

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 22 September 2021 by the Co-operative Executive.

Date notified to all members: 27th September 2021

The end of the call-in period is 4:00 pm on 1st October 2021

The decision can be implemented from 4th October 2021

Item No

9. HOME CARE AND SUPPORTED LIVING FRAMEWORK CONTRACT EXTENSION

9.1 The report requested an extension of 18 months to the current Home Care and Supported Living Framework contract, which was due to expire October 3rd 2021.

The report highlighted the importance of ensuring continuity of care that meets the needs of people in the city by extending the current framework while the future model of home support is developed ready for implementation.

In addition, it highlighted the changes required to deliver long term, quality and sustainable care markets that deliver on our ambitions for people in Sheffield and how the extension will enable these to be incorporated into the future model.

9.2 **RESOLVED:** That Co-operative Executive:-

1. Approve the proposed 18-month extension to the current Home Care and Supported Living framework as outlined in the report; and
2. Approve contract extensions being issued to all current framework providers on the Home Care and Supported Living framework for the 18-month extension.

9.3 Reasons for Decision

9.3.1 The current framework contract for Home Support and Supported Living is due to expire October 2021, and there is insufficient time to re-tender for services before this date. The extension to the current framework has been subject to detailed consideration over the last 12 months, in respect of alternative approaches, such as a light touch re-procurement, referred to in section 5. This, coupled with the consequential impact of the pandemic upon our internal resources, has had an impact on the timeline for a final decision.

We have previously communicated an informal notice of intent to extend the

contract to the providers, clearly stating that this would be subject to final approval.

9.3.2 Should the framework contract expire without re-tender or extension, then we will be unable to contract any further council arranged services for Home Care or Supported Living.

9.3.3 Services until a re-tender could only be arranged via a Direct Payment, which puts unnecessary pressure upon the person in receipt of care to arrange, finance and manage their own care if this is not what they wish to do, or Direct Awards, which are generally far more expensive than what we currently contract for care, whilst still providing the time and task model of support. Transferring to a Direct Payment from a Council Arranged Service would also impact on Assessment and Care Management to carry out reviews and Mental Capacity Assessments.

9.3.4 As we will not have a contracted rate for care, any services procured will be purchased using each provider's own hourly rate, which will not only be more expensive, but will be inequal across the city, with people paying different prices for care dependent upon where they live and which providers have capacity to support them.

9.3.5 Additionally, any terms and conditions that we currently contract against, such as quality expectations, timescales for procurement, and quality monitoring, would no longer be enforceable, and would negatively impact upon The Council's ability to ensure that the services procured for Sheffield residents are appropriate and meeting their needs.

9.3.6 This extension will ensure:

- the Council continues to meet its Statutory duties under the Care Act 2014;
- there are no adverse effects to residents currently in receipt of home care and supported living services, in terms of the continuity of their care services;
- there is no adverse effect to both the Council and Sheffield residents currently in receipt of home care and supported living services, in terms of the cost of their care services;
- sufficient time is granted to develop, test and implement new, sustainable and ambitious models of care.

9.4 **Alternatives Considered and Rejected**

9.4.1 A light touch retender was considered instead of an extension; however, this was not supported by Legal or Commercial Services as it was seen as being non-compliant with the Public Contracts Regulations 2015, given the size of the market and cost.

9.5 **Any Interest Declared or Dispensation Granted**

None

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

None

9.7 **Respective Director Responsible for Implementation**

Executive Director, People Services

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

Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee

10. EXTRA CARE CONTRACT EXTENSION

10.1 The report requested an extension of 12 months to the current care and support contracts for the four, council-contracted Extra care Housing Schemes – Guildford Grange, The Meadows, Roman Ridge and White Willows, which was due to expire on the 1st October 2021.

The report highlighted the importance of ensuring continuity of care that meets the needs of people in the city by extending the current contracts while the future services are developed, procured and made ready for implementation.

It also highlighted how the extension is needed to ensure the design of the extra care model of support and accommodation contributes longer term to a diverse, quality and sustainable care market that delivers on our ambitions for people in Sheffield.

