

Cabinet

Meeting held 18 September 2013

**PRESENT:** Councillors Julie Dore (Chair), Isobel Bowler, Leigh Bramall, Jackie Drayton, Mazher Iqbal, Mary Lea, Bryan Lodge and Jack Scott

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Harry Harpham.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where it was proposed to exclude the public and press.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting held on 21 August 2013 were approved as a correct record subject to an amendment to the final paragraph of section 5.4 of the minutes to read 'She would investigate exact numbers of home care providers employed and report back to Mr Slack.'

4.2 An amendment was also made to the minutes of the meeting held on 19 June 2013 to add the following to the resolution under Section 10 'Sheffield City Trust's Financing Obligations':-

(c) In consultation with the Director of Legal and Governance authority to negotiate, finalise and enter into any agreements considered appropriate to ensure the release of the Council's current obligations and liabilities to Lloyds;

(d) In consultation with the Director of Legal and Governance authority to negotiate, finalise and enter into any agreements considered appropriate to facilitate SCT to be released from its current obligations and liabilities to Lloyds, including without limitation by way of acquiring property;

(e) In consultation with the Director of Legal and Governance authority to negotiate, finalise and enter into any agreements considered appropriate in relation to the Council's on-going relationship with SCT; and,

f) In consultation as the Executive Director considers appropriate take such steps as she considers appropriate to achieve any approved scheme for restructuring the funding arrangements with SCT, including without limitation the authority to borrow money and enter into new or revised property transactions.

**5. PUBLIC QUESTIONS AND PETITIONS**

**5.1 Public Question in respect of Amey work in High Green**

Mr Barry Bellamy attended the meeting on behalf of High Green Action Team and referred to works undertaken in the High Green area by AMEY as part of the Streets Ahead Project. Mr Bellamy commented that he believed the works had caused serious safety issues in the area and that, despite his attempts to arrange a meeting with Senior Council Officers and Cabinet Members, this had not taken place. Mr Bellamy therefore asked the following questions:-

- 1) How do Sheffield City Council know that AMEY is doing a great job (as stated by Cabinet Members) if there is no-one checking their work?
- 2) Why are AMEY's sub-contractors being allowed to make decisions about what work is to be done (i.e replacing kerbs and which material to use on footpaths?)
- 3) Why is there no supervision of AMEY's sub-contractors?
- 4) Who is checking the quality of the work AMEY are doing?
- 5) Who is checking the measured work AMEY is doing?
- 6) Who has authorised the use of the 'slurry' type material that is being used on the footpaths?
- 7) Why is no-one checking safety barriers around the area?
- 8) Why should it be up to us to bring these serious matters to the attention of AMEY and the highways department?

In response Councillor Jack Scott, Cabinet Member for Environment, Recycling and Streetscene, commented that he understood the problems highlighted were unique to the High Green area and were caused by power problem in the area. He had met with the Head of AMEY and Steve Robinson, Head of Highway Maintenance, to discuss a Completion Action Plan for the area and this could be shared with Mr Bellamy.

Councillor Scott commented that he was confident that, once completed, the residents of High Green would recognise that the problems they were experiencing were worth it for the works that had been undertaken. Any sub-contractors had to be approved by the Council. The use of slurry was authorised by the Council and was used throughout the country as it was felt to be more effective than using concrete and there were no plans to change that. Residents were at the locations all the time, unlike officers or AMEY and, therefore, the fastest way of getting things done was for them to report any problems and he was aware that many of the complaints had not been reported to the call centre. A second meeting would be held to ensure that things were progressing as expected and High Green Action Team could be involved in that if they wished.

5.2 Public Question in respect of Requests for Information

Mr Nigel Slack reported that he had a number of requests for information still outstanding ranging from one month to ten months. He therefore asked when such delays came to be seen as too long?

Councillor Bryan Lodge, Cabinet Member for Finance and Resources, reported that, in relation to Mr Slack's request for the redacted information in respect of the Streets Ahead contract, the information would be published on the Council's website. However, given the pressures on resources this was not a priority at the moment. Approval was needed from the external contractors and at this stage he could not provide Mr Slack with a date when this would be published.

