



A meeting of the Council will be held in the Civic Hall, Leeds on Wednesday, 18th April, 2007 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 21st February 2007

M HAMILTON

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 the following reports considered by the Monitoring Officer as appropriate to be received at this meeting in accordance with Council Procedure Rule 2.2(f)
 - (a) The report of the Assistant Chief Executive (Corporate Governance) on Attendance at Meetings

M HAMILTON

- (b) The report of the Assistant Chief Executive (Corporate Governance) regarding the Leader of the Council

M HAMILTON

6. TO deal with questions in accordance with Council Procedure Rule 11
7. TO consider the report of the Assistant Chief Executive (Corporate Governance) on a recommendation of the Executive Board in relation to Leeds City Council's shareholding in Leeds Bradford International Airport

A CARTER

8. Tonote the report of the Assistant Chief Executive (Corporate Governance) on amendments to the Constitution approved by the Leader and the Monitoring Officer further to Executive Board decisions in relation to the Council Change Programme

A CARTER

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

A CARTER

10. White Paper Motion- Leeds Children's Hospital

THAT This Council welcomes the record investment in the NHS in Leeds since 1997, but regrets the recent news that plans for a dedicated Children's Hospital in Leeds have suffered a setback. This Council urges all Leeds' elected politicians to continue to support the public demand and calls for its speedy construction

J LEWIS

11. White Paper Motion - Sustainable Communities Bill

THAT this Council fully supports the provisions set out in the Sustainable Communities Bill, in particular addressing the following problems:

1. The degeneration of local communities, deteriorating high streets, cuts to the number of post offices, declining civic participation and environmental degradation.
2. Lack of a coherent Government strategy to address this decline.
3. Lack of transparency in the allocation of resources to local communities.

Council further welcomes the powers that will be given to support the sustainability of local communities by requiring central Government to:

1. Promote local economic activity, such as local shops and services;
2. Protect the local environment;
3. Tackle social exclusion and poverty;
4. Increase local participation in democracy; and
5. Ensure the prudent use of natural resources

B ANDERSON

12. White Paper Motion - Cemetery Provision in Leeds

THAT This Council expresses its concern regarding the growing crisis in cemetery provision across Leeds.

K WAKEFIELD

13. White Paper Motion - Primary Schools in Leeds

THAT this Council believes that Primary Schools should not only be beacons of educational excellence and well being, but are also essential centres for community activity and cohesion.

Council therefore states its view that in Leeds we need a diverse network of schools, including small village schools, firmly based on the needs of local

communities. Council rejects any theoretical model, which contemplates that only 2 forms of entry provide a viable solution throughout Leeds.

P GRUEN

14. White Paper Motion - British Forces Postal Service

THAT this Council condemns the decision that British forces and their families who are stationed overseas can no longer receive parcels free of charge as they could in 2003.

This Council believes it is an appalling and disgraceful way to treat our dedicated and hardworking troops and their families given the hardship they face in areas of conflict across the world and therefore asks that the Government reinstates this service as a matter of urgency.

A CARTER

15. White Paper Motion - Learning and Skills

THAT this Council notes that recent reports from the Audit Commission and statements by the Prime Minister have highlighted the role that teaching English for Speakers of Other Languages has in ensuring both migrant workers and immigrants are able to play a full role in British society.

Council therefore condemns the recent decision of the Learning and Skills Council at a national level to reduce funding for ESOL teaching, in particular to reduce access to such courses by removing automatic fee remission and restricting free tuition to priority groups, primarily those who are unemployed or receiving income based benefits.

Council therefore supports the call of the 'Leeds Learning Partnership Skills for Life Sub Group' for the LSC to reverse this change in policy.

M HARRIS

16. White Paper Motion - Identification of Kashmiri as a Separate Category within the 2011 Census

THAT this Council urges the Government to include Kashmiri as a separate category in questions on ethnic group and identity in the 2011 Census and other national surveys, and to consider the inclusion of other groups not adequately represented in the 2011 Census ethnic group categories.

This Council asks the Chief Executive to write to the National Statistician to request this change and to write to the Local Government Association, seeking their support and that of other local authorities.

K HUSSAIN

Civic Hall
Leeds
LS1 1UR

Chief Executive

Proceedings of the Meeting of the Leeds City Council held at the
Civic Hall, Leeds on Wednesday, 21st February, 2007

PRESENT: The Lord Mayor Councillor Mohammed Iqbal in the Chair

WARD

ADEL & WHARFEDALE

Clive Fox
Barry John Anderson

ALWOODLEY

Peter Mervyn Harrand
Ronald David Feldman
Ruth Feldman

ARDSLEY & ROBIN HOOD

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

Peter John Gruen
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
Rachael Procter

HEADINGLEY

Martin Hamilton
David Morton
James John Monaghan

HORSFORTH

Brian Cleasby

Andrew Barker

HYDE PARK & WOODHOUSE

Linda Rhodes-Clayton
Penny Ewens
Kabeer 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

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

95 Announcements

- (a) The Lord Mayor referred to the recent death of former Councillor Julian Cummins and Council stood in silent tribute.
- (b) At the invitation of the Lord Mayor Councillor Brett, Lead Executive Member (Children's Services), made a statement in relation to the death of Casey Leigh Mullen.

96 Minutes

It was moved by Councillor M Hamilton seconded by Councillor Hanley and

RESOLVED – That the minutes of the meeting held on 17th January 2007 be approved.

97 Declarations of Interest

The Lord Mayor announced that a list of written declarations submitted by Members was 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 Practice were made as follows:

- (a) Members declared personal interests in minute 99 of this meeting as follows:

- | | |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| T Grayshon | <ul style="list-style-type: none">- Member of Morley Town Council- School Governor of Morley Newlands- Member of Morley Seven Hills- Board Member of West Yorkshire Playhouse- Lewisham Park Community Centre Management- Employee of Royal Bank of Scotland Group |
| T Leadley | <ul style="list-style-type: none">- Member of Morley Town Council- Management Committee, Morley Elderly Action |
| V Kendall | <ul style="list-style-type: none">- Skyrack Adoption Panel- Governor of Roundhay School- Management Committee for Community Action for Roundhay Elderly- Member of West Yorkshire Playhouse Board |
| B Anderson | <ul style="list-style-type: none">- Board Member of West / North West Almo- Governor of Cookridge Holy Trinity School |
| G Wilkinson | <ul style="list-style-type: none">- Governor of Lady Elizabeth Hastings Primary School in Collingham- Board Member of East / North East Almo- Member of Wetherby Town Council |
| P Harrand | <ul style="list-style-type: none">- Governor of Wigton Moor School- Member of Harewood Parish Council |

- J Bale
- Governor of Westfield Infant School
 - Governor of Guiseley School
 - Member of Management Committee of Community Links
- D Hollingsworth
- Director of Leeds East / North East Almo
 - Director of Leeds Groundwork Trust
 - Member of Richmond Hill Elderly Action Management Committee
 - Member of Aire Valley Regeneration Board
 - Member of West Yorkshire Fire Authority
 - Member of Yorkshire Purchasing Organisation Management Committee
 - Governor of Shakespeare Primary School
 - Governor of Brownhill Primary School
- J L Carter
- Governor of Adel School
- R D Feldman
- Governor of Allerton High School
 - Governor of Brodetsky Primary School
- Mrs R Feldman
- Governor of Alwoodley Primary School
- Mrs A Carter
- Governor of Calverley Parkside School
- A Carter
- Governor of Westroyds Infants School
 - Governor of Farsley Springbank Junior School
- R Procter
- Governor of Bardsey School
- P Wadsworth
- Governor of Rufford Park School, Yeadon
 - Governor of Allerton High School
 - Governor of Gledhow Primary School
 - Board Member of East / North East Almo
- A Castle
- Governor of Central Leeds Federation
- W Hyde
- Governor of Temple Moor High School
 - Governor of Colton School
- D Schofield
- Governor of Whitkirk School
- A Shelbrooke
- Governor of East Garforth Primary School
- C Fox
- Member of Arthington and Bramhope Parish Councils
- B Lancaster
- Governor of Carr Manor High School
 - Governor of Pennyfields NW SILC
 - Mother in receipt of contribution to her residential care

S McArdle	- Governor of Morley High School - Community Governor of Asquith Primary School
D Blackburn	- Governor of Whingate Primary and Lower Wortley Primary Schools - Member of West Yorkshire PTA
A Blackburn	- Member of Leeds West / North West Almo - Governor of Lawns Park and Ryecroft Primary Schools
A Taylor	- Governor of Harehills and Oakwood Primary Schools
S Bentley	- Governor of Iveson Primary and Lawnswood High Schools
R Downes	- Governor of Ashfield School Otley - Governor of Prince Henry Grammar School - Governor of Rufford Park School
G Kirkland	- Member of Otley Town Council - Member of West Yorkshire Fire Authority - Member of Foundation Governors of Otley Prince Henry's School
D Atkinson	- Governor of Valley View Community Primary School - Member of Leeds Bradford Airport Board of Management - Receives day care services from Social Services - Trustee of Lineham Farm
J Blake	- Governor of Westwood Primary School - Governor of Otley Prince Henry's Grammar School
D Congreve	- Governor of Cockburn College of Arts
M Coulson	- Governor of Pudsey Grangefield School - Governor of Pudsey Tyersal Primary School
D Coupar	- Governor of Corpus Christi Catholic College - Governor of Sharp Lane Primary School
P Davey	- Governor of St Francis of Assisi Catholic Primary School
J Dowson	- Governor of Bracken Edge Primary School

- | | |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| G Driver | - Governor of Windmill Primary School
- Governor of Middleton Primary School
- Governor of South Leeds High School
- Member of the South / South East Almo Board |
| J Dunn | - Governor of Thorpe Primary School |
| A Gabriel | - Governor of St Anthonys Catholic Primary School
- Governor of Hugh Gaitskell Primary School |
| P Grahame | - Governor of John Smeaton Community High School
- Governor of St Gregory's Catholic Primary School |
| P Gruen | - Governor of John Smeaton Community High School
- Governor of Hillcrest Community Primary School
- Member of South / South East Almo Board |
| S Hamilton | - Governor of Hillcrest Community Primary School
- Governor of Holy Rosary and St Anne's Catholic Primary School |
| T Hanley | - Governor of Intake High School |
| R Harington | - Governor of Oakwood Primary School
- Governor of Bankside Primary School |
| J Harper | - Governor of West Leeds High School |
| A Harrison | - Governor of Garforth Community College
- Governor of Garforth Green Lane Primary School
- Member of Swillington Parish Council |
| G Hyde | - Governor of Parklands Primary School
- Governor of Seacroft Grange Primary School
- Member of the East / North East Almo Board |
| M Iqbal | - Governor of Low Road Primary School |
| J Jarosz | - Governor of Pudsey Tyersal Primary School
- Governor of Pudsey Grangefield High School |
| R Lewis | - Governor of Southroyd Primary and Nursery School
- Governor of Greenside Primary School |

- J Lewis
 - Governor of Methley Primary School
 - Governor of Kippax North Primary School
- A Lowe
 - Governor of Intake High School
 - Governor of Raynville Primary School
 - Member of the West /North West Almo Board
- M Lyons
 - Governor of Mount St Mary's Catholic Primary School
- J McKenna
 - Member of West SILC
- V Morgan
 - Governor of Our Lady of Good Counsel Primary School
 - Governor of Grange Farm Primary School
- L Mulherin
 - Governor of Robin Hood Primary School
- T Murray
 - Governor of Swillington Primary School
 - Governor of Garforth Community College
- E Nash
 - Governor of New Beverley Community School
- A Ogilvie
 - Governor of Cottingley Primary School
 - Governor of Cockburn College of Arts
- K Parker
 - Governor of Kippax Greenfield Primary School
 - Governor of Brigshaw High School
- M Rafique
 - Governor of Chapel Allerton Primary School
 - Employee of Education Leeds
- K Renshaw
 - Governor of East Ardsley Primary School
 - Governor of Seven Hills Primary School
- B Selby
 - Governor of Grange Farm Primary school
 - Governor of Cross Gates Primary school
- N Taggart
 - Governor of Bramley Primary School
 - Member of West SILC
- K Wakefield
 - Governor of Kippax Ash Tree Primary School
 - Governor of Brigshaw High School
- E Minkin
 - Member of West Yorkshire Playhouse Board
- J Elliott
 - Member of Morley Elderly Action Committee
 - Member of Leeds South / South East Almo
 - Governor of Woodkirk High School
 - Governor of Newlands Junior School
 - Governor of Fountain Primary School
 - Member of Morley Town Council

