



Leicester
City Council

Minutes of the Meeting of the
OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Held: TUESDAY, 7 DECEMBER 2010 at 5.30pm

P.R.E.S.E.N.T.

Councillor Grant– Chair
Councillor Bhavsar – Vice-Chair

Councillor Aqbany
Councillor Joshi
Councillor Scuplak

Councillor Bajaj
Councillor Newcombe
Councillor Suleman

Also In Attendance

Councillor Palmer

Cabinet Member for Adults

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98. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Clair.

99. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applied to them.

Councillor Aqbany declared a personal interest in Item 17 'Extending District Heating and CHP in Leicester' as his mother was a Council lessee.

Councillor Joshi declared a personal interest in Item 17 'Extending District Heating and CHP in Leicester' as his sister was a Council tenant.

100. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 18 November 2010 be approved as a correct record.

101. PETITIONS

The Director, Corporate Governance, reported that there were no petitions.

102. QUESTIONS/ REPRESENTATIONS/ STATEMENTS OF CASE

The Chair confirmed that the following question had been submitted to the Board from Mr Neil Talbot:

“How will Leicester City Council address the problem of fragmentation and disturbance to Aylestone Meadows Local Nature Reserve [LNR] that would be caused by this development and ensure the long-term management of the LNR and mitigation land for wildlife?”.

The Head of Planning Management and Delivery was in attendance to respond to the question and confirmed that there was an obligation to consider mitigation land management for wildlife as part of the planning process. He explained that it was difficult to answer the question directly as no formal planning application had been submitted to date. He made it clear that should an application be brought forward, on-site mitigation land would be required to reduce the impact on any particular species affected.

Mr Talbot felt that the details at the present stage were vague and was of the view that more detail in relation to mitigation management was required. The Head of Planning Management and Delivery reiterated that he could not be more precise as no formal proposal for acquiring the land had been received. Members were informed that a revised protected species report from the applicant.

Members of the Board requested that consultation took place with all interested parties once a formal application had been submitted. Officers confirmed that once a firm proposal was in place, the application would be appropriately advertised and all interested parties would be formally consulted. It was also stated clearly that the Wildlife Trust had been previously consulted and it had been agreed with the applicant that they would form part of any further consultation as the Trust played a key role in the management of nature reserves.

RESOLVED:

- (1) That the Board recognises the concerns raised by the questioner, and recommends that such issues be taken on board and fully considered prior to any firm proposals for the land being put forward; and
- (2) That all interested parties are fully considered on any future proposals that affect Aylestone Meadows Local Nature Reserve.

103. TRACKING OF PETITIONS - MONITORING REPORT

The Director, Corporate Governance submitted a report that further updated Members on the monitoring of outstanding petitions.

The Democratic Support Officer introduced the report. The Board were informed that there were no proposals to complete any of the petitions within the monitoring report at this stage, as work was still ongoing with each of these.

In respect of the petition requesting repair or replacement of the lift on Purcell Road, St Marks, it was reported that the lift returned to service on 30 November and since this date, had not reported a fault. It was pointed out that the CCTV camera was to be installed by the end of the year.

In relation to the petition requesting the installation of speed limit and vehicle activated signs on Marfitt Street, it was stated that the general assessment policy was likely to be completed by the beginning of 2011, and as soon as this was the case, officers would begin to respond to this particular petition.

In connection with the petition objecting to the closure of the Thurnby Lodge Housing Office, Councillor Scuplak asked whether an officer would be invited to a future Board meeting to provide evidence in relation to the matter as there were over 750 signatures to the petition. The Democratic Support Officer confirmed that under the new petitions scheme adopted in May 2010, such action would be triggered upon receipt of a petition that had in excess of 750 signatures and informed Members that this would take place at the next Board meeting on 17 January 2011.

RESOLVED:

- (1) That the current outstanding petitions be noted; and
- (2) That officers be invited to the next meeting on 17 January 2011 to give evidence in relation to the petition objecting to the closure of the Thurnby Lodge Housing Office.

