



A meeting of the Council will be held in the Civic Hall, Leeds on Wednesday, 1st November, 2006 at 2.00 pm

Members of the Council are invited to attend and transact the following business:

1. TO confirm the minutes of the Council Meeting held on 13th September 2006

J PROCTER

2. TO receive any declarations of interest from Members
3. TO receive such communications as the Lord Mayor, the Leader, Members of the Executive Board or the Chief Executive consider appropriate
4. TO receive deputations in accordance with Council Procedure Rule 10
5. TO approve recommendations in the following report considered by the Monitoring Officer as appropriate to be received at this meeting in accordance with Council Procedure Rule 2.2(f))

The report of the Director of Legal and Democratic Services on appointments by the Council

J PROCTER

6. TO deal with questions in accordance with Council Procedure Rule 11
7. TO consider the report of the Director of Legal and Democratic Services on recommendations of the Executive Board in relation to budget adjustments, borrowing limits and investment limits for 2006/07

M HARRIS

8. TO consider the report of the Director of Legal and Democratic Services on recommendations of the Corporate Governance and Audit Committee regarding amendments to the Constitution

M HARRIS

9. TO receive the minutes in accordance with Council Procedure Rule 2.2(m)

M HARRIS

10. White Paper Motion - Homecare Services

THAT this Council condemns the ruling administration for its botched privatisation of the council's home care services which has resulted in some of the most vulnerable people in our city not getting the care they need and deserve. Council congratulates Look North on exposing the issue and asks the Scrutiny Board (Health & Social Care) to consider conducting an urgent inquiry into the issue.

A HARRISON

11. White Paper Motion - NHS Funded Healthcare

THAT this Council notes with concern the Government's policy of ignoring the need to provide suitably funded Healthcare for those who qualify under the "Coughlan" Test.

It is a matter of further concern that those who qualify for health care which should be funded by the NHS are not receiving NHS funded Healthcare but are having to fund the cost of this Healthcare themselves, in many cases by the sale of their homes.

Council is mindful of the impact of these unfair decisions on the residents of Leeds and requests the Chief Executive to write to the Secretary for Health urging that their Healthcare needs are funded by the appropriate authority.

T GRAYSHON

12. White Paper Motion - East Leeds Leisure Centres

THAT this Council believes that the proposal to site the new leisure centre on Killingbeck Fields is a mistake. Council also believes that such a building would be an irresponsible use of vital green space and would not be in the best place to meet the needs of the residents of East Leeds, particularly those living in Harehills and Burmantofts.

Council requests that the Executive Board rethink plans to close both East Leeds and Fearnville Sports Centres, and acts to reassure all communities in Leeds that they will not lose their major leisure facilities.

R HARINGTON

13. White Paper Motion - Management of Council Property and Infrastructure

THAT this Council condemns the previous Labour administration for their years of mismanagement of the Council's property and infrastructure, resulting in record levels of backlog maintenance and disrepair that the current administration has inherited.

This Council further welcomes the range of initiatives that are being taken by the current administration to put the infrastructure and property of the local authority back into a decent state of repair and safety.

A CARTER

14. White Paper Motion - Waste Stream Reduction and Packaging

THAT this Council recognises the need to take action to reduce the waste stream, both in Leeds and more widely, with this in mind Council instructs its Chief Executive to write to the Secretary of State for Environment, Food and Rural Affairs to request that the Government bring in improved legislation which puts the onus on suppliers and manufacturers to cut down on packaging, particularly from non-renewable sources.

A BLACKBURN

15. White Paper Motion - Devolution of NHS Services

THAT this Council agrees with the Secretary of State for Health that "these are difficult times for people working in the NHS", but it believes that those difficulties result directly from her Government's policies.

"Council applauds the Government's claimed (and belated) conversion to the case for greater devolution to local NHS bodies and is eager to be involved in the creation of a pattern of health care for Leeds which meets the needs of the community, and interlocks effectively with the Council's responsibility for social services.

J BALE

16. White Paper Motion - Local Authority Controls Over Private Bus Services

THAT this Council welcomes the recent announcements by the Transport Secretary that he intends to give local authorities new powers over private bus companies, but considers that giving this Council fewer powers than those afforded to the London Mayor in respect of London Transport would be unacceptable.

Council therefore instructs the Chief Executive to write to the Secretary of State for Transport to convey this Council's view.

R DOWNES

17. White Paper Motion - Registration of Houses in Multiple Occupation

THAT this Council condemns the abject failure of the ruling coalition to fulfil its mandatory obligation to register 'high risk' Houses in Multiple Occupation in the city, depriving the Council of a source of funding which could have been used to drive up standards in this sector and letting down many vulnerable residents.

R LEWIS

18. White Paper Motion - Protection of Private Gardens Bill

THAT this council supports the aims of the Protection of Private Gardens Bill in order to remove front and back gardens from the Government's definition of brownfield sites of previous development.

This council expresses its concern over the scale of residential development on garden land in that it causes irreparable damage to neighbourhood character throughout Leeds.

This Council also reiterates its support for protecting Green Belt, open space and

PAS land from development.

This council condemns the government and three of this city's MPs who voted against a motion in Parliament supporting the aims of the Protection of Private Gardens Bill.

Council instructs the Chief Executive to write to Greg Clark MP, to express its support for the Protection of Private Gardens Bill.

M LOBLEY

19. White Paper Motion - Student Housing and Houses in Multiple Occupation

THAT this Council noting the increase in custom built premises for students, the consequent reduction of the numbers in students wishing to rent converted family homes in wards such as Headingley, Hyde Park, City & Hunslet and Kirkstall, the consequent possible offering of converted houses on the market and being aware of the most pressing need for family homes of three and four bedrooms resolves to ensure that these are returned to become family homes by any means available.

Council also resolves to use its discretion to require all houses in multiple occupation to be registered or licensed and condemns the ruling coalition for its abject failure to register the city's Housing in Multiple Occupancy thus losing out on potential funding that could have been used to tackle the problems caused by this issue.

B ATHA

Chief Executive

Civic Hall
Leeds
LS1 1UR



LEEDS CITY COUNCIL

Proceedings of the Meeting of the Leeds City Council held
Civic Hall, Leeds on Wednesday, 13th September, 2006

