



Leicester  
City Council

Minutes of the Meeting of the  
CABINET

Held: MONDAY, 3 AUGUST 2009 at 1:00 pm

P R E S E N T:

Councillor Willmott - Chair  
Councillor Dempster - Vice-Chair

Councillor Connelly	Councillor Dawood
Councillor Dempster	Councillor Kitterick
Councillor Osman	Councillor Palmer
Councillor Patel	Councillor Russell
Councillor Westley	Councillor Willmott

ALSO IN ATTENDANCE

Councillor Coley	Liberal Democrat Group Leader
Councillor Grant	Conservative Group Leader

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**35. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**36. DECLARATIONS OF INTEREST**

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

For the avoidance of doubt, Councillor Kitterick explained that in respect of item 17, Sale of Land and Viaduct at Duns Lane, allegations had been made in the Leicester Mercury that he was an employee of De Montfort University. Councillor Kitterick stated that he had been employed on a casual basis by De Montfort University Students' Union, but this employment terminated in January 2009. He added that he had no financial ties with the De Montfort University and had no interests to declare relating to this item.

Councillor Westley declared in respect of item 10, Local Development Framework, Draft Core Strategy, that members of his family were council house tenants.

Councillor Russell declared a personal interest in item 16, Leicester's New Business Gateway, New Business Quarter Phase 2, in that her partner was employed by the Royal Mail.

Councillor Connelly declared a prejudicial interest in item 16, Leicester's New Business Gate, New Business Quarter Phase 2, in that he was employed by the Royal Mail. Councillor Connelly left the meeting during discussion of this item.

### **37. LEADER'S ANNOUNCEMENTS**

Councillor Willmott welcomed Kamal Adatia, the Voluntary Director, Strategic Management Board and congratulated him on his appointment.

### **38. MINUTES OF PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting of Cabinet, held on 13 July 2009 be confirmed as a correct record.

### **39. MATTERS REFERRED FROM COMMITTEES**

It was reported that there were no matters referred from committees.

### **40. CHILDREN AND YOUNG PEOPLE'S CAPITAL PROGRAMME 2009-10 TO 2010-11 SURE START CHILDREN'S CENTRE - PHASE 3 SITE OPTIONS APPRAISAL**

Councillor Dempster submitted a report that informed Cabinet of work undertaken on the Phase 3 Site Options Appraisal for Sure Start Children's Centres. Councillor Dempster explained that this was part of the Council's investment in the City in Children and Young Peoples services, and after the initial five new Sure Start Centres were completed, there would be a further roll out of Children's Centres across the City.

Councillor Dempster stated that the Children and Young Peoples Scrutiny Committee had, in their meeting on 7 July, commented on the excellent consultation process that had taken place and Officers were thanked for their hard work. Councillor Willmott commented that the five new centres were excellent news.

RESOLVED:

that Cabinet approves the following options for the location of Phase 3 Children's Centres:

- a) South Neighbourhood (Aylestone and Knighton Fields, in Lansdowne Neighbourhood Centre
- b) North West Neighbourhood (Abbey Lane/Anstey Lane), in Alderman Richard Hallam School
- c) Central Neighbourhood x 2 (Charnwood/Green Lane Road), in Highfields Sure Start, St Saviours Link site
- d) (Stoneygate/Evington Road), in Mayfield Family Centre
- e) North East Neighbourhood (Hamilton), in Kestrels' Field School

Cabinet further agreed that if the former Mayfield Children and Family Centre is approved for future use as a Children's Centre, that:

- a) the application of Children and Young People Services revenue funding towards the on-going capital programme scheme at Barnes Heath House (estimated at £455,000, pending completion of works) to offset the planned contribution from capital receipts arising from the originally proposed sale of the former Mayfield Centre, be agreed;
- b) the proposal to transfer £100,000 from the Children and Young People's Services Capital Programme to the Corporate Programme, to compensate for the potential loss of capital receipts to the Corporate Programme from the retention of the Mayfield site be approved; and
- c) the Mayfield site be retained.

#### **41. CONDUIT STREET HIGHWAY IMPROVEMENT LINE**

Councillor Kitterick submitted a report that sought Council's approval to revoke the current Highway Improvement Line in Conduit Street and implement a new Highway Improvement Line.

Councillor Kitterick stated that it would not be feasible to divert the inner ring road around the back of the railway station and that the revision of the Improvement Line would stimulate regeneration in the Conduit Street area, where it was needed. The Cabinet noted that the Overview & Scrutiny Management Board supported the recommendations.

