



Leicester
City Council

AMENDED

Minutes of the Meeting of the
CABINET

Held: MONDAY, 4 AUGUST 2003 at 5.00pm

P R E S E N T :

Councillor R. Blackmore - Chair
Councillor Scuplak - Vice-Chair

Councillor Coles
Councillor Coley
Councillor Hunt

Councillor Johnson
Councillor Mugglestone
Councillor Suleman

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39. DECLARATIONS OF INTEREST

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

Councillor Mugglestone declared a personal and prejudicial interest in Report A2, "Greater Humberstone SRB Programme: Mundella Site Disposal" as his wife was a Director on the Board of Greater Humberstone Community Development Ltd, the managing body for the SRB6 programme. He left the meeting for consideration of this item.

40. LEADER'S ANNOUNCEMENTS

Litter Wardens

The Leader informed the meeting that there would be a feature on Leicester's Litter Wardens as part of BBC1's 'Real Stories' programme which was due to be broadcast at 7.30pm that evening.

Haymarket Theatre

The Leader announced that it was expected that the Haymarket Theatre would be re-opening next spring as a grant from the Arts Council had been secured. He stated he also wished to see some changes in the way the theatre was run and the way programming was developed in future to avoid the problems which the Theatre has recently faced.

41. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the ordinary meeting held on 21 July 2003, and the minutes of the special qualifying meeting of the Cabinet held on 21 July 2003, having been circulated to Members, be taken as read and signed by the Chair as a correct record.

42. MATTERS REFERRED FROM SCRUTINY COMMITTEES

The Cabinet received the following items from Scrutiny Committees.

STRATEGIC PLANNING AND REGENERATION SCRUTINY COMMITTEE – 16 JULY 2003

VOLUNTARY SECTOR BUDGET REDUCTIONS

The Committee agreed the following resolutions at its meeting:-

- *that this matter be referred to Cabinet for consideration;*
- *that the Corporate Director of Environment, Regeneration and Development, in consultation with the Cabinet Link Member for Environment, Regeneration and Development be recommended to consider ways of alternative funding for the organisations proposed for funding reductions and to request that funding continues until a final decision is made by the Cabinet.*

Councillor Hunt in response stated that he welcomed the full and complete discussion that was held at the Scrutiny Committee about which he had received a full briefing. He commented that the current budgetary situation meant the Regeneration Division of the Environment, Regeneration and Development Department needed to make £350,000 worth of reductions. This was a decision taken by the Cabinet in February. The department had taken on £242,000 worth of cuts in the form of staff redundancies and it was intended that the voluntary sector would face reductions of £108,000. Following the meeting of the Strategic Planning and Regeneration Scrutiny Committee, consideration had been given by Officers and Members to other ways of funding these budget reductions but this wasn't possible from the Council's resources.

Councillor Hunt noted that the two voluntary organisations most affected were the Homeworkers Campaign for Change and the Leicester and County Co-operative Development Agency and it was considered that more appropriate sources of funding should be sought for these groups, for example the Learning and Skills Council and the Leicester Shire Economic Partnership. Officers had been asked to give assistance to the groups to try and secure funding from other sources.

Members of the Cabinet endorsed the efforts to find other means of funding for

these organisations.

Councillor Blackmore responded to the request from Councillor Thomas to speak to the Cabinet. He stated that it would be inappropriate to allow the Member to speak in the light of all the circumstances including the lack of notice.

RESOLVED:

that Cabinet notes the Director's decision to let the Voluntary Sector contracts expire, as detailed in the Report.

STRATEGIC PLANNING AND REGENERATION SCRUTINY COMMITTEE – 16 JULY 2003

GREATER HUMBERSTONE SRB PROGRAMME MUNDELLA SITE DISPOSAL

The Committee agreed the following resolutions at its meeting:-

that the following be recommended to Cabinet;

that the relevant Departments of the City Council assist Greater Humberstone Community Development Ltd. in its aim of acquiring part of the Mundella site for use by the community, in particular it is recommended:-

