



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: TUESDAY, 1 SEPTEMBER 2009 at 1:00 pm

P R E S E N T :

Councillor Willmott- Chair
Councillor Dempster - Vice-Chair

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

ALSO IN ATTENDANCE

Councillor Johnson (for Councillor Grant) - Conservative Group

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52. APOLOGIES FOR ABSENCE

There were no apologies for absence.

53. DECLARATIONS OF INTEREST

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

Councillor Dawood declared a personal interest in respect of item 10, "Area Based Grant Allocation 2009/10," as he was employed by Connexions.

For the avoidance of doubt, Councillor Westley stated, in respect of item 15, "Site at Kerrial Road, New Parks: Release of Restrictive Covenants," that he had given a reference for the Chair of East Midlands Housing Association. It was noted that this was not a personal interest.

54. LEADER'S ANNOUNCEMENTS

Councillor Willmott congratulated everyone who had been involved in making the Sky Ride event a success, noting that there had been very positive

feedback about it and it showed the Council's commitment to the One Leicester priority of planning for people not cars. He hoped that the event would be repeated.

Councillor Willmott gave a statement concerning the recent publicity regarding the proposed replacement City Gallery on New Walk. He stated that the design was just a proposal at this stage, and views of residents would be taken into account. He stated that there was no doubt that the project would go ahead, but there was opportunity to amend the plans to address some concerns. Councillors Connelly and Kitterick gave an update on the situation, and it was noted that the application would have to go through the planning application process. Following meetings with the Friends of New Walk and local residents, the architects had been asked to amend the plans to satisfy their concerns wherever possible. No further information would be available until the amended plans were completed.

55. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of Cabinet, held on 3 August 2009, be confirmed as a correct record.

56. MATTERS REFERRED FROM COMMITTEES

Meeting of the Overview and Scrutiny Management Board (OSMB) on 27 August 2009.

Petition concerning bus issues – Lambourne Road, Hylion Road and Pendlebury Drive

The above Committee agreed the following:

- 1) that Cabinet be requested to consider the provision of significantly increased funding for highway maintenance as part of the 2010/11 budget process;
- 2) that the Board requests a further report, based on information given to the Cabinet Lead, giving a detailed breakdown of the condition of the city's roads; and
- 3) that following consideration of the requested report, the Board may make further more detailed recommendations to Cabinet on highway maintenance issues.

Councillor Kitterick responded to the recommendations from the OSMB and stated that the request to consider the provision of significantly increased funding for highway maintenance would be considered during the budget process for 2010/11. In response to the second recommendation for a further report giving a detailed breakdown of the condition of the city's roads, Councillor Kitterick explained that regular reports were already received. Councillor Kitterick also invited the OSMB to carry out an investigation of the condition of other roads and to make further recommendations.

57. REVIEW OF THE CHILDREN AND YOUNG PEOPLE'S PLAN 2009

Councillor Dempster submitted a report that presented the Review of the Children and Young People's Plan 2009.

Councillor Dempster highlighted areas of particular achievement in the report. As part of the "Be Healthy" theme, new Children's Centres were being rolled out across the City and there were other initiatives such as the new antenatal programmes. Under the "Stay Safe" category, the new Children's Centres would help to safeguard children's safety.

With regards to the category, "Enjoy and Achieve," Councillor Dempster stated that the city had the best ever results achieving 44 % in grade A to C in English and Maths. She added that Leicester City Council had very high aspirations and aimed to be one of the top education authorities in the Country.

In respect of the "Make a Positive Contribution" theme, Councillor Dempster highlighted the establishment of the Children in Care Council which gave looked after children more of a voice than ever before. A Council for Children with Disabilities had also been established. Councillor Dempster also stated that within the "Achieve Economic Wellbeing" category, the 2008/9 target for 16-18 year olds, who were not in education, training or employment (NEET) was met, which she added was excellent news. Members also heard that work had been carried out to increase take up of the nursery education grant.

Councillor Dempster informed Members that Officers were working to re-write the Plan in an easier to read format, a request for which had been raised by the Children and Young People's Scrutiny Committee at their meeting on 18 August 2009.

Councillor Willmott asked for any outstanding figures relating to targets to be included in the Plan, before the document was published.

RESOLVED:

that Cabinet approves the report subject to the areas of work that are still outstanding as detailed in Paragraph 4.6 of the Report.

58. WATER HYGIENE REMEDIAL WORKS, AUTHORISATION OF CAPITAL EXPENDITURE

Councillor Willmott submitted a report that sought authorisation from Cabinet for the release of capital monies for essential Water Hygiene Health and Safety works as identified in the report.

