



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 26 APRIL 2004 at 5.00pm

P R E S E N T :

Councillor R. Blackmore - Chair
Councillor Johnson - Vice-Chair

Councillor Coley
Councillor Hunt

Councillor Mugglestone
Councillor Scuplak

Councillor Metcalfe

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259. 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.

There were no declarations.

260. LEADER'S ANNOUNCEMENTS

Leicester Mercury

Councillor Blackmore congratulated Leicester Mercury political reporter, Tim Walsh on his recent appointment to a new job.

Pilot Schemes

Councillor Blackmore noted that Leicester had been invited to take part in some pilot schemes.

The first was for a scheme where the Council would receive extra resources to allow it to work with parents and networks of schools to provide more childcare spaces for lone parents who want to return to work.

The second was for a Department of Education and Skills childcare taster scheme which would help parents build their trust and confidence in using formal childcare.

261. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of Cabinet held on 5 April 2004, having been circulated to Members, be taken as read and signed by the Chair as a correct record.

262. MATTERS REFERRED FROM SCRUTINY COMMITTEES

There were no matters referred from Scrutiny Committees.

263. ALTERNATIVE MANAGEMENT FOR CULTURAL SERVICES

Councillor Mugglestone submitted a report seeking the Cabinet's agreement to endorse the work to date undertaken by the Cabinet Sub Group on alternative management arrangements for Cultural Services and it sought Cabinet agreement to further work being done to develop the options and implications for the Council in greater detail.

Councillor Mugglestone thanked his Cabinet Sub Group colleagues and the Officers involved with the work of the Sub Group for all the effort they had put in to reach this stage.

Members of the Cabinet enquired when it was proposed that these arrangements would be in place. The Service Director, Cultural Services commented that firm proposals would be developed for the autumn with a view to having these arrangements in place by April 2005.

Councillor Mugglestone noted there was a minor addition to the recommendations in report.

RESOLVED:

- (1) that the work undertaken to date by the Cabinet Sub-Group on Alternative Management, be endorsed;
- (2) that the view of the Cabinet Sub Group that commercial outsourcing is not a viable option, for the reasons outlined in paragraph 3.4 of the supporting information, be endorsed;
- (3) that the Cabinet Sub Group on Alternative Management oversee further work on the development of the Status Quo, Non-Commercial Partnerships and the Creation of a Not for Profit Distributing Organisation and the services and facilities which might be included within such arrangement;
- (4) that a Project Board and Teams be established, in line with corporate guidelines and as described in paragraph 4.15 of the Supporting Information, to carry out that further work

including,

- Detailed analysis of the options, including the costs and benefits for the Council corporately,
 - The proposed contractual framework,
 - Detailed 10 year Business Plans,
 - Commissioning and monitoring arrangements,
 - Legal, structural and governance frameworks;
- (5) that the Cabinet receive a further report, no later than October 2004, to enable Cabinet to make a final and informed decision on the options, the services it would wish to see included in those options, and the contractual and legal relationship between the Council and any agreed option.

264. CHARGES MADE FOR AFTERCARE SERVICES UNDER SECTION 117 OF THE MENTAL HEALTH ACT 1983

Councillor Blackmore submitted a report setting out the advice and guidance of the Local Government Ombudsman for England provided in a Special Report published in July 2003 on the funding of aftercare under section 117 of the Mental Health Act 1983, and the report sought a decision on the implementation of the Guidance.

Councillor Blackmore moved an amended set of recommendations.

RESOLVED:

- (1) that the continuation of the existing practice of considering refunds as and when requested on an individual basis, be confirmed and a further report be submitted should future national or local legal precedents suggest that an alternative approach would be appropriate;
- (2) that interest associated with financial restitution should be paid where appropriate;
- (3) that the potential resource implications, which may not be covered by existing budgets and provisions, be noted;
- (4) that the continuation of the current policy of not applying retrospective assessments or cut-off dates to remove s117 aftercare, be confirmed;
- (5) that the Corporate Director of Social Care and Health be authorised to agree a joint approach with Leicestershire County Council where claims span Local Government Reorganisation, or relate solely to care before 1997.
- (6) that the Corporate Director of Social Care and Health in

consultation with the Town Clerk and Chief Finance Officer, be authorised to agree a mechanism by which potential liability disputes between the City Council and Leicestershire County Council can be resolved without the need for litigation.

