



Leicester
City Council

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FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet

5th December 2005

Highfields Centre – Community Governance Update

Report of the Director of Education and Lifelong Learning

1. Purpose of Report

- 1.1. This report updates Cabinet on discussions and progress regarding the community governance of the Highfields Centre (formerly Highfields Youth and Community Centre) following the setting up of the Partnership Board by Cabinet on 27th September 2004.

2. Summary

- 2.1. The HCA have sought a judicial review of this Cabinet decision believing that previous decisions required that the Partnership Board should be tasked with recommending on the process for implementing community governance. As a result they did not accept the proposed terms of reference and a further period of informal discussions was initiated.
- 2.2. Informal discussions with the Highfields Community Association (HCA) and other stakeholders were initiated following the Cabinet decision and the first meeting of the Partnership Board took place in March 2005.
- 2.3. This meeting considered draft terms of reference based on the Cabinet decision that specifically identified the purpose of the Board to develop options for community governance.
- 2.4. Further informal discussions including a without prejudice meeting between the Corporate Director and HCA on 17th November 2005 have recognised that there is a need to work up a practical and affordable model of community governance. This will engage stakeholders through the Partnership Board and subsequently be considered by Cabinet.
- 2.5. This model will need to clearly identify the commitments made by the Council to external funders and the liabilities that result to ensure that risks are minimised and fairly distributed in any commissioning agreements.

2.6. In the mean time the day to day operational arrangements for the Centre need to be reviewed to ensure the maximisation of service delivery while the model is being considered.

3. Recommendations

Cabinet is recommended to agree to:

3.1. Note the ongoing discussion with the Highfields Community Association

3.2. Ask the Director of Education and Lifelong Learning to bring forward a report by March 2006 setting out, with the HCA and engaging the Partnership Board, a practical and affordable option for community governance for the Highfields Centre.

3.3. The development of robust operational and financial arrangements by 15th December 2005 to maximise usage of the Highfields Centre in the interim.

4. Headline Financial and Legal Implications

NB. Legal implications need to be completed by Legal Services

4.1. Financial Implications

4.1.1. The current revenue budget for the HYCC is £135,300. This includes the running costs for the centre and staffing costs. There are a number of further budget provisions within the Youth, Adult and Early Years Services that support service delivery.

4.1.2 The options for Community Governance must include a robust system for Financial Governance and Management in accordance with the standards required for public accountability.

4.1.3 There are a number of financial implications and associated risks that could arise from any change in governance because of ongoing conditions arising from grant funding. These need to be identified, assessed and managed through the development of the model of community governance.

4.1.4 Hazel Noakes-Checklin Finance Services Manager, Education Finance, Ext 7756.

4.2. Legal Implications

4.2.1 Two Judicial Review claims have been made against the Council by the Highfields Community Association. The first one was commenced in September 2004 and sought to challenge, amongst other things, the extension of the Education and Lifelong Learning's Divisional Organisational Review to include covering the Highfields Youth and Community Centre. The second challenge was made in December 2004 and covered, amongst other things, the Cabinet decision on 27 September to approve the Divisional Organisational Review and the Cabinet's approval of the creation of a Partnership Board and post of Project Manager in respect of the Highfields Youth and Community Centre.

- 4.2.2 Judicial Review is the process whereby the High Court considers the process and procedures the Council followed in relation to the decisions now being challenged. Judicial Review works by way of a filtering process. Claims require permission to proceed. The legal test has to be shown to obtain permission is that there is "an arguable case". If permission is granted a detailed Court Hearing will then be arranged. Unless the matter is urgent the detailed hearing might not take place for 6 - 9 months.
- 4.2.3 In respect of the initial challenge the High Court directed that the question of permission be decided by way of an Oral Hearing. With the issue of the second challenge the Proceedings have now been consolidated. No Permission Hearing has yet been held in view of the informal 'Without Prejudice' correspondence/discussions that the report indicates have taken place.
- 4.2.4 If the JR claims are proceeded with and are successful the usual rule that the loser (the City Council) pays the winner's legal costs will apply. The converse will be the position if the claims were dismissed.
- 4.2.4 By agreement the Proceedings currently stand adjourned until 15 December.
- 4.2.6 Anthony Cross, Head of Litigation Ext. 6362

5. Background Papers

- 5.1. Developing Options for the Governance of Highfields Youth and Community Centre – Cabinet September 27th 2004.
 - 5.2. Highfields Sports Centre Lottery Bid – Cabinet May 21st 2001
 - 5.3. Legal Services File reference 56586 containing in -part exempt information.
- ## **6. Report Author/Officer to contact:**
- 6.1. Keith Murdoch, Head of Community Services Ext 6001