

GENERAL PURPOSES COMMITTEE

**Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Tuesday, 4th March, 2014 at 2.00 pm**

MEMBERSHIP

Councillors

| | | |
|---------------------|---|---------------------------|
| D Blackburn | - | Farnley and Wortley; |
| J Blake | - | Middleton Park; |
| S Golton | - | Rothwell; |
| P Gruen | - | Cross Gates and Whinmoor; |
| G Harper | - | Hyde Park and Woodhouse; |
| G Latty | - | Guisseley and Rawdon; |
| A Lowe | - | Armley; |
| E Nash | - | City and Hunslet; |
| J Procter | - | Wetherby; |
| M Rafique | - | Chapel Allerton; |
| S Varley | - | Morley South; |
| K Wakefield (Chair) | - | Kippax and Methley; |

**Agenda compiled by:
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LEEDS LS1 1UR
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A G E N D A

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|---------|--------------------------|---------------|--|---------|
| 1 | | | <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services 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, as follows:-</p> | |

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| 3 | | | LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes) | |
| 4 | | | DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2000 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct. | |
| 5 | | | APOLOGIES FOR ABSENCE To receive any apologies for absence from the meeting. | |
| 6 | | | MINUTES To approve the minutes of the General Purposes Committee held on the 11 th December 2013. | 1 - 2 |
| 7 | | | APPROVAL OF THE 2014/15 PAY POLICY STATEMENT To consider the report of the Chief Officer HR setting out an updated Pay Policy Statement that must be annually approved by Full Council before April. | 3 - 24 |

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| 8 | | | <p>RECONFIRMING SUPPORT FOR A JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (YORKSHIRE AND THE HUMBER) IN RELATION TO THE NEW CONGENITAL HEART DISEASE REVIEW</p> <p>To consider the report of the City Solicitor that reconfirms support for the establishment of a Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in relation to the new review of Congenital Heart Disease Services.</p> | 25 - 32 |
| 9 | | | <p>PROTOCOL FOR THIRD PARTY RECORDING OF COMMITTEE, BOARD AND PANEL MEETINGS</p> <p>To consider the report of the City Solicitor setting out Protocol for Third Party Recording of Committee, Board and Panel Meetings.</p> | 33 - 44 |

GENERAL PURPOSES COMMITTEE

WEDNESDAY, 11TH DECEMBER, 2013

PRESENT: Councillor K Wakefield in the Chair

Councillors D Blackburn, M Dobson (as substitute for J Blake), S Golton, P Gruen, J Hardy (as substitute for G Harper), G Latty, A Lowe, E Nash, J Procter, M Rafique and S Varley

Apologies Councillors J Blake and G Harper

20 Appeals against refusal of inspection of documents

There were no appeals against the refusal of inspection of documents.

21 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

22 Late items

There were no late items submitted to the agenda for consideration.

23 Declaration of Disclosable Pecuniary and Other Interests

No declarations were made.

24 Apologies for absence

Apologies for absence were received from Councillors J Blake and G Harper. Councillor J Hardy was in attendance as substitute for Councillor G Harper. Councillor M Dobson was in attendance as substitute for J Blake.

25 Minutes - 28th October 2013

RESOLVED – The minutes of the meeting held on 28th October 2013 were approved as a correct record.

26 Establishing a Housing Advisory Board

The Director of Environment and Housing submitted a report asking the Committee to consider and make recommendations to full Council about the appointment of a Housing Advisory Board.

Councillor P Gruen, the Executive Member for Environment and Housing informed the Committee that the Shadow Housing Advisory Board had now met three times and was going well.

Members asked questions about the appointment of independent members to the Board and how they would be selected. The Committee were informed that the recruitment process is underway, 10 applications had been received of which 5 had been shortlisted for interview following advertisements in the 'Inside Housing' publication.

Members also discussed the selection of tenants to sit on the Housing Advisory Board and the places they would be selected from.

RESOLVED – The Committee resolved to recommend the following to full Council:

- (a) That a Housing Advisory Board be appointed to discharge the functions as set out in the terms of reference attached at appendix 1 of the submitted report;
- (b) That six Elected Members be appointed to the Housing Advisory Board;
- (c) That the following be appointed as voting members of the Housing Advisory Board, for the terms of office set out in paragraph 3 of the submitted report:
 - Three tenants/leaseholders;
 - Three people who are independent of the Council.
- (d) That the Housing Advisory Board may select up to three non-voting co-optees, with some specialist skill or knowledge which would be of assistance to the Housing Advisory Board, to be appointed for a term of office which relates to a particular issue; and
- (e) That the quorum for the Board be 4, including two Councillors and 1 tenant/leaseholder voting co-opted member.

Report of the Chief Officer HR

Report to General Purposes Committee

Date: 4th March 2014

Subject: Approval of the 2014/15 Pay Policy Statement

| | | |
|--|---|--|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. This paper sets out an updated Pay Policy Statement. This is required under the Localism Act and must be annually approved by the Full Council before April.

Recommendations

2. The General Purposes Committee is recommended to:
 - a) Consider the review of the Pay Policy Statement and make recommendations to full Council in respect of the approval of the Pay Policy Statement for the 2014/15 financial year.
 - b) Receive assurances from the Deputy Chief Executive that the senior management pay structure is appropriate and complied with.

1. Purpose of this report

- 1.1. The purpose of this report is to seek Members' views on a revised Pay Policy Statement and for the Committee to make recommendations to Full Council to approve the changes before the start of the 2014/15 Financial Year.

2. Background information

- 2.1. Local Authorities are required under section 38 of the Localism Act 2011 to prepare an annual Pay Policy Statement. The statement must articulate the Council's policy towards the pay of its most senior staff and relationships with the pay of the rest of the work-force. The provisions of the Act do not apply to the employees of local authority schools.
- 2.2. Each local authority is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate to local circumstances and which deliver value for money for local taxpayers. The provisions of the Localism Act do not seek to change this or to determine what decisions on pay should be taken. However they require individual employing authorities to be clearer about their own policies in relation to pay.
- 2.3. Section 40 of the Localism Act requires authorities, in developing their Pay Policy Statement, to have regard to any guidance published by the Secretary of State. This includes Communities and Local Government guidance on Openness and Accountability in Local Pay and the Code of Recommended Practice for Local Authorities on Data Transparency ("Open Data").
- 2.4. In October 2012 the Government issued a new consultation on the Code which closed in December 2012. This does not directly affect the policy but has implications about how information about less senior staff is published. This includes giving details on Job Descriptions, budgets and staff that they manage.
- 2.5. The government response to the above consultation was issued in December 2013 and data will be published in line with requirements for senior staff that are not covered by this policy.
- 2.6. Under the Localism Act and related guidance a Pay Policy Statement must as a minimum cover:
 - 2.6.1. policy on the level of remuneration for each Chief Officer including base salary (or payments when on a contract for services), expenses, bonuses, PRP, earn back, honoraria and ex-gratia payments;
 - 2.6.2. election fees, joint authority duty payments and severance arrangements;
 - 2.6.3. policy on remunerating the lowest paid in the workforce including the authority definition of the lowest paid employee and the reasons for the definition e.g. the authority's lowest pay point and how it was decided;
 - 2.6.4. policy on relationship between the remuneration of Chief Officers and other staff – policy towards maintaining or reaching a specific pay multiple;

- 2.6.5. policy on other aspects of Chief Officer remuneration – recruitment, pay increases and additions, PRP and bonuses, termination payments, transparency, re-employment when the Chief Officer is in receipt of LGPS pension and/or a redundancy/severance payment, and;
- 2.6.6. Full Council being given the opportunity to consider salary packages in excess of £100k for new appointments before they are offered.¹

3. Main issues

Policy Compliance 2013-14

- 3.1. The Chief Officer HR and Deputy Chief Executive give their assurance that the policy is up to date, fit for purpose, effectively communicated and routinely complied with and monitored.
- 3.2. The change in the pay multiplier is explained by the slight decrease in the median salary, from £19,621 to £19,317 as the Chief Executive's salary has remained static due to his decision to continue with a voluntary pay cut.
- 3.3. The pay multiple in Leeds for 2014/15 is 9.13:1, in Bradford for 2013/14 it was 9.3:1 and in Wakefield there is no policy on maintaining or reaching a specific pay multiple. Some core city comparisons for 2013/14 are: 9.20:1 in Manchester, 9.40:1 in Sheffield, 9.80:1 in Birmingham and 11.1:1 in Nottingham.

Policy Updates arising from a review

- 3.4. The main changes to the Policy are listed below and have been incorporated into the revised policy at Addendum 1.

