

Cabinet

Wednesday 16 December 2020 at 2.00 pm

To be held as an online video conference

The Press and Public are Welcome to Attend

Membership

Councillor Julie Dore	(Leader of the Council)
Councillor Jackie Drayton	(Cabinet Member for Children & Families)
Councillor Terry Fox	(Cabinet Member for Finance, Resources and Governance)
Councillor Mazher Iqbal	(Cabinet Member for Business and Investment)
Councillor Bob Johnson	(Cabinet Member for Transport and Development)
Councillor Mark Jones	(Cabinet Member for Environment, Streetscene and Climate Change)
Councillor Mary Lea	(Cabinet Member for Culture, Parks and Leisure)
Councillor George Lindars-Hammond	(Cabinet Member for Health and Social Care)
Councillor Abtislam Mohamed	(Cabinet Member for Education and Skills)
Councillor Paul Wood	(Cabinet Member for Neighbourhoods and Community Safety)

PUBLIC ACCESS TO THE MEETING

The Cabinet discusses and takes decisions on the most significant issues facing the City Council. These include issues about the direction of the Council, its policies and strategies, as well as city-wide decisions and those which affect more than one Council service. Meetings are chaired by the Leader of the Council, Councillor Julie Dore.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. 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 Cabinet 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.

Cabinet meetings are normally open to the public but sometimes the Cabinet 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. Please see the Council's website for details of how to access the remote meeting.

Cabinet decisions are effective six working days after the meeting has taken place, unless called-in for scrutiny by the relevant Scrutiny Committee or referred to the City Council meeting, in which case the matter is normally resolved within the monthly cycle of meetings.

If you require any further information please contact Craig Rogerson on 0114 273 4014 or email craig.rogerson@sheffield.gov.uk.

**CABINET AGENDA
16 DECEMBER 2020**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 20)
To approve the minutes of the meeting of the Cabinet held on
- 6. Public Questions and Petitions**
To receive any questions or petitions from members of the public
- 7. Items Called-In For Scrutiny**
The Director of Legal and Governance will inform the Cabinet of any items called in for scrutiny since the last meeting of the Cabinet
- 8. Retirement of Staff** (Pages 21 - 24)
Report of the Executive Director, Resources.
- 9. Update on COVID-19 Testing and Vaccination Strategies** (To Follow)
Report of the Director of Public Health
- 10. Covid-19: COMF Grant Approval** (To Follow)
Report of the Director of Public Health
- 11. Month 7 Capital Approvals 2020/21** (Pages 25 - 54)
Report of the Executive Director, Resources
- 12. Stocksbridge Town Fund** (Pages 55 - 64)
Report of the Executive Director, Place
- 13. Special Educational Needs and Disabilities (SEND) - Ombudsman report** (Pages 65 - 84)
Report of the Executive Director, People

- 14. Procurement of a Vacant Property Security and Cleaning Contract** (Pages 85 - 94)
Report of the Executive Director, Place

**NOTE: The next meeting of Cabinet will be held on
Wednesday 20 January 2021 at 2.00 pm**

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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Cabinet

Meeting held 18 November 2020

PRESENT: Councillors Julie Dore (Chair), Jackie Drayton, Terry Fox, Bob Johnson, Mark Jones, Mary Lea, George Lindars-Hammond and Paul Wood

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Abtisam Mohamed and Mazher Iqbal.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of Cabinet held on 21st October, 2020 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Questions Concerning the former Interim Chief Executive

5.1.1 Russell Johnson commented, please tell me the total cost of employing the former Interim Chief Executive Charlie Adan.

5.1.2 Councillor Terry Fox commented that the cost to date in respect of the former Interim Chief Executive is £201,989.67, inclusive of all agency fees. There are no other accommodation, travel or other expenses. He confirmed that the Interim Chief Executive took office on the 6th of January 2020 and stepped down at the Full Council meeting on the 7th of October 2020. We are waiting for one further invoice for the work in October.

5.2 Public Questions Concerning the recent Local Government Ombudsman Report

5.2.1 Russell Johnson commented that, following the recent Local Government Ombudsman Report, which was highly critical of the Council's behaviours, and the Forestry Commission critique, what reparation package is the Council intending to offer citizens for the huge and unnecessary loss of public assets (CAVAT estimate of £30m for 3,500 healthy trees destroyed)?

5.2.2 The Leader commented that the council has now produced a new Street Tree Strategy, working in partnership with a number of stakeholders across the city including Sheffield Tree Action Group. The Strategy outlines a joint partnership for how we will manage the city street trees going forward and sets out new ways of working around six outcomes to ensure that the city's network of street trees is well maintained and sustained for the future. Those six outcomes are:

1. Sustainability and carefully managing our street trees in accordance with best practise.
2. Ensuring our street trees are more resilient through the type and age of the trees that we plant and also how we manage the current street tree stock.
3. Increasing the value and benefits that flow from our street trees.
4. Contributing to a more equal distribution of urban forests across the city to promote health and wellbeing.
5. Increasing street tree canopy cover.
6. Involving the wider community in caring for and valuing street trees.

She stated that it was clear that the Council has put in place a very positive way of moving forward and that collectively the Council is working with others to gain expertise and knowledge and welcomes their contributions and dedication towards this particular area, where the whole of Sheffield can benefit.

5.3 Public Questions Concerning Subject Access Requests

5.3.1 Russell Johnson commented, will the Leader categorically deny political or senior officer interference in causing excessive delays in processing some Subject Access Requests?

5.3.2 The Leader commented that she was not aware of the particular Subject Access Requests that were being referred to, or in fact, is not made aware of the many Freedom of Information (FOI) requests and Subject Access Requests (SAR) the Council receives, on various different matters. She requested that details of the specific requests being talked to be referred to her for a categorical response to those. On a general point she confirmed categorically, that she had not interfered in any Subject Access Requests or FOIs. If you wish to raise any specific issues in response to the wider question, which is around any other interference, then let me have details and I will investigate those.

5.4 Public Questions Concerning the time period for Street Tree Archive material

5.4.1 Russell Johnson commented why, according to a recent written answer to me, does the Council apparently intend a time period of 2015 to 2018 for Street Tree Debacle 'Archive' material, despite this limitation being obviously nonsensical and likely to lead people to dismiss the initiative as yet more obfuscatory window dressing to seek to fool the Ombudsman and the public?

5.4.2 Councillor Mark Jones commented that the time period for the archive, 2015 to 2018, was initially put forward in response to the ombudsman report itself, as that is the period that the report covered. These dates are an artefact of that report, as

opposed to any attempt to limit information or limit transparency. He indicated that he had received several representations from members of the public about these dates and discussions as to what should go in the archive. He indicated that it was his intention that the archive should be as comprehensive as it can be and he sees no reason why the dates couldn't go back to 2008 or 2007, to when the whole street renewal programme work was first floated. He stated that he would pick this up with officers and intended to try and get the archive set up speedily and as quickly as we can. Acting in such haste to establish and populate the archive may mean that we may not quite capture everything that we want to at first, however once the archive is established there will no doubt be opportunities for us to look at the archive and see what else needs to be done to make it better and more comprehensive.

He confirmed that the Council are genuinely trying to learn from this experience. We are trying to move forward and we need to go right back to the very beginning of this contract to try and understand exactly what we were hoping to achieve as an Authority, both under this administration and the previous administration.

The Leader commented that she had received written questions at the last Council meeting, similar to this question but around the cut-off date, beyond 2018, not just the start date. She indicated that she supported extending the date and that personally, she has nothing to hide on this issue. All decisions taken on this issue were based on the advice given by officers of the council. She confirmed she has no issues with the archives predating 2015 as well as looking at a different cut-off date, beyond 2018.

5.5 Public Questions Concerning involvement of Elected Members and other Parties in the City's aim to 'build back better' post-Covid?

5.5.1 Russell Johnson commented on what specific arrangements are in place, or planned, to use the undoubted skills and knowledge of Elected Members in other Parties in the City's aim to 'build back better' post-Covid?

5.5.2 The Leader commented that she was in absolute agreement that there are people beyond Cabinet, beyond the Labour Group and beyond the councillors in the Council, in our great city that have a lot of knowledge and expertise that we want to capture and use collectively and collaboratively in the interests of Sheffield.

With regards to Covid there are a number of examples of work that is being undertaken with a range of stakeholders across the city: The Local Resilience Forum includes all public sector providers, including expertise in the health service, police service and other local authorities; the Business Response Group has come together with many external stakeholders, to look at the business recovery plan; and elected members of all parties have been involved in the Covid agenda throughout, since March, through council mechanisms, with contributions at Council meetings and scrutiny, who have been looking at a range of issues, not just necessarily virus related issues, but other issues like rough sleepers, homelessness, business support etc. All councillors, cross party are involved in these discussions. At a local level, we did immediately in March set up the local community response teams, in order to bring together local representatives,

including the voluntary sector and in many cases the public sector, to address the issues arising from Covid, and the impact it was having on their particular wards. Those local community response teams have been critical for enabling the support out in the local communities and all councillors are involved in those.

She stated that if there are other areas where we would benefit from the expertise and knowledge of other stakeholders and individuals or groups of people, then their involvement is very welcome. We are in a very difficult period and any sort of contributions to helping individual households, groups, businesses, communities etc is appreciated and welcome. We have seen the way that the city has come together, and I hope that this continues going forward in the weeks and months ahead.

5.6 Public Questions Concerning Confidence in Local Democracy

- 5.6.1 Hannah Melia commented, what is your plan to restore confidence in local democracy in Sheffield after your tree fiasco? How can Sheffielders feel confident that the Council is working in our interests? We still don't understand why the Council was so intransigent and ignored peaceful and reasoned argument. Was it a power thing? Was it stupidity? Was it corruption?

We need to learn from this so a similar situation doesn't arise and so that confidence can be restored in a vital public body. Million's of pounds of public money was wasted, but no-one was fired. A forced apology is not enough. What is the plan? Will people be let go? Will there be an inquiry? How will public trust be restored?

- 5.6.2 The Leader commented that Members of the council stand for election each year with the aim of improving people's lives. Members may all have different views about how to do that and may all identify problems and solutions in different ways, but there is no doubt that all Members stand for election in order to improve people's lives. It is acknowledged that you can't get everything right, so on this particular matter of the highways contract, the way that it was implemented and in particular the way that the street trees were managed, the Council has given a formal apology, in particular to the most recent ombudsman report. She confirmed that she, the current and past Cabinet Member have given full apologies in respect of the findings of the report and that the Council have accepted all the findings of the report.

She also referred to the Forestry Commission report, which looked at the management of the highways contract in its entirety. Arising from this the council published "Review of Tree Investigations: Lessons Learned and Actions", which confirms the lessons learned by the Council and the extensive work that has been undertaken over the past couple of years, in particular to develop a new partnership approach, which has been used to develop the new Street Tree Strategy, referred to in the earlier discussion. Such Strategy sets out 10 specific lessons learned and 14 actions that are being taken to improve practice in the future. This document clearly states and demonstrates how the Council has learned, responded and how we can improve going forward.

There will also be a detailed response to the recommendations of the ombudsman report, where any further lessons learned from that report will be identified along with how we will respond to it and how things need to change.

With regards to democracy in general, Members stand for election every year based on a manifesto and are judged on their record. In addition, she confirmed that the council also has cross party scrutiny that allows for the scrutiny and call-in of decisions made by the Leader, individual Cabinet Members and Cabinet.

5.7 Public Questions Concerning Schools and Covid-19

- 5.7.1 Nigel Slack commented that, unfortunately the Covid 19 crisis continues to be the crisis of how the spread and danger of infection can be mitigated, awaiting a proven vaccine. Recent developments in 10 Downing Street may help but I doubt it. Their record so far has been literally deadly.

For myself, a number of people, friends, neighbours and health professionals have commented to me on a phenomenon in schools that they struggle to understand. It would appear that when a case is identified in a classroom, the protocol being implemented is that the students adjacent to the affected pupil, to their left & right are expected to isolate. Students in other parts of the classroom, in front of the pupil and behind the pupil, are not. Nor are students who mingle with the pupil in or out of the classroom affected. Is this the correct interpretation of the rules? Who decided the rules? Is their medical evidence that this is a sufficient response for the school body and the wider population? Is the Headteacher allowed any leeway on the rules?

With Ofsted not willing to enter schools during lockdown, how are rules being monitored? What is the proportion of pupils currently infected or self isolating due to potential exposure?

- 5.7.2 Councillor Jackie Drayton commented that she would reply verbally but because some of the answers are quite long, she would send more details in written form.

With regard to interpretation of the rules, she stated that all schools follow a national Public Health England standard operating procedure for managing positive cases of Covid-19 and that this framework provides guidance to schools on how to undertake contact tracing. She outlined details of this standard operating procedure which had been written by public health consultants in communicable diseases and are based on scientific evidence practise models, to ensure reduced virus transmission and robust risk assessment. The methodology used for contact tracing is scientifically renowned and a recognised model across the range of communicable diseases, which is adapted to ensure it fits the epidemiology of the virus and to reduce the risk of transmission.

She confirmed that the position can be different in different schools as each school has to consider their own situation, for example primary schools can be sometimes different to secondary schools. With regard to the sufficiency of the response she stated that the city's schools have been implementing effective contact tracing since the start of the new academic year and to date have

managed to remain open. Senior leadership teams are effectively implementing robust contact tracing, evident in the slowing of the transmission of the virus.

Regarding leeway on the rules, Headteachers and their senior management follow a precautionary approach, following the advice and guidance provided both by the local authority public health team and Public Health England and guidance from the Department for Health helpline. They undertake a thorough risk assessment, bespoke to the setting and take into account a range of issues, including the number of cases, the potential impact and further transmission of the virus.

In respect of Ofsted not entering schools during lockdown and the monitoring of rules, she confirmed that the local public health team and Public Health England were working directly with schools to review cases and monitor the support for contact tracing. Where concern is flagged about a school's approach this is followed up wherever possible. Decisions are taken on a risk assessed basis.

She stated that we do not routinely collect information on the proportion of pupils currently infected or self isolating, as it changes on a daily basis. We have got some information, which I'll share, which relates to the number of cases during a period of time and the total number of confirmed cases across school settings. She reiterated that there had been no schools closures.

She stated that she would like to take this opportunity to thank our local public health team officers in the council, education officers, Learn Sheffield, all the schools and the school staff in their efforts to keep schools operational during this difficult time.

5.8 Public Questions Concerning Letters Suspending Housing & Council Tax benefits

5.8.1 Nigel Slack commented that, is it normal practice for letters suspending Housing & Council Tax benefits to be sent out on the same day as the letter asking for information about changed circumstances? Do Cabinet realise how distressing this might be to residents already struggling to cope with both poverty, pandemic fears and the lockdown? Are Cabinet aware that the phone advisors have little or no suitable information on which to base their advice?

5.8.2 Councillor Paul Wood commented that yes, it is normal practice for letters suspending Housing & Council Tax benefits to be sent out on the same day as the letter asking for information about changed circumstances. This has been done for many years, as it is very important that the Council knows the change of circumstances, if there's been a suspension in council house support or rent support, so that we can get the situation reassessed and back inline, as quickly as possible. It is important we don't make overpayments which means that we then must go and try and reclaim it in the future. He stated that he had a very detailed explanation in full, which he would share with Mr Slack.

