



Leicester  
City Council

Minutes of the Meeting of the  
CABINET

Held: MONDAY, 16 FEBRUARY 2009 at 1.00 pm

P R E S E N T :

Councillor Willmott- Chair  
Councillor Osman - Vice-Chair

Councillor Aqbany	Councillor Bhatti
Councillor Connelly	Councillor Cooke
Councillor Dempster	Councillor Kitterick
Councillor Wann	

ALSO IN ATTENDANCE

Councillor Coley – Leader of the Liberal Democrat Group

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**194. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Draycott.

**195. 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.

No such declarations were made.

**196. LEADER'S ANNOUNCEMENTS**

The Leader informed the Cabinet that the name for the Digital Media Centre had been announced earlier that morning and that it would be known as Phoenix Square. He added that he was pleased that the name "Phoenix" was being retained and felt that all those people who had admired and loved the Phoenix Theatre, would view this as a form of continuity.

**197. MINUTES OF PREVIOUS MEETING**

Councillor Osman stated that in relation to minute 175, he had declared a non-

prejudicial interest in respect of item 18, Transfer of Highfields Centre, and not a prejudicial interest.

Councillor Osman further stated that in relation to minute 192, Councillor Cooke had submitted the report on District Heating Charges and not Councillor Aqbany.

RESOLVED:

that the minutes of the meeting of Cabinet held on 26 January 2009, be confirmed as a correct record, subject to the above amendments.

#### **198. MATTERS REFERRED FROM COMMITTEES**

The Monitoring Officer stated that there were no matters referred from Committees.

#### **199. SUSTAINABILITY WITHIN THE BUILDING SCHOOLS FOR THE FUTURE PROGRAMME A REVIEW OF THE CHILDREN & YOUNG PEOPLE AND ENVIRONMENT AND SUSTAINABILITY JOINT TASK GROUP**

Councillor Hunt, Environment and Sustainability Task Group Leader, submitted a report that presented the findings of the Task Group inquiry into sustainability within the BSF programme.

Councillor Dempster thanked the Task Group and stated that the findings of the Task Group would be useful. Councillor Dempster asked Cabinet to note that over half of the City Schools had EMAS accreditation and that it was intended that this figure would be built upon. Additionally, £300,000 funding had been secured for the City Council to work in partnership with the De-Montfort University to design future schools. In addition the Council had been short-listed for £1, 000,000 grant to make Rushey Mead School more sustainable.

RESOLVED:

that Cabinet notes the Department's response to the Task Group report and supports the Department's specific recommendations in paragraph 4.4 of the report, to zero carbon buildings.

#### **200. REGENERATION AND TRANSPORT SCRUTINY TASK GROUP REVIEW OF ACCESS TO CYCLING IN THE CITY OF LEICESTER**

Councillor Russell, Regeneration and Transport Task Group Leader submitted a report that presented the findings of the Task Group inquiry into access to cycling in Leicester.

Councillor Kitterick thanked the Task Group for their report and stated that cycling would be given a higher priority on the agenda as it was seen as a solution to transport issues and healthy living. However, there were barriers to cycling as people feared that it was dangerous. He added that there was a missing generation of cyclists and suggested that parents should be

encouraged to help their children participate in this activity.

Councillor Coley stated that in some countries, cycle paths were placed between footpaths and parking bays to promote safer cycling and questioned whether the Council could do more to explore this. Councillor Russell invited Councillor Coley to bring his views to the Cycle City Workshop, that she chaired.

RESOLVED:

that Cabinet:

- 1) Notes the contents of the Report
- 2) That the Service Director, Regeneration, Highways and Transportation, be asked to prepare an appropriately costed implementation programme.

#### **201. REGENERATION AND TRANSPORT SCRUTINY TASK GROUP REVIEW OF THE INTRODUCTION AND OPERATION OF CIVIL ENFORCEMENT OF PARKING REGULATIONS IN LEICESTER**

Councillor Russell, Regeneration and Transport Task Group Leader, submitted a report that presented the findings of the Task Group inquiry into the introduction of civil enforcement of parking regulations in Leicester.

RESOLVED:

that Cabinet:

- 1) Notes the contents of the Report as referred by the Overview and Scrutiny Management Board.
- 2) That the Service Director, Regeneration, Highways and Transportation be asked to prepare an appropriately costed implementation programme.