Public Health

- 3.5. Responsibility for Public Health functions transferred to the Council on 1st April 2013. Employees transferred under TUPE principles underpinned by a Department of Health/Secretary of State transfer scheme.
- 3.6. Public Health staff covered by this policy include the Director of Public Health and seven Public Health Consultants
- 3.7. In accordance with TUPE principles and the staff transfer scheme, the Director of Public Health and Public Health Consultants receive protection of general NHS terms and conditions, including the Terms and Conditions – Consultants 2003. However employees can only continue to benefit from those terms and conditions and any collectively agreed pay awards that were applied at the time of the transfer.
- 3.8. New employees recruited to the Public Health function or existing employees who apply for a vacancy within the function will be offered employment on Local Government terms and conditions.

¹ This is undertaken by the Employment Committee, the committee appointed by Full Council for the purpose of appointing Senior Officers. See Employment Committee Terms of Reference

- 3.9. Given the range of pay options that apply to transferred staff it is suggested a review is undertaken during the period of the 14/15 Policy. This can draw on the experience of other Councils where changes have been made to harmonise or simplify arrangements.
- 3.10. It is proposed that this report serves as an update on Public Health information referenced in last year's GPC report.

Pension Scheme Changes

- 3.11. The Local Government Pension Scheme is changing as of 1st April 2014.
- 3.12. The employer pension contribution for JNC staff for 2012/13 was 14.3% and for 2013/14 it was 14.5%.
- 3.13. The employer pension contribution for NHS staff for 2013/14 was 14%.
- 3.14. In 2014/15 the employer contribution rate for LCC JNC staff will be 13.6% and the employee contribution will be updated as soon as the information becomes available.

Members' review of Pay Policy Statements

- 3.15. There are a number of factors which may influence Members' views on updating the policy in more detail in the next 12 months:
- The Local Government Association guide for Councillors on reviewing policies
 - The Department for Communities and Local Government guidance document: "Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011"
 - The Government response to the consultation on "Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011."
- 3.16. The above Guidance asks that Councils consider a number of issues the following of which are included within the policy:
- a) links with existing discretionary payments policies for severance and pensions;
 - b) how the policy is reviewed and developed
 - c) that Full Council be given the opportunity to vote on severance payments over £100k.
- 3.17. It is noted that the council will take steps to ensure that senior management structures and pay are appropriate and reflect value for money in line with overall budget strategies.

- 3.18. Consequently it is proposed that the Deputy Chief Executive gives assurance that the senior management pay structure is appropriate and amends where necessary for the future year in line with reporting overall policy compliance.

4. Corporate Considerations

4.1. Consultation and Engagement

- 4.1.1. Trade unions were consulted on the policy and changes that have been made.
- 4.1.2. In terms of wider communications issues, Councils in the region and nationally will be publicising policies from January 2014 onwards. A responsive media engagement strategy will be prepared which will reference any advice taken from the LGE in relation to other relevant Pay Policy statements.

4.2. Equality and Diversity / Cohesion and Integration

- 4.2.1. A screening exercise has been completed. It is noted that BME are under-represented in Senior Management positions. However, 51.29%, of JNC graded posts are now held by female employees.

4.3. Council policies and City Priorities

- 4.3.1. The Pay Policy Statement is required by law and must be approved annually by Full Council prior to 1st April.

4.4. Resources and value for money

- 4.4.1. The Pay Policy Statement will be a future point of reference for the Council in assessing its senior management costs and its budget strategy.

4.5. Legal Implications, Access to Information and Call In

- 4.5.1. The draft policy has been assessed as complying with the requirements of the Localism Act.
- 4.5.2. In terms of its formal adoption it is proposed to report the Policy to the Council meeting on Weds 26th March 2014, and is therefore compliant with the statutory requirements.

4.6. Risk Management

- 4.6.1. The Council will need to consider any reputational implications of the published policy in terms of how stakeholders and the media respond.
- 4.6.2. Also it is noted that in Reviewing the Policy all requirements regarding pay issues have been complied with in 2013/14. Members are asked to note this compliance.

5. Conclusions

- 5.1. All Councils are legally obliged to provide, on an annual basis, a Pay Policy Statement. The proposed revised policy is intended to meet this requirement.

6. Recommendations

6.1. The General Purposes Committee is recommended to:

- a) Consider the review of the Pay Policy Statement and make recommendations to full Council in respect of the approval of the Pay Policy Statement for the 2014/15 financial year.
- b) Receive assurances from the Deputy Chief Executive that the senior management pay structure is appropriate and complied with.

7. Background documents²

7.1. None

² The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.



Annual Pay Policy Statement

Financial Year 2014/15

(To be) Approved by Full Council – 26th March 2014

Contents

Section 1 – Purpose and Application

Section 2 - Policy Statement

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- § **Policy on remunerating senior officers**
 - Salaries and Appointment
 - Terms and Conditions
 - Bonuses and performance related pay
 - Earn Back
 - Termination Payments
- § **Policy on remunerating the lowest paid in the workforce**
- § **Policy on the relationship between the senior officer remuneration and that of other staff**
- § **Re Employment of staff in receipt of a LGPS Pension or a Redundancy/Severance Payment**
- § **Obligations under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations 2011**

List of Appendices

Appendix 1 – Pay scales under the JNC Conditions of Service

Appendix 2 – Pay scales under the NJC Conditions of Service

Appendix 3 – Pay scales for the Director of Public Health and Consultants under Agenda for Change

Appendix 4 – Pay scales under NHS Agenda for Change

Section 1 - Purpose and Application

This Pay Policy Statement has been written to cover requirements under Sections 38 – 43 of the Localism Act 2011. This requires that the authority produce a policy statement covering a number of matters concerning the pay of the authority's staff.

This policy must be complied with for all decisions relating to the remuneration of, or other terms and conditions applying to, those senior officers listed in Section 2.

This policy will be reviewed annually and presented to Full Council for approval before the 31st March immediately preceding the financial year to which it relates.

Section 2 - Policy Statement

Definition of senior officers covered by the Pay Policy Statement

This Pay Policy Statement covers the following senior officer posts;

1. Head of the Paid Service, which in this authority is the post of Chief Executive
2. Deputy Chief Executive who is the Section 151 Officer City Solicitor who is the Monitoring Officer, the Directors of Public Health, Adult Social Care, Children Services, City Development and Environment and Housing and the Assistant Chief Executive (Citizens and Communities). These post-holders are members of the authority's Corporate Leadership Team (CLT) and report directly to the Chief Executive.
3. Those required to report directly to, or are directly accountable to, one or more of those described in 1-2 above.

Policy on remunerating senior officers

It is the policy of this authority to establish a remuneration package for each senior officer post that is sufficient to attract and retain those with the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the authority's requirements of the post in question.

Salaries and Appointment

The authority may seek independent advice as a means informing decisions on determining the pay scale for senior officer posts.

The salary for JNC senior officer posts will be determined by reference to the pay scales at Appendix 1¹.

The basic salary for the Director of Public Health will be determined by reference to the relevant NHS pay scales at Appendix 3 and is within the salary range £84667 £101451

The salary for NHS Consultants transferred into the organization under TUPE principles will be determined by reference to the pay scales at Appendix 3 and for other Public Health staff transferred into the organisation under TUPE principles will be determined by reference to the pay scales at Appendix 4.

¹ For completeness the pay scales for staff employed on NJC conditions of service is provided at Appendix 2.

All new senior officer appointments will be made by the Employment Committee, who will determine salary packages².

Appointments will be made to the appropriate approved minimum point of the grade for the post in question unless there is evidence that a preferred candidate cannot be appointed without varying the remuneration package. In such circumstances incremental advancement within the grade range is permissible.

In exceptional circumstances this policy provides for a departure from the Pay Policy. All departures from this policy will be expressly justified and in cases where he/she is not personally affected will be authorised by the Chief Executive in consultation with members of the Employment Committee, and in cases where he/she is personally affected, by Full Council, or, where the Employment Committee has not been involved in the appointment of a Senior Officer will be consulted upon with the appropriate Executive Members, including the Executive Member within whose portfolio the post reports, the Executive Member with responsibility for Human Resources and the Leader of Council. Information regarding any such decisions will be reported to the next meeting of Full Council.

Honoraria³ may be payable in circumstances where additional duties and responsibilities are undertaken which are over and above those which could be reasonably accommodated within existing terms and conditions of employment.

Market supplements may be paid only where it has been established that there is a significant risk of not being able to retain/replace staff with specific knowledge and skills essential to the delivery of a particular service, project or corporate priority. All such payments will be reviewed annually by the Head of Paid Service.

Terms and Conditions

The Chief Executive is employed on terms and conditions set out under the Joint National Council for Chief Executives. All other senior officers are employed on terms and conditions set out under the Joint National Council for Chief Officers. Under these arrangements national pay awards are negotiated annually.

Equivalent arrangements are also in place for staff covered by NHS terms & conditions following the transfer of Public Health.

Some aspects of remuneration are applicable to all staff (including senior officers covered by this policy). For completeness these are outlined below:

- Membership of the Local Government Pension Scheme; with employee contributions ranging from 5.5% (on salaries up to £13,500) to 12.5% (on salaries over £150,000).
- Expenses for travel and subsistence based on National Joint Council for Local Government Employee rates
- On appointment, incremental progression following 6 months employment and then annual incremental progression on each 1st April thereafter.

