



Leicester  
City Council

Minutes of the Meeting of the  
CABINET

Held: MONDAY, 21 APRIL 2008 at 1.00 pm

P R E S E N T :

Councillor Willmott- Chair  
Councillor Draycott- Vice-Chair

Councillor Bhatti	Councillor Dempster
Councillor Kitterick	Councillor Osman
Councillor Mrs Sood	Councillor Wann

ALSO IN ATTENDANCE

Councillor Coley – Leader of the Liberal Democrat Group  
Councillor Russell – Regeneration and Transport Task Group Leader

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**267. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Corral, Connelly and Follett.

**268. DECLARATIONS OF INTEREST**

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

Councillor Kitterick declared a personal, non-prejudicial interest in Item 11, "Control of the Distribution of Free Printed Matter," as he worked for an organisation that distributed flyers.

**269. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Cabinet held on 31 March 2008 and the Special Cabinet meeting held on 17 March 2008, having been circulated to Members, be taken as read and signed by the Chair as a correct record.

## **270. MATTERS REFERRED FROM COMMITTEES**

Meeting of the Audit Committee – 2 April 2008

### Internal Audit Operational Plan 2008-09

The above Committee agreed as follows:

- (1) that the Annual Internal Audit Operational Plan 2008-9 be approved.
- (2) that the recommendation of the Chief Finance Officer that the plan is an acceptable compromise between audit need and resources available be accepted.
- (3) that the Committee recommend to Cabinet to be mindful of the need for additional financial resources for internal audit to procure, by appointment or otherwise, competent IT audit resources to supplement existing resources.

Councillor Willmott stated that officers were aware of the pressure and that there was more audit work to do than resources allowed, but areas of higher risk were targeted in their work. He stated that the Committee's recommendation would be considered during the next budget process.

## **271. REGENERATION AND TRANSPORT TASK GROUP REVIEW - REVIEW OF THE CLOSURE OF HIGH STREET AND MOVING BUS STOPS TO ALTERNATIVE LOCATIONS**

Councillor Kitterick submitted a report from the Overview and Scrutiny Management Board of the Regeneration and Transport Scrutiny Task Group regarding the closure of the High Street and moving bus stops to alternative locations.

Councillor Russell was invited to present the report and she stated that this was the first stage in the review, the second, regarding bus stop location on Causeway Lane was to be submitted at a later date. She introduced the range of recommendations in the report, stating that these could be used individually as and when they were considered appropriate.

Councillor Kitterick welcomed the report, stating that the lessons learned from the High Street Closure could be used when considering changes to the proposals for Causeway Lane and the future park and ride bus stops.

Members asked Councillor Russell for her opinion on the process and she stated that a wider range of people were consulted than would have been possible previously and that the Task Group's thinking was not constrained and therefore could come up with innovative recommendations. She expressed disappointment at the time scale for reporting to Cabinet and hoped this could be improved in the future.

RESOLVED:

That the contents of the report be noted.

## **272. PLANNING APPLICATIONS - LOCAL VALIDATION REQUIREMENTS**

Councillor Kitterick submitted a report that asked Cabinet to adopt a list of requirements for the validation of planning applications in line with Government advice and that the final content of the list be delegated to the Service Director Planning and Policy taking into account any consultation responses.

RESOLVED:

- 1) That it be approved that the City Council adopt a local list of planning application requirements;
- 2) That it be agreed that the final content of the list be delegated to the Service Director Planning and Policy within Regeneration and Culture taking into account any consultation responses.

## **273. DEVELOPMENT CONTRIBUTIONS AND THE PLANNING PROCESS**

Councillor Kitterick submitted a report that sought approval of funding for the Developer Contributions Officer and Administrative support posts from a surcharge on developer contributions.

RESOLVED:

That Cabinet approve:

- 1) The introduction of a monitoring surcharge for Section 106 Agreements at a level of 5.0% of developer contributions secured through the agreement, or in the event that the level of contribution is not identified at the time of completing the agreement, a charge of £2,500 per unidentified financial contribution likely to be between £0.00 and £50,000 and a charge of £5,000 for unidentified contributions likely to be above £50,000.
- 2) That a review of this approach should be made after two years and a revised charge be approved by the Service Director Planning and Policy if needed to maintain adequate funding for the posts.