- *that a clear timetable is established for the disposal of the site to a developer which is made available to the Committee, the Greater Humberstone Community Development Ltd and the Cabinet;*
- *that all necessary legal and property arrangements associated with the sale of the site receive prompt attention;*
- *that professional support is provided to the Greater Humberstone Community Development Ltd in negotiating a Section 106 agreement with the eventual developer;*
- *that the commitment of the Life Long Learning Division is obtained as to its Cluster / Local learning Plans and operational intentions in regard to the proposed community learning facility;*
- *that signage be displayed at the site advertising the sale which is agreeable to all stakeholders including the Greater Humberstone Community Development Ltd.;*
- *that it would be desirable for the playing fields to be made available for community use during the summer holidays; and*
- *that the Committee receive a further report on progress*

Councillor Hunt in response noted that the Scrutiny Committee taken an interest in ensuring that the sale of this site went ahead and thanked them for their support. He also noted that Officers were now making good progress with the sale of the site.

The Service Director, Regeneration also commented that the SRB programme Board were now happy that the disposal was going ahead.

He therefore proposed that the Scrutiny Committee's recommendations be noted and that the sale be completed rapidly.

RESOLVED:

that the recommendations of the Strategic Planning and Regeneration Scrutiny Committee be noted, but in the light of the good progress being made on the disposal of the site that officers be instructed to ensure that the disposal be completed as rapidly as possible.

43. ARRANGEMENTS BETWEEN THE SUPPORTING PEOPLE COMMISSIONING BODY AND LEICESTER CITY COUNCIL

Councillor Coles submitted a report that sought confirmation of the arrangements for the formation of a Commissioning Body for Leicester to oversee the strategic aspects of the Supporting People programme.

RESOLVED:

- (1) that the requirement to set up a Commissioning Body for Supporting People, be noted;
- (2) that it be noted that the Commissioning Body will be established as a consortium, by virtue of a memorandum of understanding, which will be signed by the Probation Board, the Leicester City West and Eastern Leicester Primary Care Trusts, in addition to Leicester City Council;
- (3) that the Head of Legal Services in consultation with the Supporting People Manager be authorised to agree a form of memorandum of understanding with the other commissioning parties;
- (4) that it be noted that the Corporate Director of Social Care and Health has invited representatives to the Commissioning Body as follows:-
 - one, on behalf of the probation board for Leicester
 - one representative each from the Leicester City West and Eastern Leicester Primary Care Trusts
- (5) that the Council's representative to the Commissioning Body be the Director of Social Care and Health and that

this representative be authorized in all respects by Leicester City Council for the purposes of the functions of the Commissioning Body.

44. SUPPORTING PEOPLE - FINANCIAL REPORT

Councillor Coles submitted a report that informed the Cabinet about the Supporting People Grant settlement and any subsequent financial implications.

RESOLVED:

- (1) to note that the total ring-fenced grant is initially £10.7 million, and that it must be spent within the grant conditions and directions set out in this report;
- (2) to note that the Council, as the Administrative Authority, is responsible for administering the grant and bears the overall financial risk of the programme but that the Commissioning Body will take all necessary steps to contain expenditure within the Programme's spending framework;
- (3) to note the expected shortfall in the grant of £200,000 and Office of the Deputy Prime Minister savings target of £235,000, and the steps set out in paragraph 4 of the Supporting Information to manage them;
- (4) that the Subsidy and Charging Policy as set out in paragraph 5 of the Supporting Information of the report, be confirmed; and
- (5) that further reports be brought to Cabinet on the implications of any future changes to the funding formula that may adversely affect Leicester.

45. IMPLEMENTATION OF THE LICENSING ACT 2003

Councillor Hunt submitted a report advising the Cabinet of the details of the proposed modernisation of the licensing laws, which were known at the current time and the arrangements being put in place to deal with them. The report also sought approval for a draft licensing policy to be used as the starting point for consultation.

Councillor Mugglestone raised a particular concern arising from the new legislation about public houses which were not subject to the existing planning legislation. He noted these establishments under the new regime could legally remain open until very late, which could lead to disturbance and anti social behaviour in residential areas and anti social behaviour.

The Head of Public Safety noted that there was a rigorous objection procedure contained within the new legislation which meant the Council could review any licence at any time and impose restrictions on establishments where problems arose. He also stated that consultation was currently taking place and arising from this the Council could formulate a general hours policy.

