



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 30 OCTOBER 2006 at 5.00pm

P R E S E N T :

Councillor R Blackmore - Chair
Councillor Scuplak - Vice-Chair

Councillor Coley
Councillor Grant
Councillor Gill
Councillor Mugglestone

Councillor Ramsdale
Councillor Sandringham
Councillor Smith
Councillor Suleman

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90. DECLARATIONS OF INTEREST

Councillor Gill declared a personal and prejudicial interest in Appendix E, 'Revised Conditions of Fitness for Hackney Carriages', and left the meeting during discussion of the item.

91. LEADER'S ANNOUNCEMENTS

New Growth Points

The Leader informed the Cabinet that Yvette Cooper, Minister for Housing and Planning had visited Leicester, regarding the allocation of nearly £5.5m pilot funding to the Three Cities and Counties Bid. It was noted that the bid was led and submitted by the Council on behalf of its partners. The Council bid for 8% of the total bids submitted and received 15% of the total allocation. The Leader reported that consequently, the Council was now eligible for tens of millions of pounds of Government funding of development infrastructure over the next decade through 'Partnership for Growth'.

He noted that the next step was to write the Growth Plan after deciding which needs were to be met. He reported that for Leicester, funding would be available to support public realm works in Wharf Street and structural landscaping at Abbey Meadows to protect the towpath and riverside, plus supporting other proposals, including funding the first urban capacity study for the whole Leicester built-up area.

Equality Mark Award

The Leader reported that the Council was to be awarded an Equality Mark Certificate by Lord Herman Ousely on 28 November 2006. He explained that this award was given to authorities that had been validated as being at Level 3 or above of the Local Government Equality Standard.

Cemetery of the Year Awards and UK Festivals Award

The Leader announced that the City Council's Bereavement Services team were awarded with Best Children's Commemorative Garden Award for Gilroes Cemetery at the national awards in Harrogate.

The Leader also reported that the Summer Sundaes Weekender at De Montfort Hall won Best Small Festival at the UK Festival awards. He extended congratulations and thanks to all staff involved in both initiatives.

92. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 25 September 2006, having been circulated to Members, be taken as read and signed by the Chair as a correct record.

93. MATTERS REFERRED FROM SCRUTINY COMMITTEES

- a) Economic Development & Planning Scrutiny Committee
– 21 September 2006

Implementation of the recommendations of the Review of the Night Time Economy of Leicester

The above Committee agreed as follows:

'That Cabinet be requested to provide an extended noise monitoring service, which operates later into the early hours of the morning'.

Councillor Mugglestone responded and informed the Cabinet of the current provision for noise monitoring and proposals for a rationalised service from 1 December 2006. The proposed new service would incorporate an extension of the hours of operation. The hours of the new service would be from 0900 until 0200 Monday to Friday, 2000 – 0200 Saturday and Sunday, with no service on Bank Holidays.

He reported that officers were generally of the view that a finishing time of 02:00 was sufficient to deal with the vast majority of noise nuisances, particularly in relation to noise emanating from pubs and clubs; it was unusual for a noise nuisance to begin after 02:00 without having been a problem before this time. However, whilst overall capacity at peak periods might be affected by the merger of the domestic and

industrial/commercial services, the extension of the service to Sunday evenings represented a significant extension of the service, which should provide an improved service to the public, particularly those reporting noise problems via the 101 service.

It was also reported that the service would continue to work closely with the Department's Licensing Team in relation to noise from licensed premises. The potential demand for a service outside of the hours set out above would continue to be kept under review. However, it was noted that any further extension of the hours of operation of this service would require additional resources, which would need to be addressed as part of future revenue budget strategies.

- b) Aylestone, Eyres Monsell and Freeman Area Committee – 12 October 2006

Traffic Calming in the Milligan Road Area

The following was agreed at the above meeting.

'that Cabinet be requested to explain why the traffic calming work in the Milligan Road area hasn't been undertaken before now'

Councillor Mugglestone explained that the above work had been delayed because priority had been given to works on Saffron Lane in preparation for the opening of the City Academy. He added that there were also nineteen roads in the City with a higher priority than Milligan Road, because of their higher accident record.

