



# Council

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**Wednesday 4 January 2017**

**2.00 pm**

**Council Chamber, Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

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## COUNCIL

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**Wednesday 4 January 2017, at 2.00 pm**  
**Council Chamber, Town Hall, Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

### MEMBERS OF THE COUNCIL

THE LORD MAYOR (Councillor Denise Fox)  
THE DEPUTY LORD MAYOR (Councillor Anne Murphy)

1	<i>Beauchief &amp; Greenhill Ward</i> Andy Nash Bob Pullin Richard Shaw	10	<i>East Ecclesfield Ward</i> Pauline Andrews Andy Bainbridge Steve Wilson	19	<i>Nether Edge &amp; Sharrow Ward</i> Nasima Akther Mohammad Maroof Alison Teal
2	<i>Beighton Ward</i> Helen Mirfin-Boukouris Chris Rosling-Josephs Ian Saunders	11	<i>Ecclesall Ward</i> Roger Davison Shaffaq Mohammed Paul Scriven	20	<i>Park &amp; Arbourthorne Ward</i> Julie Dore Ben Miskell Jack Scott
3	<i>Birley Ward</i> Denise Fox Bryan Lodge Karen McGowan	12	<i>Firth Park Ward</i> Abdul Khayum Alan Law Abtisam Mohamed	21	<i>Richmond Ward</i> Mike Drabble Dianne Hurst Peter Rippon
4	<i>Broomhill &amp; Sharrow Vale Ward</i> Michelle Cook Kieran Harpham Magid Magid	13	<i>Fulwood Ward</i> Sue Alston Andrew Sangar Cliff Woodcraft	22	<i>Shiregreen &amp; Brightside Ward</i> Dawn Dale Peter Price Garry Weatherall
5	<i>Burngreave Ward</i> Jackie Drayton Talib Hussain Mark Jones	14	<i>Gleadless Valley Ward</i> Lewis Dagnall Cate McDonald Chris Peace	23	<i>Southey Ward</i> Leigh Bramall Tony Damms Jayne Dunn
6	<i>City Ward</i> Douglas Johnson Robert Murphy Moya O'Rourke	15	<i>Graves Park Ward</i> Ian Auckland Sue Auckland Steve Ayris	24	<i>Stannington Ward</i> David Baker Penny Baker Vickie Priestley
7	<i>Crookes &amp; Crosspool Ward</i> Craig Gamble Pugh Adam Hanrahan Anne Murphy	16	<i>Hillsborough Ward</i> Bob Johnson George Lindars-Hammond Josie Paszek	25	<i>Stocksbridge &amp; Upper Don Ward</i> Jack Clarkson Richard Crowther Keith Davis
8	<i>Darnall Ward</i> Mazher Iqbal Mary Lea Zahira Naz	17	<i>Manor Castle Ward</i> Lisa Banes Terry Fox Pat Midgley	26	<i>Walkley Ward</i> Olivia Blake Ben Curran Neale Gibson
9	<i>Dore &amp; Totley Ward</i> Joe Otten Colin Ross Martin Smith	18	<i>Mosborough Ward</i> David Barker Tony Downing Gail Smith	27	<i>West Ecclesfield Ward</i> John Booker Adam Hurst Zoe Sykes
				28	<i>Woodhouse Ward</i> Mick Rooney Jackie Satur Paul Wood

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John Mothersole

Chief Executive

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Contact:

Paul Robinson, Democratic Services

Tel: 0114 2734029

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## **PUBLIC ACCESS TO THE MEETING**

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The Council is composed of 84 Councillors with one-third elected three years in four. Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them

All Councillors meet together as the Council. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and at its Annual Meeting will appoint Councillors to serve on its Committees. It also appoints representatives to serve on joint bodies and external organisations.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Members of the public have the right to ask questions or submit petitions to Council meetings and recording is allowed under the direction of the Chair. Please see the website or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Council meetings are normally open to the public but sometimes the Council may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**COUNCIL AGENDA  
4 JANUARY 2017**

**Order of Business**

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**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

Members to declare any interests they have in the business to be considered at the meeting.

**3. MINUTES OF PREVIOUS COUNCIL MEETING**

To receive the record of the proceedings of the meeting of the Council held on 7<sup>th</sup> December 2016 and to approve the accuracy thereof.

**4. PUBLIC QUESTIONS AND PETITIONS AND OTHER COMMUNICATIONS**

(a) To receive any questions or petitions from the public, or communications submitted by the Lord Mayor or the Chief Executive and to pass such resolutions thereon as the Council Procedure Rules permit and as may be deemed expedient.

(b) Petition Requiring Debate

The Council's Petitions Scheme requires that any petition containing over 5,000 signatures be the subject of debate at the Council meeting. A qualifying petition has been received as follows:-

Petition to "Save Western Road First World War Memorial Trees From Destruction"

To debate an electronic petition

[Save Western Road WW1 Memorial Trees](#)

(containing 5,110 signatures (as at 21st December) calling on the Council to "save *Western Road First World War Memorial Trees from destruction.*" The wording of the e-petition is as follows:-

*"The trees on Western Road in Sheffield were planted to honour pupils of Westways School who gave their lives in the Great War. Sheffield City Council plan to honour their memory in the Centenary of the Great War by destroying this Memorial and felling the trees. Independent arboricultural advice from leaders in the industry has confirmed that these trees have many years of useful life left if **properly** maintained. The outcry within Sheffield and beyond is*

*growing and we need your help to raise a minimum of 5000 signatures to force a debate in full council.”*

## **5. MEMBERS' QUESTIONS**

- 5.1 Questions relating to urgent business – Council Procedure Rule 16.6(ii).
- 5.2 Questions on the discharge of the functions of the South Yorkshire Joint Authorities for Fire and Rescue and Pensions – Section 41 of the Local Government Act 1985 – Council Procedure Rule 16.6(i).

(NB. Minutes of recent meetings of the two South Yorkshire Joint Authorities have been made available to all Members of the Council via the following link –

<http://democracy.sheffield.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13165&path=0>)

## **6. REPRESENTATION, DELEGATED AUTHORITY AND RELATED ISSUES**

To consider any changes to the memberships and arrangements for meetings of Committees etc., delegated authority, and the appointment of representatives to serve on other bodies.

## **7. APPOINTMENT OF EXTERNAL AUDITORS 2018/19 AND BEYOND**

Report of the Acting Executive Director, Resources.

## **8. POLICING IN SOUTH YORKSHIRE**

To receive a presentation from Chief Constable Stephen Watson, South Yorkshire Police, outlining his plans/approach for policing in South Yorkshire.

(Note: It is anticipated that this item of business will commence at approximately 4.00 p.m.)

## **9. HATE CRIME**

To receive a presentation on Hate Crime to be given by Maxine Stavrianakos (Head of Neighbourhood Intervention and Tenant Support, Sheffield City Council) and Chief Inspector Ian Proffitt (South Yorkshire Police).

A handwritten signature in black ink, appearing to read "John Netherde", with a long horizontal flourish underneath.

Chief Executive

Dated this 22nd day of December 2016

**The next ordinary meeting of the Council will be held on 1 February 2017 at the  
Town Hall**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.



Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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# Agenda Item 3

Minutes of the Meeting of the Council of the City of Sheffield held in the Council Chamber, Town Hall, Pinstone Street, Sheffield, S1 2HH, on Wednesday 7 December 2016, at 2.00 pm, pursuant to notice duly given and Summonses duly served.

## PRESENT

THE LORD MAYOR (Councillor Denise Fox)  
THE DEPUTY LORD MAYOR (Councillor Anne Murphy)

- |   |  |    |  |    |  |
|---|--|----|--|----|--|
| 1 | <i>Beauchief &amp; Greenhill Ward</i><br>Andy Nash<br>Bob Pullin<br>Richard Shaw           | 10 | <i>East Ecclesfield Ward</i><br>Pauline Andrews<br>Andy Bainbridge<br>Steve Wilson | 19 | <i>Nether Edge &amp; Sharrow Ward</i><br>Nasima Akther<br>Mohammad Maroof<br>Alison Teal |
| 2 | <i>Beighton Ward</i><br>Helen Mirfin-Boukouris<br>Chris Rosling-Josephs                    | 11 | <i>Ecclesall Ward</i><br>Roger Davison<br>Shaffaq Mohammed<br>Paul Scriven         | 20 | <i>Park &amp; Arbourthorne</i><br>Julie Dore<br>Ben Miskell<br>Jack Scott                |
| 3 | <i>Birley Ward</i><br>Denise Fox<br>Bryan Lodge<br>Karen McGowan                           | 12 | <i>Firth Park Ward</i><br>Abdul Khayum<br>Abtisam Mohamed                          | 21 | <i>Richmond Ward</i><br>Mike Drabble<br>Dianne Hurst<br>Peter Rippon                     |
| 4 | <i>Broomhill &amp; Sharrow Vale Ward</i><br>Michelle Cook<br>Kieran Harpham<br>Magid Magid | 13 | <i>Fulwood Ward</i><br>Sue Alston<br>Andrew Sangar<br>Cliff Woodcraft              | 22 | <i>Shiregreen &amp; Brightside Ward</i><br>Dawn Dale<br>Peter Price                      |
| 5 | <i>Burngreave Ward</i><br>Jackie Drayton<br>Talib Hussain<br>Mark Jones                    | 14 | <i>Gleadless Valley Ward</i><br>Lewis Dagnall<br>Cate McDonald<br>Chris Peace      | 23 | <i>Southey Ward</i><br>Leigh Bramall<br>Jayne Dunn                                       |
| 6 | <i>City Ward</i><br>Douglas Johnson<br>Robert Murphy<br>Moya O'Rourke                      | 15 | <i>Graves Park Ward</i><br>Ian Auckland<br>Sue Auckland<br>Steve Ayris             | 24 | <i>Stannington Ward</i><br>David Baker<br>Penny Baker<br>Vickie Priestley                |
| 7 | <i>Crookes &amp; Crosspool Ward</i><br>Craig Gamble Pugh<br>Adam Hanrahan<br>Anne Murphy   | 16 | <i>Hillsborough Ward</i><br>Bob Johnson<br>George Lindars-Hammond<br>Josie Paszek  | 25 | <i>Stocksbridge &amp; Upper Don Ward</i><br>Jack Clarkson<br>Richard Crowther            |
| 8 | <i>Darnall Ward</i><br>Mazher Iqbal<br>Mary Lea<br>Zahira Naz                              | 17 | <i>Manor Castle Ward</i><br>Lisa Banes<br>Terry Fox<br>Pat Midgley                 | 26 | <i>Walkley Ward</i><br>Olivia Blake<br>Ben Curran<br>Neale Gibson                        |
| 9 | <i>Dore &amp; Totley Ward</i><br>Joe Otten<br>Colin Ross<br>Martin Smith                   | 18 | <i>Mosborough Ward</i><br>David Barker<br>Tony Downing<br>Gail Smith               | 27 | <i>West Ecclesfield Ward</i><br>Adam Hurst<br>Zoe Sykes                                  |
|   |  |    |  | 28 | <i>Woodhouse Ward</i><br>Mick Rooney<br>Jackie Satur                                     |

**1. MR JOHN CORRIS**

- 1.1 The Lord Mayor (Councillor Denise Fox) reported with sadness, the death in service of Council officer Mr John Corris on 31<sup>st</sup> October 2016. Mr Corris had worked for the Council since 2007, and from 2015 served as North Locality Officer, working with Councillors, communities and service providers in the North of the city. The Lord Mayor added that Mr. Corris's funeral had taken place on 18<sup>th</sup> November, but a book of condolence was available for Members to pay tribute to him, and this would then be forwarded to his partner and daughter.

**2. APOLOGIES FOR ABSENCE**

- 2.1 Apologies for absence were received from Councillors John Booker, Tony Damms, Keith Davis, Ian Saunders, Garry Weatherall and Paul Wood.

**3. DECLARATIONS OF INTEREST**

- 3.1 Councillor Chris Peace declared personal interests in (a) Agenda Items 7 and 13 – Notices of Motion regarding Tree Felling on Rustlings Road (See Minutes 6 and 14 below) on the grounds that she was an employee of a legal practice undertaking work on cases associated with tree felling, although she had no involvement in the cases, nor access to any of the case files and (b) Agenda Item 11 – Notice of Motion regarding the Orgreave Truth and Justice Campaign (See Minute 12 below) on the grounds that she was actively involved with the Campaign.
- 3.2 Councillor Vickie Priestley declared a personal interest in Agenda Item 11 – Notice of Motion regarding the Orgreave Truth and Justice Campaign (See Minute 12 below) on the grounds that her husband was a Police Officer on duty at Orgreave on 18<sup>th</sup> June 1984. Councillor Priestley indicated that she would not be speaking or voting on that item of business.
- 3.3 Personal interests in Agenda Item 11 – Notice of Motion regarding the Orgreave Truth and Justice Campaign (See Minute 12 below) were also declared by (a) Councillors Terry Fox and Jackie Drayton on the grounds that they were present at Orgreave on 18<sup>th</sup> June 1984 and (b) Councillor Jack Clarkson on the grounds that he was a serving Police Officer at that date, although he had no involvement in any matters relating to the Miners' strike.

**4. MINUTES OF PREVIOUS COUNCIL MEETING**

- 4.1 RESOLVED: On the Motion of Councillor Peter Rippon, seconded by Councillor Olivia Blake, that the minutes of the meeting of the Council held on 2<sup>nd</sup> November 2016 be approved as a true and accurate record.

**5. PUBLIC QUESTIONS AND PETITIONS AND OTHER COMMUNICATIONS**

5.1 Petitions

5.1.1 Petition Requesting Action Regarding Parking Problems Outside Totley Primary School

The Council received a petition containing 130 signatures, requesting action regarding parking problems outside Totley Primary School.

Members of the School Council made representations to the Council on behalf of the petitioners. They informed the Council that the petitioners were concerned about the safety of pedestrians in the area outside Totley Primary School. The school was considering expanding to two form entry, which would increase the numbers of children and add to the volume of traffic. They wished to keep children safe from dangerous situations on the roads which were caused by vehicles.

Local residents also complained of the problems relating to parking in the roads near to the school and a request had been made for parking restrictions. There was no zebra crossing for pedestrians and it would be some time before the roads were due to be resurfaced. The petitioners had met with the local ward councillor, Councillor Colin Ross, who had agreed that there were issues which needed to be addressed.

There were young children both at the school and at child care. Parents parked on Sunnyvale Road and it was difficult for children to cross the road. The petition had support of both parents and residents. A survey had been conducted which showed how children and parents travelled to the school. A meeting had taken place with highways officers and several options had been proposed, including the introduction of single or double yellow lines, implementing a one way system, encouraging parents to park outside of a five minute walking zone and to make the rest of the journey to the school on foot; and introducing a walking bus. The Council was asked to take action and introduce measures to help solve the problems with parking around the school as there was a potential for a serious accident.