The Director of Public Health (DPH) and Public Health Consultants transferred to the local authority on 1st April 2013 as part of a Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) which is underpinned by a Department Health/Secretary of State formal Transfer Scheme. In accordance with this the DPH and Consultants receive protection of general NHS Terms and Conditions, including the Terms and Conditions – Consultants 2003, and in line with the principles in TUPE and the staff transfer scheme.

² Senior Officers in this respect refers to the posts in Section 2 points 2 to 3 i.e. Directors, Chief Officers and other senior officers who report directly to a Director

³ Including payments made for joint authority duties

Public Health transferred employees can only benefit from collectively agreed pay awards and terms and conditions that applied at 1st April 2013.

The remuneration of the Director of Public Health and some Public Health Consultants is as set out in the Pay and Terms and Consultants pre and post 2003. Remuneration of other Public Health Consultants is as set out in the NHS Terms and Conditions of Service.

Other aspects of chief officer remuneration may also be different for public health employees. The Pay and Terms and Conditions for Medical and Dental Staff and the NHS Terms and Conditions of Service Handbook sets out the detail of other pay related enhancements and payable allowances/expenses.

Bonuses and Performance Related Pay

For posts under this policy, the Authority does not currently operate a bonus or performance related pay scheme. Performance is considered however as part of a package to offer market supplements and retention pay when needed.

Earn-Back

The Authority does not operate a scheme of remuneration linked to Earn-Back

Termination Payments

All decisions relating to termination payments will be made by;

- Full Council – in respect of the Head of Paid Service
- The Head of Paid Service – in respect of the Deputy Chief Executive
- Deputy Chief Executive – in respect of other Directors and the City Solicitor
- Directors – in respect of those who report to them.

Termination payments may be made to senior officers covered by this policy. The maximum discretion for the Council is to award 104 weeks pay under the national statutory framework. There is also discretion to augment pensions.

Payments made must demonstrate value for money and be conducive to the effective and efficient operation of the authority.

The Leader of the Council will be consulted in relation to any such termination payments.

Policy on remunerating the lowest paid in the workforce

The pay scales for staff employed on National Joint Council for Local Government terms and conditions are detailed at Appendix 2, alongside other JNC grades.

These, and other terms and conditions of employment are negotiated through appropriate collective bargaining mechanisms and then incorporated into contracts of employment.

The lowest pay point in this authority (excluding schools) equates to an annual full time salary of £12,614 and can be expressed as an hourly rate of pay of £6.53. This is on the A1 grade which rises incrementally to £13,321.

For comparison the National Minimum Wage was £6.31 p/h as at 1st October 2013.

The pay rate is increased in accordance with any pay settlements which are reached through the National Joint Council for Local Government Services.

The pay multiplier between this and the current salary of the Chief Executive is 14:1.

Policy on the relationship between Senior Officer remuneration and that of other staff

The highest paid salary is paid to the Chief Executive. At March 2013 the average median salary in Leeds City Council (not including Schools) is £19,317.22.

The ratio between the median and Chief Executive's actual salary, the 'pay multiple' is 9.13:1. This authority does not have a policy on maintaining or reaching a specific 'pay multiple'. However the authority is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the authority as expressed in this policy statement.

The authority's approach to the payment of staff is to pay that which the authority needs to pay to recruit and retain staff with the skills, knowledge, experience, abilities and qualities needed for the post in question at the relevant time, and to ensure that the authority meets any contractual requirements for staff including the application of any local or national collective agreements, or authority decisions regarding pay.

Re Employment of staff in receipt of a LGPS Pension or a Redundancy/Severance Payment

The authority is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation.

Obligations under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011).

The Authority will publish information on pay and rewards for staff falling under the criteria specified in the Code of Recommended Practice for Local Authorities on Data Transparency and which requires the authority to provide information relating to those employees with salary packages above £50,000 and which fall below those of Chief Officers as specified above.

Election Fees

Additional fees for national elections and referendums are paid to the Chief Executive in their capacity as Returning Officer. In turn these are apportioned to staff supporting the Returning Officer in accordance with criteria determined by the Chief Executive.

These fees and any apportionment will be published as part of the Council's Obligations under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011).

Private Service Company Consultants

Individuals who operate as private service companies will not be directly engaged to cover senior officer posts covered by this policy.

Pay scales under the JNC Conditions of Service

| Grade | SCP | Salary £ | Grade | SCP | Salary £ |
|------------------------|-----|----------|----------------|-----|----------|
| Chief Executive | 1 | 182,147 | Director 85% | 1 | 89,208 |
| | 2 | 185,650 | | 2 | 91,437 |
| | 3 | 189,153 | | 3 | 93,666 |
| | 4 | 192,655 | | 4 | 95,898 |
| | 5 | 196,158 | | 5 | 98,127 |
| Deputy Chief Executive | 1 | 147,118 | Director 80% | 1 | 83,958 |
| | 2 | 150,620 | | 2 | 86,058 |
| | 3 | 154,123 | | 3 | 88,158 |
| | 4 | 157,626 | | 4 | 90,255 |
| | 5 | 161,128 | | 5 | 92,355 |
| Director Grade | 1 | 134,347 | Director 75% | 1 | 78,711 |
| | 2 | 137,320 | | 2 | 80,679 |
| | 3 | 140,293 | | 3 | 82,647 |
| | 4 | 143,265 | | 4 | 84,615 |
| | 5 | 146,238 | | 5 | 86,583 |
| Asst Chief Executives | 1 | 114,215 | Director 70% | 1 | 73,464 |
| | 2 | 116,699 | | 2 | 75,300 |
| | 3 | 119,183 | | 3 | 77,136 |
| | 4 | 121,667 | | 4 | 78,975 |
| | 5 | 124,151 | | 5 | 80,811 |
| Director 95% | 1 | £99,702 | Director 60% | 1 | 62,970 |
| | 2 | 102,192 | | 2 | 64,545 |
| | 3 | 104,688 | | 3 | 66,117 |
| | 4 | 107,178 | | 4 | 67,692 |
| | 5 | 109,671 | | 5 | 69,267 |
| Director 90% | 1 | 94,452 | Director 52.5% | 1 | 55,098 |
| | 2 | 96,816 | | 2 | 56,475 |
| | 3 | 99,177 | | 3 | 57,852 |
| | 4 | 101,538 | | 4 | 59,232 |
| | 5 | 103,899 | | 5 | 60,609 |
| | | | Director 45% | 1 | 47,229 |
| | | | | 2 | 48,408 |
| | | | | 3 | 49,587 |
| | | | | 4 | 50,769 |
| | | | | 5 | 51,951 |
| | | | Director 40% | 1 | 41,979 |
| | | | | 2 | 43,029 |
| | | | | 3 | 44,079 |
| | | | | 4 | 45,129 |
| | | | | 5 | 46,179 |

Pay scales under the NJC Conditions of Service

| Grade | SCP | Salary £ | Grade | SCP | Salary £ |
|-------|-----|----------|-------|-----|----------|
| PO6 | 46 | 39,351 | C3 | 26 | 22,443 |
| | 47 | 40,254 | | 27 | 23,188 |
| | 48 | 41,148 | | 28 | 23,945 |
| | 49 | 42,032 | C2 | 24 | 21,067 |
| PO5 | 44 | 37,578 | | 25 | 21,734 |
| | 45 | 38,422 | | 26 | 22,443 |
| | 46 | 39,351 | C1 | 22 | 19,817 |
| | 47 | 40,254 | | 23 | 20,400 |
| PO4 | 41 | 34,894 | | 24 | 21,067 |
| | 42 | 35,784 | | 25 | 21,734 |
| | 43 | 36,676 | B3 | 18 | 17,333 |
| | 44 | 37,578 | | 19 | 17,980 |
| PO3 | 38 | 32,072 | | 20 | 18,638 |
| | 39 | 33,128 | | 21 | 19,317 |
| | 40 | 33,998 | B2 | 16 | 16,604 |
| | 41 | 34,894 | | 17 | 16,998 |
| PO2 | 35 | 29,528 | | 18 | 17,333 |
| | 36 | 30,311 | B1 | 13 | 15,598 |
| | 37 | 31,160 | | 14 | 15,882 |
| | 38 | 32,072 | | 15 | 16,215 |
| PO1 | 33 | 28,127 | | 16 | 16,604 |
| | 34 | 28,922 | | 17 | 16,998 |
| | 35 | 29,528 | A3 | 11 | 14,880 |
| | 36 | 30,311 | | 12 | 15,189 |
| SO2 | 32 | 27,323 | | 13 | 15,598 |
| | 33 | 28,127 | A2 | 9 | 13,725 |
| | 34 | 28,922 | | 10 | 14,013 |
| | 29 | 24,892 | | 11 | 14,880 |
| SO1 | 30 | 25,727 | A1 | 6 | 12,614 |
| | 31 | 26,539 | | 7 | 12,915 |
| | | | | 8 | 13,321 |

