

Report of City Solicitor**Report to Corporate Governance and Audit Committee****Date: 20th June 2017****Subject: Annual Decision Making Assurance Report**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. This is the annual report to the committee concerning the Council's decision making arrangements. The assurances contained within this report will feature in the draft Annual Governance Statement (to be considered by committee later in this agenda).

Recommendations

1. Members are requested to consider and note the positive assurances provided in this report given by the Head of Governance and Scrutiny Support, the Chief Planning Officer, the Head of Service (Legal) and the Head of Elections, Licensing and Registration that the decision making framework in place within Leeds City Council is up to date, fit for purpose, effectively communicated and routinely complied with.
2. Members are requested to advise the Head of Governance Services in relation to whether amendments should be proposed to the definition of key decision set out in Article 13 of the Constitution (see paragraph 3.64).

1. Purpose of this report

- 1.1 This is the annual report to the committee concerning the Council's decision making arrangements.
- 1.2 The report provides one of the sources of assurance which the committee is able to take into account when considering the approval of the Annual Governance Statement.

2. Background information

- 2.1 The Council's decision making framework, which is detailed within the Council's Constitution, comprises of the systems and processes through which decision making is directed and controlled. Whilst a number of these systems and processes are put in place in direct response to primary and secondary legislation, others reflect the implementation of locally adopted definitions and choices made to ensure maximum transparency and accountability within Council practice and procedure.

Reporting Period

- 2.2 The Committee has received annual assurance reports in respect of executive decision making, Regulation of Investigatory Powers Act, licensing and planning matters. Most recently, the Annual Decision Making Assurance Report was received by committee on 24th June 2016 covering the period to 31st March 2016.
- 2.3 The information set out in this report therefore reflects decision making arrangements for the period 1st April 2016 to 31st March 2017.
- 2.4 In order to avoid duplication of effort it has been agreed that the annual licensing report, which is agreed by Licensing Committee before being received by Full Council, will be received as the assurance report in relation to decision making for licensing. The most recent report was considered by Licensing Committee on 7th February 2017 and received by Council on 29th March 2017. The information set out in the annual licensing report reflects decision making arrangements from 1st January to 31st December 2016. Since the annual licensing report was published, Licensing Committee continues its function for the overview of licensing decisions and activities, and there are no issues that require to be brought to the attention of this committee at this time.

3. Main issues – Executive decision making

Review and Amendment of the Decision Making Framework

- 3.1 The Council's decision making framework is set out in the Constitution which is published on the Council's website. Article 15 of the Constitution makes provision for review and amendment of the Constitution.
- 3.2 The Monitoring Officer is required to keep the Constitution under review to ensure that its aims and principles are given full effect. Specific authorisation is given to permit the Monitoring Officer to make any necessary amendment to the Constitution to give effect to legislation or to a decision of either the Council or the Executive. Similarly the Monitoring Officer may amend any part of the Constitution for the purpose of clarification.

- 3.3 In addition each document in the Constitution is allocated to a Member decision making body or to an officer with authority to amend that document. These decision takers review these documents regularly with a view to ensuring that they are up to date and fit for purpose.

In Year Amendments

- 3.4 During the course of 2016/17 municipal year there have been a number of in year amendments to the Constitution.
- 3.5 Most significant in scale of these have been the changes associated with the organisational restructure of the Council which took effect on 1st April 2017. The restructure required significant amendment to the Officer Delegation Scheme (for both Council and Executive functions) in addition to a number of consequential amendments to give clarification in relation to decision making processes and procedures set out in the constitution.
- 3.6 More minor amendments include:-
- Amendment to Article 14 to provide for electronic signing of contracts;
 - Amendment to the Contracts Procedure Rules following a periodic review to ensure they reflect current legislation, best practice and council policy ; and
 - Amendment to the Council Procedure Rules to allow greater flexibility around the appointment of substitutes to Plans Panels and the Housing Advisory Board.

Annual Review of Constitution

- 3.7 Further to the in-year amendments the Monitoring Officer undertook her annual review of the Constitution prior to the annual meeting of Council in May 2017. As always the Monitoring Officer sought the views of both Members and officers in identifying any areas of weakness within the delegation of functions or the practice and procedure reflected in the Constitution in relation to the decision making framework. Amendments were approved by the Leader as part of her executive arrangements, or by Full Council on the recommendation of General Purposes Committee.
- 3.8 Amendments included:-
- 3.8.1 Council Procedure Rules – the reflection of a whips agreement in relation to executive member summing up on minutes;
- 3.8.2 Chief Finance Officer Protocol – the introduction of a new protocol as a sister document to the monitoring officer protocol reflecting the statutory rights and responsibilities of the Chief Finance Officer; and
- 3.8.3 The realignment of Scrutiny Boards to reflect the altered organisational arrangements and changing priorities of the council.

Delegation of Functions

- 3.9 The delegations of functions to committees and to officers of the Council are set out in part 3 of the Constitution. Delegations to committees are expressed as the terms of reference of each committee. Delegations to directors are set out in the officer delegation scheme. The scheme is divided into two parts – the first reflecting the delegation of Council functions and the second the delegation of executive functions. Both parts contain general delegations to all of the officers to whom functions are delegated and specific delegations which reflect the remit of each officer.

3.10 These delegations are refreshed at the annual meeting of council each year when the Leader reports details of her executive arrangements for the forthcoming year and the Council formally approves the delegation of its functions.

3.11 In addition this year the delegation of functions to the Council's directors was amended to reflect the organisational restructure. Delegations are now set out in the Constitution to the following officers:-

- Chief Executive
- Director of Resources and Housing
- City Solicitor
- Chief Officer (Financial Services)
- Director of Communities and Environment
- Director of City Development
- Chief Planning Officer
- Director of Children and Families
- Director of Adults and Health
- Director of Public Health

Sub-delegation schemes

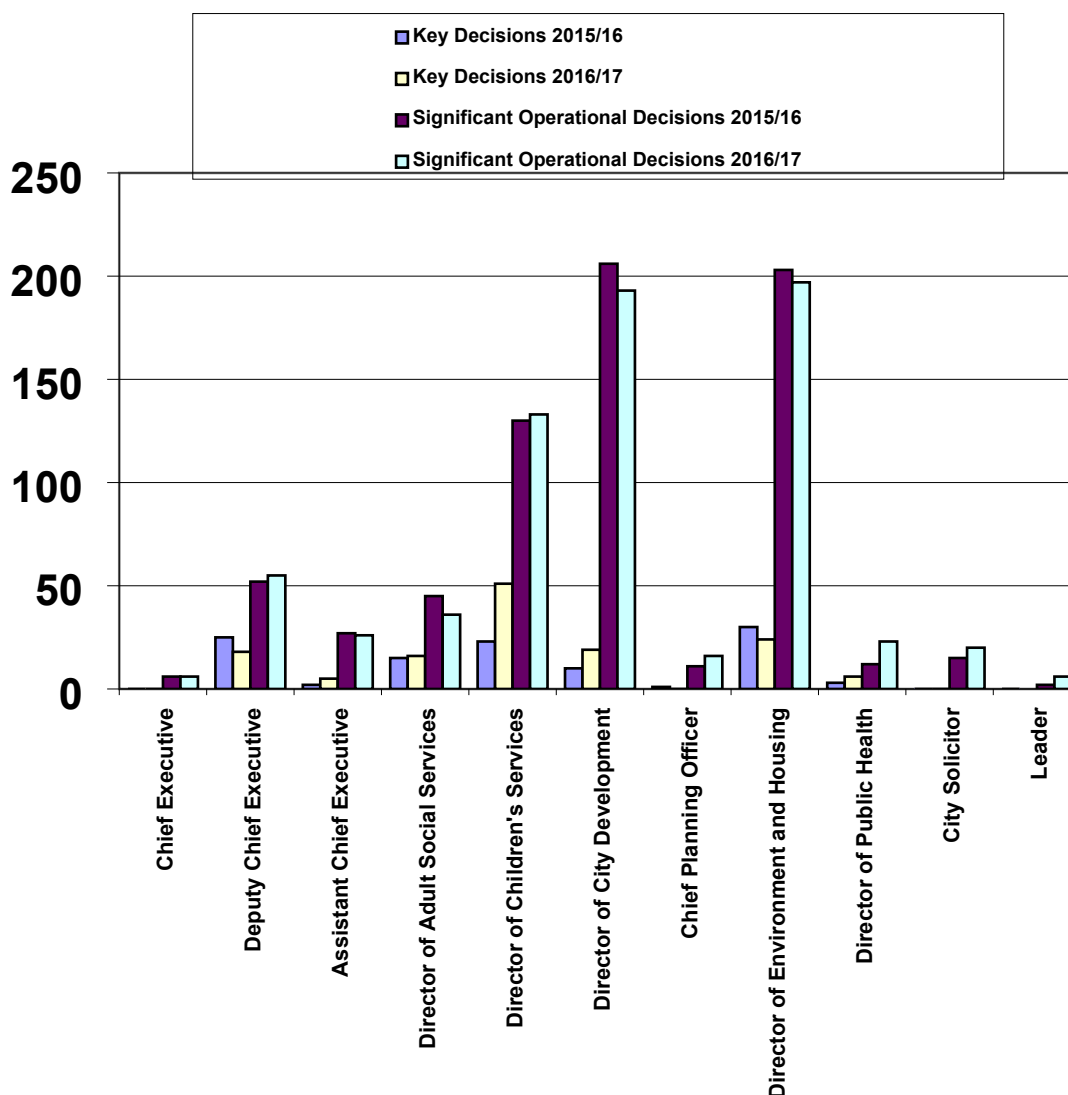
3.12 Each director (which term includes those Chief Officers who receive delegations directly through the constitution) is authorised and must arrange for the sub-delegation of those functions to officers of suitable experience and seniority through a sub-delegation scheme.

