



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 21 JULY 2003 at 5.00pm

P R E S E N T :

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

Councillor Coles
Councillor Hunt
Councillor Johnson

Councillor Metcalfe
Councillor Mugglestone
Councillor Suleman

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18. 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.

19. LEADER'S ANNOUNCEMENTS

One Big Sunday

The Leader thanked all those staff across the Council involved in making One Big Sunday a success.

Tidy Teams

The Leader asked the Corporate Director of Environment, Regeneration and Development to pass on his gratitude to all staff who had contributed to the new 'Tidy Teams' article which appeared in The Leicester Mercury.

Children's Services

The Leader noted that Leicester had been chosen as one of the 35 authorities to pilot the Government's new approach to arranging children's services across the Council and City. He noted that the Cabinet Link Member for Social Care and Health would be bringing a report to Cabinet in September which detailed how the pilot would work.

20. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 16 June 2003, having been circulated to Members, be taken as read and signed by the Chair as a correct record.

21. MATTERS REFERRED FROM COMMITTEES (NOT APPEARING ELSEWHERE ON THE AGENDA)

The Cabinet received the following items from Committees.

EMPLOYEES (RETIREMENTS) COMMITTEE – 10 JUNE 2003

REDEPLOYMENT PROCEDURE

The Committee agreed the following resolution at its meeting:-

- *“that Cabinet be asked to look at the redeployment procedure within the authority to see if any changes might be recommended.”*

Councillor Blackmore circulated a recommendation in response to this issue which suggested the creation of a Cabinet Sub-Group to consider the Committee’s request. This was supported by the Cabinet.

RESOLVED:

- (1) that a Cabinet Sub-Group be formed to look in more detail at the options relating to the Employees (Retirement) Committee request; and
- (2) that the Sub-Group be established by the Town Clerk comprising of Councillors Coles (Chair) and Johnson, with the co-option of one further Liberal Democrat Member (not necessarily a Cabinet Member) and one Labour Member.

ARTS, LEISURE AND ENVIRONMENT SCRUTINY COMMITTEE – 18 JUNE 2003

BRAUNSTONE LEISURE CENTRE – UPDATE REPORT

The Committee agreed the following resolutions at its meeting:-

- *“that Cabinet be asked to give an assurance that there would be sufficient revenue funds available within corporate budgets to finance the Braunstone Leisure Centre; and*
- *that it be requested that if Cabinet were unable to give these assurances that consideration be given to a scaled down version of the project incorporating existing sports facilities within Braunstone, possibly*

incorporating the Braunstone Hall hard court.”

Councillor Mugglestone in response stated that he welcomed the Scrutiny Committee’s comments. He commented that he could not at this point guarantee the running costs of the new swimming pool. They had not yet been specifically identified particularly in the light of the wide departmental review of services known as ‘The Project’ which was currently being consulted on.

With regard to the Scrutiny Committee’s comments about scaling down the Leisure Centre he reported that he had asked Officers to prepare a report analysing all the options available for funding the new Leisure Centre and the risks involved in each option available. This would be submitted to a future meeting of the Cabinet.

RESOLVED:

that the Corporate Director of Cultural Services and Neighbourhood Renewal prepare a full report on options for Braunstone Leisure Centre with their costs and risks, to be considered at an early meeting of the Cabinet.

HOUSING SCRUTINY COMMITTEE – 19 JUNE 2003

PETITION RELATING TO PARKING ON MONMOUTH DRIVE, EYRES MONSELL ESTATE

The Committee agreed the following resolution at its meeting:-

- *“that the Cabinet be informed that the Scrutiny Committee would like to see funding provided for additional lay-bys in that area.”*

Councillor Hunt in response stated that in line with the usual process, this request would be included with all other outstanding requests for this type of work. He also stated that he had requested Officers to consider if there were any other ways of funding these type of works as there were a large number outstanding.

The Town Clerk commented that the Chair of the Housing Scrutiny Committee had queried the Minute of the Housing Scrutiny Committee and whether the issue had been referred to Cabinet. The minute would be clarified at the next meeting of the Housing Scrutiny Committee. Notwithstanding this, the Committee did wish to see funding for additional lay bys in the area.