| Pay Progression for NHS Public Health Consultants appointed before 31 October 2003 | | | | |
|--|---|---------------|------------------------------|-----------|
| Seniority at transfer | Years after transfer before threshold level changes | Pay Threshold | Basic Salary (2012/13 Rates) | Pay Scale |
| | | | | |
| 30 + | On transfer to new contract | | £90,263 | YC71** |
| | 1 year after transfer | 7 | £95,860 | |
| | 2 years after transfer | 8 | £101,451 | |
| 21-29 | On transfer to new contract | | £94,667 | YC70** |
| | 1 year after transfer | 6 | £90,263 | |
| | 2 years after transfer | 7 | £95,360 | |
| | 3 years after transfer | 8 | £101,461 | |
| 20 | On transfer to new contract | | £84,667 | YC69** |
| | 1 year after transfer | 6 | £90,263 | |
| | 3 years after transfer | 7 | £95,860 | |
| | 4 years after transfer | 8 | £101,451 | |
| 19 | On transfer to new contract | | £84,667 | YC68** |
| | 1 year after transfer | 6 | £90,263 | |
| | 3 years after transfer | 7 | £95,860 | |
| | 5 years after transfer | 8 | £101,451 | |
| 18 | On transfer to new contract | | £84,667 | YC67* |
| | 2 years after transfer | 6 | £90,263 | |
| | 3 years after transfer | 7 | £95,860 | |
| | 5 years after transfer | 8 | £101,451 | |
| 17 | On transfer to new contract | | £84,667 | YC66** |
| | 2 years after transfer | 6 | £90,263 | |
| | 4 years after transfer | 7 | £95,860 | |
| | 6 years after transfer | 8 | £101,451 | |
| 16 | On transfer to new contract | | £84,667 | YC65** |
| | 3 year after transfer | 6 | £90,263 | |
| | 4 years after transfer | 7 | £95,860 | |
| | 7 years after transfer | 8 | £101,451 | |
| 15 | On transfer to new contract | | £84,667 | YC64** |
| | 3 year after transfer | 6 | £90,263 | |
| | 4 years after transfer | 7 | £95,860 | |
| | 8 years after transfer | 8 | £101,451 | |
| 14 | On transfer to new contract | | £84,667 | YC63** |
| | 3 year after transfer | 6 | £90,263 | |
| | 5 years after transfer | 7 | £95,860 | |
| | 9 years after transfer | 8 | £101,451 | |
| 13 | On transfer to new contract | | £84,667 | YC62** |
| | 3 year after transfer | 6 | £90,263 | |
| | 5 years after transfer | 7 | £95,860 | |
| | 10 years after transfer | 8 | £101,451 | |
| 12 | On transfer to new contract | | £84,667 | YC61** |
| | 3 year after transfer | 6 | £90,263 | |
| | 6 years after transfer | 7 | £95,860 | |

| Pay Progression for NHS Public Health Consultants appointed before 31 October 2003 | | | | |
|--|---|---------------|------------------------------|-----------|
| Seniority at transfer | Years after transfer before threshold level changes | Pay Threshold | Basic Salary (2012/13 Rates) | Pay Scale |
| | 11 years after transfer | 8 | £101,451 | |
| 11 | On transfer to a new contract | | £84,667 | YC60** |
| | 4 years after transfer | 6 | £90,263 | |
| | 7 years after transfer | 7 | £95,860 | |
| | 12 years after transfer | 8 | £101,451 | |
| 10 | On transfer to new contract | | £84,667 | YC69** |
| | 4 year after transfer | 6 | £90,263 | |
| | 8 years after transfer | 7 | £95,860 | |
| | 13 years after transfer | 8 | £101,451 | |

5 Pay Circular (M&D) 1/2013

NHS Public Health Consultant Pay and Allowances effective from 1 April 2013

| Seniority at transfer | Years after transfer before threshold level changes | Pay Threshold | Basic Salary (2012/13 Rates) | Pay Scale |
|-----------------------|---|---------------|------------------------------|-----------|
| 9 | On transfer to new contract | | £84,667 | YC58** |
| | 4 years after transfer | 6 | £90,263 | |
| | 9 years after transfer | 7 | £95,860 | |
| | 14 years after transfer | 8 | £101,451 | YC57** |
| 8 | On transfer to new contract | | £84,667 | |
| | 5 years after transfer | 6 | £90,263 | |
| | 10 years after transfer | 7 | £95,860 | |
| | 15 years after transfer | 8 | £101,451 | YC57** |
| 7 | On transfer to new contract | | £84,667 | |
| | 5 years after transfer | 6 | £90,263 | |
| | 10 years after transfer | 7 | £95,860 | |
| | 15 years after transfer | 8 | £101,451 | |
| 6 | On transfer to new contract | | £83,492 | YC56** |
| | 1 year after transfer | 5 | £84,667 | |
| | 5 years after transfer | 6 | £90,263 | |
| | 10 years after transfer | 7 | £95,860 | |
| | 15 years after transfer | 8 | £101,451 | |
| 5 | On transfer to new contract | | £82,318 | YC55** |
| | 1 year after transfer | x | £83,492 | |
| | 2 years after transfer | 5 | £84,667 | |
| | 6 years after transfer | 6 | £90,263 | |
| | 11 years after transfer | 7 | £95,860 | |
| | 16 years after transfer | 8 | £101,451 | |
| 4 | On transfer to new contract | | £77,017 | |
| | 1 year after transfer | 3 | £79,961 | YC54** |
| | 2 years after transfer | 4 | £82,318 | |
| | 3 years after transfer | 5 | £84,667 | |
| | 6 years after transfer | 6 | £90,263 | |
| | 11 years after transfer | 7 | £95,860 | |
| | 16 years after transfer | 8 | £101,451 | |
| 3 | On transfer to new contract | | £76,424 | |
| | 1 year after transfer | x | £78,780 | YC53** |
| | 2 years after transfer | 4 | £82,318 | |
| | 3 year after transfer | 5 | £84,667 | |
| | 7 years after transfer | 6 | £90,263 | |
| | 12 years after transfer | 7 | £95,860 | |
| | 17 years after transfer | 8 | £101,451 | |
| 2 | On transfer to new contract | | £75,836 | |
| | 1 year after transfer | 2 | £77,605 | YC52** |
| | 2 years after transfer | 4 | £82,318 | |
| | 3 year after transfer | 5 | £84,667 | |
| | 8 years after transfer | 6 | £90,263 | |
| | 13 years after transfer | 7 | £95,860 | |
| | 18 years after transfer | 8 | £101,451 | |

NHS Public Health Consultant Pay and Allowances effective from 1 April 2013

| Seniority at transfer | Years after transfer before threshold level changes | Pay Threshold | Basic Salary (2012/13 Rates) | Pay Scale |
|-----------------------|---|---------------|------------------------------|-----------|
| 1 | On transfer to new contract | | £75,249 | |
| | 1 year after transfer | * | £76,424 | |
| | 2 years after transfer | 3 | £79,961 | YC51** |
| | 3 year after transfer | 4 | £82,318 | |
| | 4 years after transfer | 5 | £84,667 | |
| | 9 years after transfer | 6 | £90,263 | |
| | 14 years after transfer | 7 | £95,860 | |
| | 19 years after transfer | 8 | £101,451 | |

**For consultants with seniority of 1,3 or 5 on transition, the first pay threshold is for transitional purposes.*

*** Applicable ESR pay codes for this group of staff include YC, YM, YK and YL*

NHS Public Health Consultant Pay and Allowances effective from 1 April 2013

Additional supplements for Directors of Public Health (Chief Office Supplement) including those who are consultants in Dental Public Health.

Table 2: value of supplement (either contract) 6

| Supplement Band | Minimum | Maximum | Exceptional Maximum |
|----------------------------------|---------|---------|---------------------|
| Band A (Regional Director of PH) | £13,646 | £19,808 | £13,646 |
| Band B | £5,284 | £10,579 | £10,579 |
| Band C | £4,418 | £8,804 | £10,579 |
| Band D | £3,522 | £7,042 | £8,804 |

(NB: Table 2 shows the value of the Director of Public Health supplement to be added to salary)

Table 3: total salary for DPH's on old contract(with additional supplement included) 6

| Supplement Band | Pay Scale Code | Minimum | Maximum | Exceptional Maximum |
|----------------------------------|----------------|---------|----------|---------------------|
| Band A (Regional Director of PH) | KE31* | £94,634 | £100,796 | £94,634 |
| Band B | KE21* | £86,272 | £91,567 | £91,567 |
| Band C | KE11* | £85,406 | £89,792 | £91,567 |
| Band D | KE01* | £84,510 | £88,030 | £89,792 |

(NB; Table 3 shows the value of the Director of Public Health supplement added to the maximum of the old consultant salary scale. These values are not to be used for consultants on the 2003 consultant contract).