He confirmed that from day one of this pandemic he had a weekly meeting with various officers in various departments, looking at how we mitigate the effect of this on our residents. Over that period we have made information available through the LCRT teams; we do a 20,000 email drop every month to our tenants

where we have email addresses; we get information distributed through the TARAs; we issue press releases to all of the media channels; and we use social media - Facebook and Twitter. We request that anybody with any hardship problems contact us. Our policy is very simple - if you have not had any reduction in your income through Covid-19 we expect you to pay your rent and your council tax. If your family has been affected by furlough, loss of job, reduction in hours, or anything at all that is affected your family income, we will talk to you and make a suitable arrangement. Anyone who is suffering any hardship whatsoever can come to talk to the Council and we will have a very sympathetic approach and come to an arrangement that is affordable. In addition we have increased local assistance grant by a further £760,000; we have put extra money into the hardship fund of the housing revenue account; we have other schemes available through the Citizen's Advice Bureau (CAB); and we've increased the funding to the CAB to increase advisers.

He stated that Council staff are very well informed. The revenue and benefits contact centre have a full briefing on every change that we receive from Central Government, which sometimes are happening on a weekly basis. Out of the thousands of enquiries we've dealt with since the start of the pandemic this is the first time anyone has suggested that they haven't been able to get the advice or support needed. If there are specific examples, he requested details be passed on to him so that this can be followed up. He thanked Mr Slack for the question which had allowed him to once again reiterate the massive support that the council has been able to provide to its residents from March onwards and will continue to do so.

6. ITEMS CALLED-IN FOR SCRUTINY

- 6.1 It was reported that one decision had been called-in for scrutiny since the last meeting of the Cabinet. This was the decision taken by the Cabinet on 21st October regarding Sheffield COVID Business Recovery Plan which would be considered at a meeting of the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee to be held on Tuesday 24 November 2020.

7. COVID-19 UPDATE

- 7.1 Greg Fell, the Director of Public Health, provided a Coronavirus (Covid-19) position statement.

On the epidemiology, he stated that Sheffield still has a high infection rate, which was fluctuating and although this was beginning to fall, we still have 300 cases per 100,000 residents over a seven-day period. He stated that Sheffield has the second lowest seven-day rate in Yorkshire; 15 % of people test positive; and that this is still principally an issue of household transmission. Geographically, the east of Sheffield is becoming more of a concern due to factors such as lower car ownership; people being more likely to be in occupations where there are face to face interactions with other humans; and where there are denser more crowded communities with more houses in multiple occupation. Age specific seven-day

infection rates are decreasing across all age bands and it was expected that these trends would continue in that general pattern.

He stated that hospitals continue to be busy. They are coping and activity is flattening, but this is at a high rate, at a busy time for the NHS as winter approaches, making the room for manoeuvre very small, almost non-existent, so we do need to take care.

We are now 2 weeks into national lockdown, prior to that we were in a tiered system of restrictions and there's no doubt that the tiered system has helped significantly to flatten off the rate of growth. He showed that mobility is falling which is an indicator of social mixing, that social mixing is an indicator of cases and that cases is an indicator of people becoming ill. The purpose of the lockdown is to get our R rate below 1, to get the level of infection back to the level of cases in May, reduce the number of contacts per case and to reset expectations and behaviour. It was important to recognise that people are fed up and we need to guard against this, or rates will rise again. It is not clear what happens after the 4 week lockdown at this stage, although it is likely to be followed by more tiered restrictions. The scenarios for the next six months as presented by SAGE were noted.

The strategy and plan agreed by Cabinet - to keep people safe, protect the vulnerable and reopen Sheffield, remains in place. He outlined details of the operational plan, known as the outbreak control plan which was based on a number of components that make a difference. He referred to a number of talking points and myths about the virus and emphasised that it remains a really dangerous respiratory virus that's very easy to spread. The best way to protect the health service, protect vulnerable loved ones and the economy is to keep community transmission low.

He stated that testing will continue to be very important and that significant work to prepare for the roll out of the vaccine has begun, with some doses available this year. He outlined the priorities for the roll out of the vaccine, which will take 3 months minimum, possibly upto 6 months. It was confirmed that we have localised contact tracing in place and that this is doing exactly what we want it to do. He emphasised that the fundamentals remain the fundamentals - washing your hands, keeping your distance, wearing face covering and limiting the number of people you have contact with.

8. RETIREMENT OF STAFF

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

8.2 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 Portfolios below:

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<u>Place Portfolio</u>		
Robert Turner	Principal Planning Officer	41

(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 those staff with over 20 years' service.

9. MONTH 6 CAPITAL APPROVALS 2020/21

9.1 The Executive Director, Resources submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 56 2020/21.

9.2 **RESOLVED:** That Cabinet approves the proposed additions and variations to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegate authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts.

9.3 Reasons for Decision

9.3.1 The proposed changes to the Capital programme will improve the services to the people of Sheffield.

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.

To obtain the relevant delegations to allow projects to proceed.

9.4 Alternatives Considered and Rejected

9.4.1 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.

10. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2020/21 - AS AT 30/09/2020

10.1 The Executive Director, Resources submitted a report providing the outturn monitoring statement on the City Council's Revenue and Capital Budget for 2020/21, as at 30th September 2020.

10.2 **RESOLVED:** That Cabinet:-

(a) notes the updated information and management actions provided by the report on the 2020/21 Revenue Budget Outturn;

(b) in relation to the Capital Programme, notes the forecast Outturn position described in Appendix 2; and

(c) notes the review of the Treasury Management Strategy and prudential indicators as detailed in Appendix 3.

10.3 **Reasons for Decision**

10.3.1 To record formally changes to the Revenue Budget and the Capital Programme.

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. **BOUNDARY REVIEW AT OUGHTIBRIDGE MILL**

11.1 The Director of Policy, Performance & Communications, submitted a report setting out the issues caused by the local authority boundary alignment between Barnsley MBC and Sheffield City Council at Oughtibridge Mill, and seeking approval for a request to be made to the Local Government Boundary Commission for England to conduct a formal boundary review. The report also seeks approval for the development of interim arrangements for service delivery to the properties in the Oughtibridge Mill development for the period up to completion of that review.

11.2 **RESOLVED:** That Cabinet:-

(a) delegates authority to the Director of Policy, Performance and Communications, in consultation with the Deputy Leader and the Director of Legal and Governance to request the Local Government Boundary Commission for England to conduct a review of the Sheffield and Barnsley boundary where it cuts through the residential development site at the former Oughtibridge Paper Mill; and

(b) delegates authority to the Director of Policy, Performance and

Communications, in consultation with the Director of Legal and Governance and Deputy Leader to conduct negotiations towards an appropriate temporary agreement with Barnsley Metropolitan Borough Council and Bradfield Parish Council about the delivery of local government services to properties on the Barnsley side of the development ahead of this review being completed and enacted, the outcome of negotiations to be the subject of a further report.

11.3 Reasons for Decision

- 11.3.1 A review of the local authority boundary at Oughtibridge Mill is the only approach that will solve questions around effective service delivery and democratic representation for both the local authorities and the parish council. The intended outcome is that the whole development is brought within the Sheffield boundary.

11.4 Alternatives Considered and Rejected

- 11.4.1 There are two alternative options available:

1. Agree that Sheffield City Council (SCC) and Barnsley MBC (BMBC) will continue to deliver services to residents within their respective boundaries, accepting this will present logistical challenges to BMBC and that residents may choose to access services in Sheffield. This option would avoid the need for a boundary review process, and responsibility for service delivery would on the face of it be clear. However, it is clear from the discussion above that it is likely that a combination of citizens “voting with their feet” and individual services addressing specific issues through ad hoc arrangements would ensue, leading to a complex patchwork of arrangements that could be confusing for residents, especially in comparison to arrangements in the rest of the local community. This in turn would then raise questions of representation and accountability through elected members, and also around the connection between taxation and service delivery.

2. Reach a long-term contractual agreement for SCC to deliver some or all services to the development on BMBC’s behalf. As above, this would avoid the need for a boundary review, and would also enable a clearer relationship between residency and service delivery arrangements. However, it would also raise questions about representation, with residents on the BMBC side of the boundary unable to elect councillors to the authority that delivers services to them. It would also be an arrangement that required monitoring and review on a regular basis, imposing additional administration costs on services. Beyond this, council tax rates are set at different levels for SCC and BMBC, meaning that it is not necessarily clear that SCC could be appropriately compensated under this arrangement.

Beyond these points, it is critical to note that neither of these options addresses the issues faced by the Parish Council. These can only be addressed through a boundary review.

12. LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY

- 12.1 The Executive Director, Place, submitted a report setting out the details of the

revised Statement of Licensing Policy to be published under the 2003 Act and details the consultation process that has been undertaken.

The report also sought approval to the final draft of the Statement of Licensing Policy and for it to be referred to Full Council.

12.2 **RESOLVED:** That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2nd December 2020.

12.3 **Reasons for Decision**

12.3.1 To comply with statutory obligations and in doing so promote the core objectives under the Licensing Act, and positively support the wider Council's Vision to promote a successful, safe and flourishing economy in the City of Sheffield.

12.4 **Alternatives Considered and Rejected**

12.4.1 There were no alternative options presented in the report.



Author/Lead Officer of Report:
Craig Rogerson/Principal Committee Secretary

Tel: 27 34014

Report of: *Executive Director, Resources*

Report to: *Cabinet*

Date of Decision: *16 December 2020*

Subject: *Staff Retirements*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>N/A</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>N/A</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

Purpose of Report:

To report the retirement of the following staff from the Council's Service and to convey the Council's thanks for their work.

Recommendations:

To recommend that Cabinet:-

- (a) place on record its appreciation of the valuable services rendered to the City Council by the members of staff in the Portfolios stated;
- (b) extend to them its best wishes for the future and a long and happy retirement; and
- (c) direct that an appropriate extract of the resolution now made, under the Common Seal of the Council, be forwarded to those staff with over 20 years' service.

Background Papers: None

(Insert details of any background papers used in the compilation of the report.)

1. PROPOSAL

- 1.1 To report the retirement of the following staff from the Council's Service and to convey the Council's thanks for their work:-

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<u>People Portfolio</u>		
Mark Hinchliff	Headteacher, Brook House Junior School	21
Mandy Squire	Senior Teaching Assistant Level 3, Broomhall Nursery School	40
Lynne Walker	Senior Teaching Assistant Level 3, Broomhall Nursery School	42
<u>Place Portfolio</u>		
Simon Ogden	Programme Director	35

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Author/Lead Officer of Report:
Damian Watkinson,
Finance Manager

Tel: 0114 273 6831

Report of: *Eugene Walker*
Report to: *Cabinet*
Date of Decision: *16th December 2020*
Subject: *Capital Approvals for Month 07 2020/21*

Is this a Key Decision? If Yes, reason Key Decision:-
Yes No
- Expenditure and/or savings over £500,000
- Affects 2 or more Wards

Which Cabinet Member Portfolio does this relate to? ***Finance and Resources***

Which Scrutiny and Policy Development Committee does this relate to?
Overview and Scrutiny Management Committee

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? (*Insert reference number*)

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

Purpose of Report:

This report provides details of proposed changes to the Capital Programme as brought forward in Month 7 2020/21.

Recommendations:

- Approve the proposed additions and variations to the Capital Programme listed in Appendix 1, including the procurement strategies and delegate authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts
- Approve the acceptance of grants as detailed at Appendix 2

Background Papers:

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Tim Hardie</i>
		Legal: <i>Sarah Bennett</i>
		Equalities: No
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	<i>Eugene Walker</i>
3	Cabinet Member consulted:	<i>Terry Fox</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Damian Watkinson</i>	Job Title: <i>Finance Manager Business Partner Capital</i>
	Date: 26/11/20	

MONTH 07 2020/21 CAPITAL APPROVALS

1. SUMMARY

1.1 A number of schemes have been submitted for approval in line with the Council's capital approval process during the Month 7 reporting cycle. This report requests the relevant approvals and delegations to allow these schemes to progress.

1.2 Below is a summary of the number and total value of schemes in each approval category:

- 11 additions of specific projects to the capital programme creating a net increase of £1.246m;
- 3 variations creating a net increase of £0.198m;
- 2 re-profiles of expenditure with no increase to budgets
- 1 amendment to funding source with no change to budget

1.3 Further details of the schemes listed above can be found in Appendix 1.

2. WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

2.1 The proposed changes to the Capital programme will improve the recreational leisure facilities, schools, roads and homes used by the people of Sheffield, and improve the infrastructure of the city council to deliver those services.

3. BACKGROUND

This report is part of the monthly reporting procedure to Members on proposed changes to the Council's capital programme.

4. OUTCOME AND SUSTAINABILITY

4.1 By delivering these schemes the Council seeks to improve the quality of life for the people of Sheffield.

5. OTHER IMPLICATIONS

5.1 Finance Implications

The primary purpose of this report is to provide Members with information on the proposed changes to the City Council's Capital Programme further details on each scheme are included in Appendix 1 in relation to schemes to be delivered and Appendix 2 in relation to grants to be accepted.

5.2 Procurement and Contract Award Implications

This report will commit the Council to a series of future contracts. The procurement strategy for each project is set out in Appendix 1. The award of

the subsequent contracts will be delegated to the Director of Financial and Commercial Services.

5.3 Legal Implications

Any specific legal implications in this report are set out in Appendix 1 and Appendix 2 in relation to grants to be accepted.

5.4 Human Resource Implications

There are no direct Human Resource implications for the Council.

5.5 Property Implications

Any specific property implications from the proposals in this report are set out at Appendix 1.

6. ALTERNATIVE OPTIONS CONSIDERED

- 6.1 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.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The proposed changes to the Capital programme will improve the services to the people of Sheffield
- 7.2 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.
- 7.3 Obtain the relevant delegations to allow projects to proceed.

