



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 13 JUNE 2005 at 5.00pm

P R E S E N T :

Councillor R Blackmore - Chair
Councillor Scuplak - Vice-Chair

Councillor Coley	Councillor Gill
Councillor Farmer	Councillor Metcalfe
Councillor Grant	Councillor Muggleston
Councillor Suleman	

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5. DECLARATIONS OF INTEREST

Members were requested to declare any interests they may have in the business to be discussed and/or indicate that Section 106 of the Local Government Finance Act 1992 applied to them.

Councillor Metcalfe declared a prejudicial interest in item 11, 'Leicester Asian Youth Association and 27a Access Arts' as a personal friend of one of the leaseholders of the building used by the Leicester Asian Youth Association. Councillor Metcalfe left the meeting for the duration of this item.

Councillor Metcalfe also declared a non prejudicial interest in item 15, 'HomeCome Issues' as a Director of the company.

Councillor Coley declared a prejudicial interest in item 12, 'A City Academy to Replace New College' as a member of the Interim Executive Board, and left the meeting for the duration of this item.

6. LEADER'S ANNOUNCEMENTS

Councillor Blackmore announced that he wanted to assure the future of Gorse Hill Farm, and asked for a report back to Cabinet on 27 June identifying how funding could be provided for the Farm in the current year. It was also announced that the most appropriate ongoing funding package would be looked at as part of the 2006/07 budget consideration.

7. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meeting held on 16 May 2005, and the special meeting held on 6 June 2005 having been circulated to Members be taken as read and signed by the Chair as a correct record.

8. MATTERS REFERRED FROM SCRUTINY COMMITTEES

There were no matters referred from Scrutiny Committees.

9. PROVISIONAL SECOND LOCAL TRANSPORT PLAN 2006 - 2011

Councillor Mugglestone submitted a report presenting the provisional second Central Leicestershire Local Transport Plan (CLTP) to Members for Council's approval to submit the Plan to the Department for Transport by 29 July 2005. The latest draft of the Central Leicestershire Local Transport Plan 2006-2011 was circulated.

RESOLVED:

That the Provisional Central Leicestershire Local Transport Plan 2006 to 2011 be recommended to Council.

10. DEVELOPING A STRATEGY FOR MEETING THE NEEDS OF THE SOMALI AND OTHER NEW COMMUNITIES IN LEICESTER

Councillor Gill submitted a report briefing Cabinet on the action taken in the last year since the consideration in August 2004 of a referral by the then Finance, Resources and Equal Opportunities Scrutiny Committee to Cabinet on the needs of the Somali Community and other new communities in the City.

Councillor Farmer suggested that the Leicester Economic Regeneration Partnership could be approached to investigate the possibility of using any Single Regeneration Budget (SRB) underspend to help fund the service level agreement with Somali Community Development Services following the end of SRB funding, and it was agreed that this would be investigated.

RESOLVED:

- (1) that the work described in the report to assist the community to settle integrate and develop new social and economic networks be noted;
- (2) that the service level agreement with Somali Community Development Services, negotiated on behalf of the Council by the Social Care and Health Department that was put in

place on an interim basis following the end of SRB funding be confirmed, and that the Leicester Economic Regeneration Partnership be approached to see if any SRB underspend could be used to help fund the service level agreement,

- (3) that the relevant scrutiny committees be asked to keep under review issues raised by the community about meeting housing needs (particularly of those not entitled to public housing or support) education and youth provision, private fostering, burials and access to NHS services including primary care and interpreting and translation,
- (4) that the Leicester Partnership be recommended to continue the development of a new communities strategy and costed action plan to direct its and partners funding, to improving the integration, quality of life, employment and educational opportunities of refugees and asylum seekers in Leicester, and
- (5) that representations to the government be supported for a funding strategy relating to large scale world events, and specifically about the circumstances of those children and families excluded from any public assistance by their immigration status.

11. LEICESTER ASIAN YOUTH ASSOCIATION AND 27A ACCESS ARTS

Councillor Metcalfe declared a prejudicial interest and left the room for the duration of discussion on this item.

Councillor Mugglestone submitted a report back on the decision taken at Cabinet on 25 April regarding the funding of Leicester Asian Youth Association (LAYA) and 27a Access Arts, following its consideration by full Council on 26 May 2005, following an objection to the Cabinet decision.