Table 4: Clinical Excellence Awards for Consultants (either contracts) 7

| Awarded by Local Committees | | | |
|-----------------------------|---------|----------------------|---------|
| Level 1 | £2,957 | | |
| Level 2 | £5,914 | | |
| Level 3 | £8,871 | | |
| Level 4 | £11,828 | | |
| Level 5 | £14,785 | | |
| Level 6 | £17,742 | | |
| Level 7 | £23,656 | | |
| Level 8 | £29,570 | | |
| Level 9 | £35,484 | | |
| | | Awarded by ACCEA | |
| | | Level 9 (Bronze) | £35,484 |
| | | Level 10 (Silver) | £46,644 |
| | | Level 11 (Gold) | £58,305 |
| | | Level 12 (Platinum) | £75,796 |

Table 5: Discretionary Points for consultants (either Contracts)

| Pay Scale/Code | 1 | 2 | 3 | 4 |
|-----------------------|----------|----------|----------|----------|
| MC10/KC10 | £3,204 | £6,408 | £96,212 | £12,816 |
| Pay Scale/Code | 5 | 6 | 7 | 8 |
| MC10/KC10 | £16,020 | £19,224 | £22,428 | £25,632 |

6: Payable under both the old contract and 2003 consultant contract. Further information for the new contract can be found in Schedule 16 terms and conditions and for the old contract - Consultants (England) 2003 and for the old consultant in HSG(92)12. The KE01 - KE31 scales are now closed pay scales, and no further appointments should be made to them.

7: Clinical excellence awards - previously awarded under local area based committer arrangements. From 1st April 2013 Public Health England now supports Local Authorities to meet their statutory obligations through the transfer scheme/TIUPE to maintain this contractual provision. This self-nominating award scheme requires the employee to have their application signed off by the Chief Executive/Director of Public Health and applications are considered by an 8 person panel which includes lay, professional and employer members.

NHS Agenda for Change Salary Scales: Table 8

Annex C: Pay bands and pay points on the second pay spine in England from 1 April 2013.

| Point | Band 1 | Band 2 | Band 3 | Band 4 | Band 5 | Band 6 | Band 7 | Band 8 | | | | Band 9 |
|-------|--------|--------|--------|--------|--------|--------|--------|---------|---------|---------|---------|--------|
| | | | | | | | | Range A | Range B | Range C | Range D | |
| 1 | 14,294 | 14,294 | | | | | | | | | | |
| 2 | 14,653 | 14,653 | | | | | | | | | | |
| 3 | 15,013 | 15,013 | | | | | | | | | | |
| 4 | | 15,432 | | | | | | | | | | |
| 5 | | 15,851 | | | | | | | | | | |
| 6 | | 16,271 | 16,271 | | | | | | | | | |
| 7 | | 16,811 | 16,811 | | | | | | | | | |
| 8 | | 17,425 | 17,425 | | | | | | | | | |
| 9 | | | 17,794 | | | | | | | | | |
| 10 | | | 18,285 | | | | | | | | | |
| 11 | | | 18,838 | 18,838 | | | | | | | | |
| 12 | | | 19,268 | 19,268 | | | | | | | | |
| 13 | | | | 19,947 | | | | | | | | |
| 14 | | | | 20,638 | | | | | | | | |
| 15 | | | | 21,265 | | | | | | | | |
| 16 | | | | 21,388 | 21,388 | | | | | | | |
| 17 | | | | 22,016 | 22,016 | | | | | | | |
| 18 | | | | | 22,903 | | | | | | | |
| 19 | | | | | 23,825 | | | | | | | |
| 20 | | | | | 24,799 | | | | | | | |
| 21 | | | | | 25,783 | 25,783 | | | | | | |
| 22 | | | | | 26,822 | 26,822 | | | | | | |
| 23 | | | | | 27,901 | 27,901 | | | | | | |
| 24 | | | | | | 28,755 | | | | | | |
| 25 | | | | | | 29,799 | | | | | | |
| 26 | | | | | | 30,764 | 30,764 | | | | | |
| 27 | | | | | | 31,768 | 31,768 | | | | | |
| 28 | | | | | | 32,898 | 32,898 | | | | | |
| 29 | | | | | | 34,530 | 34,530 | | | | | |
| 30 | | | | | | | 35,536 | | | | | |
| 31 | | | | | | | 36,666 | | | | | |
| 32 | | | | | | | 37,921 | | | | | |
| 33 | | | | | | | 39,239 | 39,239 | | | | |
| 34 | | | | | | | 40,558 | 40,558 | | | | |
| 35 | | | | | | | | 42,190 | | | | |
| 36 | | | | | | | | 43,822 | | | | |
| 37 | | | | | | | | 45,707 | 45,707 | | | |
| 38 | | | | | | | | 47,088 | 47,088 | | | |
| 39 | | | | | | | | | 49,473 | | | |
| 40 | | | | | | | | | 52,235 | | | |
| 41 | | | | | | | | | 54,998 | 54,998 | | |
| 42 | | | | | | | | | 56,504 | 56,504 | | |
| 43 | | | | | | | | | | 59,016 | | |
| 44 | | | | | | | | | | 61,779 | | |
| 45 | | | | | | | | | * | 65,922 | 65,922 | |
| 46 | | | | | | | | | * | 67,805 | 67,805 | |
| 47 | | | | | | | | | | | 70,631 | |
| 48 | | | | | | | | | | | 74,084 | |
| 49 | | | | | | | | | | * | 77,850 | 77,850 |
| 50 | | | | | | | | | | * | 81,619 | 81,619 |
| 51 | | | | | | | | | | | | 85,535 |
| 52 | | | | | | | | | | | | 89,640 |
| 53 | | | | | | | | | | | * | 93,944 |
| 54 | | | | | | | | | | | * | 98,453 |

* Pay spine 45 and 46 at the top of pay band 8c; pay spine points 49 and 50 at the top of pay band 8D and pay spine 53 & 54 at the top of pay band 9 are annually earned (see para 1.11 to 1.13 of Agenda for Change (a) (England)

Report of the City Solicitor

Report to General Purposes Committee

Date: 4 March 2014

Subject: Reconfirming support for a Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in relation to the new Congenital Heart Disease review

| | | |
|---|------------------------------|--|
| Are specific electoral Wards affected? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, name(s) of Ward(s): | | |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, Access to Information Procedure Rule number: | | |
| Appendix number: | | |

Summary of main issues

A Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) – JHOSC – was initially established in March 2011 to consider and respond to the proposals arising from the Safe and Sustainable Review of Children's Congenital Cardiac Services in England.

Following a number of concerns raised about the proposals, on 12 June 2013, the Secretary of State for Health accepted in full, the findings and recommendations of the Independent Reconfiguration Panel and called a halt to the Safe and Sustainable Review process.

NHS England subsequently set out its intentions for a new review to consider the whole lifetime pathway of care for people with congenital heart disease (CHD) i.e. covering services to both children and adults.

Following the decision of the Secretary of State for Health to halt the previous review, the joint committee has continued to meet to maintain the momentum of its previous work.

However, as it is likely that the JHOSC will make recommendations to NHS England and other interested parties, which may include the Secretary of State for Health, it is advisable to reconfirm the mandate previously given by council and seek approval of the details set out in Appendix 1 for inclusion within the Council's Constitution.

Recommendations

1. General Purposes Committee is asked to:
 - 1.1 Note the content and detail presented in this report.

1.2 Make the following recommendations to full Council:

- (a) That Council reconfirms its support for the establishment of a Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in relation to NHS England's new review of Congenital Heart Disease services.
- (b) That Council delegates relevant functions, as set out in Appendix 1, that shall be exercisable by the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber), subject to such terms and conditions therein.
- (c) That Council asks the Scrutiny Board (Health and Wellbeing and Adult Social Care) to nominate a member from within its membership to sit on the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in relation to the new review of Congenital Heart Disease services and, upon nomination, agrees to appoint such member to the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber).

1. Purpose of this report

- 1.1 To ask the General Purposes Committee to consider and make recommendations to Full Council to reconfirm the mandate previously given by Council for the establishment of a Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) and subsequently delegate relevant functions in relation to the new review of Congenital Heart Disease services.

2. Background information

- 2.1 A Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) – JHOSC – was initially established in March 2011 to consider the Safe and Sustainable Review of Children’s Congenital Cardiac Services in England – the associated proposals and the impact on children and families across Yorkshire and the Humber. The JHOSC also acted as the appropriate scrutiny body across Yorkshire and the Humber in providing a response to the proposals and reconfiguration options presented for public consultation.

- 2.2 For the purpose of considering the Safe and Sustainable Review of Children’s Congenital Cardiac Surgery and its impact on children and families across Yorkshire and the Humber, Leeds City Council (LCC) – through its Scrutiny Support Unit – led the process to establish the JHOSC during the second half of 2010. Subsequently, LCC has been supporting the work of the JHOSC since it was formally established in March 2011.