Councillor Mary Lea, Cabinet Member for Health, Care and Independent Living, reported that the information Mr Slack had requested at the last meeting would be sent to him shortly.

5.3 Public Questions in respect of the future of Batemoor and Council Practice

Mr Martin Brighton asked the following five questions:-

1) Is it reasonable to assume that when an Elected Member makes promises, then these promises will be kept?

2) Does this Council practice the principle of 'innocent until proven guilty'?

3) Does this Council think it acceptable to impose sanction and prejudice on the basis of absence of evidence?

4) Is the current Council leader aware that some of her Councillors are stalking this citizen?

5) What are the current plans for the short, medium and long term future for Batemoor?

In response the Leader of the Council, Councillor Julie Dore commented that it was reasonable to assume that when an Elected Member makes promises, then those promises will be kept. The Council did practice the principle of 'innocent until proven guilty'. It was possible to impose sanctions where there was evidence. However, there may be misunderstanding between parties of what the evidence is but there would always be evidence. If it was believed that a citizen was being stalked they should report their concerns to the Police. A written response would be provided to Mr Brighton in relation to his question about the future of Batemoor.

**6. ITEMS CALLED-IN FOR SCRUTINY**

6.1 There were no items called-in for Scrutiny.

**7. RETIREMENT OF STAFF**

The Chief Executive submitted a report on Council staff retirements.

**RESOLVED:** That this Cabinet :-

(a) places on record its appreciation of the valuable services rendered to the City Council by the following staff in the Portfolios below:-

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
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**Children, Young People and Families**

Pauline Bower	Higher Level Teaching Assistant, Birley Community Nursery School	35
Doreen Ellis	Finance Officer	37
Linda Hanford	Teacher, High Green Primary School	20
Paul Hopkinson	Associate Headteacher, Pye Bank CE Primary School	38
Margaret Williams	Director of Education	38

**Place**

David Macpherson	Head of Partnerships and Special Projects	40
Les Sturch	Director of Development Services	34

**Resources**

Lynne Whiteley	Process Improvement Co-ordinator	24
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(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. MEDIUM TERM FINANCIAL STRATEGY 2014/15 TO 2018/19**

8.1 The Executive Director, Resources submitted a report providing Members with details of the forecast financial position of the Council for the next 5 years and recommending the approach to budgeting and business planning that will be necessary to achieve a balanced budget position over the medium term.

8.2 **RESOLVED:** That Cabinet:-

- (a) notes the forecast position for the next 5 years;
- (b) agrees the approach to business planning targets;
- (c) agrees to give consideration to reviewing the Council Tax Support Scheme for 2014/15 with decisions based on an assessment of the impact of the reductions made in 2013/14 and the other welfare reforms that have/are being introduced;
- (d) agrees that as part of the business planning process, any increases in specific grant are to be held corporately to assist in balancing the overall budget; and
- (e) refers the report to Full Council for consideration.

8.3 **Reasons for Decision**

- 8.3.1 To provide a strategic framework for the development of budget proposals and the business planning process for 2012/13 and beyond.

8.4 **Alternatives Considered and Rejected**

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

8.5 **Any Interest Declared or Dispensation Granted**

None

8.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

8.7 **Respective Director Responsible for Implementation**

Laraine Manley, Executive Director, Resources

8.8 **Relevant Scrutiny and Policy Development Committee If Decision Called In**

Overview and Scrutiny

9. **CAPITAL PROGRAMME APPROVALS 2013/14 (MONTH 3) AS AT 30/6/13**

- 9.1 The Executive Director, Resources submitted a report seeking approval for a number of variations and additions to the 2013/14 Capital Programme, and the approval of two procurement strategies for the delivery of projects in the programme.

9.2 **RESOLVED:** That Cabinet:-

- (a) approves the proposed to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegations of authority to the Director of Commercial Services or Delegated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
- (b) approves the proposed variations and slippage in Appendix 1 to the report;
- (c) notes the conditions and obligations of the grant applications listed in Appendix 2 and approves the application for, and if successful, acceptance of those grants;
- (d) notes the variations approved under EMT's delegated authority in Appendix 1;
- (e) notes that the one exercise of delegated authority to vary capital expenditure by a director this month; and
- (f) notes the one approval under the emergency provisions.