104. NEW EXECUTIVE ARRANGEMENTS - CONSULTATION

The Monitoring Officer was present to inform the Board of the processes used in respect of the consultation on whether Leicester should have an elected mayor.

The Monitoring Officer reported that the Full Council meeting on 19 November agreed to initiate a period of consultation on Leicester's future model of executive arrangements. He stated that although the consultation period formally ended on Monday 6 December, further representations submitted in advance of the Full Council meeting on 9 December would be included.

At the time of speaking, the Monitoring Officer explained that approximately 750 responses to the consultation had been received, and that these were currently being verified.

The Board heard that a variety of consultation methods had been employed, and these included setting up a consultation page on the Council's website, establishing a generic e-mail address for responses and the publishing of several articles in local publications and the Leicester Mercury. Furthermore, a number of responses were collated within face-to-face settings with particular groups of identified people. It was also explained that the consultation received extensive media coverage, and engaged with social media outlets such as twitter. Members asked whether letters and opinions raised within Leicester Mercury articles and comments posted on the Mercury website had been included in the consultation responses. The Monitoring officer agreed to investigate whether these had been included.

In comparison with other authorities, the Monitoring Officer was of the view that Leicester's consultation had been relatively successful. It was stated that Sheffield and Leeds City Councils held consultation for 7 and 8 weeks respectively and gained no more responses than Leicester had. Blaby District Council undertook a 15 week consultation and received ten responses. Manchester City Council received roughly 3,000 responses but spent £60,000 on their consultation process. It was noted that Leicester had spent around £2,000.

Several comments were raised in connection with 750 responses amounting to a low overall response rate. The Monitoring Officer acknowledged that the figure was low as a percentage of the overall population of the city, but reminded Members that national government guidelines requested authorities to take reasonable efforts to conduct a consultation on new executive arrangements, and he was of the view that this had been achieved. Further examples were given of other authorities that received poorer responses rates during a longer consultation period, with other large unitary authorities such as Birmingham and Nottingham City Councils receiving no formal responses to their consultation.

In response to questions seeking clarity in respect of the verification process, the Monitoring Officer confirmed that computer I.P. addresses were being studied to identify possible abuse of the consultation mechanism. Members heard that some individual I.P addresses had generated more than one response but that this accounted for multiple occupants of a particular computer. It was stated that 212 responses had been received from the City Council's I.P. address but that this accounted for responses from officers and those who had responded at City libraries.

The possibility of the Council being legally challenged around the length of the consultation period was questioned. The Monitoring Officer explained that every decision taken by the authority was open to the possibility of challenge but reminded Members of the government guidance to conduct a reasonable

consultation and was confident that this had been undertaken, whilst keeping the costs to a minimum. He further stated that if this or indeed any other decision taken by the Council was judicially reviewed, then this legal process attached to it would incur thousands of pounds of expenditure to the Council.

Following a question in connection with how the views of the business community in Leicester had been incorporated, the Monitoring Officer confirmed that the Chamber of Commerce had consulted 457 of their Members and he was waiting on further information from them in terms of who exactly had responded. He also informed the Board that roughly 2,000 letters had been despatched to contacts on Ward Community Meeting Distribution List together with engagement with many voluntary sector contacts via Voluntary Action Leicester. It was requested that clarity be sought around whether the Leicester Asian Business Association (LABA) and the Federation of Small Businesses (FSB) had been consulted. The Monitoring Officer agreed to investigate whether these organisations had been consulted.

The Monitoring Officer confirmed that all members would receive a report that detailed the results of the consultation via e-mail tonight, and that this would also be despatched tomorrow to those that received a courier. Following a further query, he stated that this report would seek to differentiate between responses received by Leicester City Council residents and those that lived outside the City boundaries.

Several Members of the Board thanked officers for their efforts in carrying out the consultation and felt that attempts to consult in as many ways as possible had been undertaken. Several Members also felt that the response rate was pleasing.

Concern was raised around the late supply to Leicester libraries of materials that promoted the consultation, and felt that these should have been distributed sooner. The Monitoring Officer stated that this exercise took place as part of a later phase of the consultation in an attempt to engage as widely as possible, but acknowledged that this need could have been identified at an earlier stage. He confirmed that the poster had been displayed in several, but not all of the libraries within Leicester.