**RESOLVED:**

that the recommendations to Council, contained within the report be supported.

## **42. LEICESTER SCIENCE PARK INNOVATION WORKSPACE**

Councillor Kitterick submitted a report that sought Members' approval to the delivery strategy for the Leicester Science Park (LSP) Innovation Workspace project and approval to progress further project development.

Councillor Kitterick explained that this would replicate the success of the creative incubators in the Cultural Quarter, but in the field of science and innovation and the project would bring high quality jobs to the City.

RESOLVED:

that Cabinet:

- 1) approves the overall vision for the Innovation Workspace as outlined in the report;
- 2) approves that Council assumes lead responsibility for delivery;
- 3) authorises the negotiation of terms with East Midlands Development Agency (Emda) to acquire any freehold or leasehold land to deliver the project;
- 4) approves that the project design and development work at a cost of up to £500,000 be approved;
- 5) notes the potential funding package for the scheme, with the Council acting as Accountable body, and authorises the submission of funding applications as follows:
  - Emda sub-regional funding for further project development outlined in (4) above
  - Emda regional funding
  - European Regional Development Fund (ERDF)
  - Working Neighbourhood Fund (WNF)
  - Prudential borrowing as required.
- 6) notes that the overall funding package would be subject to a further report when further project development work has been completed.

## **43. LEICESTER AND LEICESTERSHIRE WASTE DEVELOPMENT FRAMEWORK CORE STRATEGY**

Councillor Kitterick submitted a report that sought Council approval for the adoption of the Leicester and Leicestershire Joint Waste Development Framework Core Strategy and Development Control Policies Development Plan Document.

Councillor Kitterick explained that the Core Strategy would build on the already cutting edge service in terms of the environment and the way the City's waste was dealt with.

RESOLVED:

that the report be noted.

#### **44. LOCAL DEVELOPMENT FRAMEWORK : DRAFT CORE STRATEGY**

Councillor Kitterick submitted a report that sought approval to publish the Local Development Framework Draft Core Strategy for public consultation and submission to the Secretary of State for Communities and Local Government.

Councillor Kitterick explained that the local planning system was changing and there were now a series of documents, which formed the basis of Planning decisions. The Strategy was still at consultation stage and had been to the Overview and Scrutiny Management Board (OSMB) for comments. It would also go for public consultation in September. Councillor Grant commented that the document was complex and members of the OSMB would like a further opportunity to comment before the Draft Core Strategy was submitted to Council.

In addition to the recommendations in the report, Councillor Kitterick asked Cabinet to delegate to the Cabinet Leads for Regeneration and Transport and Housing, approval of the revised wording of the Affordable Housing Policy, CS Policy 7 and supporting text for submission to Council. Councillor Willmott stated that this would give more time for Scrutiny to debate the document before it was submitted to Council.

RESOLVED:

that: Cabinet:

- 1) agrees to recommend that Council approves the Draft Core Strategy for public consultation before it is submitted to the Secretary of State; and that
- 2) agrees to delegate to the Cabinet Leads for Regeneration and Transport and Housing, approval of the revised wording of the Affordable Housing Policy, CS Policy 7 and supporting text for submission to Full Council.

#### **45. REPLACEMENT CITY GALLERY, NEW WALK**

Councillor Connelly submitted a report that briefed Members on the revised response and associated costings by Marsh Grochowski Architects and Focus Consultants UK Ltd, which were based on the architectural brief developed by Arts and Museums and approved by Cabinet on 1 September 2008,

Councillor Connelly explained that the new City Gallery would be situated on the old city workplace nursery site in New Walk and would host both national and international exhibitions. The City Gallery would end the need for people to travel to other cities for art exhibitions and in turn, people would come to Leicester, which would boost tourism and footfall in the city.

Councillor Connelly requested that in addition to the recommendations contained within the report, Members also agreed that the matter was urgent

on the grounds that 1) stopping the project and then restarting it would incur additional costs, and 2) delays to the completion of the gallery would mean that the Council would continue to pay rent on the lease for the Granby Street site, and the Council may also need to renew the lease for a further period because the current lease was due to expire soon. Because of the urgency, he recommended that, according to Cabinet procedure Rule 12(d) of the Constitution, no call-in be made of the Cabinet decision.

Councillor Grant questioned whether the Cabinet Members considered the project was one of their highest priorities and whether the VAT rebate, which would be used as funding towards the scheme, should be used for other corporate projects.