The Council referred the petition to Councillor Mazher Iqbal, Cabinet Member for Infrastructure and Transport. Councillor Iqbal congratulated the members of the school council for giving an excellent presentation. He said that it was good that Councillor Ross had been to visit the school and that he would also like to visit the site, with Councillor Ross, look at the survey which had been carried out and see what could be done about the problems which the petition had outlined. A Council Officer had been in contact with the petitioners in relation to the road safety issues and Councillor Iqbal said that he would visit with that officer and Councillor Ross. The Council did think that road safety outside schools was very important and the petition had drawn attention to road safety issues and the situation particularly affecting Totley Primary School. He said that, hopefully, more parents could be encouraged to walk to the school with their children.

5.1.2 Petition Requesting Assistance in Finding a Council Property

The Council received a petition containing 45 signatures, requesting assistance in finding a tenant a Council property.

Representations were made by Francis O'Shaughnessey. Mr O'Shaughnessey stated that he had been informed that he could not take over the tenancy of the property which had formerly been his parent's home. His parents had passed away and the situation with regards to his family home was causing him considerable distress. He had been categorised as potentially being threatened with homelessness and felt that he should be given priority in finding a place to live as he feared that he could become homeless. He also expressed concern that people should be treated with better regard to their individual situation by the Council. He wanted to find a place to live which would allow him to move on and to deal with his circumstances as he had only recently lost his parents.

The Council referred the petition to Councillor Jayne Dunn, Cabinet Member for Housing. Councillor Dunn informed Mr O'Shaughnessey that a property had been found for him. She said that she would wish to meet with him to discuss the difficulties that he had experienced together with local councillors and officers. The Council was looking at the Lettings Policy and in respect of changes which had happened as a result of government policy with regard to housing. She said that she was very sorry for Mr O'Shaughnessey regarding the loss of his parents.

5.1.3 Petition Requesting Traffic-Calming Measures on High Street, Dore

The Council received an electronic petition containing 411 signatures, requesting traffic-calming measures on High Street, Dore.

Representations on behalf of the petitioners were made by Katie Salt who stated that she and her 2 year old daughter were nearly knocked down by an oncoming car, which thankfully managed to stop. Pedestrians, including parents, older people and disabled people, struggled each day on High Street, Dore. The area included schools and nursery schools. There was concern about the speed of the traffic, vehicles which sometimes mounted the pavement due to the narrow two way road and poor signage, especially around the schools, and no safe crossing, particularly for people who were disabled or for children.

She said that, as the roads were narrow, there should be a 20 mph speed limit. At present, vehicle speeds were thought to range from 30 to 50 mph. In addition, young adults drove dangerously at night time. Residents and retailers wanted to erect signs to help improve the situation. Parents chose to drive their children to school because of the dangers posed to children walking to school. Whilst she was aware that there were cost constraints, these needed to be balanced with a person's life.

The Council referred the petition to Councillor Mazher Iqbal, Cabinet Member for Infrastructure and Transport. He said that he understood that a meeting was

to be organised to include Dore Residents' Group, the Village Society and the three ward councillors to identify solutions to the problems which had been outlined in the petition. Council Highways Officers would also be asked to visit the site and explore options.

5.1.4 Petition Objecting to the Proposed Demolition of Garages on St Michael's Crescent, Ecclesfield

The Council received a petition containing 27 signatures, objecting to the proposed demolition of garages on St Michael's Crescent, Ecclesfield.

Representations on behalf of the petitioners were made by Karen Thistlethwaite regarding the proposed demolition, of which tenants had been informed by letter. There had been no consultation or meetings arranged regarding the proposal. She said that there were 19 spaces, not 29 as had been stated and 14 of these were in use. It was stated that revenue from the garages was inadequate and yet the proposal was for the creation of free parking spaces. She said that there were people who would like a garage, although the Council had said that there was no demand. The basic garage buildings and surfaces were sound. The garages had not been maintained apart from the occasional clean up. She invited the Cabinet Member to meet with her and local councillor, Councillor Pauline Andrews.

The Council referred the petition to Councillor Jayne Dunn, Cabinet Member for Housing. Councillor Dunn stated that a Council Member question had been submitted to her concerning the garages and she understood that consultation with regard to the garages had taken place with the tenants' group some time ago. This issue would be revisited and Councillor Dunn said that she would meet with local councillors.

5.2 Public Questions

5.2.1 Public Question in respect of Streets Ahead Contract

Nigel Slack referred to recent events in relation to the Streets Ahead Contract. He stated – Rustlings Road dawn raid; potential desecration of a registered War Memorial during the Centenary commemorations of WWI; Trade Union law abused; Human Rights Act, Article 11, attacked; one Walkley Councillor firing out contradictory comments, depending on his audience; condemnation from one CLP; resignations of party members; motions of no confidence within the party and within this chamber. A transglobal corporate contractor rubbing their hands all the way to the bank. No flexibility or transparency in the contract. 25 year commitment and £2.1Bn cost.

Mr Slack added that he had heard last night (at the meeting regarding future plans for the Central Library) about the Central Library being 'not fit for purpose'. What disaster will it take for this Council to recognise that this 'Streets Ahead' contract, negotiated by the Liberal Democrats & signed by Labour, is really not fit for purpose? And to explore what can be done about renegotiating?

Councillor Bryan Lodge, Cabinet Member for the Environment, responded that the Council would be working together with the community in respect of the War Memorial. It was not potential desecration as the trees would be replaced.

Councillor Lodge believed that the Streets Ahead contract was, on the whole, good for the City. He accepted there would be differences of opinion but he did not believe the contract could be classified as not fit for purpose.

#### 5.2.2 Public Question in respect of Future Plans for the Central Library

Nigel Slack stated that, in launching the proposals for redeveloping the Central Library building, the Council had clearly ruled out a Private Finance Initiative (PFI) deal and the Deputy Leader had commented - "We are absolutely clear that we will only do the final deal on this project if it is right for the city." – Was this right for the City's financials or for its people?

In response, Councillor Jack Scott, Cabinet Member for Community Services and Libraries, commented that the Council would only proceed with the deal if it was right for the people of Sheffield. Mr Slack was correct that the Council had ruled out a PFI deal. Councillor Scott would wait for the debate later in the meeting to expand further on the issues, but he believed the public meeting on the issue, held on 6 December 2016, had given a broad acceptance to explore the options in relation to the Central Library. Councillor Scott concluded that he was determined to engage with as many people as possible during this process and reiterated that no fixed decisions had been made.

#### 5.2.3 Public Questions in respect of Human Rights Abuses in Burma/Myanmar

Ahmed Hussain asked what the Council was doing about inhuman treatment and genocide in Burma/Myanmar? How could the City Council raise awareness for social justice and protection of human rights for minorities?

Anwar Ali asked if the Leader of the Council believed that the Council had a duty to become the voice of disfranchised people and a peace maker?

The Leader of the Council, Councillor Julie Dore, commented that the Council did have a duty to be the voice of disenfranchised people and that is what they had been elected for. Where issues were brought to the attention of the Council they had a duty to act. In respect of the question about Burma, there were many occasions where representations had been made in the Council Chamber about atrocities and human rights abuses across the world and Councillor Dore was surprised that these issues were not raised more often.

Where the Council received representations, they contacted the appropriate people and made the appropriate representations on people's behalf and she wished on these occasions the Council had more power than it currently had. At the last meeting of Full Council, the Council had received a number of representations about the situation in Kashmir and as a result the Council had contacted local M.P's and representatives in India and a response had been received which Councillor Dore would share with the Council.



Councillor Nasima Akther had contacted the Leader of the Council regarding the issues referred to by the questioners and it needed to be agreed who could take this forward and Councillor Akther may be the appropriate person to lead on this. The Council would contact the questioners with a view to taking this forward.

#### 5.2.4 Public Question in respect of Chinese Investment

Teresa Pursall asked if the Council could explain further about the 60 year partnership agreement with the Chinese investors and its impact on Sheffield.

Councillor Leigh Bramall, Deputy Leader and Cabinet Member for Business and Economy, outlined that the Guodong Group wished to invest in Sheffield in a variety of ways, such as commercial properties and residential dwellings. The difference with this investment compared to other investments in the City was the level of investment. Therefore, there was a need to put a clear structure in place. The Partnership Agreement was a 60 year agreement which, whilst not legally binding, was a long term commitment and a big commitment to the City.

The Partnership represented the Guodong Company's wish to work with the City Council as this was the arrangement that they were used to in China in respect of Government involvement. The Council could say whether they were in favour of a particular project developed by the Company but could not tell them what projects to develop.

There would be a Board, comprising representatives of the City Council and the Guodong Company, which would meet twice a year to look at potential projects and other matters. In respect of the agreement itself, there were some commercially confidential elements but the agreement would be discussed later on in the meeting, there had been a public meeting held on 6 December and it would also be discussed at a future meeting of the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee.

The Council would treat the Guodong Company as they would any other investor in the City and there were legal restrictions as to what could and could not be done. The Council was not on a policy direction to sell off public buildings in the City and in respect of the decision about the Central Library, there were a number of benefits for the City which would be discussed later on in the meeting.

#### 5.2.5 Public Question in respect of Comments from Nick Clegg M.P.

Kaltun Elmi asked if the Council would agree that the Member of Parliament for Sheffield Hallam, Nick Clegg, should stop running down Sheffield when speaking about the City he represents? Did the Council especially condemn his use of the words Stalinist and draconian in reference to the work being legally carried out by AMEY?

Ms. Elmi also asked what the Council's position was in relation to the religious abuses of minorities such as in Burma? Did the Council wish to make a public stance against such atrocities?

Councillor Julie Dore responded that she had demonstrated in the Council Chamber that she didn't tolerate breaches of human rights and would continue to support those affected. Councillor Dore was happy for Ms. Elmi to make representations as to how she thought the Council should respond to the situation in Burma.

Councillor Dore believed that Nick Clegg had not only talked down the City but let down the City and had not stood up for Sheffield on a number of issues. In respect of Nick Clegg's recent comments in the media, Councillor Dore stated that she had never said that the decision in respect of Rustlings Road had been taken out of the Council's hands and blamed the Police's operation on this. She had said that this was a joint planning operation with South Yorkshire Police and had apologised for the Council's role in that joint decision and she had proof of this. If Nick Clegg had proof of Councillor Dore making comments as he had stated he should show proof of this. Councillor Dore said Nick Clegg should apologise and, if not, she would be reporting Mr Clegg to the Parliamentary Standards Committee.

#### 5.2.6 Public Question in respect of Ellesmere Children's Centre

Libby Hamilton commented that Ellesmere Children's Centre survived the cuts to early years because they had been extremely successful through their fundraising and financial diligence. The Centre still provided an excellent service for their community through their not for profit charity.

The Centre was told, formally, by the Council that they could buy the building that they had been in for 20 years. They had the price confirmed, and the finances in place. Now that the Council had found out that the Centre had been successful in a joint capital bid with other third sector centres, that offer had been withdrawn and they had been offered a lease instead. The Centre could not proceed on that basis and the outstanding maintenance work for the building now fell on the Council. If the Centre had been a private sector property investor; would buying of this property have been given?

Councillor Ben Curran, Cabinet Member for Finance and Resources, responded that he had been made aware of this issue a week ago. Ms. Hamilton was correct in that a leasehold of the building was on offer and he understood that this was the offer from the start. The Council had written to the solicitors for the Children's Centre and made clear that the Council was willing to negotiate on a long leasehold of the building but had not yet received a response. The Council wished for the nursery to take control of the space, and this was supported by Ward Councillors. The Council was willing to work with the Centre and Councillor Curran would be happy to meet if this would assist things.

5.2.7 Public Question in respect of Housing and Planning Act

Carrie Hedderwick referred to the Government's Housing and Planning White Paper, and commented that she was aware that the Council was opposed to it. She was also aware that a rally, opposing the Act, had been held outside the Town Hall in March, attended by local M.Ps and Councillors. Despite this, the Act had been approved in May 2016.

Ms. Hedderwick added that the national and local campaigns against the Act had achieved some successes. She therefore asked if the Council would join the local Axe the Housing Act Campaign and oppose the whole Housing and Planning Act and issue a press release in opposition to it.

In response, Councillor Jayne Dunn, Cabinet Member for Housing, commented that, ever since she had been in post, she had been opposed to the Act. Sheffield had been one of the leading Councils in the North of the country who had provided evidence leading to the end of the Pay to Stay Policy.

Councillor Dunn would be happy to join the campaign and had written to Gavin Barlow M.P, Minister of State for Housing and Planning, several times in respect of the Act and had not yet received a response. Councillor Dunn thanked all those involved in opposing the Act and stated that she would be happy to speak at any rallies as the Act went against everything the Council stood for.

Councillor Mazher Iqbal, Cabinet Member for Infrastructure and Transport, added that, along with colleagues, he had spoken out against the Act for the last two years. In respect of the planning element, the Council had been told originally that the White Paper would be released in December, but this had now moved back until the end of January, so this was in the hands of the Government at the moment.

5.2.8 Public Questions in respect of Highway Trees

Hannah Dodd commented that Sheffield had recently promised to reject fracking. Some time ago, it had promised not to fell trees. She therefore asked if fracking could become the next broken promise?

Councillor Bryan Lodge responded that the Council had been consistent in its approach throughout and documents from 2008/9 highlighted the need to replace highway trees across the City. He was not, therefore, aware of any promise that said trees would not be felled for replacement.

Declan Walsh asked if the Cabinet agreed with comments made by Councillor Neale Gibson that the peaceful tree protests were marked with violence, swearing, disruption, threats, abuse and racism? If so, could they provide evidence of such and evidence that the Police have been informed of potentially criminal behaviour? If not, would the Administration or the Councillor for Walkley Ward like to take this opportunity to apologise?

Councillor Bryan Lodge stated that he was aware that the vast majority of protestors behaved in a law abiding manner. However, some operatives had received abuse. Some operatives had reported racial comments made to them to their employer, but had not taken the matter further. Some GMB operatives had raised issues regarding the protest with the Trade Union. An employee of the City Council had felt so strongly about the behaviour of some protestors that they put this into an email which Councillor Lodge had seen. Councillor Gibson had been repeating this information and it would be for him to respond as he saw fit.

Dr Shetty asked why the Independent Tree Panel was not suggesting alternative highway engineering specifications and only making suggestions from the list of 25 ideas published by Streets Ahead as 'engineering solutions'? Has the City Council specified that they can only make suggestions from this list of 25? Dr Shetty believed the public were led by Councillor Lodge and Councillor Terry Fox to believe that the Independent Tree Panel was entirely free from City Council interference and influence. Was this just more disinformation?

Councillor Lodge responded that the Independent Tree Panel could ask for whatever they felt necessary to make their decision. They could also suggest any solutions they saw fit. There was no interference from the City Council and they conducted their deliberations without any influence from the Council. The Panel recognised that there may be additional costs for the Council to consider.

Graham Benson asked if Simon Green, Executive Director, Place, would accompany Sheffield Tree Action Group on a tree walk? Mr Benson also asked had the Council factored into their equation the psychological and real physical benefits of mature trees to the local population? There were a number of reports which stated how mature trees benefited the lives of local people.

Mr Benson also commented that the Council stated that their contract with Amey was confidential. Who did the Council prioritise as most important – their accountability to Amey or to the electorate?

Councillor Lodge responded that he could not respond on behalf of Simon Green and Mr Benson should contact Mr Green direct.