10.2 **RESOLVED:** That Co-operative Executive:-

1. Approve the proposed 12-month extension to the current Extra care contracts as outlined in the report; and
2. Approve the issue of 12 month contract extensions to the current care provider for all four Extra care Schemes.

10.3 **Reasons for Decision**

10.3.1 The current four contracts for extra care are due to expire October 2021, and there is insufficient time to re-tender for services before this date. The extension to the current framework has been subject to detailed consideration over the last 12 months. This, coupled with the impact of the pandemic upon our internal resources, has had an impact on the timeline for a final decision.

We have previously communicated an informal notice of intent to extend the contracts with the provider, clearly stating that this would be subject to final approval.

10.3.2 If the contract expires without being re-tendered or extended, we will be placed in a position where we are unable to contract for any further services across the 4 extra care sites, leaving the potential for no planned or unplanned care provision

for the 201 tenants.

- 11.3.3 The withdrawal of this service by the onsite provider would significantly affect 118 tenants in receipt of planned care and support but would also have an additional effect on the capacity of the home care market where the alternative provision will need to be sourced, during an unprecedented period of demand on this sector and workforce.
- 10.3.4 Extra care housing enables older people to continue to live independently with the security of care and support services on site 24 hours per day. Following expiry of the contracts and until the re-tender process has been completed the onsite care and support presence, which is a key concept of Extra care, would no longer be available thereby undermining the principles of the provision.
- 10.3.5 In the event of the loss of the dedicated onsite extra care provider, planned care services would need to be procured from the Home Care Framework, or via a Direct Payment or Direct Award. These options will be generally more expensive, impacting on both the tenant and Sheffield City Council at a time of financial pressures.
- 10.3.6 The additional time sought through this request for an extension will also allow for the procurement of the care and support services at Buchanan Green Independent Living scheme which opens Spring 2022.

10.4 **Alternatives Considered and Rejected**

- 10.4.1 No further options were judged to be feasible at this time.

10.5 **Any Interest Declared or Dispensation Granted**

None

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

None

10.7 **Respective Director Responsible for Implementation**

Executive Director, People Services

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

Healthier Communities and Adult Social Care

11. **REDUCTION IN USE OF GLYPHOSATE PESTICIDE ON LAND MANAGED BY SHEFFIELD CITY COUNCIL**

- 11.1 Approval was sought for the Co-operative Executive to review the use of glyphosate on land managed by Sheffield City Council and make reductions in its use in a managed and targeted way.

11.2 RESOLVED: That Co-operative Executive:-

1. Agree to review and reduce the use of Glyphosate on land managed by Sheffield City Council in a managed and targeted way;
2. Agree that Parks and Countryside cease using Glyphosate in the new season (April 2022) and assess the impact of these changes (using this work to help guide further changes across the city);
3. Agree that two cemeteries (Norton and Beighton) undertake Glyphosate free trials for 2022;
4. Agree that two Glyphosate free trials are undertaken on Housing land. Further detail on these trial areas will follow, as will full consultation and communication with Ward Councillors and residents;
5. Agree that a Glyphosate free trial take place on land managed within the Streets Ahead contract in Brincliffe – exact details to be discussed and agreed;
6. Agree that communication work be undertaken across the city highlighting the importance of these changes, why they are needed and how residents can participate;
7. Agree that consultation work be planned and carried out as the impacts of the changes become known to allow residents to share their views; and
8. Agree that a further report detailing the outcomes of these trials be brought to a future Cooperative Executive meeting for consideration.

11.3 Reasons for Decision

11.3.1 Approval of the recommendations will allow:

- An immediate reduction in the use of glyphosate on Sheffield City Council land
- Trials in the reduction of use of glyphosate to assess the implications for Bereavement, Housing and Highways land
- The opportunity to work with residents in the city to promote the need for this action and the part everyone can play in responding to the Nature Emergency

This will achieve an important step in the city's response to the declared Nature Emergency.

11.4 Alternatives Considered and Rejected

- 11.4.1** The option to 'do nothing' was considered and discounted considering both the declaration of a Nature Emergency and the support received for the petition against the use of glyphosate.

