



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 29 MARCH 2010 at 1.00pm

P R E S E N T :

Councillor Patel – Chair
Councillor Dempster – Vice-Chair

Councillor Bhatti
Councillor Naylor
Councillor Palmer

Councillor Dawood
Councillor Osman
Councillor Russell

Councillor Westley

I N A T T E N D A N C E

Councillor Coley
Councillor Grant

Liberal Democrat Group Leader
Conservative Group Leader

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194. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Wann.

195. 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 Palmer declared a personal interest in Item 6, "14-19 Plan and Machinery of Government Changes," in that he was a governor of a Sixth Form College.

Councillor Dawood declared a personal interest in Item 6, "14-19 Plan and Machinery of Government Changes," in that he worked for Connexions.

Councillor Russell declared a personal interest in Item 6, "14-19 Plan and Machinery of Government Changes," in that she was a Council-appointed governor at Fullhurst College.

Councillor Osman declared a personal interest in Item 6, "14-19 Plan and Machinery of Government Changes," in that he worked for Leicester College.

196. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of Cabinet, held on 8 March 2010, be confirmed as a correct record.

197. MATTERS REFERRED FROM COMMITTEES

There were no matters referred from Committees.

198. 14-19 PLAN AND MACHINERY OF GOVERNMENT CHANGES

Councillor Dempster submitted a report that that advised of developments in respect of the provision of 14-19 education and training, the 14-19 Plan and the transition of responsibility for commissioning 16-19 provision for all learners, and 16-25 for learners with learning difficulties or disabilities (LLDD), from the Learning and Skills Council to the local authority from April 2010.

The comments of the Children & Young People's Scrutiny Committee, held on 18 March 2010 were noted.

RESOLVED:

that Cabinet:

- 1) notes developments in national policy for 14-19 education and the transfer of responsibility for 16-19 commissioning from the LSC to local authorities from April 2010;
- 2) agrees the principal priorities and objectives of the 14-19 plan;
- 3) approves the establishment of the Leicester and Leicestershire Learning Organisation as the recognized sub-regional group and notes its linkage to the Leicester and Leicestershire Leadership Board;
- 4) gives delegated authority to the Strategic Director, Children, [in consultation with the Cabinet Lead for Children and Young People], to form the Leicester and Leicestershire Learning Organisation, by negotiating and concluding a Joint Working Agreement with Leicestershire County Council;
- 5) agrees the recommendation that the Authority's annual 16-19 commissioning statement should be considered by both Cabinet and Scrutiny Committee; and
- 6) notes the legal and financial implications of the Authority's new role in commissioning 16-19 provision.

199. ANNUAL CONSULTATION ON ADMISSIONS ARRANGEMENTS FOR ENTRY IN 2011/2012

Councillor Dempster submitted a report that briefed Members on the outcome of the recent Consultation exercise on Admission Arrangements for 2011/12 and sought immediate approval for the publication of City Council admission arrangements for 2011/12.

The comments of the Children & Young People's Scrutiny Committee, held on 18 March 2010 were noted.

RESOLVED:

that Cabinet approves the admission arrangements for the 2011/12 academic year for Community Schools, incorporating the changes that were the subject of consultation as detailed below:

- 1) Change the present Priority Area for Riverside Business and Enterprise College to a Linked area for Fullhurst Community College, The Lancaster School and Sir Jonathan North Community College.
- 2) Amend the 'tie-break' criterion, where there are more pupils living in the Priority Area than places available, to allow priority to pupils with siblings who will be attending the school at the time of starting school. Any remaining places will be allocated to pupils who live closest to the school.
- 3) Introduce an extended closing date for pupils moving into or within Leicester after the National Closing Dates, with the dates of 26th November 2010 for Secondary, and 11th February 2011 for Primary.
- 4) The variation of admission numbers in a small number of City primary schools to improve class organisation and assist school improvement as detailed in Section 4.1 (d).

200. HOME TO SCHOOL TRANSPORT POLICY FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS/DISABILITY/MOBILITY NEEDS

Councillor Dempster submitted a report that introduced a Home to School Transport Policy for Children with Special Education Needs (SEN) / Disability / Mobility Needs for qualifying children with special educational needs /disabilities / other mobility needs.

The comments of the Children & Young People's Scrutiny Committee, held on 18 March 2010 were noted, and the report was welcomed as a clear service improvement.

RESOLVED:

that Cabinet supports the introduction of these procedures within the attached SEN Transport Policy with immediate effect.

201. REPLACEMENT CITY GALLERY PROJECT

Councillor Patel submitted a report that informed Cabinet Members of the revised design for the new contemporary art gallery to be developed, subject to planning consent, on the site of the former Workplace Nursery at 50 New Walk.

He explained that he was supportive, in principle, of the project, but wanted to ensure that costs did not spiral. He, therefore, asked Cabinet to agree, in addition to the recommendations in the report, that approval be subject to Cabinet's endorsement of a robust business case. He also recommended that the Project Board be chaired by Councillor Osman and attended by Councillor Wann.