Councillor Coley expressed concerns that the projected costs were £1.3 million more than the original estimate. He also stated that the largest park in the City had no public toilets, which he thought was a high priority.

Councillor Willmott responded that the new City Gallery would be an investment, which would complete the refurbishment of New Walk and would also be part of the successful regeneration in Leicester. The new building would be an architecturally designed building with first-rate facilities. Councillor Willmott also added that when the idea first came forward for the City Gallery, a 'ball park' figure had been given to Members. The decision had been taken that the Gallery was worth investing in, and the scheme had developed since then.

Councillor Connelly added that the lack of toilet facilities in Western Park had already been raised and that the Council were looking at this issue, however the City Gallery would be a facility that would be available for all citizens in Leicester.

RESOLVED:

that Cabinet agrees:

- 1) to proceed with the replacement of the City Gallery, which provides improved facilities at a cost of £2.441m.
- 2) that the matter is urgent on the grounds that:
  - stopping the project at this stage and restarting it would incur additional costs;
  - that delays in the completion of the new gallery would mean that the Council would continue to pay rent on the lease for the Granby Street site and may also need to renew the lease for a further period, as the current lease is due to expire soon. No call in may be made of Cabinet's decision;and that, in accordance with Cabinet Procedure Rule 12(d) of the Constitution, no call-in may be made of the Cabinet decision.

**46. PROPOSAL TO PLACE THE GOVERNANCE OF 'SUPPORTING PEOPLE' GRANT UNDER THE HEALTH AND WELLBEING PARTNERSHIP STRATEGIC THEME GROUP**

Councillor Palmer submitted a report that sought agreement from Cabinet to place the governance of the Supporting People Grant monies under the Health and Well Being Partnership Strategic Theme Group.

Councillor Palmer explained that the grant would be used to provide housing related support services, to aid vulnerable people in a dignified way.

RESOLVED:

that Cabinet agrees that:

- 1) the Supporting People Grant investment money is moved in December 2009 to the Governance of the Health and Well Being Partnership to be overseen by the new agreed Joint Commissioning Borad of the Health and Well Being Partnership; and
- 2) Council shall remain the accountable body and will ensure that the money is spent in accordance with Council's financial regulations.

**47. RESPONSE TO THE RECESSION - HOUSING**

Councillor Westley submitted a report that recognised the effects of the recession on Leicester's housing market and which considered the potential interventions relating to the provision of mortgages by local authorities and also other actions to support the housing market.

Councillor Westley stated that the housing market was slowly improving, but there were concerns that it was not the right time for the Council to provide mortgages. Members heard that advice would be offered to people who were struggling to pay their mortgages.

Councillor Willmott stated that he was aware that a question had been submitted to Council on the provision of mortgages by local authorities. He explained that he felt that it would not be sensible to expose the Council to such a scheme and that it would put Council tax payer's money at risk. In addition, Councillor Willmott added that the provision of mortgages by the Council, would not meet a need that was not already being met.

RESOLVED:

that the report be noted.

**48. PRIVATE SESSION**

The Cabinet discussed the recommended reasons for excluding the press and public from discussions for two items of business. The Director of Legal

Services stated that reports should be considered in public unless there were strong reasons not to. Specific reasons for “exemption” were set out in legislation. In addition, Cabinet should consider whether the public interest in maintaining the exemption outweighed the public interest in discussing the issue in public.

With regard to the item, “Leicester’s New Business Gateway New Business Quarter Phase 2,” Cabinet considered that it was appropriate to discuss the matter in private for the reasons set out in the report, namely “Information relating to any individual,” “Information which is likely to reveal the identity of an individual,” and “Information relating to the financial or business affairs of any particular person (including the authority holding that information),” as set out in Paragraphs 1,2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended, and as the public interest in maintaining the information as exempt outweighed the public interest in disclosing it.

Cabinet discussed the issue of the item, “Sale of Land and Viaduct at Duns Lane,” which was classed as exempt on the grounds of Paragraph 3, as above, “Information relating to the financial or business affairs of any particular person (including the authority holding that information).”

The Director of Legal Services stated that Cabinet should consider the grounds available and to review whether, in all the current circumstances of the case, these grounds were appropriate. If so, they would then need to decide whether, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. He explained that the report contained information on:

- 1) the terms of the sale of land to De Montfort University (DMU) including price;
- 2) Estimated costs for the demolition of the bridge and other works (including works to be undertaken by DMU);
- 3) Details of the site assembly issues;
- 4) Details of risks for the Council in achieving the outcomes;
- 5) Details of actions necessary to be undertaken by DMU.