RESOLVED:

that Cabinet approves the release of the allocated funds of £345,000 within the Capital programme for the implementation of the Water Hygiene works identified in Appendix 1 and 2 of the report.

59. REVISIONS TO CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN DEVELOPMENT CONTROL DECISIONS

Councillor Kitterick submitted a report that enabled the necessary approvals to be given for further revisions to be made to the Council's Code of Practice for Member Involvement in Development Control Decisions.

It was noted that the draft Code had been considered by the Planning & Development Control Committee and Standards Committee; amendments had been made accordingly.

RESOLVED:

that Cabinet recommends to Council the approval of the revised Code of Practice, to come into effect from 7 September 2009 and to delegate authority to the Director of Legal Services, in consultation with the Chair and Vice Chair of the Planning and Development Control Committee, to make any further amendments to the Code should this be required in consequence of future changes to the statutory Model Code of Conduct.

60. ANNUAL PERFORMANCE OUTTURN REPORT 2008/09

Councillor Osman submitted a report that presented a summary of performance against the priorities set out in *One Leicester* for 2008/9.

Councillor Osman stated that urgent action was being taken to address those targets that had not been met and also those targets where there was a risk that they would not be met by 2011.

RESOLVED:

that Cabinet:

- 1) notes the performance against Local Area Agreement targets for 2008/9;
- 2) considers that the judgement as to which measures carry a high risk of not achieving end of agreement (2010/11) targets are appropriate; and
- 3) agrees that those measures identified as carrying a high risk of not achieving end of agreement targets are subject to regular re-assessments in quarterly performance reports.

61. AREA BASED GRANT ALLOCATION 2009/10

Councillor Patel submitted a report that presented a summary of recommended Area Based Grant (ABG) allocations for 2009/10 and established the financial framework under which the ABG would operate.

RESOLVED:

that Cabinet:

- 1) approves the initial allocation of ABG funding to Partnership Strategic Theme Groups as set out in section 3.4 of the report;
- 2) approves the financial framework previously approved at the meeting of the Leicester Partnership Executive held on 11th March 2009, (subject to minor modifications) as set out in Appendix B of the report;
- 3) agrees that the Leicester Partnership Strategic Board, chaired by the Chief Executive, undertakes an analysis of ABG allocations to identify any potential for redirection during 2009/10 and make recommendations for 2010/11 allocations; and
- 4) agrees that the Strategic Board also pull together a programme of activities (informed by proposals from Strategic Theme Groups) to be commissioned through LPSA Reward Grant that maximises impact on the key priorities for the city.

62. INTERNATIONAL DEVELOPMENT WORKING PARTY

Councillor Willmott submitted a report that set out proposals for establishing an International Development Working Party with revised Terms of Reference and membership. It was noted that the proposed arrangement would enable non-Cabinet Members to take part, thus recognising the important role they played regarding international development.

RESOLVED:

that Cabinet:

- 1) notes the report;
- 2) endorses the establishment of a new International Development Working Party;
- 3) approves the revised Terms of Reference as set out in Appendix A of the report;
- 4) approves the membership as set out in Appendix A of the report; and
- 5) maintains the existing arrangements for Chair and Vice-Chair.

63. CORPORATE CAPITAL PROGRAMME: PROPERTY SCHEMES

Councillor Willmott submitted a report that sought authorisation for the release of capital monies for Property Schemes as identified within the report. He stated that the schemes had been looked at in detail to ensure that the Council's buildings were being safeguarded and resources spent appropriately.

RESOLVED:

that Cabinet:

- 1) approves the list of Property schemes identified in Appendix 1 of the report;
- 2) approves the release of £700,000, from the capital programme which has been allocated for Property Schemes by Council at its meeting on 26th March 2009.

64. ANY OTHER URGENT BUSINESS

14-19 EDUCATION PROCUREMENT UPDATE

The Leader agreed to accept the following item of urgent business under Cabinet Procedure Rule 7d as there was a requirement for the City Council to act to secure continuity of provision for City learners this Autumn term as a result of impending changes in national policy with respect to the Learning and Skills Council.

Councillor Dempster submitted a report that sought to inform Cabinet of urgent 14-19 education procurement issues and to secure Cabinet approval to enter into funding agreements for the provision of Cohort 6 of the Young Apprenticeships Scheme and to enter into a contract covering the City and County for the provision of Education Business Partnership Services.

Members heard that the report had been to the Children and Young People's Scrutiny Committee on 18 August 2009, and some amendments to the report had been made. Councillor Dempster added that the new contracts were being finalised but would not be agreed before ensuring that the Council's interests were protected.

