

Cabinet

Meeting held 15 March 2017

PRESENT: Councillors Julie Dore (Chair), Ben Curran, Jackie Drayton, Jayne Dunn, Mazher Iqbal, Mary Lea, Bryan Lodge, Cate McDonald and Jack Scott

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Leigh Bramall.

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 of Cabinet held on 15 February 2017 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Question in respect of Growing Sustainably report

5.1.1 Nigel Slack commented that it was good to see the Green Commission report finally making an impact on the City's forward planning and the general tenor of the report was to be welcomed. However, there was, within the community and with ecology/heritage experts, considerable concern over the potentially destructive aspects of new flood defences strategies outlined in the initial consultation. Will such concerns be addressed in the further development of the flood defence proposals and will any strategy be put to further consultation?

5.1.2 Councillor Bryan Lodge, Cabinet Member for the Environment, responded that consultation on the City's flood defences had taken place over the summer and there had been a good response from the public and other interested parties.

5.1.3 He commented that Officers had been working over the winter period to develop a short list of proposals to take forward. As regards the concerns referred to by Mr Slack, Councillor Lodge was not clear proposals these related to, but all developments required a flood risk assessment. Some of the proposals had been withdrawn as a result of public concerns and the proposals were being looked at as a whole rather than individually.

5.2 Public Question in respect of Neighbourhood Planning

- 5.2.1 Nigel Slack commented that, whilst he recognised that the new neighbourhood planning framework was a direct response to legislation, he would like to draw attention to one particular concern. Within the proposal at paragraph 1.3 (b) 'Whether to designate an organisation or body as a designated neighbourhood forum' Mr Slack's concern was that this power to designate a neighbourhood forum could lead to the potential for a perception of the Council creating pet forums. Could further thought be given to the process by which potential neighbourhood forums arise and the process by which they are 'designated', possibly through a community decision alongside Ward or Local Area Partnership Councillors?
- 5.2.2 Councillor Mazher Iqbal, Cabinet Member for Infrastructure and Transport, commented that paragraph 1.2 of the report on today's agenda stated that a report had been submitted previously to Cabinet which set out the principles and legal obligations Cabinet had in respect of this.
- 5.2.3 The Council did have the power to designate Neighbourhood Forums but it could not compel them to be formed. Once a proposal had been put forward, the public had 6 weeks to comment during the consultation period.
- 5.2.4 The Leader of the Council, Councillor Julie Dore, added that she had concerns over the capacity of some neighbourhoods to deliver plans. Some neighbourhoods may be better equipped to utilise capital to deliver plans. The Council was, therefore, looking at how it could enable and empower neighbourhoods to deliver plans. It was actually the opposite to the idea of pet forums in that the Council was engaging and encouraging neighbourhoods to come forward to deliver plans.
- 5.3 Public Question in respect of Devolution
- 5.3.1 Nigel Slack asked what was the Council's view on the decision by Barnsley and Doncaster Council Leaders to attend a 'Whole Yorkshire' devolution event? Should the Leader of Barnsley now stand down as Chair of the Sheffield City Region Combined Assembly (SCRCA) due to the potential for a conflict of interest?
- 5.3.2 Councillor Julie Dore commented that it was a decision for the Leader of Barnsley Council and the Chair of the SCRCA to determine whether there was a conflict of interest. The event had extended an invite to all Leaders across Yorkshire and the Chair of the SCRCA felt, out of courtesy, he should attend to hear what was said. This was not an assertion that he supported a Whole Yorkshire organisation. Mr Slack was welcome to ask the Chair the same question at the next meeting of the SCRCA.
- 5.4 Public Question in respect of the Streets Ahead Contract
- 5.4.1 Nigel Slack commented that, much had been made of late about the levels of remedial work having to be carried out by AMEY on roads already resurfaced under the Streets Ahead contract. To clarify matters, what were the current failure rates for the resurfacing work and how was this determined? Number of streets?

Length of failed surfaces? Or some other measure?

5.4.2 Councillor Bryan Lodge clarified that there had been no failures in the contract. A small amount of carriageway had been resurfaced, amounting to 1.2 miles of carriageway, which was a small percentage of what would be expected in a contract such as this.

5.4.3 There had been some issues in respect of underlying layers but AMEY would replace these at no cost to the Council. It was unfortunate that there would be any disruption to residents but this demonstrated that there were checks and balances in the contract and AMEY would be held to account.