#### **202. LOCAL SCHOOLS FUNDING FORMULA: PROPOSALS FOR CHANGE IN 2009-10**

Councillor Dempster submitted a report that sought approval to make changes to the current schools funding formula in 2009-10 to target deprivation funding allocations within the Dedicated Schools Grant (DSG) more effectively.

RESOLVED:

that Cabinet:

- 1) Notes that Department for Children, Schools and Families has advised that £26.2m of the 2008/09 DSG funding (13.9% of the total) is earmarked to target deprivation;
- 2) Notes that 65% (equivalent to £17.1m in 2008/09) of this is

currently distributed through a range of measures considered by the Department for Children, Schools and Families as being appropriate to meet the needs of deprivation;

- 3) Approves the proposed revised formula for distributing the remaining 35% (equivalent to £9.1m in 2008/09) of “deprivation support funding” to primary and secondary schools, using the following apportionment method and safeguards detailed at 2.2 and summarised in 4.14 of the report:
  - i. 60% through an Index of Multiple Deprivation element;
  - ii. 20% through Free School Meals entitlement, as in the current distribution method;
  - iii. 10% through a Tax Credit element; and
  - iv. 10% through a formula based upon prior educational attainment.
- 4) Notes the intention to set aside contingency funding for Building Schools for the Future Phase 1 schools to access in 2009-10; and
- 5) Notes the on-going review of the local schools funding formula and that further reports will be presented at appropriate stages.

### **203. OFSTED ANNUAL PERFORMANCE ASSESSMENT (APA) FINDINGS: 2008**

Councillor Dempster submitted a report that informed Cabinet Members of OfSTED’s most recent judgements on the Council’s services for children and young people for 2007/8.

Councillor Dempster explained that when considering the Ofsted findings, it was crucial to note that Ofsted could not take some of the more recent successful outcomes into account because they did not fall within the specific time frame. Councillor Dempster asked Cabinet to note that the Council was one of the top 10 performers for the provision of Children in Care.

RESOLVED:

that Cabinet:

- 1) Notes the content of the 2008 Annual Performance Assessment letter and the activity underway to improve outcomes and build the capacity necessary to sustain improvements;
- 2) Agrees that progress against inspection recommendations/areas for development be highlighted in routine performance reports (see para 4.20 of the report).

**204. MACHINERY OF GOVERNMENT CHANGES (MOG) 14 – 19: TRANSITION FROM LEARNING & SKILLS COUNCIL TO LOCAL AUTHORITY PROVISION**

Councillor Dempster submitted a report that advised Cabinet of developments in respect of Machinery of Government (MOG) changes in Leicester and which recommended a course of action and structure to ensure a smooth, efficient and effective transition of responsibility for 14-19 learning and skills development from the Learning and Skills Council to the Local Authority.

RESOLVED:

that Cabinet:

- 1) Approves the establishment of a sub-regional partnership between Leicester City and Leicestershire to deliver the expectations of the Machinery of Government.
- 2) Authorises the Director of Children and Young Peoples Services (DCS) and Legal Services to take necessary action as further guidance becomes available in consultation with the Lead Member of Children and Young Peoples Services.
- 3) Notes that a further report will be submitted to update Cabinet regarding the changes and implementation of the sub-regional arrangement between Leicester City Council and Leicestershire County Council.

**205. AGREED SYLLABUS FOR RELIGIOUS EDUCATION ONE LEICESTER: HARMONY AND DIVERSITY**

Councillor Dempster submitted a report for Cabinet to consider and adopt an Agreed Syllabus for RE for Leicester City.

Councillor Dempster expressed appreciation to everyone who had been involved with working on the agreed syllabus and acknowledged that it was an enormous amount of work.

RESOLVED:

that Cabinet:

- 1) Agrees that the Agreed Syllabus be approved by the Leicester City Council for adoption in Leicester
- 2) That the Local Authority approves the title One Leicester: Harmony and diversity.

**206. DELIVERING EFFECTIVE CITY CENTRE MANAGEMENT**

Councillor Kitterick submitted a report that recommended a framework model for delivering an effective City Centre Management. He thanked the Overview and Scrutiny Management Board for their comments and agreed to consider the suggestions they made to the composition of the Strategic Board when it is

constructed.

Councillor Willmott welcomed the report and thanked all concerned for their contributions.