Finance & Commercial Services | Commercial Business Development

November 2020

Scheme name / summary description		Value £'000
A	Economic growth	
	New additions	
	None	
	Variations and reasons for change	
Page 29	M1 Gateway Art Project Scheme description The project was originally approved in 2013 to create a major piece of art on the site of the demolished Tinsley Cooling Towers, designed in conjunction with public consultation. What has changed? The project requires additional funding however due to the current pandemic, the potential funding sources have suspended funding applications until early 2021 and therefore the project timeline has been extended to March 2022. The unapplied budget of £219k will be moved into the 2021-2022 Capital Program. Variation type: - <ul style="list-style-type: none"> [slippage] 	2020-21 -219 2021-22 +219
	Funding Third Party Contributions	
	Procurement N/A	
	Grey to Green 2 [Angel Street] Scheme description This project has previously been approved to :- <ul style="list-style-type: none"> Pedestrianise Castlegate and narrow redundant carriage ways on Exchange Street/Place to create a setting for development plots, public event space, Sustainable Urban Drainage and meadow planting areas to transform the public realm and improve the environment. Redirect bus routes from Castlegate via Exchange Place and Blonk Street, including a new bus gate at Blonk Bridge. 	+550

Page 30	<ul style="list-style-type: none"> Extend green and open space corridors with pedestrian and cycle priority to create a gateway to the city centre, particularly for the adjoining hotel cluster and riverside business district Create potential development sites from highway land at Exchange Place/Wharf Street <p>What has changed?</p> <p>Castlegate and Angel Street remains a main gateway into the city centre and forms the route to most central hotels. It has been in decline for many years due to the loss of a distinctive economic role.</p> <p>Funding has been received from the European Regional Development Fund (ERDF) to continue the works onto Angel Street which will form a link between the original Grey to Green project with High Street, Commercial Street and Fargate.</p> <p>The works on Angel Street will include:-</p> <ul style="list-style-type: none"> Reduction of road width from 2 to a single carriageway on Angel St Construction of segregated cycling lane (two way) to connect Grey to Green to City Centre cycling route and to Upper & Lower Don Valley Implementation of Sustainable Urban Drainage (SUDs) and planting Retention of existing 4 trees and planting of additional 2 trees Improvements outside the Kommune (Co-op listed building) to enable the construction of a sheltered area (from general traffic and buses) and seating area New street furniture, City Centre quality <p>Variation type: -</p> <ul style="list-style-type: none"> [budget increase] [scope] 		
	Funding	European Regional Development Fund (ERDF)	
	Procurement	i. Mini competition via the YORcivils2 framework. Should the above route yield an insufficient tender list then restricted procedure with PQQ may be used as an alternative route to market.	
B	Transport		
	New additions		
	<p>Station Road, Halfway Crossing (Feasibility)</p> <p>Why do we need the project?</p> <p>This project is to introduce a controlled pedestrian crossing on Station Road near Halfway Infants school as part of the corporate objective to increase</p>		+9

Page 31	<p>participation in active modes of travel by providing safer walking facilities.</p> <p>There have been 4 injury accidents in the last 5 years (1 serious and 3 slight) at this location.</p> <p>The introduction of a controlled pedestrian crossing at this location will improve access to;</p> <ul style="list-style-type: none"> • The nearby schools (Halfway Nursery and Infants, Halfway Juniors, Westfield), • Shopping at Morrisons, • Park and ride at Halfway/bus services, Leisure trips to Rother Valley, • Employment at Holbrook Industrial Estate <p>The scheme will also connect two communities together by providing a crossing facility across Station Road where high volumes of traffic severe convenient walking and cycling routes.</p> <p>How are we going to achieve it?</p> <p>Initially a feasibility study will be carried out to assess the options for the scheme and identify the best location for the crossing. The study, including any required surveys will cost £9k and will be funded from Local Transport Plan.</p> <p>What are the benefits?</p> <ul style="list-style-type: none"> • Provide a safer environment for pedestrians and improve access to local facilities and encourage active travel. <p>When will the project be completed?</p> <p>[2020-21]</p>							
	Funding Source	Local Transport Plan	Amount	£9k	Status	Ringfenced for Transport Projects	Approved	
	Procurement		i. Feasibility undertaken in-house by SCC Transport Planning & Design and Assurance teams.					
<p>Electric Taxi Trial</p> <p>Why do we need the project?</p> <p>Air pollution contributes to 500 deaths a year in Sheffield, causing strokes, lung cancer and cardiovascular disease. The biggest cause of this pollution is transport, especially diesel vehicles and the Council has declared a climate emergency which necessitates a move away from the use of traditional fossil fuels, to cleaner technologies such as electric.</p> <p>The current Hackney Carriage fleet is typically of older diesel vehicles. The city centre is a core area for pick-up and drop-off where the majority of the city's taxi ranks are located. Therefore, a move to cleaner Ultra Low Emissions Vehicles and zero emission hackney carriages will see real benefit in some of the areas which have the highest pollution levels in the city.</p>							+471	

Page 32	<p>How are we going to achieve it?</p> <p>The Council has received funding to purchase up to 11 electric taxis with a view of running a two year taxi trial scheme to enable taxi drivers to trial electric vehicles, demonstrating their benefits and informing driver decisions about whether to buy / lease an electric taxi.</p> <p>The total expected costs of purchasing up to 11 taxis and the associated telematics is £485k (including prior year feasibility costs and fees)</p> <p>The operation of the taxi trial scheme will be subject of a tender exercise and will include the operation of the trials, administration, engagement and support, alongside all costs relating to operation and maintenance of the vehicles. The tender scope will exclude insurance, electric charging credit and licences. Initial estimates indicate that the total revenue cost of the scheme over the 2 years of operation could be up to £292k. It is planned that these costs will be funded on an invest-to-save basis with some savings realised through vehicle sale at the end of the 2 year trial. This is subject to a separate approval process via a non-key Individual Cabinet Member Decision.</p> <p>What are the benefits?</p> <ul style="list-style-type: none"> • 200 electric taxi loans to licenced Hackney Carriage drivers alongside package of education and support, providing drivers with practical insights into the benefits of electric vehicles and supporting permanent vehicle shift. • Direct NOx savings: 633.4kg/year • Direct CO2 savings: 145.0 tonnes/year <p>When will the project be completed?</p> <p>[July 2021] for capital purchase (the operation of the scheme will continue until July 2023)</p>							
	Funding Source	DEFRA Early Measures Fund	Amount	471k	Status	Ringfenced for Transport projects	Approved	
	Procurement	<p>i. Direct award / mini competition via a public sector compliant vehicle framework (e.g. CCS) for the supply of up to 11 Hackney Carriages. Telematics will be included in the procurement of the vehicles.</p> <p>An alternative procurement route for the carriages via the taxi trial Service Provider may be used if required. In this instance A competitive OJEU procedure would be undertaken to procure the Service Provider, who in turn would then be required to procure the vehicles.</p>						
Variations and reasons for change								
Streets Ahead Opportunities Scheme description							+85	

Page 33	<p>The Streets Ahead project has now completed the “Core Investment Period”. Public satisfaction with the condition of the Highway Infrastructure has increased and there is an expectation the City Council will continue to support and augment the basic maintenance tasks with small scale accessibility improvements.</p> <p>There are in excess of 2000 small scheme requests in the system, these increase daily with requests to carry out works such as handrail installation, dropped kerbs, community ‘H’ markings, bollard installation, bus stop markings, new signs and markings. Requests are individually assessed and installation is instructed on a priority basis.</p> <p>What has changed?</p> <p>This project is a rolling programme of works and £85k of Local Transport Funding is to be added to this year’s budget to enable the complete of works in 2020-21. The total budget for 20-21 will be £132k with an estimated commuted sum of £20k.</p> <p>Variation type: -</p> <ul style="list-style-type: none"> • [budget increase] 		
	Funding	Local Transport Plan	
	Procurement		
	Quality of life		
	New additions		
	None		
	Variations and reasons for change		
	None		
D	Green and open spaces		
	New additions		
	<p>Millhouses Playground</p> <p>Why do we need the project? <i>Problem trying to address</i></p>		+14

The existing multi-play unit at Millhouses Park was removed in June20 because of irreparable damage to the unit during the recent Lockdown. This has significantly reduced the play value of the site, which is a Green Flag destination park for Sheffield. There is much local interest in this park and the Friends group have been keen to see this unit replaced as soon as possible.

Why address it?

The condition of the playground is not acceptable for a city destination park and a green flag site. This situation needs to be rectified by the provision of a replacement play unit.

How are we going to achieve it?

Procure a new multi-play unit, which will be installed by the Parks and Countryside Playground Team

What are the benefits?

- Renewal of the Millhouses Park playground
- Provision of a fit for purpose play equipment
- Improved quality of Millhouses Park, an important City Green Flag standard destination site
- Sustained play value for the park
- Sustained or improved customer satisfaction
- Improve play value for disabled users

When will the project be completed?

March or early April 2021

Costs

£14.1K Supply of Kit
£0.2K Independent Inspection
 £14.3K Total

Funding

£7.9K Millhouses Mill Building Capital Contribution
£6.4K Revenue Contribution to Capital
 £14.3K Total

Funding Source	See Funding Section above	Amount	£14.3K	Status	Funding available	Approved	Green & Open Spaces PG 16.11.20
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Procurement	i. Supply of play equipment by competitive quotations. ii. Installation works undertaken in-house by the SCC Playground team.						
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<p>Arbourthorne Pond</p> <p>Why do we need the project? <i>Problem trying to address</i> The project aims to address the condition of the pond and the fact that it is currently very difficult to fish. It will also address the need to make the pond a more inclusive environment for all. There is significant local community and political interest in this project which if successful will benefit all stakeholders.</p> <p><i>Why address it?</i> It's not just about clearing the pond area of weeds and debris which is a maintenance function. To encourage its use by interested parties once cleared there is a need to improve the accessibility of the facility through the provision of a path round the pond, and to refit the site container so it can be used for community storage.</p> <p>How are we going to achieve it?</p> <ul style="list-style-type: none"> • The removal of the pond vegetation and debris will be carried out in November and paid for by Revenue funds as maintenance • A Measured Term contract will be used to deliver the path improvements • SCC Property & Facilities Management Repairs & Maintenance Team will refit the container • A voluntary Sector environmental management company will support the delivery of green improvements supported by local volunteer after the path and container works have been done <p>What are the benefits?</p> <p><i>Benefits</i></p> <ul style="list-style-type: none"> • Improved environment and ecological value of Arbourthorne Pond • Increased participation and use of the green space by local people for fishing and recreation • Improved quality of Arbourthorne Pond sustaining a Sheffield 'quality' Standard • Sustained or improved customer satisfaction • Improve recreational value of the site, including improved accessibility <p>When will the project be completed? May 2021</p> <p>Costs</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Path</td> <td style="text-align: right;">£17.2K</td> </tr> <tr> <td>Refurb of Container</td> <td style="text-align: right;">£2.8K</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">£20.0K</td> </tr> </table> <p>Funding</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Environment Agency</td> <td style="text-align: right;">£10K</td> </tr> <tr> <td>Local CIL – Park & Arbourthorne</td> <td style="text-align: right;">£10K</td> </tr> </table>	Path	£17.2K	Refurb of Container	£2.8K	Total	£20.0K	Environment Agency	£10K	Local CIL – Park & Arbourthorne	£10K	<p>+20</p>
Path	£17.2K										
Refurb of Container	£2.8K										
Total	£20.0K										
Environment Agency	£10K										
Local CIL – Park & Arbourthorne	£10K										

	Total £20K							
	Funding Source	See Funding Section above	Amount	£20K	Status	EA Grant; see Appendix 2 Local CIL; awarded, to be journaled	Approved	Green & Open Spaces PG 16.11.20
	Procurement		i. Path installation by call-off from the Non-Highways Resurfacing Measured term. ii. Refit of site container undertake in-house by the SCC Repairs & Maintenance team.					
	Variations and reasons for change							
	None							
Page 36	Housing growth							
	New additions							
	None							
	Variations and reasons for change							
	<p>Council Housing New Build Phase 12 – Knutton Crescent</p> <p>Scheme description A small-scale Modern Method of Construction project delivering 4 new Council family homes for affordable rent on a currently underutilised Council-owned HRA site, in an area where there is an identified need for large family homes.</p> <p>What has changed? A bid for Homes England grant was submitted and has been awarded. As a result the funding mix of the project has changed; 1-4-1 receipts can no longer be used.</p> <p>Variation type: Change of funding mix</p> <p>Budget Total Project Budget £1,000K</p> <p>Funding Mix Now S106 £180.3K HE Grant £200.0K</p>							0

	<table border="1"> <tr> <td>HRA</td> <td>£619.7K</td> </tr> <tr> <td>Total</td> <td>£1,000.0K</td> </tr> </table>	HRA	£619.7K	Total	£1,000.0K	
HRA	£619.7K					
Total	£1,000.0K					
	<table border="1"> <tr> <td>Funding</td> <td>Various, see above</td> </tr> </table>	Funding	Various, see above			
Funding	Various, see above					
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Procurement	N/A					
F	Housing investment					
	New additions					
Page 37	<p>Council Housing Short Leasehold Sundries</p> <p>Why do we need the project? <i>Problem trying to address</i> Sheffield City Council currently holds leaseholds on a range of sundry properties which are in use as part of the social housing stock. The properties have been acquired by the Council over time through purchase on a leasehold basis. There are 15 of these properties which now have short remaining leasehold terms and as such consideration needs to be given to the Council's options for these properties.</p> <p><i>Why address it?</i> A decision has been taken to exercise the right to purchase the freehold, which needs to be actioned before the leasehold terms expire. The remaining term of the leases range from 3.5 years to 67 years. The cost of purchasing the freeholds increases the shorter the remaining term of the Lease.</p> <p><i>Implications of not doing it now?</i> Doing nothing will result in these assets being returned to the freeholder by default when the leasehold terms expire. As a result the Council will lose valuable housing stock, lose the benefits of sunk cost in terms of investment and maintenance, and incur costs through our obligation to rehousing tenants occupying the properties. This will also be distressful for the occupiers.</p> <p>How are we going to achieve it? The Council has the right to purchase the Freehold for each of the 15 properties, the freeholder fees are payable by the Council as well as the surveying and legal fees. Property Services will effectively deliver the project in terms of serving notices, negotiating and the processing of payments on behalf of the Asset Management Team.</p> <p>What are the benefits? <i>Objectives</i></p> <ul style="list-style-type: none"> • Purchase of the freeholds of 15 sundry properties at a maximum cost of £437K • Avoid the loss of assets worth a value of £2.27m 	+437				

<p><i>Outputs</i> 15 sundry property freeholds</p> <p><i>Benefits</i></p> <ul style="list-style-type: none"> Retention of 15 property assets worth £2.27m for a capital investment of up to £437K No reduction in the current levels of housing stock and support the stock increase programme through the permanent acquisition of 15 properties currently only held on a leasehold basis No requirement to rehouse any existing tenant at the expiration of the leasehold term Continuation of existing revenues <p>When will the project be completed? The process of serving notices will commence in October 2020 with final payments expected to be complete by March 2021</p> <p>Costs</p> <table border="0"> <tr> <td>Freehold Acquisition</td> <td>£421.0K</td> </tr> <tr> <td>Intermediary Fees</td> <td>£3.0K</td> </tr> <tr> <td>Tribunal Fees</td> <td>£7.5K</td> </tr> <tr> <td>Legal/Surveyor Fees</td> <td>£5.0K</td> </tr> <tr> <td>Total</td> <td>£436.5K</td> </tr> </table>								Freehold Acquisition	£421.0K	Intermediary Fees	£3.0K	Tribunal Fees	£7.5K	Legal/Surveyor Fees	£5.0K	Total	£436.5K
Freehold Acquisition	£421.0K																
Intermediary Fees	£3.0K																
Tribunal Fees	£7.5K																
Legal/Surveyor Fees	£5.0K																
Total	£436.5K																
Funding Source	Housing Revenue Account Block Allocation	Amount	£436.5K	Status	Funding available in the block allocation	Approved	Housing Investment PG 18.11.20										
Procurement		N/A															
<p>Collegiate Crescent Conversion</p> <p>Why do we need the project? <i>Problem trying to address</i> Demand for temporary accommodation has increased so opportunities to create more temporary accommodation are being sought. 14B Collegiate Crescent is a ground floor property which is part of a 2-storey block of Sundry flats on the Broomhall estate. There are 3 other flats within the block all of which are empty. 14B has been used in the past as an office but there's now no requirement for an office, and no other appropriate use has been identified for the property in its current format. The intention is to utilise these flats as temporary accommodation.</p> <p><i>Why address it?</i> To increase the number of usable and lettable council housing stock in order to reduce the requirement for hotel and B & B accommodation for families.</p> <p>How are we going to achieve it?</p>							+31										

