



Leicester
City Council

Minutes of the Meeting of the
CABINET

Held: MONDAY, 25 JANUARY 2010 at 1.00pm

P R E S E N T :

Councillor Willmott - Chair
Councillor Dempster - Vice-Chair

Councillor Connelly
Councillor Kitterick
Councillor Palmer
Councillor Russell

Councillor Dawood
Councillor Osman
Councillor Patel
Councillor Westley

ALSO IN ATTENDANCE

Councillor Coley
Councillor Grant
Sheila Brucianni

Liberal Democrat Group Leader
Conservative Group Leader
Independent Chair of the
Standards Committee

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143. APOLOGIES FOR ABSENCE

No apologies were received.

144. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business on the agenda and/or declare if Section 106 of the Local Government Finance Act 1992 applied to them.

Councillor Connolly declared a pre-determined view in respect of item 7, Rival Market Licence Application at Leicester City Football Club and undertook to leave the meeting during consideration of this item. Councillor Connolly also declared in respect of item AOUB B1, Leicester's New Business Gateway New Business Quarter Phase 2 (NBQ2), that he was employed by Royal Mail. He undertook to leave the meeting during consideration of this item as well.

Councillor Russell declared a pre-determined view in respect of item 7, Rival Market Licence Application at Leicester City Football Club and undertook to leave the meeting during consideration of this item. Councillor Russell further declared that in respect of item AOUB B1, Leicester's New Business Gateway New Business Quarter Phase 2 (NBQ2), her partner was employed by Royal Mail. She undertook to leave the meeting during consideration of this item as well.

Councillor Westley declared a personal and prejudicial interest in item 7, Rival Market Licence Application at Leicester City Football Club, as his cousin was a market trader and he undertook to leave the meeting during consideration of this item. Councillor Westley also declared in respect of item AOUB2, Housing Revenue Account – Budget 2010-11, that his family were Council housing tenants.

Councillor Coley declared that in respect of item 8, Care Quality Commission (CQC) Annual Performance Assessment, Leicester City Council – Adult Social Care Services 2008/09, his daughter worked for the Adult Social Care Services. Councillor Coley further declared that in respect of item 7, Rival Market Licence Application at Leicester City Football Club, he was a member of the Markets Forum and had expressed a view on the application. It was noted that as Councillor Coley had no voting rights on Cabinet he did not need to leave the meeting for the consideration of this item.

Councillor Grant declared that in respect of item 7, Rival Market Licence Application at Leicester City Football Club, he had expressed a view on the application. It was noted that as Councillor Grant had no voting rights on Cabinet he did not need to leave the meeting for the consideration of this item.

145. LEADER'S ANNOUNCEMENTS

Councillor Willmott explained that staff who had been involved with gritting the roads during the recent severe weather had been invited to the pre Cabinet lunch. He expressed his appreciation for the exceptional work that had been carried out by them in keeping the major roads open.

146. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of meeting of Cabinet, held on 14 December 2009, be confirmed as a correct record.

147. MATTERS REFERRED FROM COMMITTEES

Meeting of the Overview and Scrutiny Management Board 21 January 2010.

The above Committee agreed that Cabinet be asked:

- 1) to note the current insufficient level of Members Support and the inadequate structure to support the roles of Task Group Leaders and Chairs and Vice Chairs of Scrutiny Committees to allow scrutiny to perform better; and
- 2) that given the small number of Members Support Officers, Cabinet be asked to note that any loss of resource for any reason has a significant impact on the scrutiny process.

Councillor Willmott responded that additional support to scrutiny had been allocated when the scrutiny system was reorganised. He commented that there needed to be some dialogue between scrutiny and Cabinet and he regretted that he had not been invited to the meeting when this was discussed. He questioned why it was considered that the present support levels were inadequate and he wondered whether the current support needed to be organised in a different way. Councillor Willmott stated that he would welcome a meeting to discuss ways of making the system work more effectively and Councillor Grant responded that Councillor Willmott would be welcome to a future meeting of the Overview and Scrutiny Management Board to discuss the matter further. Councillor Willmott stated that it would be useful to meet before this.