Councillor Mugglestone thanked colleagues for their work in carrying out talks with LAYA, and helping them to achieve charitable status, which had in turn led to a number of grants from other organisations being identified. The organisation had also produced a Business Plan which showed potential for sustainability and it was considered that the organisation may be able to provide valuable core services on behalf of the Council. However, it was noted that 27a Access Arts was not regarded as a sustainable project and it was the view of members that the previous decision of Cabinet on 25 April 2005 relating to this organisation should be revoked.

RESOLVED:

- (1) That in the case of 27a Access Arts, no further action be taken in view of the apparent lack of sustainability of the

project, and the previous decision of Cabinet on 25 April 2005 be revoked,

- (2) that the recently acquired charitable status of LAYA and the business plan currently being developed by LAYA be noted, and in the light of these new developments and the extension of their accommodation being likely to attract new income generating activities,
 - (a) that the rent payable in respect of the accommodation be deferred for one year, to be funded from the Regeneration and Culture budget,
 - (b) that the Regeneration and Culture department be asked to look at the possibility of commissioning through LAYA those core services where the new organisation may be able to provide value for money services to the local community, and
 - (c) that the Education and Lifelong Learning department be asked to look at the possibility of commissioning core services where the new organisation may be able to provide value for money services to the local community.

12. A CITY ACADEMY TO REPLACE NEW COLLEGE

Councillor Coley declared a prejudicial interest in the item as a member of the Interim Executive Board and left the meeting for the duration of this item.

Councillor Suleman submitted a report which considered the signing of an Expression of Interest with New College governors (Interim Executive Board) and the named sponsors – the Church of England and David Samworth for a City Academy to replace New College. The minute extract of the Special Education and Lifelong Learning Scrutiny Committee held on 10 June 2005 had been circulated, and attention was drawn to their comments on the consultation route and the potential new sponsor.

It was agreed that the consultation process should begin as soon as possible, and that no final decision on approval should be made until the consultation was complete. It was therefore agreed that, as requested by the Education and Lifelong Learning Scrutiny Committee, an advisory group for the consultation process be established comprising the Cabinet Lead, Scrutiny Triumvirate and ward member representatives, and that this should meet within two weeks.

Councillor Suleman also stressed his support for the Interim Executive Board of New College, and the need to support the school for the sake of the existing pupils.

RESOLVED:

- (1) that the commitment to an Expression of Interest for a City Academy on the New College site be reaffirmed,
- (2) that the wish for a full and meaningful consultation exercise be confirmed before signing an Expression of Interest with sponsors,
- (3) that the Scrutiny Committee's proposal that an advisory group for the consultation process be established comprising the Cabinet Lead, Scrutiny Triumvirate and ward member representatives be supported, and that this group meet within the next two weeks,
- (4) that Officers be asked to refer the new bid to the DfeS for further exploration and evaluation,
- (5) that the interest of the Church of England and David Samworth in sponsoring the City Academy be welcomed, and a final decision be made on a sponsor after the results of the consultation exercise, and
- (6) that the support to the interim Executive Board of New College in bringing the school out of special measures be reaffirmed.

13. LIFELONG LEARNING BUDGET - REPORT OF INDEPENDENT ACCOUNTANTS

Councillor Coley submitted a report presenting RSM Robson Rhodes' findings on the review of the budgetary problems in the Lifelong Learning and Community Development Division in the Education and Lifelong Learning department.

RESOLVED:

that the action plan be endorsed.

14. LIFELONG LEARNING AND COMMUNITY DEVELOPMENT BUDGET - RECOVERY PLAN

Councillor Suleman submitted a report setting out draft options with regard to a recovery plan to bring the budget of the Lifelong Learning and Community Development division back into balance.

It was noted that no decision was being sought at this stage, only guidance on options. Consultation on options and impact assessments were continuing and a further report would be submitted to Cabinet on 11 July. Councillor Suleman also referred to a statement he had received from Unison and gave assurances that the issues raised in the statement would be considered.

The minute of the Special Education and Lifelong Learning Scrutiny Committee held on 10 June 2005 had been circulated. It was noted that the Committee had had a full debate on the report and the issues raised would be considered as part of the consultation.

RESOLVED:

That pending the outcome of trade union and associated consultation, officers be requested to consider whether an additional option which reduces senior staffing levels is viable.

15. HOMECOME ISSUES

Councillor Metcalfe declared a non prejudicial interest in the item as a Director of HomeCome.

