

Proceedings of the Meeting of the Leeds City Council held at the Civic Hall, Leeds on Wednesday 14th September 2005

PRESENT: The Lord Mayor Councillor William Schofield Hyde in the Chair

WARD WARD

ADEL & WHARFEDALE CALVERLEY & FARSLEY

Barry John Anderson

John Leslie Carter

Clive Fox

Andrew Carter

Amanda Lesley Carter

Frank Robinson

ALWOODLEY CHAPEL ALLERTON

Ronald David Feldman Sharon Hamilton
Ruth Feldman Mohammed Rafique
Peter Mervyn Harrand Jane Dowson

ARDSLEY & ROBIN HOOD CITY & HUNSLET

Karen Renshaw Elizabeth Nash Jack Dunn Patrick Davey Lisa Mulherin Mohammed Igbal

ARMLEY CROSSGATES & WHINMOOR

Alison Natalie Kay Lowe Suzi Armitage
James McKenna Pauleen Grahame
Janet Harper Peter John Gruen

BEESTON & HOLBECK FARNLEY & WORTLEY

Angela Gabriel David Blackburn
Adam Ogilvie Ann Blackburn
David Congreve Claire Nash

BRAMLEY & STANNINGLEY GARFORTH & SWILLINGTON

Angela Denise Atkinson

Ted Hanley

Neil Taggart

Andrea Harrison

Mark Russell Phillips

Thomas Murray

BURMANTOFTS & RICHMOND HILL GIPTON & HAREHILLS

Ralph Pryke Alan Leonard Taylor Richard Brett Javaid Akhtar David Hollingsworth Roger Harington

GUISELEY & RAWDON

Graham Latty Stuart Andrew John Bale

HAREWOOD

Ann Castle Rachael Procter Alec Shelbrooke

HEADINGLEY

David Morton James John Monaghan Martin Hamilton

HORSFORTH

Christopher Townsley Brian Cleasby Andrew Barker

HYDE PARK & WOODHOUSE

Penny Ewens Kabeer Hussain Linda Valerie Rhodes-Clavton

KILLINGBECK & SEACROFT

Graham Hyde Michael James Davey Brian Michael Selby

KIPPAX & METHLEY

John Keith Parker James Lewis Keith Ivor Wakefield

KIRKSTALL

Elizabeth M Minkin John Anthony Illingworth Bernard Peter Atha

MIDDLETON PARK

Geoffrey Driver Judith Blake Stuart Bruce

MOORTOWN

Mark Daniel Harris Brenda Lancaster Richard Harker

MORLEY NORTH

Robert Finnigan Stewart McArdle Thomas Leadley

MORLEY SOUTH

Judith Elliott
Terrence Grayshon
Gareth Edward Beevers

OTLEY & YEADON

Graham Peter Kirkland Colin Campbell Richard Downes

PUDSEY

Josephine Patricia Jarosz Richard Alwyn Lewis Mick Coulson

ROTHWELL

Donald Michael Wilson Steve Smith Mitchell Galdas

ROUNDHAY

Matthew Lobley Valerie Kendall Paul Wadsworth

TEMPLE NEWSAM

William Schofield Hyde David Schofield Michael Lyons

WEETWOOD

Brian David Timothy Jennings Susan Bentley Barry Stewart Golton

WETHERBY

Gerald Wilkinson Andrew Millard John Michael Procter It was moved by Councillor Procter seconded by Councillor Gruen and

RESOLVED – That the minutes of the Extraordinary and Ordinary Council meetings held on 20th July 2005 be approved.

47 Declarations of Interest

The Lord Mayor announced that a list of written declarations submitted by members was on display in the ante-room, on deposit in the public galleries and had been circulated to each member's place in the Chamber.