PRESENT: The Lord Mayor Councillor Mohammed Iqbal in the Chair

WARD

ADEL & WHARFEDALE

Clive Fox
Barry John Anderson
John Leslie Carter

ALWOODLEY

Peter Mervyn Harrand
Ronald David Feldman
Ruth Feldman

ARDSLEY & ROBIN HOOD

Lisa Mulherin
Karen Renshaw
Jack Dunn

ARMLEY

Janet Harper
Alison Natalie Jane Lowe
James McKenna

BEESTON & HOLBECK

David Congreve
Angela Gabriel
Adam Ogilvie

BRAMLEY & STANNINGLEY

Neil Taggart
Angela Denise Atkinson
Ted Hanley

BURMANTOFTS & RICHMOND HILL

David Hollingsworth
Ralph Pryke
Richard Brett

WARD

CALVERLEY & FARSLEY

Frank Robinson
Andrew Carter
Amanda Lesley Carter

CHAPEL ALLERTON

Jane Dowson
Sharon Hamilton
Mohammed Rafique

CITY & HUNSLET

Mohammed Iqbal
Elizabeth Nash
Patrick Davey

CROSSGATES & WHINMOOR

Suzi Armitage
Pauleen Grahame

FARNLEY & WORTLEY

Luke Russell
David Blackburn
Ann Blackburn

GARFORTH & SWILLINGTON

Thomas Murray
Andrea Harrison
Mark Russell Phillips

GIPTON & HAREHILLS

Roger Harington
Alan Leonard Taylor
Javaid Akhtar

GUISELEY & RAWDON

John Bale
Graham Latty
Stuart Andrew

HAREWOOD

Alec Shelbrooke
Ann Castle

HEADINGLEY

Martin Hamilton
David Morton
James John Monaghan

HORSFORTH

Brian Cleasby
Christopher Townsley
Andrew Barker

HYDE PARK & WOODHOUSE

Linda Rhodes-Clayton
Penny Ewens
Kabear Hussain

KILLINGBECK & SEACROFT

Brian Michael Selby
Graham Hyde
Veronica Morgan

KIPPAX & METHLEY

Keith Ivor Wakefield
John Keith Parker
James Lewis

KIRKSTALL

Bernard Peter Atha
Elizabeth Minkin
John Anthony Illingworth

MIDDLETON PARK

Debra Ann Coupar
Geoffrey Driver
Judith Blake

MOORTOWN

Richard Harker
Mark Daniel Harris
Brenda Lancaster

MORLEY NORTH

Thomas Leadley
Robert Finnigan
Stewart McArdle

MORLEY SOUTH

Christopher James Beverley
Judith Elliot
Terrence Grayshon

OTLEY & YEADON

Ryk Downes
Graham Peter Kirkland
Colin Campbell

PUDSEY

Mick Coulson
Josephine Patricia Jarosz
Richard Alwyn Lewis

ROTHWELL

Barry Stewart Golton
Donald Michael Wilson
Steve Smith

ROUNDHAY

Paul Wadsworth
Matthew Lobley
Valerie Kendall

TEMPLE NEWSAM

Michael Lyons
William Schofield Hyde
David Schofield

WEETWOOD

Judith Mara Chapman
Brian David Timothy Jennings
Susan Bentley

WETHERBY

John Michael Procter
Gerald Wilkinson
Andrew Millard

43 **Announcements**

- (a) The Lord Mayor referred to the recent death of Honorary Alderman Astle JP
- (b) The Lord Mayor referred to the fact that Jane Tomlinson MBE had completed her 4200 mile bike ride across the USA.
- (c) The Lord Mayor informed Council that Councillor William Hyde and Mrs Hyde had recently celebrated their 50th wedding anniversary.
- (d) The Lord Mayor referred to the City's success in the Yorkshire in Bloom Competition and invited Councillor Robinson to say a few words.

44 **Minutes**

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

RESOLVED – That the minutes of the meeting held on 19th July 2006 be approved.

45 **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 Members' 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) Councillor Murray declared a personal and prejudicial interest in minute 51 of this meeting as he had previously been involved in the bidding process.
- (b) The following Councillors declared personal interests in minute 52 of this meeting as follows:

Ewens	– Board Member, Swarthmore Educational Centre
Hussain	– Board Member, Park Lane College
Bentley	– Board Member, Leeds Initiative Learning Partnership
Harker	– Board Member, Leeds Initiative Learning Partnership
Fox	– Governor, Leeds College of Technology
Finnigan	– Governor, Joseph Priestley College
Wakefield	– Board Member, Learning and Skills Council
Mulherin	– Governor, Joseph Priestley College
G Hyde	– Governor, Leeds College of Art and Design and Governor of Leeds College of Building
McKenna	– Governor, Leeds College of Art and Design
Murray	- Governor of Park Lane College
Driver	- Board Member, Belle Isle Foundation Board Member, Thomas Danby College Governor , South Leeds High School
Blake	- Governor, Belle Isle Foundation
Cleasby	- Governor, Westbrook Lane Primary School Governor, Benton Park High School Member – Airport Consultative Committee Member, Bradford University Court Member, School Organisation Committee
Kendall	- Governor, Roundhay School Member, Management Committee for Community Action Roundhay Elderly

Councillor Murray declared a personal and prejudicial interest in the same item as he is working for a charity currently negotiating with the LSC for a bid which will fund adult education provision with various colleges across the city.

- (c) The following members declared personal interests in minute 53 of this meeting as follows:

Gabriel	- Employee of Leeds Mental Health NHS Trust
Wakefield	- Board Member, East Leeds PCT
McKenna	- Board Member, West Leeds PCT
Harper	- Board Member, West Leeds PCT
Ogilvie	- Board Member, South Leeds PCT
Harington	- Chair, East Leeds PCT
Wilkinson	- Regular user of car park taking and waiting for partner having chemotherapy treatment
Smith	- Board Member, South Leeds PCT

Councillor S Hamilton declared a personal and prejudicial interest in the same item as an employee of Leeds NHS Teaching Hospital Trust, directly affected by car parking charges.

- (d) The following members declared personal interests in minute 54 of this meeting as follows:

Congreve	- Board Member, South Leeds ALMO
Latty	- Board Member, North West Leeds ALMO
Elliott	- Board Member, South Leeds ALMO
A Blackburn	- Director, Leeds West Homes
J L Carter	- Director of Renew and Renewal Ltd
Lancaster	- Board Member, Leeds North East Homes
Ewens	- Board Member, Leeds North West Homes
Chapman	- Board Member, Leeds North West Homes
Hollingsworth	- Director, Leeds East ALMO
Akhtar	- Director, Leeds East ALMO
Taylor	- Director, Leeds East ALMO
Brett	- Director, South East Homes
Golton	- Director, South Leeds Homes
Schofield	- Director of Leeds South East Homes
R Lewis	- Member of West Leeds ALMO
Hanley	- Member of West Leeds ALMO
Lowe	- Member of West Leeds ALMO
Parker	- Member of South East Leeds ALMO
Selby	- Member of East Leeds ALMO
G Hyde	- Member of East Leeds ALMO
Ogilvie	- Member of South Leeds ALMO
Dowson	- Member of Leeds North East ALMO
Illingworth	- Member of Leeds North West ALMO
Wadsworth	- Chair of Leeds North East ALMO
Anderson	- Chair of Leeds North West ALMO

- (e) The following members declared personal interests in the White Paper in relation to Home Care Services, which in the event was not debated:

A Blackburn	- Mother-in-law has home care service
D Blackburn	- Mother has home care service
Brett	- Member, Burmantofts Senior Action
Hollingsworth	- Member, Richmond Hill Elderly Action

- Smith – Director, South Leeds PCT
- Downes – Member, Aireborough Voluntary Services to the Elderly with Disabilities

(f) The following members declared personal interests in item 13 on the agenda, which in the event was not debated:

- Gabriel - Employee of Leeds Mental Health NHS Trust
- Wakefield - Board Member, East Leeds PCT
- McKenna - Board Member, West Leeds, PCT
- Harper - Board Member, West Leeds PCT
- Ogilvie - Board Member, South Leeds PCT
- Harington - Chair, East Leeds PCT
- S Hamilton - Employee of Leeds NHS Teaching Hospitals Trust

(g) Councillor Smith declared a personal interest in the White Paper in relation to NHS Funded Healthcare as a Director of South Leeds PCT, which in the event was not debated.

46 Deputations

Four deputations were admitted to the meeting and addressed Council as follows:

- 1 Leeds Gypsy and Traveller Exchange regarding the inadequacy of provision of accommodation in the city.
- 2 Right to Rent Campaign regarding the need for social rented homes.
- 3 Local residents concerned about the Rein Road Quarry, Morley.
- 4 Queenshill and Lingfield Estate Residents concerned about Ring Road safety.

RESOLVED – That the subject matter of each of the deputations be referred to the Executive Board for consideration.

47 Council Meeting Arrangements 2006/2007

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

RESOLVED – That the following recommendations, as contained in the report of the Director of Legal and Democratic Services, be approved:

- (a) That an extraordinary meeting of the Council be held at 11.00 am on Wednesday 13th December 2006 for the specific purpose of approving a Gambling Policy for Leeds.
- (b) That the 2007 Annual Meeting of Council be held at 6.00 pm on Thursday 24th May and not 21st May as previously agreed.

48 Questions

- 1 Councillor Ogilvie to the Leader of Council

Will the Leader of Council please explain to Council why the local people in Beeston and Holbeck have not been consulted about the Council's proposals to site a casino in their neighbourhood.

The Executive Member (Development) replied

- 2 Councillor M Hamilton to the Leader of Council

Would the Leader of Council care to comment on the effectiveness of the Government's Community Cohesion Strategy?

The Leader of Council replied.

- 3 Councillor Lobley to the Executive Member for Going Up a League

Can the Executive Member for 'Going Up A League' please let me know the benefits of the recent concert at Roundhay Park?

The Executive Member (Development) replied.

- 4 Councillor Finnigan to the Executive Member (Development)

Can the Executive Board Member for Development comment on the successful appeal, which confirmed this Council's refusal of planning permission for the Britannia Road site in Morley?

The Executive Member (Development) replied.

- 5 Councillor Russell to the Executive Member (City Services)

Would the Executive Member responsible for City Services care to comment on what plans his Department has to reduce the environmental impact of its transport fleet?