Councillor Blackmore submitted a report asking for the Cabinet's agreement regarding membership of the HomeCome Board of Director's and whether HomeCome should be allowed to buy properties outside the Council's own boundaries. A map showing areas covered by one and two miles outside of the City boundary was circulated.

RESOLVED:

- (1) that the Council's nominated Director on the HomeCome Board of Directors be Councillor Metcalfe,
- (2) that the re-election of the 2 retiring Directors (Chris Cronogue and Ian Harkness) at the forthcoming HomeCome AGM be supported, and
- (3) that HomeCome be allowed to buy properties with the support of an Affordable Rent Grant, in adjoining Council areas, within one mile of the City boundary, in the same way that HomeCome buys properties in Leicester City Council's own boundary, provided it lets the properties to tenants from the City Council's Housing Register, through the Council's Allocation Policy.

16. LOCAL DEVELOPMENT SCHEME

Councillor Farmer submitted a report seeking approval to the Council's Local Development Scheme and the date from which the scheme should have effect. It was noted that the requirement for the scheme arose from the Planning and Compulsory Purchase Act 2004 which introduced significant changes to the planning system, in particular the preparation of Local Development Frameworks.

RESOLVED:

- (1) that the Local Development Scheme be approved,
- (2) that the Local Development Scheme take effect from 14 June 2005,
- (3) that it be noted that the Local Development Scheme is due for review later this year,
- (4) that the composite parts of the Local Development Scheme be drawn up in consultation with the Cabinet Member for Strategic Community Renewal and Safety and Deputy Leader, and
- (5) that the decision is considered urgent because of the need to ensure that the Scheme deadlines are met, and that Cabinet procedure rule 12d (that no call in be made if Cabinet decides when making a decision that the matter is urgent for specified reasons) shall apply.

17. PLANNING DELIVERY GRANT 2005/2006

Councillor Farmer submitted a report informing Cabinet of the award of a Planning Delivery Grant of £494,495 for 2005/06. The minute extract from the Strategic Planning and Regeneration Scrutiny Committee held on 9 May 2005 had been circulated.

RESOLVED:

- (1) that the 2005/06 Planning Delivery Grant (PDG) of £494,945 (plus a carry forward of £36,776 from the PDG award for 2004/05) be spent on planning services,
- (2) that the Corporate Director of Regeneration and Culture be authorised to utilise the money for the purposes detailed in the report in consultation with the Cabinet Member for Strategic Community Renewal and Safety and the Deputy Leader, and
- (3) that the department works towards a target of December 2005 to get all relevant planning functions e-enabled.

18. FEES FOR INVESTIGATION OF HIGH HEDGES COMPLAINTS

Councillor Mugglestone submitted a report asking Cabinet to agree the level of fees to be charged for dealing with high hedge complaints.

RESOLVED:

- (1) that option 4 be approved, (a fee of £100, with a reduced

fee of £50 for those in receipt of benefits), and

- (2) that officers monitor workloads and resources involved with dealing with this legislation and report back to Members in approximately 12 months time.

19. WORKPLACE NURSERY - OPTIONS FOR THE FUTURE

Councillor Suleman requested that this item would be deferred, to allow further work on the financial position to be undertaken, following the debate at the Education and Lifelong Learning Scrutiny Committee on 10 June 2005.

RESOLVED:

That the item be deferred to the meeting on 27 June 2005.

20. REVENUE OUTTURN 2004/05

Councillor Coley submitted a report showing the final summary outturn position comparing spending with the budget for all General Fund Services and the Housing Revenue Account.

Councillor Farmer noted that there was an underspend of £300,000 from the Neighbourhood Renewal Fund, and that this could not be carried forward and would have to be returned to central government. It was stated that the Cabinet would be working with partners to look at ways to ensure that this situation did not occur again.

RESOLVED:

- (1) that the final outturn for 2004/05 for each department and the Council as a whole be noted,
- (2) that the reasons for the variances between the 2004/05 budget and the final outturn be noted,
- (3) that the position of the Council's general reserve be noted,
- (4) that a contribution of £1.1million to the capital fund resulting from surpluses generated by investment property, general fund traded services and net recharges be approved,
- (5) that the position in respect of significant earmarked reserves be noted,
- (7) that the proposals for the use of underspends be noted,
- (8) that the draw down of earmarked reserves (proposed in

section 10.16 of the supporting information) be approved, and

- (9) that virements as detailed in section 4.2 of the supporting information be approved.

