

Leicester
City Council

MEETING OF THE CABINET

DATE: MONDAY, 7 MARCH 2011
TIME: 1:00 pm
**PLACE: THE COUNCIL CHAMBER - FIRST FLOOR, TOWN HALL,
TOWN HALL SQUARE, LEICESTER**

Members of the Committee

Councillor Patel (Chair)
Councillor Dempster (Vice-Chair)

Councillors Bhatti, Cooke, Dawood, Naylor, Osman, Russell, Westley
and Wann

Members of the Committee are invited to attend the above meeting to
consider the items of business listed overleaf.

for Director, Corporate Governance

MEMBERS OF THE PUBLIC:

**YOU ARE VERY WELCOME TO ATTEND TO OBSERVE THE PROCEEDINGS.
HOWEVER, PLEASE NOTE THAT YOU ARE NOT ABLE TO PARTICIPATE IN
THE MEETING.**

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INFORMATION FOR MEMBERS OF THE PUBLIC

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You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

WHEELCHAIR ACCESS

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

BRAILLE/AUDIO TAPE/TRANSLATION

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

INDUCTION LOOPS

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Julie Harget or Heather Kent, Democratic Support on (0116) 229 8809/8816 or email julie.harget@leicester.gov.uk or heather.kent@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

3. LEADER'S ANNOUNCEMENTS

4. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 7 February 2011 and the special meeting held on 21 February 2011, have been circulated to Members and the Cabinet is asked to approve them as a correct record.

5. MATTERS REFERRED FROM COMMITTEES

6. SCHOOLS' BUDGET STRATEGY 2011-12

Appendix A

Councillor Dempster submits a report that considers a range of issues affecting the determination and distribution of the Schools' Budget for 2011/12. The Pupil Premium funding will also be considered. Cabinet is asked to approve the recommendations set out in Paragraph 2.2 of the report.

A minute extract from the meeting of the Children and Young People Scrutiny Committee on 28 February 2011 will be circulated as soon as it is available.

7. DEVELOPING THE TRADED SERVICES OFFER TO SCHOOLS

Appendix B

Councillor Dempster submits a report that seeks to set out a way forward for developing services traded with schools, in the light of the recent Government White Paper "The Importance of Teaching" and the Local Government finance settlement. It is recommended that Cabinet considers the comments of the School Forum and the Children and Young People Scrutiny Committee and endorses the approach set out within the report.

A minute extract from the meeting of the Children and Young People Scrutiny Committee held on 28 February 2011 will be circulated as soon as it is available.

**8. CITY CENTRE CAR PARKING STRATEGY Appendix C
SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

Councillor Osman submits a report that seeks approval for the City Centre Car Parking Strategy Supplementary Planning Document (SPD). Cabinet is asked to adopt the City Centre Car Parking Strategy SPD.

Appendix 3 to the report is attached for Cabinet Members only. Further copies are available on the Council's Web Site at: <http://www.cabinet.leicester.gov.uk> or by phoning Committee Services on 0116 229 8809.

A minute extract from the meeting of the Overview and Scrutiny Management Board held on 3 March 2011 will be circulated as soon as it is available.

**9. POLICY FOR CONSERVATION OF ROAD SALT Appendix D
STOCK LEVELS**

Councillor Osman submits a report that seeks Cabinet approval for a policy concerning Conservation of Road Salt Stock Levels. Cabinet is asked to approve the attached Policy for Conservation of Road Salt Stock Levels as detailed in Appendix 1 of the report.

Cabinet is asked to approve the attached Policy for Conservation of Road Salt Stock Levels as attached in Appendix 1.

A minute extract from the meeting of the Overview and Scrutiny Management Board held on 3 March 2011 will be circulated as soon as it is available.

10. LICENSING OF SEXUAL ENTERTAINMENT VENUES Appendix E

Councillor Russell submits a report that advises Cabinet of the outcome of consultation and asks Cabinet to agree the Council's policy on the licensing of sexual entertainment venues. Cabinet is asked to approve the recommendations set out in Paragraph 2.1 of the report.

A minute extract from the meeting of the Licensing Committee held on 10 February 2011 will be circulated as soon as it is available.

11. REVIEW OF THE HOUSING ALLOCATIONS POLICY Appendix F

Councillor Westley submits a report that recommends changes to the Housing Allocations Policy, in light of new statutory guidance issued by The Department of Communities and Local Government (CLG), to improve transparency and to simplify the Council's Policy. Cabinet is recommended to introduce a banding scheme (Appendix 1), and makes other changes to the policy as set out in paragraph 6.2 of this report, for the allocation of social rented housing in

Leicester.

A minute extract from the meeting of the Overview and Scrutiny Management Board held on 3 March 2011 will be circulated as soon as it is available.

12. TREASURY STRATEGY 2011/12 **Appendix G**

Councillor Patel submits a report that details the expected activities of the treasury function in the financial year 2011/2012. Cabinet is recommended to approve the Treasury Strategy.

A minute extract from the meeting of the Performance and Value for Money Select Committee held on 2 March 2011 will be circulated as soon as it is available.

13. FRAMEWORK FOR TREASURY DECISIONS **Appendix H**

Councillor Patel submits a report that proposes minor changes to the decision making framework for the Council's treasury management activities. Cabinet is asked to recommend that Council approve the revised Treasury Policy Statement and Treasury Management Practices included in this report

A minute extract from the meeting of the Performance and Value for Money Select Committee held on 2 March 2011 will be circulated as soon as it is available.

14. ANY OTHER URGENT BUSINESS

15. PRIVATE SESSION

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Cabinet is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

The Cabinet is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

"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 involve the likely disclosure of 'exempt' information, as defined in the Paragraphs 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.

SALE OF LAND AT BRADGATE STREET, LEICESTER

Paragraph 3

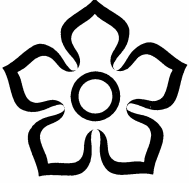
Information relating to the financial or business affairs of any particular person (including the authority holding that information).

16. SALE OF LAND AT BRADGATE STREET, LEICESTER [Appendix B1](#)

Councillor Patel submits a report.

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Appendix A



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**Children and Young People's Scrutiny
Cabinet**

**28 February 2011
7 March 2011**

Schools Budget Strategy 2011-12

Report of the Strategic Director, Children

1. Purpose of Report

- 1.1. This report considers a range of issues affecting the determination and distribution of the Schools Budget for 2011/12. The Pupil Premium funding is also considered. Cabinet approval is sought to change the local formula for funding schools.

2. Recommendations

- 2.1. Scrutiny Committee is asked to consider the proposals in this report and to express its views to Cabinet.
- 2.2. Cabinet is asked to:-
- a) Consider and support the proposals detailed in Section 4 in this report as the guiding principles in determining the allocation of the Schools Budget in 2011/12.
 - b) Approve the changes to the local formula for funding schools, specifically relating to:-
 - Mainstreaming a number of grants into the Dedicated Schools Grant (paragraphs 4.2 to 4.4);
 - Introducing the new Early Years Single Funding Formula. There is a legal requirement to have this in place from April 1 2011 (paragraphs 4.13 to 4.16);
 - Introducing a new method of distributing funding related to Threshold Pay (paragraph 4.18);
 - Introducing the new methodology to directly fund schools related to Meeting Individual Needs (paragraphs 4.19 to 4.20);
 - Introducing a new method of distributing funding related to Pupil Mobility (paragraphs 4.21 to 4.23).
 - c) Note the need to consider alternatives for the future operation of the School Balance Control Mechanism if the legal requirement to have one in place is removed (paragraphs 4.27 to 4.28)

3. Summary

- 3.1. The Schools Budget pays for Schools, Private, Voluntary and Independent Nursery providers and related costs. It is funded by the Dedicated Schools Grant (DSG) for ages 3 to 16 and the Young People's Learning Agency (YPLA) for Sixth Forms and post-16 Special Educational Needs (SEN). This report highlights the key issues and challenges faced in determining the allocation of the Schools Budget for 2011/12 to schools and central services funded by DSG. The report was initially considered by Schools Forum at its meeting on 27th January 2011 as part of the budget preparations. Schools must be notified of their delegated budgets by 31st March and a Schools Forum meeting is set for 24th March 2011 to finalise the Schools Budget.
- 3.2 Due to the need to finalise pupil numbers and to work through the substantial changes to national funding arrangements, it will not be possible until March 2011 to determine the full impact on individual schools. Schools will be protected through transitional protection for specific methodology or formula changes, and by the Minimum Funding Guarantee (MFG) which is set nationally at minus 1.5%. The average real terms impact on individual schools taking into account cost pressures is expected to be a real terms funding reduction in the region of 5%, partially offset to varying degrees by the Pupil Premium.

4. Report

Budget Strategy

- 4.1 A strategic approach to allocating the schools' delegated budgets is set out in this report to reduce the administration and bureaucracy for schools and the Council; to help schools to know their total funding as early as possible so that they can plan efficiently; and to give schools maximum freedom to use the available funds in a fair and transparent way. The financial settlement is tight in 2011/12, and the Government has indicated the intent to review the whole system of school funding. The proposals are designed to maximise funding stability at school level, in line with national expectations and local discussions with the Schools Forum.

The Dedicated Schools Grant (DSG)

- 4.2 In summary, the Government has kept its commitment to maintain per pupil baseline funding in cash terms, although this excludes a number of current grants with a value of £1.2m. It is estimated that the City will lose £0.6m of DSG as the dual funding of pupils registered to a Pupil Referral Unit and a school comes to an end, and will gain £1.1m on funding due to updated population data on the funding for 3 year olds. However, the DSG funding for the additional 2.5 hours free entitlement for early years is around £0.7m less in a full year than the funding received for the Autumn 2010 and Spring 2011 terms. Therefore the funding available for 3-16 education via DSG is expected to be around £1.4m less than currently. In addition, there is no provision for inflation and other cost pressures, which for schools are likely to be around the 3% mark.
- 4.3 For 2011/12 in order to simplify the school funding system, the DfE has mainstreamed a number of Standards Funds into DSG aggregating to approximately £36m, increasing the

expected total DSG to approximately £240m subject to the confirmation of pupil numbers. These Standards Fund grants include:-

- School Development Grant (including Specialist Schools) (but excluding the amount currently paid via the Area Based Grant, which ends);
- School Standards Grant (including personalisation);
- National Strategies (Primary and Secondary) (certain elements only);
- Ethnic Minority Achievement;
- Diploma Delivery Grant;
- School Lunch Grant;
- 1-2-1 Tuition;
- Extended Schools – Sustainability;
- Extended Schools – Subsidy.

4.4 Funding provided to the Council / schools for the above grants is, in the main, preserved at 2010/11 cash levels albeit without existing ring fence arrangements giving local freedom over how this money is spent. The Government is expected to amend the Schools Finance Regulations to allow the use of current levels of grant allocated to each school as a factor in local formulae for distributing DSG to schools, to support stability in funding at school level if desired locally. In most cases, we expect to replicate the 2010/11 Standards Fund methodology applied to determine allocations to schools for 2011/12, to minimise funding changes at school level; however this is subject to affordability within the overall Schools Budget. This proposal enjoys the support of the Schools Forum, Formula Funding Review Group and other school representatives.

Young People's Learning Agency (YPLA) Funding for 16 - 18

4.5 There are expected reductions to the funding for Sixth Form provision via the YPLA, in line with the national plan to reduce funding for school sixth forms to the level of funding for Sixth Form and Further Education Colleges by 2014/15 along with some other changes. Transition will apply during 2011/12 so that no school loses more than 3% of funding per learner, although schools may be expected to increase volumes for no extra funding and the interplay of the various changes is not yet clear. Greater reductions are signalled for future years.

The Pupil Premium

4.6 The national allocation is one quarter of the £2.5bn promised by 2014/15. The Pupil Premium will generate approximately £5m across Leicester's maintained schools, at the rate of £430 per deprived pupil in 2011/12, defined as pupils registered for Free School Meals on 20 January 2011. This is equivalent to approximately 2.1% on top of our DSG plus mainstreamed Standards Funds. Children who are looked after by the Council will also attract the Pupil Premium.

4.7 The Premium for deprived pupils will be paid to the Council and passed in its entirety to the schools with the named pupils at 20 January 2011. Schools will have freedom to employ the strategies that they know will support their pupils to increase their attainment. The premium for looked after children and deprived pupils in non-mainstream settings will be paid to the Council with "freedoms" for councils to distribute the funding as they see best.

- 4.8 It is now even more in their interests of schools to promote registration for Free School Meals. The Council is working with schools to raise awareness and to simplify the process for registrations across the City, focussing initially on those areas where there is a particular difference between the expected and actual registration levels.

Inflation

- 4.9 It is not expected to be affordable to provide for inflation costs in the funding delegated to schools, other than “pass through” costs such as rates. Schools can however expect to experience some inflationary costs, including the full year cost of the September 2010 teachers’ pay award (an impact of approximately 1% on the teaching pay budget), inflationary pressure on non-pay costs (e.g. fuel costs) and an expected increase of 2% in the employer’s pension contributions for non-teaching staff. Schools will also need to budget for the Council’s Single Status scheme, although most schools will already have been providing for this where applicable, and for additional charges for services traded by the Council. Overall, these could amount to inflationary pressures in excess of 3% at school level.

Efficiency

- 4.10 In its Spending Review statement the Government made reference to the need for schools to make £2.1bn of ‘efficiency savings’ to be released to fund frontline teaching from procurement and back office savings (£1bn) and the public sector pay freeze (£1.1bn). The Council works with schools to improve efficiency and to highlight Government guidance.

The Minimum Funding Guarantee (MFG)

- 4.11 The Government has in the past used the Minimum Funding Guarantee (MFG) to ensure that all schools received on average increases sufficient to meet inflationary pressures in comparison to their previous year’s funding, less any efficiency requirement.
- 4.12 In 2011-12 at school level the MFG has been set at minus 1.5% for pupils aged 5-16, meaning that no school will see a reduction in per pupil funding greater than 1.5%, before the Pupil Premium is applied. The guarantee will apply to a baseline which incorporates all the grants being maintained into the DSG as well as the current delegated budget. DfE advise that a higher guarantee may be set locally if considered desirable and affordable.

The Early Years Single Funding Formula (EYSFF)

- 4.13 We are required by the DfE to implement an Early Years Single Funding Formula (EYSFF) from April 2011 for three and four year olds in the Private, Voluntary and Independent (PVI) settings and three year olds in maintained schools accessing the free entitlement of up to 15 hours per week of nursery education.
- 4.14 The EYSFF was originally due to be implemented from April 2010 and a formal consultation was issued to seek views on the proposals. However, implementation nationally was delayed to April 2011. Representatives of maintained and PVI settings have been part of an EYSFF review group and have agreed that the proposals should be the recommended way of implementing the EYSFF from April 2011.
- 4.15 The proposed new scheme is compliant with the national guidelines and key features are:

- A recognition that there will be “winners” and “losers”, particularly in schools as the funding follows actual children on roll rather than places available;
- A recognition that the new formula will lead to a more efficient arrangement of provision in schools. A recognition that the Council must have active regard to sufficiency of provision in each local area, and be able to allocate additional funding accordingly should the need arise;
- A “base rate” of funding per hour, with additional funding to recognise deprivation, qualifications of staff and national standards such as Every Child a Talker; and
- An intention to at least maintain the overall level of funding for early years across Leicester, subject to the affordability (noting that the economic climate has changed since the consultation).

4.16 The proposed changes in the potential new formula have been modelled, to provide information on how each setting could be affected. Transition, subject to affordability and guidance provided by DfE, will be applied across all funding changes to the Schools Budget.

Local Formula Changes Proposed

4.17 The Schools Budget includes Centrally Retained Items; these are a range of education services and support delivered or arranged by the Local Authority, and funding is initially held centrally and then delegated to schools during the year rather than in their initial budgets. Two changes have been identified for 2011/12 which will increase the level of funds directly under the control of schools: Threshold Pay Grant; and, funding provided to support pupils with special educational needs. In addition a revised funding formula for the costs of pupil mobility is proposed.

4.18 **Threshold Pay** is payable to teachers who 'cross the threshold' and are promoted to a higher pay scale. It was funded by a specific grant until 2006/07 when it was transferred into the DSG baseline. However the arrangement for allocating £4.9m of funds to schools has remained unchanged. The current process is cumbersome and inefficient for both the Schools and the Council. To simplify the process, to be able to allocate schools the full amount of threshold funding in their delegated budgets at the start of the financial year, it is proposed to amend the method of allocation. The proposals, which are supported by Schools Forum, will reduce administrative costs for the Council and schools. Threshold funding would be based on a 'snap shot' of the number of teachers on the upper pay scale at each school in January each year, from the data held on the Council's systems as opposed to schools submitting a return during the financial year.

4.19 **Meeting Individual Needs (MIN)**. This is Leicester City's proposed way of implementing the Special Educational Needs Code of Practice. An extensive consultation process examined a range of proposals to change the way Leicester City currently identifies, assesses and makes decisions about the services for children and young people with special educational needs. This approach is designed to support schools, settings and others in carrying out their statutory duties to identify, assess and make provision for children and young people with special educational needs.

4.20 Currently, £11.6m is provided to mainstream schools for supporting pupils with special educational needs (SEN), as part of schools' delegated budgets, based on a number of factors. A further £3.4m is held centrally for subsequent allocation to mainstream schools for

individual pupils with severe and complex SEN, i.e. where a child needs more support. Leicester City holds a higher proportion of the funding centrally than most other Local Authorities. There is an administrative burden for schools and the Council involved in allocating this central support funding. It is also not helpful to schools' strategic planning (particularly smaller schools). For these reasons, it is important to give schools a higher proportion of the funding directly and on a more sustainable basis. The proposed approach, which is supported by Schools Forum, is to allocate these funds directly to schools through a funding formula in their initial delegated budgets. Schools could pool some of their SEN funding with other schools in order to create shared provision, or to provide a contingency to which they can have quick access. The proposals include arrangements for 2011/12 to preserve allocations at 2010/11 cash levels, moderated by any significant changes in specific needs. This approach is designed to safeguard existing arrangements during a one year transition period, during which the arrangements for 2012/13 and subsequent periods will be considered in more detail in the light of emerging Government policy and possible new national funding arrangements.

- 4.21 **Pupil mobility** is 'the total movement in and out of schools by pupils other than at the usual times of joining and leaving' (Ofsted 2002). It exists in all schools, but for some the high levels of mobility make particular demands on school systems, resources, staff and the stable community of pupils. Funding for pupil mobility (known in Leicester City as pupil turbulence) currently amounts to £0.5 million; £0.4 million is allocated to primary schools and £0.1m to secondary schools.
- 4.22 The current methodology was established ten years ago and is an administrative burden upon schools and the Council. It involves a lengthy checking process (which creates anomalies and errors), does not take advantage of the developments in data collection that have taken place in recent years (school census and the ONE database) and there are complexities surrounding the definitions used to determine the allocations.
- 4.23 A new method is proposed that utilises the stability indicator as used in RAISEonline, which provides interactive analysis of school and pupil performance data. This is the nationally recognised model and enables funds to be allocated using existing data, without any further work by the Council or schools. Schools Forum supported this approach in principle. Further work and consultation with schools is ongoing to determine the distribution method and the allocation level for qualifying pupils.

Pressures on the wider Schools Budget

- 4.24 A number of unfunded pressures have been identified on the wider Schools Budget (as opposed to individual schools). These include:-
- City Learning Centres, for which the Area Based Grant funding of £480k will cease. These are to be reviewed to determine levels of usage and future demand. Alternative funding models will be considered, including trading with schools, funding by a school or group of schools, or used for an alternative purpose. It is likely that funding will be required by "top-slicing" the Schools Budget whilst funding arrangements are discussed and agreed. It should be noted that when the City Learning Centres were opened some years ago it was intended that they should become self funding in the future;

- The introduction of the Carbon Reduction Tariff Scheme, for which there will be a cost of perhaps some £300k to the Schools Budget. Subject to the DfE regulations, it is proposed to top-slice DSG to pay for this in 2011/12;
- The costs of Single Status for the City Catering school meals service, estimated in the order of £600k. These will need to be funded by DSG for Free School Meals, charges for paid meals (or DSG) and operating cost reductions. A separate piece of work is being undertaken to consider this;
- Any proposals to allocate additional funding for *Whatever it Takes* and other collaborative initiatives. The Schools Forum is minded to make further provision, if affordable, and in the light of evaluations of the initiatives funded to date;
- School Support and Intervention where individual schools require additional funding (e.g. because of falling pupil numbers, forthcoming closure or a programme to significantly raise standards).

Pressures on individual schools

4.25 A number of unfunded pressures have been identified on individual school budgets. These include:-

- Changes to some national grants, such as the School Sports Partnerships (significantly reduced), the ending of Playing for Success and school-specific funding such as National Challenge, and the uncertainty around Music funding. These total some £1.2m;
- Additional services that the Council will need to trade with schools due to funding changes affecting the Council, and the need for all traded services to cover their full costs. A separate Cabinet report will address this;
- The potential for schools to assume greater responsibility for securing careers advice as the new national careers service starts to take effect from the Autumn;
- Expected reductions to the funding for Sixth Form provision via the YPLA, in line with the national plan to gradually harmonise funding for school sixth form with funding for Sixth Form and FE colleges (see 4.5 above);
- The potential knock-on effect of wider services levels provided by the City Council to children and families, as a direct consequence of significant reductions in grant funding. For example, the Schools Forum commented that children might be less well prepared for starting school, or not as well supported with behavioural issues once at school;
- The impact of an 80% reduction in Devolved Formula Capital to schools and the ending of the Harnessing Technology Grant, which will inevitably push costs onto schools' revenue budgets (albeit perhaps not immediately at some schools).;

Transitional Protection

4.26 It is recognised that the scale of change may unduly impact upon individual schools. The Minimum Funding Guarantee will provide protection to schools by limiting any funding

reduction per pupil to minus 1.5%. Where specific changes will not be covered by the MFG (due to technical rules around its calculation), alternative transitional protection methods are being considered to ensure that individual schools are not destabilised.

School Balances and Reserves

- 4.27 Schools Forum approved in September 2010 a new School Balance Control Mechanism, following consultation. It was intended that this would be applied to school balances held at 31 March 2011 and annually thereafter. The DfE is now expected to make provision in legislation to remove the requirement for a local authority to have a School Balance Control Mechanism in place for March 2011.
- 4.28 This development was considered by the Schools Forum in January 2011. The Forum agreed to reconvene a focus group to consider this and to make recommendations for consideration at a meeting on 24th March 2011. Officers will suggest that a scheme should remain in place, but that the permitted level of uncommitted balances could be increased to enable schools to retain more funds in the light of the significant financial pressures they will experience in 2011/12 and future years. An individual approach would be taken to consider the position of any school with balances over the threshold. Members views on this approach are sought. It should be noted that the formal decision rests with Schools Forum.

Funding for Future Years

- 4.29 The DSG allocation is announced for 2011-12 only. As previously signalled, the DfE will be consulting on changes to the school funding system, and indeed the commentary with the Pupil Premium states that the Coalition's objective is to reform the underlying funding system so that over time deprived children in every part of the country receive the same level of support. Commitments have been given to maintain per-pupil funding in cash terms at national level and to increase the new pupil premium year on year.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

The report is concerned throughout with implications for Schools, Private, Voluntary and Independent Nursery providers and central services funded through the Schools Budget. - Colin Sharpe, Head of Finance, Investing in our Children, Tel: 0116 252 7750 colin.sharpe@leicester.gov.uk

5.2. Legal Implications

The report throughout relates to financial issues, which help determine the distribution of the Dedicated Schools Grant. It contains some proposals made by the Council which Schools Forum has a legal duty to be consulted upon and some proposals which Schools Forum and Cabinet has powers to approve. - Kamal Adatia, Barrister, Head of Community Services, Law, Tel: 0116 252 7044 kamal.adatia@leicester.gov.uk

5.3. Climate Change Implications

There are no direct climate change implications in 2011/12, although it is understood that DfE are considering how the Carbon Reduction Tariff Scheme should be accounted for. This report does not contain any significant climate change implications and therefore should not have a detrimental effect on the Council's climate change targets.

Helen Lansdown, Senior Environmental Consultant (Sustainable Procurement)
Tel: 0116 252 6770 helen.lansdown@leicester.gov.uk

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	Yes	Section 4
Policy	Yes	Section 4
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

6. Consultations

- 6.1 Implementing an EYSFF [Start 18/11/2009 Ended 15/01/2010]
Meeting Individual Needs Review [Start 17/10/2010 Ended 17/12/2010]
Threshold Pay Grant [Start 11/11/2010 Ended 17/12/2010]
Schools Forum 27 January 2011

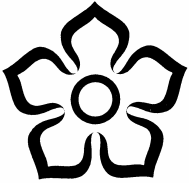
7. Report Author

- 7.1 Colin Sharpe, Head of Finance, Investing in our Children
Tel: 0116 252 7750 colin.sharpe@leicester.gov.uk

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

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Appendix B



Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Children and Young People's Scrutiny Committee
Cabinet

28th February 2011
7th March 2011

Developing the Traded Services Offer to Schools

Report of the Strategic Director, Children

1. Purpose of Report

- 1.1. This paper seeks to set out a way forward for developing services traded with schools, in the light of the recent Government White Paper "The Importance of Teaching" and the Local Government finance settlement.
- 1.2. The White Paper proposals, in line with the Government's wider commitment to localism, seek to replace the authority's traditional role as "service provider" with that of "strategic commissioner" and to promote greater autonomy for schools.
- 1.3. This approach, linked to the severe pressures upon the Council's budgets and the likelihood of further changes to the arrangements for funding the Council and schools in the years ahead, necessitates significant development of the traded services offer to schools. The preferred approach is set out in this report.

2. Recommendations

- 2.1. **It is recommended that the Schools Forum and the Scrutiny Committee consider the report and make any comments for the consideration of the Strategic Director and the Cabinet.**
- 2.2. **It is recommended that the Cabinet considers any such comments and endorses the approach set out within this report.**

3. Summary

- 3.1. This report summarises the issues facing the council in trading with schools, suggests initial actions and sets out a longer term strategy for aligning the provision and payment for services with the respective roles and budgets of the Council and schools. It was reviewed by School Forum on the 27th January; the need for the measures outlined were understood

in the current financial climate but Forum expressed concerns about further pressures on school budgets.

4. Report

New Environment and “Shape” of Service Provision Required

- 4.1. Two key factors are now driving the need for significant development of a revised trading offer between the Council and schools.
- 4.2. Firstly, the White Paper, the “Importance of Teaching”, raises issues in a number of areas specific to trading, including:
 - a general move towards greater autonomy for schools, including an assumption that schools should determine which services to buy and from whom;
 - implications from the arrangements for commissioning and funding alternative provision for pupils, which will impact on the role and funding of Pupil Referral Units and special needs and behaviour support services;
 - School Improvement Services, where the statutory requirements upon the Council will be reduced and where schools will become responsible for commissioning such services from the Council or other providers and meeting the costs; and
 - the potential for schools to become academies and free schools, receiving funding for certain responsibilities that for maintained schools remain with the Council, and thus the need for any such services offered by the Council to be charged for.
- 4.3 The 2011/12 Local Government finance settlement represents a significant real terms funding cut for the Council and will be followed by further cuts in future years. There is also a historic shortfall in the charges for some existing traded services to be addressed, as previously reported (notably Human Resources). However it is also recognised that schools will be in a more challenging financial position, both in terms of their funding (which is likely to reduce in real terms and possibly cash terms) and increases in the costs they are expected to meet.
- 4.4 These combined factors will rapidly lead to an environment where trading will need to be fully responsive to the market, in particular it should be:
 - a balance of provision between that which the Council can provide in an efficient and high quality manner and out-sourced or commissioned provision where other providers can offer a more cost effective or better service (or where the Council does not wish to provide a service);
 - offered to all schools in the City (and potentially elsewhere); that is, Community Maintained, Voluntary Aided, Trusts and Academies (including any free schools), recognising that charging structures will need to reflect variations in funding arrangements; and
 - flexible to market demand – expanding and contracting service availability and provision as required by schools.

Initial Steps to be undertaken for 2011/12

4.5. As a response to the emerging new environment, all services with potential to trade have been rigorously reviewed over recent months and the following two key steps are proposed for 2011/12:

1. Introduce new services to the traded services portfolio which are currently provided free to schools, including:
 - Educational Psychology, specifically a training package and therapeutic intervention package, it is anticipated that this would cost in the region of £100k;
 - Property Services relating to best use of capital budgets, procurement of specialists, buildings projects advice and future planning;
 - a range of revised and new Health and Safety services which are likely to cost in the of an additional £60-£80k;
 - a small price increase relating to the SIMs system (old EDISS) for the Workforce Census costing £5k;
 - charges for the Human Resources service are likely to rise in order to raise an additional circa. £100k in order to more fully reflect the actual cost of delivering the service;
 - Behaviour Support and Pupil Referral Unit options (exact structure under discussion);
 - large parts of Learning Services to become traded including most non-statutory activities such as training and development, consultancy for example, Headship appointments (non-Special measures schools);
 - data collection and checking service specific to Datanet, Casper and the Fisher Family Trust databases including a service to provide more detailed and bespoke services to schools;
 - non-statutory elements of safeguarding training and advice delivered to schools; circa £20-£40k.

Many of the areas currently delivering services are reviewing how services are delivered and it is intended to identify more transparently what services are statutory, what additional services will still be provided free of charge and what will now be charged for.

The new services and the significant increase in prices will need to be market tested with schools to gauge the initial reaction; this will allow any potential adverse reactions to be potentially moderated. It should be stated at this juncture that overall increases are indicative at this stage.

2. Review charges for all current traded services that are not covering their costs, e.g. the Human Resources service
- 4.6. These measures will have a significant impact upon the current structure and overall quantity and value of services traded with schools. They will need to be discussed with the Schools Forum and an implementation timetable set; key dates are expected to be the start of the financial year (April) or the new academic year (September). A detailed portfolio of new services is currently being prepared.
- 4.7. It should be noted that schools have received additional funding in their delegated budgets over recent years to meet the additional costs as the traded services offer has developed. The total additional funding amounting to some £825k and has been released from 2008/09 onwards with the final tranche in 2010/11. This latter tranche was in anticipation of further charges being introduced in 2010/11, although in the event this has not yet taken place to any significant extent.
- 4.8. The new and reviewed charges could be valued at very provisional £500k to £750k, the amount of income generation will be dependant upon school take up and the quality of the services offered. It is recognised that this is in excess of the 2010/11 additional delegation and will be an additional cost pressure on schools at an already difficult time. However, for the reasons set out earlier in the report, it is inevitable that schools will need to meet additional charges if they are to continue to be able to receive the benefit of the services. This report and the growing charges to schools should also be viewed within a regional context where many neighbouring councils already charge for many services that are currently free here.
- 4.9. It should be noted that an additional range of services to schools are funded by “top-slicing” the Schools Budget / Dedicated Schools Grant, in particular Special Needs Teaching Services. This approach has received the support of the Schools Forum and helps to ensure that school staff are appropriately trained to support pupils with special needs without schools having to meet the costs from their budgets (and thereby also supports inclusion and helps to minimise the costs of alternative placements). However, it may be that into the future as national arrangements for funding schools change, and indeed as schools funding comes under greater pressure, that the funding should cease to be top-sliced and the services should move onto a traded footing. This will be progressed during 2011/12.

The Medium to Longer Term

- 4.10. Once the new services have been launched and the take up by schools assessed it will be necessary to consider the longer term viability of services on an on-going basis. Schools are of course under no obligation to purchase services from the Council.
- 4.11. If take up is high and the service delivers what customers want at an income level that covers the full cost of the service delivery, then the service may be considered as stable and consideration given to enhancement or expansion or both. Extending the service to support schools from other areas could also be considered.
- 4.12. If a particular service fails to achieve cost recovery within a year it will be necessary to consider the future of that particular service with the following actions considered:

- are the reasons for failing to achieve cost recovery identified and can these be addressed such that the service can become viable;
- can the service be provided more cost effectively and efficiently by outsourcing to an independent provider or another council?
- does the market exist for this service at all? Should it be left to the market to fill the particular need for those schools that do wish to buy the service?
- does the Council feel that this particular service is so vital to schools that it is willing to subsidise it?

4.13 The in-escapable conclusion from a service that is failing to trade effectively is that costs (including staffing) will need to be decreased, and the service may need to be terminated or transferred to another provider. In addition, a trading failure may impact upon the wider finances of the Council, specifically the allocation of un-changed overhead costs to a smaller base.

4.14 It will be necessary to consider further developments in the traded services offer, including those services currently funded by top-slicing the overall Schools Budget as described above.

4.15 The arrangements for managing and developing the traded services portfolio will require consideration, to ensure that the portfolio meets schools' on-going requirements and is financially viable.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

This report deals entirely with financial implications; it is essential that the Council is clear as to the services it wishes to fund, those it wishes to provide on a traded basis and those which should be outsourced or left to the market. Traded services will need to operate on a full recovery basis, as any deficit would fall to the Council to meet from its General Fund. It is recognised there will be a financial impact on schools and this may lead to schools having to make difficult choices about which services to purchase and from where. – Colin Sharpe, Head of Finance, Investing in our Children, ext. 29 7750.

5.2. Legal Implications

This report has been shared with Legal Services, but until more detailed individual trading proposals are completed implications cannot be clearly defined. As individual trading options are completed they will be submitted to Legal Services to ensure that they are consistent with Council policy.

5.3. Climate Change Implications

There are no climate change implications to this report.

6. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	Yes	Throughout
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7. Background Papers – Local Government Act 1972

- 7.1. Traded Services – Strategic Options Re-appraisal discussed at Investing in Our Children Leadership Team meeting in December 2010.

8. Consultations

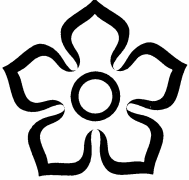
- 8.1. Ongoing discussion and consultation with service providers within Investing in Our Children and Schools Forum.

9. Report Author

- 9.1. Colin Sharpe – Head of Finance, Investing in Our Children

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

Appendix C



Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Planning and Development Control Committee
OSMB
Cabinet

18th January 2011
3rd March 2011
7th March 2011

City Centre Car Parking Strategy Supplementary Planning Document (SPD)

Report of the Strategic Director, Development, Culture and Regeneration

1. Purpose of Report

- 1.1. The purpose of the report is to seek approval for the City Centre Car Parking Strategy Supplementary Planning Document (SPD). Public Consultation on a draft document took place between Monday 6th December 2010 and Friday 21st January 2011 and the SPD has been amended accordingly.

2. Recommendations

- 2.1. The attached City Centre Car Parking Strategy Supplementary Planning Document SPD is recommended for adoption.

3. Summary

- 3.1 Following concerns about the lack of a parking strategy for the City Centre and the impact on regeneration of unauthorised car parking, a Supplementary Planning Document (SPD) has been prepared. It will allow the City Council and its partners to manage and develop the supply of free standing city centre parking and ensure it matches likely future demands. Eventually it will form part of a broader city-wide parking strategy.
- 3.2 The SPD considers existing parking provision, future development proposals and balancing the needs of visitors, shoppers, residents and local businesses with providing sustainable transport and improving air quality.
- 3.3 It will ensure that new car parking provision is well located, well designed and managed. It will also enable the progressive removal and, if required, replacement of temporary, unsightly or outdated parking facilities in order to improve the appearance of the city centre as a whole. The SPD sets out criteria for considering appropriate enforcement action against unauthorised sites.

- 3.4 Although there is currently sufficient parking for present needs, southern areas of the city centre in particular are identified as having insufficient parking for the predicted future growth of the city.
- 3.5 Public consultation on the SPD took place from 6th December 2010 – 21st January 2011. The representations received and the City Council's responses are summarised in **Appendix 1** (Summary of Representations).
- 3.6 **Appendix 2** (Table of Changes) shows the changes that have been made to the December consultation draft version. They have all been incorporated into the final Adoption version of the SPD that is attached as **Appendix 3**.
- 3.7 The document is available online at: www.leicester.gov.uk/carparkingstrategy

4. Report

- 4.1. The City Centre Car Parking Strategy Supplementary Planning Document (SPD) is attached as Appendix 3. This SPD has focused primarily on the parking supply for commuters, taking into account park and ride services. It provides a new evidence base about the current level of parking supply and demand. It also provides a criteria based approach for considering enforcement action against unauthorised car parks. The SPD will form part of the future City Wide Parking Strategy that will review both residential and non-residential parking standards for new development.
- 4.2 **The SPD aims to:-**
- Describe what the current patterns of parking are in the City Centre and provide a basis for taking decisions on future car parking proposals, based on current and future demand;
 - Encourage economic regeneration by balancing the needs of visitors, shoppers, residents and businesses with the development of sustainable transport, and air quality improvements;
 - Ensure quality parking provision that is well designed, located and managed;
 - Provide a basis for decision making on the progressive removal and, potentially replacement of temporary and unsightly or outdated parking provision, to improve the city-scape;
 - Be integrated with the wider City Centre strategies.
- 4.3 **The SPD will be used to:-**
- Achieve an appropriate level of car parking that will support the economic viability of the City Centre, without undermining sustainable modes of transport, such as commercial bus services and Park and Ride.
 - Take decisions on proposals for freestanding parking provision not associated with new development for which there are separate standards.
 - Applications for parking that are associated with new development will continue to be considered on their individual merit in line with current planning policy.
 - It will be used in pre-application discussions and as a material consideration when determining planning applications.

4.4 Evidence

Evidence was gathered about the existing public and private parking supply, quality and demand, in both multi storey and surface car parks, by surveying existing car parks. All car parking that was surveyed is shown on Map 2 of the SPD. The names and locations of all the public car parks are shown in Map 9 in Appendix 8 of the SPD.

The evidence was used to form the area specific conclusions in section 5.2 and the Parking Strategy in section 6. Planning consents were also researched and appeal documents have been used in section 7, both to show the planning status of sites (Map 7 of the SPD) and to provide criteria for considering enforcement action.

4.5 Study Findings

There is a considerable variation in the quantity of different types of parking (surface and multi storey; public, contract and private parking), the quality and how they are distributed geographically across the City Centre. There are also differences in the parking tariff.