3.13 Each director is responsible for the creation, maintenance, review and amendment of their own sub-delegation scheme to ensure that each scheme accurately reflects the decision making responsibilities within their directorate.

3.14 The Monitoring Officer has confirmed that each director published a new sub-delegation scheme in time to take effect on 1st April when the new organisational arrangements took effect.

Publication of decisions

3.15 Each Director remains responsible for the publication of Key and Significant Operational Decisions, taken under their delegated authority, to the Council's website. The chart set out below shows the distribution of published decisions across the directorates and the relative numbers of Key and Significant Operational Decisions taken during this reporting period (2016/17) and also the corresponding reporting period for the previous municipal year (15/16). Information is shown according to the council structure at the time of publication so decisions are recorded against the directorate responsible for publishing them at the time.



- 3.16 Members will note the significant increase in the number of key decisions taken by the Director of Children's Services, from 23 decisions in 2015/16 to 51 in 2016/17. The number of Key Decisions taken by and on behalf of the Director of Children's Services in 2016/17 also stands out for being more than twice as many key decisions as are taken by any of the Directors. Further examination of the decisions taken within the Children's Services directorate show that 21 of these Key decisions related to the school learning places programme which is necessary due to the bulge in the school cohort at the current time.

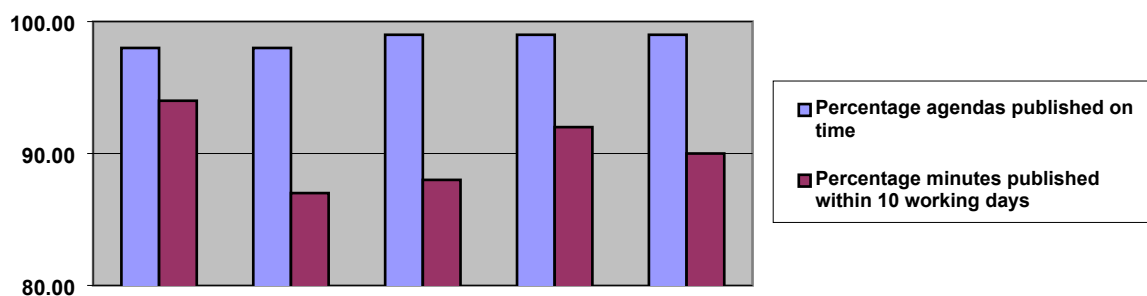
Performance Monitoring

3.17 Publication of Agendas

- 3.18 The Council is required to publish agendas and reports for committees five clear working days in advance of a meeting. This requirement is contained within Section 100B of the Local Government Act 1972 for Council Committees and in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 for Executive committees. Both pieces of legislation also contain exception provisions for meetings to be called at short notice.

- 3.19 The Head of Governance and Scrutiny Support has established a target for 99% of agendas to be issued and published within the five day statutory deadline; this being a reasonable measure of timely transparency and an indication of the extent to which exception provisions are utilised to call meetings at short notice.

- 3.20 Of 232 meetings which took place within the reporting period covered by this report, only two agendas were not issued within the 5 clear day deadline. This gives a performance of 99% agendas issued and published within the five day statutory deadline.
- 3.21 One of the two meetings for which the agenda was not issued within the required timescale was a meeting of the Employment Committee which was called at short notice in accordance with statutory requirements.
- 3.22 The remaining agenda related to the April 2016 meeting of the Scrutiny Board (City Development). The meeting included evidence from a number of external bus operators and publication was delayed waiting for written submissions in order to reduce the quantity of supplementary information brought to the meeting.
- 3.23 Publication of Minutes
- 3.24 There is no statutory framework stipulating the time period for the publication of committee minutes. To enable the decisions of the Council to be accessible and transparent the Head of Governance Service has established a local target; this being for 90% of draft minutes to be published on the Council's internet site within ten working days.
- 3.25 Of 275 committee meetings which have taken place within the period covered by this report, 21 sets of draft minutes were published outside of this locally established target. This gives a performance of 92% draft minutes published within the specified target period. This exceeds the established target and Members will note the improvement on the figure of 88% achieved in the reporting period covered in the previous report.
- 3.26 In addition Members should note that there has been 100% compliance with the requirement in the Executive and Decision Making Procedure Rules that minutes for all meetings of Executive Board are published within two working days of the meeting. This permits prompt availability of Executive Board decisions for call-in and minimises the delay to implementation necessary to allow for the call-in process.
- 3.27 Of the 21 minutes published outside the ten day target period, seven were published within eleven days, and a further six within fifteen days of the meeting. The longest period to publication was thirteen weeks in relation to the minutes of one licensing sub-committee meeting. On this occasion the minutes had been written but had not been published to the Council's public website in error. It should be noted that the decisions of that sub-committee, as with all licensing sub-committees, would have been notified to the applicants shortly after the meeting by licensing staff.
- 3.28 The table below shows performance indicators for agenda and minute publication for the previous three reporting periods, compared to this period and against target. Members will see that the improved rate of agenda publication has been sustained and that performance in relation to the publication of minutes continues to improve.



Key Decisions on List of Forthcoming Key Decisions

- 3.29 Regulations require that the Council publishes details of all likely Key Decisions no less than 28 clear calendar days before those decisions are taken. The Head of Governance and Scrutiny Support has set a target of 89% of all Key Decisions to be published to the List of Forthcoming Key Decisions no less than 28 clear calendar days before those decisions are taken. This target reflects the statutory provisions allowing for urgent decisions to be taken without complying with this requirement. Such decisions must however comply with the General Exception or Special Urgency provisions detailed below.
- 3.30 As details are published a significant time before the decision is taken it is not anticipated that the final details of the proposal will be available at the time this notice is given. Rather this publication is intended to alert Members and the public to the fact that decisions involving significant financial implications or impact on local communities are being considered. The details published include the contact details for the lead officer in relation to the decision in question, allowing Members and the public to seek further information and to contribute to the decision making process.
- 3.31 The Council's List of Forthcoming Key Decisions is available on Leeds.gov.uk. Decisions can be added to the List at any time, with flexibility in the way in which the timescale for the decision is expressed. As it is possible to amend the published details or even to 'unpublish' a decision if in the event a Key decision is not necessary, officers are encouraged to publish details of all decisions the Council may wish to take as early as possible in the contemplation of that decision.
- 3.32 During the period covered by this report (April 2016 to March 2017) of 139 Key decisions taken by officers 136 (98%) were included in the List of Forthcoming Key Decisions. For the same period of 67 Key decisions taken by Executive Board, 64 (96%) were included in the List of Forthcoming Key Decisions. In combination 97% of Key decisions were published to the List 28 clear calendar days before those decisions were taken.