Page 39	<p>The inhouse repairs and maintenance service who have the skills and workforce to deliver this project.</p> <p>What are the benefits?</p> <p><i>Outputs</i></p> <ul style="list-style-type: none"> A flat added back into general letting to generate income which pays for itself over the long term Upgraded fire safety measures on the remaining 3 block flats to the current building regulation standards <p><i>Benefits</i></p> <p>The building will provide extra family units of temporary accommodation which can be used for short term let. This reduces the need for hotel and B & B accommodation to be used for late and unexpected homeless presentations.</p> <p>When will the project be completed? March 2021</p> <p>Costs</p> <table border="0"> <tr> <td>Works</td> <td>£29.1K</td> </tr> <tr> <td>Contingency</td> <td>£2.4K</td> </tr> <tr> <td>Total</td> <td>£31.5K</td> </tr> </table>								Works	£29.1K	Contingency	£2.4K	Total	£31.5K
	Works	£29.1K												
	Contingency	£2.4K												
Total	£31.5K													
Funding Source	Flexible Homeless Grant	Amount	£31.5K	Status	Grant is received annually and this amount has been set aside for this scheme.	Approved	Housing Investment PG 18.11.20							
Procurement		i. Works undertaken in-house via the Repairs and Maintenance Service.												
Variations and reasons for change (please specify all that apply: budget increase / budget reduction / re-profiling / scope change / procurement)														
<p>HRA Block Allocation (Essential Work)</p> <p>Scheme description Block allocation of HRA funding for other essential work needed on the Council Housing stock.</p> <p>What has changed? A Final Business Case have been brought forward for Short Leasehold Sundries. Funding therefore needs drawing down from this block allocation to cover the scheme costs. See entry above</p> <p>Variation type: Budget Decrease</p> <p>Budget Current 22/23 Budget £1,145.5K - £436.5K = £709K</p>								-437						

	Total 22-25 Budget £3,645.5K - £436.5K = £3,209K																											
	<table border="1"> <tr> <td data-bbox="170 268 322 336">Funding</td> <td data-bbox="322 268 1966 336">HRA</td> </tr> </table>	Funding	HRA																									
Funding	HRA																											
	<table border="1"> <tr> <td data-bbox="170 336 555 400">Procurement</td> <td data-bbox="555 336 1966 400">N/A</td> </tr> </table>	Procurement	N/A																									
Procurement	N/A																											
Page 40	<p>97464 Replacement Roofing Programme 2020-25</p> <p>Scheme description The original roofing and roofline project has ended but work on the Council’s housing stock roofs needs to continue. There are also a number of roofline-only properties that were removed from the previous project to ensure the delivery of best value. To achieve this work identified in the 30 year business plan, a new approach is required.</p> <p>What has changed? Procurement has now taken place and the contract price and other costs (fees etc) are now known. The total of these costs, even with a contingency are £1,090K less than the estimated cost submitted in the Outline Business Case.</p> <p>It has been recommended, and approved by the Programme Group, that this balance is retained to investigate the possibility of extending the Solar PV and battery storage works that have been included within the tender. Currently these works are limited to 6 identified trial blocks.</p> <p>This work will include surveys to identify suitable properties within the initial 1st year address list, but could also include additional installations depending on the success of the trial blocks and the development of the council’s overall strategy to achieve its net zero carbon 2030 commitment.</p> <p>Variation type: Re-profile / Change of Scope</p> <p>Costs</p> <table border="0"> <tr><td>CDS Fees</td><td>£253.5K</td></tr> <tr><td>Other Fees</td><td>£1,887.0K</td></tr> <tr><td>Solar PV</td><td>£1,090.0K</td></tr> <tr><td>Construction</td><td>£33,474.0K</td></tr> <tr><td>Contingency</td><td>£1,930.0K</td></tr> <tr><td>Total</td><td>£38,634.5K</td></tr> </table> <p>Budget</p> <table border="0"> <tr><td>Spend 19/20</td><td>£64.4K</td></tr> <tr><td>Current 20/21 Budget</td><td>£5,025.6K - £3,822.9K = £1,202.7K</td></tr> <tr><td>Current 21/22 Budget</td><td>£7,000.0K + £2,884.1K = £9,884.1K</td></tr> <tr><td>Current 22/23 Budget</td><td>£8,848.2K + £293.5K = £9,141.7K</td></tr> <tr><td>Current 23/24 Budget</td><td>£8,848.2K + £322.6K = £9,170.8K</td></tr> <tr><td>Current 24/25 Budget</td><td>£8,848.1K + £322.7K = £9,170.8K</td></tr> <tr><td>Total 19-25 Budget</td><td>£38,634.5K + £0.0K = £38,634.5K</td></tr> </table>	CDS Fees	£253.5K	Other Fees	£1,887.0K	Solar PV	£1,090.0K	Construction	£33,474.0K	Contingency	£1,930.0K	Total	£38,634.5K	Spend 19/20	£64.4K	Current 20/21 Budget	£5,025.6K - £3,822.9K = £1,202.7K	Current 21/22 Budget	£7,000.0K + £2,884.1K = £9,884.1K	Current 22/23 Budget	£8,848.2K + £293.5K = £9,141.7K	Current 23/24 Budget	£8,848.2K + £322.6K = £9,170.8K	Current 24/25 Budget	£8,848.1K + £322.7K = £9,170.8K	Total 19-25 Budget	£38,634.5K + £0.0K = £38,634.5K	<p>20/21 -3,823</p> <p>21/22 +2,884</p> <p>22/23 +293</p> <p>23/24 +323</p> <p>24/25 +323</p>
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	Funding	HRA	
	Procurement		
G	People – capital and growth		
	New additions		
Page 41	<p>Clifford All Saints Primary Heating: (Post-feasibility works)</p> <p>Why do we need the project?</p> <ul style="list-style-type: none"> • What is the problem we are trying to address? <ul style="list-style-type: none"> ○ Issues have been identified with the heating and domestic hot water system at Clifford All Saints (former Ecclesall Junior site). The Diocese have employed a consultant mechanical engineer who has produced a report recommending wholesale replacement of the boiler plant, pipework, emitters, controls etc • Why do we need to address it now? <ul style="list-style-type: none"> ○ There is an agreement in place between the City Council and the Diocese which provides inclusion of the mechanical installation at the former Ecclesall Junior site in any capital programme, and the diocese engineer’s report suggests that this is necessary. ○ To confirm if all works identified in the Diocese mechanical engineers report was necessary, we commissioned Capital Delivery Service (CDS) to carry out our own assessment of the heating system and to identify works that needed to be funded via our capital programme and to exclude any works not directly associated with the heating system failure. ○ Following their assessment CDS recommended that the work associated with the plant room should be undertaken i.e. replacement of the existing boilers pumps etc. but their assessment did not recommend wholesale replacement of pipework emitters, controls etc. Although they found that these elements were old, they thought that these elements would still be serviceable and recommended that they be re-assessed after the plant room work had been completed and the school had heat. <p>How are we going to achieve it?</p> <ul style="list-style-type: none"> • Proposed solution / recommended option: replace the existing gas and coal fired boilers and pumps with two new Quinta Ace 115 frame mounted boilers c/w matching shunt pumps and low loss header, new gas train connect to existing incoming gas supply complete with new auto shut off valve connected to the new Building Energy Management (BEM)'s system. <p>What are the benefits?</p> <ul style="list-style-type: none"> • Objective: replace the existing gas and coal fired boilers and pumps with a safe solution. <p>Outputs/benefits: an efficient, working heating system.</p>		+135

<p>When will the project be completed? 28/02/2021 - the replacement could be commenced mid-January, to complete February half term 2021</p>								
Funding Source	DfE Condition Allocation	Amount	£9k feasibility +£135k works £144k total cost	Status		Approved		
Procurement		i. Works undertaken in-house via the Repairs and Maintenance Service.						
Page 42	<p>Whiteways Primary Heating – New Boiler House: Feasibility</p> <p>Why do we need the project?</p> <ul style="list-style-type: none"> • What is the problem we are trying to address? <ul style="list-style-type: none"> ○ Whiteways Primary is a post war school in the Fir Vale area of the city. The school currently relies on three ACV brand “tank in tank” type boilers, which provide both heating and hot water to the school, these were installed in 1994. Two of boilers have been condemned and hence are out of use. • Why do we need to address it now? <ul style="list-style-type: none"> ○ The remaining unit is only just operational and leaves the school with no back up. <p>How are we going to achieve it?</p> <ul style="list-style-type: none"> • What is the proposed solution / recommended option? <ul style="list-style-type: none"> ○ Design package to provide full mechanical & electrical refurbishment of boiler house via in house contractor. <p>What are the benefits?</p> <ul style="list-style-type: none"> • Objectives: <ul style="list-style-type: none"> ○ The new system will be specifically designed to meet the needs of the schools <p>Benefits:</p> <ul style="list-style-type: none"> ○ New plant would be designed to operate at maximum efficiency, reducing running costs and carbon omissions ○ Would be capable of providing the required heat outputs even during especially cold spells ○ The council would meet its legal obligation under “The Workplace (Health, Safety and Welfare) Regulations 1992”. <p>When will the project be completed? ASAP: exact date to be informed by results of feasibility work.</p>							+6

	Funding Source	DfE Condition Allocation	Amount	£6k	Status		Approved		
	Procurement		i. Feasibility undertaken in-house by the Capital Delivery Service.						
Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change / procurement)									
None									
H	Essential compliance and maintenance								
New additions									
Page 43	<p>Winter Gardens Automatic Door Replacement</p> <p>Why do we need the project?</p> <ul style="list-style-type: none"> • What is the problem we are trying to address? <ul style="list-style-type: none"> ○ The Winter Gardens currently has 4 sets of automatic entrance door openings, comprising 3 walk-in openings and one accessibility set of wider/higher double-doors for vehicular accessibility via a ramp. ○ The doors are original and over 20 years old and the number of service call outs to correct issues has increased to a point where replacement is now the sensible option. • Why do we need to address it now? <ul style="list-style-type: none"> ○ The Capital Delivery Service examination accompanied by ironmongery experts produced the problems listed below: <ul style="list-style-type: none"> ▪ At the point of original installation, they obviously conformed to regulations, but in line with current standards they have now become non-compliant on several levels. ▪ On the hinge side of each door finger traps are evident as the glass door panel closes tight to the frame ▪ There are 3 sets of door openings which have been identified by the service engineers as having a scissor action on closing where two adjacent door sets open and close in unison, creating a potential for amputation of small fingers ▪ The door mechanisms are generally old and some of the automated opening/closing actions are defective ▪ The photo-electric safety sensors act as a look-out to prevent the doors closing on people passing through, they are defective on several locations and require replacement <p>How are we going to achieve it?</p> <ul style="list-style-type: none"> • What is the proposed solution / recommended option? 							+32.5	

Page 44	<ul style="list-style-type: none"> ○ Complete replacement of all 4 sets of automatic door openings. The telescopic sliding door option is recommended due to it being faster in operation and has fewer moving parts to maintain/replace. <p>What are the benefits?</p> <ul style="list-style-type: none"> ○ Reduced Health & Safety risk issues associated with existing door sets ○ Install doors that meet with current BSEN standards and Building Regulations ○ Reduce maintenance costs <p>When will the project be completed?</p> <p>Replacement could be achieved in early 2021 and would be carried out in phases overnight to allow continual access to the Winter Gardens.</p>							
	Funding Source	Minor Works Revenue Cont.	Amount	£32.5k	Status		Approved	
	Procurement		i. By competitive quotation.					
	<p>Medico Legal Centre Hot Water Improvements</p> <p>Why do we need the project?</p> <ul style="list-style-type: none"> • What is the problem we are trying to address? <ul style="list-style-type: none"> ○ The hot water that feed to the coroner's office is currently supplied from 3 existing calorifiers one of which is redundant. • Why do we need to address it now? <ul style="list-style-type: none"> ○ The pipe work feeding these calorifiers is very old and heavily corroded and is prone to leaking. ○ The pipework is also configured in such a way that the cold water feeding the coroner's office is being heated by the hot water feed and is reaching temperatures of up to 40 degrees at the outlet which poses a risk of legionella. <p>How are we going to achieve it?</p> <ul style="list-style-type: none"> • What is the proposed solution / recommended option? <ul style="list-style-type: none"> ○ To remove the 3 existing calorifiers and all existing pipe and to install 2 new calorifiers and new reconfigured pipework. This work can also be carried out with minimal disruption to the coroner's service. <p>What are the benefits?</p>							+40

	<ul style="list-style-type: none"> ○ Prevent further leaks and risk of flooding the coroner’s office ○ Reduce temperature of the cold-water feed thereby removing risk of legionella ○ Provide correct distribution temperatures for both hot and cold-water feeds <p>When will the project be completed? 31/01/2021</p>									
	Funding Source	Minor Works Revenue Cont.	Amount	£40k	Status		Approved			
	Procurement		i. Works undertaken in-house via the Repairs and Maintenance Service.							
Page 45	<p>95634 Westfield Youth Club Community – Roof</p> <p>Why do we need the project?</p> <ul style="list-style-type: none"> • What is the problem we are trying to address? <ul style="list-style-type: none"> ○ The existing flat roof is in very poor condition and has exceeded its natural life expectancy. • Why do we need to address it now? <ul style="list-style-type: none"> ○ There is evidence of widespread cracking and stretching at joints and corners that is allowing leaks to develop which is causing water damage to the internal fabric of the building. The building is currently used for a number of community activities, including as a food bank. The ingress of water is compromising the safe delivery of these activities and therefore urgent repair works are required. <p>How are we going to achieve it?</p> <ul style="list-style-type: none"> • What is the proposed solution / recommended option? <ul style="list-style-type: none"> ○ Replace the existing roof covering with new insulated roof covering including all associated works and procure work as soon as possible, with intention to request contract award at December Capital Programme Group. <p>What are the benefits?</p> <ul style="list-style-type: none"> ○ Watertight roof covering ○ Improved thermal efficiency ○ Reduced repair cost ○ Prevent further damage to internal structure <p>When will the project be completed?</p>								+50	

		Estimated delivery of final project: June/July 2021.							
	Funding Source	Revenue Contribution from Minor Works Budget	Amount	£50k	Status		Approved		
	Procurement		i. Via instruction through a suitable capital contract.						
Variations and reasons for change									
I	Heart of the City II								
New additions									
Page 46	None								
	Variations and reasons for change								
	None								

	Scheme name / business unit / summary description of key terms	Funder	Value £'000
A	Economic growth		
	None		
B	Transport		
	None		
C	Quality of life		
	None		
D	Green and open spaces		
	<p>Arbourthorne Pond</p> <p><u>Financial and Commercial Implications</u></p> <p>Key features (not exclusive) of the grant (£10,000) are summarised below:</p> <ul style="list-style-type: none"> • The grant is to support pond renovation back to a usable fishing condition and a range of supporting measures to improve the wider environment: <ul style="list-style-type: none"> - Commencement Date 1st October 2020 and Termination Date 28th February 2021 - Ongoing maintenance costs are SCC's responsibility. - Records retention seven years after Termination Date. - SCC to provide all necessary staff, resources, facilities and supervision - Invoice the Agency for its Financial Contributions; and 	Environment Agency	10