The Executive Member (City Services) replied

- 6 Councillor Lowe to the Executive Member (City Services)

Will the Executive Member for City Services please tell me how many young people have successfully completed the Council's apprenticeship scheme since it was started?

The Executive Member (City Services) replied

- 7 Councillor Campbell to the Executive Member (Adult Health and Social Care)

Can the Executive Member for Adult Health and Social Care please update the Council on The Breece?

The Executive Member (Adult Health and Social Care) replied.

- 8 Councillor Grayshon to the Leader of Council

Could the Leader of Council comment on the spectacular achievements of Jane Tomlinson following her coast to coast bike ride across America?

The Leader of Council replied.

- 9 Councillor Harington to the Executive Member (Leisure)

Will the Executive Member for Leisure please tell me when he expects his department to submit the PFI sports centre bid?

The Executive Member (Leisure) replied.

- 10 Councillor Hollingsworth to the Support Executive Member (Children's Services)

Would the Executive Board Member for Children's Services with responsibility for learning take this opportunity to congratulate pupils from the Leeds area on their recent examination results?

The Support Executive Member (Children's Services) 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.

- 11 Councillor Finnigan to the Executive Member (Neighbourhoods and Housing)
12 Councillor Mulherin to the Executive Member (Children's Services)
13 Councillor Bentley to the Executive Member (Customer Services)
14 Councillor Harrison to the Executive Member (Adult Health and Social Care)
15 Councillor Pryke to the Executive Member (Adult Health and Social Care)
16 Councillor Harrison to the Executive Member (Adult Health and Social Care)
17 Councillor Hussain to the Executive Member (Children's Services)
18 Councillor Illingworth to the Executive Member (Development)
19 Councillor Illingworth to the Executive Member (Development)
20 Councillor Illingworth to the Executive Member (Development)

49 Minutes

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

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

50 Suspension of Council Procedure Rules

During debate under minute 49 above it was moved by Councillor M Hamilton and seconded by Councillor J Procter and

RESOLVED – That under provisions of Council Procedure Rule 22.1 Procedure Rule 3.1 be suspended to allow all comments on the minutes to be heard.

51 White Paper Motion - New Deal Services in Leeds

It was moved by Councillor Harris seconded by Councillor A Carter

That this Council applauds the excellent work done by its Jobs and Skills Service in delivering New Deal Services in Leeds for the past eight years. During this time the team has helped 9,425 Leeds citizens into employment and has been awarded Beacon Status for Removing Barriers to Work.

Council therefore condemns the decision made by the Department of Work and Pensions to ignore the expertise that has been built up within the Council and award the New Deal contract to an alternative provider. Council is particularly appalled at the failure of the Government to inform the Council of its decision in a timely manner, which has resulted in unnecessary distress to its employees.

An amendment was moved by Councillor Wakefield seconded by Councillor Blake

Paragraph 2, delete all after "Council therefore condemns" and replace with:

‘ the ruling administration for their incompetence and mishandling of the bidding process which resulted in the Council losing this contract and calls on the relevant Scrutiny Board to investigate the whole issue as a matter of urgency’

The amendment was lost and upon the motion being put to the vote it was

RESOLVED - That this Council applauds the excellent work done by its Jobs and Skills Service in delivering New Deal Services in Leeds for the past eight years. During this time the team has helped 9,425 Leeds citizens into employment and has been awarded Beacon Status for Removing Barriers to Work.

Council therefore condemns the decision made by the Department of Work and Pensions to ignore the expertise that has been built up within the Council and award the New Deal contract to an alternative provider. Council is particularly appalled at the failure of the Government to inform the Council of its decision in a timely manner, which has resulted in unnecessary distress to its employees.

On the requisition of Councillors Hanley and Selby the voting was recorded as follows:

The amendment in Councillor Wakefield’s name

YES

Armitage, Atha, Blake, Congreve, Coulson, Coupar, Davey, Dowson, Driver, Dunn, Gabriel, Grahame, S Hamilton, Hanley, Harington, Harper, Harrison, G Hyde, Illingworth, Jarosz, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Morgan, Mulherin, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, Wakefield

36

NO

Akhtar, Anderson, Andrew, Bale, Barker, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Downes, Ewens, Mrs R Feldman, R D Feldman, Fox, Golton, M Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain, W Hyde, Kendall, Kirkland, Lancaster, Latty, Lobley, McArdle, Millard, Monaghan, Morton, Phillips, J Procter, Pryke, Rhodes-Clayton, Robinson, Russell, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

52

ABSTAIN

Beverley, Finnigan, Grayshon

3

The Motion

YES

Akhtar, Anderson, Andrew, Bale, Barker, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Downes, Ewens, Mrs R Feldman, R D Feldman, Fox, Golton, M Hamilton, Harker, Harrand,

Harris, Hollingsworth, Hussain, W Hyde, Kendall, Kirkland, Lancaster, Latty, Lobley, McArdle, Millard, Monaghan, Morton, Phillips, J Procter, Pryke, Rhodes-Clayton, Robinson, Russell, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

52

NO

Armitage, Atha, Blake, Congreve, Coulson, Coupar, Davey, Dowson, S Hamilton, Driver, Dunn, Gabriel, Grahame, Hanley Harington, Harper, Harrison, Illingworth, Jarosz, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Morgan, Mulherin, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, Wakefield

35

ABSTAIN

Beverley, Finnigan, Grayshon, G Hyde

4

(Councillor Murray having declared a personal and prejudicial interest under minute 45 above left the meeting during the debate on this item)

(The meeting was suspended at 5.55 pm and resumed at 6.30 pm)

52 White Paper Motion - Adult Further Education Classes

It was moved by Councillor Brett seconded by Councillor D Blackburn

That this Council deplores the cuts of £2 million in funding for local Further Education adult education classes made by the Labour Government. Council believes that stopping many of the adult education classes run by Park Lane College at Osmondthorpe One Stop shop and the Swarthmore Centre can only lead to a widening of the gap between rich and poor in our City. This council therefore calls on our Leeds MPs to fight these cuts and for the Labour Government to live up to its promises of *Education, Education, Education* and reinstate this funding immediately.

An amendment was moved by Councillor Wakefield seconded by Councillor Driver

Delete all after "this Council" and replace with:

'notes the re-alignment by the Government of the budget for adult education to concentrate on training for young people and the unemployed. Council regrets the impact this is having on existing adult education classes in the city and calls on the Administration to consider imaginative ways of finding replacement funding for these classes, including considering whether Area Committee well-being budgets may be available.'

The amendment was lost and upon being the motion being put to the vote it was

RESOLVED – That this Council deplores the cuts of £2 million in funding for local Further Education adult education classes made by the Labour Government. Council believes that stopping many of the adult education classes run by Park Lane College at Osmondthorpe One Stop shop and the Swarthmore Centre can only lead to a

widening of the gap between rich and poor in our City. This council therefore calls on our Leeds MPs to fight these cuts and for the Labour Government to live up to its promises of *Education, Education, Education* and reinstate this funding immediately.

(Councillor Murray having declared a personal and prejudicial interest under minute 45 above left the meeting during the debate of this item)

During the debate on this item Councillor Bale declared a personal interest as a family member attended adult education classes.

53 White Paper Motion - Leeds Teaching Hospitals NHS Trust Car Parking Charges

It was moved by Councillor Pryke seconded by Councillor Harrand

That this Council condemns the Leeds Teaching Hospitals NHS Trust for increasing car parking charges by over 100% in some cases.

An amendment was moved by Councillor J Lewis seconded by Councillor McKenna

Delete all after "That this Council" and replace with:

"condemns the Leeds Teaching Hospitals NHS Trust for increasing car parking charges by over 100% in some cases and the hypocrisy of the ruling administration over NHS car parking charges when they have implemented similar policies themselves at the council car park on Beckett Street."

The amendment was lost and upon the motion being put to the vote it was

RESOLVED UNANIMOUSLY - That this Council condemns the Leeds Teaching Hospitals NHS Trust for increasing car parking charges by over 100% in some cases.

