

# SHEFFIELD CITY COUNCIL

## Cabinet

### Meeting held 16 October 2013

**PRESENT:** Councillors Isobel Bowler, Leigh Bramall, Jackie Drayton,  
Harry Harpham (Deputy Chair), Mazher Iqbal, Mary Lea and Jack Scott

.....

#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Julie Dore and Bryan Lodge.

#### **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 Jackie Drayton declared a Disclosable Pecuniary Interest (DPI) in the second part of Item 13 'Developing the Social Model of Public Health' in respect of contracts related to the Healthy Communities Programme as her husband was an employee of SOAR. Councillor Drayton left the room during discussion of this part of the report and took no part in the vote on this recommendation.

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting held on 18 September 2013 were approved as a correct record.

#### **5. PUBLIC QUESTIONS AND PETITIONS**

##### **5.1 Public Questions in respect of Future Early Years Provision**

Six questions were asked in relation to the future of early years provision in the City. Phillip Eddyshaw asked now that the Council was no longer offering prevention services within Children Centre's how would the money set aside in the budget be spent?

Sally Pearce commented that the Council had recommended that the Voluntary Community and Faith Sector (VCF) tender for future prevention and intervention contracts as a way of sustaining themselves. However, organisations had not been warned about TUPE (Transfer of Undertakings (Protection of Employment) liabilities. She did not believe that it had been a well organised tender. As the decision could not be called-in for Scrutiny due to the need to take an urgent decision how could this decision therefore be examined?

Maughan Pearce referred to the decision on prevention and intervention contracts not being able to be called-in due to the need to take the decision urgently. She

therefore asked if an extraordinary Scrutiny Committee meeting could be held to examine the decision?

Rebecca Jones commented that following the decision on prevention and intervention contracts there were now no children's groups available for parents of children in the Gleadless Valley area from Newfield Green to Herdings. She asked if therefore the decision could be changed using the money available in the budget?

Colin Walker asked if the Cabinet Member for Children, Young People and Families could explain her reasons for the decision in relation to prevention and intervention contracts?

Ifrar stated that as a result of the Cabinet Members decision on prevention and intervention contracts there were now no groups for parents and children in the Broomhall area. He therefore asked if the Cabinet Member would reverse her decision and use the money available in the budget to keep the services going.

In response Jayne Ludlam, Executive Director, Children, Young People and Families commented that, in relation to the prevention agenda, providers had been unable to accept the contracts offered. The City Council had, therefore, had to review services. Officers had been out to every venue to ensure services were continuing.

She did not believe it was accurate that the tender had been set up to put groups at risk. The tender process had been transparent and the values of the contracts had been clearly stated. It was therefore the decision of organisations whether to bid for contracts. As the tenders couldn't be awarded the prevention services were required to be reviewed. The impact on parents and children had been mitigated as far as possible by organisations and officers.

Councillor Jackie Drayton, Cabinet Member for Children, Young People and Families commented that she had ensured that everyone had been informed in writing that there were TUPE liabilities within the new contracts. She had verbally asked officers whether people had been informed of the liabilities and she was assured that they had. She believed, therefore, that anyone tendering for the contracts were aware of the liabilities when submitting the tender.

The existing contracts were with three organisations. One of the organisations took up the offer for intervention services. One of the organisations chose not to submit a tender and the third organisation won the tender but at a later stage they informed officers that they didn't wish to take up the contract. These organisations employed the staff so the staff were aware.

The Legal and Commissioning Services at the Council had examined the new contracts to make sure that they were fair and above board. Although the contracts were coming to an end organisations did not serve redundancy notices to existing staff.

The TUPE lasted for six months after redundancy. The redundancy costs were

added costs. As soon as the contracts were not taken on there was a need for a quick decision to ensure services continued, particularly for the most vulnerable. A decision was made to take the intervention contract in house and continue the services alongside the provider who took on the contract. Following this there was a need to consider if the market could not provide the services how they would be delivered in the future.

Money had not been withdrawn from the services, organisations had decided not to take on the contracts. As stated by the Executive Director, officers had visited centres to ensure that groups were being held. Written responses would be provided to the questioners in respect of points of clarification.

Lynne Bird, Director of Legal and Governance, confirmed that the decision had been one which was needed to be taken urgently and as a result could not be called-in for Scrutiny. There was no process to hold an extraordinary Scrutiny meeting. Scrutiny Committees were provided with a list of all decisions, including urgent ones and it was then a decision for them as to what to scrutinise.

