

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 29 May 2019 by the Cabinet.

Date notified to all members:

The end of the call-in period is 4:00 pm on

The decision can be implemented from

Item No

8. AMENDMENT TO THE OBJECTS OF THE HIGH HAZELS PARK CHARITY

8.1 The Executive Director, Place, submitted a report seeking Cabinet approval on behalf of the Council as Charity Trustee of High Hazels Park:-

(i) to the amendment to the wording describing the Charity's Objects in the amended Trust Deed attached to the report at Appendix 1 (as required by the Charity Commission and detailed in the Legal Implications section of the report); and

(ii) to adopt the amended Trust Deed as the Charity's governing document.

8.2 **RESOLVED:** That Cabinet acting as Charity Trustees of High Hazels Park:-

(a) approves the amendments to the Trust Deed for the future governance and management of High Hazels Park;

(b) agrees to adopt the amended Trust Deed as the Charity's governing document; and

(c) requests that the Director of Legal and Governance, in consultation with the Director of Culture and Environment, draft and complete all necessary legal documentation in order to implement the registration of High Hazels Park as a charitable trust.

8.3 Reasons for Decision

8.3.1 The Charity Trustee's approval of the revised Trust Deed and its agreement to adopt this as the Charity's governing document will allow the completion of the application to register the Charity at the Charity Commission in compliance with the provisions contained in the Charities Act 2011.

8.4 Alternatives Considered and Rejected

8.4.1 Not to make the required amendments to the Trust Deed. However, this would result in the application for registration to be rejected by the Charity Commission and may result in reputational damage to the Council.

8.4.2 To adopt the alternative wording suggested by the Charity Commission. However, Legal Services have advised that this wording is not reflective of the purposes expressed in the 1894 deed of conveyance.

8.5 **Any Interest Declared or Dispensation Granted**

None

8.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

8.7 **Respective Director Responsible for Implementation**

Laraine Manley, Executive Director, Place

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

Economic and Environmental Wellbeing

9. **MONTH 12 CAPITAL APPROVALS**

9.1 The Executive Director, Resources, submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 12 2018/19.

9.2 **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 contracts; and
- (b) approves the budget adjustments required as part of the financial year end close down procedures as detailed in Appendix 2 of the report, and relating to
 - Planned Slippage of expenditure of projects in delivery from 2018/19 to 2019/20 - £20m
 - Re-profiling of schemes not in delivery from 2018/19 to 2019/20 – £8.5m
 - Accelerated expenditure of projects in delivery from 2019/20 to 2018/19 of £5.9m
 - Overspends – net additions to the programme of £1m
 - Underspends - £1.8m.

9.3 **Reasons for Decision**

9.3.1 The proposed changes to the Capital Programme will improve the services to the

people of Sheffield.

9.3.2 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.

9.3.3 Obtain the relevant delegations to allow projects to proceed.

9.4 **Alternatives Considered and Rejected**

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.

9.5 **Any Interest Declared or Dispensation Granted**

None

9.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

9.7 **Respective Director Responsible for Implementation**

Eugene Walker, Executive Director, Resources

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

Overview and Scrutiny Management Committee

10. **CLEANING SERVICES FOR SHEFFIELD CITY COUNCIL'S BUILDINGS AND OTHER PREMISES.**

10.1 The Executive Director, Place, submitted a report setting out options and recommendations to Cabinet on future delivery options for its Cleaning Services contract.

10.2 **RESOLVED:** That Cabinet:-

- (a) For the short term - notes that the Executive Director, Resources in consultation with the Director of Finance and Commercial Services, the Director of Legal and Governance and the Cabinet Member for Finance, Resources and Governance, will use the delegation (given in a decision taken by the Cabinet on 16 September 2015) to consider and approve an extension of the current Cleaning Contract with Cordant for 12 months from 1 July 2019 until 30 June 2020 (inclusive);

(b) For the long term :-

- (i) notes the contents of the report including the principles and assumptions for the purpose of making recommendations and risks and mitigations set out in the report and Appendix;
- (ii) approves the insourcing of the cleaning service to the Council within Transport & Facilities Management in the Place Portfolio, after the extension of the Contract expires;
- (iii) delegates authority to the Executive Director, Place, in consultation with the Director of Human Resources, the Director of Finance and Commercial Services and the Director of Legal and Governance:
 - (A) to undertake formal consultation with Trade Unions regarding the transfer of staff engaged by Cordant who, under the TUPE Regulations 2006 (Amended), would transfer into the Council and any other transfer and transition arrangements (where applicable);
 - (B) to make arrangements to monitor the performance and delivery of the new service arrangements; and
 - (C) to take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in the report.

10.3 **Reasons for Decision**

10.3.1 12 Month Extension

- Despite the issues outlined in section 1, steps are being taken to address the current performance.
- Cordant has appointed a new operational manager for the service which is starting to have an impact as there is a much stronger focus on performance management.
- A specific performance indicator has been implemented which addresses the payroll performance and again this is starting to have an impact as levels have started to reduce.
- This option will provide continuity of service and a value for money solution for the next 12 months whilst plans can be put in place to deliver the longer term solution for the service.

10.3.2 Insourcing

This option is recommended as, by insourcing the service, the following benefits could be achieved:-

- It will increase the ability to support some of the lowest paid staff. More

often than not these are part time female workers.

- A working environment which values staff, has effective consultation, good terms and conditions, effective training and offers increased opportunity for development.
- The flexibility to respond positively to changing policies to help meet strategic goals such as addressing low pay inequalities.
- It also gives the Council the ability to be more flexible in its service delivery i.e. by shifting resources quickly to tackle changing local needs and emergencies which can be more challenging with outsourced contracts.
- It will allow the Authority an influence over procurement and supply chains which with outsourced services rests with the contractor. By doing this, decisions can be made which reflect the Councils ambitions for local supply and the environment.
- Insourced services have the potential to deliver significant social value benefits and boost the local economy through the employment of staff with a clear workforce development strategy, payment at a minimum of the 'real Living Wage', providing added value to services such as supporting local communities; improving environmental performance and sustainability and offering opportunities for vulnerable groups.
- Bringing the service back in house will also give the Council greater control of being able to deliver efficiency savings.

10.4 **Alternatives Considered and Rejected**

10.4.1 Option 3 – Retendering

This option is considered to be viable and also a cost effective way to move forward in the short term. However, taking into account the benefits of insourcing for the long term and also for community, this option is not recommended.

10.4.2 Option 4 – Hybrid Model

This option is not recommended at this stage as more internal resources may be required to monitor both insourcing and outsourcing service delivery models.

10.4.3 Option 5 – Teckal company

This option will need more time to review and establish due to its complexity, so it is not recommended at this stage.

10.4.4 Option 6 – Collective Ownership Model

This option is not recommended as it is not clear to Officers whether it would bring any additional benefits to the Council other than those being covered in insourcing and Teckal company.

10.5 **Any Interest Declared or Dispensation Granted**

None

10.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

10.7 **Respective Director Responsible for Implementation**

Laraine Manley, Executive Director, Place

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

Economic and Environmental Wellbeing