



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 26 SEPTEMBER 2005 at 5.00pm

P R E S E N T :

Councillor R Blackmore - Chair
Councillor Scuplak - Vice-Chair

Councillor Farmer
Councillor Grant
Councillor Gill

Councillor Metcalfe
Councillor Mugglestone
Councillor Suleman

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91. DECLARATIONS OF INTEREST

Councillor Scuplak declared a non prejudicial interest in Report B3, 'Science Park Update'. Councillor Gill declared a non prejudicial interest in Report P, 'Licensing of Peugeot E7 as a Hackney Carriage', as he had relatives working in the taxi business.

92. LEADER'S ANNOUNCEMENTS

Public Health

The Leader reported on the serious current public health challenges that existed and that in the latest in the series of Cinquefoil Seminars, the Chief Medical Officer, Sir Liam Donaldson would be discussing the national public health agenda. The Seminar would be held on Thursday 29 September from 12-2pm at the Athena Conference Centre.

93. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 5 September, having been circulated to Members be taken as read and signed by the Chair as a correct record.

94. MATTERS REFERRED FROM SCRUTINY COMMITTEES

Strategic Planning and Regeneration Scrutiny Committee – 14 September
2005

The Committee resolved the following at the above meeting:-

CAPITAL PROGRAMME OUTTURN 2004/05

- “(1) that the Committee expresses its concerns to Cabinet on the spending failures with regard to Direct Grant Schemes, in particular those funded by the Neighbourhood Renewal Fund; and
- (2) that the Committee receive a report on the spending failures in the Direct Grant Schemes at the earliest possible opportunity, should there be any urgent action required prior to that time then the Triumvirate should be kept informed.”

Councillor Blackmore reported that the reported under-spend on Direct Grants of £3.7m mainly related to the following Regeneration Programme funding regimes;

SRB under-spend of £0.1m The unspent resources were to be carried forward to 2005/06, subject to EMDA's approval of a revised 2005/06 Delivery Plan being submitted in October 2005.

Reasons for the underspend accumulation included a protracted tendering process for £2 million worth of employment, training, business support, and associated childcare provision. This process was now virtually complete and services would be provided from January 2006. Another contributing factor was the failure of a substantial bid by GHCDL (the Greater Humberstone Development Company) to implement its proposals for the Mundella site. A revised bid was expected by 30 September, together with plans for other SRB capital projects in Greater Humberstone.

NRF under-spend of £1m. The unspent resources were vired to the 2004/05 revenue allocation in January 2005. This resulted in an under-spend of the revenue allocation of £0.8m, of which £0.4m was approved to be carried forward by GOEM to 2005/06. The residual balance of £0.4m was lost to the partnership.

£250,000 of the underspend was due to slippage on capital projects. As a two-year programme, NRF was not a suitable source of capital funding. Secondly, several projects managed by the City Council did not start spending until six months of the programme had elapsed. In order to guarantee the maximum expenditure of short-term external funding, the City Council must ensure that projects are ready to start immediately, that support systems are in place, and contingencies available to take up any slack.

It was noted that officers would report to the October Strategic Planning and Regeneration Scrutiny Committee on this issue.

Objective 2 ERDF under-spend of £2.4m. This was vired to the revenue allocation. Due to the complexities of the funding regime, this expenditure was

now reported as Direct Grants revenue expenditure and is excluded from the 2005/06 Capital Programme.

PLANNING APPLICATION STATISTICS

“that the Cabinet be requested to look at the fee income generated by additional planning applications being used for development of the planning service.”

Councillor Farmer responded that the Council did receive funding in the form of the Planning Delivery Grant for the development of the planning service. However, there was one particular area where the Council needed to improve performance which was in relation to major planning applications. Therefore he noted the Scrutiny Committee’s suggestion and reported that it would be considered as part of the budget deliberations in the light of the need to improve performance in relation to major planning applications.

95. HOUSING STRATEGY 2005-10 AND HOUSING REVENUE ACCOUNT BUSINESS PLAN

Councillor Metcalfe submitted a report presenting the Housing Strategy for the City for 2005-10 and the Housing Revenue Account Business Plan 2005, covering the management and maintenance of the City Council’s housing stock.

The relevant minute of the Housing Scrutiny Committee on 1 September had been circulated to the Cabinet.

RESOLVED:

- (1) that the Leicester City Council’s Housing Strategy for the City, be endorsed;
- (2) that the Leicester City Council’s Housing Revenue Account Business Plan for the Council’s housing stock, be endorsed;
- (3) that it be noted that the Housing Strategy and Housing Revenue Account Business Plan are considered as part of the Council’s Comprehensive Performance Assessment; and
- (4) that Council be requested to endorse the Housing Strategy and Business Plan and note that they are considered as part of the Council’s Comprehensive Performance Assessment.

