



Leicester  
City Council

Minutes of the Meeting of the  
OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Held: THURSDAY, 13 JANUARY 2011 at 5.30pm

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

Councillor Grant – Chair  
Councillor Bhavsar – Vice-Chair

Councillor Aqbany  
Councillor Mayat (for Cllr Clair)  
Councillor Scuplak  
Councillor Joshi  
Councillor Newcombe

Also In Attendance

Councillor Westley  
Cabinet Member for Housing

\* \* \* \* \*

**118. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bajaj, Clair and Suleman.

**119. 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 10 'Housing Revenue Account' – Budget 2011/12' and Item 11 'Housing Capital Programme 2010/11 and 2011/12 as his mother was a Council lessee.'

Councillor Joshi declared a personal interest in Item 10 'Housing Revenue Account' – Budget 2011/12' and Item 11 'Housing Capital Programme 2010/11 and 2011/12 as his sister-in-law was a Council tenant.' He also declared a personal interest in Item 12 'Care Quality Commission Annual Performance Assessment Report for Adult Social Care Services' as his wife worked in Adult Social Care.

Councillor Mayat declared a personal interest in Item 10 'Housing Revenue Account' – Budget 2011/12' and Item 11 'Housing Capital Programme 2010/11 and 2011/12 as his wife was a Council tenant.'

Councillor Newcombe declared a personal interest in Item 12 'Care Quality Commission Annual Performance Assessment Report for Adult Social Care Services' as he had family members who worked in Adult Social Care.

## **120. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting held on 7 December 2010 be approved as a correct record.

## **121. PETITIONS**

The Director, Corporate Governance, to report on the receipt of any petitions submitted in accordance with the Council's procedures.

Following a request at the previous meeting, the Director, Housing Services, was present to give evidence in relation to the petition objecting to the closure of the Thurnby Lodge Housing Office. By way of background, Members were informed that a decision had been taken to close the least busy Housing Office for part of the week on a part-time basis until new frontline budgets had been agreed, and this was confirmed as being the Thurnby Lodge office. Measures had been taken to agree closure on it's least busy days (Tuesday, Wednesday and Thursday). The Board were also informed that local Ward Councillors were informed of the situation at the earliest opportunity by the Area Manager, and their comments had been sought.

The Director, Housing Services, stated that since the changes had been implemented, no response had been received from any tenants, and that all tenants identified from the petition had been written to so that they were made aware of the changes to opening arrangements for Thurnby Lodge Housing Office.

Members also heard that presently, budget constraints did not allow for any alternative arrangements with regard to the temporary closure of the Thurnby Lodge Housing Office and that the long term future would be resolved as part of the Council's normal budget setting process in January and February 2011.

As a local Ward Councillor and the Lead Petitioner in this particular case, Councillor Scuplak questioned whether Councillors were informed at the earliest opportunity. She reported that she was initially informed that the office was to close permanently and that the completion of the petition and a public demonstration was carried out with this in mind. She explained that she was then informed that the proposal was to reduce the opening hours at the housing office, rather than for a full permanent closure.

Councillor Scuplak stated that she opposed the decision for temporary closure of the facility and was of the view that it should be open for five days per week. She questioned whether the impact that the changes would have on service users had been considered. Councillor Scuplak was concerned that alternative methods of payment transaction such as pay points did not suit many tenants, and that this would serve an adverse impact particularly on elderly tenants. She was keen for officers to explore ways in which tenants affected by the closure could be supported. One suggestion put forward was that the local Community centre could play a wider role in supporting tenants and residents. Councillor Scuplak suggested that a member of Housing Staff could be based at the centre for one day per week and that a direct telephone line to the housing repairs service be made available. Councillor Scuplak recommended that Councillors be consulted on the ways of making such progress. She was of the view that an appropriate level of consultation at an earlier stage could have avoided some of the problems that arose later and that a petition may not have consequently been compiled.

In connection with the decision to temporarily close the office on the basis of it being the least busy in the city, it was questioned whether an Equalities Impact Assessment had been carried out. The Director, Housing Services, explained that a decision had to be taken in view of where a temporary closure would have the least impact. The office at Thurnby Lodge had experience a usage rate of four people an hour. Members heard that a decision could not be taken to close an office which had a higher rate of footfall. The Director, Housing Services, made it clear that the second least busiest office in the City experienced a far higher level of footfall in relation to the Thurnby Lodge Office. However, he acknowledged that there were lessons to be learnt for the way in which the process to initiate temporary close of the office was carried out.

Councillor Westley, Cabinet Lead Member for Housing was in attendance and was invited to speak. He expressed disappointed that more of a formal level of consultation did not happen. He did state that there were provisional plans in place for altering the way services were delivered within communities, and hoped that this would have a positive effect in areas such as Thurnby Lodge. He felt that there was a greater level of service integration and coordination could reduce the need for housing offices.

The Chair was of the view that a consultation should be carried out with those likely to be affected whenever changes to service delivery were proposed. In this case, the Board agreed that the Thurncourt Ward Councillors be written to to confirm that consultation would take place around how services were delivered within Thurnby Lodge in the future.

**RESOLVED:**

- (1) That the position statement in response to the petition objecting to the closure of the Thurnby Lodge Housing Office be noted;
- (2) That officers be asked to explore ways in which tenants affected by the temporary closure of the housing office

could be supported in light of local service reduction; and

- (3) That officers be asked to provide written insurance to the Thurncourt Ward Councillors to confirm that consultation would take place around how services were delivered within Thurnby Lodge in the future.

## **122. QUESTIONS/ REPRESENTATIONS/ STATEMENTS OF CASE**

The Director, Corporate Governance, reported that there were no questions, representations or statements of case.

## **123. TRACKING OF PETITIONS - MONITORING REPORT**

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

The Democratic Support Officer reported that following the publication of the papers, a further four petitions had been formally received by the Council.

In respect of the petition objecting to the removal of the fence on Albermarle Close, members heard that the relevant Task Group Leader had agreed with the officers' recommendation to take no further action.

In connection with the petition requesting repair or replacement of the lifts on Purcell Street, St Marks, it was reported that the CCTV camera was expected to be installed by the end of January.

The Democratic Support Officer reported that the petition requesting a residents parking in the Guthlaxton Street area was now complete, as the Task group Leader had agreed with the officers' recommendation to add the area to the list of requests for residents parking schemes.

Members expressed concern around the lack of progress made in response to the petition submitted by Councillor Gordon which requested improved maintenance and facilities at the playground on Clarendon Park Road. It was acknowledged that a verbal update was provided to the Board in November 2010, but as no further progress had been reported since, Members requested that should no progress be made apparent, an additional verbal update be provided at the next meeting on 3 February.

### **RESOLVED:**

- (1) That the outstanding petitions be noted.
- (2) That if no further progress in relation to the petition requesting improved maintenance and facilities at the playground on Clarendon Park Road, a verbal update on the response to the petition be provided at the next meeting.

## **124. CORPORATE EQUALITIES STRATEGY**

The Director of Human Resources presented a revised corporate equality strategy which set out how the Council aims to reduce inequality within the city as well as how it would meet its public sector equality duties.

Councillor Grant explained that this report was deferred at Full Council in November 2010 in order to establish a Working Party to ensure that Leicester's equality strategy was as robust and effective as possible. Once the Working Party had completed its work, the report produced would be brought to OSMB for its consideration.

The Head of Equalities was also in attendance. She confirmed that the Working Party was formed by a cross party group of councillors as well as a number of co-opted experts from other organisations. It was scheduled to meet twice over the coming weeks. It was explained that part of its work was to consider the Council's ongoing work on recruitment and was also assessing the recruitment processes used for employing senior positions. The Head of Equalities also reported that the Cabinet Lead Member would like the Working Party to continue to look further at equalities standards once it had completed its existing project.

The Board were in agreement that it was vital to produce an effective Corporate Equalities Strategy and generally supported the setting up of the Working Party. In response to comments around the need to set key milestones for completing phases of the strategy, Councillor Grant confirmed that he was a member of the Working Party and explained that work would not finish when the strategy had been formed, but that the Working Party was aiming to have a strategy in place by May 2011, and that it was likely that a report would be taken to Council in March. It was also suggested that the relevant Task Group Leader could work alongside the Working party in the future.

RESOLVED:

That progress made in relation to the work of the Equalities Working party be noted.

## **125. CALL-IN OF CABINET DECISION - DE MONTFORT HALL BUSINESS PLAN**

The Board was asked to consider a call-in submitted by five members of the Council regarding the 'De Montfort Hall Business Plan' which was submitted to Cabinet on 13 December 2010 on the grounds of inadequate consultation with the public and users and that the report was not supported by adequate equalities evidence (ie Equalities Impact Assessment) or set in a corporate budget context.

The Director, Cultural Services introduced the report. It was acknowledged that full details with regards to the consultation on the business plan had not been provided in the Cabinet report. The Board were informed that the possible

options for the future management arrangements of the hall were within the public domain, and that many comments on these had been received from members of the public. It was further stated that approximately 30 organisations had been consulted as part of the De Montfort Hall Business Plan and were detailed within the Business Plan itself. The Chair requested that further information around those organisations that had been consulted on the Business Plan be provided to Members of the Board

In terms of addressing the matter highlighted in the call-in with regards to Equality Impact Assessments, the Director, Cultural Services, stated that although a formal assessment had not been carried out, issues around equalities had been fully considered within the Business Plan. Members heard that the diversity of Leicester's audience was fully reflected in the Objectives of the Business Plan and the Programme Policy for the hall.

The Director, Cultural Services, also stated that the report clearly set out the financial requirements of all options referred to within the report.

The Chair reported that he had recently read information from Internal Audit which indicated there were further financial irregularities in relation to De Montfort Hall which were subject to investigation and detailed failures that related to not appropriately following financial procedure rules. He was of the view that this information should be made publicly available. In response, the Director, Cultural Services, confirmed that further financial irregularities were currently under investigation but that no further details could be provided in a public meeting. He also stated that during 2010, considerable improvements had been made in the quality and content of the programme, in ticket sales and financial performance of the Hall

**RESOLVED:**

- (1) That the content of the call-in be noted;
- (2) That Council be asked to consider the comments of the Board; and
- (3) That further information around those organisations that had been consulted on the De Montfort Hall Business Plan be provided to Members of the Board

**126. VERBAL UPDATE ON THE CITY GALLERY**

The Board received a verbal update on issues with regard to the City Gallery from the Director, Cultural Services.

The Director stated that a decision on the future proposals for a city gallery in Leicester would be taken as part of the budget discussions, and that an announcement was expected to be made by next week. It was made clear that the Board would consider documentation in relation to all budget proposals at a

future special meeting.

RESOLVED;

That the verbal update be noted.

## **127. HOUSING REVENUE ACCOUNT - BUDGET 2011/12**

The Divisional Director, Housing Services and the Chief Finance Officer submitted a joint report that summarised the financial position of the Housing Revenue Account (HRA) for 2010/11 and 2011/12 based on the draft Subsidy Determination.

The Director of Housing Services introduced the report. He stated that further to the information contained within it, the final subsidy figures from Central Government had been received which would see an increase in subsidy (i.e. less negative subsidy) of £314,000.

The Board heard that the overall average increase in rent for 2011/12 would equate to 6.3%. Councillor Westley, Cabinet Lead Member for Housing, was also in attendance and was invited to address the Board. He informed Members that he was proposing to use £267,000 from HRA balances to reduce the average rent increase from 6.3% to 5.9%; this would be achieved by still applying the Government's rent formula to calculate 2011/12 rents, but that individual rent increases would now be limited to a maximum of 6.3%. This move was generally welcomed by the Board, though it was acknowledged that there was a risk that the government could impose the rate at 6.3%. It was also confirmed that this rate would be sustained for one year only.

The Director, Housing Services, reported that an additional £2.5m of subsidy was to be 'clawed back' by the Government via a worsening of Leicester's negative subsidy position for 2011/12 bringing the overall clawback to over £20m. However the Council does get £13.5m of support towards its capital programme giving a net deficit of some £6.5m.

Members were also informed that changes in the housing finance system were to be implemented from 2012/13, which would see the HRA becoming self-financing. Further clarity from the Government on this was expected by February 2011. It was explained that a number of budget reductions had been proposed in anticipation of changes that will be made under the new financial system. The Director, Housing Services, informed the Board that the Housing Performance Panel were in support of the proposals within the report.

The Director, Housing Services, was asked to outline the key risks that could be faced as a result of the proposals. In response, he explained that there was uncertainty around the value that would be placed on Leicester's Council housing stock by Government, with a higher valuation posing greater financial problems than a lower one. It would then be determined at what rate money would be paid back to the Government, and until both of these issues became clear, it was difficult to summarise the full extent of risks. A further risk related to rent convergence, and it was reported that Government was in favour of

Local Authorities aligning their rents to other Social Landlords and Social Landlords having to raise their rents to 80% of private sector rents, which would see a substantial increase in rents for Council tenants in future years, which would consequently place significant pressure on service delivery and tenant's ability to pay.

Members generally expressed concern around the impact that rent increases would pose on poorer tenants in light of additional pressures on people's finances arising from increase in areas such as VAT and the cost of purchasing petrol. It was accepted that the proposed reduction in the average rent increase to 5.9% would ease this to an extent. The Director, Housing Services, also raised awareness of the work undertaken to ensure that people received all benefits that they are entitled to, and that last year alone, an additional £1m of unidentified benefits were paid. Councillor Westley also spoke of ways in which the Council supports those who experience genuine difficulties in paying their rent.

A query was raised around the 25% increase in miscellaneous payments. The Director, Housing Services, clarified the matter by stating that this related to decorating allowances for carrying out work in tenants' homes. The payments had remained at the same rate for eight years, and were significantly below the required level.

A question was asked around the effect of the savings proposed in the reports. In respect of cash office closures, the Director, Housing Services stated that there were various alternative methods of transacting payments, which had reduced the need for cash offices, and would therefore have a minimal effect. In terms of the reduction in highways and grounds maintenance expenditure, it was explained that this could potentially lead to fewer grass cuttings in some areas, and that longer repair waiting times may be experienced.

In respect of reducing the HRA contribution to the Leicester Anti-Social Behaviour Unit (LASBU), Members heard that this would see those who worked in housing offices dealing with low-level incidents of ASB, which would allow LASBU to concentrate on more serious cases. This was generally welcomed by members and seen as a positive move.

RESOLVED:

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

## **128. HOUSING CAPITAL PROGRAMME 2010/11 AND 2011/12**

The Divisional Director, Housing Services and the Chief Finance Officer submitted a joint report that advised Members on the position at period 7 on this year's capital programme, revised the forecast for the 2010/11 out-turn and proposed a one year housing capital programme for 2011/12, because of the uncertainty around housing finance at the present time.

The Director of Housing Services introduced the report and informed Members



that the capital programme for 2011/12 had a programmed spend of £23.130m. He further stated that from this year, the Housing Renewal Programme and the Decent Homes programme would end. In respect of the latter, it was announced that the Council had delivered its target for providing Decent Homes by 31<sup>st</sup> December 2010, but that now resources had ceased, additional properties would be in need of improvement, and that money for this would have to be found from alternative funding sources.

In terms of the current programme, the Director of Housing Services reported that the kitchen and bathrooms programme continued to be the top priority. A further £3.4m had been allocated to provide facilities specifically for people with disabilities. Furthermore, £900,000 had been provided to pay for environmental works on housing estates, and that this was initially proposed to be delivered via Ward Community Meetings. However, the Housing Performance Panel had requested that as this was HRA money it should be ringfenced for HRA use. Councillor Westley, Cabinet Lead Member for Housing, informed Members that he agreed with this and would be recommending Cabinet that this money be ring-fenced for HRA improvements only.

Members generally supported the programme and in particular, the £900,000 being under the control of the Area Manager and ring-fenced for HRA improvements. However, it was requested that the Director, Housing Services, be asked to divide this money proportionally to the level of Council housing stock in each Ward. Councillor Westley stated that it was important for this money to be spent at a Ward Level by Members in consultation with the housing tenants and Housing Managers.

Councillor Westley also informed the Board that detailed plans would be released shortly around new ways in which services would be delivered within local communities.

RESOLVED:

- (1) That the report be noted and the recommendations contained within it be endorsed; and
- (2) That the Director, Housing Services, be asked to divide the £900,000 ring fenced for HRA Improvements proportionally to each ward according to the level of Council housing stock.

## **129. CARE QUALITY COMMISSION ANNUAL PERFORMANCE ASSESSMENT REPORT FOR ADULT SOCIAL CARE SERVICES**

The Strategic Director, Adults and Communities submitted a report that advised the Board of the Care Quality Commission's (CQC) Assessment of Adult Social Care Services rating for 2009/10.

The Director, Care Services, introduced the report and informed Members that the 2009/10 Social Care Annual Performance Assessment identified that Leicester's overall grade for Delivery of Outcomes was judged as performing well. She noted that the report identified key strengths and areas for improvement, all of which were being addressed via individual action plans.

Following a question around the 'adequate' rating of the 'improved health and emotional well being' assessment area, the Director, Care Services stated that prior to the external assessment, a self-assessment was carried out that had rated this particular area as adequate, which the Care Quality Commission ratified. Further to this, she stated that the Health and Well-being board was currently being refreshed as part of wider change arrangements. Members heard that there would be future changes in partnerships in terms of delivering services, and it was hoped that this would have a positive effect on this particular assessment area.

Members were generally pleased with the findings of the assessment, and it was commented that maintaining a well-trained and confident workforce was central to delivering improved services. The Director, Care Services stated that the City Council was responsible for the workforce development of internal staff, and the Director of Adult Social Services role included duties to ensure workforce development across the whole care community for example, staff who delivered care services within the private and voluntary sectors. There was an acceptance that the majority of staff were motivated to carry out their roles as they had a sense of satisfaction in supporting some of the most vulnerable in society. It was also stated that managers ensured that staff were appropriately supported when dealing with new ways of working.

A question was asked in relation to placing service users into residential homes rated as poor or inadequate. In response, the Director, Care Services, informed Members that officers role was to ensure individuals were supported to find a placement that met their needs. The directives on choice meant that we could not deny an individuals preferred placement in a poor or adequate home if it met their needs and was their clearly stated preference. She stated that such a placement was often the preference of particular service users for various reasons for example proximity to family or a particular geographic location. In response to a further query, she was of the view that service users did not state a preference for an adequate or poorly rated placement based on cost alone. She explained the fees system noting that at present, fees did not reflect quality ratings and a placement in an excellent home can be obtained at the same cost as a poor rated home.

**RESOLVED:**

That the overall CQC Grade awarded to Leicester in 2009/10 be noted, and the recommendations contained within the report be endorsed.

### **130. CLIMATE CHANGE SUPPLEMENTARY PLANNING DOCUMENT**

The Director, Regeneration, Highways and Transportation submitted a paper that reported on the outcome of the public consultation for the draft Climate Change Supplementary Planning Document (SPD).

The Environment Team Manager introduced the report and stated that the 'Core Strategy Policy 2: Addressing Climate Change and Flood Risk' outlined the need for a SPD on Climate Change. She explained that the report provided information on how to address the issue of climate change when developing and renovating buildings.

A query was raised around the renovation of properties within conservation areas and listed buildings, and it was felt that it would be more expensive to carry out developments and renovations to address issues of climate change for such buildings. Officers acknowledged these cost implications and limitations on putting adaptive measures in to heritage buildings, but they are not the majority of building stock. It was further stated that English Heritage provided extensive advice and guidance in terms of climate change adaptation and historic buildings. It was also made clear that English Heritage supported the content of this report.

It was requested that further information be provided in terms of those groups and organisations that were consulted as part of compiling the document. It was accepted that some information around those who provided information was reflected in the report, but it was requested that those groups and organisations who did not directly respond be also listed in the report.

RESOLVED:

- (1) That the report be noted and the recommendations contained within it be endorsed; and
- (2) That further information around those who were consulted on the proposals within the report be provided to board Members

### **131. REPORT ON JOINT LEICESTER AND LEICESTERSHIRE WASTE DEVELOPMENT FRAMEWORK SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT**

The Strategic Director, Development, Culture and Regeneration, submitted a report that provided an update on progress on the preparation of the Council's Joint Waste Development Framework Site Allocations Development Plan Document (DPD).

Officers from the Planning Policy and Design Section introduced the report. It was made clear that the Framework was being completed jointly with Leicestershire County Council. The current part of the framework that was being worked on was the Site Allocations DPD for which approval was being sought for public consultation. In terms of Leicester, it was explained that there was a shortage of construction waste recycling facilities and two sites were allocated to meet the shortage. Officers stated that consultation on this would be undertaken widely and would commence in early February for a period of six weeks. Members were informed that this would include carrying consultation exercises at relevant Ward Community meetings.

A query was asked in relation to ways of curbing adverse smells drifting into residential areas directly from waste plantations. Officers explained that both sites identified were located within industrial areas, and felt that such negative effects would be minimal. In response to a further point raised around hazardous waste, officers explained that there was an expectation for such waste to be appropriately sealed and in cases where it was not, enforcement action would be taken.

A question was asked around how far the Ullerscroft Road site was into its rolling five year planning consent. In response, Members were informed that a further five –year rolling consent for the site had been recently granted. It was stated that only a small proportion of the capacity at the site was being currently utilised, and if this significantly increased in the future, a longer period of consent was likely to be granted.

RESOLVED:

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

### **132. ANY OTHER URGENT BUSINESS**

The Chair agreed to accept the following item of urgent business.

#### Special OSMB to consider the Budget

The Chair explained that a Special meeting of the Board to consider divisional budget statements within the Board's terms of reference was to take place on Wednesday 26<sup>th</sup> January 2011.

Following a discussion between members, it was agreed that this meeting takes place on the same date of the next ordinary meeting (3 February 2011), but that this would commence at an earlier time to allow sufficient time for the budgets to be considered.

RESOLVED:

That a Special OSMB meeting be arranged during the afternoon of Thursday 3 February 2011 to consider divisional budget

statements within the terms of reference of the Board.

**133. CLOSE OF MEETING**

The meeting closed at 8:38pm.