Councillor Grant was of the view that the consultation process did not cover a wide cross-section of the community, but felt that the authority had engaged well via digital methods.

Councillor Grant, seconded by Councillor Scuplak, proposed that Council be informed of the Board's significant reservations regarding the consultation process. Upon being put to the vote, the motion was LOST.

RESOLVED:

- (1) That the Monitoring Officer be asked to investigate whether letters and opinions raised within Leicester Mercury articles and comments posted on the Mercury website had been included in the consultation responses;

- (2) That the Monitoring Officer be asked to clarify whether the Leicester Asian Business Association (LABA) and the Federation of Small Businesses (FSB) had been consulted; and
- (3) That Council be asked to note the comments of the Board in relation to the consultation process for the new executive arrangements.

105. DE MONTFORT HALL BUSINESS PLAN

The Deputy Chief Executive submitted a report that presented a business plan for the operation of DMH and considered a way forward to ensure the Hall is adequately funded and provided a cost effective and varied programme of live entertainment for the people of Leicester and beyond.

The Director, Culture, was in attendance and introduced the report. He informed Members that the key elements of the plan included an increase in the number of long-run touring musical theatre productions and maximising commercial hires for non performance events. Furthermore, it was recommended to reduce the costs of the Philharmonic Orchestra residency by decreasing the number of concerts from 9 to 7 and to reduce the costs associated with outdoor festivals.

It was made clear that the report recommended that the current management arrangements of the hall be continued, and acknowledged that there were arguments for and against with this proposal.

Members welcomed the plans to try and hold more popular shows at De Montfort Hall, and it was recognised that people often had to currently travel to neighbouring cities to watch particular shows. The Director, Culture stated that popular shows did not always generate high revenue, and felt that it was vital to ensure that there was a balance between putting on popular productions and ones that would produce a high income. He was also of the view that De Montfort Hall had a tradition of providing popular productions, but that there was a desire to improve further. It was pointed out that the De Montfort Hall stage had some technical restrictions which excluded the operation of particular productions.

In response to a question around the possibility of outsourcing De Montfort Hall to an external specialist venue operator, the Director, Culture stated that a detailed analysis of all options had been carried out, and although many other theatres had outsourced management and operational arrangements, the proposal at this stage for De Montfort Hall was for the City Council to maintain governance.

It was welcomed that the advisory board for hall management would include representation from Councillors, and it was felt that working in this way would

lead to better outcomes.

The Board were divided in respect of their views around the governance arrangements for the management and operation of De Montfort Hall, but all Members were in agreement that De Montfort Hall was a huge asset to the City.

Councillors Grant, Scuplak and Suleman stated a preference towards option 2 rather than the recommended option to continue with the current management arrangements. Option 2 would see the ownership of the hall remaining with Leicester City Council but the management of it to be outsourced to a theatre management company.

Councillor Suleman was of the view that the option that provided greater sustainability for De Montfort Hall should be pursued and was of the view that this would be fulfilled by option 2. He also felt that it was not necessary for the City Council to have complete control over the operations of the Hall. Councillor Grant was also of the view that option 2 was likely to allow De Montfort Hall to become more of a successful venue, and offered the best chance of firmly protecting it. He opposed option 1 as it required the city council to invest additional resources into De Montfort Hall.

In response to a question regarding the current legal proceedings that were taking place in connection with De Montfort Hall, the Director, Culture, stated that these issues were yet to be resolved and could therefore not provide any further comment. However, he did confirm that there was provision in the current budget to cover any costs incurred from such proceedings.

Concern was expressed around why only names of officers were listed under the 'consultations' section part of the report. The Director, Culture, confirmed that this referred to those who had been consulted about the content of the report, and made it clear that there had been extensive public consultation as part of formulating business plan.

Councillor Suleman, seconded by Councillor Grant proposed that Option 2 be recommended for the future governance arrangements of De Montfort Hall, rather than Option 1. Upon being put to the vote the motion was LOST.

Councillor Suleman commented that he had serious reservations around the option for governance arrangements that had been recommended by the Board.