265. YOUTH JUSTICE PLAN 2004-05 UPDATE

Councillor Blackmore submitted a report which responded to the requirement of the Crime and Disorder Act 1998 for all Local Authorities to produce an annual Youth Justice Plan. The purpose of the Plan was to set out how youth justice services were to be provided in each area and how they were to be funded.

The Deputy Chief Executive commented that Leicester's Youth Offending Team had shown year on year improvements since its inception and was one of the best performing Unitary Authority Youth Offending Teams in the country.

Councillor Blackmore referred to a recent article from the Policy Review Magazine in April 2004 which he had found helpful in developing his understanding of the current issues in youth justice. Copies were available from Committee Services if they were required.

RESOLVED:

that the Youth Justice Plan be noted, and Council be recommended to approve (retrospectively) its submission to the Youth Justice Board.

266. USE OF COMPULSORY PURCHASE POWERS - SHIRES WEST

Councillor Coley submitted a report seeking approval to declare and make a Compulsory Purchase Order to acquire the land required for the proposed Shires West extension to the Shires Shopping Centre.

Councillor Coley noted that this action was being taken in parallel with efforts by the Developer, Hammersons, to negotiate with existing landowners in the area to purchase the land by agreement. The action was being taken now to ensure that the timescale was met to allow the anchor store, John Lewis to be up and running by Christmas of 2007. The Council was also taking advice to ensure the Secretary of State's requirements for taking this type of action were fully complied with.

Councillor Coley noted there was an amended map circulated and there was an addition to the recommendations.

RESOLVED:

(1) that the City Council declare and subsequently make a Compulsory Purchase Order (CPO) pursuant to Section 226(1) (a) of the Town and Country Planning Act 1990 for the purpose of acquiring the land identified in the Amended

Appendix 1, which is required for the carrying out of development, redevelopment or improvement of the land in order to secure the successful carrying out of the Shires West scheme, the formal making of the Order to be subject to:

- i) the Council resolving to grant outline planning permission for the Shires West Scheme,
 - ii) completion of the CPO Indemnity Agreement,
 - iii) the Council being satisfied that all reasonable steps have been taken by the Developer to acquire the required interests in the land by agreement,
 - iv) the Town Clerk and Chief Finance Officer, in consultation with the Cabinet Link Member for Resources, Access and Diversity, being satisfied of the adequacy of arrangements to protect the Council's interests;
- (2) that the Corporate Director of Resources, Access and Diversity be authorised to advertise the making of the Order referred to in (1) above and to take all relevant action thereon to promote the confirmation of the Order;
- (3) that the Corporate Director of Resources, Access and Diversity, in consultation with the Cabinet Link Member for Resources, Access and Diversity, where the purchase of the property interest with regard to (i) below or the decision in (ii) below would normally be reserved to Cabinet, be authorised:-
- (i) to agree terms to acquire the necessary interests within the CPO land, including those, if any, determined by the Lands Tribunal,
 - (ii) in the event that further decisions are required during and relevant to the CPO, to make those decisions;
- (4) that any property interests purchased under this CPO are transferred to the Developer in accordance with the terms set out in the CPO Indemnity Agreement;
- (5) that the Head of Legal Services be authorised to prepare and execute all the necessary documentation required throughout the CPO process including the transfer of the various property interests acquired by the City Council to the Developer.

267. TRADING ORGANISATIONS - 2004/2005 BUDGETS

Councillor Coley submitted a report in accordance with Finance Procedure Rules, presenting budgets for the Council's trading organisations.