Following an invitation to declare further individual interests, declarations in accordance with the Council's Code of Conduct were made as follows:

- (a) The following members declared personal interests in minute 51 of this meeting for the reasons indicated:
 - Councillor Illingworth as a Director of a charity with an interest in the West Leeds Country Park.
 - Councillor Harper as a Director of the Kirkstall Valley Board.
- (b) The following members declared personal interests in minute 54 of this meeting for the reasons indicated:
 - Councillor Lowe as a Director of Touchstone, a charity in receipt of Social Services funding which takes service users on short breaks/holidays.
 - Councillor McKenna as an employee of Armley Helping Hands.
- (c) Councillor Smith declared a personal interest in minute 56 of this meeting as a Non-executive Director of the South Leeds NHS PCT.
- (d) Councillors Harrison and Murray declared personal interests in minute 57 of this meeting as trustees of Swillington Miners Welfare Club.
- (e) Councillor Campbell declared a personal interest in minute 58 of this meeting as a member of Otley Town Council which had passed a resolution in support of wardens based on the Chevin.
- (f) Councillors McKenna and Phillips declared personal interests in minute 59 of this meeting as parents of pupils attending a school in the area (Garforth Community College).

48 Reports

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

(a) Appointments

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

RESOLVED – That the report of the Director of Legal and Democratic Services on appointments by the Council be approved.

(b) Report of the Independent Remuneration Panel

It was moved by Councillor J Procter seconded by Councillor M Hamilton and

RESOLVED – That the report of the Independent Remuneration Panel on proposed amendments to the Members' Allowance Scheme be noted.

49 Questions

1 Councillor Wakefield to the Leader of the Council.

Will the Leader of Council please tell me what discussions he has had with the police in relation to the policing of our communities when the new 24 hour licensing regime comes into operation?

The Leader of the Council replied.

2 Councillor Akhtar to the Executive Member (Closing the Gap)

Can the Executive Member responsible for Narrowing the Gap comment on the future of the Council's Job Guarantee scheme?

The Executive Member (Closing the Gap) replied.

3 Councillor Shelbrooke to the Executive Member (Learning)

Would the Executive Board member for Learning agree that this year's KS3 results reflect the hard work and dedication of the pupils and staff in our schools?

The Executive Member (Learning) replied

4 Councillor Finnigan to the Executive Member (Learning)

Would the Executive Board member for Education confirm if there is a programme to eliminate the use of temporary building within Leeds schools?

The Executive Member (Learning) replied

Would the Executive Board member for Learning join with me in congratulating the pupils and staff of schools in Leeds on this year's GCSE and A level results

The Executive Member (Learning) replied

6 Councillor R Lewis to the Executive Member (Neighbourhoods and Housing)

Will the Executive Board member for Neighbourhoods and Housing please tell me what targets are set for his department to ensure that customers calls and letters are dealt with promptly?

The Executive Member (Neighbourhoods and Housing) replied

7 Councillor Rhodes-Clayton to the Executive Member (Learning)

Can the Executive Member responsible for Learning comment on the future of the Building Training Academy?

The Executive Member (Learning) replied.

8 Councillor Bale to the Executive Member (Learning)

Can the Executive Member responsible for Learning comment on the Job Guarantee Pilot which was launched on the 10th September?

The Executive Member (Learning) replied.

9 Councillor Elliott to the Leader of the Council

Can the Executive Board Member responsible for licensing matters confirm the administrative net cost to local council tax payers of the introduction of the Government's new licensing act

The Leader of the Council replied

10 Councillor A Blackburn to the Leader of the Council

Can the Leader of the Council comment on steps the Council is taking to promote Job Opportunities in the City

The Leader of the Council replied.

11 Councillor Lowe to the Executive Member (City Services)

Will the Executive Board member for City Services please tell me whether he is satisfied with the standard of service in relation to the collection of bulky household waste?

The Executive Member (City Services) replied

12 Councillor Campbell to the Executive Member (Development)

Is the Executive Member for Development able to indicate the success or otherwise of the Otley scheme as part of the small town regeneration programme?