- R Finnigan
- Governor of Churwell Primary School
 - Governor of Victoria Primary School
 - Governor of Bruntcliffe High School
 - Governor of Joseph Priestley College
- Member of Morley Town Council
- J Chapman
- Member of Leeds West / North West Almo
 - Governor of Weetwood Primary School
- S Golton
- Member of Leeds South / South East Almo
 - Governor of Oulton Primary School
 - Governor of Asquith Primary School
- M Hamilton
- Governor of Shire Oak Primary School
- R Harker
- Governor of Moortown Primary School
 - Governor of Trinity and All Saints College
 - Member of Grand Theatre Board of Management
- R Pryke
- Governor of Ebor Gardens Primary School
 - Governor of Primrose High School Federation
 - Director of Leeds Groundwork
- C Campbell
- Governor of Queensway Primary School
 - Member of Leeds Bradford Airport Board of Management
 - Member of Otley Town Council
- B Cleasby
- Governor of Benton Park School
 - Governor of Westbrook Lane Primary School
 - Member of School Organisation Committee
 - Member of Leeds Bradford Airport Consultative Committee
- K Hussain
- Governor of Bankside Primary School
 - Governor of Rosebank Primary School
- P Ewens
- Governor of Central Leeds Federation of Schools
 - Member of NW SILC
- J Akhtar
- Governor of Harehills Primary School
 - Governor of Wykebeck Primary School
- A Barker
- Governor of Horsforth Featherbank Infant School
- S Smith
- Governor of Oulton Primary School
 - Governor of Royds High School

- D Wilson - Governor of Rothwell Haigh Road Infants School
- M Harris - Governor of Rothwell Primary School
- Governor of Roundhay High School
- W Hyde - Member of Crossgates Good Neighbour Scheme
- B Atha - Governor of Opera North
- Sports Aid
- North Ballet Theatre
- West Yorkshire Playhouse
- Craft Centre and Design Gallery
- Yorkshire Dance Centre
- Red Ladder Theatre Company

(b) The following declared a personal interest in minute 100 of this meeting as follows:

- G Kirkland - Member of Foundation Governors of Otley Prince Henry's School

(c) Members declared interests in the White Paper in relation to Teaching English for Speakers of Other Languages, which in the event was not debated, as follows:

- C Fox - Personal interest as a Governor of Leeds College of Technology
- K Wakefield - Personal interest as a Member of the Learning and Skills Council Board
- T Murray - Personal and prejudicial interest as Chief Executive Officer of Learning Partnerships
- G Driver - Personal interest as a governor of Thomas Danby College

(d) Members declared interests in the White Paper in relation to Governance Arrangements, which in the event was not debated, as follows:-

- D Blackburn - Personal interests as a member of Leeds Grand Theatre and on the Board of Roseville Enterprises
- T Hanley - Personal and prejudicial interests as a former Director of Aagard Hanley Mouldings

- (e) The following Members declared personal interests in the White Paper in relation to Funding of Care for the Elderly which in the event was not debated as follows:

R Brett	- Member of Management Committee for Burmantofts Senior Action
T Leadley	- Member of Management Committee for Morley Elderly Action
B Anderson	- Member of Older People's Action in the Locality
M Lobley	- Chairman of Community Action for Roundhay Elderly
B Lancaster	- Mother in receipt of contribution to her residential care
D Blackburn	- Mother in receipt of Social Care
A Blackburn	- Mother-in-Law in receipt of Social Care

98 Deputations

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

- 1 Leeds Asperger Adults Regarding Diagnosis, Support and Awareness
- 2 Stanhope United Community Group Regarding the Sale of Land on which the Centre Stands
- 3 Richmond Hill Bus Action Group Regarding Services in the Area
- 4 Access Committee for Leeds Regarding the Level of Social Service Provision in the City

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

99 Budget Motion

Under the provisions of Council Procedure Rule 14.10 Councillor A Carter sought leave of Council in moving the motion to delete from paragraph (ii) 3 the words which were in bold type and underlined as notified in the Council Summons and to replace them with the words "have issued" between the words "Authorities" and "the following precepts".

The amended motion was seconded by Councillor Harris.

(i) Revenue Budget

That the Revenue Estimates for 2007/08 totalling £505,223,000 as detailed and explained in the submitted report and accompanying

papers be approved, including a 4.5% increase in the Leeds' element of the Council Tax.

(ii) Council Tax

1. That it be noted that at the meeting on 17th January 2007, Council agreed the following amounts for the year 2007/08, in accordance with regulations made under Sections 33(5) and 34(4) of the Local Government Finance Act 1992:-

a) 230,113 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) as its Council Tax base for the year.

b)

PARISH	TAXBASE
Aberford and District	771
Allerton Bywater	1,238
Arthington	290
Austhorpe	26
Bardsey cum Rigton	1,135
Barwick in Elmet and Scholes	1,987
Boston Spa	1,833
Bramham cum Oglethorpe	708
Bramhope and Carlton	1,795
Clifford	732
Collingham with Linton	1,646
Drighlington	1,876
Gildersome	1,940
Great and Little Preston	473
Harewood	1,803
Horsforth	6,823
East Keswick	577
Kippax	3,056
Ledsham	93
Ledston	162
Micklefield	546
Morley	9,616
Otley	4,844
Pool in Wharfedale	967
Scarcroft	664
Shadwell	941
Swillington	1,064
Thorner	742
Thorp Arch	352
Walton	124
Wetherby	4,557
Wothersome	7

being the amounts calculated by the Council in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.

2. That the following amounts be now calculated by the Council for the year 2007/08 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-

- a) £2,357,617,222.50 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act.
- b) £1,851,122,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
- c) £506,495,222.50 being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d) £271,390,671 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed Non-Domestic Rates and Revenue Support Grant, increased by the amount which the Council estimates will be transferred from its Collection Fund into its General Fund under Section 97(3) of the Local Government Finance Act 1988 and reduced by the amount which the Council estimates will be transferred from its Collection Fund to its General Fund pursuant to the Collection Fund (Community Charges) (England) Directions 1994.
- e) £1,021,691,741 being the amount at 2.(c) above, less the amount at 2.(d) above, all divided by the amount at 1.(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- f) £1,272,222.50 being the aggregate amount of all special items referred to in Section 34(1) of the Act.

g) £1,016.16

being the amount at 2.(e) above, less the result given by dividing the amount at 2.(f) above by the amount at 1.(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

h)

Parish	Band D
	£ p
Aberford and District	1,026.54
Allerton Bywater	1,028.28
Arthington	1,023.06
Bardsey cum Rigton	1,037.31
Barwick in Elmet and Scholes	1,036.79
Boston Spa	1,033.34
Bramham cum Oglethorpe	1,041.58
Bramhope and Carlton	1,045.97
Clifford	1,042.80
Collingham with Linton	1,046.54
Drighlington	1,025.77
Gildersome	1,026.19
Great and Little Preston	1,029.90
Harewood	1,016.71
Horsforth	1,030.26
East Keswick	1,041.29
Kippax	1,030.49
Ledsham	1,040.35
Ledston	1,032.83
Micklefield	1,074.22
Morley	1,034.01
Otley	1,072.25
Pool in Wharfedale	1,044.55
Scarcroft	1,032.73
Shadwell	1,042.73
Swillington	1,032.45
Thorner	1,047.16
Thorp Arch	1,036.37
Walton	1,048.42
Wetherby	1,063.42

being the amounts given by adding to the amount at 2.(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned

above divided in each case by the amount at 1.(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

i)

	Band A £ p	Band B £ p	Band C £ p	Band D £ p	Band E £ p	Band F £ p	Band G £ p	Band H £ p
LEEDS EXCEPT PARTS BELOW:	677.44	790.35	903.25	1,016.16	1,241.97	1,467.79	1,693.60	2,032.32
Parish of:								
Aberford and District	684.36	798.42	912.48	1,026.54	1,254.66	1,482.78	1,710.90	2,053.08
Allerton Bywater	685.52	799.77	914.03	1,028.28	1,256.79	1,485.29	1,713.80	2,056.56
Arthington	682.04	795.71	909.39	1,023.06	1,250.41	1,477.75	1,705.10	2,046.12
Bardsey cum Rigton	691.54	806.80	922.05	1,037.31	1,267.82	1,498.34	1,728.85	2,074.62
Barwick in Elmet and Scholes	691.19	806.39	921.59	1,036.79	1,267.19	1,497.59	1,727.98	2,073.58
Boston Spa	688.89	803.71	918.52	1,033.34	1,262.97	1,492.60	1,722.23	2,066.68
Bramham cum Oglethorpe	694.39	810.12	925.85	1,041.58	1,273.04	1,504.50	1,735.97	2,083.16
Bramhope and Carlton	697.31	813.53	929.75	1,045.97	1,278.41	1,510.85	1,743.28	2,091.94
Clifford	695.20	811.07	926.93	1,042.80	1,274.53	1,506.27	1,738.00	2,085.60
Collingham with Linton	697.69	813.98	930.26	1,046.54	1,279.10	1,511.67	1,744.23	2,093.08
Drighlington	683.85	797.82	911.80	1,025.77	1,253.72	1,481.67	1,709.62	2,051.54
Gildersome	684.13	798.15	912.17	1,026.19	1,254.23	1,482.27	1,710.32	2,052.38
Great and Little Preston	686.60	801.03	915.47	1,029.90	1,258.77	1,487.63	1,716.50	2,059.80
Harewood	677.81	790.77	903.74	1,016.71	1,242.65	1,468.58	1,694.52	2,033.42
Horsforth	686.84	801.31	915.79	1,030.26	1,259.21	1,488.15	1,717.10	2,060.52
East Keswick	694.19	809.89	925.59	1,041.29	1,272.69	1,504.09	1,735.48	2,082.58
Kippax	686.99	801.49	915.99	1,030.49	1,259.49	1,488.49	1,717.48	2,060.98
Ledsham	693.57	809.16	924.76	1,040.35	1,271.54	1,502.73	1,733.92	2,080.70
Ledston	688.55	803.31	918.07	1,032.83	1,262.35	1,491.87	1,721.38	2,065.66
Micklefield	716.15	835.50	954.86	1,074.22	1,312.94	1,551.65	1,790.37	2,148.44
Morley	689.34	804.23	919.12	1,034.01	1,263.79	1,493.57	1,723.35	2,068.02
Otley	714.83	833.97	953.11	1,072.25	1,310.53	1,548.81	1,787.08	2,144.50
Pool in Wharfedale	696.37	812.43	928.49	1,044.55	1,276.67	1,508.79	1,740.92	2,089.10
Scarcroft	688.49	803.23	917.98	1,032.73	1,262.23	1,491.72	1,721.22	2,065.46
Shadwell	695.15	811.01	926.87	1,042.73	1,274.45	1,506.17	1,737.88	2,085.46
Swillington	688.30	803.02	917.73	1,032.45	1,261.88	1,491.32	1,720.75	2,064.90
Thorner	698.11	814.46	930.81	1,047.16	1,279.86	1,512.56	1,745.27	2,094.32
Thorp Arch	690.91	806.07	921.22	1,036.37	1,266.67	1,496.98	1,727.28	2,072.74
Walton	698.95	815.44	931.93	1,048.42	1,281.40	1,514.38	1,747.37	2,096.84
Wetherby	708.95	827.10	945.26	1,063.42	1,299.74	1,536.05	1,772.37	2,126.84

being the amounts given by multiplying the amounts at 2(g) and 2(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- 3 That it be noted for the year 2007/08 that the West Yorkshire Police and West Yorkshire Fire and Civil Defence Authorities have issued the following precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below.

Precepting Authority	Band A £ p	Band B £ p	Band C £ p	Band D £ p	Band E £ p	Band F £ p	Band G £ p	Band H £ p
West Yorkshire Police Authority	78.6783	91.7914	104.9044	118.0175	144.2436	170.4697	196.6958	236.0350
West Yorkshire Fire and Civil Defence Authority	32.010871	37.346016	42.681162	48.016307	58.686597	69.356888	80.027178	96.032614

- 4 That, having calculated the aggregate in each case of the amounts at 2.(i) and 3, above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2007/08 for each of the categories of dwellings shown below:

	Band A £ p	Band B £ p	Band C £ p	Band D £ p	Band E £ p	Band F £ p	Band G £ p	Band H £ p
LEEDS EXCEPT PARTS BELOW:	788.13	919.49	1,050.83	1,182.20	1,444.90	1,707.62	1,970.33	2,364.39
Parish of:								
Aberford and District	795.05	927.56	1,060.06	1,192.58	1,457.59	1,722.61	1,987.63	2,385.15
Allerton Bywater	796.21	928.91	1,061.61	1,194.32	1,459.72	1,725.12	1,990.53	2,388.63
Arthington	792.73	924.85	1,056.97	1,189.10	1,453.34	1,717.58	1,981.83	2,378.19
Bardsey cum Rigton	802.23	935.94	1,069.63	1,203.35	1,470.75	1,738.17	2,005.58	2,406.69
Barwick in Elmet and Scholes	801.88	935.53	1,069.17	1,202.83	1,470.12	1,737.42	2,004.71	2,405.65
Boston Spa	799.58	932.85	1,066.10	1,199.38	1,465.90	1,732.43	1,998.96	2,398.75
Bramham cum Oglethorpe	805.08	939.26	1,073.43	1,207.62	1,475.97	1,744.33	2,012.70	2,415.23
Bramhope and Carlton	808.00	942.67	1,077.33	1,212.01	1,481.34	1,750.68	2,020.01	2,424.01
Clifford	805.89	940.21	1,074.51	1,208.84	1,477.46	1,746.10	2,014.73	2,417.67
Collingham with Linton	808.38	943.12	1,077.84	1,212.58	1,482.03	1,751.50	2,020.96	2,425.15
Drighlington	794.54	926.96	1,059.38	1,191.81	1,456.65	1,721.50	1,986.35	2,383.61
Gildersome	794.82	927.29	1,059.75	1,192.23	1,457.16	1,722.10	1,987.05	2,384.45
Great and Little Preston	797.29	930.17	1,063.05	1,195.94	1,461.70	1,727.46	1,993.23	2,391.87
Harewood	788.50	919.91	1,051.32	1,182.75	1,445.58	1,708.41	1,971.25	2,365.49
Horsforth	797.53	930.45	1,063.37	1,196.30	1,462.14	1,727.98	1,993.83	2,392.59
East Keswick	804.88	939.03	1,073.17	1,207.33	1,475.62	1,743.92	2,012.21	2,414.65
Kippax	797.68	930.63	1,063.57	1,196.53	1,462.42	1,728.32	1,994.21	2,393.05
Ledsham	804.26	938.30	1,072.34	1,206.39	1,474.47	1,742.56	2,010.65	2,412.77
Ledston	799.24	932.45	1,065.65	1,198.87	1,465.28	1,731.70	1,998.11	2,397.73
Micklefield	826.84	964.64	1,102.44	1,240.26	1,515.87	1,791.48	2,067.10	2,480.51
Morley	800.03	933.37	1,066.70	1,200.05	1,466.72	1,733.40	2,000.08	2,400.09
Otley	825.52	963.11	1,100.69	1,238.29	1,513.46	1,788.64	2,063.81	2,476.57
Pool in Wharfedale	807.06	941.57	1,076.07	1,210.59	1,479.60	1,748.62	2,017.65	2,421.17
Scarcroft	799.18	932.37	1,065.56	1,198.77	1,465.16	1,731.55	1,997.95	2,397.53
Shadwell	805.84	940.15	1,074.45	1,208.77	1,477.38	1,746.00	2,014.61	2,417.53
Swillington	798.99	932.16	1,065.31	1,198.49	1,464.81	1,731.15	1,997.48	2,396.97
Thorner	808.80	943.60	1,078.39	1,213.20	1,482.79	1,752.39	2,022.00	2,426.39
Thorp Arch	801.60	935.21	1,068.80	1,202.41	1,469.60	1,736.81	2,004.01	2,404.81
Walton	809.64	944.58	1,079.51	1,214.46	1,484.33	1,754.21	2,024.10	2,428.91
Wetherby	819.64	956.24	1,092.84	1,229.46	1,502.67	1,775.88	2,049.10	2,458.91

- 5 That the schedule of instalments for 2007/08 for payments to the principal authorities out of the Collection Fund be determined as set out in Appendix II of the submitted report

(iii) Housing Revenue Account Budget 2007/08

- (a) That the budget be approved and to meet the Department for Communities and Local Government's requirements to keep average rent increases to 5% pro rata reductions in all tenants rents be applied to the rent restructuring figure of 7.3%.
- (b) That service charges be increased in line with the average rent rises
- (c) That the charges for garage rents be increased to £5.25 per week
- (d) That the reserve of £2m established to cover the risk of not meeting the subsidy trigger be released and a virement of £1.369m be actioned to reflect the increase in MRA as detailed in paragraph 3.2.3 of the report

(iv) Capital Programme 2006/7 to 2010/11

That the capital programme as attached to the submitted report be approved

(v) Treasury Management Policy and Strategy Statements

- (a) That the setting of borrowing limits for 2007/08, 2008/09 and 2009/10 as set out in Section 3.3 of the submitted report be approved
- (b) That the setting of treasury management indicators for 2007/08, 2008/09 and 2009/10 as set out in Section 3.4 of the report be approved
- (c) That the setting of investment limits for 2007/08, 2008/09 and 2009/10 as set out in Section 3.5 of the report be approved.
- (d) That the Treasury Management Policy Statement be reaffirmed, noting the amendments to Section 7 thereof

An amendment was moved by Councillor Wakefield seconded by Councillor R Lewis

1. In 5 (i), after "£505,223,000" substitute "£506,123,000" and after the words "be approved" add:

"subject to amendments to the Council's estimates for 2007/08 as set out below:

- (a) an increase in the Neighbourhoods and Housing budget of £100,000

- (b) an increase in the Social Services budget of £2,050,000
 - (c) an increase in the Learning and Leisure budget of £230,000
 - (d) an increase in the City Services budget of £100,000
 - (e) a decrease in the Chief Executive's budget of £1,080,000
 - (f) a decrease in the Education budget of £500,000
2. In 5 (ii) 2 (a) delete "£2,357,617,222.50" and substitute "£2,358,517,222.50"
 3. In 5 (ii) 2 (c) delete "£506,495,222.50" and substitute "£507,395,222.50"
 4. In 5 (ii) 2 (e) delete "£1,021.691741" and substitute "£1,025.602862"
 5. In 5 (ii) 2 (g) delete "£1,016.16" and substitute "£1,020.07"
 6. That subject to the approval of 1 to 5 above, consequential amendments be made to 5 (ii) 2 (h) and 5 (ii) 2 (i)
 7. In 5 (iv) (a) after the words "be approved", add:
"subject to an increase in the Programme of £1.8m, and a corresponding increase in unsupported borrowing of £1.8m."

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

RESOLVED –

(i) Revenue Budget

That the Revenue Estimates for 2007/08 totalling £505,223,000, as detailed and explained in the submitted report and accompanying papers be approved, including a 4.5% increase in the Leeds' element of the Council Tax.

(ii) Council Tax

1. That it be noted that at the meeting on 17th January 2007, Council agreed the following amounts for the year 2007/08, in accordance with regulations made under Sections 33(5) and 34(4) of the Local Government Finance Act 1992:-
 - a) 230,113 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) as its Council Tax base for the year.

b)

PARISH	TAXBASE
Aberford and District	771
Allerton Bywater	1,238
Arthington	290
Austhorpe	26
Bardsey cum Rigton	1,135
Barwick in Elmet and Scholes	1,987
Boston Spa	1,833
Bramham cum Oglethorpe	708
Bramhope and Carlton	1,795
Clifford	732
Collingham with Linton	1,646
Drighlington	1,876
Gildersome	1,940
Great and Little Preston	473
Harewood	1,803
Horsforth	6,823
East Keswick	577
Kippax	3,056
Ledsham	93
Ledston	162
Micklefield	546
Morley	9,616
Otley	4,844
Pool in Wharfedale	967
Scarcroft	664
Shadwell	941
Swillington	1,064
Thorner	742
Thorp Arch	352
Walton	124
Wetherby	4,557
Wothersome	7

being the amounts calculated by the Council in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.

2. That the following amounts be now calculated by the Council for the year 2007/08 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-

a) £2,357,617,222.50 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act.

b) £1,851,122,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.

- c) £506,495,222.50 being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d) £271,390,671 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed Non-Domestic Rates and Revenue Support Grant, increased by the amount which the Council estimates will be transferred from its Collection Fund into its General Fund under Section 97(3) of the Local Government Finance Act 1988 and reduced by the amount which the Council estimates will be transferred from its Collection Fund to its General Fund pursuant to the Collection Fund (Community Charges) (England) Directions 1994.
- e) £1,021.691741 being the amount at 2.(c) above, less the amount at 2.(d) above, all divided by the amount at 1.(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- f) £1,272,222.50 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- g) £1,016.16 being the amount at 2.(e) above, less the result given by dividing the amount at 2.(f) above by the amount at 1.(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

h)

Parish	Band D £ p
Aberford and District	1,026.54
Allerton Bywater	1,028.28
Arthington	1,023.06
Bardsey cum Rigton	1,037.31
Barwick in Elmet and Scholes	1,036.79
Boston Spa	1,033.34
Bramham cum Oglethorpe	1,041.58
Bramhope and Carlton	1,045.97
Clifford	1,042.80
Collingham with Linton	1,046.54
Drighlington	1,025.77
Gildersome	1,026.19
Great and Little Preston	1,029.90
Harewood	1,016.71
Horsforth	1,030.26
East Keswick	1,041.29
Kippax	1,030.49
Ledsham	1,040.35
Ledston	1,032.83
Micklefield	1,074.22
Morley	1,034.01
Otley	1,072.25
Pool in Wharfedale	1,044.55
Scarcroft	1,032.73
Shadwell	1,042.73
Swillington	1,032.45
Thorner	1,047.16
Thorp Arch	1,036.37
Walton	1,048.42
Wetherby	1,063.42

being the amounts given by adding to the amount at 2.(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1.(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

i)

	Band A £ p	Band B £ p	Band C £ p	Band D £ p	Band E £ p	Band F £ p	Band G £ p	Band H £ p
LEEDS EXCEPT PARTS BELOW:	677.44	790.35	903.25	1,016.16	1,241.97	1,467.79	1,693.60	2,032.32
Parish of:								
Aberford and District	684.36	798.42	912.48	1,026.54	1,254.66	1,482.78	1,710.90	2,053.08
Allerton Bywater	685.52	799.77	914.03	1,028.28	1,256.79	1,485.29	1,713.80	2,056.56
Arthington	682.04	795.71	909.39	1,023.06	1,250.41	1,477.75	1,705.10	2,046.12
Bardsey cum Rigton	691.54	806.80	922.05	1,037.31	1,267.82	1,498.34	1,728.85	2,074.62
Barwick in Elmet and Scholes	691.19	806.39	921.59	1,036.79	1,267.19	1,497.59	1,727.98	2,073.58
Boston Spa	688.89	803.71	918.52	1,033.34	1,262.97	1,492.60	1,722.23	2,066.68
Bramham cum Oglethorpe	694.39	810.12	925.85	1,041.58	1,273.04	1,504.50	1,735.97	2,083.16
Bramhope and Carlton	697.31	813.53	929.75	1,045.97	1,278.41	1,510.85	1,743.28	2,091.94
Clifford	695.20	811.07	926.93	1,042.80	1,274.53	1,506.27	1,738.00	2,085.60
Collingham with Linton	697.69	813.98	930.26	1,046.54	1,279.10	1,511.67	1,744.23	2,093.08
Drighlington	683.85	797.82	911.80	1,025.77	1,253.72	1,481.67	1,709.62	2,051.54
Gildersome	684.13	798.15	912.17	1,026.19	1,254.23	1,482.27	1,710.32	2,052.38
Great and Little Preston	686.60	801.03	915.47	1,029.90	1,258.77	1,487.63	1,716.50	2,059.80
Harewood	677.81	790.77	903.74	1,016.71	1,242.65	1,468.58	1,694.52	2,033.42
Horsforth	686.84	801.31	915.79	1,030.26	1,259.21	1,488.15	1,717.10	2,060.52
East Keswick	694.19	809.89	925.59	1,041.29	1,272.69	1,504.09	1,735.48	2,082.58
Kippax	686.99	801.49	915.99	1,030.49	1,259.49	1,488.49	1,717.48	2,060.98
Ledsham	693.57	809.16	924.76	1,040.35	1,271.54	1,502.73	1,733.92	2,080.70
Ledston	688.55	803.31	918.07	1,032.83	1,262.35	1,491.87	1,721.38	2,065.66
Micklefield	716.15	835.50	954.86	1,074.22	1,312.94	1,551.65	1,790.37	2,148.44
Morley	689.34	804.23	919.12	1,034.01	1,263.79	1,493.57	1,723.35	2,068.02
Otley	714.83	833.97	953.11	1,072.25	1,310.53	1,548.81	1,787.08	2,144.50
Pool in Wharfedale	696.37	812.43	928.49	1,044.55	1,276.67	1,508.79	1,740.92	2,089.10
Scarcroft	688.49	803.23	917.98	1,032.73	1,262.23	1,491.72	1,721.22	2,065.46
Shadwell	695.15	811.01	926.87	1,042.73	1,274.45	1,506.17	1,737.88	2,085.46
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- 4 That, having calculated the aggregate in each case of the amounts at 2.(i) and 3, above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2007/08 for each of the categories of dwellings shown below:

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Arthington	792.73	924.85	1,056.97	1,189.10	1,453.34	1,717.58	1,981.83	2,378.19
Bardsey cum Rigton	802.23	935.94	1,069.63	1,203.35	1,470.75	1,738.17	2,005.58	2,406.69
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Bramham cum Oglethorpe	805.08	939.26	1,073.43	1,207.62	1,475.97	1,744.33	2,012.70	2,415.23
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Clifford	805.89	940.21	1,074.51	1,208.84	1,477.46	1,746.10	2,014.73	2,417.67
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Drighlington	794.54	926.96	1,059.38	1,191.81	1,456.65	1,721.50	1,986.35	2,383.61
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Harewood	788.50	919.91	1,051.32	1,182.75	1,445.58	1,708.41	1,971.25	2,365.49
Horsforth	797.53	930.45	1,063.37	1,196.30	1,462.14	1,727.98	1,993.83	2,392.59
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Ledston	799.24	932.45	1,065.65	1,198.87	1,465.28	1,731.70	1,998.11	2,397.73
Micklefield	826.84	964.64	1,102.44	1,240.26	1,515.87	1,791.48	2,067.10	2,480.51
Morley	800.03	933.37	1,066.70	1,200.05	1,466.72	1,733.40	2,000.08	2,400.09
Otley	825.52	963.11	1,100.69	1,238.29	1,513.46	1,788.64	2,063.81	2,476.57
Pool in Wharfedale	807.06	941.57	1,076.07	1,210.59	1,479.60	1,748.62	2,017.65	2,421.17
Scarcroft	799.18	932.37	1,065.56	1,198.77	1,465.16	1,731.55	1,997.95	2,397.53
Shadwell	805.84	940.15	1,074.45	1,208.77	1,477.38	1,746.00	2,014.61	2,417.53
Swillington	798.99	932.16	1,065.31	1,198.49	1,464.81	1,731.15	1,997.48	2,396.97
Thorner	808.80	943.60	1,078.39	1,213.20	1,482.79	1,752.39	2,022.00	2,426.39
Thorp Arch	801.60	935.21	1,068.80	1,202.41	1,469.60	1,736.81	2,004.01	2,404.81
Walton	809.64	944.58	1,079.51	1,214.46	1,484.33	1,754.21	2,024.10	2,428.91
Wetherby	819.64	956.24	1,092.84	1,229.46	1,502.67	1,775.88	2,049.10	2,458.91

- 5 That the schedule of instalments for 2007/08 for payments to the principal authorities out of the Collection Fund be determined as set out in Appendix II of the submitted report

(iii) Housing Revenue Account Budget 2007/08

- (a) That the budget be approved and to meet the Department for Communities and Local Government's requirements to keep

average rent increases to 5% pro rata reductions in all tenants rents be applied to the rent restructuring figure of 7.3%.

