



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 9 MARCH 2009 at 1.00 pm

P R E S E N T :

Councillor Willmott- Chair

Councillor Bhatti
Councillor Cooke
Councillor Kitterick

Councillor Connelly
Councillor Dempster
Councillor Wann

ALSO IN ATTENDANCE

Councillor Mugglestone – Leader of the Conservative Group
Councillor Russell - Member of the Environment and Sustainability Task Group

* * * * *

214. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Aqbany, Draycott, Osman and Follett

215. 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 declarations were received.

216. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of Cabinet held on 16 February 2009, be confirmed as a correct record.

217. MATTERS REFERRED FROM COMMITTEES

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

218. REPORT OF THE ENVIRONMENT AND SUSTAINABILITY TASK GROUP - EXTENDING DISTRICT HEATING AND COMBINED HEAT AND POWER IN CENTRAL LEICESTER

Councillor Russell, Member of the Environment and Sustainability Task Group submitted, on behalf of the Leader of the Task Group, a report that provided the findings of the Task Group investigation into the contract specification and performance criteria for the proposed new district heating and combined heat and power scheme.

The Leader thanked the Task Group and noted the report which would be considered alongside item 7. 'Extending District Heating and Combined Heat and Power in Central Leicester'.

219. EXTENDING DISTRICT HEATING AND COMBINED HEAT AND POWER IN CENTRAL LEICESTER

Councillor Wann submitted a report that reviewed the options available at the end of Stage One of the Project for "Extending District Heating and Combined Heat and Power in Central Leicester", and described the outcomes of each of these options in terms of impact on the City Council's objectives.

Councillor Wann noted the importance of installing meters to the houses as part of the contract, as recommended by the Environment and Sustainability Task Group.

RESOLVED:

that Cabinet:

1. agrees that the Interim Director of Adults and Housing should follow EU procurement procedure and seek tenders using the Competitive Dialogue process to extend district heating and combined heat and power in Central Leicester (see Appendix 1 and 2 of the report) in order to achieve the Council's objectives as described in this report.
2. approves the recommendations for addressing each of the Key Project Parameters (Section 4.16 that will be used to inform officers' negotiations during the tender process.
3. authorise the release of the remaining £300,000 from the provision of £400,000 for combined heat and power, approved as part of the corporate capital programme by Council on 27th March 2008.
4. agrees that Leicester City Council act as enabler for the City and the role of the University of Leicester and HM Prison Leicester be as senior users.
5. agrees that consideration be given to installing meters as part

of the scheme.

220. THE EMPTY HOMES STRATEGY - COMPULSORY PURCHASE OF 40 UPPINGHAM ROAD, 42 UPPINGHAM ROAD AND 22 OSMASTON ROAD

Councillor Willmott presented a report on behalf of Councillor Aqbany that proposed that compulsory purchase orders were made on three long-standing empty homes.

RESOLVED:

that Cabinet:

1. makes Compulsory Purchase Orders (CPO) under s17 Housing act 1995 on the land and dwellings, as outlined in Appendix D, and as listed below in order to secure their improvement, proper management and occupation as residential dwellings.

40 Uppingham Road, Leicester
42 Uppingham Road, Leicester
22 Osmaston Road, Leicester

2. authorises the necessary capital expenditure from the Housing Capital Programme.

221. CHILDREN AND YOUNG PEOPLE'S CAPITAL PROGRAMME 2009-10 TO 2011-12

Councillor Dempster submitted a report that sought approval for a 2 year 0-19 Integrated Capital Strategy. Councillor Dempster noted that there was an unprecedented amount of funding being donated from both the Government and the City Council.

The Leader stated that a £5m grant had been agreed by Government for a centre dedicated to children and young people in the city centre. This was a manifesto pledge and would be sited in the former Haymarket Theatre building.

RESOLVED:

that Cabinet recommend to Council:

1. the Capital Programme detailed within this report and in particular the new proposals summarised in the table below.
2. that the following status of the schemes detailed below subject to compliance with the Council's Finance and Contract Procedure Rules.
 - i) Block A, being schemes which can proceed once the programme is approved without a further report to Cabinet and Council;
 - ii) Block B, being schemes which can proceed once the

programme is approved under delegated authority to the Corporate Director of Children and Young People's Services in consultation with the Cabinet Lead. Block B only relates to programmes and schemes where the funding is ring fenced for a particular purpose with set grant conditions. An update of these elements of the programme will be provided to Cabinet through the quarterly monitoring reports.