The Executive Member (Development) replied

13 Councillor Blake to the Executive Member (Neighbourhoods and Housing)

Will the Executive Board member for Neighbourhoods and Housing please tell me whether there has been an increase in the number of rough sleepers in the city following the closure of St Michael's Hostel and Prospect House?

The Executive Member (Neighbourhoods and Housing) replied

14 Councillor Monaghan to the Leader of the Council

> Can the Leader of Council give any further details on progress regarding the contact centre?

The Leader of the Council replied.

At the conclusion of Question Time the following questions remained unanswered and it was noted that under the provisions of Council Procedure Rule 11.6 written responses would be sent to each member of Council:

- 15 Councillor R Lewis to the Executive Member (Neighbourhoods and Housing)
- 16 Councillor Hollingsworth to the Executive Member (Social Care and Health)
- Councillor Grahame to the Leader of the Council 17
- 18 Councillor Hussain to the Executive Member (Social Care and Health)
- 19 Councillor M Hamilton to the Leader of the Council.

50 Recommendations in Accordance with Council Procedure Rule 2.2(k)

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

RESOLVED – That the recommendations of the Corporate Governance and Audit Committee as detailed in the report of the Director of Legal and Democratic Services be approved.

Minutes 51

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

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

It was moved by Councillor A Carter seconded by Councillor D Blackburn and

RESOLVED UNANIMOUSLY – That this Council recommends that the Executive Board designate the area shown on the attached map as the West Leeds Country Park and Green Gateway and further resolves to:-

- (1) Support the various voluntary groups already acting as environmental stewards in the area.
- (2) Progress the arrangement of green linkages throughout the area.
- (3) Instruct all relevant departments of the Council to ensure Members are informed with reference to developments or issues which impact on the designated area.
- (4) To work to improve and maintain all the areas of green space within the designated area.

(Councillor Taggart declared a personal interest in this matter as a Director of the Board of Kirkstall Valley Park)

(The meeting was suspended during the debate on this motion at 4.40 pm and resumed at 5.10 pm)

53 White Paper Motion – Memorial to the Leeds 'Pals'

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

RESOLVED UNANIMOUSLY - That This Council recommends that the Executive Board considers the commission and erection of a suitable monument to commemorate the suffering and service of the Leeds 'Pals' during the 1914/18 War.

This Council further instructs the Chief Executive to bring a suitable report to the Executive Board of this Council, outlining the options for the commissioning of this statue and the timescale involved.

(The meeting was suspended at 5.35 pm and resumed at 6.05 pm)

54 White Paper Motion – Supertram

It was moved by Councillor Harris seconded by Councillor A Carter

That this Council condemns the Government's decision to make no final decision on the future of Supertram.

Council notes that although representatives of the Council and METRO met with the Parliamentary Under-Secretary for State, Derek Twigg MP, on the 26th July no decision on the future of Supertram has yet been taken by the Department of Transport. Council therefore calls on all those with an interest in ensuring Leeds has an effective transport system for the 21st century to continue lobbying the Government to take a positive decision on Supertram.

The lack of a decision and the uncertainty that this causes is immensely damaging to the Leeds economy and is therefore completely inexcusable.

Under the provisions of Council Procedure Rule 14.9(b) with the consent of the seconder and of Council, Councillor Harris altered the motion which he had moved by deleting the first sentence. Upon the altered motion being put to the vote it was

RESOLVED - Council notes that although representatives of the Council and METRO met with the Parliamentary Under-Secretary for State, Derek Twigg MP, on the 26th July no decision on the future of Supertram has yet been taken by the Department of Transport. Council therefore calls on all those with an interest in ensuring Leeds has an effective transport system for the 21st century to continue lobbying the Government to take a positive decision on Supertram.

The lack of a decision and the uncertainty that this causes is immensely damaging to the Leeds economy and is therefore completely inexcusable.