## **274. APPLICATION OF CONDITIONS OF FITNESS TO EXISTING HACKNEY CARRIAGES**

Councillor Wann submitted a report that sought to obtain Cabinet's approval to apply the Council's conditions of fitness for hackney carriages to vehicles that were already licensed.

It was noted that a letter had been received from the RMT Union on the morning of the Cabinet meeting, asking that approval be given to the use of a conversion kit that would allow vehicles to meet the Euro III standard. Councillor Wann suggested that approval could be given as per recommendations in the report and that the use of the conversion kit could be investigated.

RESOLVED:

- 1) That the implementation of proposals set out in Paragraph 6.1 of the report be approved for the application of the conditions of fitness for hackney carriages to vehicles already licensed;
- 2) That a policy of discounting the licence fees for hackney carriages manufactured to Euro IV standard, or better be approved. For financial year 2008/09 the discount will be 50%;
- 3) That Officers carry out an investigation as to whether to allow the use of conversion kits that would enable hackney carriages to meet the Euro III standard.

## **275. REVIEW OF STREET TRADING POLICY**

Councillor Wann submitted a report that sought to obtain Cabinet's approval for the proposed Street Trading Policy following public consultation.

Councillor Dempster stated, as Cabinet Lead for Children and Schools, that she, head teachers and governing bodies welcomed the policy. Members noted the extent of the problem outside schools.

RESOLVED:

- 1) That the proposed Street Trading Policy be approved;
- 2) That the retention of the existing fee structure be approved in principle, with the reduced fee applying to mobile operators who move from place to place, and to delegate to the Corporate Director in consultation with the Lead Cabinet Member for Environment and Sustainability authority to vary the fee structure where appropriate;
- 3) That the Code of Practice for Mobile Street Traders be approved and where necessary varied by the Corporate Director in consultation with the Lead Cabinet Member for Environment and Sustainability;
- 4) That the commencement of the advertising procedure for the declaration of all highways and public places in Leicester as consent streets be agreed;
- 5) That the Corporate Director in consultation with the Lead Cabinet Member for Environment & Sustainability be given

delegated powers to declare all highways and public places in Leicester as consent streets and to determine the implementation date, following consideration of any representations received during the statutory period;

- 6) That the Corporate Director of Regeneration and Culture be required to work with the Interim Corporate Director for Children and Young Person's Services to ensure that the implications of the revised street trading policy in relation to schools are properly managed to ensure maximum benefits are achieved.

## **276. CONTROL OF THE DISTRIBUTION OF FREE PRINTED MATTER**

Councillor Wann submitted a report that sought approval to make an Order to designate land within the inner ring road as an area for which consent was required to distribute free printed matter.

Councillor Wann also recommended that Braunstone Gate should also be included in the proposal, as recommended by the Overview and Scrutiny Management Board at its meeting on 16 April 2008.

Councillor Willmott asked about the impact on small businesses by the proposal and Councillor Wann stated that each application would be considered on its own merits by the Licensing Committee. Councillor Manjula Sood stated that enforcement would be difficult during events such as Diwali. Councillor Willmott stated that this would be taken into account.

### **RESOLVED:**

- 1) That delegated power be given to the Corporate Director for Regeneration and Culture to approve the designation by order of all land which is part of a highway or which it owns, within the inner ring road and within 100 metres of streets around Leicester University and De Montfort University as identified in Paragraph 2.2 of the report and shown on the map at Appendix 2, for the purposes of Paragraph 2 of Schedule 3A of the Environmental Protection Act 1990;
- 2) That a general policy of not granting consents under Paragraph 3 of Schedule 3A of the Environmental Protection Act 1990 to entertainment venues be approved, but to give delegated power to Licensing Committee to decide whether applications for particular consents should be granted;
- 3) That an application fee as set out in Paragraph 2.8 of the report be approved;
- 4) That the conditions for consents shown in Appendix 3 of the report be approved;
- 5) That the Corporate Director for Regeneration and Culture be

instructed to include Braunstone Gate in the areas to be covered by the order.

**277. SCHEME OF DELEGATION - REVIEW OF DECISIONS MADE AT CORPORATE DIRECTOR LEVEL**

Councillor Willmott submitted a report that provided Cabinet with a summary of decisions made at Corporate Director level in consultation with Cabinet Leads.

The relevant minute extract from the Performance and Value for Money Select Committee held on 16 April 2008 had been circulated to the Cabinet.

RESOLVED:

That the summary of decisions made at Corporate Director level in consultation with Cabinet Leads be noted.