RESOLVED:

that Cabinet:

- 1) Agrees in principle the proposal to establish a mechanism for City Centre Management and appoint a City Centre Director as set out in Section 5 of the report
- 2) Agrees to contribute a maximum of £80,000 towards set up costs in 2008/09 and a sum of £100,000 per annum for 3 years (2009/10 to 2011/2012) to support the proposed City Centre Management model;
- 3) Agrees that the first £180,000 of these costs in 2008/09 and 2009/10 will be funded from the Local Authority Business Growth Incentive (LABGI), and that future year's funding will be the first call on any LABGI income received after 2010. As the precise amount of future LABGI funding is uncertain, any shortfall in funding will be met with income generated by the City Centre Director.
- 4) Authorises the Regeneration, Highways and Transportation Lead Member to agree the detailed management arrangements and membership of the Strategic and Executive Boards with the City Centre Director;
- 5) Requires a report 9 months after the commencement in post of the City Centre Director setting out the agreed arrangements and progress to date;
- 6) Agrees using LABGI funding to recruit and establish an office for the City Centre Director;
- 7) Authorises the creation and development of a City Centre Stakeholder's Forum.

## **207. ST NICHOLAS PLACE NORTH AND ST NICHOLAS PLACE BUS STOPS**

Councillor Kitterick submitted a report that followed an earlier report on Park and Ride, which went to Cabinet on 14<sup>th</sup> July 2008. It provided an update on the design and cost implications of the scheme at St Nicholas Place following the recent consultation exercise.

RESOLVED:

that Cabinet:

- 1) Approves the latest design concept for the area and to note the proposal to start construction works in March 2009 in accordance with the programme, para 4.6-4.8, appendix 2 and 4.13-4.14 of the report.
- 2) Approves the decision to fund the shortfall of the income loss

from the car park internally within the Highways and Transport Division, para 4.12.

- 3) Gives the Corporate Director (R&C) in conjunction with the Cabinet lead delegated authority to commence the scheme providing any funding shortfall has been met, para 5.1-5.5.
- 4) Agrees to commence construction on St Nicholas Place North in March 2009 following work to lower and divert utilities apparatus, para 4.13-4.14.
- 5) Agrees to commence works in February 2009 on the infrastructure required at the bus stops on the “mini loop”, para 4.15.

## **208. CONSULTATION ON DRAFT PLANNING POLICY STATEMENT ON ECO-TOWNS**

Councillor Kitterick submitted a report that considered the Council’s response to the Draft National Planning Policy Statement (PPS) on Eco-towns, which was published for consultation in November 2008.

Councillor Coley referred to some of the potential weaknesses as detailed in Section 4.10 of the report and stated some of the main roads were already gridlocked and if trams were used as a solution to an increase in traffic there would be a need to widen roads, leading to a loss of trees and gardens. He added that there were many problems with developing the Eco Town and he hoped the administration would look carefully at this decision again.

Councillor Kitterick acknowledged that there was a high volume of traffic on London Road, but it was intended that the introduction of trams would ease traffic and attract passengers who would not normally travel by bus. He added that building houses on both greenfield and brownfield sites would always to be controversial, but there was a need for affordable housing.

Councillor Willmot stated that the Council’s view had already been made clear and he explained that their position had been reached after they had looked at the evidence. He added that he felt that other Local Authorities had failed to weigh up the facts and to assess the benefits.

RESOLVED:

that Cabinet notes the report and endorses the proposed response on the Draft PPS on Eco-towns.

## **209. SUSTAINABLE PROCUREMENT POLICY**

Councillor Willmott submitted a report that outlined the proposed Sustainable Procurement Policy.

RESOLVED:

that Cabinet:

- 1) Approves the Sustainable Procurement Policy for the Council.
- 2) Approves the risk based approach to delivering the policy.
- 3) Agrees to monitor the policy through the proposed gateways and annual reports to Cabinet of “high risk” procurement activities.

## **210. GENERAL FUND REVENUE BUDGET STRATEGY 2009/10 TO 2011/12**

Councillor Willmott submitted a report that outlined a 3 year corporate budget strategy, 3 year departmental revenue strategies for each department, and a general fund budget for 2009/10.

Councillor Willmott stated that this had not been an easy budget but that they would continue with the initiatives that had been started last year. He wished to place on record his thanks to the Task Groups, Scrutiny Committees, Officers and the Chief Finance Officer for their contributions to the budget process.