Councillor Lodge was sure that many people felt strongly about the trees in their neighbourhood. There were a number of conflicting issues which needed to be considered in relation to highway trees and people would have different views on some of those things.

Councillor Lodge understood the anxiety over the commercial sensitivity of the Amey contract. The contract included a tariff for highways work across the City. As Amey were a commercial company, this figure could not be publically released. However, the Council had a substantially better price than prior to Amey taking over the Streets Ahead contract.

Freda Brayshaw stated that Sheffield City Council's Code of Conduct advocated openness and transparency in its decisions and dealings with the public. How can this be reconciled with the suppression of the Independent Tree Panel report on the Rustlings Road trees between July and 4:30am on 17 November?

Councillor Lodge stated that the Independent Tree Panel had reported back and officers had considered the engineering solutions proposed. Councillor Lodge had referred to the possible solutions at the Council meeting in September. The Council had apologised that information for Rustlings Road had been kept quiet because of the nature of the operation on that road.

Colin Carr commented that, in December 2015, the then Cabinet Member for Environment and Transport, stated that flexible paving had been used on 143 occasions to save highway trees from being felled. This statement was untrue, as confirmed by the Information Management Officer at the Council by email on 29 June 2016. In fact, the City Council had not been able to provide one single example of where flexible paving had been used to save a mature, highway tree from being felled.

Mr Carr added that, despite the repeated assertion by Streets Ahead that a range of alternative engineering solutions were considered before a healthy tree was felled, why did they steadfastly refuse to consider the use of flexible paving, such as Flexi-Pave, around street trees in Sheffield? This product was currently being used and endorsed by Amey in Birmingham, along with many other towns and cities, so why not here in Sheffield?

Councillor Lodge stated that a lot of work had been undertaken to assess the benefits of using Flexi-Pave. It had been used on The Moor but Councillor Lodge could not find examples of where it had been used for raised roots. Councillor Lodge would be meeting with representatives of Flexi-Pave and if they assured him that it could be used safely with raised roots, he would look at it. However, this had not yet been demonstrated to Councillor Lodge and would not be used at present as a result.

Rob McBride commented that, in the light of the Arboricultural Association statement regarding the questioning of felling decisions in Sheffield, would the Council now take the opportunity to reassess their random decisions to fell some trees that were clearly healthy when, normally, engineering solutions would be found?

Councillor Lodge questioned the use of the term random felling and stated that the felling was not random at all. If a situation was black and white a decision would be easy, but there were many grey areas in this matter where decisions had to be made. Sometimes decisions which may have seemed wrong at the time have later been accepted as correct, such as the redevelopment of the Peace Gardens which was now widely accepted as a fantastic asset for the City.

Brian Mosley asked had the PFI contract for the Streets Ahead programme been renegotiated in the last 9 months. Yes or No?

Councillor Lodge replied that the contract had not been renegotiated but there had been a finance appraisal to see if savings could be made.

Dave Dillner asked if the Council had an ecological appraisal report for the forthcoming tree felling works in Nether Edge? Yes or No? If yes, could Mr Dillner have a copy as soon as possible?

Councillor Lodge confirmed that an ecological assessment was undertaken for each area.

Diane Carr asked if those who authorised the felling operation on Rustlings Road gave any thought to the possible adverse local and national media coverage and its effect on the reputation of our City?

Councillor Lodge responded that what was taken into account was the potential risk to public order which was why the decision was taken to set up the Silver Command as public disorder could have a negative impact on the perception of the City. It was a tripartite meeting involving the Police, Amey and the City Council.

Helen McLroy commented in reference to a previous question, if there was evidence of a joint decision from the Police and the City Council regarding Rustlings Road, could Councillor Julie Dore please provide this?

Ms. McLroy added that there was extensive evidence of frequent bad practice under Health and Safety guidelines among Amey workers. What was the City Council doing about this?

Councillor Lodge stated that there had been no Stop Notices issued to Amey Hallam Highways from the Health and Safety Executive (HSE). The Council regularly received information about breaches of the National Joint Utilities Group (NJUG) and these were always reported to Amey Hallam Highways. Financial penalties had been issued where breaches had occurred. If members of the public were aware of any breaches, these should be reported.

Richard Davis commented that several members of the Cabinet and the Chief Executive had been made aware of breaches of health and safety legislation by Amey and contractors on Rustlings Road. Across the country, the HSE had prosecuted Amey for breaches and all this information was in the public domain. In light of this, and Councillor Lodge's statement regarding the importance of public safety, Mr Davis asked if all tree felling should be suspended until the outcome of the HSE's investigations?

Councillor Lodge stated that the HSE had not issued any Stop Notices and had not conducted any investigations which would mean an immediate cessation to work.

Phil Cormack stated that he was a resident of Ventnor Place and that a single tree at the end of his road had been partially felled and people on the road had not been informed of this and the consultation process had not been stopped as a result. There had been a lot of anger amongst residents about this. Why, therefore, was the tree at the end of Ventnor Place felled in the middle of a consultation period and why were residents not informed that a change had taken place to 'Highway Act' reasons?

Mr Cormack believed he had a right to complain about this, as his democratic rights had been affected, and he requested an apology from the Council along the same lines as the one issued regarding Rustlings Road. When Mr Cormack had complained about the tree felling, the complaint was dealt with by Amey who were the organisation Mr Cormack wished to complain about.

Councillor Lodge acknowledged that this tree had been felled whilst the survey was still open and commented that the tree had been felled in exceptional circumstances as it was causing a danger, and he had seen a photo which showed this. He would chase up Mr Cormack's complaint to establish why it had not been responded to quicker.

Dr Phil Yate asked why had the Council made the street tree survey only accessible to people who speak English and have both a tree on their street plus the internet? How did the Council justify this discrimination?

Councillor Lodge reported that hard copies of the survey were available on request, although he was aware that there were issues with circulating these. Tree Surveys had been introduced to allow residents to have their say. Councillor Lodge would look into making these available in alternative languages.

David Baines commented that the Council had spent public money convening an Independent Tree Panel to objectively assess each and every tree proposed for felling. The report was published online at 4:30am, 30 minutes before the felling took place, 4 months after the date of the report. Councillor Lodge effectively admitted suppressing this report in his written apology issued last week. Would the Council therefore agree the Panel was a sham, and would the Council answer what the point of spending public money on the report was, only for it to be suppressed and ignored?

Councillor Lodge responded that the role of the Independent Tree Panel was to have a look at each tree and establish if it was dead, damaged or diseased. The Panel also considered responses from the public and if the response was over 50% they would look at the tree or trees concerned. The Panel were not legal or tree professionals and its advice was not legally binding. The advice of the Panel may result in additional costs for the Council and the Council had to consider this against the viability of implementing the solutions suggested. There were competing pressures on the Council's budget and this needed to be considered carefully.

Louise Wilcockson stated that of the five trees on Rustlings Road that Councillor Lodge had advised it would have cost £50,000 to retain – for four of them, the Independent Tree Panel recommended using a mix of solutions, numbers 1,3,7,9 and 12 (mainly adjusting kerbs, levels and tree pits). However, Steve Robinson, Head of Highway Maintenance, advised the second Highway Tree Advisory Forum that solutions 1-14 were at no cost to the Council as they were maintenance solutions within a maintenance contract. Therefore, they should have cost nothing. So who is the Council saying got this wrong, the Council's Head of Highway Maintenance (responsible for the Streets Ahead Project) or its panel of tree experts?

Councillor Lodge stated that the Tree Panel had looked at a number of solutions. However, these solutions were not considered viable. He had spoken about possible solutions at the Council meeting in September, but it was felt on balance that the cost of these outweighed the benefits.

Nicky Bea commented that it had been recognised for thousands of years that trees are beneficial to humans, animals, birds and wildlife, as told by ancient scriptures. The modern age proves this scientifically beyond doubt. We are severely polluted and have 5 rivers and 7 hills. Why is it ok to flood and pollute us more?

Councillor Lodge stated that there was conflicting evidence on this and a recent NICE report suggested that large canopy cover could cause air quality issues. Since the first scoping of bids for the Streets Ahead project, the documentation had shown that 75% of trees in the City were ready for replacement. The Council was working, therefore, to rebalance the age profile of trees in the City.

Jack Geveitz commented that there has been quite a big issue with homelessness in Sheffield, as demonstrated by tent city in Park Hill and a petition to try and get empty buildings opened. Did the Council think it was appropriate to be spending public money on chopping down trees in the face of widespread anger, when there were issues such as homelessness which remained unresolved?

Councillor Lodge stated that the City Council recognised there were a number of issues across the City and a lot of work had been undertaken in respect of the issue of homelessness. The funding for the Streets Ahead project was specifically for highway maintenance and was not allowed to be spent on other things.

### 5.3 Petition Requiring Debate

#### 5.3.1 Petition Requesting the Council to Save Sheffield Central Library

The Council received an electronic petition containing 10,058 signatures, regarding Sheffield Central Library and calling on the Council to *“keep the beautiful, purpose-built Central Library building as a library, reject any plans to re-purpose the building and invest in the upkeep of this building as a full public resource.”*



The Council's Petitions Scheme required that any petition containing over 5,000 signatures would be the subject of debate at a Council meeting. The wording of the qualifying e-petition was as follows:-

*"Libraries have been under threat across the country. Sheffield has already seen Walkley library sold to commercial interests. Now our council has opened up a review into commercial uses for the Central Library, with the possibility it will become a five-star hotel. The Central Library is a meeting space for groups and individuals, hosts talks by local and national authors and helps people use the internet. It is also a beautiful building, purpose built as a public space, which the general public can currently enjoy. The story of our beautiful art deco Central Library began in 1929, to a design by W. G. Davies and was conceived as part of a plan to create a civic (public) square. Today, the library houses Sheffield's largest general lending and reference collection. The Graves Art Gallery sits on the third floor with a gift shop and cafe and the Library Theatre, a space for local and student theatre companies, lives in the basement. It also houses a children's library. From the start, this building was imagined as a public space from top to bottom and should remain as such."*

Representations on behalf of the petitioners were made by Rebecca Gransbury. She stated that the petitioners believed that the Library should remain in its current building and that investment should be made in its upkeep and to maintain full public access for the future. The Central Library building on Surrey Street told a story and was a public resource for people, regardless of income. Whilst reference had been made to a possible future where people may regret not taking a decision, it would be short sighted to underestimate the value of the City's heritage.

The Library was close in proximity to the City's theatres and Tudor Square and provided a welcome for everyone to the cultural centre of the City. She urged people to think about what a five star hotel might be seen to represent in terms of wealth and luxury. Access to the Graves Gallery was also an issue as many people might feel daunted by having to gain access to the Gallery through a five star hotel.

It was acknowledged that a hotel would provide benefits to the City, including employment and income from business rates. Furthermore, people did not wish for the Central Library building to be neglected. Manchester and Liverpool were examples of where libraries had been created in listed buildings. Whilst the expenditure to redevelop the building was estimated at over £30 million, it was not yet known what the costs of creating a new library at another location would be. The Council was requested to pursue available funding to enable the repair of the Central Library building and to make the Guodong consortium aware of the strength of public feeling in relation to the Central Library.

In accordance with Council Procedure Rule 13.1(b), the Cabinet Member for Community Services and Libraries responded to the petition, following which the Shadow Cabinet Member for Community Services and Libraries spoke on the matter.

Councillor Jack Scott, Cabinet Member for Community Services and Libraries, stated that it was a significant achievement to have collected so many signatures to the petition in a relatively short time. He agreed that the Central Library building was iconic, inspiring and magnificent and it was a living, community space. However, there were some fundamental structural and service challenges regarding the Central Library building.

He stated that it was right that the Council talked with people about the proposal regarding the Central Library building. Both parties (i.e. the Council and Guodong) would be able to withdraw at any time. This was the beginning of a journey in respect of the Central Library building and there were many details which needed to be worked through. The Council had made five promises with regards to the Central Library, as follows:

1. There will be an accessible, inclusive and inspiring central library building in the heart of the city centre;
2. The Council would not be exploring a Private Finance Initiative (PFI) arrangement to finance any new central library building;
3. The existing building will be protected through a triple lock of planning law, listing requirements and controls / covenants that the Council will place upon it as part of any agreement;
4. There will be a new Graves Art Gallery in the existing building (possibly on the ground floor), guaranteeing public access for future generations; and
5. The Council will work transparently, involving and engaging as many people as possible in an open way that builds confidence and trust in the Council.

Councillor Scott said that information had been made available to the public so as to explain issues concerning the Central Library. He hoped that there would be proper scrutiny and challenge of proposals. The Council would only proceed if the promises outlined above could be fulfilled. No decisions had been made at this point in time and both parties would be able to stop at any time. The Council would be talking with people about options and choices and would consult on the design of any consultation. Visits would be made to learn from other cities and Councillor Scott invited Rebecca Gransbury to join in with these visits if she would like to. He said that he looked forward to working with people and that there was a clear wish to develop a modern, accessible, inclusive and inspiring library as a key part of the City Centre.

The Shadow Cabinet Member for Community Services and Libraries then spoke on the matter and Members of the City Council then debated the matters raised by the petition, as summarised below:-

Concerns were expressed in relation to access to information about the partnership agreement between the Council and Guodong and although this had been requested, restricted access to documentation had been denied. It

was not clear whether the land transaction in respect of the Central Library building would be based on a lease or freehold. Members had been told that a freehold agreement had not been ruled out. It was requested that an open approach was taken in respect of proposals for the Central Library. Questions remained as to funding for a new library and when it would open.

This was the beginning of a process and it was acknowledged that the proposal was a bold one and that there would be some concerns. The Graves Trust, Sheffield Chamber of Commerce and Disability Sheffield were supportive and it was considered that the proposal would be worth examining further. The decision had also been called-in for scrutiny. The benefits of the proposals would be considerable and would include the retention of a much loved building and potential to bring the Graves Gallery to the ground floor of the building. The condition of the Central Library building was an issue which needed to be addressed in the context of the pressure on the Council's finances. There would also be potential employment opportunities arising from the creation of a hotel and by attracting conferences to the City. Revenue would also be generated from business rates. People were asked to participate in the consultation relating to the Central Library and allow an opportunity for proposals to be explored.

The Central Library building was in need of restoration and repair and the approach from Guodong gave the potential for investment. The Graves Collection was held in trust for Sheffield people and that would not change. Initial thoughts about where the collection would be located were that the Gallery should remain a public space for people to visit and learn. There had not been detailed discussion in relation to the Library Theatre, but it was known that the Theatre was popular with amateur dramatics groups in the City and consideration would be given to the idea of including a new theatre in any new library building. Options remained to be discussed and it was agreed that a library should be an open and accessible public space.

The Central Library and Graves Art Gallery was important to the cultural heritage of the City. Whilst the potential for investment was welcomed, concerns were expressed that the agreement signed between the Council and Guodong in summer 2016 had not been made available, despite requests to see it, and that the 12 month exclusivity agreement would also not be made public and neither would advice given with regards the planning application. It was thought that no action had yet been taken to encourage interest from other investors.

People wished to talk about the Central Library proposals and that was one of the reasons that it had been called-in for scrutiny. There was a desire to have an effective and accountable process. The issue of the investment partnership agreement was also on the Scrutiny Committee agenda as part of the decision on the China Economic and Civic Programme which had been called-in.