Members of Cabinet supported the proposed gallery, noting the contribution of the outreach education work and its potential benefits to people's wellbeing. It was stated that this was the latest aspect of the cultural offer in the city, of which residents could be proud. There was agreement that a robust business case was required, and contract timescales should be closely monitored.

Opposition leaders expressed concern regarding the cost of the project, the ability to fund the facility long-term, particularly in relation to the café, and its location. The Leader noted the comments and assured them that due diligence would be taken with regard to the business case, which would include issues of sustainability. He also stated that Members were accountable to the public in respect of costs for the scheme.

RESOLVED:

that Cabinet, subject to Cabinet endorsement of a robust business case,

- 1) proceeds with the replacement City Gallery project on the basis of the design and plans included at Appendix 1 and approves these as the basis for a new Planning Application for the demolition of the former Workplace Nursery - 50 New Walk and construction of a new contemporary art gallery in its place;
- 2) authorises the Director, Legal Services to enter into the various legal agreements necessary to complete the development;
- 3) agrees that the matter is urgent on the grounds that delaying and or prolonging the project at this stage is likely to incur additional cost for the Council and that in accordance with Cabinet Procedure Rule 12(d) of the constitution, no call-in may be made of the Cabinet decision.

- 4) agrees that Councillor Osman chairs the Project Board, and that Councillor Wann also be a member.

202. GILROES CREMATORIUM: CREMATOR REPLACEMENT AND ASSOCIATED IMPROVEMENT WORKS

The Leader reported that he had received a variety of correspondence regarding Gilroes Crematorium, and recommended that Cabinet defers consideration of the report for further consultation to take place.

Members were assured that a deferral to the next Cabinet meeting would still allow for EMAS targets to be met.

RESOLVED:

that consideration of the report be deferred to the next Cabinet meeting, to allow for further consultation to take place.

203. LEICESTER CITY COUNCIL CARBON BASELINES AND REDUCTION TARGETS

Councillor Russell submitted a report that introduced why it had been necessary to align Leicester City Council's Carbon Baseline with the data collected for National Indicator 185. The significant work that had been done to reduce carbon emissions was recognised, and it was pointed out that further intensive action was now required.

RESOLVED:

- 1) that Cabinet agrees a new baseline, using the 2008/9 data, should replace the original 1990 unverifiable baseline. Given that any progress made on the original 1990 baseline has been reversed over the past few years, a new baseline on 2009 figures should be used. The baseline will tie with NI185 and should include street lighting, energy in buildings, fleet vehicles, grey fleet, business travel, schools and outsourced contractors but exclude district heating and those emissions related to providing the housing service (although these will still be recorded and reported).
- 2) that Cabinet agrees that from this point forward NI185 data should be used to report on EMAS target 1.1. Through NI185 the data will still allow us to separate our each emissions sector (schools, buildings, lighting etc).
- 3) that Cabinet agrees for ease of internal communication EMAS target 1.1 should be broken down into sub-targets. The 50% reduction target is very large and long term, which often makes it difficult to manage. The following sub-targets are proposed.
 - 25% reduction between 2009/10 and 2014/15 based on

- 2009 baseline (17,000 tonnes)
 - 15% reduction between 2014/15 and 2019/20 based on 2009 baseline (10,000 tonnes)
 - 10% reduction between 2019/20 and 2025/26 based on 2009 baseline (7,000 tonnes)
- 4) that Cabinet agrees to set a new target for schools reduction to ensure it is comparable with other LCC targets. Change from “reduce schools energy use by an average of 1.43% per year between 2008/9 and 2025/26” to “reduce schools energy consumption by 50% by 2025/26 based on a 2008/09 baseline”
- 5) that Cabinet agrees to adopt two new targets for Council owned homes to ensure continued improvement of environmental performance. As the Council is landlord to approximately 25,000 properties we have a responsibility to ensure those properties are increasing their environmental performance. Therefore to ensure that the performance in social housing continues to improve by setting sub-targets under EMAS target 2.1 (“reduce city-wide carbon dioxide emissions by 50% on a 1990 baseline”). These new sub-targets should concentrate on key energy saving activities:
- Continue to increase loft insulation installation at a minimum of 300 homes per annum in the social housing sector
 - Continue to install heating controls at a minimum rate of 1000 per annum in the social housing sector.

204. PERFORMANCE REPORT FOR QUARTER THREE 2009/10

Councillor Bhatti submitted a report that presented a summary of performance against the priorities set out in *One Leicester* for the third quarter of 2009/10. Cabinet.

The comments of the Performance & Value for Money Select Committee, held on 24 March 2010, were acknowledged.

RESOLVED:

that Cabinet:

- 1) notes our performance for the third quarter; and
- 2) for those targets deemed to be at risk, asks relevant strategic directors to work with their Priority Boards to develop responses and ensure Cabinet Leads are briefed accordingly.