- iii) Block C, being schemes, which can proceed subject to a further Cabinet report approving the detailed implementation of the scheme.

New Proposals Table

Number	Name of scheme or programme	£ in '000'
	Block A	
1	Devolved Formula Capital	11,206.2
2	School Kitchens match funding for bids*	500
3	Classroom Replacement Programme Uplands Junior	450
4	Primary Capital Programme**	11,556.4
5	BSF ASD Units	140
6	Strategic Development for BSF and PCP	1,000
	Block B	
7	Youth Capital Fund	417.6
8	DCSF Playbuilder Grant	400
9	Short Break Path Finders Grant	484.4
10	Home Access for Targeted Groups Grant	207
	Block C	
11	Early Years Sustainable Grant	2,927
12	Children's Centres Phase 3	1,738
13	Extended Services	1,504.3
14	School Kitchens match funding for bids*	500
15	Primary Capital Programme**	6,600
	Total	39,630.9

The details each of these schemes can be found in pages 13 to 19, Appendix A of the report 'Detailed Spend Programme' and Appendix B 'Programme and Project Details'.

* School Kitchens, Block A relates to approval for schemes that are being designed and constructed in the first year of the Primary Capital Programme. Under Block C the remainder of the funding will be the subject of a further Cabinet paper. Please refer to paragraph 4.4.13 for further details.

** Primary Capital Programme, Block A relates to approval of the all the schemes detailed under pages 16 and 17 apart from Mellor Primary School which is under Block C and will be the subject of a further report.

- iv) Authorise the subsequent addition of up to £1m to the Capital Programme for the sustainability project at Rushey Mead School as detailed within paragraph 4.4.14 of this report if Government funding is allocated, and delegate authority to allocate such funding to the Corporate Director in consultation with the Cabinet Lead.

222. DEDICATED SCHOOLS GRANT OUTTURN AND SCHOOLS BALANCES 2007/08

Councillor Dempster submitted a report that provided details of the Schools Revenue Outturn 2007/08. Councillor Dempster stated that the Council were able to claw back provisions from the schools, however this was not the intention. If the funding was clawed back it would still remain within the schools service's budget.

It was noted that the Overview and Scrutiny Management Board had requested an update report on schools balances within six months. Councillor Dempster agreed this would be possible.

RESOLVED:

that Cabinet:

1. notes the contents of the report
2. agrees that surplus balances should not be clawed back, but that the schools should be required to provide plans for spending the amount of potential clawback in a way which positively impacts on teaching and learning in the immediate term (as set out in paragraph 2.34 of the report);
3. agrees that the balances judged to be surplus following analysis by CYPS Finance should not be clawed back, and that schools should be advised accordingly, following the proposal in paragraph 2.35;
4. notes that schools be advised of clarifications to the operation

of the current surplus balances scheme for March 2009, as in para 2.38; and

5. notes the proposed arrangements for reviewing the scheme for controlling surplus balances from March 2010, upon which future reports will be brought forward, as set out in paras 2.39 and 2.40.

223. BUSM AFFORDABLE HOUSING - NEW GROWTH POINT FUNDING

Councillor Kitterick submitted a report that indicated progress on a proposed affordable housing scheme at BUSM at Ross Walk and recommended the inclusion of the New Growth Point funding allocation of £2 million in the Council's capital programme.

Councillor Kitterick stated that the scheme would stimulate house building in the city during a time of economic uncertainty.

RESOLVED:

that Cabinet notes the report and approves the inclusion of the New Growth Points funding of £2 million for the BUSM housing scheme in the Capital Programme over the 09/10 10/11 period.

224. ON-STREET PARKING - ANNUAL REPORT

Councillor Kitterick submitted a report that informed Members of actual income and expenditure for 2007/08 and gave a breakdown of where surplus income was spent.

Councillor Mugglestone queried if any income had been received from the bailiffs who were handling 1,117 penalty charge notices. Councillor Kitterick agreed to provide this information for Councillor Mugglestone.