	<ul style="list-style-type: none"> - Use Contribution solely for the Project unless otherwise agreed in writing. - Comply with monitoring and reporting requirements - The grant is subject to clawback if terms and conditions are not complied with - Repay Financial Contributions unspent subject to reasonable outstanding commitments. - Project variations to be agreed by both parties in advance. <p>The Grant Manager will need to:</p> <ul style="list-style-type: none"> - Read, understand and comply with all of the grant terms. - Ensure that any ongoing costs have identified sources of funding. <p><u>Commercial Implications:</u></p> <ul style="list-style-type: none"> - There are no direct commercial implications arising from this report. Any procurement activity associated with the grant award will be reported separately. - All public sector procurement is governed by and must be compliant with both European Legislation and UK National Law. In addition, all procurement in SCC must comply with its own Procurement Policy, and internal regulations known as 'Contracts Standing Orders' (CSOs). - Contracts Standing Orders requirements will apply in full to the procurement of services, goods or works utilising grants. All grant monies must be treated in the same way as any other Council monies and any requirement to purchase/acquire services, goods or works must go via a competitive process. <p><u>Legal Implications:</u></p> <p>The Agreement between the EA and the City Council is described by the EA as a 'Collaboration' consisting of:</p> <ol style="list-style-type: none"> a) Any agreed written variation made in accordance with this Agreement b) The covering EA proposal letter c) The Terms and Conditions attached to that letter d) The Specification attached to that letter 		
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	<p>e) Any other documents appended to that letter</p> <p>The form of agreement can be treated as a grant (despite describing itself as a 'collaboration') with specific outcomes and with no element of 'profit' for the Council and hence it is not a contract for services but rather a grant.</p> <p>The Specification section describes the City Council as the 'Lead Partner' with the EA as the 'Contributing Partner' and then goes on to specify what the 'programme of work' to be undertaken by SCC is and the delivery dates stipulated for each of its tasks. The termination of the arrangement is stated as being 21st February 2021 but 'subject to the delivery and acceptance of all deliverables / milestones listed'. So there may be some flexibility.</p> <p>The remainder of the Agreement contains provisions which are standard to a grant agreement and accordingly the Council is not exposed to any undue liability or risk in entering into this Agreement.</p> <p>There is one residual obligation imposed upon the Council which is that 'for the foreseeable future all maintenance will be the responsibility of Sheffield City Council'. It also states that the collaboration agreement is to be 'reviewed and renewed as required' and that the EA 'are to provide further input into the plan with specific details to be finalised'. It does not go into further detail regarding this.</p> <p>The Localism Act 2011 provides local authorities with a "general power of competence" which enables them to do anything that an individual can do as long as the proposed action is not specifically prohibited. A purpose of the Act is to enable local authorities to work in innovative ways to develop services that meet local need. The proposed initiative can be delivered through the council using its general power of competence. In addition, there is no specific statutory prohibition, preventing the Council from implementing the proposed initiative. The Council therefore is empowered to implement and administer the initiative detailed in this report.</p> <p>Any grants accepted by the City Council can only be received following the approval of the Director of Resources & Head of Strategic Finance (Art 6.2.1 & Art. C.2.1.5</p>		
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	‘Grant Funding’) and then managed by an Executive Director (or their delegate) under Article 6.2.2 of the Financial Procedure Rules.		
E	Housing growth		
	<p>New Build Phase 12 – Knutton Crescent</p> <p>Shared Ownership Affordable Homes Programme (2016-22) 5th Allocation</p> <p>Background Homes England (formerly HCA) has funding for a Homes Programme 2016-2021, now extended to 2022 due to Covid19. Local Authorities can apply for this funding to help them with new build and acquisition schemes.</p> <p>This is the 5th application for funding from this Programme, the previous ones being for 5 acquisitions; approved in July17, the 2nd for a further 5 acquisitions approved in March19, the 3rd to fund the Weakland development (Phase 2) approved in November19, and the 4th to fund the Daresbury and Berners development (Phase 10) approved in April20.</p> <p>The bid was successful awarding £50K per property, which is £200K</p> <p>Financial and Commercial Implications The different funding options for scheme have been investigated and endorsed by the Housing Growth Programme Group it was decided to bid for £200K from the HE Programme. This means that SCC’s 1-4-1 housing sale capital receipts funding can’t therefore be used on this scheme. Meetings and calculations have taken place to ensure taking this scheme out of the SCC’s eligible new build spend won’t have a detrimental effect on reaching the required spending, and therefore cause 1-4-1 funding to be lost.</p> <p>This outcome relies on the other current new build schemes spending as currently forecast.</p>	Homes England	200

	<p>Key features of the proposed Grant Agreement (not exclusive) are summarised below:</p> <ul style="list-style-type: none"> • To make grants available to facilitate the development and provision of housing • To facilitate the delivery of certain affordable housing schemes. • Grant is compliant with the EU requirements concerning public service compensation granted for Services of General Economic Interest. • Firm Scheme Completion Date means the date set out in the Firm Scheme Delivery Timetable by which the Site acquisition and Practical Completion must be achieved • SCC must comply with any repayment / reporting obligations • SCC must ensure no material breach of the Grant Agreement • SCC must deliver all the SOAHP Housing which it was committed to deliver under this Agreement by 31 March 2023 • Help to Buy Agency Agreement means an agreement entered into between SCC and the Help to Buy Agent • The Grant Recipient shall comply fully with the contract management and reporting obligations set out in this Condition 11 • If the approved bid is not complied with then the grant may be reduced or adjusted • SCC must retain records for ten years from the date it received the grant • The grant is subject to Audit • No obligation to pay Grant to SCC if the due date for payment is after 31 March 2023 unless the funder approves an extension • SCC must comply with the defined grant claim procedures • If SCC fails to deliver the funder can withdraw, reallocate or reduce the funding <p>Procurement</p> <ul style="list-style-type: none"> • All public sector procurement is governed by both European Legislation and UK National Law. In addition, all procurement in Sheffield City Council must comply with its own Procurement Policy, and internal regulations known as 'Contracts Standing Orders' (CSOs). 		
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	<ul style="list-style-type: none"> • Contracts Standing Orders requirements will apply in full to the procurement of services, goods or works utilising grants. All grant monies must be treated in the same way as any other Council monies and any requirement to purchase/acquire services, goods or works must go via a competitive process. • The Project Manager will need to read, understand and comply with all of the grant terms and conditions. <p>Legal Implications</p> <p>The Council has the power to accept this grant under section 31 of the Local Government Act 2003. The Council also has the power to accept this grant under the section 1 Localism Act 2011 power of general competence.</p> <p>The Council must ensure it has either a freehold interest or leasehold interest (with at least 60 years remaining) on any land it wishes to develop.</p> <p>Each scheme the Council wishes to develop will have milestone target dates. Failure to comply with these dates will breach the terms of the grant agreement unless there are intervening circumstances, such as severe adverse weather, in which case the HE will extend the milestone target dates. In any event, any scheme may not be extended beyond 31 March 2023 unless HE permit otherwise.</p> <p>The Council must ensure in the delivery and construction phase of the scheme that it complies with all relevant legislation and HE guidance.</p> <p>The HE may either withhold or clawback any grant monies if a default event occurs or where the council breaches the terms of the agreement or if the grant is deemed to be unlawful state aid or otherwise terminated.</p> <p>The developed properties will be managed as Council housing - and held for the purposes of Part II of the Housing Act 1985 - and accounted for within the HRA and let in accordance with the Council's Allocations Policy made under Part 6 of the Housing Act 1996.</p>		
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F	Housing investment		
	None		
G	People – capital and growth		
	None		
H	Essential compliance and maintenance		
	None		
I	Heart of the City II		
	None		

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Author/Lead Officer of Report: Yunus Ahmed,
Principal Development Officer, Regeneration &
Property Service
Tel: 07766002846

Report of: Director of Legal & Governance
Report to: Cabinet
Date of Decision: 16 December 2020
Subject: Stocksbridge Town Investment Plan

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Councillor Mazher Iqbal, Business & Investment		
Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing Scrutiny Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

Purpose of Report: To seek delegated authority for the Director of Legal & Governance in consultation with the Cabinet Member for Business and Investment, the Cabinet Member for Finance, Resources and Governance and the Executive Director of Resources to submit the Stockbridge Town Investment Plan to secure up to £25M of Central Government Funding for the regeneration of Stocksbridge

Recommendations: To delegate authority to the Director of Legal & Governance in consultation with the Cabinet Member for Business and Investment, the Cabinet Member for Finance, Resources and Governance and the Executive Director of Resources to submit the Stockbridge Town Investment Plan to secure up to £25M of Central Government Funding for the regeneration of Stocksbridge

Background Papers:

None.

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Damian Watkinson
	Legal: David Cutting
	Equalities: Annmarie Johnston
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: <i>Laraine Manley</i>
3	Cabinet Member consulted: <i>Councillor Mazher Iqbal</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: Gillian Duckworth
	Job Title: Director of Legal & Governance
Date: <i>8/12/20</i>	

1. PROPOSAL

1.1 Background

- 1.1.1 On 6 September 2019 the government invited 100 places in England to develop proposals for a Town Deal, forming part of the £3.6 billion Towns Fund announced by the Prime Minister in July 2019. Stocksbridge was one of the towns, invited to bid.
- 1.1.2 The Towns Fund is seen by Government as a key element of their 'levelling up' agenda, focusing on some of the economic growth constraints that some towns face, harnessing local assets and engaging local businesses to drive the sustainable economic regeneration of towns to deliver long term economic and productivity growth through:
- i) **Urban regeneration:** Ensuring towns are thriving places for people to live and work, by: Increasing density in town centres; Strengthening local economic assets including local cultural assets; Site acquisition, preparation, remediation, and/or development; and Making full use of planning tools to bring strategic direction and change.
 - ii) **Skills and enterprise infrastructure:** Driving private sector investment and small business development; and Ensuring towns have the space to support skills and small business development
 - iii) **Connectivity:** Developing local transport schemes that complement regional and national networks; and Supporting the delivery of improved digital connectivity.
- 1.1.3 Each town invited to bid has been asked to pull together proposals for up to £25 million. This core funding will form a component of a Town Deal an agreement in principle between government, the Lead Council and the Town Deal Board, confirmed in a Heads of Terms document. It will set out a vision and strategy for the town, and what each party agrees to do to achieve this vision.
- 1.1.4 This document will be signed by the Secretary of State for Housing, Communities and Local Government on behalf of government; the chief executive or leader of the local authority and the chair of the Town Deal Board. Town Deals will cover a period of up to five years.

1.2 Proposal

- 1.2.1 There are two phases to securing the funding, with a decision gateway at the end of each. First, towns develop Town Investment Plans, which will be assessed by MHCLG. Towns will then develop agreed projects and business cases in detail, and government will assess that information before releasing funding for implementation.
- 1.2.2 The Council has already received £140k early this year to fund the

setting up of an appropriate governance structure and the preparation of the Town Investment Plan (TIP).

- 1.2.3 This cabinet report seeks approval to submit a Stockbridge Town Investment Plan (TIP) to secure up to £25M of Central Government's Towns Fund funding for the regeneration of Stocksbridge, and to work up the project business cases to secure funding for implementation. The proposals will be subject to sign off by the Stocksbridge Town Deal Board in January prior to the delegations authorised by this report being exercised.
- 1.2.4 The Stocksbridge Towns Fund Board has come together to develop the Town Investment Plan. The Board is made up of local business, community and public sector representatives who all wish to see real and sustainable change in Stocksbridge.
- 1.2.5 The Board has agreed a Vision and identified a series of strategic priorities for the Town Investment Plan. Underpinning the Vision is a shared commitment to:
- ensure all local people benefit from the plan;
 - leave a legacy for future generations;
 - deliver improvements in an environmentally sustainable way; and
 - place the health and wellbeing of the community at the heart of our plans
- 1.2.6 The overarching vision is *to make Stocksbridge strong, vibrant and fit for future generations and to ensure local people benefit from these changes through six strategic priorities:*
1. *To create a vibrant and attractive town*
 2. *To develop a strengthened and diversified economy*
 3. *To provide enhanced learning opportunities*
 4. *To be a more accessible town*
 5. *To provide first class sport, leisure, cultural and community facilities*
 6. *To deliver clean growth"*
- 1.2.7 Work has continued over the past months with various sub groups of the Town Deal Board (made up of local stakeholders) developing project proposals; undertaking public consultations (see a summary of the engagement work to date in Section 3 below) and initial appraisals of proposed projects to see how well they meet Governments requirements and local priorities.
- 1.2.8 A process for project prioritisation has been agreed with the Town Deal Board and each project will be assessed against the criteria in order to create a comprehensive Town Investment Plan.

- 1.2.9 The projects likely to achieve the highest scores and therefore form part of the TIP are:
- i) Regeneration of the High Street: The Board has developed a masterplan for the regeneration of the High Street with Phase 1 being redevelopment of the Council owned library site. This project offers an opportunity to provide a 21st Century library along with a range of other community based uses that will act as a catalyst for the future regeneration of the town centre
 - ii) Manchester Road traffic calming and public realm improvements: to create a pedestrian friendly welcoming environment and a link to Fox Valley Shopping area
 - iii) Investment in local transport links to support the current provision
 - iv) Investment in post 16 educational provision
 - v) Enhancement of the existing sporting facilities
 - vi) Enhancement of green routes and the visitor economy by creating pedestrian and cycle links to the nearby green spaces
- 1.2.10 A key criteria for accessing the funds was that the local authority has to act as the Accountable Body.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The Government envisages a coherent evidence based submission and an approach which aims to ensure alignment across the key components of a strategy – often referred to as the “Golden Thread”. It should nevertheless address both the negative factors, such as market failure and impact of Covid, as well as exploit opportunities offered. It must link into other existing strategies – such as Local Plan or Regional Strategy.
- 2.2 We are committed to building a strong economy for Sheffield with thriving local neighbourhoods and communities across the city. The Towns Fund will support our commitments to tackle inequality in neighbourhoods across the city, working alongside local communities and businesses to regenerate our local centres and create new, sustainable jobs.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The Stocksbridge Towns Fund public consultation ran from w/c 26th October with the online survey closing on Sunday 15th November. The purpose of the consultation was to establish the local community’s priorities for the town, to feed into the development of the Towns Fund Vision and help the Board to prioritise the projects to be included in the Town Investment Plan.
- 3.2 The consultation focussed on the broad intervention areas identified as eligible for Towns Fund monies: local transport; digital connectivity; regeneration, planning and land use (with building new homes split out

from this category); arts, sport and leisure; enhancing parks, green spaces and the environment; improved skills and education provision; and supporting business and enterprise.

- 3.3 Within each of these areas, local people were asked for their views on the relative importance of different potential interventions. People were not asked for their views on specific project ideas – further consultation is planned on the detail of specific projects once they have been more fully worked up and agreed with Government through the Heads of Terms agreement.
- 3.4 Local people were able to respond to the consultation through a paper questionnaire or online. Face to face consultations was not possible due to the imposition of Tier 3 Covid-19 restrictions at the start of the consultation period.
- 3.5 The paper survey ran in the local newspaper, Look Local, during the week commencing October 26th with an option to return responses to Dransfield House or the Look Local office. The local paper is delivered to all households in Stocksbridge.
- 3.6 The online survey was conducted on CitizenSpace via the Sheffield City Council website. The link to the online survey was on the Stocksbridge Towns Fund website and was shared through the many local community groups.
- 3.7 An initial review of effectiveness of consultations, identified relatively few responses from younger people (under 35s): as a result further efforts were made to encourage young people to engage with the consultation through local schools and community groups.
- 3.8 In total, 573 responses were received: 427 to the online survey and 146 paper returns. This represents 3% of the total ward population and is a good response to an open consultation which compares favourably with an average of 1%.
- 3.9 Respondents were distributed across the age groups. Although the number of responses from people aged under 35 increased in the final week of the consultation period, a focus for future consultation should be to engage more people from younger age groups.
- 3.10 More responses were received from women than men. Just under 1 in 10 of those who answered the question stated that they had a disability. Respondents were overwhelmingly of white ethnicity (98%). Nearly two-thirds of respondents were employed or self-employed, with a further 29% retired. Relatively few responses were received from students or the unemployed, or those who were out of the labour market for another reason.
- 3.11 Respondents to the survey tended to be well qualified. Over half held qualifications at degree level or above, with a further 23% holding Level

3 qualifications (equivalent to A-levels). Future consultation work should attempt to engage more local people with lower level qualifications, to ensure their views are heard.

