



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 8 NOVEMBER 2010 at 1:00 pm

P R E S E N T:

Councillor Patel - Chair
Councillor Dempster - Vice-Chair

Councillor Bhatti
Councillor Naylor
Councillor Palmer
Councillor Wann

Councillor Dawood
Councillor Osman
Councillor Russell
Councillor Westley

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93. APOLOGIES FOR ABSENCE

There were no apologies for absence.

94. 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 Bhatti declared a personal interest in respect of Item 6, "Babington Community College, Fullhurst Community College and New College Leicester – Implications of these schools becoming a Trust – pension and employment liabilities," as his daughter worked at one of the schools included in the report.

Councillor Russell declared a personal interest in Item 7, "ICT provision in Leicester to support pupil learning and implementation of pilot netbook loan scheme for City pupils," as her son, although not attending one of the proposed pilot schools, may benefit from the scheme if it were to be rolled-out.

Andy Keeling, Deputy Chief Executive declared, in respect of the item of urgent business, "Business Plan for the operation of Phoenix Square Film & Digital Media Centre by Leicester Arts Centre Limited (LAC)," for the avoidance of doubt, that he had been appointed to the Board of LAC and would leave the meeting during the report's consideration.

95. LEADER'S ANNOUNCEMENTS

VISIT OF EDUCATION SELECT COMMITTEE OF THE HOUSE OF COMMONS

The Leader announced that the House of Commons Education Select Committee was to visit Leicester on 11 November 2010 as part of their inquiry into behaviour and discipline in schools. They were visiting Leicester due to its excellent policies and partnership working. They would visit Beaumont Leys School to meet the Head, officers, partners and students.

SUSTAINABLE CITIES INDEX

The Leader announced that, in the 2010 forum for the Future Sustainable Cities Index, Leicester City had been ranked second overall. This was a huge achievement, as, since the start of the Index in 2007, Leicester had risen from 14th place. He stated that this was confirmation that the One Leicester priorities were making real progress.

96. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Cabinet meeting, held on 4 October 2010, be confirmed as a correct record.

97. MATTERS REFERRED FROM COMMITTEES

There were no matters referred from committees.

98. BABINGTON COMMUNITY COLLEGE, FULLHURST COMMUNITY COLLEGE AND NEW COLLEGE LEICESTER - IMPLICATIONS OF THESE SCHOOLS BECOMING A TRUST - PENSION AND EMPLOYMENT LIABILITIES

Councillor Dempster submitted a report that outlined the arrangements for managing the protection of pensions for school based support staff in schools that decided to change their status and become Trust schools.

RESOLVED:

That Cabinet agrees:

- 1) that all school based support staff employed by the Governing Bodies of Babington Community College, Fullhurst Community College and New College Leicester to be members of the Local Government Pension Scheme in accordance with regulation 8(1)(b) of the Local Government Pension Scheme(Administration) Regulations 2008 provided the Governing Bodies of the schools concerned consent;
- 2) that the Strategic Director, Children's, be authorised, in

consultation with the Director of Legal Services, under regulation 8 of the Local Government Pension Scheme (Administration) Regulations 2008 to determine eligibility for the Local Government Pension Scheme in relation to future admission to the Local Government Pension Scheme of school based staff in schools that decide to become trust schools;

- 3) to support the current practice of funding mandatory compensation for teachers in respect of pension contributions and for all staff in respect of redundancy costs, subject to national regulations and the Council being satisfied that the Governing Bodies have adhered the policies and procedures at place at the time. Costs are chargeable to the DSG. The Council will only fund redundancy and termination costs where it is required to avoid a budget deficit or as part of an agreed managed budget recovery plan which is in line with the provision for all schools maintained by the Council.

99. ICT PROVISION IN LEICESTER TO SUPPORT PUPIL LEARNING AND IMPLEMENTATION OF PILOT NETBOOK LOAN SCHEME FOR CITY PUPILS

The Leader stated that this item had been withdrawn. In response to queries, Councillor Dempster stated that this was to give more consideration to the matter, as requested by the Children & Young People Scrutiny Committee.

100. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2010/2011

Councillor Russell submitted a report that had been produced to meet the requirements of the Food Standards Agency's Framework Agreement service planning guidance.

RESOLVED:

That Cabinet:

- 4) Notes the Service Plan for Food Law Enforcement 2010/2011 and,
- 5) approves the plans as set out in sections 5.1.1 and 5.2.1 of the service plan.

101. ENFORCEMENT OF LEGISLATION REGULATING THE SALE OF AGE-RESTRICTED PRODUCTS TO YOUNG PEOPLE

Councillor Russell submitted a report that sought the approval of Cabinet for a programme of preventative and enforcement activities relating to the sale of age-restricted products to young people.

RESOLVED:

That Cabinet approves the programme of preventative and

enforcement actions as set out in the Trading Standards Service Enforcement Plan 2010-2011 as set out in Appendix One of the report.