General Exception

- 3.33 The General Exception is a statutory provision which permits a Key decision to be taken, although not included on the List of Forthcoming Key Decisions for the requisite period if it is impracticable to delay the decision until such time as those 28 clear calendar days have elapsed.
- 3.34 Regulations require that five clear working days' notice is given of general exception decisions, setting out the reason why it is impracticable to delay. This information is included in paragraph 4.5 of the corporate report template under the heading 'Legal

Implications, Access to Information and Call In'. In addition the information is set out in the delegated decision notice published in relation to officer decisions.

- 3.35 Regulations also require that the Chair of the relevant Scrutiny Board is notified that such a decision is to be taken. As all Members are automatically advised of the publication of all Key decisions, through the circulation of agendas and delegated decision notices, this statutory requirement is met.
- 3.36 Of the six Key decisions which were not included in the List of Forthcoming Key Decisions for 28 clear calendar days prior to those decisions being taken five (three officer and two Executive Board decisions) were taken under the General Exception. The reasons given in each case are set out in the table below:-

Officer Decisions	
D43302 April 2016	The decision related to acceptance of resettlement grant funding. The Government only finalised the details late on in the process with a need for immediate operational start across the region.
D44233 March 2017	The decision related to £4.9 million funding from European Structural Investment Fund to the Skills, Training and Employment Pathways project jointly developed by Leeds and Bradford Councils. A delay in commissioning would have limited the ability of the Council to meet the contractual obligations under the Department for Work and Pensions Funding Agreement and potentially put external funding at risk.
D44239 March 2017	The decision related to £3.5 million funding from the Building Better Opportunities Fund (match funded by European Structural Investment Fund and Big Lottery) for the Stronger Families project and required immediate approval by the Local Authority to sign and return the Grant Acceptance Form.
Executive Board decisions	
Minute 123 December 2016	The decision related to the purchase by the Council of an investment property. By the time terms had been agreed the deadline to publish the acquisition had passed and with the next Executive Board meeting not being until February 2017 there is a risk that the transaction may have been withdrawn from the Council
Minute 170 March 2017	The decision related to a £9.6 million investment in Children's Services. The funding required immediate approval by the Local Authority to allow implementation of the plans submitted to the Department for Education, therefore, the decision could not be deferred to the April Executive Board meeting.

Special Urgency

- 3.37 Special Urgency is a statutory provision permitting urgent decisions to be taken without giving even five working days' notice. In order to do so the Director must seek the agreement of the relevant Scrutiny Chair that the decision is urgent and cannot be deferred.
- 3.38 In accordance with Rule 2.6.2 of the Executive and Decision Making Procedure Rules¹, the Head of Governance and Scrutiny Support, on behalf of the Leader, is able to confirm that, of the six Key Decisions which were not on the List of Forthcoming Key Decisions for the required 28 day period, only one was taken under Special Urgency.

¹ Regulation 19 Executive Arrangement Regulations 2012

3.39 As required by Executive and Decision Making Procedure Rule 2.6.1 the agreement of the Scrutiny Chair that the matter was urgent and could not reasonably be deferred was recorded in the relevant Executive Board report. The reason given is shown in the table below:-

Executive Board decisions	
Minute 175 22 nd March	The decision related to £4.9 million funding from European Structural Investment Fund to the Skills, Training and Employment Pathways project jointly developed by Leeds and Bradford Councils. The Department of Work and Pensions required that the funding agreement is signed within 30 days of issue so the decision could not be deferred to the next meeting of the Executive Board.

3.40 Members will note that good and cogent reasons are given in respect of all six decisions which were not included in the List of Forthcoming Key Decisions for the required 28 clear calendar days. In considering the reasons given, Members are referred to the request at paragraph 3.64 of this report to consider whether amendments should be made to Article 13 to exempt decisions relating to the receipt of external funding from the definition of a Key decision.

3.41 The following table shows the comparison over the last three reporting periods in relation to the inclusion of Key decisions on the List of Forthcoming Key Decisions.

Reporting Period	1 st June 2014 to 31 st May 2015	1 st June 2015 to 31 st March 2016	1 st April 2016 to 31 st March 2017
Key decisions taken by officers	149	105	139
Key Decisions taken by Executive Board	70	61	67
Key decisions on List	210	157	200
Percentage Key decisions on list (target 89%)	96%	95%	97%
General Exception	8	5	5
Special Urgency	1	4	1

3.42 Members will note the increase in the percentage of Key decisions included in the List of Forthcoming Key Decisions. The Head of Governance and Scrutiny Support is of the view that it is unrealistic to expect that there will ever be total inclusion of Key decisions for the required 28 clear calendar days. This view is supported by the existence within legislation of the General Exception and Special Urgency procedures for taking decisions in shorter timescales. However the Head of Governance and Scrutiny Support continues to work towards increasing the percentage of Key decisions included in the List of Forthcoming Key Decisions.

Eligible Decisions Open For Call In

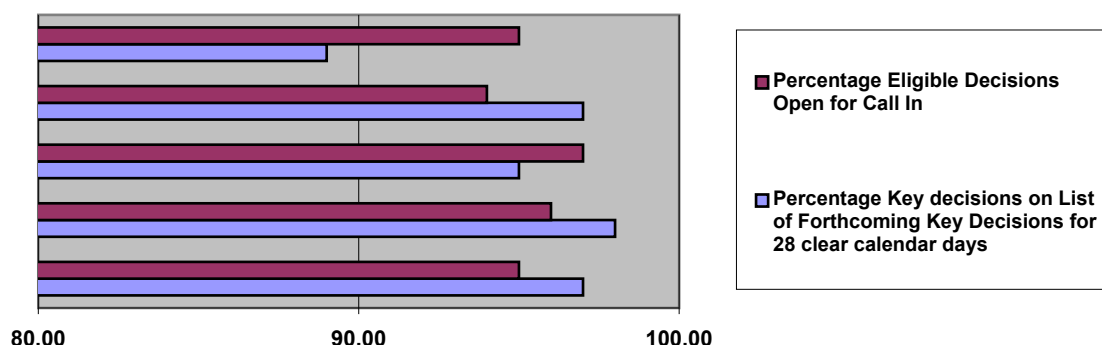
- 3.43 The Council is required to make arrangements for decisions of the Executive which have been taken but not yet implemented to be considered by an overview and scrutiny committee.
- 3.44 The Council's procedure is set out in the Executive and Decision Making Procedure Rules, and provides for non-executive members to Call In any eligible decision by 5p.m. on the fifth working day after the decision is published. All decisions of the Executive Board, Executive Decisions of the Health and Wellbeing Board and Key decisions of officers are eligible for call in apart from those:
- Which have been the subject of previous Call In;
 - Made in accordance with the Budget and Policy Framework Procedure Rules;
 - Made by the Leader in relation to the executive arrangements;
 - Made by community committees;
 - Made under regulatory arrangements;
 - Made by joint committees; or
 - Not taken by the authority.
- 3.45 Following consideration of a decision which has been Called In the relevant Scrutiny board may release the decision for implementation or recommend its reconsideration. Whilst the Scrutiny Board is not able to impose its own decision the provision of Call is an important element of democratic accountability arrangements as it allows Members to hold the executive to account.
- 3.46 Availability of eligible decisions for call in is one of the key performance indicators monitored by the Head of Governance and Scrutiny Support with a target of 95% of all eligible decisions being open for call in.
- 3.47 During the period covered by this report (April 2016 to March 2017) of 139 Key decisions taken by officers 128 (92%) were available for Call In. For the same period, of 155 decisions taken by executive Board of which 146 were eligible for Call In, 139 (95%) were available for Call In. In combination 94% of eligible decisions were available for call in.
- 3.48 The decision taker may exempt a decision from Call In if the decision is urgent (i.e. that any delay would seriously prejudice the Council's or the public's interests.) The reasons for urgency must be set out in the report relating to the decision. The table below sets out the reasons given for exempting decisions from Call In:-

Summary of reasons for exemption from Call In		
Officer Decisions		
D43541	Director of Children's Services	Decisions relating to building work in schools. Risk that Call In would delay work starting and risk disruption to pupils at beginning of 17/18 school year.
D43540	Director of Children's Services	
D43539	Director of Children's Services	
D43542	Director of Children's Services	
D43547	Director of	