RESOLVED:

that it be agreed for Councillor Willmott and Councillor Grant to meet to discuss the current level of Members Support.

148. STANDARDS COMMITTEE FIRST ANNUAL REPORT 2008-2009

Councillor Willmott agreed for this item to be moved forward on the agenda.

Sheila Brucciani, Independent Chair of the Standards Committee submitted a report that asked Cabinet to note the achievements of the Standards Committee for the year 2008-2009 and to consider the challenges for the year ahead. Members heard that since 2007, the membership of the Standards Committee had increased to nine members and they had worked to establish a process that dealt with complaints against elected members in a less bureaucratic manner. Mrs Brucciani outlined the work that had been carried out by the Standards Committee, which had included the revision of the Members' Register of Interests and the Code of Practice for Members' Involvement in Development Control Decisions. Mrs Brucciani then outlined the Committee's plans for the year ahead, which would include looking at informal ways of resolving complaints, such as through mediation. She further added that work had been carried out to raise the profile of the Standards Committee and this would continue in the forthcoming year. She stated that there had been no breaches of the Code of Conduct, and the Standards Committee were proud of this.

Councillor Willmott thanked Mrs Brucciani for submitting the report and

presenting it to Cabinet.

RESOLVED:

that Cabinet notes the achievements of the Standards Committee and notes the actions for the forthcoming year.

149. INCLUSIVE DESIGN ACTION PROGRAMME 2010-2011

Councillor Kitterick submitted a report that asked Cabinet to consider and approve the Inclusive Design Action Programme, which supported and took forward the findings of the Regeneration and Transport Scrutiny Task Group and recommendations of the Overview and Scrutiny Management Board recommendations relating to access and inclusion.

Councillor Kitterick thanked the Regeneration and Transport Task Group and Councillor Hall for their report and explained that good design and accessibility would help everyone and not just people with accessibility issues.

Councillor Hall thanked the Officers who had produced the report and explained that it was hoped that the Council's guidance on inclusive design and access should be regularly reviewed to reflect any new legislation. He commented that there were resource implications but that the Council had a good record of responding to these.

RESOLVED:

that Cabinet approves the Inclusive Design and Action Programme and the Inclusive Design Aims set out in Appendix 2 of the report.

150. RIVAL MARKET LICENCE APPLICATION AT LEICESTER CITY FOOTBALL CLUB

Councillors Connolly and Russell, having declared a pre-determined view on this application left the room for the consideration of this item.

Councillor Westley, having declared a personal and prejudicial interest in this application, left the room for the consideration of this item.

Councillor Willmott stated that he had been involved in previous discussions in connection with the application, and therefore he had requested that Councillor Dempster present the report.

Councillor Dempster submitted a report that considered an application received from LSD Promotions for a market at Leicester City Football Club to be held weekly on Sundays and also on Bank Holidays.

Councillor Dempster explained that the report had taken into account the views of the Market Forum, which had met on 10 November 2009. It was considered that the proposed market would not divert any significant trade from the central market and would provide a new shopping opportunity for local people and

visitors to the City. It would also create new employment and business opportunities, including opportunities for existing city centre market traders. It was proposed that a licence with special conditions would provide additional safeguards for the central market, and this would include a temporary licence for three years with reviews at six, twelve and twenty four months. Councillor Dempster added that the future success of the central market was very important to the City and this was recognised in the 'One Leicester Vision'.

Councillor Coley commented that the Markets Forum had strongly rejected the Rival Market Licence Application. He stated that the report did not assess the risks to the Leicester Market and that the viability of the weekly market would be affected. Although it was stated that the previous Sunday market had not had a detrimental impact on the Leicester Market, this had been a car boot sale rather than a traditional market. Councillor Coley expressed concern that the Leicester Market was already experiencing difficulty with empty stalls, and further competition could result in a higher level of unoccupied stalls. This would result in not only a loss of livelihoods but also loss of income, which would counteract the income gained from the Sunday Market. Councillor Coley added that the council were guardians of the market place and that it needed to be protected.

He asked Cabinet to reconsider the application.

Councillor Willmott responded that Cabinet were reconsidering the application following fresh consultation, but the Council had a duty to deliver a decision.