Councillor Harry Harpham, Cabinet Member for Homes and Neighbourhoods, commented that decisions such as this one would not have to be made if the City Council were not facing the budget cuts imposed by the Government. It was inevitable that frontline services would be affected. However, the City Council was committed to working with parents and organisations to deliver services to the most vulnerable in the City. Where an answer has not been able to be provided at the meeting a written response would be given.

#### Public Questions in respect of Council Practices and Procedures

Mr Martin Brighton asked five questions in relation to Council practices and policies. His first question referred to an agreement by Cabinet and Full Council that prejudice and sanction should not be applied unless there was supporting evidence of any accusations or allegations made. He therefore asked why the Council was supporting those Council officers who were acting contrary to Cabinet and Full Council in this regard and why the Council Officers and Councillors involved being allowed to behave in this way?

Mr Brighton's second question referred to the fact that the Council had procedures in place for complaints, whether against Elected Members, or Council officers. Mr Brighton believed that current complaints were being sabotaged, not least because those involved with processing the complaints were themselves involved with the issues raised, and therefore had a vested interest in the outcome of any complaint. He therefore asked why this was being allowed to happen and who in the Council will take ownership of and accept responsibility for the issues to ensure that complaints were being administered with due process?

Mr Brighton's third question stated that in recent months, at Full Council and Cabinet, reference had been made with respect to the Council's repeated failures to comply with the Freedom of Information Act. He therefore asked why this was being allowed to happen, who will ultimately be held accountable for these ongoing errors and what procedure was in place to hold the errant individuals,

whether Elected Members or officers, personally liable for the vast and unnecessary expense to the taxpayer?

Mr Brighton's fourth question requested Members to visit a You Tube link and to take the consequent appropriate action.

Mr Brighton's final question requested that the Council follow the agreed policy that where written responses were provided to questions at Full Council or Cabinet that these answers be included in the public record as this had not been the case recently.

In relation to Mr Brighton's final question, Councillor Harry Harpham commented that all written responses provided to questions at Cabinet or Full Council would be published on the Council's website. Written responses would be provided to the rest of Mr Brighton's questions.

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

6.1 The Policy and Improvement Officer submitted a report of the Economic and Environmental Wellbeing Scrutiny Committee reporting the outcome of the Scrutiny Committee meeting held on 4<sup>th</sup> October 2013, where the decision on Graves Park Charitable Trust: Cobnar Road Cottage was considered.

6.2 **RESOLVED:** That Cabinet acting as Charity Trustees:-

- (a) notes the decision of the Economic and Environmental Wellbeing Scrutiny Committee; and
- (b) notes the requests of the Economic and Environmental Wellbeing Scrutiny Committee that officers enter into dialogue with the Friends Group, as well as the other users of the park, to:-
  - (i) have an ongoing dialogue
  - (ii) consider how the proceeds of the sale could be reinvested back into Graves Park and
  - (iii) look at any other viable options proposed in terms of the future use of the cottage

## **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'</u>
-------------	-------------	---------------

Service

**Children, Young People and Families**

Ian Wigfield	Building Officer, Woodseats Primary School	39
--------------	---	----

**Resources**

Andrew Taylor	Chief Building Control Officer, Development Services	43
---------------	---	----

(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. INCLUSIVE PLAY POLICY**

8.1 The Executive Director, Place submitted a report seeking Cabinet approval for the Council to adopt the Inclusive Play Policy for parks and green spaces.

8.2 **RESOLVED:** That Cabinet:-

(a) approves the adoption of the Inclusive Play Policy for parks and green spaces to provide a framework for future decision making about maintaining existing and creating new play opportunities; and

(b) notes that the Cabinet Member for Culture, Sport and Leisure will agree the further development of the Policy, procedures and other terms referred to within this report, including the establishment of a City steering group by January 2014, in accordance with the functions reserved to her in the Leader's Scheme of delegation.

**8.3 Reasons for Decision**

8.3.1 The implementation of an Inclusive Play Policy will be continuing and advancing our approach to more fully engage and consult with users, communities and stakeholders to develop play opportunities that are inclusive regardless of a child's age, background or ability.

8.3.2 The Policy will inform and guide future decision making regarding the provision of inclusive play opportunities in publicly accessible parks and green spaces. It will also provide a model of best practice to assist and guide other public space play providers.