On the requisition of Councillors Leadley and Finnigan the voting on the motion was recorded as follows:

YES

Akhtar, Anderson, Andrew, Armitage, Atha, Atkinson, Bale, Barker, Bentley, A Blackburn, D Blackburn, Blake, Brett, Bruce, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Cleasby, Coulson, M Davey, P Davey, Downes, Dowson, Driver, Dunn, Ewens, R D Feldman, Mrs R Feldman, Fox, Gabriel, Galdas, Golton, Grahame, Gruen, M Hamilton, S Hamilton, Hanley, Harington, Harker, Harper, Harrand, Harris, Harrison, Hollingsworth, Hussain, G Hyde, Iqbal, Jarosz, Jennings, Kendall, Kirkland, Lancaster, Latty, J Lewis, R Lewis, Lobley, Lowe, Lyons, McKenna, Millard, Minkin, Monaghan, Mulherin, Murray, C Nash, E Nash, Ogilvie, Parker, Phillips, J Procter, R Procter, Pryke, Rafique, Renshaw, Rhodes-Clayton, Robinson, Schofield, Selby, Shelbrooke, Smith, Taggart, Taylor, Townsley, Wadsworth, Wakefield, Wilkinson, Wilson

<u>89</u>

NO

Beevers, Elliott, Finnigan, Grayshon, Leadley, McArdle

<u>6</u>

ABSTAIN

Illingworth

<u>1</u>

It was moved by Councillor Wakefield seconded by Councillor Harrison

That this Council agrees that the administration's new policy for short breaks and holidays should be deferred until assurances have been received that full and adequate alternatives for those older people and others who are no longer eligible for support under the new policy are in place.

An amendment was moved by Councillor Harrand seconded by Councillor Harris

Replace the word 'agrees' with the word 'notes'

Replace the words 'should be deferred...[to the end of the motion]' with 'will be implemented only when market testing shows there is the capacity to provide short breaks and holiday services through signposting to independent or voluntary sector providers.'

Under the provisions of Council Procedure Rule 14.9(b) with the consent of the seconder and of Council, Councillor Wakefield altered the motion which he had moved to incorporate the amendment in Councillor Harrand's name and upon being put to the vote it was

RESOLVED - That this Council notes that the administration's new policy for short breaks and holidays will be implemented only when market testing shows there is the capacity to provide short breaks and holiday services through signposting to independent or voluntary sector providers.

56 Suspension of Council Procedure Rule

It was moved by Councillor J Procter seconded by Councillor M Hamilton and

RESOLVED - That under the provisions of Council Procedure Rule 22.1, Procedure Rule 3.2 be suspended to allow all White Paper Motions to be debated.

57 White Paper Motion – Smoking in Public Places

It was moved by Councillor Gruen seconded by Councillor Bruce

That this Council notes the damaging effect that passive smoking can have on people's health and believes that Leeds City Council should be leading the way in creating a smoke free environment in public places.

As a major influencer in the city, the Council requests the next meeting of the Executive Board to consider, a report proposing the designation of appropriate Council buildings, including the Civic Hall as smoke free. This report should also identify the necessary consultation and notice requirements, the extent of Council buildings to which such designation should apply and a timetable for introducing such designation.'

An amendment was moved by Councillor J L Carter seconded by Councillor Brett

Delete all after the words 'This Council notes the damaging effect that passive smoking can have on the people's health' and insert:-

'and instructs the Chief Executive to enforce the Council's current Smoking at Work Policy following a report to Executive Board.'

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

RESOLVED – That this Council notes the damaging effect that passive smoking can have on the people's health and instructs the Chief Executive to enforce the Council's current Smoking at Work Policy following a report to Executive Board.

(The meeting was suspended at 8.05 pm and resumed at 8.15 pm)

58 White Paper Motion – Licensing Act 2003

It was moved by Councillor Leadley seconded by Councillor Elliott

That Council notes that it appears that individual councillors are not, by virtue of their office 'interested parties' as defined by the Licensing Act 2003 in respect of applications for licences for premises within their Wards. Accordingly their ability to make representations is limited.

