

Cabinet

Meeting held 19 April 2017

PRESENT: Councillors Julie Dore (Chair), Olivia Blake, Ben Curran, Jackie Drayton, Jayne Dunn, Mazher Iqbal, 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 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 Councillor Olivia Blake declared a personal interest in agenda item 10 'Month 11 Capital Approvals' as a Trustee of Sheffield Museums and Galleries.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of Cabinet held on 15 March 2017 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Question in respect of Streets Ahead Contract and Traffic Regulation Orders

5.1.1 Nigel Slack commented that, whilst still awaiting further information on the Streets Ahead contract and the impact on vulnerable people of works within this contract, he noted that the last attempt by the Council to prevent peaceful protest seemed again to flaunt any care for vulnerable people affected by these 'Temporary Traffic Regulation Orders.'

5.1.2 Mr Slack therefore asked what procedures were in place for the access of emergency vehicles, health visitors, care workers, relatives and delivery drivers, to name but a few, to the properties of vulnerable people on the roads affected?

5.1.3 Mr Slack added that the Road Traffic Regulation Act 1984 – Section 3.1 prevented the regulations being used to the effect of "preventing at any time access for pedestrians." How did this square with the recent use of safety barriers across the full width of roads where tree felling was taking place? How will residents on Brookfield Road and Dobcroft Close access their properties?

5.1.4 Councillor Bryan Lodge, Cabinet Member for the Environment, responded that

access should be maintained at all times and if someone felt this was not the case they should speak to the operatives and they would be let through. This was also the case with emergency vehicles.

5.1.5 The Traffic Regulation Orders referred to had been used since 2012 and access for those referred to by Mr Slack had always been maintained. In fact, the Council had received a number of thank you letters for the conduct of Amey and the operatives.

5.1.6 The Council had resurfaced 1244 miles, which was further than from Sheffield to Oslo of pavements and 605 miles, which was just short of from Sheffield to Frankfurt, of roads, so the situation was nothing new. Emergency vehicles were always allowed access and if residents contacted Streets Ahead with specific requests they would do everything that they could to help.

5.2 Public Question in respect of Survey Results

5.2.1 Nigel Slack commented that, in the statement on 24th March 2017, with respect to the household survey data for the Streets Ahead contract and street trees, the Council stated "Our household surveys show that only a small percentage of residents disagree with our proposals for tree replacement and that the vast majority are supportive or indifferent." Will the Council explain where that twisted logic came from and how the raw data supports that statement?

5.2.2 Mr Slack added that perhaps we should apply similar logic to the Walkley branch Labour Party meetings results on the motion calling for the resignation of the relevant Cabinet Member? 13 votes to retain the Cabinet Member, 8 votes to remove, 10 abstentions and around 500 indifferent. Under current Council logic isn't that a vast majority supporting the resignation of the Cabinet Member?

5.2.3 Councillor Bryan Lodge commented that the votes of the Walkley branch of the Labour Party were a matter for them and as such the question should be referred to them.

5.3 Public Question in respect of the Outline Business Case for the Streets Ahead Contract

5.3.1 Nigel Slack asked in light of the Council's new willingness to share raw data, will they now publish the raw data from which the 'Outline Business Case' for the Streets Ahead contract was derived.

5.3.2 In response, Councillor Bryan Lodge commented that the Outline Business Case was shared and available to read. Councillor Lodge was not clear what the raw data was that Mr Slack referred to.

5.3.3 Sheffield had long been branded the 'Pothole City' which showed that residents were clearly dissatisfied with the condition of the roads. As a result, the Council initially applied for Pathfinder Status and was granted this. This then led to the Streets Ahead contract and all this information was available to read.

5.4 Public Question in respect of Trees on Ecclesall Road

5.4.1 Nigel Slack commented that, after the debacle of the last Full Council meeting, from which nobody came out smelling of roses, he assumed that it was full steam ahead on plans to fell trees on Ecclesall Road. Bearing in mind the Cabinet Member's previous comments about discriminatory trees, will the Council also be making arrangements to remove other discriminatory obstructions on this road, including bus stops, litter bins, telephone boxes, cable cabinets, bollards etc. where, in many places, these obstacles restrict the pavement width to less than the statutory minimum 1.5m or 1m that had been commented on?