96. THE FUTURE OF ENERGY SERVICES IN THE CITY

Councillor Metcalfe submitted a report updating the Cabinet on work undertaken since the last report in February 2005 and asked the Cabinet to approve a way forward.

RESOLVED:

- (1) that a new Cabinet Energy Working Group be set up to explore the various options in more depth and consider the structure, range of functions and financing (if appropriate) of the service but any decision about forming a company if this should be the option chosen be reserved to the Cabinet after consideration of a full business case;
- (2) that authority to approve the Council's nominee on the Board of Directors of the newly constituted Leicester Energy Agency, be delegated to the Corporate Directors of Housing and Resources, Access and Diversity, in consultation with the Cabinet Energy Agency Working Group, should this prove necessary;
- (3) that the actions of the Corporate Director of Housing, in consultation with the Leader of the Council, in putting Leicester forward for the Presidency of Energie-Cities be noted; and
- (4) that the Leader of the Council or his nominee be appointed to represent the Council at Energie-Cities meetings in future.

97. LEARNING DISABILITIES - INTEGRATION AND LEAD COMMISSIONING ARRANGEMENTS

Councillor Gill submitted a report which set out proposals for the new lead commissioning arrangements and outlined the progress made in implementing the integrated Health and Social Care Learning Disability Services to be hosted by the City Council.

The relevant minute of the Social Services Scrutiny Committee on 13 September had been circulated to the Cabinet.

RESOLVED:

- (1) that the establishment of Leicester City Commissioning Board and associated governance arrangements from 1 October 2005, be approved;
- (2) that the introduction of new lead commissioning arrangements for Health and Social Care Learning Disability Service led City Council from 1 October 2005, be approved;
- (3) that the proposed integration of Health and Social Care Learning Disability services, to be hosted by City Council, from 1 April 2006, be approved;

- (4) that the Corporate Director of Social Care and Health be authorised to conclude negotiations with partner organisations and approve the final terms of partnership agreement both in relation to the lead commissioning arrangements from 1 October 2005 and the partnership agreement required to encompass both integrated service provision and lead commissioning from 1 April 2006; and
- (5) that the Head of Legal Services be authorised to enter into the formal documentation necessary to complete the partnership agreements.

98. FINAL REPORT OF THE COMMISSION FOR SOCIAL CARE INSPECTION OF LEICESTER CITY COUNCIL FOSTERING SERVICE 2005

Councillor Gill submitted a report which summarised the outcome of the Commission for Social Care Inspection which took place in June 2005.

The relevant minute of the Social Services Scrutiny Committee on 13 September had been circulated to the Cabinet

RESOLVED:

- (1) that the Final Report of the Commission for Social Care Inspection Report of the Leicester City Council Fostering Service be noted;
- (2) that it be noted that the suggested 'Good Practice Recommendations' will be considered by the fostering service and implemented as appropriate; and
- (3) that the Cabinet's congratulations and thanks be passed on to all the staff involved in providing such a highly regarded service.

99. CORPORATE GOVERNANCE: ANNUAL REPORT 2004/05

Councillor Blackmore submitted a report to enable compliance with the requirements of the Council's Corporate Governance code by carrying out an annual review of the Corporate Governance Arrangements for 2004/05.

The relevant minutes of the Standards Committee on 21 September and the Resources and Equal Opportunities Scrutiny Committee on 22 September had been circulated to the Cabinet. Councillor Blackmore noted the positive comments of the Standards Committee and the concerns expressed by the Resources and Equal Opportunities Scrutiny Committee.

The first of the Scrutiny Committee's concerns related to the length of time it had taken to complete industrial relations procedures such as grievance and disciplinary matters. The Leader asked that the Service Director (Human

Resources) review the assurance given in the light of the Scrutiny Committee's comments.

The second concern expressed by the Scrutiny Committee related to the positive assurance system for financial issues which was not fully operational in all departments.

RESOLVED:

- (1) that, subject to the Service Director (Human Resources) reviewing the assurance given in the light of the Resources and Equal Opportunities Scrutiny Committee's comments, the Service Director, Legal Services, be authorised to finalise a form of Corporate Assurance Statement, to be signed by the Leader and the Chief Executive, to be published on the Council's website; and
- (2) that all Corporate Directors ensure that systems are in place to provide positive assurance statements for financial issues by the end of the calendar year.