The options for the Library did not appear to include keeping the library at its present location. It was important that the Council listened to people on this matter.

It was important to retain a library in the city centre and at the same time, not to let the Central Library building become unusable. Without significant expenditure, the building would represent a safety hazard and the library would have to move. The library was not designed to provide suitable access for disabled people, the children's library was in the basement and the Graves Gallery was located at the top of the building, all of which was not ideal. One of the solutions was to restore the Central Library building and locate the Graves Art Gallery on the ground floor.

The fact that the Council had arranged a further public meeting about the Library illustrated the strength of feeling on this matter. The Council was urged to be careful about the process followed and the way it went about this issue, so that what might be a good idea did not create problems further on. The proposals were something that had to work for people in order to get their support.

A number of caveats were suggested, which included minimising the work to the exterior of the Central Library building; employment of local people; refurbishment of the building; accessibility; and income from the sale of the building being used only to continue J G Graves' legacy for the benefit of Sheffield people.

It was important to continue Graves' legacy and move with the times. The Graves Gallery was hidden at the top of the Central Library building, which was in need of restoration and refurbishment, which had significant cost implications. The City deserved an inspiring, inclusive and modern Central Library. Families found that access to the Children's Library was difficult and it was important to make libraries accessible to children and young people to help promote reading skills. Libraries needed to be accessible and sustainable.

It was also essential that people were appropriately engaged in relation to the proposals. Reference was made to comments by the Chief Executive of Disability Sheffield concerning the problems of access to the Central Library for people with disabilities and the opportunity to move to a more accessible and inclusive building.

The lead petitioner, Rebecca Gransbury, exercised a right of reply. She stated that, at present, access to the Central Library building for disabled people was of concern and that was an important reason for further investment in the building. She asked how funding would be made available for the development of any new library building if that was required. She expressed a wish that people could work together on this issue, to achieve something that everyone wanted and that options remained open.

Councillor Jack Scott, Cabinet Member for Community Services and Libraries, responded to matters which were raised during the debate. He referred to funding reductions by the Government which had led to changes to the library services in the City.

He responded to matters raised concerning access to information and with regard to restrictions due to commercial sensitivity and in respect of planning advice, and stated that the procedure being adopted was not different to what was done on other similar matters. Information which could legally be made publically available had been provided. Briefings had been given or offered to other groups on the Council with regard to the issue.

It was intended that the petition would be referred to a scrutiny committee, also noting that the matter had been called-in for scrutiny. It was the Council's intention that an open and transparent approach was taken.

The outcome of the debate on the petition was as follows:-

RESOLVED: On the Motion of Councillor Jack Scott, seconded by Councillor Vickie Priestley: That this Council notes the petition calling on the Council to *"keep the beautiful, purpose-built Central Library building as a library, reject any plans to re-purpose the building and invest in the upkeep of this building as a full public resource"*, and refers the petition to the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee to be considered in conjunction with the call-in of the Cabinet decision on the China Economic and Civic Programme Update.

5.4 Petition Requesting the Removal of Trees from Vainor Road

The Council received a petition containing 22 signatures, requesting the removal of trees from Vainor Road. There was no speaker to the petition.

The Council referred the petition to Councillor Bryan Lodge, Cabinet Member for Environment. He stated that the petition requesting that trees were removed on Vainor Road showed that there were different opinions with regard to highway trees. The petition would be included in the consultation process.

**6. NOTICE OF MOTION GIVEN BY COUNCILLOR SHAFFAQ MOHAMMED**

**Tree Felling on Rustlings Road (1)**

6.1 RESOLVED: On the motion of Councillor Peter Rippon and seconded by Councillor Olivia Blake, that, in accordance with Council Procedure Rule 9.1, the order of business as published on the Council Summons be altered, as Notice of Motion 7 had generated significantly increased attendance by members of the public and it was therefore deemed appropriate to take this motion as the next item of business.

6.2 It was moved by Councillor Shaffaq Mohammed, and seconded by Councillor Adam Hanrahan, that this Council:-

- (a) notes with regret the actions of the Council in relation to the Rustlings Road trees on 17th November 2016;

- (b) believes the actions of the Council were wholly disproportionate and unfitting in a modern, open liberal democracy;
- (c) believes that night-time visits from the police to be appropriate for the direst emergencies or other extreme circumstances, and recognises that being woken up by police officers in the early hours of the morning would be very distressing for anyone;
- (d) condemns the use of offences in the Trade Union and Labour Relations (Consolidation) Act 1992, intended to limit aggressive picketing, against public spirited citizens exercising their right of peaceful protest;
- (e) regrets the Administration's persistent refusal to have regard to the concerns of communities and be open to alternative solutions to felling healthy trees, including a 16,000 strong petition brought to Full Council;
- (f) believes that taxpayers money that has been spent on tree forums, independent tree panel reports (which have largely been ignored) and the Rustlings Road police operations, negates any financial argument for felling healthy mature roadside trees;
- (g) condemns the decision to fell the trees on Rustlings Road in defiance of the advice of the Independent Tree Panel and the public demands that trees be saved, and the late release of the report until only approximately 15 minutes before the tree felling commenced;
- (h) acknowledges and cautiously welcomes the apology by the Cabinet Member for Environment, Councillor Bryan Lodge, for the way in which the Rustlings Road felling was carried out, however, believes the apology only touches on the way the Rustlings Road felling was carried out, rather than the underlying issues which led to the event;
- (i) is saddened by the proliferation of negative press coverage for Sheffield and this Council in the national media, with the episode being branded "rotten", "preposterous" and a "disaster"; and
- (j) believes that the actions and attitude of the Administration over tree felling has led to a feeling of mistrust for this city's elected representatives and a lack of faith in process for many Sheffield people across the city.

6.3 Whereupon it was moved by Councillor Bryan Lodge, and seconded by Councillor Tony Downing, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) reiterates the apology that has been made for the way in which the work to replace trees on Rustlings Road was carried out, and recognises that the Council has apologised for the mistakes that were made;

- (b) believes it was right for the Council to apologise for the disruption and distress caused by knocking on people's doors at 5am and the decision not to publish the Independent Tree Panel (ITP) report in advance;
- (c) welcomes that the apology included specific commitments that the Council will publish the Independent Tree Panel reports in a timely manner, with full and transparent information about how decisions have been reached, and the assurances that no work will begin before 7am;
- (d) fully supports the right of campaigners to continue to peacefully protest and, at the same time, believes that peaceful protests should not put the safety of the workforce who are doing their job, or the public, at risk;
- (e) continues to support the Streets Ahead Project, which is the biggest investment in Sheffield's highway network that the city has ever seen, which was originally funded by the previous Labour Government;
- (f) recalls that plans to replace highway trees as part of the project were drawn up by Liberal Democrat Councillors when they were in control of the Council in a 2008 Cabinet Report detailing the scope of services to be included in the project and in a 2009 specification document drawn up for potential bidders for the contract, which included a forward from the then Leader of the Council, Councillor Paul Scriven;
- (g) continues to agree with the proposals put forward in the October 2008 and April 2009 documents relating to highway trees, the April 2009 document stating that "A significant improvement in the standard of tree maintenance will be required, with large numbers of over-mature trees being replaced by more appropriate species, and others pruned, crowned or otherwise maintained in a safe condition. The Authority will require the overall number of highway trees across the City to be sustained at current levels and the highway tree stock returned to a more balanced age-profile during the course of the Project";
- (h) confirms that since the Streets Ahead Project started, more highway trees have been replanted in the city than removed, and the purpose of this work is as stated in the Tree Management Strategy to "ensure the street tree population is maintained and improved throughout the contract term to create a legacy of a healthy, diverse tree stock in terms of age, profile and species, reducing the risk of monocultures, whilst ensuring the safety of the highway user and adjacent properties";
- (i) further confirms the following from the 2012-2017 Tree Management Strategy "The removal of street trees will only be considered as a last resort where there are no other reasonably practicable management options available to ensure safety or prevent damage to surrounding structures. Removals will only be specified by suitably qualified and experienced surveyors and, where necessary, additional decay detection equipment will be used to confirm any recommendations. All trees

removed will be replaced on a one for one basis the following planting season (November to March)”;

- (j) recognises that proposals around the replacement of trees on a number of streets have raised further issues because of their status as World War I memorial trees;
- (k) notes that one of these streets is Western Road, where the consultation closes on 9th December, and that Councillors Craig Gamble Pugh and Anne Murphy have been consulting with their constituents on this road to raise awareness about the surveys; and
- (l) commits to engaging with stakeholders such as the Sheffield Community Covenant and War Memorials Trust when considering the Council’s response to advice from the Independent Tree Panel, if and when the residents of Western Road decide to ask the ITP to re-examine the proposals, and commits to respond in an open and transparent way, carefully taking the ITP’s advice into account.

6.4 On being put to the vote, the amendment was carried.

6.5 It was then moved by Councillor Joe Otten, and seconded by Councillor Penny Baker, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (k) to (t) as follows:-

- (k) reaffirms the belief that what happened on the morning of 17th November on Rustlings Road was not an acceptable way for a city council to treat members of the public;
- (l) notes the ongoing conflicting statements about the events that took place on Rustlings Road on 17th November, from both Sheffield City Council and South Yorkshire Police;
- (m) notes the “Sheffield City Highways Tree Survey 2006-2007” carried out by Elliot Consultancy for Sheffield City Council, in which it recommends only 1000 trees need to be felled;
- (n) notes the foreword to the “Sheffield Highway Maintenance PFI Project Descriptive Document April 2009” from Councillor Paul Scriven, former Leader of the Council, which states only over-mature trees would be felled and replaced;
- (o) still believes that the Streets Ahead project is, on the whole, a good thing for Sheffield, once branded ‘pothole city’, but the problems surrounding the trees in particular are to do with the current Administration’s implementation of the contract and operational matters such as the “6Ds” policy;
- (p) believes the Administration is not being open and transparent with regards to the contents of the Amey contract and costings for alternative



engineering solutions for tree retentions;

- (q) calls on the Administration to review its policy on highway trees so that it takes into account the full value of their contribution to air quality, quality of life and the quality of the natural environment, and the democratic will that they be retained in much larger numbers;
- (r) calls for the immediate publication of all parts of the Streets Ahead contract that relate to tree felling, to allow full public scrutiny of the contract;
- (s) calls for an enquiry by the Overview and Scrutiny Management Committee, which will be open and held in public, to look specifically at:-
  - (i) all operational matters with regards to felling of trees; and
  - (ii) the events, decisions and operational matters specifically related to the felling of the trees on Rustlings Road -

with a view to producing a series of recommendations and steps to ensure nothing of the nature of the Rustlings Road incident ever happens in Sheffield again; and

- (t) calls on Councillors Julie Dore and Bryan Lodge to take responsibility for the events of 17th November and to step down as Leader and Cabinet Member for Environment, respectively.

6.6 Following a right of reply from Councillor Shaffaq Mohammed, the amendment was put to the vote and negatived.

6.6.1 The votes on the amendment were ordered to be recorded and were as follows:-

For paragraphs (k) to (m) and (p) to (t) of the amendment (24) - Councillors Andy Nash, Bob Pullin, Richard Shaw, Magid Magid, Douglas Johnson, Robert Murphy, Adam Hanrahan, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Paul Scriven, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayriss, Gail Smith, Alison Teal, David Baker, Penny Baker and Vickie Priestley.

Against paragraphs (k) to (m) and (p) to (t) of the amendment (47) - The Deputy Lord Mayor (Councillor Anne Murphy) and Councillors Chris Rosling-Josephs, Bryan Lodge, Michelle Cook, Kieran Harpham, Jackie Drayton, Talib Hussain, Mark Jones, Moya O'Rourke, Craig Gamble Pugh, Mazher Iqbal, Mary Lea, Zahira Naz, Andy Bainbridge, Steve Wilson,

Abdul Khayum, Abtisam Mohamed, Lewis Dagnall, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Tony Downing, Nasima Akther, Mohammad Maroof, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Peter Rippon, Dawn Dale, Peter Price, Leigh Bramall, Jayne Dunn, Richard Crowther, Olivia Blake, Ben Curran, Neale Gibson, Adam Hurst, Zoe Sykes and Mick Rooney.

Abstained on paragraphs (k) to (m) and (p) to (t) of the amendment (3) - The Lord Mayor (Councillor Denise Fox) and Councillors Pauline Andrews and Jack Clarkson.

For paragraphs (n) and (o) of the amendment (20) - Councillors Andy Nash, Bob Pullin, Richard Shaw, Adam Hanrahan, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Paul Scriven, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayriss, Gail Smith, David Baker, Penny Baker and Vickie Priestley.

Against paragraphs (n) and (o) of the amendment (51) - The Deputy Lord Mayor (Councillor Anne Murphy) and Councillors Chris Rosling-Josephs, Bryan Lodge, Michelle Cook, Kieran Harpham, Magid Magid, Jackie Drayton, Talib Hussain, Mark Jones, Douglas Johnson, Robert Murphy, Moya O'Rourke, Craig Gamble Pugh, Mazher Iqbal, Mary Lea, Zahira Naz, Andy Bainbridge, Steve Wilson, Abdul Khayum, Abtisam Mohamed, Lewis Dagnall, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Tony Downing, Nasima Akther, Mohammad Maroof, Alison Teal, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Peter Rippon, Dawn Dale, Peter Price, Leigh Bramall, Jayne Dunn, Richard Crowther, Olivia Blake, Ben Curran, Neale Gibson, Adam Hurst, Zoe Sykes and Mick Rooney.

Abstained on paragraphs (n) and (o) of the amendment (3) - The Lord Mayor (Councillor Denise Fox) and Councillors Pauline Andrews and Jack Clarkson.

6.7 It was then formally moved by Councillor Robert Murphy, and formally seconded by Councillor Alison Teal, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (k) and (l) as follows:-

(k) apologises for the alarm and distress to local residents on Rustlings Road for the action of the Council and its partners on Thursday 17 November 2016, and believes these actions did not have the support of the Members of the Council; and

(l) resolves that this Council has no confidence in the leadership of the current Administration on this issue.

6.8 On being put to the vote, the amendment was negatived.

6.8.1 The votes on the amendment were ordered to be recorded and were as follows:-

For the amendment (24) - Councillors Andy Nash, Bob Pullin, Richard Shaw, Magid Magid, Douglas Johnson, Robert Murphy, Adam Hanrahan, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Paul Scriven, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayriss, Gail Smith, Alison Teal, David Baker, Penny Baker and Vickie Priestley.

Against the amendment (46) - The Deputy Lord Mayor (Councillor Anne Murphy) and Councillors Chris Rosling-Josephs, Bryan Lodge, Michelle Cook, Kieran Harpham, Jackie Drayton, Talib Hussain, Mark Jones, Moya O'Rourke, Craig Gamble Pugh, Mary Lea, Zahira Naz, Andy Bainbridge, Steve Wilson, Abdul Khayum, Abtisam Mohamed, Lewis Dagnall, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Tony Downing, Nasima Akther, Mohammad Maroof, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Peter Rippon, Dawn Dale, Peter Price, Leigh Bramall, Jayne Dunn, Richard Crowther, Olivia Blake, Ben Curran, Neale Gibson, Adam Hurst, Zoe Sykes and Mick Rooney.