- (b) That service charges be increased in line with the average rent rises
- (c) That the charges for garage rents be increased to £5.25 per week
- (d) That the reserve of £2 million established to cover the risk of not meeting the subsidy trigger be released and a virement of £1.369 million be actioned to reflect the increase in MRA as detailed in paragraph 3.2.3 of the report

(iv) Capital Programme 2006/7 to 2010/11

That the capital programme as attached to the submitted report be approved

(v) Treasury Management Policy and Strategy Statements

- (a) That the setting of borrowing limits for 2007/08, 2008/09 and 2009/10 as set out in Section 3.3 of the submitted report be approved
- (b) That the setting of treasury management indicators for 2007/08, 2008/09 and 2009/10 as set out in Section 3.4 of the report be approved
- (c) That the setting of investment limits for 2007/08, 2008/09 and 2009/10 as set out in Section 3.5 of the report be approved.
- (d) That the Treasury Management Policy Statement be reaffirmed, noting the amendments to Section 7 thereof

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

On the amendment in Councillor Wakefield's name

YES

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

37

NO

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

55

ABSTAIN

Beverley

1

On the Motion

YES

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

55

NO

Atkinson, Coulson, Lyons

3

ABSTAIN

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

34

(The meeting was suspended at 5.45 pm and resumed at 6.20 pm)

100 Recommendations of the Executive Board

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

RESOLVED – That the recommendations of the Executive Board with regard to budget adjustments and to the Inspectors report on the Statement of Community Involvement for Leeds, as contained in the corrected report of the Director of Legal and Democratic Services and explanatory information and documentation circulated in the meeting, be approved.

101 Recommendations of the Corporate Governance and Audit Committee

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

RESOLVED – That the recommendations of the Corporate Governance and Audit Committee with regard to the membership of the Standards Committee, as detailed in the report of the Director of Legal and Democratic Services be approved

102 Minutes

It was moved by Councillor A Carter seconded by Councillor M Hamilton and

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

(During discussion of the minutes two motions were passed as referred to in minutes 103 and 104 below)

Council Procedure Rule 4 providing for the winding up of business was applied prior to all notified comments on the minutes having been debated.

103 Closure of Meeting

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

RESOLVED – That under the provisions of Council Procedure Rule 14.14 the meeting be brought to a close at the conclusion of the debate on the Minutes.

On the requisition of Councillors Gruen and Hanley the voting on the motion was recorded as follows:

YES

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

NO

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

37

ABSTAIN

McArdle

1

104 Suspension of Meeting

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

RESOLVED – That under the provisions of Council Procedure Rule 14.14(3) the debate be adjourned to allow that comments made by Councillor Gruen during the debate be obtained in verbatim

(The meeting was suspended from 7.05 pm to 7.20 pm)

Upon resumption of the meeting Councillor Gruen offered an apology in respect of comments which he had made.

(Council rose at 8.40 pm)

White Paper motions on the following subjects were included in the Summons, but not debated at the meeting:

Teaching English for Speakers of Other Languages

Governance Arrangements

Funding of Care for the Elderly

Report of the Assistant Chief Executive (Corporate Governance)

Council

Date: 18th April 2007

Subject: Councillor Mulherin – Attendance at Meetings

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 To seek authorisation of the Council to the absence of Councillor Mulherin from meetings of the authority for up to six consecutive months.

2.0 Information

2.1 Section 85 (1) of the Local Government Act 1972 makes provision in relation to member attendance at meetings. It provides that if a member fails to attend qualifying meetings for a period of 6 consecutive months from the date of their last attendance, they shall cease to be a member of the authority unless, before the expiry of that period, the authority has approved such non attendance

2.2 Members will be aware that Councillor Mulherin is pregnant with a birth expected imminently at the time of writing this report. Her last attendance at a meeting of the authority was Council on 17th January 2007

3.0 Matter for Consideration

3.1 Councillor Mulherin's party whip has requested that Council approve her absence from meetings of the authority for a period of 6 months for maternity reasons. Councillor Mulherin's committee memberships are Scrutiny Board (Children's Services) and the South (Outer) Area Committee.

4.0 Recommendations

4.1 That approval be given to the absence of Councillor Mulherin from meetings of the authority for a period of six months from this meeting.

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Report of the Assistant Chief Executive (Corporate Governance)

COUNCIL

Date: 18th April 2007

Subject: Leader of the Council

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose of Report

- 1.1 To seek approval of Council to the extension of the period of appointment of the current Leader of Council from 21st May 2007 to 24th May 2007.

2.0 Background Information

- 2.1 At the Annual meeting of Council on 22nd May 2006 it was:

“Resolved – That Councillor M Harris be elected as Leader for the period 23rd May 2006 to 30th November 2006 and Councillor A Carter for the period 1st December 2006 to 21st May 2007”.

- 2.2 At the Council meeting held on 13th September 2006 it was:

“Resolved – That the 2007 Annual meeting of Council be held at 6.00 pm on Thursday 24th May and not 21st May as previously agreed”.

3.0 Conclusions

- 3.1 The discrepancy arising between the two decisions needs to be addressed.

4.0 Recommendation

That the term of office of Councillor A Carter as Leader of the Council as agreed at the Annual meeting 2006 be extended to 24th May 2007.

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Originator: Sophie Wallace

Tel: 395 1631

Report of the Assistant Chief Executive (Corporate Governance)

Council

Date: 18th April 2007

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, a recommendation as contained in the attached report entitled "Leeds City Council's Shareholding in Leeds Bradford International Airport"

2.0 Background Information

- 2.1 The report was considered by the Executive Board on 4th April 2007 and contains a recommendation for approval of Council as detailed in minute 231 (f) of the meeting.
- 2.2 The report proposed that the requirement for all non-executive directors of the airport company to step down as part of the transaction process be noted, and that Full Council be recommended to authorise the Chief Executive to effect the removal of the non-executive Directors before the transaction is completed.

3.0 Recommendation to Council

- 3.1 That the Chief Executive be authorised to effect the removal of the non-executive Directors before the transaction completes.

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Two appendices are included in this report which are not for publication under the Council's Access to Information Procedure Rules 10.4 (3)

Report of the Director of Development

Executive Board

Date: 4 April 2007

Subject: LEEDS CITY COUNCIL'S SHAREHOLDING IN LEEDS BRADFORD INTERNATIONAL AIRPORT

Electoral Wards Affected:

Citywide

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Details contained in the report)

EXECUTIVE SUMMARY

This report updates Members on the progress made with the sale of Leeds Bradford International Airport (LBIA) Limited through to the receipt and evaluation of the binding offers received.

Based on the offers received, officers are able to recommend a preferred and reserve bidder which, should Members select, should lead to the completion of a 100% disposal of the share capital in LBIA in April/May 2007.

1.0 PURPOSE OF THIS REPORT

- 1.1 To advise Members on the progress made with the sale of 100% of the share capital in the Leeds Bradford International Airport (LBIA) Limited and to gain Members' approval to the selection of a preferred and reserve bidder for the transaction to enable officers to complete the disposal.
- 1.2 This report is marked exempt from Call In on the basis that Leeds took the in principle decision to dispose of its shares in the airport on the 20 September 2006, which was subject to the Council's Call In procedures. The proposal in detail, which is contained in this report, does not vary from the decision in principle made by Executive Board on the 20th September 2006. Under the Leeds Constitution a decision may be declared as being exempt from Call In if it is considered that any delay would seriously prejudice the Council's or the public's interest. Members will be aware that this is a multi-party transaction involving five independent shareholders. Officers have been advised by our retained advisors (Ernst and Young) that there has to be a clear process for achieving finality to the sale proceedings and the absence of a tight transaction structure could be seriously prejudicial to the process and the shareholders' ability to achieve financial close and receive the optimum financial return for their shares.
- 1.3 Attached to this report are two confidential appendices which review the best and final offers made for the purchase of 100% of the share capital in LBIA Ltd. It is considered that the public interest in maintaining this information as exempt, outweighs the public interest in disclosing this information, as disclosure may prejudice the outcome of the disposal and the financial return to the shareholders. Accordingly, this information is marked as confidential as part of the Council's Access to Information Procedure Rules 10.4 (3).

2.0 BACKGROUND INFORMATION

- 2.1 Members will recall that on 20 September 2006 Leeds City Council agreed to participate in a 100% disposal of the share capital in LBIA Limited in conjunction with the other West Yorkshire districts. By 5 October 2006, all of the shareholders in the company had agreed to a 100% disposal. Specifically, the resolutions made by Executive Board on 20 September 2006 were as follows:
- (a) That approval be given to the proposal that Leeds City Council will, subject to the agreement of the other West Yorkshire Districts, participate in the disposal of 100% of shares in the Leeds Bradford International Airport Company and, subject to the agreement of the four other West Yorkshire districts, instruct officers to progress such disposal in a timely manner.
 - (b) That in the event that not all of the five shareholders agree to participate in a 100% disposal, Leeds City Council participate in a share disposal of 60% or more in the Airport Company, on the basis that Leeds City Council would sell 100% of its interest in LBIA.
 - (c) That officers of the five West Yorkshire districts draw upon the objectives detailed in the report to determine the criteria to be used in the future assessment of the submitted bids.

- (d) That approval, subject to proper consultation and compliance with legal requirements, be given to the proposal that bidders will be asked to implement pension arrangements that grant, for existing employees, fully equivalent pension benefits to the existing Local Government Pension Scheme and offer new employees, at the option of the new owner, membership of a final salary scheme, or a money purchase scheme.
- (e) That the proposal that bidders, as part of their submissions, be asked to explain their company culture with regard to staff retention, development and incentivisation be approved.
- (f) That any land owned by the five West Yorkshire districts which lies within the Airport's Operational Boundary be included with the disposal of the Airport Company, and that officers be given delegated authority to determine whether it is appropriate to also include other five districts' land which is in the vicinity of the Airport Operational Boundary in the disposal, subject, as always, to the requirement to achieve best consideration.
- (g) That a report seeking endorsement of the preferred bidder identified and the acceptance of the best and final offer made, to enable the transaction to be completed, be brought to a future meeting of the Board.
- (h) That the scale of the potential receipt that could accrue to the Council from a share disposal of Leeds Bradford International Airport be noted.
- (i) That approval be given to the Ernst and Young LLP scales of fees that will be incurred during the three phases of the disposal exercise and which will be charged to the purchaser upon completion of the transaction, and that the Director of Development be authorised to select that fee structure which best incentivises the consultants to optimise the disposal proceeds.

3.0 MAIN POINTS

3.1 The Sale Process

3.1.1 Following the resolution of Executive Board, the sale of LBIA was formally advertised in the Financial Times on 14 November 2006. As expected, a significant level of interest was received from wide of range of prospective purchasers on an international basis. In total, more than 60 Expressions of Interest were made from established airport operators, private equity organisations, investment banks, infrastructure management companies and other investors.

3.1.2 The Expressions of Interest resulted in 16 consortia making pre-qualification submissions. These submissions required organisations amongst other requirements to demonstrate their:

- financial capability to participate in a transaction of this size. Specifically, organisations had to demonstrate that they had net assets or funds under management of at least £100m, or an appropriate credit rating.
- quality as a prospective operator of LBIA by stating their past experience of developing an investment of this type, their strategic rationale for wishing to purchase LBIA and a statement on the organisation's ability to add value to the airport's future development.

