

# SHEFFIELD CITY COUNCIL

## Cabinet

### Meeting held 12 December 2018

**PRESENT:** Councillors Julie Dore (Chair), Olivia Blake, Lewis Dagnall, Jackie Drayton, Mazher Iqbal, Mary Lea, Chris Peace and Jim Steinke

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Jayne Dunn and Jack Scott.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where it was proposed to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 Councillor Olivia Blake declared a disclosable pecuniary interest in agenda item 8 (see minute 8 below) 'Mental Health Recovery Service Framework' as a Non-Executive Director of the Sheffield Health and Social Care Trust. Councillor Blake took no part in the discussion or vote on this item.

3.2 Councillor Lewis Dagnall declared a personal interest in agenda item 8 (see minute 8 below) 'Mental Health Recovery Service Framework' as the partner of a Non-Executive Director of the Sheffield Health and Social Care Trust.

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of Cabinet held on 21 November 2018 were approved as a correct record.

#### **5. PUBLIC QUESTIONS AND PETITIONS**

##### 5.1 Public Question in respect of Muslim Burial Sites

5.1.1 Ibrar Hussain submitted the following question: 'I visited Shiregreen Cemetery on 11 December for a burial. The Muslim section is filling very fast and there is not much space left. In the next few months it will be full. In light of the current situation, what plans does the bereavement services have to accommodate the Muslim community in Sheffield as they promised a few years ago to me and the community onsite at a visit at Shiregreen cemetery a plot will be allocated.'

5.1.2 Mr Hussain added 'As for future planning ahead, what does the Council have for other sites i.e. Darnall, City Road and Abbey Lane, Council cemeteries and other sites could be adopted such as on East Earsham Street, Burngreave?'

5.1.3 As Mr Hussain was not in attendance at the meeting, the Chair, Councillor Julie Dore, commented that he would receive a written response from the Cabinet Member for Culture, Parks and Leisure, Councillor Mary Lea.

5.2 Public Questions in respect of Sheffield as a Green City/Replacement of Trees

5.2.1 David Dilner asked where was the proof to substantiate Councillor Mary Lea's claim that Sheffield is the 'Greenest City in Britain'. He had seen evidence that Sheffield was actually the sixth greenest city. Mr Dilner also asked if Councillor Lea was aware that replacing trees did not equate to replacing canopy?

5.2.2 Councillor Mary Lea commented that she believed Sheffield was the greenest city in Britain as satellite pictures had previously shown. Sheffield had more greenery than other cities. A green city was not just about tree cover but other aspects of environmental issues. She was very proud of Sheffield's image as the greenest city.

5.2.3 Councillor Julie Dore added that Cabinet were aware of the difference between trees and canopy and this had been the subject of discussions with Sheffield Trees Action Groups (STAG).

5.2.4 Councillor Lewis Dagnall, Cabinet Member for Environment and Streetscene, commented that the trees planted in the City in recent times were of an extra heavy standard, over 4cm more than the recommended heavy standard. The Trees and Woodlands Strategy, on the agenda for the meeting today, was recommending a specific strategy around highway trees to be considered by Cabinet in the New Year which would look at wider policies including wider canopy cover.

5.2.5 Councillor Dagnall further commented that there had been a renewed effort to establish an appropriate highway tree strategy for the benefit of the whole City and it was right to work with all stakeholder groups to produce the strategy.

5.2.6 Councillor Julie Dore stated that the Council had been responsive to changes in circumstances. It had been in everyone's interests to take time to proceed with the strategy in relation to highway trees so that consultation could be undertaken. She had every confidence in Councillor Dagnall to resolve any issues and continue to deliver the Streets Ahead contract and the expectations of the public in relation to highway improvements whilst at the same time responding to public concerns in relation to highway trees.

5.3 Public Question in respect of Councillor Code of Conduct

5.3.1 Nigel Slack commented that he would like to thank the Leader of the Council for her commitment to think seriously about a review of the Councillor Code of Conduct in her response to his question at the Council meeting on 5 December. Unfortunately, he believed the revelations in the Yorkshire Post over the weekend added an urgency to this matter that was not there at the Full Council meeting.

5.3.2 Mr Slack asked will the Council accept that this issue was now one that was

reflecting badly on the City and the Council, particularly with respect to the apparent carte blanche for Councillors to create fake accounts and to use those to abuse their colleagues and the public? Will Cabinet recommend that a review of the Code of Conduct is undertaken or at least started before the end of this current Council year and all the Scrutiny roles changing after the May elections?

