



Leicester  
City Council

Minutes of the Meeting of the  
CABINET

Held: MONDAY, 11 APRIL 2011 at 1.00pm

P R E S E N T :

Councillor Dempster - Chair

Councillor Bhatti  
Councillor Dawood  
Councillor Osman

Councillor Cooke  
Councillor Naylor  
Councillor Russell

Councillor Westley

\* \* \* \* \*

**236. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Patel and Councillor Wann.

Councillor Dempster took the Chair for the meeting.

**237. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they may have in the business on the agenda and/or declare if Section 106 of the Local Government Finance Act 1992 applied to them.

Councillor Dawood declared a personal and prejudicial interest in respect of agenda item 9, Arrangement for Extending the Services Contract with Leicester Shire Connexions Service Limited, as he was employed by Connexions. He undertook to withdraw from the meeting during the consideration of the item of business.

Councillor Bhatti declared a personal interest in agenda item 7, Annual Consultation on Admission Arrangements for Entry in 2012/13 as his daughter in law was a teacher.

Councillor Westley declared a personal interest in agenda item 17, New Affordable Housing for Leicester 2011-2015 and item 20, New Affordable Housing for Leicester 2011-2015 (Council New Build, Extension and Conversions) as members of his family were council house tenants, although

they paid their own rent.

Councillor Naylor declared that in respect of agenda item 6, Health Scrutiny Committee's Review of Adult Mental Health Services in the City, he was a shadow governor of the Leicestershire Partnership Trust and also that a member of his family accessed mental health services in the City.

### **238. LEADER'S ANNOUNCEMENTS**

The Deputy Leader announced that the National Centre of Excellence had highlighted Leicester City Council's 'Talk Matters' initiative as an example of good practice. This highlighted the importance of talking to children and babies as early as possible and Councillor Dempster added that it was excellent news that the initiative had been recognised.

### **239. MINUTES OF PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting of Cabinet held on 21 March 2011 be confirmed as a correct record.

### **240. MATTERS REFERRED FROM COMMITTEES**

There were no matters referred from Committees.

### **241. HEALTH SCRUTINY COMMITTEE'S REVIEW OF ADULT MENTAL HEALTH SERVICES IN THE CITY**

Councillor Cooke, who had chaired the Health Scrutiny Review, submitted a report that presented the findings of the Health Scrutiny Committee's review into how working-age adult mental health services were currently delivered in Leicester. He added that as part of the review, users of the Service and their carers had been consulted and had participated in what he believed was the first scrutiny review into the mental health service.

Councillor Cooke stated that there were two additional recommendations as follows:

- 1) that the report be referred to the Health Scrutiny Committee to monitor its implementation; and
- 2) that the report be referred to the Board of the Partnership Trust and NHS Leicester City for consideration and comment.

Members welcomed the report and stated that it was an important issue to scrutinise. Thanks were also given for the Member Support Officer's help in supporting the review.

RESOLVED:

that Cabinet endorses the report and its recommendations as

follows:

- 1) a percent investment target for the community and voluntary sector (VSC) needs to be established and worked towards to address the low investment levels currently seen, to ensure that they receive funding commensurate with the vital frontline services that they provide. The VCS have a role to play in building capacity and capability to support the development and delivery of mental health services but their role or budgets have not specifically been defined or identified.
- 2) The “bundling” of the Leicestershire Partnership block contract is viewed as a stumbling block by many in the voluntary and community sector. Therefore the “unbundling” of the block contracts would assist them in being able to apply for more contracts;
- 3) A timeframe has now been provided by which the new Strategy will be approved (March 2011) but this timeframe must not be allowed to slip any further. There has been no clear strategy over the last 4 years by the City Council and the PCT. This has been seen by some as having led to the deterioration in a consistent and meaningful dialogue between the commissioners and themselves;
- 4) A consultation framework is required, together with a clear and realistic timeframe. This needs to be established in consultation with the community and voluntary sector. This needs to be completed and attached to the back of the report when it goes to Cabinet;
- 5) Clear leadership, accountability and better governance is required to LCC and PCT together with an open and transparent dialogue. This includes holding meaningful consultations with realistic timescales, where users and carers feel that they are being listened to, targets set and worked towards. Progress against this should be reported back to HSC within the next 6 months and thereafter if required;
- 6) That the report be referred to the Health Scrutiny Committee to monitor its implementation; and
- 7) That the report be referred to the Board of the Partnership Trust and NHS Leicester City for consideration and comment.