- 2.3 The membership for the JHOSC was made up of a single representative from each of the following 15 top-tier local authorities (i.e. those with specific health scrutiny powers) across Yorkshire and the Humber:

- | | |
|------------------------------------|-----------------------------------|
| • Barnsley MBC | • Kirklees Council |
| • Calderdale Council | • Leeds City Council |
| • City of Bradford MDC | • North East Lincolnshire Council |
| • City of York Council | • North Lincolnshire Council |
| • Doncaster MBC | • North Yorkshire County Council |
| • East Riding of Yorkshire Council | • Rotherham MBC |
| • Hull City Council | • Sheffield City Council |
| | • Wakefield Council |

- 2.4 At that time, the terms of reference identified that JHOSC’s work would specifically include consideration of the:

- Review process and formulation of options presented for consultation;
- Projected improvements in patient outcomes and experience;
- Likely impact on children and their families (in the short, medium and longer-term), in particular in terms of access to services and travel times;
- Views of local service users and/or their representatives;
- Potential implications and impact on the health economy and the economy in general, on a local and regional basis;
- Any other pertinent matters that arise as part of the Committee’s inquiry.

- 2.5 As the administering authority, arrangements for the JHOSC were made in accordance with Leeds City Council’s Scrutiny Procedural Rules.

- 2.6 Following a decision on the proposed future model of care and designation of surgical centres in July 2012, the JHOSC made a referral to the Secretary of

State for Health in November 2012. This referral was made on the basis that the proposed changes would not be in the best interests of local NHS services and was subsequently passed to the Independent Reconfiguration Panel (IRP) for consideration and advice.

- 2.7 The IRP's advice and recommendations were set out in its report to the Secretary of State for Health at the end of April 2013. On 12 June 2013, an announcement from the Secretary of State for Health accepted the IRP's report and recommendations in full and called a halt to the Safe and Sustainable Review of Children's Congenital Cardiac Services in England.
- 2.8 The Secretary of State for Health then invited NHS England – as the new body responsible for commissioning specialised services following the restructuring arrangements across the NHS that came into force from 1 April 2013 – to report how it intended to proceed by the end of July 2013.

3 Main issues

3.1 New review of congenital heart disease (CHD) services

- 3.1.1 Following the decision of the Secretary of State for Health to halt the previous review, the joint committee has continued to meet to maintain the momentum of its previous work.
- 3.1.2 At its meeting in September 2013 the JHOSC considered the Secretary of State's decision alongside the report of the Independent Reconfiguration Panel (IRP) and was advised of NHS England's intentions for the new review to consider the whole lifetime pathway of care for people with congenital heart disease (CHD) i.e. covering services to both children and adults.
- 3.1.3 Members of the JHOSC expressed support for the work of the JHOSC to continue, insofar as it relates to the new CHD review, and specifically highlighted a number of points, including:
 - The strength of joint scrutiny arrangements across Yorkshire and the Humber, vis-à-vis the Safe and Sustainable review and proposals, was clearly evident in the Secretary of State's announcement in June 2013.
 - That the new CHD review would benefit from similar robust scrutiny arrangements as those in place for the Safe and Sustainable review.
 - Concern regarding the likely timescales for the new review and the processes necessary for agreeing revised terms of reference across fifteen constituent local authorities.
- 3.1.4 It was clarified at that meeting that while it would not be necessary to formally dissolve the JHOSC, in order to place the governance arrangements for the JHOSC on a firmer footing – insofar as its work relates to the new CHD review – the existing terms of reference for the JHOSC would need to be revised to reflect the changed approach and scope of the new review of CHD services. It was also confirmed that any revised terms of reference may then need approval from the constituent local authority members.
- 3.1.5 Revised terms of reference / an outline work plan associated with the new review of CHD services was agreed by the JHOSC at its meeting in December

2013, and these details are available on request. Nonetheless, as it is likely that the JHOSC will make recommendations to NHS England and other interested parties, which may include the Secretary of State for Health, it is advisable to reconfirm the mandate previously given by council and approve the details set out in Appendix 1 for inclusion within Section 4 (Joint Arrangements) of the Council's Constitution.

4 Corporate Considerations

Consultation and Engagement

- 4.1 In September 2013, Members of the JHOSC expressed broad support for the work of the JHOSC to continue insofar as it relates to the new CHD review. Revised draft terms of reference were presented and subsequently agreed at the JHOSC meeting in December 2013.
- 4.2 Discussions are continuing with other constituent authorities regarding the processes necessary to reconfirm commitment to the refocused work of the JHOSC.

Equality and Diversity/Cohesion and Integration

- 4.3 There are no specific equality and diversity or cohesion and integration specifically associated with this report. However, although not a decision-making body, as a local authority joint committee the JHOSC will have to have a general regard of public sector equality duties.
- 4.4 In particular, the JHOSC will consider the impact of any future reconfiguration and future service model proposals on specific populations and communities across Yorkshire and the Humber. This will be alongside the general health and equality impacts arising from the new review and in particular, the comparison with existing provision and service configuration. This was a key feature of the JHOSC's previous work.

Resources and value for money

- 4.5 As the administering authority, day-to-day support for the work of the JHOSC will continue to be provided through the Council's Scrutiny Support Unit. This has been the case since the JHOSC was established in March 2011 when considering the Safe and Sustainable Review of Children's Congenital Cardiac Services in England.
- 4.6 However, in recognition of the unprecedented level of support already provided to the work of the JHOSC and a view from its members that the new congenital heart disease services review would benefit from similar robust scrutiny arrangements as those in place for the Safe and Sustainable review, all constituent authorities have been invited to make a small financial contribution of £1000 per authority for the financial year 2014/15.

Legal Implications, Access to Information and Call In

- 4.7 Under Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, two or more local authorities may appoint a joint overview and scrutiny committee of those authorities and arrange for relevant functions to be exercisable by the joint committee, subject to such terms and conditions as the authorities may consider appropriate. As the proposed terms of reference below for the JHOSC include discharging the authorities' functions under Regulation 23, this means that the authorities

cannot report to the Secretary of State themselves if they are dissatisfied with the consultation on the new review of CHD services or if they consider the proposals are not in the interests of the health service in their areas.

- 4.8 Where a health body is required to consult with more than one authority in relation to a proposal for a substantial development of the health service or for a substantial variation in the provision of such a service, those authorities must appoint a joint overview and scrutiny committee for those purposes, and the powers to make comments on proposals consulted on, require information, and require witnesses can only be exercised by that joint committee.
- 4.9 Subject to the matters mentioned in 4.7 and 4.8 above, the usual statutory rules relating to overview and scrutiny committees will apply to the JHOSC.
- 4.10 This report does not contain any exempt or confidential information and, as the matters contained in this report relate to Council functions, it is not subject to call-in.

Risk Management

- 4.11 The main risk relates to the timely contribution of the JHOSC's work are part of the new review of CHD services. This risk forms part of the day-to-day support for the work of the JHOSC and will be broadly mitigated through the development of a forward work programme.

5 Conclusions

- 5.1 The previous work of the JHOSC, insofar as it relates to the Safe and Sustainable Review of Children's Congenital Cardiac Services in England, is well known and has been well documented to date.
- 5.2 There is clear support from constituent authorities for the work of the JHOSC to continue and for the new review of CHD services to benefit from similar robust scrutiny arrangements as those established for the Safe and Sustainable review.
- 5.3 As the administering authority, Leeds City Council – through its Scrutiny Support Unit – is committed to continuing to provide day-to-day support for the JHOSC and constituent authorities have been invited to make a relatively small financial contribution for the financial year 2014/15.
- 5.4 At this relatively early stage in the new CHD review, it is appropriate to provide Council with an opportunity to reconfirm its support for the JHOSC and its refocused terms of reference.

6 Recommendations

- 6.1 General Purposes Committee is asked to:
 - 6.1.1 Note the content and detail presented in this report.
 - 6.1.2 Make the following recommendations to full Council:
 - (a) That Council reconfirms its support for the establishment of a Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in relation to NHS England's new review of Congenital Heart Disease services.

- (b) That Council delegates relevant functions, as set out in Appendix 1, that shall be exercisable by the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber), subject to such terms and conditions therein.
- (c) That Council asks the Scrutiny Board (Health and Wellbeing and Adult Social Care) to nominate a member from within its membership to sit on the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in relation to the new review of Congenital Heart Disease services and, upon nomination, agrees to appoint such member to the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber).

