



Leicester  
City Council

Minutes of the Meeting of the  
CABINET

Held: MONDAY, 13 OCTOBER 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 Metcalfe  
Councillor Mugglestone

Councillor Suleman

\* \* \* \* \*

**92. 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 Suleman declared a personal and prejudicial interest in the item of urgent business 'Transforming City Schools', as his wife was bursar at the Islamic Academy. He left the meeting for discussion of this item.

Councillor Hunt declared a personal non-prejudicial interest in Report F, 'Affordable Housing' as he was a Council appointed member of the Board of the Leicester Regeneration Company.

Councillor Coles declared a personal non-prejudicial interest in Report A, 'Multi Disciplinary Centre' as he was a Council appointed Board Member of the Eastern Leicester Primary Care Trust.

**93. LEADER'S ANNOUNCEMENTS**

Local Democracy Week

The Leader noted that it was the start of Local Democracy Week. As part of this he and Councillor Farmer had taken a group of pupils from Ellesmere College around a number of civic buildings including the Town Hall. As part of this, the pupils were provided with a copy of the Leicester version of the board game 'Monopoly', which used local landmarks as part of the game.

## IT Excellence Awards

The Leader noted that a project to improve information technology for people with disabilities and their carers received a Highly Commended award at this year's Local Government IT Excellence Awards.

### **94. MINUTES OF PREVIOUS MEETING**

#### RESOLVED:

that the minutes of the meeting held on 22 September 2003, having been circulated to Members, be taken as read and signed by the Chair as a correct record, subject to the inclusion in minute 80 of the following further resolution, which was omitted from the draft circulated:-

- '3 that, to ensure the Government receives a clear message that the Council will be undertaking a Stock Options Appraisal, before final funding decisions were made by the Government, in accordance with Cabinet procedure rule 12(d), the decision be regarded as urgent and that, in consequence, no call in of the decision be allowed.'

### **95. MULTI DISCIPLINARY CENTRE**

Councillor Blackmore noted that he had received a petition from Councillor Kitterick opposing the Multi Disciplinary Centre in Conduit Street. He thanked him for this petition which would be taken into account in consideration of the report.

Councillor Metcalfe submitted the report seeking approval for a scheme to locate a multi disciplinary centre for homeless people in Conduit Street. The centre would bring together the Council's existing Nightshelter and the day centre operated by the YMCA, along with primary health, community psychiatric nurses, psychology, day centre education and advice services. The centre would be the first of its kind in the country.

Councillor Metcalfe noted that it had been a lengthy process to find a suitable site for this centre. He said the proposed site was now suitable for use as it had been removed from the plans of the Leicester Regeneration Company as part of their Office Core proposals surrounding the station. The funding for the site was now largely in place and he thanked Officers for obtaining further funding from the Rough Sleepers Unit to meet the costs of providing the facility. He also felt that the projected receipt for the existing Nightshelter was a low estimate and he expected the sale of that building to provide further funding. He did however note the request for funding from the Neighbourhood Renewal Fund of £800,000 was not at present secure.

The Corporate Director of Housing commented that the bid that had been submitted for Neighbourhood Renewal Funding for £800,000 over two years

was essential to fund the current proposal. Should that not be received then the capital programme provision for the Centre would have to be reconsidered. He also noted that as parts of the building would be leased to the Primary Care Trust and to the YMCA, there was a remote possibility that the Council's VAT rules may be breached. He said Officers were currently looking into ways to make sure the 5% VAT limit was not breached.

The Minutes of the Housing Scrutiny Committee held on 9 October 2003 had been circulated to the Cabinet. Councillor Metcalfe noted that the Scrutiny Committee did not object to the proposal.

RESOLVED:

- (1) that the revised scheme be approved and the capital programme provision be increased to £3.95 million, with the funding package for the Scheme being subject to receipt of a Neighbourhood Renewal Funding bid of £800,000; and
- (2) that the bid to the Neighbourhood Renewal Fund be supported.

#### **96. INVESTIGATION OF ALTERNATIVE MANAGEMENT OPTIONS FOR CULTURAL SERVICES**

Councillor Mugglestone submitted a report informing the Cabinet of the work to be undertaken to produce a cost benefit analysis of options for alternative management arrangements for a number of cultural services.