Abstained on the amendment (3) - The Lord Mayor (Councillor Denise Fox) and Councillors Pauline Andrews and Jack

Clarkson.

- 6.9 The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) reiterates the apology that has been made for the way in which the work to replace trees on Rustlings Road was carried out, and recognises that the Council has apologised for the mistakes that were made;
- (b) believes it was right for the Council to apologise for the disruption and distress caused by knocking on people's doors at 5am and the decision not to publish the Independent Tree Panel (ITP) report in advance;
- (c) welcomes that the apology included specific commitments that the Council will publish the Independent Tree Panel reports in a timely manner, with full and transparent information about how decisions have been reached, and the assurances that no work will begin before 7am;
- (d) fully supports the right of campaigners to continue to peacefully protest and, at the same time, believes that peaceful protests should not put the safety of the workforce who are doing their job, or the public, at risk;
- (e) continues to support the Streets Ahead Project, which is the biggest investment in Sheffield's highway network that the city has ever seen, which was originally funded by the previous Labour Government;
- (f) recalls that plans to replace highway trees as part of the project were drawn up by Liberal Democrat Councillors when they were in control of the Council in a 2008 Cabinet Report detailing the scope of services to be included in the project and in a 2009 specification document drawn up for potential bidders for the contract, which included a forward from the then Leader of the Council, Councillor Paul Scriven;
- (g) continues to agree with the proposals put forward in the October 2008 and April 2009 documents relating to highway trees, the April 2009 document stating that "A significant improvement in the standard of tree maintenance will be required, with large numbers of over-mature trees being replaced by more appropriate species, and others pruned, crowned or otherwise maintained in a safe condition. The Authority will require the overall number of highway trees across the City to be sustained at current levels and the highway tree stock returned to a more balanced age-profile during the course of the Project";
- (h) confirms that since the Streets Ahead Project started, more highway trees have been replanted in the city than removed, and the purpose of this work is as stated in the Tree Management Strategy to "ensure the street tree population is maintained and improved throughout the contract term to create a legacy of a healthy, diverse tree stock in terms of age, profile and species, reducing the risk of monocultures, whilst

- ensuring the safety of the highway user and adjacent properties”;
- (i) further confirms the following from the 2012-2017 Tree Management Strategy “The removal of street trees will only be considered as a last resort where there are no other reasonably practicable management options available to ensure safety or prevent damage to surrounding structures. Removals will only be specified by suitably qualified and experienced surveyors and, where necessary, additional decay detection equipment will be used to confirm any recommendations. All trees removed will be replaced on a one for one basis the following planting season (November to March)”;
  - (j) recognises that proposals around the replacement of trees on a number of streets have raised further issues because of their status as World War I memorial trees;
  - (k) notes that one of these streets is Western Road, where the consultation closes on 9th December, and that Councillors Craig Gamble Pugh and Anne Murphy have been consulting with their constituents on this road to raise awareness about the surveys; and
  - (l) commits to engaging with stakeholders such as the Sheffield Community Covenant and War Memorials Trust when considering the Council’s response to advice from the Independent Tree Panel, if and when the residents of Western Road decide to ask the ITP to re-examine the proposals, and commits to respond in an open and transparent way, carefully taking the ITP’s advice into account.

6.9.1 The votes on the Substantive Motion were ordered to be recorded and were as follows:-

For paragraphs (a) to (d), (f) and (j) to (l) of the Substantive Motion (50) - The Deputy Lord Mayor (Councillor Anne Murphy) and Councillors Chris Rosling-Josephs, Bryan Lodge, Michelle Cook, Kieran Harpham, Magid Magid, Jackie Drayton, Talib Hussain, Mark Jones, Douglas Johnson, Robert Murphy, Moya O’Rourke, Craig Gamble Pugh, Mazher Iqbal, Mary Lea, Zahira Naz, Andy Bainbridge, Steve Wilson, Abdul Khayum, Abtisam Mohamed, Lewis Dagnall, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Tony Downing, Mohammad Maroof, Alison Teal, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Peter Rippon, Dawn Dale, Peter Price, Leigh Bramall, Jayne Dunn, Richard Crowther,

Olivia Blake, Ben Curran, Neale Gibson, Adam Hurst, Zoe Sykes and Mick Rooney.

- Against paragraphs (a) to (d), (f) and (j) to (l) of the Substantive Motion (20) - Councillors Andy Nash, Bob Pullin, Richard Shaw, Adam Hanrahan, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Paul Scriven, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayriss, Gail Smith, David Baker, Penny Baker and Vickie Priestley.
- Abstained on paragraphs (a) to (d), (f) and (j) to (l) of the Substantive Motion (4) - The Lord Mayor (Councillor Denise Fox) and Councillors Pauline Andrews, Nasima Akther and Jack Clarkson.
- For paragraphs (e), (g) and (i) of the Substantive Motion (46) - The Deputy Lord Mayor (Councillor Anne Murphy) and Councillors Chris Rosling-Josephs, Bryan Lodge, Michelle Cook, Kieran Harpham, Jackie Drayton, Talib Hussain, Mark Jones, Moya O'Rourke, Craig Gamble Pugh, Mazher Iqbal, Mary Lea, Zahira Naz, Andy Bainbridge, Steve Wilson, Abdul Khayum, Abtisam Mohamed, Lewis Dagnall, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Tony Downing, Mohammad Maroof, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Peter Rippon, Dawn Dale, Peter Price, Leigh Bramall, Jayne Dunn, Richard Crowther, Olivia Blake, Ben Curran, Neale Gibson, Adam Hurst, Zoe Sykes and Mick Rooney.
- Against paragraphs (e), (g) and (i) of the Substantive Motion (24) - Councillors Andy Nash, Bob Pullin, Richard Shaw, Magid Magid, Douglas Johnson, Robert Murphy, Adam Hanrahan, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Paul Scriven, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayriss, Gail Smith, Alison Teal, David Baker, Penny Baker and Vickie Priestley.
- Abstained on paragraphs (e), (g) and (i) of the Substantive Motion (4) - The Lord Mayor (Councillor Denise Fox) and Councillors Pauline Andrews, Nasima Akther and Jack Clarkson.

- For paragraph (h) of the Substantive Motion (46)
- The Deputy Lord Mayor (Councillor Anne Murphy) and Councillors Chris Rosling-Josephs, Bryan Lodge, Michelle Cook, Kieran Harpham, Jackie Drayton, Talib Hussain, Mark Jones, Moya O'Rourke, Craig Gamble Pugh, Mazher Iqbal, Mary Lea, Zahira Naz, Andy Bainbridge, Steve Wilson, Abdul Khayum, Abtisam Mohamed, Lewis Dagnall, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Tony Downing, Mohammad Maroof, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Peter Rippon, Dawn Dale, Peter Price, Leigh Bramall, Jayne Dunn, Richard Crowther, Olivia Blake, Ben Curran, Neale Gibson, Adam Hurst, Zoe Sykes and Mick Rooney.
- Against paragraph (h) of the Substantive Motion (20)
- Councillors Andy Nash, Bob Pullin, Richard Shaw, Adam Hanrahan, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Paul Scriven, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayris, Gail Smith, David Baker, Penny Baker and Vickie Priestley.
- Abstained on paragraph (h) of the Substantive Motion (8)
- The Lord Mayor (Councillor Denise Fox) and Councillors Magid Magid, Douglas Johnson, Robert Murphy, Pauline Andrews, Nasima Akther, Alison Teal and Jack Clarkson.

## **7. MEMBERS' QUESTIONS**

- 7.1 A schedule of questions to Cabinet Members, submitted in accordance with Council Procedure Rule 16, and which contained written answers, was circulated.
- 7.2 Supplementary questions (under the provisions of Council Procedure Rule 16.4), questions relating to urgent business (under the provisions of Council Procedure Rule 16.6ii) and questions relating to the discharge of the functions of the South Yorkshire Joint Authorities for Fire and Rescue and Pensions (under the provisions of Council Procedure Rule 16.6i), were not able to be asked before the meeting terminated (under the provisions of Council Procedure Rule 5.5) after four hours and 30 minutes duration.

**8. REPRESENTATION, DELEGATED AUTHORITY AND RELATED ISSUES**

8.1 RESOLVED: On the Motion of Councillor Peter Rippon, seconded by Councillor Olivia Blake, that approval be given to the following changes to the memberships of Committees, Boards, etc.

Access Liaison Group	-	Councillor Ian Saunders to replace Councillor Nasima Akther
South Yorkshire Local Pension Board	-	Councillor Adam Hurst to replace Councillor Ben Curran
Sheffield Lyceum Theatre Trust Ltd – Directors and Members	-	Mrs. Veronica Hardstaff to fill a non-Council vacancy

**9. NOTICE OF MOTION GIVEN BY COUNCILLOR BEN MISKELL**

**Fixed Odds Betting Terminals**

9.1 It was formally moved by Councillor Ben Miskell, and formally seconded by Councillor Leigh Bramall, that this Council:-

- (a) reiterates support for previous resolutions calling on the government to give local authorities the powers they need to respond to concerns from their local communities and stop the proliferation of Fixed Odds Betting Terminal (FOBT) machines and betting shops;
- (b) notes that each betting outlet can provide four FOBT machines which offer casino style content including games such as roulette at up to £100 a spin, which can be wagered every 20 seconds, and believes:-
  - (i) it is in response to the cap that bookmakers have opened multiple premises in clusters to facilitate more machines as a fixed margin product guarantees bookmakers a return; and
  - (ii) as a result, FOBTs have become a significant part of their business operations which has led to betting shops proliferating on high streets and licenses being moved from tertiary locations to clusters;
- (c) further notes there are now more than 33,400 FOBTs offering casino content on high streets, illustrating this is a nation-wide issue, and that there are also more than twice as many betting shops in the poorest 55 local authority areas compared with the most affluent 115, which are equivalent by population;
- (d) notes the campaign led by the London Borough of Newham, with support from a number of local authorities, to support the Sustainable



Communities Act (SCA) submission to reduce the stakes on category B2 Fixed Odds Betting Terminals (FOBTs) in on-street betting outlets from £100 to £2 per spin;

- (e) wholeheartedly supports this campaign, which will help to tackle the proliferation of betting shops throughout Sheffield, an issue which the Council is hamstrung to tackle;
- (f) notes that the Government have announced a full review of high stake gaming machines, with consultation closing on 4th December; and
- (g) directs that a copy of this motion is sent to the Government and the London Borough of Newham to convey Sheffield's full support for the campaign, in addition to the Council providing a full response to the Government consultation.

9.2 Whereupon, it was formally moved by Councillor Andrew Sangar, and formally seconded by Councillor Ian Auckland, as an amendment, that the Motion now submitted be amended by the relettering of paragraphs (d) to (g) as new paragraphs (f) to (i) and the addition of new paragraphs (d) and (e) as follows:-

- (d) believes this is a direct consequence of the Gambling Act 2005, introduced by the last Labour Government, which removed the need for operators to prove unmet demand;
- (e) notes the comments of Tom Watson MP, Deputy Leader of the Labour Party, who stated the Labour Party 'dropped the ball' over the 2005 Gambling Act;

9.3 On being put to the vote, the amendment was negatived.

9.4 The original Motion was then put to the vote and carried as follows:-

RESOLVED: That this Council:-

- (a) reiterates support for previous resolutions calling on the government to give local authorities the powers they need to respond to concerns from their local communities and stop the proliferation of Fixed Odds Betting Terminal (FOBT) machines and betting shops;
- (b) notes that each betting outlet can provide four FOBT machines which offer casino style content including games such as roulette at up to £100 a spin, which can be wagered every 20 seconds, and believes:-
  - (i) it is in response to the cap that bookmakers have opened multiple premises in clusters to facilitate more machines as a fixed margin product guarantees bookmakers a return; and
  - (ii) as a result, FOBTs have become a significant part of their business operations which has led to betting shops proliferating on

- high streets and licenses being moved from tertiary locations to clusters;
- (c) further notes there are now more than 33,400 FOBTs offering casino content on high streets, illustrating this is a nation-wide issue, and that there are also more than twice as many betting shops in the poorest 55 local authority areas compared with the most affluent 115, which are equivalent by population;
  - (d) notes the campaign led by the London Borough of Newham, with support from a number of local authorities, to support the Sustainable Communities Act (SCA) submission to reduce the stakes on category B2 Fixed Odds Betting Terminals (FOBTs) in on-street betting outlets from £100 to £2 per spin;
  - (e) wholeheartedly supports this campaign, which will help to tackle the proliferation of betting shops throughout Sheffield, an issue which the Council is hamstrung to tackle;
  - (f) notes that the Government have announced a full review of high stake gaming machines, with consultation closing on 4th December; and
  - (g) directs that a copy of this motion is sent to the Government and the London Borough of Newham to convey Sheffield's full support for the campaign, in addition to the Council providing a full response to the Government consultation.

## **10. NOTICE OF MOTION GIVEN BY COUNCILLOR NASIMA AKTHER**

### **Child Poverty**

- 10.1 RESOLVED: On the Motion of Councillor Nasima Akther, seconded by Councillor Jackie Drayton, that this Council:-
- (a) notes the publication in November of new figures by the End Child Poverty coalition which highlight that there are more than 3.5 million children living in poverty in the UK;
  - (b) further notes that Sheffield Brightside and Hillsborough has the 14th highest levels of child poverty of any constituency in the country with 39.7% of children (11,706 children) living in poverty and in Sheffield Central 34.9% of children (5,452 children) are living in poverty;
  - (c) believes that this number of children living in poverty is disgraceful and notes that from the beginning of the Coalition Government in 2010, children's charities have been warning that the Government's policies would result in increased child poverty and this has been seen through the significant growth in foodbanks in recent years;

- (d) regrets that child poverty has increased by over 200,000 in the past year and notes reports by the Institute for Fiscal Studies which suggest that the UK is set for the biggest increase in child poverty in a generation and that by 2020 child poverty will have risen by 50%;
- (e) regrets that the changes to Universal Credit announced in the Autumn Statement do not address the huge cuts made by this Government and recalls that the cuts to Universal Credit introduced by this Government have taken £2,100 per year from 2.5 million working families today and the measures in the Autumn Statement will give them back as little as £150;
- (f) notes research from the Joseph Rowntree Foundation which highlights that lone parents with 2 children, working full time on the National Living Wage, have lost £2,586 per year due to changes in benefits since 2015; and
- (g) welcomes Labour's proposal to reverse cuts to Universal Credit Work Allowances, to restore the important principle abandoned by this Government that work will always pay.

10.1.1 (NOTE: Councillors Andy Nash, Bob Pullin, Richard Shaw, Adam Hanrahan, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Paul Scriven, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayris, Gail Smith, David Baker, Penny Baker and Vickie Priestley voted for paragraphs (a), (b) and (d) to (g), and voted against paragraph (c) of the Motion and asked for this to be recorded.)