5.4.2 Councillor Bryan Lodge stated that he was not present at the last Full Council meeting so could not comment on that. The proposals for trees on Ecclesall Road were currently with the Independent Tree Panel for consideration, so it was not necessarily 'full steam ahead' as Mr Slack believed. The reasons for the need for tree replacement would be numerous. Where any restrictions were in place, such as 'A Boards', the Council would remove where they were made aware of them.

5.4.3 The Leader of the Council, Councillor Julie Dore, added that, in relation to the issue of the last Full Council meeting, she believed that she always showed respect to others in the Council Chamber. At that meeting, a Member of the Council made a defamatory and offensive remark about Councillor Lodge. Councillor Dore had given the Member concerned the opportunity to provide evidence to support the remark and the Member did not have any evidence. In Councillor Dore's view this was therefore showing disrespect, not only to Councillor Lodge, but also to the Chair of the meeting, the Lord Mayor.

5.4.4 Councillor Dore added that the Lord Mayor was in charge of the meeting and if a Member refused to abide by the code and spirit of the Member Code of Conduct and was allowed to do this, this would give license for any Member to say what they wanted in the Chamber without recourse.

5.4.5 Councillor Dore believed the behaviour shown also disrespected the petitioner who had not yet received a full response to their petition before opposition Members left the Chamber. The response would have been, as stated by Councillor Lodge, that the Independent Tree Panel was currently looking at the trees on Ecclesall Road.

5.4.6 Councillor Dore apologised for the events at the last Full Council meeting, but would not accept that the Administration had any part to play in the events that occurred and hoped that it did not happen again.

5.5 Public Question in respect of Streets Ahead Contract

5.5.1 Nigel Slack asked why was analysis of the roadways substrates not part of the Streets Ahead Contract?

5.5.2 Councillor Bryan Lodge replied that the extent of the resurfacing works had been discussed in detail with the Government. It was a maintenance rather than a reconstruction contract and reconstruction would have been much more disruptive to residents than the current contract.

5.5.3 The Carillion bid had been for substantially less work than the Council had achieved with Amey. Some of the problems, such as infield utility trenches, Amey had to resolve at no cost to the Council. The Council was continually trying to reduce any disruption caused to residents.

5.6 Public Question in respect of Streets Ahead Contract

5.6.1 Nigel Slack commented that, in his opinion, the Streets Ahead contract was poorly drafted, probably by Amey, poorly understood by everyone but Amey and poorly managed by Amey and the Council. When will the cumulative effect of the problems being caused and the internal pressures from the Labour Party convince the Council that a root and branch review was needed?

5.6.2 Councillor Bryan Lodge commented that he disagreed with Mr Slack's view of the Streets Ahead contract. It had been drafted by the Council, in consultation with the Government, based on a Private Finance Initiative Model contract.

6. ITEMS FROM SCRUTINY

6.1 The Safer and Stronger Communities Scrutiny and Policy Development Committee submitted a report outlining in depth work undertaken around hate crime. This was done through a cross party Task Group. The work focussed on the reporting of hate crime and the report submitted was the final report of the Task Group.

6.2 **RESOLVED:** That Cabinet:-

- (a) thanks the Safer & Stronger Communities Scrutiny and Policy Development Committee for its work on hate crime;
- (b) notes the Hate Crime Task Group Report attached as Appendix A to the report;
- (c) agrees that an initial joint response from the Cabinet Members for Community Services and Libraries, Housing, and Children, Young People & Families is provided to the Safer & Stronger Communities Scrutiny and Policy Development Committee's July 2017 meeting; and
- (d) agrees that a further report to the Safer & Stronger Communities Scrutiny and Policy Development Committee on progress on implementing the Task Group's recommendations be provided to the Committee by December 2017.

6.3 **Reasons for Decision**

6.3.1 In order to make it clear to the Scrutiny Committee what actions the Council is committing to, the Committee requests a joint response report to its Hate Crime Task Group Report.

6.3.2 To enable the Committee to scrutinise progress made in implementing the

recommendations, the Committee requests a further report back on implementation.

6.4 **Alternatives Considered and Rejected**

6.4.1 An alternative option in relation to the recommendations would be to do nothing with the Task Group Report. However, given the time and effort spent by the Task Group and contributions to the work from external organisations, this is not deemed a viable option.