Councillor Mugglestone commented that this report sought to demonstrate publicly the process that was being followed when considering the different management options. He also noted this was a long term plan, the results of which may not be apparent for 3 or 4 years. He reported that he had been in contact with other Council's that had implemented alternate management and had benefitted from doing so. The idea of a Cabinet Sub-Group would be considered at a future date.

In response to a question, the Corporate Director of Cultural Services and Neighbourhood Renewal confirmed that all types of possible management options would be considered as part of this review.

RESOLVED:

- that the work to be carried out to produce alternative management options for consideration by the Cabinet at a future meeting, be noted.

#### **97. REVIEW OF ENVIRONMENT, REGENERATION AND DEVELOPMENT DEPARTMENT AND CULTURAL SERVICES AND NEIGHBOURHOOD RENEWAL DEPARTMENT**

Councillor Suleman submitted a report arising from the first phase of the

Review of the Environment, Regeneration and Development Department and Cultural Services and Neighbourhood Renewal Department. The report outlined proposals for the Senior Management structure, and the location of service functions within Divisions of the new Department.

Councillor Suleman commented that whilst he had been the lead Cabinet Link Member on this review he considered that such reviews were to be primarily a matter for officers to address. He reported that there had been 15 meetings with staff and the proposals were that a Department of Regeneration and Culture be established with six service directors.

Councillor Suleman referred also to an addendum report that had been circulated which responded to the concerns raised by the Finance, Resources and Equal Opportunities Scrutiny Committee and also included comments relevant to these issues from the service directors in the current Directorate of the Environment, Regeneration and Development Department. The full relevant minute extract from the Finance, Resources and Equal Opportunities Scrutiny Committee held on 8 October 2003 was also circulated to the Cabinet. The addendum report stated that Phase 1 was not expected to impact adversely on service provision and that Phase 2 would examine detailed staffing structures and staffing numbers and non staff costs in the light of the senior management structure; the need to make savings; the need to support front line services; and the emerging budget reduction proposals.

Members of the Cabinet agreed, that as lengthy reviews were damaging to staff in terms of morale and postponed necessary savings, it was important that this decision not be the subject of a 'call-in'. The report had, in any case been considered by the Finance, Resources and Equal Opportunities Scrutiny Committee.

In response to a question, the Corporate Director of Housing, the Lead Director for the Review, stated that Phase 2 of the review would consider the way in which performance would be monitored and any baseline from which the monitoring would commence.

The Corporate Director of Housing also confirmed that the Review had been carried out in accordance with the Council's Protocol for Organisational Reviews.

**RESOLVED:**

- (1) that the Senior Management structure and organisation of service and support functions, as detailed in Appendix C of the main report, be approved; and
- (2) that, under the provisions of Cabinet Procedure 12 d), no 'call in' of the decision be allowed, on the grounds of urgency, the grounds being the adverse impact on staff and that any delay would lead to further costs, the full details of which were included at section 4.2 of the cover report and at section 3.4 of the Supporting Information

report.

#### **98. TREE PROTECTION: SUPPLEMENTARY PLANNING GUIDANCE**

Councillor Hunt submitted a report seeking the Cabinet's approval to adopt the document '*Tree Protection*', as Supplementary Planning Guidance to the City of Leicester Local Plan.

RESOLVED:

that the document '*Tree Protection*' be adopted as Supplementary Planning Guidance to the City of Leicester Local Plan.

#### **99. BIODIVERSITY IN LEICESTER: SUPPLEMENTARY PLANNING GUIDANCE**

Councillor Hunt submitted a report seeking the Cabinet's approval to adopt the document '*Biodiversity in Leicester*' as Supplementary Planning Guidance to the City of Leicester Local Plan.

RESOLVED:

that the document '*Biodiversity in Leicester*' be adopted as Supplementary Planning Guidance to the City of Leicester Local Plan.

