



---

## **SCRUTINY BOARD (CENTRAL AND CORPORATE)**

---

**Call-In Meeting to be held in the Civic Hall, Leeds on  
Thursday, 9th April, 2009 at 11.30 am**

---

### **MEMBERSHIP**

#### **Councillors**

- M Dobson (Chair) - Garforth and Swillington;
- B Atha - Kirkstall;
- J Bale - Guiseley and Rawdon;
- S Bentley - Weetwood;
- B Chastney - Weetwood;
- P Davey - City and Hunslet;
- J Dowson - Chapel Allerton;
- P Ewens - Hyde Park and Woodhouse;
- M Hamilton - Headingley;
- V Kendall - Roundhay;
- A Lowe - Armley;
- B Selby - Killingbeck and Seacroft;
- P Wadsworth - Roundhay;

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Chief Democratic Services Officer at least 24 hours before the meeting).</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on this agenda</b></p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>	
4			<p><b>DECLARATIONS OF INTEREST</b></p> <p>To declare any personal / prejudicial interests for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence.</p>	
6			<p><b>CALL-IN DECISION - BRIEFING PAPER</b></p> <p>To consider a report of the Head of Scrutiny and Member Development.</p>	1 - 4
7			<p><b>REVIEW OF DECISION - BUDGET ACTION PLAN STAFFING ISSUES (REFERENCE NUMBER D35201)</b></p> <p>In accordance with the Scrutiny Procedure Rules, to review the attached delegated decision of the Director of Resources in relation to Budget Action Plan Staffing Issues.</p>	5 - 14
8			<p><b>OUTCOME OF CALL-IN</b></p> <p>In accordance with the Scrutiny Procedure Rules, to consider the Board's formal conclusions and recommendation (s) arising from consideration of the Called-In decision.</p>	

This page is intentionally left blank



---

### Report of the Head of Scrutiny and Member Development

#### Scrutiny Board (Central & Corporate Functions)

Date: 9th April 2009

Subject: CALL IN OF DECISION – BRIEFING PAPER

---

**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

### 1.0 INTRODUCTION AND BACKGROUND

- 1.1 In accordance with the Council's Constitution, an officer decision has been Called In.<sup>1</sup> The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
- 1.2 This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.
- 1.3 The Board is advised that the Call In is specific to the report considered under the officer delegation decision scheme and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

### 2.0 REVIEWING THE DECISION

- 2.1 The process of reviewing the decision is as follows:
  - Members who have requested the Call In invited to explain their concern/reason for Call In request.
  - Relevant Officer(s) asked to explain decision.
  - Further questioning from the Board as appropriate.

---

<sup>1</sup> Scrutiny Board Procedure Rules Paragraph 22

- 2.2 Members are reminded that it is only the decision Called In that the Board can make any recommendation on.

## **OPTIONS AVAILABLE TO THE BOARD**

- 3.1 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of three courses of action as set out below:

### Option 1- Release the decision for implementation

- 3.2 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

### Option 2 - Recommend that the decision be reconsidered.

- 3.3 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- 3.4 In the case of a delegated decision, the report of the Scrutiny Board will be submitted to the appropriate Officer within three working days of this meeting. The Officer will reconsider his/her decision and will publish the outcome of his/her deliberations on the delegated decision system. The decision may not be Called In again whether or not it is varied.

### Option 3 - Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted.

- 3.5 This course of action would only apply if the Scrutiny Board determined that a decision **fell outside the Council's Budget and Policy Framework** and this determination were confirmed by the Council's Section 151 Officer (in relation to the budget) or Monitoring Officer (in relation to other policies).
- 3.6 If, at the conclusion of this meeting, the Scrutiny Board forms an initial determination that the decision in question should be challenged on the basis of contravening the Budget and Policy Framework, then confirmation will subsequently be sought from the appropriate statutory officer.
- 3.7 Should the statutory officer support the Scrutiny Board's determination, then the report of the Scrutiny Board will be presented in the same manner as for Option 2. If the decision maker accepts the recommendation of the Scrutiny Board in these circumstances, then the revised decision will be published in the same manner as for Option 2 and the decision may not be Called In again. If, however, the decision maker does not accept the recommendation of the Scrutiny Board, then the matter will be referred to full Council for final decision. Decisions of full Council may not be Called In.
- 3.8 Should the appropriate statutory officer not confirm that the decision contravenes the Budget and Policy Framework, then the report of the Scrutiny Board would normally be progressed as for Option 2 (i.e. presented as a recommendation to the decision taker) but with no recourse to full Council in the event that the decision is not varied. As with Option 2, no further Call In of the decision would be possible.