Councillor Kitterick commented that Cabinet Members would not wish to make a decision that would threaten the viability of the Leicester Market, but with Sunday trading, the type of products that would be available in the Sunday Market would also be freely available elsewhere. He commented however that some action needed to be taken to address the poor shopping environment in the indoor market hall. In addition the market looked unattractive at times because of the refuse collections that were made near to food stalls. Councillor Kitterick further suggested that a Sunday Market could also operate in the City Centre.

Councillor Grant commented that the Report of the Task Group Review into Leicester Markets had not yet been considered by Cabinet and this had looked at the levels of occupancy within the indoor and outdoor market. He added that the markets income, which totalled £1.8 million last year was at risk for the sake of the income from the Sunday Market.

Councillor Willmott responded that the policy was not about the proposed income from the Walkers Stadium but about operating fairly, and that applications such as this needed to be considered properly. Councillor Willmott had met with the Markets Forum and he respected their point of view. He stated that the Council had a long term intention to secure the future of the market, but he believed that the approval of the Sunday Market was the correct course of action.

RESOLVED:

that Cabinet approves a licence with special conditions as set out in Appendix A (Page 14 -16) of the report amended to include provision that Sunday and Bank Holiday Markets should not to be held on same day as first team football matches.

Councillors Connolly, Russell and Westley then returned to the meeting.

151. CARE QUALITY COMMISSION (CQC) - ANNUAL PERFORMANCE ASSESSMENT, LEICESTER CITY COUNCIL- ADULT SOCIAL CARE SERVICES 2008/09

Councillor Palmer submitted a report that provided Members, of the Council's rating of the Adult Social Care annual self-assessment for 2008/09 by the Care Quality Commission.

Councillor Palmer explained that this was a new rating system and he was very proud that the Authority had been awarded the second highest category, which was "Performing well – consistently delivering above the minimum requirements for people". He added that this represented good strong progress and there were strategies in place to deal with any areas for improvement. He further commented that the Council was determined to strive for an excellent rating, to benefit those who used the service.

Councillor Palmer also noted that the Overview and Scrutiny Management Board had noted the report and endorsed the recommendations.

RESOLVED:

that Cabinet:

- 1) notes the overall CQC grade – 'Well and consistently delivering above the minimum requirements' awarded to Leicester in 2008/09; and
- 2) notes the actions the areas for improvement as detailed in Appendix A, which will be implemented to move the Council to an Excellent rated Adult Social Care Service for 2009/10.

152. COLLECTION FUND SURPLUSES

Councillor Patel submitted a report that identified the estimated financial position of the Collection Fund Account as at 31 March 2010. He explained that it was a statutory requirement to calculate the estimated surplus or deficit for this account, because the figure needed to be taken into account during the Council Tax setting process. The authority was also required to notify the Police Authority and Fire Authority of the estimate as they were entitled to receive a share of any surpluses or bear part of the deficit.

RESOLVED:

that Cabinet:

- 1) approves the estimated collection fund surplus figure of £628,000; and
- 2) approves the estimated share payable to the Police Authority, Fire Authority and the City Council as follows:

Precepting Authority	£'000
City share	529
Police share	75
Fire share	24
Total	628

153. COUNCIL TAX - TAXBASE

Councillor Patel submitted a report that detailed the recommended taxbase for the financial year 2010/2011. He explained that the tax base was in effect, the number of properties in the City on which council tax was charged.

RESOLVED:

that Cabinet endorses a taxbase for 2010/2011 of 78,799 properties expressed as the equivalent number of "Band D" properties.

154. ADDITIONS TO THE 2009/10 PROCUREMENT PLAN

Councillor Patel submitted a report that sought Cabinet's approval for new additions to the Procurement Plan for 2009/10. Councillor Patel referred Members to an addendum to the Procurement Plan, which had been circulated after the report and agenda had been despatched.

RESOLVED:

that Cabinet:

- 1) approves the forward plan of additional procurement activities attached in Appendix 1 of the report, which will be added to the Plan approved by Cabinet on 30 March 2009.
- 2) notes that the consolidated Plan will be reviewed from time to time and actual procurement activity will be monitored against the plan by the Select Committee.

