

Cabinet

Meeting held 29 May 2019

PRESENT: Councillors Julie Dore (Chair), Olivia Blake, Lewis Dagnall, Jackie Drayton, Bob Johnson, Mazher Iqbal, Mary Lea, George Lindars-Hammond, Abtisam Mohamed and Paul Wood

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 The Chair (Councillor Julie Dore) reported that the appendix to the report at agenda item 11 (Cleaning Services for Sheffield City Council's Buildings and other Premises) (See minute 10 below) was not available to the public and press because it contained exempt information described in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) relating to the financial or business affairs of any particular person. Accordingly, if the content of the appendix was to be discussed, the public and press would be excluded from the meeting.

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 the Cabinet held on 17 April 2019 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Question in respect of Street Trees

5.1.1 Russell Johnson asked, in view of the climate of co-operation between Sheffield Tree Action Groups (STAG) and SCC-Amey following the talks, and the successful application of simple engineering solutions to relieve healthy street trees, will the Council: (i) Return to the High Court to rescind the injunction against tree defenders?; (ii) Cease to attempt Court awarded cost recovery from defenders?; and (iii) Commit to no further injunction applications relevant to this matter?

5.1.2 The Leader of the Council, Councillor Julie Dore, stated that the Council would not return to the High Court to rescind the injunction against tree campaigners and would not cease to attempt Court awarded cost recovery from defendants. The Council could also not commit to no further injunctions as this depended on

individual circumstances.

5.1.3 Councillor Lewis Dagnall, Cabinet Member for Environment, Streetscene and Climate Change, added that he was glad Mr Johnson recognised the progress that had been made in bringing together the Council and STAG. He believed in upholding the rule of law and Court proceedings must follow the rule of law. However, the Council would work closely with all campaigners to try and achieve a shared outcome.

5.2 Public Question in respect of Street Trees

5.2.1 Russell Johnson asked would the Council commit to learning the lessons for improvement of our City's governance from the Street Tree debate by co-operating with an independent debate? If not, would the Leader consider resigning to make way for more enlightened leadership?

5.2.3 Councillor Julie Dore confirmed that she would not be resigning and there was no inquiry taking place that the Council were required to co-operate with.

5.3 Public Question in respect of a Climate Emergency

5.3.1 Russell Johnson asked would the Cabinet agree that the Council's declaration of a 'Climate Emergency' and the frequently illegal levels of air pollution in Sheffield suggested that the remaining healthy urban trees should be retained and additional trees planted?

5.3.2 Councillor Lewis Dagnall confirmed that the Council was considering the next steps towards zero carbon value within the City. He valued the importance of urban and rural street trees which was why the Council was working closely with STAG and other interested parties. In order to tackle the issue, the Council needed to look at the wider landscape and not just the issue of street trees. He believed there was stronger action needed at Government level and it could not simply be left to Local Councils to tackle the issue.

5.3.3 Councillor Dore added that the Council intended to retain as many healthy trees as possible, which was why they were working closely with STAG to discuss the issue.

5.4 Public Question in respect of PFI Contracts

5.4.1 Russell Johnson asked, in the light of Birmingham's successful agreement with Amey to end their PFI roads contract, and taking into account Labour Party national policy, will the City Council now seek a similar disentanglement from Sheffield's Streets Ahead contract?

5.4.2 Councillor Lewis Dagnall stated that it was Labour Party policy that they favoured public companies running public services. However, the Party did not wish to have a detrimental impact on the Council's finances by cancelling contracts without considering the wider impact.

5.4.3 It was a priority for the Council to deliver the highway infrastructure the City needed. Satisfaction rates in highway infrastructure in the City had shown an increase since the commencement of the Streets Ahead contract.

5.5 Public Question in respect of the Green Party

5.5.1 Isabel O’Leary asked, in view of the strong vote for the Green Party in the local and the European elections, how did the Cabinet plan to work with the Green Party Councillors to best use their knowledge and expertise?