RESOLVED:

that Cabinet:

1. reaffirms that it is not currently desirable or necessary to provide further off street parking.
2. notes where surplus on-street income was spent during 2007/08.
3. approves the proposals for spending the surplus income during 2008/09.
4. approves this report as forming the annual report providing both financial and statistical details regarding on-street parking activities during 2007/08 for publishing on the website as well as placing copies in civic offices.

5. notes the delegation to the Corporate Director of Regeneration and Culture to vary the amounts spent on the various items referred to in the Appendix, subject to funding being available, and agree that this delegation be exercised in consultation with the Cabinet Lead Member (paragraph 30.1 of the report).

225. CITY OF LEICESTER LOCAL PLAN: SAVED POLICIES

Councillor Kitterick submitted a report that informed Members of the Secretary of State's Direction on the local plan policies that were saved beyond January 2009 and sought Council endorsement of the changes to the adopted Local Plan.

RESOLVED:

that Cabinet notes the Secretary of State's Direction and recommends that Council adopts the changes to the Local Plan.

226. ESTABLISHMENT OF SUB-REGIONAL ECONOMIC DEVELOPMENT ARRANGEMENTS AND ECONOMIC DEVELOPMENT COMPANY

Councillor Kitterick submitted a report that updated and sought Cabinet approval to complete the establishment of the new sub-regional economic development arrangements (including emda Sub-Regional funding programme, Multi Area Agreement and Support Unit) and Leicester and Leicestershire Economic Development Company (EDC).

Councillor Kitterick noted an error at paragraph 4.22 of the report, whereby the Business Forum would not be asked to nominate a non-executive Deputy Chairman, however they would be asked to nominate a member.

The Leader congratulated everyone who was involved in the project.

RESOLVED:

that Cabinet:

1. notes progress in relation to the Multi Area Agreement, Leadership Board, Coordination Group, Strategy and Performance Groups, officer support unit and commencement of the Economic Assessment for the sub region.
2. delegates authority to the Chief Operations Officer and Deputy Chief Executive the finalised structure of the officer support unit to be based at the City Council.
3. endorses the reconstitution of the Leicester Regeneration Company Limited (of which the Council is Corporate Member) as the new Economic Development Company for Leicester and Leicestershire and delegate authority to the Chief Operations

Officer and Deputy Chief Executive to act on behalf of the Council in securing this transition.

4. nominates Councillor Patrick Kitterick as a non-executive director of the new company and delegate to the Chief Operations Officer and Deputy Chief Executive authority to nominate a second Director to the board of the new company.
5. agrees that Alistair Reid be appointed as the representative of Leicester City Council for the purposes of the annual general and extraordinary general meetings of the Leicester Regeneration Company Limited (or as renamed) and is authorised to vote on behalf of Leicester City Council in all matters to be transacted at such meeting/s.
6. agrees that the Chief Operations Officer and Deputy Chief Executive be authorised to negotiate the terms of the funding agreement with the EDC in respect of the delivery of a programme of work in support of the sub regional arrangements described in this report and within the available funding.
7. notes that the Cabinet meeting of 8th December 2008 previously agreed delegation in relation to the Head of Legal Services in consultation with the Cabinet Lead for Regeneration and Transport to finalise the agreements as set out in paragraphs 4.3 & 4.4.

227. PARTNERSHIP ARRANGEMENTS FOR PROVIDING CARE MANAGEMENT SERVICES FOR PERSONS WITH SUBSTANCE MISUSE PROBLEMS

Councillor Cooke submitted a report that sought Cabinet approval of setting up of revised community care assessments and care management services for persons with substance misuse problems.

Councillor Cooke noted that he supported the comments made from the Overview and Scrutiny Management Board.

RESOLVED:

that Cabinet:

1. agrees that approval be given for the City Council to accept the social care functions delegated to it by both Leicestershire County Council and Rutland County Council thus enabling it to carry out Community Care Assessments and Care Management functions for people with substance misuse problem who are located in those areas;
2. agrees that the Corporate Director Adults and Housing Department, in consultation with the Service Director, Legal Services be authorised to enter into a legal agreement with

Leicestershire County Council and Rutland County Council to put the arrangements referred to in paragraph 3.1 of the report in place;

3. notes that these delegations of functions be subject to the approval of both Leicestershire County Council and Rutland County Council Cabinets.
4. notes that future reports relating to issues around substance misuse be considered by the Health Scrutiny Committee.