9.3 **Reasons for Decision**

- 9.3.1 The proposed changes to the Capital Programme will improve the service 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.

9.4 **Alternatives Considered and Rejected**

- 9.4.1 A number of alternative courses of action were considered as part of the process undertaken by Officers before decisions were recommended to Members. The recommendations made to Members represented what Officers believed to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding was put within the Revenue Budget and the Capital Programme.

9.5 **Any Interest Declared or Dispensation Granted**

None

9.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

9.7 **Respective Director Responsible for Implementation**

Laraine Manley, Executive Director, Resources

**9.8 Relevant Scrutiny and Policy Development Committee If Decision Called In**

Overview and Scrutiny

**10. SCHOOL PLACES IN SHEFFIELD**

10.1 The Executive Director, Children, Young People and Families submitted a report providing an update on the impact of the growth in population and the requirement to provide further additional primary school places from 2014/15. It also sought permission to consult on proposals to increase places in five areas of the City.

10.2 **RESOLVED:** That Cabinet gives permission for officers to carry out consultation in the areas identified and to report back to Cabinet following consultation.

**10.3 Reasons for Decision**

10.3.1 Providing sufficient primary school places is a statutory duty of the Council. This will mean that Sheffield children reaching primary school age in 2014 and beyond will continue to have a school place in the area of the City in which they live.

**10.4 Alternatives Considered and Rejected**

10.4.1 The consultation process will allow for alternative proposals to be put forward and this would be reported back to Cabinet at the next stage.

**10.5 Any Interest Declared or Dispensation Granted**

None

**10.6 Reason for Exemption if Public/Press Excluded During Consideration**

None

**10.7 Respective Director Responsible for Implementation**

Jayne Ludlam, Executive Director, Children, Young People and Families

**10.8 Relevant Scrutiny and Policy Development Committee If Decision Called In**

Children, Young People and Family Support

**11. PROPOSED DISPOSAL OF THE FORMER FIRTH PARK LIBRARY, FIRTH PARK ROAD**

11.1 The Executive Director, Resources and the Executive Director, Place submitted a joint report in relation to the proposed disposal of the former Firth Park Library, Firth Park Road

11.2 **RESOLVED:** That Cabinet:-

- (a) resolves that all necessary action is taken in accordance with the powers given to the Council as Trustee under the provisions of Section 15(d) Trustee Act 1925;
- (b) as Trustee of the Firth Park at Sheffield, South Yorkshire Charity, to approve the sale of the former Firth Park Library in accordance with terms of the report and a Surveyor's Report obtained in connection with the sale of the property, in accordance with the requirements of the Charities Act 2011. The receipt obtained from the sale is retained by the respective Trust;
- (c) authorises the Director of Legal and Governance to prepare and complete all necessary documentation to conclude the sale in accordance with the agreed terms; and
- (d) resolves that notice under Section 121 of the Charities Act 2011 be given in the local press to notify people within the beneficial area that the Charity Trustees intend to dispose of the freehold interest in Firth Park Library.

11.3 **Reasons for Decision**

- 11.3.1 The sale of the property will result in the disposal of a surplus property asset for a capital receipt, the removal of an on-going maintenance liability and the purchaser intends to continue with its community use for the foreseeable future.

11.4 **Alternatives Considered and Rejected**

- 11.4.1 The Council could continue to let the property for community use but this would produce a very low return compared to full market value.

11.5 **Any Interest Declared or Dispensation Granted**

None

11.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

11.7 **Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place and Laraine Manley, Executive Director, Resources

11.8 **Relevant Scrutiny and Policy Development Committee If Decision Called In**

Overview and Scrutiny

12. **SHEFFIELD WATERWAYS STRATEGY - ENDORSEMENT**



12.1 The Executive Director, Place submitted a report seeking to gain endorsement for the Sheffield Waterways Strategy to promote the regeneration of the 150 miles of Waterways in Sheffield.

