



SCRUTINY BOARD (CITY DEVELOPMENT)

Call-In Meeting to be held in Civic Hall, Leeds, Leeds on
Wednesday, 5th August, 2009 at 12 noon*
*(No pre –meeting)

MEMBERSHIP Councillors

S Armitage	-	Cross Gates and Whinmoor;
C Beverley	-	Morley South;
R Downes	-	Otley and Yeadon;
T Grayshon	-	Morley South;
R Harington	-	Gipton and Harehills;
M Lobley	-	Roundhay;
T Murray	-	Garforth and Swillington;
A Ogilvie	-	Beeston and Holbeck;
R Pryke (Chair)	-	Burmantofts and Richmond Hill;
D Schofield	-	Temple Newsam;
S Smith	-	Rothwell;
N Taggart	-	Bramley and Stanningley;
G Wilkinson	-	Wetherby;

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

Agenda compiled by:
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Governance Services
Civic Hall
LEEDS LS1 1UR
Tel: 24 74360

Principal Scrutiny Adviser:
Richard Mills
Tel: 24 74557

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</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>RESOLVED – 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.</p>	

3			<p>LATE ITEMS</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>DECLARATION OF INTERESTS</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>APOLOGIES FOR ABSENCE</p>	
6			<p>CALL -IN OF DECISION - BRIEFING PAPER</p> <p>To consider a report of the Head of Scrutiny and Member Development.</p>	1 - 4
7		10.4(3)	<p>CALL-IN - REVIEW OF DELEGATED DECISION D35700 - SPORTS OF THE FUTURE ICT REFRESH - 15608</p> <p>In accordance with the Scrutiny Procedure Rules, to review the attached delegated decision of the Director of Resources and Director of City Development in relation to Sports of the Future ICT Refresh – 15608.</p> <p>Appendix 2 to the report is designated as exempt under Access to Information Procedure Rule 10.4 (3).</p>	5 - 52
8			<p>OUTCOME OF CALL-IN</p> <p>In accordance with the Scrutiny Procedure Rules, to consider the Board's formal conclusions and recommendation(s) arising from consideration of the Called-In decision.</p>	



Originator: Richard Mills

Tel: 247 4557

Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 5th August 2009

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.¹ 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.

¹ 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 is asked to note the contents of this report and to adopt the procedure as detailed within it.

Background Papers

None

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Originator: Richard Mills

Tel:247 4557

Not for Publication: The Addendum to the Delegated Decision attached to this report is not for publication. It is Exempt/Confidential under Rule 10.4 (3) Financial and Business Affairs

Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 5th August 2009

Subject: : Call In - Review of Delegated Decision D35700 Sports of the Future ICT Refresh - 15608

Electoral Wards Affected: All



Ward Members consulted
(referred to in report)

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.¹

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.

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.

Background Papers

None

¹ Scrutiny Board Procedure Rules Paragraph 22

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 group¹

Date of decision publication:

Delegated decision ref: D35700

Executive Board Minute no:or

Area Committee Name and decision ref:

Decision description:

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.*

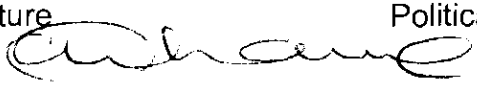
- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | Proportionality (ie the action must be proportionate to the desired outcome) |
| <input type="checkbox"/> | Due consultation and the taking of professional advice from officers |
| <input type="checkbox"/> | Respect for human 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 |

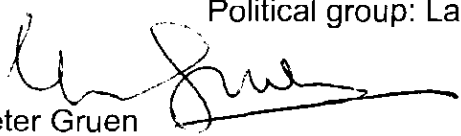
Explanation:

We the undersigned members would like greater clarification regarding options considered during the contract allocation process, relating to the Sport for the Future ICT refresh. Further information is needed with regard to the cost-benefit analysis of the various options considered and the reasons the final recommendation was agreed.