- 5.3.3 Councillor Julie Dore responded that Councillors had a Code of Conduct which they had to adhere to. If any Councillors were suspected of breaches of the Code there was a Standards complaints process to follow.
- 5.3.4 Councillor Dore added that, in the specific case referred to by Mr Slack, an investigation had been carried out by the Director of Legal and Governance. Councillor Dore did not find the views expressed on this account acceptable, but it could not be found that this was a fake account set up by a Councillor.
- 5.3.5 Councillor Dore commented that it was increasingly difficult to get a collective understanding across the Council of the importance of the Code of Conduct. There had been an inference in the last meeting of Full Council from certain parties that the Code of Conduct appeared to 'gag' people. Councillor Dore did not agree with that view and believed that the Code of Conduct was important.
- 5.3.6 Councillor Dore was unaware when the last fundamental review of the Councillor Code of Conduct had taken place, but if that had not included guidance on Social Media this should be reviewed. Councillor Dore was aware of two posts on Twitter from current Councillors during the last meeting of Full Council. One of the posts referenced the Administration calling for a recorded vote regarding the report on the position of the Lord Mayor, which was not the case. The other post stated that the Administration was voting its own recommendations down on the same report by abstaining from voting. This also was not the case as the recommendations in the report were the recommendations of the Overview and Scrutiny Management Committee.

5.4. Public Question in respect of Fracking

- 5.4.1 Nigel Slack commented that, yesterday, the group Sheffield Against Fracking shared onto social media photographs of radioactive waste leaving the fracking site at Tinker Lane and heading out through Blyth. A previous question from Mr Slack had referenced his concerns over the treatment of fracking waste within the City in Chapeltown. Did the Council know what types of waste will be treated at this site and whether that included radioactive contamination? Is the Council informed if radioactive waste is transported into or through the City? What steps can the Council take to prevent that happening? What is the latest on any planning proposals for fracking within or adjacent to the City boundary?
- 5.4.2 Councillor Julie Dore responded that the Cabinet Member for Transport and Development was not in attendance at the meeting and would respond in writing to Mr Slack. However, she commented that the Council would only be contacted if there were risks which required changes to the Environment Agency permit, and had not been contacted in the instance referred to by Mr Slack. The Council would not necessarily be informed if radioactive material was being transported.

However, if there were large scale movements of nuclear power, it would be informed.

- 5.4.3 Councillor Dore added that any physical changes to a waste facility may require planning permission. Labour Party policy was against fracking.

## **6. ITEMS CALLED-IN FOR SCRUTINY**

- 6.1 There had been no items called-in for Scrutiny since the last meeting of the Cabinet.

## **7. RETIREMENT OF STAFF**

- 7.1 The Executive Director, Resources submitted a report on Council staff retirements.

- 7.2 **RESOLVED:** That this Cabinet :-

(a) places on record its appreciation of the valuable services rendered to the City Council by the following staff in the Place Portfolio:-

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
Kevin Beaumont	Administrative Officer, Capital Delivery Service	42
Robert Prigmore	Project Controls Manager, Planning Service	36

(b) extends to them its best wishes for the future and a long and happy retirement; and

(c) directs that an appropriate extract of this resolution under the Common Seal of the Council be forwarded to them.

## **8. MENTAL HEALTH RECOVERY SERVICE FRAMEWORK**

- 8.1 The Executive Director, People Services submitted a report seeking approval for the re-commissioning of the mental health recovery service framework. The Council has a statutory duty to meet the social care needs relating to Sheffield residents with mental health difficulties and who are assessed as having Care Act eligible needs. The framework sought to do this in a manner that was recovery focussed and outcome based.

- 8.2 **RESOLVED:** That Cabinet:-

(a) approves the re-commissioning of the mental health recovery service framework in 2019; and

- (b) delegates authority to the Director of Finance and Commercial Services, in consultation with the Director of Legal and Governance, to take all necessary steps to negotiate, agree terms of framework contracts and related contracts that will be entered into with successful tenderers to facilitate recommissioning of mental health recovery services.

### 8.3 **Reasons for Decision**

- 8.3.1 Officers believe the stated approach remains the most effective approach to meet the Council's statutory duties in a way that promotes recovery.

