

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 22 July 2015 by the Cabinet.

Date notified to all members: Friday 24 July 2015

The end of the call-in period is 4:00 pm on Thursday 30 July 2015

The decision can be implemented from Friday 31 July 2015

Item No

8. SCHOOL PLACES IN SHEFFIELD

8.1 The Executive Director, Children, Young People and Families submitted a report describing the need for new primary and secondary school places between now and the end of the decade and outlined a programme for providing them. This included two major projects, one in the South West and one in the North East.

8.2 **RESOLVED:** That Cabinet:-

- (a) endorses the outline programme for the provision of primary and secondary places in the North East and South West of the City as set out in the report;
- (b) agrees that consultation should be undertaken on the proposals set out in Section 6 of the report; and
- (c) requests a further report in November 2015 detailing the outcomes of that consultation and setting out the proposals in full detail for a final decision.

8.3 Reasons for Decision

8.3.1 The outline school places programme set out in the report is recommended to Cabinet on the basis that it will deliver a coherent and ambitious vision for secondary and primary school places in the areas of the city where population growth requires additional school capacity to be provided. It is a programme which recognises the aspirations of families to have access to high quality education for their children within their local area and provides a pattern for investment that will achieve the best possible outcomes whilst achieving best value for the Council's resources.

8.3.2 The scale of the extra school capacity needed over forthcoming years in the secondary sector requires an innovative and forward-thinking response from the city. The recommendation is to endorse a strategic vision of commissioning two new outstanding secondary schools backed with investment in the provision of high quality buildings, which could involve partnership from the sector and other key City-partners.

8.4 Alternatives Considered and Rejected

- 8.4.1 The outline programme described in this report has been subject to considerable amounts of formative discussion with schools, parents and other stakeholders. The criteria set out in 5.2 above have been used as a means of structuring an evaluation as well as an understanding of the technical feasibility and estimated costs. Where new secondary schools have been proposed, the alternative option of expanding existing schools has been fully considered in every aspect and deemed insufficient, unfeasible or educationally unviable to provide the capacity increase needed across the secondary sector in the programme up to 2020.
- 8.4.2 The alternative options to Dobcroft for the delivery of primary places in the South West have been fully scrutinised through a public options appraisal and evaluation process, based once again on the criteria in 5.2. This concluded a preference for the increase in places to be delivered in the Ecclesall catchment linked to the provision of junior places for pupils at Clifford Infant. The detailed options for the provision of primary places in the North East area linked to the proposed new secondary school remain to be fully evaluated.
- 8.4.3 The option of doing nothing or delaying delivery of the provision proposed is not feasible. It poses significant risks to the Council in not providing sufficient statutory school places and to parents in not being able to secure a school place for their child.

8.5 Any Interest Declared or Dispensation Granted

None

8.6 Reason for Exemption if Public/Press Excluded During Consideration

None

8.7 Respective Director Responsible for Implementation

Jayne Ludlam, Executive Director, Children, Young People and Families

8.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Children, Young People and Family Support

9. FRAMEWORK AGREEMENT. DAY OPPORTUNITIES AND SHORT BREAKS SERVICES FOR ADULTS WITH A LEARNING DISABILITY

- 9.1 The Executive Director, Communities submitted a report seeking agreement to establish a Framework Agreement for day opportunities for adults with a learning disability. The volume of business that will be carried out through the Framework will exceed £500,000 in the lifetime of the arrangement, through individualised purchasing including the use of Direct Payments.

9.2 RESOLVED: That Cabinet:-

- (a) approves the establishment of a Framework contract for day opportunities for adults with eligible needs, by way of a tender process;
- (b) delegates authority to the Director of Commissioning (Communities) in consultation with the Executive Director (Communities), Director of Adult Services, Director of Commercial Services and the Director of Legal and Governance, or their nominated representatives, to agree the Invitation to Tender documentation including the terms of the Framework contract and any call off contracts; and
- (c) delegates authority to the Director of Commissioning (Communities) to award the Framework contracts to the successful tenderers.

9.3 Reasons for Decision

- 9.3.1 The Framework is a key element of our approach to developing the local offer of day opportunities. It will:-
- Increase the diversity, effectiveness and quality of the current offer
 - Support groups of people, as well as individuals, to access day opportunities
 - Improve on the current contractual arrangements
 - Assure best value

9.4 Alternatives Considered and Rejected

- 9.4.1 'Do nothing'
- The current arrangements do not meet our need for a diverse and innovative offer of day opportunities.
 - The current arrangements do not support robust quality monitoring and improvement or assure best value.

9.5 Any Interest Declared or Dispensation Granted

None

9.6 Reason for Exemption if Public/Press Excluded During Consideration

None

9.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Communities

9.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Healthier Communities and Adult Social Care

10. PROPOSED SHEFFIELD CITY COUNCIL (FOX VALLEY, STOCKSBRIDGE) - COMPULSORY PURCHASE ORDER

10.1 The Executive Director, Place submitted a report seeking authority to make a Compulsory Purchase Order (CPO) to acquire the leasehold interest required in the land at Fox Valley, Stocksbridge to enable the completion of the comprehensive regeneration of the site with a mixed use development scheme.

10.2 **RESOLVED:** That:-

- (a) authority be given for the Council to make a Compulsory Purchase Order under the powers conferred by Section 226 (1) (a) of the Town and Country Planning Act 1990 Act to acquire the land shown on the Order Map displayed at the meeting of Cabinet on 22nd July 2015 and marked Map referred to in the Sheffield City Council (Fox Valley, Stocksbridge) Compulsory Purchase Order 2015;
- (b) authority be given to the Executive Director Place in consultation with the Director of Legal & Governance and Monitoring Officer and the Interim Executive Director, Resources to agree and enter into all necessary legal documentation with the Stocksbridge Regeneration Company;
- (c) the Director of Legal & Governance and Monitoring Officer be authorised to make the CPO, to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation including:
 - (i) finalising the attached draft Statement of Reasons;
 - (ii) finalising the Schedule of Interests
 - (iii) serving notices of the making of the CPO on all persons entitled to such notice and placing necessary press notices;and to submit the CPO to the Secretary of State for confirmation;
- (d) the Director of Legal & Governance and Monitoring Officer be authorised to sign and serve any notices or documents necessary to give effect to these recommendations and to take all other actions necessary to give effect to these recommendations;
- (e) as soon as the Order is confirmed by the Secretary of State to advertise the confirmation of the CPO and serve all necessary notices of confirmation and once the CPO becomes operative, the Director of Legal & Governance and Monitoring Officer in consultation with the Acting Executive Director of Resources be authorised to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981, at the earliest opportunity; and
- (f) the Executive Director Place, in consultation with the Director of Legal & Governance and Monitoring Officer and the Interim Executive Director, Resources be authorised to manage the compulsory purchase process in accordance with the terms of the CPO Indemnity Agreement.

10.3 Reasons for Decision

- 10.3.1 The use of a CPO to acquire the Order Land required for the Scheme is possible under section 226 (1) (a) of the 1990 Town and Country Planning Act, and would be justified in light of the compelling case in the public interest for the acquisition of the Order Land to enable the completion of the Fox Valley development.
- 10.3.2 Where the Council propose to make a CPO under these statutory provisions, the Council must be satisfied that the development is likely to contribute to the achievement of one or more of the following objects, namely the promotion or improvement of the economic, social or environmental well-being of their area.
- 10.3.3 It is considered that there is a compelling case in the public interest to justify the Council using its compulsory purchase powers to acquire the Order Land because of the important regeneration benefits the Scheme and the wider development of the Fox Valley site will deliver to Stocksbridge and the surrounding area.
- 10.3.4 If the Order Land is left undeveloped it will constrain both the viability and success of the Fox Valley development, as the appeal and trading environment to both shoppers and retailers would be undermined.
- 10.3.5 There would be commensurate harm to the contribution of the overall Fox Valley development to the health of the existing centre, promotion of sustainable shopping patterns, and provision of a wider range of facilities for local people.

10.4 Alternatives Considered and Rejected

- 10.4.1 There were no alternative options presented in the report.

10.5 Any Interest Declared or Dispensation Granted

None

10.6 Reason for Exemption if Public/Press Excluded During Consideration

None

10.7 Respective Director Responsible for Implementation

Simon Green, Executive Director, Place

10.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing

11. CREATION OF SCHOOLS' COMPANY

- 11.1 The Executive Director, Children, Young People and Families submitted a report in relation to the creation of a schools' company.

11.2 **RESOLVED:** That Cabinet:-

- (a) agrees that the creation of a Schools' Company, to be known as Learn Sheffield, is the preferred option for delivering improvements in standards and performance of schools in the City;
- (b) approves the creation of a Schools Company in the form of a Company Limited by Guarantee;
- (c) approves the Council becoming a Member of the company and providing a guarantee up to the limit of £25.00 in the event that the company is wound up and is unable to pay its debts;
- (d) approves the disestablishment of the City Wide Learning Body given the creation of the Schools Company;
- (e) delegates authority to the Executive Director, Children, Young People and Families to consent to the governing bodies of all maintained schools in Sheffield which have a delegated budget and which are not in the Ofsted "Special measures" Category to become members of the proposed new company;
- (f) approves the Council acting as the "supervising authority" for the purposes of the Education Act 2002 and the School Company Regulations 2002 and delegates authority to the Executive Director CYPF in consultation with the Director of Finance to determine these arrangements;
- (g) delegates authority to the Executive Director, Children, Young People and Families, in consultation with the Director of Legal and Governance to agree the Articles of Association of the proposed company;
- (h) delegates authority to the Director of Legal and Governance to take all necessary legal steps to incorporate the company;
- (i) delegates authority to the Executive Director, Children, Young People and Families, in consultation with the Director of Finance and the Director of Commercial Services the approval of the business case;
- (j) delegates authority to the Executive Director, Children, Young People and Families, in consultation with the Lead Member for CYPF to agree a named person to represent the Council Membership at general meetings of the company;
- (k) delegates authority to the Executive Director, Children, Young People and Families, in consultation with the Lead Member to agree a named person as an interim non-executive director to the interim Board
- (l) delegates authority to the Executive Director, Children, Young People and Families, in consultation with the Cabinet Member for Children, Young People and Families the nomination of two persons as non-executive

directors to the Board of the Company upon the full Board being elected by the members;

- (m) delegates authority to the Executive Director, Children, Young People and Families, in consultation with the Director of Human Resources as necessary, to second the identified staff to the company subject to formal consultation and agreement and at the appropriate time, commence formal consultation with Trade Unions regarding the transfer of staff from the Council into the company;
- (n) delegates authority to the Executive Director, Children, Young People and Families, in consultation with the Cabinet Member for Children, Young People and Families, the Director of Finance, the Director of Commercial Services and the Director of Legal and Governance as appropriate to:
 - Enter into negotiations with the new company for the commission of the Advocacy and Challenge services from the Company by using elements of the CYPF education budget
 - Approve the procurement strategy of awarding a contract to the new company
 - Enter into the contract for the proposed services and any other necessary legal agreements that are required in order to give effect to the arrangements
 - Create a client function within the Council that will commission, support and monitor the performance of the Company

11.3 **Reasons for Decision**

11.3.1 Option E has been chosen for the following reasons:

- It maximises the impact of improvement activity on standards and attainment
- To increase and strengthen school partnership working and do more city-wide partnership work. To make a firm commitment that binds schools, academies, colleges and SCC together in the interest of all children
- The Council retains and strengthens its role in education, advocating for children and families to improve standards
- It promotes the growth and expansion of improvement services - shifting the focus away for budget challenges
- The school company provides a model that will potentially provide better value for money.

11.4 **Alternatives Considered and Rejected**

11.4.1 The option (A) to continue with the current partnership arrangements under the CWLB (maintain the status quo) was considered. It is felt that whilst the current arrangements have delivered improvement it is unclear how the CWLB as is could

accelerate improvement in line with the challenges presented. In particular the lack of protection afforded to members in an unincorporated association would temper ambitions and hinder the development of services.

11.4.2 There is an option (B) to discontinue current arrangements and leave school improvement arrangements to the market to provide. Whilst some schools would manage to find and procure effective school support and improvement there is a concern that other schools would not look for support and become isolated and vulnerable. This option is also contrary to all of the evidence about school improvement being most effective when delivered in a self-improving system.

11.4.3 The third option (C) is to revert to a Local Authority led approach to school improvement. Here existing resources would be used for an expanded school improvement function. A number of disadvantages were identified with this model, these include:

- The proposal does not support the evidence about a school led system of improvement being most effective
- The diminishing resources that the Local Authority has to put into school improvement as the Education Services Grant allocation falls
- The impact of the academies programme that means that aside from safeguarding and SEND the LA has a limited remit with many schools and this sector would be untouched.

11.4.4 A fourth option (Option D) would be to authorise the Council maintained schools to establish the schools' company and to not join the company as a member. In order to be able to commission from this company the council would have to go out to a full EU procurement and there is no certainty that the new contract would be the successful bidder.

11.4.5 Option E is the recommended option and is the development of the CWLB into Schools Company that would be incorporated as a Company Limited by Guaranteed. The Local Authority would transfer its school improvement resource into the company and this would be pooled with contribution from schools to shape the overall improvement offer.

11.5 Any Interest Declared or Dispensation Granted

None

11.6 Reason for Exemption if Public/Press Excluded During Consideration

None

11.7 Respective Director Responsible for Implementation

Jayne Ludlam, Executive Director, Children, Young People and Families

11.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Children, Young People and Family Support

12. CAPITAL PROGRAMME MONITORING MONTH 2 AND TREASURY MANAGEMENT REVIEW

12.1 The Executive Director, Resources submitted a report providing the month 2 monitoring statement on the City Council's Capital Programme for 2015/16 and a review of the City Council's Treasury Management during 2014/15.

12.2 **RESOLVED:** That Cabinet:-

- (a) approves the proposed additions to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegations of authority to the Director of Commercial Services or nominated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
- (b) approves the proposed variations and slippage as listed in Appendix 1 of the report; and
- (c) delegates authority to the Director of Finance and the Director of Legal and Governance to finalise, and if satisfactory, accept, the conditions of the grant listed in Appendix 2; and notes;
- (d) the latest position on the Capital Programme and emergency approvals of schemes;
- (e) the Annual Treasury Management Review summarised in paragraphs 10-12 and shown in further detail in Appendix 3 of the report.

12.3 Reasons for Decision

12.3.1 To record formally changes to the Capital Programme and gain Member approval for changes in line with Financial Regulations and to reset the Capital Programme in line with latest information.

12.4 Alternatives Considered and Rejected

12.4.1 A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and Capital Programme.

12.5 Any Interest Declared or Dispensation Granted

None

12.6 Reason for Exemption if Public/Press Excluded During Consideration

None

12.7 **Respective Director Responsible for Implementation**

Eugene Walker, Interim Executive Director, Resources

12.8 **Relevant Scrutiny and Policy Development Committee If Decision Called In**

Overview and Scrutiny Management Committee