For the purposes of this study, in order to be able to explain the different characteristics of the area, the City Centre has been divided into 4 “zones”, North East, North West, South East and South West, which each have a similar number of commuter car parking spaces. These are shown on Map 6 of the SPD. There is a detailed description of each area in section 5.2 of the SPD.

4.6 Conclusion:-

The study concludes that a different approach should be used in different areas.

PARKING STRATEGY:-

Areas of Constraint:-

North West and North East Areas

Based on the evidence above, no additional free standing car parking, that is not associated with new development should be approved in these areas.

Areas For Future Provision:-

South East and South West

Although current demand is met, there is not additional capacity remaining to support the expected future growth that is set out in the Core Strategy for these areas. Additional parking may therefore be required to meet future need, subject to the following:-

Criteria For Additional Future Parking:-

Additional parking will only be considered where a strong business case can be made in line with any travel plans and only after it has been demonstrated that the more efficient use of existing parking has been considered.

Additional car parking will also need to satisfy the following criteria.

All new parking should:-

- Take into account the adopted Car Parking Standards contained within the saved policies of the City of Leicester Local Plan and the relevant policies in the Core Strategy (see Policy Guidance in Appendix 11 of the SPD);

- Be located in the most sustainable location which will give potential users other options for travel, not just the motor car. (The relationship to an existing City Centre Public Transport Facilities can be seen using map 13 in Appendix 14 of the SPD);
- Be of high quality design (see Appendix 9 of the SPD), include good management provision, address both internal and external lighting, security, potential noise impacts and not have a significant adverse effect on residential amenity ;
- Support the use of Low Emission vehicles (see Appendix 12 of the SPD);
- Where appropriate, consolidate existing parking provision by replacing existing poor quality, or poorly located provision (see Design Guidance and examples in Appendix 9 of the SPD);
- Make provision for public use;
- Be designed to ensure minimal disruption to the transport network and that any problems caused are properly mitigated by submitting a Transport Statement or Assessment. Please refer to the “Highways, transportation and development guide”;
- Take account of the Network Management Plan that is proposed to be included in LTP3;
- Not undermine the delivery or support of sustainable modes of transport such as commercial bus services and Park and Ride.
- Applications for the renewal of existing car parking should also take into account the combined effect of the criteria set out in section 7.2 of the SPD.
- Include an air quality impact assessment to demonstrate that there is not an unacceptably detrimental effect on air quality, taking into account the Air Quality Monitoring Area and the Air Quality Action Plan.
- Applications which cannot meet these criteria will be recommended for refusal.

4.6 **Criteria For Considering Enforcement Action**

Section 7 of the SPD shows the planning status of sites (Map 7 of the SPD) and gives criteria for considering appropriate enforcement action against unauthorised sites.

The combined effect of the criteria will determine whether it can be demonstrated that the proposal results in any harm. These require further information (as specified in the SPD) relating to increase in congestion; Increase in car commuting or location which undermines public transport policy; delay in regeneration and implementation of permitted redevelopment of the site; Environmental Considerations such as the character and appearance of the street scene; and car parking demand / supply.

5. **FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

5.1. **Financial Implications**

It is worth noting that income from the main Council run off street car parks (Haymarket and Newarke Street) in the 8 months to November 2010 is 11% less than the equivalent period last year and is forecast to be 19% less than the budget for the full financial year. Prices have not been increased since 2007. The increased competition from other car parks is having a significant financial impact on the Council as the budget income shortfall is estimated to be nearly £0.3m.

Martin Judson, Financial Services, 297390

5.2 Legal Implications

The Leicester City Centre Car Parking Strategy Supplementary Planning Document provides guidance on how development proposals should be carried out in Leicester City Centre as well as forming a creative vision for its future. This SPD is part of The Local Development Framework System which was introduced by the Planning and Compulsory Planning Act 2004 and comprises the portfolio of documents that will replace the adopted Local Plan, alongside the Core Strategy.

Anthony Cross, Legal Services, 29 6345

5.3 Climate Change Implications

Transport makes a significant contribution to city-wide carbon emissions and any parking strategy should take this into account and encourage the move from private vehicles to public transport/walking/cycling if we are going to meet our carbon targets in the future. The Parking Strategy of the SPD seems to take into account measures to support public transport and low emission vehicles.

Helen Lansdown, Senior Environmental Consultant - Sustainable Procurement 2526770

6. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	Yes	The SPD will supplement both 'saved' local plan policies, core strategy policies and local transport plan policies.
Sustainable and Environmental	YES	SPD takes account of Sustainable modes of transport, CO2 emissions and air quality.
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7. Background Papers – Local Government Act 1972

7.1. Planning and Development Control Committee 18th January 2011.

8. Consultations

8.1. As part of the preparation of the evidence base and the SPD, consultation has been carried out with both stakeholders and with other City Council staff. This has included engagement

through workshops in October. Public consultation on the draft SPD also was undertaken between 6th December 2010 and 21st January 2011.

9. Report Author

Rachael Mkanza Senior Planner - Planning Policy and Design
Ext 297271

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

Representations

Name / Organisation	Summary of Comments	City Council Response
Overall summary:-	<p>24 responses including :-</p> <ul style="list-style-type: none"> ▪ 3 requests for meetings - University of Leicester, NCP & Leicestershire Asian Business Association ▪ 3 elected members Cllrs Kitterick, Grant & Porter ▪ 2 site owners – former ABC cinema & Cumberland Street ▪ Planning and Development Control Committee 18th January 2011 ▪ Castle Ward Community Meeting 20th January 2011 ▪ The County Council, Leicestershire Police; Leicester Civic Society; Pick Everard; DMU; Cinema DeLux; Theatres Trust. 	See below
NCP 1	<p>NCP as the largest parking provider is willing to work with the Council to improve parking in Leicester and to identify potential sites and appropriate working arrangements. On- street parking has not been addressed Night time economy has not been addressed. Targets for quality should have been set to raise standards. Need a stronger line on taking enforcement action against all illegal car parks. Strengthen references to Walking Audits. Better pedestrian signage to car parks is required. NCP would be happy to discuss a framework linking successful enforcement action with improvements in lighting and security in NCP car parks. Meeting held on 18th January 2011. NCP hadn't appreciated that the SPD was part of a future wider parking strategy, so a lot of initial concerns were addressed by that. They are very keen on regular continued dialogue with LCC and to be involved with the future citywide parking strategy.</p>	<p>The future City Wide Parking Strategy will be able to address on street parking and night time economy. The reference to this will be strengthened in section 1.0 Aims of the SPD Setting targets for the quality of existing car parks would not be realistic or enforceable as most are in private ownership. Strengthen references to Walking Audits in 6.0 and 3.2c. Pedestrian signage was updated as part of the Streets and Spaces investment and a review of the variable message signing system is underway. Enforcement action can only be successfully taken where there is a clear case. A meeting with NCP has been held.</p>
NATURAL ENGLAND 2	No comment. It is unlikely to have any significant effects upon the wider natural environment.	None required.
LEICESTER CIVIC SOCIETY 3	SPD is very useful in appreciating scale of current car parking in the City. But disagree with the conclusion that there is a shortage in both southern areas, because there is only a minus number of spaces in	The most reliable and complete set of data that is currently available has been used. The document will be reviewed in 5 years time, so only the growth shown in

Representations

	<p>south east and this is minor. Using figures in RSS and assuming zero impact of LTP is flawed. The conclusion should be that there is no need for any expansion of car parking provision. This should be reflected in LTP3.</p>	<p>approved 5 year housing supplies has been used. The modal shift from the 2001 census was used because we do not yet have more up to date city wide figures. No changes proposed.</p>
<p>LABA Leicestershire Asian Business Association 4</p>	<p>Request for meeting with LABA board and members. Meeting held on 4th February 2011. Previous parking policies were anti-enterprise, inconsistent and lacked a long term strategy. The economic impact of traffic warden policing regimes isn't considered. The City Council should be proportionate in its support of voluntary sector development verses private sector development, Cultural Quarters being an example of bad or no impact assessment. The importance of economic wellbeing and ability to attract shopping and visitors to areas like the Belgrave, Highfields and secondary shopping centres needs consideration. Any move towards city centre parking levy regimes, should be subject to full consultation and impact assessment. LABA can play their part in promoting best practice.</p>	<p>On street parking and enforcement are not covered by this SPD. The future City Wide Parking Strategy will be able to address on street parking.</p> <p>Ways in which LABA and the business community could engage in the next study were discussed, including using SABRAS radio.</p> <p>No changes proposed.</p>
<p>Cllr Patrick Kitterick 5</p>	<p>Need copy of document and at the very least we should have an item at a Ward Community Meeting.</p>	<p>Agreed; attended Castle Community Ward Meeting 20th January 2011. See below.</p>
<p>CLLR. ROSS GRANT Conservative Group Leader 6</p>	<p>Looking at the evidence used for this strategy there is no mention of tickets issued by Vinci staff on behalf of the Council. Can you confirm if this was used.</p>	<p>No it was not used because on street parking spaces are not covered by this SPD. The future City Wide Parking Strategy will be able to address on street parking. No changes proposed.</p>
<p>PICK EVERARD Alastair Hamilton 7</p>	<p>Appendix 3 - Car park charges do not consider deals between car park operators and local businesses for use of the car park at a cheaper rate. The percentage occupancy figures may therefore be slightly distorted .</p> <p>Appendix 4 - It is suggested here that other sites in addition to Birstall will be considered for the provision of further park and ride facilities, but LTP3 consultations state that due to budget constraints, there will be no new facilities other than at Birstall and instead the emphasis will be on making the best use of the park</p>	<p>The deals between car park operators and local businesses are not available to the City Council, so cannot be investigated.</p> <p>The statement on page 42 relating to the future provision of park and ride facilities is taken from the adopted Core Strategy</p> <p>Additional park and ride facilities are still a medium to longer term strategy of the</p>

Representations

	<p>and ride facilities that we already have. Will LTP3 and this parking strategy be consistent with each other?</p> <p>There is nothing in the document about car park pricing strategy to support the use of alternative modes of transport whilst, at the same time, balancing the needs of people to drive into the city and maintaining the vitality of the city centre by not deterring visitors from travelling in or new incoming business.</p>	<p>LTP3, so the two documents are compatible.</p> <p>The majority of the City's car parks are not owned or controlled by the City Council therefore a pricing strategy is outside the Council's remit.</p> <p>No changes proposed.</p>
THE COAL AUTHORITY 8	<p>Thank you for consulting The Coal Authority on the above. Having reviewed your document, I confirm that we have no specific comments to make on this document at this stage.</p>	<p>None required.</p>
NEETA KACHHELA 9	<p>General parking queries about parking in Loading Bays and on Single Yellow lines.</p>	<p>These specific parking queries are not covered by this SPD,</p> <p>No changes proposed.</p>
P. SIMPSON 10	<p>The car parking is adequate in Leicester City Centre only busy at xmas time. The park and ride at Enderby is an absolute waste of money for anybody to use, why travel down M1?</p>	<p>Comments noted.</p> <p>No changes proposed.</p>
LYNDA McLEAN 11	<p>If you are trying to encourage people not to use cars, please take account of the needs of disabled people unable to use a bus and walk. Scooters need to be accessible from where the buses stop, or buses able to accommodate them.</p>	<p>Comments noted.</p> <p>No changes proposed.</p>
LEICESTERSHIRE COUNTY COUNCIL Sophie Davies 12	<p>The document is broadly welcomed as up to date evidence. Support for increasing numbers of people walking, cycling, and travelling by bus to the City Centre.</p> <p>The role that parking provision plays and ease of access to it, needs to be recognised as supporting the sub-regional retail and leisure economy. Must recognise those for whom travel by car is the only option, e.g. from more rural/remote parts of the County, and ensure that adequate parking provision is available for future demand, or we may risk losing out to competing destinations, which would not only be bad for the sub-regional economy but which could also result in people travelling longer distances by car (with associated congestion and pollution consequences).</p> <p>The legibility of access to car parking is important. In many cases spaces are available within a relatively short travel distance both by car and on foot, but people drive around within one area without</p>	<p>It is recognised that parking is required to support visitors to the City and is vital in supporting the Leicester and Leicestershire sub-regional retail and leisure economy. The existing car parking capacity is adequate for this.</p> <p>The pedestrian signage was updated as part of the Council's recent Streets and Spaces investment and a review of the variable message signing system is being undertaken.</p> <p>Enforcement action can only be successfully taken where there is a clear case. The criteria in section 7 help clarify</p>

Representations

	<p>going to another where there are spaces available. It is important that both good signing and direct and understandable routes exist for both vehicular and pedestrian access to car parking. Practical enforcement action, of unlawful Public Surface Level Car Parks is necessary for the parking strategy to succeed.</p>	<p>the information that will be required.</p> <p>No changes proposed.</p>
<p>CUMBERLAND STREET CAR PARK Insight planning Mark Flood 13</p>	<p>My client is broadly supportive of the aims of the SPD as set out at paragraph 1.0. However, my client is concerned as to the clarity of the document in a particular respect.</p> <p>The document does not make clear how the sites shown on Map 2 relate to the capacity calculation at Appendix 12. One assumes that all of the car parks shown on Map 2 represent the baseline for the application of the parking strategy set out at 6.0, i.e. anything proposed above and beyond them would be resisted, however, that interpretation is not explicit.</p> <p>If it is the case that Cumberland Street has been excluded from the baseline, my client objects to that exclusion.</p>	<p>This site is shown on map 2 p14, as a private surface car parking site. Appendix 12 in table 6b on p 64, for the NW, lists on a site by site basis the names of all the contract, authorised public surface level and multi storey sites that have been included. Private capacity is included as a total in the second line of the summary table.</p> <p>The Cumberland Street Car Park is included in that private figure, as it only has consent for private use, not public use. No changes proposed.</p>
<p>DMU De Montfort University Steven Hatherley 14</p>	<p>In general the University supports the main principles of the Strategy. However, there are a number of specific concerns:-</p> <p>1. On page 6 in the 'Criteria for Additional Future Parking' section the reference to '<i>strong</i>' business case is superfluous and should be deleted and a reference to 'Travel Plan' added in Appendix 1 as being a suitable document capable of justifying a Business Case.</p> <p>2. The criteria for new parking provision on page 7 are far too prescriptive for the following reasons:-a) In Appendix 9.2 the questions used to help define a 'High Quality surface level car park are not sufficiently clear. We suggest that a definition of 'High Quality' is included in Appendix 1.</p> <p>b) Appendix 11 requires that wiring and charging points are installed in all new car parks for between 5% and 25% of spaces and to prioritise use of these spaces. This proportion is far too high and should remove the need for charging points as an automatic condition. Whilst the policy refers to 'Low Emission Vehicles' the</p>	<p>Section 6 on page 27, in 'Criteria for Additional Future Parking' makes clear that a <i>strong</i> business case, is needed to provide adequate justification.</p> <p>Not all users have a 'Travel Plan' and it is not a suitable document for justifying a Business Case, but the SPD states that additional parking should be "in line with any travel plans".</p> <p>Quality is a very subjective subject and is affected by a large number of factors. Different ways can be used to improve quality.</p> <p>Recent changes to Government transport policy require electric charging points to be included within new development. It is not considered that the measures in Appendix</p>

Representations

	<p>criteria relate solely to electric battery powered vehicles rather than including low emission petrol/diesel powered cars which would not require any charging points. This requires clarification.</p> <p>c) The policy states that new car parking should make provision for public use. The University operates barrier controlled procedures in many of its car parks and without this security would be compromised. It is totally impractical in a city centre location to make all car parks available for public use.</p> <p>The University manages evening and weekend use of its main car park by prior agreement with Leicester Tigers and Leicester City FC to accommodate the overspill of supporters but this arrangement would not work at other University controlled locations for various reasons. This should read <i>‘Make provision for public use where appropriate and feasible’</i>.</p> <p>d) The closing statement saying ‘Applications which cannot meet these criteria will be recommended for refusal’ is unworkable. This should be amended to read ‘Applications which do not meet most of these criteria will be recommended for refusal’.</p> <p>3. We agree with the statement on page 18 relating to Education but would prefer to see ‘Campus Rationalisation’ added to the final sentence i.e. that it will be supported as a justifiable reason for applications being made.</p> <p>4. We disagree with the calculation to determine Future Spare capacity. The Councils formula assumes the use of current and proposed park and ride sites at full capacity. Current use of these facilities is significantly below full A reduced percentage of the available spaces at these sites should be applied and the figures should be adjusted accordingly.</p>	<p>11 will be excessively expensive to install.</p> <p>Suggested change is :- Appendix 11 p 61, at end of v) add: _ “other low emission vehicles” after electric vehicles</p> <p>The criteria in section 6.0 which relate to making provision for public use only relates to new freestanding car parks, not existing car parks. PPG13 encourages the use of shared car parking particularly in centres.</p> <p>The closing statement says ‘Applications which cannot meet these criteria will be LIKELY TO BE recommended for refusal’.</p> <p>Park and Ride sites are not the only car parks where capacity is not fully used currently. It is necessary to include all the City’s car parking capacity in the calculations in Appendix 12, even if it is not currently used, otherwise this would result in a 50% underestimation of existing parking capacity.</p> <p>No further changes suggested.</p>
<p>SHOWCASE CINEMA DE LUX</p>	<p>We require reasonably priced easy access parking for cinema patrons to encourage them to return to the City Centre at night and</p>	<p>Comments noted.</p>

Representations

<p>National Amusements 15</p>	<p>at the weekends and likewise for our staff due to our late night finishes after the last buses have left.</p>	<p>No changes proposed.</p>
<p>UNIVERSITY OF LEICESTER Agent BDP 16</p>	<p>The University of Leicester is just outside of the boundary of the SPD, but the representation highlights the valuable role of the University in the context of the successful operation and sustainable growth of the City Centre and the consequent parking issues that arise as a result.</p> <p>i) Demand for parking</p> <ul style="list-style-type: none"> • The University experiences high demand for car parking spaces both on a weekday basis from staff and visitors and at evenings and weekends for Open Day visitors, public events and part-time learners. • The SPD recognises the University of Leicester as an area of major growth and a major parking destination, but there is little opportunity for expansion within the University estate in terms of the aspirations for development and growth of the University campus. But it is possible that some of this demand may be met in part by parking provided within two of the identified focus areas of the SPD (south west and south east). <p>ii) Travel Plan</p> <ul style="list-style-type: none"> • The University Travel Plan places aims to reduce the dependence on single occupancy vehicles, but without adequate alternative public travel provision the parking situation will become more challenging, which is likely to impact adversely on the recruitment and retention of staff and students. • The success and growth of the University will be inhibited by their inability to meet daily parking demands and in particular the peaks caused by regular Open Days and public events, even with the expected decline in single occupancy vehicles. <p>iii) Supply of Parking Spaces</p> <ul style="list-style-type: none"> • The University, as part of the travel plan, has various planned changes to its current parking facilities, some of which may be of benefit to meet city centre demand in the south of the City Centre area relevant to the proposed SPD. <p>At the same time, some of the parking demands of the University are met in this area of the SPD. This demonstrates the interconnections between the University and defined City Centre</p>	<p>The high demand for car parking spaces at the University is recognised by its inclusion in Map 4 on p19 “Major Car Parking Origins and Destinations”.</p> <p>The University Travel Plan also includes a wider range of measures which will be agreed with the University each time that it is updated and adjusted accordingly.</p> <p>The City Council welcomes the planned changes to the University’s current parking facilities, which may be of benefit to meet city centre demand in the south of the City Centre area relevant to the proposed SPD.</p> <p>The next piece of work is identified in the</p>

Representations

	<p>parking area. The University would welcome collaborative working with the Council in this regard.</p> <p>iv) City Wide Parking Strategy it is assumed that a wider reaching Parking Strategy within a SPD is planned for the future, within which the University will be given greater consideration.</p> <p>The University would welcome engagement with the Council on the parking demand and supply associated with the implementation of the future estates strategy of the University and how this will remain consistent with and assist in the successful implementation of this SPD and any future planning policy guidance.</p>	<p>SPD as being the broader City Wide Parking Strategy (see last bullet point of section 1.0, p8), within which the University will be given appropriate consideration. This will include the revision of the Parking Standards.</p> <p>A meeting has now been offered to the University.</p> <p>No changes suggested.</p>
<p>LEICESTERSHIRE POLICE Architectural Liaison Officer; Michael Lambert 17</p>	<p>1. The overall objectives of the document need to be more obvious. The appendices capture the strategic considerations.</p> <p>2. There are other issues that a City centre parking strategy might want to cover, e.g.</p> <ul style="list-style-type: none"> - the importance and role of car parking to major stakeholders and how they manage this, how this impacts commuting and other parking demands. -The role of other parking e.g. on the street or Secured Cycle parking. - Relationship to car parking standards and any emerging issues— e.g. too much parking in close to City residential schemes. - Integrated car park management and public information. <p>A statement on the focus of the SPD might explain why these matters don't feature in a City Centre Car Parking Strategy.</p> <p>The police might have added insight on local crime matters, the role of the Police accredited Park Mark scheme in design or indeed operational, safety and security issues e.g. in managing sporting events in the South West of the centre.</p> <p>3] It might be helpful if the document gave further consideration to some of the issues it identifies eg</p> <p>-How will major new employment development impact the operation of the station and its car park and how can future in commuting of 593 parking journeys and a predicted shortfall in parking supply be reconciled with this?</p>	<p>The objectives are clearly set out in section 1.0 “Aims of the SPD”.</p> <p>The importance of car parking to stakeholders has been well recognised. A consultation workshop held in October 2010 followed individual meetings with stakeholders. Their comments are included in the SWOT analysis on p12 and the SPD Consultation Statement, online.</p> <p>The role of on street parking is clearly set out in appendix 6, p44.</p> <p>The next piece of work will be the future City Wide Parking Strategy, including revision of the Parking Standards.</p> <p>Any information on local crime patterns and the role of the Park Mark scheme would be welcomed.</p> <p>The SPD has considered future growth, including new employment development in the context of the impact on all the car parks (not just on the station car park) and by ensuring that adequate car parking capacity is provided for future growth (p69-71). The predicted shortfall in parking supply is reconciled by the conclusion (p27) that more parking should be</p>

Representations

	<p>-Why is spare capacity at Enderby Park and Ride attributed to parking capacity in the north west of the City? In a similar vein should this capacity be considered in relation to sporting events?</p> <p>- Pricing - are there any economic issues around pricing eg who uses different types of parking?</p>	<p>provided in the southern areas. Spare parking capacity at Enderby Park and Ride is attributed to parking capacity in the NW of the City, because of the route the commuter is most likely to take into the city centre Diagram 4 summarises primary users of car parks. It was not possible to interview individual drivers. The average cost of parking for each area is shown in the tables in p39/40. Prices are also discussed in the individual area specific conclusions in section 5 (p21-24). Parking choice isn't simply driven by price. No changes suggested.</p>
<p>FORMER ABC CINEMA Trustees of GS Fashions Pension Fund; By Marrons Solicitors Mr Chris May 18</p>	<p>The Trustees own the site referred to as “<i>Site of former ABC Cinema</i>”. These representations relate to two separate points: 1. The Current Status of the Site The SPD at Map 7 on page 30 shows the Site to be wholly ‘Temporary Approved’. Whilst part of the Site was granted a temporary consent at appeal a large proportion of the Site has the benefit of a Certificate of Lawful Use reference 20081972. Those spaces should be included within the ‘Permanent Approved’ figures of the SPD. The “2 Star Rating” was given prior to improvement works to the car park including re-surfacing of the Site in tarmac and the installation of ‘pay and display’ machines. The Star Rating should be increased accordingly to be “4 Star”. 2. The Parking Strategy for Future Requirements It is considered that the Strategy for the North West and North East Areas identified in the SPD is unduly restrictive. It should be amended to read: “<i>Based on the evidence above, no additional new car parking should normally be approved in these areas</i>” The SPD should make specific reference to normally allowing the renewal of car parking sites with temporary approval. There are additional factors of relevance to an application to renew a temporary consent.</p>	<p>The Site is incorrectly coloured on Map 7 p30. Amend colour of NE part of “Site of former ABC Cinema” from yellow to green on map 7 p 30. The spaces will be added to list of “Authorised Public Surface level spaces” and the list of sites and numbers of spaces will be amended in :- p23, section 5.4 p25, NE table 3 p64, NE all tables in 6b,appendix 12 The star rating will be amended to 2.5 in the table in appendix 7 p 48. The SPD provides a clear indication of intent, by using “should not”. This will not prevent any planning application from being determined on its merits.</p>

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	<p>The following criteria should be identified under a new heading called 'All renewal car parking applications should also:'</p> <ul style="list-style-type: none"> • Establish that the renewal of the temporary permission will not prejudice the regeneration of the site; • Demonstrate how the renewal of the temporary permission will ensure that the character and appearance of the locality is protected by the continuance of the car parking use, for example by demonstrating that the effect of refusal of a new temporary permission will result in dereliction of the site; • Take into account whether there are any sustainability benefits by the continuation of the car parking use; and • Take into account how the continuation of the use will not harm the objectives of the relevant policies of the Core Strategy. 	<p>There are car parks with temporary approval in all of the 4 zones. Based on the evidence collected for the SPD, different approaches are being applied to car parking in the different zones. It would therefore not reflect the evidenced based approach to change the SPD</p> <p>A new section is not required to deal with the renewal of temporary consents, but it is suggested that the SPD is amended to add at the end of section 6 on p 28 "Applications for the renewal of existing car parking should also consider the combined effect of all the criteria set out in section 7.2 p 29".</p>
<p>THE THEATRES TRUST Planning Policy Officer Rose Freeman 19</p>	<p>Thank you for including the walking audit Map 11 on page 57 showing the walking times from The Curve to various car parks.</p> <p>Theatres are unlike other forms of the night time economy –Where restrictive regimes do occur we would urge the planning authority to allow for special conditions that can provide free parking for theatre patrons.</p> <p>We would strongly urge any planning policies concerned with parking provision to consider the presence of theatres, cinemas and evening leisure facilities in the locality. By arrangement and if available, we suggest that supermarket car parks are a useful source of additional evening parking in town centres.</p>	<p>Since the majority of the City's car parks are not owned or controlled by the City Council. It is therefore outside the council's remit to provide free parking for theatre patrons and is up to the car park owners to set prices.</p> <p>The Council will consider the parking requirements of theatres, cinemas and evening leisure facilities in the next piece of work, the broader City Wide Parking Strategy (see last bullet point section 1.0).</p>
<p>CLLR NIGEL PORTER 20</p>	<p>Parking needs to be competitive and capable of responding to demand; otherwise Leicester will be at a disadvantage. Stringent parking controls and uncompetitive local parking charges unfairly penalise drivers and will discourage people from visiting Leicester City Centre to spend their money.</p> <p>The Transport Secretary recently said: "this Government recognises that cars are a lifeline for many people - and that by supporting the next generation of electric and ultra-low emission vehicles, it can enable sustainable green motoring to be a long-term part of Britain's future transport planning."</p>	<p>The main focus of this SPD is on commuter parking, and issues such as retail & leisure parking will be addressed by the future City Wide Car Parking Strategy.</p> <p>Enough car parking capacity exists within the City Centre to meet existing demand. This is especially true in the areas close the main shopping centres, where there is a significant over supply.</p>

Representations

	<p>I do not believe that it is proper that a planning policy document should be used to prop up the Council's failed or proposed multi million pound park and ride schemes.</p> <p>As the economy improves empty sites in the City Centre will be regenerated and sustainable green motoring is seen as the future for transport in this Country. The proposed SPD is not the right parking policy document for Leicester at this time.</p>	<p>The document sets a requirement for low emission vehicle infrastructure to be contained with any new car parking.</p> <p>The Park and Ride service is an essential part of the City's sustainable transport system, as it set out in the Local Transport Plan. The aim of this SPD is not to provide evidence to support or otherwise the park and ride services around Leicester, but it is necessary to include the capacity at existing park & ride sites when working out the future capacity available, as they are aimed primarily at commuters. The council is satisfied that the evidence used supports the conclusions of the document.</p> <p>No changes proposed.</p>
<p>ONLINE SURVEY RESPONSE Anonymous 21</p>	<p>The priority should be to improve the flow of vehicles in and out together with cheaper parking.</p> <p>Don't agree with the aim to allow the removal of temporary and unsightly or outdated parking provision, because it is cheaper. I commute, if I had to park in full price car parks I may as well just stay at home. Parking is too expensive. Parking on the outskirts and catching a bus is fine if you don't have a child to drop off at school and be in work by a certain time.</p>	<p>The evidence collected shows that parking choice isn't simply driven by price, there are a number of other factors which affect choice, particularly car park location.</p> <p>Comments noted.</p> <p>No changes proposed.</p>
<p>ENGLISH HERITAGE (Statutory Env Consultee) 22</p>	<p>Thank you for consulting English Heritage. We welcome the inclusion of Appendix 9 on design quality of car parks. We have no further comments.</p>	<p>Pleased that Appendix 9 on the design quality of car parks is welcomed.</p>
<p>PLANNING COMMITTEE 19th January 2011 23</p>	<p>The analysis is welcomed. However, the document omits to consider residential amenity, this needs to be considered and the effect of new car parks on the Air Quality Management action plan needs to be added. The AQMP should be referred to and added as an appendix. Filbert Street surface site consent should not be renewed. It also has temporary consent so the colour is wrong on map 7, p 30.</p>	<p>Residential amenity is already considered in 3rd Bullet of criteria for new parking in section 6 p 27.</p> <p>Add reference to the Air Quality Management Area and Action Plan in section 6 and a copy of it in a new appendix 15.</p> <p>Amend colour of "Filbert Street" from red to yellow on map 7 p 30.</p>

Representations

<p>Castle Community Ward Meeting 20th January 2011. 24</p>	<p>Leicester needs to have more innovative approaches to managing all types car parking with the city centre. The neighbourhood parking schemes needs to be addressed through in the SPD</p>	<p>Both comments noted and will be looked at as part of the future City Wide SPD. No changes proposed.</p>
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Changes to Consultation Draft City Centre Car Parking Strategy SPD

Respondent/ Reason	Changes New text shown bold Deletions shown as strike through	Page	Paragraph
14. De Montfort University	Consideration be given to the provision of priority parking or differential parking rates for electric vehicles, other low emission vehicles and car club vehicles or other such incentives.	62,	Appendix 11, second line of v)
18. ABC Cinema Trustees of G.S.Fashions	North East section Amend current spare commuter capacity of 1107 spaces to 1171	24	section 5.4 Last line of para 1
	Amend future potential commuter capacity post 2016 from 1560 spaces to 1624	24	Last line of para 3
	Amend summary table as shown in bold Summary new Amount of Spare Public Capacity 1391 1,388 (+) Amount of Spare Private Capacity (excluding retail and leisure car parking) 254 (-) Current Capacity without Permanent Planning Permission 474 535 = Total current spare Capacity 1171 1,107 (-) Maximum demand by 2016 747 = Capacity Post 2016 (Without CORAH & Future Park and Ride) 424 360 (+) Amount of Approved Future Spaces 700 (+) Amount of Future Park and Ride Capacity (Birstall) 500 = Potential Capacity Post 2016 1624 1,560	26	NE table 3
	Add a note: "Applications for the renewal of existing car parking should also take into account the combined effect of the criteria set out in section 7.2 p 30" .	7 29	ES5 end of section 6
	Amend colour of relevant part of "Site of former ABC Cinema" from yellow to green.	31	Map 7
	add a note (Commercially sensitive information will be treated as confidential.)	32	End of para. 3, Section 7.2
	Increase the star rating to 2.5; site of former ABC cinema.	48	Appendix 7: Surface car parks (public)

Respondent/ Reason	Changes New text shown bold Deletions shown as strike through	Page	Paragraph																				
	Add to list of "Authorised Public Surface level spaces" <table border="1" data-bbox="405 277 1617 485"> <thead> <tr> <th>Authorised Public Surface Level Spaces</th> <th>Amount of Spaces</th> <th>Occupancy %</th> <th>Spaces occupied</th> <th>Spaces available</th> </tr> </thead> <tbody> <tr> <td>Surface Car Park at Lee Circle</td> <td>50</td> <td>70</td> <td></td> <td>15</td> </tr> <tr> <td>NE Part of ABC cinema site</td> <td>61</td> <td>95</td> <td></td> <td>3</td> </tr> <tr> <td>Total spare spaces 15</td> <td>18</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Authorised Public Surface Level Spaces	Amount of Spaces	Occupancy %	Spaces occupied	Spaces available	Surface Car Park at Lee Circle	50	70		15	NE Part of ABC cinema site	61	95		3	Total spare spaces 15	18				65	Appendix 12 NE Table 6b
Authorised Public Surface Level Spaces	Amount of Spaces	Occupancy %	Spaces occupied	Spaces available																			
Surface Car Park at Lee Circle	50	70		15																			
NE Part of ABC cinema site	61	95		3																			
Total spare spaces 15	18																						
	Amend summary table as shown in bold Summary Amount of spare Public capacity 1391 1,388 (+) Amount of spare Private capacity (excluding retail and leisure car parking) 254 (-) Current capacity without permanent Planning Permission 474 535 = Total current spare capacity 1171 1,107 (-) Maximum demand by 2016 747 = Capacity post 2016 (without CORAH & Future Park and Ride) 424 360 (+) Amount of approved future spaces 700 (+) Amount of future Park and Ride capacity (Birstall) 500 = Potential capacity post 2016 1624 1,560	65	Appendix 12 NE Table 6b																				
1. NCP	Replace with the following :- Provided Walking Audits in Appendix 10 to help demonstrate the accessibility of existing car parks within 5, 10, 15 and 20 minute walking times of key City Centre destinations. Walking Audits will also inform the process when considering applications for new car parks by highlighting the existing alternative capacity that surrounds the site.	6	ES3 2 nd bullet																				
	Replace with the following :- Walking Audits such as the examples in Appendix 10 will inform the process when considering applications for new car parks by highlighting the existing alternative capacity that surrounds the site. The Walking Audits are intended to help demonstrate the accessibility of existing car parks within 5, 10, 15 and 20 minute walking times of key City Centre destinations. One of the findings of the SPD is that many people are unaware how closely alternative car parks are located to their "usual" choice. Many	6	ES5 Second para of 'Criteria for Additional Future Parking'																				

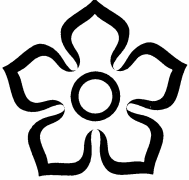
Respondent/ Reason	Changes New text shown bold Deletions shown as strike through	Page	Paragraph
	people simply give up if one car park is full, when there may often be other alternatives close by with spare capacity available		
	Replace with the following :- Provided Walking Audits in Appendix 10 to help demonstrate the accessibility of existing car parks within 5, 10, 15 and 20 minute walking times of key City Centre destinations. Walking Audits will also inform the process when considering applications for new car parks by highlighting the existing alternative capacity that surrounds the site.	16	Third bullet
	Replace with the following :- Walking Audits such as the examples in Appendix 10 will inform the process when considering applications for new car parks by highlighting the existing alternative capacity that surrounds the site. The Walking Audits are intended to help demonstrate the accessibility of existing car parks within 5, 10, 15 and 20 minute walking times of key City Centre destinations. One of the findings of the SPD is that many people are unaware how closely alternative car parks are located to their “usual” choice. Many people simply give up if one car park is full, when there may often be other alternatives close by with spare capacity available.	28	Second paragraph of ‘Criteria for future Additional Parking’
	Replace with the following :- Walking Audits, (including the following examples) will inform the process when considering applications for new car parks by highlighting the existing alternative capacity that surrounds the site. One of the findings of the SPD is that many people are unaware how closely alternative car parks are located to their “usual” choice. Many people simply give up if one car park is full, when there may be other alternatives close by with spare capacity available. Walking Audits have been undertaken from: <ul style="list-style-type: none"> • The Cultural Quarter - Curve (see Map 11); • De Montfort University (DMU) (see Map 12); • Leicester Royal Infirmary (LRI) (see Map 13); • Leicester Tigers Rugby Club (see Map 14). <i>(We acknowledge the contributions of Helga Lemmen and Chris Moore in preparing these audits)</i> .The example on p57, Map 10 opposite illustrates the information that a walking audit	56	Appendix 10

Respondent/ Reason	Changes New text shown bold Deletions shown as strike through	Page	Paragraph
	<p>should contain for each of the existing car parks within a 20 minute walking time.</p> <p>Further audits continue to be prepared for the following destinations:</p> <ul style="list-style-type: none"> • Leicester College - Abbey Park Campus; • Highcross Shopping Centre; • The Market; • New Business Quarter (NBQ); • Leicester City Council (Welford Place); and • Leicester College- Freeman’s Common Campus. 		
	<ul style="list-style-type: none"> • Be integrated with the wider City Centre strategies for planning, transport, CO2 reduction and City Centre management. and form part of a broader City Wide Parking Strategy. • It will form part of the future broader City Wide Parking Strategy that will be prepared in line with National Planning Guidance and Core Strategy Policy CS15. This will review both residential and non residential parking standards. 	5 and 9	ES1 Last 2 bullets and Section 1.0 Last 2 bullets
23. Planning Committee	<p>Amend colour of “Filbert Street” from red to yellow</p> <p>Appendix 15:- Air Quality Management</p> <p>The Council declared an Air Quality Management Area (AQMA see plan below) where action plans to improve air quality will continue. Air quality has implications for health and the quality of life. The air quality assessment of Leicester identified the pollutant nitrogen dioxide as being of concern to local health. This is mainly attributable to emissions from motor vehicles on the main road network. New targets have therefore been set in the 2011- 2026 Local Transport Plan.</p> <p>Air Quality Action Plan Having identified the extent and the area of exceedence in the AQMA, the City Council has also produced and is implementing an action plan to achieve improvements in air quality. A large improvement is needed across a wide area, so a series of measures will be required and the focus is on road traffic, as the major contributor, aiming to reduce both miles travelled on the road and emissions per mile.</p>	86	Appendix 15 added
	<p>Add to end of section 6</p> <ul style="list-style-type: none"> • Include an air quality impact assessment to demonstrate that there is not an unacceptable detrimental effect on air quality, taking into account the Air Quality Management Area and the Air Quality Action Plan. (see appendix 15) 	29	Last bullet

Respondent/ Reason	Changes New text shown bold Deletions shown as strike through	Page	Paragraph
Editorial Correction	Areas for Future Provision South East and South West Areas Although current demand is met, there is not additional capacity remaining to support the expected future growth for these areas. A , additional parking may therefore be required in the future, to meet predicted future growth in these areas , subject to the following.	28 and 6	3 rd paragraph 6.1, and ES5
Editorial Correction	b) Emerging Local Transport Plan 2011- 2026 (LTP3) LTP3 is being developed from a consideration of national and local goals and priorities, local transport performance and challenges, LTP2 and from extensive local consultation during 2010. The revised version is due to be adopted in Spring 2011 and can be found at :- http://www.leicester.gov.uk/your-council-services/transport-traffic/transportpolicy/transport-plan/	84	Replace b)
Editorial Correction	For further information see:- “Car Parking- What Works Where” By English Partnerships http://www.englishpartnerships.co.uk/docdownload.aspx?doc=Car%20parking%20-%20Introduction_0.pdf The Urban Design Compendium, section 4.5.3 “Car Parks” http://www.urbandesigncompendium.co.uk/public/documents/UDC1FULL.pdf	54 And 55	End of 9.1 and 9.2
Clarification	Add: Whilst there is potential commuter car parking available post 2016 of 284 spaces, this includes the planning permission for the 588 space proposed multi storey car park at the Tigers Stadium and there would be a shortfall of -304 spaces if it was not implemented and the predicted future growth took place. Because 60% of the area’s parking is private, there is a high demand for those spaces which are available for public use. For these reasons, the conclusion has been reached in section 6.1 that although current demand is met additional parking may be required, to meet predicted future growth in this area.	25	End of 5.6
Clarification	(+) Amount of spare Private capacity (excluding retail and leisure car parking)	26 and 27	Table 2 North West Table 3 North East Table 4 South East
Clarification	(+) Amount of spare Private capacity (excluding retail and leisure car parking) Note: Figure excludes 750 available spaces at Morrison's, Odeon and Walkers Stadium,	27	Table 5. South West

Respondent/ Reason	Changes New text shown bold Deletions shown as strike through	Page	Paragraph
	Because this is time limited as short stay parking for these specific users and is not therefore available as public commuter parking.)		
Clarification	1,564 1,639 spaces have permanent planning permission 1,165 1,127 spaces have no planning permission	30	7.0
Clarification	Delete minus sign	51	NW Zone
Clarification	(+) Amount of spare Private capacity (excluding retail and leisure car parking)	64 65 and 69	Table 6a North West Table 6b North East and Table 6d South East
Clarification	(+) Amount of spare Private capacity (excluding retail and leisure car parking) Note: Figure excludes 750 available spaces at Morrison's, Odeon and Walkers Stadium, because this is time limited as short stay parking for these specific users and is not therefore available as public commuter parking.)	67	Table 6c South West
Clarification	Add: *It is noted that whilst there is potential commuter car parking available post 2016 of 284 spaces, this includes the planning permission for the 588 space proposed multi storey car park at the Tigers Stadium and there would be a shortfall of -304 spaces if it was not implemented and the predicted future growth took place. Because 60% of the area's parking is private, there is a high demand for those spaces which are available for public use. For these reasons, the conclusion has been reached in section 6.1 that although current demand is met additional parking may be required, to meet predicted future growth in this area.	67	After Summary Table

Appendix D



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**OSMB
Cabinet**

**3rd March 2011
7th March 2011**

Policy for Conservation of Road Salt Stock Levels

Report of the Strategic Director, Development, Culture and Regeneration

1. Purpose of Report

- 1.1 To seek Cabinet approval for a policy concerning Conservation of Road Salt Stock Levels.