- 3.1.3 In accordance with the delegated authority afforded by Members and following a detailed evaluation of the 16 pre-qualification submissions by Ernst & Young LLP and DLA Piper, the Project Board selected 9 bidders for the indicative bid phase of the transaction.
- 3.1.4 On 11 December 2006, the nine organisations selected were asked to submit indicative bids and complementary business plans. These organisations were provided with an Information Memorandum outlining the current operation of the business and management's projections for its future development. In addition, specialist transport consultants, Halcrow, assisted the airport's management to review and revise the airport's business plan to 2016. LBIA management's business plan was also provided to the 9 selected bidders for this phase of the transaction. Indicative bid submissions were required by 11 January 2007. Following the submission deadline, indicative bids were further evaluated by Ernst & Young LLP and DLA Piper and, again in accordance with the delegated authority afforded by Members, five bidders were selected by the Project Board to submit binding offers.
- 3.1.5 The five organisations selected and presented in alphabetical order were:
- ABN AMRO-Infrastructure, an infrastructure fund of the Dutch investment bank, with Faros Investment Partners, a specialist airport management company. This bidder also has strategic support from the First Bus Group.
 - Barclays Private Equity infrastructure fund (who have held an interest in Luton Airport in the past) with Churchill Airports, a specialist airport management company.
 - Bridgepoint infrastructure fund, who were involved in the original privatisation of Birmingham International Airport.
 - Regional and City Airports led by Balfour Beatty, who recently bought Exeter Airport with infrastructure fund Galaxy, and airport operators Koln Bonn and AerRianta.
 - TBI, who have interests in Luton, Cardiff and Belfast International airports and are 90% owned by Abertis, a large Spanish transport and infrastructure group based in Barcelona who have airport interests in the USA and Latin America.
- 3.1.6 The five shortlisted bidders identified above were provided with financial, legal and technical Vendor Due Diligence (VDD) reports by PricewaterhouseCoopers (PwC), which were procured by Leeds City Council on behalf of all of the shareholding authorities. Although commissioning this piece of work by PwC the shareholders have no control over the content of the due diligence report, as this is prepared on a totally objective basis by PwC for the benefit of the bidders. This information was disclosed to the shortlisted bidders to enable them to make binding offers with sufficient information, based on an understanding on how the business works currently and its opportunities to develop in the future. In addition, all shortlisted bidders had been afforded the opportunity for accompanied tours of the airport facilities which included a presentation on the future of the Airport by its Managing Director and the opportunity for a question and answer session with the senior management team.
- 3.1.7 Binding offers were received on 7 March 2007 and evaluated prior to their consideration by the Project Board for the transaction on 14 March 2007.

3.1.8 As previously agreed by the Executive Board, the binding offers have been evaluated against the shareholders' established objectives for this transaction, with an 80% weighting on financial considerations and 20% on socio-economic/employment considerations as outlined below:

	Evaluation Parameter		Maximum Score
1.	Financial Considerations	(a) Financial Offer	70
		(b) Transaction Certainty	10
2.	Business Plan and Pension Commitments	(a) the extent, scope and relevance of investment projects (in particular, over the next five year period)	8
		(b) the extent, scope and relevance of proposals for the growth in passenger traffic and development of new routes and destinations	8
		(c) the deliverability of pension commitments	4

3.1.9 Up to 15 marks could be deducted based on the legal submission – in particular the comment on and extent of changes proposed to the Share Purchase Agreement.

3.1.10 Following a full evaluation process, the officer Project Board for the transaction has recommended a preferred bidder and a reserve bidder for shareholder approval. The outcome of the evaluation process is detailed in the confidential Appendix 1 with the bidders identities withheld at this time due to the significant commercial sensitivity attached to this transaction. The identification of the bidders will be circulated at the meeting.

3.2 Transaction Structure

3.2.1 This transaction has been structured to enable prospective purchasers to bid for LBIA Ltd as a cash and debt free company. The new purchaser will have an unencumbered debt position and thereby have a free hand to be able to gear the level of borrowing by the company to a level that they consider to be appropriate. All existing loans, debentures and pension deficits are to be settled by the incoming purchaser, although the cost of doing this will be netted off against the receipt due to the local authority shareholders.

3.2.2 The airport company currently has nine loans from the Public Works Loans Board through the auspices of Leeds City Council with maturity dates ranging from 2013 to 2023. The current sums outstanding are £4.6m. In addition to this sum, an early repayment premium will also be due at a cost of approximately £1.4m.

- 3.2.3 LBIA also has 6 debenture loans from the West Yorkshire districts amounting to £1.5m which started in 1987. These debentures mature between 2007 and 2013.
- 3.2.4 From the pension perspective, LBIA has admitted body status with the West Yorkshire Pension Fund. However, once the sale of 100% of the share capital in the company has taken place, this admitted body status will have to cease. Under the tender conditions, the new owner is required to put in place from completion of the sale a replacement pension scheme for existing employees which is certified by the Government's Actuary Department to provide equivalent benefits.
- 3.2.5 The exact scale of the pension deficit will not be fully determined until a closing actuarial valuation for the fund has been finalised. Officers are advised that the final deficit value could take up to a year from financial close to be fully understood. Notwithstanding this point, an initial actuarial estimate was requested by the Project Board and commissioned by the West Yorkshire Pension Fund in February 2007. This initial valuation indicates that the scale of the likely deficit is estimated to be £5.5m assuming that the existing shareholders act as a "guarantor" for the pension deficit. By acting as "guarantor" the shareholders will be agreeing to meet any further shortfall in the LBIA pension fund, in proportion to their existing shareholding, over and above the initial payment of £5.5m highlighted above. For clarity, by acting as "guarantor", the shareholders would have primary and sole liability for these shortfalls. In the absence of the shareholders agreeing to act as "guarantors" the West Yorkshire Pension Fund has indicated that the estimated payment that they would require to cover the deficit in the fund is likely to be c£16m taking account of the longer mortality rates which are likely to apply from April 2007. In determining a one-off payment of c£16m the West Yorkshire Pension Fund will consider a "worst case" scenario and in so doing, could well result in an over-payment by the shareholders. It is therefore not recommended by the Project Board. The airport company also makes compensatory added years payments to the West Yorkshire Pension Fund of circa £45,000 pa. Once the sale has been completed, one of the shareholders will need to meet these ongoing payments to the West Yorkshire Pension Fund and actuarial advice indicates that a lump sum of approximately £800,000 will be needed to meet the annual payments. It is proposed that Leeds City Council agrees to meet this payment on behalf of the other shareholders on the basis that it receives an appropriate lump sum payment from the gross receipt to meet these costs.
- 3.2.6 In addition to the potential pension deficit above, there are six former airport security staff, who were transferred under TUPE to Group 4, who currently are members of the West Yorkshire Pension Fund. Once the transaction has completed, these employees will cease to be members of the West Yorkshire Pension Fund. If LBIA has a legal obligation to meet any pension deficit there could be a further call on the gross offer made for the share, unless another satisfactory solution is agreed. However, at this stage and in the context of the scale of this transaction, the potential deficit/surplus is likely to be small and assuming that shareholders act as guarantor the surplus is currently estimated at £0.145m.

3.2.7 Given that the scale of the shortfall payment that will be required will not be known for some 6 to 12 months after the sale has been completed, it is proposed that the shareholders deposit sufficient funds to cover the estimated shortfall in an escrow account which will be controlled by the shareholders' legal advisors, DLA Piper and the purchaser's legal advisors. Once the final amount due to meet the pension deficit is known, the required payment will be made to the West Yorkshire Pension Fund from the escrow account with any remaining balance being distributed back to the shareholders in proportion to their previous shareholding. Should the funds placed in the escrow account be insufficient to meet the deficit payment due then each shareholder will have to make up the shortfall from their resources, again in proportion to their previous shareholding. It is proposed that the shareholders place £7.5m in an escrow account to meet the pension deficit payment and enter into a legal agreement with the West Yorkshire Pension Fund to act as guarantor for any further pension shortfall in proportion to their previous shareholding.

3.3 Share Purchase Agreement

3.3.1 The sale of the airport and the shareholders' residual interest in its name and operation as an international airport will be governed by the Share Purchase Agreement for this transaction and proposed Special Share rights (see below). There are a number of aspects to this agreement to bring to Members' attention in terms of:

- Covenants;
- Special Share;
- Warranties;
- Completion arrangements;
- Additional consideration;
- Overage; and
- Pensions

3.3.2 **Covenants** – Members will recall that the shareholders' objectives included a requirement that the name of the airport remains as Leeds Bradford International Airport and also that it continues to operate as an international airport. Accordingly, in summary, the purchaser will covenant that:

- the airport will at all times operate under the name 'Leeds Bradford International Airport or Leeds Bradford Airport' and no other names
- the airport maintains at all times sufficient services and facilities at the airport to enable it to continue to operate as an airport for the entry and departure of international air traffic.

3.3.3 **Special share** – The primary mechanism through which the five district councils will govern the adherence to the covenants identified above will be through the retention of a special share, which will be held in trust for the five district councils in proportion to their current shareholding. This special share will allow a representative of the five district councils to attend any future board meeting of LBIA Ltd where there is a proposal to breach the covenants identified and will reserve a right of veto over any such proposals.

- 3.3.4 **Warranties** - As part of any transaction of this nature it is normal for the vendor to provide the purchaser with a series of warranties associated with the sale of share capital in the company. With respect to this transaction the potential scope of the warranties and other related provisions involving any residual liability for the current shareholders are summarised in Confidential Appendix I.
- 3.3.5 **Completion arrangements** – As part of the completion process, all of the existing non-executive directors of LBIA Ltd who make up the Board of Directors of the company will have to resign along with the external auditors of the airport. This is standard practice in transactions of this nature.
- 3.3.6 **Additional Consideration** – Provisions have been included so that material third party disposals of shares of assets will trigger additional consideration for the existing shareholders if they take place within a three year period from completion. The sharing percentage for the existing shareholders are 50% in the first year and 25% for each of years 2 and 3.
- 3.3.7 **Overage** – Appropriate overage provisions have been included in relation to certain areas of land which are not currently within the operational boundary of LBIA but are nevertheless owned by LBIA. These overage provisions are not triggered by defined airport related development.
- 3.3.8 **Pensions** – Each bidder has committed to establishing at completion a GAD approved defined benefit pension scheme for existing employees. Further details are included in Confidential Appendix I.

3.4 **Land Transfer**

- 3.4.1 As previously agreed by Executive Board, the land held by the five districts which sits within the UDP operational boundary of LBIA has been included as part of the disposal. Accordingly, this land, shown pink on Plan A will be transferred into the airport company at completion. For stamp duty purposes, the market value of the sites have been independently assessed, by Lambert Smith Hampton, to be £792,000. However, this value does not constitute an additional consideration over and above the final price for the shares in LBIA on the basis that the land has already been marketed as part of this disposal transaction and all offers have been received on that basis. Appropriate overage provisions have also been provided for.
- 3.4.2 Officers have also considered the status of the option land (coloured pink on Plan B) and its relationship to the short to medium terms development plans for the Airport including drainage requirements, long stay car parking and the potential for a second hotel development. On the basis that the retention of this land by the five districts could prejudice the current or planned development proposals of LBIA, it was considered to be in the Council's best interest at the time of this sale to offer a two year option to the preferred bidder to purchase the sites coloured pink on Plan B. Again the sites are offered at rates independently assessed by Lambert Smith Hampton at a gross value of £2.973m plus RPI, with appropriate overage mechanisms in place to protect any future development gain for uses in addition to those currently permitted. Any decision by the purchaser of the Airport Company to exercise the option will generate this further capital receipt for the shareholders in addition to the price bid for the company.

3.5 The Completion Process

- 3.5.1 Subject to the Executive Board agreeing to the preferred and reserve bidders recommended in this report, on the advice of Ernst & Young officers will seek to achieve completion of the sale before the end of April 2007 as a means of maintaining sufficient competitive tension in the sale process, but in any event will seek to affect completion as soon as is practically possible.
- 3.5.2 Members will recall that LCC has entered into an indemnity agreement with the other shareholders covering the apportionment of fees should the sale not be progressed or be significantly delayed. Consequently, should LCC, in the absence of a shareholder majority, decide to withdraw from this sale process or does not act in a timely fashion which results in the disposal not proceeding, then this authority would be liable for all of the abortive fees expended on this exercise which are outlined in Confidential Appendix II.
- 3.5.3 To enable the completion process to run smoothly a number of work streams will need to be completed. These are:
- **Final Vendor Due Diligence** – in order to give sufficient comfort to the preferred and reserve bidders on due diligence matters associated with the airport, the existing due diligence work is in the process of being updated, again by PwC, and specific financial, legal and technical work also undertaken to resolve bidder queries.
 - **Confirmation of Bid Price** – Once the preferred and reserve bidders have been notified of their selection, they will be given access to the final vendor due diligence reports and the most sensitive commercial information held by the company and it is intended that they be given six working days to confirm their bid price. As part of this process, there is the possibility that in order to ensure the best terms are achieved, the reserve bidder may become the preferred bidder and officers will seek to complete the sale on that basis. This mechanism, which is outlined in Confidential Appendix I, is a key part of maintaining the competitive tension in the completion process.
 - **Completion adjustment** – A working capital adjustment exercise will be monitored by Ernst and Young LLP. This process will ensure that appropriate movements of working capital between the date of a proforma balance sheet (the reference point for the binding bid phase) and the sale being completed are taken into account. Members are asked to note that as a consequence of this process, the final sale price will inevitably vary to some degree due to the normal movement of cash or other working capital in and out of the business on a daily basis.
 - **Executing the sale** – subject to the completion processes identified above running smoothly, it is proposed that nominated officers and deputies representing each of the five shareholders will be given delegated authority to execute the sale of the airport to the preferred or reserve bidder based on the best and final offers presented in this report. For Leeds City Council it is proposed that delegated authority for completing this transaction be given to the Chief Executive, with the Chief Asset Management Officer acting as the nominated deputy.