11.4.2 The option to cease use of glyphosate on all land immediately was considered and discounted due to both the unknown financial implications and the necessity to ensure that our land can continue to be maintained to safe standards ensuring continued access for residents in the city.

11.5 Any Interest Declared or Dispensation Granted

None

11.6 Reason for Exemption if Public/Press Excluded During Consideration

None

11.7 Respective Director Responsible for Implementation

Interim Executive Director, Place

11.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

12. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2021-22 - QUARTER 1

12.1 The report provided the outturn monitoring statement on the City Council's Revenue and Capital Budget Outturn as at the end of Month 3, 2021/22

12.2 **RESOLVED:** That Co-operative Executive:-

- 1) Note the updated information and management actions provided by this report on the 2021/22 Revenue Budget Outturn;
- 2) Approve the recommendation to provide an additional £4.38m of revenue funding for the Place Systems Review project as detailed in Appendix 1 of the report;
- 3) Note the Collection Fund Account Monitoring Report as at 30th June 2021, attached at Appendix 2 of the report; and
- 4) In relation to the Capital Programme, note the forecast Outturn position described in Appendix 3 of the report.

12.3 Reasons for Decision

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

12.4 Alternatives Considered and Rejected

12.4.1 A number of alternative courses of action are considered as part of the process

undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

12.5 Any Interest Declared or Dispensation Granted

None

12.6 Reason for Exemption if Public/Press Excluded During Consideration

None

12.7 Respective Director Responsible for Implementation

Executive Director, Resources

12.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

13. MONTH 4 CAPITAL APPROVALS 2021/22

13.1 The report provided details of proposed changes to the Capital Programme as brought forward in Month 4 2021/22.

13.2 **RESOLVED:** That Co-operative Executive:-

- 1) 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; and
- 2) Approve the acceptance of grants as detailed in Appendix 2 of the report.

13.3 Reasons for Decision

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

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

13.3.3 Obtain the relevant delegations to allow projects to proceed.

13.4 Alternatives Considered and Rejected

13.4.1 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.

13.5 Any Interest Declared or Dispensation Granted

None

13.6 Reason for Exemption if Public/Press Excluded During Consideration

None

13.7 Respective Director Responsible for Implementation

Executive Director, Resources

13.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

14. THE CITY OF SHEFFIELD (1, 3 & 5 MOUNT PLEASANT) COMPULSORY PURCHASE ORDER 2021

14.1 To seek authority to make a Compulsory Purchase Order in respect of 1, 3 & 5 Mount Pleasant, Sheffield, S35 2WD to allow these dwellings to be renovated and occupied. There is demand for this type of property within the area. The dwellings are empty and have a particularly detrimental effect on the neighbourhood in this area. Compulsory Purchase is the most appropriate course of action.

14.2 **RESOLVED:** That Co-operative Executive:-

- 1) That authority be given to the Council to make a Compulsory Purchase Order ("CPO") under the powers conferred by Section 17 Housing Act 1985 to acquire all land interests in respect of the land coloured pink as shown on the Order Map, attached at Appendix 3 of the report, with title 'The City of Sheffield (1, 3 & 5 Mount Pleasant) Compulsory Purchase Order 2021' (the "Order Land");
- 2) That the Director of Legal & Governance be authorised to make the CPO for the Order Land, to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation including:
 - a) Finalising the attached draft Statement of Reasons, at Appendix 1 of the report;
 - b) Serving notices of the making of the CPO on all persons entitled to such notice and placing all necessary notices in the press and on/around the Order Land;