#### **100. AFFORDABLE HOUSING**

Councillor Metcalfe submitted a report which considered the resolution of Council at its meeting on 25 September as follows:-

"That, in response to the Cabinet's request for Council consideration of the Research into Affordable Housing Moratorium:-

- (i) The Council notes:-
  - (a) the conclusions of the research into the current 'moratorium' on affordable housing within parts of the city centre;
  - (b) the current 'moratorium' arrangements are only in place until 30 September 2003;
  - (c) the recommendation from Strategic Planning and Regeneration and Housing Scrutiny Committees that Council be invited to discuss the future provision of 'affordable housing' within the Regeneration company area.
- (ii) Having regard to these factors the Council supports:-
  - (a) the benefits which accrue to the city from an appropriate mixed development of private and social housing;

- (b) the value and assistance to be gained by working closely with key partners and developers;
- (c) the importance of establishing and maintaining appropriate phasing and approvals from planning applications to meet overall local plan targets;
- (d) the benefits to be gained by flexibility of approach to secure the desired mix of developments.

The Council therefore re-emphasises its commitment to the regeneration of the city centre, including both the market sale and rent, the provision of affordable housing for social rent and low cost/share ownership and resolves to ask Cabinet to cease the current 'moratorium' within the policy direction detailed above as from the next Cabinet Meeting on 13<sup>th</sup> October 2003".

Councillor Metcalfe noted that further to the report, discussions had been completed with the Leicester Regeneration Company (LRC) the Housing Corporation and local housing associations regarding developer guidelines for the provision of affordable housing. The Leicester Housing Association Liaison Group, the Housing Corporation and the LRC Chief Executive all supported these jointly agreed guidelines. Initial feedback from LRC Board Members was also supportive.

The minutes of the Strategic Planning and Regeneration Scrutiny Committee held on 7 August 2003 and the Housing Scrutiny Committee held on 21 August 2003 were attached to the report.

**RESOLVED:**

that the current moratorium on affordable housing cease with immediate effect within the policy direction given by the Council at its meeting on 25 September.

## **101. DEVELOPER CONTRIBUTIONS AND THE PLANNING PROCESS**

Councillor Hunt submitted a report seeking to clarify the process and framework for negotiating developer contributions that could be sought as a result of development in the city. The report also addressed the issues arising from a previous Cabinet report, 'Affordable Housing and the Planning Process' from 27 January 2003.

Councillor Hunt welcomed the provision of Developer Contributions post who would be employed for the purposes of obtaining further benefits for the Council and city.

Councillor Hunt also recommend that a change be made to recommendation 4.1.6 of the report to read 'public amenities', rather than 'public art'. This was agreed.

The relevant minutes extracts from the Arts, Leisure and Environment Scrutiny Committee on 13 August, the Highways and Transportation Scrutiny Committee on 13 August, the Housing Scrutiny Committee on 21 August, the Strategic Planning and Regeneration Scrutiny Committee on 10 September and the Development Control Committee on 16 September were attached to the report and the report responded to the issues raised by these Committees.

**RESOLVED:**

- (1) that the draft protocol, as set out in Appendix A of the report, be approved as Corporate Procedure for the assessment of development proposals, and the production of Supplementary Planning Guidance;
- (2) that the Cabinet decision in January 2003 to create the Developer Contributions post be noted and to note that this could be funded for a 12 month period from the Planning Delivery Grant;
- (3) to note that the Strategic Planning & Regeneration Scrutiny Committee and Development Control Committee suggested a system for departments benefiting from developer contributions to be recharged or to contribute towards the developer contributions post and that Cabinet be asked to consider this matter as part of the Revenue Budget discussions;
- (4) that, in light of advice from the Assistant Head of Legal Services and the issues highlighted in this report a Members Advisory Panel not be established;
- (5) that the involvement of Ward Councillors in planning applications generating developer contributions as set out in paragraphs 5.1 and 5.2 of the supporting information, be endorsed; and
- (6) that developer contributions be continued to be sought where appropriate for public amenities.

## **102. LEICESTER CITY COUNCIL'S SERVICE PLAN FOR FOOD ENFORCEMENT**

Councillor Hunt submitted a report asking the Cabinet to endorse the Service Plan for Food Enforcement 2003/04 for submission to Council for approval.

The Arts, Leisure and Environment Scrutiny Committee on 13 August 2003 had considered the Plan and the report responded to the issues raised by the Committee.

**RESOLVED:**

- (1) that the Service Plan for Food Enforcement 2003/2004, be endorsed; and

- (2) that the Plan be forwarded to full Council for approval.

### **103. SUPPORTING PEOPLE STEADY STATE CONTRACT ARRANGEMENTS**

Councillor Coles submitted a report seeking approval of the Supporting People Steady State Contract arrangements. The Steady State contract sought to formalise long-term arrangements for the provision of services under the Supporting People programme. A formal review of the programme would be undertaken after the first 3 years.