228. PARTNERSHIP ARRANGEMENTS FOR DEPRIVATION OF LIBERTY SAFEGUARDS ASSESSMENTS

Councillor Cooke submitted a report that sought Cabinet approval for the setting up of a joint Deprivation of Liberty (DOL) Assessment Service which would be hosted by Leicestershire County Council.

RESOLVED:

that Cabinet:

1. agrees to the delegation of the City Council's social care functions to Leicestershire County Council for the purpose of enabling it to carry out Deprivation of Liberty Assessments on behalf of the City Council.
2. agrees that the Corporate Director of Adults & Housing Department, in consultation with the Service Director of Legal Services be authorised to negotiate and complete the partnership agreement.

229. PARTNERSHIP ARRANGEMENTS FOR ADULT MENTAL HEALTH SERVICES

Councillor Cooke submitted a report that set out proposals regarding new Partnership Arrangements between Leicestershire Partnership NHS Trust (LPT), Leicester City Council, Leicestershire County Council and Rutland County Council for the provision of health and social care services for adults with mental health needs.

The Leader stated that Cabinet Members had received the legal implications and noted that these were exempt on the grounds as specified on the agenda.

RESOLVED:

that Cabinet:

1. supports and endorses the proposed new Partnership Arrangements between Leicestershire Partnership NHS Trust, Leicester City Council, Leicestershire County Council and Rutland County Council.

2. agrees that the Corporate Director of Adults and Housing Department, in consultation with the Service Director of Legal Services be given authority to negotiate and complete a new Partnership Agreement under section 75 of the National Health Services Act 2006 for five years from 1 April 2009, along with any other legal agreements necessary for the joint provision of health and social care services in Leicestershire, Leicester City and Rutland for adults with mental health needs.

230. FAIR ACCESS TO CARE SERVICES, ACCESS, ELIGIBILITY AND PROVISION OF SOCIAL CARE SERVICES

Councillor Cooke submitted a report that addressed the requirement to determine eligibility for services under the Government's guidance on Fair Access to Care Services (FACS).

RESOLVED:

that Cabinet agrees that the threshold of eligibility should continue to be placed at 'substantial' and 'critical' as indicated in Appendix 1 of the report.

231. PERFORMANCE REPORT FOR QUARTER THREE

Councillor Willmott presented a report on behalf of Councillor Draycott submitted a report that presented a summary of performance against the priorities set out in *One Leicester* for the third quarter of 2008/9.

RESOLVED:

that Cabinet:

1. notes performance for the third quarter.
2. agrees any further actions required to address areas at risk of not achieving targets including any recommendations for action by partners (to be included in the Quarter Three Performance Report to the Leicester Partnership Executive on 11th March).
3. notes and comment on the future work that will be undertaken to improve our performance reporting.

232. UPDATE OF FINANCE PROCEDURE RULES

Councillor Willmott submitted a report that informed Members of a revised version of Finance Procedure Rules that, subject to approval, would become operative from 1st April 2009.

RESOLVED:

that Cabinet:

1. agrees the proposed changes to the Finance Procedure Rules at appendix A and submit to Council.
2. notes that virement limits are unchanged except for a new provision that Strategic Directors can vire up to £0.5m acting collegiately.
3. agrees controllable budget lines shown at appendix B and ask Council to approve them.

233. ASSET MANAGEMENT AND PROPERTY PORTFOLIO PERFORMANCE

Councillor Willmott submitted a report that informed Members about current developments in Asset Management Planning, and the performance of the property portfolio including the level of required maintenance and progress to address it.

RESOLVED:

that Cabinet notes the contents of the report and supports the ongoing development of Asset Management Planning in support of One Leicester and jointly with other partners where appropriate.

234. LOCAL AREA AGREEMENT (LAA) ANNUAL REFRESH SIGN-OFF

Councillor Willmott submitted a report that presented background information on the first Annual Refresh of the Local Area Agreement (2008/11) and set out the latest position on negotiations with Government Office for the East Midlands (GOEM) in advance of a final report seeking sign-off by Cabinet.