205. ORGANISATIONAL DEVELOPMENT AND IMPROVEMENT PLAN FOR 2010/11

Councillor Patel submitted a report that presented the Organisational Development and Improvement (ODI) Plan for 2010/11.

Opposition Leaders asked how equality issues were dealt with in the report. They also asked how efficiencies were being delivered with regard to development of the former Bishop Street Post Office, as they felt that such services would be better provided on outer estates to reduce the number of journeys to the city centre. The need for a long term accommodation solution was recognised, but they felt that planned replacement was required.

It was reported that equalities issues were incorporated into the corporate plan targets. It was also reported that the need to connect citizens with services had been discussed during the budget process. The refurbished Bishop Street site would provide first-class, joined-up, professional customer services, giving access to the Council and its partners in a central base.

RESOLVED:

That Cabinet approves the ODI Plan for 2010/11 as set out in Appendix One of the report.

206. REVENUE BUDGET MONITORING 2009/10 - PERIOD 9

Councillor Patel submitted a report that shows a summary position comparing spending with the budget.

The comments of the Performance and Value for Money Select Committee, held on 24 March 2010, were noted and endorsed.

RESOLVED:

that Cabinet:

- 1) notes the changes made to the original approved budget for 2009/10;
- 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 Divisional budgets;
- 4) notes the progress made so far towards achieving the efficiency target.

207. 2009/10 CAPITAL PROGRAMME MONITORING - PERIOD 9

Councillor Patel submitted a report that updated Members on the progress of spending on the capital programme for 2009/10 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 £105.5m;
- 2) notes the level of expenditure to the end of December 2009 of £66.3m;
- 3) notes the current level of spend (63%) of the programme;
- 4) notes the level of slippage (£3.8m) that has occurred since period 6;
- 5) note the downturn in capital receipts;
- 6) notes the prudential indicators for 2009-10;
- 7) approve the early use of monies (£250k) proposed in the 2010-11 budget for work on phase two of the Resource Management Systems project to ensure that it can proceed as quickly as possible;
- 8) approves prudential borrowing of up to £500k under the "Spend To Save" Scheme for the Central Libraries consolidation project.

208. PROCUREMENT PLAN MONITORING REPORT 2009/10 APPENDIX 1 - A QUICK PROGRESS INDICATOR

Councillor Patel submitted a report that a report that monitored procurement activity proposed in the 2009/2010 Plan.

RESOLVED:

that Cabinet notes the review of progress reported, as detailed in the report and supporting Appendix.

209. CREATION OF THE 2010/11 PROCUREMENT PLAN

Councillor Patel submitted a report that sought Cabinet's approval to the procurement plan for 2010/2011.

RESOLVED:

that Cabinet:

- 1) approves the forward plan of procurement activities for the market to have an early indication of potential activity and for the engagement described in Paragraph 3.4 onwards to commence, attached as Appendix 1 of the report;
- 2) notes that the plan will be subject to review and refinement

from time to time;

- 3) notes that actual procurement activity will be monitored against the plan by the Select Committee;
- 4) notes that on 21 April 2008, the Cabinet reserved to itself the decision to let contracts in excess of the EU thresholds;
- 5) delegates the letting of contracts within this Plan to Divisional Directors, subject to consultation in each case with Cabinet Leads and periodic reporting to Cabinet of contracts let;
- 6) in respect of decisions to spend area based grant, delegates approval to the Chief Executive to enter into contracts, in consultation with the Chair of the Leicester Partnership Executive Board.

210. ANY OTHER URGENT BUSINESS

LOCAL PAY AND GRADING REVIEW (SINGLE STATUS) EMPLOYEE RELATIONS STRATEGY

The Leader agreed to consider the report as urgent business, as Cabinet approval was required urgently in order for the project to progress on schedule.

211. PRIVATE SESSION

Members of Cabinet considered the reasons for considering the following report in private, on the basis that it contained 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.

Following a challenge by trade union representatives, and advice from the Director of Corporate Governance, Members considered that it was in the public interest to exclude the press and public, including union representatives, to allow for full discussion. The union representatives were to be given a briefing at the end of the meeting.

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 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.

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.

LOCAL PAY AND GRADING REVIEW (SINGLE STATUS)
EMPLOYEE RELATIONS STRATEGY

212. LOCAL PAY AND GRADING REVIEW (SINGLE STATUS) EMPLOYEE RELATIONS STRATEGY

The Director of Human Resources submitted a report that updated Cabinet on progress on the negotiations authorised at Cabinet on 30th November, 2009, and sought confirmations of issues outlined in the report.

Members gave the issue full and detailed consideration.

RESOLVED:

- 1) that Cabinet approves the recommendations as set out in the report, and as circulated at the meeting;
- 2) given the urgency of the matter in terms of enabling proposals to be put to the trade unions for ballot, according to Cabinet Procedure Rule 12(d) of the Constitution no call-in may be made of the Cabinet's decisions.

213. CLOSE OF MEETING

The meeting closed at 2.04pm.