RESOLVED:

That the report be noted and the recommendations contained within it be endorsed.

106. ENVIRONMENT AND SUSTAINABILITY TASK GROUP - FINAL REPORT - FLOOD ALLEVIATION

Councillor Joshi submitted a report that presented the findings of the Environment and Sustainability Task Group review on Flood Alleviation.

Councillor Joshi introduced the final report. He explained that flood alleviation mechanisms were crucial especially in light of climate change implications. Members also heard that the Environment Agency had declared that Leicester was in the top ten of authorities at risk from flooding.

Councillor Joshi reported that this Task Group focused on a number of particular areas which included the role of the Environment Agency, sustainable urban drainage systems and biodiversity issues, current and proposed regional joint arrangements for dealing with flooding and community awareness of flooding. The Task Group also drew on experiences from other councils such as Doncaster Metropolitan Borough Council.

Councillor Joshi explained that the key recommendations formed were around encouraging strong partnership working between the Council and its partners, and ensuring that the Council had appropriate levels of skilled and trained staff to face future challenges. Further to this, Councillor Joshi spoke of the requirement for the Council to successfully deliver communications around the risk of flooding. It was also made clear that there was a need for the Council's planning and highways services to ensure that surface water drainage was embedded within their working practises.

Councillor Joshi thanked all officers involved in assisting with the completion of the review. Officers commented that they themselves had found the review to be a particularly useful exercise, and felt that it allowed different Council divisions to work in close connection to one another.

Members heard that the Council would receive £200,000 as a result of Leicester's new responsibilities for flood alleviation. Members of the Board welcomed this and felt that the money should be ring-fenced.

Members also saw this as an example of a review that was well carried out, and felt that this was partly demonstrated by the number of meetings that took place.

RESOLVED:

- (1) That the recommendations of the Environment and Sustainability Task Group be supported; and
- (2) That a divisional response to the review be brought back to the Board within 2 months; and

107. CORPORATE EQUALITIES STRATEGY

This item was withdrawn from the agenda.

108. REPLACEMENT CITY GALLERY

This item was withdrawn from the agenda.

109. RUTLAND STREET WORKSPACE

The Strategic Director, Development, Culture and Regeneration submitted a report that sought consideration for the conversion of Council owned buildings at 82 - 86 Rutland Street to workspaces for the creative industries sector.

The Head of Economic Regeneration introduced the report and explained that recent attempts to market the buildings in their current state had proved to be unsuccessful. It was therefore proposed to use £426,000 of Working Neighbourhood Funding to convert the properties into managed workspaces. Members heard that the refurbishment provided an opportunity to bring an at-risk historic building back into economic use and meet a need and demand for expansion space for creative businesses within the area. It was also anticipated that the new facility could create in excess of fifty new job opportunities.

The proposals were generally supported by the Board. In response to a question, the Head of Economic Regeneration confirmed that various steps had been taken to establish that there was a need for such a facility, and based on experience, would be anticipating a demand for the use of the workspaces.

The Board requested that the appropriate scrutiny committee receives regular updates on the Council's portfolio of managed workspaces.

RESOLVED:

- (1) That the report be noted and the recommendations contained within it be endorsed; and
- (2) That the appropriate scrutiny committee receives regular updates on the Council's portfolio of managed workspaces.

110. EMAS ANNUAL REPORT

The Strategic Director, Development, Culture and Regeneration submitted a report that provided the Board with information on the Council's annual environmental progress through the Eco-Management and Audit Scheme (EMAS).

The Team Leader, Environment Team, introduced the report and reminded Members of the need for the Council to demonstrate continual environmental improvements. It was explained that of the 28 targets measured during 2009/10, 13 of these were likely to be met. In addition, additional targets were being proposed around increasing action by the public and partner organisations to improve Leicester's environmental sustainability and reducing overall council waste and the percentage that is land filled. As part of the latter, the rolling-out of paper recycling to all Council offices was expected to be complete by the end of 2010.

