

Cabinet

Meeting held 17 December 2014

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

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jayne Dunn.

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 12 November 2014 were approved as a correct record subject to amendments to paragraph 5.7 to replace the word 'king' with 'kind' and the word 'of' with 'in' in the second sentence to read 'The Council would work with Fields in Trust and the British Legion in relation to a commemoration event and there would be a plaque of some kind installed.'

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Petition Requesting the Grant of a Lease on Land Currently Held on License by the Hanover Tenants Association

Andrew Woodhead submitted a petition, containing 7 signatures, on behalf of the Hanover Tenants Association requesting the granting of a lease on land currently held on license by the Hanover Tenants Association.

He commented that, with over £20,000 of external funding, the Association had transformed an area of land at the rear of Upper Hanover Street and Broomhall Street in the ownership of Sheffield City Council, into a community allotment with 25 raised beds, a container for safe storage and a greenhouse.

The site had public access 24 hours a day and had no fences or gates. No window in the greenhouse had been broken since the scheme was started in 2010/11. The Association now wished to develop the project further. To do this they needed to change the license to use, into a lease to prove to potential funders that they would be able to occupy the site throughout any grant funded periods required.

This request to change a license to use, into a formal 10 or 15 year lease held by the Hanover Tenants Association had been turned down by officers of the Council. They were thereby petitioning the Council to grant the Association a lease so that, should they choose to do so, the Association could develop the project further for the benefit and good of the community.

Councillor Ben Curran, Cabinet Member for Finance and Resources, commented that the land had development potential and had been marked in the Council's Development Plan for housing use. The lease had been granted on a temporary basis pending an upswing in the housing market. He knew the area well and could see the social benefits of granting the Associations request. He was hopeful therefore that an agreement of some kind could be reached with the Association. He would arrange a meeting with Mr Woodhead and key officers in the New Year.

Councillor Harry Harpham, Deputy Leader and Cabinet Member for Homes and Neighbourhoods, reported that he had received a briefing on the issue. There did not seem to him to be any reason why the Associations request could not be granted. He had therefore instructed officers to make it happen and a response would be provided in the very near future.

5.1 Public Question in respect of Public Questions

Marcus O'Hagan reported that he had received a letter from the Information Commissioner regarding questions he had asked at a number of Council meetings in January and February 2014. The letter had stated that these questions did not fall under the Freedom of Information Act.

Mr O'Hagan commented that he felt bullied and tricked by the Council and believed that they had deliberately not answered questions to protect their own position particularly in respect of libraries. He commented that the Council claimed it was committed to openness and transparency but all public questions were now excluded from Scrutiny.

John Mothersole, Chief Executive, reported that the Council had not made the Information Commissioner make any decision. It was an independent body who made its own decision.

Councillor Julie Dore, Leader of the Council, reported that the reason the Council had sought a decision from the Information Commissioner was that numerous questions had been asked in the Council Chamber as to whether public questions came under the Freedom of Information Act so there was a need to clarify the position. The Information Commissioner had independently stated that public questions did not come under the Freedom of Information Act and the Council therefore needed to take this on board.

Councillor Dore further stated that she always tried to answer every question put to her and never deliberately avoided any question and the same could be said of other Cabinet Members. She asked Mr O'Hagan to send her all the questions which he believed had not been answered by the end of the week and he would

receive a response.

5.2 Public Question in respect of Changes to Policy and Procedure

Martin Brighton asked what changes had the Council approved, if any, to its policy, procedure and practice, where, if questions were asked by citizens at meetings such as Full Council or Cabinet, then (i) both questions and answers are included in the minutes of the meeting, (ii) if the questions cannot be answered, an officer is assigned to provide the information (which also becomes part of the public record), (iii) the questions, if they are for information within the remit of the Freedom of Information Act, are treated as requests for information, for which the Freedom of Information Act applies. If there had been any approved changes, could details be provided and it be stated at what public meetings of Elected Members these changes were consulted upon, debated and approved? If there had not been any approved changes, why had Mr Brighton's questions put to Full Council not been processed in the usual and accepted manner?

Councillor Julie Dore commented that it was extremely difficult to look back through every change to policy and procedure and identify where they came from. All changes were authorised one way or another and the Leaders Scheme of Delegation identified where all decisions were made and this would show who had the authority to make changes. If Mr Brighton could identify any specific examples a response would be provided. If a policy was being reviewed this would remain as was until the review was completed.

5.3 Public Question in respect of Public Questions at Council Meetings

Martin Brighton commented that recently released documents showing agendas for public meetings now omitted the accepted standard item 'Questions from Members of the Public.' Had Council policy changed such that the item was now to be excluded from the public meetings where the facility for the public to ask questions had been in practice for years? If there had been change could details please be provided? If there had not been any changes would the Council please ensure that the standard agenda item was restored?

Councillor Julie Dore stated that most public meetings of the Council had items for public questions with the exception of some meetings where it wasn't appropriate such as planning or licensing. If Mr Brighton had evidence that this wasn't the case he needed to provide the examples.

5.4 Public Question in respect of Changes to Policies and Procedures

Martin Brighton asked for policy, procedure and practice changes, was it not implicit in the months of management of the Review and Change implementation process that the existing policies, procedures and practices remained in place until such time as their replacements were approved by the appropriate mechanism (i.e. at Full Council). Examples included Terms of Reference for membership of meetings, and Code of Conduct at Council meetings.

Councillor Dore commented that this had been answered under Mr Brighton's first

question.

5.5 Public Question in respect of Public Meetings

Martin Brighton commented that in his local area there had been repeated and ongoing attempts by a Council supported person to have him excluded from public meetings. He therefore asked if Council policy had changed and if so could details be provided? If Council policy had not changed, why was no action taken against any person who constantly called for a member of the public to be removed? Was an imaginary and highly personal excuse for wanting a person to be removed from a sufficient reason to claim 'conflict of interest' against a member of the public for justifying removal, even though the stated reason for wanting the member of the public removed had no association whatsoever with any of the agenda items for the meeting? Could the Council also clarify the policy with respect to exclusion of people from meetings on the grounds of a declared 'conflict of interest'?

Councillor Julie Dore commented that she had always stated that members of the public would only be asked to leave a meeting if they were behaving inappropriately or offensively. The Chair of a meeting had a right to remove someone from a meeting but this would only happen in exceptional circumstances.

Councillor Dore further referred to an additional issue raised by Mr Brighton and requested that he highlight where this was occurring and she would respond accordingly.

5.6 Public Question in respect of Minutes of Meetings

Nigel Slack commented that he would like to draw Members attention to the difference between the idea of a 'true record' and 'complete record'. Minutes were designed to reflect a true record of decisions made in the Council's meeting. It was also clear that they can never be a complete record of the goings on. In the minutes of the full Council meeting of 5th November 2014, Councillor Bramall's answer to Mr Slack's question omitted the word 'transparent'. Would the Council undertake to try and help those preparing minutes ensure the record is in the spirit as well as the truth of the participants' contributions?

Councillor Julie Dore commented that she believed Members did that. They approved the minutes of the meeting and checked them closely and did occasionally request changes to better reflect the spirit of what was said. If Mr Slack noticed any specific examples he should let Members know and there would be the opportunity to amend at the next meeting.

5.7 Public Question in respect of Streets Ahead Contract

Nigel Slack referred to a statement released by Unite on 1st December 2014 concerning the transferring of workers from Council terms and conditions (under TUPE) to place them on Amey's own. What was the Council's view on this move by Amey and the effect on the Streets Ahead contract?

Councillor Ben Curran responded that, if there were any changes to employee's terms and conditions this was a matter for the employer, staff and the Trade Unions. The Council did have dialogue with Amey and other contractors and had challenged contractors on issues in the past and worked on resolutions. The terms and conditions for Council staff were fit for purpose and adequate. In terms of the impact on the Amey contract, the Council would expect Amey to fulfil their contractual requirements. Mr Slack should email Councillor Jayne Dunn, Cabinet Member for Environment, Recycling and Streetscene if he required any further information.

5.8 Public Question in respect of Derelict Buildings

Nigel Slack referred to a website he had seen which illustrated some of the fascinating derelict buildings in the City. Some of those illustrated were listed buildings like the old Town Hall/Court House. Mr Slack was concerned that with the cuts to Council budgets these listed buildings may be starting to suffer as the old Citadel building suffered from serious neglect by their owners. He therefore asked how often were listed buildings inspected and, in the last year, how many owners had been compelled to undertake remedial work on these buildings?

Councillor Leigh Bramall, Cabinet Member for Business, Skills and Development, reported that he would confirm the specific detail in due course. The Council did keep a record of the listed buildings deemed at risk as defined by English Heritage. The Council did undertake checks through its conservation officers. However, the Council had limited powers to enforce the upkeep of buildings. The cuts had made a difference as developers were less likely to develop buildings due to lack of funding so old buildings sat there longer.

5.9 Public Question in respect of Devolution

Nigel Slack asked, now that the 'Heads of Terms' for the City region deal had been agreed, when and how will the citizens of the City get an opportunity to see and be consulted on about the detail of the deal? Will the Council ask the people for consent before a decision is finally made?

Councillor Julie Dore commented that she didn't see the recent agreement with the Government as a deal but a stage in a long term process. The agreement was mainly around economic infrastructure and skills.

The Government set the timetable so it was not possible to consult with the public. However, if the Council believed parts of the deal were not acceptable or contentious they would argue the case. She believed the Deputy Prime Minister had 'jumped the gun' and had lost the opportunity to explain what the deal meant to people. The administration would continue to negotiate with any future Government on devolution.

5.10 Public Question in respect of Supermarkets

Nigel Slack asked how many planning permissions had been granted in the last five years for the 'local' or 'metro' brands of the big four supermarkets (Asda,

Morrisons, Sainsbury's, Tesco)?

Councillor Leigh Bramall responded that the Council did not categorise particular supermarkets there was a general retail classification so it was doubtful that that information could be provided. However, he acknowledged that there were a lot more than there used to be.

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>
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Children, Young People and Families

Jan Cross	PE Teacher and Second in Department, Sheffield Springs Academy	35
Kathleen Maguire	Teaching Assistant Level 3, Seven Hills School	24
Lee Wood	Teacher, Windmill Hill Primary School	21

Communities

Catherine Wilson	Home Ownership and Revenues Officer	41
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Resources

Ann Flounders	Assistant to Lord Mayor	41
Pauline Memmot	Members' Secretary	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. ASSESSMENT OF CHILD SEXUAL EXPLOITATION SERVICES IN SHEFFIELD

8.1 The Executive Director, Children, Young People and Families submitted a report in relation to an assessment of Child Sexual Exploitation Services in Sheffield. A motion was passed at Full Council on 3 September 2014 requesting that an assessment of child sexual exploitation services be undertaken in response to the publication of Professor Alexis Jay's Independent Inquiry into Child Sexual Exploitation in Rotherham. The report and Executive Summary were presented in response to this request, summarising the activity that had been undertaken in a number of areas.

8.2 Councillor Gill Furniss, Chair of the Children, Young People and Family Support Scrutiny and Policy Development Committee attended the meeting to present the recommendations of the Committee which had considered the report at its meeting held on 15 December 2014.

8.3 Councillor Furniss commented that the Committee had held a very robust session. She considered that it was the most serious and challenging issue that had come to Scrutiny and the Committee did not underestimate its importance. The Committee were very pleased with the report whilst challenging over many of the issues highlighted. She therefore presented to Cabinet the Committee's recommendations arising from their meeting.

8.4 **RESOLVED:** That Cabinet:-

- (a) agrees the scope and findings of the Assessment into Child Sexual Exploitation Services in Sheffield and agrees with it being presented to Full Council on 7 January 2015;
- (b) endorses the outcomes and following recommendations from the meeting of the Children, Young People and Family Support Scrutiny and Policy Development Committee at its meeting held on 15 December 2014 which considered the report:-

“That the Scrutiny Committee:-

- (i) write to the Crown Prosecution Service (copying in Sheffield MP's) in support of the issues highlighted in the assessment that continuing work is required with the judiciary system to explain the complexities of CSE, to increase the level of knowledge and understanding about the complexities of the issue;
- (ii) write to the Health and Wellbeing Board regarding the Committee's concerns about a lack of resources and appropriateness of services for young people's health pathways;
- (iii) requests specific training in terms of interpretation of figures and statistics to enable proper scrutiny to assist members in their scrutiny role. This is in line with one of the identified areas for development

within the assessment;

- (iv) requests that officers from the Children and Families Service continue to engage with parents and carers as part of the process;
 - (v) requests a copy of the case audit toolkit that was used in the assessment;
 - (vi) write to staff in the Children, Young People and Families portfolio who were involved in the production of the assessment to thank them for their dedication and hard work; and
 - (vii) write to the young people involved in producing the assessment to thank them for their involvement"; and
- (c) requests that the Children, Young People and Families Scrutiny and Policy Development Committee:-
- (i) in writing to the Crown Prosecution Service highlight particular issues which needed to be addressed such as the need to speed up the Court process;
 - (ii) in terms of requesting training on statistics, that this be expanded to include understanding what data is available/ different types of data to assist members in their Scrutiny role; and
 - (iii) in the letter to young people outline what had happened as a result of their involvement in addition to thanking them for their involvement.

8.5 **Reasons for Decision**

- 8.5.1 The report was being presented to Cabinet as part of the governance and scrutiny arrangements to ensure that there was full political oversight of the assessment. Cabinet will need to assure themselves that the scope of the assessment satisfies them that:-
- the current delivery of child sexual exploitation services in Sheffield were sufficiently robust
 - the areas for development identified within the report were appropriate and proportionate

8.6 **Alternatives Considered and Rejected**

- 8.6.1 There were no alternative options presented in the report.

9. **COMMISSIONING STRATEGY FOR SERVICES FOR PEOPLE WITH A LEARNING DISABILITY AND THEIR FAMILIES**

- 9.1 The Executive Director, Communities submitted a report in relation to a Commissioning Strategy for services for people with a learning disability and their

families.

9.2 **RESOLVED:** That Cabinet:-

- (a) approves the Learning Disabilities Commissioning Strategy attached as an appendix to the report as a statement of the Council's vision for the development of care and support services to adults with a learning disability and their families;
- (b) delegates authority to the Director of Commissioning to develop the commissioning plans that take forward the intentions and approach set out in the strategy;
- (c) authorises officers to ensure an integrated, whole system approach towards people with a learning disability;
- (d) delegates authority to the Director of Commissioning to take a joint or integrated commissioning approach with the Children, Young People and Families Portfolio (CYPF) and the Clinical Commissioning Group (CCG); and
- (e) notes that implementation of commissioning plans and joint or integrated commissioning approaches will be reported for approval in accordance with the Leader's Scheme of Delegation.

9.3 **Reasons for Decision**

- 9.3.1 To enable the Council to set a clear vision for development of services for people with a learning disability in Sheffield. It will provide:
- The medium to long term context for detailed commissioning plans.
 - A clear statement of direction to key strategic partners to inform joint and integrated approaches.
 - A clear statement of direction to service providers in Sheffield to help inform their own business planning.

9.4 **Alternatives Considered and Rejected**

- 9.4.1 We face a range of opportunities and challenges both in the present and future. To do nothing is not an option. We require a clear Commissioning Strategy to inform our plans, to manage change sensitively and effectively, and to provide a firm foundation for partnership working.

**10. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2014/15
MONTH 6 (AS AT 30/9/14)**

- 10.1 The Executive Director, Resources submitted a report providing the month 6 monitoring statement on the City Council's Revenue and Capital Budget for 2014/15.

10.2 **RESOLVED:** That Cabinet:-

- (a) notes the updated information and management actions provided by the report on the 2014/15 Revenue budget position and approves:-
- The proposed use of £300-400k of Public Health forecast reduction, as noted in paragraph 68 of the Public Health section of the report
 - The balance of the Public Health underspend be considered in the context of the 2015/16 budget savings on public health
 - The carry-forward of any underspend of the Local Assistance Scheme (LAS) be carried forward to assist with sustaining a LAS scheme in 2015/16, subject to balancing the overall budget;
- (b) in relation to the Capital Programme:
- (i) approves the proposed additions to the Capital Programme listed in Appendix 2 of the report, including the procurement strategies and delegations of authority to the Director of Commercial Services, or nominated officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
- (ii) approves the proposed variations and slippage requests listed in Appendix 2 of the report; and
- (c) notes:-
- The latest position on the Capital Programme including the current level of delivery and forecasting performance;
 - The four projects listed in Appendix 2 of the report which were due to close and where savings had been achieved and will be returned to the Housing Revenue Account;
 - There was no exercise of delegated emergency approval by the Executive; and
 - The instances where Cabinet Members, EMT or Directors of service exercise their delegated authority to vary approved amounts.

11.3 **Reasons for Decision**

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

11.4 **Alternatives Considered and Rejected**

- 11.4.1 A number of alternative courses of action were considered as part of the process

undertaken by Officers before decisions were recommended to Members. The recommendations made to Members represented what Officers believed 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.

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