- 3.12 Around 9 out of 10 of the respondents lived within the S36 postcode. Just over half said they regularly shopped in Stocksbridge and just under a third said they regularly visited friends and family in the town. Although 359 respondents to the survey were in work, only 119 of these (one-third) said they worked within Stocksbridge.
- 3.13 Respondents were asked about the results they wanted the Town Investment Plan to deliver.
- 3.14 The result which was identified as very important by the highest proportion of respondents was that the Plan should 'benefit all local people', identified as very important by 90% of respondents. This was followed by 'delivers improvements in an environmentally friendly and sustainable way' (84%); putting the community in control of local assets and related decision-making (78%); and creating high-paid, high-skilled jobs for local people (72%).

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 There are no significant positive or negative equality implications arising from the recommendations in this report. However accessing up to £25m of Central Government funding will benefit all the local people including the creation of new jobs. The local socio-economic and community cohesion impacts should be very positive.
- 4.1.2 Improvements to the local highways and associated public realm enhancements will provide opportunities to make the local pedestrian environment more friendly, especially for people with disabilities / in wheelchairs, the elderly and parents with young children.
- 4.1.3 Further equality impact assessments will be carried out during the preparation of the full business cases for individual projects to inform and guide final decisions.

4.2 Financial and Commercial Implications

- 4.2.1 There are no immediate financial & commercial implications from the submission of the bid. However, Members should note that if the bid is successful, as accountable body for up to £25m, there will be significant responsibilities for SCC which will be dependent on the final agreed governance model with the Stocksbridge Town Deal Board. Therefore, any decision to accept an offer of funding will be subject to further cabinet approval and detailed analysis of all risks and implications for SCC.

4.3 Legal Implications

- 4.3.1 If the TIP submission is successful, the MHCLG will grant funding to the Stocksbridge Town Deal Board via the City Council acting as Accountable Body by virtue of the power conferred to MHCLG by section 31 of the Local Government Finance Act 2003 which enables it to make awards of grant funding.
- 4.3.2 Any grants accepted by the City Council can only be received following the approval of the Director of Resources & Head of Strategic Finance (Art 6.2.1 & Art. C.2.1.5 'Grant Funding') and then managed by an Executive Director (or their delegate) under Article 6.2.2 of the Financial Procedure Rules.
- 4.3.3 The Localism Act 2011 s.1 provides local authorities with a "general power of competence" which enables them to do anything that an individual can do so long as the proposed action is not specifically prohibited. A purpose of the Act is to enable local authorities to work in innovative ways to develop services that meet local need. The proposed TIP programme can be delivered through the council using its general power of competence.

4.4 Other Implications

- 4.4.1 An initial £500k of "Accelerated Funding" was received early this year for improvements to the leisure centre. That has been subject to separate approvals and the Town Investment Plan aims to complement / build on the health and leisure element of the Plan

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Do nothing – we could choose not to bid for the funding by not submitting a Town Investment Plan or bid for a much reduced funding. There are no benefits under either option as it would simply mean a missed opportunity to regenerate one of City's neighbourhood suffering from decline of the High Street and job losses.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The deadline for the submission of the TIP is end of January 2021. Although the final agreed list of priority projects has not yet been agreed, it is apparent that there is an emerging consensus on the top priorities, reflecting both local residents aspirations as well as deliverability of the projects within the 4-5 year timescale.
- 6.2 There remain some issues regarding ownership and management of the "assets", including associated risks and how that is addressed. However

this and other similar technical and legal issues will be addressed at the detailed planning and design stage when Members will have an opportunity to guide and ultimately take the final decision before committing on the ground.

- 6.3 Fundamentally this is a once in a generation opportunity to address some key infrastructure problems faced by Stocksbridge with its unique geography and challenges, compounded by the pandemic.

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Author/Lead Officer of Report: Tim Armstrong,
Head of SEN

Tel: 0114 2930214

Report of: *Executive Director, People Services*

Report to: *Cabinet*

Date of Decision: *16th December 2020*

Subject: *Special Educational Needs and Disabilities (SEND) – Ombudsman report*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>Education & Skills</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Children & Families</i>		
Has an Equality Impact Assessment (EIA) been undertaken?		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>		

Purpose of Report:

For cabinet to consider the outcome of a recent ombudsman report into Miss B and her son G in relation to fault regarding his education provision between 2014 and 2019.

Recommendations:

That cabinet agree the actions taken following publication of the report

Background Papers:

Investigation into a complaint against Sheffield City Council (reference number: 18 004 957)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Karen Hesketh
		Legal: Deborah Eaton
		Equalities: Bashir Khan
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	<i>John Macilwraith, Executive Director, People</i>
3	Cabinet Member consulted:	<i>Cllr Abtisam Mohammed</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Andrew Jones</i>	Job Title: <i>Director of Education & Skills</i>
	Date: <i>7th December 2020</i>	

1. PROPOSAL

- 1.1 For cabinet to consider the outcome of a recent ombudsman report into Miss B and her son G in relation to fault regarding his education provision between 2014 and 2019.

To note that an apology has been made to G and his family.

To note that the financial compensation identified within the report has been provided.

To note that the Educational Psychology Service has started work with the school and family to identify any potential additional support that G requires.

To date this has included contact with the family, school and services such as CAMHS to ensure that assessments are updated so that a full report can be issued in December. An annual review will be held in January to consider any provision that is required within the EHC Plan.

To note that the council has reviewed alternative provision being made within EHC Plans and is developing an action plan to address:

- any EHCP that names a non-educational provider;
- any inadequate alternative education provision; and
- any alternative provision that is not subject to a contract or has not been commissioned in line with the Council's agreed procedures.

The reference to alternative provision in this case relates to where children are directed to off-site provision to improve their behaviour as noted in legislative guidance, rather than alternative provision for pupils because of exclusion or illness.

<https://www.gov.uk/government/publications/alternative-provision>

Specifically, the council is building on a review conducted last year into alternative provision to ensure that the recommendations of the ombudsman are addressed via the review.

The council is working on an already planned updated alternative provision framework which focuses on quality, curriculum and appropriate checks. This will be implemented from the start of the next academic year. Until that time the current framework will continue to be used. Specifically, the council will not name any alternative provision in an EHC Plan unless it is on the framework and will be advising schools of this expectation.

The action plan for developing the curriculum intent and revised framework will be completed in January 2021 as part of building on the previous review. This will be provided to the ombudsman as evidence of

the actions taken.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 The lessons learnt from the report build on action already taken to ensure that the type of unregulated provision offered to G will not be put in place in future. This means that the council will not directly commission unregistered and ill-equipped alternative provision such as the one put in place for G for children with EHC Plans. It should be noted that the council has not commissioned the provider who delivered provision for G for further children since spring 2017.

This will mean that where the council commissions provision within EHC Plans it will be appropriate to meet the child's needs and will sit within an accountability framework.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The report is provided by the local government ombudsman. There is no requirement to consult on this report.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 Decisions need to take into account the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

An Equality Impact Assessment has been carried out and highlights that the actions in response and the lessons learnt from the Ombudsman's report build on action already taken to ensure better provision that meets the child's needs and is a better experience for the SEN child or young person and their carers.

4.2 Financial and Commercial Implications

4.2.1 The following financial remedies are to be paid by Sheffield City Council to Miss B as directed by the Local Government and Social Care Ombudsman:

1. £19,950 representing G's missed education for the period from January 2016 to September 2019 (a total of 43 months)
2. £2,050 representing inconvenience, distress and loss of financial benefits suffered by Miss B.

A total payable by SCC to the Complainant, Miss B, of £22,000.

4.3 Legal Implications

4.3.1 Section 92 Local Government Act 2000 provides that where a local authority considers that a person has been adversely affected by its maladministration it may make payments or provide other benefits to that person. The Ombudsman's findings and recommendations have been accepted and the Council is therefore able to make the compensation detailed in this report. The Director of Legal and Governance under the Council's Constitution is authorised to approve payment in those circumstances.

4.4 Other Implications

4.4.1 None

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 No alternative options have been considered

6. REASONS FOR RECOMMENDATIONS

6.1 Sheffield has a statutory and moral duty to provide appropriate education provision for children with EHC Plans.

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**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
Sheffield City Council
(reference number: 18 004 957)**

25 September 2020

The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Miss B	The complainant
G	The complainant's son
School X	G's school before September 2015
School Y	G's school between September 2015 and December 2015
School Z	G's school from May 2018
Provider 1	Alternative provider for G between October 2016 to March 2018
Provider 2	Alternative provider for G between October 2016 to March 2018

Report summary

Education - Special Educational Needs

Miss B complains about the Council's provision for her son G's education and Special Educational Needs (SEN) between September 2014 and September 2019.

Finding

Fault found causing injustice and recommendations made.

Recommendations

To remedy the injustice caused, the Council has agreed to:

- apologise to Miss B and G for the fault we have identified;
- pay G £19,950, for his missed education provision. This is based on a total missed provision over 43 months. Given G's difficulties, the circumstances and the Council's investigation findings, we consider the following to be an appropriate remedy;
 - £450 a month of lost provision for the seven months between January and July 2016;
 - £600 a month of lost provision for the 20 months between September 2016 and April 2018; and
 - £300 a month of lost provision for the 16 months between May 2018 and September 2019.

This sum can be used for G's educational benefit to ensure he catches up, as far as possible, on provision he missed.

- pay £250 to Miss B for the time and trouble in making her complaint;
- pay £800 to Miss B for the avoidable distress caused by having to delay her education and the loss of respite;
- pay Miss B £1000 for G's lost school meal entitlement;
- immediately review all alternative provision currently being made to identify and report back to the relevant committee about issues identified and the development of a SMART action plan to address the following:
 - any EHCP that names a non-educational provider;
 - any inadequate alternative education provision; and
 - any alternative provision that is not subject to a contract or has not been commissioned in line with the Council's agreed procedures.

We also recommend that the Council:

- arranges during September for an Educational Psychologist to work with the school and the family to establish any additional and unidentified needs due to G's experience. It should then update his Education Health and Care Plan (EHCP) accordingly and ensure that G is receiving provision to address the identified needs within three months of the date of this report;

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

The complaint

1. The complainant, whom we shall refer to as Miss B, complains the Council did not properly provide for her son G's education and Special Educational Needs between September 2014 and September 2019, because:
 - Complaint 1. it did not name a school for G until July 2015;
 - Complaint 2. it did not properly manage G's transition from a Statement of SEN to an EHCP;
 - Complaint 3. it cancelled temporary provision for G in March 2018, which compromised the effectiveness of his transition into school;
 - Complaint 4. it did not provide proper transport arrangements for G, which restricted his access to education;
 - Complaint 5. the Council's communication with Miss B was poor and reactive in nature;
 - Complaint 6. it failed to find an appropriate school for G for over two years;
 - Complaint 7. it made non-educational temporary provision for over two years that did not have sufficient resources, was poorly organised and had no curriculum;
 - Complaint 8. it failed to ensure G received the full appropriate educational provision and SEN support he was entitled to between January 2016 and September 2019; and
 - Complaint 9. did not deal with her complaint properly.
2. Miss B says that G's education has been severely affected by the Council's failures because he has missed a lot of provision. Miss B says G has self-harmed and attempted suicide. Miss B has not been able to work and her education has been affected.

Legal and administrative background

The Ombudsman's role

3. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
4. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*)
5. The Council is responsible for making sure that arrangements specified in the EHCP are put in place. We can look at complaints about this, such as where support set out in the EHCP has not been provided, or where there have been delays in the process.
6. We may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E, as amended*)
7. We cannot investigate complaints about what happens in schools. (*Local Government Act 1974, Schedule 5, paragraph 5(b), as amended*)

Alternative education

8. Section 19 of The Education Act 1996 requires councils to provide suitable education for “... *those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them*”.

Special Educational Needs

9. A child with SEN may have an EHCP. This sets out the child’s needs and what arrangements should be made to meet them. Where an EHCP is necessary, Councils must complete and issue the EHCP within 20 weeks. (***SEND Code of Guidance***)
10. Where a local authority maintains an EHCP for a child or young person it must secure the specified special educational provision for the child or young person. (***Section 42 (1 & 2) of the Children and Families Act 2014***)
11. A council must review an EHCP within 12 months of the plan being made. A council may reassess a child’s needs at any time if it thinks it is necessary. (***Children and Families Act 2014 s44***)
12. An EHCP must be reviewed and amended in sufficient time prior to a child or young person moving between key phases of education, to allow for planning and, where necessary, commissioning of support and provision at the new institution. The review and any amendments must be completed by 15 February in the calendar year of the transfer at the latest for transfers into or between schools. (***SEND Code of Guidance***)
13. Where an EHCP is reviewed, the local authority and school must cooperate to ensure a review meeting takes place. A child’s parents must be invited to attend and given two weeks’ notice of the meeting. All advice and information should be sent to attendees at least two weeks before the meeting. Within four weeks of a review meeting, the Council must decide what action it is going to take and inform those involved. If the EHCP needs to be amended the Council should start the amendment process without delay. (***SEND Code of Guidance***)
14. Under the information sharing agreement between the Local Government and Social Care Ombudsman and the Office for Standards in Education, Children’s Services and Skills (Ofsted), we will share this decision with Ofsted.

How we considered this complaint

15. We produced this report after examining relevant files and documents. This included a complaint response produced by the Council’s Internal Audit department.
16. The complainant and the Council received a confidential draft report and had the opportunity to comment. We have taken any comments received into account.
17. We have exercised discretion to investigate events from 2015 onwards because although Miss B made her formal complaint in 2018, she began to express concern about provision from January 2016 shortly after she became aware of it and made her formal complaint when G’s situation was not improving. Miss B says events from 2015 contributed to G’s problems she raised in 2016.

What we found

What happened

18. Miss B's son, G, is 15 years old. He has attended School Z since 2018. G has been diagnosed as having Asperger Syndrome and Attention Deficit Hyperactivity Disorder. This means he has difficulties with participation, communication, learning and social skills. G also has additional needs, understood to fall under the category of Pathological Demand Avoidance.
19. G attended School X during Key Stages 1 and 2. He transferred to School Y in September 2015. Following problems at school, G did not attend School Y from December 2015. School Y provided support on a much reduced timetable for G until July 2016. The Council then made alternative provision for G with Provider 1 and Provider 2, which continued until March 2018. A place at School Z became available in April 2018 and G started to attend there, on a reduced timetable. G's timetable at School Z has continually increased through 2018 and 2019.
20. Miss B expressed concern about the lack of education in G's alternative provision in July 2016 and throughout 2017. Following G's transition to an EHCP, Miss B complained to the Council in March 2018. Miss B made a further complaint in July 2018 about failure to provide education provision.
21. The Council commissioned an investigation by its Internal Audit department which made a series of recommendations based on its findings. The Council accepted the findings and recommendations of this investigation in full. Miss B challenged the accuracy of the report and the Council declined to make any changes because the supplementary evidence Miss B had provided did not fundamentally change the content of the report or change the outcome of the investigation. Miss B then complained to us.
22. Where the Council's investigation made relevant findings, we have considered them. We have not reinvestigated unless we found evidence to contradict the Council's findings.

