

Cabinet

Meeting held 18 December 2013

**PRESENT:** Councillors Julie Dore (Chair), Leigh Bramall, Jackie Drayton, Isobel Bowler, Ben Curran, Harry Harpham (Deputy Chair) and Mazher Iqbal

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Mary Lea.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting held on 20 November 2013 were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

5.1 Petition in Objection to Proposals to build a School on Tinsley Park

A petition, containing 328 signatures, was submitted objecting to proposals to build a school on Tinsley Park. Muzafar Rahman, lead signatory to the petition, attended the meeting to make representations in support of the petition. He commented that the proposal to build a school would increase pollution in the area. He believed the consultation process had been unfair and had been undertaken only after the decision had been made. The park was the only green space in the area and this would deny the people of Tinsley a valuable resource. Mr Rahman had also been told that the petition was of no relevance to the decision by Clive Betts M.P.

In referring the petition to the Cabinet Member for Children, Young People and Families, the Leader, Councillor Julie Dore, commented that petitions were always relevant and would be taken into consideration. What the 'politician' may have said was that the submission of a petition did not automatically mean a decision would not be made or revoked.

Councillor Jackie Drayton, Cabinet Member for Children, Young People and Families further commented that consultation in respect of the proposal to build a school on Tinsley Park had been underway since October 2013 and Mr Rahman

had attended a number of meetings as part of the consultation. Councillor Drayton had attended a recent public meeting organised by Mr Rahman along with Clive Betts M.P.

Councillor Drayton commented that she had never stated didn't hear Clive Betts stating that a petition would be of no relevance and reassured Mr Rahman that the petition would, of course, be considered along with all the other responses to the consultation. The proposal was not to build the school on the entire park and it would be similar to the school built on the park in Sharrow, where there was dual use of the park by the school and the community. Following the end of the consultation a report would be submitted to Cabinet and after that a further 6 week consultation would take place.

Councillor Isobel Bowler, Cabinet Member for Culture and Leisure, reassured Mr Rahman that, although the need for a new school was accepted, officers from the Parks and Countryside service were challenging officers from the Children, Young People and Families portfolio to ensure that as much green space as possible was left untouched.

#### 5.2 Public Question in respect of Stannington Library

Rosemary Telfer, representing the Stannington and District Library Group, referred to encouragement the Group had received from the Council in their attempts to keep the library open. The Group were now moving towards developing a business plan and therefore asked if the Council could provide any financial assistance to support the Group in developing the plan? Ms. Telfer also referred to comments made by local Ward Councillors that local funding had been removed and that they did not therefore have any funds to support the Group.

In response Councillor Mazher Iqbal, Cabinet Member for Communities and Inclusion, commented that, as part of the new Locality Working model, the 3 Ward Councillors have been given a ward pot to allocate which had to be allocated by 17 January. He pledged to make £400 available for initial advice to be provided to the Group by Voluntary Action Sheffield (VAS). Following that he would look at what further support could be provided to the Group.

#### 5.3 Public Question in respect of Public Criticisms

Mr Martin Brighton referred to alleged insults made against him, both at a public meeting and on social media, by Labour Councillors. He therefore asked what leadership would be shown in respect of this?

#### 5.4 Public Question in respect of Communications

Mr Martin Brighton referred to a pledge from a senior officer of the Council that he would provide information that Mr Brighton had requested but this has not been done a year later, despite reminders. He therefore asked what objections the Leader could have to publicly naming and shaming that senior officer?

#### 5.5 Public Question in respect of Communications

Mr Martin Brighton asked the Leader to explain why a Council officer and Councillor can dictate to a third party who they can or cannot communicate with?

5.6 Public Question in respect of Freedom of Information

Mr Martin Brighton asked what the Leader proposed should happen in situations where Freedom of Information requests had been denied to due to alleged potential embarrassment for the Council in disclosing the information?

5.7 Public Question in respect of Freedom of Information

Mr Martin Brighton commented that he had recently been refused access to attend a review. He therefore asked what the Council was frightened of?

5.8 Public Question in respect of TARA Audit?

Mr Martin Brighton asked why the Council did not want to allow an independent and qualified authority to carry out an independent audit of the accounts of BNTARA?

In response the Leader of the Council commented that she would circulate Mr Brighton's questions to Cabinet Members. The questions made allegations against Councillors, Officers and referred to specific issues without giving specific information. She therefore could not provide the answer required when she didn't know what the specific information was. However, she would provide a written response by 5.00pm today.

