

Cabinet

Meeting held 18 December 2019

PRESENT: Councillors Terry Fox (Deputy Chair), Mazher Iqbal, Bob Johnson, Mark Jones, Mary Lea, George Lindars-Hammond and Paul Wood

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from the Chair (Councillor Julie Dore) and from Councillors Jackie Drayton and Abtisam Mohamed.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 The Deputy Chair (Councillor Terry Fox) reported that appendices 1 and 2 to the report at agenda item 12 (see minute numbered 13 below) – ‘Lease Renewal – Rose Garden Café, Graves Park - were not available to the public and press because they 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 appendices 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 Cabinet held on 20 November 2019, were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Question in respect of Electric Vehicle Charging Points and Governance

5.1.1 Russell Johnson commented that the Government had recently published a report concerning the numbers of electric vehicle charging points per thousand of population and that had shown that, in comparison to other cities, Sheffield had a relatively low number of charging points with 8 per thousand population as compared to Liverpool with 24 or Newcastle with 26. He said that Sheffield was in the bottom twenty percent of local authorities nationally.

5.1.2 He asked whether it was agreed that this was another symptom of ineffective

governance and particularly with regard to the climate emergency which the Council had declared.

- 5.1.3 Councillor Bob Johnson, the Cabinet Member for Transport and Development, responded and said that the Council was seeking to form a partnership with a local taxi company for the roll out of mobile electric vehicle charging devices and whilst being a scheme that had not been finally agreed, it could be a potential solution. The units were portable and had both rapid and standard charging points. They also had toilet and welfare facilities. This initiative was something which the Council could look to support and it could be working in time for the introduction of the City's Clean Air Zone. If this was to be a partnership arrangement with the Council, then the charging points would not be solely for the use of City Taxis.

5.2 Public Question Concerning Tree Felling

- 5.2.1 Russell Johnson made reference to e-mails which were released under freedom of information and which he said revealed perfidious behaviours by some people involved in the tree felling. He asked whether, in the light of this, the Deputy Leader of the Council was prepared to apologise to the people of Sheffield for distress caused and the unnecessary destruction of valuable environmental assets. He said that such an apology was long overdue.

- 5.2.2 Councillor Mark Jones, the Cabinet Member for Environment, Streetscene and Climate Change, responded that he would be pleased to provide a written response to Mr Johnson. He said that there were ongoing developments, including in relation to joint tree inspections and other aspects of the new approach taken by the Council. He would write to Mr Johnson with regards to this matter and the contents of the information from freedom of information requests and would also be pleased to have a discussion with him. He said that his focus was on trying to move forward to get the best solution for the management of trees in the City.

5.3 Public Question Concerning Injunction

- 5.3.1 Russell Johnson stated that with reference to the injunction concerning street tree protesters and which would be in force for a short time before it was due to expire, it was clear that the High Court injunction, restraining and intimidating citizens, was based on affidavits and legal arguments, the veracity of which were becoming increasingly questionable and he said that the truth was slowly being obtained from the Council through freedom of information requests. He asked whether the Council would therefore now desist from pursuing costs awarded against peaceful tree defenders as part of that injunction.

- 5.3.2 Councillor Terry Fox, the Deputy Leader of the Council, stated that as regards the injunction, the Council did have policies of protecting taxpayers' money and that policy would continue to be followed, unless there was a policy change in the future.

5.4 Public Question Concerning Streets Ahead

5.4.1 Isabel O'Leary asked whether it was time for the Council's leadership to reflect on the mistakes made in relation to the award and handling of the Streets Ahead contract and to apologise for the loss of five thousand healthy mature street trees. She said that also adversely affected were the campaigners that had been maligned and persecuted by the Council, including an injunction taken out at great expense to Council tax payers. She said that South Yorkshire Police was drawn in to committing resources to the attempted felling of trees and that there had been false allegations of assault made against tree campaigners which included investigations and arrests.

5.4.2 She asked whether, as public servants wanting to do the best for the people of Sheffield, would the Council support an independent inquiry into how a self-monitoring contract for £2.2 billion was ever agreed; why half the street trees of Sheffield were contracted to be felled; and who was responsible for the persecution of people trying to save mature healthy trees at a time of climate emergency. She said that a recognition of mistakes made and sincere apologies would help to rebuild trust in local institutions and could harness the energy, expertise and commitment of campaigners.