He also advised that interest had been shown via the Leicester Mercury and stated that the Leicester Mercury’s solicitors had written to the Proper Officer, by email that morning, reminding the Council of its statutory obligations and asking that either the clients, i.e. the Leicester Mercury reporter be allowed to remain for the item, or that the matter be deferred.

Councillor Willmott expressed disappointment that details of the report had been published in the Leicester Mercury, stating that this was likely to have seriously disadvantaged the Council in tendering for the demolition of the Bowstring Bridge, by hindering competition. It could also have a damaging effect on the Council’s relationship with organisations the Council dealt with on a financial basis. Action, if possible should be taken to investigate the leak. Councillor Willmott stated that the report dealt solely with technical financial matters, and it was already public knowledge that the bridge was to be demolished. He had always been happy to brief anyone about the issue.



Councillor Kitterick stated that the publication of the report had jeopardised the public purse to a potential six-figure sum, exemplifying why it was in the public interest for the discussion to be held in private, so as to protect public funds. He stated that he had spoken to the press on several occasions regarding the issue and answered all questions frankly.

Taking the above points into account, Cabinet considered that Paragraph 3 was available and in all circumstances it was in the public interest to maintain the report as exempt.

**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 it involved 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.

**LEICESTER'S NEW BUSINESS GATEWAY NEW BUSINESS QUARTER PHASE 2 (NBQ2)**

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).

**SALE OF LAND AND VIADUCT AT DUNS LANE**

Paragraph 3

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

**49. LEICESTER'S NEW BUSINESS GATEWAY: NEW BUSINESS QUARTER PHASE 2 (NBQ2)**

Councillor Connelly left the meeting during consideration of the following item.

Councillor Kitterick submitted a report that sought Members' approval to the delivery strategy for the New Business Quarter Phase 2 (NBQ2) and for the City Council to become the applicant to emda for funding to deliver the NBQ2 project.

He stated that this was an exciting prospect and enabled the Council to prepare to take advantage of an economic recovery.

RESOLVED:

that Cabinet approves the recommendations as set out in Paragraph 3 of the report.

## **50. SALE OF LAND AND VIADUCT AT DUNS LANE**

Councillor Connelly returned to the meeting.

Councillor Willmott submitted a report that sought approval for the sale of land at Duns Lane to De Montfort University (DMU) to facilitate development of a new swimming pool and sports centre.

Councillor Willmott noted that the initial decision to demolish the bridge was taken in 1997, as it had been deemed unsafe, and money to do this was allocated under the previous administration in 2005. At that time, there had been a recommendation to try to move it, but this had not been possible. He wished it to be noted that the Pump and Tap building was sold to DMU by previous owners, and did not belong to the Council.

Councillor Kitterick reiterated comments made previously regarding how the demolition figures had been jeopardised by the leak of the report, stating that the Council relied on good partnerships with the private sector. He also explained how the estimated cost of repair had been ascertained, comparing it with other bridge refurbishments which were much simpler and smaller. He also outlined reasons other than condition for its demolition, including the return of criminal activity if it was reopened, plus the ongoing costs of dealing with this; and disabled access issues. He also stated that a £6million sports centre would be a huge benefit to residents and the regeneration of the area. He stated that it was unfortunate if the Pump and Tap was demolished, but that this was the responsibility of DMU since it was sold to them by the previous owners.

Councillor Connelly supported Councillor Kitterick's comments, through his experience as Ward Councillor. He drew Members' attention to complaints that had been received from local residents when the bridge was open, as it was a magnet for antisocial behaviour and criminal activity. He also said that the ramp did not provide sufficient disabled access.

Councillor Osman asked whether there was an obligation for the Council to relocate tenants. It was reported that there was no obligation, but assistance would be given.

Councillor Willmott asked Cabinet, in addition to the recommendations in the report, to agree that the matter was urgent, in order to avoid delay in the regeneration of the area and to avoid the Christmas moratorium on road works. Because of this, he recommended that Cabinet resolve that no call-in may be made of their decision.

RESOLVED:

- 1) that Cabinet approves the recommendations as set out in the report, and
- 2) that Cabinet agrees that this matter is urgent on the grounds that this would avoid delay in the regeneration of the area and to avoid the Christmas moratorium on road works, and that, according to Cabinet Procedure Rule 12(d) of the Constitution, no call-in may be made of the Cabinet's decision.

## **51. CLOSE OF MEETING**

The meeting closed at 2.15 pm.