	Children’s Services	
D43625	Director of Children’s Services	Decisions involving TUPE transfer of staff necessitating consultation which delayed publication. Call In would risk service delivery.
D43647	Director of Children’s Services	
D43921	Director of City Development	Decision relates to Bridgewater Place wind amelioration and Call In would risk extension of threat to public safety
D44221	Director of City Development	Decision relating to contractual arrangements with private sector. Call In would risk delay in implementation which in turn risks the financial stability of the agreement, potentially depriving the Council of a related substantial capital receipt.
D44233	Director of Children’s Services	Decisions relating to grant funding. Call In would risk delay in service delivery and therefore put funding at risk.
D44239	Director of Children’s Services	
Executive Board decisions – Key Decisions		
Minute 9	Director of Children’s Services	Decision relating to building work in schools. Risk that Call In would delay work starting and risk disruption to pupils at beginning of 17/18 school year.
Minute 28	Deputy Chief Executive	Decisions subject to contractual requirements which prevent compliance with Call In timescales.
Minute 123	Director of City Development	
Minute 175	Director of Children’s Services	Decisions relating to grant funding. Call In would risk delay in service delivery and therefore put funding at risk.
Executive Board Decisions – Other Decisions		
Minute 20	Director of City Development	Decision relating to grant funding. Call In would risk delay and therefore put funding at risk.
Minute 61	Deputy Chief Executive	Decision subject to deadline for accepting the Government’s 4-year funding offer
Minute 165	Director of City Development	Decision subject to statutory timescale

3.49 Members will note that the exemption of five officer and one Executive Board decisions was granted for decisions taken as part of the schools learning places programme. Whilst it is anticipated that further key decisions may be necessary within the programme the Director of Children and Families does not anticipate urgency of this kind arising around those future decisions.

- 3.50 The chart below sets out performance indicators for decisions on the List of Forthcoming Key Decisions and eligible decisions open for Call In over the previous three reporting periods.



- 3.51 Members will note that the percentage of Key Decisions included in the List of Forthcoming Key Decisions for at least 28 clear calendar days prior to the decision being taken remains significantly higher than target. Whilst the percentage of eligible decisions open for Call In has fallen during this reporting period the Head of Governance and Scrutiny Support is satisfied that the Executive and Decision Making Procedure Rules have been followed in that the relevant reports set out reasons for those exemptions. The rules do not permit any kind of appeal against a decision to exempt a decision from Call In however, given that agendas or delegated decision notices are published five clear working days before Key decisions are taken (except in cases of Special Urgency), opportunity exists for Members to raise concerns prior to the decision that the exemption would apply.
- 3.52 Training in relation to decision making emphasises the importance of complying with the publicity and Call In requirements of the decision making framework in enabling Members to satisfy their democratic mandate.

Decisions Not Treated as Key

- 3.53 The Head of Governance and Scrutiny Support can confirm that there have been no decisions taken within the reporting period that have been challenged under Executive and Decision Making Procedure Rule 6.1 as wrongly treated.

Embedding the decision making framework

Audit

- 3.54 The internal audit service have an Audit Plan, approved by this Committee which includes work designed to test the features of the decision making framework as part of their on-going programme of audit. The outcome of this work is reported back to the Committee as part of routine internal audit reporting.
- 3.55 Audits test decisions at both high and low level. They consider the way in which relevant framework, rules and procedures are complied with. Where potential for improvement is identified practical recommendations are made as to how compliance can be secured through practicable measures.

Training

- 3.56 The Principal Corporate Governance Officer continues to provide regular training in relation to Council Structures and Decision Making. This training is consistently fully booked and well received by officers attending.

- 3.57 In addition a bespoke session has been provided to support the work of colleagues in internal audit and finance.

Looking Forward

Definition of Key Decision

- 3.58 Members will have noted at paragraphs 3.36 and 3.39 above (setting out the reasons why decisions had not been included in the List of Forthcoming Key Decisions for the required period) that in four out of five of the General Exception decisions and in relation to the Special Urgency decision the reason given for being unable to meet the 28 day prescribed timescale related to the receipt of external funding by the Council. In view of this, at its meeting on 10th May 2017, the City Solicitor the Committee invited General Purposes Committee to consider an amendment to Article 13 of the Constitution, adding decisions relating to the receipt of external funding to the list of decisions exempted from the definition of a Key Decision. Rather than recommending the proposal to Council as part of the suite of amendments arising from the annual review of the Constitution General Purposes Committee asked that the City Solicitor seek the view of this Committee prior to any amendments being further considered.
- 3.59 Currently, Article 13.4a exempts from the definition of a Key Decision those “where this expenditure, saving or income will result from:-
- a Treasury Management decision in relation to the making, payment or borrowing of a loan; or
 - a decision to purchase energy under the terms of an energy supply contract which has been awarded following the appropriate procurement process; or
 - a decision to approve a care plan which the Council has a duty or power to provide as defined by s46 of National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970. Ss17 and 20 Children Act 1989
 - the settlement of proceedings to which Leeds City Council is a party.
- 3.60 In accordance with Article 13.5b such decisions are caught by the definition of a Significant Operational Decision and therefore the requirement to publish those decisions as soon as practicable after they have been taken. This ensures that the Council continues to be ‘Open, honest and trusted’ in line with its values.
- 3.61 Excluding decisions relating to the receipt of external funding from the definition of Key Decisions would mean that they need not be included in the List of Forthcoming Key decisions for 28 clear calendar days before those decisions were taken. Although there are statutory provisions enabling decisions to be taken at shorter notice (the General Exception and Special Urgency) these provisions require the prior notification, and in the case of Special Urgency the agreement, of the relevant Scrutiny Board Chair.
- 3.62 In addition, where the decision is to be taken by an officer, the exclusion would remove the requirement to publish the report on which the decision is based five clear working days in advance of the decision being taken. Decision to be taken by Executive Board would continue to be published as part of the usual agenda process.
- 3.63 Decisions taken by Executive Board, whether Key, Significant Operational or Administrative decisions, are open to Call In, however only Key decisions taken by officers are open to Call In. Including decisions relating to the receipt of external funding in the exception from the definition of Key would therefore mean that they

would not be open to Call In if taken by officers although they would be published. It should however be noted that it remains open to the decision taker to exempt decisions from Call In if the decision is urgent.

- 3.64 Corporate Governance and Audit Committee is asked to consider the facts set out above and advise the Head of Governance and Scrutiny Support with regard to decisions relating to the receipt of external funding whether:-
- Arrangements should be kept the same;
 - Arrangements should be kept under review so that the issue can be considered again as part of the annual review of the constitution for the 2018 municipal year; or
 - An amendment to the definition of Key Decision, excluding decisions relating to the receipt of external funding, should be proposed to General Purposes Committee for onward recommendation to Full Council.

Improving and Supporting Decision Making Practice

- 3.65 In conjunction with colleagues from audit, intelligence and policy, legal, finance, procurement and directorate support, the Principal Corporate Governance Officer is seeking to ensure that resources aimed at embedding the decision making framework are given focus to improve and support decision making practice across the council. Work will be targeted towards providing training together with advice and guidance to colleagues working with the framework whilst also providing check and challenge on a risk based approach to ensure that governance framework is consistently applied based on a shared and thorough understanding of the various thresholds, rules and procedures in place.
- 3.66 In addition the Principle Corporate Governance Officer will be seeking to work with colleagues across the council to ensure that the decision making framework is applied in such a way that it enables the transparent governance of decisions in the most efficient way.
- 3.67 As an example of this partnership approach to governance, a working group of officers responsible for governance within Directorates has been established with a view to:-
- Agreeing an offer of support for all Directorates. The offer seeks to share good practice, simplify and standardise procedures for the processing of reports for Executive Board, Full Council, Scrutiny Board and delegated decisions;
 - Working with corporate governance colleagues with regard to the implementation of the decision making framework; identifying practical issues and coming together to provide practicable solutions;
 - Providing standardised understanding and responses to frequently asked questions;
 - Supporting the City Solicitor in undertaking the annual review of the Constitution and changes to legislation.
- 3.68 The work undertaken by this group is a significant part of ensuring that the decision making framework is 'embedded and routinely complied with' in that it enables a co-ordinated and uniform approach and a standardised offer in terms of support whilst also eliminating duplication of effort and the associated drain on resource.
- 3.69 In addition to the formal decision making framework of the Council there are a number of bodies that guide and inform decisions made: for example, the best Council Design Team, Strategic Investment Board and programme boards. Later in the year the Chief Officer Strategy and Improvement will carry out a light touch

review of the purpose, membership and linkages between these bodies to minimise any duplication that may exist.