5.4.3 Councillor Mark Jones, the Cabinet Member for Environment, Streetscene and Climate Change, responded that a meeting was to be held with the Bishop of Sheffield on 19 December to discuss ways forward and what could be done. A document had been jointly prepared between the Council and others to look at how matters could be taken forward with regards to tree management in the City. There were points of detail included in the questions above with regard to which he would need to obtain clarification. He said that he would provide a written response to Isabel O'Leary.

5.5 Public Questions Concerning the Old Town Hall

5.5.1 Nigel Slack stated that the Old Town Hall, which he said was one of the most significant heritage buildings within the city centre, was to have its identity and significance as a heritage asset gutted by the proposals lately passed by the Planning Committee. He commented that against the objections and concerns of heritage experts in the Victorian Society and Historic England and alongside the objections of the community experts from the Friends of the Old Town Hall, the Council had chosen private developer profit over respect for the significance of this heritage asset.

5.5.2 He said that it had chosen to downgrade the guidance of the National Planning Policy Framework, where normally it stressed the need to adhere to it and to allow a proposal that he said was short on detail in respect of the safeguarding of the internal fixtures and fittings that defined the building's history and its place in Sheffield's heart, including the place where the unfair elections of 1832 were challenged by the Sheffield public and where 5 citizens of the City were left dead on the steps, shot by soldiers of the 18th Irish Foot. He said that the opportunity to understand that historic context was being lost.

- 5.5.3 He referred to comments made by the Victorian Society and Historic England and said that the objections of the Friends of the Old Town Hall supported these concerns and objections, additionally commenting on the lack of detail in the plan's heritage statement.
- 5.5.4 Mr Slack asked what the Council would do to redress the balance of this detrimental decision.
- 5.5.5 Councillor Mazher Iqbal, the Cabinet Member for Business and Investment, made reference to film footage of the inside of the Old Town Hall, which was shown at the Planning and Highways Committee and a short clip of which was now shown at this meeting of the Cabinet as part of the response to Mr Slack's questions and which showed the interior condition of the Old Town Hall. He said that the Council was pleased that someone had come forward to restore the building. As the lead Cabinet Member for the Castlegate regeneration project, he said that one of the objectives had been to get that building back into use.
- 5.5.6 The Council had pursued the previous owner and had taken legal action in order to gain access. It had also worked with the Victorian Society. There had been discussions in relation to compulsory purchase. However, the cost of acquiring and then refurbishing the building was prohibitive to the Council bringing the building back into use.
- 5.5.7 For some 20 years, the Old Town Hall had not been touched and the previous owners had left it to decay and whilst when the Council attempted to address issues through legal process and the owner had submitted a plan to say what they intended to do, such commitments were not fulfilled and there was no resolution.
- 5.5.8 He said that, as could be seen from the film footage, the building was not safe at present, including the roof and the floors. He had instructed that legal action be taken to address matters. The new developer then came in and worked with the Council and was quite clear that they wished to conserve what they could and to breathe new life into the building.
- 5.5.9 He said that, in reference to the wording of Mr Slack's question, it was not the case that the building was to be gutted to ensure profit and he believed that to be inaccurate and unfair. He referred to the work done by the developer, the architects and Council officers and to regular consultation with the Friends' Group.
- 5.5.10 He said that there had been investment in both Castle House and in the kickstart project and a development brief would be produced, working in partnership on the Castlegate site. Other hitherto empty shops were now being occupied. In all, he said that it was a proud moment that the Old Town Hall building was to be brought back into use.
- 5.5.11 Councillor Bob Johnson, the Cabinet Member for Transport and Development, said that he would like to congratulate the developer for bringing forward the proposals and commented that the Old Town Hall was a significant heritage building. He said that he was supportive of repurposing and regenerating buildings where that was possible and to make them fit for purpose and for modern day

use. He said that the building would have continued to deteriorate and there were examples of other buildings in private ownership having collapsed through neglect.