6.4.2 An alternative option in relation to the recommendations would be to respond to the Committee's report over a much longer timescale. However, the Scrutiny Committee would welcome a fast response to its recommendations. The Committee believes a report to its July 2017 meeting strikes an appropriate balance between speed and allowing sufficient time for Cabinet Members and officers to consider the recommendations in the Hate Crime Task Group report.

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>		
Claire Blundell	Residential Homes Manager	29
Valerie Higgins	Administrator/Finance Manager, Nether Green Infant School	23
Paula Robinson	Senior Youth Prevention Worker	22
<u>Communities</u>		
Brian Coddington	Contracts Officer	45
Stephen Johnson	Archives and Heritage Officer	23
Marie Ledger	Business Support Manager	24
Stewart Merrill	Senior Housing Solutions	34

	Officer	
Robert Pinder	Approved Mental Health Practitioner	36
<u>Place</u>		
Mark Claypole	Maintenance Operative, Sheffield Markets	29
David Cooper	Head of Policy and Projects, Culture and Environment	38
Daryl Dawson	Area Officer, Parks and Countryside	38
Patrick Holt	Maintenance Operative, Sheffield Markets	39
Martin Kirwan	Technician, Highway Development Control	20
Mark Lowe	District Parks Officer	40
Ivor Powell	Maintenance Operative, Sheffield Markets	35
Trevor Sullivan	Principal Planning Officer	28
<u>Resources</u>		
Stephen Adams	Facilities Manager	31
Titu Hayre-Bennett	Human Resources Business Partner	31

(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. PROPOSED CHANGES TO THE POST 16 TRAVEL AND TRANSPORT POLICY

8.1 The Executive Director, People submitted a report in relation to proposed changes to the Post 16 travel and transport policy:-

- to report back on the proposals following a thorough consultation with all affected users, alongside schools and colleges, between 30 January and 24 March 2017; and

- to highlight a number of recommended changes to the Post 16 travel and transport policy from the findings of the consultation, to Cabinet, for their endorsement.

The report also included the questionnaires that went out to affected families, a detailed analysis of the consultation, and the findings from the consultation.

8.2 RESOLVED: That:-

- (a) the Council ceases to provide the discretionary zero fare bus pass for post 16 students with effect from 1 September 2017 and instead request that families who are eligible apply for and use the 16 - 19 Bursary fund to pay for transport and the Council shall continue to work alongside schools and colleges to offer the necessary support to any families or young people who need help with the application process in order that they are able to access the bursary;
- (b) completely free post 16 Special Educational Needs transport be ceased to be provided; whilst not asking families to pay the full cost of Special Educational Needs transport, it is proposed to ask all families for a contribution of £540 per year regardless of the location of their education provision (the weekly cost over the year would be £10.38); a variety of payment options to meet families' needs will be available and families who are eligible for either the vulnerable or discretionary bursary will be expected to apply and use this fund towards the cost of transport;
- (c) the Council continues to support Independent Travel Training and to ensure that it remains a central part of the post 16 travel and transport policy to ensure that as many students who are able, travel independently to and from their place of education and training in order to maximise their independence, lifelong learning and employment prospects;
- (d) a hardship fund be created and administered in order to mitigate the impact on those families with students in post 16 education who may be significantly affected by these proposals; those who could access the fund may include:
 - Families with siblings attending post 16 education at the same time, who are both on Special Educational Needs transport
 - Low wage working families who have children on Special Educational Needs post 16 transport
 - Young people who are mid-way through their course at 1 September 2017, for whom the changes will have a negative impact on their studies; and
- (e) the policy changes be implemented from 1st September 2017 and the Executive Director, People be authorised to implement these recommendations.

8.3 **Reasons for Decision**

- 8.3.1 That the Council should cease to provide the discretionary zero fare bus pass for post 16 students with effect from 1/9/2017 and instead request that families who are eligible apply for and use the 16- 19 Bursary fund to pay for transport. The Council will continue to work alongside schools and colleges to offer the necessary support to any families or young people who need help with the application process in order that they are able to access the bursary.

The 16-19 Bursary Fund is to help with education-related costs for students aged 16 to 19 and travel is a key element of education-related costs. Government guidance states that: Local authorities may take receipt of 16-19 bursary funding into account in assessing an individual's need for financial help with transport (see statutory duties outlined in paragraph 1.3 of the report).