- **Apportionment of residual liabilities** – An agreement will be entered into between the five districts to regulate the apportionment of liability in relation to any claims that may be made under the share purchase agreement or other legal documents relating to the sale.

3.6 **Communication of this decision**

3.6.1 Given the significance of this decision and the fact that the decision to sell is being decided by five independent shareholders, it is important that the communication of the preferred and reserve bidder is appropriately managed. In particular, it is recognised that airport staff will have an understandable interest to know the identities of the preferred and reserve bidder and it is not considered appropriate to learn the identities of the preferred and reserve bidders through the media. Accordingly, in light of the potential for some shareholders to conclude their deliberation on this matter on the evening of 4 April 2007, the following communication timetable is proposed for Wednesday, 4 April 2007:

TIME	ACTION
09.00 pm	The preferred and reserve bidder informed of their selection
09.30 pm	The identity of the preferred and reserve bidder is communicated by the airport company to the airport staff
10.00 pm	A joint media statement, prepared by LCC on behalf of and approved by the shareholders, is released

3.6.2 For the avoidance of doubt, the information disclosed on 4 April 2007 will include the name of the preferred bidder and the name of the reserve bidder.

3.6.3 The bid prices for the preferred and reserve bidders **will not** be disclosed at this time.

3.7 **Implications For Council Policy And Governance**

3.7.1 Should Members agree to participate in the disposal of 100% of the share capital in Leeds Bradford International Airport, Leeds City Council will no longer have any representation on the Board of the airport company or influence on its operation over and above the rights granted by the special share detailed in paragraph 3.3.3 and through its statutory and regulatory functions.

4.0 **RISK MANAGEMENT**

4.1 Given the scale of this transaction, there are a number of risks for Members to be made aware of.

4.2 Until such a time as the sale is completed, there remains a risk that the transaction may not complete. Should this situation arise, the shareholders would be liable for the fees incurred in proportion to their shareholding and outlined in the confidential Appendix II of this report.

4.3 Given the significant commercial sensitivity attached to this transaction, there is a risk that the disclosure of the financial offers made could seriously impact on the financial return to the shareholders.

- 4.4 Should the disposal be completed, there is the risk that the new owner is not able to deliver their business plan and investment proposals, which in turn could have a negative impact on the future vitality of the airport as a business. Leeds Bradford International Airport has always operated within a commercial environment and in theory has always been exposed to business risks of this type.

5.0 CONCLUSIONS

- 5.1 The marketing of LBIA Ltd has demonstrated that there is significant interest in the purchase of the airport company. The competitive sale process that has been undertaken on behalf of the shareholders has produced a number of high quality bids which have all outlined proposals for capital investment into the airport's infrastructure and produce a receipt which represents a very high multiple of the current earnings of the company.
- 5.2 On the basis of the bids received, a preferred and a reserve bidder has been recommended to Members.

6.0 RECOMMENDATIONS

- 6.1 Members of Executive Board are recommended to:
- 6.1.1 approve the disposal of all of Leeds City Council's share capital in Leeds Bradford International Airport Ltd as part of a 100% share disposal of the airport company to bidder E.
- 6.1.2 authorise the Chief Executive or the Chief Asset Management Officer as the nominated deputy, to complete the transaction in the form outlined in the confidential appendices that are attached to this report.
- 6.1.3 approve that £7.5m from the disposal is placed in an escrow account to meet the potential cost of the pension deficit of Leeds Bradford International Airport Ltd once it leaves the West Yorkshire Pension Fund.
- 6.1.4 approve that the same escrow account meets the potential cost of the pension deficit for security staff transferred under TUPE to Group 4 on the basis set out in the Confidential Appendix 1.
- 6.1.5 approve that Leeds City Council, in conjunction with the other shareholders, acts as one of the "guarantors" underwriting any further pension deficit shortfall in proportion to its previous shareholding and meets the other pension obligations outlined in paragraph 3.2.5 of this report.
- 6.1.6 note the requirement for all non-executive directors of the airport company to step down as part of the transaction process and recommend that Full Council authorises the Chief Executive to effect the removal of the non-executive directors before the transaction completes.
- 6.1.7 approve the proposal set out in paragraph 3.3.3 that a special share is held by Leeds City Council in conjunction with the other four West Yorkshire councils for the purposes outlined in the report.

- 6.1.8 note that, in line with previous delegations, the land held by the five shareholders identified in pink on Plan A is to be sold to the airport company as part of the disposal transaction with overage provision.
- 6.1.9 note that, in line with previous delegations, the end purchaser will be offered a two year option to purchase the land shown pink on Plan B at a value of £2.973m plus RPI with overage provision.
- 6.1.10 authorise the Chief Asset Management Officer to approve the terms of a legal agreement to be entered into with the other shareholders to determine how the apportionment of the residual liabilities will be managed after the signing of the share purchase agreement.
- 6.1.11 authorise that in the event that the preferred bidder changes their bid in a manner which results in the reserve bidder's bid being more economically advantageous, delegate authority to the Chief Executive, with the concurrence of the Leader of the Council, to take any action necessary to secure completion of the disposal in the circumstances outlined in paragraph 4.3 of Appendix I of this report.
- 6.1.12 approve the communication proposals outlined in paragraph 3.6.1.

Background Papers

Outline Business Plans and Pension Proposals of the binding offers of the five shortlisted bidders (these documents have been marked as "confidential" under the Council's Access to Information Rules 10.4 (3)).



Originator: E M Davenport
Tel:24 78408

Report of the Assistant Chief Executive (Corporate Governance)

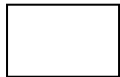
Full Council

Date: 18 April 2007

Subject: Amendments to the Constitution

Electoral Wards Affected:

N/A



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. Further to the report to the Executive Board of 9th February 2007, on the Council Change Programme, this report notifies Council of amendments to the Officer Delegation Scheme (Executive Functions) approved by the Leader, with effect from 31 March 2007.
2. The Leader also approved with effect from the same date, amendments to the Executive Members' Portfolios. These were amended only in so far as to reflect the amended delegations to officers.
3. In addition, under authority delegated to her under Article 15, the Monitoring Officer also approved consequential amendments to the constitution, which are also outlined in this report, for Members' information.

1.0 Purpose Of This Report

- 1.1 This report notifies Council of amendments to the constitution, further to the Council's Change programme, and in accordance with Rule 1.4 of the Executive Procedure Rules.

2.0 Background Information

- 2.1 The report of the Chief Executive to the Executive Board dated 9 February 2007, outlined proposals in respect of phase one of the implementation of the Council's Change programme.

- 2.2 In order to implement the proposals endorsed by Executive Board, the officer delegation schemes in respect of council and executive functions needed to be amended to allow for:

- Director of Adult Social Services;
- Director of City Development;
- Director of Environment and Neighbourhoods;
- Assistant Chief Executive (Corporate Governance);
- Director of Resources.

The scheme also needed to reflect the fact that the posts of Director of Learning and Leisure and the Chief Social Services Officer were not going to exist from 31 March 2007.

3.0 Main Issues

Amendments approved by the Leader

- 3.1 By notice dated 30 March 2007, the Leader confirmed that he approved amendments to the officer delegation scheme (executive functions), with effect from 31 March 2007.
- 3.2 A table summarising the amendments approved by the Leader to the delegation scheme (executive functions) is attached as Appendix 1 to this report. Attached as annexes to the table are the revised delegations for the above posts, and concurrent executive delegations to the Chief Officer (Children's Social Services) and Chief Officer (Early Years).
- 3.3 The Leader also approved minor amendments to the general delegation scheme, to reflect the new officer structure.
- 3.4 Also approved by the Leader were amendments to the Executive Members' Portfolios. These amendments reflect the revised delegations to Directors and the new concurrent delegations only. A copy of the revised Portfolios is attached to this report, as Appendix 2.
- 3.5 These amendments were of effect from 31 March 2007.

Amendments by the Monitoring Officer

- 3.6 In order to implement the changes endorsed by the Executive Board outlined in paragraph 2.2, the Monitoring Officer approved amendments to the delegation scheme (council functions). A table summarising these amendments is attached as

Appendix 3 to this report. Also attached as annexes to the table, are the revised delegations for the above posts.

- 3.7 The Monitoring Officer also approved minor consequential amendments to the general delegations in the delegation scheme (Council functions), to reflect the revised officer structure, and to Article 12 of the Constitution, for the same reason. Article 12 is attached as Appendix 4 to this report, for information.
- 3.8 A revised Part 7, management structure, is also attached as Appendix 5 to this report. This reflects the new officer structure.

4.0 Implications For Council Policy And Governance

- 4.1 Under its code of Corporate Governance, the Council is committed to ensuring that the necessary roles and responsibilities for the governance of the Council are identified and allocated so that it is clear who is accountable for decisions that are made. An essential part of this must be to ensure that officer delegation schemes accurately reflect officers' responsibilities, and that the Constitution is kept up to date to reflect any changes in the structure of the officer corps.

5.0 Legal And Resource Implications

- 5.1 Under Rule 1.4 of the Executive Procedure Rules, the Assistant Chief Executive (Corporate Governance) must present a report to the next ordinary meeting of Council setting out any changes made by the Leader to the scheme of delegation relating to executive functions. This report fulfils that requirement as well as informing Members' of amendments made by the Monitoring Officer, under her authority set out in Article 15 of the constitution to make changes which are required as a result of decisions of the Council or the executive, to enable her to maintain it up to date.

6.0 Conclusions

- 6.1 Amendments have been made to the constitution, to implement phase one of the Council's Change Programme.

7.0 Recommendations

- 7.1 The Council is asked to note the amendments to the constitution as set out in this report, and the attached appendices.

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Table of executive delegations Appendix 1

Post	Amendment	Comment	Annex no.
Chief Executive	None	-	-
The Director of Children's Services	New footnote	<p>New footnote for clarity confirms that functions relating to early years and youth services are included within the delegation.</p> <p>In part the Director's authority is concurrent with</p> <ul style="list-style-type: none"> • Chief Officer (Early Years and Youth Services) • Chief Officer (Children's Social Services) <p>(See following Annex A(i) and A(ii))</p>	A
The Chief Social Services Officer	Deleted	Post not extant from 31 March 2007, due to appointment of Director of Adult Social Services.	-
The Director of City Services	None	-	-
The Director of Corporate Services	Re-designated	Post not extant from 31 March 2007, but see further Director of Resources	-
The Director of Development	Re-designated	Post not extant from 31 March 2007, but see further Director of City Development	-
The Director of Learning and Leisure	Deleted	Post not extant from 31 March 2007, but see further Director of City Development and Director of Environment and Neighbourhoods	-
The Director of Legal and Democratic Services	Re-designated	Post not extant from 31 March 2007, but see further Assistant Chief Executive (Corporate Governance).	-
The Director of Neighbourhoods and Housing	Re-designated	Post not extant from 31 March 2007, but see further Director of Environment and Neighbourhoods.	-

Table of executive delegations Appendix 1

New delegations

Post	Comment	Annex No.
Chief Officer (Early Years and Youth Services)	<p>NEW From 31st March 2007</p> <p>Concurrent delegation from Leader of Council to discharge any function of the Executive in relation to:</p> <ul style="list-style-type: none"> (a) early years development and child care planning; (b) youth services. 	A(i)
Chief Officer (Children's Social Services)	<p>NEW From 31st March 2007</p> <p>Concurrent delegation from Leader of Council to discharge any function of the Executive in relation to:</p> <ul style="list-style-type: none"> (a) social services, so far as those functions relate to <ul style="list-style-type: none"> (i) children or (ii) young people leaving care 	A(ii)
The Director of Adult Social Services	<p>New post, with delegation from 31 March 2007.</p> <ul style="list-style-type: none"> • Function (a) (social services functions in relation to adults); and • Function (b) (functions exercisable on behalf of an NHS body, so far as those functions relate to adults). 	B

Table of executive delegations Appendix 1

Post	Comment	Annex No.
	<p>(Functions (a) and (b) were previously delegated to Chief Social Services Officer.)</p> <ul style="list-style-type: none"> • Function (c) (arrangements to protect and promote the welfare of vulnerable adults) delegates functions in relation to matters which are not social services functions but which relate to vulnerable adults. 	
The Director of City Development	<p>From 31 March 2007.</p> <ul style="list-style-type: none"> • Functions 1(a) – (c) and 2 (a) – (n): previously delegated to the Director of Development; • Functions (o) – (r): (culture and recreation) previously delegated to the Director of Learning and Leisure; 	C
The Director of Environment and Neighbourhoods	<p>From 31 March 2007.</p> <ul style="list-style-type: none"> • Functions 1 and 2.(a) – (g): previously delegated to the Director of Neighbourhoods and Housing; • Function 2.(h) (vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees): previously delegated to the Director of Learning and Leisure. 	D
Assistant Chief Executive (Corporate Governance)	<p>From 31 March 2007.</p> <p>All functions were previously delegated to the Director of Legal and Democratic Services, with the exception of a minor amendment to 2(iii) to update the delegation, further to the Licensing Act 2003 and the Gambling Act 2005.</p>	E

Table of executive delegations Appendix 1

Post	Comment	Annex No.
Director of Resources	From 31 March 2007. All functions previously delegated to the Director of Corporate Services.	F

THE DIRECTOR OF CHILDREN'S SERVICES¹

With the exception of those matters where an appropriate Executive Member² has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration³, the Director of Children's Services⁴ is authorised to discharge any function⁵ of the Executive in relation to:

- (a) the authority's role as children's services authority⁶;
- (b) social services, so far as those functions relate to
 - (i) children or
 - (ii) young people leaving care⁷;
- (c) functions exercisable on behalf of an NHS body⁸, so far as they relate to children;
- (d) the authority's role as local education authority⁹ excluding vocational training and allied services.