Council further notes that the Council's Constitution which follows the Model Constitution produced by the government provides that the role and function of all Councillors includes 'to represent their communities and bring their views into the Council's decision making process, i.e. become the advocate of and for their communities' and 'to contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making'

Council considers that the Licensing Act 2003 undermines and undervalues the democratic role of councillors and is against the public interest.

Council instructs the Chief Executive to relay its view to the Secretary of State for Culture, Media and Sport.

An amendment was moved by Councillor Campbell seconded by Councillor Lobley

Delete final two sentences (para 3) after 'Council considers' and replace with: 'that the ill thought out procedures for implementing the 2003 Licensing Act have caused major problems for local authorities across the country. In particular by encouraging last minute applications, by detailing minimal and ineffective public notification requirements, and by preventing local residents outside the immediate vicinity of licensed premises from commenting on licences, event though their quality of life may be directly affected. In addition Council Tax Payers are faced with picking up a substantial bill as a result of the low level of fees permitted to be charged.

Council therefore calls upon central Government to review the Licensing procedures to allow proper public consultation and to either reimburse local authorities the full costs of managing the license application system, or allow local authorities to set their own fees at a level which fully cover all relevant costs associated with licensing.

A second amendment was moved by Councillor Dunn seconded by Councillor Armitage

Insert additional paragraph, before existing para. 1:

THAT Council in general welcomes the Licensing Act 2003 for establishing a single integrated scheme for licensing premises which are used for the supply of alcohol, for the provision of regulated entertainment and for the provision of late night refreshment, replacing a multitude of different and complex licensing schemes; and for empowering elected members of local authorities to determine some alcohol licence applications, instead of wholly unaccountable and unelected magistrates."

para. 1 - delete "THAT" before "Council" and insert "However,"

para. 3 - between "that" and "the" on line 1 insert the words "the wording of Section 69 of"

para. 4 - before "Secretary of State" insert "eight Members of Parliament representing Leeds constituencies, the Local Government Association and the"

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

RESOLVED – That Council notes that it appears that individual councillors are not, by virtue of their office 'interested parties' as defined by the Licensing Act 2003 in respect of applications for licences for premises within their Wards. Accordingly their ability to make representations is limited.

Council further notes that the Council's Constitution which follows the Model Constitution produced by the government provides that the role and function of all Councillors includes 'to represent their communities and bring their views into the Council's decision making process, i.e. become the advocate of and for their communities' and 'to contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making'.

Council considers that the ill thought out procedures for implementing the 2003 Licensing Act have caused major problems for local authorities across the country. In particular by encouraging last minute applications, by detailing minimal and ineffective public notification requirements, and by preventing local residents outside the immediate vicinity of licensed premises from commenting on licences, event though their quality of life may be directly affected. In addition Council Tax Payers are faced with picking up a substantial bill as a result of the low level of fees permitted to be charged. Council therefore calls upon central Government to review the Licensing procedures to allow proper public consultation and to either reimburse local authorities the full costs of managing the license application system, or allow local authorities to set their own fees at a level which fully cover all relevant costs associated with licensing.

It was moved by Councillor Taggart seconded by Councillor E Nash

That this Council supports the resolution passed unanimously by the Environment and Economic Development Committee of Otley Town Council on the 4th July 2005 relating to the ranger service on Otley Chevin.

This Council is not persuaded that an effective ranger service can be delivered from a central point in Leeds and agrees to request that the Executive Board reinstate a dedicated ranger service on Otley Chevin to the level (including weekend cover) which existed prior to the review.

An amendment was moved by Councillor J Procter seconded by Councillor Downes

Delete all after "this Council" and insert:

'supports the Parks and Countryside Service in creating a new post of Otley Chevin Estate Officer. The creation of this post recognises that the Chevin is a unique and valuable environmental resource both for those who live in the city and beyond.

The Estate Officer will manage and co-ordinate the resources devoted to the Chevin, as well as developing and implementing the management plan. The Estate Officer will be supported by the ranger service and forestry service.