(Councillor S Hamilton having declared a personal and prejudicial interest under minute 45 above left the meeting during consideration of this item)

54 White Paper Motion - Right To Rent Campaign

It was moved by Councillor R Lewis seconded by Councillor Morgan

That this Council believes that there is a shortage of genuinely affordable rented housing in this city and supports the 'right to rent' campaign organised by Leeds Tenants Federation. Council recognises the problems that this causes for young people, those in the public sector and key workers in our city and calls on the ruling administration to bring forward practical proposals to address this issue as a matter of urgency

An amendment was moved by Councillor Finnigan seconded by Councillor Grayshon

To add at the end of the first sentence the words:

"and also supports the abolition of the 'Right to Buy' Legislation"

To alter the final sentence to read

".....and calls upon the Government to bring forward practical proposals to address this issue as a matter of urgency"

A second amendment was moved by Councillor A Carter seconded by Councillor J L Carter

Delete all after "That this council believes" and insert "there is a shortage of genuinely affordable housing in Leeds and welcomes the measures (shown below) being taken by the ruling administration to increase the amount of affordable accommodation to both rent and buy.

1. Work with the Housing corporation and Yorkshire Housing Association
2. Innovative use of commuted sums
3. East and South Leeds regeneration scheme
4. Gipton Low Cost Housing scheme
5. Use of the planning system
6. Proposed new PFI schemes in Beeston and Holbeck and also Little London
7. Setting up a corporate affordable housing task group within the Neighbourhoods and Housing and Development departments

This council further recognises that without such actions there will be problems for people of all generations in the years to come."

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

RESOLVED - That this council believes there is a shortage of genuinely affordable housing in Leeds and welcomes the measures (shown below) being taken by the ruling administration to increase the amount of affordable accommodation to both rent and buy.

- 1 Work with the Housing corporation and Yorkshire Housing Association
- 2 Innovative use of commuted sums
- 3 East and South Leeds regeneration scheme
- 4 Gipton Low Cost Housing scheme
- 5 Use of the planning system
- 6 Proposed new PFI schemes in Beeston and Holbeck and also Little London
- 7 Setting up a corporate affordable housing task group within the Neighbourhoods and Housing and Development departments

This council further recognises that without such actions there will be problems for people of all generations in the years to come.

On the requisition of Councillors Finnigan and Grayshon the voting was recorded as follows:

The amendment in Councillor Finnigan's name

YES

Beverley, Finnigan, Grayshon

3

NO

Akhtar, Anderson, Andrew, Armitage, Atha, Bale, Barker, Bentley, A Blackburn, D Blackburn, Blake, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Congreve, Coupar, Davey, Downes, Dowson , Dunn, Ewens, Mrs R Feldman, R D Feldman, Fox, Gabriel, Golton, Grahame, M Hamilton, S Hamilton,

Hanley, Harington, Harker, Harper, Harrand, Harris, Harrison, Hollingsworth, Hussain, W Hyde, Illingworth, Jarosz, Kendall, Kirkland, Lancaster, Latty, J Lewis, R Lewis, Lobley, Lowe, Lyons, McKenna, Minkin, Monaghan, Morgan, Morton, Mulherin, Murray, Nash, Ogilvie, Parker, Phillips, J Procter, Pryke, Rafique, Renshaw, Rhodes-Clayton, Robinson, Russell, Schofield, Selby, Shelbrooke, Smith, Taggart, Taylor, Townsley, Wadsworth, Wakefield, Wilkinson, Wilson

83

ABSTAIN

McArdle

1

The second amendment in Councillor A Carter's name

YES

Akhtar, Anderson, Andrew, Bale, Barker, Bentley, A Blackburn, D Blackburn, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Downes, Ewens, Mrs R Feldman, R D Feldman, Finnigan, Fox, Golton, Grayshon, M Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain, W Hyde, Kendall, Kirkland, Lancaster, Latty, Lobley, McArdle, Monaghan, Morton, Phillips, J Procter, Pryke, Rhodes-Clayton, Robinson, Russell, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

52

NO

Armitage, Atha, Blake, Congreve, Coupar, Davey, Dowson, Dunn, Gabriel, Grahame, S Hamilton, Hanley, Harington, Harper, Harrison, Illingworth, Jarosz, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, Wakefield

34

ABSTAIN

Beverley

1

The substantive motion

YES

Akhtar, Anderson, Andrew, Bale, Barker, Bentley, A Blackburn, D Blackburn, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Downes, Ewens, Mrs R Feldman, R D Feldman, Finnigan, Fox, Golton, Grayshon, M Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain, W Hyde, Kendall, Kirkland, Lancaster, Latty, Lobley, McArdle, Monaghan, Morton, Phillips, J Procter, Pryke, Rhodes-Clayton, Robinson, Russell, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

NO

Armitage, Atha, Blake, Congreve, Coupar, Davey, Dowson, Dunn, Gabriel, Grahame, S Hamilton, Hanley, Harington, Harper, Harrison, Illingworth, Jarosz, J Lewis, R Lewis, Lyons, McKenna, Minkin, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, Wakefield

ABSTAIN

Beverley

55 Suspension of Council Procedure Rules

During the debate under minute 54 above it was moved by Councillor J Procter seconded by Councillor M Hamilton that the provisions of Council Procedure Rule 22.1 Procedure Rule 3.2 be suspended to allow the debate on the Right to Rent Campaign white paper to be concluded.

An amendment was moved by Councillor Atha seconded by Councillor Hanley that under the provisions of Council Procedure Rule 22.1 Council Procedure Rule 3.2 be suspended to allow the debate on all of the White Papers to be concluded.

The amendment was lost and upon the motion being put to the vote it was

RESOLVED – That under the provisions of Council Procedure Rule 22.1 Procedure Rule 3.2 be suspended to allow the debate on the Right to Rent Campaign White Paper to be concluded.

The White Paper Motions on the following subjects included on the Summons, but not debated at the conclusion of the meeting were:

Home Care Services
NHS Funded Healthcare
Knife Crime

Council rose at 8.45 pm

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Originator:	Sophie Wallace
Tel:	395 1631

Report of the Director of Legal and Democratic Services

Council

Date: 1st November 2006

Subject: Appointments

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 Appointments to Scrutiny Boards are reserved to Council.

1.2 The relevant party whip has requested the following changes:

That Councillor Jarosz replace Councillor Harington on the City Services Scrutiny Board.

That Councillor Harington replace Councillor Jarosz on the Health Scrutiny Board.

2.0 Recommendations

2.1 That Council approve the appointments referred to in paragraph 1.2



Originator: Ian Walton

Tel: 2474350

Report of the Director of Legal and Democratic Services

Council

Date: 1st November 2006

Subject: Recommendations of the Executive Board

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 To present, for the consideration of Council, the recommendations as contained in the following reports of the Director of Corporate Services

- Financial Health Monitoring 2006/07 – Month 4 Report
- Treasury Management Borrowing Limits

2.0 Background Information

2.1 The attached reports were considered by the Executive Board (a) on 20th September 2006 and (b) on 18th October 2006 and contain recommendations for approval of Council as detailed in the Board minutes referring to them:

- (a) Financial Health Monitoring 2006/07 – Month 4 Report (Minute 56 refers)
- (b) Treasury Management Borrowing Limits (Minute 80 refers)

2.2 The first report recommends that Council approve appropriate budget adjustments as described in Section 4 of the report. The second report recommends that Council approve revised borrowing limits for 2006/07 and a revised investment limit for 2006/07 both as set out in Section 3 of the report.

3.0 Recommendations To Council

That Council approve the recommendations with regard to budget adjustments, borrowing limits and investment limits for 2006/07 as contained in the attached reports and associated minutes of the Executive Board.

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Report of the Director of Corporate Services

Executive Board

Date: 20th September 2006

Subject: Financial Health Monitoring 2006/07 – Month 4 Report

Electoral wards affected:

Specific implications for:

Equality and Diversity

Community and Cohesion

Narrowing the gap

Eligible for call In

X

Not eligible for call in
(details contained in the report)

Executive Summary

1. The purpose of this report is inform members of the financial health of the authority after four months of the new financial year, in respect of the revenue budget for general fund services and the housing revenue account.
2. The report identifies that a number of council services are continuing to face financial pressures in 2006/0, often reflecting pressures which impacted on the Council's 2005/06 outturn.
3. A number of additional funding sources have been identified to mitigate against some of the pressures, and this enables additional allocations of £3.2m to be made to those areas of immediate concern.
4. It is crucial that all other budget pressures are addressed by departments who are required to continue to develop and implement action plans to manage identified pressures within available resources.
5. Members are asked to note the contents of this report and agree the proposals. It should be noted that as the proposals include virements in excess of £1m, these will require the approval of full Council.