**RESOLVED:**

- (1) that the Supporting People Steady State Contract arrangements as outlined in clauses 2.4 – 2.7 and Appendix A point 2 of the attached Supporting Information document, be approved;
- (2) that Contract Procedure rules 5,6, 8.2, 10 and 11.5 be waived as described in Appendix A (1) of the report;
- (3) that the Delegated Authority to the Corporate Director of Housing as set out in Appendix A paragraph 2 be approved.

### **104. CAPITAL PROGRAMME MONITORING 2003-04 - PERIOD 4**

Councillor Coley submitted a report updating the Cabinet on the progress of the capital programme for 2003/04 up to the end of July (period 4).

Councillor Coley noted that the Finance, Resources and Equal Opportunities Scrutiny Committee at its meeting on 8 October had no comments on this report.

**RESOLVED:**

- (1) that a revised level of programmed expenditure of £71.795 million, be approved;
- (2) that the level of expenditure to the end of July 2003 of £14.89 million, be noted;
- (3) that the position relating to capital receipts, be noted;
- (4) that the following additions to the capital programme, be approved:-

- Social Care and Health
  - Mental Health (£122,000)
  - Information Management (£165,000)

Education & Lifelong Learning



- Hamilton Library (£680,000)
  - Kestrels Field (£120,000); and
- (5) that an additional target relating to capital programme performance of actual expenditure being 90% of the period 4 forecast in 2003/04 and of the original forecast in 2004/05 and later years, be approved.

#### **105. REVENUE BUDGET MONITORING 2003-04 - PERIOD 4**

Councillor Coley submitted a report which showed the summary position comparing spending with the budget for all General Fund services.

Councillor Coley noted that the Finance, Resources and Equal Opportunities Scrutiny Committee at its meeting on 8 October had no comments on this report.

##### **RESOLVED:**

- (1) that the changes made to the original approved budget for 2003/04 as approved by the Cabinet on 21<sup>st</sup> July 2003, be noted;
- (2) that the expenditure to date and the budgetary issues which have emerged so far this year, be noted;
- (3) that the proposals put forward to ensure that spending is contained within the Departments' budgets, be noted;
- (4) that the finalisation of the virement of £1,535,100 relating to the transfer of advice services, community safety and the racial harassment project from Environment, Regeneration & Development to the Cultural Services & Neighbourhood Renewal Department (as previously approved by Cabinet 25<sup>th</sup> February 2002 and Council 21<sup>st</sup> March 2002), be noted;
- (5) that the budget virement of £310,800, which relates to the reclassification of the Markets function from an "internally traded service" to a General Fund service, be noted;
- (6) that the various virements within the Housing Department, which realign budgets to reflect departmental structure, but have no overall net effect on the department's budget, be approved; and
- (7) that the change of name and use of the Strategic Review Reserve within the Education & Lifelong Learning Department to the Departmental Reserve, for the purposes set out in paras 6.3.4 and 6.3.5 of the supporting

information, be approved.

#### **106. FRAMEWORK FOR THE DISPOSAL OF PROPERTY**

Councillor Coley submitted a report seeking amendments to the Framework for the Disposal of Property following the recommendation from Council on 25 September that the policy be clarified and where necessary improved.

The Chair thanked Councillor Bhatti, Chair of the Finance, Resources and Equal Opportunities Scrutiny Committee for his comments contained within the report.

RESOLVED:

that the Framework for the Disposal of Property adopted by Cabinet at its meeting on 21 July 2003 be confirmed, subject to the amendments as set out in the report.

#### **107. FINDINGS OF MALADMINISTRATION BY THE LOCAL GOVERNMENT OMBUDSMAN (OMBUDSMAN REPORTS 01/0666/01 AND 02/1168/13)**

Councillor Johnson submitted a report which set out the findings made by the Local Government Ombudsman following the investigations into two complaints concerning the provision of education for children with special educational needs. The report also set out the remedies that the Ombudsman was recommending that the Council implement to provide just satisfaction to the complainants.

The Service Director, Student and Pupil Support noted that actions arising from this report represented a change in the relationship between schools and the Local Education Authority (LEA). The Schools would need to ensure children's educational needs were met and the LEA would take a legal remedy to see this happened.