'This Council further notes the important health and safety issues associated with lone workers and supports the Council in protecting the interests of its workforces.

'Regrettably the Chevin was not awarded Green Flag status this year despite all the hard work and efforts of many in the department. The new arrangements will improve the Chevin for all.'

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

RESOLVED – That this Council supports the Parks and Countryside Service in creating a new post of Otley Chevin Estate Officer. The creation of this post recognises that the Chevin is a unique and valuable environmental resource both for those who live in the city and beyond.

The Estate Officer will manage and co-ordinate the resources devoted to the Chevin, as well as developing and implementing the management plan. The Estate Officer will be supported by the ranger service and forestry service.

This Council further notes the important health and safety issues associated with lone workers and supports the Council in protecting the interests of its workforces.

Regrettably the Chevin was not awarded Green Flag status this year despite all the hard work and efforts of many in the department. The new arrangements will improve the Chevin for all.

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

YES

Akhtar, Anderson, Andrew, Bale, Beevers, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Cleasby, M Davey, Downes, Elliott, Ewens, Fox, Galdas, Golton, Grayshon, Harker, M Hamilton, Harrand, Harris, Hollingsworth, Hussain, Jennings, Kendall, Kirkland, Lancaster, Latty, Leadley, Lobley, Millard, Monaghan, C Nash, Phillips, J Procter, Pryke, Rhodes-Clayton, Robinson, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

52

NO

Armitage, Atha, Atkinson, Blake, Bruce, Coulson, P Davey, Dowson, Driver, Dunn, Grahame, Gruen, S Hamilton, Hanley, Harington, Harper, Harrison, G Hyde, Illingworth, Iqbal, Jarosz, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Mulherin, Murray, E Nash, Ogilvie, Rafique, Renshaw, Selby, Taggart, Wakefield

36

60 White Paper Motion – Admission Levels at Temple Moor High School

It was moved by Councillor Lyons seconded by Councillor Gruen

That this Council urges Education Leeds to undertake an immediate review of admission levels at Temple Moor High School. Council also notes the urgent need for immediate additional support and intervention by Education Leeds to address standards of attainment in the East Leeds area.

An amendment was moved by Councillor Harker seconded by Councillor Shelbrooke

Delete all after "This Council"

Replace with:

"recognising the anguish suffered by some parents and pupils in Leeds who have failed to be allocated the High School of their choice, and noting the powers that the Council has and also noting the necessity of maintaining schools as a genuine community resource, requests the Leader of Council to write to the Secretary of State for Education and Skills to seek the required changes to the pertinent legislation which will allow a greater influence for Councils in setting school place numbers"

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

RESOLVED – That this Council recognising the anguish suffered by some parents and pupils in Leeds who have failed to be allocated the High School of their choice, and noting the powers that the Council has and also noting the

necessity of maintaining schools as a genuine community resource, requests the Leader of Council to write to the Secretary of State for Education and Skills to seek the required changes to the pertinent legislation which will allow a greater influence for Councils in setting school place numbers.

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

YES

Akhtar, Anderson, Andrew, Bale, Beevers, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Cleasby, Downes, Elliott, Ewens, Fox, Galdas, Golton, Grayshon, M Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain, Jennings, Kendall, Kirkland, Lancaster, Latty, Leadley, Lobley, Millard, Monaghan, C Nash, Phillips, J Procter, Pryke, Rhodes-Clayton, Robinson, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

<u>51</u>

NO

Armitage, Atha, Atkinson, Blake, Bruce, Coulson, M Davey, P Davey, Dowson, Driver, Dunn, Grahame, Gruen, S Hamilton, Hanley, Harington, Harper, Harrison, G Hyde, Illingworth, Iqbal, Jarosz, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Mulherin, Murray, E Nash, Ogilvie, Rafique, Renshaw, Selby, Taggart, Wakefield

<u>37</u>

ABSTAIN

McArdle

<u>1</u>

(Council rose at 10.40 pm)