**8.4 Alternatives Considered and Rejected**

8.4.1 To date, the Parks and Countryside Service had followed best practice and guidance in making playgrounds more accessible and inclusive wherever resources had permitted. The development of an agreed Inclusive Play Policy and framework will provide an even more coordinated approach to this work through a new City Steering Group. It will encourage more opportunities for inclusive play opportunities to be fully considered in the design and future provision of Sheffield's parks and green spaces. The assessment of sites will also put us in a position where we can consider options and recommend parks and green spaces where any potential funding or adaptations can best provide for more inclusive play opportunities. The more coordinated and collaborative approach to Inclusive Play is considered to be the best option overall.

**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**

Simon Green, Executive Director, Place

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

Economic and Environmental Wellbeing

**9. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2013/14 (MONTH 4) AS AT 31/7/13**

9.1 The Executive Director, Resources submitted a report providing the month 4 monitoring statement on the City Council's Revenue and Capital Budget for 2013/14/

**9.2 RESOLVED:** That Cabinet:-

(a) notes the updated information and management actions provided by this report on the 2013/14 budget position;

(b) in relation to the Capital Programme approves:-

(i) the proposed additions 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 the Capital Programme Group;

(ii) the proposed variations and slippage in Appendix 1 to the report;  
and

(iii) the acceptance of the grants in Appendix 2 to the report and notes the conditions and obligations attached to them.

### 9.3 **Reasons for Decision**

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

### 9.4 **Alternatives Considered and Rejected**

9.4.1 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 by 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 is 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. **LEGAL BASIS OF OPERATION - THE NEW INDOOR MARKET**

10.1 The Executive Director, Place submitted a report in relation to the establishment of the new Moor Market.

10.2 Members congratulated the author of the report, Andy Ward, Head of Markets, on his recent award as Market Manager of the Year which was a great personal achievement for him and for the City overall.

10.2 **RESOLVED:** That Cabinet agrees that the new Moor Market should be

established and operated pursuant to Part III of the 1984 Food Act.

**10.3 Reasons for Decision**

10.3. In order to protect its establishment and operation and to maintain robust  
1 challenges to rival markets it is essential that the new Moor Market has a certain legal basis for the same.

10.3. Establishing and operating the new Indoor Market under the 1984 Food Act  
2 provides that basis.

**10.4 Alternatives Considered and Rejected**

10.4. The Council could rely on its Royal Charter to establish and operate the  
1 new Indoor Market which will be registered under the Land Registration Act 2002 by 26 October 2002. However, given the proximity of the registration date to the opening of the new Moor Market in November 2013 it was considered prudent to use the powers available under the 1984 Food Act

**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**

Simon Green, Executive Director, Place

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

Economic and Environmental Wellbeing

**11. TOUR DE FRANCE 2014**

11.1 The Executive Director, Place submitted a report seeking approval for the financial, contractual and organisational requirements to deliver a successful Tour de France Grande Depart (Stage Two Finish) in Sheffield on Sunday 6<sup>th</sup> July 2014. The report also proposed to delegate authority to the Executive Director, Place in consultation with the Chief Executive and Leader or Cabinet Member for Culture, Sport and Leisure to work on the overarching and detailed arrangements for the benefit of the Sheffield City Region.

11.2 **RESOLVED:** That Cabinet:-

(a) notes and approves the proposal for the 2014 Tour de France



Grande Depart to be held partly in Sheffield;

- (b) delegates authority to the Executive Director, Place in consultation with the Chief Executive and Leader or Cabinet Member for Culture, Sport and Leisure to approve the high level strategy for delivery of the 2014 Tour de France Grande Depart (Stage Two Finish) and any associated cultural and tourist events;
- (c) delegates authority to the Executive Director, Place, in consultation with the Director of Legal and Governance to finalise and enter into any legal agreements with the bodies mentioned in the report or any other third parties;
- (d) approves the budget allocation of £900,000 and notes the overall projected budget of £2m approximately; and
- (e) delegates authority to the Executive Director, Place in consultation with the Cabinet Member for Culture, Sport and Leisure, Director of Legal and Governance and Director of Finance to take such other steps as he feels appropriate to deliver the outcome of the 2014 Tour de France Grande Depart to be held partly in Sheffield, including but not limited to;
  - (i) authorising the Council to become a member or nominating representatives of any groups or special purpose legal entities associated with delivery of the 2014 Tour de France Grand Depart.
  - (ii) nominating any officer to act as a representative member or nominee of the Council to such groups or entities.