100. BASE BUDGET PREPARATION 2006/07

Councillor Blackmore submitted a report which explained the process by which the Council's 2006/07 base budget was being prepared and summarised the principles supporting the process.

RESOLVED:

- (1) that the framework for base budget preparation be endorsed; and
- (2) that the cash limits for each department be approved.

101. CAPITAL PROGRAMME MONITORING 2005/06 - PERIOD 4

Councillor Blackmore submitted a report updating the Cabinet on the progress of the capital programme for 2005/06 up to the end of July.

The relevant minute of the Resources and Equal Opportunities Scrutiny Committee on 22 September had been circulated to the Cabinet.

RESOLVED:

- (1) that a revised level of programmed expenditure of £127.3 million be approved;
- (2) that the level of expenditure to the end of July 2005 of £21.9 million be noted;
- (3) that the position relating to capital receipts be noted;

- (4) that the use of £8,000 from the capital programme provision for (LRC) Public Realm to fund works to the John Ellis playing field be approved;
- (5) that an addition to the Education programme relating to the Braunstone Changing Rooms scheme at a cost of £532,000 to be funded from Service Resources be approved;
- (6) that the following additions to the programme be noted, to be funded from service resources

Education

Seed Challenge (£175,000)
 Mobile Replacement Programme (73,000)
 Specialist Status (£235,000)

Regeneration & Culture

Air Quality Management (£33,000)
 Waste Performance & Efficiency (£133,000)
 SRB (£224,000)

Social Care & Health

Integrated Childrens Services (£116,000)
 Mental Health (£145,000)
 Information Management (£165,000)

- (7) that an increase in the Town Hall scheme to a maximum of £1.99 million with the additional costs of £310,000 being funded by the use of uncommitted sums from other RAD schemes in the 2005/06 capital programme be approved;
- (8) that it be noted that the forecast capital programme performance is 91% of the approved programme compared to a target of 90%; and
- (9) that the prudential indicators for 2005/06 be noted.

102. REVENUE BUDGET MONITORING 2005/06 - PERIOD 4

Councillor Blackmore submitted a report comparing spending with the budget.

The relevant minutes of the Social Services Scrutiny Committee on 13 September and the Resources and Equal Opportunities Scrutiny Committee on 22 September had been circulated to the Cabinet.

The Leader reported that the Cabinet recognised that there were failings in respect of the Lifelong Learning budget and an action plan had already been agreed. However, Cabinet did not recognise failings in respect of financial controls in Regeneration and Culture. The Transport Review was recognised

as a risk at the time the budget was put together and monitoring information had picked up the problem early and promptly.

RESOLVED:

- (1) that the concerns of the Resources and Equal Opportunities Scrutiny Committee be noted;
- (2) that the changes made to the original approved budget for 2005/06 be noted;
- (3) that the expenditure to date and the budgetary issues which have emerged so far this year be noted;
- (4) that the proposals put forward to ensure that spending is contained within the Departments' budgets be noted;
- (5) that Corporate Directors make every endeavour to ensure their departmental budgets do not overspend with any matters of significant overspend or potential significant overspend to be raised with the relevant Cabinet Lead; and
- (6) that the transfer of the £1m DfES creditor to the Education Departmental reserve as outlined in paragraph 5.2.6 of the report be approved.

103. MEMBER INVOLVEMENT IN OPERATIONAL PERSONNEL MANAGEMENT

Councillor Blackmore reported that he wished to have further discussion on the proposals in the report.

RESOLVED:

that the report be deferred to the next meeting of the Cabinet.

104. CORPORATE EQUALITY STRATEGY AND ACTION PLAN

Councillor Blackmore submitted a report seeking approval to an updated version of the Corporate Equality Strategy and Action Plan covering the period 2004-2007.

The relevant minute of the Resources and Equal Opportunities Scrutiny Committee on 22 September had been circulated to the Cabinet and an amended Appendix 1 to the report as in the original appendix several ticked actions against some Housing functions had been omitted.

RESOLVED:

that the contents of the revised Corporate Equality Strategy and Action Plan be approved.

105. EQUALITY STANDARD FOR LOCAL GOVERNMENT - DRAFT PROJECT PLAN FOR CONSOLIDATING LEVEL THREE AND FOR ACHIEVING LEVEL FOUR

Councillor Blackmore submitted a report seeking confirmation of the Council's continued commitment to the Equality Standard for Local Government as a framework for improving performance in mainstreaming Equalities.