5.5.2 Councillor Dore responded that the Administration was always happy to work with other parties and the Council had mechanisms to do this, such as Scrutiny Committees and Policy Development Boards. There was a Scrutiny Committee which had responsibility for the environment and this was multi-party. As a result of the Administration’s strong message in its declaration of a climate change emergency, discussions were taking place as to how to work collectively to achieve this, including with members of the public.

5.5.3 Councillor Paul Wood, Cabinet Member for Neighbourhoods and Community Safety, commented that the Council was moving forward with the Gleadless Valley Masterplan and the Green Party Councillor for Gleadless Valley would be part of the Steering Group.

5.5.4 Councillor Lewis Dagnall further commented that the Council believed in the Green New Deal. However, there was a commitment to ensure that no one in the City became poorer as a result of any new measures introduced. The Council needed to reflect that the far right parties won most seats in Sheffield in the recent European elections. There was a need to ensure people were brought together. He congratulated the Green Party and Councillor Shaffaq Mohammed, Leader of the Liberal Democrat Party at the Council, on their recent successes in the European Elections, but the success of the far right should not be forgotten.

5.6 Public Question in respect of the General Cemetery

5.6.1 Nigel Slack commented that, at the last Cabinet meeting, held on 17 April 2019, Mr Dimond asked a question about the plans for the General Cemetery and car parking. He also invited the Cabinet Member for Culture, Parks and Leisure to an event there on Saturday 27th April. Mr Slack understood the Cabinet Member attended and on the day of the event he received the following information from another attendee:-

“Went to the rally today and a bombshell dropped. The community liaison officer had to admit the car park spaces “for the disabled” were not asked for, or discussed with any disabled group, nor any advisory body. This was some over-zealous person who thought it would be a good idea to increase use of the Samuel Worth Chapel. When backed into a corner they played the disabled card. I called their bluff today. Left Parks Councillor with nothing to say but bluster.

On a positive point I showed them a compromise which would be to put down matting at the side of Samuel Worth Chapel so disabled visitors to an event at the

chapel could on request park there. It does not have an impact on the site and is unlikely to be used very often and it also helps re: deliveries to the Chapel if they have somewhere to park when necessary. It costs virtually nothing. It could be a way to also keep Heritage Lottery Funding as they will have improved parking.”

- 5.6.2 As a result of this, Mr Slack asked will the Council withdraw the current plans, undertake a duly diligent consultation and propose new plans that will safeguard the unique heritage and qualities of the Cemetery, protect the Heritage Lottery Fund funding already agreed and respect the needs of the disabled visitors over the potential for commercially exploiting this site? Will the Council, as part of this, work with local green space, heritage and wildlife campaigners to truly reflect a listening and learning approach to public engagement?
- 5.6.3 Councillor Dore commented that, whoever the attendee was, as the parent of a child with disabilities she found the term ‘the disabled card’ offensive and Mr Slack should pass this back to the person who used that term. If someone was commenting on the rights of disabled people then this should be respected.
- 5.6.4 Councillor Mary Lea, Cabinet Member for Culture, Parks and Leisure commented that an access audit at the site had been carried out by an independent consultant and this included a working with focus group made up of disabled people and individuals who had experienced in this field and, following this, the consultant had made recommendations for access for people with a wide range of disabled issues.
- 5.6.5 As a result of the recommendations, the proposal was to introduce three disabled parking spaces at the site. Officers had met with a representative of the Heritage Lottery Fund last week and they were aware of the opposition to the scheme. However, the representative was clear that improving inclusivity was a key part of the Lottery Fund’s priorities and there would need to be a compelling reason to change the recommendations for the scheme.
- 5.6.6 The Lottery Fund would closely monitor the implementation of the scheme and there was a whole-site project group established which included a number of local residents.