- c) Economic Development & Planning Scrutiny Committee - 19 October 2006

City Centre

The following was agreed at the above meeting.

that the following be recommended to Cabinet:-

- 1) that when the Council purchases significant goods from places like China, officers should take appropriate steps, before the goods are despatched, to ensure that the goods meet the quality specified in the contract; this may mean that a Council officer has to inspect the goods in person before they are despatched;
- (2) that the Committee expresses its concern that the Market Street improvements will not be completed until April 2007;
- (3) that the Committee expresses its concern that that there is no budget or plan to improve the Belgrave Gate

- 4) that the Committee expresses its concern that it was not consulted on the designs of street furniture for Gallowtree Gate;
- (5) that the Cabinet City Centre Sub-Group be reinstated or some other form of senior political strategy group be formed to consider issues being faced in the city centre and to ensure that there is clear political leadership.

Councillor Scuplak responded to the recommendations of the Economic Development & Planning Scrutiny Committee. In response to the first recommendation, he reported that officers did inspect the goods upon delivery, and added that officers were calculating how much it would cost to send staff to China to carry out inspections. He also was satisfied that there was nothing wrong with the materials used or the quality of the work.

In response to the second recommendation, he reported that the timetable for improvements to Market Street had always been from August 2006 until April 2007, and that the work was due to be completed within this timetable. This timetable could not be shortened without compromising on work quality.

In response to the third recommendation, he confirmed that there were not sufficient resources to carry out improvement works on Belgrave Gate at the present time. He also explained that any improvement to Belgrave Gate would depend on the future development of the Haymarket Centre, and that any improvements to Belgrave Gate could be included within a later phase of the programme if it was seen as appropriate. He also explained that any further improvements to the City Centre at this stage would be detrimental to the public.

In response to the final two recommendations, Councillor Scuplak reported that the relevant scrutiny committee could have asked for a report on street furniture at an earlier stage in the programme. He also stated that he, as Cabinet Member for Regeneration and Planning, acted as the political leadership for issues being faced in the City Centre.

94. GILMORTON COMMUNITY ROOMS - REFERRAL FROM COUNCIL

Councillor Gill submitted a report following a referral from Council, that informed Cabinet of work to be carried out in order for Gilmorton Community Rooms to be re-opened.

The relevant minute extract from Council on 28 September 2006 had been circulated to the Cabinet.

RESOLVED:

- (1) That the report and the actions taken by officers of the Adult

and Community Services Department and Property Section of the Resources Department, be noted; and

- (2) That the Gilmorton Community rooms have the necessary repairs carried out to reopen the centre and that these repair works are funded by Corporate building repair funds.

95. BRAUNSTONE HALL - REFERRAL FROM COUNCIL

Councillor Coley submitted a report that considered the Council's reference back and recommendation in relation to the Cabinet's decision to market Braunstone Hall.

The relevant minute extract from Council on 28 September 2006 had been circulated to the Cabinet.

RESOLVED:

That the decision to market the Hall be confirmed, but with the full involvement of the Braunstone Community Association (BCA), the process for which involvement being developed with the BCA and confirmed by the Corporate Director of Resources, in consultation with the Cabinet Lead for Resources.

96. AREA COMMITTEE EXPENDITURE

Councillor Sandringham submitted a report that sought Cabinet approval of spending proposals by the Spinney Hills and Stoneygate, Braunstone Park and Rowley Fields, Westcotes and Western Park and Humberstone, Hamilton and Thurncourt Area Committees.

RESOLVED:

- (1) that the expenditure proposals in Appendix A be approved subject to the conditions in the report; and
- (2) that budget commitments spent ahead of this Cabinet but agreed by officers in consultation with the relevant Councillors as a matter of urgency due to time constraints, be approved.

97. REVISED CONDITIONS OF FITNESS FOR HACKNEY CARRIAGES

Councillor Mugglestone submitted a report that sought Cabinet's approval to a change of policy in respect of the Conditions of Fitness for Hackney Carriages following the completion of the review programme approved by Cabinet on 9 January 2006.

The relevant minute extracts from of the Licensing Committee on 8 June 2006 and the Environment and Culture Scrutiny Committee on 6 September 2006

had been circulated to the Cabinet.

Councillor Mugglestone reported that there had been an extensive consultation programme, which was detailed in the report.