- 5.5.12 He commented that the Council did not have the funds necessary to step in and repurpose such buildings and said that he welcomed the regeneration in that area of the City.
- 5.5.13 In respect of the assertion by Mr Slack that this was a detrimental decision, he asked whether Mr Slack had any supplementary points to make, having watched the film footage of the building interior.
- 5.5.14 Mr Slack then commented that a key issue was that there would be little within the building which the public would be able to visit and which identified its past role in the City, with the courtrooms being converted into housing. He said that the open entrance area in the foyer reception area was being converted and divided so one was not able to see the grandeur of its original construction.
- 5.5.15 Mr Slack said that, whilst he recognised the situation as regards the condition of the building now and previous issues which were unfortunate, he believed that it was also unfortunate that something was accepted that was less than ideal. He said that he would have liked to have seen at least a part of the building available for community use, to understand its historical role in Sheffield, including as a courthouse; and commented that more of the essential nature of the building internally was not saved. However, he said that he accepted that the final decision was with the Planning Committee but he hoped that the developer would come back for some post decision conversations where, potentially, they may be persuaded to do something along the lines of what he had suggested.
- 5.5.16 Councillor Bob Johnson responded that part of the proposal was for a publicly accessible area. As many as possible of the interior fittings, such as benches and pews, would be retained within the building. Such items would also be offered for display in public and at other public buildings. Where the developer was able to preserve parts of the building, then he believed that would happen as it would also enhance what the developer was seeking to achieve and he hoped this would be welcomed.

5.6 Public Question Concerning Israel

- 5.6.1 Nigel Slack commented on the new UK Government and its approach with regards support for the government of Israel. He also made reference to the resolution passed at the September 2019 Council Meeting to recognise the Palestinian state. He asked how the Council would respond to any restrictive legislation in respect of organisations that supported boycotting, divesting or sanctioning the state of Israel's 'illegal' occupations of Palestinian land and their relationship with this Council.
- 5.6.2 Councillor Terry Fox, the Deputy Leader of the Council and Cabinet Member for Finance, Resources and Governance, responded that it was too early to give a full statement on this issue at this point in time.

6. ITEMS CALLED-IN FOR SCRUTINY

6.1 It was noted that there had been no items called-in for Scrutiny since the last meeting of the Cabinet.

7. RETIREMENT OF STAFF

7.1 The Executive Director, Resources submitted a report on Council staff retirements.

7.2 **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>People Services</u>		
Jacqueline Hazel	Residential Support Worker, Provider Services	26
Vivienne Read	Teaching Assistant Level 2, Shooters Grove Primary School	25
<u>Place</u>		
Philip Waller	Caretaker Housing and Neighbourhoods	25

(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. RETIREMENT OF THE CHIEF EXECUTIVE

8.1 The Deputy Chair (Councillor Terry Fox) reported the forthcoming retirement on 31 December 2019, of the Chief Executive, Mr John Mothersole, after 22 years' service to the Council. On behalf of the Cabinet, Councillor Fox conveyed the Council's thanks to him for his work and service to the Council.

8.2 Members of the Cabinet then made various contributions paying tribute to Mr

Mothersole.

8.3 **RESOLVED:** That this Cabinet :-

(a) places on record its appreciation of the valuable services rendered to the City Council by Mr Mothersole;

(b) extends to him 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 him.

9. **SHEFFIELD DEMENTIA STRATEGY**

9.1 The Executive Director, People Services, submitted a report seeking approval of the Sheffield Dementia Strategy as a set of overarching principles for further projects relating to Dementia care. The Dementia Strategy, and subsequent projects carried out under the Strategy, will improve the support available to people living with dementia and their carers.

The Sheffield Dementia Strategy, which consists of 13 Commitments (as appended to the report), has been finalised by the Dementia Strategy Implementation Group (a multi-agency group, reporting to the Mental Health, Learning Disability and Dementia Delivery Board), and is now being taken to the relevant decision making bodies for partner organisations for final approval; alongside a progress update on activity related to the Strategy.

9.2 **RESOLVED:** That Cabinet approves the Sheffield Dementia Strategy, as set out in the appendix to the report now submitted.

9.3 **Reasons for Decision**

9.3.1 The Sheffield Dementia Strategy is now being taken to the appropriate decision making bodies across partner organisations for final comment and approval; alongside this progress update on activity related to the Strategy. As part of this process, Cabinet is asked to approve and adopt the strategy.