RESOLVED:

that Cabinet:

- 1) notes the new responsibilities and expectations being placed upon the Council in respect of 14-19 Education, and early contracting arrangements in particular;
- 2) approves the proposals to enter into Funding Agreements with providers for the provision of Cohort 6 of the Young Apprenticeships Scheme within the City;
- 3) approves the proposals to enter into contracts with Leicestershire County Council and with a provider covering

the City and County for the provision of Education Business Partnership Services;

- 4) approves the additions to the Corporate Procurement Plan as set out in the appendix to this report; and
- 5) confirms delegated authority to the Divisional Director for Learning Services, in consultation with the Cabinet Lead Member for Children and Schools, to instruct the Director of Legal Services to enter into the necessary contracts, once detailed issues have been resolved.

BENEFITS SERVICE INSPECTION AND IMPROVEMENT PLAN

The Leader agreed to accept the following item of urgent business under Cabinet Procedure Rule 7d to enable the service to start moving forward and deliver the aims and objectives, should it be agreed, prior to any future inspection.

Councillor Patel submitted a report that advised Members of the Audit Commission's inspection of the Benefits service, and sought approval to a radical improvement plan designed to quickly transform the experience of customers of the service.

It was noted that the Performance and Value for Money Select Committee (PVFM) had agreed that urgent action was required and Cabinet supported the Committee's proposal that the service be continually compared with the best authorities in the country. Councillor Patel asked Cabinet to approve an additional recommendation, namely that quarterly monitoring reports should be submitted to Cabinet and PVFM.

Councillor Willmott thanked Councillor Patel and officers for devising the recovery plan, noting that achievement of the challenging targets would put the Council in the top quartile of local authorities and deliver a significant improvement in the quality of service and quality of life for its users.

RESOLVED:

that Cabinet:

- 1) notes the judgements of, and recommendations made by, the Audit Commission (Appendices A and B of the report);
- 2) approves the action plan to address the key areas for improvement (Appendix C);
- 3) approves the following increases in the budget of the Revenues and Benefits section to enable the plan to be delivered:

- 2009/10 - £200,000;
 - 2010/11 - £450,000;
 - subsequent years - £350,000 per annum;
- 4) notes that the sums will be found from a reduction in the money provided in the budget for the 2009/10 pay award, as described in the financial implications to this report;
 - 5) notes that the budget increases will be reviewed in 18 months time, to determine whether or not the improvements are self-sustaining, such that the additional budget is no longer required;
 - 6) notes that detailed responses to all the Audit Commission recommendations have been included in the Benefits Service's normal business plan;
 - 7) notes that some recommendations, described below, of the Audit Commission are not being pursued;
 - 8) designates the Cabinet Lead for Finance as the Cabinet Champion for the benefits' service;
 - 9) notes the current performance of the service, as described at Appendix D; and
 - 10) agrees that a quarterly monitoring report be submitted to Cabinet and the Performance & Value for Money Select Committee.

65. PRIVATE SESSION

Cabinet discussed the reasons for considering the following items in private, noting the reasons the reports were exempt, and considering whether the public interest in maintaining the exemption outweighed the public interest in discussing them in public.

With regard to the item, "Site at Kerrial Road, New Parks: Release of Restrictive Covenants," Members considered that it was in the public interest to maintain the information as exempt as it was important, in this instance, not to disclose information relating to an individual and the identity or financial or business affairs of individuals.

With regard to the item, "Single Status Update," Members considered the exempt paragraphs listed in the report and discussed whether it was in the public interest to maintain the information as exempt. It was felt that the Council had the duty to look after public money. Cabinet also required the freedom to discuss the matter in private, as negotiations with employees was a sensitive issue

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.

SITE AT KERRIAL ROAD, NEW PARKS: RELEASE OF RESTRICTIVE COVENANTS

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).

SINGLE STATUS UPDATE

Paragraph 4

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Paragraph 5

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

66. SITE AT KERRIAL ROAD, NEW PARKS: RELEASE OF RESTRICTIVE COVENANTS

Councillor Westley submitted a report that recommended the release of restrictive covenants on a site on Kerrial Road on the terms as set out in the report.

RESOLVED:

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

67. SINGLE STATUS UPDATE

Councillor Patel submitted a report that updated Members on Single Status and sought Members' views on a proposed type of grading structure.

It was noted that, subject to Cabinet's approval, the proposals would then be submitted to the Joint Trade Unions for consultation.

RESOLVED:

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

68. CLOSE OF MEETING

The meeting closed at 1.42 pm.