#### **242. ANNUAL CONSULTATION ON ADMISSION ARRANGEMENTS FOR ENTRY IN 2012/13**

Councillor Dempster submitted a report that briefed Cabinet on the outcome of

the recent consultation exercise on the admission arrangements for 2012/2013. She added that the Children and Young People Scrutiny Committee had considered the report and supported its recommendations.

RESOLVED:

that Cabinet approves the admission arrangements for the academic year 2012/2013, incorporating the proposed changes which were consulted on, as detailed below:

- a) increases the Admission Number of Mellor Primary School to 90;
- b) supports the principle of federated schools; and
- c) removes extended closing dates and maintain a single national closing date.

#### **243. OUTCOME OF THE UNANNOUNCED SAFEGUARDING INSPECTION 2010**

Councillor Dempster submitted a report that advised on the outcome of the Ofsted Unannounced Safeguarding Inspection of Duty and Assessment Services in the Social Care and Safeguarding Division on 16 and 17 November 2010. The report summarised the findings of the inspection, the recommendations and response of the Division. She added that the report was important because it related to some of the most vulnerable children and adults in the City.

Councillor Dempster commented that the inspection had been an excellent achievement and no priority needs for action were identified. There was however, no room for complacency and the recommendations from the inspection were already being addressed. She added that the inspection was a testament to the hard work of the staff, whose work was difficult and stressful and also to the Council.

The report had been considered by Children and Young People Scrutiny who had endorsed its recommendations.

RESOLVED:

that Cabinet:

- 1) notes the findings of the inspection and in particular the considerable strengths of the service as identified by the inspectors and the hard work and dedication of staff who helped ensure the inspection was a success; and
- 2) notes the identified areas for development, the steps being taken in relation to some of the areas identified and the intention to ensure that all areas so identified are actioned as soon as possible.

**244. ARRANGEMENT FOR EXTENDING THE SERVICES CONTRACT WITH LEICESTER SHIRE CONNEXIONS SERVICE LIMITED**

**Councillor Dawood, having declared a personal and prejudicial interest, withdrew from the meeting during the consideration of this item of business.**

Councillor Dempster submitted a report that advised Cabinet of the current position regarding Leicester Shire Connexions Service Limited (Connexions) and which sought approval for the recommendations to extend the services contract between Leicester City Council, Leicestershire County Council and Connexions for the provision of the Connexions Services (the "Services contract") for 6 months from 1 April 2011 (with an option to extend further to 31 March 2012) and make consequential amendments to its Members' Agreement. Councillor Dempster added that these arrangements would stabilise the system and protect the service.

RESOLVED:

that Cabinet authorises the Strategic Director, Children and Young People's Service in consultation with the Director, Legal Services:

- 1) to agree and enter into a Deed of Variation to extend the term of the Services Contract for the period 1 April 2011 to 30 September 2011.
- 2) to agree an option within the Deed of Variation to further extend the Services Contract for the period 1 October 2011 to 31 March 2012 and exercise that option where the Strategic Director, Children and Young People's Service, considers it appropriate.
- 3) to agree as part of the Deed of Variation Business Plans to detail the extend of the Connexions Service under the Services Contract (as extended) and the Service Fee to be paid in consideration for its performance by the Council.

**Councillor Dawood returned to the meeting at this point.**

**245. ILLEGAL MONEY LENDING AND DELEGATION OF POWERS TO BIRMINGHAM CITY COUNCIL**

Councillor Russell submitted a report that sought to approve the delegation of enforcement and prosecution powers to Birmingham City Council to enable the Illegal Money Lending Section within Birmingham Trading Standards (IMLS) to undertake investigations into illegal money lending in the Leicester City area and take appropriate enforcement actions.

Councillor Russell drew Members' attention to the addendum, which contained additional recommendations to enable Nottingham City Council to continue with

ongoing actions in respect of Operation Cairo.

RESOLVED:

that Cabinet:

- 1) Delegates to Birmingham City Council the discharge of the enforcement function and powers under the Consumer Credit Acts 1974 and 2006 and any legislation which amends or succeeds the same, including any secondary legislation made there under in so far as they relate to illegal money lending in Leicester City and for such cases and investigations as are agreed between the Authorities.
- 2) Delegates to Birmingham City Council, for the exercise of this function and in so far as the law allows, powers in respect of any associated offence which may become apparent under other legislation or at Common Law including, but not limited to:
  - The Administration of Justice Act 1970
  - The Business Names Act 1985
  - The Consumer Credit Act 1974
  - The Criminal Attempts Act 1981
  - The Criminal Justice and Police Act 2001
  - The Criminal Law Act 1977
  - The Fraud Act 2006
  - The Malicious Communications Act 1988
  - Consumer Protection Act 1987
  - Offences Against the Person Act 1861
  - Theft Act 1968 and 1978
  - Proceeds of Crime Act 2002
  - Perverting the course of justice
  - False imprisonment
  - Kidnap
  - Blackmail
- 3) Authorises the Divisional Director Environmental Services to sign the Protocol subject to the Head of Legal Services being satisfied as to its contents.
- 4) Authorises the Divisional Director Environmental Services to agree any amendments to the Protocol in the light of how the project develops, subject to consultation with the Cabinet Lead.
- 5) Delegates to Nottingham City Council the discharge of the enforcement function and powers under the Consumer Credit Acts 1974 and 2006 and any legislation that amends or succeeds the same, including any secondary legislation made there under in and powers of associated legislation in so far