102. CORPORATE VOLUNTARY & COMMUNITY SECTOR CONTRACTS QUARTERLY MONITORING

Councillor Dawood submitted a report that set out performance for Quarter One (April to June 2010) of the seven corporate contracts with voluntary and community sector (VCS) organisations that sat within the remit of the Partnership Executive Team.

Councillor Dawood reported that “amber” issues identified in the report had been addressed. He noted the comments of the Performance & Value for Money Select Committee and agreed that stretching performance targets should be applied to the monitoring process.

RESOLVED:

That Cabinet notes the performance of the contracts as set out in Appendix A of the report.

103. CORPORATE CAPITAL PROGRAMME - PROPERTY SCHEMES

Councillor Patel submitted a report that sought authorisation for the release of capital monies for Property Schemes as identified within the report. He noted the comments of the Overview & Scrutiny Management Board.

RESOLVED:

That Cabinet:

- 1) approves the list of property schemes identified in Appendix A of the report;
- 2) Approves the release of £1,000,000, from the capital programme which has been allocated for Property Schemes by Council at its meeting on 25th March 2010.

104. REVENUE BUDGET MONITORING 2010/11 - PERIOD 4

Councillor Patel submitted a report that showed a summary position comparing spending with the budget. The report was the first in the regular cycle of reports for the 2010/2011 financial year showing the budget issues that had arisen so far. He noted the comments of the Performance & Value for Money Select Committee.

RESOLVED:

That Cabinet:

- 1) notes the expenditure to date and the budgetary issues which have emerged so far this year;

- 2) notes that proposals put forward to ensure that spending is contained within the Divisional budgets.

105. 2010/11 CAPITAL PROGRAMME MONITORING - PERIOD 4

Councillor Patel submitted a report that showed the position of the capital programme for 2010/11 at the end of Period 4. He stated that the highlighted low spends were partly due to a moratorium on spending in the summer and government funding cuts.

He noted the comments of the Performance & Value for Money Select Committee.

RESOLVED:

That Cabinet:

- 1) approves a revised level of programmed expenditure of £109m;
- 2) notes the level of expenditure of £18.2m at period 4;
- 3) notes the current level of spend (17%) of the programme;
- 4) notes the level of slippage (£6.7m) that has occurred at period 4;
- 5) notes that capital receipts targets are on course to be achieved.

106. ANY OTHER URGENT BUSINESS

BUSINESS PLAN FOR THE OPERATION OF PHOENIX SQUARE FILM & DIGITAL MEDIA CENTRE BY LEICESTER ARTS CENTRE LTD

The Deputy Chief Executive left the meeting during consideration of this item.

The Leader agreed that this item would be considered as urgent business on the grounds that the continued operation of Phoenix Square was dependent on Cabinet approval to the business plan and subsequent financial support.

Councillor Wann submitted a report that informed Cabinet about Leicester Arts Centre Ltd's (LAC) Business Plan for the operation of Phoenix Square Film & Digital Media Centre and sought Cabinet endorsement of it.

Councillor Wann noted the comments of the Overview & Scrutiny Management Board.

The business plan was welcomed by Members and assurance was given, in response to questions, that the business plan would be constantly reviewed. It

was noted that ticket prices may rise in order for the Phoenix Square to remain sustainable, and that better films could be attracted.

Councillor Russell stated that she was pleased that education remained strong in the business plan, but that she had concerns that the ongoing approval of such funding could be incongruous with withdrawing consideration of the netbook loan scheme for children in deprived areas, as good education opportunities were needed.

Concern was raised that the financial implications were not yet available and the meeting heard that these would be provided as soon as possible. Members agreed to amend the resolutions to state that, due to the unavailability of financial implications, no further expenditure should be released without the approval of the Chief Executive and Chief Finance Officer.

RESOLVED:

That Cabinet:

- 1) endorses the Business Plan prepared by Leicester Arts Centre Ltd for the operation of the Phoenix Square Film & Digital Media Centre;
- 2) delegates any variations to the business plan, that require Cabinet endorsement, to the Director of Cultural Services in consultation with the Cabinet Lead for Culture & Leisure;
- 3) agrees the milestone plan for draw-down of the additional funding, approved by Cabinet at its meeting on 6 September 2010, but that due to the unavailability of financial implications, no further expenditure should be released without the approval of the Chief Executive and Chief Finance Officer.

The Deputy Chief Executive returned to the meeting.

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 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.

IMPLEMENTING THE LOCAL PAY AND GRADING REVIEW
(SINGLE STATUS)

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.

IMPLEMENTING THE LOCAL PAY AND GRADING REVIEW (SINGLE STATUS)

The Leader agreed that this item would be considered as urgent business due to tight timescales and the financial implications of delay and the legal reasons associated with this.

Councillor Dawood submitted a report that recommended alternative approaches to the implementation of the new proposed pay and grading structure and set out the financial implications for the project budget.

Members considered the issue in detail and stated that the timescale and content of communication should be determined fully.

RESOLVED:

That Cabinet approves the recommendations as set out in the report.

107. CLOSE OF MEETING

The meeting closed at 1.54pm.