1. PURPOSE OF REPORT

- 1.1 This report sets out for the Board the Council's financial health position for 2006/07 after four months of the financial year. The report covers revenue expenditure and income to date compared to the approved budget, the projected year end position and proposed actions to ensure a balanced budget by the year end. The report also highlights the position regarding other key financial indicators, including Council Tax collection and the payment of creditors.

2. BACKGROUND INFORMATION

- 2.1 Members will recall that the net budget for the general fund was set at £486.5m, which provided for a contribution of £0.3m to reserves. As a result, the level of general fund reserves at 31st March 2007 were estimated to be £12.3m.
- 2.2. As reported in the 2005/06 outturn report to Board in June 2006, spending for 2005/06 was £1.4m in excess of approved estimates. The effect of this was that reserves at 31st March 2006 stood at £10.6m, which was lower than the £12.0m forecast assumed in the Council's approved reserves policy. However, as reported, significant capital finance savings in 2006/07 had been identified, and it was agreed by Executive Board that reserves should immediately be replenished, with the balance allocated to the Council's contingency to provide some level of resource to deal with any recurring spending pressures.
- 2.3 The budget now takes account of the decision taken at Council to vire £400k from contingency to the School Clothing Vouchers budget.
- 2.4 Budget Monitoring is a continuous process throughout the year, and this report reviews the position of the budget after four months and comments on the key issues impacting on the overall achievement of the budget for the current year. However, it should be recognised that the forecasts are based on the position at a relatively early stage of the financial year.

3. MAIN ISSUES

3.1 Social Services

- 3.1.1 Budget pressures experienced in 2005/06 have continued to some degree in the current financial year and the 2006/07 budget includes challenging targets for service improvement and realignment with associated financial savings. Although much has been achieved in the current year, there has been some slippage in delivering the required actions and demand/demographic pressures continue to impact on the service.

- 3.1.2 The most significant areas of forecast variation are set out below:

Roseville Enterprises

The reduced volumes of uPVC windows and doors work undertaken by Roseville in 2005/06 have continued in 2006/07. Work is ongoing to secure firm commitments for window and door work in the current year and develop contingency actions for the extent to which this will not deliver financial balance. Based on the information currently available a year-end deficit of £1.3m is forecast at this time. A Chief Officer from Corporate Services has been seconded on a temporary basis to Roseville to provide additional management support. With regard to the wider perspective, an

inter-departmental working group is undertaking a fundamental review of Roseville Enterprises within the context of the Council's Workstep programme to support its disabled employees and its commitment to equality and social inclusion.

Joint Commissioning Service for People with Learning Disabilities

The learning disability pooled budget is continuing to face growing demographic pressures, with an increasing number of service users with very complex needs requiring expensive packages of care. Action is being taken to reconfigure services and deliver more cost effective care, but this will take time. For 2006/07 the additional cost of the pooled budget projected to fall to Social Services amounts to £0.3m, taking account of in-year cost reduction plans. There is also a close association with the steps being taken to manage the supporting people funding to this service area.

Supporting People

Early indications are that there may be a potential pressure of £0.8m relating to Supporting People funding in 06/07 should steps not be taken to generate efficiencies. However, measures are being put in place to address these concerns and, at this stage, it is anticipated that the potential pressure can be managed.

Community Care Packages

The projected cost of community care packages in 2006/07 is £0.6m less than budgeted, reflecting variations in the number of service users in residential and nursing care and the impact of revised contracts from April 2006 for placements and domiciliary care.

Transport

Expenditure on transport for service users is forecast to exceed budgeted provision by £0.5m, mainly relating to external hire of vehicles. This reflects some delays in delivering budgeted savings and demand pressures within frontline services.

Children's Placements

The budgeted impact of the planned reductions in Looked After Children have not been fully achieved and demand pressures continue in relation to expensive outside placements for those children with the most complex needs. Expenditure at the year-end is currently forecast to be £0.9m higher than the Latest Estimate.

Staffing

The staffing budget has experienced pressure resulting from the very tight control of spend during 2005/06 to help to offset other budget pressures within the Department. Some of the service improvement plans also require staffing savings to be delivered and there has been some slippage. Staffing costs are currently projected to exceed budgeted provision by £1.2m at the year-end.

Meals Service

The meals service is the subject of a major service reconfiguration programme and demand for meals is also affected by the ongoing review of service users in relation to the line of eligibility for social care services. There have been some delays in implementing planned changes within the service and the year-end expenditure forecast is £0.7m higher than the Latest Estimate.

Income

Income across the Department is forecast to be £1.0m lower than the Latest Estimate. This mainly relates to client contributions and income from Housing Benefit, Supporting People and funded nursing care.

3.2 City Services

- 3.2.1 The department is currently forecasting a deficit in the Property Maintenance agency of £0.6m, although projected surpluses generated on other trading services partially offset this to give an overall trading deficit of £0.5m. The department is currently developing a strategy for the service to address this underlying problem.
- 3.2.2 Other pressures include a projected shortfall of Decriminalised Parking income of £0.3m as a result of payment rates being lower than anticipated, and increased energy costs of £0.4m, which reflects the street lighting electricity contract being higher than budgeted. Disposal costs are projected to be £0.4m over budget due to an increased volume of tonnages, although partially offsetting these pressures are staffing savings across the department of £0.6m.
- 3.2.3 Overall, the department are currently forecasting an overspend of £1.0m, but are continuing to work up action plans to address these pressures, which are expected to deliver significant savings towards the potential overspend.

3.3 Learning and Leisure

- 3.3.1 There are a number of identified pressures which in total amount to £2.9m. As Members will be aware, the most significant of these is the loss of the New Deal contract within Jobs and Skills, leading to a projected net cost to the service of £1.8m in the current year.
- 3.3.2. Additional costs incurred in respect of Sport PFI and Sport Trust development work are projected to be £0.3m, and the ongoing pressure on the Community Centres budget of £0.4m reflects low income achievement and caretaking costs. Other minor budget variations have been managed through the department's action plan.

3.4 Neighbourhoods and Housing

- 3.4.1 The department has identified a number of pressures, including a forecasted loss of adaptations fee income of £0.5m which reflects Council house adaptations now undertaken by the ALMOs, but after identifying a number of savings actions, the department are currently projecting that all pressures can be managed within existing resources.

3.5 Schools PFI/BSF

- 3.5.1 The 2005/06 outturn report identified that the Council's strategy for funding the development costs of schools' PFI/BSF schemes by borrowing short term from the PFI reserve and schools reserves was no longer sustainable as schools reserves had fallen significantly in 2005/06. Officers are currently working to formulate a viable alternative strategy to fund these development costs.

3.6 Children's Services Directorate

- 3.6.1 Work is ongoing to establish the Council's new Children's Service Directorate. Additional provision was included in the 2006/07 budget but it has now been identified that additional provision of £280k is required to ensure that the Council is able to properly respond to the new agenda.

3.7 Houses in multiple Occupancy (HMO)

- 3.7.1 A potential shortfall in licence fee income from Houses in Multiple Occupancy (HMO) is projected of up to £2.9m due to a lower number of applications for licences than forecast, although further publicity work is being taken to raise the profile of the licences and to ensure the maximum number of applications are generated. These licences relate to a five year period and cover the costs of the inspection and enforcement team. Staffing requirements over the five year period will be reviewed and amended to reflect the income derived from the actual numbers of licences issued.
- 3.7.2 It appears that there are considerable numbers of HMOs in parts of the City where few applications have been made, and further action is currently being undertaken to target these premises.