## **11. NOTICE OF MOTION GIVEN BY COUNCILLOR PAUL SCRIVEN**

### **NHS Sustainability and Transformation Plans (1)**

11.1 It was formally moved by Councillor Paul Scriven, and formally seconded by Councillor Richard Shaw, that this Council:-

- (a) notes the publication of the South Yorkshire and Bassetlaw Sustainability and Transformation Plan;
- (b) notes with concern that the Plan estimates a shortfall in NHS and social care funding in our area of £571 million by 2020/21, including £107million for social care, a proportion of which will be relating to this Council's budget;
- (c) is concerned by the reply given by Councillor Cate McDonald, Cabinet Member for Health and Social Care, at the Full Council meeting in September, when she stated "I have not received a copy of the initial SYB submission to the NHS Executive", when at the same time senior

figures within Sheffield City Council have been at the top table in this process;

- (d) believes that it is vital the people and their elected representatives have their say on changes made to local NHS and Social Care services and are not presented with plans made behind closed doors without any public or patient involvement;
- (e) believes that the bottom line is that the Government is not spending enough on the NHS, and that there will be serious failures of care in our area unless we see more investment in our health service;
- (f) condemns the Chancellor of the Exchequer for neglecting to mention the NHS and social care in his Autumn Statement document; and
- (g) notes the Liberal Democrat policy, established at its 2016 autumn conference, for the establishment of an independent, cross-party commission to reform the funding settlement across health and care and to look into the possibility of a new Health and Care Tax, which would amount to a 1p rise in income tax per pound, to help guarantee the future of the NHS and vital care services.

11.2 Whereupon it was formally moved by Councillor Cate McDonald, and formally seconded by the Deputy Lord Mayor (Councillor Anne Murphy), as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) is appalled that at a time when the NHS is facing the biggest financial squeeze in its history, when waiting lists are at four million, and when Accident & Emergency Units are in crisis, the Autumn Statement contained not a single penny of extra investment for social care and the NHS;
- (b) regrets that instead of putting extra investment into the NHS and social care to address the financial crisis it faces, the Government are attempting to force through cuts to the NHS through Sustainability and Transformation Plans (STPs);
- (c) notes that the South Yorkshire and Bassetlaw STP was published on Friday 11th November 2016 by the NHS;
- (d) recognises that the NHS should always be striving to improve services, however, believes that the way that Sustainability and Transformation Plans have been developed has led to them becoming a mechanism for implementing the Five Year Forward View, which includes £22 billion of efficiency savings or cuts;
- (e) believes that the STP process has lacked transparency and should have been conducted in a more transparent manner with a broad

conversation with the public about the challenges facing the NHS and how to tackle them; and

- (f) resolves to continue to oppose the Government's cuts to NHS and local government funding, which are already leading to a crisis for adult social care, and to make the case for the extra investment that is desperately needed for these vital public services and resist further cuts to the NHS and social care on the back of STPs.

11.3 On being put to the vote, the amendment was carried.

11.4 The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) is appalled that at a time when the NHS is facing the biggest financial squeeze in its history, when waiting lists are at four million, and when Accident & Emergency Units are in crisis, the Autumn Statement contained not a single penny of extra investment for social care and the NHS;
- (b) regrets that instead of putting extra investment into the NHS and social care to address the financial crisis it faces, the Government are attempting to force through cuts to the NHS through Sustainability and Transformation Plans (STPs);
- (c) notes that the South Yorkshire and Bassetlaw STP was published on Friday 11th November 2016 by the NHS;
- (d) recognises that the NHS should always be striving to improve services, however, believes that the way that Sustainability and Transformation Plans have been developed has led to them becoming a mechanism for implementing the Five Year Forward View, which includes £22 billion of efficiency savings or cuts;
- (e) believes that the STP process has lacked transparency and should have been conducted in a more transparent manner with a broad conversation with the public about the challenges facing the NHS and how to tackle them; and
- (f) resolves to continue to oppose the Government's cuts to NHS and local government funding, which are already leading to a crisis for adult social care, and to make the case for the extra investment that is desperately needed for these vital public services and resist further cuts to the NHS and social care on the back of STPs.

**12. NOTICE OF MOTION GIVEN BY COUNCILLOR KIERAN HARPHAM**

**Orgreave Truth and Justice Campaign**

12.1 RESOLVED: On the Motion of Councillor Kieran Harpham, seconded by Councillor Chris Peace, that this Council:-

- (a) is appalled by the decision of the Home Secretary not to hold an inquiry into the policing of picket lines at the Orgreave coking plant on 18th June 1984 during the Miners' Strike, and condemns the decision taken on 31st October 2016 as a great injustice;
- (b) believes that with this ruling, the Home Secretary has shown great contempt for the Orgreave Truth and Justice Campaign, many former miners, their families and communities who for more than 32 years have waited for the truth and who have displayed huge courage and tenacity in trying to hold the authorities to account;
- (c) observes that even the Independent Police Complaints Commission said in their redacted report released in June 2015 that there was "evidence of excessive violence by police officers, a false narrative from police exaggerating violence by miners, perjury by officers giving evidence to prosecute the arrested men, and an apparent cover-up of that perjury by senior officers";
- (d) is astonished that, in the light of such statements, the Home Secretary concludes that there are few lessons to be learned by the current police forces from any review of these events, there was no miscarriage of justice, no convictions and therefore there will be no inquiry;
- (e) notes that 95 miners were arrested and charged with riot offences, but all were later acquitted amid claims that South Yorkshire Police had fabricated evidence, and that there were also widespread examples of pickets reporting they had been beaten unconscious by police officers, and believes that miners suffered such treatment simply for exercising their right to protest against the threat to their jobs, their industry and communities;
- (f) believes it is shameful that, as yet, no-one has to answer for the events of that day in 1984, and that Monday 31st October 2016 was a bad day for justice, but does, however, salute the decision of the Orgreave Truth and Justice Campaign to continue with its fight for transparency and a full public inquiry, and commits to do everything we can to help them;
- (g) requests that the Government releases all documents relating to Orgreave into the public domain and that the Home Office fully cooperates with all requests for disclosure and answers questions raised by the Home Affairs Select Committee; and

- (h) requests the Leader of the Council to write to the Home Secretary asking that she takes into account the opinion of this Council, accepts that there is widespread public concern about the events at Orgreave, and calling on her to order an inquiry into them.

12.1.1 The votes on the Motion were ordered to be recorded and were as follows:-

- For the Motion (69) - The Deputy Lord Mayor (Councillor Anne Murphy) and Councillors Andy Nash, Bob Pullin, Richard Shaw, Chris Rosling-Josephs, Bryan Lodge, Michelle Cook, Kieran Harpham, Magid Magid, Jackie Drayton, Talib Hussain, Mark Jones, Douglas Johnson, Robert Murphy, Moya O'Rourke, Craig Gamble Pugh, Adam Hanrahan, Mazher Iqbal, Mary Lea, Zahira Naz, Joe Otten, Colin Ross, Martin Smith, Andy Bainbridge, Steve Wilson, Roger Davison, Shaffaq Mohammed, Paul Scriven, Abdul Khayum, Abtisam Mohamed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Lewis Dagnall, Cate McDonald, Chris Peace, Ian Auckland, Sue Auckland, Steve Ayris, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Gail Smith, Tony Downing, Nasima Akther, Mohammad Maroof, Alison Teal, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Dawn Dale, Peter Price, Leigh Bramall, Jayne Dunn, David Baker, Penny Baker, Richard Crowther, Olivia Blake, Ben Curran, Neale Gibson, Adam Hurst, Zoe Sykes and Mick Rooney.

Against the Motion (0) - Nil

Abstained on the Motion (3) - The Lord Mayor (Councillor Denise Fox) and Councillors Pauline Andrews and Jack Clarkson.

12.1.2 (NOTE: Councillor Vickie Priestley, having earlier declared an interest in the above item, did not vote on the Motion.)

### **13. NOTICE OF MOTION GIVEN BY COUNCILLOR CATE MCDONALD**

#### **NHS Sustainability and Transformation Plans (2)**

13.1 It was formally moved by Councillor Cate McDonald, and formally seconded by the Deputy Lord Mayor (Councillor Anne Murphy), that this Council:-

- (a) is appalled that at a time when the NHS is facing the biggest financial squeeze in its history, when waiting lists are at four million, and when

Accident & Emergency Units are in crisis, the Autumn Statement contained not a single penny of extra investment for social care and the NHS;

- (b) regrets that instead of putting extra investment into the NHS and social care to address the financial crisis it faces, the Government are attempting to force through cuts to the NHS through Sustainability and Transformation Plans (STPs);
- (c) notes that the South Yorkshire and Bassetlaw STP was published on Friday 11th November 2016 by the NHS;
- (d) recognises that the NHS should always be striving to improve services, however, believes that the way that Sustainability and Transformation Plans have been developed has led to them becoming a mechanism for implementing the Five Year Forward View, which includes £22 billion of efficiency savings or cuts;
- (e) believes that the STP process has lacked transparency and should have been conducted in a more transparent manner with a broad conversation with the public about the challenges facing the NHS and how to tackle them; and
- (f) resolves to continue to oppose the Government's cuts to NHS and local government funding, which are already leading to a crisis for adult social care, and to make the case for the extra investment that is desperately needed for these vital public services and resist further cuts to the NHS and social care on the back of STPs.

13.2 Whereupon, it was formally moved by Councillor Paul Scriven, and formally seconded by Councillor Richard Shaw, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (g) and (h) as follows:-

- (g) believes that it is rank hypocrisy for the Administration to state "the STP process has lacked transparency and should have been conducted in a more transparent manner with a broad conversation with the public about the challenges facing the NHS and how to tackle them", when Council officials have been part of the process from the beginning and the Administration could have took active steps to become involved in the process and published the deal or invited public participation; and
- (h) notes the actions of the Leader of Sutton Council who published the NHS' STP in full on the Sutton Council website back in October.

13.3 On being put to the vote, the amendment was negatived.

13.4 It was then formally moved by Councillor Douglas Johnson, and formally seconded by Councillor Magid Magid, as an amendment, that the Motion now submitted be amended by:-



1. the addition, in paragraph (d), after the words “the NHS should always be striving to improve services”, of the words “and welcomes the focus in the STP on investment in prevention, mental health and primary and community care”; and
2. the addition of new paragraphs (g) to (k) as follows:-
  - (g) notes that £107m of the proposed £571m of cuts across South Yorkshire and Bassetlaw relate directly to local authority functions of social care and public health;
  - (h) believes that the detailed financial plans (to be drawn up in early 2017) should include a clear commitment to shift funds into social care;
  - (i) believes that the Council should have a role to play in scrutinising and deciding whether to endorse the STP;
  - (j) believes that neither the South Yorkshire and Bassetlaw plan, nor the Sheffield plan, at present, put forward credible proposals to invest in new preventative work at the same time as achieving the huge spending cuts in the proposed timescale; and
  - (k) therefore calls on the relevant Cabinet Member to demonstrate opposition to these spending cuts by not approving the South Yorkshire and Bassetlaw STP on behalf of the Council until there has been adequate public consultation.

13.5 On being put to the vote, the amendment was negatived.

13.6 The original Motion was then put to the vote and carried as follows:-

RESOLVED: That this Council:-

- (a) is appalled that at a time when the NHS is facing the biggest financial squeeze in its history, when waiting lists are at four million, and when Accident & Emergency Units are in crisis, the Autumn Statement contained not a single penny of extra investment for social care and the NHS;
- (b) regrets that instead of putting extra investment into the NHS and social care to address the financial crisis it faces, the Government are attempting to force through cuts to the NHS through Sustainability and Transformation Plans (STPs);
- (c) notes that the South Yorkshire and Bassetlaw STP was published on Friday 11th November 2016 by the NHS;
- (d) recognises that the NHS should always be striving to improve services,

however, believes that the way that Sustainability and Transformation Plans have been developed has led to them becoming a mechanism for implementing the Five Year Forward View, which includes £22 billion of efficiency savings or cuts;

- (e) believes that the STP process has lacked transparency and should have been conducted in a more transparent manner with a broad conversation with the public about the challenges facing the NHS and how to tackle them; and
- (f) resolves to continue to oppose the Government's cuts to NHS and local government funding, which are already leading to a crisis for adult social care, and to make the case for the extra investment that is desperately needed for these vital public services and resist further cuts to the NHS and social care on the back of STPs.

#### **14. NOTICE OF MOTION GIVEN BY COUNCILLOR ROBERT MURPHY**

##### **Tree Felling on Rustlings Road (2)**

14.1 It was formally moved by Councillor Robert Murphy, and formally seconded by Councillor Alison Teal, that this Council:-

- (a) notes that the Sheffield City Highways tree survey in 2006-07 identified 25,877 mature and over-mature trees, of which only 1000 needed felling;
- (b) notes that 59 out of 65 residents of Rustlings Road disagreed with proposals to fell trees on their own street;
- (c) notes that the Council's Independent Tree Panel advised options other than felling for 6 out of 8 trees;
- (d) notes that this report, dated 22 July 2016, was only published at 4.25am on the morning the trees were felled;
- (e) notes that the Cabinet Member for Environment nevertheless allowed the felling of these trees in a major police-backed operation in the early hours of the morning, causing alarm and distress to residents of Rustlings Road;
- (f) apologises for the alarm and distress to local residents on Rustlings Road for the action of the Council and its partners on Thursday 17 November 2016, and believes these actions did not have the support of the Members of the Council; and
- (g) therefore resolves that this Council has no confidence in the leadership of the current Administration.

- 14.2 Whereupon, it was formally moved by Councillor Bryan Lodge, and formally seconded by Councillor Tony Downing, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-
- (a) reiterates the apology that has been made for the way in which the work to replace trees on Rustlings Road was carried out, and recognises that the Council has apologised for the mistakes that were made;
  - (b) believes it was right for the Council to apologise for the disruption and distress caused by knocking on people's doors at 5am and the decision not to publish the Independent Tree Panel (ITP) report in advance;
  - (c) welcomes that the apology included specific commitments that the Council will publish the Independent Tree Panel reports in a timely manner, with full and transparent information about how decisions have been reached, and the assurances that no work will begin before 7am;
  - (d) fully supports the right of campaigners to continue to peacefully protest and, at the same time, believes that peaceful protests should not put the safety of the workforce who are doing their job, or the public, at risk;
  - (e) continues to support the Streets Ahead Project, which is the biggest investment in Sheffield's highway network that the city has ever seen, which was originally funded by the previous Labour Government;
  - (f) recalls that plans to replace highway trees as part of the project were drawn up by Liberal Democrat Councillors when they were in control of the Council in a 2008 Cabinet Report detailing the scope of services to be included in the project and in a 2009 specification document drawn up for potential bidders for the contract, which included a forward from the then Leader of the Council, Councillor Paul Scriven;
  - (g) continues to agree with the proposals put forward in the October 2008 and April 2009 documents relating to highway trees, the April 2009 document stating that "A significant improvement in the standard of tree maintenance will be required, with large numbers of over-mature trees being replaced by more appropriate species, and others pruned, crowned or otherwise maintained in a safe condition. The Authority will require the overall number of highway trees across the City to be sustained at current levels and the highway tree stock returned to a more balanced age-profile during the course of the Project";
  - (h) confirms that since the Streets Ahead Project started, more highway trees have been replanted in the city than removed, and the purpose of this work is as stated in the Tree Management Strategy to "ensure the street tree population is maintained and improved throughout the contract term to create a legacy of a healthy, diverse tree stock in terms of age, profile and species, reducing the risk of monocultures, whilst

ensuring the safety of the highway user and adjacent properties”;

- (i) further confirms the following from the 2012-2017 Tree Management Strategy “The removal of street trees will only be considered as a last resort where there are no other reasonably practicable management options available to ensure safety or prevent damage to surrounding structures. Removals will only be specified by suitably qualified and experienced surveyors and, where necessary, additional decay detection equipment will be used to confirm any recommendations. All trees removed will be replaced on a one for one basis the following planting season (November to March)”;
- (j) recognises that proposals around the replacement of trees on a number of streets have raised further issues because of their status as World War I memorial trees;
- (k) notes that one of these streets is Western Road, where the consultation closes on 9th December, and that Councillors Craig Gamble Pugh and Anne Murphy have been consulting with their constituents on this road to raise awareness about the surveys; and
- (l) commits to engaging with stakeholders such as the Sheffield Community Covenant and War Memorials Trust when considering the Council’s response to advice from the Independent Tree Panel, if and when the residents of Western Road decide to ask the ITP to re-examine the proposals, and commits to respond in an open and transparent way, carefully taking the ITP’s advice into account.