He referred also to some more recent letters received from Swift Fox Cabs dated 20 and 26 October and the officer response letter to these, all of which had been circulated.

Councillor Mugglestone explained that the aim of the conditions was to ensure that the Council only licensed vehicles which were suitable for Leicester, but did not prevent vehicles which were suitable, from being licensed.

It was also noted that the officers' report gave options about the maximum height of the floor of the passenger compartment that should be allowed. It was noted that if a low floor height was retained, this in practice would mean that only one type of vehicle could be licensed. However, if a higher floor height was allowed, a wider range of vehicles could be licensed. However, it was noted that several consultees had suggested that a higher floor height would have a negative impact in terms of accessibility. However, Councillor Mugglestone recommended that the floor height requirement should be relaxed as this would give a wider choice to passengers and drivers. All of the vehicles would be wheelchair accessible.

Councillor Mugglestone also referred to the draft Department of Transport (DFT) Best Practice Guidance which although of interest, too much weight could not be given to it as it was in draft form. However, he reported that on 23 October 2006, after the Cabinet report was made public, the DFT published the final version of the guidance. The section on vehicle specification made it clear that it was considered best practice to specify as many different types of vehicle as possible and that local authorities should be wary of specifying only purpose built vehicles because of the constraints on supply this created. This reinforced Councillor Mugglestone's recommendation that the floor height recommendation should be relaxed.

However, if the Council was to license a wider range of vehicles, he explained that it was important that the Council ensured that hackney carriages were recognisable. He proposed that the main way this should be done should be by requiring that all hackney carriages should be black and bear the Council's crest. He noted however that the Council had received one representation from one operator who felt that this requirement would interfere with their corporate identity. Councillor Mugglestone however felt that to an extent, this was unavoidable. However, he noted that some of the finer details of the proposed livery had been left to the Corporate Director to finalise in consultation with the trade and that this could provide an opportunity to identify ways of minimizing the effect on the operator referred to.

Councillor Ramsdale indicated that he did not support the proposals for a requirement for all hackney carriages to be black.

The Corporate Director responded to the issues raised by Members.

RESOLVED

- (1) that in relation to Condition 17 of the Conditions of Fitness for Hackney Carriages relating to the maximum height of the top of the tread of any entrance into the passenger compartment, this be set at 0.53 meters for the following reasons:
 - a) this would allow a wider range of vehicles to be licensed, providing more choice for passengers and drivers
 - b) all hackney carriages would continue to be wheelchair accessible
 - c) the Department for Transport's Best Practice Guidance advises that specifications should allow as many different types of vehicles as possible to be licensed and that local authorities should be wary of licensing only purpose built vehicles
 - d) it is considered that any reduction in accessibility in respect of this aspect would be offset by the benefits that arise from this change in policy
- (2) that the new conditions relating to the livery of hackney carriages, first licensed after 1 December 2006, requiring them to have an all black livery with, in addition, the Council's Crest and the words "Hackney Carriage" displayed on the front nearside and offside doors and bonnet, be approved.
- (3) that the date for implementation of the revised Conditions of Fitness be 1 December 2006 for vehicles not previously licensed as hackney carriages in Leicester, with the exception that Condition 5 (relating to ABS braking) and Condition 27 (relating to head restraints) will not apply to vehicles manufactured before 1 January 2007.
- (4) that new conditions relating to private hire vehicles first licensed after a date to be set, **not** to be wholly or substantially black in colour; and to bear the words "Private Hire Vehicle – Advance Bookings Only" on the front nearside and offside doors; any roof sign displayed on the vehicle also to bear the words "Advance Bookings Only" as well as the company name and telephone number, be approved

- (5) that the Corporate Director of Regeneration and Culture be authorised, in consultation with the Cabinet Lead member and the Chair and Vice-Chair of Licensing Committee and the hackney carriage trade, to set the date for implementation of the new Conditions of Fitness to vehicles already licensed.
- (6) that the Corporate Director of Regeneration and Culture be authorised, in consultation with the Cabinet Lead member and the Chair and Vice-Chair of Licensing Committee:
 - a) to decide on the date on which the changes in livery for private hire vehicles should take effect following consultation with the private hire trade;
 - b) to decide on the details of the size, shape, positioning, colour and means of application of the Council's crest and signs for hackney carriages, and signs for private hire vehicles to be displayed in accordance with the recommendations above and after consultation with the hackney carriage and private hire trades; and
 - c) to consult with the hackney carriage trade on whether and to what extent advertisements and company insignia can be accommodated on those hackney carriages that are subject to Recommendation 2 above; and
- (7) that the Licensing Committee's role in approving different types of vehicles be noted.