4 **PROPOSALS**

- 4.1 It can be seen from the above that there are a number of potentially significant pressures facing the Council in 2006/07, although the forecasts are based on a position at a relatively early stage of the financial year. It is proposed that funding is made available from the central contingency fund as detailed below.
- 4.2 The Council's 2006/07 budgeted central contingency stands at £3.2m. However, members will be aware that a significant element is earmarked to account for specific departmental pressures identified during the budget cycle, but not provided for in departmental estimates. The effect of this is that only £600k of the budgeted contingency can be properly regarded as free.
- 4.3 However, added to this can be capital financing savings over and above the level required to replenish reserves as detailed in paragraph 2.2 above. These are now forecast to be £4.0m, of which £1.4m needs to be used to replenish reserves and £400k has been vired by Council to the School Clothing Vouchers budget. In addition, the Council has been notified by the Department for Communities and Local Government that following a data correction exercise additional income of £1.2m will be received under the LABGI scheme.
- 4.4 Taking account of all these factors, it can be reasonably assumed that £4.0m could be made available through the contingency to support departmental pressures.
- 4.5 A number of the identified pressures are subject to review and are actively being worked on by departments. However, in those areas where there is a high degree of certainty over the projections, it is proposed that some initial funding is allocated from contingency as follows:
- £1m to Roseville – the department are to be requested to contain the 2006/07 deficit to this level.
 - £280k to Children's Services – for the ongoing development of the Children's agenda.
 - £1.5m to Jobs and Skills – to address the shortfall of grant income on this service, pending a structure review.

4.6 It is proposed that the remaining balance on the central contingency after the releases detailed at paragraph 4.5, be retained and its use subject to review in the light of ongoing budget monitoring during the rest of the year. It should be noted that the extent to which the above proposals are not effective in containing spending within approved estimates, will impact on the Council's reserves, which are estimated to stand at £12.3m at 31st March 2007.

5 REVENUE BUDGET MONITORING POSITION - HOUSING REVENUE ACCOUNT (HRA)

5.1 After four months of the new financial year, income is projected to exceed the budget by £4.9m, reflecting additional property numbers compared to the budget and a significantly improved voids position. This is partly offset by increased staffing costs, negative subsidy and additional management fees payable to the ALMOS by way of incentive payments, especially in relation to voids. An in year surplus of £1.1m is currently forecast which will be added to working balances.

5.2 This projection assumes that there will be sufficient right to buy, demolitions and other disposals to allow the Authority to hit the trigger of 3000 property movements over two years. Failure to hit this trigger results in a cost of £2.4m in 06/07 and in each subsequent year the trigger is not met. Reserves of £2m are held to alleviate the first year impact. This significant risk is being regularly reviewed.

5.3 The projection reflects the re-distribution to the ALMOs of savings generated through a reduction in disrepair claims in 2005/06, for which a specific provision of £1.9m was made at outturn, as reported to Members in the 2005/06 outturn report.

5.4 The working balance brought forward from 2005/06 was £3.4m, and after allowing for the projected surplus, it is anticipated that working balances carried forward into 2007/08 will be £4.5m.

6. COLLECTION OF LOCAL TAXATION

6.1 The level of Council Tax collected at the end of July 2006 is 37.7% of the debit for the year of £213m. This is in line with the same period last year and the performance target of 96.60% is expected to be achieved.

6.2 The collection of non-domestic rates for the first four months is 42.9% of the current net debit of £276.7m, which is 1.6% ahead of the same period last year. Again, the performance target of 98.6% is expected to be achieved at the year end.

7. PROMPT PAYMENT OF INVOICES

7.1 A local target of 92% for paying all undisputed invoices within 30 days of receipt of agreed terms was set for the year. For the period 1st April to 31st July the actual performance was 90.9%, compared with 91.6% for the equivalent period last year. It is anticipated that performance will improve through the continued development of electronic ordering and invoicing of goods, and expanding the use of purchasing cards, will over time reduce the number of paper invoices passing through the Council and hence speed up the process. This is in addition to other efficiency proposals which are being worked up as part of the ongoing Support Services review.

8. RECOMMENDATION

8.1 Members of the Executive Board are asked to

- Note the projected financial position of the Authority.
- Recommend to the Council the appropriate budget adjustments as described within Section 4.
- Request that departments continue to develop and implement action plans.

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Report of the DIRECTOR OF CORPORATE SERVICES

Executive Board

Date: 18TH OCTOBER 2006

Subject: TREASURY MANAGEMENT BORROWING LIMITS

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

no

Not Eligible for Call In

(Details contained in the report)

EXECUTIVE SUMMARY

1. This report seeks to increase the Authorised and Operational borrowing limits which were set by Council in February 2006.
2. In accordance with the Local Government Act 2003, the Council is required to set borrowing limits for external debt having regard to CIPFA's prudential code.
3. The treasury operations so far this year indicate that the limits set in February 2006 may not be sufficient to enable flexibility in timing of debt rescheduling and the report recommends increasing the Authorised limit for 2006/07 to £1,590m and the Operational Boundary for 2006/07 to £1,490m.
4. Since the Council is able to borrow in advance for future years there needs to be sufficient flexibility to enable sums borrowed to be invested until they are required. Currently the limit set for investments for periods longer than 364 days is £100m. This report recommends increasing this limit to £150m.

1.0 Purpose Of This Report

- 1.1 The treasury operations so far this year indicate that the borrowing limits set in February 2006 may not be sufficient to enable flexibility in timing of debt rescheduling. This report seeks approval to increase the Authorised borrowing limit and Operational boundary for 2006/07.

2.0 Background Information

- 2.1 Under the Local Government Act 2003, the authorised limit represents the legislative limit on the Council's external debt. It should be set with sufficient headroom above the operational boundary to allow flexibility for planned borrowing to be undertaken, in order for prudent treasury management decisions to be taken and temporary cashflow fluctuations to be managed.
- 2.2 The operational boundary should reflect the maximum anticipated level of external debt consistent with budgets and cashflow forecasts. It should be seen as a management tool for ongoing monitoring of external debt, and may be breached temporarily due to unusual cashflow movements. However, a sustained or regular trend above the operational boundary should trigger a review of both it and the authorised limit.
- 2.3 The Treasury Policy and Strategy Statement for 2006/2007 was approved by full Council on 28th February 2006 and set the authorised limit and operational boundary for external debt. Both of these boundaries are made up of two elements, covering borrowing and other long term liabilities. The Director of Corporate Services has authority to make adjustments between the two elements provided that the overall limits remain unchanged. This report seeks approval to increase the Authorised borrowing limit and Operational boundary for 2006/07. The limits for 2007/08 and 2008/09 will be reviewed when the treasury strategy for 2007/08 is presented to the Executive Board in February 2007.

3.0 Main Issues

- 3.1 The Authorised limit and Operational boundary were set in February 2006 and were set at a level to enable the Council to borrow in advance for 2007/08 and 2008/09, should rates prove to be advantageous. Table 1 below sets out the revised forecast total external borrowing requirement for 2006/07 to 2008/09.
- 3.2 The need for the increased limits has arisen through a change in the amount of borrowing needed to fund the capital programme and also to provide sufficient flexibility to borrow in advance on debt rescheduling opportunities.
- 3.3 Since the limits were set in February 2006 there has been an increase in the amount of borrowing needed to fund both the Housing Revenue Account and General Fund capital programmes. In particular the ALMOs were successful in securing additional borrowing support for the decency programme. Also, some capital resources assumed to fund the General Fund capital programme are now less likely to be achieved and therefore additional borrowing may be required. A capital programme update position and a Treasury Strategy update will be presented to Executive Board in November 2006.