2. Recommendations

- 2.1 Cabinet is asked to approve the attached Policy for Conservation of Road Salt Stock Levels (Appendix 1).

3. Summary

- 3.1 The last two winters have identified that there can be problems with the restocking of road salt during periods of severe winter weather. If restocking was not possible, the Council would somehow have to conserve its supplies and the attached policy document in appendix 1 details how this would be carried out.

4. Report

- 4.1 Following the severe winter weather in recent years and the problems with salt supply, the government advice is that local authorities should prepare a Road Salt Conservation Policy (see Appendix1) to deal with possible shortfalls.
- 4.2 The City is still reasonably well stocked with road salt (approx 1400 tonnes; 50%) when compared to other Local Authorities. However, the national salt supply chain resilience is of real concern to us, particularly if the severe weather situation returns for a further lengthy period and we do not get some new supplies in soon. This has also been flagged up as a concern by the Local Resilience Forum.
- 4.3 We have already placed an order for 1000 tonnes in late November 2010, but discussions with suppliers indicate to us that authorities in more urgent need are being prioritised ahead of us at the moment. We therefore feel it prudent to have an agreed

salt conservation policy in place to help conserve salt stocks when we are approaching or have entered into a low salt stock situation.

- 4.4 The approach we are proposing is detailed in the attached policy document and assumes a phased withdrawal of elements of the winter service based on the prevailing risk factors and salt stock levels. We have already circulated the draft policy to various staff for their comments. In addition, and in order to preserve highway salt stocks for longer, we will be advising other Divisions of the Council to ensure that they build up their own level of resilience for next the winter season by ordering in and storing salt themselves. This will help prevent unexpected and unnecessary demands being placed on the highways salt reserves.

5. **FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

5.1. **Financial Implications**

The salt stock is purchased from the Highways Maintenance revenue budget, average spend in the last 2 years has been £50,000 per annum. Prices for Salt have increased by 50% and we are forecasting expenditure on salt stock to increase to £75,000 accordingly.

Paresh Radia, Finance Manager, Ext 29 6507.

5.2 **Legal Implications**

Section 41(1A) of the Highways Act 1980 provides that a highway authority is "under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow and ice". There is therefore, in effect, a qualified duty to grit the highway network for which each authority is responsible.

The policy details how the Council will be able to maintain this duty should there be a shortfall in salt supply.

Jamie Guazzaroni Solicitor, Legal Services, RAD, Ext 29 6350.

5.3 **Climate Change Implications**

There are no climate change implications of the report.

6. **Other Implications**

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	4.1 – 4.4
Sustainable and Environmental	No	
Crime and Disorder	No	

Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7. Background Papers – Local Government Act 1972

7.1 The Winter Resilience Audit Report written by David Quarmby is available at: <http://transportwinterresilience.independent.gov.uk/>.

8. Consultations

8.1 Legal Services, Emergency Management Team, Finance Team, Regeneration & Culture, Local Resilience Forum, Staff in Regeneration, Highways & Transportation Division.

9. Report Author

Alan Adcock, Head of Highway Maintenance

Ext. 39 2042

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

Appendix1

Policy for Conservation of Road Salt Stock Levels.

1. Background

- 1.1 Leicester City Council's Highways Maintenance Service aims to commence the winter season with at least 2500 tonnes of road salt (maximum storage capacity is 2700). This level proved resilient during the severe winters of 2009 and 2010 and the Council did not run out of road salt. However, the Council struggled to obtain salt supplies for re-stocking to an acceptable level during the winter periods.
- 1.2 The national salt stock and supply chain has proved less resilient. Significant problems arose in 2009 and 2010 for some local authorities who needed urgent supplies in sufficient quantities in order to maintain their road gritting service. This resulted in the formation of the National Salt Cell to help co-ordinate the provision of salt supplies to where it was most needed and advise authorities on how best to minimise salt use and deliver a reduced winter service.
- 1.3 Nationally, efforts have been taken to try and address the issues surrounding the supply of salt. However, there remains a high risk that pro-longed severe weather and/or numerous severe weather events will see similar pressures on salt supplies in the future.
- 1.4 Accordingly it is prudent to ensure we have a policy document agreed by Cabinet, Emergency Management and the Local Resilience Forum for conserving road salt stocks when our stocks run low and we experience re-supply difficulties. Relevant Council Divisions would also need to be aware of the policy and the potential impacts on their services. Any such decision to activate the policy would be considered a "key decision" of the Council.

2. Normal Winter Service Gritting Activities.

- 2.1 Our Winter Service Operational Plan details the actions we take during normal circumstances when stock levels are satisfactory. These are summarised as follows:
 - i. Primary Routes salted overnight whenever frost or icy conditions expected.
 - ii. Primary Routes salted prior to and during snowfall.
 - iii. Secondary Routes salted during snowfall and pro-longed ice.
 - iv. Important pedestrian routes and shopping areas are salted during snowfall and pro-longed ice.
 - v. 180 Grit bins maintained with 50/50 sand/salt mix.
 - vi. Salting activities and/or salt supplied to other service providers including:
 - a. Schools
 - b. Healthcare facilities
 - c. Public events
 - d. Council car parks
 - e. Leicester Market
 - f. Housing Services
 - g. Other Council facilities.

3 Salt Conservation Arrangements.

3.1 **Risk Factors:** The need for the application of salt conservation measures will depend on the degree of risk arising from the following factors:

- vii. Current Salt Stock Levels
- viii. Weather Forecast
- ix. Time in the Season
- x. Expected Restocking Dates & Potential for Delays
- xi. Actual Usage Rates

The County Surveyors Society & Salt Cell guidance also details other salt conservation measures and these will be deployed as necessary to help preserve salt stocks for as long as possible. See Annex 1.

3.2 For the purpose of assessing resilience, we assume salt usage rates of 125 tonnes per day during heavy snowfall and 25 tonnes per day during frost conditions.

3.3 The key aim of the Council's Winter Service in a Low Salt Stock emergency situation must be to maintain the Primary Route network in a safe condition including the possible use of the Council's roads as a possible diversion route from the M1. This is to ensure the safe passage of emergency service vehicles responding to incidents, public transport and goods vehicles carrying essential supplies (food stuffs, medical equipment, fuel, etc.) to the main distribution centres (e.g. supermarkets, hospitals, petrol stations, etc.). The Primary route network is also essential to maintaining economic activity in the City.

3.4 A phased approach to salt conservation will therefore be adopted, balancing the need to maintain the primary network whilst still maintaining a general service provision for as long as reasonably possible. Accordingly, the following salt conservation policy will be used as a general guide to decision making. However, the actual decisions made and actions taken will also need to take into account the above five risk factors: -

a) When stock levels fall to 1500 tonnes (12 days snowfall or 60 days frost):

- i. A re-supply order must be placed for 1000 tonnes. This may need to be placed sooner where considerable salt has been used early in the winter season and salt stocks are predicted to be at 1500 tonnes or lower by 31st December. The re-supply order quantity will need to be reviewed and further orders placed if conditions persist and depending upon the risk factors detailed above.

b) When stock levels fall to 1000 tonnes (8 days snowfall or 40 days frost):

- i. Road salt will only be applied to the Primary and Secondary Route Networks and important pedestrian routes.
- ii. Spread rates contained in line with current County Surveyors Society & Salt Cell guidance and dependent upon prevailing weather conditions.
- iii. Spot salting only on non-primary routes and based upon incident reports and requests from the emergency services.
- iv. No salt will be supplied to other public services unless requested by the emergency services.

- v The provision of salt to critical services will be considered on a case by case basis
- vi Grit bins will cease to be re-filled with sand/salt mix. Sand (grit) only may be used instead.

c) When stock levels fall to 500 tonnes (4 days snowfall or 20 days frost):

- xii. Road salt will only be applied to the Primary Route Network.
- xiii. Spread rates contained in line with current County Surveyors Society & Salt Cell guidance and dependent upon prevailing weather conditions.
- xiv. Secondary routes and important pedestrian routes will not be treated with road salt. Sand (grit) may be used instead to provide a degree of grip/traction.
- xv. Spot salting only on non-primary routes and based upon incident reports and requests from the emergency services.
- xvi. No salt will be supplied to other public services unless requested by the emergency services.
- xvii. Grit bins will cease to be re-filled with sand/salt mix. Sand (grit) only may be used instead.

d) When Stock Levels fall to 250 tonnes (2 days snowfall or 10 days frost):

- xviii. Road salt will only be applied to the Principal and Non-Principal Classified Road Network, comprising A, B & C roads, and other critical roads in the City essential for the emergency services.
- xix. Other key commuter and bus routes on the Primary Gritting Route Network will no longer be treated with road salt. Sand (grit) may be used instead to provide a degree of grip/traction.
- xx. Spread rates contained in line with current County Surveyors Society & Salt Cell guidance and dependent upon prevailing weather conditions.
- xxi. Secondary routes and important pedestrian routes will not be treated with road salt. Sand (grit) may be used instead to provide a degree of grip/traction.
- xxii. Spot salting only on Non-Classified routes and based upon incident reports and requests from the emergency services.
- xxiii. No salt will be supplied to other public services unless requested by the emergency services.
- xxiv. Grit bins will cease to be re-filled with sand/salt mix. Sand (grit) only may be used instead.

4. Decision Making

- 4.1 The decision to conserve salt and reduce the winter service service provision (see paras 3.4b –d above) will be taken by the Cabinet Lead for Highways and Transportation in consultation with the Director of Regeneration, Highways and Transportation. This will be after discussion with the Resilience Forum, the Emergency Management Team, the Emergency Services, the Chief Operations Officer, Risk Management and Leicestershire County Council.

5. Communications Plan

- 5.1 After the decision to conserve salt is taken, a press release detailing the revised salting procedures will be issued and it will be publicised on the Council's website, by the Traffic Information Service and Customer Services. Key organisations will be contacted directly.

Annex 1



Matthew Lugg
Chair of CSS Engineering Committee

Director of Highways, Transportation and Waste Management
Leicestershire County Council, County Hall,
Glenfield, Leicester LE3 8RJ
Tel: 0116 305 7001 Fax: 0116 305 7962
Email: mlugg@leics.gov.uk

National Salt Shortage

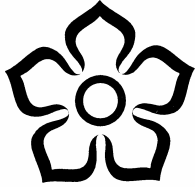
Advise to CSS Members on how to help Preserve Salt Stocks

In order to ensure that essential winter services can be maintained it is paramount that existing salt supplies are optimised.

It is strongly recommended, therefore, that all CSS members involved in managing winter maintenance services consider the following actions to use the existing supplies in the most effective and efficient way:-

- To consider no longer providing a salt spreading service on secondary networks but continue to concentrate on published priority networks, which are generally A and B and some heavily trafficked C roads.
- On minor roads where compacted snow and ice lies it is still possible to provide a service without the application of salt by spreading grit only. This will provide traction and help break up the frozen surfaces.
- To ensure all spreaders are correctly calibrated and that calibration checks are undertaken as soon as possible to make certain that these vehicles are spreading the prescribed rates.
- For general precautionary salting there should be no need to spread at rates over 15g/m² for salt stored in the open and 10g/m² for salt stored under cover (as recommended by the Code of Practice).
- To make use of all available technology such as salt sensors to check salinity levels and where there is adequate residual salt on the road then not to provide further treatment.
- In conditions where snow has already settled on the carriageway consideration should be given to mixing salt and grit (single size abrasive aggregate not exceeding 6mm or 5mm sharp sand) to ratio of up to 50/50.
- Where larger highway authorities have potentially different climate domains consideration should be given to partial network treatment rather than blanket cover when appropriate.
- In circumstances where roads may be dry in places but have areas of moisture through snow melting or seepage on the carriageway then spot salting could be considered rather than full precautionary runs.

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Leicester
City Council

WARDS AFFECTED
City Wide

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet
Licensing Committee

7 March 2011
10 February 2011

Licensing of Sexual Entertainment Venues

Report of the Director for Environmental Services

1 Purpose of Report

1.1 To advise Cabinet of the outcome of consultation and ask Cabinet to agree the Council's policy on the licensing of sexual entertainment venues.

2 Recommendations

2.1 Cabinet is asked to:

- a) approve the proposed policy on the licensing of sexual entertainment venues;
- b) note that applications for licensed premises that do not exceed the limits set out in the policy will be determined by Licensing Committee;
- c) delegate responsibility for refusal of applications that would exceed the limits set in the policy to the Divisional Director for Environmental Services;
- d) delegate responsibility to review and amend the standard conditions attached to licences to the Divisional Director for Environmental Services, in consultation with the Cabinet Member;
- e) delegate responsibility to review and amend annual fees for licences to the Divisional Director for Environmental Services, in consultation with the Cabinet Member

2.2 Licensing Committee is asked to provide comments to cabinet on the proposed policy on the licensing of sexual entertainment venues.

3 Summary

3.1 Public consultation was carried out in summer 2010.

3.2 In November 2010, the full Council agreed to adopt the provisions that enable the Council to control sexual entertainment venues, which will begin to take effect on 1 April 2011.

3.3 A formal policy is required setting out the Council's approach to the licensing of sexual entertainment venues, including:

- any limit on the number of venues that may be licensed

- the suitability or otherwise of particular types of location
- the application and determination process
- standards required
- any pre-licensing requirements
- expectations the Council has of any operators who are granted a licence.

4 Report

Consultation

- 4.1 Public consultation was carried out in July, August and September 2010. The aim was to establish the need for the introduction of a licensing regime for sexual entertainment venues in Leicester, and to seek views on what the content of any supporting policy should be.
- 4.2 A questionnaire was made available online and in paper format to the consultees shown in Appendix 1. Other steps taken to promote the consultation were:
- Press release
 - An article in the Leicester Mercury
 - Article in Leicester Link
 - Information on our website
 - Twitter
- 4.3 80 responses were received, 76 of which were made via the consultation document. The four letters we received are attached at Appendix 2. The statistical analysis of the responses are shown on the consultation document at Appendix 3. The specific comments received are summarised in the document shown at Appendix 4, together with our response to the specific comments made.
- 4.4 The main features of the consultation were as follows:
- Written comments tended to be polarised either against sexual entertainment venues from a moral perspective, or have a more permissive attitude
 - The main area that was suggested for locating sexual entertainment venues was the City Centre and other areas associated with the night time economy such as Braunstone Gate.
 - The most popular number for the limit on premises in these areas, other than none, were 3 for the City Centre and 1 for Braunstone Gate
 - It was recognised that locating a sexual entertainment venue near to a place of worship, school or community premises was unsuitable.
 - There was considerable support for all of the conditions being considered to control sexual entertainment venues, with the exception of preventing performers touching each other.

Other research

- 4.5 Dr Sanders and Ms Hardy of Leeds University have undertaken research on lap dancing in England. Their preliminary findings are attached at Appendix 5.

Adoption of Schedule 3

- 4.5 In November 2010, the full Council agreed to adopt schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009). The effect of this is to enable the Council to control sex establishments, such as lap dancing clubs, within the city of Leicester. Schedule 3 shall come into effect in Leicester on 1 April 2011. There will follow a transition period of 12 months to enable operators to apply for and, if appropriate, be granted a licence.

Policy

- 4.6 A draft policy has been prepared in light of the consultation responses, and is attached at Appendix 6.
- 4.7 The key aspects of the policy are:
- Limiting the number of sexual entertainment venues within the inner ring road and the Braunstone Gate area to five in total.
 - Limiting the number of sexual entertainment venues outside the inner ring road and Braunstone Gate areas to nil. This effectively means that none will be allowed.
 - Setting a list of standard conditions, which will apply to all licences, aimed at ensuring that premises are properly run, that workers are not exploited and that premises do not give rise to offence to members of the public and local residents.
- 4.8 There are four existing sexual entertainment premises inside the inner ring road and one in the Braunstone Gate area. The policy therefore maintains the status quo in terms of numbers. There is no evidence that there is a concentration of these premises that has caused substantial problems either to members of the public or local residents or businesses. On this basis it was felt appropriate to set a limit of four premises in this area. This limit will be kept under review. However, the fact that the proposed limit is five by no means guarantees that the existing premises will be granted a licence, see Paragraph 4.10 below.
- 4.9 The effect of the policy to limit the number of premises outside the inner ring road and Braunstone Gate area to five will not have any effect on existing premises that are entirely used as sexual entertainment venues. One premises licensed as a public house came to light during the consultation as providing occasional regular performances. There is however, an exemption in the legislation for premises to be used as sexual entertainment venues up to 11 occasions in any 12 month period, without the requirement for a licence.

- 4.10 Although the existing policy retains the status quo in terms of the number of premises, there is no guarantee that the premises will be considered suitable to be given a licence. This will depend on their location, whether the applicants are suitable, and whether they are willing and able to conform to the conditions controlling the premises that will be applied to their licences. The response to the consultation showed a high degree of support for the proposed conditions. The exception to this is in relation to a prohibition on physical contact between performers. This condition would restrict the type of performances that could be provided. However, the proposed conditions still include this and Cabinet may wish to decide whether they believe it is appropriate. It is intended, prior to the implementation of the licences to consult further with existing operators on their views of the proposed conditions.
- 4.11 The requirement for a licence to operate a sexual entertainment venue comes into force in Leicester on 1 April 2011. However, existing premises which are operating or preparing to operate as a sexual entertainment venue and have a premises licence under the Licensing Act 2003, are granted transitional relief to continue to operate until 31 March 2012. This will apply to the premises both inside and outside the inner ring road mentioned in the paragraphs above.

Fees

- 4.12 The level of fees for sexual entertainment venue is set by the local authority and must not exceed the level required to cover the cost of the licensing system. Initially it is proposed to set the fee at the slightly above the level for sex shops, to take into account the expected increased complexity of these premises. This would mean that from 1 April 2011 the fee will be £6,000 for a new licence and £3,000 for a renewal. This will be reviewed following experience of the costs involved for the first year of scheme.

5 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1 Financial Implications

The policy proposes a limit on the number of premises which could be licensed of five. This would produce a maximum income of £30,000 in financial year 2011/12 and £15,000 in subsequent years. The cost of implementing the licensing of sexual entertainment venues, including administration and enforcement, will be met by this fee income.

Martin Judson, Head of Finance, extension 7390

5.2 Legal Implications

The amendments introduced in the Policing and Crime Act 2009 will apply in Leicester from 1 April 2011 and therefore the City Council must have a Policy setting out how it will administer the Licensing scheme for Sexual Entertainment Venues. In the absence of such a Policy the City Council could face challenges with regard to the granting of Licences and it could even impact upon the ability to take any enforcement action, should it become necessary.

Sarah Khawaja
Senior Solicitor / Regulatory Team Leader

The new legislation enables local authorities to set limits on the number of Sexual Entertainment Venues within a certain locality. Applications can then be refused on the basis that at the time the application is determined the number of sex establishments is equal to or exceeds the number which the authority considers appropriate for that locality. The decision to set a particular limit (as with any decision) could be challenged by Judicial Review. Judicial Review applications must be submitted as soon as possible and in any event within 3 months of the decision. If the decision to set a limit has a basis and is supported by evidence then it will be defensible. The Licensing Committees recommendation was based upon the results of the consultation.

Caroline Gutteridge
Solicitor

5.3 **Climate Change Implications**

There are no climate change implications in this report.

6 **Other Implications**

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	Appendix A
Policy	Yes	2.1, 4.3, 4.4
Sustainable and Environmental	No	
Crime and Disorder	Yes	4.4, Appendix A
Human Rights Act	No	4.4, Appendix A
Elderly/People on Low Income	Yes	
Corporate Parenting	Yes	4.4, Appendix A
Health Inequalities Impact	No	

7 **Background Papers – Local Government Act 1972**

7.1 Council report 'Licensing of sexual entertainment venues' – 25 November 2010

7.2 Cabinet report 'Licensing of sexual entertainment venues' – 21 June 2010

7.3 Licensing Committee report 'Licensing of sexual entertainment venues' - 23 February 2010

7.4 Cabinet report 'Policy on Licensing of Sex Shops' - 27 January 2003

8 Consultations

8.1 See paragraph 4.3 of this report.

9 Report Author

9.1 Mike Broster – Head of Licensing and Pollution Control

To be annexed:

Appendix 1 – consultees

Appendix 2 – letters

Appendix 3 - statistical analysis

Appendix 4 – specific comments and responses

Appendix 5 – Research on Lap Dancing in England (Leeds University)

Appendix 6 - draft policy

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

Consultees for sex establishment licensing – Summer 2010

Salutation	Postal Name	Address 1	Address 2	Address 3	Address 4	Address 5
Sirs	Association of Town Centre Managers	1 Queen Anne's Gate	Westminster	London	SW1H 9BT	
Sirs	Barlow Poyner Foxon	1 Berridge Street	Leicester	LE1 5JT		
Sirs	British Beer & Pub Association	Market Towers	1 Nine Elms Lane	London	SW8 5NQ	
Sirs	British Hospitality Association	Queens House	55-56 Lincolns Inn Fields	London	WC2A 3BH	
Sirs	British Institute of Innkeeping	Wessex House	80 Park Street	Camberley	Surrey	GU15 3PT
Sir	Chief Fire Officer	Southern Fire Station	Meridian Business Park	Meridian East	Leicester	
Sir	Chief Officer of Police	Leicestershire Constabulary	Mansfield House	74 Belgrave Gate	Leicester	LE1 3GG
Sirs	CIU	Leicestershire Branch	Spinney Hill WMC	Frisby Road	Leicester	LE5 0QD
Sirs	Club and Institute Union Ltd.	253-254 Upper Street	Islington	London	N1 1RY	
Sirs	Department for Culture, Media & Sport	2-4 Cockspur Street	London	SW1Y 5DH		
Sirs	DMU Students' Union	Mill Lane	Leicester	LE2 7DR		
Sirs	Equity	PO Box 1221	Warwick	CV34 5EF		
Sirs	Eversheds LLP	Eversheds House	70 Great Bridgewater street	Manchester	M1 5ES	
Sirs	Federation of	Sir Frank Whittle Way	Blackpool Business	Blackpool	FY4 2FE	

Consultees for sex establishment licensing – Summer 2010

Salutation	Postal Name	Address 1	Address 2	Address 3	Address 4	Address 5
	Small Businesses		Park			
Sirs	Fraser Brown	Solicitors	84 Friar Lane	Nottingham	NG1 6ED	
Sir or Madam	General Secretary	Equity	Guild House	Upper St Martins Lane	London	WC2H 9EG
Sirs	Health & Safety	Leicester City Council				
Sirs	Health & Safety Executive	900 Pavilion Drive	Northampton Business Park	Northampton	NN4 7RG	
Sirs	Joelson Wilson	70 New Cavendish Street	London	W1G 8AT		
Sirs	Kuit Steynard Levy	3 St Mary's Parsonage	Manchester	M3 2RD		
Sirs	Lap Dancing Association	By email				
Sirs	Leicester Council of Faiths					
Sirs	Leicester Safeguarding Adults Board	Leicester City Council				
Sirs	Leicester Safeguarding Children Board	Leicester City Council				
Sirs	Leicester Shire Promotions	7-9 Every Street	Leicester	LE1 6AG		
Sirs	Leicester University Students' Union	University Road	Leicester	LE1 7RH		

APPENDIX 1

Consultees for sex establishment licensing – Summer 2010

Salutation	Postal Name	Address 1	Address 2	Address 3	Address 4	Address 5
Sirs	Leicestershire Chamber of Commerce	Charnwood Court	5b New Walk	Leicester	LE1 6TE	
Mr Whale	Mr F Whale	Harvey Ingram LLP	20 New Walk	Leicester	LE1 6TX	
Sir	Mr M Radcliffe	Freeth Cartwright LLP	Imperial House	108-110 New Walk	Leicester	LE1 7EA
Sirs	NOCTIS	5 Waterloo Road	Stockport	Cheshire	SK1 3BD	
Sirs	Performing Rights Society Ltd	29-33 Berners Street	London	W1T 3AB		
Sirs	Planning	Leicester City Council				
Sirs	Pollution	Leicester City Council				
Sirs	Poppleston Allen	37 Stoney Street	The Lace Market	Nottingham	NG1 1LS	
Sirs	Safer Leicestershire Partnership					
	Trading Standards	Leicester City Council				
	Leics Primary Care Trust, NHS Leicestershire County and Rutland	Lakeside House	4 Smith Way	Grove Park	Enderby Leicestershire	LE19 1SS
All members of the People's Panel						
All Members of Leicester City Council						
All alcohol premises licence holders in Leicester						
All existing operators in Leicester, and their staff						
Residents and businesses in the vicinity of existing premises (hand delivered)						

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APPENDIX 2

Written replies to SEV consultation

Ack 23/7/10



20.7.10.

Dear Sir/Madam,

Re: Gentlemens Bars/clubs
Strip/Lap Dancing clubs.

I write to you having read the article in the Leicester Mercury. I strongly think these places should have a Sex license. I have spoken to several males at work who have been inside these places in Leicester. I believe they are totally degrading and disrespectful to women but realize these places won't go away. I have been told how the girls conduct themselves sexually is disgusting and that sex does happen for an extra payment 'in the back'. I was appalled when 'Seductions' opened in Woodgate which I consider my neighbourhood and also appalled at the obvious advertising on the premises. However, it has now changed its name to Diamonds and the obvious paintings of women have now gone. I still think these places should be in the City Centres not near to schools, houses, corner shops etc. Also, it should be obvious outside what these places are

Written replies to SEV consultation

but not have explicit advertising.
I am a Season ticket holder at the Walkers Stadium. Last year I was appalled to see girls dressed in leather catsuits unzipped precariously walking about advertising Lace, the lap dancing club opposite St. Margaret's Bus Station. Leicester City Football promote the family and these girls were advertising on a Saturday afternoon. I reported this to the football club. Also last season on Tuesday evening home matches men were being given advertising leaflets for a lap dancing club as they walked to and away from the stadium. As you can imagine, a lot of these were chucked on the floor, which could be seen by children and young adults. Also as one man said loudly having been given one, if my wife finds this in my jeans pocket my marriage would end. I also think these places should be strictly 21 plus.

It would make me and my female friends extremely pleased if these places went away but realise that won't happen. Sex is big business. But we're fed up of it in our faces all the time and know it's not just nudity but sex that goes on.

Yours faithfully,

Written replies to SEV consultation

Ack 4/8/10



Equity
performing for you

Rachel Hall
Licensing Team Manager
Leicester City Council
New Walk Centre
Welford Place
Leicester
LE1 6ZG



26th July 2010

Re: Licensing of Sexual Entertainment Venues

I am writing to you on behalf of Equity, the trade union representing 37,000 performers and other creative professionals working in the entertainment industry, in response to the consultation exercise that has been launched on the licensing of sexual entertainment venues.

Equity represents workers throughout the entire spectrum of dance from ballet, to contemporary and cabaret, including burlesque and erotic performers. During the passage of this legislation Equity was very concerned that lap dancing and other such venues would be reclassified as 'sex encounter establishments'. Use of the terms 'sex encounter' and 'sex establishment' gives the wrong impression of the work of the dancers in this predominantly entertainment field and places such workers at risk. Equity's dancers have frequently expressed their concerns about potentially being labelled 'sex workers' and fear that the implementation of this legislation will limit their ability to find work and safely earn a living.

For these reasons Equity argued strongly that the legislation would result in the reclassification of members' work in this field from entertainment to sex industry work making them part of an industry of which they do not feel they belong. We also argued that there is an important distinction between venues which offer entertainment only on a stage in a public area of a venue, rather than in a private room or by a patron's table, and that venues offering entertainment once a week or less should not be reclassified.

In its 2009 report on the Licensing Act the Culture Media and Sport Select Committee acknowledged these concerns and conceded that a 'hybrid' approach should be pursued on this issue. Equity agreed that this was a sensible way forward and although we continue to oppose the other provisions relating to the new licensing regime for clubs, ultimately we agreed that 'sexual entertainment venue' was a more appropriate classification.

Guild House • Upper St Martin's Lane
London • WC2H 9EG
T 020 7379 6000 • F 020 7379 7001
E info@equity.org.uk • Web equity.org.uk

Equity
Independent Trade Union
Incorporating the Variety Artists' Federation
Affiliated to the TUC, STUC and FIA

President Graham Hamilton
Vice Presidents Jean Rogers, Malcolm Sinclair
Honorary Treasurer Bryn Evans
General Secretary Christine Payne

Written replies to SEV consultation

However, Equity continues to be concerned that the Policing and Crime Act will have the effect of reducing the number of workplaces available to dancers. As well as lap dancing venues, it seems likely that this will possibly affect more traditional and long established striptease and burlesque venues and it is unclear whether other types of establishment, such as pole-dancing schools, would also be included. There is also the possibility that venues hosting occasional events of an adult nature, including 'stag' and 'hen' parties will also be affected by the legislation.

Equity is opposed to the implementation of this legislation in principle. The union actively campaigns against censorship and the restriction of artistic freedom and we believe that this legislation could be used to restrict creativity. For example, burlesque, which features comedy, song and dance, is not primarily about titillation and the content of burlesque shows is no more "adult in nature" than many plays in theatres across the UK. However, there have been moves by some local authorities to restrict and, in some cases, ban this form of entertainment, without exploring the content of shows. Burlesque dancers have reacted strongly to these restrictions, and have had to extensively engage with and educate local authorities about the nature and content of their work.

While Equity understands the need for proper consultation with local residents about matters that affect their communities, we feel that all entertainment venues, including lap dancing venues are already adequately dealt with under the current Licensing Act 2003. We would strongly discourage your authority from implementing this legislation as it will greatly increase the financial and administrative burden on dance clubs and other establishments. Requiring an additional annual licence for sexual entertainment on top of the current premises licence will force many clubs and venues out of business and will have severe consequences for the employment of dancers.

Equity members have told us that under the current licensing regime venues are largely safe and there are clear expectations of the activities that take place. Their major concern is that the new licensing regime, if implemented by local authorities, will impose greater restrictions on where clubs could open, the number there could be in an area, the grounds on which objections could be made to them operating and the widening of the catchment area in which objections could be lodged, all of which would threaten employment opportunities for dancers.

We therefore recommend that your local authority does not adopt the new provisions. If you would like to discuss this issue further or if you require any clarification or additional information please contact Louise McMullan, Equity's Policy Development Officer at lmcmullan@equity.org.uk or on 02076700260.

Yours sincerely,

A large grey rectangular box redacting the signature of Christine Payne. A small handwritten mark is visible to the left of the box.

Christine Payne
General Secretary

Written replies to SEV consultation

Ack 1/9/10

25/8/10.



DEAR Mrs. Hall,

I AM FORTUNATE TO BE OF AN AGE WHEN MORALS AND VALUES WERE IMPORTANT AND MEANT SOMETHING. SEX IS NOT A COMMODITY FOR SALE BUT I AM AFRAID IT IS. VERY MUCH SO. NEWSPAPERS, TELEVISION, MAGAZINES ALL EXPLOIT SEX TO ITS FULL MONEY MAKING POTENTIAL. THERE IS ENOUGH TROUBLE AND CORRUPTION (PUBS, NIGHTCLUBS ETC.) IN THIS CITY WITHOUT ADVOCATING MORE. ASK THE POLICE, MY ANSWER IS A DEFINITE NO TO ANY SUCH CONSIDERATIONS OR PROPOSALS FOR SUCH ESTABLISHMENTS.

YOURS SINCERELY,



LICENSING SECTION
RECEIVED
27 AUG 2010
LEICESTER CITY COUNCIL

Written replies to SEV consultation

Ack 1/9/10



LEICESTER CITY COUNCIL

25.08.10

Your REF: LICENSING/RMH

Dear Sirs,

RE: LICENSING OF SEXUAL ENTERTAINMENT VENUES

I am in receipt of your letter of the 16th August regarding the above. In general I see no reason not to grant a licence to such premises so long as they are clearly named and people who may be offended by them do not enter expecting something different.

Yours faithfully



PEOPLES PANEL MEMBER

CATEGORY: MEMBER OF THE PUBLIC



Consultation on Leicester City Council's Policy on Licensing Sexual Entertainment Venues

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Introduction

The Policing and Crime Act 2009 has introduced new powers for local authorities to regulate sexual entertainment venues. Sexual entertainment venues are premises where live entertainment or displays of nudity take place for the purpose of sexually stimulating an audience. One of the principal types of premises where this occurs is lap dancing venues.

The City Council intends to adopt these powers and this consultation is designed to gather views on its policy for their use.

From the date on which the powers come into force, which will be decided by the Council, premises must be licensed. Premises on which sexual entertainment takes place infrequently, less than twelve times in a twelve month period and on occasions at least one month apart, are exempt from the requirement for a licence. The Council may decide not to grant a licence if they consider that the location of the premises is unsuitable, or because of the use to which other premises in the vicinity are put, or because they consider the applicant to be unsuitable. They may also decide how many licences should be granted in particular locations, which may be none.

If a licence is granted the Council may impose conditions, which could relate to such things as the outside appearance of the property, the management of the premises, internal layout, and the nature of the performances. The Council will also decide what the application process will be and how problem premises will be dealt with.

Responding to this Consultation

The Council intends to consult with members of the public, relevant organisations and the trade on its policy. You may make your views known by completing all or any part of the following document. For instance if you are a member of the public you may be most interested in the effect a sexual entertainment may have on the area in which you live, in which case you may wish to fill in only Sections 1 – 4. You may also make submissions of your own.

You may make your submissions either online by visiting www.leicester.gov.uk or by email or by post to the Licensing Section. **The closing date for submissions is 30 September 2010.**

Further copies of this document can be obtained at:

www.leicester.gov.uk/licensing

or from:

Licensing Section
Leicester City Council
New Walk Centre
Leicester
LE1 6ZG

Telephone 0116 252 8555

Email: Licensing@Leicester.gov.uk

Outcome of Consultation

The City Council will take account of all views expressed during this consultation.
The outcome of the consultation will be published on the Council's website
www.leicester.gov.uk.

Section 1 - Controlling the Location of Sexual Entertainment Venues

a) Please tell us which of the following areas you consider to be suitable or unsuitable for a sexual entertainment venue:

Area	Suitable	Unsuitable
The City Centre (inside the Inner Ring Road)	48 (63%)	7 (9%)
Other areas associated with the night time economy (eg Braunstone Gate)	40 (53%)	10 (13%)
Industrial estates	28 (37%)	19 (25%)
District shopping areas (eg Beaumont Leys Shopping Centre, Queens Road, Evington Road, Aylestone Road, etc)	6 (8%)	30 (40%)
Residential Areas	2 (3%)	38 (50%)
Other areas, please specify		
Places of worship	0	4 (5%)
Near schools / colleges / nurseries	0	6 (5%)
Places frequented by young people	0	3 (4%)
Anywhere	2 (3%)	1 (1%)
Most commercial areas, if lit and no danger to the people involved	2 (3%)	0
Cultural quarter	1 (1%)	1 (1%)
Anywhere where it may cause late night nuisance	0	1 (1%)
Are there any other comments you would like to make about the location of sexual entertainment venues?		
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APPENDIX 3

- b) Please tell us which type of premises listed below you think sexual entertainment venues should **not** be located close to.