RESOLVED:

- (1) that this request for additional lay-bys be considered alongside other requests as part of the usual Highways Capital programme;
- (2) that Officers be requested to consider other ways of funding for this type of work.

FINANCE, RESOURCES AND EQUAL OPPORTUNITIES SCRUTINY COMMITTEE

HYPOTHECATION OF CAPITAL RESOURCES

The Committee agreed the following resolutions at its meeting:-

- *“that the Committee express their concern to Cabinet that changes should not be made to the education capital programme in order to fund the highways capital programme; and*
- *that the relevant Cabinet member be invited to discuss his views on the Cabinet’s request to consider hypothecation of the capital programme.”*

Councillor Blackmore referred to the report circulated with the agenda which had been prepared in response to the request from the Finance, Resources and Equal Opportunities Scrutiny Committee. He recommended that the Officer advice in the report be agreed.

RESOLVED:

- (1) that any decision on hypothecation (or otherwise) of capital resources be deferred until the next 3 year capital programme (2005/06 to 2007/08) was being considered; and
- (2) that the comments of the Scrutiny Committee be noted, and taken in to consideration at the above time.

22. LEICESTER WEST TRANSPORT SCHEME PROPOSAL

Councillor Hunt submitted a report which set out the position of the Leicester West Transport Scheme (LWTS) and proposed a way forward for the scheme.

The relevant minute extract of the Highways and Transportation Scrutiny Committee held on 14 July 2003 was circulated to the Cabinet.

RESOLVED:

- (1) that Cabinet reconfirms its commitment to develop a comprehensive Park and Ride system, including a site in the south of the City, and in partnership with the County Council, for Central Leicestershire;
- (2) that Officers be asked to review the current proposals and further investigate options for sites in the south of the City and report back appraised options for consideration; and
- (3) that the City Council, in partnership with the County Council, complete the submission of the Leicester West Transport Scheme proposal to the Department for

Transport for Major Local Transport Scheme funding before 31 July 2004.

23. UPPERTON ROAD VIADUCT MAJOR SCHEME BID PROPOSAL

Councillor Hunt submitted a report seeking the Cabinet's approval to submit a Major Scheme Bid to the Department for Transport (DFT) in the sum of approximately £19 million by 31 July 2003 for funding the replacement of the Upperton Road Viaduct.

The relevant minutes extract from the Highways and Transportation Scrutiny Committee held on 14 July 2003 was circulated to the Cabinet. Councillor Hunt in response to the Scrutiny Committee's concerns, stated that the scheme had been designed to ensure there was a road open at all times except for a short period which wouldn't be during either a home rugby or football match. A separate temporary road would be built alongside the replacement to ensure a continued flow of traffic. With regard to the other concerns about cyclists travelling along the Great Central Way he commented that, incorporated in the design would be features which would prevent cyclists from speeding out into the road.

Other Members of the Cabinet noted that local residents had concerns with regard to the Western Road pedestrian crossing in relation the height of the road and requested this be consulted on. Officers in reply stated that usual standards for road and path steepness would be applied in the design of the road and they would discuss the matter with the concerned resident. Further to this, Officers confirmed they would consult further on the detail of the scheme and make sure local residents and businesses were aware of the arrangements throughout the progress of the work.

Councillor Hunt commented that he had requested that Officers consider the inclusion, through the planning permission for this scheme, time limits to ensure the Council had some control over the scheme overrunning its scheduled completion date.

RESOLVED:

- (1) that "Option C" as detailed in the report, be approved as the project solution;
- (2) that the submission of a "Major Scheme Bid" for funding to the Department for Transport, in the sum of approximately £19million, by the 31 July 2003, be approved;
- (3) that, subject to the approval of the bid (by the Department for Transport), the Head of Legal Services be authorised to enter into an agreement with Network Rail pursuant to Section 94 of the Highways for the transfer of the Viaduct and land to the Highway Authority in order that the demolition of the Viaduct can take place;

- (4) that, subject to the approval of the bid (by the Department for Transport), the appointment of a contractor be approved from a Select List of works contractors to be drawn up according to the Council's Contract Procurement Rules for the design and build of the works; and
- (5) that, subject to the approval of the bid (by the Department for Transport) the Cabinet receives proposed project management arrangements from the Project Director, following approval of the bid.