RESOLVED:

- (1) that the draft Licensing Policy for the purposes of consultation to be carried out in accordance with the Licensing Act, be approved; and
- (2) that the Director of Environment, Regeneration and Development, in consultation with the Cabinet Link Member be authorised to enter into partnership working with other Leicestershire local authorities subject to organisational and financial arrangements that are in the City Council's interest

46. PUBLIC RIGHTS OF WAY MILESTONE STATEMENT

Councillor Hunt submitted a report outlining the progress made in establishing the public rights of way network in Leicester to enable the Council to fulfil its statutory duties under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

Members of the Cabinet requested that Officers look into the possibilities of joining up with the County Council in their Local Access Forum. They also asked that officers give consideration to involving local walkers and ramblers to produce a definitive map of public rights of way in an area.

Members expressed concern at the differing levels of maintenance on certain sections of rights of way. Officers undertook to look into this and to advise Members accordingly.

RESOLVED:

- (1) that the progress made with public rights of way to date, be noted; and
- (2) that the programme and targets outlined in the Milestone Statement, be approved.

47. IMPROVED CUSTOMER ACCESS

Councillor Coley submitted a report seeking the Cabinet's agreement to take forward four capital projects to improve customer access to Council Services.

RESOLVED:

that total expenditure of £200,000 be approved, funded from the "Corporate" Capital programme for the following projects:-

- (1) £71,000 for the Council's telephone access project;
- (2) £16,000 for the purchase and installation of additional PC server hardware to improve the resilience of the Customer Relations Management software installation;
- (3) £15,000 to set up a customer services in libraries pilot scheme;
- (4) £85,000, allocated to provide a Generic Reception area within the new Braunstone Library and Community Resource Centre; and
- (5) £13,000 as a contingency sum for the above projects.

48. REVIEW OF ARRANGEMENTS FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS

Councillor Coley submitted a report which gave options for the Cabinet to review its Scheme of Delegation to ensure it suited the executive requirements.

He proposed a set of recommendations, which were agreed.

RESOLVED:

- (1) that the current delegation to individual Cabinet Members with the Executive function scheme of delegation, be removed;
- (2) that the current Cabinet portfolio arrangements be varied to align the executive function with the Council's departmental structure and the associated Cabinet Link Member provisions and, as a consequence, authorise the Town Clerk any technical changes within the constitution associated with this re-alignment;
- (3) that no changes be made to the current Scheme of Delegation to Officers;
- (4) that Cabinet Committees not be established at this time, but utilise 'task and finish' groups to take advantage of their effectiveness as a way of working and lack of associated bureaucracy.

49. CAPITAL PROGRAMME MONITORING - OUTTURN 2002/03

Councillor Coley submitted a report showing the provisional outturn of the capital programme for 2002/03.

Members of the Cabinet noted that the recommendation regarding the £20,000 addition to the Capital programme was for the purposes of utilising external

consultants who would be bidding on behalf of the Council for a wide range of different sources of external funding. Officers commented that this would be monitored to see if it was effective and at present it was only recommended for two years.

RESOLVED:

- (1) that the outturn for 2002/03 of £63.149 million, representing 95.8% of the period 8 forecast outturn, be noted;
- (2) that additional slippage of £5.228 million since period 8, be noted;
- (3) that additional funding reported of £2.637 million, be noted;
- (4) that the progress on specific schemes, be noted;
- (5) that the level of achievement of capital receipts, be noted;
- (6) that an addition to the capital programme of £20,000 per year for funding consultants, be approved;
- (7) that the deletion of the present reserve programme be approved, £1.3 million to take effect immediately, and potentially the final £0.5 million at the end of 2003/04; and
- (8) that the current position on the Payback fund, be noted.

50. JOINT ARRANGEMENT FOR LIBRARY SERVICES FOR EDUCATION

Councillor Johnson submitted a report presenting options for the Cabinet to consider regarding the future of the Joint Arrangement with Leicestershire County Council Library Services for Education.

RESOLVED:

- (1) that the Joint Arrangement be reinstated with the same financial agreement from September 2003 to August 2007 with the City and the County working in partnership to address the performance management issues arising out of the Best Value Review; and
- (2) that no call-in be made in respect of this decision in view of the urgent need to finalise the contract to maintain continuity of service to schools.