3.9 However, the Scrutiny Board may resolve that, if the statutory officer does not confirm contravention of the Budget and Policy Framework, then it should be released for implementation in accordance with Option 1.

#### **4.0 FAILURE TO AGREE ONE OF THE ABOVE OPTIONS**

4.1 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

#### **5.0 FORMULATING THE BOARD'S REPORT**

5.1 If the Scrutiny Board decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.

5.2 If the Scrutiny Board wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.

5.3 Because of the tight timescales within which a decision Call In must operate, it is important that the Scrutiny Board's report be agreed at the meeting.

5.4 If the Scrutiny Board decides to pursue either of Options 2 or 3, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/ agree this statement as appropriate (a separate item has been included in the agenda for this purpose).

5.5 This statement will then form the basis of the Scrutiny Board's report (together with factual information as to details of the Called In decision, lists of evidence/witnesses considered, Members involved in the Call In process etc).

5.6 The Scrutiny Board is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

#### **6.0 RECOMMENDATION**

6.1 The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

#### **Background Papers**

None

This page is intentionally left blank





---

**Report of the Head of Scrutiny and Member Development**

**Scrutiny Board (Central and Corporate Functions)**

**Date: 9<sup>th</sup> April 2009**

**Subject: Review of Decision – Budget Action Plan Staffing Issues**

---

**Electoral Wards Affected: ALL**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

**1.0 INTRODUCTION AND BACKGROUND**

1.1 This paper presents the background papers to a decision which has been Called In in accordance with the Council's Constitution.<sup>1</sup>

1.2 Papers are attached as follows:

- Copy of completed Call In request form
- The Delegated Decision Notification.

1.3 Appropriate Members and/or officers have been invited to attend the meeting in order to explain the decision and respond to questions.

**2.0 RECOMMENDATION**

2.1 The Scrutiny Board (Central and Corporate Functions) is asked to review this decision and to determine what further action it wishes to take.

**Background Papers**

None

---

<sup>1</sup> Scrutiny Board Procedure Rules Paragraph 22

This page is intentionally left blank

**CALL IN REQUEST**

A Call In request may be made by:

- a) Any five non-executive Members of council, OR
- b) two non-executive Members of council if they are not from the same political group<sup>1</sup>

Date of decision publication: 25 <sup>th</sup> March 2009
Delegated decision ref: D35201
Executive Board Minute no: .....or
Area Committee Name and decision ref: .....
Decision description: Budget Action Plan Staffing Issues

<b>Reasons for Call In:</b> All requests for Call In must detail why, in the opinion of the signatories, the decision was not taken in accordance with the principles set out in Article 13 of the Council constitution (decision making) (principles of decision making) or where relevant issues do not appear to be taken into consideration. <i>Please tick the relevant box(es) and give an explanation.</i>	
<input type="checkbox"/>	Proportionality (ie the action must be proportionate to the desired outcome)
<input checked="" type="checkbox"/>	Due consultation and the taking of professional advice from officers
<input type="checkbox"/>	Respect for human rights
<input type="checkbox"/>	A presumption in favour of openness
<input checked="" type="checkbox"/>	Clarity of aims and desired outcomes
<input checked="" type="checkbox"/>	An explanation of the options considered and details of the reasons for the decision
<input type="checkbox"/>	Positive promotion of equal opportunities
<input type="checkbox"/>	Natural justice
<b>Explanation:</b> We the undersigned members would like an explanation of the consultation undertaken with staff and trade unions. We would also like an explanation of the aims of these workforce changes, and we would like to be made aware what other options were considered and what the reasons were for these decisions.	

<sup>1</sup> In the case of decisions made by Area Committees, a Member cannot count as one of the two / five signatures if they are a member of that Area Committee.

Leeds City Council Scrutiny Support Unit

1) Signature Political group  
Print name ... P J G R V E N *[Signature]*

2) Signature Political group  
Print name.... *Neil Taggart* NEIL TAGGART Labour

NB: Only two signatures are required if the councillors signing this form are not from the same political group (option b above).