- 3.70 The Head of Governance and Scrutiny Support intends to work alongside this review in order to ensure that they support the legislative requirements, and practice and procedure adopted within the Council's governance framework.

Decision Making Governance Assurance Statement

- 3.71 From the review, assessment and on-going monitoring carried out, the Head of Governance and Scrutiny Support has reached the opinion that, overall, decision making systems are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

4. Main Issues – Regulation of Investigatory Powers (RIPA)

- 4.1 The Council received an inspection by the Office of Surveillance Commissioners (OSC), the regulatory body for the use of directed surveillance and Covert Human Intelligence Source (CHIS) powers under RIPA, on 27 July 2016. The inspection report which was issued on 23 August 2016, confirmed that of the 6 recommendations made in the 2013 inspection report, 5 had been discharged, and 1 had been partially discharged. Although the Council only authorised 1 directed surveillance operation since the previous inspection, and no CHIS operations, the report recommended that the Council should appoint further trained authorising officers to ensure resilience, and that the Council should also appoint officers as “controllers” and “handlers” for CHIS operations. The report also recommended that Members should receive regular RIPA reports, and that when the Police used the Leedswatch CCTV system for covert surveillance, an adequate copy of the authorisation content should be provided, which showed that proper authorisation had been given. The report also recommended one minor change to the Council’s RIPA Guidance and Procedure document (an internal manual which sets out in detail the authorisation and approval procedures). Officers are working on the implementation of all the recommendations.
- 4.2 There have been no applications for directed surveillance or CHIS authorisations, since the June 2016 meeting. There has been no use of the powers to obtain communications data, over the same period. Given that the grounds for authorising surveillance are limited to preventing or detecting serious crime, and approval by a JP is now also required in both cases, it is unlikely that the use of directed surveillance or CHIS authorisations will increase. It is possible that Environmental Action may use the powers to acquire communications data in some serious cases, and preparations have been made so as to ensure that the Council is fully compliant with the RIPA rules and the relevant Code of Practice.
- 4.3 Members are asked to consider whether they require any changes to the RIPA policy appended to this report. No changes are recommended at this time. Although there is little use of these powers currently, officers will continue to update Members periodically on their use, and on any changes in policy or procedure which may be required as a result of legislation, or relevant Codes of Practice.
- 4.4 Having reviewed the use of the RIPA powers to authorise directed surveillance or CHIS, or to acquire communications data, together with the positive outcome of the OSC inspection, and the implementation of the report recommendations the Head of Service (Legal) has reached the opinion that the policies and procedures for the regulation of investigatory powers are up to date and fit for purpose, effectively communicated and routinely complied with.

5. Main Issues – Planning

Planning Matters

- 5.1 The Chief Planning Officer has responsibility to ensure that the council's arrangements for dealing with and determining planning matters are up to date, fit for purpose, effectively communicated, routinely complied with and monitored.
- 5.2 Planning Services has internal arrangements in place to provide assurance in the decision making process and to mitigate any potential risk of challenge on the grounds of partiality or bias. The service is firmly committed to a programme of continuous improvement, ensuring that processes take into account best practice and from learning from past errors. A number of actions and improvements have taken place over the last year and these are described below.

Decision making framework for planning matters

- 5.3 The framework for decision making in relation to planning matters in England and Wales is plan-led. This involves the authority preparing plans that set out what can be built and where. All decisions on applications for planning permission should be made in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 5.4 The decision on whether to grant permission is within the context of the development plan and other material considerations which includes national and local planning policy and guidance. Material considerations cover a wide variety of matters including impact on neighbours and the local area.

Delegation and sub delegation schemes

- 5.5 The Chief Planning Officer is authorised to carry out specific functions on behalf of the council. All planning applications are considered to fall within the delegation scheme and will be determined by officers under the sub-delegation scheme, unless they fall into defined exceptional categories which were detailed in previous reports to this Committee. The Chief Planning Officer's delegation scheme was last reviewed and approved by Full Council in May 2016.
- 5.6 The sub delegation scheme sets out which functions have been sub-delegated by the Chief Planning Officer to other officers and any terms and conditions attached to the authority sub-delegated by the Chief Planning Officer. The latest sub delegation scheme was approved on 1 April 2017.
- 5.7 The Chief Planning Officer's sub-delegation scheme ensures that decision making is undertaken at the appropriate level of seniority and experience. For example, only officers at planning team leader level and above have the authority to determine major applications. Other applications can only be signed off by officers at PO4 level and above. No officer can 'sign off' their own applications and therefore an appropriate level of external scrutiny is brought to bear on each proposal before it is finally determined. The majority of decisions are made by officers under the delegation scheme and in 2016-17, officers made 97.9% of the decisions. This is necessarily high due to the sheer volume of applications revived in Leeds, in order to maintain expeditious decision making.

Audit of Community Infrastructure Levy

- 5.8 In February 2017, Internal Audit commenced an audit into the Community Infrastructure Levy. The scope of the audit was to gain assurance over the arrangements in place to ensure income is identified and collected and that the monies are used in line with the intended purpose. After discussions with key staff, it was

agreed to undertake the audit in two stages due to the volumes and values currently involved; the first stage of the audit carried out in February 2017 involved the testing of a sample of schemes liable for CIL to ensure that all CIL income had been fully and accurately accounted for on FMS. The second stage of the audit will be undertaken during either 2017/18 or 2018/19 depending upon volumes and value of CIL income involved at the time.

5.9 We await the report and will take action as appropriate.

Planning performance 2016-17

5.10 The service collects a range of information and data to monitor its own performance and to take corrective action wherever necessary. The service reports on this performance twice a year in a half year and end of year performance report to the Joint Plans Panels.

5.11 In 2016-17, the service received 4,966 applications; this was a 5.6% increase from the previous year. This will be the fifth successive year that the service has seen an increase in number of applications being submitted. This is compared with national figures which has seen a 2% increase in overall workloads figures (year ending December 2015 compared with year ending December 2016)².

5.12 There have been 4,832 decisions made in the reporting period, 9.3% increase from the previous year.

5.13 The tale below shows the services' performance in relation to applications being determined in time or within agreed timescale

	% Majors in time	% Minors in time	% Other in time
2016-17	93.1%	89.4%	93%
2015-16	96.6%	90.6%	93.5%
2014-15	88.7	85.1	91.8
2013-14	73.3	70.3	83.3
2012-13	61.3	77.4	88.9

5.14 The latest national figures³ for applications determined in time show that Local Planning Authorities decided 86% of major applications within 13 weeks or the agreed time. Therefore, Leeds performance is above the national average determination timescale. However, there has been a reduction in performance in comparison with the previous year, this is due largely to the resource constraints the service has been working within, carrying 6.6 vacancies twinned with the 5.6% increase in application numbers.

5.15 The resourcing situation is in hand, with two temporary principle planning officers joining the service and the recruitment process is underway for the appointment of two permanent planner posts.

5.16 Members have previously heard about the Planning Guarantee; under this Government initiative, applications over six months old without a decision and where there isn't an extension of time agreement in place, are liable for the planning fee to be

² Department for Communities and Local Government Statistical release Planning Applications in England: October to December 2016.

³ Department for Communities and Local Government Statistical release Planning Applications in England: October to December 2016.

returned to the applicant. In the reporting period, £775 has been refunded, relating to three schemes. Officers wherever possible will try to negotiate extension of time agreements with applicants to ensure the application remains in time and to mitigate the risk of returning any fees.