51. DISABILITY DISCRIMINATION ACT INITIATIVES 2003 - 2004

Councillor Coley submitted a report advising the Cabinet of works recommended to be funded from the Disability Discrimination Act Initiatives

budget for 2003-2004 including the Access to Work portion of the budget. The report also sought approvals to enable the programme to proceed.

RESOLVED:

- (1) that the works outlined in Appendix 1 including the allocation of £20,000 to Access to Work and a sum of £26,000 for urgent works required in the light of complaints received, be approved;
- (2) that the Corporate Director of Resources, Access and Diversity be authorised to order the works;
- (3) that the Corporate Director of Resources, Access and Diversity be authorised to seek all necessary consents;
- (4) that the Corporate Director of Resources, Access and Diversity be authorised to approve further works during the year as necessary or reassess or amend the programme, in consultation with the Cabinet Link Member for Resources, Access and Diversity.

52. PRIVATE SESSION

Councillor Blackmore noted that a request had been received from Councillor Draycott to remain in the meeting for the discussion on report B2 "Empty Homes Strategy – Compulsory Purchase of Various Houses (5)". He stated she had confirmed that she had no interests to declare in the item and that her 'need to know' was on the basis of her role as Chair of the Housing Scrutiny Committee.

The Cabinet agreed to this request. It was also agreed to take this item out of order.

RESOLVED:

- (1) 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:-

Paragraph 9

Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

Shires West Update

Paragraph 7

Information relating to the financial or business affairs of any particular person (other than the authority).

Paragraph 8

The amount of expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

The Empty Homes Strategy – Compulsory Purchase of Various Houses (5)

- (2) that Councillor Draycott be allowed to remain in the meeting for the discussion of report B2 “Empty Homes Strategy – Compulsory Purchase of Various Houses (5)”.

53. THE EMPTY HOMES STRATEGY - COMPULSORY PURCHASE OF VARIOUS HOUSES (5)

Councillor Scuplak submitted a report that proposed that Compulsory Purchase Orders be sought under the Empty Homes Strategy on five long-term vacant properties in areas of priority housing need.

Members of the Cabinet enquired about using enforcement officers to apply improvement orders on houses. They also asked about the position the Council was in if the owner of a home was untraceable. Officers agreed to report back to the Cabinet more fully on these matters.

Members of the Cabinet also asked Officers to see if this Compulsory Purchase Order policy could be extended further across the Council.

RESOLVED:

- (1) that the land and dwellings outlined in the appendices attached to the report, the subject of Compulsory Purchase Orders (CPOs) under sections 9 and 17 of the Housing Act 1985, Section 93 of the Local Government & Housing Act 1989 and the Acquisition of Land Act 1981, in order to secure their improvement, proper management and occupation as residential dwellings;
- (2) that the necessary capital expenditure be authorised from the Empty Homes Strategy in line with the agreed Capital Programme.
- (3) to note that the information contained in this report is confidential to the Housing Department and should not be discussed outside of Cabinet.

54. SHIRES WEST UPDATE

Councillor Suleman submits a report seeking the Cabinet's authority to move to formal agreements in connection with Hammerson's proposal to extend the Shires Shopping Centre, the project now known as Shires West.

Members of the Cabinet noted that this project was subject to a tight timetable and if this were to slip the Council could face increased financial costs and the developer could face increased costs. It was therefore agreed that this decision not be subject to the 'call-in' procedure.

RESOLVED:

- (1) that the current position be noted;
- (2) that the Corporate Director of Resources, Access and Diversity, in consultation with the Cabinet link Members for Finance, Resources and Diversity and Environment, Regeneration and Development, is authorised to:-
 - (i) agree the terms for the Development Agreement, Land Sale Agreement and Indemnity Agreement, as referred to in the Supporting Information, and any other necessary Agreements required in connection with the Shires West Shopping Centre development,
 - (ii) authorise the Head of Legal Services to enter into and complete these Agreements,
 - (iii) in the event of the Council being required to exercise its CPO powers, approve capital expenditure to be funded entirely by the indemnity agreement,
 - (iv) authorise any necessary increase in the capital programme for the compulsory purchase costs, subject to these being entirely funded by Hammerson under the Indemnity Agreement; and
- (3) that no call-in be made in respect of this decision in view of the risks associated with any delay which could increase costs to the Council and to the developer.

55. CLOSE OF MEETING

The meeting closed at 6.27pm.