Members heard that a 5% reduction in paper consumption would equate to a £20,000 saving, fuel reduction through driver training could deliver a saving of £254,000 and carbon action plans for all divisions a saving of £450,000. The EMAS verification process is an important mechanism for driving progress towards environmental targets. Members were of the view that £10,300 of expenditure on verification and monitoring offered very good value for money if significant savings were being achieved. Members welcomed the introduction of further targets that provided both financial and environmental benefits.

Concern was expressed in connection with the poor levels of air quality experienced in Leicester. Councillor Joshi referred to the Joint Environment and Sustainability and Highways and Transportation Task Group review into air quality and felt that additional resources were required to help to improve the overall air quality of the City.

RESOLVED:

- (3) That the report be noted and the recommendations contained within it be endorsed; and
- (4) That the Board welcomes work into identifying further environmental savings, and favoured additional expenditure if would lead to significant financial savings.

111. DECLARATION OF GLEN HILLS LOCAL NATURE RESERVE

The Strategic Director, Development, Culture and Regeneration submitted a report that sought approval to declare City Council owned land at Glen Hills a Local Nature Reserve (LNR) in parallel with the LNR designation of the adjoining land by Blaby DC, Leicestershire CC and Glen Parva PC.

An officer from Planning Policy and Design introduced the report and informed Members that Natural England had pledged full support to designate the land as a LNR. The other councils involved had already designated their land as a LNR. It was also explained that the site met the criteria for designation stipulated by Natural England as legislated by the 1949 National parks and Access to the Countryside Act.

It was reported that the designation would provide additional green space and offered greater recognition of the site. It also provided benefits around

improving flood defence to the City through protection and conservation of the surrounding floodplain.

The recommendations were fully endorsed by the Board. In particular, the Board welcomed the increased protection under the Act against trespass, and it was confirmed that groups of Gypsies and Travellers could be immediately removed from the site if they committed trespass.

RESOLVED:

That the report be noted and the recommendations contained within it be endorsed;

112. REVIEW OF FEES AND CHARGES

The Chief Finance Officer submitted a report that proposed to increase some fees and charges from January 2011 rather than April which was the usual case for many.

An officer from financial strategy introduced the report and stated that it was proposed to increase fees and charges in registration charges, bereavement services and for some services within social care and health. In respect of the latter, increases were proposed with the areas of elderly persons' homes, mobile meals and meals at day centres and in the standard charge for home care services. It was made clear that no proposals were in place to increase off-street parking charges. Officers explained that additional revenue acquired by the increases would generate an estimated additional £322,000 and would help support the 2011/12 budget.

Councillor Palmer, Cabinet Member for Adults was in attendance and stated that in light of an overspend forecast within many divisions of the City Council, there was a strong need to attempt to balance income and expenditure. In respect of the increase in the cost of elderly persons home charges, Councillor Palmer made it clear that such increases would affect one quarter of current residents, and that contributions were based on a particular individual's ability to pay. Similarly, Councillor Palmer informed the Board that almost one half of home care recipients would continue to pay no charge for services.

It was questioned why an increase in burial charges was proposed and why no such increase was similarly proposed for cremations. Officers confirmed that charges for cremations had recently increased by 23% as a result of purchasing new crematory equipment, and that it would be unfair to impose further charges presently.

It was also felt that although an increase in particular charges could potentially have an impact on service users, the services were crucial to those that benefitted from them. One example provided by Councillor Joshi was that the provision of meals in day centres was very much a worthwhile cause which reduced social isolation.

Several Members expressed serious concerns in relation to the proposals. Councillor Suleman felt that there was insufficient context to the report and that there was an absence of clear reasoning for such increases. He felt that a decision on increasing the charges for particular services should not be taken in the absence of such information.

Councillor Scuplak was concerned that an increase in home care charges could lead to service users reducing of the number of hours in which they received care. She felt that this presented a potential risk to the health and well-being of service users affected. Councillor Palmer confirmed that measures could be taken to mitigate against such risks. It was also made clear to members that the proposed increased fee in home care was still at a lower total cost than private providers of home care and that a significant City Council subsidy remained in place. Furthermore, it was pointed out that charges for home care services were higher for those that lived in the county rather than the city.