¹ 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

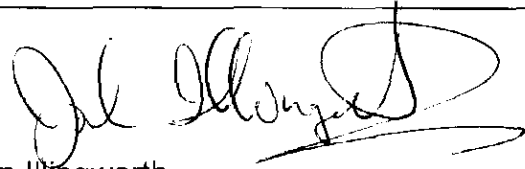
1) Signature  Political group: Labour Group
Print name Cllr Alison Lowe

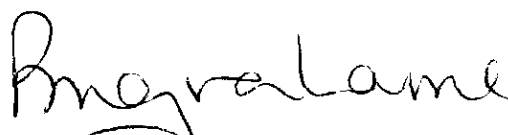
2) Signature  Political group: Labour Group
Print name.... Cllr Peter Gruen

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 
Print name.... Cllr Bernard Atha

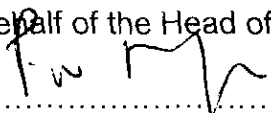
4) Signature 
Print name..... Cllr John Illingworth

5) Signature 
Print name.... Cllr Pauleen Grahame

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:
.....(signature)

Date: 27/7/09 Time: 10:16 SSU ref: 2009/11/D35700-36

For office use only: (box B)

Exemption status checked:

Date checked:

Signatures checked:

Receipts given:

Validity re article 13

Call In authorised: Yes / No

Signed: *[Handwritten Signature]*

Date: 27.7.09.

Receipt details:

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DELEGATED DECISION NOTIFICATION

REF NO ¹
D35700

DECISION MAKER

Director of Resources

SUBJECT ²

Sports of the Future_ICT Refresh - 15608

DECISION ³

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	⁴ EXEMPT FROM CALL IN: NO	⁴ EXEMPT FROM CALL IN: YES / NO	NOT SUBJECT TO CALL IN

Director of Resources gave authority to incur expenditure of £788,950k

ICT Staffing £183,000
Hardware/software £605,950

Provide Sport and Active Recreation with:

- A replacement of the leisure management system
- An upgrade of the data communications network where required
- A minimum connection speed at all centres that do not meet the leisure management system operational requirements

The public interest in maintaining its addendum as exempt outweighs its public interest in disclosing the information by reason of the fact that it contains commercially sensitive information which if disclosed could be prejudicial to the authority.

AFFECTED WARDS

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 type="checkbox"/>
ICT Management Board	<input checked="" type="checkbox"/>	

26 June 2009

DECLARED OFFICER / MEMBER INTERESTS⁵

None

¹ This reference number will be assigned by Governance Services and notified to you

² A brief heading should be inserted

³ 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 Governance Services

⁴ 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 **5th** working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the **6th** day.

⁵ 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.

DISPENSATION BY STANDARDS COMMITTEE

DATE:

BACKGROUND PAPERS⁶

Business Case

CONFIDENTIAL REPORT

YES NO RULE NO 10.4⁷ (3)

DETAILS OF CONSULTATION UNDERTAKEN (OTHER REASONS/ ORGANISATIONS CONSULTED)

	Yes	No	Date
Executive Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	__ May 2009 __
Ward Councillors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Chief Officers Affected	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Others (Specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

CONTACT PERSON

David Dixon

CONTACT NO

77845

AUTHORISED SIGNATORY⁸

M Taylor DATE 14th July 2009

	KEY	MAJOR	OTHER
⁹ *First publication (5 day notice)	14/07/09		
Commencement for Call In	21/07/09		
Last date for Call In	28/07/09		
Implementation Date	29/07/09		

Re-assessment of priorities and realignment of funding has allowed the project to proceed sooner than anticipated, resulting in missing the July additions to the forward plan. The decision needs to be taken due to the Sport & Active Recreations Service's current ICT systems reaching the end of the current contract at the end of February 2010.

⁶ 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

⁷ Access to Information Procedure Rules

⁸ 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.

⁹ Governance Services will enter these dates

Document is Restricted

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