Plans Panel decision making

- 5.17 Occasionally the Plans Panel may make a decision contrary to the officers' recommendation (whether for approval or refusal). In these circumstances a detailed minute of the Panel's reasons is made and a copy placed on the application file. Thus, members are required to explain in full their reasons for not agreeing with the officer's recommendation, observing the 'Wednesbury principle' which requires all material considerations to be taken into account and all irrelevant information (ie non-material matters) to be ignored. This ensures there is, as far as possible, a robust and defensible position should the application be subject to a legal challenge or appeal.
- 5.18 A high number of decisions taken which are contrary to the officer recommendation may give the appearance that officers and members are not working well together and demonstrate a lack of trust in the decision making process. This has the potential to demonstrate a lack of confidence in the planning system in Leeds to applicants, local communities and investors.
- 5.19 In 2016-17, the three Plans Panels decided 105 applications. 11 were contrary to the officer recommendation, 8 at North and East and 3 at South and West Panel. Of these decisions, three have led to appeals, one is in progress, one appeal was allowed and another dismissed.
- 5.20 There is some inevitability that different decisions are reached, especially where decisions are finely balanced, or where different weight is attached to the potential planning considerations and the table below shows the position over the last few years.

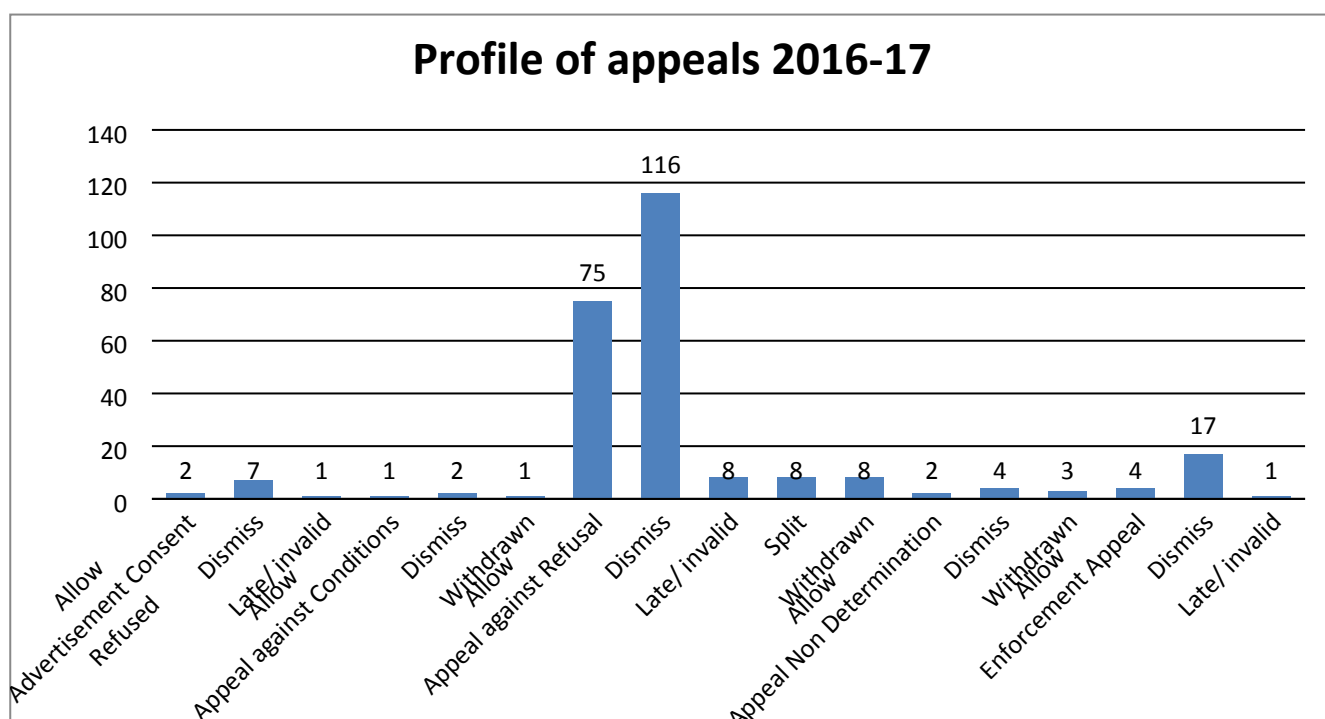
Year	Decisions	Decisions contrary to officer rec (as a % of the total no of decisions)	Appeals Against Refusal	Dismissed	Allowed	Costs awarded
2016-17	105	11 (10.4%)	3	1	1	0
2015-16	127	4 (3%)	2	0	1	0
2014-15	191	14 (7%)	9	4	5	0
2013-14	136	7 (5%)	0	0	0	0
2012-13	127	8 (6%)	3	0	3	2
2011-12	171	11 (6%)	5	1	4	0

Appeals

- 5.21 The service uses several indicators to determine the quality of decision making: number of lost appeals, number of ombudsman complaints received and numbers upheld. In 2016-17 there were 233 new appeals made and the Planning Inspectorate made 260 decisions on appeals. The figures are different because of the six month window allowed for appeals to be made. The table below shows the outcome of the

appeals for 2016-17. Performance on appeals dismissed has reduced from that on 2015-16 where 74.1% of appeals were dismissed compared with 63% dismissed in this reporting period.

Year	Appealed Decisions	Dismissed	Costs awarded Council	Costs awarded to Council
2016-17	260	63%	0	0
2015-16	231	74.1%	3 partial, 1 full	1 partial, 1 full
2014-15	237	66%	5	0
2013-14	251	71%	4	0
2012-13	187	67%	3	0
2011-12	254	69%	7	2



5.22 The chart above shows that most of the appeals made in 2016-17 were in relation to appealing against refusal of planning consent. Of the total appeals in 2016-17, 93 decisions related to householder appeals where 42% of them were allowed; since the relaxation of the permitted development (PD) on larger house extensions, it appears from analysis of the Planning Inspectorate's decisions that more household extensions are being allowed which are "marginal", given the PD fall-back position. The service is committed to further analysing these appeals and making changes to the way householder applications are dealt with, as appropriate.

5.23 A further eight appeals were for telephone kiosks in the city centre. The kiosks were refused by the service due to a legal point; the Council's view was that kiosks did not benefit from permitted development rights in that the proposed telephone/advertising unit fell outside the Electronic Communications Code and the permitted development rights. The kiosks were for the dual purpose of providing a public telephone service as well as an advertising facility and are therefore subject to separate consent. The Planning Inspectorate took an alternate view and in light of

these appeal decisions the service will amend its position in future. However, the appeals on the kiosks have skewed the appeal performance statistics, (without these appeals, performance would be running at 67% dismissed) and it is likely that this batch of applications and associated appeals was an isolated occurrence.

5.24 Analysis of the latest annual figures on decisions from the Planning Inspectorate⁴ show that Leeds has the seventh highest rate of S78 appeals and the third highest rate for householder appeals in England. Maintaining control of appeals is particularly important as the Government's new performance regime commencing in 2018 increases the threshold to 10% of an authority's total number of decisions on major and non-major applications made during the assessment period being overturned at appeal.

5.25 However, the service is currently well within this threshold; based on the last full years data available (2015-16); 4,384 planning decisions were made, of which 52 were allowed on appeal. This equates to just 1.18% of the total number of decisions being overturned at appeal. Nevertheless a close watch will be maintained on appeals performance.

5.26 There have been some significant appeal decisions during the reporting period, notably the Protected Areas of Serach (PAS) sites:

5.26.1 Grove Road, Boston Spa for up to 104 new homes, appeal was allowed in a decision by the Secretary of State in May 2016. (Reserved Matters application for 88 houses was deferred at North and East Panel in 13 April for further information)

5.26.2 Sandgate Drive, Kippax. The Council withdrew from this appeal in August 2016 on the basis that it was in the midst of challenging the Grove Road decision. The appeal was allowed.

5.26.3 Breary Lane, Bramhope, Bradford Road, East Ardsley and Leeds Road, Collingham. The appeals were conjoined and heard by inspector Ken Barton in February 2016. These three appeals have subsequently been allowed.

5.26.4 We are anticipating the Bagley Lane, Farsley decision in June 2017.

Customer complaints and Ombudsman cases

5.27 From April 2016 to March 2017 there have been 148 stage 1 and stage 2 complaints received by the LPA. This compared with 125 complaints received in the same period last year. This is a 15% increase in the number of complaints received when compared to the previous year.