Whilst it is recognised that the bursary has been used by students in a variety of ways, it remains an appropriate fund for the Council to take into consideration when providing travel assistance (see statutory duties (paragraph 1.3). As noted in paragraph 1.1.1 of the report, all other identified authorities are using their right to take bursary funding into consideration and as such do not automatically provide zero fare bus passes to students in receipt of the bursary.

In addition, as a Local Authority, Sheffield City Council ensures that post 16 students are able to travel at a reduced rate on public transport (currently 80p per journey on buses within Sheffield) with its reduced bus fare scheme via the funding the Council contributes to the South Yorkshire Passenger Transport Executive.

Taking all the consultation responses into account, the Council believe that we should come into alignment with other authorities and cease to provide a discretionary zero fare bus pass for post 16 students. However, the consultation has raised potential issues which we have sought to mitigate (see section 6.5 of the report).

The Council will work with schools and colleges throughout the summer term 2017 to ensure that students who are eligible have all the information and support that they need to apply for the bursary. Following any policy change, the Council, across all relevant services, will continue to offer the necessary support to any families or young people who need help with the application process in order that they are able to access the bursary.

Other responses from parents included concerns that students in post 16 education should not be given money and should instead be given a bus pass. We recognise parents' concerns and there is an option for families to purchase bus passes from South Yorkshire Passenger Transport Executive if this best suits their family's needs.

- 8.3.2 To cease to provide completely free post 16 Special Educational Needs transport. Whilst not asking families to pay the full cost of Special Educational Needs transport, it is proposed to ask all families for a contribution of £540 per year regardless of the location of their education provision (The weekly cost over the

year would be £10.38). A variety of payment options to meet family's needs will be available. Families who are eligible for either the vulnerable or discretionary bursary will be expected to apply and use this fund towards the cost of transport.

Sheffield City Council is committed to providing Special Educational Needs transport for eligible post 16 students in order to facilitate their attendance at school/college. Whilst recommending that families pay a contribution of £540 per year, we acknowledge the need for these payments to be able to be made in a variety of ways, monthly, termly or annually, and will ensure that a range of payment options are available for families.

It is proposed that students who are eligible use the 16-19 Bursary Fund to pay the contribution of £540 for Special Education Needs post 16 transport. 87% of respondents stated that it would be a good idea for this contribution to be deducted at source. It is therefore proposed that the Council works with schools so that, if possible, students who access the discretionary bursary via the Council's administrative function have the cost of transport removed before any remainder funds are given to families.

As noted in paragraph 6.1 of the report, the Council will work with schools and colleges throughout the summer term 2017 to ensure that students who are eligible have all the information and support that they need to apply for the bursary. Upon implementation of any policy change, the Council, across all relevant services, will continue to offer the necessary support to any families or young people who need help with the application process in order that they are able to access the bursary.

- 8.3.3 To continue to support Independent Travel Training and to ensure that it remains a central part of the post 16 travel and transport policy. To ensure that as many students who are able, travel independently to and from their place of education and training in order to maximise their independence, lifelong learning and employment prospects.

Sheffield City Council recognises the life changing and life enhancing impact of all levels of independent travel and will continue to provide a free travel training programme for all of those who are deemed suitable. In order to support children with Special Educational Needs and Disabilities to live happy, healthy and fulfilling lives, our travel training offer extends not just to those who can reach full independence but also to facilitate the maximum level of independence each child and young person can accomplish.

- 8.3.4 To create and administer a hardship fund in order to mitigate the impact on those families with students in post 16 education who may be significantly affected by these proposals. Those who could access the fund may include:

- Families with siblings attending post 16 education at the same time, who are both on Special Educational Needs transport
- Low wage working families who have children on Special Educational Needs post 16 transport
- Young people who are mid-way through their course on 1st September 2017, for

whom the changes will have a negative impact on their studies.

As noted throughout this Cabinet report, the Council is committed to ensuring that all Sheffield children and young people are able to reach their full potential, and it is determined to ensure that this change in policy enables students to access education. This hardship fund will take into consideration the individual family circumstances, and will be dealt with on a case by case basis.

It is proposed that the hardship fund will also be used to ensure that young people who will be mid-way through their course on 1st September 2017, for whom the changes will have a negative impact on their studies, are able to access this fund if necessary to ensure their continued attendance. This will be dealt with by officers upon a family's request on an individual basis. The hardship fund will also be available for students if there is a funding gap between their bursary and the cost of a student's travel.