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

6.1 There were no items called-in for Scrutiny.

**7. RETIREMENT OF STAFF**

The Chief Executive submitted a report on Council staff retirements.

**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>
<b><u>Children, Young People and Families</u></b>		
Eileen Denial	Administrative Officer	20
Christine Fleetwood	Deputy Headteacher, Nether Green Junior School	32

Paul Hancock	Data Manager, Forge Valley Community School	37
Sharon Hodgkins	Teacher, Bradfield School	34
Elizabeth Robb	Teacher, Acres Hill Primary School	34
Geraldine Ryan	Teacher, Bents Green School	25
Susan Wilkinson	Assistant Headteacher, High Green Primary School	37
Susan Wilson	Teacher, Oughtibridge Primary School	22

### **Resources**

Elaine Nunn	Finance Manager	36
Stephen Turner	Bus Escort	24

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

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

## **8. RAISING THE PARTICIPATION AGE - PROGRESS AGAINST THE SHEFFIELD PLAN**

8.1 The Executive Director, Children, Young People and Families submitted a report in relation to increasing post-16 participation in education or training in Sheffield.

8.2 **RESOLVED:** That Cabinet:-

- (a) notes the new and statutory obligations to which the City Council was subject as a result of the Raising the Participation Age legislation;
- (b) notes the measures taken to date by the City's Learning to Life partnership to prepare for the Raising of the Participation Age;
- (c) approves the 2013-2020 post-16 participation targets set out in the report; and
- (d) requests a further report to be presented, by April 2014 seeking approval for the City's new 14-24 Strategy.

8.3 **Reasons for Decision**

8.3.1 The Raising of the Participation Age (RPA) legislation came into force in September 2013. As a consequence, young people must remain in education or training until age 17 from 2013 and until age 18 from 2015.

This paper sets out the new statutory responsibilities that fall to Sheffield City Council (SCC) as a consequence and the measures taken by the Children, Young People and Families portfolio (CYPF), with partners in the city, to prepare for these. RPA is statutory with new duties conferred on the local authority. No alternatives are available

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

8.4.1 RPA is statutory with new duties conferred on the Local Authority. No alternatives were available.

### 9. **ANNUAL EQUALITY AND FAIRNESS REPORT**

9.1 The Chief Executive, submitted a report providing Cabinet with:-

- An overview of our Equality Duties and progress on Equality, Diversity and Inclusion (EDI)
- A new set of Equality and Fairness Objectives for 2014 to 2018
- An outline of the areas of persistent inequality and challenges
- Recommendations for action

9.2 **RESOLVED:** That Cabinet:-

- (a) notes the report;
- (b) agrees the new Equality and Fairness Objectives (as set out in section 6.1 of the report);
- (c) notes the progress made on meeting the Council's statutory equality duties (as set out in sections 5 and 7, and good practice examples set out in the appendices);
- (d) agrees the Equality and Fairness Objectives action plan to help the Council meet its Equality duties, set out in Appendix 6 to the report;
- (e) agrees the Workforce Equality Action Plan, set out in Appendix 7 to the report;
- (f) notes the focus via the Tackling Poverty and Increasing Social Justice Board on being a guarantor of equality; and
- (g) agrees that the Strategic Equality Board should focus attention on:-
  - Ensuring we have joined up approaches with partners to equality, diversity and inclusion
  - Meeting our Equality Duties including via the Equality and Fairness

Objectives

- Oversight of the Equality and Fairness Objectives action plan
- Oversight of the action plan in relation to the Workforce Equality Review
- Developing a shared understanding of equality, fairness and inclusion that increases awareness and reduces inappropriate or unacceptable behaviour

**9.3 Reasons for Decision**

9.3.1 Our aim is to make Sheffield a fairer place to live and work and on an ongoing basis we will continue to meet the needs of our diverse customers. There is excellent work being undertaken across the Council in relation to equality, diversity and inclusion that will continue to make a difference to people's lives in the City.

9.3.2 However, alongside this work there are areas of persistent inequality in key areas across the Council that this report highlighted and undermines the good work in services. These areas should be recognised as priorities and addressed differently if we are to improve outcomes for everyone across the City.

**9.4 Alternatives Considered and Rejected**

9.4.1 The actions and recommendations noted are considered to be the best way to meet our Public Sector Equality duties, to address persistent long term inequalities and to help make Sheffield a fairer and more equal place to live and work.