	Type of premises (tick as many as apply)
Sexual entertainment venues should NOT be located close to:	Places of worship 59 (77%)
	Schools 61 (80%)
	Other community facilities such as libraries, community centres etc 53 (70%)
	Residential Premises 33 (43%)
Are there any other comments you would like to make about the types of premises which sexual entertainment venues should not be located close to?	
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- c) The City Council does not intend to specify a fixed distance from any other premises that sexual entertainment venues must be located, but will judge each case on its individual merits. (For example, we will **not** state that a sexual entertainment venue must be more than 2 miles from any school). Do you agree or disagree with this approach?

A fixed distance should not be used to determine which premises a proposed sexual entertainment venue is in the vicinity of:	Agree 38 (50%) Disagree 24 (32%) Not sure 12 (16%)
If you disagree with this approach please explain why:	
.....	
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.....	
If you believe a fixed distance should be used please state what this should be:	
0 metres	1 (1%)
Half a mile	1 (1%)
1 mile	2 (3%)
2 or more miles	7 (9%)

APPENDIX 3

d) Please tell us whether you think there are any events (for example, the Caribbean Carnival) during which sexual entertainment venues should not operate, if they are in the vicinity of those events.

Sexual entertainment venues should not operate in the vicinity of specific events, for a specified time before and after the event.	Agree	28 (37%)
	Disagree	35 (46%)
	Don't know	9 (12%)

If you agree with this approach please explain which events you think this should be applied to, and why:

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Do you have any other comments in relation to sexual entertainment premises operating in the vicinity of specific events?

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Section 2 - Limiting Numbers of Sexual Entertainment Venues

The City Council intends to limit the number of sexual entertainment venues that will be licensed in particular locations. It has not decided yet how to identify which these locations should be. The number of premises in a particular location could be limited to nil. Please give your views on this.

If the City Council decides to limit the number of sexual entertainment venues in the following locations what should that number be?	Please write in the number of venues for each of the locations
City Centre (inside the Inner Ring Road)	<p>None 17 (22%) One 7 (9%) Two 5 (7%) Three 12 (16%) Four 5 (7%) Five 4 (5%) Six 2 (3%) Ten 6 (8%) Twenty 1 (1%) Unlimited 3 (4%) Don't know 1 (1%)</p>
The whole of the area outside the inner ring road	<p>None 26 (34%) One 5 (7%) Two 5 (7%) Three 3 (4%) Four 3 (4%) Five 4 (5%) Seven 2 (3%) Ten 2 (3%) Fifteen 1 (1%) Twenty 1 (1%) Thirty 1 (1%) Fifty 1 (1%) Unlimited 5 (7%) Don't know 2 (3%)</p>
Braunstone Gate	<p>None 21 (28%) One 15 (20%) Two 10 (13%) Three 3 (4%) Four 1 (1%) Five 3 (4%) Ten 2 (3%)</p>

APPENDIX 3

	Unlimited 4 (5%) Don't know 1 (1%)
Other areas, please specify	None 1 (1%)

Section 3 - Controlling the External Appearance of Sexual Entertainment Venues

The City Council does not consider it appropriate for Sexual Entertainment venues to have explicit displays outside their premises. However, there is a need for there to be a clear indication of the type of entertainment that takes place within the premises. It is therefore proposed that there would be a condition prohibiting explicit displays outside the premises, that the premises should be allowed to clearly display its name, and that any other displays would have to be approved by the City Council. Please indicate whether you support these proposals.

	Agree	Disagree	Don't know
Premises should be prohibited from having explicit displays outside the premises	60 (79%)	16 (21%)	0
The premises should be allowed to display its name, but other displays would need to be approved by the City Council.	58 (76%)	18 (24%)	1 (1%)
There should be no visibility from outside the premises into the interior.	57 (75%)	18 (24%)	2 (3%)

Are there any other comments you would like to make about the external appearance of sexual entertainment venues?

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Section 4 - Protection of Children, Young People and other Non-users

The City Council believes that it is appropriate to introduce conditions to protect children, young people and other non-users of the premises. Please give your views on the following proposals:

	Agree	Disagree	Don't know
A Challenge 21 scheme on admissions should be operated.	70 (92%)	6 (79%)	0
There should be no distribution of leaflets advertising the premises.	47 (62%)	25 (33%)	3 (4%)
The premises should not advertise by means of cruising vehicles or use any other form of solicitation to invite people into the premises.	57 (75%)	19 (25%)	0
Premises should have hours of operation that will ensure nuisance is not caused to neighbouring premises	66 (87%)	7 (9%)	3 (4%)
Please provide any other comments you have about these proposals:			

Section 5 - Controlling the Management of Sexual Entertainment Venues

The City Council thinks that it is appropriate to introduce conditions on licences to ensure that only appropriate people are engaged in the management of sexual entertainment venues. People engaged in the management of the premises must have suitable experience and understanding of the requirements relating to the business. Please tell us if you agree or disagree with the following proposals.

	Agree	Disagree	Don't know
All persons engaged in the management of the business should be required to undergo a Criminal Records Bureau check.	65 (86%)	5 (7%)	6 (8%)
All persons with a financial interest in the business, including third party beneficiaries, should be required to undergo a Criminal Records Bureau check.	60 (79%)	9 (12%)	6 (8%)
Persons engaged in the management of the premises should be required to provide evidence to demonstrate they have suitable experience and understand the requirements of the business.	65 (86%)	8 (11%)	3 (4%)

Please provide any other comments you have about these proposals:

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Section 6 - Protection of Performers and Prevention of Crime and Disorder

The City Council believes that it is appropriate to introduce conditions to protect performers and prevent crime and disorder. Please give your views on which of the following you consider appropriate:

	Agree	Disagree	Don't Know
The management of the premises should have a written policy on the conduct of performers	73 (96%)	3 (4%)	0
The management of the premises should have a policy on clear display on the conduct of customers	72 (95%)	4 (5%)	0
The management of the premises should have a formal complaints procedure	75 (99%)	1 (1%)	0
There should be no physical contact between performers and customers	45 (59%)	22 (29%)	9 (12%)
There should be no physical contact between performers and other performers	33 (43%)	34 (45%)	9 (12%)
The performance should not include the use of any sex toys	47 (62%)	17 (22%)	10 (13%)
Performances should be to seated audiences only	54 (71%)	12 (16%)	9 (12%)
Where performances take place in open areas there should be adequate separation between customers and performers	53 (70%)	15 (20%)	5 (7%)
There must be a clear exit route for performers without going through the audience area	71 (93%)	3 (4%)	2 (3%)
There should be no audience participation in performances	48 (63%)	20 (26%)	5 (7%)
Photography of performances should not be allowed	62 (82%)	9 (12%)	4 (5%)
There should be secured dressing rooms available to performers	73 (96%)	0	1 (1%)
Performers should have separate sanitary facilities	66 (87%)	8 (11%)	1 (1%)

APPENDIX 3

Free drinking water or other refreshments should be available to performers	68 (90%)	3 (4%)	4 (5%)
There should be routine monitoring to ensure that drugs are not being used by performers	68 (90%)	3 (4%)	5 (7%)
Secure transport from the premises should be provided for performers	53 (70%)	14 (18%)	7 (9%)
There should be routine checking of the age of any performer before they are allowed to perform, to ensure that they are over 18	75 (99%)	0	0
There should be routine checking of employment records and right to work in the UK	75 (99%)	0	1 (1%)
CCTV should be provided of all parts of the premises including private dancing booths	53 (70%)	16 (21%)	7 (9%)
Adequate SIA registered door supervisors should be employed to control entry and to provide security within the premises.	73 (96%)	0	2 (3%)
Please provide any other comments you have about these proposals:			

Section 7 - Application Process

The Legislation

Parts of the application process are set out in law and are fixed. Applications for sexual entertainment licences will be in two phases. The City Council will set a date for the licensing process to begin. The first phase will cover applications made in the first six months. Any applications will be held and they will all be considered together. The second phase will also last six months. Any applications received during this period will not be considered until any applications made in the first phase have been determined. Applications received during the second phase will also be considered together.

Applicants will be required to provide sufficient information to enable the licensing authority to decide whether it is appropriate to grant a licence. The licensing authority may also decide to make further enquiries about any application.

Applicants will be required to publicise their application by means of a newspaper advertisement and a notice on the site.

The City Council's approach

Any member of the public may make representations about applications. Representations will also be allowed from the Police, Fire Service and City Council's teams responsible for preventing noise nuisance, planning, health and safety and child protection. Where members of the public make representations and wish to remain anonymous the City Council will respect that anonymity, but will also take account of the applicant's reduced ability to respond to representations from unknown sources.

Applications will be considered by a panel of three members of the Council's Licensing Committee. The Committee will operate using the same code of practice which it uses for hearings under the Licensing Act. Copies of the code of practice are available online or from the Licensing Section (see Introduction on Page 2 for contact details). The panel will consider any representations made about the applications and persons who have made representations will be given an opportunity to address the panel, as will the applicant.

Under the Provision of Services Regulations 2009, the City Council proposes not to grant tacit authorisation to applications not dealt with within the time frame that it sets. The reason it is considering doing this is because it will need to consider an unknown number of applications during the first phase (see above) before any applications can be approved. It also considers that an inappropriately located or managed premises has the potential to have a significant adverse impact on a local community and it would not be in the public interest to grant a licence without full consideration.

Dealing with problem premises

Licences will remain in force for no longer than a year and any person may make representations about the renewal of the licence. Where representations are made

APPENDIX 3

the City Council will hold a hearing to consider whether a licence should be renewed or not.

During the period when a licence is in force, if concerns are raised by any party about the operation of the premises, the City Council will consider whether it is appropriate to hold a hearing to determine whether the application should be revoked.

Section 8 – Any other comments

Do you consider that the proposals to licence sex establishments will have any impact on equality issues? If so, please explain.

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Please provide any other comments you have about these proposals:

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Section 9 - About You

Please provide any information about yourself that you wish. All information will remain confidential to the City Council and will not be given to any third parties:

If your response is on behalf of an interested organisation please specify.	
If you are the owner or manager of an existing sexual entertainment venue please specify	
If you are a prospective owner of a sexual entertainment venue please tick	
If you work as a performer in a sexual entertainment venue please tick	6
If you work in a sexual entertainment venue other than as a performer please tick	4

Return of Forms

Please return completed forms by **30 September 2010** to:

Licensing Section
 Leicester City Council
 New Walk Centre
 Leicester
 LE1 6ZG

Or by email: Licensing@Leicester.gov.uk

Equalities Monitoring

In order to meet your needs and improve service we need to know a bit more about you. Please help us by completing this form. You will not be disadvantaged in any way. This information is confidential.

1) Ethnic Background

a) Asian or Asian British

- Bangladeshi Indian 4 Pakistani
 Any other Asian background (please write in) 2

b) Black or Black British

- African 1 Caribbean 1 Somali
 Any other Black background (please write in) *Other African* 1

c) Chinese

Any other Chinese background (please write in)

d) Dual / Multiple Heritage

- Asian & White Black African & White 3 Black Caribbean & White 2
 Any other Heritage background (please write in)

e) White

- British 47 European 1 Irish 1
 Any other White background (please write in) 2

f) Other ethnic group

- Gypsy/Romany/Irish traveller
 Any other ethnic group (please write in)

g) Prefer not to say 11

2) Gender

- Female 10 Male 3 Prefer not to say 61

3) Age

Date of birth (day/month/year)

Age in years

20-34	17
35-44	11
45-54	9
55-64	7
65+	10



Prefer not to say **20**

Continued over

4) Disability

The Disability Discrimination Act (DDA) defines a person as disabled if they have a physical or mental impairment which has a substantial and long term effect on their ability to carry out normal day-to-day activities and has lasted or is likely to last for at least 12 months. Since 2005 people with HIV, cancer, multiple sclerosis (MS) and severe disfigurement are covered by the DDA.

Do you consider yourself to be a disabled person?

- Yes **3** No **68** Prefer not to say **5**

5) Sexual Orientation

- Bisexual **2** Lesbian **1** Gay (male) **1** Heterosexual **57**
 Prefer not to say **15** Other (please write in)

6) Religion & Belief

How would you define your religion or belief?

- | | | | |
|-----------------------------------------------------------|------------------------------------------------|------------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Bahai | <input type="checkbox"/> Buddhist | <input type="checkbox"/> Christian 26 | <input type="checkbox"/> Hindu 2 |
| <input type="checkbox"/> Jain 1 | <input type="checkbox"/> Jewish | <input type="checkbox"/> Muslim 1 | <input type="checkbox"/> Sikh |
| <input type="checkbox"/> Atheist 6 | <input type="checkbox"/> No religion 20 | <input type="checkbox"/> Prefer not to say 15 | |
| <input type="checkbox"/> Other (please write in) 6 | | | |

7) Postcode

- First 4 digits only
 Prefer not to say

Thank you for completing this monitoring form. Please return it with your completed questionnaire. The information you have provided will be kept in accordance with terms of the Data Protection Act 1998 and will only be used for the purpose of monitoring.

Your details will not be passed on to any other individual, organisation or group. Leicester City Council is the data controller for the information on this form for the purposes of the Data Protection Act.

Summary of comments and responses from questionnaire re SEV policy

Type of respondent	Reply No.	Comment	Response
Not specified	1	There is way too much sexual exposure to younger age groups.	This is a general comment against sexual entertainment venues.
Not specified	1	Water with dirt in it is no longer clean water - even if some people don't mind murky water.	This is a general comment against sexual entertainment venues.
Not specified	2	I see no problem with it	This is a general comment in favour of sexual entertainment venues.
Not specified	2	This isn't a social blight. The status quo is favourable. I appreciate the balance between individual freedoms and to guard against exploitation - I do not feel this should be greatly altered.	This is a general comment.
Not specified	4	There are too many controls in this country.	This is a general comment.
Not specified	5	Need to ensure that people who do not want to do so are not forced to be exposed to the venues	This could be dealt with by controls on the external advertising of SEVs.
Not specified	6	When located where there are large numbers of pedestrians passing through they are inappropriate due to young easily influenced teenagers and children	This comment relates to the location of premises, but is expressed generally so as to make it difficult to address easily.
Not specified	7	Regulating this activity gives it a degree of legitimacy within our society. Ideally I would like to see this banned as an unacceptable activity in a civilised society: we should be encouraging these women into more fulfilling employment. However as a second best, I think that this industry should be so tightly regulated that it becomes difficult for it to operate.	This comment appears to be in favour of a policy that limits the number of premises to zero, or otherwise a very restrictive policy. The purpose of the policy

Summary of comments and responses from questionnaire re SEV policy

			is not to make a moral judgement on SEVs, but to ensure that any such premises are suitably located and properly run.
Not specified	8	I consider this an opportunity for LCC to lead the way in allowing people to work in this industry in a safe fashion.	Noted
Not specified	17	I find the club Panache out of place in the cultural quarter. The customers often drop litter and obstruct the entry to the apartment block I live in. The building is too close to where a large number of children visit. The colour of the building is offensive. The club brings late night roudy drunks to the area. They also seem to host underage discos there which beggers belief.	This comment relates to a specific premises that is already operating, rather than to the overall policy for Leicester.
Not specified	19	dont believe they have a place in today's society	This is a general comment against sexual entertainment venues.
Not specified	19	should not be visible but if they must exist must also have high safety for women working in that industry. Members of the public should not just come across these premises as they go about daily and nightly life.	This comment relates partly to the location of premises, but is expressed generally so as to make it difficult to address easily. It is proposed that the standard conditions imposed on SEVs will include matters on the welfare of the performers.
Not specified	19	Would like these premises banned.	This is a general comment against sexual entertainment venues.
Not specified	24	I favour a common snese, light regulatory touch. There are enough laws already to control unacceptable behaviour - the rights of people who	Noted

Summary of comments and responses from questionnaire re SEV policy

		perform in and attend these premises should be respected as much as the religious, conservative bigotry of the NIMBY-ists	
Not specified	24	We shouldn't be prudish about these establishments they are no better or worse than other entertainment venues	This is a general comment.
Not specified	27	These venues lower the tone and feel of any area and should thus be kept away from areas where established shopping areas, entertainment venues and housing exist.	This comment concerns the location of SEVs, which is addressed in the proposed policy. Any application will be considered on its merits.
Not specified	28	If a place is to be licensed will it be inspected regularly to ensure that all is above board eg taxes being paid by all concerned and that any "slave" type business is not in existence.	Enforcement will be an important part of the licensing process, and will be undertaken by Licensing Enforcement Officers and the Police.
Not specified	28	Judging on merit! no way it must be decided by a vote in the area.Fixed distance is not so important as say to the vicinity.	All applications will be considered on their merits, in light of the SEV policy. Any decision to grant will be made by members of the Licensing Committee.
Not specified	28	Many public houses could apply eg. a small bar say on the Hinckley Rd. highly undesirable.	This is factually correct. However, the proposed policy contains a limit on the total number of fully licensed SEVs in the city. Regardless of the council's policy, the legislation allows certain activities to take place in unlicensed premises.

Summary of comments and responses from questionnaire re SEV policy

			(Eg, once a month for less than 24 hours at a time).
Not specified	28	Unless away from the general public, taxes paid by performers the whole thing generally is disliked by me.It should not be seen to raise council income	The licensing process is intended to be cost neutral to the council.
Not specified	35	They are horrible wherever they are	This is a general comment against sexual entertainment venues.
Not specified	38	As the parent of a 15 yr old who frequently attends events and venues within the city centre and Braunstone gate area, I strongly feel that the city council should be using this Licensing policy to ensure that young people are not able to access such venues or be in the vicinity of the people who are accessing them.	Access to SEVs will be restricted to people aged over 18. Proof of age will be required in the same way as for purchases of age restricted products such as alcohol, cigarettes, knives, etc.
Not specified	41	Is there a need for these venues at all? Has market research been done or is it driven by the business side alone rather than a general request from customers?	Individual operators must decide whether or not there is a viable business case for these premises. If there is no demand, the businesses will fail.
Not specified	45	Damn individual merits - there are none - put in a blanket ban and stick to it	This comment appears to be in favour of a policy that limits the number of premises to zero, or otherwise a very restrictive policy. The purpose of the policy is not to make a moral judgement on SEVs, but to ensure that any such premises are suitably located and properly

Summary of comments and responses from questionnaire re SEV policy

			run.
Not specified	45	I approve of any plans to control venues offering such services, but would much more prefer that LCC took a firm stance and rejected all proposals.	This comment appears to be in favour of a policy that limits the number of premises to zero, or otherwise a very restrictive policy. The purpose of the policy is not to make a moral judgement on SEVs, but to ensure that any such premises are suitably located and properly run.
Not specified	45	I would appreciate a total ban on 'sexual entertainment' at all times	This is a general comment against sexual entertainment venues. The purpose of the policy is not to make a moral judgement on SEVs, but to ensure that any such premises are suitably located and properly run.
Not specified	45	No such venues should be permitted within the City as they are not 'entertainment' in the proper sense. Their existence is unacceptable.	This is a general comment against sexual entertainment venues. The purpose of the policy is not to make a moral judgement on SEVs, but to ensure that any such premises are suitably located and properly run.
Not specified	46	Nothing wrong with them as it all happens indoors and strictly over 18s	This is a general comment in

Summary of comments and responses from questionnaire re SEV policy

			favour of SEVs.
Not specified	46	You should be sensible and lenient because at the end of the day its a business, providing entertainment for people who like this kind of stuff. Its not a brothel	This is a general comment in favour of SEVs.
Not specified	48	Should have sufficient parking if out of the city centre	The need for parking is a planning issue, rather than licensing.
Not specified	51	In some respects, industrial estates would be the best option, disturbing fewest people and being places that only those who make a purposeful journey would come across the establishments. My only concern would be the safety of people who work in the clubs, leaving late at night in deserted industrial estates	These comments are noted. There is an argument for safety being improved by siting any premises (SEV or otherwise) where there is passing foot and vehicular traffic.
Councillor	56	Like sex shops, should be on a case by case basis	This is accepted.
Not specified	58	I understand that licensing can give some protection to the women who work within them but this has to be balanced against the potential harm to other women and the possible lure to the vulnerable who may see working in the sex industry as socially acceptable.	Officers are not aware of firm evidence that SEVs cause harm to other women, although we appreciate that this is a common concern. As the comment says, some protection can be afforded through the licensing process in terms of suitable locations and safeguards.
Operator	60	<ol style="list-style-type: none"> 1. Please avoid duplication of the legal process 2. It is a fact that well run lap dancing venues actually help to reduce levels of crime and disorder in their vicinity 3. Standard conditions should be relevant, enforceable and clear 4. Conditions should include membership of professional bodies ie, Lap 	<ol style="list-style-type: none"> 1. Noted. 2. The evidence for this has not been provided, but is not disputed. 3. Agreed.

Summary of comments and responses from questionnaire re SEV policy

		Dancing Association, which was introduced to raise standards within the industry. Also promotion of Best Bar None awards	4. Noted
Operator	60	Well run professional lap dancing venues are very much part of city centre night time economy	This is a general comment in favour of SEVs.
Operator	62	Well run professional lap dancing venues are very much part of city centre night time economy	This is a general comment in favour of SEVs.
Not specified	66	Well run professional lap dancing venues are very much part of city centre night time economy	This is a general comment in favour of SEVs.
Not specified	68	It is wise to licence and restrict any performance activity associated with leisure, and just for health and safety reasons. But where do you draw the line? Leicester cannot be a sole centre, as it would become a target. It can only be active in association with other authorities. The same obviously would apply to locally licensed brothels!	The opportunity to control SEVs is open to all licensing authorities. By introducing a licensing policy Leicester will have more control than in other authority areas where SEVs remain unrestricted.
Not specified	73	I find it amazing that the City Council has enough money to do this survey. Everybody keeps hearing about the cuts and yet this consultation is considered important	The licensing authority had to decide whether or not to adopt the relevant legislation before April 2011. Leicester City Council felt this issue was significant enough to seek the views of interested parties. If we had left it beyond this date then consultation would have been forced upon us.
Not specified	73	I think the idea of sexual entertainment venues are totally wrong. Youngsters will get into these set-ups whatever you say or do. Nowhere is very safe now and this will just make it more dangerous	This is a general comment against SEVs.

Summary of comments and responses from questionnaire re SEV policy

Not specified	73	I think the whole concept of premises for sexual entertainment is wrong	This is a general comment against SEVs. The morality of these venues is not part of the council's considerations.
Not specified	73	I think this sort of entertainment should not be allowed at all. It would rapidly lead to prostitution	This is a general comment against SEVs. The morality of these venues is not part of the council's considerations.
Not specified	75	I think paragraph 4 in the Introduction is important, relating to conditions. I don't think shopping centres are suitable as large stores are open late and customers would not like sexual entertainment venues open when they are using the stores. However a lot depends on the entrance to the building and the conduct of the people attending	This comment concerns the location of SEVs, which is addressed in the proposed policy. Any application will be considered on its merits.
Not specified	76	Because in my personal opinion a lot of unsavoury characters use these venues	This is a general comment against SEVs.
Not specified	76	I came through Leicester town at 1am on Sat evening from my son's graduation party, passing through the town i saw a club with 2 half undressed girls, it was disgusting, what is our society coming to, i feel there is no desentcy with sights like this on our streets, what is it learning our youths	This is a comment against SEVs in general and one club in particular. The morality of these venues is not part of the council's considerations.



Research on Lap Dancing in England: Preliminary Findings

Dr Teela Sanders & Kate Hardy

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Background to the Project

This research is funded by the Economic and Social Research Council for the investigators to conduct a study on lap dancing with the specific aims to: a) examine the supply of dancers, their experiences of dancing and their working conditions; b) explore how industry management have 'mainstreamed' lap dancing and become acceptable in the high street; and c) to uncover the competing interests between erotic dance businesses, law enforcement and licensing processes. **These preliminary findings are presented half way through the fieldwork process and mainly centre on the dancers experiences and working conditions. The final findings and related reports will be available May 2011** The project comes at a pivotal time in the changes to how lap dancing clubs are licensed. A change in law in 2010 saw the reclassification of these establishments to Sexual Entertainment Venues, giving local authorities more powers to decide the number of clubs in their area, if at all, and to take any forms of objection into consideration. Moving away from the licensing objectives of the Licensing Act 2003, these new powers enable greater control over lap dancing, whilst not considering the activities that take place within the club or the welfare of the dancers.

Methodology

The final methodology consists of a survey of 300 dancers, with follow-up interviews, and interviews with industry management and regulators. To make comparisons between locations, two cities have been chosen: one in the North and one in the South. This report draws on findings from 86 questionnaires with dancers who have worked in venues across the country.

Who are the dancers?

- *Age*: The majority of dancers (68.8%) are aged between 22 and 29. Interestingly, despite an emphasis on youth within the industry, only 10% were younger than this and 21.3% of dancers were older than 29. The age range between dancers spanned from 19 to 39. The age at which most dancers had started dancing, however, was considerably younger.
- *Age started dancing*: A large proportion of 68% started dancing when they were under 25 years old and 92% began when they were under 29. Only a small proportion (7.6%) started when they were over 30.
- *Relationship status*: Half of the dancers were single (50%), but the other half were in some form of relationship with someone with whom lived (21.3%) or did not live (21.3%). Only 6.3% of the dancers were married.
- *Mothers*: Only 19% of dancers surveyed had children. Amongst dancers with children 86.8% had one child and 13.2% had two children. No dancer had more than two children.
- *Nationality*: British nationals constituted over half the dancers surveyed. The next largest national groups were Romanian (19%) and Brazilian (8.9%).
- *Education*: All of the dancers had some education and had finished school with some qualifications. 87% had completed at least Further Education, while 25% had completed an undergraduate degree. Just over one third of dancers were students. 31% of dancers were currently in some form of education, making students a significant proportion of dancers. 3.8% were taking further education courses, 13.9% were using dancing to help fund an undergraduate degree and 6.3% for a postgraduate degree.
- *Other work*: Dancing was the sole form of income for the majority of dancers (60.3%). However, it was significant that 39.7% of dancers did combine dancing with other forms of work and income.

Why did they start dancing dance?

- Obviously, most women cited 'money' was the reason they started dancing: but there were other common reasons such as paying for education; a friend was dancing; the freedom and flexibility of the job; liking dancing; and to increase confidence.
- Dancers mainly found work in their first club through friends and the internet (sum = 63.6%). Agencies had a small role to play, but were more predominant amongst migrant workers.

How much do they dance and where?

- *Length of time working:* Dancers that we spoke to had been dancing for between 1 day and 17 years. Most dancers had been dancing for between 1 year and <3 years (mode and median). Only 17.7% had been dancing for more than five years, indicating that most dancers left between 3 and 5 years into their dancing careers.
- *Number of clubs:* Women had danced in between 1 and 35 clubs. Most women had worked in only 1-2 clubs. Women that had danced in more than ten clubs (5.1%) tended to have worked for agencies who had sent them to a number of different pubs and clubs.
- *Shifts:* Most dancers worked between 2 and 4 shifts a week (57.1%). Over 66.2% of dancers worked less than four shifts a week.
- *Earnings:* Women generally reported earnings going down. They reported between £50 and £800 earnings in the first club they worked in. The average in the first club women worked in was £284, while the average that women currently reported was £232. Dancers have tended to state that it is not so much that earnings have gone down across the board but that they are a lot more inconsistent now and that earnings across the week may even out, but that they were more likely to be out of pocket on a night than they were previously. Most attributed this to the effects of the recession.

What do they think about dancing?

- *Job satisfaction* amongst dancers was strikingly high. Asked to score their job satisfaction from 0 to 10 with 10 being the highest, a significant proportion (84.4%) rated their satisfaction above five and only 5.3% rated their satisfaction at less than five.
- *Feelings about their work:* When asked how happy they felt at work, the majority of dancers stated that they felt Happy or Very Happy (76.4%). While 22.2% were neutral, only 1 person said that they felt unhappy.
- *Respect:* Dancers were also asked how respected they felt within the workplace. This time, the majority (59.2%) were neutral, stating that they neither felt respected nor disrespected. Despite this neutrality, significantly more dancers said that they felt Respected or Very Respected (33.8%) than Disrespected or Very Disrespected (7%).
- *Safety:* A large majority of dancers felt safe at work. However, a number of them stated that there was significant difference between clubs and therefore it was hard to say as a rule.

Positive feelings about work

- 98.1% said that one of the best features of the job was the ability to **choose their own hours**
- 80.6% **earning more money** than in other jobs
- 77.8% said **getting money straight away**
- 75% said the ability it gave them to **be independent**
- 74% said that **keeping fit** was one of the best features
- 74% said **combining fun and work**
- 56.9% said **making new friends**
- 51.4% said **feeling good about themselves** was one of the best elements
- 51.4% said **working shorter hours**

When asked what dancers liked most about dancing as a job, the most frequently cited answer was clear, "Money!":

Earn VERY good money in the short term. £100-£200 a night. My favourites are Tues, Wed, Thurs - that's the business guys.

Easy money. Getting things I could never have got otherwise. Seen more money than I have ever seen in my life and I've gained a lot of confidence.

It's only about money. I like the money. It's fun. Interesting talking to people.

Fun, socializing and sociability were also frequently stated, alongside money, as key factors for engaging in dancing:

Money. Some of the girls. I made a best friend here. Social life - I like working socially.

Money. Nice people. Sometimes you can find nice people to have a conversation.

I love it. It is a really glamorous job. I love the socialising, the glamour. You meet some really decent guys as well. It does shine a light on many things in many different ways. You get regulars and that makes the job so much easier. In the club I work in now no-one has ever been rude or racist towards me. Never.

It was felt that this also offered the opportunity to self-improve and to learn new skills:

You meet a lot of people, learn about new people. You learn a lot about the psychology of the human being.

It keeps you fit. Gives you bravery. It makes you a very a good psychologist.

Helps me to handle men, to be more feminine, to take care of myself and my appearance. It's like an art, not just dancing.

Fully independent, flexible hours, social job, confidence as a woman. Self esteem.

Flexibility was also frequently mentioned and sometimes in combination with both earning potential and sociability:

Work when you want. Only have to work three days a week, still earn more than in five days a week. I like night work. It's just social. You have a laugh, even when it's crap, it's like going on a night out.

It's not stressful. Good money. If you don't want to work, you don't work.

I can choose my holidays, like if I just want to go away, I don't have to wait. Money. It's the same feeling like when I go out to a club.

All of these feelings were neatly summed up by one dancer who surmised “**Better money. No commitment. Leave when you want to leave. Drink what you want**”.

Negative feelings about work

Dancers were given a list of options and asked whether any of them represented things they felt was the worst part of their job:

- 55.6% said **never knowing how much money they would earn**
- 48.6% said **keeping their job a secret** was one of the worst aspects of the work
- 31.9% said **customers being rude or abusive**
- 30.6% said that having to **compete with the other dancers** was problematic for them
- 23.6% said feeling **pressure on their bodies** to look a certain way
- 23.6% said **losing respect for men**
- 20.8% said they found it **emotionally difficult**
- 13.9% said they felt it meant they **didn't have career prospects**
- 11.1% said **feeling bad about themselves**
- 6.9% said feeling that they could **lose their job easily**

Dancers were also asked open question about what they liked least about the job. Customer behaviour was consistently cited by dancers as one of the more negative elements of the jobs:

It's tedious talking to drunk men and pretending to enjoy their conversation

The way that some people treat you, but that doesn't happen often.

Rude customers. People who think they don't have to pay. People who touch you, only when they're drunk though.

Rude men: some men are perverted, they don't respect the rules and just be coarse. We are dancers, not prostitutes.

Pigheaded guys and assholes. English guys don't have much sense, they want intimacy, to have a relationship with you. The job is mainly ego boosting. You have got to make them believe that you'll go home with them, when you have no intention of doing that at all. More so in London than anywhere else.

Dancers reported customers requesting 'extras', such as touching the customers or being allowed to touch the dancers and this was frequently cited as one of the worst aspects of the work.

Working Conditions

House fees, fines, debts and commission

- House fees paid by dancers ranged from £0-£200 though only 19% of dancers had ever paid over £80.
- Commission on private dances and other services ranged from 0-66%, but only 18% had ever paid over 30% commission.
- 74.6% of dancers had been fined at some point in their dancing career. The highest reported fine was £100 for a missed shift. The most common fines were for chewing gum and lateness.

Club Rules

- Club rules consistently came up as an element of dancing that dancers did not like. Some felt that there were too many rules and others felt that they were enforced inconsistently and often with significant favouritism:

Rules swap and change and you never know what they are.

- Many of the women felt that they didn't have access to knowledge about what the council imposed rules were and which had been instituted by the club. Some thought that this was a good reason to have a contract between the club and the dancers:

It would set out the rules properly. Rules for everyone: set out what people aren't allowed to do.

Improving Conditions

- **Insurance:** None of the women had their own insurance. Some vaguely knew that they needed it, but others had never thought about it and no-one had ever spoken to them about it. One 20 year old dancer summed up all the things that needed to be improved in the industry as:

[There needs to be] more regulation of agencies. One was done for running a brothel and simply renamed itself. This legislation should not have been passed. Girls don't know where they stand. There's no way to find it out. There's not enough security, I know of girls who have been raped and abused at work. You cannot go to the police, as you are a stripper, so there is no legal standing at all.

- **Security:** In order to improve security, panic alarms, more CCTV and doormen were cited as important. Similarly, many felt that the way in which private booths were set up also endangered them and also allowed standards to be lowered by dancers offering more than is allowed in the dances.

Suggested Changes:

- Clearly displayed council rules in a number of places in the club: toilets, changing rooms etc
- Offer a receipt for fines and fees – make sure fines and fees go through the *books*
- Offer a receipt for dances where commission is taken
- Monthly meetings to discuss rules, changes, get dancers' input
- Prohibiting use of private booths
- Insurance for the women
- Limiting number of dancers per capacity of clubs

Further Information: Official details about the project can be found here:

<http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance.php> Or by contacting Dr Teela Sanders: t.l.m.sanders@leeds.ac.uk

Leicester City Council
Policy on Licensing of Sexual Entertainment Venues

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1 Introduction

Purpose

- 1.1 This policy sets out how the City Council intends to administer the licensing scheme for sexual entertainment venues.

Consultation

- 1.2 In developing this policy the City Council has undertaken consultation with the groups set out below, and has taken account of their views:
- Written consultation with members of the People's Panel,
 - On-line consultation via the Council's website,
 - Posting consultation forms on request,
 - Written consultation with existing operators and performers,
 - Written consultation with residents and businesses in the vicinity of existing lap dancing premises,
 - Written consultation with interested organisations, including the police, Council of Faiths, Safeguarding Children Board, Leicester Chamber of Commerce and Safer Leicester Partnership,
 - Written consultation with Members of Leicester City Council.

Legislative Framework

- 1.3 Power is given to local authorities to license "sex establishments" by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Schedule 3 is amended by Section 27 of Policing and Crime Act 2009 to include "sexual entertainment venues" within the definition of "sex establishments". Any reference in this policy to "sex establishment" or "sexual entertainment venue" has the meaning given to it by the above legislation. The requirement for a licence is likely to apply to premises where entertainment involving nudity is provided, for example:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
- 1.4 The City Council resolved on 25th November 2010 that the amendments introduced in the Policing and Crime Act 2009, should apply in Leicester from 1 April 2011. It will be unlawful to operate a sexual entertainment venue without a licence after that date. However, premises which hold a premises licence under the Licensing Act 2003, and who either previously operated as a sexual entertainment venue, or has carried out preparatory work to do so would be able to continue operating without a licence until 31 March 2012. The City

Council will publish a list on its website of those premises that it considers that this applies to.

Relationship to Policy on Licensing of Sex Shops

- 1.5 The City Council has a policy in relation to the licensing of sex shops which was revised in 2003. The policy on licensing of sex shops may be downloaded from the City Council's website, <http://www.leicester.gov.uk/your-council-services/cl/licensing/sex-shops/>. This policy is separate from that policy and licensing applications for sex shops and sexual entertainment venues will be dealt with in accordance with the appropriate policy.

2 Aims of the Policy

- 2.1 This policy aims to ensure that the licensing regime in relation to sexual entertainment venues, including the refusal, granting, revocation and imposition of conditions in respect of licences promotes:
- The licensing of premises which are suitable for the activity which it is intended to carry on there;
 - The proper management of premises so as to protect the public and persons employed;
 - The management of the premises by persons who are fit and proper and that the business is not run for the benefit of an unsuitable third party;
 - The licensing of premises in a location of suitable character;
 - The licensing of an appropriate number of premises in specific localities;
 - The licensing of premises which do not adversely affect other neighbouring premises;
 - The licensing of premises which do not detract from the image of the city, its attractiveness to visitors or its ability to attract investment and regeneration;
 - The licensing of premises with an external appearance which is appropriate given the locality in which they are situated.

3 Transitional Provisions

- 3.1 The requirement to have a licence to operate a sexual entertainment venue comes into force in Leicester on 1 April 2011. From that date it becomes an offence to operate without a licence. To allow existing operators time to comply with the new legislation, transitional relief is granted to continue to operate without a licence until 31 March 2012.
- 3.2 To qualify for transitional relief, a premises must have a premises licence under the Licensing Act 2003 and be already operating as a sexual entertainment venue, or be undertaking preparatory work to do so, immediately prior to 1 April 2011. In this context, "preparatory work" means physical work to refurbish or

refit the premises to enable it to be used as a sexual entertainment venue. The City Council will require evidence to demonstrate that the premises qualifies for transitional relief.

- 3.3 Applications for licences made during the transitional period will be processed in accordance with the schedule set out in the legislation, see under *Determination of Applications* below.

4 Grounds for Refusal of Licences

- 4.1 Paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982) sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

- 4.2 A licence **must not** be granted:

- a) to a person under the age of 18;
- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State, or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal

- 4.3 A licence **may** be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard:
 - to the character of the relevant locality; or
 - to the use to which any premises in the vicinity are put; or
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

- 4.4 A decision to refuse a licence must be relevant to one or more of the above grounds.
- 4.5 There is no right of appeal against a refusal to grant a licence for the reasons identified in Paragraph 4.3(c) or 4.3(d) above.

5 Location of Premises

- 5.1 In order to promote the aims of this policy, after having carried out consultation the City Council will adopt a policy in relation to the locality of premises. This will have three aspects. Firstly, it will set out the maximum number of sexual entertainment venues it considers appropriate to be licensed in different localities within the city. Secondly, it will set out the character of areas that it considers it appropriate to locate sexual entertainment venues in. Thirdly, it will identify types of sensitive premises that sexual entertainment venues should not be located next to.

Locality

- 5.2 The City Council has based its policy on locality on the following factors:
- the character of the City in terms of sensitive locations;
 - the potential for sexual entertainment venues to cause offence and nuisance to sensitive premises;
 - the use land and buildings are put to;
 - the level of policing of various parts of the city;
 - the response to the consultation it has carried out; and
 - its experience and policy in licensing and in particular licensing of other sex establishments.
- 5.3 The City Council will only license sexual entertainment venues within the inner ring road. The number of premises that it considers to be appropriate for all areas of the city outside the City Centre and the Braunstone Gate Area is nil. In this context the City Centre means the area inside the inner ring road, and the Braunstone Gate Area means Braunstone Gate, New Park Street, Duns Lane, Little Holme Street and Bede Street.
- 5.4 The number of sexual entertainment venues that City Council considers to be appropriate for the City Centre and the Braunstone Gate Area is five. This number will be reviewed from time to time by the City Council to take into account changing circumstances and experience of the impact of existing premises.

Character

- 5.5 The City Council has based its policy on character on the following factors:

- the potential for sexual entertainment venues to cause offence and nuisance to sensitive premises;
 - the use land and buildings are put to;
 - the need to preserve the image of the city to encourage visitors, investment and regeneration;
 - the response to the consultation it has carried out; and
 - its experience and policy in licensing and in particular licensing of other sex establishments.
- 5.6 The City Council considers that the appropriate area in which sexual entertainment venues should be located are areas associated with the night time economy.
- 5.7 The City Council does **not** consider the following locations as suitable locations for sexual entertainment venues:
- shopping centres and main shopping streets;
 - areas which are predominately residential; and
 - areas which are predominately made up of offices.

Vicinity

- 5.8 The City Council has based its policy on character on the following factors:
- the potential for sexual entertainment venues to cause offence and nuisance to sensitive premises;
 - the use land and buildings are put to;
 - the response to the consultation it has carried out; and
 - its experience and policy in licensing and in particular licensing of other sex establishments.
- 5.9 The City Council considers that sexual entertainment venues should not be located in the vicinity of the following types of venue:
- places of worship;
 - schools and other educational establishments;
 - community facilities such as libraries and community centres
 - residential premises; and
 - buildings of cultural or historical significance, such as museums and the town hall.

6 Application Procedure

- 6.1 Applications must be made to the City Council on the standard application form available on the City Council's website or available from the Licensing Section. All fields on the application form must be appropriately filled in.
- 6.2 The application form must be accompanied by a CRB disclosure for the

applicant, any person to be involved in the management of the premises and any person who will receive financial benefit from the business.

- 6.3 The application form must be accompanied by the appropriate fee shown on the form.
- 6.4 The application form must be accompanied by a plan of scale 1:100 showing all parts of the premises to be licensed, the extent of the premises and its location.
- 6.5 The application must be advertised by:
- Displaying a prescribed notice on the premises in a conspicuous location where it can be conveniently read by the public, continuously for 21 days beginning with the date of the application. The notice must be of size or A4 or larger, a yellow colour and printed legibly in black ink of font size 16 pt or larger.
 - The application must be advertised in a local newspaper circulating in Leicester in the prescribed form not later than 7 days after the date of application.
 - The prescribed layout of the notice can be downloaded from the Council's website or from the Licensing Section.
 - A copy of the newspaper in which the advertisement is made is to be forwarded to the Licensing Section

The Provision of Services Regulations 2009

- 6.6 The Provision of Services Regulations 2009, require that applications are processed as quickly as possible and, in any event, within a reasonable period. The City Council aims to deal with applications within a period of three calendar months from the date of application. This takes into account the need for the Council to carry out consultation, consider any representations received, prepare documents for and arrange a hearing, and to determine the application. Applications received during the transitional period are governed by specific provisions, see the section below.
- 6.7 The Regulations also specify that in the event of failure to process the application within the period set or extended in accordance with the preceding provisions of this regulation, authorisation is deemed to have been granted by a competent authority, unless different arrangements are in place. The City Council considers that it would not be in the public interest for applications for sexual entertainment venues ever to be deemed to have been granted, because of the potential impact of a premises on a local community were it to be situated in an inappropriate location and because persons who wish to make representations about the application would be denied the opportunity to have their representations considered. In circumstances where applications cannot be dealt with within three calendar months, the Council will notify the applicant of the reason for this and give a revised deadline by which it intends to have processed the application.

7 Representations about Applications

- 7.1 Any person wishing to object to an application must submit a written representation within the 28 day consultation period specified, to the Licensing Section setting out the grounds of objection. The grounds for objection must be based on the reasons for refusal in Section 3 above. Objections based on moral, religious or philosophical grounds or values will not be considered,
- 7.2 Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 7.3 The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Sub-Committee.
- 7.4 However, the grounds of any objection made about the application must be provided to the applicant prior to the determination of the application. The report to the Licensing Sub-Committee may have full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised
- 7.5 Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address the Sub-Committee before the application is determined.

8 Determination of Applications

- 8.1 Applications which have been duly made will be considered at a hearing of a panel of the Licensing Committee appointed to determine the application, except where the application may be refused in relation to 3.3(c) above in which case the application may be refused by officers of the Licensing Section.
- 8.2 Persons who have made representations about the applications will be entitled to speak at the hearing as well as the applicant.
- 8.3 The hearing panel will also take into account written representations from people including those who do not wish to attend the hearing.
- 8.4 The procedure to be followed at the hearing will be in accordance with the Code of Practice for Hearings under the Licensing Act 2003, which may be downloaded from the Council's website: <http://www.leicester.gov.uk/your-council-services/cl/licensing/licensing-act/hearings/>

Determination of Applications received during the Transitional Period

- 8.5 The determination of applications received during the transitional period, 1 April 2011 until 31 March 2012, will be undertaken in accordance with The Policing and Crime Act 2009 (Commencement No.1 and Transitional and Saving Provisions) (England) Order 2010.
- 8.6 Applications received between 1 April 2011 and 30 September 2011, will not be determined until all applications received during this period have been considered.
- 8.7 Applications received between 1 October 2011 and 31 March 2012 will not be determined until all applications received before this period have been determined.

9 Revocation of Licences

- 9.1 A sexual entertainment licence may be revoked by the City Council in relation to any of the reasons set out in Paragraph 4.2 or 4.3(a) and (b) above.
- 9.2 Where a local resident, or a person with interest in a business in the vicinity of the premises, or a police officer, or an officer of the City Council, considers that any of the grounds referred to above are relevant, they may request that the City Council considers revocation of the licence.
- 9.3 Before revoking a licence for a sexual entertainment venue, the City Council will hold a hearing to consider the matter. The procedure to be followed at the hearing will be in accordance with the Code of Practice for Hearings under the Licensing Act 2003, which may be downloaded from the Council's website: <http://www.leicester.gov.uk/your-council-services/cl/licensing/licensing-act/hearings/> . At the hearing the holder of the licence and any person who has requested revocation of the licence will be entitled to be heard.

10 Granting a Waiver

- 10.1 The 1982 Act contains provisions that permit the Licensing Authority to grant a waiver from the requirement to hold a sexual entertainment licence. However, the City Council do not consider that it would be appropriate to grant such waivers, particularly as the legislation allows relevant entertainment on an infrequent basis without the need for a licence. This applies where entertainment is provided on no more than eleven occasions within a 12 month period, providing there is at least one month between each period of entertainment and the entertainment does not last for more than 24 hours.

11 Suitability of applicants

- 11.1 When considering applications for sexual entertainment venues, the City

Council may refuse the application if it considers that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.

11.2 When determining whether the applicant is unsuitable, the City Council will give consideration to whether the applicant:

- is honest
- has any relevant convictions identified on their CRB disclosure
- has sufficient appropriate experience of running a sexual entertainment venue
- understands the conditions that will be attached to the licence
- that the operator is proposing a credible management structure and operating plan that will ensure compliance with all conditions and legal requirements
- can be relied upon to act in the best interests of performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation
- can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record
- does not operate as an agency for unsuitable controllers or beneficiaries.

11.3 In determining the above the City Council will base their judgement on information on the application form, written representations received, information provided at the hearing and on the results of any additional interviews with the applicant or enquiries of third parties that may take place.

12 Standard Conditions

12.1 The City Council will apply standard conditions to all licences for sexual entertainment venues. These can be downloaded from the Council's website. www.leicester.gov.uk/licensing

12.2 The standard conditions will be reviewed from time to time and the licence will be subject to the conditions in force at the time of the grant or renewal of the licence.

12.3 Delegated authority is given to the Divisional Director responsible for Licensing to approve any revisions to the standard conditions in consultation with the Cabinet member with responsibility for Licensing.

12.4 The Licensing Committee may decide to impose additional conditions when it determines the application.

13 Enforcement

- 13.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each the aims of this policy.
- 13.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police and other enforcement agencies as appropriate.
- 13.3 Enforcement activities will be targeted in terms of risk and so as best to promote the aims of this policy. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.

14 Other Permissions

- 14.1 This Licensing Policy deals with the requirements of the Licensing Act 2003. However, individual applicants may also require permission from other sections of the City Council, in particular Planning and Building Control, or from outside bodies. More information is available on the City Council's website – www.leicester.gov.uk .

15 Period of Validity & Review

- 15.1 This statement of licensing policy will come into force on **1 April 2011** and remain valid until such time as it is amended or rescinded.
- 15.2 The policy will be kept under review during the period of validity and if necessary amendments made.

Leicester City Council

Standard Conditions for Licences for Sexual Entertainment Venues

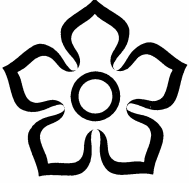
1. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
2. The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same
3. The licence holder, or an appointed deputy, shall be on duty at the premises at all times that the premises are open to exercise general supervision and control of the premises.
4. The licence holder must maintain a daily register in which shall be recorded the name and address of any person who is made responsible for managing the premises in the licence holders absence and the names and addresses of other persons employed in the premises, including entertainers, door supervisors and security staff. The register is to be completed each day within thirty minutes of the premises being opened for business and be updated as additional staff arrive. The register is to be available for inspection by the police and by authorised officers of the Council.
5. All members of staff, other than performers, must wear appropriate identification whilst on duty on the premises indicating that they are members of staff.
6. There must be no activities designed to obtain custom by means of personal solicitation, touting or distribution of printed matter anywhere outside of the premises.
7. Any images displayed outside of the premises shall be designed so as not to cause offence to members of the public. No, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. There must be no displays of nudity on any images displayed on the premises web-site.
8. The layout of the premises shall be designed to ensure that no activity taking place inside the premises is visible from outside through any external openings,

such as doors and windows, even when these are open.

9. There shall be prominently and legibly displayed inside the premises in a position where it can be conveniently read, a notice showing all charges and prices for entertainment provided on the premises.
10. No person under the age of 18 shall be admitted to any part of the premises and the licence holder must adopt the Challenge 21 policy on admissions and there will be adequate, documented training for staff on its implementation. This training will be repeated every three months, in order to retain focus, and records of that training will be provided to Council licensing officers and police on request.
11. No person under the age of 18 shall be employed in the business of the sex establishment.
12. The licence holder must ensure that a suitable number of trained security staff are employed to supervise admission to the premises and all public areas inside the premises at all times the premises are open. Security staff must be registered with the Security Industry Authority.
13. All areas of the premises, including private booths, must be adequately monitored by either security staff or CCTV to ensure that licence conditions are complied with.
14. CCTV must be installed and maintained in accordance with the following
 - CCTV shall be of a type to be approved by the City Council to monitor events at the premises and shall be installed to the satisfaction of the Council. The CCTV system shall be professionally installed and be capable of consistently producing pictures clearly showing the identity of persons frequenting the premises and in the vicinity of the premises. The CCTV shall operate continuously during the permitted hours.
 - All recordings must be retained for a period of 28 days and shall be made available to the Police or an authorised Officer of the Council on demand.
 - Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation.
15. A secure changing room is to be made available for performers. The door to the changing room is to be locked using a combination lock. The changing room shall be provided with suitable refreshment facilities for performers including a supply of drinking water. No members of the public are to be allowed in the changing room at any time.

16. There must be an adequate separation between stage areas and the audience and the performer should be able to leave the stage area without the need to walk through the audience.
17. Performers shall be aged not less than 18 years. The licence holder must undertake adequate identity checks of all performers to ensure that they are 18 years of age or over and have the right to work in the UK. Copies of all documents used to verify identities together with the name, address, a photograph and date of birth of the performer must be retained for inspection.
18. Routine monitoring should be carried out to ensure that drugs are not being used by performers. Written records should be retained of all monitoring to be carried out.
19. The licence holder must allow confidential access to performers and other staff by Council officers and other agencies working on behalf of the Council in respect of compliance monitoring and the provision of advice and support to those working in the sexual entertainment industry.
20. The licence holder must allow access to appointed officers of the local authority to all parts of the premises, at any time that the premises is open for business, to determine whether the conditions attached to the licence are being complied with.
21. Secure transport from the premises for performers should be arranged by the licence holder.
22. The licence holder must adopt and implement a code of conduct for performers, a code of conduct for customers and a formal complaints procedure.
23. Performers shall only perform on the stage area, to seated customers or in such other areas of the premises as specified on the licence.
24. There must be no displays of nudity except during performances in areas specified on the licence.
25. There must be no exchange of personal information or contact details between performers and members of the public.
26. The following will not be allowed as part of any performance on the premises:
 - Any physical contact between a performers and a member of the audience (other than brief incidental contact of hands during payment)
 - Any physical contact between performers
 - The use of sex toys or other props, other than clothing
 - Audience participation
 - Photography or video recording

- Mixed gender performances
- The performance or simulation of any sex act or masturbation
- Straddling of a member of the audience by a performer



Leicester
City Council

WARDS AFFECTED
All wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**OVERVIEW AND SCRUTINY MANAGEMENT BOARD
CABINET**

**3RD MARCH 2011
7TH MARCH 2011**

REVIEW OF THE HOUSING ALLOCATIONS POLICY

Report of the Director of Housing Strategy and Options

1. Purpose of Report

- 1.1. The purpose of the report is to recommend changes to the Housing Allocations Policy, in light of new statutory guidance issued by The Department of Communities and Local Government (CLG), to improve transparency and to simplify the Council's Policy.

2. Recommendations

- 2.1. It is recommended that the Council introduces a banding scheme (Appendix 1), and makes other changes to the policy as set out in paragraph 6.2 of this report, for the allocation of social rented housing in Leicester

3. Summary

- 3.1 Leicester City Council's current housing allocations scheme is a points based scheme and has remained fundamentally unchanged for many years, although, there have been minor changes over the years to deal with new policy initiatives and operational issues as they arose, such as fluctuations in supply and demand and the desire to change levels of priority for certain service users.
- 3.2 These changes have added to the complexity of the policy and many applicants say they do not understand how the policy works and this can lead to frustration and in some cases doubt about the transparency and fairness of the allocations system.
- 3.3 Taking into account the feedback from a 12 week public consultation, this report recommends that the Council simplify the existing Housing Allocations Policy by replacing the current points based scheme with a banding scheme. This system is now used by most housing authorities.
- 3.4 A banding scheme will complement the introduction of Leicester HomeChoice, building on a more customer focused approach to allocating both Council and Housing Association empty homes. Banding will help applicants to better understand their priority and how it

has been decided. This should improve customer service and satisfaction and result in a reduction in queries and complaints from applicants. It will also introduce, except in severe cases, more emphasis on the time an applicant has waited rather than their relative housing need.

3.5 It is expected that the new scheme will be implemented in August 2011.

4. Background

4.1 Leicester City Council's current housing allocations scheme is a points based scheme and has remained fundamentally unchanged for many years except for many minor changes over the years mainly to deal with policy initiatives and operational issues as they arose, such as fluctuations in supply and demand and the desire to change levels of priority for certain service users.

4.2 The Policy is used to both allocate the Council's own dwellings and to make nominations to housing associations.

4.3 The Department of Communities and Local Government (DCLG) has issued new guidance on social housing allocations called 'Fair and Flexible'. This updates, but does not completely replace, previous guidance issued in 2002 and 2008.

4.4 The updated guidance also provides clarification of how DCLG expects local authorities to respond to a High Court ruling in 2009 (*Ahmad v. Newham LBC*). In addition, DCLG has taken the opportunity to emphasise a number of key messages.

4.5 All households who wish to be offered Council or housing association homes are listed on the Housing Register except where legislation or policy prohibit. (e.g. certain persons from abroad and in cases where there is poor previous behaviour of some sort.)

4.6 As at 31st December 2010, there were 8915 households on Leicester's Housing Register. During the period April 2009 to end of March 2010 there were 1450 lets to council housing and 444 lets to housing associations from the housing register. It is estimated that there will be many more housing association lets through the Register in the current year, as associations now use Leicester HomeChoice to advertise most of their properties.

4.7 The Localism Bill as yet not published will make further proposals which may result in further changes to the scheme.

5 Banding v Points Based Approaches

5.1 The Code of Guidance (CLG) dated December 2009 states:

1. An appropriate method of applicant prioritisation could be a system that groups applicants into a number of 'bands' that reflect different levels of housing need or relative priorities within a housing authority's allocation scheme. Such systems are commonly referred to as 'banding schemes.'
2. The House of Lords in *Ahmad* recognised that simple banding schemes could have a number of advantages over more nuanced systems. They are clear, relatively simple to

administer and highly transparent, whereas banding schemes which involve a large number of bands based on degrees of housing need are likely to be more expensive and time consuming to operate, more based on value judgement, more open to argument, and more opaque. The House of Lords also considered that more complex banding systems may need to be monitored more closely to take account of the fact that applicants' circumstances are liable to change over time.

3. In addition to the benefits identified in *Ahmad*, simpler banding schemes may also make it easier for authorities to work together to put in place sub-regional and regional choice based lettings schemes.
4. Authorities should bear in mind that a banding scheme must be consistent with and give effect to the principles in the authority's allocation scheme for determining priorities for an allocation. The greater the number and complexity of these principles, the more complex the banding scheme will normally need to be.

6. Recommended Area of Change: Adopting a Banding Scheme

- 6.1 It is recommended that the Council adopts the proposed banding scheme outlined in Appendix 1 and described below.

6.2 Placing households in Bands

It is proposed that the relative priority of most applicants should be broadly the same as in the current system. The major difference is that for the majority of applicants their priority will be determined by how long they have been on the Register. People understand the concept of a waiting list and often ask about their situation in terms of 'how long will I wait?'. Legislation and practical considerations mean that the system cannot be entirely date based. (e.g. there are some people we need to house quickly and there are some we would see as very low priority however long they have waited, particularly in a time of shortage of social rented housing).

The changes to priority that are recommended are:

- Give a higher priority to families or expectant singles/couple where they are overcrowded and living in one bedroom accommodation. (proposed Band 2)
- Give more priority to severely overcrowded families (proposed Band 2). Severe overcrowding has a number of health impacts and is linked to infant mortality. Tackling severe overcrowding is one of the actions in the Health Inequalities Plan.
- Give more priority to those leaving residential care or likely to need residential care to support the Adult Social Care transformation programme. (proposed Band 2)
- There will be no additional recognition of multiple needs within a household.

6.3 Making offers of the accommodation displayed on Leicester HomeChoice

The proposed rule is that an applicant from a higher Band who expresses an interest on Leicester HomeChoice will always take priority over an applicant from a lower Band, e.g. a Band 1 applicant takes priority over a Band 2 applicant.

Within a Band, priority will be determined by the date the application was placed in that Band, with the person who has been waiting the longest within that Band having the highest priority.

1. If circumstances change which results in an applicant moving to a higher priority band, the Band date applies from the date the application is given the higher priority, not the original date of the application.
2. If circumstances change which results in an applicant moving to a lower priority Band, the date for the lower Band will be treated as either: the date the application first went into that Band, or the date the application first went to a higher Band whichever is earlier.

A household will be placed in the highest band that any member of that household qualifies for. There will be no additional recognition of multiple needs within a household, a change from the existing policy.

Applicants who have rent arrears as defined in the rent arrears policy will be placed in their highest assessed band. However if they express an interest under Leicester HomeChoice they will not be made an offer if they do not meet the criteria set out in the rent arrears policy.

7. Impact of Changes on Customers

- 7.1 The likely impact to customers can be seen in Appendices 3 and 4 which shows the number of likely lets for each band and the likelihood of getting an offer within each band broken down between single and family size (2 and 3 bed) accommodation within one year. Those in lower bands will get offers if those in higher bands are not bidding for particular properties.
- 7.2 The results of which band the homes were allocated to and the date in that band will appear on Leicester HomeChoice website, as points do now. This information will help people to see how long they may wait and could be used if the Council wishes to review the policy in the future.

Result of consultation

Officers asked for views on the proposed changes to the Allocation Policy from all Housing Associations in the city, over 30 separate organisations identified as our stakeholders and from the public via the Council website. The feedback received following consultation is outlined in Appendix 2.

8. Implementation

- 8.1 The introduction of a banding scheme will mean that changes to the allocations IT system are required and to the Leicester HomeChoice website.
- 8.2 The cost of introducing the proposed scheme includes activating a software module within existing software, notifying applicants and training staff is approximately £30k. Costs can

be contained within existing budgets. Once the scheme is established small staff savings may arise from the reduction in some areas of assessment, and less customer enquiries about points levels and when they are likely to be made offers.

- 8.3 We will write to everyone on the Housing Register to tell them which band they will be placed in and any time in need accrued under the current points scheme will be reflected under the new scheme.

9. **Equalities Impact Assessment**

- 9.1 The Council has a duty to ensure that allocation policies and procedures do not discriminate, directly or indirectly, on grounds of race, ethnicity, sex or disability. An Equalities Impact Assessment (EIA) was undertaken to ensure that the changes proposed do not impact on particular groups.

9.2 Key Findings

From the EIA it has been concluded that there are likely to be a number of impacts from the proposed changes to the Housing Allocations Policy.

Evidence from the Housing Register suggests that BME households are over represented amongst households from all backgrounds that are severely overcrowded. BME households account for 52% of all households who are severely overcrowded whilst they only account for 39% of all households on the Housing Register. It is envisaged that BME households who are severely overcrowded are likely to have a better chance of rehousing as the new banding scheme gives them a higher priority.

From the work carried out within Adults and Social Care, it has been identified that Leicester has one of the highest rates of vulnerable adults (learning disabilities and mental health) in residential care who are ready for independent living with relevant support. The new banding proposal is likely to have a positive impact on such groups as they have been placed in a higher banding than under the current points scheme.

Evidence from the Housing Register shows there is a high proportion of overcrowded households with children living in one bedroom accommodation headed by a single parent. Further evidence shows that the majority of single parents are women. The banding scheme will mean they are likely to have a better chance of rehousing as they will have a higher priority than the current points scheme.

It is predicted that no impact will be apparent in the equality streams of faith, race or sexual orientation.

Overall the policy will provide a fair and transparent system for the allocation of social housing in the city. Recent assessment of the LeicesterHomeChoice system found that no groups were experiencing disadvantage in accessing the Housing register or using the Homechoice system. However we will continue to review and monitor the impact of these changes six months after implementation.

10. **FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

- 10.1 **Financial Implications – Rod Pearson (Head of Finance)**

'There are no significant financial implications arising from this report.'

10.2 Legal Implications - Carolyn Howard (Legal Services)

The proposed changes must be consistent with the requirements of existing housing legislation, statutory guidance issued in December 2009, and the House of Lords decision in *R (on application of Ahmad) v Newham LBC*. The Council must also comply with its duty to consult in accord with the requirements of the Local Government act 1999 (as amended by the Local Government & Public Involvement in Health Act 2007).

The Council should ensure that the proposed allocations policy gives reasonable preference to applicants falling within the current statutory reasonable preference categories, as set out in section 167(2) of the Housing Act 1996 (and subsequently amended), but does not necessarily need to ensure that equal weight must be given to all the reasonable preference categories.

10.3 Climate Change Implications

None

10.4 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	YES	9.
Policy	YES	6.
Sustainable and Environmental	NO	
Crime and Disorder	YES	4.5
Human Rights Act	NO	
Elderly/People on Low Income	YES	6.2
Corporate Parenting	YES	Appendix 1
Health Inequalities Impact	YES	6.2 / Appendix 1

11. Background Papers – Local Government Act 1972

11.1 Leicester City Council Housing Allocations Policy

11.2 The Housing Act 1996 as amended by the Homelessness Act 2002.

11.3 Fair and Flexible: Statutory Guidance on Social Housing Allocations for Local Authorities in England, December 2009, ODPM.

12. Consultation

12.1 Consultation to the proposed changes was carried out with all Housing Associations within the city and with over 30 separate organisations identified as our stakeholders and with the general public.

13. Report Author

Ann Branson Director – Housing Strategy & Options ext 29-6802

Vijay Desor – Head of Housing Options Service ext 29-6915

Kanwaljit Basra, Service Development Officer, Housing Options Service, Ext. 29-6829

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

Recommended Banding Allocation Scheme

APPENDIX 1

	Household Circumstances	Existing Points Category	Comments
<p>BAND ONE</p>	<ul style="list-style-type: none"> • People in need of urgent re-housing and referred by Adult Social Care or Children’s Services. • People in need of urgent re-housing whose properties are directly affected by public redevelopment programmes. • Council and housing association tenants who are currently under-occupying a large property (four bedroom or more) and who wish to move to a property with fewer bedrooms (three bedrooms or less). • Council and housing association tenants occupying a purpose built wheelchair adapted property who no longer require it. • People suffering from any form of harassment. • People who are statutory homeless and are owed the full housing duty under Section 193 of the Housing Act 1996. • Council tenants who need to move for management reasons - see the current allocation policy, section 3.6 (available at leicester.gov.uk/allocations). • People whose current housing conditions are having a seriously adverse affect on the physical or mental health of either the applicant or a member of their household. • Children leaving the care of Leicester City Council’s Children and Young People’s Service (CYPS). 	<ul style="list-style-type: none"> - Referred Case points - Compulsory Homeless points - Tenants Incentive Scheme (EasyMove) - Harassment points - Statutory homeless points - Management Case points - Access, Health, Care and Support points (high level) 	<p>There are currently 170 households on the Register that would fall into Band One</p> <p>Including under-occupiers of very large properties will continue the level of priority that we have been giving under the Overcrowding pilot. It has been very helpful in releasing large family homes for overcrowded families.</p> <p>It will also be helpful to release purpose built wheelchair adapted property. In both cases a move will be voluntary.</p>

BAND TWO

- People whose homes are deemed to be severely overcrowded (two bedrooms or more short of their assessed need).
- Families living in designated temporary accommodation in the city.
- Families who are overcrowded and living in one bedroom accommodation.
- People identified as needing urgent re-housing to prevent homelessness.
- Single people living in designated temporary or supported accommodation.
- People ready to leave residential care supported by Leicester City Council and/or NHS.
- People with a care package where Adult Social Care (LCC) assess that a move will assist independent living.
- People whose current housing conditions are having a negative affect on the physical or mental health of the applicant or a member of their household.
- People leaving the armed forces who previously lived in Leicester but do not have a home to return to and do not qualify as statutory homeless.

- Overcrowding points (lacking 2 or more bedrooms)
- Temporary Accommodation points
- Insecure Accommodation points
- Access, Health, Care and Support points (medium/low level)

There are currently circa 1100 households on the housing register which would fall into Band Two

This band deals with the prevention of homelessness. Strict assessments are done before awarding these points.

This will give more priority to those who are severely overcrowded and overcrowded expectant singles/ couples living in one bedroom accommodation. It is a corporate plan target to tackle severe overcrowding.

The proposal is to give more priority to social care clients who are ready to leave residential care.

Although this gives severely overcrowded families a high priority many of the cases will find that they will still wait a long time for a suitable property to bid for.

It is estimated that 80% of 2 and 3 bedroom lets will go to families in Band Two.

<p>BAND THREE</p>	<ul style="list-style-type: none"> • People identified by Adult Social Care as ready to leave the care of family or carer. • Single people who have no settled accommodation and are of 'no fixed abode'. • Families needing to move to a particular area of Leicester where hardship would be caused if they do not move. • Families who are living in overcrowded conditions under Leicester City Council's overcrowding standard (one bedroom short of their assessed need). • Council and housing association tenants who are currently under-occupying a two or three bedroom property (bungalow, house, maisonette) and who wish to move to a property with fewer bedrooms. 	<ul style="list-style-type: none"> - Temporary Accommodation points - Overcrowding and sharing points - Access, Health, Care and Support points (care and support element) - Overcrowding points (lacking 1 bedroom) - Underoccupation points 	<p>There are currently circa 3650 households on the housing register which would fall into Band Three</p> <p>It is people in Band Three that will notice the most difference from the old system. The time people have been waiting will be more important than it was under the old scheme. The offer will be made to the household who has been in Band Three the longest.</p> <p>It is estimated that 80% of one bedroom lets will go to single people in Band Three.</p>
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<p>BAND FOUR</p>	<ul style="list-style-type: none"> • People who share facilities with other households but have their own bedroom. • People who need to move to, or remain in, a particular area of Leicester to give or receive emotional support from family, friends or others in the community. 	<ul style="list-style-type: none"> - Sharing points - Care & Support Emotional points 	<p>There are currently circa 1100 households on the housing register which would fall into Band Four</p>
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<p>BAND FIVE</p>	<ul style="list-style-type: none"> • People who do not have any of the housing circumstances listed in bands 1, 2, 3 and 4. • People who do not meet the Leicester City Requirement. 	<p>- People with no points</p>	<p>There are currently circa 2900 households on the housing register which would fall into Band Five</p> <p>Currently people with no points are not made offers. It is proposed that in future they can bid on Leicester HomeChoice. They will only get an offer if no-one else bids from a higher band.</p>
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<p>NO OFFERS</p>	<p>Offers of accommodation will NOT be made to:</p> <ul style="list-style-type: none"> • People who do not meet the Leicester City Requirement. • Council tenants who have failed a property inspection. • Anyone who has provided false or misleading information. • Anyone who has refused three suitable offers. • People with rent arrears.
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Note: People who are excluded from the Housing Register (which can be due to their immigration status or because they have had legal proceedings against them for anti social behaviour) will not be placed in any band.

Do you think we should change from a points system to a banding scheme?

Number of Responses Received

	Yes	No	Not Sure	Total
Stakeholders	4	-	-	4
General Public	41	10	15	66
Total	45 (64%)	10 (14%)	15 (21%)	70

Feedback

Leicester Housing Association - ASRA

1. *'Yes, it is much easier for applicants to understand, much easier for them to believe it is transparent, and they are less likely to successfully "chase" bands than they are points'.*

Riverside Housing Association

2. *'Yes, a banding scheme gives preference to those families who have been waiting the longest and means that other families with similar needs will not leap frog over them'.*

Spirita Housing Association

3. *'Yes, easier for applicants to understand and for landlords to advise on'.*

Independent Tenant Representative

4. *'Yes, if the banding scheme ensures that people who have been on that band the longest are put forward for a tenancy first then it's better for them'.*

General Public (Representative Sample)

5. *'Yes, it gives people who have been on the list the longest a better chance to be re-housed'.*
6. *'Yes, so that people that have been waiting for a long time also benefit from housing not just those that are in emergency need of accommodation as some people know how to take advantage of the current system'.*
7. *'Yes, it would be a fairer system as people who have been on the list the longest will have more priority'.*
8. *'Yes, I feel this banding scheme should have started years ago as it allow people who have been on the waiting list the longest to be a priority'.*
9. *'Yes, It will be much easier to understand and more fairer'.*
10. *'Yes, I think this new banding scheme will be great news to people like me who have been on the list for over 5 years'.*

11. *'Yes, it sounds as though a banding scheme will take into consideration the length of time someone has been waiting to be housed, whereas the current system does not. To me the banding scheme would be more fair'.*
12. *'No, the present system takes into account more than just time on list e.g. health problems'.*
13. *'No, everyone's situation is different and that needs to be taken into account. Houses and flats should be given to those in need not just who has waited the longest. That is not a fair system'.*
14. *'No, the band system seems to be more complicated, thus making it pointless to change to a band system'.*
15. *'No, because it gives more relevance to those who are in urgent need of housing'.*

Director of Housing and Strategy Response

Comments noted.

Do you think we have included all types of housing circumstances in the new banding scheme?

Feedback

Leicester Housing Association - ASRA

1. *'What about people leaving the armed forces to return?'*
2. *Also what band are people who are homeless but not owed a full duty? It's unclear where these categories sit in the banding scheme.*
3. *Also in Band 1 - you mention council tenants who need to move for management reasons. This needs to be extended to Housing Association tenants as well; all partners' tenants should be treated the same in this respect and not any differently just because they are not council tenants - Housing Associations should not be forced to use their "10%" quota unless its absolutely a necessity. If all applicants were treated the same regardless of which social landlord they had, you might find that the "10%" figure is not even utilised by the Housing Associations'.*

Independent Tenant Representative

4. *'If the banding scheme ensures that people who have been on that band the longest are put forwards for a tenancy 1st then its better for them'.*

General Public

5. *'Ex forces, those leaving military housing, families of marriage breakdown within the forces, soldiers on the streets'.*

Director of Housing and Strategy Response

1. Under the Housing Allocations Policy, people leaving the armed forces who have previously lived in Leicester are registered taking into account the accommodation history of the applicant prior to them entering the armed forces (for clarification see Band 2).
2. People who are homeless but are not owed a full housing duty under the Housing Act 1996 will be placed in the appropriate bands according to their circumstances.
3. Where Housing Associations are committed to providing all or most of their vacancies through Leicester HomeChoice, their tenants will also be considered for priority where they need to move for management reasons in the same way as Council tenants.

Do you think any of the types of housing circumstances should be in a lower band?

Feedback

Leicester Housing Association - ASRA

1. *'In Band 2 you have placed people who are deemed severely overcrowded by 2 bedrooms or more. However also in Band 2 you have stated that families who are overcrowded and living in 1 bed accommodation should also be placed in Band 2. Therefore this family could just be 1 bedroom short and in the same band! It's not very transparent and doesn't seem very fair'.*

Riverside Housing Association

2. *'Council Tenants who need to move for management reasons, would have felt that they should be in Band 2. If it is remaining in Band 1 why only council tenants?'*

Spirita Housing Association

3. *'Band 1
Under-occupation should be split. Band 1 could be tenants giving up 2 bedrooms and Band 2 tenants giving up 1 bedroom.*
4. *Harassment needs to be defined by different levels. Any harassment is too broad. Critical levels would be covered by Management recommendations.*
5. *Band 2
Lower level of harassment should be in this band. Policy needs to be clear on levels and what constitutes harassment.*
6. *People ready to leave hospital should be in Band 1 as they are a higher priority than those whose housing is having a negative effect on them'.*

Independent Tenant Representative

7. *'16 - 21 year old single parents who seem to think, 'I'll have a child & I'll get council accommodation'.*

General Public (Representative Sample)

8. *'Council and housing association tenants who are currently under-occupying a large property (four bedroom or more) and who wish to move to a property with fewer bedrooms (three bedrooms or less)'.*
9. *'Those that render themselves homeless for want of better housing, those who simply wish to leave a home that's adequate'.*
10. *'People who already have a house say a 2 bed who want a 3 bed should be in lower band as they are in a house and have a garden etc'.*

11. *'Those who are recent arrivals to Leicester City and those who opt to become pregnant so they become eligible to be housed!'*
12. *'Council & Housing Assoc. tenants who are currently under-occupying a large property and Council tenants who need to move for management reasons'.*

Director of Housing and Strategy Response

2. Where Housing Associations are committed to providing all or most of their vacancies through Leicester HomeChoice, their tenants will also be considered for priority where they need to move for management reasons in the same way as Council tenants.

Do you think any of the types of housing circumstances should be in a higher band?

Feedback

Leicester Housing Association - ASRA

1. *'Further to comments in previous question - in Band 3 you have placed people who are 1 bedroom short. In some other schemes they have debated this argument and in the end, regardless of the property type currently being lived in, families who are 1 bed short get placed in Band 3, and families who are 2+ beds short, are placed in band 2. This is much easier and more clear-cut to justify to an applicant than trying to explain the "rationale" behind giving Band 2 to a family in 1 bed accommodation and how this is any different from other applicants in Band 3 who are only 1 bed short'.*

Spirita Housing Association

2. *'Single people who have no settled accommodation and no fixed abode should be in band 2 if not statutory homeless unless you are looking at putting prevention measures in place'.*
3. *'People willing to give up 1 bedroom should be in Band 2 unless you leave this one as band 3 and move giving up 2 beds to band 2'.*

Independent Tenant Representative

4. *'Carers of older or disabled people who need close contact with their carer as a lot of carers do not have transport'.*

General Public (Representative Sample)

5. *'Homeless, health issues, overcrowding and abuse'.*
6. *'Overcrowding, where children of certain ages are forced to share a room'.*
7. *'Mental health problems should be given higher priority as not knowing can be highly distressing and make mental illness worse'.*
8. *'Ex forces, single mums/dads, elderly/disabled'.*
9. *'Everyone will think that the band that they are in should be in higher band'.*
10. *'People who through no fault of there own are having to live with there elderly parents and are out of work because of illness'.*
11. *'People who have lived in Leicester their whole life'.*
12. *'People who are on the housing register for a long time'.*

Director of Housing and Strategy Response

Comments noted.

Do you have any other comments to make?