24. SAFEGUARDING CHILDREN: SUMMARY OF ROLES AND RESPONSIBILITIES AND THE SOCIAL SERVICES INSPECTORATE'S EVALUATION OF THE COUNCIL'S SELF-AUDIT AGAINST THE LAMING INQUIRY RECOMMENDATIONS

Councillor Coles submitted a report which sought endorsement of the statement of accountabilities within the Council designed to safeguard children, as set out in the report. The Statement had been prepared following the publication of the Victoria Climbié Inquiry by Lord Laming. The report also set out the findings of the Social Services Inspectorate evaluation of the City Council's self audit conducted following the Inquiry report.

The relevant minute extract of the Social Services and Personal Health Scrutiny Committee held on 25 June 2003 was attached to the report. Councillor Coles noted the Scrutiny Committee had endorsed the statement of accountabilities.

Councillor Coles confirmed he would be the Lead Cabinet Member for Safeguarding Children. Councillor Blackmore noted that he had informed the Scrutiny Committee Triumvirate of this.

RESOLVED:

- (1) that the Summary of Roles and Responsibilities for Safeguarding Children, as attached to the report, be endorsed;
- (2) that the Lead Member for Safeguarding Children be Councillor Coles;
- (3) that the Statement of Roles and Responsibilities be adopted as part of the follow up work on the Victoria Climbié Inquiry recommendations; and
- (4) that the findings of the Social Services Inspectorate's positive evaluation of the City Council's audit against the Inquiry's recommendations, be noted.

25. SOCIAL CARE AND HEALTH BUDGET MANAGEMENT 2003/04

Councillor Coles submitted a report which provided an overview of the emerging issues in the Social Care and Health's 2003/04 revenue budget, together with information on how the budget would be managed.

Councillor Coles noted particular budgetary pressures resulting from the reduced level of slippage available from the Neighbourhood Renewal Fund and to the problems in recruitment following the County Council reviewing its terms and conditions to which the Corporate Director had developed proposals to respond as a matter of good faith to managers with support of the Scrutiny Committee. As a result of the Neighbourhood Renewal Fund issue he advised the Cabinet he would not be recommending 3.1(a) of the report but would ask the Corporate Director to bring a further report to Cabinet on action proposed to manage the budget.

The relevant minutes extract from the Social Services and Personal Health Scrutiny Committee held on 25 June 2003 were attached to the report. Councillor Coles noted the support received from the Committee.

RESOLVED:

- (1) that the Corporate Director for Social Care and Health produce a further report on the additional steps required to manage the departmental budget this year set out in paragraph 2.8 of the report, including a review of charges for non-residential services; and
- (2) that the Cabinet Link Member for Social Care and Health and the Social Services and Personal Health Scrutiny Committee be asked to monitor progress and bring matters of concern to the Cabinet.

26. RENT RESTRUCTURING - IMPACT ON LEICESTER

Councillor Metcalfe submitted a report which dealt with the impact of the Government's decision to change the way in which local authorities calculate the rents for their tenants to bring them more in line with other social landlords.

Councillor Metcalfe expressed a number of concerns relating to the Government's proposals; in particular he was concerned about the loss of local control in setting rents as they were being set according to a specific formula. He was also concerned about the potential increase to rents in Leicester, the benefits of which would not be retained by the authority. He suggested that the Council make a forceful rejection of the Government's proposals.

Councillor Metcalfe noted that these proposals would be fully consulted on with the Tenants Associations, Leicester Federation of Tenants Associations, relevant Community Associations and the Housing Management Board.

RESOLVED:

- (1) that the report be noted and how rent restructuring will impact on rents in Leicester;

- (2) that the consultees listed above be consulted on whether the 5% flexibility allowed under the scheme to offset the increases to rents of Bedsit accommodation and 1 bed flats should be used; and whether any shortfall created by the use of this flexibility should be funded by increasing the rents of 3 and 4+ Bed Houses;
- (3) that the Secretary of State be written to expressing concern as to how the scheme was working and particularly how it was impacting on the rents on the most difficult to let properties in the City;
- (4) that the Secretary of State be written to asking that Leicester be allowed to retain the additional income resulting from rent restructuring, rather than paying it to the Government in the form of negative subsidy; and
- (5) that the Government proposals be fully consulted on with Leicester Federation of Tenants Associations, Tenants Associations, Community Associations and the Housing Management Board.