RESOLVED:

that Cabinet

- 1) taking into account the matters described in the report and the consultation responses received
  - that the draft budget be amended by the addition of £50,000 (in 2009/10 only) to improve libraries’ book stock, and other library resources, as recommended by the Culture and Leisure Task Group;
  - that (subject to the above change) the draft 3 year financial strategy for 2009/10 to 2011/12, the draft departmental revenue strategies prepared by each corporate director, and the draft overall budget for 2009/10 be approved as the Cabinet’s proposals to Council;
- 2) to thank scrutiny committees and others for their comments and suggestions, and:
  - note that further funding has been made available to improve Link (over and above the amounts originally consulted), in response to views received (including the people’s panels);
  - that other suggestions for additional funding be reviewed should additional resources be available, and in the light of the long-term outlook for the Council’s finances;



- that officers be asked to consider a proposal that additional cleaning in the Cultural Quarter should include Humberstone Gate, and to implement this if resources permit;
  - note proposals to keep future years' proposed tax rises under review in the light of economic conditions, responding to comments made by the Leicestershire Business Council; and ask officers to bring a report to Cabinet on strategies for dealing with the backlog of maintenance to Council assets identified in the corporate budget strategy;
  - note that work is taking place to reduce the cost of agency staff;
  - note that the Leader has written to Unison in response to their comments and intends to write to the Leicestershire Business Council.
- 3) to ask the Chief Finance Officer to prepare a formal budget and council tax resolution, and consequent prudential indicators, for Council approval;
- 4) subject to the approval of the budget by the Council on 25 February and the Council's normal procedures, to authorise strategic and service directors to take any action necessary to deliver the departmental revenue strategies for 2010/11 to 2011/12;
- 5) to recommend to Council that the Chief Finance Officer be authorised to calculate and give effect to the following budget adjustments, for which provision is presently held corporately:
- the impact of any increase in the costs of energy, within the available provision;
  - the first phase of Delivering Excellence efficiency savings, described in section 6 of the report;
- 6) to recommend to the Council that the approved budget shall form part of the policy and budget framework of the Council, and that future amendments shall require the approval of full Council, subject to the following:
- the Cabinet may authorise the addition, deletion or virement of sums within the budget up to a maximum amount of £2m (either one-off or per annum) for a single purpose (this being a higher figure than approved in

previous years);

- the Cabinet may determine the use of corporate budget provisions for job evaluation;
- 7) to note that, on 27 January 2009, the Cabinet authorised additional budget provision of £1m for the project management costs associated with job evaluation, this being a pre-commitment against the 2009/10 budget; and, subject to the Council agreeing (f) above, to approve commitment of a further £1.374m for this purpose;
  - 8) to recommend to Council that £2m of the Council's reserves be earmarked for mitigation of equal pay claims, as described in section 11 of the report;
  - 9) to approve, and recommend Council to approve, the treasury strategy included as Appendix 6 and the investment strategy included at Appendix 7 of the report;
  - 10) to request Council to delegate authority to the Chief Finance Officer to vary components within the Council's overall borrowing limit (the "authorised limit") which relate to borrowing and other forms of finance;
  - 11) to recommend that Council approves the proposed policy on minimum revenue provision described in section 23 of the report;
  - 12) to note that Finance Procedure Rules are being revised, and will be submitted to Council in March, together with any appropriate limits in relation to the 2009/10 budget.

## **211. 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 Paragraphs 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 that information).

## SALE OF WESTERN PARK SPECIAL SCHOOL

### **212. SALE OF WESTERN PARK SPECIAL SCHOOL**

Councillor Willmott submitted a report seeking Cabinet approval for the sale of Western Park Special School and he updated Members on the current situation.

Councillor Coley requested that Cabinet Members considered the possibility of re-locating the Forest Lodge Education Centre in Charnor Road to the site of the special school in Western Park. Councillor Willmott responded that this possibility had already been investigated, but the site had been found to be unsuitable.

RESOLVED:

that Cabinet:

- 1) Agrees that authority be delegated to Officers to continue to negotiate the sale of Western Park Special School to the bidder
- 2) Agrees to delegate authority to the Corporate Director of Resources, in consultation with the Lead Member for Resources, to agree detailed terms of disposal, approve any alterations to the terms, and to take all necessary actions to progress and complete the disposal
- 3) Authorises the Corporate Director of Legal Services to prepare and execute the documentation for the disposal

### **213. CLOSE OF MEETING**

The meeting closed at 2.09 p.m.