Complaint 1: Naming educational provision in G's Statement of SEN

23. School Y was named in G's Statement of SEN in July 2015, five months after the timescale set out in statutory guidance.
24. The Council's Internal Audit report considered when the Council named School Y secondary school in G's Statement. It concluded, "*that the statutory allocation timetable was not met in terms of the decision regarding a secondary school place*".

Complaint 2: The transition to EHCP

25. The Council wrote to Miss B in September 2014 saying it would complete G's transition from a statement to an EHCP in 2015 when it proposed a secondary school place for him.
26. The Council actually began the conversion of G's statement to an EHCP in July 2017. The Council issued G's final EHCP in December 2017, within the statutory timeframe. The Council accepted that Miss B did not receive a copy of the final EHCP until April 2018, over four months later. Miss B says she received the final EHCP in May 2018. Miss B did not receive a copy of the final EHCP within the statutory timeframe.
27. The Council's Internal Audit report considered the transition from G's Statement to an EHCP. It concluded that, "*As per the Local Transition Plan, G should have*

transitioned to an EHC Plan during the academic year 2014/15, when he was in year 6, prior to moving from a primary to a secondary school setting” and “the expectation had been set with the complainant, through the issue of the letter described earlier, that the SEN would be converted to an EHC Plan whilst the child was in year 6 at School X. This expectation was not achieved and there is no explanation on file or communication to the parent as to why this did not take place”.

Complaint 3: Cancellation of temporary provision

28. The Council’s Internal Audit report considered the delay to G’s transition from School X to School Y in September 2015. It concluded that, *“This delay had a knock-on effect on the transition arrangements from primary to secondary school, and may have compounded the difficulties presented by the pupil in settling into a new setting”.*
29. Evidence from multiple sources, including G’s EHCP, professionals’ reports and email correspondence shows that G required a detailed and robust transition back into formal education provision when he moved from Provider 1 to School Z. G’s EHCP stated that *“Continued support from familiar adults throughout the period of transition e.g. staff supporting him at [alterative providers]. Staff supporting G currently should work closely with those supporting him in his new setting in order to share information, skills, strategies and approaches that work for G.”* The Council accepted that *“a long and well-coordinated plan”* was required between Provider 1 and School Z for any transition to be successful.
30. The Council stopped the alternative provision for G through Provider 1 and 2 in early April 2018. G started to attend School Z in May 2018. Because of this, Provider 1 was unable to deliver the transition support the Council had agreed was necessary and was listed in his EHCP.

Complaint 4: Transport arrangements

31. The Council initially provided a minibus to take G to school along with other children. Emails from the Council show it believed Miss B turned down its transport arrangements. Miss B says G refused to use the minibus and that it was not appropriate for his needs.
32. Email evidence from Provider 1 to the Council supports Miss B’s complaint that the minibus provided by the Council was not appropriate for G’s needs, as he was only attending school for one hour a day, two days a week to start his transition. The Council later provided appropriate individual transport for G, using taxis, from May 2018.

Complaint 5: Communication with Miss B

33. The Council’s Internal Audit report considered the Council’s communication with Miss B. It concluded that, the Council *“failed to clearly communicate to the complainant regarding the actions that were being taking to resolve the situation over the period January 2016 - March 2018”.* *“Communication with the complainant over the period appeared to be mainly reactive in relation to requests for information, rather than as a proactive process to keep her informed and updated. In many instance, initial requests were not responded to promptly, even with a holding response.”* Miss B says she believes staff turnover within the Council contributed to communication difficulties as she had to continuously repeat information to different officers.
34. The Council’s Internal Audit report considered the issue of school meals provision. It concluded that, *“For a period of 2 and a half years, whilst the pupil*

was accessing alternative provision, there was no evidence to suggest that the provision of a free school meal was offered by the school, despite the pupil being eligible to receive one”.

35. Documents provided to the Council from School Y show that Miss B raised the issue of school meals provision with the Council in May 2017. The Council’s failure to respond to a concern raised with it by Miss B is symptomatic of the problems highlighted in paragraph 33.

Complaints 6, 7 and 8: Alternative provision

36. Between January and July 2016, School Y made alternative provision for G outside of school. School Y agreed that G’s entitlement to a full-time education was not met appropriately. Evidence from School Y provided to the Council’s internal audit investigation shows it raised concerns with the Council in April and May 2016 about the suitability of the provision being made for G, as well as the school’s belief it was unable to meet his needs. Emails from School Y show that the much reduced provision in early 2016 constituted little more than simply looking after G.
37. The Council engaged Providers 1 and 2 to make alternative provision for G from October 2016 to March 2018. G spent four days each week with Providers 1 and 2. Review meeting notes show G’s learning was self-directed and involved working towards a level 1 National Open College Network (NOCN) qualification, some basic science, working at a pet shop and visits to car showrooms. Miss B made clear in March 2017 that she would like G to access some formal education.
38. Review meeting notes show Miss B expressed concerns about safeguarding arrangements when G was outside and at the home of staff of Provider 1. She asked for a more stable base for Provider 1 to work with G. The Council provided funding for a location and an old chip shop was selected and used from November 2017.
39. The Council’s Internal Audit report considered the alternative provision made for G. It concluded that:
- *“There was an excessive delay from January 2016 to March 2018 in transferring G from [School Y] to [School Z].”*
 - *“G’s entitlement to a full-time education was not met appropriately. The use of alternative provision for an extended period of time, following a part-time timetable and with a provider who was not registered as ‘educational provision’ all support this conclusion.”*
 - *“The support provided by [Provider 1] lasted over 18 months. The agreement was made between [Provider 1] and the Local Authority, and appears to have been made outside of the usual commissioning routes.”*
 - *“because the Council had funded [Provider 1] it appears that [School Y] had assumed that responsibility for overseeing the management of the arrangement rested with the Council. There are emails to show that the Council negotiated directly with [Provider 1] regarding the provision of accommodation and funding and did not involve the school.”*
 - *It “could find no evidence to confirm that the roles and responsibilities for management oversight had been clearly articulated.”*

- *“there was no contract in place, or other formal documentation for the provision made by [Provider 1] to define the costs involved, the work to be provided, where the service would be delivered, how supervision was to take place or the reporting requirement.”*
 - *“[Provider 1] were not approved education providers, and whilst they confirmed in correspondence and the regular progress review meetings that G was working towards [National Open College Network (NOCN)] qualifications, this would not constitute educational provision.”*
 - *“no formal inspection was undertaken of the [chip shop] premises for its suitability, but this was paid for by the Local Authority. The Head of SEND confirmed that a Locality Manager had visited the property and allocated some funding to ensure the environment was appropriate. There is however no documentation to demonstrate the detail of this visit.”*
40. G suffered serious difficulties reintegrating into a formal educational environment when he began to attend School Z. His progress was reviewed periodically. Between April 2018 and July 2018, he attended for three days a week for one and a half hours each day. Between July 2018 and February 2019, he attended for three days a week for two hours each day. Between February 2019 and September 2019, he attended for three days a week for three and a half hours each day. After September 2019, G’s attendance has increased further and is approaching full-time hours. He completed his first full week’s education in March 2020.
41. There were additional issues concerning G and a member of staff at School Y. It is clear that these were also a contributory factor towards G not attending School Y and consequently requiring alternative provision. Those issues were the subject of a separate complaint by Miss B to School Y. However, we cannot conclude the Council were solely responsible for all G’s difficulties after January 2016.

Complaint 9: Complaint handling

42. Miss B made a complaint to the Council in March 2018. This was about G being out of education since 2015, that she had not received a final EHCP for G, transition planning, communication and lack of caseworker support. The Council provided email evidence to show that Miss B’s complaint in March was allocated to a Council officer to respond at stage 1.
43. Miss B made a further complaint in July 2018. This was about substantially the same issues. We have not seen any evidence which shows there was a stage 1 response or significant communication with Miss B about how the Council was dealing with her complaint until she made her second complaint in July. There was a delay of over four months before the Council started to arrange an investigation into Miss B’s complaint. The Council says it responded to both complaints at the same time, after July. Emails show the Council dealt with Miss B’s two complaints under the same reference number.
44. After making her second complaint in July, Miss B said she wanted an independent investigation to be completed. A significant delay occurred before a senior officer was identified to investigate Miss B’s second complaint. Miss B contributed to this delay between September and October 2018 because she took time to provide the Council with a list of independent investigators she wanted it to consider.

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45. The Council asked its Internal Audit department to investigate, on behalf of the Director of Commissioning, Inclusion and Learning, in March 2019 to provide a response to Miss B's complaints. The final version of the investigation report was produced in May 2019 with minor amendments. There was no requirement for the Council to commission an independent investigation. The Council's Internal Audit investigation did find a significant range of failings on behalf of the Council.
46. However, the Internal Audit report findings were concentrated around the procedures and processes of the Council. There was little consideration of the impact of the failings that were found on Miss B and G. There was no consideration of any potential remedy in respect of the fault found.
47. Miss B challenged a number of points of accuracy in the Council Internal Audit report findings. The Council did not respond to Miss B to explain why it would not make any alterations. On the balance of probabilities, from the documents we have seen, there were some factual inaccuracies in the Council's report produced by Internal Audit. We consider this to be a fault by the Council. Miss B did not suffer any injustice because these were not significant enough to have affected the overall findings.
48. The Internal Audit report made a series of recommendations the Council should follow to address its findings. Including that the Council should:
- review all alternative provision currently commissioned from non-educational providers. In the first instance, checks should be made to ensure that non-educational providers are not named in any EHCPs as this is against regulations;
 - commission alternative provision in line with agreed procedures and be formalised through a contract; and
 - conduct a review to ensure that this situation is not replicated elsewhere.
49. The Council's response to our enquiries indicates that "*The local authority is currently about to start work on the strategic commissioning of alternative provision. This will be completed as part of that process*".
50. The Council accepts the provision delivered was not appropriate or suitable, that the provider should not have been engaged to deliver education when it did not have the suitable skills and expertise to do so. It also accepts once this was identified by senior managers, swifter action should have been taken to end the provision regardless of the views of the family, provider and those involved at the time.
- The Council says it has already taken action to address concerns identified internally and raised in the complaint about the use of non-educational providers. It: has not commissioned any new cases with providers such as the one identified in the complaint since 2017;
 - has taken a person-centred approach to moving learners away from such providers;
 - will review any outstanding cases... and commissioning arrangements... to ensure that education is appropriate to meet needs;
 - is conducting a thematic review into the city's Alternative Provision for children away from school, exploring contractual and quality themes. Providers will be required to tender for contracts based on compliance with the Education Inspection Framework defining their educational intent, implementation plan

and expected impact. Each provider will be required to produce a reflective Self Assessment Review and a challenging Quality Improvement Plan annually that will drive the quality of education and educational outcomes for students;

- will ensure that whenever alternative provision is named within an EHCP the provider will be required to be part of this inspection framework to ensure effective quality assurance and continued oversight of education provision. The local authority will not agree to name provision in a plan unless this is the case or unless directed to do so via a tribunal.

Conclusions

51. There was fault by the Council because:
 - it did not name School Y in G's Statement of SEN in 2015 within the timescale set out in statutory guidance;
 - it did not transition G from his Statement of SEN to an EHCP when it said it would;
 - Miss B experienced a four month delay before receiving G's final EHCP;
 - there was an excessive delay between January 2016 and April 2018 in finding a school placement for G;
 - it did not maintain G's alternative provision through Provider 1 during the transition to School Z, as specified in his EHCP;
 - it did not provide appropriate transport for G for several weeks when he began to attend School Z;
 - it did not communicate effectively with Miss B;
 - it took no action to address the concern expressed by Miss B about G's entitlement to school meals;
 - it did not meet G's entitlement to a full-time education and by extension, did not make appropriate SEN provision;
 - there was a delay of over four months before the Council started to arrange an investigation into Miss B's complaint;
 - its investigation into her complaint did not consider the impact of its findings on Miss B or G; and
 - it is not certain that the action the Council says it has taken has fully resolved the significant issues of systemic concern highlighted by its investigation into Miss B's complaint since they were identified in May 2019.
52. We do not consider that it was fault for the Council to respond by asking its Internal Audit department to investigate.
53. The fault we have identified has led to the following injustice.
 - The delay in naming School Y affected G's transition into School Y and contributed towards alternative provision being necessary from January 2016.
 - G did not receive his entitlement to a full-time education between January 2016 and April 2018.
 - The lack of support through Provider 1 impacted on the effectiveness of G's transition arrangements to School Z.

- The failure to provide transport increased the disruption to G's transition arrangements.
- The problems G has faced since 2016 including the lack of suitable provision from January 2016 and the transition to School Z have exacerbated the difficulties in accessing his placement at School Z between April 2018 and September 2019. Because of this G has only been able to access a much reduced timetable during that period. G only received part of his entitlement to a full-time education between May 2018 and September 2019.
- G has missed out on a lengthy period of secondary education. This is likely to have a severe impact on his educational achievement at secondary level and beyond.
- Miss B's concerns have not been adequately responded to or addressed between January 2016 and July 2018.
- G did not receive his entitlement to free school meals between January 2016 and May 2018.
- Miss B had to spend money from direct payments intended for respite care to ensure there was appropriate supervision for G if he had to return home.
- Miss B's education has been delayed, she has missed out on placements and she has graduated two years later than she would otherwise have done. This has also delayed her being able to gain employment and she has incurred additional financial costs.
- Miss B's complaints did not receive an adequate response. The Council should have dealt with and responded to Miss B's initial complaint earlier.
- The Council cannot be sure that similar problems do not exist which affect other children and young people receiving alternative education. Other children and young people with SEN may still have non-educational providers named in their EHCP and not be receiving appropriate alternative educational provision. The Council may be providing alternative educational provision that has been commissioned outside proper procedures, or without proper management/oversight, or without a contract.

Recommendations

54. To remedy the injustice caused, the Council has agreed to:
- apologise individually to Miss B and G for the fault we have identified. The apology to G should be written in a style he will be able to easily understand;
 - pay G a total of £19,950, for his missed education provision. This is based on a total missed provision over 43 months. Given G's difficulties, the circumstances and the Council's investigation findings, we consider the following to be an appropriate remedy.
 - £450 a month of lost provision for the seven months between January and July 2016. This is because G received much reduced provision, which was significantly below that he would have received in school because he was only looked after for the sessions in place. The Council were made aware that G was not receiving an appropriate education. It also takes account of G's difficulties engaging with educational activities and that contributory factors involving School Y had some impact;

- £600 a month of lost provision for the 20 months between September 2016 and April 2018. This is because the provision made by the Council during this time did not constitute educational provision and G was re-engaging with academic work. G's statement said he could follow the national curriculum and Miss B asked for G to receive educational provision; and
- £300 a month of lost provision for the 16 months between May 2018 and September 2019. This is because fault by the Council has impacted on G's ability to access his education. Through an educational provider, G has proven that his attendance has continually improved and he has been able to access the curriculum. This sum is an average and reflects the fact that his injustice was more severe at the beginning of this period and less so towards the end.