Feedback

Leicester Housing Association - ASRA

1. *'In the "no offers" section you have stated that people who refuse 3 suitable offers will not be made further offers. In our experience with numerous other CBL schemes, it is better to let the bid ceiling of 3 bids per cycle do this job. People in the lower bands may not place any bids on properties they're not sure about for fear of this repercussion. This will make it very hard to let properties in areas or schemes where there is lower demand - often its people in the lower bands that choose to risk a bid on a viewing of one of these properties and penalising with this "no offer" means that they just won't bid on them. The whole point of CBL is to assist in better managing an applicant's expectations and thus, people in lower bands having an incentive to bid on lower demand areas or properties to outweigh the amount of time they would otherwise have to wait to realistically be rehoused. Regularly reviewing the applicant register on a rolling annual basis will prevent applicants from stagnating or time-wasting, whilst continuing to allow the CBL scheme to incentivise applicants and create demand for lower-demand properties'.*

Spirita Housing Association

2. *'Temporary accommodation criteria in Band 2 should be for all household types - no need to split in to separate lines for families/singles'.*
3. *'The policy needs to reflect the demand you have for the accommodation in the area and as long as the banding has been put together based on this, then it should work to alleviate the pressures on housing applicants. I believe that family housing is scare in Leicester so prioritising on releasing under occupied properties makes perfect sense'.*

Independent Tenant Representative

4. *'Yes, if the banding scheme ensures that people who have been on that band the longest are put forwards for a tenancy 1st then its better for them'.*

General Public (Representative Sample)

5. *'These changes will benefit the real people in need of housing rather than those making choices of their living yet they have shelter. I also think this programme must include people from the community to make a final discussion. Also there ought to be an element of consultations between the council, housing applicants and those already rehoused to find areas of attention'.*
6. *'If an applicant has been on the list for many years they may still only be in band 3 and still make take a few years before they are allocated a property just because they do not have a specific criteria to move to the next band. I do not feel the banding or points system accustom those who are actively applying for properties every week who are in Band 3 or even lower bands for the property to go to an applicant in band 2 or 1 even though they may not have been on the list as long as those in band 3 or lower bands and may not be applying for property as regularly than those in Band 3 or lower*

bands. I do not feel that a person should be penalised for not getting a property due to their circumstances when they have been on the housing list for years!

7. *'I hope once the change to the Housing Policy is adopted, the proposed scheme will be equally applicable to existing tenants and their current circumstances and eligibility for the council housing will be re assessed. This will be fair and intelligent management of available housing stock in order to reduce waiting lists and give support to those who in need indeed'.*
8. *'I am happy that you are planning to consider the band scheme as it will also give chance of re-housing to people who have been on the housing register for long. Thanks'.*
9. *'We are likely to see a rise in persons leaving the forces, these people have paid rent, and given their service and have a right to be housed in social housing, I've been in this situation and its very difficult to be housed on leaving'.*
10. *'All circumstances should be treated individually, I think that the points system has to be reconsidered too, before choosing to change the whole system, I feel that the housing is not giving enough points to people'.*
11. *'I think Leicester home choice is a good idea in terms you can bid for the property you want but your situation is not looked at and that isn't fair. Someone who is in a better situation than me could bid for the same house as me and because they have 1 more point than me they would get the property even though my situation is worst. People in my situation living in upper floor flat with a baby should be top of the list as it is such a struggle'.*
12. *'There is a need to be fair the present systems have failed many'.*
13. *'The proposed policy is the fairest way of allocating and is long overdue'.*

Director of Housing and Strategy Response

1. Some people bid and persistently refuse offers. The 3 offer policy is designed to deter persistent refusal of suitable offers and encourage people to only bid for properties they are genuinely interested in. Persistent refusal of suitable offers has cost implications in void and staff times. An appeal process is in place and the reasons for multiple refusals will be taken into account.

Number of 1 Bed Lettings likely to be available during 2010/11 for Singles/Childless Couples

	Number of Households likely to be Rehoused to 1 Bed Accommodation Per Year	Likelihood of people receiving offers per year if they bid
BAND ONE	50	Good
BAND TWO	130	Good
BAND THREE	875	Reasonable
BAND FOUR	15	Low
BAND FIVE	15	Low
TOTAL ESTIMATED LETS 2010-2011	1085	

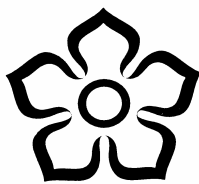
This table does not apply to those needing specialist accommodation which is in short supply e.g. wheelchair adapted.

Number of 2 and 3 Bed Lettings likely to be available during 2010/11 for Families

APPENDIX 4

	Number of Households Likely to be Rehoused to 2 Bed Accommodation Per Year	Likelihood of people receiving offers per year if they bid	Number of Households Likely to be Rehoused to 3 Bed Accommodation Per Year	Likelihood of people receiving offers per year if they bid
BAND ONE	70	Good	65	Good
BAND TWO	500	Good	385	Reasonable
BAND THREE	80	Possible	5	low
BAND FOUR	5	Low	5	low
BAND FIVE	-	unlikely	-	unlikely
TOTAL ESTIMATED LETS 2010-2011	655		460	

This table does not apply to those needing specialist accommodation which is in short supply e.g. wheelchair adapted.



Leicester
City Council

APPENDIX G

WARDS AFFECTED: ALL WARDS (CORPORATE ISSUE)

PERFORMANCE AND VALUE FOR MONEY
SELECT COMMITTEE
CABINET

2 MARCH 2011

7 MARCH 2011

TREASURY STRATEGY 2011/12

Report of the Chief Financial Officer

1. Background

- 1.1 Treasury management is the process by which the Council's borrowing and investments are managed. This is a vital activity because of the sums involved.
- 1.2 As at 14th January 2011, the Council's debt was £260 million, which has been raised to pay for capital projects over many years. This level of indebtedness should, however, be seen in the light of the value of the Council's assets which were recorded at the end of 2010/2011 at a value of £2,266 million (ie £2 billion).
- 1.3 The Council also holds a lot of externally invested cash, which stood at £78million as at 14th January 2011. These investments represent working cash balances (the extent to which the Council receives income before it has to pay bills) and the Council's reserves.
- 1.4 It is the responsibility of the Cabinet to approve the treasury strategy and it receives a report at the beginning of each year identifying how it is proposed to borrow and invest in the light of capital spending requirements, interest rate forecasts and economic conditions. Monitoring of the implementation of the treasury strategy is the responsibility of the Performance and Value for Money Select Committee, and reports are received twice each year together with a monthly briefing on investments.
- 1.5 This treasury management strategy details the expected activities of the treasury function in the financial year 2011/2012. The suggested strategy for 2011/2012 is based upon my views of interest rates, which are supported by the use of leading market forecasts. The strategy covers the matters listed below:
 - i. the Council's current debt and investments;
 - ii. prospects for interest rates;

- iii. capital borrowing required;
- iv. investment strategy;
- v. the balance between holding investments and using them to repay debt (or as a substitute for new borrowing);
- vi. debt rescheduling opportunities;

1.6 The key factors to consider are:

- i. How much new borrowing will cost. Members are asked to note that interest rates for borrowing over a long period of time are different from rates for borrowing over a short period.
- ii. Ensuring the Council has an appropriate balance of debt at fixed and variable interest rates, so we are protected against market changes.
- iii. How much interest the Council can get on its investments.
- iv. Ensuring the security of investments.
- v. When loans are due to be repaid and how much it is likely to cost to refinance them at that time.
- vi. Government initiatives which impact on borrowing and investment decisions.

2. **Recommendations**

2.1 PVFM Select Committee is recommended:-

* Note the proposed treasury strategy and to make any comments or recommendations to the Cabinet.

2.2 Cabinet is recommended:-

* To approve this treasury strategy.

3. **Current Portfolio Position**

3.1 The Council's current debt and investment position is shown in the table below. Members are asked to note that the figures shown represent a snapshot at a single moment in time. The table excludes £34M of debt managed by the County Council on behalf of the City Council.

Treasury Position As At 14th January 2011	Amount
Fixed Rate Funding	
Public Works Loan Board	£155m
Stock	£9m
Market Loans	£96m
Total Debt	£260m

Investments	£78m
Net Debt	£182M

4. **Treasury Limits For 2011/2012**

4.1 The Treasury Strategy includes a number of prudential indicators required by CIPFA's Prudential Code for capital finance, the purpose of which is to ensure that treasury management decisions are affordable and prudent. The recommended indicators and limits are shown below. One of these indicators, the "authorised limit" (para 4.3 below) is a statutory limit under the Local Government Act 2008 and will be set by the full Council as part of the budget. The other indicators are part of this treasury strategy which is approved by the Cabinet.

4.2 The first indicator is that over the medium-term net borrowing will only be for capital purposes – ie net borrowing should not, except in the short-term, exceed the underlying need to borrow for capital purposes (the "capital financing requirement"). Authorities may, however, borrow to pre-fund capital requirements up to two years ahead. We do not anticipate any difficulties in complying with this requirement.

4.3 The Council is required to set an "authorised limit" on borrowing which cannot be exceeded. The proposed limits are:

	2011/12 £m	2012/13 £m	2013/14 £m
Borrowing	400	400	400
Other forms of liability	35	35	35
Total	435	435	435

4.4 The Council is also required to set an "operational boundary" on borrowing and other forms of long-term liability, which requires a subsequent report to scrutiny committee if exceeded:

2011/12	£370m
2012/13	£400m
2013/14	£400m

4.5 Limits have also to be set on the Council's interest rate exposure and recommended upper limits on fixed and variable rate debt exposures are shown in the table below. Variable rate loans includes all loans where the lender has an option to vary the interest rate chargeable.

	2011/12 £m	2012/13 £m	2013/14 £m

Fixed interest rate	280	300	300
Variable interest rate	145	145	145

- 4.6 The Council has also to set upper and lower limits for the remaining length of outstanding loans that are fixed rate as a percentage of the total of all such loans. Recommended limits are:

Upper Limit

	%
Under 12 months	30
12 months and within 24 months	40
24 months and within 5 years	60
5 years and within 10 years	60
10 years and within 25 years	100
25 years and within 50 years	100
Above 50 years	20

Lower Limit

	%
Less than 5 years	5
Over 5 years	60

- 4.7 The upper limit for principal sums invested for more than 364 days is £50m for 2011/12 and subsequent years. In the present investment climate, such investments would only be made in Government backed securities.

- 4.8 These indicators exclude Private Finance Initiative (PFI) schemes.

5. Prospects for Interest Rates

- 5.1 The Council retains Arlingclose as a treasury adviser to the Council and part of their service is to assist the Council to formulate a view on interest rates and these underpin the strategy.

- 5.2 The economic background to this report is the recovery of the UK and the world economy after the recession that followed the “credit crunch”, although there are risks that could yet derail this recovery.

- 5.3 Because of the recession, the Bank of England has left short-term interest rates at a record low of 0.5% for over a year. Arlingclose see rates starting to rise again in late 2011 and increasing to 3% by March 2014

- 5.4 The outlook for long-term interest rates is more uncertain. The Council’s primary source of long-term loans is the Public Works Loans Board (PWLB); a government body that lends money to local authorities at rates below normal market levels. Longer term-term rates are currently around 5.25%.

Arlingclose forecast that long-term rates will fluctuate over a range of 4.5% to 5.25% over the next three years. Borrowing is more expensive than it used to be, because the Government added a 1% premium to PWLB borrowing in the June budget.

5.5 There is a lot of uncertainty and a number of scenarios are considered in section 10 of this report.

6. **Capital Borrowings and Borrowing Strategy**

6.1 At the time of preparing this strategy the Council's capital programme has not been agreed. As capital will now be entirely grant funded this is not a major consideration and the treasury strategy is in any event based on known capital resources. Capital borrowing strategy is mainly based on a two-year time frame and drawing up a strategy for 2011/2012 requires consideration of the Council's capital financing needs for 2011/2012 and 2012/2013. The calculation of the total borrowing needs of the Council takes into account the following factors:

- i. The sums the Council is required by law to "set aside" from revenue each year to repay its borrowings (or in lieu of new borrowings) - in much the same way as a homeowner repays a mortgage over a number of years;
- ii. The need to repay maturing loans.
- iii. Borrowing to support capital expenditure (unsupported borrowing).

6.2 The capital borrowing requirements of the Council can be met from the "set aside" sums and are not expected to generate a borrowing requirement.

6.3 One long-term loan of £13 million matures in 2013, but can be financed from existing cash balances.

6.4 The event most likely to trigger borrowing would be an a large outflow of funds over the financial planning period as grant streams come to an end and existing balances are spent.

6.5 If such an outflow of funds exceeded the existing level of cash balances then the Council would need to borrow (the balances have been used as an alternative to borrowing, and our actual borrowing is less than our underlying need to borrow).

6.6 This strategy envisages a borrowing requirement of £20 million in 2011/12 and a further £20 million in 2012/13 but it's possible that the run down of grant balances and reserves will not proceed as fast as expected.

6.7 If we borrowed in 2011/12 the rate of interest on any new loans is expected to be higher than short-term interest rates and hence we would be slow to borrow

in advance of need, and would only do so when we expected a clear long-term benefit that justified the short-term cost.

7. Debt Rescheduling & Premature Repayment of Debt

7.1 Debt rescheduling is the premature repayment of loans with the repayment being financed by taking out new, cheaper, loans. Sometime we have to pay a penalty to repay a debt early but this may be worth paying if the interest rate on the new loan is sufficiently low. At other times we may be able to repay a loan at a discount. It is proposed that we undertake debt rescheduling if financially advantageous. The reasons for any rescheduling to take place will include:

- i. the generation of savings at minimum risk; or
- ii. in order to enhance the balance of the long-term portfolio (i.e. the dates of repayment and balance between fixed and variable interest rates).

7.2 When making decisions we will be guided by our expectation of future movements in interest rates but the situation will be continually monitored in order to take advantage of any perceived “tremors” in the market. To maximise the savings from debt rescheduling, replacement loans should be taken at low interest rates and when interest rates are expected to fall we would delay taking the replacement loan until this happened. In the interim, temporary finance would be found by raising a temporary loan or by using cash balances. Recent changes in PWLB rules mean rescheduling opportunities are far less common than they used to be.

7.3 The premature repayment of existing debt utilising cash investments may also be considered where financially attractive.

7.4 When considering the options for rescheduling, all the Council’s debts will be periodically examined in the light of current market conditions.

7.5 The Council also has market loans totalling £96 million and we may reschedule these if opportunities present.

7.6 At present it seems likely that any rescheduling in 2011/12 will be done as a risk reduction measure but, otherwise, favourable opportunities for cost reductions are unlikely to present in 2011/2012

8. Investments

8.1 This report outlines the investment strategy. Further details are given in the appendix, which sets the criteria that we apply to ensure that we only invest with borrowers of high credit worthiness. It also deals with measures to manage other key issues, for example ensuring access to liquid funds.

- 8.2 On 14th January the Council had investments of £78M. As previously stated we are expecting these funds to be drawn down as the Council spends the balances and uses them in lieu of borrowing.
- 8.3 In 2010/11 our lending was confined to the UK Government's Debt Management Office, other local authorities and the large UK Banks which were eligible for capital injections from the UK government during the "credit crunch". The latter factor is increasingly less significant as these support arrangements have now lapsed. and we need a new basis for our lending arrangements.
- 8.4 The proposed strategy raises the minimum long-term credit rating requirement from A to A+ (whilst maintaining the minimum short term rating requirement at F1). We also need to recognise that credit conditions have improved but are still far from normal. Thus we propose a slight relaxation of the criteria applied in 2010/11, but still intend to operate a stricter policy than we used to.
- 8.5 Under the 2011/12 strategy we will take published credit ratings into account, but shall consider these alongside other considerations (where applicable) such as share price, the cost to investors of buying insurance against default and political and economic developments (especially those to do with the Eurozone). We propose to maintain a relatively small list of strong investment counterparties which it is practical for us to monitor regularly and in depth.
- 8.6 The lending list shall be maintained by the Treasury Manager taking into consideration advice and information from the Council's Treasury Advisors, Arlingclose, as well as on the basis of his own research. New counterparties shall not be added to the lending list until the CFO or his deputy has reviewed the proposed changes.
- 8.7 The general direction in which our lending list is moving is that our existing counterparties will remain but that we shall add a small number of strong banks, most likely those in the stronger European states.
- 8.8 We shall continue to report on this matter to the Performance and Value for Money Select Committee via six-monthly review reports and monthly briefing reports.

9.0 Credit Rating the City Council

- 9.1 Lenders are now being far more cautious in their lending decisions and whilst UK local authorities are seen as being highly credit worthy some will be seen as more credit worthy than others, and local authorities can no longer count on being automatically perceived as having the coveted AAA credit rating.
- 9.2 The credit rating of a local authority is unlikely to ever exceed that of the Government. Commentators generally think that its unlikely that the UK would lose its AAA credit rating but there are risks which can not be wholly discounted.

9.3 For these reasons it is possible that the Council might need to seek a credit rating during 2011/12 (including where this was done to facilitate borrowing in 2012/13). If a credit rating was sought the rationale would be that it would lower the cost of borrowing. We are confident that we would get a high credit rating, but it's not possible to assess whether we would get a AAA rating. Any decision to seek a credit rating would be taken by the CFO in consultation with members.

10. **Sensitivity of This Strategy**

10.1 This strategy is based on the view that the economic outlook for 2011/2012 and later years carries a number of significant risks.

10.2 Short-term interest rates are expected to rise and the main risk is that they rise faster and/or sooner than expected. Any borrowing decision made during 2011/12 will be a careful balancing act - at present long-term interest rates are significantly higher than short-term rates but long-term borrowing offers certainty. The key considerations are the medium term outlook for long-term and short-term interest rates (and the difference between the two) and the degree of uncertainty surrounding those projections.

10.3 There is uncertainty as to how fast we will use up earmarked grants and earmarked funds which are currently unspent. So long as such expenditure can be met from existing cash balances the revenue impact will be relatively low because of the very low interest rates paid on deposits.

10.4 The position will be monitored and if there were a need to borrow then we would seek to do this in the most cost effective way.

10.5 The Council has £96 million of market loans at favourable interest rates on which the lender has the right to periodically propose an interest rate increase. We have the option to refuse and to repay the loans, but would then have to borrow new loans at the prevailing interest rates. In a "reasonable but not extreme" worst case scenario the impact to the General Fund would be of the order of £350,000 but would be unlikely to impact on 2011/12 nor to impact substantially on 2012/13.

10.6 The funding of the Housing Revenue Account (HRA) will change in 2012/13 and details were recently announced of our proposed settlement. The main changes are that we will no longer receive Housing Subsidy grant but that £30 million of housing debt will be repaid by the Government (and this will reduce interest payments by the HRA). From 2012/13 the HRA will have its own pool of loans separate from those of the rest of the Council. We are still evaluating what implications, if any, these changes will have for borrowing decisions in 2011/12 and what impact they will have on the viability of any options that may present for the premature repayment of debt. The initial indications are that these changes will not impact substantially on borrowing and investment decisions during 2011/12 but we shall be exploring the implications further over the next few months.

10.7 Where, exceptionally, immediate action that does not comply with this strategy will benefit the Council such action will be taken, and will be reported to the next meeting of the Performance and Value for Money Select Committee.

11. Treasury Management Consultants

11.1 Since January 2008 the Council has employed Arlingclose as treasury advisors. The service provides advice on our borrowing and investment policies and strategies. The annual fee for this service is £20,000.

11.2 Whilst 2010/11 has been less turbulent than the preceding years there have been many challenges and Arlingclose’s performance has been good.

12. Leasing

12.1 The Council is likely to acquire equipment, principally vehicles, to the value of approximately £2-3 million that would be suitable for leasing, though budget reductions could see that figure scaled back.

12.2 Before leasing is pursued consideration will be given to the options of finance leasing, operational leasing, and prudential borrowing. At present the difference between these forms of funding is marginal, and, generally, prudential borrowing is more cost effective. This judgement takes into account the costs of the two forms of finance over the expected economic life of the asset. In addition, because of lease termination charges it is more expensive to dispose of a leased vehicle than an owned vehicle, and this is important because the Council is reviewing the utilisation of the existing fleet.

13. Financial and Legal Implications

13.1 This report is solely concerned with financial issues. Peter Nicholls, Legal Services has been consulted as Legal Advisor and has confirmed that there are no legal issues arising from this report.

14. Climate Change Implications

14.1 This report does not contain any significant climate change implications and therefore should not have a detrimental effect on the Council’s climate change targets - Helen Lansdown, Senior Environmental Consultant.

15. Other Issues

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	No		
Policy	No		
Sustainable and Environmental	No		

Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

16. **Background Papers**

16.1 Background information is available on the files of the Chief Financial Officer.

17. **Consultation**

17.1 Arlingclose Ltd.

18. **Author**

18.1 The author of this report is David Janes of the Resources Department on extension 7490

Mark Noble
Chief Finance Officer.

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

ANNUAL INVESTMENT STRATEGY 2011/2012

1. Introduction

- 1.1 This investment strategy complies with the DCLG's Guidance on Local Government Investments and CIPFA's Code of Practice.
- 1.2 The Investment Strategy states which investments the Council may use for the prudent management of its treasury balances during the remainder of the current financial year and in 2011/2012. It also identifies other measures to ensure the prudent management of investments.

2. Investment Objectives & Authorised Investments

- 2.1 All investments will be in sterling, although bank deposits in euros will be permitted when placed with our bankers for operational reasons such as the receipt and disbursement of grants receivable and payable in euros.
- 2.2 The overriding policy objective for the Council is the prudent investment of its balances. The Council's investment priorities are
 - (a) the **security** of capital and
 - (b) **liquidity** of its investments.
- 2.3 The council will aim to achieve the **optimum return** on its investments commensurate with the proper levels of security and liquidity.
- 2.4 The Council will not borrow monies purely to invest or on-lend.
- 2.5 The list of authorised investments is as follows: -

Short Term Investments

- i. Deposits for periods up to one year with credit rated deposit takers (banks and building societies);
- ii. Deposits for periods up to one year with other local authorities;
- iii. Money Market Funds;
- iv. Any deposit, bond, bill or other loan instrument with a maturity of up to one year which is issued by, or explicitly guaranteed by, the UK Government (including the Debt Management Office) or by a UK local authority.

Longer Term Investments

- v. Deposits for periods in excess of one year with UK local authorities or which are explicitly guaranteed by the UK Government;

2.6 The Council will impose upper limits on the total amount of money, which shall be invested with each of these types of investments (in aggregate, not per institution) and these are: -

- i. £60 million;
- ii. Unlimited;
- iii. £50 million;
- iv. Unlimited;
- v. Unlimited.

2.7 The following factors apply to both short-term and longer-term deposits.

- i. Deposits may be for fixed terms or may be repayable at the option of the borrower and/or the lender and may or may not be negotiable
- ii. Deposits may be agreed in advance that run from an agreed future date.
- iii. For the purposes of applying the credit rating criteria laid down in this AIS, deposits agreed in advance shall be treated as running from the date they are agreed. However, where a deposit is agreed 10 or fewer working days in advance it shall be treated as running from the date the cash is deposited.
- iv. Interest rates may be fixed at the outset or may be varied by agreement. They may also be varied by reference to market rates or benchmarks, provided that such rates or benchmarks are capable of independent verification.
- v. A deposit to an organisation with an unconditional financial guarantee from a parent organisation shall be treated as if it were as a deposit with that parent organisation.
- vi. Where an institution is part of a group then limits shall be set both at group level and at the level of the individual institution.

3. Security of Capital: The use of Credit Ratings

3.1 The CFO will maintain a list of approved counterparties, selected in line with the following criteria.

3.2 The Council utilises credit ratings published by Fitch Ratings. This section of the strategy proposes minimum credit rating requirements. In practice, only investments of the highest security will be made. Minimum credit rating criteria shall be as shown below: -.

- i. For term deposits and callable deposits for periods of 1 year or less, a long-term rating of A+, a short term rating of F1
- ii. For money market funds, and other commercial secured deposit facilities, a rating for the fund of AAA and a volatility rating of V1+

For (i) there is an additional requirement that there shall be a good prospect of support from a strong government (the government having an AA+ long-term rating) or well-resourced parent institution (minimum A+ credit rating). In

addition for all categories of investments regard will be had to other sources of information including (where applicable) the price of Credit Default Swaps, share prices, developments, news, economic data and market sentiment.

- 3.3 No credit rating is required for investments issued by or subject to an explicit guarantee from the UK government.
- 3.4 The maximum sum to be deposited with individual counterparties shall be as shown below:
 - i. For money market funds and commercially secured deposit facilities - £10 million. We shall not normally take account of the underlying exposures to individual banks etc when considering our exposure against the other limits specified below unless such an approach materially improves the control of our credit exposure;
 - ii. For investments with, or explicitly guaranteed by the UK Government – unlimited;
 - iii. For deposits with UK local authorities £10 million;
 - iv. For deposits in banks and other institutions not guaranteed by the UK Government - £10 million.
- 3.5 Investments are also permitted on the basis of equivalent ratings issued by Moody's Investors Services or Standard and Poor's. In the absence of strong reasons to the contrary, decisions will be based on the lowest rating.
- 3.6 When applying these criteria it shall be assumed that investments shall be held to maturity. Where, however, the Council has an unqualified option to require the investment to be fully repaid at an earlier date, then for the purposes of applying these criteria it shall be assumed that the investment shall run until the earliest repayment date.
- 3.7 Credit ratings will be monitored:
 - i. All credit ratings for investments being actively used will be monitored monthly and credit rating alerts will be acted on as soon as practicable (the next working day or sooner);
 - ii. If a body is downgraded with the result that it no longer meets the Council's minimum criteria, the further use of that body will cease;
 - iii. A deterioration in credit ratings will not automatically lead to a decision to terminate the investment prematurely (and in many cases there will be no contractual provision to permit this).
 - iv. If a counterparty is upgraded so that it fulfils the Council's criteria, its inclusion will be considered and put to the CFO for approval;
 - v. If other market intelligence suggests that credit ratings give an over-optimistic view of credit-worthiness, this will be taken into account.
- 3.8 The criteria specified above control the credit exposure to individual investments. We have procedures in place to monitor the country regulating the banks in which we invest - we monitor credit data at least once a month and

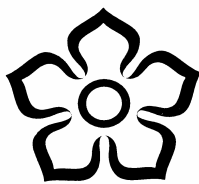
take account of information in the financial press. At the time of writing this we are only directly investing in UK based and regulated banks but are considering extending the lending list to include some large, strong well capitalised banks regulated and/or domiciled in other countries. Investments in money market funds will also create an exposure to non-UK banks but this will only be monitored lightly because money market funds invest in a well diversified pool of investments.

4. Investment balances / Liquidity of investments

- 4.1 The minimum percentage of its overall investments that the Council will hold in short-term investments is 40% and the Council will maintain liquidity by having a minimum of £30m of deposits maturing within 2 months (subject to the availability of funds to invest). There is a regular monthly cycle to the Council's cashflow and these limits apply to the peak cash balance just ahead of the payday. These liquidity targets are guidelines and occasional and temporary deviations from these limits will be permitted on a planned basis where there are good reasons.
- 4.2 The Council is required to specify the maximum amount which can be prudently committed to longer-term investments (i.e. those with a maturity exceeding a year). On the current level of investments an appropriate limit would be £25m but a higher limit of £50m is being proposed in order to allow for the possibility that we borrow new long-term fixed rate loans in order to prefund future years' borrowing requirements.

5. Investment Reports

- 5.1 Reports will be prepared twice yearly as part of the reports on treasury management activity, and a monthly note is prepared for Select Committee members and the Cabinet lead for Finance.



Leicester
City Council

Appendix H

WARDS AFFECTED: ALL WARDS (CORPORATE ISSUE)

**PERFORMANCE AND VALUE FOR MONEY
SELECT COMMITTEE
CABINET
COUNCIL**

**2 MARCH 2011
7 MARCH 2011
24 MARCH 2011**

FRAMEWORK FOR TREASURY DECISIONS

Report of the Chief Financial Officer

1. Purpose of Report

- 1.1 This report proposes minor changes to the decision making framework for the Council's treasury management activities. This follows a scheduled annual review of these arrangements.

2. Summary

- 2.1 Treasury Management is the process by which the Council's borrowing and investments are managed. This is a vital activity because of the sums involved. Our indebtedness should be seen in the light of the value of the Council's assets which were recorded at the end of 2009/2010 at a value of £2,266 million. As at 14 January 2011, the Council's debt was £260 million, which has been raised to pay for capital projects over many years.
- 2.2 The Council also holds a lot of externally invested cash which stood at £78 million as at 14 January 2011.
- 2.3 The Council's borrowing and investment decisions are currently governed by its Treasury Policy Document which was adopted in 2008. We reviewed the policy during 2009/10 and made changes to reporting arrangements, although we did not reissue this policy at that stage. This revised document now reflects these changes plus other minor changes.
- 2.4 This document lays down the arrangements for the management of borrowing and investment. This provides for a lot of delegation to the Chief Finance Officer (CFO), including making borrowing and investment decisions. There are three main mechanisms by which democratic control is maintained over delegated decisions. No changes are proposed to these.

- i. the setting of a Treasury Strategy for each financial year by the Cabinet which specifies the overall objectives for borrowing and investment.
- ii. The consideration by Performance and Value for Money Select Committee (PVMSC) of six monthly reports reviewing treasury management activities and performance.
- iii. The receipt by members of PVMSC and the Cabinet Finance Lead of monthly reports reviewing the credit worthiness of investments, plus any other significant treasury decisions or developments.

2.6 The treasury policy comprises a Treasury Management Policy Statement (TMPS) and 12 “treasury management practices” (“TMPs”) (with supporting schedules).

2.7 The TMPS defines the overall objectives of the treasury management function, and emphasises the pursuit of optimum performance and the effective control of risk. The 12 TMPs expand upon this and, together with supporting schedules, establish a comprehensive framework for the management and control of borrowing, investment and other treasury functions.

2.8 This report deals with the overall arrangements for the control of the Council’s borrowing and investments. As part of the budget setting process the Cabinet has received a report outlining the strategy for the 2011/2012 financial year. Members may wish to note that this report specifies that we will only invest money with banks with a very high credit rating.

3. **Recommendations**

3.1 PVFM Select Committee is recommended:-

- To note the proposed Treasury Policy Statement and Treasury Management Practices and to make any comments or recommendations to the Cabinet.

3.2 The Cabinet is recommended: -

- To recommend the Council to approve the revised Treasury Policy Statement and Treasury Management Practices included in this report.

3.3 The Council is recommended :-

- To adopt the Code of Practice on Treasury Management and to agree the revised Treasury Policy Statement and Practices included in this report, and
- To delegate the approval of the treasury strategy and annual investment strategy for 2011/12 to the cabinet.

Details of Proposals

4. Financial and Legal Implications

- 4.1 This report is solely concerned with Financial Issues.
- 4.2 The Council is required as a matter of law to pay due regard to Code of Practice on Treasury issued by CIPFA. Other than this, no specific legal issues are raised by this report.

5. The Proposed Treasury Policy

- 5.1 The Council's Treasury Policy comprises a Treasury Management Policy Statement ("TMPS") and "treasury management practices" ("TMPs"), the latter being supported by detailed schedules. The policy requires the production each year of a "treasury management strategy" for that year. It specifies the framework within which treasury decisions are made and monitored.
- 5.2 The Council's Treasury Strategy is determined by the Executive Function. The implementation of most aspects of Treasury Strategy is delegated to the Chief Finance Officer and executive power on matters not delegated lies currently with the Cabinet although this may change with the election of a mayor. In practice the delegation to the Chief Finance Officer is fairly comprehensive and the involvement of the Cabinet is likely to be confined to unusually significant, or sensitive, decisions. No changes to this delegation are proposed.

Treasury Policy Statement

- 6.1 The Council is recommended to adopt the following policy statement:

Leicester City Council defines the policies and objectives of its treasury management activities as follows: -

"The management of the authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks".

This Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation.

This Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives and its 25 year vision. It is therefore committed to the principles of achieving best value in treasury

management, and to employing suitable performance measurement techniques, within the context of effective risk management.

The Council will create and maintain, as the cornerstones for effective treasury management suitable treasury management practices (TMPs), setting out the manner in which we will seek to achieve these policies and objectives, and prescribing how we will manage and control those activities.

The Executive Function will receive reports on an annual strategy and plan in advance of the year, and the PVMSC will receive twice yearly reports on performance as well as monthly briefing notes.

The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Executive Function, and for the execution and administration of treasury management decisions to the Chief Finance Officer who will act in accordance with this policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management." Monitoring of the function will be undertaken by the PVMSC.

In practice the following matters are delegated to the CFO:

- * decisions on borrowing, investments, leasing and other forms of finance
- * entering into associated contracts
- * selection of the money market brokers used
- * selection of leasing brokers used
- * the allocation of responsibilities and other staffing matters in respect of the treasury function
- * determining the procedures to be followed by staff involved in treasury management, including internal controls and safeguards
- * determining a list of institutions from whom the Council may borrow money
- * the preparation of schedules to TMPs to serve as working documents prepared for the day-to-day use of officers
- * determining the list of institutions (the "lending list") to whom the Council will lend and for what periods applying the criteria established by the Council's treasury management strategy.

7. Treasury Management Practices

- 7.1 As part of the Treasury Policy, the Council is asked to approve 12 treasury management practices.

TMP1 - Risk Management
TMP2 - Best Value and performance measurement
TMP3 - Decision making and analysis
TMP4 - Approved instruments, methods and techniques
TMP5 - Organisation, clarity and segregation of responsibilities and reporting arrangements
TMP6 - Reporting arrangements and management information arrangements
TMP7 - Budgeting accounting and audit arrangements
TMP8 - Cashflow and cashflow management
TMP9 - Money laundering
TMP10 - Staff training and qualifications
TMP11 - Use of external service providers
TMP12 - Corporate Governance

7.2 The text of each is shown below in italics with supporting commentary as necessary.

8. **TMP1 – Risk Management**

8.1 The CFO will have paramount regard to the risk associated with treasury management decisions: *The CFO will design, implement and monitor all arrangements for the identification, management and control of treasury management risk, will report at least annually on the adequacy/suitability thereof, and will report, as a matter of urgency, the circumstances of any actual or likely difficulty in achieving the organisation's objectives in this respect, all in accordance with the procedures set out in TMP6 "Reporting requirements and management information arrangements"*.

8.2 We will make sure we have enough money: *The CFO will ensure that the Council has adequate though not excessive cash resources, borrowing arrangements, overdraft or standby facilities to enable it at all times to have the level of funds available to it which are necessary for the achievement of its service objectives.*

8.3 Borrowing and investment strategy should be undertaken with a careful eye on the budgetary implications for the Council, whilst not missing opportunities to save money through good borrowing and investment decisions: *The Council will manage its exposure to fluctuations in interest rates with a view to containing its interest costs, or securing its interest revenues, in accordance with the amounts provided in its budgetary arrangements. The effects of varying levels of inflation, insofar as they can be identified as impacting directly on its treasury management activities, will be controlled by the organisation as an integral part of its strategy for managing its overall exposure to inflation. It will achieve these objectives by the prudent use of approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of interest rates or inflation. The above*

are subject at all times to the consideration and, if required, approval of any policy or budgetary implications.

- 8.4 We will keep a list of the people we will lend money to:** *The Council regards a prime objective of its treasury management activities to be the security of the principal sums it invests. Accordingly, the CFO will ensure that its counterparty lists and limits reflect a prudent attitude towards organisations with whom funds may be deposited. The CFO will ensure that these lists and limits conform to the Council's Treasury Management Strategy. It also recognises the need to have, and will therefore maintain, a formal counterparty policy in respect of those organisations from which it may borrow, or with whom it may enter into other financing arrangements as a schedule to this TMP.*
- 8.5 We will make sure we don't have to borrow too much all at once:** *The Council will ensure that its borrowing and other capital financing arrangements are properly negotiated and structured and the maturity profile of the monies so raised are managed, with a view to obtaining terms for renewal or refinancing, if required, which are competitive and as favourable to the Council as can reasonably be achieved in the light of market conditions prevailing at the time. The Council will actively manage its relationship with its counterparties in these transactions in such a manner as to secure this objective, and will avoid over-reliance on any one source of funding if this might jeopardise achievement of the above.*
- 8.6 We will make sure we obey the law:** *The CFO on behalf of the Council will ensure that all of its treasury management activities comply with its statutory powers and regulatory requirements. It will demonstrate such compliance, if required to do so, to all parties with whom it deals in such activities. In framing its credit and counterparty policy it will ensure that there is evidence of counterparties' powers, authority and compliance in respect of the transactions they may effect with the organisation. The CFO recognises that future legislative or regulatory changes may impact on its treasury management activities and, so far as it is reasonably able to do so, will seek to minimise the risk of these impacting adversely on the Council.*
- 8.7 We will use systems to prevent the risk of fraud or loss:** *The CFO will ensure that circumstances are identified which may expose it to the risk of loss through fraud, error, corruption or other eventualities in its treasury management dealings. Accordingly, it will employ suitable systems and procedures, and will maintain effective contingency management arrangements, to these ends.*
- 8.8 We will ensure the Council is not exposed to big losses if interest rates move the wrong way:** *The CFO will seek to ensure that its treasury management policies and objectives will not be compromised by adverse market fluctuations in the value of the principal sums it invests, and will accordingly seek to protect the Council from the effects of such fluctuations.*

8.9 Members are asked to note that the avoidance of all risk is neither appropriate nor possible and a prudent balance will need to be struck between avoiding risk and maximising returns.

9. **TMP2 – Best Value and Performance Measurement**

9.1 We will continually monitor treasury management performance: *The Council is committed to the pursuit of best value in its treasury management activities, and to the use of performance monitoring and review in support of that aim, within the framework set out in its treasury management policy statement.*

9.2 Members are asked to note that the following measures are currently (and will continue to be) reported to PVMSC in the six monthly reviews of treasury management activities.

- i. Comparison of average interest rate on outstanding loans with the average of other UK councils
- ii. Whether borrowing was undertaken when interest rates were at their lowest
- iii. Whether the premature repayment of debt was undertaken when interest rates were highest (this enables repayment on the most favourable terms)
- iv. Whether investments have achieved target interest rates.

9.3 PVMSC and the Cabinet Lead for Finance will receive monthly briefing notes which will outline the Council's credit exposure on its investments. It will also outline any significant treasury decisions or issues.

