

OVERVIEW AND SCRUTINY COMMITTEE

TUESDAY, 6TH NOVEMBER, 2007

PRESENT: Councillor P Grahame in the Chair
Councillors S Bentley, B Gettings,
T Hanley, A McKenna, W Hyde, E Minkin
and R Pryke

Apologies Councillor B Anderson and S Golton

49 Councillor Andrea McKenna

On behalf of the Committee, the Chair congratulated Councillor Andrea McKenna and welcomed her to her first OSC meeting following her recent marriage to Councillor Jim McKenna.

50 Declaration of Interests

No declarations of Members' interests were made.

51 Minutes - 9th October 2007

- (i) Leeds Strategic Plan 2008-2011(Minute No 42 refers)
The Committee agreed to slightly amend this minute, so that the penultimate bullet point referred to the role of Members not only as 'Community Champions' and 'Leaders of Change' but also that the Strategic Plan should make specific reference to the leadership role of Members in planning matters and the design and quality of the built environment.
- (ii) Debt Rescheduling (Minute No 40(a) refers)
Further to the Committee's previous discussions on this matter, it was agreed that the Head of Scrutiny and Member Development would arrange a separate meeting with relevant officers of the Resources Department to which all OSC Members would be invited, to receive further detailed explanation of the issues raised by Councillor Hanley.
- (iii) Work Programme and Draft Terms of Reference for Proposed Inquiries (Minute No 40(b) refers)
It was reported that the working group would meet on 14th November 2007 at 9.00 am to consider the proposed terms of reference for the ALMO Inquiry.
- (iv) Group Offices (Minute No 40 refers)
Further to Minute No 37, 11th September 2007, and Minute No 40, 9th October 2007, it was reported that the information previously supplied by the Chief Democratic Services Officer to Councillor Hanley when he

was Labour Chief Whip, relating to the costs of operating political Group Offices, had now been circulated to OSC Members. Councillor Hanley indicated that if this information was in its original form, it may require to be further refined for the purposes of highlighting the costs per Member of each group.

RESOLVED – That subject to (i) above, the minutes of the meeting held on 9th October 2007 be confirmed as a correct record.

(NB: Councillor Gettings joined the meeting at 10.10 am during this item)

52 Minutes - Executive Board, 17th October 2007

Several issues were discussed arising from consideration of the minutes of the Executive Board meeting held on 17th October 2007:-

- Holt Park District Centre and Tinshill Recreation Ground (Minute No 87 refers) – following debate at the City Council meeting on 31st October 2007, Councillor Minkin stated that she was pursuing with the Director of City Development issues surrounding the proposal to fence two pitches at Tinshill Recreation Ground in association with the development of the new Ralph Thoresby High School. The Chair indicated that she required a report to OSC regarding which Scrutiny Board had considered this matter, following a referral from the Plans Panel (West) on 12th July 2007, or an explanation regarding why this matter had not been referred to the appropriate Scrutiny Board;
- The Mansion, Roundhay Park (Minute No 88 refers) – It was suggested that the issues surrounding the redevelopment of The Mansion, Roundhay Park and the timescales involved, might be suitable for scrutiny by the Scrutiny Board (Culture and Leisure);
- City Varieties Music Hall – Redevelopment and Refurbishment (Minute No 90 refers) – Similarly, it was suggested that the Scrutiny Board (Culture and Leisure) might wish to investigate the current arrangements whereby this venue was managed as part of the Leeds Grand Theatre Board set-up, and whether separate management arrangements for the City Varieties Music Hall might be appropriate;
- Council Meeting Arrangements – Frustration was expressed regarding a lack of opportunity at Full Council meetings, due to procedural time limitations, to properly discuss and ask questions on minutes of Committee and Board meetings. Rotating the order of the minutes in the book of proceedings was not regarded as a solution. The Chair stated that she had recently written to the Chief Executive, suggesting that Scrutiny Board minutes should be a separate agenda item on the Council agenda, in order to try to address this problem, and the Chair's action was endorsed by the Committee,

A suggestion was also made that Members indicating a wish to comment or ask questions on submitted minutes should be required to make the nature of their enquiry or comment known prior to the meeting, in order that appropriate responses might be provided, and to avoid officers and

Chairs spending abortive time preparing responses to anticipated comments or questions.

RESOLVED - That subject to the above comments, the minutes of the Executive Board meeting held on 17th October 2007 be received and noted.

53 Performance Report - Quarter 2 2007/08

The Head of Policy, Performance and Improvement submitted a report updating the Committee on performance against targets across a raft of statutory and local indicators, involving all the Scrutiny Boards' areas of responsibility, and containing predicted CPA scores for 2007/08.