### 8.4 **Alternatives Considered and Rejected**

- 8.4.1 Enter into a block contract with a provider or providers as was the case prior to 2015. This has the advantage of fixing costs but is not outcome focussed and can act as a disincentive for a provider to progress people beyond services.
- 8.4.2 Cease to provide personalised packages of care and return to a more generic 'day centre' model. Officers do not believe that such a model would enable individuals to make progress towards recovery and such a model goes against the ethos of person centred care.
- 8.4.3 Continue to provide personalised packages but without an outcomes based model. Such an approach would remove the means to ensure that support goes beyond maintenance and aims towards a measurable focus on recovery.
- 8.4.4 To utilise the Home Care and Learning Disability frameworks. However these providers are CQC registered and work with much bigger packages of care. They also do not use the mental health recovery star which drives the outcome based contract.
- 8.4.5 Bringing these services back 'in house'. This would involve creating a new service or a significant increase in existing community re-enablement services within SCC. Such a service would enable greater controls of referrals, exits and cost management, by creating a block arrangement. However, the creation (or increase in existing services) required to deliver such provision 'in house' would result in the loss of market flexibility, innovation and competitive pricing. This offer does not currently exist but could be developed through specialist training.

## 9. **THE CITY OF SHEFFIELD (3 MULEHOUSE ROAD) COMPULSORY PURCHASE ORDER 2018**

- 9.1 The Executive Director, Place submitted a report seeking authority to make a Compulsory Purchase Order in respect of 3 Mulehouse Road, Sheffield, S10 1TA to allow it to be renovated and occupied.

### 9.2 **RESOLVED:** That:-

- (a) authority be given for the Council to make a Compulsory Purchase Order

("CPO") under the powers conferred by Section 17 of the Housing Act 1985 to acquire all land interests in respect of the land coloured pink as shown on the Order Map, attached at Appendix 3, with title 'The City of Sheffield (3 Mulehouse Road) Compulsory Purchase Order 2018' (the "Order Land").;

- (b) Cabinet delegates authority to the Director of Legal & Governance to make the CPO for the Order Land, to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation, including:
  - (i) finalising the draft Statement of Reasons, as attached at Appendix 1 to the report;
  - (ii) serving notices of the making of the CPO on all persons entitled to such notice and placing all necessary notices in the press and on/around the Order Land;
  - (iii) submitting the CPO to the Secretary of State for confirmation as soon as possible following making of the CPO; and
  - (iv) self-confirming the CPO if authorised to do so by the Secretary of State;
- (c) Cabinet delegates authority to the Director of Legal & Governance to sign and serve any notices or documents necessary to give effect to these recommendations and to take all the other actions necessary to give effect to these recommendations;
- (d) as soon as the CPO is confirmed by the Secretary of State or self - confirmed where authorised by the Secretary of State, the Director of Legal and Governance be requested to advertise the confirmation, of the CPO and serve all necessary notices of the confirmation and once the CPO becomes operative, Cabinet delegates authority to the Director of Legal & Governance, in consultation with the Executive Director, Resources, to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981, at the earliest opportunity and to thereafter serve all necessary documents and notices of the vesting of the Order Land in the Council;
- (e) Cabinet delegates authority to the Executive Director, Place, in consultation with the Director of Legal & Governance and the Executive Director, Resources, to manage the compulsory purchase process in accordance with all statutory requirements and to otherwise promote or support the promotion of confirmation of the CPO, including the preparation for, and giving of evidence at, any public inquiry;
- (f) Cabinet delegates authority to the Chief Property Officer to agree terms for the acquisition of the Order Land and to instruct the Director of Legal and Governance to complete the necessary documents; and

- (g) upon the completion of the acquisition of the Order Land, consideration be given as to whether the property was needed for social housing, and if not, the Chief Property Officer be authorised to negotiate the disposal of the land and to instruct the Director of Legal and Governance to complete all the necessary legal documents for the completion of the disposal.

### 9.3 **Reasons for Decision**

- 9.3.1 The property has been vacant since at least 2004 and is in a poor state of repair, attracting anti-social behaviour and is having a negative impact on the local community. There is a demand for this type of property within Sheffield and the Council has, without success, attempted to engage with the property owner, in an effort to get the property back into occupation, including an offer to purchase the property by agreement. In addition, particularly in respect of recent enforcement action taken by the Council, the owner has failed to take reasonable steps to make the property safe. In those circumstances, as an option of last resort, the Council consider, to ensure that the property is put back into occupation, that it is appropriate to seek a CPO in respect of the property.

### 9.4 **Alternatives Considered and Rejected**

#### 9.4.1 **Demolition**

The Property is in a state of disrepair, empowering the Council to take various steps to remedy the problem, including renovation and demolition. As the Property is an end terrace house, the demolition option would not be practical as support is required to the adjacent property. Demolition will not result in the provision of housing as it is believed that it is unlikely the owner would rebuild should this option be taken.