10. **TMP3 – Decision-making and analysis**

10.1 We will keep proper records: *The CFO on behalf of the Council will maintain full records of its treasury management decisions, and of the processes and practices applied in reaching those decisions, both for the purposes of learning from the past, and for demonstrating that reasonable steps were taken to ensure that all issues relevant to those decisions were taken into account at the time. The issues to be addressed and processes and practices to be pursued are to be detailed in the schedule, or schedules to this document.*

11. **TMP4 Approved instruments, methods and techniques**

11.1 We will only use approved borrowing and investment instruments. *The CFO will undertake treasury management activities by using only those instruments specified below for borrowing*

Loans

1. *Public Works Loans Board*

2. *European Investment Bank*
3. *Stock Issues*
4. *Market Long-Term Loans*
5. *Market Temporary Loans (up to 364 days)*
6. *Local Temporary Loans*
7. *Local Bonds*
8. *Negotiable Bonds*
9. *Commercial Paper*
10. *Medium Term Notes*
11. *Bank Overdraft*

Other Capital Finance

1. *Operational Leases*
2. *Finance Leases*

- 11.2 The CFO will undertake investment activities by using only instruments approved by the within the Annual Investment strategy (which forms part of the Annual Treasury Strategy).

12. TMP5 – Organisation, clarity and segregation of responsibilities, and dealing arrangements

- 12.1 We will make sure the duties of staff are properly organized and written down: *The Council considers it essential, for the purposes of the effective control and monitoring of its treasury management activities, and for the reduction of the risk of fraud or error, and for the pursuit of optimum performance, that as many activities as possible are structured and managed in a fully integrated manner, and that there is, where possible, a clarity of treasury management responsibilities.*

The principle on which this will be based is a clear distinction between those charged with setting treasury and management policies and those charged with implementing and controlling these policies, particularly with regard to the execution and transmission of funds, the recording and administering of treasury management decisions, and the audit and review of the treasury management function

The CFO will ensure that there are clear written statements of the responsibilities for each post engaged in treasury management, and the arrangements for absence cover.

The CFO will ensure there is proper documentation for all deals and transactions, and that procedures exist for the effective transmission of funds.

13. TMP6 – Reporting requirements and management information arrangements

- 13.1 Regular reports will be taken to members: *The CFO will ensure that regular reports are prepared and considered on the implementation of its treasury management policies; on the effects of decisions taken and the transactions executed in pursuit of*

those policies; on the implications of changes, particularly budgetary, resulting from regulatory, economic, market or other factors affecting its treasury management activities; and on the performance of the treasury management function.

As a minimum, the following reports will be prepared:

- i. an annual report to the Executive Function on the strategy and plan to be pursued in the coming year, including the Annual Investment Strategy*
- ii. a twice annual report to Performance and Value for Money Select Committee and Council on the performance of the treasury management function, on the effects of the decisions taken and the transactions executed in the past year, and on any circumstances of non-compliance with the organisation's Treasury Management Policy Statement and TMPs.*
- iii. A monthly briefing note to members of Performance and Value for Money Select Committee summarising the credit exposure of the Council arising from its investments, and describing any significant treasury decisions that have been made.*

14. TMP7 –Budgeting, accounting and audit arrangements

- 14.1 The costs of treasury management will be reflected in the Council's normal budgeting and accounting arrangements: *The CFO will prepare, and the Council will approve and, if necessary, from time to time amend, an annual budget for treasury management, which will bring together all of the costs involved in running the treasury management function together with associated income.*

15. TMP8 – Cash and cashflow management

- 15.1 The CFO will manage the Council's cash holdings in their entirety: *Unless statutory or regulatory requirements demand otherwise, all monies in the hands of the Council will be under the control of the CFO, and will be aggregated for cash flow and investment management purposes. Cash flow projections will be prepared on a regular and timely basis, and the CFO will ensure that these are adequate.*
- 15.2 The current arrangements meet these objectives. It does not make sense to earmark monies for treasury management purposes, as this would lose money.

16. TMP9 – Money Laundering

- 16.1 To avoid money laundering, we will make sure we know who we are dealing with: *The Council is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly it will maintain procedures for verifying and recording the identity of counterparties and reporting suspicions, and will ensure that staff involved in this are properly trained.*
- 16.2 A policy to prevent the Council's unwitting involvement in money laundering has been established.

17. TMP10 – Staff training and qualifications

17.1 We will use properly trained staff: *The Council recognises the importance of ensuring that all staff involved in the treasury management function are fully equipped to undertake the duties and responsibilities allocated to them. It will therefore seek to appoint individuals who are both capable and qualified and will provide training for staff to enable them to acquire and maintain an appropriate level of expertise, knowledge and skills. The CFO will recommend and implement the necessary arrangements. We will also provide training to members who make decisions concerning the treasury function or who scrutinise it.*

18. TMP11 – Use of external service providers

18.1 We will use external experts, where this is sensible: *The Council recognises the potential value of employing external providers of treasury management services, in order to acquire access to specialist skills and resources. When it employs such service providers, the CFO will ensure it does so for reasons that have been submitted to full evaluation of the costs and benefits. It will also ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review, and where feasible and necessary, that a spread of service providers is used, to avoid over-reliance on one or a small number of companies. When external experts are used the Council remains responsible for the Treasury Management function.*

19. TMP12 – Corporate Governance

19.1 *Treasury management will comply with our usual corporate governance principles. The Council is committed to the pursuit of proper corporate governance throughout its business and services, and to establishing the principles and practices by which this can be achieved. Accordingly, the treasury management function and its activities will be undertaken with openness and transparency, honesty, integrity and accountability.*

20. Climate Change Implications

20.1 This report does not contain any significant climate change implications and therefore should not have a detrimental effect on the Council's climate change targets - Helen Lansdown, Senior Environmental Consultant.

21. Other Issues

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	No		

Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

22. **Background Papers**

22.1 Background information is available on the files of the Chief Financial Officer.

23. **Consultations**

23.1 None.

24. **Background Papers – Local Government Act 1972**

24.1 None.

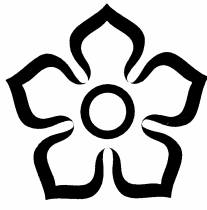
25. **Author**

25.1 The author of this report is David Janes of the Town Clerk's & Corporate Resources Department on extension 7490

M Noble
Chief Financial Officer.

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

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Leicester
City Council

SECOND DESPATCH

CABINET – 7 MARCH 2011

Further to the agenda for the above meeting which you should have already received, please find attached the following papers:

SCHOOLS' BUDGET STRATEGY 2011-12

Appendix A

A minute extract from the meeting of the Children and Young People Scrutiny Committee held on 28 February 2011 is attached. The Committee resolved as follows:

RESOLVED:

- 1) that the proposed Schools Budget Strategy for 2011/12 be noted and the recommendations to Cabinet endorsed; and
- 2) that, in considering the proposed Schools Budget Strategy for 2011/12, the Cabinet be requested to take account of the comments recorded above.

DEVELOPING THE TRADED SERVICES OFFER TO SCHOOLS Appendix B

A minute extract from the meeting of the Children and Young People Scrutiny Committee held on 28 February 2011 is attached. The Committee resolved as follows:

RESOLVED:

- 1) that the Strategic Director, Children be requested to present a report to a future meeting of this Committee on the services offered by the Educational Psychology service, this report to include work undertaken to ensure that parents and carers are aware of Educational Psychology services that are available;
- 2) that the proposed way forward for developing the traded services offer to schools be noted and the recommendations to Cabinet endorsed; and
- 3) that, in considering the proposed way forward for developing the traded services offer to schools, the Cabinet be requested to take account of the comments recorded above.

CITY CENTRE CAR PARKING STRATEGY SUPPLEMENTARY Appendix C PLANNING DOCUMENT (SPD)

A minute extract from the meeting of the Overview and Scrutiny Management Board held on 3 March 2011 is attached. The Board resolved as follows:

RESOLVED:

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

POLICY FOR CONSERVATION OF ROAD SALT STOCK LEVELS

Appendix D

A minute extract from the meeting of the Overview and Scrutiny Management Board held on 3 March 2011 is attached. The Board resolved as follows:

RESOLVED:

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

LICENSING OF SEXUAL ENTERTAINMENT VENUES

Appendix E

A minute extract from the meeting of the Licensing Committee held on 10 February 2011 is attached. The Committee resolved as follows:

RESOLVED:

that the Committee note the report and request the following amendments:

- 1) that the number of sexual entertainment venues be limited to three in total, all of which to be located within the Inner Ring Road;
- 2) that the responsibility to review and amend the standard conditions attached to licences, be delegated to the Divisional Director for Environmental Services in consultation with the Cabinet Member and the Licensing Committee; and
- 3) that the responsibility to review and amend annual fees for licences be delegated to the Divisional Director for Environmental Services, in consultation with the Cabinet Member and Chair and Vice Chairs of the Licensing Committee.

REVIEW OF THE HOUSING ALLOCATIONS POLICY

Appendix F

A minute extract from the meeting of the Overview and Scrutiny Management Board held on 3 March 2011 is attached. The Board resolved as follows:

RESOLVED:

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

TREASURY STRATEGY 2011/12

Appendix G

A minute extract from the meeting of the Performance and value for Money Select Committee held on 2 March 2011 is attached. The Committee resolved as follows:

RESOLVED:

that the report and comments made by Members of the Committee be noted.

FRAMEWORK FOR TREASURY DECISIONS

Appendix H

A minute extract from the meeting of the Performance and value for Money Select Committee held on 2 March 2011 is attached. The Committee resolved as follows:

RESOLVED

that the report be noted.

ANY OTHER URGENT BUSINESS

The Chair has agreed to take the following item as urgent business on the grounds that urgent action is required because the Rushey Mead project needs to be progressed quickly to avoid cost drift.

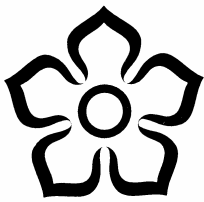
BUILDING SCHOOLS FOR THE FUTURE CROWN HILLS Appendix AOUB 1 COMMUNITY COLLEGE AND CITY OF LEICESTER COLLEGE JOINT PFI SCHEME: RISKS AND ISSUES

The report is considered to be urgent because the Crown Hills and City of Leicester Project needs to be progressed quickly to avoid cost drift.

Councillor Dempster submits a report that sets out the case for continuing to progress the two-scheme PFI project (Crown Hills Community College and City of Leicester College). Cabinet is recommended to approve the recommendations set out in Paragraph 2 of the report.

Matthew Reeves/Julie Harget
Democratic Support: Internal 39 8811/8809
External 0116 229 8811/8809

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Leicester
City Council

MINUTE EXTRACT

APPENDIX A

Minutes of the Meeting of the CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

Held: MONDAY, 28 FEBRUARY 2011 at 5.30 pm

PRESENT

Councillor Corrall – Chair
Councillor Senior – Vice-Chair

Councillor Cleaver
Councillor Mugglestone
Councillor Potter

Co-opted Members

Mr Mohammed
Alauddin Al-Azad - Parent Governor (Primary /Special Needs)

Also In Attendance

Councillor Dempster - Cabinet Lead Member for Children and
Schools

* * * * *

78. CONSIDERATION OF ITEMS AS URGENT BUSINESS

The Chair advised Members that, due to printing and distribution problems, the agenda for this meeting had not been published within the right time frame to enable the meeting to be formally constituted. He therefore had agreed that all of the items on the agenda should be taken as urgent items and asked the Committee to endorse this decision.

RESOLVED:

that all of the items on the agenda for this meeting be taken as urgent items, so that:-

- the general business of the Committee is not delayed;
- where appropriate, the Committee's views can be passed to Cabinet before it considers the relevant items; and

- the review of school meals can be completed in time for a final report to be made before the end of the municipal year.

79. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr E Hayes (Roman Catholic Diocese) and Mary Lawson (Church of England Diocese).

80. 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 Potter declared a personal non-prejudicial interest in the general business of the meeting, as she had a child in full time education in the City.

Councillor Senior declared a personal non-prejudicial interest in the general business of the meeting, as her husband was an employee of the City Council, although not in Children's Services or City Catering.

84. SCHOOLS BUDGET STRATEGY 2011-12

The Strategic Director, Children submitted a report explaining the determination and distribution of the Schools Budget for 2011/12, Pupil Premium funding and proposed changes to the local formula for funding schools.

The Divisional Director, Planning and Commissioning introduced the report, drawing particular attention to:-

- The Dedicated Schools Grant (DSG) had been subject to various technical changes and now contained a number of grants that previously had been paid as separate ring fenced grants;
- The Council was required to distribute the DSG by means of a formula agreed by the Council in consultation with the Schools Forum;
- Individual school budgets for 2011/12 needed to be issued by 31 March 2011. These would be set in relation to confirmed pupil numbers and a range of technical issues. Work on these was under way;
- The proposed approach had been discussed with the Schools Forum, which had set up a Formula Funding Working Group to consider the matter more fully. This had already met and agreed a number of planning principles contained within the report;
- In 2011/12, DSG would increase to £240 million, from its current level of £200 million. This was mainly due to the inclusion of previously ring-fenced grants, although not all grants were continuing. In addition, no allowance had been made for inflation or other cost pressures, which it

was estimated could run at 3%;

- As a result of the changes proposed, it was anticipated that there would be a real term reduction of approximately 5% in spending power at school level. This would be partly offset in some schools by the Pupil Premium, details of which were set out in the report;
- With the introduction of an Early Years Single Funding Formula from 1 April 2011, funding for schools and educational settings now had to be based on actual pupil numbers, rather than the number of places available. This would be paid at the start of the school year, allowing schools to plan more effectively; and
- A new funding methodology was being introduced to support schools with the greatest pupil mobility. This was likely to be targeted to schools in the top 20% nationally for pupil mobility, rather than distributing it more evenly across all schools. This approach had been welcomed by the Schools Forum.

During discussion on this report, Councillor Potter reminded Members of the interest she had declared in relation to her child, who was in full-time education in the City. She then made the following points:-

- The approach proposed could result in some schools gaining and some losing. For example, if a school had falling pupil numbers its funding also would fall;
- Students aged over 16 had to pay full fare on public transport, which could be expensive. This could be a significant factor in determining whether they continued in education;
- It was pleasing to see the special educational needs services being provided;
- If a school had surplus funds at the end of a school year, did these have to be returned to the education authority?; and
- How could students be encouraged to undertake further education if they had limited funds?

In reply, the Divisional Director, Planning and Commissioning explained that:-

- If there were sufficient funds available under the new funding formula, intervention funds would be established for dealing with exceptional pressures and/or schools in financial difficulties. A final decision on whether this could be done would be made after the first allocation of funding had been completed. However, the Schools Budget itself also contained a number of agreed transitional measures designed to mitigate impact in schools that would be receiving less income as a result of the formula changes;

- It was proposed that individual schools' losses would be capped at no more than 1.5% per pupil, as set out in national regulations. The transitional protection for specific changes would, in some instances, be financed by limiting the money given to schools who would be gaining from the proposed formula changes;
- No changes currently were being proposed to the Council's home to school transport policies, but there were no funds available to extend this discretionary provision. The Education Maintenance Allowance, which many students used to pay travel costs, was being replaced by the Learning Support Fund. This would be held by schools and colleges, but it was not known at present if this could be spent on travel;
- Officers were not aware of any changes in capacity being proposed for 16 – 18 education provision;
- It had been agreed that cash allocations for schools in relation to special educational needs would be kept at their 2010/11 level, with additional funding for specific growth issues funded through increased delegation, as detailed in the report; and
- Under the Schools Balances Control Scheme, primary schools were able to keep 8% of their surpluses and secondary schools were able to keep 5% of theirs. In practice, there was an agreement that the commitments and challenges facing a school would be considered before a decision was made on how much would be clawed back from that school. Schools Forum had agreed that any amounts returned under this procedure would be spent on strategic matters, (for example, reading), rather than simply redistributed by Formula. As a result of proposed government changes, the views of schools were being sought on whether this scheme should continue in to the next academic year.

The Committee suggested that the review it was undertaking on school meals was very timely, as schools needed to encourage their students to register for free school meals in order that the schools could receive the maximum Pupil Premium payments possible. It was noted that Heads of schools fully understood the benefits of such registration and work would continue during the year to maintain awareness of this.

Pupil Premium payments would be made based on free school meal registration, in accordance with national regulations. The Premium did not take account of any other deprivation measures. However, the Council encouraged schools to maximise the amount received under this funding, by ensuring that entitled pupils were registered for free school meals. Pupils could be registered at any point during the year, although the Pupil Premium entitlement was determined by the number of registrations on the January school census day.

Examples of good practice in addressing issues arising from deprivation would

be shared and schools encouraged to adopt them. For example, Taylor Road Primary School was cited as a centre of excellence for breakfast clubs and the model used could usefully be shared with other schools. This also could be included as a recommendation arising from the current review of school meals, (see minute 85, "School Meals Review", below).

The Extended Schools Subsidy currently was used to provide services such as breakfast clubs and it was hoped that there would be greater flexibility in the future in how this money was spent. For example, there could be many benefits for schools in providing meals throughout the day. This also could be added to the recommendations arising from of the current review of school meals.

In considering the unfunded pressures identified, the Committee noted that City Learning Centres were funded through the Area Based Grant until 31st March 2011 and that there was insufficient funding available to be able to support them from the General Fund. The Schools Forum was concerned about this and had set up a Working Group to consider the matter further. In the meantime, proposals were expected to "top-slice" the Schools Budget to provide funding for City Learning Centres until conclusions had been reached on their longer term usage and funding.

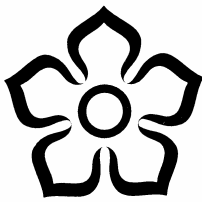
It was noted that, if pupils moved schools during an academic year, payments under the Pupil Premium would not move with that pupil, as funding would be calculated on the number of pupils at a school when the January census was completed. Schools with a high level of pupil mobility would be eligible for additional funding and schools could also bid for additional funding during the year in exceptional circumstances.

In response to a question, it was noted that the Council had approximately five times as many primary schools as secondary schools. Funding within the £500,000 Pupil Mobility budget would be allocated between primary and secondary schools based on actual mobility levels and reflected these proportions.

RESOLVED:

- 1) that the proposed Schools Budget Strategy for 2011/12 be noted and the recommendations to Cabinet endorsed; and
- 2) that, in considering the proposed Schools Budget Strategy for 2011/12, the Cabinet be requested to take account of the comments recorded above.

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Leicester
City Council

MINUTE EXTRACT

APPENDIX B

Minutes of the Meeting of the
CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

Held: MONDAY, 28 FEBRUARY 2011 at 5.30 pm

PRESENT

Councillor Corrall – Chair
Councillor Senior – Vice-Chair

Councillor Cleaver
Councillor Mugglestone
Councillor Potter

Co-opted Members

Mr Mohammed
Alauddin Al-Azad - Parent Governor (Primary /Special Needs)

Also In Attendance

Councillor Dempster - Cabinet Lead Member for Children and
Schools

* * * * *

78. CONSIDERATION OF ITEMS AS URGENT BUSINESS

The Chair advised Members that, due to printing and distribution problems, the agenda for this meeting had not been published within the right time frame to enable the meeting to be formally constituted. He therefore had agreed that all of the items on the agenda should be taken as urgent items and asked the Committee to endorse this decision.

RESOLVED:

that all of the items on the agenda for this meeting be taken as urgent items, so that:-

- the general business of the Committee is not delayed;
- where appropriate, the Committee's views can be passed to Cabinet before it considers the relevant items; and

- the review of school meals can be completed in time for a final report to be made before the end of the municipal year.

79. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr E Hayes (Roman Catholic Diocese) and Mary Lawson (Church of England Diocese).

80. 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 Potter declared a personal non-prejudicial interest in the general business of the meeting, as she had a child in full time education in the City.

Councillor Senior declared a personal non-prejudicial interest in the general business of the meeting, as her husband was an employee of the City Council, although not in Children's Services or City Catering.

85. DEVELOPING THE TRADED SERVICES OFFER TO SCHOOLS

The Strategic Director, Children submitted a report setting out a proposed way forward for developing services traded with schools, in the light of the recent Government White Paper "The Importance of Teaching" and the Local Government finance settlement.

In presenting the report, the Divisional Director, Planning and Commissioning advised the Committee that:-

- All services that potentially could be traded had been rigorously reviewed over the last few months and several additional ones that could be traded had been identified. These now needed to be market-tested with schools;
- Charges for services currently traded needed to be reviewed, as the full cost of traded services was not always charged and recovered. If it was found that the cost of a traded service could not be covered, consideration needed to be given to terminating that service and finding alternative provision;
- There was likely to be a new tariff of charges for traded services introduced with effect from 1 April 2011 and 1 September 2011, which it was hoped could realise an additional £500,000 - £700,000 per annum; and
- Schools were aware of these proposals and had already received additional delegated funds in previous years to allow them to purchase services.

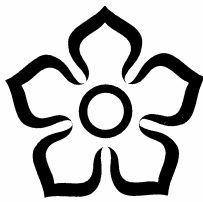
The following points were noted during discussion on this item:-

- The possibility of deriving income from advice given by the Council on asset management was being investigated;
- Other councils already offered more extensive traded services, which could be offered to City schools. Similarly, this Council could offer its services to schools in other areas. However, this authority's priorities would remain Leicester City schools and pupils;
- Educational Psychology was an important service. Its ability to provide support to children from a very early age could reduce the difficulties that could be experienced by children in later life. This service was very highly valued by schools and an objective was to develop the services offered in ways that were of benefit to schools;
- Health and Safety services currently supported all schools, children's centres and other such settings. All purchasers of the service received a full quality audit and action plan each year as a minimum service. Additional services could be provided as needed, (for example, fire risk assessments); and
- Only a small number of services currently were bought by independent schools in the private sector, (for example, radiation protection advice).

RESOLVED:

- 1) that the Strategic Director, Children be requested to present a report to a future meeting of this Committee on the services offered by the Educational Psychology service, this report to include work undertaken to ensure that parents and carers are aware of Educational Psychology services that are available;
- 2) that the proposed way forward for developing the traded services offer to schools be noted and the recommendations to Cabinet endorsed; and
- 3) that, in considering the proposed way forward for developing the traded services offer to schools, the Cabinet be requested to take account of the comments recorded above.

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Leicester
City Council

MINUTE EXTRACT

Appendix C

Minutes of the Meeting of the
OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Held: THURSDAY, 3 MARCH 2011 at 5.30pm

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

Councillor Bhavsar – Vice-Chair (in the Chair)

Councillor Aqbany
Councillor Joshi

Councillor Bajaj
Councillor Newcombe

Also In Attendance

Councillor Westley

Cabinet Member for Housing

160. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Clair, Grant and Scuplak.

161. 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 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his mother was a Council lessee.

Councillor Joshi declared a personal interest in Item 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his sister was a Council tenant and his partner worked within Adults and Housing.

Councillor Newcombe declared a personal interest in Item 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his partner worked within Adults and Housing and he was currently on the housing waiting list.

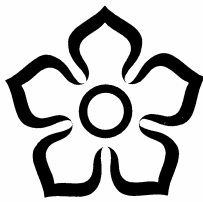
168. CITY CENTRE CAR PARKING STRATEGY SUPPLEMENTARY PLANNING DOCUMENT (SPD)

The Strategic Director, Development, Culture and Regeneration, submitted a report that sought consideration of the City Centre Car Parking Strategy Supplementary Planning Document (SPD).

Members generally welcomed the proposals outlined within the report. It was pointed out that a further report would be presented to the Board later in the year which covered a city-wide parking strategy.

RESOLVED:

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



Leicester
City Council

MINUTE EXTRACT

Appendix D

Minutes of the Meeting of the
OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Held: THURSDAY, 3 MARCH 2011 at 5.30pm

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

Councillor Bhavsar – Vice-Chair (in the Chair)

Councillor Aqbany
Councillor Joshi

Councillor Bajaj
Councillor Newcombe

Also In Attendance

Councillor Westley

Cabinet Member for Housing

160. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Clair, Grant and Scuplak.

161. 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 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his mother was a Council lessee.

Councillor Joshi declared a personal interest in Item 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his sister was a Council tenant and his partner worked within Adults and Housing.

Councillor Newcombe declared a personal interest in Item 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his partner worked within Adults and Housing and he was currently on the housing waiting list.

169. POLICY FOR CONSERVATION OF ROAD SALT STOCK LEVELS

The Strategic Director, Development, Culture and Regeneration submitted a report that asked members to consider a policy concerning Conservation of Road Salt Stock Levels.

An officer from the Highway Maintenance Group introduced the report to Members and explained that the Council's supply of road salt had proved resilient during the last 3 winters and the City had not run out of salt. However, national salt supply shortages meant difficulties had arisen in obtaining replacement stock in good time. He stated that following the severe recent winter weather, the government advice is that local authorities should prepare a Road Salt Conservation Policy to deal with possible shortfalls. The Council's proposed approach assumed a phased withdrawal of elements of the winter service based on the prevailing risk factors and salt stock levels. Members heard that it was intended to protect key major roads as part of the policy.

The officer reported that the need for the application of salt conversion measures depended on the degree of risk that arose from a number of factors including the current stock level, the weather forecast, the time in the season, expected restocking dates and the potential for delays and actual usage rates.

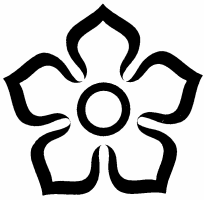
Following further clarity around the prioritisation for road gritting, the Board were informed that when road salt levels reached a particular point, certain elements of the service were reduced, with secondary routes being omitted firstly. It was further stated that due to funding constraints, contributions towards the provision of grit bins via ward budgets were welcomed, and in such cases, the Council would be responsible for associated ongoing maintenance costs.

In light of an anticipated increase in expenditure on road salt, it was questioned whether the authority could presently purchase a full capacity of stock, prior to the rise in price. In response, the officer explained that 1,000 tonnes of road salt was ordered in November which would take the total stock to approximately 2,000 tonnes, and agreed that it was necessary to maximise the level of stock of road salt.

It was also questioned whether officers considered altering the prioritisation of road gritting as a result of accident rates. It was explained that such trends could potentially guide changes to the classification of particular roads, and that a review is undertaken annually to determine 'hot-spot' areas with a proportionally high number of accidents.

RESOLVED:

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



Leicester
City Council

CABINET APPENDIX E

DRAFT MINUTE EXTRACT

Minutes of the Meeting of the LICENSING COMMITTEE

Held: THURSDAY, 10 FEBRUARY 2011 at 5.30pm

P R E S E N T :

Councillor Thomas (Chair)
Councillor Byrne (Co-Vice-Chair)
Councillor Scuplak (Co-Vice-Chair)

Councillor Roger Blackmore
Councillor Marriott
Councillor Potter

Councillor Desai
Councillor Mayat
Councillor Manjula Sood

* * * * *

43. DECLARATIONS OF INTEREST

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

Councillor Manjula Sood declared that in respect of Item 5, Licensing of Sexual Entertainment Venues, she was Chair of the Leicester Council of Faiths, who were one of the Consultees.

Councillor Thomas declared that in respect of Item 5, Licensing of Sexual Entertainment Venues, he was a member of the C.I.U. (Leicester Branch), who were one of the Consultees.

46. LICENSING OF SEXUAL ENTERTAINMENT VENUES

The Director, Environmental Services submitted a report that advised the Committee on the outcome of consultation on the licensing of sexual entertainment venues. The Licensing Committee were asked to provide comments to Cabinet on the proposed policy.

Members considered the report and noted that it proposed that the number of sexual entertainment venues (SEVs) be limited to 5 in total within the inner ring road and the Braunstone Gate area. A query was raised as to whether this could give rise to a legal challenge but the Solicitor to the committee advised

that the legislation gave the council the powers to set the number and any challenge would have to be by judicial review. Members also queried the reason for the number of SEVs and their location and the Head of the Regulatory Service advised that the locations had been proposed because they were associated with the night time economy, and as such were in response to the public consultation. He added the number of venues had been set at 5 in consideration to the number of current venues and to the fact that there had been no complaints from the Police.

Comments were received from Members that SEVs were degrading for women and the Council should not allow any such premises. The Head of the Regulatory Service advised that within the legislation, the grounds for refusal were identified and it made no provision to refuse SEVs on moralistic grounds. He added however that conditions would be attached to protect staff from exploitation and also checks would be carried out to ensure that the premises were properly regulated. If there were problems, the premises could be brought to a licensing hearing with the possibility of a revocation of the licence. In addition, there was a requirement for the licences to be renewed annually, and therefore there was the possibility that the renewal would not be granted if there had been problems at the premises.

Other Members commented that whilst they also had concerns about exploitation of women, they acknowledged that the licensing of the venues would afford staff the protection that they might otherwise not have.

A Member expressed strong concerns that an article relating to the Licensing of SEVs appeared in the Leicester Mercury, before the Committee had had an opportunity to discuss the matter and it was felt that this was discourteous to the Licensing Committee. The Head of the Regulatory Service explained that the report had been put into the public domain 5 clear days before the meeting in order to comply with the law and the Leicester Mercury had asked for further details and an explanation of the issue. A Member responded that it had appeared that to all intents and purposes the decision on the policy had been made before the Licensing Committee had been given an opportunity to consider the matter.

It was generally agreed that the number of SEVs should be limited, but considered that 5 venues within the inner ring road and the Braunstone Gate area were too many. The response to the consultation was considered, in particular Section 2 of Appendix 3. Councillor Scuplak, seconded by Councillor Byrne proposed that Licensing Committee recommend that the number of SEVs be limited to 3 inside the Inner Ring Road, with none outside the area. Upon being put to the vote, this motion was carried.

Concerns were also expressed over the promotion and advertising of SEVs and Officers advised that there could be advertisements and displays on the actual establishment but activities to obtain custom were not permitted. The establishment's signage however did have to make it clear, that the premises were sex entertainment venues.

The recommendations to Cabinet as detailed in 2.1 of the Report were considered and the Committee expressed concerns over the following recommendations:

d) that Cabinet is asked to delegate responsibility to review and amend the standard conditions attached to licences to the Divisional Director, Environmental Services, in consultation with the Cabinet Member.

Members agreed that the Licensing Committee should also be consulted on this matter.

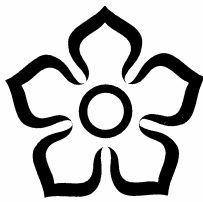
e) that Cabinet is asked to delegate responsibility to review and amend annual fees for licensing to the Divisional Director, Environmental Services, in consultation with the Cabinet Member.

Members agreed that this should be amended to consult with the Chair and Vice Chairs of the Licensing Committee as well.

RESOLVED:

that the Committee note the report and request the following amendments:

- 1) that the number of sexual entertainment venues be limited to three in total, all of which to be located within the Inner Ring Road;
- 2) that the responsibility to review and amend the standard conditions attached to licences, be delegated to the Divisional Director for Environmental Services in consultation with the Cabinet Member and the Licensing Committee; and
- 3) that the responsibility to review and amend annual fees for licences be delegated to the Divisional Director for Environmental Services, in consultation with the Cabinet Member and Chair and Vice Chairs of the Licensing Committee.



Leicester
City Council

MINUTE EXTRACT

Appendix F

Minutes of the Meeting of the
OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Held: THURSDAY, 3 MARCH 2011 at 5.30pm

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

Councillor Bhavsar – Vice-Chair (in the Chair)

Councillor Aqbany
Councillor Joshi

Councillor Bajaj
Councillor Newcombe

Also In Attendance

Councillor Westley

Cabinet Member for Housing

160. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Clair, Grant and Scuplak.

161. 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 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his mother was a Council lessee.

Councillor Joshi declared a personal interest in Item 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his sister was a Council tenant and his partner worked within Adults and Housing.

Councillor Newcombe declared a personal interest in Item 7 'Review of Housing Allocation Policy' and Item 8 'Customer Access to Leicester HomeChoice' as his partner worked within Adults and Housing and he was currently on the housing waiting list.

166. REVIEW OF HOUSING ALLOCATIONS POLICY

MINUTE EXTRACT

The Director of Housing Strategy and Options submitted a report that recommended changes to the Housing Allocations Policy, in light of new statutory guidance issued by The Department of Communities and Local Government (CLG), to improve transparency and to simplify the Council's Policy.

The Head of Housing Options introduced the report to the Board. She explained that the report recommended the Council to adopt a banding scheme for allocating housing rather than the existing points-based system. Members heard that a banding scheme had been introduced by most housing authorities. It was reported that a twelve week consultation on the proposals took place with over 30 key organisations and stakeholders.

Members were informed that the proposed changes would give higher priority to single parent families, severely overcrowded families and those leaving residential care or likely to require residential care to support the Adult Social Care transformation programme.

It was further explained by officers that within a particular band, priority would be determined by the date the application was placed in that band, with the person who had been waiting the longest within that band having the highest priority.

Should the proposals receive Cabinet approval, it was reported that the revised Housing Allocations Policy would be implemented by August 2011, and the performance of the new system would be monitored after a period of six months.

Councillor Westley, Cabinet Lead Member for Housing was also in attendance and addressed the Board in relation to this report. He welcomed the revised scheme, and felt that it would respond more quickly to people's housing needs than the present points based system. He was of the view that the system was both simpler and fairer, and stated that it was designed to help particular groups of people including single parents and those who had returned from duties with the Armed Forces. He also stated that it would benefit those who had been waiting for a suitable property for significant periods of time. This in particular was welcomed by Board Members.

It was commented that tenants often produced medical certification in order to hasten their progress in applying for Council housing, and that the reasons were often vague. The Cabinet Lead Member agreed that certifications were used often used by tenants to assist with applications, but that clear evidence of a need was also required, often from a medical consultant.

Clarity was sought in connection with assistance provided to applicants placed in Band 5 with the equivalent of no housing points. The Head of Housing Options confirmed that 2,900 tenants would be placed in band

MINUTE EXTRACT

five, and that these people would be offered a property if no offers had been received from applicants in higher bands.

A Member of the Youth Council questioned what level of support was provided to Children leaving the care of the Council's Children and Young People's Services. Councillor Westley confirmed that all elected members were corporate parents, and it was deemed necessary for young people leaving the care of the Council to be placed in the highest band to provide the best opportunity for such individuals to be appropriately housed, and that assistance in doing so was provided to them by officers.

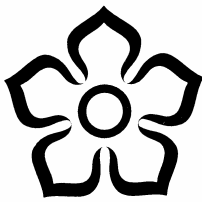
In response to a query around the allocation of families that had split, the Cabinet Lead member acknowledged that a surge in such cases could lead to a depletion of housing stock, but stated that it was necessary to take into account parental arrangements when determining the appropriate housing tenure for those who had temporary access to their children.

The proposed revised Housing Allocation Policy was generally welcomed by the Board, and many felt that it would assist their role of responding to queries around housing allocations to constituents.

RESOLVED:

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

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Leicester
City Council

APPENDIX G

MINUTE EXTRACT

Minutes of the Meeting of the
PERFORMANCE AND VALUE FOR MONEY SELECT COMMITTEE

Held: WEDNESDAY, 2 MARCH 2011 at 5:30 pm

P R E S E N T:

Councillor Coley - Chair

Councillor Bayford

Councillor Grant

* * * * *

124. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Chowdhury, Connelly, Draycott, Kitterick and Willmott.

125. 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 Grant declared a personal non prejudicial interest as his partner worked for the Council and his sister in law worked at a school.

130. TREASURY STRATEGY 2011/12

The Chief Finance Officer submitted a report containing the Treasury Management Strategy which detailed the expected activities of the treasury function in the financial year 2011/2012.

The Chief Finance Officer presented the report and informed the Committee that the present climate meant opportunities for debt rescheduling would be far less frequent than in the past. It was stated that as long as the Council had investments, there was unlikely to be a rationale for long term borrowing given the difference between short term and long term interest rates.

In response to a query on sections 4.3 and 4.5 of the report, the Chief Finance Officer stated the £435m in section 4.3 of the report included £35m of transferred debt managed by the County Council following Local Government Reorganisation (LGR). It was stated that if the £435m amount of borrowing was

an absolute limit, but the others were working limits and a report would be made to the committee if they were exceeded.

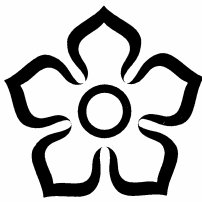
The Chief Finance Officer stated that there was an error in section 4.6 of the report where the lower limit for the remaining length of outstanding loans of less than five years should have read 0% rather than 5%.

In response to a query with regard to where the Council owed money, the Chief Finance Officer stated that most debt came from the Public Works Loans Board, a government agency. The market loans were from banking institutions. The Committee were informed that the stock funding went back to the 1990s and most of it had now been redeemed. It was noted that the Council no longer had City of Leicester local bonds.

It was queried how the Council compared with other authorities with regard to debt. The Chief Finance Officer stated that this could vary as some authorities were debt free however others had more debt than the Council. The Chief Finance Officer was not concerned about absolute debt levels, as much of it was supported by government grant. However, unsupported borrowing was monitored separately through the capital monitoring reports..

RESOLVED:

- 1) that the report and comments made by Members of the Committee be noted.



Leicester
City Council

Appendix H

MINUTE EXTRACT

Minutes of the Meeting of the
PERFORMANCE AND VALUE FOR MONEY SELECT COMMITTEE

Held: WEDNESDAY, 2 MARCH 2011 at 5:30 pm

P R E S E N T:

Councillor Coley - Chair

Councillor Bayford

Councillor Grant

* * * * *

124. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Chowdhury, Connelly, Draycott, Kitterick and Willmott.

125. 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 Grant declared a personal non prejudicial interest as his partner worked for the Council and his sister in law worked at a school.

131. FRAMEWORK FOR TREASURY DECISIONS

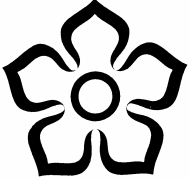
The Chief Finance Officer submitted a report which proposed minor changes to the decision making framework for the Council's treasury management activities. This followed a scheduled review of these arrangements.

The Chief Finance Officer presented the report and informed the Committee that the Framework for Treasury Decisions needed to be updated every three years. It was stated that most decision making was delegated with the Cabinet approving the strategy and the Performance and Value for Money Select Committee receiving twice yearly reports monitoring it.

RESOLVED:

- 1) that the report be noted.

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Leicester
City Council

WARDS AFFECTED
All Wards

Appendix AOUB 1

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet

7th March 2011

Building Schools for the Future Crown Hills Community College and City of Leicester College Joint PFI Scheme: Risks and Issues

Report of the Strategic Director Children

1. Purpose of Report

- 1.1 This report sets out the case for continuing to progress the two-scheme PFI project (Crown Hills Community College and City of Leicester College).

