Date checked:

Signed: Richard Mills for Peter Marrington

Signatures checked:

Date: 17<sup>th</sup> October 2008

Receipts given:

Validity re article 13

Receipt details: sent 17<sup>th</sup> October 2008

This page is intentionally left blank

# DELEGATED DECISION NOTIFICATION

REF NO <sup>1</sup>
D34431

SERVICE AREA CITY DEVELOPMENT

SUBJECT <sup>2</sup> **Cemeteries and Crematoria Fees and Charges**

DECISION <sup>3</sup>

COUNCIL FUNCTION <input type="checkbox"/>	EXECUTIVE DECISION (KEY) <input checked="" type="checkbox"/>	EXECUTIVE DECISION (MAJOR) <input type="checkbox"/>	EXECUTIVE DECISION (OTHER) <input type="checkbox"/>
NOT SUBJECT TO CALL IN	<sup>4</sup> EXEMPT FROM CALL IN: NO	<sup>4</sup> EXEMPT FROM CALL IN: YES / NO	NOT SUBJECT TO CALL IN

The Acting Chief Recreation Officer agreed to approve the proposed Fees and Charges for the Cemeteries and Crematoria Section outlined in this report, to take effect from 10th October 2008.

AFFECTED WARDS All

ADVICE SOUGHT

	Yes	No
Legal	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Finance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Personnel	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Equal Opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>1</sup> This reference number will be assigned by Constitution and Corporate Governance Unit and notified to you

<sup>2</sup> A brief heading should be inserted

<sup>3</sup> Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding upon the chosen option, although care must be taken not to disclose any confidential or commercially sensitive information. Guidance on the substance of the note is available from Constitution and Corporate Governance Unit

<sup>4</sup> For Key and Major decisions only. If exempt from Call In details to be provided in the report. The Call In period expires at 5.00 pm on the 5<sup>th</sup> working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the 6<sup>th</sup> day.

DECLARED OFFICER / MEMBER INTERESTS<sup>5</sup>

DISPENSATION BY STANDARDS COMMITTEE

BACKGROUND PAPERS<sup>6</sup>

CONFIDENTIAL REPORT YES  NO  RULE NO 10.4<sup>7</sup> ( )

	Yes	No	Date
Executive Member	✓		14.8.08
Ward Councillors	<input type="checkbox"/>	✓	_____
Chief Officers Affected	✓		_____
Others (Specify)	<input type="checkbox"/>	✓	_____

CONTACT PERSON  CONTACT NO

AUTHORISED SIGNATORY<sup>8</sup>   
Martin Farrington DATE 1 October 2008

	KEY	MAJOR	OTHER
<sup>9</sup> *First publication (5 day notice)	2/10/08		
Commencement for Call In	10/10/08		
Last date for Call In	17/10/08		
Implementation Date	20/10/08		

\* If key decision not on Forward Plan, the reason and need that the decision be taken are that:

<sup>5</sup> No officer having a pecuniary interest in any matter should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here.

<sup>6</sup> A separate Index should be prepared if necessary. ALL DOCUMENTATION UPON WHICH THE DECISION WAS BASED MUST BE RETAINED AND BE READILY ACCESSIBLE SO IT CAN BE PRODUCED SHOULD THE DECISION BE CHALLENGED

<sup>7</sup> Access to Information Procedure Rules

<sup>8</sup> The signatory must be duly authorised by the Director to make the decision in accordance with the Department's scheme. It is not acceptable for the signature to be 'pp' for an authorised signatory. For Key Decisions only, the date of the authorised signature signifies that, at the time, the Officer was content that the decision should be taken. However, should representations be received following public availability of reports the signatory will consider the effect which such representations should have upon the final decision.

<sup>9</sup> Constitution and Corporate Governance Unit will enter these dates



<b>Report of:</b>	<b>Acting Chief Recreation Officer</b>
<b>Meeting:</b>	<b>Recreation Delegated Decision Panel</b>
<b>Date of meeting:</b>	<b>4<sup>th</sup> September 2008</b>

<b>SUBJECT:</b>	<b>Cemeteries and Crematoria Fees and Charges</b>
-----------------	---

<b>This Report is for:</b>			
Discussion Only	<input type="checkbox"/>	Information Only	<input type="checkbox"/>
		Advice/consideration prior to taking a Key or Major decision	<input checked="" type="checkbox"/>
<b>Decision to be taken by:</b>			
Full Council	<input type="checkbox"/>	Corporate Governance and Audit Committee	<input type="checkbox"/>
Executive Board	<input type="checkbox"/>	Standards Committee	<input type="checkbox"/>
An Area Committee	<input type="checkbox"/>	Member Management Committee	<input type="checkbox"/>
A Regulatory Committee	<input type="checkbox"/>	A Chief Officer using delegated authority	<input checked="" type="checkbox"/>

## Executive Summary

This report proposes the fees for the Cemeteries and Crematoria Section, the fees if approved will commence from 10th October 2008 members are requested to approve these fees.

### 1.0 Purpose of the Report

1.1 To present the proposed Fees and Charges for the Cemeteries and Crematoria Section, the proposed fees would apply from 10th October 2008.

### 2.0 Background Information

2.1 The Cemeteries and Crematoria section of Parks and Countryside faces a number of significant challenges including the requirement to address Mercury Abatement and the standards of grounds maintenance across the city.

### 3.0 Main Issues

#### Mercury Abatement

3.1 As a service provider Parks and Countryside are obliged under legislation to achieve targets on the emissions of Mercury arising from the operation of cremators. These call for a 50% reduction by December 2012 with a likely move to a 100% reduction by

2020. Addressing these emissions targets requires the retrospective installation of equipment to cremators. There are a number of options to consider to address the mercury abatement issue, but irrespective of the option chosen there will be a capital implication for the Authority of £1.5m plus.

Clearly this level of investment is outside the scope of existing revenue and capital funding for the service.

### Maintenance Standards

- 3.2 Parks and Countryside operate a site inspection scheme to the Green Flag Award standard that forms a local performance indicator namely “ *the percentage of sites assessed that meet the Green Flag standard*”. Recent analysis of the inspection results for cemetery and crematoria sites show a lower than average attainment compared to other typologies in the city.
- 3.3 The results of the local performance indicator is reported within the Local Area Agreement.
- 3.4 It is proposed to increase the cost of cremation activities by 5% which is in line with the current Retail Price Index rate of inflation. This rise will provide an additional £130,096 per annum to meet the costs of the service. In addition an environmental surcharge of £30.00 per cremation would be added which will provide a £150,400 revenue stream. This will facilitate prudential borrowing allowing the service to meet current and future legislative needs for Mercury abatement once a preferred option (see 3.1) emerges.
- 3.5 It is further proposed to increase the charges for burials by 9% across all types of burial activities. Based upon income from 2007/08 this would provide an additional £95,504 of revenue. Of this, £63,669 will be used to meet the costs of the service with £31,835 being directed to additional labour resources to help address the maintenance and presentation standards of crematoria and cemeteries.

### **4.0 Implications for Council Policy and Governance**

- 4.1 The Executive Member for Leisure has been consulted on the proposal.

### **5.0 Legal and Resource Implications**

- 5.1 These changes will provide an additional £376,000 per annum to meet the costs of the service and will provide a revenue stream to facilitate prudential borrowing allowing the service to meet current and future legislative needs for Mercury abatement.

### **6.0 Recommendation**

- 6.1 The Acting Chief Recreation Officer is requested to consider and approve the proposed fees and charges for the Cemeteries and Crematoria Section outlined in this report, to take effect from 10 October 2008.