¹ Appointed under Section 18 Children Act 2004

² An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

³ The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

⁴ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for the delegated authority to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁵ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing to anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

⁶ Including functions in relation to:

- arrangements to promote co-operation to improve well-being of children;
- arrangements to safeguard and promote welfare of children;
- information data-bases;
- the Local Safeguarding Children Board.

⁷ Under sections 23C and 24D of the Children Act 1989, so far as not falling within (i).

⁸ Under Section 31 of the Health Act 1999

⁹ Including early years development, childcare planning and youth services.

CHIEF OFFICER (EARLY YEARS AND YOUTH SERVICES)

With the exception of those matters where

- (i) an appropriate Executive Member¹ or the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration²; or
- (ii) the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Early Years and Youth Services)³ is authorised⁴ to discharge any function⁵ of the Executive in relation to:

- (a) early years development and child care planning;
- (b) youth services.

¹ An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

² The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of Children's Services

³ The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

⁴ The Chief Officer must consult the Director of Children's Services before taking any key or major decisions.

⁵ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

CHIEF OFFICER (CHILDREN'S SOCIAL SERVICES)

With the exception of those matters where

- (i) an appropriate Executive Member¹ or the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration²; or
- (ii) the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Children's Social Services)³ is authorised⁴ to discharge any function⁵ of the Executive in relation to:

- (a) social services, so far as those functions relate to
 - (i) children or
 - (ii) young people leaving care⁶;

¹ An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

² The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of Children's Services

³ The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

⁴ The Chief Officer must consult the Director of Children's Services before taking any key or major decisions.

⁵ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

⁶ Under sections 23C and 24D of the Children Act 1989, so far as not falling within (i).

THE DIRECTOR OF ADULT SOCIAL SERVICES¹

With the exception of those matters where an appropriate Executive Member², has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration,³ the Director of Adult Social Services⁴ is authorised to discharge any function⁵ of the Executive in relation to:

- (a) social services so far as those functions relate to adults⁶;
- (b) functions exercisable on behalf of an NHS body⁷, so far as those functions relate to adults⁸;
- (c) arrangements to protect and promote the welfare of vulnerable adults⁹, including vulnerable young people moving into adulthood.

¹ Appointed under Section 6 Local Authority Social Services Act 1970

² An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board

³ The Director of Adult Social Services may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

⁴ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for the delegate authority to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁵ “Function” for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director of Adult Social Services Officer as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

⁶ That is, do not relate to:

(i) children or

(ii) young people leaving care under sections 23C and 24D of the Children Act 1989, so far as not falling within (i).

⁷ Under Section 31 of the Health Act 1999

⁸ See footnote 6 above

⁹ So far as not falling within (a) above. See also footnote 6 above

THE DIRECTOR OF CITY DEVELOPMENT

With the exception of those matters where an appropriate Executive Member¹ has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration² and with the exception of those matters reserved to the Executive Board³, the Director of City Development⁴ is authorised to discharge the following functions⁵:

1. Local choice functions which have been assigned to the Executive (see Section 1 Part 3 of the Constitution):
 - (a) any function related to contaminated land;
 - (b) obtaining of information as to interests in land; and
 - (c) the making of arrangements for the execution of highways works under S278 Highways Act 1980.

2. Any function of the Executive⁶ in relation to:
 - (a) the management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land);
 - (b) the operation of retail and wholesale markets and car boot sales;
 - (c) the promotion of economic development;
 - (d) the management of the city centre (including the promotion of the city centre and management of public spaces);
 - (e) the authority's role as local planning authority⁷;
 - (f) building control (whether under the Building Act 1984 or otherwise);

¹ An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board.

² The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

³ Certain disposals of land are currently required to be referred to an appropriate committee for consideration.

⁴ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁵ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

⁶ The Director of City Development will be mindful of the potential for conflicts of interest arising and will make appropriate arrangements in this respect.

⁷ Save where any such functions are exercisable by a Plans Panel, the discharge of all **Council functions** relating to town and country planning and development control has been delegated to the Chief Planning Officer. No such **Council functions** will be exercisable by the Director.

Officer Delegation Scheme (Executive Functions)

- (g) the authority's role as highways authority and road traffic authority relating to transportation and engineering services;
- (h) safety at sports grounds;
- (i) land drainage;
- (j) environmental management (including policy development on waste management) and the formulation and implementation of environmental improvement programmes;
- (k) design services;
- (l) asset management;
- (m) street naming and numbering;
- (n) tourism and promotions;
- (o) cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainments, halls and venues);
- (p) recreation services (including parks, countryside and sports facilities);
- (q) cemeteries, crematoria, burial grounds and mortuaries;
- (r) countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), and the provision and maintenance of landscaping schemes.

THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOODS

With the exception of those matters where an appropriate Executive Member¹, has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board, for consideration², the Director of Environment and Neighbourhoods³ is authorised to discharge the following functions:

1. Local choice functions which have been assigned to the Executive (see Section 1 Part 3 of the Constitution):
 - (a) the service of an abatement notice in respect of a statutory nuisance;
 - (b) the passing of a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
 - (c) the inspection of the authority's area to detect any statutory nuisance;
 - (d) the investigation of any complaint as to the existence of a statutory nuisance; and
 - (e) the control of pollution or management of air quality.
2. Any function⁴ of the Executive in relation to
 - (a) the authority's role as housing authority excluding those functions which the authority has agreed, with the approval of the Secretary of State, that another person should exercise as agent of the authority⁵;
 - (b) the condition and occupation of housing, caravan sites and land occupied by travelling people;
 - (c) environmental and consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases);
 - (d) regeneration, community planning and community initiatives;

¹ An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

² The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

³ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁴ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

⁵ These agreements have been made in accordance with Section 27 Housing Act 1985 - see further addendum 1

Officer Delegation Scheme (Executive Functions)

- (e) community safety and the reduction of crime and disorder (including the management of closed circuit TV);
- (f) the management and oversight of area based working arrangements;
- (g) animal welfare;
- (h) vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees.

THE ASSISTANT CHIEF EXECUTIVE (CORPORATE GOVERNANCE)

With the exception of those matters where an appropriate Executive Member¹ has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration², the Assistant Chief Executive (Corporate Governance)³ is authorised to:

- (a) act as Solicitor to the Council and to take any action intended to give effect to a decision of the Executive or an officer, including the commencement, defence, withdrawal or settlement of proceedings, and the authorisation of Council officers to conduct legal matters in court;
- (b) discharge any function⁴ of the Executive in relation to:
 - (i) the management of corporate governance;
 - (ii) land charges;
 - (iii) vehicle licensing, other licensing⁵ and enforcement;
 - (iv) elections;
 - (v) data protection, human rights, freedom of information and the regulation of surveillance activities;
 - (vi) the registration of births, deaths, marriages and civil partnerships;
 - (vii) the management of matters relating to Members, the Lord Mayor, committees and scrutiny support; and
 - (viii) procurement and purchasing.

¹ An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board

² The Assistant Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

³ The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and the Assistant Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Assistant Chief Executive remains responsible for any decision taken pursuant to such arrangements.

⁴ “Function” for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Assistant Chief Executive as “proper officer” for the purpose of any function delegated to him/her under these arrangements. Note, however, for purposes of data protection, human rights, freedom of information, and the regulation of surveillance activities “function” is limited to preparing policies and strategies for approval, guidance and advice, notification and dealings with the Information Commissioner generally, and monitoring compliance.

⁵ Under the Licensing Act 2003, and the Gambling Act 2005.

THE DIRECTOR OF RESOURCES

With the exception of those matters where an appropriate Executive Member¹ has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration², the Director of Resources³ is authorised to discharge any function⁴ of the Executive in relation to:

- (a) making arrangements for the proper administration of the authority's financial affairs⁵ including administration of benefits, student support, the collection of revenue, council tax and national non domestic rates, internal audit, creditor payments, pensions and the Council's insurance arrangements;
- (b) industrial relations and employment matters, including employee training and health and safety;
- (c) risk management;
- (d) civil defence and emergency peace time planning; and
- (e) the management of matters relating to the application of information, communication and associated technologies to support the discharge of any function of the Executive;

¹ An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

² The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

³ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁴ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements

⁵ The Director of Resources has responsibility for these arrangements as Section 151 Officer

Appendix 2

SECTION 3B (a) : EXECUTIVE MEMBER PORTFOLIOS

EXECUTIVE MEMBER	DECISION MAKING OVERVIEW
Central and Corporate Cllr Mark Harris Liberal Democrat Group	Chief Executive, Assistant Chief Executive (Corporate Governance), Director of Resources and Director of Environment and Neighbourhoods (functions relating to jobs and skills only ¹)
Development Cllr Andrew Carter Conservative Group	Director of City Development (excluding functions relating to culture and recreation) ² , Director of Environment and Neighbourhoods (functions relating to regeneration only ³)
City Services Cllr Steve Smith Liberal Democrat Group	Director of City Services
Neighbourhoods and Housing Cllr John Leslie Carter Conservative Group	Director of Environment and Neighbourhoods (excluding regeneration and jobs and skills) ⁴
Children's Services Lead Executive Member Cllr Richard Brett Liberal Democrat Group	Director of Children's Services and Chief Officer (Children's Social Services)
Children's Services Support Executive Member Cllr Richard Harker Liberal Democrat Group	Director of Children's Services (functions relating to early years, education and youth services) ⁵ and Chief Officer (Early Years and Youth Services)
Leisure Cllr John Procter Conservative Group	Director of City Development (functions relating to culture and recreation) ⁶
Adult Health and Social Care Cllr Peter Harrand Conservative Group	Director of Adult Social Services
Customer Services Cllr David Blackburn Green Group	
Leader of the Labour Group Cllr Keith Wakefield Labour Group	

¹ Function 2(h) of the officer delegation to the Director of Environment and Neighbourhoods

² Functions 1(a) – (c) and 2(a) – (n) of the officer delegation to the Director of City Development

³ Function 2(d) of the officer delegation to the Director of Environment and Neighbourhoods, except in so far as this relates to community planning and initiatives

⁴ Functions 1(a) – (e) and 2(a) – (c), (d) except in so far as this relates to regeneration, (e) - (g) of the officer delegation to the Director of Environment and Neighbourhoods

⁵ Function (d) of the officer delegation to the Director of Children's Services

⁶ Functions 2(o) - (r) of the officer delegation to the Director of City Development

Table of Council delegations

Appendix 3

Post	Proposal	Comment
Chief Executive	Retained	No amendment
The Director of Children's Services	Retained	No amendment
The Chief Social Services Officer	No existing Council delegation	-
The Director of City Services	Retained	No amendment
The Director of Corporate Services	Re-designated	Post not extant from 31 March 2007, but see further Director of Resources
The Director of Development	Re-designated	Post not extant from 31 March 2007, but see further Director of City Development
The Director of Learning and Leisure	Deleted	Post not extant from 31 March 2007, but see further Director of City Development
The Director of Legal and Democratic Services	Re-designated	Post not extant from 31 March 2007, but see further Assistant Chief Executive (Corporate Governance)
The Director of Neighbourhoods and Housing	Re-designated	Post not extant from 31 March 2007, but see further Director of Environment and Neighbourhoods

Table of Council delegations

Appendix 3

New delegations

Post	Comment	Annex no.
The Director of Adult Social Services	New post, with delegation from 31 March 2007. No council functions to be delegated	-
The Director of City Development	From 31 March 2007. <ul style="list-style-type: none"> • Functions (a) – (d) previously delegated to the Director of Development; • Functions (e) – (jj) in relation to culture and recreation previously delegated to the Director of Learning and Leisure. 	G
The Director of Environment and Neighbourhoods	From 31 March 2007. Functions previously delegated to Director of Neighbourhoods and Housing	H
Assistant Chief Executive (Corporate Governance)	From 31 March 2007. Functions previously delegated to Director of Legal and Democratic Services	I
Director of Resources	From 31 March 2007. Functions previously delegated to Director of Corporate Services	J

Director of City Development

The Director of City Development is authorised to discharge the following Council (non-executive) functions:

(a)	To license market and street trading	Part III of , and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(b)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(c)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(d)	To issue fire certificates	Section 5 of the Fire Precautions Act 1971
(e)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(f)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(g)	To create footpath or bridleway by agreement	Section 25 of the Highways Act 1980
(h)	To create footpaths and bridleways	Section 26 of the Highways Act 1980
(i)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(j)	To stop up footpaths and bridleways	Section 118 of the Highways Act 1980
(k)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(l)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(m)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(n)	To divert footpaths and bridleways	Section 119 of the Highways Act 1980
(o)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(p)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(q)	To make a special diversion order	Section 119B of the Highways Act 1980
(r)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(s)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(t)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(u)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(v)	To authorise temporary disturbance of surface of footpath or bridleway	Section 135 Highways Act 1980
(w)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980