5.5 Public Question in respect of Streets Ahead Contract and Vulnerable People

5.5.1 Mr Slack commented on a recent situation whereby his elderly and frail mother's telephone had been disconnected during Streets Ahead pavements work. It had taken a great deal of effort on Mr Slack's part to resolve what he believed ought to be a simple situation. This was further complicated with the upset and distress caused to his mother

5.5.2 The questions that Mr Slack therefore needed answering were:-

Does the Streets Ahead contract include any policies and protocols for dealing with vulnerable people? If not, why not?

Why are work crews not made aware of where services are located on pavements?

What are the procedures for reporting and repairing damage caused by AMEY works?

What procedures are in place to ensure the necessary organisations are working in harmony in these repair situations?

What urgent action will the Council take to ensure that their contractor is not putting other vulnerable people in danger through lack of care?

Why are the staff who tried their best to resolve this dangerous situation being let down by this chaotic contract?

5.5.3 In response, Councillor Bryan Lodge commented that he was sorry to hear about Mr Slack's mother and hoped that she was recovering. Streets Ahead and AMEY always did what they could to support vulnerable people and helped with access in and out of properties.

5.5.4 Utility companies were the third party responsible for repairs where phone lines were damaged and Streets Ahead were responsible for referring incidents to them. Plans given to Streets Ahead were not always accurate and utilities services equipment should not be laid within the upper surfaces of footways.

- 5.5.5 Lessons would be learned from the incident reported by Mr Slack and Councillor Lodge would investigate the particular case further. Utility companies worked closely with the Council and AMEY and where utility companies needed to do emergency work, permits were granted by the Council, where appropriate.
- 5.5.6 Repairs to utilities were not part of the Streets Ahead contract and the Council was often left in difficult situations. For example, with street lights, if one wasn't working it was the responsibility of the Council and AMEY. However, if more were not working this was the responsibility of Northern Power.
- 5.5.7 On behalf of the Cabinet, Councillor Julie Dore wished Mr Slack's mother well and hoped she had a speedy recovery.

6. ITEMS CALLED-IN FOR SCRUTINY

- 6.1 It was reported that the decision of the Cabinet Member for Housing, taken on 23 February 2017, in relation to the Approval of New HMO Licensing Standards, had been called-in and would be considered at the meeting of the Safer and Stronger Communities Policy and Development Committee to be held on 6 April 2017.

7. RETIREMENT OF STAFF

- 7.1 The Acting Executive Director, Resources 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> |
|---|--|-----------------------|
| <u>Children, Young People and Families</u> | | |
| Freda Mower | Senior Teaching Assistant Level 3, Wharncliffe Side Primary School | 28 |
| Shirley Roddis | Teacher, Brunswick Community Primary School | 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. CARE HOME FEES 2017/18

- 8.1 The Executive Director, Communities submitted a report requesting Cabinet to

approve the annual uplift of care home fees in Sheffield for the financial year 2017/18.

8.2 RESOLVED: That:-

- (a) in 2017/18 there is a 3.2% increase to the standard fee in residential and nursing homes; and
- (b) the fees for out of City placements are increased by the same amount provided they are at or below the standard fee rate.

8.3 Reasons for Decision

8.3.1 To ensure that fees paid for care and nursing homes in the City of Sheffield are uplifted in line with increases in the cost of wages and inflation for 2017/18.

8.4 Alternatives Considered and Rejected

8.4.1 Use the same formula as 2016/17 with different staff: non-staff ratios for residential (63:37) and nursing care (70:30).

8.4.2 Use the higher nursing care ratio of (70:30) for all types of care.

8.4.3 The options were appraised taking into account the following:

- Provider feedback from engagement events & planned consultation
- Market factors as described in the appendix to this report
- Costs of care as calculated in the appendix to this report
- Current and projected supply and demand
- The financial position of the Council.
- National Minimum Wage (NMW) at £7.50
- CPI at 1%

9. SHEFFIELD CITY COUNCIL PUBLIC HEALTH STRATEGY

9.1 The Director of Public Health submitted a report proposing that Sheffield City Council adopts the draft Public Health Strategy.