7 Background documents¹

7.1 None used

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

SECTION 4 - JOINT ARRANGEMENTS

The **Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)** is a joint committee appointed under Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 and is authorised to discharge the following health overview and scrutiny functions of the authority², insofar as they relate to NHS England's new review of Congenital Heart Disease services:

- a) To review and scrutinise any matter relating to the planning, provision and operation of the health service in its area, pursuant to Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
- b) To make reports and recommendations on any matter it has reviewed or scrutinised, and request responses to the same pursuant to Regulation 22 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- c) To comment on, make recommendations about, or report to the Secretary of State in writing about proposals in respect of which a relevant NHS body or a relevant health service provider is required to consult, pursuant to Regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- d) To require a relevant NHS body or relevant health service provider to provide such information about the planning, provision and operation of the health service in its area as may be reasonably required in order to discharge its relevant functions, pursuant to Regulation 26 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- e) To require any member or employee of a relevant NHS body or relevant health service provider to attend meetings to answer such questions as appear to be necessary for discharging its relevant functions, pursuant to Regulation 27 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Member Authorities:

- | | |
|------------------------------------|-----------------------------------|
| • Barnsley MBC | • Kirklees Council |
| • Calderdale Council | • Leeds City Council |
| • City of Bradford MDC | • North East Lincolnshire Council |
| • City of York Council | • North Lincolnshire Council |
| • Doncaster MBC | • North Yorkshire County Council |
| • East Riding of Yorkshire Council | • Rotherham MBC |
| • Hull City Council | • Sheffield City Council |
| | • Wakefield Council |

Reference to more specific details:

<http://democracy.leeds.gov.uk/ieListMeetings.aspx?CId=793&Year=0>

² In accordance with regulations issued under Section 244 National Health Service Act 2006 (the regulations)



Report author: Andy Hodson
Tel: 0113 2243208

Report of City Solicitor

Report to General Purposes Committee

Date: 4th March 2014

Subject: Protocol for Third Party Recording of Committee, Board and Panel Meetings

| | | |
|--|------------------------------|--|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

In October 2013 General Purposes Committee considered issues arising from a DCLG publication 'Your council's cabinet – going to its meetings, seeing how it works – A guide for local people'.

At that meeting Members were informed that the Secretary of State had recently announced his intention to legislate to give the press and the public new rights to film and report council meetings and that it might be advisable to wait and see how this develops before adopting a protocol. Since October amendments have been agreed to the Local Public Audit and Accountability Bill and the Bill has received Royal Assent. The likelihood is that the Secretary of State will publish Regulations that will allow third party recording of committee, board and panel meetings in the very near future – it is therefore timely for the Council to consider again a protocol for third party recording.

Recommendations

General Purposes Committee is asked to consider and agree;

- a) The content of a protocol relating to the third party recording of council committee, board and panel meetings attached at Appendix 1;
- b) That the protocol be further reviewed by the City Solicitor (in consultation with group leaders) in light of the content of Regulations and guidance issued by the Secretary of State; and
- c) Note the ancillary matters set out in this report relating to the adopting of the protocol, including Member and Officer briefings, Member immunities, Civic Hall facilities and consequential amendments that may be necessary to the constitution.

1 Purpose of this report

1.1 The purpose of this report is to consider;

- a) And agree the content of a protocol relating to the third party recording of council committee, board and panel meetings, attached at Appendix 1;
- b) Ancillary matters relating to the adopting of the protocol, including member training, member immunities, civic hall facilities and consequential amendments that may be necessary to the constitution.

2 Background information

2.2 In October 2013 General Purposes Committee considered issues arising from a DCLG publication 'Your council's cabinet – going to its meetings, seeing how it works – A guide for local people'.

2.3 Members highlighted their concerns over the recording of licensing and planning meetings and commented that councillors were not afforded the same indemnities as were enjoyed by MPs by Parliamentary Privilege. It was suggested that representations be made to the Secretary of State raise this as an issue that might be further considered by Government, particularly where Members are considering planning and licensing matters.

2.4 Members also highlighted the problems of selectively recording meetings and considered that ideally committee meetings be audio recorded by the Council and made available to the public. Members were also informed that the Secretary of State had recently announced his intention to legislate to give the press and the public new rights to film and report council meetings and that it might be advisable to wait and see how this develops before adopting a protocol.

2.5 General Purposes Committee resolved to

- a) reaffirm support for the webcasting of full council, and introduce mechanisms whereby, subject to the availability of equipment, meetings of Executive Board and scrutiny boards can be routinely audio recorded by the Council, with these recordings being made available to third parties on request;
- b) not grant permission to third parties to audio record meetings of planning and licensing committees, nor permit video recording on any committee, board or panel meeting, until clarity is received from DCLG on the issues raised;
- c) request a further report, once clarity is received from DCLG, and once the parliamentary process have been concluded for the Local Audit and Accountability Bill, setting out a protocol in respect of the recording of committee meetings; and
- d) That facilities management staff be consulted about the options of providing improved committee room facilities that would enable the Council to record all committee meetings.

- 2.6 The Leader of Council and the Leader of the Opposition sent a joint letter to the secretary of state setting out concerns that the arrangements anticipated by government provide little assurance that recordings made by third parties would not be used out of context or might be edited in such a way as to not represent an accurate record of proceedings, and which might be of particular concern in circumstances where decisions might be prone to appeal, judicial review or public inquiry.
- 2.7 Both Leaders also asked the secretary of state to consider whether the immunities enjoyed by-way of Parliamentary Privilege could be extended to councillors, particularly when sitting on quasi-judicial panels.

3 Main issues

Recording Protocol

- 3.1 In November the Public Bill Committee of the House of Commons considered amendments to the Local Audit and Accountability Bill (which had cross party support). These were approved by Parliament on the 21st January 2014 and received Royal Assent shortly after on the 30th January 2014. The Act empowers the Secretary of State to make Regulations to allow people to film, photograph, or make sound recordings of proceedings of the committees, boards and panels.
- 3.2 At the time of writing this report, those Regulations, even in draft form, have not yet been issued but these are expected in the very near future with consultation promised (by Baroness Steele of Beeston) via Local Government Association and the National Association of Local. Baroness Steele of Beeston commented that:
- “Noble Lords raised important points about risks, and the measures necessary to mitigate those risks, to ensure that proper conduct [of meetings] is able to continue. I re-emphasise that we will carry out a process of consultation on these regulations and ensure that we take account of the points that have been made. We will not lay the regulations until we have completed that consultation. However, we are talking about a matter of months in terms of bringing those regulations forward. We do not want delay on this.” (Hansard 21st January 2014)
- 3.3 It is therefore timely for the Council to consider again a protocol for third party recording.
- 3.4 Attached at Appendix 1 is a draft protocol for Members’ consideration – the draft protocol makes clear that third party recording of committees, boards and panels is permitted but that recording must be done overtly from the area designated for the public.
- 3.5 The draft protocol also considers the circumstances where a chair might instruct that recordings might be stopped. These circumstances are, in part (4a&b), linked to existing legislative provisions relating to the conduct of local authority meetings, specifically provisions to exclude the press and public where exempt or confidential business is being discussed and where there is public disturbance. Other circumstances (4c&d) are specifically linked to the new recording rights.

- 3.6 Members may recall that Trade Union colleagues expressed some concerns relating to circumstances where officers might be recorded when presenting to committees.
- 3.7 DCLG guidance on this point is that;
- “Council officers acting in the public sphere should expect to be held to account for their comments ...in such meetings”
- 3.8 It is considered that, although only relevant in exceptional circumstances, the existing exemption provisions in Access to Information Procedure Rules could be relied upon and could provide some comfort to officers.

Access to Information Procedure Rules (Extract)

| Category | Condition |
|---|---|
| 1. Information relating to any individual. | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
| 2. Information which is likely to reveal the identity of an individual. | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |

- 3.9 It is considered that where, for example, for personal or work related reasons (such as where officers perform enforcement based activities), an individual officer's anonymity needs to be preserved these categories of exemption could be applied.
- 3.10 In these circumstances the committee would consider the representations made by the officer and then, in all likelihood, resolve to exclude the press and public from the meeting (thereby resulting in recording not being permitted).
- 3.11 More widely it is incumbent upon Chief Officers to ensure that those officers who are presenting to committees feel comfortable with the new requirements and that where necessary further briefings/training is provided or alternative arrangements made.
- 3.12 DCLG guidance also suggests that;
- “The council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed without undermining the broader transparency of the meeting”

- 3.13 It is important that the council is seen as being consistent in how it treats representations from the public not to be filmed. In order to achieve this the protocol makes clear that if a member of the public raises an objection to being filmed then the filming will be curtailed.
- 3.14 That said, it is important that the complete context of decision-making is preserved. Where proceedings of committees (and full Council) provide rights to the public to speak (e.g. where objection or support is given to planning and licensing application, where depositions are received, or where open forum discussion takes place) it is arguable that those contributions, and the context that they provide to the resolutions of committees, should be retained. This view has also been expressed by accredited journalists who have been consulted on the draft protocol.
- 3.15 It is suggested that, in these circumstances, whilst requests to not film individuals may be granted, continued audio recording of the contribution of the individual should be permitted to continue – thereby maintaining the overall balance of contributions made and subsequent decisions that are taken.