RESOLVED:

- (1) that the Council's continued commitment to the Equality Standard for Local Government as a framework for improving performance in mainstreaming Equalities be confirmed;
- (2) that the further investment that is required to implement the project plan attached to the report as appendix 1, be supported;
- (3) that the target of 31 October 2007 for achieving Level 4 of the Standard, which will be subject to regular six monthly reviews using progress reports arising from internal self assessment, be supported; and
- (4) that the establishment of an external scrutiny function, which is a requirement of Level 4, which will be developed in consultation with Members, be supported in principle.

106. TRANSFER OF MANAGEMENT OF CRITICAL ORDINARY WATERCOURSES TO THE ENVIRONMENT AGENCY

Councillor Mugglestone submitted a report informing the Cabinet of the proposed transfer to the Environment Agency of the management of the flood defence of high risk areas of flooding.

RESOLVED:

- (1) that the implications of the proposed transfer to the Environment Agency of the management of the flood defence of high risk areas of flooding (known as Critical Ordinary Watercourses) in the City be noted; and
- (2) that the Environment Agency be urged to maintain their current good state of repair which minimise the risk of flooding.

107. CAPITAL PROGRAMME 2005/06 TO 2007/08 LOCAL ENVIRONMENTAL WORKS

Councillor Mugglestone submitted a report following consultation with the Highways and Transportation Scrutiny Committee on the Local Environmental Works programme 2005/06 to 2007/08.

The relevant minute of the Highways and Transportation Scrutiny Committee on 7 September had been circulated to the Cabinet.

RESOLVED:

that the Corporate Capital Programmes 2005/6 to 2007/8 for Local Environmental Works programmes detailed in paragraphs 1.6, 1.7 and 1.8 of the report with Thurncourt ward as the targeted ward for 2005/6 and Humberstone and Hamilton ward as the targeted ward for 2006/7, be approved.

108. SELECTION OF HIGH LEVEL OUTPUTS FOR LEICESTER'S FIRST DRAFT LOCAL AREA AGREEMENT SUBMISSION

Councillor Blackmore submitted a report outlining proposed outcomes for the above and seeking Cabinet's approval for them to be put forward in the first draft due to be submitted to Government Office by the end of September. It was noted that this was just a first draft and there was scope for discussion and adjustment.

RESOLVED:

that the high level outcomes as proposed by the Local Area Agreement Leadership Group and set out in paragraph 2.6 of the report be approved as the basis of Leicester first draft Local Area Agreement submission to Government Office for the East Midlands.

109. AREA COMMITTEES BUDGET

Councillor Blackmore submitted a report seeking approval to a process for releasing and spending funds allocated by Council for use by Area Committees.

RESOLVED:

- (1) that the set of criteria and rules set out in Appendix A of the report, to achieve the release of funds allocated to Area Committees in the 2005/6 approved Revenue Budget, be approved;
- (2) that any proposals for expenditure from these budgets be reported to Cabinet in order that they can consider and determine any proposals which are contrary to existing strategic policy provision; and
- (3) that one off budget provision of £100,000 to support locally based sporting activities be divided between the ten proposed area Committees and that the criteria and approval mechanisms adopted by the Grants Panel at their meeting on 26 August 2005 be utilised, where appropriate, for the release of these funds, to be based on the

recommendation of the Area Committees.

110. LICENSING OF PEUGEOT E7 AS A HACKNEY CARRIAGE

Councillor Mugglestone submitted a report asking the Cabinet to consider whether it wished to review the Council's Conditions of Fitness for Hackney Carriages. The report also asked the Cabinet to consider the resolutions of the Licensing Committee at its meetings on 26 July and 2 September 2005, where they indicated a wish to license the Peugeot E7 as a hackney carriage, as an exception to the City Council's current standards for hackney carriages. In consequence to this, the Committee also agreed that all hackney carriages should have a specific livery so that for safety reasons they would be easily recognisable. It was proposed that the livery conditions would be phased in as new licences for hackney carriages and private hire vehicles were issued after 1 October 2005.

Further to the report, it was noted that a letter had been received on behalf of Norton Taxis which had been circulated to Cabinet Members, with a response from the Assistant Head of Legal Services.

The Cabinet noted that the Licensing Committee had been unanimous in its views and supported its conclusions.

Some Members also raised the issue of 'flimping', whereby private hire vehicles were flagged down in the street purporting to be hackney carriages and asked that Officers take all possible action to prevent this occurring.