**10. NEIGHBOURHOOD PLANNING DECISIONS**

10.1 The Executive Director, Place submitted a report informing Cabinet about the general principles of neighbourhood planning under the Localism Act, explain the role and legal obligations on the Council, and seek Members' approval for delegated powers to be given to officers, in consultation with the responsible Cabinet Member, to allow the new arrangements to be administered.

10.2 **RESOLVED:** That Cabinet agrees:-

(a) that the following neighbourhood planning decisions, as defined in the Neighbourhood Planning (General) Regulations 2012, be delegated to the Head of Planning, or in his/her absence, to the Forward and Area Planning Team Manager, such delegated authority be exercised in consultation with the relevant Cabinet Member responsible for Planning (currently the Cabinet Member for Business, Skills and Development):

- a) whether to accept an application for and designate a neighbourhood area or business area;
- b) whether to designate an organisation or body as a designated neighbourhood forum;
- c) whether an application for a neighbourhood development plan or order is valid and should be accepted;

- d) whether to decline or accept for a repeat proposal for a neighbourhood development plan or order; and
  - e) to appoint an examiner for a Neighbourhood Development Plan or Order;
- (b) that the following neighbourhood planning decisions are to be made by Cabinet:
- f) decisions as to what actions to take in response to an examiners report;
  - g) whether to modify neighbourhood development plans or orders;
  - h) to submit to Full Council to adopt or make a neighbourhood development plan or order following a successful referendum;
  - i) a decision that would ordinarily be taken by an officer pursuant to the delegations recommended in this report but where:-
    - any stage of the neighbourhood plan process has resulted in significant public objection and/or it is publicly contentious;
    - neighbourhood planning proposals are considered to be a Key Decision because they significantly affect two or more wards; and
- (c) that responsibility for any other aspects of the executive statutory function relating to Neighbourhood Planning be delegated to the Director of Regeneration and Development Services.

### 10.3 **Reasons for Decision**

- 10.3. To enable the Council to meet its duties under the Localism Act 2011, and  
1 Neighbourhood Planning (General) Regulations 2012 with respect to Neighbourhood Planning.
- 10.3. To cover all of the procedural steps which are required to allow a Neighbourhood  
2 Plan, Neighbourhood Development Order or Community Right to Build Order to progress to adoption by the Council.

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

- 10.4. The report recommends delegation of all decision making on neighbourhood  
1 planning, up to the point of the examination of a neighbourhood plan, to the Head of Planning, or in his/her absence the Forward and Area Planning Team Manager. Each application and submission will be discussed with the relevant Cabinet portfolio and the views of Ward Members, and Local Area Partnership Chair will be taken on board; allowing for contentious applications or issues to be considered at a higher level should this be necessary
- 10.4. Alternative approaches that could be considered are:  
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- (a) Cabinet to always be the decision making body for all decisions about neighbourhood planning: this would have a number of implications:

- Slower and less responsive timescales for decision making for sometimes relatively minor and uncontentious issues.
- Increased volume of reports on Cabinet agendas as reports are

needed for each of the stages of decision making on neighbourhood planning.

- Increased costs in terms of officer and Member time in terms of meeting the requirements of the Cabinet process.

(b) Requesting the Leader to delegate all decisions about neighbourhood planning to the appropriate Cabinet Member: the implications of this would be:

- Increased volume of reports requiring Cabinet Member decision, as reports are needed for each of the stages of decision making on neighbourhood planning.

## **11. SHEFFIELD LOCAL PLAN**

11.1 The Executive Director, Place submitted a report in relation to the Sheffield Local Plan.

11.2 **RESOLVED:** That Cabinet:-

- (a) agrees to commence work on a new Local Plan, given the Government's requirement to (a) increase housing land supply in order to demonstrate a 5 year supply of economically viable housing sites and (b) allocate sites for Gypsies and Travellers in the Local Plan;
- (b) agrees that work on the current emerging Local Plan City Policies and Sites document and Proposals Map should be incorporated into the new Local Plan and instructs the Head of Planning to notify the Planning Inspectorate and Secretary of State of the Council's decision to not submit the City Policies and Sites document for public examination;
- (c) endorses continued use of the Core Strategy 'saved' policies in the Sheffield Unitary Development Plan and the Pre-Submission Draft City Policies and Sites document for development management decisions, as appropriate, pending adoption of the new Local Plan;
- (d) requests the Executive Director, Place to draw up a project plan for a new Sheffield Local Plan (including review of the current adopted Core Strategy) and authorises the Cabinet Member to agree the timetable, funding and process for producing the new plan; and
- (e) authorises the Cabinet Member for Business, Skills and Development to agree interim responses to the representations made during the public consultation period on the Pre-Submission Draft City Policies and Sites document and proposals map.