98. DEVELOPMENT CONTRIBUTIONS AND THE PLANNING PROCESS

Councillor Scuplak submitted a report that reviewed the Council's existing arrangements for handling developer contributions and sought agreement to revised policies and procedures designed to improve the Council's corporate approach in dealing with developer contributions.

The relevant minute extracts of the Economic Development and Planning Scrutiny Committee on 21 September 2006, the Planning and Development Control Committee on 3 October 2006, and the Housing and Community Safety Scrutiny Committee on 5 October 2006 had been circulated to the Cabinet.

Councillor Scuplak referred to the comments that had been referred to Cabinet by the above committees, reporting that all committees had felt that affordable housing should be given higher priority. He welcomed the comments but stated that he could not support higher priority being given to affordable housing as it would create a situation where there was no prioritization of

factors, and consequently, could lead to developers choosing to develop in cities other than Leicester.

RESOLVED:

- (1) that the summary of developer contributions as set out in the Planning Obligations Summary detailed at Appendix 2 be approved
- (2) that the flowcharts which set out the progresses for handling developer contributions as detailed in Appendix 3 be approved
- (3) that the Developer Contributions Guidance for Officers as set out in Appendix 4 be approved
- (4) that the terms of reference for a Developer Contributions Officer Group as detailed in Appendix 5 be approved
- (5) that the establishment of a post of Developer Contributions Officer with appropriate support as detailed in Appendix 6 be approved; and
- (6) that the summary action plan as set out in Appendix 7 be approved.

99. APPLICATION FOR EXPANSION OF 2002 STREET DRINKING BAN

Councillor Sandringham submitted a report that proposed an extension to the street drinking ban within Leicester city centre.

The relevant minute extract of the Housing and Community Safety Scrutiny Committee on 5 October 2006 had been circulated to Cabinet.

RESOLVED:

That the contents of the report be noted and Council be recommended to agree in principle with the extension of the original Order and note that there will be a 28-day consultation period prior to its enforcement.

100. HIGH STREET CONSERVATION AREA

Councillor Scuplak submitted a report that sought Cabinet approval for amendments to the boundary of the High Street Conservation Area and the adoption of the High Street Conservation Area Character Appraisal as supplementary guidance to the Local Plan.

RESOLVED:

- (1) that the alterations to the boundary of the High Street Conservation Area be approved and;
- (2) that the High Street Conservation Area Character Appraisal be adopted as supplementary guidance to the City of Leicester Local Plan 2006.

101. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Councillor Mugglestone submitted a report that provided detail of the new powers and responsibilities contained within the Clean Neighbourhoods & Environment Act 2005.

RESOLVED:

- (1) that the broad framework for implementation of the Act as set out in this report be endorsed
- (2) that the powers introduced by the Act be delegated to the Corporate Director of Regeneration & Culture, who will make arrangements for these powers to be exercised by the relevant officers on his/her behalf (as summarised in Section 2 of the Supplementary Information)
- (3) that the recommended amounts for the various fixed penalty notices, as set out in Appendix 1 of the report be approved
- (4) that the Corporate Director of Regeneration & Culture be authorised, in consultation with the Cabinet Lead Member, to set any discounted amounts for early payment of fixed penalty notices covered by this report as detailed in Paragraph 2.58 of the Supplementary Information
- (5) that the proposal that fixed penalty notice receipts are retained within the relevant service areas, to help offset enforcement costs be approved as detailed in Paragraph 2.56 of the Supplementary Information
- (6) that Area Committees are consulted about issues of local concern and that, in particular, that they are consulted prior to the implementation of any new area-based powers (e.g. Street Litter Control Notices) or any special area-based enforcement initiatives (e.g. tackling the issue of wheelie bins and side waste on pavements as detailed in Paragraph 3.7 of the Supplementary Information
- (7) that the Corporate Director of Regeneration & Culture be authorised, in consultation with the Cabinet Lead Member, to start consultation on the designation of the city centre as an area subject to controls over the distribution of printed matter