9.3.2 The development of the strategy forms Sheffield's response to the Prime Minister's 2020 Challenge on Dementia. It builds on ongoing work (both established and emerging) across the city. It will support work to embed, drive and coordinate activity to improve dementia care and experiences across the system.

9.4 **Alternatives Considered and Rejected**

9.4.1 **Not have a strategy** - It is not a legal requirement to respond to the Prime Minister's Challenge with a strategy. However there is a Government expectation that progress is made to achieve the aspirations of the Challenge

and it was felt by the Dementia Strategy Implementation Group that having a strategy will help Sheffield to achieve this.

- 9.4.2 **Have a local authority-specific strategy for dementia** – The Dementia Strategy Implementation Group felt that having a strategy that all key partners were signed up to would be the most effective way to embed, drive and coordinate work to improve dementia care and experiences across the system.

10. PROCUREMENT OF DAYTIME OPPORTUNITIES FOR PEOPLE LIVING WITH DEMENTIA

10.1 The Executive Director, People Services, submitted a report seeking approval to proceed with a joint procurement (led by Sheffield City Council on behalf of the Sheffield Clinical Commissioning Group) and award various contracts in respect of a number of daytime opportunities for people of all ages who are living with dementia, and, in addition, improve the support network for younger people under 65 and their families.

10.2 **RESOLVED:** That Cabinet:-

- (a) approves the procurement of the daytime opportunities for people living with dementia, as outlined in the report;
- (b) delegates the decisions for the award of the various contracts procured, to the Director of Commissioning, Inclusion and Learning or the Interim Director of Adult Services, in consultation with the Director of Finance and Commercial Services, the Director of Legal and Governance and the Clinical Commissioning Group's Director of Commissioning and Performance, Deputy Accountable Officer, in line with the report; and
- (c) to the extent not already delegated to them by the Leader's Scheme of Delegation, delegates authority to the Director of Commissioning, Inclusion and Learning or the Interim Director of Adult Services, in consultation with the Director of Finance and Commercial Services, to take any other decisions necessary in order to meet the aims and objectives of the report.

10.3 Reasons for Decision

The proposals will ensure that:-

- People living with dementia are able to enjoy life, forge meaningful relationships and feel they have a purpose.
- Daytime opportunities actively contribute to a more fulfilling rewarding life that maintains good health and well-being and help prevents 'decline'.
- Support is aimed at families so individuals are able to remain at home for as long as possible but carers are also able to take a break from their caring role and improve their own health and wellbeing.
- Daytime opportunities are person centred, tailored towards the individual, their preferences and their support needs.
- There will be improved access through more locally based provision and

the support will be able to adapt to changing need.

- There will be improved collaboration across health and social care which will achieve better outcomes for people and increase value for money across the system.
- It will meet with legislation, guidance and operational requirements.

10.4 **Alternatives Considered and Rejected**

10.4.1 Alternative option 1 - Extend the contract with the current providers.

This option would not meet the Council's procurement requirements and would lead to the continuation of a fragmented service design.

10.4.2 Alternative option 2 - Do not Procure.

The Sheffield Dementia Strategy recognises the need to support people in different ways and offer people living with dementia the opportunity to live fulfilling lives; the contracts for all these services expire at end June 2020 and there would be no alternative if we did not procure.

10.4.3 Alternative option 3 - Provide the service in-house.

Day opportunities for people with dementia is currently provided by the voluntary sector in all but one of the contracts. Bringing this in-house would not be in keeping with the Council and CCG's aim to develop and maintain a thriving voluntary sector. The delivery of day opportunities in-house will also increase the funding required or would mean a reduction in service to meet the price difference.

11. **REPORT OF THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN REGARDING ASSESSMENT FOR BLUE BADGES**

11.1 The Monitoring Officer and the Executive Director, Resources, submitted a joint report, in line with the requirements of the Local Government & Social Care Ombudsman, outlining the Ombudsman's report on a complaint made by an applicant (Mrs. B) about the Council's decision not to issue her a blue badge and its failure to offer her a face-to-face mobility assessment. The report also describes the Council's actions in response to the Ombudsman complaint. Appended to the report were the Ombudsman's report and the Council's updated Blue Badge Policy.