We do not know how many students may need support from the hardship fund who are currently mid-way through their post 16 education, as we have not historically asked students to fund their fare in this way (see section 4.2 of the report).

8.3.5 To publish the changed policy by 31 May and to implement the policy changes from 1st September 2017. To delegate authority to the Executive Director, People to implement these recommendations

There is a duty on local authorities to publish an annual Post 16 Transport Policy Statement (see section 1.5 of the report). The deadline for this is 31 May each year. Sheffield City Council has made the decision to implement these changes later than many other local authorities, including our neighbouring authorities. It is proposed that these changes are introduced in September 2017.

Finally, we would like to thank all those families, schools, colleges and voluntary sector organisations who took the time to give us their views and suggestions, which in turn have helped to shape our proposals.

8.4 **Alternatives Considered and Rejected**

8.4.1 Sheffield City Council has maintained discretionary provision regarding its post 16 travel policy for longer than neighbouring authorities. One option was to continue with this provision, however in light of continuing and extensive budget cuts this option was no longer considered sustainable.

8.4.2 For those whose child is educated outside of South Yorkshire, the contribution that we would be asking families to pay is £700 (£13.46 per week). This reflects the increased equivalent public transport cost.

The Council considered all the initial proposals which were sent out to families, but in order to decrease inequalities and ensure that no young people were detrimentally disadvantaged, the proposal to charge families £700 for travelling outside of South Yorkshire was rejected.

9. COMMISSIONING OF HOME CARE AND SUPPORTED LIVING FOR ADULTS WITH SOCIAL CARE NEEDS

9.1 The Executive Director, People submitted a report highlighting the importance of good quality Homecare and Supported Living to many of Sheffield's most vulnerable residents and seeking authority to proceed with the procurement of Home Care and Supported Living services and subsequent awarding of contracts.

9.2 **RESOLVED:** That Cabinet:-

- (a) notes plans to ensure that both Homecare and Supported Living are commissioned to provide positive outcomes and sustainable quality at best value for the people of Sheffield;
- (b) approves the procurement strategy outlined in the report;
- (c) delegates authority to the Director of Adult Services, in consultation with the Director of Finance and Commercial Services, to award the contracts for Home Care and Supported Living; and
- (d) delegates authority to the Director of Adult Services, in consultation with the Director of Legal and Governance and the Director of Finance and Commercial Services, as appropriate, to take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in the report.

9.3 **Reasons for Decision**

9.3.1 Nationally the Home Care market is fragile and some major national Home Care providers are leaving the market – particularly in the north of England. Home Care providers are citing low fees, difficult trading conditions, and challenges with recruitment as the primary reasons for their exit. However, Sheffield City Council has offered increased rates for homecare providers in 2017-18 and all but two of 29 providers have accepted these rates. This provides a stronger foundation for the development of homecare in Sheffield than has been in place in recent years.

9.3.2 If quality and supply of Home Care and Supported Living are not sustainable there are obviously direct consequences for Sheffield's citizens. This is not only in relation to poor customer experience. For example, insufficient homecare supply can result in older people staying in hospital longer than they need to, creating significant pressures for others around access to emergency treatment and also risking worse longer term outcomes for themselves.

9.3.3 There are clear standards for practice in this area which will help deliver services of a sustainable quality. Some have a cost implication but others can be delivered through improved commissioning practice including more collaborative and supportive market relationships. For example, the National Institute for Health and Care Excellence (NICE) published national guidance on Homecare Standards in

June 2016. UNISON's Ethical Homecare Charter provides a framework for improving quality. The principles within both the NICE guidance and the Ethical Homecare Charter will be contained within the Council's proposed approach to procurement.

9.4 **Alternatives Considered and Rejected**

- 9.4.1 Discontinuing support in these areas is not an option. These services are required to fulfil the Council's functions and duties under the Care Act 2014.

10. **MONTH 11 CAPITAL APPROVALS**

- 10.1 The Acting Executive Director, Resources submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 11, 2016/17.

- 10.2 **RESOLVED:** That the proposed variations, slippage and additions to the Capital Programme listed in Appendix 1 of the report be approved, including the procurement strategies, and authority be delegated to the Director of Commercial Services to award the necessary contracts following stage approval by Capital Programme Group.

10.3 **Reasons for Decision**

- 10.3.1 To record formally 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.

10.4 **Alternatives Considered and Rejected**

- 10.4.1 A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Capital Programme.