as detailed in paragraph 2.27 of the Supplementary Information

- (8) that the Corporate Director of Regeneration & Culture bring further reports to Cabinet in relation to the potential adoption of new powers in relation to audible intruder alarms, dog control orders and the proposed transfer of responsibility for stray dogs from the police as detailed in Paragraphs 2.51, 2.46 and 2.48 of the Supplementary Information
- (9) that the Corporate Director of Regeneration & Culture in liaison with the Corporate Director of Adult Services enters into discussions with the Chief Police officer over collaborative working in this area and, in particular, in relation to the potential for Police Community Support Officers to issue fixed penalty notices on behalf of the Council as detailed in Paragraph 2.60 of the Supplementary Information
- (10) that the Corporate Director of Regeneration & Culture develops, in conjunction with the Youth Offending Team and police, procedures and protocols for the issuing of fixed penalty notices to juveniles as detailed in Paragraph 2.61 of the Supplementary Information; and
- (11) that the Corporate Director of Regeneration and Culture incorporates options for addressing any resourcing implications associated with the Act in the Department's Revenue Strategy for 2007/08 as detailed in Paragraph 3.5 of the Supplementary Information.

102. ECO-MANAGEMENT AND AUDIT SCHEME (EMAS) REVIEW OF 2005/06, PROPOSED ACTION FOR 2006/07

Councillor Mugglestone submitted a report that provided Cabinet with information on the Council's environmental progress through the Eco-Management and Audit Scheme (EMAS). Councillor Blackmore thanked staff in the Environment Team for all their hard work on this scheme.

RESOLVED:

- (1) that progress towards the EMAS targets during 2005/06 be noted
- (2) that a new set of environmental targets for schools and amendments to existing corporate targets as shown in appendix 4 be approved
- (3) that the implementation of the proposed 2006/07 action programme as shown in appendix 3 be approved

- (4) that the draft text for the 9th EMAS Public Statement as detailed in section 10 in the main report and appendix 2 be approved; and
- (5) that the management review of EMAS as detailed in appendix 5 be approved

103. INTEGRATED SERVICES PROGRAMME – ESTABLISHING NEW DEPARTMENTAL BUDGETS

Councillor Coley submitted a report that sought Cabinet approval to the operational budget transfers arising from the Integrated Services Programme, which was a key step in establishing new departmental budgets.

RESOLVED:

- (1) that the Adult and Community Services Department budget as set out in Appendix A of the report, be approved
- (2) that the Children and Young People's Services Department budget as set out in Appendix B of the report be approved; and
- (3) that the revised budget for the Regeneration and Culture and Housing Departments and Corporate budgets as set out in Appendix C of the report, be approved.

104. BASE BUDGET PREPARATION 2007/08

Councillor Coley submitted a report that explained the process by which the Council's 2007/08 base budget was being prepared, and summarised the principles supporting this process.

RESOLVED:

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

105. BUSINESS IMPROVEMENT DISTRICT PROPOSALS

Councillor Scuplak submitted a report that asked Cabinet to consider the proposals of Leicester's BIDs Ltd for a Business Improvement District in Leicester's City Centre and to decide the vote to be returned to the ballot holder.

RESOLVED:

- (1) that the Leader of the Council be authorised to cast the Council's vote in the ballot; and
- (2) that under the provisions of Cabinet Procedure Rule 12 d, no 'call in' of the decision be allowed on the grounds of urgency as the vote needs to be cast the day after Cabinet.

106. DEPARTMENTAL RESTRUCTURING

Councillor Blackmore submitted a report that proposed the merger of the Adult and Community Services and Housing Departments, in the light of current and prospective opportunities and pressures affecting the delivery of a number of Council services.

RESOLVED:

That Cabinet notes the proposals regarding the possible merger of the Department of Housing and the Department of Adult and Community Services and asks the Chief Executive to bring a further report on the options to the next Cabinet meeting.

107. SINGLE NON-EMERGENCY NUMBER (101) ACCOUNTABLE BODY STATUS - WAVE 2

This item was withdrawn.

108. CLOSE OF MEETING

The meeting closed at 6.21pm