Steve Clough, Head of Policy, Performance and Improvement, attended the meeting and responded to Members' queries and comments. In brief summary, the main issues discussed were:-

- Planning performance and the percentage of appeals allowed against the authority's decision to refuse planning applications – Further to Minute No 32, 11th September 2007, and Minute No 43, 9th October 2007, the predicted improvement in the Council's performance by Quarter 4 in 2007/08 was welcomed. Members expressed frustration at being hidebound to a large degree by Government directives and guidelines on planning matters. The presumption in favour of approval and the restriction of local discretion in planning matters was not widely understood by the public, who often regarded Plans Panels as undemocratic if they did not accede to local objections, and did not appreciate the limited nature of Panels' powers in these matters. The initiatives outlined by the Chief Planning Officer at the last meeting (Minute No 43 refers) were referred to. Greater cognizance of local issues/conditions, and more Ward Member consultation, on the part of planning officers would be helpful;
- Abandoned Vehicles – The use of a contractor based in Doncaster was queried, in view of the time limits imposed for the removal of abandoned vehicles in order to meet this performance indicator. Steve Clough undertook to pursue this issue, in terms of whether there were more local qualified contractors, and whether more than one contractor should perhaps be engaged;
- Graffiti – The information set out in Paragraph 5.3.2 of the report was noted. It was suggested that the work schedule of the so-called 'hot spot' graffiti removal team should be reviewed in order that the frequency of their service matched the requirements of particularly bad areas, although it was accepted that, unfortunately, graffiti seemed to be a never ending problem, and there needed to be an effective response in all parts of Leeds;
- Teenage Pregnancy Rates – The Scrutiny Board (Health and Adult Social Care) had agreed to receive an update report on this issue (OSC Minute No. 31, 11th September 2007 refers);
- Direct Payments – Further to Minute No 44, 9th October 2007, the improving situation in Paragraph 5.6.1 was welcomed

- Steve Clough drew attention to the information on crime and drugs contained in Paragraphs 5.3.1 and 5.3.2 of his report;
- BV174 and 175 – The number of racial incidents recorded by the authority per 100,000 population and the percentage of racial incidents that resulted in further action – Steve Clough confirmed that this was all about ensuring that the information was available at the correct time for monitoring purposes, and this was being addressed;
- The briefing of Scrutiny Board Chairs prior to the commencement of the formal CPA inspection period.

RESOLVED – That subject to the above comments the report be received and noted.

54 Leeds Strategic Plan 2008 - 2011

Further to Minute No 33, 11th September 2007, and Minute No 42, 9th October 2007, the Committee considered a composite official response proposed to be submitted, which contained the official comments and recommendations of all the Scrutiny Boards following detailed consideration of the draft Leeds Strategic Plan 2008/2011 by all Boards in the October cycle.

Jane Stageman, Chief Executive's Department, was in attendance and responded to Members' queries and comments. In brief summary, the main points discussed were:-

- Jane Stageman thanked the Scrutiny Boards for their contributions to the process. All comments and recommendations would be seriously considered. The proposed final Plan should be ready mid-December, and would be reported to OSC and the other Scrutiny Boards in the January cycle;
- OSC Recommendation 1, relating to the budget making process, was already being acted upon, in terms of preparation of the latest updated Business Plan and service prioritisation;
- It was agreed to add an additional point to the comments of OSC, to incorporate the points made at the last meeting (Minute No 42 refers) regarding the important role of Members in the process, as 'Community Champions', and also as 'Leaders of Change', for instance on planning matters and the design and quality of the built environment;
- The number of recommendations emanating from the Scrutiny Board (Children's Services) reflected that Board's concerns regarding the need to establish links between the Strategic Plan and 'Every Child Matters' and other specific areas of concern.

RESOLVED –

- (a) That subject to the above comments, the composite response set out at Appendix 1 to the report now submitted be approved as the official statement of OSC on the draft Leeds Strategic Plan 2008-2011
- (b) That further reports on this subject be submitted to OSC and the other Scrutiny Boards in the January 2008 cycle.

55 Call-In Arrangements

Further to Minute No 35, 11th September 2007, when the Committee had discussed issues surrounding who could sanction a request for a matter to be called-in by OSC, the Committee further considered under what circumstances a matter could or should be called-in.

The Head of Scrutiny and Member Development submitted a report regarding Government advice and good practice, and recommending changes to the existing arrangements as set out in Scrutiny Guidance Note 3. The suggested changes would mitigate against someone seeking to Call-In a decision merely because they did not agree with that decision per se, and would place an obligation on the applicant to justify the request on the grounds that the decision had not been taken in accordance with Article 13 of the Council's Constitution – decision making and principles of decision making. In effect, the onus would be on the applicant to prove that the decision was procedurally flawed, that particular evidence had not been taken into account, that erroneous evidence had been taken into account or that viable options had not been considered. The initial arbiter ('Proper Officer') in the event of a dispute would be the Head of Scrutiny and Member Development and, ultimately, the Assistant Chief Executive (Corporate Governance) in her role as Monitoring Officer.

As a result of a Member's query regarding whether the suggested changes to Guidance Note 3 sufficiently took account of the Government's good practice guidance, in particular where relevant issues did not appear to have been taken into account in reaching a decision, it was agreed that the Head of Scrutiny and Member Development should add some wording to cover this particular aspect.

RESOLVED – That subject to the above comment, the proposed amendments to the Call-In procedure, as contained in the revised Scrutiny Board Procedure Rules Guidance Note 3, be approved.

56 Work Programme

The Head of Scrutiny and Member Development submitted a copy of the Committee's work programme, updated to reflect decisions taken at previous meetings, together with a relevant extract from the Council's Forward Plan of Key Decisions for the period 1st November 2007 to 29th February 2008. It was reported that consideration of the Council's Business Plan would be added to the agenda for the 8th January 2008 meeting, in order that the Business Plan, the proposed final Leeds Strategic Plan 2008-2011 and the Council's draft Budget Statement could all be considered at the same meeting.

57 Dates and Times of Future Meetings

Tuesday 11th December 2007
Tuesday 8th January 2008
Tuesday 5th February 2008

Tuesday 11th March 2008
Tuesday 8th April 2008

All at 10.00 am (pre-meetings at 9.30 am)