12.2 It was reported that the following text should have been included with the original report and should now be included as a new paragraph 9.0 entitled Legal Implications:-

'There are no direct legal implications arising from the endorsement of this strategy. Section 114 of the Transport Act 1968 also gives the Council the power to assist any other person (whether financially, by provision of services or facilities, or otherwise) in maintaining or improving for amenity or recreational purposes, any inland waterway situated wholly or partly in the area of the authority; and any other inland waterway which is so situated that it can conveniently be used for those purposes by persons residing in the area of the authority.'

12.3 **RESOLVED:** That Cabinet:-

- (a) welcomes the Waterways Strategy and thanks the members of the WS Group for their longstanding commitment and ongoing contribution and involvement;
- (b) approves the Strategy as a declaration of intent and a guide to partnership work which will be referenced as appropriate in future Sheffield City Council statutory and regeneration plans;
- (c) authorises the Cabinet Member for Environment, Recycling and Streetscene to sign the City of Rivers Partnership Agreement along with other partners; and
- (d) endorses in principle the proposal for a biennial State of Sheffield's Rivers Conference, the first to take place in 2013-14.

12.4 **Reasons for Decision**

12.4.1 Endorsement of the Strategy will influence and strengthen a range of funding bids for flood defences, walking and cycling routes, waterside regeneration schemes, river restoration, green and open space investments etc.

12.5 **Alternatives Considered and Rejected**

12.5.1 There were no alternatives presented in the report.

12.6 **Any Interest Declared or Dispensation Granted**

None

12.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

**12.7 Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place

**12.8 Relevant Scrutiny and Policy Development Committee If Decision Called In**

Economic and Environmental Wellbeing

**13. AUTHORITY TO NEGOTIATE THE TERMS OF A NEW LEASE TO ALLOW FOR THE REDEVELOPMENT OF THE FOX HILL SITE**

13.1 The Executive Director, Place submitted a report in relation to the negotiation of a new lease to allow the redevelopment of the Fox Hill Site.

13.2 **RESOLVED:** That Cabinet:-

- (a) delegates authority to the Director of Capital and Major Projects and the Director of Regeneration and Development Services, in conjunction with the Director of Finance, to negotiate the terms of a new lease or to amend the existing lease, whichever is more appropriate, as are considered necessary for the provision of good quality housing at Fox Hill;
- (b) delegates authority to the Cabinet Members for Homes and Neighbourhoods and Business, Skills and Development to consider the developers final proposals and whether they meet the City Council's requirements and to make a decision as to whether or not to proceed with those proposals; and
- (c) delegates authority to the Director of Capital and Major Projects to instruct the Director of Legal Services to complete all the necessary legal documentation, subject to the decision being made to proceed with the proposals.

**13.3 Reasons for Decision**

13.3. 1 The City Council wanted to ensure that a new developer was secured who could deliver high quality housing for Fox Hill.

13.3. 2 The report requests that officers are authorised to continue with the existing negotiations and agree either a new lease or a variation of the existing lease to allow a scheme of development which will still maintain the high quality standards required.

**13.4 Alternatives Considered and Rejected**

13.4. 1 The City Council had been cooperating with KPMG to allow them to secure a new developer. They had carried out some extensive market testing but interest in the site with the present obligations under the lease had been weak, resulting in only

one positive expression of interest in 2012.

13.4. 2 If the Bank of Ireland did not find a purchaser for the lease or the purchaser did not comply with the obligations in the lease the City Council could require that the lease was assigned to it for £1 and could seek to identify another developer. However, following the market testing already carried out, this was unlikely to result in any further interest. In the meantime the City Council would be responsible for all security and health and safety costs and no funding was available for this.

**13.5 Any Interest Declared or Dispensation Granted**

None

**13.6 Reason for Exemption if Public/Press Excluded During Consideration**

None

**13.7 Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place

**13.8 Relevant Scrutiny and Policy Development Committee If Decision Called In**

Safer and Stronger Communities

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