9.2 RESOLVED: That Cabinet:-

- (a) approves the Sheffield City Council Public Health Strategy 2017-19; and
- (b) asks that Cabinet Members and the Executive Management Team consider how best to implement the strategy across the functions of the Council.

9.3 Reasons for Decision

9.3.1 It is recommended that Cabinet approve the strategy and give consideration to how best to enact the recommendations. This will enable the organisation to

deploy it's resources to achieve the aims.

9.4 **Alternatives Considered and Rejected**

- 9.4.1 It is not mandatory for a Local Authority to produce a (formal) public health strategy. Some have done so, many have not. The principal alternative option would be to not produce a public health strategy, or to produce a strategy that focused on the Public Health Grant. This was discounted as the ambition is that the totality of SCC is an organisation committed to improving the health and well being of residents of Sheffield.

10. **GROWING SUSTAINABLY: A BOLD PLAN FOR A SUSTAINABLE SHEFFIELD**

- 10.1 The Executive Director, Place submitted a report 'Growing Sustainably: a bold plan for a sustainable Sheffield'. This set out how the Council intended to progress its approach to creating a more sustainable Sheffield.

10.2 **RESOLVED:** That Cabinet:-

- (a) recognises and welcomes the dedication and commitment that has been provided by the Sheffield Green Commission in developing and delivering their report 'Sheffield's Green Commitment';
- (b) notes the recommendations of the report "Sheffield's Green Commitment", which have informed Recommendation 3;
- (c) approves the document "Growing Sustainably: a bold plan for a sustainable Sheffield", and the five priority themes it contains, as a statement of the Council's strategic approach to Sustainability;
- (d) delegates authority to the Executive Director, Place, in consultation with the Cabinet Member for Infrastructure and Transport, to develop a gap analysis for each of the proposed five priority themes to identify Sheffield's strengths and opportunities for the City which will then form a detailed action plan;
- (e) delegates authority to the Executive Director, Place, in consultation with the Cabinet Member for Infrastructure and Transport, to develop an Action Plan consistent with the principles set out in "Growing Sustainably"; and
- (f) notes that the implementation of any of the proposed actions may be subject to further decision making in accordance with the Leader's Scheme of Delegation.

10.3 **Reasons for Decision**

- 10.3.1 The introduction of a Sustainability strategy will provide the City with an opportunity to build on the excellent work that is already being done, and take forward the significant progress made by the Sheffield Green Commission.

- 10.3.2 It enables the Council to make a bold statement of its intentions, and to seek the support of its partners and stakeholders across the City.
- 10.3.3 It sets out five priority areas, which provides the direction and focus for our efforts and will allow us to develop an action plan.
- 10.3.4 To be clear to Government and our other partners in the Sheffield City Region of our intentions and strategy, which will support any request for investment or funding.
- 10.3.5 City sustainability is not something which one organisation can achieve in isolation, and will require the support and contribution of all organisations, businesses and residents across the city. Creating a clear vision and strategy will help to crystallise and re-affirm our ambitions and enable other partners to also contribute.
- 10.3.6 We understand that we have a unique role in facilitating and enabling, working alongside business and our communities to create collective approaches to the opportunities and challenges we face as a City.

10.4 **Alternatives Considered and Rejected**

10.4.1 The 'As-is' option: no new Sustainability Strategy or approach put in place in the City

Much of the valuable work which already takes place in the city supporting sustainability outcomes would continue. However, the new opportunities for co-ordinated approach, working together to deliver greater benefits would be lost, as would the potential to embed sustainability more strongly within our City and our activities.

11. **MENTAL HEALTH SOCIAL CARE FUNCTIONS**

- 11.1 The Executive Director, Communities submitted a report in relation to Mental Health Social Care Functions.
- 11.2 **RESOLVED:** That Cabinet:-
 - (a) approves the principles for the commissioning of mental health services set out in the report; and
 - (b) approves the four mental health service specifications to be incorporated into the Clinical Commissioning Group contract with Sheffield Health and Social Care NHS Foundation Trust (SHSC) (using the arrangements put in place for the Better Care Fund).
- 11.3 **Reasons for Decision**

11.3.1 Approval of the recommendations will enable the Council to work jointly with the CCG (utilising the Better Care Fund) to deliver the four mental health services currently delivered by SHSC directly on behalf of the Council.