155. CONTRACT PROCEDURE RULES WAIVERS

Councillor Patel submitted a report that provided Cabinet with a summary of Contract Procedure Rules waivers. He noted that the Performance and Value for Money Select Committee had noted the report and drew Members attention to their recommendations to the Overview and Scrutiny Management Board,

that the Task Group carrying out a review of the Special Olympics, should also look into Contract Waiver 12 relating to the provision of services for the Special Olympics.

RESOLVED:

that Cabinet notes the summary of Contract Procedure Rule waivers that were summarised in Appendix A of the report.

156. CABINET'S SCHEME OF DELEGATION

Councillor Willmott submitted a report that enabled Cabinet to review its Current Terms of Reference, portfolio structure and agree a revised Scheme of Delegation.

Members considered the report and agreed that Domestic Violence should be included in the Health and Community Safety portfolio and City Catering should be included within the portfolio relating to Children and Young People's Services.

RESOLVED:

that Cabinet:

- 1) notes and supports the revised portfolios contained within the report,
- 2) approves the revised Scheme of Delegation as detailed in Appendix A of the report; and
- 3) authorises the Director, Legal Services to include the revisions in Part 3 of the Constitution and to arrange for this to be published via the Intranet/Internet,
- 4) that Domestic Violence should be included within the Health and Community Safety portfolio and City Catering should be included within the portfolio relating to Children and Young People's Services.

157. ANY OTHER URGENT BUSINESS

HOUSING CAPITAL PROGRAMME 2009/10 AND 2010/15

The Leader agreed to accept the above item on the grounds of urgency under Cabinet Procedure Rule 7d as the information contained within the report arrived late from the Government and Cabinet's views were required, before the report would be considered at Council on 28 January 2010 as part of the budget consultation process.

Councillor Westley submitted a report that advised Members on the position at period 7 on the capital programme, revised the forecast for the 2009/10 out-turn and proposed a five year housing capital programme for 2010/2015 for

Members approval. Councillor Westley explained that more money would be set aside to carry out disabled adaptations and disabled facilities grants. Cabinet was asked to note that the Tenants Performance Panel had fully supported the proposals contained within the report.

RESOLVED:

that Cabinet recommends Council to:

- 1) approve the revised programme, outlined in Appendix 1, for 2009/10 and funding arrangements outlined in paragraph 3.2 of the Supporting Information, and authorise the Director of Legal Services to enter into any contracts necessary to maximise the spend against the revised programme;
- 2) note the ongoing position concerning Right to Buy and other capital receipts and its impact on the General Fund side of the Housing Capital Programme;
- 3) approve the resources shown in Appendix 2 of the report, including the use of Housing DSO Reserves, Housing Balances and the Prudential Borrowing Framework to support the Housing Capital Programme over the next five financial years;
- 4) endorse the proposal that environmental works in Private Sector Home Improvement Areas should stop so more resources can be directed into energy efficiency measures (para 6.5);
- 5) consider the Equality Impact Assessment appended to this report;
- 6) approve the Housing Capital Programme for 2010/15 outlined at Appendix 3 including a small level (3.5%) of over programming, and delegate authority to the Divisional Director Housing Services in consultation with the Lead Cabinet Member for Housing to authorise any contracts, and the Director of Legal Services to sign any contracts within the overall programme, to achieve a maximum spend against the resources available;
- 7) agree to ringfence any new housing capital receipts generated in year to support the Disabled Facility Grant (DFG) Programme;
- 8) approve the use of any commuted sums realized in year for the acquisition of new affordable housing through either HomeCome or RSL's.
- 9) note that the 2010/11 Programme will be reviewed during the

financial year, and the 2011 to 2015 Programmes will be subject to further scrutiny and ratification as part of the normal annual budget cycles (in particular, commitment to use prudential borrowing and HRA balances will be reviewed at this time); and

- 10) delegate, to the Divisional Director Housing Services and Lead Cabinet Member for Housing, authority to approve bids from Community Associations under the Environmental and CRI allocations.