Use of recordings by third parties

- 3.16 In addition to the consideration of arrangements for recording, the draft protocol also sets out a code of practice for the use of recordings – this has been drafted in consultation with those who submitted representations to this committee when the arrangements for recording were last considered.
- 3.17 Whilst the code of practice is not legally enforceable, it does provide a framework of reasonable use that has been developed by likely practitioners by way of self-regulation and is supported by those stakeholders that have been consulted.

Members Immunities

- 3.18 At the request of General Purposes Committee the City Solicitor has explored further the existing protections provided to Members by way of qualified privilege. By way of further explanation - qualified privilege is to be distinguished from absolute privilege – absolute privilege provides a complete defence to any accusation of defamation and covers situations including trials and Parliamentary debates. Whereas qualified privilege is weaker and only applies to statements made in situations laid out in statute. Councillors as a group are not automatically protected by qualified privilege – a defence must be established at common law for qualified privilege – i.e. that a Member has a legal, social or moral duty to provide the information and the recipient e.g. fellow councillors in a committee setting, has an interest or a duty to receive the information given.

- 3.19 An often referenced case *Horrocks v Lowe* [1975] covered qualified privilege and Lord Denning found that:

“It is of the first importance that the members of a local authority should be able to speak their minds freely on a matter of interest in the locality. So long as they honestly believe that they say to be true, they are not to be made liable for defamation. They may be prejudiced and unreasonable. They may not get their facts right. They may give much offence to others. But so long as they are honest, they go clear. No councillor should be hampered in his criticisms by fear of an action for slander. He is not to be forever looking over his shoulder to see if what he says is defamatory. He must be allowed to give his point of view, even if it is hotly disputed by others. This is essential to free discussion”

- 3.20 It is therefore very likely (although, as subject to the courts, not wholly certain) that qualified privilege will apply to statements made in full council, committees, board or panel meetings. The Standards and Conduct Committee will be further considering this matter at their meeting on the 7th March 2014.

- 3.21 As outlined early in this report, both the Leader and the Leader of the Opposition made representations to the Secretary of State concerning members limited immunities (when compared to parliamentary colleagues) particularly to those local councillors serving on quasi-judicial panels.

- 3.22 It is interesting to note that the concerns raised by Members of this authority have also been raised during the discussion and final approval of the bill in the House of Lords. Lord Beecham having commented that:

“It would also be helpful if, alongside any regulations, the Government gave some information, in guidelines or otherwise, about the risks that may be attendant on people filming, tweeting or otherwise relaying actual events. Although one hopes it would not happen, what is said in council may sometimes stray into the area of defamation and those relaying matters of that sort could find themselves in a difficult situation.

Some guidance about the need to be careful would help those who might otherwise run into difficulties. It is not likely to arise in a large number of cases but it is conceivable it might happen. Broadcasting authorities and so on are very alert to that danger. In Parliament it is privilege but that does not apply to local authorities.” (Hansard 21st January 2014)

Member and Officer Briefings

- 3.23 During consultation Members and Officers have rightly highlighted the need for further briefings to be made available to further explore issues relating to recording and immunities and better equip those likely to be recorded. Joint Member and Officer briefings are to be organised by the Head of Scrutiny and Member Development with sessions to be available from mid February 2014 – these will be initially tailored for those attending Planning and Licensing Committees; these sessions will be facilitated by senior councillors, and planning, licensing, legal and communications colleagues.

Civic Hall Committee Room Facilities

- 3.24 Since the resolution of General Purposes Committee in October 2013, (subject to the availability of equipment) all meetings of Executive Board and Scrutiny Boards have been audio recorded.
- 3.25 With the increasing scale of meetings now open to third party recording, General Purposes Committee is asked to agree that meetings of Plans Panels and Licensing Committee now also be routinely audio recorded (where the necessary facilities exist).
- 3.26 This proposal though is currently limited by the availability and reliability of audio recording facilities within the Civic Hall. Currently only the Council Chamber and Committee Room 6/7 have audio recording facilities; with those in room 6/7 often subject to intermittent fault.
- 3.27 Further work is being undertaken to examine the scope for enhancing Committee Room facilities within the Civic Hall to enable better engagement of the public in committee based decision making of the Council.

4 Corporate Considerations

4.1 Consultation and Engagement

- a) Consultation on the draft protocol has taken place with the Leader of Council, the Executive Member with responsibility for Democratic Services, Leaders and whips of political groups and the chairs of committees.
- The Leader of Council, and the Executive Member with responsibility for Democratic Services support the content of the protocol;
 - The Liberal Democrat and Morley Borough Independent Groups support the content of the protocol;
 - No representations against the introduction of the protocol have been received from committee chairs with the overwhelming majority being in favour;
 - Partners from the Health and Wellbeing Board have expressed support for the protocol;
- b) As officers are affected, particularly those who present or advise committees, the Trade Unions have also been consulted on the proposals. Whilst recognising the new legal requirements that will be placed on the authority, Trade Union colleagues have commented that they do not support the approach being taken by the Secretary of State to this matter and would have preferred the local authority to have greater flexibility/discretion over how the authorities meetings are reported.
- c) The Chief Executive, City Solicitor and Chief HR Officer have been consulted and are content with the proposals set out.

- d) Members will recall that interest was generated when a report on recording was considered last year. Communications colleagues have contacted those who made representations at that time (and other media based organisations) and have asked for views on the protocol; all are supportive of it and welcome the steps taken by council to introduce the revised arrangements in advance the Regulatory requirement to do so.
- e) At the time of writing this report the views were still being collated; where further comments are received these will be presented verbally at General Purposes Committee.

4.2 Equality and Diversity / Cohesion and Integration

- a) There are no specific equality and diversity or cohesion and integration issues arising from this report.

4.3 Council policies and City Priorities

- a) There are no specific implications for council policies or city priorities.

4.4 Resources and value for money

- a) There are no implications for resources or value for money arising from this report.

4.5 Legal Implications, Access to Information and Call In

- a) The Local Audit and Accountability Act 2014 provides the Secretary of State with authority, by Regulations, to make provisions for allowing persons;
 - To film, photograph or make sound recordings of proceedings at a meeting;
 - To use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
 - To report or provide commentary on the proceedings orally or in writing, so that the report or commentary is available, as the meeting takes place or later to persons not present at the meeting.

4.6 Risk Management

- a) General Purposes Committee is asked to delegate to the City Solicitor (in consultation with the Leader of Council), authority to review and agree any consequential amendments to rules of procedure contained within the Constitution that might arise from the approval of the protocol at Appendix 1.

5 Recommendations

- 5.1 General Purposes Committee is asked to consider and agree;
- a) The content of a protocol relating to the third party recording of council committee, board and panel meetings attached at Appendix 1;
 - b) That the protocol be further reviewed by the City Solicitor (in consultation with group leaders) in light of the content of Regulations and guidance issued by the Secretary of State; and
 - c) Note the ancillary matters set out in this report relating to the adopting of the protocol, including Member and Officer briefings, Member immunities, Civic Hall facilities and consequential amendments that may be necessary to the constitution.

6.0 Background documents¹

- 6.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Leeds City Council**Recording¹ Protocol: Third Party Recording of Committees, Boards and Panels**

The council wants to be open and transparent in the way in which it conducts its decision-making.

Recording is allowed at all meetings of the authority² to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings.

1. Filming or other recording of all meetings of the authority, whilst those meetings are open to the public, is permitted^{3 4}.
2. Those wishing to record proceedings should, as a courtesy, inform the chair (or clerk) of the committee of their intentions to record prior to the commencement of the meeting.
3. Recordings may only be taken overtly from the area designated for the public and;
 - a. Recording devices must be in silent mode
 - b. No flash or additional lighting is permitted
 - c. Recordings must be taken from one fixed position and must not obstruct others from observing proceedings
4. The chair of a meeting has the authority to instruct that recordings be stopped where⁵:
 - a. The press and public have been excluded from the meeting due to the nature of (exempt or confidential) business being discussed.
 - b. There is public disturbance or a suspension/adjournment of a meeting
 - c. The recording has become disruptive or distracting to the good order and conduct of the meeting.
 - d. Continued recording is against the wishes of an individual⁶

Use of Recordings by Third Parties– code of practice

Following representations received from interested third parties, the following code of practice has been drawn up concerning the use of recordings.

- A. Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- B. Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

¹ This includes both video and audio recording

² Including full Council, committees (boards and panels) established by full Council (and sub committees appointed by those committees) and Executive Board.

³ In accordance with any regulations relating to such matters.

⁴ All agendas will indicate that recordings may be made at the meeting by third parties; signage will also be displayed indicating this

⁵ In all cases recording equipment must be switched off.

⁶ Where members of the public raise an objection to being recorded, then those individuals will not be filmed. However continued audio recording will be permitted where the contributions are material to the resolutions to be made.

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