11.3.2 This is the preferred option as it is in line with integrating health and social care and will enable:

- Increasingly joint commissioning with CCG e.g. joint commissioning planning and performance monitoring, opportunities for joint commissioning of other mental health services.
- Transparent spending and costs across the mental health and social care economy.
- Reduced risk of unintended negative financial impacts on SCC and the CCG.
- Transformational changes to be more easily delivered.
- Greater opportunities to attract external investment – integrated mental health budgets will make grant funding / transformation funding bids more likely to succeed.

11.4 **Alternatives Considered and Rejected**

11.4.1 **Option 1**

Seek to extend current arrangements to give officers time to consider alternative arrangements. Due to the implications on service delivery and HR implications, time would be needed to complete all consultation and ensure a safe service can be delivered. A 12-month extension would probably be required. In addition to approval for the extension, the Director of Finance and Commercial Services would also need to be prepared to waive Contract Standing Orders for this period.

This is not our preferred option:

- It would require the agreement of SHSC, which may not be obtained;
- It is not in line with our commissioning intentions nor does it allow us to start to address the issue of cost transference; and
- Officers from both Commercial Services and Legal Services would need to review all of the details of any proposed extension to ensure that it did not breach the Public Contracts Regulations 2015 and they have already indicated that it may not be possible to extend the contracts for the period that would be required to allow for appropriate consultation, procurement and transition.

11.4.2 **Option 2**

Allow the current arrangements to end on the 31st March.

There is not enough time to coordinate the delivery of the contracted services

within the Council safely, and in addition this proposal is inconsistent with commissioning intentions and the wider integration agenda.

The alternative would be to consider procuring a replacement service provider independently of the CCG. However, this would almost certainly require an extension of the current contracts in the short term to allow time for a legally compliant procurement process to be carried out. This gives rise to the same concerns as option 1.

This is not our preferred option because of the risk to the public and the Council.

11.4.3 **Option 3**

Work with SHSC to return the social care function to SCC.

This would need to be in combination with option 1. This is not our preferred option as it would work against our commitment to providing integrated support for service users; and would cause considerable disruption at a time when social care services are already undergoing significant change. This option will however be kept under review

12. **NEIGHBOURHOOD PLANNING - UPDATED DECISION MAKING FRAMEWORK**

12.1 The Executive Director, Place submitted a report requesting Cabinet consider and approve revised decision making arrangements for Neighbourhood Planning (originally approved 18th December 2013) to allow the Council to meet new statutory timescales for decision making.

12.2 **RESOLVED:** That:-

(a) all decisions involving any aspect of the executive statutory function relating to Neighbourhood Planning be delegated to the Head of Planning, in consultation with the Director of Creative Sheffield. Such delegated authority to be exercised in consultation with the relevant Cabinet Member responsible for Planning (currently the Cabinet Member for Infrastructure and Transport) PROVIDED THAT any such decision where:

- that stage of the Neighbourhood Plan process has resulted in significant public objection and/or the decision is publicly contentious in the opinion of the Cabinet Member; or
- the decision is considered to be a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the City;

then such decision shall be delegated to the Cabinet Member responsible for Planning; and

- (b) the same scheme of delegation as agreed under part (a) shall apply to decisions relating to the making of Neighbourhood Development Orders and Community Right to Build Orders as well as Neighbourhood Plans.

12.3 **Reasons for Decision**

- 12.3.1 The Housing and Planning Act 2016 and amendments to Regulations (set out in this report at section 1.8ff), reduce the time allowed to determine all decisions relating to Neighbourhood Planning. The proposed revisions to the framework agreed in December 2013 are the speediest routes by which decisions can be made, whilst still retaining Member involvement in the decision making process.

12.4 **Alternatives Considered and Rejected**

- 12.4.1 This report recommends revision only to those decisions that were reserved for Cabinet in December 2013 (see paragraph 1.3 of the report).

- 12.4.2 If Cabinet were to continue as the decision making body for some decisions as agreed in December 2013 this would:

- make it very difficult to meet tight statutory deadlines enforced by the updated Neighbourhood Planning legislation allowing for required consultation periods within parts of the process and turnaround time for writing and signing off reports before the decision is made.
- risk intervention by the Secretary of State in the neighbourhood planning process in Sheffield.