HOUSING REVENUE ACCOUNT – BUDGET 2010/11

The Leader agreed to accept the above item on the grounds of urgency under Cabinet Procedure Rule 7d as the information contained within the report arrived late from the Government and Cabinet's views were required, before the report would be considered at Council on 28 January 2010 as part of the budget consultation process.

Councillor Westley submitted a report that summarised the financial position of the Housing Revenue Account (HRA) for 2009/10 and 2010/11. The approval of Members was sought for setting rents for 2010/2011 based on the Government's "formula" rents" and Members were asked to determine the level of service charges to be applied in 2010/11

Councillor Westley asked Members to note that the Tenants Performance Panel had fully supported the proposals contained within the report.

RESOLVED:

that Cabinet recommends Council to:

- 1) note the estimated working balance of £2.387m at the start of 2010/11 and approve the base budget for 2010/11 as detailed at Appendix A, including using £550,000 to support the HRA Capital Programme in 2010/11;
- 2) consider the issues outlined in the body of the report and in particular, the comments of the Performance Panel, which will be reported at the meeting;
- 3) consider the Equality Impact Assessment at Appendix F of this report;
- 4) approve the setting of rents for 2010/11 on the basis of "formula rents" which (for 2010/11 only) will require a uniform 2.5% increase in all rents, producing additional

income for the HRA of £1.610m.

- 5) approve the revised level of miscellaneous payments and charges to be applied in 2010/11, as detailed in Appendix C;
- 6) approve the “prudential indicators” for the HRA, as detailed in Section 3.7 of the report and Appendix D;
- 7) approve that £30,000 be added to the 2010/11 budget (and £125,000 in 2011/12 and then reducing in later years, as principal repayments reduce the outstanding loan) to facilitate £1.662m of new prudential borrowing being used to finance “Decent Homes” expenditure included in the 2010/11 HRA Capital Programme;
- 8) approve that £82,000 be added to the 2010/11 budget (and £342,000 in 2011/12 and then reducing in later years, as principal repayments reduce the outstanding loan) to facilitate £4.547m of new prudential borrowing being used to finance the City Council’s contribution to the ‘New Build Challenge Fund Phase 1’ scheme included in the 2010/11 HRA Capital Programme. It should be noted that this scheme was approved by Cabinet on 13 July 2009 and that the prudential borrowing costs in future years will be covered by the rental income on the new dwellings.
- 9) approve that £68,000 be added to the 2010/11 budget (and £285,000 in 2011/12 and then reducing in later years, as principal repayments reduce the outstanding loan) to facilitate £3.786m of new prudential borrowing being used to finance the City Council's contribution to the "New Build Challenge Fund Phase 2" scheme included in the 2010/11 HRA Capital Programme. It should be noted that this scheme was approved by Cabinet on 5 October 2009 and that the prudential borrowing costs in future years will be covered by the rental income on the new dwellings.
- 10) note that any costs relating to a new salary structure for craft and manual workers, or as a result of the introduction of the new Job Evaluation Scheme under Single Status, will be either met from savings due to the amalgamation of the Housing Management and Maintenance Divisions or contained within the HRA base budgets generally.

158. PRIVATE SESSION

Members of Cabinet considered the reasons for considering the following reports in private, on the basis that they contained information relating to the financial or business affairs of any particular person (including the Authority

holding that information). They felt that it was in the public interest to maintain the exemption, to protect the Council's business affairs. No objection was raised to this.

RESOLVED:

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 involved the likely disclosure of 'exempt' information, as defined in the Paragraph detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

LEICESTER'S NEW BUSINESS GATEWAY, NEW BUSINESS QUARTER PHASE 2 (NBQ2).

159. ANY OTHER URGENT BUSINESS

Councillors Connolly and Russell, having declared a personal and prejudicial interest, withdrew from the meeting for the consideration of this item.

LEICESTER'S NEW BUSINESS GATEWAY, NEW BUSINESS QUARTER PHASE 2 (NBQ2).

Councillor Kitterick submitted report that sought approval for implementation of the New Business Quarter Phase 2 (NBQ2) project.

RESOLVED:

that Cabinet agrees the recommendations set out in Paragraph 3 of the report and the additional recommendation relating to the Corporate Capital Programme.

160. CLOSE OF MEETING

The meeting closed at 2.20 pm