### **11.3 Reasons for Decision**

11.3.1 In light of the evidence from the Planning Inspectorate and decisions being taken by Inspectors on emerging Local Plans elsewhere in the country, there appears



to be little prospect of the City Policies and Sites document and Proposals Map being found sound. It is currently not possible to demonstrate a 5-year supply of deliverable housing sites and no Gypsy and Traveller Sites have been allocated. Both these factors mean the plan conflicts with national planning policies.

11.3. 2 The National Planning Policy Framework requires a 5-year supply of deliverable sites to be maintained, as well as a further supply of sites that are developable during the plan period. In theory, there is enough land available for housing in Sheffield to meet the housing target in the current adopted Local Plan Core Strategy. However, current market factors mean that not all of this land is economically viable to develop at the moment and it is unlikely it will all be developable during the period covered by the current Local Plan. A major increase in public subsidy for housing would be needed to enable all the sites to be delivered.

11.3. 3 Planning strategy needs to take the long view on the delivery of new homes. This accords with the Corporate Plan aim of having the right number of desirable homes in the right places to meet the future needs of residents. The Government's presumption in favour of sustainable development, together with its ambition to increase levels of house building, mean that where there is not a five year supply the presumption will be to allow appeals into refusal of permission for housing wherever they occur. In the current policy context, the lack of a five-year supply could mean the plan being found unsound.

11.3. 4 Objectors to the Pre-Submission documents have highlighted the lack of a 5-year housing supply and have questioned whether the housing target in the Local Plan Core Strategy is high enough, given the latest projections of household growth and Rotherham's decision to cut their housing target. Even though current market demand for new homes is suppressed by economic factors and a lack of affordable mortgages, Government planning policy does not allow this to be taken into account when deciding how much housing is needed. The Planning Minister has stated that, whilst local authorities can determine the location and type of housing built, the role of central Government is to make sure Council's allocate enough land to meet their objectively assessed need. It is also apparent from decisions on Local Plans elsewhere in the country that the Government's own household projections are given significant weight when Inspectors are reaching a view on overall housing needs.

11.3. 5 Options for allocating more housing land are heavily constrained by the policies in the Core Strategy and, consequently, the only way more land can be brought forward is to commence a comprehensive review. This would need to take place as part of a wider re-assessment of housing requirements and land supply across Sheffield City Region but would allow consideration of housing land allocation options which are more economically viable (and, therefore, more attractive to the market). It would also enable consultation to take place on options for Gypsy and Traveller sites.

#### 11.4 **Alternatives Considered and Rejected**

11.4. Alternative policy options for the City Policies and Sites document and Proposals

1 map were fully considered and consulted on at the Emerging Options stage. The more strategic choices were largely determined by the Core Strategy and the choice with many of the policy criteria and allocations is whether to have them or not. However, there were alternative options for many of the criteria (e.g. a higher standard or a lower one than what is proposed) and choices about the required uses for allocation sites. These are detailed in the Background Reports which contain fuller evidence for the selection and rejection of options for policies and proposals.

11.4. Preparation of a revised Local Plan will allow more wide-ranging options for finding new housing land to be consulted on. These options should take account of new research into changes in nationally produced projections, assessment of local housing markets in the City Region, appraisals of the sustainability of additional site options and negotiations with neighbouring authorities.

## **12. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2013/14 (MONTH 6) AS AT 30/9/13**

12.1 The Executive Director, Resources submitted a report providing the month 6 monitoring statement on the City Council's Revenue and Capital Budget for 2013/14.

12.2 **RESOLVED:** That Cabinet:-

(a) notes the updated information and management actions provided by this report on the 2013/14 Revenue budget position;

(b) in relation to the Capital Programme:-

(i) approves the proposed additions to the Capital Programme, listed in Appendix 1, including the procurement strategies and delegations of authority to the Director of Commercial Services or his nominated officer, as appropriate, to award the necessary contracts following the stage approval by Capital Programme Group;

(ii) the proposed variations and slippage in Appendix 1;

(iii) the acceptance of the grants in Appendix 2 and to note the condition and obligations attached to them; and

(c) the latest position on the Capital Programme and the additions and variations approved under delegated authorities.

## **12.3 Reasons for Decision**

12.3. To formally record changes to the Revenue Budget and the Capital Programme and gain Member approval for changes in line with Financial Regulations and to reset the Capital Programme.

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**12.4 Alternatives Considered and Rejected**

- 12.4. 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 Capital Programme.
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