For option a) continue to fill in the rest of the signatures.

3) Signature  
Print name.... *[Signature]*  
GEOFFREY DRIVER .

4) Signature *K. Renshaw*  
Print name..... KAREN RENSHAW.

5) Signature *Elizabeth Nash*  
Print name.... ELIZABETH NASH

This form should be submitted to the Head of Scrutiny and Member Development (Scrutiny Support Unit, 1st Floor West, Civic Hall) by **5.00pm on the fifth working day after the decision publication date**. The office is open from 9.00am to 5.00pm.

(For further information on the Call In procedure please refer to the Scrutiny Support Unit intranet site, or contact the Unit on 39 51151).

For office use only: (box A)

Received on behalf of the Head of Scrutiny and Member Development by:  
.....(signature)

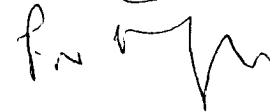
Date: ..... Time: ..... SSU ref: .....

For office use only: (box B)

Exemption status checked:

Call In authorised: Yes / No

Date checked:  11/4/09

Signed: 

Signatures checked:

Date: 1.4.09

Receipts given:

Validity re article 13

Receipt details: Email .....

This page is intentionally left blank

# DELEGATED DECISION NOTIFICATION

REF NO <sup>1</sup>
D35201

SERVICE AREA 

Resources Directorate
-----------------------

SUBJECT <sup>2</sup>

Budget Action Plan Staffing Issues
------------------------------------

DECISION <sup>3</sup>

COUNCIL FUNCTION <input type="checkbox"/>	EXECUTIVE DECISION (KEY) <input type="checkbox"/>	EXECUTIVE DECISION (MAJOR) <input checked="" type="checkbox"/>	EXECUTIVE DECISION (OTHER) <input type="checkbox"/>
NOT SUBJECT TO CALL IN	<sup>4</sup> EXEMPT FROM CALL IN: No	<sup>4</sup> EXEMPT FROM CALL IN: YES / NO	NOT SUBJECT TO CALL IN

Consultations and negotiations with the trade unions have been held regarding a range of measures to change terms and conditions. The Director of Resources has agreed that these will now be implemented with effect from 1<sup>st</sup> April 2009. The changes are:

- charging staff for the use of city centre car parking permits
- revising the Council's Managing Work-force Change Policy; which includes reducing the period before notice of to end employment will be given from 12 to 9 months
- changing the timing extra-statutory holidays to ensure services are open on the Tuesdays after bank holiday Mondays at Easter, and Spring and August bank holidays.

NB Since putting this decision in the Forward Plan, the number of permits taken is 207, generating less than £100k, making this a major rather than key decision

AFFECTED WARDS 

All
-----

ADVICE SOUGHT

	Yes	No
Legal	x	
Finance	x	x
Personnel	x	
Equal Opportunities	x	
Other (please specify)	x	trade unions

<sup>1</sup> This reference number will be assigned by Governance Services and notified to you

<sup>2</sup> A brief heading should be inserted

<sup>3</sup> Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding upon the chosen option, although care must be taken not to disclose any confidential or commercially sensitive information. Guidance on the substance of the note is available from Governance Services

<sup>4</sup> For Key and Major decisions only. If exempt from Call In details to be provided in the report. The Call In period expires at 5.00 pm on the 5<sup>th</sup> working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the 6<sup>th</sup> day.

DECLARED OFFICER / MEMBER INTERESTS<sup>5</sup>

DISPENSATION BY STANDARDS COMMITTEE  
DATE: .....

BACKGROUND PAPERS<sup>6</sup>  
Confidential report to CLT outlining the scope of negotiations.

CONFIDENTIAL REPORT  
YES NO X      RULE NO 10.4<sup>7</sup> ( )

	Yes	No	Date
Executive Member	<input type="checkbox"/>	x	January 2009 _____
Ward Councillors	<input type="checkbox"/>	x	
Chief Officers Affected	<input type="checkbox"/>		_____
Others (Specify) _____	<input type="checkbox"/>	trade Unions from January 2009	

CONTACT PERSON Lorraine Hallam      CONTACT NO 43063

AUTHORISED SIGNATORY<sup>8</sup>  


DATE  
23/3/09

	KEY	MAJOR	OTHER
<sup>9</sup> *First publication (5 day notice)			
Commencement for Call In		25/3/09	
Last date for Call In		2/4/09	
Implementation Date		3/4/09	

\* If key decision not on Forward Plan, the reason and need that the decision be taken are that:

<sup>5</sup> No officer having a pecuniary interest in any matter should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here.