as they relate to Operation Cairo and in accordance with the protocol until such time as legal action is concluded; and

- 6) Agrees that with the exception of Operation Cairo, to withdraw the delegation to Nottingham City Council of the enforcement function and powers under the Consumer Credit Acts 1974 and 2006 and powers of any associated offence as set out in Recommendation 2.2 of the main report.

#### **246. PLANNING APPLICATIONS - REVISED LOCAL VALIDATION REQUIREMENTS**

Councillor Osman submitted a report that sought Cabinet approval for the Council to adopt a revised list of details to be submitted with planning applications to make them acceptable in line with Government advice.

RESOLVED:

that Cabinet:

- 1) notes the requirement to revise the list of submissions for planning applications as set out in the report and the proposed consultation exercise.
- 2) delegates authority to the Director, Planning and Economic Development, in consultation with the Cabinet Lead, to make appropriate amendments to the validation list to take into account consultation responses, following which the list will be adopted.

#### **247. DRAFT GREEN SPACE SUPPLEMENTARY PLANNING DOCUMENT**

Councillor Osman submitted a report that reported on the outcome of the public consultation for the draft Green Space Supplementary Planning Document (SPD), presented the final version and which sought formal adoption.

RESOLVED:

that Cabinet formally adopts the Green Space Supplementary Planning Document as Council policy.

#### **248. IMPROVING HEALTH IN LEICESTER: THE ANNUAL REPORT OF THE DIRECTOR OF PUBLIC HEALTH**

Councillor Naylor submitted the Director of Public Health's Annual Report on the health of the population. He asked Cabinet to note that a more detailed workshop would be held in the summer.

RESOLVED:

that Cabinet receives the Annual Report of the Director of Public Health and Health Improvement 2010 and notes that there will be a more detailed workshop to be held later in the year.

## **249. CREATION OF THE 2011/2012 PROCUREMENT PLAN**

Councillor Dempster submitted a report that sought Cabinet's approval to the Procurement Plan for 2011/2012. She explained that the plan would be published onto the Council website so that it could be viewed by suppliers and members of the public, thus improving transparency.

Members welcomed the report but asked officers to review procurement processes with a view to making the process less complex for voluntary bodies and other small organisations.

RESOLVED:

that Cabinet:

- 1) Approves the forward plan of procurement activities for the market to have an early indication of potential activity and for the engagement, attached as Appendix 1;
- 2) Notes that the Plan will be subject to review and refinement from time to time;
- 3) Notes that actual procurement activity will be monitored against the plan by the Select Committee;
- 4) Notes that on 21 April 2008, the Cabinet reserved to itself the decision to let contracts in excess of the EU thresholds;
- 5) Delegates the letting of contracts within this Plan to Divisional Directors, subject to consultation in each case with Cabinet Leads and periodic reporting to Cabinet of contracts let;
- 6) Approves that all call off/mini-competition spend which utilises external contracts above EU value eg ESPO, EMPA and OGC etc be included in future Procurement Plans.
- 7) Agrees and approves that a separate Procurement Plan be created to capture potential procurement activity (which will include all third party contracts and call-offs) where value of contracts is as defined in Contract Procedure Rules but below the EU threshold. In future years, it is proposed to include this in the formal Procurement Plan; and
- 8) Agrees and approves the quarterly cyclical reportings of the review and additions to the Procurement Plan to Cabinet.

## **250. REDUCING THE COST AND USE OF AGENCY STAFF ( VACANCY MANAGEMENT SERVICE)**



Councillor Dawood submitted a report that provided Cabinet members with an update on the drive to reduce the cost and use of agency staff throughout the authority during 2010/2011 and which informed Cabinet members that the same approach had been adopted to manage the cost and use of consultants. He congratulated Officers on the work that had been carried out in order to reduce agency costs.