Councillor Grant was of the view that a detailed Equality Impact Assessment in relation to the proposals should have been carried out, and felt that there was no evidence consultation had taken place with key user groups affected by the services that were to experience an increase in fees and charges.

Councillor Grant, seconded by Councillor Suleman proposed that the report and the recommendations to increase the charges detailed within it be rejected for the reasons that there was no evidence that consultation with service users or an Equality Impact Assessment had been carried out. Upon being put to the vote, the motion was LOST.

RESOLVED:

That the report be noted and the recommendations contained within it be endorsed;

113. PROCUREMENT REVIEW

The Chief Finance Officer submitted a report that reviewed the current procurement model at the City Council, identified how cashable benefits can be achieved and delivered to support the revenue budget reduction strategy and recommended a procurement model appropriate for the future which would deliver these savings and ensured it continued to generate long term value.

The Interim Head of Procurement introduced the report and detailed the recommendations. It was proposed to approve the purchasing of a strategic procurement capability from outside specialists on a pilot basis for 12 months, with a view to subsequent renewal or development of in house capability. It was also recommended to approve the pursuit of savings opportunities in relation to procurement and other opportunities for savings that become apparent at a later stage.

The proposals were welcomed by Members of the Board. In response to a

question around how quickly the identified savings could be achieved, the Interim head of Procurement confirmed that a three-stage plan for delivering the savings was in place, and it was hoped to be completed by Christmas.

It was generally viewed by members that the Council should formulate stronger purchasing relationships with local businesses, and efforts to work with providers in addition to ESPO were welcomed. It was felt that greater purchasing goods and services from local businesses would lead to significant savings for the City Council. The Interim Head of Procurement stated that he work hard to ensure that significant engagement takes place with local businesses. Members also felt that more of a robust relationship with ESPO was required.

RESOLVED:

That the report be noted and the recommendations contained within it be endorsed.

114. EXTENDING DISTRICT HEATING AND CHP IN LEICESTER

The Strategic Director, Development, Culture and Regeneration, submitted a report that updates Members on the outcome of the Competitive Dialogue conducted in accordance with EU procurement regulations for the Project for “Extending District Heating and Combined Heat and Power in Leicester”.

The Chair announced that the legal and financial implications to the report were marked ‘Not For Publication’ as they contained exempt information as specified within paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended, as they contained information relating to the financial or business affairs of any particular person (including the authority holding that information). Members were reminded that should Members wish to discuss this information in detail, then the meeting would have to move into private session, taking into account whether this would be in the public interest.

The Director of Housing Strategy and Options introduced the paper and reminded the Board that the scheme would allow a significant proportion of the Council’s carbon savings to be achieved.

The principles of the scheme were welcomed by Members. Councillor Suleman expressed reservations in respect of future increases in charges to customers. In response to his comments, the Director of Housing Strategy and Options confirmed that charges for district heating would be aligned with the annual rent rise charges. She could not guarantee the exact costs that would be incurred by customers in the future and stated that it would be inappropriate for these to be estimated. It was also made clear that if district heating costs were to increase in the future, then they would be backed up by an equality impact assessment. Members also heard that the prices would be set in line with those on the open market. Members were keen to ensure that all customers affected were aware that any increases to charges after 12 months were in alignment with the rest of the City.

RESOLVED:

That the report be noted and the recommendations contained within it be endorsed.

115. LEARNING DISABILITIES - SECTION 75 AGREEMENT AND SERVICE LEVEL AGREEMENT

The Director, Care Management, submitted a report that asked the Board to note the agreements reached between Leicester City Council and NHS Leicester City.

RESOLVED:

That the report be noted and the recommendations contained within it be endorsed;

116. ADULTS AND HOUSING TASK GROUP - SCOPING DOCUMENT - ROUGH SLEEPING IN LEICESTER

Councillor Aqpany submitted a report of the Community Cohesion and Safety Task Group that recommended the Board to endorse and make comment on the review into Neighbourhood Watch.

RESOLVED:

That the scoping document be endorsed.

117. CLOSE OF MEETING

The meeting closed at 9:05pm.