<sup>6</sup> A separate Index should be prepared if necessary. ALL DOCUMENTATION UPON WHICH THE DECISION WAS BASED MUST BE RETAINED AND BE READILY ACCESSIBLE SO IT CAN BE PRODUCED SHOULD THE DECISION BE CHALLENGED

<sup>7</sup> Access to Information Procedure Rules

<sup>8</sup> The signatory must be duly authorised by the Director to make the decision in accordance with the Department's scheme. It is not acceptable for the signature to be 'pp' for an authorised signatory. For Key Decisions only, the date of the authorised signature signifies that, at the time, the Officer was content that the decision should be taken. However, should representations be received following public availability of reports the signatory will consider the effect which such representations should have upon the final decision.

<sup>9</sup> Governance Services will enter these dates





**Report of: Chief Officer HR**

**Corporate Leadership Team**

**Date of meeting: 16/12/2008**

**SUBJECT: Consultation and Negotiation Strategy Discussions**

<b>This Report is for;</b>			
Discussion Only <input type="checkbox"/>	Information Only <input type="checkbox"/>	Advice/consideration prior to taking a Key or Major decision or reporting to a Committee <input type="checkbox"/>	
<b>Decision to be taken by:</b>			
Full Council <input type="checkbox"/>		Corporate Governance and Audit Committee <input type="checkbox"/>	
Executive Board <input type="checkbox"/>		Standards Committee <input type="checkbox"/>	
An Area Committee <input type="checkbox"/>		Member Management Committee <input type="checkbox"/>	
A Regulatory Committee <input type="checkbox"/>		A Director using delegated authority <input type="checkbox"/>	

## Executive Summary

The challenge to improve services coupled with the current economic climate has prompted a need to review services and ways of working in order to meet our business priorities. Linked to this is the Council's budget position and along with other drivers there is a need to identify areas where efficiency savings can be realised. To address and support this, a variety of areas are being reviewed with a view to modernising practices, which have a direct impact on employee matters.

This report outlines how, following previous discussion with CLT, the Council will implement changes in relation to:

- Managing Workforce Change
- Use of extra statutory holidays
- Car Parking Charges
- Car Mileage Allowances

## **1.0 Purpose of the Report**

- 1.1 The purpose of this report is to engage discussions on the recommended proposals on how we will implement changes in relation to the 4 areas identified above.
- 1.2 CLT are requested to address the questions in bold italics contained within this report.
- 1.3 Full details of the recommended way forward can be found at Appendices 1 – 4 of this report. As these are matters that are subject to negotiation with trade unions, these are confidential.

## **2.0 Key Drivers**

- 2.1 There are numerous drivers that have prompted this review, which include:
- requests from Elected Members to modernise and improve services to meet customer expectations,
  - our commitment to reduce CO2 omissions and city centre congestion and lead by example to reduce the impact of our operations as a major employer in the city of Leeds,
  - developing a more effective and proactive redeployment process linked to workforce planning,
  - enabling Chief Officers to deliver better services with more modern employment practices, and
  - the context of the current economic climate and the Councils budget position has also contributed to the timing of these reviews and as a consequence some of the proposed changes have revenue generating and efficiency saving implications.
- 2.2 Clarity about the key drivers is fundamental as they will impact upon the implementation timescales, the approach adopted and potential risks and ultimately the decisions made around the consultation and negotiation strategy adopted.

## **8.0 Recommendations**

- 8.1 CLT are asked to:
- discuss and agree responses to the key questions identified in the report and the appendices,
  - determine timescales when each proposal needs to be delivered by,
  - approve the recommendations set out in the appendices to this report,
  - discuss and agree clear parameters regarding what can and cannot be negotiated, which will provide a mandate for the Director of Resources (who has decision making powers through the constitution) and Chief Officer HR that can be used to inform a negotiating approach with the Trade Unions and
  - engage in a discussion about an appropriate communication strategy to Elected Members, Directorates and employees and discuss and agree