5.7 Public Question in respect of Webcasting

- 5.7.1 Nigel Slack asked what was the “anything untoward” that seemed to have prevented the webcasting of the Council’s Annual General Meeting?
- 5.7.2 Councillor Dore responded that her comments at the last Cabinet meeting referred to the next business Council meeting being webcast. She hoped that the next meeting on 12 June would be webcast unless anything untoward happened between now and then.
- 5.7.3 Councillor Olivia Blake, Cabinet Member for Finance, Resources and Governance, commented that the system had been installed and tested. Staff would need to be trained but it was hoped that webcasting would go live at the Council meeting on 12 June.

5.8 Public Question in respect of new Cabinet Members

5.8.1 Nigel Slack welcomed the new Cabinet Members. However, he had a concern that one of the consequences of election of Councillors by thirds was the impact on continuity and consistency when dealing with Cabinet Members. He hoped that the new Members and changes to portfolio responsibilities would not prove too disruptive to ongoing conversations and would therefore ask whether a handover process was in place to ensure previous progress and understandings were respected and followed through?

5.8.2 Councillor Dore thanked Mr Slack for his welcome to new Cabinet Members. A full briefing session would be held for them. Any current policy decisions would be taken into account and, as normal, these would be continually reviewed.

5.8.3 Councillor Bob Johnson, Cabinet Member for Transport and Development, added that briefings would be held with officers and previous Cabinet Members. However, as a new Cabinet Member he would take his own view and share this with Cabinet colleagues.

6. ITEMS CALLED-IN FOR SCRUTINY

6.1 There were no items called-in for Scrutiny since the last meeting of the Cabinet.

7. RETIREMENT OF STAFF

7.1 There were no staff retirements to report this month.

8. AMENDMENT TO THE OBJECTS OF THE HIGH HAZELS PARK CHARITY

8.1 The Executive Director, Place, submitted a report seeking Cabinet approval on behalf of the Council as Charity Trustee of High Hazels Park:-

(i) to the amendment to the wording describing the Charity's Objects in the amended Trust Deed attached to the report at Appendix 1 (as required by the Charity Commission and detailed in the Legal Implications section of the report); and

(ii) to adopt the amended Trust Deed as the Charity's governing document.

8.2 **RESOLVED:** That Cabinet acting as Charity Trustees of High Hazels Park:-

(a) approves the amendments to the Trust Deed for the future governance and management of High Hazels Park;

(b) agrees to adopt the amended Trust Deed as the Charity's governing document; and

(c) requests that the Director of Legal and Governance, in consultation with the Director of Culture and Environment, draft and complete all necessary legal documentation in order to implement the registration of High Hazels

Park as a charitable trust.

8.3 **Reasons for Decision**

8.3.1 The Charity Trustee's approval of the revised Trust Deed and its agreement to adopt this as the Charity's governing document will allow the completion of the application to register the Charity at the Charity Commission in compliance with the provisions contained in the Charities Act 2011.

8.4 **Alternatives Considered and Rejected**

8.4.1 Not to make the required amendments to the Trust Deed. However, this would result in the application for registration to be rejected by the Charity Commission and may result in reputational damage to the Council.

8.4.2 To adopt the alternative wording suggested by the Charity Commission. However, Legal Services have advised that this wording is not reflective of the purposes expressed in the 1894 deed of conveyance.

9. **MONTH 12 CAPITAL APPROVALS**

9.1 The Executive Director, Resources, submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 12 2018/19.

9.2 **RESOLVED:** That Cabinet:-

- (a) approves the proposed additions and variations to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegates authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts; and
- (b) approves the budget adjustments required as part of the financial year end close down procedures as detailed in Appendix 2 of the report, and relating to:-
 - Planned Slippage of expenditure of projects in delivery from 2018/19 to 2019/20 - £20m
 - Re-profiling of schemes not in delivery from 2018/19 to 2019/20 – £8.5m
 - Accelerated expenditure of projects in delivery from 2019/20 to 2018/19 of £5.9m
 - Overspends – net additions to the programme of £1m
 - Underspends - £1.8m.

9.3 **Reasons for Decision**

9.3.1 The proposed changes to the Capital Programme will improve the services to the people of Sheffield.

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

9.3.3 Obtain the relevant delegations to allow projects to proceed.

9.4 **Alternatives Considered and Rejected**

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.