RESOLVED:

that Cabinet:

- 1) notes the content of the report and acknowledges the work of the Vacancy Management Service within the Human Resources in leading on reducing the reliance on agency workers and the associated costs over the past 12 months; and
- 2) notes that a reduced spend of £3.8 million has been achieved in the financial year 2010/2011 compared to the previous year.

#### **251. BME WORKFORCE TASK GROUP: IMPROVING BME SENIOR MANAGEMENT REPRESENTATION**

Councillor Dawood submitted a report that set out the investigation and findings of the cross party BME Workforce Task Group into the issue of low BME Senior Management representation within the Council.

Councillor Dawood stated that members of the Task Group had been disappointed by the coverage of the review that had appeared in the local press, as there had been some negativity in the article which had detracted from the positive work that had been carried out.

RESOLVED:

that Cabinet agrees:

- 1) that the Director of Human Resources amends the Recruitment Procedure in regard to panel members for appointments to managerial and professional posts: from a minimum of 2 members to a minimum of 3 members, and that there should be balanced panels (in terms of representativeness of its members);
- 2) that the Director of Human Resources revises the process for Member appointment panels to ensure that Members are involved at an early stage and receive the appropriate training;
- 3) that the Black Workers Group conducts a follow up survey to their 2009 BME staff survey and that they receive organisational support in its delivery and analysis;

- 4) that a Strategic Director be identified as corporate equalities champion; and
- 5) that a new Standing Equalities Task Group be established to enable members to have an inclusive overview of equalities practice across the Council's business processes.

## **252. NEW AFFORDABLE HOUSING FOR LEICESTER 2011-2015**

Councillor Westley submitted a report that sought decisions on how the Council wished to respond to the Government's new approach to enabling new affordable housing as set out in its "2011-15 Affordable Homes Programme Framework".

Members welcomed the report and commented that there was wasteland and derelict land within the City, which could be developed to provide land for affordable housing.

RESOLVED:

that Cabinet confirms the affordable housing needs of the City for the period 2011-15.

## **253. ANY OTHER URGENT BUSINESS**

### **ADDENDUM TO THE 2010/2011 PROCUREMENT PLAN**

The Deputy Leader agreed that this item could be considered as urgent business on the grounds that urgent approval was sought for the tenders to be included as part of the Procurement Plan for 2010/2011 to enable the contracts to be issued as soon as possible. The contract start date would either be for 1 March or thereafter, any activities undertaken prior to approval had been limited and had been undertaken at the project's own risk.

Councillor Osman submitted a report that proposed additions to the Procurement Plan for 2010/2011.

RESOLVED:

that Cabinet:

- 1) approves the additions to the 2010/2011 Procurement Plan as detailed in Appendix A of the addendum; and
- 2) approves that those tenders be included as part of the Procurement Plan for 2010/2011 to enable the contracts to be issued as soon as possible.

## **254. PRIVATE SESSION**

RESOLVED:

that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involved the likely disclosure of 'exempt' information, as defined in the Paragraph detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

**NEW AFFORDABLE HOUSING FOR LEICESTER 2011-2105  
(COUNCIL NEW BUILD, EXTENSION AND CONVERSIONS)**

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**LEICESTERSHIRE COUNTY CRICKET CLUB LIMITED –  
VARIATION OF COVENANTS**

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**255. NEW AFFORDABLE HOUSING FOR LEICESTER 2011-2015 (COUNCIL  
NEW BUILD, EXTENSION AND CONVERSIONS)**

Councillor Westley submitted a 'Not for Publication' report, which Members were asked to consider alongside the main report, New Affordable Housing for Leicester 2011-15, item 17 on the public agenda. The report sought decisions on how the Council wished to respond to the Government's new approach to enabling new affordable housing as set out in its "2011-15 Affordable Homes Programme Framework".

RESOLVED:

that Cabinet approves the recommendations set out in Paragraph 2 of the report.

**256. LEICESTERSHIRE COUNTY CRICKET CLUB LIMITED – VARIATION OF  
COVENANTS**

The Strategic Director, Development, Culture and Regeneration submitted a report which identified a proposal through which the Council could seek to support the Leicestershire County Cricket Club Ltd to continue to provide first class cricket in the City. Members were referred to an addendum that had been previously circulated and were asked to agree additional recommendations.

RESOLVED:

that Cabinet:

- 1) agrees the recommendations contained within the report and the addendum; and
- 2) agrees to delegate authority to the Strategic Director for Development, Culture and Regeneration in consultation with the Leader to agree the detailed terms with LCC and/or their funders.

## **257. CLOSE OF MEETING**

The meeting closed at 2.25 pm.