#### 9.4.2 **Renovation**

The Council first visited the Property in 2004 and found it to be vacant. From this date, the Council has not observed or received any information that the property has been occupied. The owner has taken inadequate steps to prevent its deterioration despite the Council writing on several occasions to the owner to express their concern over the condition of the property and asking for the owner to explain his intentions for renovation and bringing the property back into occupation. It is therefore unlikely, should the Council do works in default, that this would result in the improvements to the Property being sustained. In those circumstances this option would be a poor use of limited resources and unlikely to achieve its purpose.

#### 9.4.3 **Empty Dwelling Management Orders (EDMO)**

These orders enable the Council to effectively step into the shoes of the owner and manage the property. However, prior to occupation, the Council would have to refurbish the property. Given the poor condition of the property, the cost of bringing it up to a habitable condition is likely to be significant. Furthermore, it is

doubtful that the rental income would cover the costs within the timescale of the EDMO, which is seven years. Therefore it is highly likely that the Council would be unable to recover the significant costs of refurbishment, making this option inappropriate.

#### 9.4.4 **Purchase by Agreement**

The Council have actively pursued this option which would have enabled it to sell the Property at auction, so that it could be renovated and reoccupied. On 15 August 2017 and 6 August 2018, the Council wrote to the owner to offer to purchase the property by agreement. No response was received by the Council to those letters. However, the Council will continue to attempt to negotiate with the owner for as long as it considers reasonable to do so.

#### 9.4.5 **Compulsory Purchase**

All attempts at working with the owner have failed, as detailed in the Statement of Reasons. Due to the owner's failure to take proper action, the property, for which there is a demand, has remained in a poor state of repair for a significant period and there is little prospect of it being brought back into occupation. Compulsorily purchasing the Property is currently the only feasible option to ensure its renovation and re-occupation. For these reasons, this is the preferred option.

### **10. MONTH 7 CAPITAL APPROVALS**

10.1 The Executive Director, Resources submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 07 2018/19.

10.2 **RESOLVED:** That Cabinet:-

- (a) approves the proposed additions and variations to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegates authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contract; and
- (b) approves the acceptance of accountable body status for the grant funding detailed at Appendix 2 of the report.

#### 10.3 **Reasons for Decision**

10.3.1 The proposed changes to the Capital Programme will improve the services to the people of Sheffield.

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



10.3.3 Obtain the relevant delegations to allow projects to proceed.

#### 10.4 **Alternatives Considered and Rejected**

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

### 11. **FIELDS IN TRUST (CENTENARY FIELDS) - WORLD WAR 1 DEDICATION/CHARITABLE SITES**

#### Non-Charitable Trust Parks

11.1 The Executive Director, Place submitted a report seeking approval from Cabinet to proceed with applications for Centenary Fields in Trust for those parks which are not held on charitable trust.

11.2 It was reported that there was an error in the report and it should state that there were 28 non-charitable sites and not 27 and that Greenhill Park should be added to the list of parks in appendix 1 of the report.

11.3 **RESOLVED:** That Cabinet:-

- (a) gives approval to proceed with an application to designate the parks listed at Appendix 1 to this report, as a Centenary Field in conjunction with the Fields In Trust charity, to provide further protection to ensure that they will continue to be managed as public parks and recreation grounds in perpetuity;
- (b) delegates authority to the Chief Property Officer, in consultation with the Director of Culture and Environment, to negotiate the terms of the documentation needed to dedicate the land; and to agree the parameters of the dedication area where the full site will not be dedicated;
- (c) delegates authority to the Director of Culture and Environment, in consultation with the Director of Legal and Governance, to take all necessary action and complete the documentation needed to dedicate the land; and
- (d) agrees that subject to recommendations (a) – (c) being concluded, the sites will be formally dedicated as Centenary Fields in a ceremony to be arranged during 2019.

#### 11.4 **Reasons for Decision**

By planting the new war memorial trees in parks, the Council has created a

number of sites that ideally match the national Centenary Field designation criteria. In making such designations, the Council's commitment to maintaining the newly planted war memorial in perpetuity for future generations is reinforced. Nominating these sites does not further increase the Council's current revenue commitment for maintenance or require any new capital investment.

#### 11.5 **Alternatives Considered and Rejected**

Sheffield City Council has been directly approached by Fields In Trust to nominate suitable sites within the City's boundary to be part of this national initiative. The City Council does not have to nominate a site, but this report provides the City the opportunity and option to now do so.