13. **REVENUE BUDGET AND CAPITAL PROGRAMME 2016/17 MONTH 10 AS AT 31 JANUARY 2017**

- 13.1 The Acting Executive Director, Resources submitted a report providing the month 10 monitoring statement on the City Council's Revenue and Capital Budget for 2016/17.

13.2 **RESOLVED:** That Cabinet:-

- (a) notes the updated information and management actions provided by this report on the 2016/17 Revenue Budget position;
- (b) approves the requests for access to funding and carry forward requests in Appendix 7 of the report; and
- (c) in relation to the Capital Programme:
- (i) approves the proposed additions to the Capital Programme listed in Appendix 6.1 of the report, including the procurement strategies and delegations of authority to the Interim Director of Finance and Commercial Services or nominated officer, as appropriate, to award

the necessary contracts following stage approval by Capital Programme Group;

- (ii) approves the proposed additions to the Capital Programme relating to the Growth Investment Fund listed in Appendix 6.1 of the report;
- (iii) approves the proposed variations, deletions and slippage in Appendix 6.1 of the report;
- (iv) notes the variations authorised by Directors under the delegated authority provisions; and
- (v) notes the latest position on the Capital Programme.

13.3 **Reasons for Decision**

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

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.

14. **LAND AT SPIDER PARK, SEVENFIELDS LANE**

- 14.1 The Executive Director, Place submitted a report in relation to Land at Spider Park, Sevenfields Lane.

14.2 **RESOLVED:** That:-

- (a) the Additional Land at Spider Park identified in the report, be declared surplus to the requirements of the City Council;
- (b) subject to advertising the proposed disposal of the Property and the Additional Land and upon no public objections being upheld, the Property be sold to the preferred developer for the purposes of residential development;
- (c) the Chief Property Officer be authorised to agree final terms for the disposal of the Property and the Additional Land, including the variation of any boundaries as required, and to instruct the Director of Legal and Governance to complete the necessary legal documentation; and

- (d) Cabinet notes that the Director of Culture & Environment will bring forward, as part of the monthly budget monitoring report, a capital approval submission to deliver the enhanced play area referred to at section 2 of the report. The sum be allocated to the Corporate Resource Pool and be available for reinvestment to enhance the play facilities in the area.

14.3 **Reasons for Decision**

- 14.3.1 Release of the additional land is required to enable the Council to benefit from a capital receipt which is sufficient to secure sufficient funds for the installation of new play equipment and associated landscaping on the site of the former Wisewood Secondary School to the scale and quality indicated by the design annexed to the 2013 Report at Appendix E of the report.
- 14.3.2 The development of housing on the subject site will provide natural surveillance over the remaining open space and make the thoroughfare between Dial House Road and Sevenfields Lane safer to users.

14.4 **Alternatives Considered and Rejected**

- 14.4.1 The Council could decline the request for additional space although this is likely to result in the preferred developer withdrawing its offer for the land. This would mean that the Council would have to re-market the site with no guarantee that an alternative developer would come forwards and with the resultant delays to the relocation of the external play area.

15. **CABINET ACTING AS CHARITY TRUSTEES OF OXLEY PARK, STOCKSBRIDGE: LEASE OF INMAN PAVILION, STOCKSBRIDGE**

- 15.1 The Executive Director, Place submitted a report seeking approval of Cabinet, acting as the Trustees of the Oxley Park Trust, to the renewal of the existing lease of Inman Pavilion to the Garden Village Community Association (Registered Charity No. 1162028).
- 15.2 **RESOLVED:** That Cabinet acting as the Trustees of Oxley Park approve the grant of a lease of the Inman Pavilion to the Garden Village Community Association (GVCA) for a period of 25 years from a date to be agreed, subject to a peppercorn rent, with GVCA retaining responsibility for all repairs, maintenance, insurances and all costs relating to the use and occupation of the Pavilion.

15.3 **Reasons for Decision**

- 15.3.1 The proposal to grant a new lease at a peppercorn rent:
- regularises the existing occupation of the building
 - enables grant funding bids to be made by GVCA to repair, maintain and improve the Pavilion
 - ensures that a valuable asset is retained for use by the local community
 - supports the charitable objects of the Oxley Park Trust and GVCA

15.4 **Alternatives Considered and Rejected**

- 15.4.1 Alternative options are limited as GVCA have protection of occupation under the provisions of the Landlord & Tenant Act 1954 the Trustees would be bound to grant a new lease based on statutory terms.

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