14.3 On being put to the vote, the amendment was carried.

14.4 It was then formally moved by Councillor Colin Ross, and formally seconded by Councillor Martin Smith, as an amendment, that the Motion now submitted be amended by the deletion of original paragraph (g) and the addition of new paragraphs (g) to (j) as follows:-

- (g) calls on the Administration to review its policy on highway trees so that it takes into account the full value of their contribution to air quality, quality of life and the quality of the natural environment, and the democratic will that they be retained in much larger numbers;
- (h) calls for the immediate publication of all parts of the Streets Ahead contract that relate to tree felling, to allow full public scrutiny of the contract;
- (i) calls for an enquiry by the Overview and Scrutiny Management Committee, which will be open and held in public, to look specifically at:-
  - (i) all operational matters with regards to felling of trees; and
  - (ii) the events, decisions and operational matters specifically related

to the felling of the trees on Rustlings Road -

with a view to producing a series of recommendations and steps to ensure nothing of the nature of the Rustlings Road incident ever happens in Sheffield again; and

- (j) calls on Councillors Julie Dore and Bryan Lodge to take responsibility for the events of 17th November and to step down as Leader and Cabinet Member for Environment, respectively.

14.5 On being put to the vote, the amendment was negated.

14.6 It was then formally moved by Councillor Douglas Johnson, and formally seconded by Councillor Magid Magid, as an amendment, that the Motion now submitted be amended by the relettering of original paragraph (g) as a new paragraph (i) and the addition of new paragraphs (g) and (h) as follows:-

- (g) notes the formal apology from Councillor Lodge that “we commit to publishing the Independent Tree Panel reports in a timely manner, with full and transparent information about how we have come to decisions”;
- (h) but notes that the Council and its partner Amey has already blatantly disregarded this apology by felling a mature tree on Ventnor Place on 6 December 2016 after issuing consultation letters to all residents on the street inviting responses by 9th December; and

14.7 On being put to the vote, the amendment was negated.

14.8 The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) reiterates the apology that has been made for the way in which the work to replace trees on Rustlings Road was carried out, and recognises that the Council has apologised for the mistakes that were made;
- (b) believes it was right for the Council to apologise for the disruption and distress caused by knocking on people’s doors at 5am and the decision not to publish the Independent Tree Panel (ITP) report in advance;
- (c) welcomes that the apology included specific commitments that the Council will publish the Independent Tree Panel reports in a timely manner, with full and transparent information about how decisions have been reached, and the assurances that no work will begin before 7am;
- (d) fully supports the right of campaigners to continue to peacefully protest and, at the same time, believes that peaceful protests should not put the safety of the workforce who are doing their job, or the public, at risk;

- (e) continues to support the Streets Ahead Project, which is the biggest investment in Sheffield's highway network that the city has ever seen, which was originally funded by the previous Labour Government;
- (f) recalls that plans to replace highway trees as part of the project were drawn up by Liberal Democrat Councillors when they were in control of the Council in a 2008 Cabinet Report detailing the scope of services to be included in the project and in a 2009 specification document drawn up for potential bidders for the contract, which included a forward from the then Leader of the Council, Councillor Paul Scriven;
- (g) continues to agree with the proposals put forward in the October 2008 and April 2009 documents relating to highway trees, the April 2009 document stating that "A significant improvement in the standard of tree maintenance will be required, with large numbers of over-mature trees being replaced by more appropriate species, and others pruned, crowned or otherwise maintained in a safe condition. The Authority will require the overall number of highway trees across the City to be sustained at current levels and the highway tree stock returned to a more balanced age-profile during the course of the Project";
- (h) confirms that since the Streets Ahead Project started, more highway trees have been replanted in the city than removed, and the purpose of this work is as stated in the Tree Management Strategy to "ensure the street tree population is maintained and improved throughout the contract term to create a legacy of a healthy, diverse tree stock in terms of age, profile and species, reducing the risk of monocultures, whilst ensuring the safety of the highway user and adjacent properties";
- (i) further confirms the following from the 2012-2017 Tree Management Strategy "The removal of street trees will only be considered as a last resort where there are no other reasonably practicable management options available to ensure safety or prevent damage to surrounding structures. Removals will only be specified by suitably qualified and experienced surveyors and, where necessary, additional decay detection equipment will be used to confirm any recommendations. All trees removed will be replaced on a one for one basis the following planting season (November to March)";
- (j) recognises that proposals around the replacement of trees on a number of streets have raised further issues because of their status as World War I memorial trees;
- (k) notes that one of these streets is Western Road, where the consultation closes on 9th December, and that Councillors Craig Gamble Pugh and Anne Murphy have been consulting with their constituents on this road to raise awareness about the surveys; and
- (l) commits to engaging with stakeholders such as the Sheffield Community Covenant and War Memorials Trust when considering the

Council's response to advice from the Independent Tree Panel, if and when the residents of Western Road decide to ask the ITP to re-examine the proposals, and commits to respond in an open and transparent way, carefully taking the ITP's advice into account.

- 14.8.1 (NOTE: Councillors Magid Magid, Douglas Johnson, Robert Murphy and Alison Teal voted for paragraphs (a) to (d), (f) and (j) to (l), voted against paragraphs (e), (g) and (i) and abstained from voting on paragraph (h) of the Substantive Motion, and asked for this to be recorded.)

## **15. NOTICE OF MOTION GIVEN BY COUNCILLOR JOHN BOOKER**

### **Local Government and Professional Party Politicians**

- 15.1 It was formally moved by Councillor Jack Clarkson, and formally seconded by Councillor Pauline Andrews, that this Council:-
- (a) believes, at times, elected councillors put party politics ahead of taxpayers when making decisions on important matters;
  - (b) also believes local authorities should exist to serve their communities first and put power back where it belongs, in the hands of local people;
  - (c) further believes that this Authority should be looking at a policy of "in-sourcing" not "out-sourcing", to follow the examples of Liverpool, Cumbria and Essex;
  - (d) is of the view that there has been a practice of allowing management consultants to flood local government, treating the public sector as a gift that keeps on giving, charging inflated amounts of money for consultant templates that read as if they have been written by a child, where only the names of the local authorities change on all these documents, and further believes that the practice of "risk and reward" contracts, where private companies profit from money saved from local council budgets, in effect, result in the poorest in our society paying towards the wealthiest;
  - (e) opposes the cabinet system of governance, which it believes puts too much power in the hands of too few people, and advocates a committee system which brings more openness, transparency and cross-party collaboration;
  - (f) further believes the behaviour of the professional party politicians over the last four decades has shown their self-serving system has completely failed democracy, and the people; and
  - (g) commits at all times to provide council tax payers with the best services and the best value for money.

15.2 Whereupon, it was formally moved by Councillor Adam Hanrahan, and formally seconded by Councillor Richard Shaw, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) notes that the new Leader of UKIP, Paul Nuttall MEP, has called for the NHS to be privatised, calling it a "monolithic hangover from days gone by", whose "very existence stifles competition"; and
- (b) notes comments by Nigel Farage MEP, former Leader of UKIP, who stated "I have never been, and I have never wanted to be, a career politician", and further notes that Nigel Farage has stood unsuccessfully to be an MP seven times over the past 22 years and that Mr. Farage has been an MEP for 17 years and counting, taking salary and expenses of hundreds of thousands of pounds from the taxpayer.

15.3 On being put to the vote, the amendment was carried.

15.4 The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) notes that the new Leader of UKIP, Paul Nuttall MEP, has called for the NHS to be privatised, calling it a "monolithic hangover from days gone by", whose "very existence stifles competition"; and
- (b) notes comments by Nigel Farage MEP, former Leader of UKIP, who stated "I have never been, and I have never wanted to be, a career politician", and further notes that Nigel Farage has stood unsuccessfully to be an MP seven times over the past 22 years and that Mr. Farage has been an MEP for 17 years and counting, taking salary and expenses of hundreds of thousands of pounds from the taxpayer.

## **16. NOTICE OF MOTION GIVEN BY COUNCILLOR MOHAMMAD MAROOF**

### **Reduction in Anti-Social Behaviour in the Nether Edge Area around the Bonfire Night Period**

16.1 RESOLVED: On the Motion of Councillor Mohammad Maroof, seconded by Councillor Nasima Akther, that this Council:-

- (a) welcomes reports that this year there was a 60 per cent reduction in anti-social behaviour in the Nether Edge/Abbeydale Road area in the week leading up to bonfire night, with no significant incidents of disorder in the area over the bonfire weekend;



- (b) welcomes action taken by the Council and South Yorkshire Police, working closely with the community and other partners, after significant problems the previous year;
- (c) notes that extra funding has been allocated to set up activities for young people, improve lighting and safety in key areas and organise Abbeydale Road's first lantern parade which was attended by more than 200 people; and
- (d) thanks all partners involved in making this work a success and believes continued partnership working is essential to keeping this progress moving forward.

## **17. NOTICE OF MOTION GIVEN BY COUNCILLOR ALISON TEAL**

### **Amey Group's Health and Safety Record**

17.1 It was formally moved by Councillor Alison Teal, and formally seconded by Councillor Douglas Johnson, that this Council:-

- (a) notes that, on two occasions, companies within the Amey Group, have been successfully prosecuted for breaches to Health & Safety legislation in the UK;
- (b) notes that a number of alleged health and safety breaches have been reported to the Health and Safety Executive since Amey Hallam Highways Limited began work in partnership with Sheffield City Council; and
- (c) believes that arboricultural and tree felling work ought to be delayed while the Health and Safety Executive investigate the alleged breaches of health and safety legislation, considering Amey's accident and prosecution record.

17.2 Whereupon, it was formally moved by Councillor Bryan Lodge, and formally seconded by Councillor Tony Downing, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) notes Amey Hallam Highways Ltd have confirmed that they have had no prosecutions or been served with any enforcement notice of any kind by the Health and Safety Executive (HSE);
- (b) recognises that Amey do receive informal contact from the HSE when members of the public report issues they observe, and they work closely with the local HSE Inspector to review them;

- (c) confirms that, to date, all have been successfully closed without any formal escalation required; and
- (d) notes that the HSE have not issued a prohibition notice about any complaints, which is within their power should they have been seriously concerned about safety until investigations are concluded, and accordingly there is no reason for the Council to believe Amey are operating unsafely, and therefore work will continue.

17.3 On being put to the vote, the amendment was carried.

17.4 The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) notes Amey Hallam Highways Ltd have confirmed that they have had no prosecutions or been served with any enforcement notice of any kind by the Health and Safety Executive (HSE);
- (b) recognises that Amey do receive informal contact from the HSE when members of the public report issues they observe, and they work closely with the local HSE Inspector to review them;
- (c) confirms that, to date, all have been successfully closed without any formal escalation required; and
- (d) notes that the HSE have not issued a prohibition notice about any complaints, which is within their power should they have been seriously concerned about safety until investigations are concluded, and accordingly there is no reason for the Council to believe Amey are operating unsafely, and therefore work will continue.



## SHEFFIELD CITY COUNCIL Report to Council

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**Report of:** Acting Executive Director, Resources

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**Date:** 4<sup>th</sup> January 2017

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**Subject:** Appointment of External Auditors 2018/19 and beyond

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**Author of Report:** Kayleigh Inman, Senior Finance Manager, Internal Audit  
0114 2734435

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### Summary:

This report sets out the proposals for appointing the external auditor to the Council for the 2018/19 accounts and beyond, as the current transitional arrangements expire after the 2017/18 audits.

The Audit and Standards Committee have considered the options presented by the Local Audit and Accountability Act 2014, and concluded that it is likely that a sector-wide procurement conducted by Public Sector Audit Appointments' (PSAA) will produce better outcomes for the Council than any procurement undertaken locally. Use of PSAA will also be less resource intensive than establishing and operating an auditor panel and conducting a direct local procurement.

If the Council is to take advantage of the national scheme for appointing auditors to be operated by PSAA for the subsequent years, Full Council needs to take the decision to do so now.

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### Recommendations:

That Full Council, endorse the recommendation from the Audit and Standards Committee and:-

- (a) accepts Public Sector Audit Appointments' (PSAA) invitation to 'opt in' to the sector led option for the appointment of external auditors for 5 financial years commencing 1 April 2018.
- (b) Authorises the Acting Executive Director, Resources, to give notice of acceptance of the invitation to 'opt in' to the PSAA prior to the closing date for acceptance of the invitation.

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### Background Papers:

1. Letter from PSAA re opting into SLB
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**Statutory and Council Policy Checklist**

<b>Financial Implications</b>
YES Cleared by: D Phillips
<b>Legal Implications</b>
YES Cleared by: Deborah Eaton
<b>Equality of Opportunity Implications</b>
NO Cleared by: Michael Bowles
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human rights Implications</b>
NO:
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
<b>Relevant Scrutiny Committee if decision called in</b>
Not applicable
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press release</b>
NO

**DECISION TO OPT IN TO THE NATIONAL SCHEME FOR AUDITOR  
APPOINTMENTS WITH PSAA AS THE 'APPOINTING PERSON'**

**January 2017**

**1. Purpose of Report and Summary Points**

- 1.1 This report sets out the proposals for appointing the external auditor to the Council for the 2018/19 accounts and beyond. The auditors are currently working under a contract originally let by the Audit Commission that was transferred to Public Sector Audit Appointments (PSAA) as part of transitional arrangements following the closure of the Audit Commission.
- 1.2 The Audit and Standards Committee have considered the options presented by Local Audit and Accountability Act 2014, and concluded that it is likely that a sector-wide procurement conducted by Public Sector Audit Appointments' (PSAA) will produce better outcomes for the Council than any procurement undertaken locally. Use of PSAA will also be less resource intensive than establishing and operating an auditor panel and conducting a direct local procurement.
- 1.3 If the Council is to take advantage of the national scheme for appointing auditors to be operated by PSAA for the subsequent years, Full Council needs to take the decision to do so now.