Table 1 – Total External Borrowing Requirement

ANALYSIS OF BORROWING 2006/07-2008/09	2006/07	2007/08	2008/09
	This report		
	£m	£m	£m
External Borrowing at 1 April	1,054	1,270	1,400
New Borrowing for the Capital Programme - HRA	119	111	35
New Borrowing for the Capital Programme – Non HRA	121	47	28
Debt redemption costs charged to Revenue (Incl HRA)	(21)	(25)	(26)
Reduced/(Increased) level of Revenue Balances	(3)	(3)	(3)
External Borrowing at 31 March	1,270	1,400	1,434

- 3.4 The Council is active in looking for opportunities to prematurely repay loans and replace them at more advantageous rates to reduce interest costs and generate one off savings. To enable this to be done effectively the authorised limit needs to include sufficient flexibility to allow re-financing of loans to take place before loans are repaid, should rates be advantageous and market conditions allow. Currently the limits include a small allowance for this which is proving to be insufficient.
- 3.5 The operational boundary should reflect the maximum level of external debt consistent with budgets and cashflow forecasts. As some borrowing has already been done in advance to fund the 2007/08 capital programme, this must now be reflected in the operational boundary together with any future advance borrowing that is likely.
- 3.6 The proposed borrowing limits for 2006/07 are set out below:

	2006/07 February 2006 £m	2006/07 This Report £m
Authorised Limits		
Borrowing	1,410	1,550
Other Long Term Liabilities	40	40
Total	1,450	1,590
Operational Boundary		
Borrowing	1,260	1,460
Other Long Term Liabilities	30	30
Total	1,290	1,490

- 3.7 The Council is asked to approve the limits set out above, and to delegate authority to the Director of Corporate Services to make adjustments between the borrowing and other long term liabilities boundaries provided that the overall boundary remains unchanged. Any such adjustments will be reported to the next available Council meeting following the change.
- 3.8 With effect from the 1st April 2004, to coincide with the introduction of the Prudential code, legislation and guidance on Local Government Investments was issued. This legislation allows Councils with external debt to hold investments for more than 364 days, a freedom not previously allowed. Further freedoms were also introduced which give Councils greater flexibility and hence access to higher returns, provided

that any investment strategy is consistent with the Prudential framework. The Prudential code requires that Councils set limits on investments for periods longer than 364 days. In February 2006, in view of the new strategy to consider borrowing in the current year for part of the 2007/08 requirement, this limit was set at £100m.

- 3.9 The capital programme borrowing requirements for 2007/08 and 2008/09 are now higher than assumed in setting the above limit. Should rates be advantageous, this limit needs to be sufficient to allow borrowing for future years, with this advanced funding being invested until it is required. It is proposed therefore to increase this limit to £150m.
- 3.10 Within these overall limits, the Council's treasury policy restricts the amount which can be invested at any one time with individual borrowers, in order to minimise the exposure to risk. The Council's treasury consultants provide regularly updated lists of credit ratings for potential borrowers, drawn from an international credit rating agency. The current agreed treasury policy is to lend up to £15m to institutions with an excellent credit rating (typically UK clearing banks or other large financial institutions), and up to £5m for up to 3 months to institutions with good credit ratings.

4.0 Implications For Council Policy And Governance

- 4.1 The operation of the Treasury Management function is governed by provisions set out under part 1 of the Local Government Act 2003 whereby the Council is required to have regard to the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities.
- 4.2 The Prudential Code requires that full Council set certain limits on the level and type of borrowing before the start of the financial year together with a number of Prudential indicators. Any in year revision of these limits must similarly be set by Council.

5.0 Legal And Resource Implications

- 5.1 There are no direct resource implications of increasing borrowing limits. However, by increasing the borrowing limits as proposed, the Council will be in a better position to take advantage of treasury management opportunities which could generate revenue interest savings for the Council.

6.0 Conclusions

- 6.1 The treasury borrowing and investment limits currently in place are insufficient to enable the most cost effective management of the borrowing function. It is therefore proposed that borrowing limits are increased as set out in section 7.

7.0 Recommendations

That the Executive Board :

- 7.1 Recommend to Council the revised borrowing limits for 2006/07 as set out in Section 3.
- 7.2 Recommend to Council the revised investment limit for 2006/07 as set out in Section 3.



Originator: Lucy Stratford

Tel: 39 51632

Report of the Director of Legal and Democratic Services

Council

Date: 1st November

Subject: Recommendations of the Corporate Governance and Audit Committee – Amendments to the Constitution

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report presents to Members recommendations of the Corporate Governance and Audit Committee regarding amendments to the Constitution. The proposed amendments relate to:
 - Article 4, the Budget and Policy Framework;
 - Council Procedure Rule 10.4, regarding deputations to Council: and
 - Council Procedure Rule 14.5(a), regarding the speaking rights of Executive Members.
2. Members are recommended to approve the proposed amendments.

1.0 Purpose Of This Report

- 1.1 This report presents recommendations made by the Corporate Governance & Audit Committee to Council in respect of amendments to the Constitution and asks Members to approve the amendments.

2.0 Background Information

- 2.1 Corporate Governance and Audit Committee's terms of reference authorise the committee to consider proposals to amend the Constitution and make recommendations to full Council.
- 2.2 The Corporate Governance and Audit Committee considered all three amendments at its meeting on the 27th September 2006.

3.0 Main Issues

Article 4

- 3.1 Article 4 of the Constitution contains the Council's Budget and Policy framework, which lists various plans and strategies, some of which are required to be included by schedule 3 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.
- 3.2 With effect from the 21st April 2006 statutory instrument 2006 / 886 amended schedule 3 to add the 'Licensing Authority Policy Statement'. This is the policy statement to be issued under the Gambling Act and not the similarly named policy under the Licensing Act 2003.
- 3.3 The Council is currently drafting its policy under the Gambling Act 2005 and this needs to be approved before January 2007. The Director of Legal Services has been consulting on the draft, and the approval process is currently following the budgetary and policy framework rules set out in Part 4 of the Constitution. Amending the Constitution will clarify why the approval process is following the budgetary and policy framework rules, and so will promote more transparent decision making. The amended Article 4 is attached as Appendix One to this report.

Council Procedure Rule 10.4

- 3.4 Council is asked to consider the amendment, which clarifies that deputations to Council which relate to live licensing matters are not allowed. At its July meeting Council approved an amendment to Council Procedure Rule 10.4 clarifying that issues relating to live planning matters shall not be allowed as deputations to Council. The point was made at the July meeting that the same concerns as applied in relation to live planning issues were equally relevant to live licensing issues.
- 3.5 Therefore, it is proposed that paragraph 10.4.3 is further amended as per the paragraph below:

"Representations relating to matters subject to current consideration by a Plans Panel, the Licensing Committee or a sub-committee thereof shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels or the Licensing Committee Procedure Rules and shall not be allowed as deputations to Council. In cases of doubt the Director of Legal and Democratic Services may

require written details of the proposed deputation speech prior to determination of the request”

Council Procedure Rule 14.5

- 3.6 Council Procedure Rule 14.5(a) provides that the speech of an Executive Member when summing up on minutes within their portfolio shall not exceed ten minutes. As the Children’s Services Portfolio is a single portfolio, identified as such in Executive Board minutes, the rights to sum up in that portfolio now reside with the Lead Executive Member.
- 3.7 The Support Executive Member (Children’s Services) previously held a ten minute summing up right as the portfolio holder for Learning. The amount of business transacted within this part of the new single Children’s Services portfolio has not decreased and it can be anticipated that the amount of comment in Council meetings in relation to the Support Executive Member’s part of the portfolio will also not decrease. If the Support Executive Member’s right to respond is decreased to five minutes in accordance with the current procedure rule provision then it is reasonable to conclude that there will be insufficient time for the detail of response which Council might reasonably expect.
- 3.6 The proposed wording for insertion in the Council Procedure Rules, at paragraph 14.5(a), is:

“That in instances where there are two Executive portfolio holders within a single portfolio, the Support Executive Member shall be allowed to sum up in respect of his/her part of the portfolio for a period not exceeding ten minutes, immediately prior to the Lead Executive Member exercising his/her right to sum up”

- 3.7 The relevant pages of the Council Procedure Rules, showing both the amendments outlined above, are attached at Appendix Two to this report.

4.0 Implications For Council Policy And Governance

- 4.1 It is part of the Comprehensive Performance Assessment Key Lines of Enquiry that the Constitution is kept under review. Amending the Constitution in the manner outlined will help to ensure that deputations are dealt with fairly and consistently and retains an appropriate response period for an Executive Member. This will have a positive impact on the Council’s governance.

5.0 Legal And Resource Implications

- 5.1 In relation to the amendment to Article 4 (paragraphs 3.1-3.3 above) a failure to clarify why the budget and policy framework rules apply to the Licensing Authority Policy Statement might render that policy changeable.
- 5.2 There are no resource implications to any of the recommended amendments.

6.0 Recommendations

- 6.1 Council is recommended to approve the insertion of the ‘Licensing Authority Policy Statement’ at paragraph 4.1(i) of Article 4 of the Constitution.
- 6.2 Council is recommended to approve two amendments to the Council Procedure Rules as outlined below.