11.2 **RESOLVED:** That Cabinet notes the findings of the Ombudsman's report, the actions taken by the Council and acknowledged by the Ombudsman, and the additional recommendations of the Ombudsman, as set out in the report now submitted, and in particular, that:-

- (a) the Council has taken the following actions:-
- arranged an assessment by a physiotherapist for the complainant (Mrs. B); and

- identified 25 applicants affected by its failure to offer face-to-face assessments and will contact them to offer an assessment by a physiotherapist;
- (b) the Council has also agreed to review the way it deals with applications for blue badges to ensure that, in future, all applicants will be offered an assessment by a physiotherapist in accordance with legislation and statutory guidance; and
- (c) in addition, the Ombudsman recommended that the Council:-
- apologises to Mrs B for the failure to offer her a face-to-face assessment; and
 - pays her £250 for the time and trouble it has put her to.

11.3 **Reasons for Decision**

The Council has considered the findings of the Ombudsman in this case and believes that they are accurate. The Council has taken steps to ensure that the issues identified in the report have been addressed for Mrs B and other service users and are not repeated.

11.4 **Alternatives Considered and Rejected**

- 11.4.1 The Council could choose to contest the findings of the Ombudsman. However the Council accepts the Ombudsman's view that there has been fault causing injustice to Mrs B.
- 11.4.2 The Council could contest the recommendations of the Ombudsman, but as it has acknowledged the failings in this case and taken steps to ensure that no other customer is similarly affected, it believes it should accept the recommendations the Ombudsman has proposed to remedy these failures.

12. **MONTH 7 CAPITAL APPROVALS**

12.1 The Executive Director, Resources, submitted a report providing details of proposed changes to the Capital Programme 2019/20, as brought forward in Month 7.

12.2 **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 contract;
- (b) approves the acceptance of accountable body status of the grant funding detailed at Appendix 2 of the report; and
- (c) approves the making of grants to third parties, as detailed at Appendix 2a of

the report.

12.3 **Reasons for Decision**

- 12.3.1 The proposed changes to the Capital Programme will improve the services to the people of Sheffield.
- 12.3.2 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.
- 12.3.3 Obtain the relevant delegations to allow projects to proceed.

12.4 **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.

13. **LEASE RENEWAL - ROSE GARDEN CAFE, GRAVES PARK**

- 13.1 The Executive Director, Place, submitted a report to seek approval of Cabinet, acting as Charity Trustee of Graves Park (*Registered Charity Number 510841*) ("the Charity"), to grant a lease of the Rose Garden Café Property to the current tenant for a further period of 2 years to ensure continued provision of a café facility at Graves Park for the benefit of Park users.
- 13.2 **RESOLVED:** That Cabinet, acting as Charity Trustee of Graves Park:-
 - (a) approves the short-term lease of the subject property (Rose Garden Café, Graves Park) to the current tenant, based on the terms set out in Appendix 1 of the report now submitted;
 - (b) on consideration of the Commercial Details in Appendix 1 and the Qualified Surveyor's Report in Appendix 2, agrees that the Trustees are satisfied that the proposed terms are the best that can be reasonably obtained in the circumstances; and
 - (c) authorises the Chief Property Officer, in consultation with the Director of Legal and Governance, to negotiate the terms of the lease with the current tenant, and the Director of Legal and Governance to prepare and complete all the necessary legal documentation in accordance with the agreed terms.

13.3 **Reasons for Decision**

The proposal to grant a further short-term lease:-

- safeguards the café facility at Graves Park for the benefit of park users
- secures an increased income stream for the Trust which can be reinvested in the Park
- enables SCC and the Trustees to explore alternatives for this through the Better Parks programme.
- enhances the attractiveness of the Park as a valuable asset for visitors
- enables the demised property to be occupied for the purposes of the charitable objects of the Charity
- complies with the provisos contained within the power granted to the Trustee by the Scheme and with the statutory provisions contained within the Act and, further, with the requirements of the Charity Commission.

13.4 **Alternatives Considered and Rejected**

- 13.4.1 The Council may, in due course, offer alternative options for this property, but at present it is considered that renewing the café lease is the only realistic short term option available to ensure provision of this facility within the Park.
- 13.4.2 The reason for this is that if the current tenant was required to leave and a new tenant sought, by the time a new suitable tenant were found and terms agreed (which could not be guaranteed), the best part of the two year term would have elapsed, depriving the Park of a valuable facility and the Trust of income.