27. EARLY RETIREMENT FOLLOW-UP REPORT AND EXERCISE OF DISCRETIONARY POWERS UNDER THE LOCAL GOVERNMENT PENSION SCHEME (LGPS)

Councillor Blackmore submitted a report that informed the Cabinet of the outcome of the District Auditor's second review of the Council's Early Retirement Policy. The report recommended a number of changes to the Early Retirement Policy.

RESOLVED:

- (1) that the positive comments made by the District Auditor on the progress the Council has made since 1997/1998 in both reducing the number of early retirement cases and in developing its early retirement policy, be noted;
- (2) that the financial threshold for member involvement in decision-making regarding redundancies and early retirements at £50, 000, be retained;
- (3) that the waiving of employee contributions for employees who have 40 years LGPS membership between the ages 58 and 60, be approved;
- (4) that the award of added years in efficiency cases be restricted to a maximum of 5 years in all cases;
- (5) that the Council's existing policy of not allowing employees

to retire under "Rule 85", other than in exceptional circumstances, and of not awarding additional pensions benefits to starters or leavers, be reaffirmed;

- (6) that the pension implications arising from the statutory "Code of Practice on Workforce Matters in Local Authority Service Contracts" issued in March 2003, be noted;
- (7) that the Council will not support applications for admitted body status from external organisations, the Council, will however, consider (on a case-by-case basis) admitting bodies consisting of functions which have been transferred out of the Council, where employees with existing scheme membership are involuntarily transferred, employees subsequently recruited to the new body will not be admitted;
- (8) that the revised policy statement and guidelines as set out in Appendices 1 and 2 of this report in order to make the above policy changes operative, be adopted.

28. REVENUE OUTTURN 2002-03

Councillor Scuplak submitted a report that showed the summary budget position comparing spending with the budget for all General Fund Services and the Housing Revenue Account.

Councillor Scuplak moved an amendment to recommendation 3.1(i) of the report with regard to the carry forward of the underspend in Neighbourhood Renewal Funding. This was agreed.

RESOLVED:

- (1) that the final outturn for 2002/03 for each department and the Council as a whole, be noted;
- (2) that the reasons for the variances between the 2002/03 budget and the final outturn, be noted;
- (3) that the position of the Council's general reserve, be noted;
- (4) that the position in respect of earmarked reserves, be noted;
- (5) that a contribution of £0.6m to the capital fund, be approved;
- (6) that the proposals for the use of underspends, be noted;
- (7) that proposed uses of underspending in excess of

£100,000 be approved and it be agreed to suspend the carry forward of underspendings by the Resources, Access and Diversity Department pending resolution of the issues detailed in the supporting information of the report (a waiver of Finance Procedure Rule 4.6.4);

- (8) that the drawing down of earmarked reserves to meet revenue costs incurred in 2002/03, be approved;
- (9) that a carry forward of £122,900 in respect of the underspend on the NRF core funding be approved, the detailed allocation of this sum be delegated to the Corporate Directors of Cultural Services & Neighbourhood Renewal and Social Care and Health in consultation with their Cabinet Link Members;
- (10) that the establishment of new earmarked reserves (proposed in section 9.13 of the supporting information report), be approved;
- (11) that £289,000 of corporate budgets which relates to underspendings on the £1m provision in 2002/03 for city centre improvements, be carried forward.

29. LOUGHBOROUGH ROAD CONSERVATION AREA CHARACTER STATEMENT

Councillor Hunt submitted a report seeking the Cabinet's approval to adopt the Loughborough Road Conservation Area Character Statement as supplementary planning guidance to the City of Leicester Local Plan.

RESOLVED:

- (1) that the Loughborough Road Conservation Area Character Statement be adopted as supplementary planning guidance to the City of Leicester Local Plan; and
- (2) that the deletion of 89 Loughborough Road and the land alongside from the Loughborough Road Conservation Area, be approved.