21. 2004/05 CAPITAL PROGRAMME MONITORING - OUTTURN

Councillor Coley submitted a report showing the outturn position of the 2004/05 capital programme.

RESOLVED:

- (1) that the level of expenditure to 31 March 2005 of £89.043 million be noted,
- (2) that slippage of £6.749 million to 2005/06 be approved,
- (3) that the position relating to capital receipts be noted,
- (3) that outcomes relating to significant schemes be noted,
- (4) that the capital programme performance is 87% of the approved programme compared to a target of 90% be noted, and
- (5) that the performance against prudential indicators for 2004/05 be noted.

22. SALE OF LAND AT BRADGATE AND CRANE STREET

Councillor Coley submitted a report seeking delegated authority to dispose of Council owned land at Bradgate Street and Crane Street on a one to one basis to companies having to relocate as part of the Shires West development.

RESOLVED:

- (1) that the Corporate Director of Resources, Access and Diversity (in consultation with the Cabinet Lead Member for Resources, Access and Diversity) be authorised:
 - (a) to agree terms to dispose of the freehold interest in sites at Bradgate Street and Crane Street on a one to one basis to enable companies to relocate as a result of the Shires West development
 - (b) to agree terms to dispose of a freehold site at Bradgate Street on a one to one basis to an adjacent landowner on a 'special purchaser' basis, and

- (2) that the Head of Legal Services be authorised to prepare and execute all the necessary documentation required to dispose of these sites to enable relocation from the Shires.

23. USE OF COMPULSORY PURCHASE POWERS - UPPERTON ROAD VIADUCT

Councillor Coley submitted a report seeking approval to declare and make a Compulsory Purchase order to compulsorily acquire the land and rights required for the proposed Upperton Road viaduct highway scheme.

RESOLVED:

- (1) that the City Council declare and subsequently make a Compulsory Purchase Order pursuant to sections 239-246(1), 248, 250 and 260 of the Highways Act 1980, Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of land Act 1981 for the purposes of acquiring the land and rights identified in the plan in Appendix 1, which is required to successfully carry out the Upperton Road Viaduct Scheme,
- (2) that the Corporate Director of Resources, Access and Diversity be authorised to advertise the making of the Order referred to in (1) above and to take all relevant action thereon to promote the confirmation of the Order,
- (3) that the Corporate Director of Resources, Access and Diversity (in consultation with the Cabinet Lead Member for Resources Access and Diversity) be authorised to agree terms to require the necessary interests within the CPO land, after making the CPO, including those, if any, determined by the Lands Tribunal, and
- (4) that the Head of Legal Service be authorised to prepare and execute all the necessary documentation required through the CPO process; including the acquisition of land an interests by agreement.

24. MAKE POVERTY HISTORY

Following the decision at Council on 26 May 2005, Councillor Blackmore submitted a report explaining how charitable donations could be implemented to the 'Make Poverty History' campaign. It was noted that the campaign was not in itself a fundraiser but a collection of charitable organisations.

RESOLVED:

That having regard to both the support mechanisms for the

'Making Poverty History' campaign already agreed by Cabinet at its meeting on 16 May 2005 and the campaign, of itself, not being a fundraising charity, resolution 4 recommended by Council at its meeting on 26 May 2005 be not supported and this aspect be not pursued further.

25. SCHEME OF DELEGATION

Councillor Coley submitted a report asking the Cabinet to review its scheme of delegation.

RESOLVED:

- (1) That the requirement for the Town Clerk to have a system in place whereby decisions made by Corporate Directors/Chief Executive in consultation with relevant Cabinet Members are recorded and reported to Cabinet every three months be retained,
- (2) that in recognition of Cabinet's collective responsibility, the decision of the previous Executive on the 25 April 2005 to delegate decision making to individual Cabinet Leads be revoked,
- (3) that the Cabinet's decision made on 25 April 2005 to reserve back to itself
 - a) decisions with a financial impact including virement in excess of £50,000 (either in a full year or in total in the case of one off expenditure) where the impact is outside the scope of budget approved at member level and/or
 - b) decisions leading to the closure of a building used by members of the public or voluntary organisations and/or
 - c) decisions to reduce previous levels of grant aid to a voluntary organisation where this would lead to the organisation's closure

be revoked.

26. CLOSE OF MEETING

The meeting closed at 6.08pm.