- That the following words be inserted at paragraph 10.3.4 of the Council Procedure Rules:

“Representations relating to matters subject to current consideration by a Plans Panel, the Licensing Committee or a sub-committee thereof shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels or the Licensing Committee Procedure Rules and shall not be allowed as deputations to Council. In cases of doubt the Director of Legal and Democratic Services may require written details of the proposed deputation speech prior to determination of the request”

- That the following words be inserted as paragraph 14.5(a) of the Council Procedure Rules:

“That in instances where there are two Executive portfolio holders within a single portfolio, the Support Executive Member shall be allowed to sum up in respect of his/her part of the portfolio for a period not exceeding ten minutes, immediately prior to the Lead Executive Member exercising his/her right to sum up”

ARTICLE 4 – THE FULL COUNCIL

4.1 MEANINGS

• Policy Framework

The Policy Framework means the following plans and strategies:

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) 2000 to be adopted by the Council:
- Annual Library Plan ¹
 - Best Value Performance Plan
 - Children and Young Peoples Plan
 - Children's Services Plan²
 - Community Strategy
 - Crime and Disorder Reduction Strategy
 - Development plan documents³
 - Local Transport Plan
 - Plans and alterations which together comprise the Development Plan
 - Youth Justice Plan
 - Licensing Authority Policy Statement⁴
- (ii) other plans and strategies adopted by the Council in accordance with ODPM guidance which recommends adoption by the Council as part of the Policy Framework⁵:
- Food Law Enforcement Service Plan
 - The Plan and Strategy which comprise the Housing Investment Programme
 - Corporate Plan
- (iii) other plans and strategies adopted by the Council⁶:
- Council Plan⁷

Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time.

• Budget

¹ Plan no longer required, retained on the Constitution until the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 are amended

² Plan no longer required, retained on the Constitution until the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 are amended

³ Section 15 Planning and Compulsory Purchase Act 2004

⁴ This is the policy statement under the Gambling Act 2005.

⁵ In accordance with Schedule 4 of the Regulations

⁶ In accordance with Schedule 4 of the Regulations

⁷ This is comprised of the annual review of the Council's Corporate Plan and the Best Value Performance Plan.

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The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and setting of virement limits.

- **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 **FUNCTIONS OF THE FULL COUNCIL**

Only the Council will exercise the following functions:

- adopting and changing the Constitution;
- appointing the Leader;
- all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive, except where those functions have been delegated by the Council;
- all those functions of the full Council set out in Section 2A of Part 3 of the Constitution; and
- all other matters which, by law, must be reserved to the Council.

4.3 **COUNCIL MEETINGS**

There are three types of Council meeting:

- The annual meeting
- Ordinary meetings
- Extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 **RESPONSIBILITY FOR FUNCTIONS**

The Council will maintain the documents in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

- 8.2 If during any meeting of the Council, any Member draws to the attention of the Lord Mayor that there does not appear to be a quorum present, the Lord Mayor shall direct the Chief Executive to call over the names of the Members of the Council. If there is less than a quarter present, the Lord Mayor shall declare the meeting adjourned. The names of the Members present and those absent shall be recorded in the minutes of the Council. Provided that, where more than one third of the Members are disqualified at the same time and until the number of Members in office is increased to not less than two thirds of the whole, the quorum shall be determined by reference to the number of Members remaining qualified.
- 8.3 The consideration of any business not transacted shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned or, if the Lord Mayor does not fix a time, to the next ordinary meeting of the Council.

9.0 COMMUNICATIONS

- 9.1 There shall be no discussion on any matter referred to in communications from the Lord Mayor, the Chief Executive or Executive Members as are thought necessary to be read, but any Member shall be at liberty to move a motion, without notice, to refer any of such communications to the appropriate committee and such motion, on being seconded, shall be at once put to the vote.

10.0 DEPUTATIONS

- 10.1 Deputations may be received at any meeting of the Council except the Annual Meeting, provided that the Council's Chief Democratic Services Officer receives seven days previous notice.
- 10.2 Any Member of the Council may move a motion without notice, that the deputation be or not be received as the case may be, and such motion, on being seconded, shall be put to the vote without debate.
- 10.3 There shall be no discussion on any matter raised by a deputation, but any Member may move a motion, without notice, that the subject matter be referred to the appropriate committee and such a motion, on being seconded, shall be put to the vote without debate.
- 10.4 The following requirements shall apply to deputations:
- 10.4.1 A deputation shall consist of at least two and no more than five people, only one of whom shall speak and the speech including the reading of any written material shall not be more than five minutes in duration.
- 10.4.2 Deputations which relate solely to the interests of one individual or company will not normally be admitted. In cases of doubt, the Council's Chief Executive will determine the eligibility of any deputation request.
- 10.4.3 Representations ~~s~~ relating to matters subject to current consideration by a Plans Panel, ~~the Licensing Committee or a sub-committee thereof~~ shall be restricted to those allowed under the Protocol for Public

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Council Procedure Rules

Speaking at Plans Panels [or the Licensing Committee Procedure Rules](#) and shall not be allowed as deputations to Council. In cases of doubt the Director of Legal and Democratic Services may require written details of the proposed deputation speech prior to determination of the request.

- 10.4.4 The number of deputations which may be received by the Council at any meeting where deputations are permitted shall not exceed five.
- 10.4.5 Deputations shall be heard in the order in which notice is received.
- 10.4.6 Where two or more deputations are presenting opposing views on the same matter, not more than one of these related deputations shall be received at the same meeting.
- 10.4.7 A deputation shall not be admitted to the Council on matter which has been the subject of deputation in the preceding six months, except as a result of a prior refusal under paragraph 10.4.5.

11.0 QUESTIONS BY MEMBERS

11.1 Questions on Notice

- (a) At each meeting of the Council (except the Annual Meeting, any Extraordinary Meeting of the Budget Meeting) a continuous period of not more than 30 minutes from the commencement of the first question shall be available for oral questions.
- (b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member¹ or the Chair of any committee², board or panel established under Rule 1.1(g), through the Lord Mayor, any question on any matter in relation to which the Council has powers or duties, or which affects the City of Leeds, or to a Member of the Council who is a nominated representative of the West Yorkshire Authority for Passenger Transport, Police and Fire and Civil Defence, on the discharge of the functions of the relevant joint Authority or who has been nominated to answer questions about the activities of a company in which the Council have an interest.
- (c) A question shall not be asked in the absence of the Member in whose name it stands unless they have given authority in writing to the Chief Executive for it to be asked by some other Member of the Council.

11.2 Notice of Questions

Notice in writing of the question must be given to the Chief Executive before 10.00am on the Monday preceding the Council meeting.

¹ In relation to any matter within their portfolio.

² In relation to any matter within the committee's terms of reference.

- (m) giving consent of the Council where its consent is required by this Constitution; and
- (n) that a communication be referred to the appropriate Committee

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14.0 RULES OF DEBATE

14.1 No Speeches Until Motion Seconded

A motion or amendment shall not be discussed unless it has been proposed and seconded.

14.2 Right to require motion in writing

Unless notice has already been given in accordance with Rules 12.1 or 13 it shall be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting

14.3 Secunder's Speech

A Member when seconding a motion or amendment may, if the intention to do so is declared, reserve that speech until a later period of the debate.

14.4 Content of Speeches

Members shall direct their speech to the question under discussion, a personal explanation or a point of order.

14.5 Period Permitted for Speeches

- (a) Except by the leave of Council (and as follows), no speaker may speak for more than five minutes. The speech of the mover of a motion or an amendment, the winding-up speech of the mover of a motion, or in relation to business moved under Rule 2.2 (m), the speech of an Executive Member or Chair when summing up on minutes within their portfolio or in respect of their committee, board or panel, shall not exceed ten minutes. (This rule shall not apply to the Lord Mayor or to matters which are not the ordinary business of the Council). In instances where there are two Executive portfolio holders within a single portfolio, the Support Executive Member shall be allowed to sum up in respect of his/her part of the portfolio for a period not exceeding ten minutes, immediately prior to the Lead Executive Member exercising his/her right to sum up.
- (b) The Member moving the business referred to in Rule 2.2 (m) (receipt of minutes) shall, in addition to the ten minutes allowed for winding up purposes, be allowed to speak for a period not exceeding five minutes to respond to comments made on the Leader's portfolio immediately after such comments have been made.

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