30. ST GEORGE'S CONSERVATION AREA CHARACTER STATEMENT

Councillor Hunt submitted a report seeking approval to adopt the St. George's Conservation Area Character Statement as supplementary planning guidance to the City of Leicester Local Plan.

Councillor Blackmore noted that representatives from English Heritage and CABE recently visited the city and they had commented on the amount of quality historical buildings in Leicester. He noted they would be reporting back on their visit and asked that the matter be reported to Cabinet.

RESOLVED:

- (1) that the St George's Conservation Area Character Statement be approved as supplementary planning guidance to the City of Leicester Local Plan; and
- (2) that the extension of the conservation area to include the five areas shown on the plan accompanying the report, be approved.

31. FRAMEWORK FOR THE DISPOSAL OF PROPERTY

Councillor Suleman submitted a report which sought to establish a framework which enabled consistent and equitable responses to be given to requests for the disposal of property which the Council received from individuals, groups, organisations and companies in respect of property owned by the City Council.

Councillor Suleman moved an amendment regarding further consideration of criteria in relation to regeneration schemes. This was agreed.

RESOLVED:

that all previous policies relating to the disposal of property be revoked and the framework and proposed policy as set out in the Supporting Information to the report be adopted, subject to further consideration of the criteria relating to regeneration schemes, and if appropriate, a further report on the criteria to Cabinet.

32. 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 or the supply of goods or services.

Lease of Greenacres Site to Chaos Enterprises

Councillor Henry remained in the meeting for consideration of this item as she had made a request 24 hours before the meeting, in line with Rule 19 of the Access to Information Procedure Rules of the Council's Constitution, to listen to the Cabinet's discussions. The Cabinet judged she had a need to know in respect of her Ward Councillor role.

Councillor Bhatti's request to stay was refused as he had not given 24 hours notice. It was recognised that his role as Chair of the Finance, Resources and Equal Opportunities Scrutiny Committee may enable him to remain present for some future private Cabinet debates, he must however ensure he gave 24 hours to the Town Clerk notice if he wished to do so.

33. LEASE OF GREENACRES SITE TO CHAOS ENTERPRISES

Councillor Hunt submitted a report concerning a site that fell within the Redhill Planning Policy Area and recommended the leasehold disposal of the site to Chaos Enterprises (Leicester) Ltd for a community economic development approach to sustainability.

During discussion of this item the Cabinet requested that consideration be given in a future report to creation of specialist bidding arrangements. This would be with a view to accessing various different types of funding from different organisations such as the Lottery, European sources and others.

RESOLVED:

- (1) that it be noted that the Cemeteries and Crematorium Strategy report undertaken by Peter Mitchell Associates (which has yet to be considered by Councillors) does not identify any future Cemetery requirements for the CHAOS site and that by virtue of the Cremation Act 1902, section 5 the site is not suitable for a Crematorium development;
- (2) that the disposal of the site as shown, (for identification purposes only) as Site B on the plan at Appendix 1 of the report and extending to approximately 1.6 acres, be made available to CHAOS Enterprises (Leicester) Limited as it meets the criteria set out in the framework for this disposal of property on a one-to-one basis eg very limited range of uses, the social, economic and environmental outputs from the projects are unlikely to be delivered by any other lessee, the project is limited to the location for funding purposes and is within a deprived Ward, all as set out in Appendix 2 of the report. Further, in the event of the disposal being at less than best consideration, this will be based upon the factors referred to in the Disposals framework eg the ability of the purchaser to pay, the Council's general fiduciary, the wider community benefit of the project which is unlikely to be otherwise achieved, and the extent to which external funding is being levered in. The disposal was approved:-
 - (a) on the basis of a lease for 125 years, preceded by an Agreement to Lease, and
 - (b) that the Corporate Director of Resources, Access

and Diversity, in consultation with the Cabinet Departmental Link Members for Resources Access and Diversity and Environment, Regeneration and Development be authorised to agree the detailed terms of the lease, including terms which may, following independent valuation, be at less than best consideration, subject if necessary to the consent of the Secretary of State; and

- (3) that options be given in a future report for arrangements for specialist bidding for securing external funding.

34. CLOSE OF MEETING

The meeting closed at 6.14pm.