5.28 The main theme of upheld complaints focus on the way planning applications have been advertised to neighbours and that comments received from neighbours not been taken in to account by officers. Action has been taken to ensure the appropriate number of site notices are erected by printing additional notices for the planning case officer to erect on site. Additionally, when any representations made by separate emails or letters are uploaded to Pubic Access, an auto generated email is sent to the planning officer informing them that new comments are available to take into consideration. The other main area of complaint was the lack of communication throughout the process. With the recent introduction of Enterprise Voice applicants and agents now have the option to leave a voicemail or email the officer direct, and feedback is being given to team leaders where complaints are upheld

⁴ Planning Inspectorate Statistics 1 November 2016 <https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

5.29 The Local Government Ombudsman (LGO) reported 25 cases to the Planning Service during this period of which 17 were received closed with no further action being taken by the LGO. This compares with 14 new cases with 10 requiring no further action in 2015-16. Eight cases received in 2016-17 required investigation, with two cases which identified fault; two cases are awaiting a decision (Daisy Hill where the officer report was incorrect and Fish Farm Thorner where the complaint centred around how the application was considered).

Embedding the framework for planning matters

Officer training

5.30 As mentioned in previous reports to this Committee, the service places emphasis on ensuring that planning officers are up to date with current legislation, best practice and government initiatives. This ensures the decision making process is based on the most current and accurate information possible.

5.31 The planning reform agenda continues with the recent publication of the Housing White Paper which has implications for the planning system and the way new housing is delivered. It therefore continues to be a time of significant change and necessary to ensure that officers are up to date and receive training to support decision making. Officers receive training and updates at the planning case officers' meeting which takes place every 6 to 8 weeks. The Head of Planning Services provides a regular update of government reforms and changes that will impact on the way officers work. Guest speakers are also invited who provide information on planning and planning related information. The meetings facilitate two way communications to ensure agreement is reached on operational issues and a consistent approach is adopted across the service

Member training

5.32 Article 8.2.2 of the Council's Constitution, says that Members of the Plans Panels must complete all compulsory training and shall not sit as a Member of the Panel unless such training has been undertaken in accordance with the Council's prescribed training programme.

5.33 The compulsory training session in order to sit on Panel comprises one or two session(s), depending on the experience of members on planning matters and comprises:

- Planning update: This session updates members with the latest legislation and planning guidance. It also covers any changes to the planning system which will impact on the work of members.
- Additional training for members new to the Plans Panel. This training is run by the Area Planning Officer who goes through the procedural issues associated with the running of the Panel and the basic principles of planning. In this session officers will also identify some key planning issues, hot topics, direction of travel for policy and probity issues.

5.34 All Plans Panel members in 2016-17 have undertaken the prescribed training.

5.35 A report recommending changes to the Council Procedure Rules to allow greater flexibility around the appointment of substitutes to Plans Panels went to the General Purposes Committee (GPC) on December 5th 2016.

5.36 Council approved amendments to the Constitution so that in relation to each Plans Panel, the Council shall appoint a list of substitute members comprising all other members of the other Plans Panels, the Development Plan Panel and the Licensing

Committee. In addition, the list may include any members, nominated by their group Whip, who are not members of these committees, but have received appropriate training. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training and will also be bound by the Planning Code of Good Practice and other relevant policies and procedures whilst acting as a voting member of the Plans Panel. The recommendations from the General Purposes Committee went to Full Council on 11 January, who agreed the amendments to the Procedure Rules. All substitute members will be required to attend both the compulsory sessions, outlined above.

5.37 Members of this Committee has heard in the past of the work of the Joint Member Officer Working Group, a cross party group of members which meets regularly with officers to discuss planning matters and planning service improvement activities. In this reporting period JMOG has requested that a series of workshops should be held throughout the year focussing on particular planning issues. The workshops will be facilitated by internal staff and will be tailored to address the needs and issues relevant to Leeds. Workshop topics will be discussed and agreed with the Joint Member Officer Working Group. Workshops will be offered on current issues such as hot food takeaways, side extensions and housing design. In addition to providing members with the latest case law, appeal information and council position, the sharing of this information will try to ensure some consistency of decision making across the three Plans Panels. This will be particularly important in relation to decisions to refuse applications, where a consistent approach is important to evidence the decision, in light of the Government's revised performance thresholds, described above

5.38 The first workshop took place on 13th January on tall buildings. John Thorpe and internal consultees provided a refresher as the existing SPD was published in 2007; much has changed in particular in the South Bank area of the city in relation to tall buildings.

Work of the Plans Panels

5.39 A new report was presented to full Council in November 2016, describing the work and performance of the three Plans Panels and the Development Plans Panel. The report outlined the workload and other activity dealt with by the Panels and focussed on a number of significant applications which went before the Panels for determination. In future, full Council will receive an annual report of the working of the Plans Panels for their consideration.

5.40 The Joint Plans Panel continues to meet twice a year. Matters before the Joint Plans Panel during the reporting period have included updating members on the changes to permitted development, the governments planning reform agenda and performance reports. This meeting of the three Plans Panels is an effective way of sharing information and new processes and ensuring the Plans Panel have as much up to date information as possible to support them in their decision making.

Member notification of planning applications and appeals

5.41 A protocol was agreed by the Joint Plans Panel in 2013 and set out the way officers should communicate and involve ward members in planning applications. The protocol ensures that ward members are informed, communicated with and have the opportunity to be actively involved through the life of a planning proposal within their area. However, there is a need to give regard to the available resources and for timely decision making and some of the provisions in the protocol were out of date as internal processes and technology had moved on. The Joint Member Officer Working Group

(JMOWG) reviewed the protocol in March 2016 and a report went to the Joint Plans Panel in July 2016 recommending changes to the protocol.

5.42 The key recommendation was that a channel shift to use of technology was required; meaning all members should use Public Access for their information needs. With Public Access, members can self –serve to find information on an ad hoc basis or after registering and setting up “saved searches” to receive regular updates. Members would be sent a maximum of a daily email, with details of whatever information they have requested to receive from the system and could include:

- All applications in their ward
- Specific types of applications in their ward- eg just household, just major applications etc
- Appeals in their ward- new ones and decisions made

5.43 There are a number of benefits of moving to the automated system- it's cost effective-Public Access notification will remove a number of tasks currently undertaken by officers and instead be replaced by a timely automatic communication; it reduces human error of officers forgetting or omitting applications and there is no time delay. It also allows members at a glance to see the progress of individual applications, meaning they can be better informed of the position of an application at any given time.

5.44 Members of the Joint Plans Panel agreed to the changes and following Group support officer training from planning services on the use of Public Access, support staff set up accounts for their members on Public Access. The channel shift to Public Access commenced from 1 October 2016.

Relationship with partners and customers

Customer Services Excellence reaccreditation

5.45 In March 2017, the service was successful again in being reaccredited with Customer Services Excellence (CSE). This is a national government standard awarded to organisations who demonstrate that they are a customer focused organisation. The assessors report was particularly complementary about the planned improvements to the website, committee rooms 6 and 7 and the way members of the public were treated at the Plans Panel meetings.

Customer satisfaction survey

5.46 Part of our commitment to continuous improvement, a customer satisfaction survey is carried out on a two-yearly basis. In January 2017, an online survey was sent out to over 5,000 participants who had used the planning service. The response rate was 4%; whilst this is not a high return, it is possible to identify common issues arising particularly from the comments respondents made. A number of themes emerged from the survey including:

- Officers and lack of communication throughout the planning application process, lack of access to officers
- Validation criteria inconsistencies, overly complex and barrier to expeditious determination
- Delays in determination and lengthy process for what appeared to be less complex applications
- Poor website and lack of usability of the content

5.47 On a more positive note, when asked for general comments, 17% of the comments made were constructive about Planning Services. Compliments were calculated as

16% of the general comments received and ranged from Officers being very helpful, being fast and efficient and access to submitting planning applications online.

- 5.48 Work will now be undertaken to try to address some of these issues, however, it is noted that the resourcing issue and increased workloads identified above has had an impact on service delivery and the appointment of both temporary and permanent staff will hopefully assist in alleviating some of the issues above.

Web refresh

- 5.49 Members heard last time about the work being undertaken to refresh the planning web pages. This has been a significant undertaking to review content, consider how customers find and use the information on the pages and make pages more attractive and easy to use. Some customer focus groups are being organised to soft test the pages and the content and the pages will go live in summer 2017 as part of the overall refresh of the Leeds City Council web offering as it migrates to SharePoint 13.