Officer Delegation Scheme (Council (non-executive) functions) **G**

(x)	To divert footpath or bridleway temporarily	Section 135A of the Highways Act 1980
(y)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(z)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(aa)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(bb)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(cc)	To reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981
(dd)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(ee)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(ff)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(gg)	To authorise stopping up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990
(hh)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(ii)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(jj)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

Director of Environment and Neighbourhoods

The Director of Environment and Neighbourhoods is authorised to discharge the following Council (non-executive) functions:

(a)	To issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990
(e)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(f)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(g)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(h)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(i)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(j)	To license knackers' yards	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999
(k)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(l)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(m)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(n)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(o)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(p)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(q)	To approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI

Officer Delegation Scheme (Council (non-executive) functions)

		1994/3082)
(r)	To approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205)
(s)	To approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086)
(t)	To approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)
(u)	To issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)
(v)	To approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/992)
(w)	To approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
(x)	To register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
(y)	To keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)
(z)	To register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991

ASSISTANT CHIEF EXECUTIVE (CORPORATE GOVERNANCE)

1. The Assistant Chief Executive (Corporate Governance) is the Monitoring Officer for the Council.
2. Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the following Council (non-executive) functions:

Licensing and Regulations:

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	*To register pool promoters♦	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(e)	*To grant track betting licences♦	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(f)	*To licence inter-track betting schemes♦	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963
(g)	*To grant permits in respect of premises with amusement machines♦	Schedule 9 to the Gaming Act 1968
(h)	*To register societies wishing to promote lotteries♦	Schedule 1 to the Lotteries Amusements Act 1976
(i)	*To grant permits in respect of premises where amusements with prizes are provided♦	Schedule 3 to the Lotteries and Amusements Act 1976
(j)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(p)	*To license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act

Officer Delegation Scheme (Council (non-executive) functions)

		1972
(q)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(r)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(s)	*To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
(t)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

◆ From 1 September 2007 these provisions will be repealed and licences will be granted under the Gambling Act 2005 by the Licensing Committee. From 30 April 2007 the Licensing Committee will have delegated power to deal with transitional applications to convert these licences to licences under the 2005 Act. The Panel will deal with any new applications made prior to 1 September 2007 where these are permitted by legislation

Functions relating to elections:

(a)	Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part
(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to standing orders:

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

Exceptions:

The Assistant Chief Executive (Corporate Governance) is not authorised to discharge those functions marked *above where objections have been received.

Licensing Functions delegated by Licensing Committee:

Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the licensing functions ⁸ of the licensing authority.	Licensing Act 2003
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

⁸ "Licensing functions" means functions under the 2003 Act

Exceptions:

- any licensing function¹ reserved to full Council;⁹ and
- any licensing function where full Council has referred a matter to a committee other than the Licensing Committee;¹⁰ and
- any licensing function within the terms of reference of the Licensing Sub-committees¹¹; and
- any function under Section 52(2) or (3) of the Act; and
- any function under Section 88(2) or (3) of the Act; and
- any function under Section 167(5) of the Act: and
- to determine whether Section 20(3) or 74(3) applies to a film and make recommendations about the admission of children to that film; and
- to object when the Authority is consultee and not the relevant authority considering an application.

⁹ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁰ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹¹ Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer.

Director of Resources

The Director of Resources is authorised to discharge the following Council (non-executive) functions:

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make Financial Procedure Rules	Paragraph 42 of Schedule 12 to the Local Government Act 1972
(c)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal ³	Section 112 Local Government Act 1972
(d)	To determine employee terms and conditions	Section 112 Local Government Act 1972

³ Except in relation to those which are to be determined by the Employment Committee.
Part 3 Section 2C
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Issue

ARTICLE 12 - OFFICERS

12.1 MANAGEMENT STRUCTURE

- **General**

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

- **Chief Officers**

The full Council will engage persons for the following posts, who will be designated Chief Officer:

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
Chief Executive ¹ (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers);</p> <p>Equality of opportunity in employment and service delivery; performance management and service development; policy development, external relations and communications, customer services and the promotion of welfare rights;</p> <p>Provision of professional advice to all parties in the decision making process;</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions;</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Deputy Chief Executive	<p>Assisting the Chief Executive in the overall corporate management and operational responsibility of the Council;</p> <p>Taking the lead on corporate initiatives, particularly the delivery of the Council's organisational corporate objectives;</p> <p>Representing the Council on partnership and external bodies.</p>

¹ Any reference to a "Director" within the Constitution shall be deemed to include reference to the Chief Executive, the Deputy Chief Executive and the Assistant Chief Executive (Corporate Governance) unless the context requires otherwise.

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
<p>Assistant Chief Executive (Corporate Governance) (and Monitoring Officer)</p>	<p>The Solicitor to the Council and Monitoring Officer; provision of legal advice;</p> <p>Management of corporate governance;</p> <p>Procurement and purchasing, electoral matters, land charges, vehicle licensing, other licensing² and enforcement duties, registration of births, deaths and marriages and civil partnerships, and the management of matters relating to Members, the Lord Mayor, Committees and Scrutiny Support;</p> <p>Data protection, human rights, freedom of information and regulation of surveillance activities.</p>
<p>Director of Resources (and Section 151 Officer)</p>	<p>The Chief Finance Officer to the Council and Section 151 Officer; provision of financial advice;</p> <p>Ensuring financial prudence of decision making, administration of financial affairs including benefits, student support, the collection of revenue, Council tax and national non domestic rates, internal audit, creditor payments and the Council's insurance arrangements;</p> <p>Industrial relations and employment matters including employee training and health and safety;</p> <p>Risk management, civil defence and emergency peace time planning;</p> <p>The application of information, communication and associated technologies to support the discharge of any of the Council's functions.</p>
<p>Director of City Services</p>	<p>The provision of services relating to building maintenance, catering, cleaning, transport (including corporate fleet management and maintenance and passenger transport) and school crossing patrols;</p> <p>Civic and community buildings, accommodation and facilities management;</p> <p>Matters relating to highways and road traffic (except those carried out by Director of City Development) including parking enforcement;</p> <p>Streetscene management (and enforcement) including street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly tipping and dog warden services.</p>

² Under the Licensing Act 2003 and the Gambling Act 2005
Part 2 Article 12
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<p>Director of City Development</p>	<p>Contaminated land, obtaining information as to interest in land, and arrangements for the execution of highways works;</p> <p>The management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land); the operation of retail and wholesale markets and car boot sales;</p> <p>The promotion of economic development and management of the city centre (including the promotion of the city centre and management of public spaces);</p> <p>Highways and road traffic regarding transportation and engineering services;</p> <p>Planning, building control (whether under the Building Act 1984 or otherwise); safety at sports grounds, land drainage, environmental management (including policy development on Waste Management) and the formulation and implementation of environmental improvement programmes;</p> <p>Design services and asset management;</p> <p>Street naming and numbering;</p> <p>Cultural services (including the arts, libraries, record repositories, museums and art galleries, tourism and promotions, public entertainment, halls and venues);</p> <p>Recreation services (including parks, countryside and sports facilities), cemeteries, crematoria, burial grounds and mortuaries, countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), the provision and maintenance of landscaping schemes.</p>
<p>Director of Environment and Neighbourhoods</p>	<p>Statutory nuisances and air quality;</p> <p>Housing (excluding those matters delegated to ALMOs), the condition and occupation of housing, caravan sites and land occupied by travelling people; environmental and consumer protection; health and safety, public health (including the investigation and control of notifiable diseases); animal welfare;</p> <p>Regeneration, community planning and community initiatives, community safety and the reduction of crime and disorder;</p> <p>Management and oversight of area based working arrangements;</p> <p>Vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to</p>

	obtain employment, and employers to obtain employees.
Director of Children's Services ³	The planning, commissioning and delivery of children's services (i.e. education, social and health services pertaining to children) and the promotion of arrangements for inter-agency co-operation.
Director of Adult Social Services ⁴	The planning, commissioning and delivery of services for vulnerable adults including social services and the promotion of arrangements for inter-agency co-operation.

Officer functions are further described in Part 3 of the Constitution.

- **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

DESIGNATION	POST	DEPUTY
Head of Paid Service	Chief Executive	Deputy Chief Executive
Monitoring Officer	Assistant Chief Executive (Corporate Governance)	Chief Legal Services Officer
Chief Finance Officer	Director of Resources	Chief Officer (Financial Management)

The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness.

Such posts will have the functions described in Article 12.2–12.4 below.

- **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

³ Appointed under Section 18 Children Act 2004

⁴ Appointed under Section 6 of the Local Authority Social Services Act 1970

12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

- **Discharge of functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

- **Restrictions on functions**

The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 FUNCTIONS OF THE MONITORING OFFICER

- **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

- **Ensuring lawfulness and fairness of decision making.**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

- **Receiving reports**

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the Case Tribunals.

- **Conducting investigations.**

The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

- **Proper officer for access to information.**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- **Advising whether executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework

- **Contributing to corporate management**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

- **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors in their respective roles.

- **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

- **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

- **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.5 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 **Conduct**

Officers will comply with the codes of conduct and protocols set out in Part 5 of this Constitution.

12.7 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

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PART 7

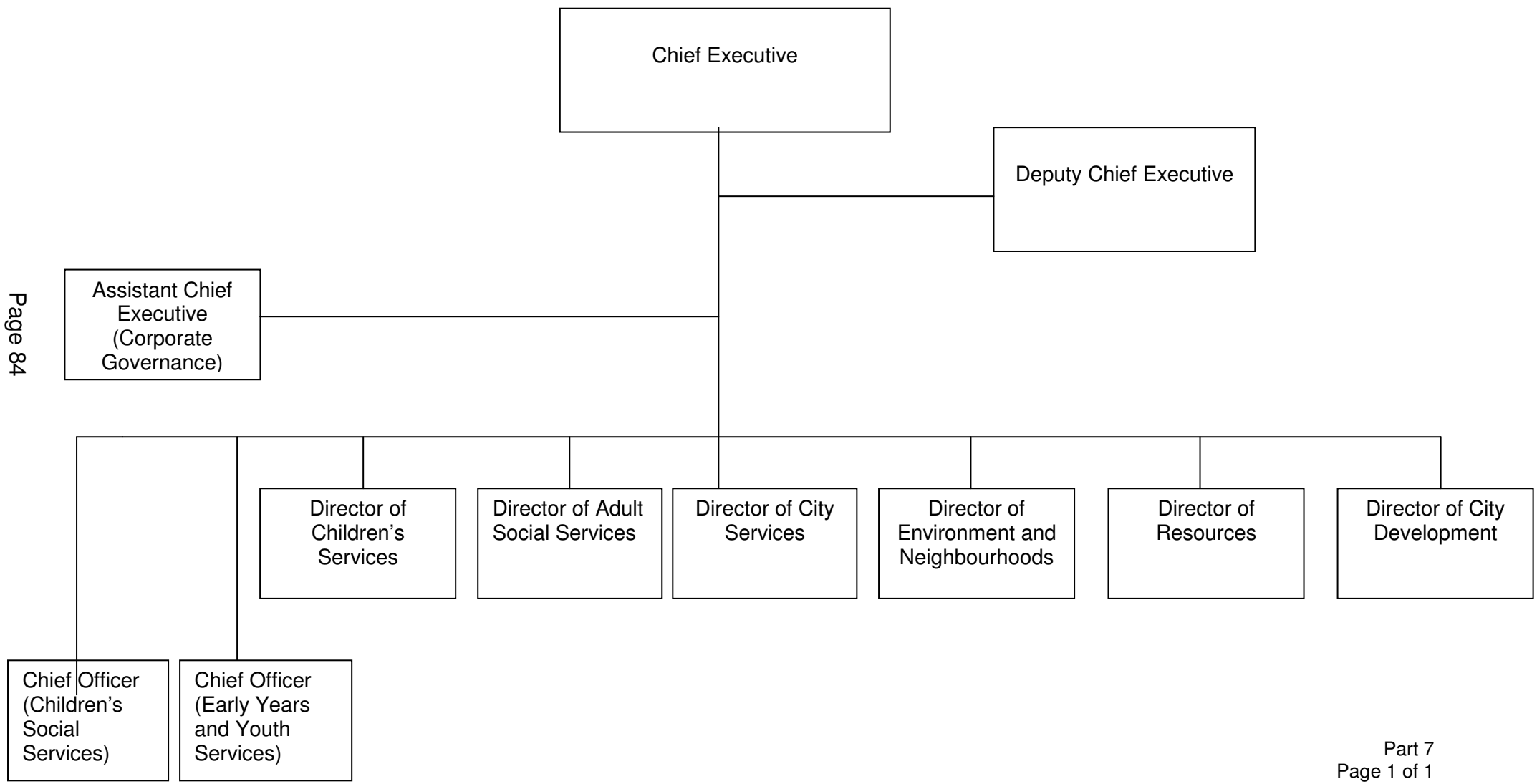
MANAGEMENT STRUCTURE

Contact Name

Nicole Jackson
Telephone: 247 4537

Body/Person with authority to
change the document
Assistant Chief Executive
(Corporate Governance)

MANAGEMENT STRUCTURE



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