10. **CLEANING SERVICES FOR SHEFFIELD CITY COUNCIL'S BUILDINGS AND OTHER PREMISES.**

10.1 The Executive Director, Place, submitted a report setting out options and recommendations to Cabinet on future delivery options for its Cleaning Services contract.

10.2 **RESOLVED:** That Cabinet:-

- (a) For the short term - notes that the Executive Director, Resources, in consultation with the Director of Finance and Commercial Services, the Director of Legal and Governance and the Cabinet Member for Finance, Resources and Governance, will use the delegation (given in a decision taken by the Cabinet on 16 September 2015) to consider and approve an extension of the current Cleaning Contract with Cordant for 12 months from 1 July 2019 until 30 June 2020 (inclusive); and
- (b) For the long term :-
 - (i) notes the contents of the report including the principles and assumptions for the purpose of making recommendations and risks and mitigations set out in the report and Appendix;
 - (ii) approves the insourcing of the cleaning service to the Council within Transport & Facilities Management in the Place Portfolio, after the extension of the Contract expires;
 - (iii) delegates authority to the Executive Director, Place, in consultation with the Director of Human Resources, the Director of Finance and Commercial Services and the Director of Legal and Governance:
 - (A) to undertake formal consultation with Trade Unions regarding the transfer of staff engaged by Cordant who, under the TUPE

Regulations 2006 (Amended), would transfer into the Council and any other transfer and transition arrangements (where applicable);

- (B) to make arrangements to monitor the performance and delivery of the new service arrangements; and
- (C) to take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in the report.

10.3 **Reasons for Decision**

10.3.1 12 Month Extension

- Despite the issues outlined in section 1, steps are being taken to address the current performance.
- Cordant has appointed a new operational manager for the service which is starting to have an impact as there is a much stronger focus on performance management.
- A specific performance indicator has been implemented which addresses the payroll performance and again this is starting to have an impact as levels have started to reduce.
- This option will provide continuity of service and a value for money solution for the next 12 months whilst plans can be put in place to deliver the longer term solution for the service.

10.3.2 Insourcing

This option is recommended as, by insourcing the service, the following benefits could be achieved:-

- It will increase the ability to support some of the lowest paid staff. More often than not these are part time female workers.
- A working environment which values staff, has effective consultation, good terms and conditions, effective training and offers increased opportunity for development.
- The flexibility to respond positively to changing policies to help meet strategic goals such as addressing low pay inequalities.
- It also gives the Council the ability to be more flexible in its service delivery i.e. by shifting resources quickly to tackle changing local needs and emergencies which can be more challenging with outsourced contracts.
- It will allow the Authority an influence over procurement and supply chains which with outsourced services rests with the contractor. By doing this, decisions can be made which reflect the Council's ambitions for local supply

and the environment.

- Insourced services have the potential to deliver significant social value benefits and boost the local economy through the employment of staff with a clear workforce development strategy, payment at a minimum of the 'real Living Wage', providing added value to services such as supporting local communities; improving environmental performance and sustainability and offering opportunities for vulnerable groups.
- Bringing the service back in house will also give the Council greater control of being able to deliver efficiency savings.

10.4 **Alternatives Considered and Rejected**

10.4.1 Option 3 – Retendering

This option is considered to be viable and also a cost effective way to move forward in the short term. However, taking into account the benefits of insourcing for the long term and also for community, this option is not recommended.

10.4.2 Option 4 – Hybrid Model

This option is not recommended at this stage as more internal resources may be required to monitor both insourcing and outsourcing service delivery models.

10.4.3 Option 5 – Teckal company

This option will need more time to review and establish due to its complexity, so it is not recommended at this stage.

10.4.4 Option 6 – Collective Ownership Model

This option is not recommended as it is not clear to Officers whether it would bring any additional benefits to the Council other than those being covered in insourcing and Teckal company.

This page is intentionally left blank