Economic growth and Housing delivery workshops

- 5.50 Planned for early into the new financial year are a number of workshops with the registered providers (RP) of affordable housing sector. These workshops will focus on particular issues in an effort to understand the barriers and challenges the RP sector faces and to also facilitate a two way conversation about the challenges and aspirations of the Council in working with the sector, to deliver housing growth in the city.
- 5.51 A further workshop is in the early stages of being organised with the small and medium size house builder companies. We will be working with the Chamber of Commerce to bring this workshop forward, as there are particular issues faced by this house building sector and the session is intended to start the conversation to address issues faced by builders and the LPA, again in a bid to stimulate delivery of new housing.

6. Main Issues – Licensing

- 6.1 In accordance with the agreement reached in 2016 between the Chairs of this committee and the Licensing Committee, Members attention is drawn to the Annual Licensing Report which was considered by Licensing Committee on 7th February 2017 and submitted to Council on 29th March 2017. This report sets out information in relation to the licensing activity in the period 1st January to 31st December 2016.
- 6.2 The annual work programme for Licensing Committee includes the submission of an Annual Licensing Report to full Council covering both sections of the Council's Licensing Service (Entertainment Licensing and Taxi and Private Hire Licensing). The Annual Licensing Report is submitted to Licensing Committee for scrutiny and as part of the clearance process. In order to avoid duplication of work by officers the Executive Member for Licensing, the Chair of the Licensing Committee and the Chair of this committee have agreed that the Annual Licensing Report will be used to support this annual decision making assurance report.
- 6.3 Minutes for Licensing Committee held on the 7th February 2017 show that the Annual Licensing Report was discussed in detail.
- 6.3.1 The Executive Officer for Taxi and Private Hire Licensing responded to questions and queries in relation to: -
- Enforcement;
 - Safeguarding;
 - Service Improvement;
 - Licensing Statistics;
 - Decisions;
 - Refusals and Revocations;
 - Suspensions; and
 - Complaints.
- 6.3.2 The Section Head for Entertainment Licensing responded to questions and queries in relation to: -
- Evening and Night time Economy;
 - Strategy and Policy;
 - Proactive work;
 - Reactive work;
 - Licensing Act Application Statistics;
 - Gambling Statistics;
 - Large Casino;
 - Sex Establishments; and
 - Outdoor Events.
- 6.4 Licensing Committee resolved to note the contents of the Licensing Annual Report 2016 and noted that the report will be considered by full Council in March 2017.
- 6.5 The Annual Licensing Report was considered by full Council on 29 March 2017 and Council resolved that the annual report be received and noted.

Safeguarding in Taxi and Private Hire Licensing

- 6.6 Safeguarding continues to be a priority for Taxi and Private Hire Licensing and the service submitted an update report to Executive Board on 14 December 2016 in regard to further improving safeguarding arrangements in Taxi and Private Hire Licensing.

- 6.7 Executive Board received an update upon the work which continued to be undertaken at a West Yorkshire level in order to improve safeguarding arrangements in the field of taxi and private hire licensing. Also, responding to a Member's specific enquiry, the Board received further information on the actions being taken to work collaboratively with Local Authorities outside of the West Yorkshire boundary on such matters, and the progress which had been made as a result.
- 6.8 Members were provided with assurances around the consistency of approach taken in respect of driver checking processes, whilst Executive Board was also provided with further information and assurances on the actions which had been taken since the submission of the last update report in order to ensure that improved mechanisms had been put in place around Police disclosure of information.
- 6.9 In conclusion, Executive Board noted that the issue of safeguarding, together with ensuring the highest standards in terms of licensing, remained a key priority of the Council, with emphasis being placed upon the robust and cross-party approach which was taken by the Licensing Committee in dealing with such matters.
- 6.10 Executive Board resolved that the direction which the relevant officers and Members of Licensing Committee have taken, be noted and endorsed, together with the progress which has been made towards beneficial safety improvements for safeguarding in the area of Taxi and Private Hire Licensing.

Licensing Assurance Statement

- 6.11 From the review, assessment and on-going monitoring carried out and detailed in the Annual Licensing Report received by Licensing Committee and full Council, the Head of Elections, Licensing and Registration has reached the opinion that, overall, decision making systems in relation to licensing are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

7. Corporate considerations

7.1 Consultation and engagement

- 7.1.1 The content of this report has been shared with the Council's Corporate Leadership Team who are content with the content of the report.

7.2 Equality and diversity / cohesion and integration

- 7.2.1 There are no implications for this report.

7.3 Council policies and best council plan

- 7.3.1 The Best Council Plan maintains the Council's ambition to become the best Council in the UK, using a civic enterprise leadership style, in which the council is more enterprising, businesses and partners more civic, and the citizens of Leeds more actively engaged in the work of the city.

- 7.3.2 The appropriate use of the systems and processes in place to govern decision making, RIPA, planning and licensing secure appropriate sharing of information and engagement with Members, officers, partners and public in the Council's significant decisions.

7.4 Resources and value for money

- 7.4.1 Continued review of the decision making framework seeks to ensure that there is appropriate use of council resources in complying with the framework with no duplication of effort or resource.
- 7.4.2 Given the assurances made by the Head of Governance and Scrutiny Support, the Head of Elections, Licensing and Registration and the Chief Planning Officer as a result of the implementation and monitoring of the Council's decision making framework it is considered that the systems and processes in place continue to represent an appropriate use of resources and good value for money.

7.5 Legal implications, access to information, and call-in

- 7.5.1 The Head of Governance and Scrutiny Support, Head of Elections, Licensing and Registration and Chief Planning Officer are satisfied that the arrangements put in place through the Council's decision making framework meet all legal requirements.
- 7.5.2 The decision making framework in place supports the Council's value of being open, honest and trusted. Decision making is subject to both the rigour of statutory requirements in relation to publication of relevant information and to the processes and procedures put in place at the request of Members to ensure that officer decision making supports and complies with the democratic mandate secured through the election process.

7.6 Risk management

- 7.6.1 The Head of Governance and Scrutiny Support, Head of Elections, Licensing and Registration and Chief Planning Officer give assurance that the systems and processes that form part of the Council's decision making framework are functioning well and that there are no risks identified by this report.

8. Conclusions

8.1 In relation to executive decision making:

- Steps taken to ensure that the decision making framework is kept under review to maintain it up to date and fit for purpose;
- Assurance that the delegation and sub-delegation of functions is appropriate to the Council's organisational structure;
- Assurance that requirements in relation to the publication of decisions are embedded and routinely complied with; and
- Assurance that key performance indicators are regularly monitored.

8.2 In relation to the regulation of investigatory powers (RIPA):

- Assurance that the Guidance and Procedure document has been reviewed and updated, and that no changes to the RIPA policy are recommended by officers at this time;

- Assurance that all the recommendations in the latest OSC report are being implemented; and
- Confirmation that there have been no applications for directed surveillance or CHIS authorisations, or for the acquisition of communications data, in the reporting period.

8.3 In relation to planning:

- Steps taken to ensure that the decision making framework is kept under review to maintain it up to date and fit for purpose;
- Assurance that the delegation and sub-delegation of functions is appropriate to the Council's organisational structure;
- Assurance that the key performance indicators, required by national government, are monitored and measures are in place to address any issues
- To note the measures taken to work positively and transparently with elected members, communities and the customers
- Assurance in the steps taken to learn from previous errors and the measures in place to mitigate the risk of reoccurrence

8.4 In relation to licensing to:-

- Note the report received by Licensing Committee on 7th February 2017 and specifically the assurances contained in relation to licensing decisions, practice and procedure.

9. Recommendations

9.1 Members are requested to consider and note the positive assurances provided in this report given by the Head of Governance and Scrutiny Support, the Chief Planning Officer, the Head of Service (Legal) and the Head of Elections, Licensing and Registration that the decision making framework in place within Leeds City Council is up to date, fit for purpose, effectively communicated and routinely complied with.

9.2 Members are requested to advise the Head of Governance Services in relation to whether amendments should be proposed to the definition of key decision set out in Article 13 of the Constitution (see paragraph 3.64).

10. Background documents⁵

10.1 None

⁵ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.