### **11.3 Reasons for Decision**

- 11.3.1 The scale of the event presented a number of strands of opportunity under two of the City's strategic objectives : "Competitive City" and "A Great Place to Live", together with other opportunities for other outcomes "Better Health and Wellbeing" and "Successful Young People".
- 11.3.2 It also provided an opportunity to leave a lasting legacy in the City via more volunteering being undertaken with some of our communities along the route, health improvement across the City via the increase in cycling activity via the cycling legacy plan, sustaining and improving the City's reputation as a major event destination and improving the tourism offer for return visitors to the City following their experience of the tour.

### **11.4 Alternatives Considered and Rejected**

- 11.4.1 Option 1 – do nothing – not a desirable option as the event as organised would fail given the route through Sheffield has already been widely advertised. Major reputational risk to Sheffield for this "the highest profile

event the City has ever hosted”.

11.4.2 Option 2 – do minimum. Provide limited support in terms of human resources and no funding. High risk of failure of the Tour de France and major reputational risk to the City’s and its established major events programme.

11.4.3 Option 3 – deliver event but do not make effort to capitalise on its potential. This means providing a lower level of resource and not taking a lead on it. Doing the minimum to ensure it is merely delivered. Risk of loss of opportunity and Sheffield will be seen as very much the poor relation compared to other towns and Cities within the region.

**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

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

Economic and Environmental Wellbeing

**12. DEVELOPING THE SOCIAL MODEL OF PUBLIC HEALTH**

12.1 The Executive Director, Communities submitted a report setting out the work undertaken by the Members’ Task and Finish Group on Public Health to develop the Social Model of public health within the City, and included a proposal to adopt the Social Model as part of the Council’s overall vision for Public Health as agreed at Cabinet during 2012. In addition the report set out the outcome of the first area of public health investment which had been reviewed within the context of the Social Model: the Healthy Communities Programme.

**12.2 RESOLVED:** That Cabinet:-

(a) approves the adoption of the Social Model of Public Health as an addition to the policy statement set out in the vision for Public Health agreed at Cabinet on 25 January 2012;

(b) approves the direction of travel for changes to the current Health Communities Programme and requests the Director of Public Health and the Executive Director, Communities, in consultation with the

Cabinet Member for Health, Care and Independent Living and the Executive Director, resources to develop and implement a plan to achieve these changes on a phased and structured basis during 2014/15;

- (c) agrees delegated approval to take forward proposed changes to the Healthy Communities Programme. The implementation plan should build on what wider evidence there is to develop a programme which delivers maximum impact to the current Healthy Communities areas, in the context of the Social Model. The Plan needs to reflect Members wishes to see delivery of the Task and Finish recommendations implemented as quickly as is reasonably practicable, reflecting the need to ensure the proposals fit seamlessly with the localities proposals and addressing any legal and HR requirements arising from the recent transfer of Public Health into the Local Authority. It should also address the issue of rebranding the programme to fit in with the localities programme; and
- (d) approves giving six months' notice to create Voluntary Community and Faith sector providers within the Healthy Communities Programme, consistent with the VCF Compact and current contractual obligations, and that an engagement exercise commences with potential VCF providers about future arrangements.

### **12.3 Reasons for Decision**

- 12.3.1 The new responsibilities of the Local Authority regarding Public Health presented opportunities for the Council to bring its influence and resources to bear on the long standing health inequalities across the City. These recommendations sought to create a framework and commence delivery on approaches to addressing these inequalities. The proposals better reflected the organisations experience and understanding of local communities whilst acknowledging the good practice locally and nationally.

### **12.4 Alternatives Considered and Rejected**

- 12.4.1 During the course of the Task and Finish Group several academic and practical interpretations of Public Health approaches were considered but the consensus in the group was that the proposed most succinctly represented the evidence and experience they had received.
- 12.4.2 The recommendations regarding the Healthy Communities Programmes were reached through a process of analysis of inputs, outputs and outcomes along with expertise from the programme area. The recommendations reflected the conclusions of the Group.

### **12.5 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**

Richard Webb, Executive Director, Communities

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

Healthier Communities and Adult Social Care