RESOLVED:

- (1) that Council be recommended to accept the Ombudsman's recommendations, with the investment payment released on receipt from the parents of an appropriate plan of investment dedicated specifically to the education of the children concerned;
- (2) that, subject to Council accepting the above recommendation, the resulting executive action be taken; and
- (3) that Cabinet receive a report on the adequacy of funding for the Student Support service in order to ensure that the Authority was able to meet its statutory duties.

#### **108. ANY OTHER URGENT BUSINESS**

The Chair agreed to accept the following item as urgent business.

## **TRANSFORMING CITY SCHOOLS**

Due to the computer virus that affected the City Council, there had been an unavoidable delay in producing the report which was why it was not available with the Cabinet agenda. However it was urgent that it was considered at this meeting as the report considered a bid to the DFES, which needed to be submitted by 31 October.

### **109. TRANSFORMING CITY SCHOOLS**

Councillor Johnson submitted a report setting out the current position regarding the Secondary School Transformation debate, the Building Schools for the Future programme, the review of Special Education, the proposed City Academy School, the Islamic Academy and the issues facing the primary school sector. These matters needed to be seen within the context of the School Organisation Plan 2003-2008 that would be shortly issued for consultation.

Councillor Johnson noted that the Council was bidding for £150 million as part of the Building Schools for the Future programme. He commented that should this bid not succeed the plans in place would still act as a guide for the future of education in the city.

#### **RESOLVED:**

- (1) to note that the Corporate Director of Education and Lifelong Learning had taken Director's action, in consultation with the Cabinet Link for Education, to appoint consultants to project manage a bid to the Department for Education and Skills for Building Schools for the Future by the deadline of 31 October with an opportunity for further negotiation if the bid was successful;
- (2) that the Leicester Islamic Academy's Voluntary Aided Targeted Capital bid for approximately £15-16 million be approved;
- (3) that approval be given in principle, subject to final Cabinet approval for the City Academy School, to the site of the former Mary Linwood school being made available for the City Academy; and that any capital receipts for the Newry Junior and Southfields Infants sites be released as a contribution to the costs of the City Academy;
- (4) that further consultation be undertaken on the proposals for realigning special education provision for pupils with moderate, severe and profound and multiple learning disabilities contained within the report;

- (5) that a Targeted Capital bid be submitted to the Department for Education and Skills for Queensmead Infants and Junior Schools and Bendbow Rise Infants and Crescent Junior, to address the major issues facing those schools, detailed at paragraph 1.30 in the Supporting Information of the report; and
- (6) that under the provisions of Cabinet Procedure Rule 12 (d), no call-in of the decisions in relation to resolutions (2), (3) and (5) above be allowed on the grounds that the decisions are urgent because of the need to submit bids to the Department for Education and Skills by 31 October 2003.

## **110. PRIVATE SESSION**

Councillor Blackmore noted that a report on the 'Empty Homes Strategy Compulsory Purchase of Various Houses 2003 (4)' had been submitted for consideration in private session. However he noted that the Cabinet at its last meeting expressed a wish that such reports be considered in public. He noted that the report documents included confidential information but he asked that Councillor Metcalfe in his introduction, not refer to any site specific or otherwise confidential data, in order for it to be considered in public.

Councillor Blackmore then moved the following resolution which was agreed.

RESOLVED:

that the 'Empty Homes Strategy Compulsory Purchase of Various Houses 2003 (4)' report be considered in public session, but that the appendices to the report be regarded as exempt information as defined by the Local Government (Access to Information) Act 1985, and that in consequence if there was a need to discuss the detail on the Appendices only then will the press and public be excluded in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended.

## **111. THE EMPTY HOMES STRATEGY COMPULSORY PURCHASE OF VARIOUS HOUSES 2003(4)**

Councillor Metcalfe submitted a report seeking approval to undertake Compulsory Purchase Orders on seven long term privately owned vacant properties.

RESOLVED:

- (1) that the land and dwellings, listed in paragraph 2.1 of the report, be the subject of individual Compulsory Purchase Orders, in order to secure their improvement, proper management and occupation as residential dwellings; and

- (2) that the necessary capital expenditure be approved from the Empty Homes Strategy line in the agreed Capital Programme.

## **112. CLOSE OF MEETING**

The meeting closed at 6.15pm.