##### Charitable Sites

11.6 The Executive Director, Place submitted a report seeking approval from Cabinet to proceed with applications for Centenary Fields in Trust for those parks which are held on charitable trust.

11.7 **RESOLVED:** That Cabinet acting in its capacity as trustee of the charities holding the parks listed at appendix 1 of the report, gives approval and authority to:-

- (a) proceed with an application to designate the parks listed at Appendix 1 of the report, as a Centenary Field in conjunction with the Fields In Trust charity, to provide further protection to ensure that they will continue to be managed as public parks and recreation grounds in perpetuity;
- (b) delegate authority to the Chief Property Officer, in consultation with the Director of Culture and Environment, to negotiate the terms of the documentation needed to dedicate the land; and to agree the parameters of the dedication area if the full site is not to be protected;
- (c) delegate authority to the Director of Culture and Environment, in consultation with the Director of Legal and Governance, to take all necessary action and complete the documentation needed to dedicate the land; and
- (d) agrees that, subject to recommendations (a) – (c) being concluded, the sites will be formally dedicated as Centenary Fields in a ceremony to be arranged during 2019.

#### 11.8 **Reasons for Decision**

By planting the new war memorial trees in parks, the Council has created a number of sites that ideally match the national Centenary Field designation criteria. In making such designations, the Council's commitment to maintaining the newly planted war memorial in perpetuity for future generations is reinforced. Nominating these sites does not further increase the Council's current revenue commitment for maintenance or require any new capital investment.

## 11.9 **Alternatives Considered and Rejected**

Sheffield City Council has been directly approached by Fields In Trust to nominate suitable sites within the City's boundary to be part of this national initiative. The City Council does not have to nominate a site, but this report provides the City the opportunity and option to now do so.

## 12. **THE SHEFFIELD TREES AND WOODLANDS STRATEGY 2018-2033**

12.1 The Executive Director, Place submitted a report presenting the new Trees and Woodlands Strategy for trees within Sheffield's greenspaces for the period 2018-2033. The City's street trees are to be dealt with in a separate strategy.

12.2 **RESOLVED:** That Cabinet:-

- (a) notes the contents of the Sheffield Trees and Woodlands Strategy 2018-2033 (attached as an appendix to this report) and approves it as a statement of the Council's vision and aims;
- (b) approves the Strategy's Five Year Action Plan; and
- (c) notes that the implementation of any of the proposed actions may be subject to further decision making in accordance with the Leader's Scheme of Delegation.

## 12.3 **Reasons for Decision**

12.3.1 Sheffield is known as one of the greenest cities in Britain with one of the highest numbers of urban trees. Of the 2.7 million trees managed by Sheffield City Council, a large proportion is to be found in our ancient woodlands or upland forests on the edge of the city. These areas attract over 25 million visits each year, and we are proud of our rich variety of urban parks, woodland, countryside and green spaces.

12.3.2 This Strategy complements Sheffield's Outdoor City Economic Strategy, demonstrating that our trees and woodlands provide outstanding opportunities for health and relaxation. However, there is still a lot to be done to address health inequalities across the City and this Strategy will ensure that access to good quality woodlands is improved for the people of the City who need it the most.

12.3.3 By working with partners we can maintain and protect Sheffield's valuable tree resource, ensuring the realisation of the wide range of benefits that trees and woodlands can offer, not just for today's citizens but for generations to come.

## 12.4 **Alternatives Considered and Rejected**

12.4.1 The only alternative option is to not have a Trees & Woodlands Strategy. This will not allow the Council to plan for the future and prioritise work and resource allocation in maintaining Sheffield's trees and woodlands.

**13. SHEFFIELD LOCAL OFFER FOR CHILDREN AND YOUNG PEOPLE LEAVING CARE**

13.1 The Executive Director, People Services, submitted a report requesting Cabinet to celebrate, support and endorse the publication of the Sheffield Local Offer for Children and Young People Leaving Care. Whilst there is a statutory duty to publish under Section 2 of the Children and Social Work Act 2017, it is asked that this be welcomed as part of ensuring every Sheffield Care Leaver is able to achieve their full potential and give them the best possible start towards adulthood.

13.2 **RESOLVED:** That Cabinet endorses the publication of the Sheffield Local Offer for Children and Young People Leaving Care.

**13.3 Reasons for Decision**

13.3.1 Supporting the recommendations in this report will ensure that the Local Authority meets its statutory duty to publish a Local Offer for Care Leavers.

**13.4 Alternatives Considered and Rejected**

13.4.1 There were no alternative options presented in the report.