2. Recommendations

It is recommended that:

- 2.1 The scheme for Crown Hills Community College and City of Leicester College are progressed into 'Stage 2' of BSF and that instruction is given to LMEC to progress the scheme to completion of stage 2. This stage of the process is paid for by the client (LCC) and is entered into once stage 1 approval has been given to the private sector partner (LMEC).
- 2.2 This item is considered since urgent action between meetings has been taken under rule 14 of Cabinet Procedure Rules; the matter is required, under that rule, to be reported to the next meeting of Cabinet, specifying the grounds for urgency. Urgent action was required because the Crown Hills and City of Leicester project needs to be progressed quickly to avoid cost drift.
- 2.3 In accordance with the provisions of Cabinet Procedure Rule 12(d), it be approved that no call in be permitted on this item of business to ensure that the Crown Hills and City of Leicester project be progressed quickly to avoid cost drift.

3. Summary

- 3.1. These two schemes are the next programmed in the Building Schools for the Future (BSF) programme and are the only two remaining projects earmarked for Leicester to be funded under the Private Finance Initiative (PFI) arrangements. These schemes were detailed in the Outline Business Case submitted to Partnership for Schools (PFS) and approved by

Cabinet in December 2009 and formed part of the efficiency savings exercise carried out in November 2010 as a response to the Secretary of State for Education's instruction to find savings from the BSF programme.

- 3.2. In December 2010 Leicester's efficiency savings were approved for all remaining Design and Build (D and B) schemes however approval for the PFI schemes was not given at this time with PfS advising the Divisional Director that this approval would follow once the Department for Education had considered its own spending commitments. Approval for these PFI projects to proceed was received from PfS on Friday 18th February with the efficiency savings for City of Leicester (12.88%) approved however further efficiencies for Crown Hills are to be sought in consultation with PfS and where practicable and so that the schemes are not delayed.
- 3.3. Since these two schemes are the next in the BSF programme to be progressed, considerable amounts have been spent already in design development (approximately £1m) as detailed in the Outline Business Case, BSF Report to Cabinet on the 15th February 2010. The schemes are ready to submit for planning and the medium-term financial viability of the Local Education Partnership (LEP), Leicester Miller Education Company (LMEC) is dependent on achieving Financial Close on these schemes by August 2011.
- 3.4. The table below summarises spend to date and what the proposed spend covers over the months from February to August 2011.

Stage 1 Development costs already spent	£949K
Stage 2 costs expected	£4,149K
Final contract close following decision to proceed to FBC	£1,595K
Total expected costs	£6,693K

4. Report

- 4.1. As indicated above it is recommended to proceed into stage 2 of BSF with this two scheme PFI and the rationale for this recommendation is as follows:
 - 4.1.1. Continuation of the programme through further strengthening of the contractual position with LMEC with regard to Crown Hills and City of Leicester is in the best interest of both the Council and the schools since it demonstrates commitment to the programme.
- 4.2. In order to progress the BSF programme and derive maximum benefit in the shortest possible time for the local economy, local communities, school pupils and staff, it is important that Crown Hills and City of Leicester schemes are progressed quickly.
- 4.3. On 25th February 2011 a letter was sent to LMEC approving stage 1 of the 2 scheme PFI and giving instruction to proceed into stage 2 with a proviso that spend did not exceed a further £2m. This instruction was given pending Cabinet approval to proceed to stage 2 completion on the scheme. Stage 2 completion will culminate in financial close where all

contracts and agreements will be signed and this will cost a maximum of £5.7m which will be recoverable on approval by PfS of capital spend. The letter of instruction to LMEC is attached as Appendix 1 and makes clear that further instruction will be given once Cabinet approval to proceed to Stage 2 completion has been received. The letter was issued under constitutional regulations 'urgent action under rule 14 of the cabinet procedure rules'.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

- 5.1.1 As set out in the report, it is proposed that the Council instructs LMEC to continue design and development work on the BSF PFI schemes for Crown Hills and City of Leicester schools.
- 5.1.2 Assuming that the schemes proceed as planned, LMEC would recover its costs from the PFI contracts (or if the schemes were to be switched to Design and Build by the Government, from the capital grant funding). However, the Council would bear the risk for LMEC's costs should the schemes not proceed (or require any significant change) due to national (or indeed local) policy or funding changes.
- 5.1.3 These costs and the consequent risks could be significant and would increase incrementally as design and development work continues. This is the usual approach for BSF.
- 5.1.4 Notwithstanding the financial risks, it should be noted that the BSF programme is an exciting and "once in a lifetime" opportunity for Leicester and the Government expects councils to bear such risks in order to deliver the benefits of BSF at local level.

Colin Sharpe, Head of Finance, Investing in Children, ext 29 7750

5.2. Legal Implications

- 5.2.1 My previous comments about the contractual background to BSF and the Councils' powers, contained in particular in the reports to Cabinet about the financial close of the Phase 1 BSF schemes and the revised Strategy for Change apply.

"New Projects" are required to be developed and contracted in accordance with the new projects approval procedure in the Strategic Partnering Agreement (SPA) that the Council has with LMEC.

Design development costs, once an approval to outline proposals has been given, are at the Council's risk if our requirements change. The main element of these costs will be project management fees and design costs. A substantial portion of these would be "thrown away" if a full re-build (ie PFI) scheme could not proceed.

Joanna Bunting
Head of Commercial Property and Law
Ext. 29 6450

5.3. Climate Change Implications

5.3.1 Providing more energy efficient school buildings should help to reduce the Council's carbon emissions however, this is reliant on energy efficiency measures being implemented as planned and staff and pupils being given the necessary understanding of the energy saving features of the new buildings to be able to use these to the greatest benefit. Work is currently taking place to develop a revised policy which will adopt the best elements of BREEAM for adoption by the BSF programme but this work is still in progress and has not been formally adopted by the council.

Helen Lansdown, Senior Environmental Consultant - Sustainable Procurement

6. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7. Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/appropriate)
1. Failure to progress the Leicester BSF programme increases the risk of losing the capital allocation due to reduced confidence in LCC ability to deliver.	L	H	Progress with the two scheme PFI as planned
2. Failure to progress the Leicester BSF programme puts viability of LMEC in question with consequent risk of LCC requiring to further bank roll pending Government	H	M	Progress with the two-scheme PFI as planned.

decisions/re-planning of the programme.			
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8. Background Papers – Local Government Act 1972

- 8.1. OBC November 2009
- 8.2. All other reports to Cabinet and Scrutiny over the past 2 years.
- 8.3. Minutes and records of all TLE Portfolio Board.

9. Report Author

Helen Ryan
 Divisional Director, Property
 Ext 29 8006

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)

Appendix 1

Please ask for: Helen Ryan
Direct Line: 29 8003
Direct Fax No: 252 8192
Email Address: Helen.ryan@leicester.gov.uk
Our Ref: HR/DM/0181
Date: 25th February 2011



Mr Chris Spencer
Leicester Miller Education Company
1st Floor Sovereign House
17 Princess Road West
Leicester
LE1 6TR

Dear Chris,

I write to confirm that both the Crown Hills and City of Leicester College projects have successfully passed the stage 1 process. Please proceed with the development of the New Project Final Approval Submission (Stage 2) as per the instructions below and we look forward to working with you to achieve Stage 2 sign off by early/mid August 2011.

Leicester City Council Cabinet have agreed further expenditure on these projects to a value of £2m pending approval of a further report to be submitted on 11th April 2011 which will set out the expenditure and funding available for all Children's Capital programmes including BSF for the Financial year 2011/12. Following approval of this report further instruction will be issued by way of a letter to LMEC to complete the remainder of the work to achieve a compliant Stage 2 submission. Total project development costs at risks will not exceed £4.9m, assuming the projects remain as PFI schemes, the Project Agreement follows the form as per schedule 26 of the SPA, there are no significant scope changes and in close adherence to the programme. It is noted any delay of work will have an impact on the dates recorded within this letter and the development costs contained within the stage 2 submission.

Submission of a New Project Final Approval Submission

For clarity, the LEP should work towards submission of by no later than 22nd July 2011 a New Project Final Approval Submission in relation to Crown Hills and City of Leicester Colleges which will contain, as a minimum, the information listed within paragraph 4.3 (Content Requirements in relation to a New Project Final Approval Submission) of Schedule 3 of the SPA, adjusted to take account of designing to RIBA Stage E. For ease of reference the detailed requirements are set out in appendix 3.

Whilst we have accepted your stage 1 offer, Stage 2 development will need to take account of the specific efficiency savings submitted to PfS as part of the BSF programme efficiency exercise and identify further efficiencies on the Crown Hills scheme where practicable and as directed by PfS. Schedules are attached to this letter as appendices 4-5 which detail how efficiencies to the value of 12.88% for City

of Leicester and 4.76% so far for Crown Hills will be developed from Stage 1 to Stage 2. It has been agreed that the efficiency savings will be recorded as technical amendments during the Stage 2 development process

We will be taking forward into the stage 2 process the Phase 1 FM and ICT proposals aligned with the recent efficiency saving exercise to achieve an acceptable PFI compliant project solution. For ICT the proposal should be based on the £82pppa and capex of £1305pp as notified by the Authority to LMEC and Northgate on Rushey Mead and for future D&B schemes.

You will recall that the evaluation of your stage 1 submission was carried out by four individual workstreams reporting to a core evaluation group. The four workstreams were; Transformation and ICT, Technical and Building, Commercial and Legal and Cost. At the end of this process, each workstream found responses to the NPP letter to be satisfactory but with a number of items requiring further clarification or amendment in Stage 2.

The tables included within appendix 1 and 2 summarise the elements from the evaluation process which the workstreams collectively considered satisfactory but require further clarification in Stage 2. We ask that addressing of these elements is clearly identified within the NPAP process to ensure full compliance by the due date.

I would be grateful for your confirmation in writing to the matters detailed above; in summary:

1. Date of submission 22nd July 2011.
2. Proposed date for reaching financial close 9th September 2011.
3. The submission will include all items listed in Paragraph 4.3 of schedule 3 of the SPA (including the changed RIBA stage requirement).
4. Total Stage 2 interim project development risk of LMEC and its supply chain to the Council will not exceed £2m and the Authority agree to underwrite this risk until the OBC is approved and Treasury approval is given. On confirmation of the above approvals all risks will revert to the principles as laid out in the SPA. Further instruction will be given after April 11th following approval of the Children's Capital programme by LCC Cabinet to proceed with the remainder of the scheme development up to maximum of £4.9m
5. Items listed in Appendix 1 and 2 attached to this letter will be fully addressed and signed off by LCC staff or agents as part of the Stage 2 submission, where appropriate, subject to the results of the efficiency saving exercise.
6. LMEC will submit to LCC a revised financial model incorporating the agreed post efficiencies MCK D&B price for Crown Hills to be agreed following consultation with PfS and for City of Leicester of £23,145,394.

Please let me know if you require any further information at this point and I look forward to your response in due course.

Yours sincerely



Helen Ryan

Divisional Director Property

City of Leicester School

Review of Stage 2 deliverables

The table below summarises the elements which the workstreams collectively considered satisfactory but require further clarification in Stage 2.

NPP Reference and description of requirement	Aspect requiring clarification in Stage 2
h. A statement detailing proposals and options for sustainability at the school to meet the Council's sustainability requirements. The LEP is therefore to produce a list of sustainability options for both schools together with a cost-benefit analysis for each option detailing the carbon reduction that might be achievable. The LEP is also to provide a completed DCSF Carbon Calculator spreadsheet for the school.	Further development required following full design of the M+E proposals to enable full assessment to be made. Full energy model to be provided by the LEP (G4S)
i. A statement detailing innovations within the project.	Further detailed assessment required in Stage 2 and in particular should address what the educational outcomes will be from the FM innovation
p. How the LEP will work collaboratively with LCC and all school stakeholders to ensure the final design is fully fit for purpose and will support the schools' educational vision.	The engagement from G4S to be detailed at the start of Stage 2 plus an FM steering group to be established. Further description on new governance arrangements referred to in the Submission to be clarified.
6) Details (plans and written) of how the design incorporates flexibility to accommodate future need change.	Has the LEP had a dialogue with the school in the management of the dining experience? Please confirm the outcome of this and how FM arrangement will manage the various options described by the school? The learning zones are currently the size of 3 classrooms, can these be reduced? Address flexibility in ICT during Stage 2
11) Accommodation schedule detailing all rooms (descriptions, sizes and numbers).	Revised Accommodation Schedule to be developed during Stage 2 to closer align with BB98.
13) Concept building elevations and sections.	Further development of concept buildings and elevations required during Stage 2 to refine elements such as daylight modelling to show daylight levels are being met in accordance with the Authority's Requirements.
14) Details (plans and written) of proposed ICT infrastructure and a clear statement of how construction teams and ICT teams will work together with stakeholders to ensure that the ICT solution drives and supports educational transformation.	How will the ICT solution support the proposed storage accommodation that will enable the school to achieve a 'paperless office' vision? Will there be data management support or training for the school? Further detail on ICT required.
20) A statement detailing the M&E design philosophy.	M&E Design philosophy to be developed during Stage 2 to meet the Authority's Requirements

NPP Reference and description of requirement	Aspect requiring clarification in Stage 2
	and address the comments noted.
33) A statement detailing the ICT strategy and solution for the school, including how ICT will be utilised to develop and support educational transformation as set out in the Strategy for Change.	Please clarify Change Management and SIMS LG costs, and include a breakdown of what this figure represents. What does 'fund the additional AR's for change management' refer to? Which Change management AR's are not being accounted for? SIMs and LG costs should be included in the model. Could this be included in the MLE development? Which enhanced change management requirement cannot be met?
34) the proposed managed ICT service including an appropriate analysis/risk appraisal of the preferred investment solution in terms of its integration /replacement of current ICT services and delivery of educational trans-formation.	Further development work required to ensure that the educational needs are achieved by Northgate Ensure that any risks and issues to ICT are managed in Stage 2.
35) options appraisal of the different ICT service solutions, building and design solutions including refurbishment, remodelling and new build together with a justification for the preferred option (with the preferred option to be selected on the basis of an appropriate cost benefit analysis after having consulted the Local Authority as appropriate in relation to the scoring of different alternatives). This is to include the following deliverables:-	Appraisal needs to be developed further in Stage 2 ?
a) Details of the options considered and the options appraisal process undertaken in order to select the preferred solution. This is to include both qualitative and quantitative option appraisals, details of the scoring analysis and evidence of the consultation/engagement with stakeholders process followed. Please note that the minimum information provided must be sufficient for a PfS Stage '0' submission.	Please clarify the aims and objectives of the train the trainer programme? What will the programme consist of
36) the proposed FM service including an appropriate analysis/risk appraisal of the preferred option contemplated in terms of support of the education transformation and service delivery, its succession to current FM services and its integration with current provision;	FM costs needs to be reviewed during this phase to ensure that value for money is being achieved.
38) a completed and PfS approved Abnormals Proforma for the school including an interpretive report providing justification for the abnormals and externals funding requests contained therein.	Further work required for Stage 2 to ensure that all abnormals are captured and justified
48) an assessment of the legacy ICT hardware and software which can be integrated into the preferred solution for a managed ICT service;	An assessment of the ICT legacy hardware and software still required
49) completed PfS template cost proformas (reference numbers 3, 3.1, 3.1.1, 3.2, 3.3, 3.4 and 3.5)(to be found at http://www.partnershipsforschools.org.uk/) with supporting evidence to all proformas broken down into detail following	Supporting evidence to be provided in Stage 2

NPP Reference and description of requirement	Aspect requiring clarification in Stage 2
agreement with LCC quantity surveyors and finance officers incorporating detail on assumed contingencies and a statement of understanding regarding authorisation from LCC in advance of a contingencies commitment.	

Crown Hills School

Review of Stage 2 deliverables

The table below summarises the elements which the workstreams collectively considered satisfactory but require further clarification in Stage 2. Items currently highlighted in yellow require further clarification from the Legal team.

NPP Ref	Description of the requirement	Aspects requiring clarification in Stage 2 and why
3h	what land (including Local Authority land) is required to be used in the New Project together with an assessment of additional title information which may be required from the Local Authority and indicative value of that land and any consents that may be required;	T&ICT- Submission to be updated to include ECB Development in Oct 2010
3a1	A clear statement detailing how the design meets the educational vision of the school and school specialism, as well as the overarching principals and objectives stated within the Council's Strategy for Change.	Engagement with G4S to be described at start of Stage 2.
3b(i)	How the LEP will work collaboratively with LCC and all school stakeholders to ensure the final design is fully fit for purpose and will support the schools' educational vision.	Please clarify if LCC include ISH, LEC?
3b10	A statement detailing how the preferred option delivers the vision and objectives of the school and how all stakeholders will be engaged in the ongoing project development.	The response is from an ICT perspective only – how will the remaining LEP partners ensure that the intended engagement activities will deliver the educational vision and objectives.
3a6	Plans for any community resources and third party income generators for the school.	The response is from Northgate only – how will FM (including security) support the delivery of life long learning? C&L- Full details on third party income generators required e.g. ECB Show on a plan how adult learning elements are provided / transformed from principle statements into design statements Terms and future income commitments to be signed off at Stage 2 for the Cricket Board facility (as applicable). Progress to date is acceptable.
3a7	A statement indicating where plans for co-located and community features will be included in the initial construction works (funds available) and where co-located and community facilities are proposed should additional funds be secured.	Statement to be signed off at Stage 2 by the school Further work may be required during Stage 2 to refine and sign off milestone payments (timing of payments) with funders (JB) Info on Funds e.g. ECB A plan showing areas of community features and adult learning areas
3a9	A statement detailing innovations within the project.	Further work required on how

NPP Ref	Description of the requirement	Aspects requiring clarification in Stage 2 and why
		the proposed innovations will improve educational outcomes.
3n	A feasibility report on investment and funding options and the affect of those options on the capital and revenue cost of the New Project to Leicester City Council.	Please provide full information regarding Data Centre investment, equipment purchased so far, including dates of purchase, and information as to why the initial refresh date has decreased by 2 years.
3b(iv)1	Details of the options considered and the options appraisal process undertaken in order to select the preferred solution. This is to include both qualitative and quantitative option appraisals, details of the scoring analysis and evidence of the consultation/engagement with stakeholders process followed. Please note that the minimum information provided must be sufficient for a PfS Stage '0 submission.	Options to be clarified in Stage 2
3b(iv)2	Commentary on the preferred option along with full cost benefit analysis with a focus on delivery of educational transformation.	VFM to be demonstrated. Which Change management AR's are not being accounted for SIMs and LG costs should be included in the model. Could this be included in the MLE development? Which enhanced change management requirement cannot be met? Does this impact on the schools ability to function? Does it require additional funding that falls outside of the capital budget? How will refresh of the DC be accounted for?
	Technical	
3a4	The planning solution detailing how specific planning issues have been or will be dealt with.	Car Park numbers and tracking for service access to be addressed. Response provided to technical queries raised during clarification process.
3b25	Details of preliminary discussions with planners and planning requirements that have been determined for each school.	As above
3a8	A statement detailing proposals and options for sustainability at the school to meet the Council's sustainability requirements, as mentioned above, up to £1 .5m in sustainability funding is being sought for Rushey Mead School from DCSF but confirmation of this will only be achieved at the end of March 2009. The LEP is therefore to produce a list of sustainability options for both schools together with a cost-benefit analysis for each option detailing the carbon reduction that might be achievable.	Sustainability statement/energy strategy to be developed during stage 2 as gas CHP not acceptable as a renewable to LCC Planning Dept.
3b29	A detailed condition survey for all buildings to be retained.	Necessary surveys to be undertaken during Stage 2 to inform demolition, visual structural survey, demolition and refurbishment asbestos survey etc.
3i	An estimate of the current state of repair of the existing buildings. This is to include a report on the current state of repair of the existing facilities on a block by block basis including schedules of surveys undertaken and surveys that	As above.

NPP Ref	Description of the requirement	Aspects requiring clarification in Stage 2 and why
	need to be carried out and if any surveys could not be achieved due to teaching or other school/Authority requirements;	
	Architectural	
3b15	High level specification for the works (specific in key areas).	Specification to be reviewed during development work in Stage 2 as detailed.
3b7	Details (plans and written) of the security strategy for the school. Including information on how safety and security of young people will be maintained at the same time as the schools offers full community access.	To be developed during stage 2 to provide a coherent document linking architectural and M&E elements and including discussions during the stage 1 review. Document to illustrate that AR's are being achieved.
3b8	1:200 scale floor plans detailing all learning, staff, social and admin areas.	Refine during Stage 2: <ul style="list-style-type: none"> • What is function of LRC and is it appropriately sized? • Is the internal staff base (PA.28 no natural light or vent) an appropriate space? • Tight circulation space at entrance to wet changing, dining layout – could be multi-use as IT rich independent learning area with alternative table and enclosure layouts
	Civil & Structural	
3b23	A utilities infrastructure capacities study detailing the location of existing utilities, their capacity and proposals for new utilities/services, including details of any site specific challenges and how these will be addressed.	Location of substation to be confirmed during Stage 2.
	ICT	
3b31	A statement detailing the ICT strategy and solution for the school, including how ICT will be utilised to develop and support educational transformation as set out in the Strategy for Change.	Which Change management AR's are not being accounted for? SIMs and LG costs should be included in the model. Could this be included in the MLE development? Which enhanced change management requirement cannot be met?
3b(iv)	options appraisal of the different ICT service solutions, building and design solutions including refurbishment, remodelling and new build together with a justification for the preferred option (with the preferred option to be selected on the basis of an appropriate cost benefit analysis after having consulted the Local Authority as appropriate in relation to the scoring of different alternatives). This is to include the following deliverables:- (3b(iv)1, 3b(iv)2, 3b(iv)3)	Issues still remain with VfM. This will need to be further addressed and demonstrated in Stage 2
3b(iv)3	Details of the options appraisal for the ICT solution and commentary on the preferred option along with cost benefit analysis and evidence of the stakeholder engagement/consultation process followed.	Commitment to develop ICT options appraisal further in Stage 2
3f	An explanation of the effect (if any) on any employees and/or contractors of Leicester City Council employed at the schools including any potential transfer of any such employees to the Service Provider. This is to include proposals for dealing with staff issues including how employee representatives and trade unions will be engaged through a collaborative process and strategy for resourcing future staffing requirements;	To continue working with HR

NPP Ref	Description of the requirement	Aspects requiring clarification in Stage 2 and why
3b24	A high level project programme.	Updated Project Programme
3j	an estimated programme indicating the likely timescale in respect of taking the project through to financial close; programme plan to show clearly how the efficient and effective delivery of education will be maintained;	Project programme to be developed further in Stage 2
	Quality & Environmental Management Proposals	
3b19	A statement detailing the environmental design philosophy.	The Environmental Design Philosophy to be developed further in Stage 2
	Cost Data	
3b(vi)	The designs and indicative costing (including whole life costing) for the preferred investment solution for the New Project. This is to include an elemental cost breakdown as well as a description of how the Stage 2 final price will be developed. The cost breakdown is to include FM cost, whole life costs and ICT costs. A comprehensive risk register is also to be included together with commentary on risk management and assumptions made in developing the costs.	Site specific risk register and elemental cost plan required
3d	An assessment of the estimated outturn costs from choosing the recommended contract option together with the assumptions behind these costings and a commentary as to how the risks and assumptions used in preparing the outturn costs estimate might be managed in the later development phase. Note that all prices should be to a 1 st quarter 2010 base;	Commentary on risk management required at Stage 2
	Facilities Management	
3b(v)	the proposed FM service including an appropriate analysis/risk appraisal of the preferred option contemplated in terms of support of the education transformation and service delivery, its succession to current FM services and its integration with current provision;	Stage 2 – to revise and review again the AR's for reduced hours and reduced operating requirements (eg evenings, community hours) in order to reduce costs. This will be subject to agreement by the school.

Appendix 3

Paragraph 4.3 (Content Requirements in relation to a New Project Final Approval Submission) of Schedule 3 of the SPA. Adjusted to take account of designing to RIBA E.

- (a)
 - (i) *(a) draft(s) of the relevant Project Agreement(s) identifying (if relevant) any material changes or amendments proposed to the form of the relevant Project Agreement(s) in respect of the relevant Stage 1 Approved Project, together with the reasons for any such changes or amendments proposed and an analysis demonstrating value for money in accordance with the procedure set out at clauses 8.2 to 8.4 of this Agreement;*
 - (ii) *a draft of any Management Services Agreement proposed in relation to the New Project in respect of the services to be provided by the LEP to the Project Company;*
 - (iii) *(a) draft relevant Interface Agreement(s) or a draft Interface Issues Paper, in either case covering as a minimum all the issues relevant to that Interface Agreement as set out in Schedule 16;*
 - (iv) *details of the facilities management proposals in relation to the New Project together with the relevant draft contract documentation;*
 - (v) *specific amendments to the output specification that reflect issues of ethos arising out of the requirements of a VA School;*
- (b) *detailed design solutions (to RIBA Level E)* reflecting an integrated approach to ICT and building services);*
- (c) *appropriate plans and drawings;*
- (d) *a detailed solution for a managed ICT service;*
- (e) *relevant detailed planning permissions and any other relevant planning approvals (or such lesser confirmation or information in relation to planning as may be agreed with the Local Authority;*
- (f) *a financial model including the detailed price estimates for the Stage 1 Approved Project based on the agreed contractual route for the New Project (e.g. unitary charges for PFI Project Agreements, payment profile under D&B Contracts and FM Contracts and a mixture of installation payments and service charges for ICT Contracts) identifying any provisional sums (such as insurance costs) together with the proposed "Annual Value" for each Project Agreement for the purposes of clause 13.1(b);*
- (g) *commitment letters as required from all relevant schools governing bodies;*

- (h) an explanation (together with appropriate supporting evidence) as to why the New Project Final Approval Submission meets the Approval Criteria (as defined in paragraph 4.4);*
- (i) confirmation (or details of any requested variations to (with supporting justification)) of the Project Management Fee referred in paragraph 3.1(f);*
- (j) a value for money assessment explaining why the LEP's proposals represent value for money taking into account both estimated Capital Cost and Whole Life Cost;*
- (k) an assessment of the progress made by the LEP against the value for money and Continuous Improvement Plan submitted by the LEP as part of the original selection of the PSP;*
- (l) an assessment of the effect (if any) on any community groups or on any employees and/or contractors of the Local Authority, including any potential transfer of any such employees to any LEP Party and the cost implications of such transfer;*
- (m) a timetable and method statement setting out the stages and timescales for the period between achieving Stage 2 Approval (as defined in paragraph 4.5(b)(i)) and the execution of the relevant Project Agreements (or each of the Project Agreements, if more than one) and how the relevant New Project will be delivered which shall include (but not be limited to):*

 - (i) proposals for the effective management of the building programme;*
 - (ii) proposals for the decanting of pupils so that teaching is not disrupted;*
 - (iii) proposals for the migration from the current ICT service to the new managed ICT service which minimises any disruption to the education service;*
 - (iv) confirmation that latent defect risk, if any, is fully addressed and priced;*
 - (v) confirmation that title issues have been resolved and the LEP is satisfied with the same;*
 - (vi) an explanation as to how the LEP will address the interface issues arising on the New Project so that all issues set out in Schedule 16 (Interface Issues) are addressed;*
 - (vii) an assessment of environmental implications including compliance with any conditions relating to minimising pollution of the environment or harm to human health and maximising recycling*
 - (viii) an assessment as to how any benchmarking or market testing within the New Project will coincide with any other Approved Projects;*

- (ix) an assessment as to the savings to be generated across the New Project and any Approved Projects with the introduction of the New Project particularly on staff costs and lifecycle replacement and maintenance and operation of services;
- (x) an explanation as to how the LEP will address and deal with any existing contractual arrangements that may affect the delivery or operation of the New Project;
- (xi) confirmation of proposed changes to this Agreement (if any) such as the grounds of default;
- (xii) details of the Project Service Providers and sub-contractors together with evidence and explanation of the benchmarking and Market Testing undertaken by the LEP in relation to the New Project;
- (xiii) a completed risk register for the project showing the potential risks identified in relation to the delivery of the project the occurrence of which are capable of adversely affecting the time for completion, cost and/or quality of the project, the probability of such risks occurring and a financial estimate of the most likely consequences of each risk occurring together with the prioritisation of all continuing risks and an action plan in respect of, and risk owners for, all risks prioritised as serious risks;
- (n) a draft certificate of title addressed to the LEP in respect of the land proposed to be used for the New Project (this certificate shall be procured by the Local Authority where such land is owned by the Local Authority);
- (o) all surveys and investigations and associated reports that are reasonably necessary to ascertain (in relation to projects involving the construction of additional buildings) information as to the nature, location and condition of the relevant land (including hydrological, geological, geotechnical and sub-surface conditions) together with information relating to archaeological finds, areas of archaeological, scientific or natural interest and (in relation to the refurbishment of any existing buildings) information on the condition and quality of existing structures and, in particular, the presence of any latent defects;
- (p) completed PfS template cost proformas (reference numbers 3, 3.1, 3.1.1, 3.2, 3.3, 3.4 and 3.5) (to be found at <http://www.partnershipsforschools.org.uk/>) in relation to the Stage 1 Approved Project;
- (q) a draft of the side letter, which will be issued to the Local Authority upon the completion of the relevant Project Agreement containing warranties in the form appearing at Schedule 6, together with confirmation from the LEP that, as far as it is aware, there is no reason why such a letter may not be granted upon such completion;
- (r) a statement confirming that the LEP has considered the terms of any Trust Deed which affects all or any parts of the existing School Site and setting out details of any restrictions, requirements or

other issues laid down by the Trust Deed which will need to be addressed in order to implement the New Project.

(* Note Change)

Appendix 4

BSF Schemes - Options Appraisal

Local Authority	Leicester City Council		
Construction Partner	LMEC		
ICT Partner	Northgate		
PfS Project Director	James Stuart-Mills		
School name	Crown Hills	Current Planned FC date	May 2011
Next milestone	Stage 2		

Option 1 - VALUE ENGINEERED EXISTING OPTION

Brief description of the scheme – emphasising key differences to original

Crown Hills is a 100% new build school that is being procured jointly through PFI with City of Leicester. The school is at an advanced stage of design with MCKU ready to submit planning permission as soon as it gets the relevant approval on the current scheme from PfS and LCC.

There have been significant savings identified in this school due to an ability to descope the build, however, the savings are limited in comparison to City of Leicester due to a building already being designed with a steel frame and less area. It should also be noted that when considering the cost, that there is an additional £3.3 of funding allocated to this scheme (see breakdown below).

The value engineering of this scheme has reduced the original cost from £22.7m to 21.6m.

Identified savings – please provide a brief explanation

Element	Brief commentary	Estimated savings £
Capex	The current new build scheme is based on achieving a BREEAM excellent rating – reducing this to a very good rating would achieve a saving, although achieving the BREEAM requirement is a KPI under the SPA.	55,000
Capex	Current allowance for data points is 1.6 per pupil, a reduction to 1.3 per pupil would generate a saving.	37,500
Capex	Current allowance for disposal of surplus arisings is £100,000 – if this could be retained on site and re-used for filling within final stages a saving could be achieved, however, the school would not have the completed external works to the bottom of the site until the demolition and external works were completed - this would require changes to the	50,000

	phasing and delivery programme.	
Capex	Reduction in spec from MOT Type 1 stone to a lower spec or recycled material	10,000
	Possible change from replacement to driven pile solution	12,000
	4 folding partitions included within the design to class rooms – reduced to 2	12,000
	Remove rooflight construction over learning zones and replace with proprietary system (ie Polycarbonate Cox Dome)	10,000
	Reduction of brick parapet height by 600mm over 80m of run	4,000
	Remove high level windows to main hall incl remove blinds and control	1,800
	Remove balconies and over-sailing roofs	25,000
	Review of feature stairs 7 feature stairs, Review balustrades Change glass infill to punched steel, Review need for all stairs Possible increase in some stairs to remove the need for others.	30,000
	Omit plaster to internal skin of external blockwork and leave as fair face - this may require a BB93 derogation. Say 75% of area	50,000
	60 no panels adjacent to doors.	40,000
	£122,000 – reduced to £72,000 as a soft landscape budget	50,000
	Split pedestrian and vehicle areas and adjust spec accordingly in line with actual fire access requirements	50,000
	Re-specing paving finishes to teaching areas in line with other block paved areas	50,000
	External hard landscaping other than hard access surfaces, Review specification in line BL	50,000
M&E	A saving of 20% has been assumed across the peace.	324,278
Other	Overheads and Profit	58,210
Other	Redesign fees	(30,000)
Total		889,788
Issues to note		
Element	Explanation	
Derogation	The above assumes that LCC take on cost risk of asbestos above £50k	
M&E	No M&E surveys have yet to take place and therefore, the above figure is a generic saving M&E have been advised to seek rather than one they can stand behind.	
Additional information		
Element	Explanation	
Additional Funding	The current Value engineered option is resulting in a cost / m2 of £1,439 which is within the average new build cost of £1,458/m2. This	

	<p>is despite the additional work and specification as a result of additional funding for the school of £3.3m, which includes money for the following:</p> <p>Carbon 60 funding £582,000 (£50/m2)</p> <p>Kitchen Improvement at £583,377 (£50/m2)</p> <p>ICT funding £270,000 (£23/m2)</p>

Option 2 - SIGNIFICANTLY MODIFIED EXISTING OPTION

Brief description of the scheme – emphasising key differences to original		
Not applicable, project to advanced.		
Identified savings – please provide a brief explanation		
Element	Brief commentary	Estimated savings £
Issues to note		
Element	Explanation	
Additional information		
Element	Explanation	

Option 3 – NEW OPTION

Brief description of the scheme – emphasising key differences to original		
Not applicable, project too advanced.		
Identified savings – please provide a brief explanation		
Element	Brief commentary	Estimated savings £
Issues to note		
Element	Explanation	
Additional information		
Element	Explanation	

BSF Schemes - Options Appraisal

Local Authority	Leicester City Council		
Construction Partner	LMEC		
ICT Partner	Northgate		
PfS Project Director	James Stuart-Mills		
School name	City of Leicester	Current Planned FC date	May 2011
Next milestone	Stage 2		

Option 1 - VALUE ENGINEERED EXISTING OPTION

Brief description of the scheme – emphasising key differences to original		
<p>City of Leicester is a 100% new build school that is being procured jointly through PFI with Crown Hills. The school is at an advanced stage of design with MCK ready to submit planning permission as soon as it gets the relevant approval on the current scheme from PfS and LCC.</p> <p>There have been significant savings identified in this school due to an ability to descope the build spec from a concrete frame to a steel frame and also the ability to reduce the area of the building.</p> <p>The value engineering of this scheme has reduced the original cost from £29m to 25.2m</p>		
Identified savings – please provide a brief explanation		
Element	Brief commentary	Estimated savings £
Capex	In the development of this scheme it was noted that the school has the use of a 4 court sports hall adjacent to the school site, but within the agreed accommodation schedule we have the allowance for a 4 court sport hall on the basis that should the school lose the use of the adjacent sports hall, this area will convert to a sports hall. This area is currently down for use as a gym, fitness and dance studio, but is additional to BB98 requirements. If this area could be omitted a saving of 400m2 would be achieved.	500,000
Capex	The current new build scheme is based on achieving a BREEAM excellent rating – reducing this to a very good rating would achieve a saving, although achieving the BREEAM requirement is a KPI under the SPA.	55,000
Capex	MCK's current cost plan includes a figure of £84k	84,000

	for drama equipment – if yjos figure was included within the FF&E budget the £84k would be a saving, although this would reduce the amount of new FF&E the school could afford, increase legacy and have a negative effect on lifecycle.	
Capex	Current allowance for data points is 1.6 per pupil, a reduction to 1.3 per pupil would generate a saving.	45,000
Capex	Reduction in spec from MOT Type 1 stone to a lower spec or recycled material	5,000
Capex	Change concrete frame to steel frame	350,000
	7 folding partitions in class spaces included within the design to class rooms - half removed	20,000
Capex	Remove rooflight construction over main roof of office/dining block	60,000
Capex	Reduction of glazing down to minimum requirement – reduction of 1.5% off daylight factor – saving of 36m2 of glazing	15,000
Capex	Omit side screens to classroom doors	60,000
Capex	894m2 of BB98 additional areas - removal of 3 of 5	938,700
Capex	Reduction in need for canopies as independent work areas are removed and to front of building – retaining entrance colonnade and return at entrance – reduction of 250 m2. This is subject to planning approval.	45,000
Capex	Changes to window shading in detail and rationalisation to match Crown Hills solution	100,000
Capex	Omit plasterwork to blockwork	37,500
Capex	Change of M&E spec to suite steel frame in lieu of concrete frame - £40/m2 (12485m2)	500,000
Capex	£88,000 – reduced to £72,000 as a soft landscape budget	16,000
Capex	Reduction in specification for hard paving material	100,000
M&E	A general assumption has been that the the M&E can be reduced by 20%.	427,105
Other	Overheads and Profit	231,301
Other	Redesign fees	(60,000)
Total		3,529,606
Issues to note		
Element	Explanation	
Derogation	The above assumes that LCC take on cost risk of asbestos above £50k	
M&E	No M&E surveys have yet to take place and therefore, the above figure is a generic saving M&E have been advised to seek rather than one they can stand behind.	

Additional information	
Element	Explanation
Additional Funding	The current Value engineered option is resulting in a cost / m2 of £1,643 which appears approx £185/m2 higher than the average new build cost of £1,458/m2. This is due to the additional work and specification that had additional funding as follows: Carbon 60 funding £677,300 (£49/m2) ICT funding £358,254 (£26/m2)
Abnormals	The attached report highlights that there are additional abnormals associated with this scheme, greater than one would normally expect, ie the benchmark figures would indicate %5, whereas this scheme has 10%, this equates to a cost of £50/m2
FF&E	The attached report highlights that the FF&E is greater than would normally be expected at 14% whereas the benchmark indicates 10%, this equates to a cost of £62/m2
Summary	When taking into account the above additional costs, the overall cost per m2 is reduced to £1,456 which is comparable to the average.

Option 3 – NEW OPTION

Brief description of the scheme – emphasising key differences to original		
Not applicable, project too advanced.		
Identified savings – please provide a brief explanation		
Element	Brief commentary	Estimated savings £
Issues to note		
Element	Explanation	
Additional information		
Element	Explanation	