RESOLVED:

- (1) that the Service Director of Community Protection and Well-being be instructed to commission a review of the Conditions of Fitness for Hackney Carriages, the review to include; consultation (with users, disability groups, the trade, manufacturers and statutory agencies); an equality impact assessment, and a technical assessment of the benefits of the requirements of the standard, the precise scope and timescales for such a review to be agreed in consultation with the Cabinet Lead member;
- (2) that pending the outcome of the review, the Licensing Committee's flexible approach to the application of the Council's Conditions of Fitness for Hackney Carriages in relation to requests for vehicles to be licensed as hackney carriages, where this is based on sound reasons and as a result of the consideration of the merits of each individual case be endorsed;
- (3) that in the matter of livery:
 - (i) a policy that all hackney carriages first licensed after 1 October 2005, should have an all black livery with,

in addition, the Council's Crest displayed on the front passenger doors and bonnet be approved; and

- (ii) a policy that all private hire vehicles first licensed after 1 October 2005, should not be predominately black in colour be approved; and
- (iii) the Corporate Director of Regeneration and Culture be given delegated authority, in consultation with the Cabinet Lead member and the Chairs and Vice-Chairs of Licensing Committee, to decide on:
 - (a) the details of the size, shape, positioning, colour and means of application of the Council's crest to be displayed in accordance with the recommendation above; and;
 - (b) the arrangements for any additional consultation beyond that already undertaken with the hackney carriage trade, in the matter of livery changes
- (iv) that currently licensed hackney carriages be allowed to adopt the new livery, as detailed above, should they so desire.

111. RESOURCE MANAGEMENT SYSTEMS STRATEGY

Councillor Grant submitted a report seeking Cabinet approval to replace the current disparate resource management systems in the Council.

RESOLVED:

- (1) that the the business case for replacement of the current disparate resource management systems with a fully integrated resource management system be approved;
- (2) that project funding of £1.14 million met from the Corporate Capital Programme and £1.39 million from Prudential Borrowing, by means of a Spend to Save scheme - £330,000 per annum for five years be approved; and
- (3) that the Town Clerk be authorised, in consultation with the Cabinet lead, to procure new systems and sign the necessary contracts.

112. THE EMPTY HOMES STRATEGY - THE COMPULSORY PURCHASE OF VARIOUS HOUSES

Councillor Metcalfe submitted a report recommending that Compulsory Purchase Orders be sought of a number of properties under the City Council's

Empty Homes Strategy in order to secure their improvement, proper management and occupation as residential dwellings.

RESOLVED:

- (1) that making the following land and dwellings, as outlined in Appendix C of the report, the subject of individual Compulsory Purchase Orders (CPOs) be approved, in order to secure their improvement, proper management and occupation as residential dwellings

COMPULSORY PURCHASE ORDER OF 48 The Newry, Leicester made under Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.

COMPULSORY PURCHASE ORDER of 34 Hampden Road, Leicester made under Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.

COMPULSORY PURCHASE ORDER of 1 Merton Avenue, Leicester made under Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.

COMPULSORY PURCHASE ORDER of 309 Milligan Road, Leicester made under Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.

- (2) that the necessary capital expenditure from the Empty Homes Strategy line in the Housing Department's agreed Capital Programme, be authorised.

113. PRIVATE SESSION

Councillor Blackmore reported that he had given permission for Councillors Henry and Fitch to remain in the meeting for the private session items.

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 involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act."

Paragraphs 7 & 8

Information relating to the financial or business affairs of any particular person/The amount of any expenditure to be incurred by the authority under any contract

Empty Homes Strategy

Paragraph 9

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Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

Updating TV Aerials – Item withdrawn
Science Park Update

Paragraph 12

Any instructions to counsel and opinion of counsel and any advice received in connection with legal proceedings.

Changes to Waste Management Regulations

114. UPDATING TV AERIALS IN COUNCIL PROPERTIES

The Corporate Director of Housing withdrew this item.

115. CHANGES TO WASTE MANAGEMENT LICENSING REGULATIONS

Councillor Mugglestone submitted a report outlining recent changes to the Waste Management Regulations and the implications of these.

The Service Director (Community Protection and Wellbeing) updated the Cabinet on the most recent correspondence received from DEFRA.

RESOLVED:

that the recommendations in the report be approved, with all possible action being taken as quickly and as firmly as possible to ensure that the necessary amendment to the Regulations and/or appropriate exemption are forthcoming at the earliest opportunity.

116. SCIENCE PARK UPDATE

Councillor Blackmore submitted a report updating Cabinet on the current position.

RESOLVED:

that the approach to negotiations now proposed be confirmed, with a view to a further report at the earliest opportunity on the outcome.

117. CLOSE OF MEETING

The meeting ended at 6.52pm