**2. Recommendation**

- 2.1 (a). Full Council accepts Public Sector Audit Appointments' (PSAA) invitation to 'opt in' to the sector led body for the appointment of external auditors for 5 financial years commencing 1 April 2018 and  
  
(b) Authorises the Acting Executive Director, Resources, to give notice of acceptance of the invitation to 'opt in' to the PSAA prior to the closing date for acceptance of the invitation.

**3. Background**

- 3.1 The Local Audit and Accountability Act 2014 (the Act) brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State Communities and Local Government (CLG) determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.

- 3.2 The Act also set out the arrangements for the appointment of auditors for subsequent years, with the opportunity for authorities to make their own decisions about how and by whom their auditors are appointed. Regulations made under the Act allow authorities to 'opt in' for their auditor to be appointed by an 'appointing person'.
- 3.3 In July 2016 PSAA were specified by the Secretary of State as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. The appointing person is sometimes referred to as the sector led body and PSAA has wide support across local government. PSAA was originally established to operate the transitional arrangements following the closure of the Audit Commission under powers delegated by the Secretary of State. PSAA is an independent, not-for-profit company limited by guarantee and established by the Local Government Association (LGA).
- 3.4 PSAA is inviting the Council to opt in, along with all other authorities, so that PSAA can enter into a number of contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor.
- 3.5 The principal benefits from such an approach are as follows:
- PSAA will ensure the appointment of a suitably qualified and registered auditor and expects to be able to manage the appointments to allow for appropriate groupings and clusters of audits where bodies work together – in the case of SCC, this will likely include the City Region and Passenger Transport Executive;
  - PSAA will monitor contract delivery and ensure compliance with contractual requirements, audit quality and independence requirements;
  - Any auditor conflicts at individual authorities would be managed by PSAA who would have a number of contracted firms to call upon;
  - It is expected that the large scale contracts procured through PSAA will bring economies of scale and attract keener prices from the market than a smaller scale competition;
  - The overall procurement costs would be expected to be lower than an individual smaller scale local procurement;
  - The overhead costs for managing the contracts will be minimised though a smaller number of large contracts across the sector;
  - There will be no need for the Council to establish alternative appointment processes locally, including the need to set up and manage an 'auditor panel', see below; and
  - A sustainable market for audit provision in the sector will be easier to ensure for the future.

- 3.6 The Council's current external auditor is KPMG. Over recent years authorities have benefited from a reduction in fees in the order of 55% compared with fees in 2012. This has been the result of a combination of factors including new contracts negotiated nationally with the audit firms and savings from closure of the Audit Commission. The Council's external audit fee for 2016/17 is **£187,000**.
- 3.7 The proposed fees for the subsequent years cannot be known until the procurement process has been completed, as the costs will depend on proposals from the audit firms.
- 3.8 The scope of the audit will still be specified nationally, the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow. Not all audit firms will be eligible to compete for the work, they will need to demonstrate that they have the required skills and experience and be registered with a Registered Supervising Body approved by the Financial Reporting Council.

#### **4. Other options**

- 4.1 If the Council did not opt into the sector-led body there would be a need to establish an independent auditor panel. In order to make a stand-alone appointment the auditor panel would need to be set up by the Council itself. The members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing which audit firm to award a contract for the Council's external audit.
- 4.2 Alternatively the Act enables the Council to join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees (members). Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council/Authority under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.
- 4.3 Both of these options have been considered in detail by the Council's Audit and Standards Committee and neither is recommended. Both these options would be more resource intensive processes to implement and without the bulk buying power of the sector led procurement, would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process.

#### **5. The invitation**

- 5.1 PSAA has now formally invited this Council to opt in. Details relating to PSAA's invitation are provided in Appendix A to this Report.
- 5.2 In summary the national opt-in scheme provides the following:

- The appointment of a suitably qualified audit firm for each of the 5 financial years commencing 1 April 2018;
- Appointing the same auditor to other opted in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- Managing the procurement process to ensure both quality and price criteria are satisfied. PSAA will seek views from the sector to help inform its detailed procurement strategy;
- Ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise;
- Minimising the scheme management costs and returning any surpluses to scheme members;
- Consulting with authorities on auditor appointments;
- Consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity and audit risk; and
- Ongoing contract and performance management of the contracts once these have been let.

## **6. The way forward**

- 6.1 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Full Council (meeting as a whole). The Council then needs to formally respond to PSAA's invitation by 9<sup>th</sup> March 2017 in the form specified by PSAA.
- 6.2 PSAA will commence the formal procurement process after this date. It expects to award contracts in summer 2017 and consult with authorities on the appointment of auditors so that it can make an appointment by the statutory deadline of December 2017.

## **7. Risk Management**

- 7.1 The principal risks are that the Council fails to appoint an auditor in accordance with the new frameworks or does not achieve value for money in the appointment process. These risks are considered best mitigated by opting in to the sector led approach through PSAA.

## **8. Legal implications**

- 8.1 Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council/Authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the Council/Authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor.



- 8.2 Schedule 3 paragraph 1 provides that where a relevant Council is a local Council/Authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council/Authority under those arrangements;
- 8.3 Section 12 makes provision for the failure to appoint a local auditor: the Council/Authority must immediately inform the Secretary of State, who may direct the Council/Authority to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council/Authority.
- 8.4 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.

## **9. Financial Implications**

- 9.1 There is a risk that current external fees levels could increase when the current contracts end in 2018.
- 9.2 Opting-in to a national scheme provides maximum opportunity to ensure fees are as low as possible, whilst ensuring the quality of audit is maintained by entering in to a large scale collective procurement arrangement.
- 9.3 If the national scheme is not used some additional resource will be needed to establish an auditor panel and conduct a local procurement. The LGA estimates this to be in the region of £15,000, plus ongoing expenses.
- 9.4 Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees for 2018/19.

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27 October 2016

**Email:** [appointingperson@psaa.co.uk](mailto:appointingperson@psaa.co.uk)

John Mothersole  
Sheffield City Council  
Town Hall  
Pinstone Street  
Sheffield S1 2HH

Copied to: Dave Phillips, Interim Director of Finance, Sheffield City Council  
Gillian Duckworth, Head of Legal Services, Sheffield City Council

Dear Mr Mothersole

### **Invitation to opt into the national scheme for auditor appointments**

As you know the external auditor for the audit of the accounts for 2018/19 has to be appointed before the end of 2017. That may seem a long way away, but as there is now a choice about how to make that appointment, a decision on your authority's approach will be needed soon.

We are pleased that the Secretary of State has expressed his confidence in us by giving us the role of appointing local auditors under a national scheme. This is one choice open to your authority. We issued a prospectus about the scheme in July 2016, available to download on the [appointing person](#) page of our website, with other information you may find helpful.

The timetable we have outlined for appointing auditors under the scheme means we now need to issue a formal invitation to opt into these arrangements. The covering email provides the formal invitation, along with a form of acceptance of our invitation for you to use if your authority decides to join the national scheme. We believe the case for doing so is compelling. To help with your decision we have prepared the additional information attached to this letter.

I need to highlight two things:

- we need to receive your formal acceptance of this invitation by 9 March 2017; and
- the relevant regulations require that, except for a body that is a corporation sole (a police and crime commissioner), the decision to accept the invitation and to opt in needs to be made by the members of the authority meeting as a whole. We appreciate this will need to be built into your decision making timetable.

If you have any other questions not covered by our information, do not hesitate to contact us by email at [appointingperson@psaa.co.uk](mailto:appointingperson@psaa.co.uk).

Yours sincerely



Jon Hayes, Chief Officer

## Appointing an external auditor

### Information on the national scheme

#### Public Sector Audit Appointments Limited (PSAA)

We are a not-for-profit company established by the Local Government Association (LGA). We administer the current audit contracts, let by the Audit Commission before it closed.

We have the support of the LGA, which has worked to secure the option for principal local government and police bodies to appoint auditors through a dedicated sector-led national procurement body. We have established an advisory panel, drawn from representative groups of local government and police bodies, to give access to your views on the design and operation of the scheme.

#### The national scheme for appointing local auditors

We have been specified by the Secretary of State for Communities and Local Government as the appointing person for principal local government bodies. This means that we will make auditor appointments to principal local government bodies that choose to opt into the national appointment arrangements we will operate for audits of the accounts from 2018/19. These arrangements are sometimes described as the 'sector-led body' option, and our thinking for this scheme was set out in a prospectus circulated to you in July. The prospectus is available on the [appointing person](#) page of our website.

We will appoint an auditor for all opted-in authorities for each of the five financial years beginning from 1 April 2018, unless the Secretary of State chooses to terminate our role as the appointing person beforehand. He or she may only do so after first consulting opted-in authorities and the LGA.

#### What the appointing person scheme will offer

We are committed to making sure the national scheme will be an excellent option for auditor appointments for you.

We intend to run the scheme in a way that will save time and resources for local government bodies. We think that a collective procurement, which we will carry out on behalf of all opted-in authorities, will enable us to secure the best prices, keeping the cost of audit as low as possible for the bodies who choose to opt in, without compromising on audit quality.

Our current role means we have a unique experience and understanding of auditor procurement and the local public audit market.

Using the scheme will avoid the need for you to:

- establish an audit panel with independent members;
- manage your own auditor procurement and cover its costs;
- monitor the independence of your appointed auditor for the duration of the appointment;
- deal with the replacement of any auditor if required; and
- manage the contract with your auditor.

Our scheme will endeavour to appoint the same auditors to other opted-in bodies that are involved in formal collaboration or joint working initiatives, if you consider that a common auditor will enhance efficiency and value for money.

We will also try to be flexible about changing your auditor during the five-year appointing period if there is good reason, for example where new joint working arrangements are put in place.

Securing a high level of acceptances to the opt-in invitation will provide the best opportunity for us to achieve the most competitive prices from audit firms. The LGA has previously sought expressions of interest in the appointing person arrangements, and received positive responses from over 270 relevant authorities. We ultimately hope to achieve participation from the vast majority of eligible authorities.

### **High quality audits**

The Local Audit and Accountability Act 2014 provides that firms must be registered as local public auditors with one of the chartered accountancy institutes acting in the capacity of a Recognised Supervisory Body (RSB). The quality of registered firms' work will be subject to scrutiny by both the RSB and the Financial Reporting Council (FRC), under arrangements set out in the Act.

We will:

- only contract with audit firms that have a proven track record in undertaking public audit work;
- include obligations in relation to maintaining and continuously improving quality in our contract terms and in the quality criteria in our tender evaluation;
- ensure that firms maintain the appropriate registration and will liaise closely with RSBs and the FRC to ensure that any quality concerns are detected at an early stage; and
- take a close interest in your feedback and in the rigour and effectiveness of firms' own quality assurance arrangements.

We will also liaise with the National Audit Office to help ensure that guidance to auditors is updated as necessary.

### **Procurement strategy**

In developing our procurement strategy for the contracts with audit firms, we will have input from the advisory panel we have established. The panel will assist PSAA in developing arrangements for the national scheme, provide feedback to us on proposals as they develop, and helping us maintain effective channels of communication. We think it is particularly important to understand your preferences and priorities, to ensure we develop a strategy that reflects your needs within the constraints set out in legislation and in professional requirements.

In order to secure the best prices we are minded to let audit contracts:

- for 5 years;
- in 2 large contract areas nationally, with 3 or 4 contract lots per area, depending on the number of bodies that opt in; and
- to a number of firms in each contract area to help us manage independence issues.

The value of each contract will depend on the prices bid, with the firms offering the best value being awarded larger amounts of work. By having contracts with a number of firms, we will be able to manage issues of independence and avoid dominance of the market by one or two firms. Limiting the national volume of work available to any one firm will encourage competition and ensure the plurality of provision.

## **Auditor appointments and independence**

Auditors must be independent of the bodies they audit, to enable them to carry out their work with objectivity and credibility, and in a way that commands public confidence.

We plan to take great care to ensure that every auditor appointment passes this test. We will also monitor significant proposals for auditors to carry out consultancy or other non-audit work, to protect the independence of auditor appointments.

We will consult you on the appointment of your auditor, most likely from September 2017. To make the most effective allocation of appointments, it will help us to know about:

- any potential constraints on the appointment of your auditor because of a lack of independence, for example as a result of consultancy work awarded to a particular firm;
- any joint working or collaboration arrangements that you think should influence the appointment; and
- other local factors you think are relevant to making the appointment.

We will ask you for this information after you have opted in.

Auditor appointments for the audit of the accounts of the 2018/19 financial year must be made by 31 December 2017.

## **Fee scales**

We will ensure that fee levels are carefully managed by securing competitive prices from firms and by minimising our own costs. Any surplus funds will be returned to scheme members under our articles of association and our memorandum of understanding with the Department for Communities and Local Government and the LGA.

Our costs for setting up and managing the scheme will need to be covered by audit fees. We expect our annual operating costs will be lower than our current costs because we expect to employ a smaller team to manage the scheme. We are intending to fund an element of the costs of establishing the scheme, including the costs of procuring audit contracts, from local government's share of our current deferred income. We think this is appropriate because the new scheme will be available to all relevant principal local government bodies.

PSAA will pool scheme costs and charge fees to audited bodies in accordance with a fair scale of fees which has regard to size, complexity and audit risk, most likely as evidenced by audit fees for 2016/17. Pooling means that everyone in the scheme will benefit from the most competitive prices. Fees will reflect the number of scheme participants – the greater the level of participation, the better the value represented by our scale fees.

Scale fees will be determined by the prices achieved in the auditor procurement that PSAA will need to undertake during the early part of 2017. Contracts are likely to be awarded at the end of June 2017, and at this point the overall cost and therefore the level of fees required will be clear. We expect to consult on the proposed scale of fees in autumn 2017 and to publish the fees applicable for 2018/19 in March 2018.

## Opting in

The closing date for opting in is 9 March 2017. We have allowed more than the minimum eight week notice period required, because the formal approval process for most eligible bodies, except police and crime commissioners, is a decision made by the members of an authority meeting as a whole.

We will confirm receipt of all opt-in notices. A full list of authorities who opt in will be published on our website. Once we have received an opt-in notice, we will write to you to request information on any joint working arrangements relevant to your auditor appointment, and any potential independence matters that would prevent us appointing a particular firm.

If you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2018. The earliest an auditor appointment can be made for authorities that opt in after the closing date is therefore for the audit of the accounts for 2019/20. We are required to consider such requests, and agree to them unless there are reasonable grounds for their refusal.

## Timetable

In summary, we expect the timetable for the new arrangements to be:

- Invitation to opt in issued 27 October 2016
- Closing date for receipt of notices to opt in 9 March 2017
- Contract notice published 20 February 2017
- Award audit contracts By end of June 2017
- Consult on and make auditor appointments By end of December 2017
- Consult on and publish scale fees By end of March 2018

## Enquiries

We publish frequently asked questions on our [website](#). We are keen to receive feedback from local bodies on our plans. Please email your feedback or questions to: [appointingperson@psaa.co.uk](mailto:appointingperson@psaa.co.uk).

If you would like to discuss a particular issue with us, please send an email to the above address, and we will make arrangements either to telephone or meet you.

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