**278. SERVICE DIRECTOR - TRANSFORMING THE LEARNING ENVIRONMENT**

Councillor Dempster submitted a report that sought approval for establishing a new post of Service Director, Transforming the Learning Environment.

RESOLVED:

- 1) That the establishment of the post of Service Director, Transforming the Learning Environment be approved;
- 2) That the approach to the grade be approved as follows:  
Consider using the extended Service Director (UCOT grade) pay scale following proper market research and approval of the Employees Committee.

**279. ANY OTHER URGENT BUSINESS**

The Leader agreed to consider the following items as urgent business for the reasons set out below.

**CORPORATE CONTRACT MANAGEMENT AND PROCUREMENT IMPROVEMENT PLAN**

The item was considered as a matter of urgency to enable Cabinet to ensure close monitoring of implementation of the improvement plan.

Councillor Willmott submitted a report that enabled Cabinet to monitor implementation of the Improvement Plan, to review its Scheme of Delegation, to reserve to itself decisions to enter into contracts above a prescribed threshold, and to consider training and information needs for Elected Members.

The relevant minute extract from the Audit Committee held on 2 April 2008 had been circulated to the Cabinet.

RESOLVED:

That the implementation of the Improvement Plan be noted and the change of financial thresholds to coincide with European thresholds be approved.

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 involve 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.

Paragraph 3

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

SALE OF FORMER MAYFIELD FAMILY CENTRE, MAYFIELD ROAD

The item was considered as a matter of urgent business to enable a timely resolution of the sale and thereby secure the Council's interests.

Councillor Willmott submitted a report that advised Cabinet of the outcome of the marketing of the former Mayfield Family Centre and sought approval to the sale.

Councillor Willmott, seconded by Councillor Draycott moved that, in accordance with the provisions of Cabinet Procedure Rule 12(d) no call in be permitted on this item of business to ensure that the sale be concluded in a timely manner, thereby securing the Council's interests. This was agreed by Cabinet.

RESOLVED:

- 1) That the sale of the former Mayfield Centre to Developer A at the figure outlined in the report be approved;
- 2) That the Service Director, Legal Services be authorised to enter into the necessary legal documentation.
- 3) That, in accordance with the provisions of Cabinet Procedure Rule 12(d), it be approved that no call in be permitted on this item of business to ensure that the sale be concluded in a timely manner, thereby securing the Council's interests.
- 4) That the Corporate Director of Resources, in consultation with

the Lead Members for Resources and CYPS be delegated authority to proceed with a lower bidder in the event that the higher bid does not proceed to completion.

- 5) that the Corporate Director of Resources be delegated authority to approve any alterations to the terms of disposal and to take all necessary action to progress and complete the proposed disposal in consultation with the Lead Members for Resources and Children & Young Peoples Services.

SALE OF VACANT LAND AND BUILDINGS, FORMER BENDBOW RISE INFANT SCHOOL, BRAUNSTONE LANE

The item was considered as a matter of urgent business to enable a timely resolution of the sale and thereby secure the Council's interests.

Councillor Willmott submitted a report that advised Cabinet of the outcome of the marketing and sought Cabinet approval to the sale of the site of the former Bendbow Rise Infant School, Braunstone Lane.

Councillor Willmott, seconded by Councillor Draycott moved that, in accordance with the provisions of Cabinet Procedure Rule 12(d) no call in be permitted on this item of business to ensure that the sale be concluded in a timely manner, thereby securing the Council's interests. This was agreed by Cabinet.

RESOLVED:

- 1) That the sale of the whole site to Developer A at the figure outlined in the report be approved;
- 2) That the Service Director, Legal Services be authorised to enter into the necessary legal documentation.
- 3) that the Corporate Director of Resources, in consultation with the Lead Member for Resources and CYPS, be delegated authority to proceed with Developer B in the event that the higher bid does not proceed to completion.
- 4) that the Corporate Director of Resources be delegated authority to approve any alterations to the terms of disposal and to take all necessary action to progress and complete the proposed disposal in consultation with the Lead Member for Resources.
- 5) That, in accordance with the provisions of Cabinet Procedure Rule 12(d), it be approved that no call in be permitted on this item of business to ensure that the sale be concluded in a timely manner, thereby securing the Council's interests.



**280. CLOSE OF MEETING**

The meeting closed at 1.37pm.