RESOLVED:

- (1) that the 2004/2005 budgets for trading organisations, be approved; and
- (2) that the action proposed on policies in respect of the use of any retained surpluses, be noted.

268. THE EMPTY HOMES STRATEGY COMPULSORY PURCHASE OF VARIOUS HOUSES 2004 (NO.10)

Councillor Metcalfe submitted a report recommending that Compulsory Purchase Orders be sought of a number of properties under the City Council's Empty Homes Strategy in order to secure their improvement, proper management and occupation as residential dwellings.

RESOLVED:

- (1) that the following land and dwellings outlined in the appendices to the report be made the subject of Compulsory Purchase Orders (CPOs) under sections 9 and 17 of the Housing Act 1985 and the Acquisition of Land Act 1981, in order to secure their improvement, proper management and occupation as residential dwellings:-

48 Stanley Drive
189 Knighton Church Road
115 Grasmere Street; and

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

269. WAIVER OF CONTRACT PROCEDURE RULES

Councillor Coley submits a report advising the Cabinet of Waivers to Contract Procedure Rules approved by the Town Clerk, as required by paragraph 4.2(b) of those Rules.

RESOLVED:

that the waiver of Contract Procedure Rules, as detailed in the report, be noted.

270. ANY OTHER URGENT BUSINESS

The Chair agreed to accept the following item of urgent business:-

POST OFFICE CLOSURE PROGRAMME FOR LEICESTER

The reasons for urgency are;

1. the public consultation by the Post Office started on 8 April 2004 and was due to end on 24 May 2004,
2. the Head of Post Office Limited for the area was due to meet with Cabinet Members after their meeting on 26 April;
3. consideration would need to be given to any further action Members decided they wished to take.

271. POST OFFICE CLOSURE PROGRAMME FOR LEICESTER

Councillor Blackmore submitted a report which set out the details on the proposed Post Office branch closure programme for Leicester and the views of the Cabinet were sought prior to the meeting with the Head of Post Office Limited for the area after this meeting of Cabinet.

Members of the Cabinet noted that there was cross party support in opposing the proposed closures and that numerous campaigns were underway to seek to keep post offices open.

Councillor Blackmore moved a number of recommendations further to the report.

RESOLVED:

- (1) that Post Office Limited be asked to give serious thought to the effects the closures of 15 branches will have on the communities of Leicester, in particular on disabled people, older people, carers and one parent families;
- (2) that even though 95% of people may still live within 1 mile of a post office, Post Office Limited consider the infrastructures that lie between a proposed Post Office that would close and the next nearest (i.e. receiving office) including busy roads, gradient and other factors;
- (3) that where postmasters are willing and there is public support, that Post Office Limited consider:-
 - developing post offices along innovative social enterprise lines,
 - bringing together a task group of business and community champions to advise,
 - find additional interim resources,
 - identify and implement some new ideas and ways of working;

- (4) that in light of the fact that the Council did not receive notification of the proposals until a week after the official announcement, that Post Office Limited extends the consultation period by one week.

272. PRIVATE SESSION

RESOLVED:

that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves 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 of the supply of goods or services.

ACQUISITION OF DEPOT FACILITIES, LEYCROFT ROAD, LEICESTER

273. ACQUISITION OF DEPOT FACILITIES, LEYCROFT ROAD, LEICESTER

Councillor Coley submitted a report seeking approval to purchase the long leasehold interest in land and premises located at Leycroft Road, Leicester in order to consolidate the Council's ownership in this area and potentially relocate Council facilities from other properties in the City.

RESOLVED:

- (1) that the long leasehold interest be acquired in the sum as detailed in the report, each party bearing their own costs incurred in this transaction;
- (2) that the Head of Legal Services be authorised to complete the purchase; and
- (3) that consideration be given to the potential relocation of existing Council functions to this property.

274. CLOSE OF MEETING

The meeting closed at 5.55pm.