This sum can be used for G's educational benefit to ensure he catches up, as far as possible, on provision he missed out on;

- pay £250 to Miss B for the time and trouble in making her complaint;
 - pay £800 to Miss B for the avoidable distress caused by having to delay her education and the loss of respite;
 - pay Miss B £1000 for G's lost school meal entitlement;
 - immediately review all alternative provision currently being made to identify and report back to the relevant committee about issues identified and the development of a SMART action plan to address the following:
 - any EHCP that names a non-educational provider;
 - any inadequate alternative education provision; and
 - any alternative provision that is not subject to a contract or has not been commissioned in line with the Council's agreed procedures.
55. We also recommend that the Council:
- arranges during September for an Educational Psychologist to work with the school and the family to establish any additional and unidentified needs due to G's experience. It should then update his EHCP accordingly and ensure that G is receiving provision to address the identified needs within three months of the date of this report.
56. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

Decision

57. We have completed our investigation into this complaint. There was fault by the Council which caused injustice to Miss B and G. The Council has agreed to take the action identified in paragraph 54 to remedy that injustice and we also recommend it takes the action in paragraph 55.



Author/Lead Officer of Report:
 Paula Martin, Procurement & Supply Chain
 Manager
 / Mark Freeth Head of Repairs & Maintenance
 Service

Tel: 0114 2735624 / 07387 064246

Report of: Laraine Manley, Executive Director of Place

Report to: Cabinet

Date of Decision: 16th December 2020

Subject: Procurement of a Vacant Property Security and Cleaning Contract to support the Housing & Corporate Repairs and Maintenance Service in the Place Portfolio

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>
- Affects 2 or more Wards	<input checked="" type="checkbox"/>
Which Cabinet Member Portfolio does this relate to? <i>Neighbourhoods and Community Safety</i>	
Which Scrutiny and Policy Development Committee does this relate to? <i>Safer and Stronger Communities Scrutiny and Policy Development Committee</i>	
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>Email approval Annemarie Johnston 1st September 2020.</i>	
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:- <i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>	

Purpose of Report:

This purpose of this report is to seek authority to procure the contracts for the supply of Vacant Property Security and Cleaning to support the in house Repairs and Maintenance Services in line with the contents of this report.

Recommendations:

It is recommended that Cabinet:

1. Approves the tendering of the Vacant Property Security and Cleaning and related services via a new Council framework following a tender exercise as outlined in this report. This will ensure that the ongoing support provision for the Vacant Property Security and Cleaning and associated work for the Repairs and Maintenance services to maintain our Corporate, Void and Acquisitions properties continues.
2. Delegates authority to the Executive Director of Place, in consultation with the Director of Finance and Commercial Services and the Director of Legal and Governance to:
 - a. decide the award of the new contracts to the successful suppliers chosen by the Council following the procurement;
 - b. take all other decisions necessary in order to meet the aims, objectives and outcomes of this report which are not already covered by existing delegations in the Leaders Scheme of Delegation.

Background Papers:

N/A

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Chloe Parker
	Legal: Gemma Day
	Equalities: Annemarie Johnston
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission:
	<i>Laraine Manley</i>

3	Cabinet Member consulted:	<i>Councillor Paul Wood</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name:	Job Title:
	Mark Freeth	<i>Head of Repairs and Maintenance Service</i>
	Date: 16 th November 2020	

1. PROPOSAL

This report will detail the proposal to re procure Vacant Property Security and Cleaning and related services on behalf of Sheffield City Council for use in the main by the Housing Repairs and Maintenance Service. The Corporate Repairs and Maintenance Service may also occasionally use Framework we arrange, and their requirements will be captured on the resulting tender and contract award. Given the anticipated value of a new four-year contract arrangement we are required by Law and under our own Contracts Standing Orders to procure this supply chain in a fully compliant manner. Full details of the routes to market that have been considered are detailed below.

1.1 Background

The Council successfully insourced its Housing Repairs and Maintenance (HRM) and Corporate Repairs and Maintenance (CRM) Service's on 1st April 2017.

Prior to the insourcing the Project team established a number of OJEU compliant contracts with a range of both suppliers and contractors prior to 1st April 2017 to cover much of the external spend for the service.

Over the last 4 years a robust supply chain has been in place to provide support to the in house service provision for Security of the Councils vacant properties and related services such as; Property Cleans, Clearance, Security screening, Environmental cleaning / clearing and Garden clearing and hazardous waste, including Sharps. The incumbent was engaged under an LHC Framework following benchmarking against price and quality. The maximum term to engage a supplier under a Framework is four years – the framework commenced on the 1st April 2017 and will terminate on the 31st March 2021 in line with the regulations.

Capable contractors are required from April 2021 to provide this additional

resource and expertise to support the in-house repairs service in delivery of these requirements in particular for Housing repairs as the timely clear and clean of vacant properties forms an essential part of the process of enabling our in house repair operatives to bring these properties back up to a re lettable standard which in turn provides revenue for the Council's HRA account. All other client requirements will be accommodated under the resulting frameworks. The suitable contractors will work in line with the Council's overarching Housing specifications and Health & Safety requirements.

Assessment of suitability will be based on a balance of price and quality with emphasis on the Social Value and Local Economic Impact benefits this Procurement could drive.

Ongoing Contract Management will also be key to ensuring the Council receives a first class service.

Regular attendance at Service Review meetings will be required to discuss work load and measure performance and KPI's will be used to measure the following performance:

- Statutory and Regulatory Compliance
- Health & Safety compliance including the relevant Risk Assessments and required levels of Indemnity Insurance.
- Service Responsiveness
- Invoice Accuracy
- Quality and Workmanship
- Effectiveness of Security
- Continuous Improvement

The Council's housing stock currently includes:

- traditional and non-traditional constructed properties,
- high, medium and low rise properties
- sheltered housing schemes
- other miscellaneous properties
- gypsy and traveller sites
- Incl. all communal areas associated with the above

1.2 This service will ensure, as far as is reasonably practical, that in

relation to the Council's Repairs and Maintenance Services:

- The optimum balance between service, cost and quality ensuring value for money
- Continuity of excellent customer services

The core elements of the service shall consist of:

- Securing of Empty Properties
- Cleaning and Clearing of Empty Property including certified waste disposal.
- Other Property Services such as deep cleans, needle sweeps etc. to ensure the safety of all concerned.

1.3 **Contract values**

The estimated Council wide contract value is currently £555K per annum across all elements of the supply requirements and all client user departments – the largest spend being that of the Housing R & M team at circa £480K per annum.

The forecast spend, based on letting a four year Framework, for this type of contract is circa £2.22M and therefore requires the appropriate Cabinet approval to approach the market and re procure.

With spend over £150K under the Councils Standing Orders a full tender is required, for spend in excess of £190K we are legally bound to tender under the Public Contracts Regulations (PCR) 2015. As our forecast 4 year spend is in excess of these levels we are required by law to compete this opportunity. The exceptions to this would be either a Direct Award or further competition under a fully PCR compliant Framework where the legal requirements of PCR have already been satisfied.

1.4 **Proposal**

The Procurement Strategy has explored our best value options via a full open Sheffield City Council tender route or direct award or mini competition under an existing OJEU compliant framework. We have identified a number of OJEU compliant frameworks – Procurement for Housing (PfH), Procurement Hub and LHC which have all been developed with the Social Landlord and the ongoing maintenance provision in mind.

All the Framework providers are not for profit procurement consortium established to serve the construction procurement needs of the social housing landlord community, understanding the needs of the maintenance clients.

All the identified Frameworks are compliant the Procurement Regulations and Directives (OJEU). This means as potential Clients we would not have to openly advertise the opportunity or follow the full procedural rules. Some Frameworks are not however always a seamless fit with our requirements.

Having reviewed the options the recommendation is to conduct a fully compliant Sheffield City Council tender over two LOTS – Clear and Clean on one lot and Property Security Services on another. Separating the services will allow us to attract bids from both service specialists and local suppliers and will create an opportunity which will allow flexibility with bidders having the option to bid for one or both of the lots.

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 The Corporate Plan sets the Council's direction, priorities and common goals. This proposal specifically supports the priorities around:

- An in touch organization
- Strong Economy
- Thriving neighbourhoods and communities
- Better health and wellbeing
- Tackling inequalities

2.2 This procurement will enable the Council to engage with the market to ensure that the standards and products for HRM demonstrate best value and are also compliant with Legal and Corporate requirements for the Council, and the industry.

2.3 The procurement opportunity may enable suppliers both local and national to trade with the Council and will contribute to keeping the local economy strong. Local Economic Impact will be assessed as part of the total Social Value offering in line with the Councils award winning Ethical Procurement Policy.

2.4 By providing the best value and quality service for the benefit of our Council tenants we are contributing to both thriving neighbourhoods and communities and better health and wellbeing as properties are improved and maintained to the decent homes standards.

2.5 The HRM provision is available to all tenants and all tenants are treated equally in respect of access to services including maintenance and improvement works across the social housing asset.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 No external consultation is required or has taken place as the proposed procurement is for the provision of works to support the internal HRM

service provision.

- 3.2 This report has been jointly developed in consultation with relevant stakeholders in the HRM, Housing Service, Legal Services and Financial & Commercial Services.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 Overall there are no significant differential, positive or negative, equalities impacts as this decision is for a continuation of an ongoing supply arrangement and not a new provision.

By bringing properties up to a re-lettable standard in a quick and timely manner, this then has a positive impact for the new tenants, particularly the more vulnerable ones.

4.2 Financial and Commercial Implications

- 4.2.1 The Housing Repairs Service is a general funded service which provides services for the Housing Revenue Account (HRA), and as such any changes in spend levels would be borne by the HRA.

- 4.2.2 As set out in paragraph 1.2, a revised framework is estimated to be:

- in the region of £555K per annum for all Vacant Property associated services.

- 4.2.3 The proposed new Frameworks will be for 4 years (2 years with an option to extend for a further 2 years).

- 4.2.4 The Council has a duty to ensure that all of its procurement is based on value for money principles, achieving the optimum mix of quality and effectiveness for the least outlay. In addition to this duty and the overarching EU Treaty Principles relating to transparency and equality of treatment, the value of the services in scope is above the OJEU threshold and so requires a number of specific procedural steps to be followed.

- 4.2.5 In undertaking an OJEU compliant tender process the Council will ensure compliance with the necessary legal and regulatory provisions relating to procurement, whilst encouraging innovation and competition from the market and allowing the Council to choose the optimum solution for our specified products based on a balance of quality and price.

- 4.2.6 The contracts will not provide any guarantees in relation to volumes or a value committed to supplies over the course of the arrangement, and so provides flexibility for the Council to carry out ongoing reviews of its needs and amend its requirements as required. In light of the ambition to

undertake more self-delivery the R & M service will have the ability to tailor this arrangement as the service shape changes in the future.

4.2.7 Sheffield City Council is committed to ensuring a high standard of ethical practice across our supply chain.

4.2.8 The Council expects all internal staff, partners and suppliers to work to these augmented standards which assure we will:

- Trade with those who comply with an Ethical Code of Conduct
- Exclude suppliers committing acts of Grave Misconduct
- Improve Social Outcomes for the citizens of Sheffield
- Increase the power of procurement and its local economic impact.

4.3 Legal Implications

4.3.1 The Localism Act 2011 provides local authorities with a “general power of competence” which enables them to do anything that an individual can do as long as the proposed action is not specifically prohibited. A purpose of the Act is to enable local authorities to work in innovative ways to develop services that meet local need.

4.3.2 When the Council delivers services it is subject to the ‘best value duty’. This requires the Council to ‘make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

4.3.3 The proposed procurement outlined in this report has a value in excess of the threshold for contracts for services in accordance with the Public Contracts Regulations 2015, therefore the procurement and contract award processes to be followed will be subject to those Public Contracts Regulations.

4.3.4 The procurement process and any contract awards must also be undertaken in accordance with all relevant provisions of the Council’s Constitution including its Contracts Standing Orders.

4.3.5 Successful suppliers chosen by the Council following a compliant procurement process will be required to enter into formal written legal contracts with the Council.

4.4 Other Implications

4.4.1 No further implications as a result of this procurement.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Alternative Option 1 – Do not Procure.

If the Council did not carry out this procurement then the Repairs and Maintenance Service would not be able to maintain the Council's Housing Stock in as timely a manner, many properties would remain empty until the decent homes upgrade could be carried out, this impacts on the Council's ability to take rental income from these properties.

The Housing R & M service are however committed to more self-delivery with less reliance on third party contractors and service providers – this is a future aspiration and will take time to realise, in the interim the support will continue to be required.

We are bound by the Public Contracts Regulations and Council Governance to conduct a procurement where the level of financial spend indicates this, alternatives around the route to market will be options appraised, considered and benchmarked and fully documented in the Procurement Strategy.

5.2 Alternative Option 2 – Extend the contract with the current supplier.

The current contract will expire on the 31st March 2021 and there are no further extensions possible under the framework agreement.

5.3 Alternative Option 3 – procure via a fully compliant Framework

As stated there are a number of fully compliant frameworks offering all the services we require – these are dominated by three companies one of which is our incumbent - Orbis.

ORBIS PROPERTY SERVICES – Wakefield, Manchester & Birmingham
SPECIALIST PROPERTY SERVICES – Leicester
VACANT PROPERTY SERVICES – Rotherham based service centre.

Whilst these are tried and tested suppliers and much of the due diligence around their appointment has been previously managed none are local and we feel there is a local market to tap into – there are a number of suppliers in the Sheffield area who could offer these services and by using a framework these potential suppliers would be excluded.

We require a reactive and responsive service on both the clear and clean services and the vacant property security services. In addition, we have extensive Health & Safety requirements and adherence to these needs to be evidenced via the tender, subsequent contract documentation and ongoing contract management.

Whilst the national Framework requirements can be tailored to meet our

needs the Framework market is covered by three suppliers only and the market has many more which we would exclude via this route.

In addition to this narrow Framework market a number of other considerations have driven the decision namely the overarching lack of local competition, the work required making the Framework representative of our needs and broader H & S compliance requirements are directing us to letting a fully compliant framework in our own right. This may lead to a more diverse and local supply chain, which will provide some additional Social Value benefits, and a potentially a more flexible approach to service delivery.

The use of a Sheffield City Council Framework will offer the greatest flexibility for service delivery where peaks and troughs can be managed and third party support can be tailored to supplement the in house capability and flex with this as services move to more self delivery over time.

6. REASONS FOR RECOMMENDATIONS

6.1 The procurement will enable the Council to:

- Have a compliant and flexible mechanism in place to meet the service requirements, whilst allowing for a thorough review in the medium term to identify any further savings/efficiencies as part of the ongoing Repairs & Maintenance TOM (target operating model) project. In addition other Council clients will have access to a compliant Framework without the need to source their own requirements with the added efficiencies this will drive.
- Harness any immediate savings and economies of scale that can be realised by re-engaging the market, any savings realised that can be cashable in nature will contribute to the services' savings target.
- Realise the Councils Social Value ambitions by driving further value added impact through this supply chain.