RESOLVED:

that Cabinet agrees to sign-off Leicester's revised LAA and if necessary agree that delegated powers are used to agree any outstanding issues prior to seeking sign-off by the Secretary of State for Communities and Local Government on 30th March.

235. CORPORATE CAPITAL PROGRAMME 2009/10

Councillor Willmott submitted a report that recommended updating the "corporate" capital programme for 2009/10 based on the Council's medium-term financial strategy. Councillor Willmott stated that it was good news that the Council still had a Capital Programme that was making substantial investments.

RESOLVED:

that Cabinet:

1. recommends the capital programme shown at Annex A of the report to Council, subject to any changes it wishes to make

pursuant to comments from Overview and Scrutiny Committee;

2. recommends to Council the following status of the schemes in Annex A: -
 - (a) Block A, being schemes which can proceed without any further approval, subject to compliance with Finance Procedure Rules;
 - (b) Block B, being schemes for which funding is approved by Council, but for which approval of Cabinet is required prior to implementation;
3. designates the following as service resources for the purposes of this programme (being resources which fall outside the scope of the corporate programme): -
 - housing capital receipts, with the exception of £1m per annum (as stated in the housing capital programme, these resources are being dealt with as part of the corporate programme and will primarily be used to support schemes which support or complement housing growth);
 - housing, education and transport supported borrowing allocations;
 - profits made by the Housing Maintenance DSO;
 - any supported capital expenditure allocations awarded by central government for specific purposes;
 - third party contributions;
 - departmental revenue contributions.
4. in connection with the revised Finance Procedure Rules: -
 - (a) recommend that the Council approves a higher decision limit of £5million, being the amount below which the Cabinet can make changes to the programme subject to the revenue impact of changes in the programme being containable within the Cabinet's virement limit;
 - (b) note that Financial Procedure Rules require approval of a lower limit below which corporate directors can vire resources. A limit will be proposed as part of a forthcoming report reviewing finance procedure rules.
5. note that the above limits apply to the capital programme as a whole, not just the corporate capital programme.

236. 2008/09 CAPITAL PROGRAMME MONITORING – PERIOD 9

Councillor Willmott submitted a report that updated Members on the progress of spending on the capital programme for 2008/09 up to the end of December

(period 9), and the forecast spend to the end of the year.

RESOLVED:

that Cabinet:

1. approves a revised level of programmed expenditure of £119 million.
2. notes the level of expenditure to the end of December 2008 of £80 million.
3. notes the urgent action taken by the Corporate Director of Resources in consultation with relevant Members in authorising the additional expenditure of £234,500 for the purchase and installation of the two additional uninterruptible power supply units and associated works to be funded within the Accommodation Strategy (former CLABs) financing budget.
4. notes that the forecast capital programme performance is to spend 91% of the approved programme compared with a target of 90%.
5. notes the position relating to capital receipts.
6. notes the prudential indicators for 2008/09.

237. REVENUE BUDGET MONITORING 2008/09 – PERIOD 9

Councillor Willmott submitted a report that showed a summary position comparing spending with the budget. Councillor Willmott agreed the requests of the Performance and Value for Money Select Committee.

RESOLVED:

that Cabinet:

1. notes the changes made to the original approved budget for 2008/09;
2. notes the expenditure to date and the budgetary issues which have emerged so far this year;
3. notes the proposals put forward to ensure that spending is contained within the Departments' budgets;
4. notes the progress made so far towards achieving the efficiency target;
5. approves the establishment of a new earmarked reserve to enable the carry forward of unspent Area Based Grant monies

at year end (as outlined at paragraph 11.2 of the report)

238. LEADER'S ANNOUNCEMENTS

The Leader gave thanks to officers for contributions made to major projects that had enabled the plans set out in their manifesto to be initiated.

239. 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 1

Information relating to any individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 3

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

REDEVELOPMENT OF THE EXCHANGE AT EYRES MONSELL

240. REDEVELOPMENT OF THE EXCHANGE AT EYRES MONSELL

Councillor Kitterick submitted a report that recommended the redevelopment of the Exchange at Eyres Monsell.

RESOLVED:

that Cabinet agrees the recommendations as set out in paragraph 3 of the report.

241. CLOSE OF MEETING

The meeting closed at 1.45pm.