- c) To submit the CPO to the Secretary of State for confirmation as soon as possible following making of the CPO; and
 - d) To self-confirm the CPO if authorised to do by the Secretary of State.
- 3) That the Director of Legal & Governance be authorised to sign and serve any notices or documents necessary to give effect to these recommendations and to take all the other actions necessary to give effect to these recommendations;
 - 4) As soon as the CPO is confirmed by the Secretary of State or self - confirmed where authorised by the Secretary of State, the Director of Legal & Governance be authorised to advertise the confirmation of the CPO and serve all necessary notices of the confirmation and once the CPO becomes operative, the Director of Legal & Governance in consultation with the Executive Director of Resources be authorised to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981, at the earliest opportunity and to thereafter serve all necessary documents and notices of the vesting of the Order Land in the Council;
 - 5) That the Executive Director Place, in consultation with the Director of Legal & Governance and the Executive Director of Resources be authorised to manage the compulsory purchase process in accordance with all statutory requirements and to otherwise promote or supporting the promotion of confirmation of the CPO including the preparation of and giving of evidence at any public inquiry;
 - 6) That the Chief Property Officer be authorised to agree terms for the acquisition of Order Land and to instruct the Director of Legal and Governance to complete the necessary documents; and
 - 7) That upon the completion of the acquisition of Order Land, the Chief Property Officer be authorised to negotiate the disposal of the land and to instruct the Director of Legal and Governance to complete all the necessary legal documents for the completion of the disposal.

14.3 Reasons for Decision

- 14.3.1 The Dwellings have been vacant since at least 2010 and are in a poor state of repair, attracting anti-social behaviour and are having a negative impact on the local community. There is a demand for these types of dwellings within Sheffield and the Council has, with limited success, attempted to engage with the Property owner, in an effort to get the Dwellings back into occupation, including an offer to purchase them by agreement. In addition, particularly in respect of recent enforcement action taken by the Council, the owner has failed to take reasonable steps to make the Dwellings safe. In those circumstances, as an option of last resort, the Council considers, to ensure the Dwellings are put back into occupation, that it is appropriate to seek a CPO in respect of the Property.

14.4 Alternatives Considered and Rejected

14.4.1 Demolition

The Dwellings are in a state of disrepair empowering the Council to take various steps to remedy the problem, including renovation and demolition. Demolition will not result in the provision of housing as it is believed that it is unlikely the owner would rebuild should this option be taken.

14.4.2 Renovation

An officer from the Council's Private Housing Standards team first visited the Properties in February 2010 and found them to be vacant. From this date, the Council has not observed or received any information, that the properties have been occupied. The owner has taken inadequate steps to prevent their deterioration despite the Council writing on several occasions to the owner to express their concern over the condition of the properties and asking for the owner to explain his intentions for renovation and bringing the properties back into occupation. In addition, the Council has served Improvement Notices in respect of category 1 hazards observed that do not appear to have been complied with. It is therefore unlikely, should the Council do works in default, that this would result in the improvements to the Properties being sustained. In those circumstances this option would be a poor use of limited resources and unlikely to achieve its purpose.

14.4.3 Empty Dwelling Management Orders

These orders enable the Council to effectively step into the shoes of the owner and manage the property. However, prior to occupation, the Council would have to refurbish the property. Given the poor condition of the property, the cost of bringing it up to a habitable condition is likely to be significant. Furthermore, it is doubtful that the rental income would cover the costs within the timescale of the EDMO, which is seven years. Therefore, it is highly likely that the Council would be unable to recover the significant costs of refurbishment, making this option inappropriate.

14.4.4 Purchase by Agreement

The Council have actively pursued this option which would have enabled it to sell the Property at auction, so that the Dwellings could be renovated and reoccupied. The Council has written to the owner on a number of occasions offering to purchase the Property by agreement. No response was received by the Council to these offers. If the owner was willing to engage, this is an option the Council would wish to pursue.

14.4.5 Compulsory Purchase

All attempts at working with the owner have failed, as detailed in the Statement of Reasons. Due to the owner's failure to take proper action, the Dwellings, for which there is a demand, have remained in a poor state of repair for a significant period and there is little prospect of them being brought back into occupation. Compulsorily purchasing the Property is currently the only feasible option to

ensure the renovation and re-occupation of the Dwellings. For these reasons, this is the preferred option.

14.5 Any Interest Declared or Dispensation Granted

None

14.6 Reason for Exemption if Public/Press Excluded During Consideration

None

14.7 Respective Director Responsible for Implementation

Interim Executive Director, Place

14.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee