

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 20 June 2018 by the Cabinet.

Date notified to all members: Monday 25 June 2018

The end of the call-in period is 4:00 pm on Friday 29 June 2018

The decision can be implemented from Saturday 30 June 2018

Item No

8. DOMESTIC AND SEXUAL ABUSE STRATEGY

8.1 The Executive Director, People Services submitted a report seeking approval for the new Domestic and Sexual Abuse Strategy for the City and the intention to ensure seamless service provision for victims by re-commissioning the community based domestic abuse services as one contract to begin delivery in April 2019.

8.2 **RESOLVED:** That Cabinet:-

- (a) approves and adopts the Sheffield Domestic and Sexual Abuse Strategy 2018-22, attached to the report; and
- (b) delegates authority to the Director of Commissioning, Inclusion and Learning, in consultation with the Director of Commercial and Financial Services and the Director of Legal and Governance to:
 - (i) approve the procurement strategy for the recommissioning of the Council's community based domestic abuse service as set out and in line with the report;
 - (ii) thereafter to enter into contract(s) for the services as set out and in line with the report; and
 - (iii) take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in the report, in consultation with the Cabinet Members for Children and Families and Health and Social Care; and
- (c) notes the correction to the report substituting Councillor Peace for Councillor McDonald.

8.3 Reasons for Decision

8.3.1 The wording of the draft strategy has been agreed by the Cabinet Member for Health and Social Care, the People's Portfolio Leadership Team, the Safer and Sustainable Communities Partnership Board and the Domestic and Sexual Abuse

Strategic Board. It has been consulted on widely with stakeholders, including service users. It will provide a strategic framework for addressing issues that have an impact on thousands of people every year in the city, put prevention at the centre of new developments and drive improvements in responses across services.

- 8.3.2 Consultation with service users has informed the recommendation that the community based domestic abuse services are recommissioned as one contract to begin delivery in April 2019 in order to provide seamless support from disclosure to recovery from abuse.

8.4 **Alternatives Considered and Rejected**

- 8.4.1 The alternative would be to not have a Domestic and Sexual Abuse Strategy for the city. This was rejected as these are important issues which have an impact on thousands of people across the city every year. The issue is referenced in the Corporate Plan and is recognised as an issue the city wishes to address. Strategic direction for this area of work is therefore essential.

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**

Jayne Ludlam, Executive Director, People Services

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

Safer and Stronger Communities

9. **DESIGNATING AN AREA OF LONDON ROAD, ABBEYDALE ROAD AND CHESTERFIELD ROAD FOR SELECTIVE LICENSING OF PRIVATE RENTED PROPERTIES**

- 9.1 The Executive Director, Place submitted a report seeking approval to designate an area of London Road, Abbeydale Road and Chesterfield Road for the Selective Licensing of privately rented properties.

9.2 **RESOLVED:** That Cabinet:-

- (a) approves the revised designation of the area referred to in the report and defined on the map set out in Appendix 1, and the schedule of properties set out at section 1.11 of this report as being subject to Selective Licensing, to come into force on 1st November 2018 and unless revoked beforehand, to

remain in force for a period of five years from that date;

- (b) approves the Selective Licensing Scheme detailed in the report, including the Scheme Licensing Fees set out in Appendix 6 and the Proposed Licence Conditions set out in Appendix 5;
- (c) delegates authority to the Director of Housing and Neighbourhood Services to amend the Scheme Licensing Fees and the Proposed Licence Conditions as necessary for the successful administration of the scheme throughout the five year licensing period; and
- (d) requests that the Safer and Stronger Communities Scrutiny and Policy Development Committee monitor the impact of the scheme over the next 6/12 months and an initial scoping meeting be held at its next meeting to establish how this will be undertaken.

9.3 **Reasons for Decision**

- 9.3.1 The Council has a statutory duty to address hazards in private rented properties. This is carried out on a day to day basis, usually with individual properties and landlords. Where Councils identify more widespread issues in an area, the law allows them to introduce discretionary licensing schemes.
- 9.3.2 Selective licensing is being proposed because the problems uncovered in this area are too widespread and significant to be dealt with on an individual property/landlord basis.
- 9.3.3 We acknowledge that the majority of landlords in Sheffield are good. They provide a wide range of rented accommodation that is well managed and safe. There are, however, a small number of irresponsible landlords who continue to let properties in a poor state of repair, neglect their management responsibilities, demonstrating little regard to their tenants' safety and well-being. Neglected and poorly managed housing not only impacts on the health and well-being of tenants but also has a detrimental impact on the local area.
- 9.3.4 Now we are aware of the extent of the problems in this area it is appropriate that we recommend a way of improving the properties and health and safety of the occupants. It is impossible to do that with our existing resources, and Selective Licensing is provided as a legal tool to address wide-scale problems of this nature.
- 9.3.5 Because of the work done with landlords over the past few years, we are concerned about the lack of responsibility and accountability shown. It has been difficult to pin down the correct ownership and management details. Landlords have been allowing people to live in conditions that are obviously poor and/or dangerous without any efforts to improve those situations. We have consciously provided multiple opportunities to address this on a voluntary basis, but landlords have demonstrated a clear reluctance to co-operate without legal enforcement.
- 9.3.6 By licensing this area, it automatically increases landlords' accountability, makes

sure the landlords' business activities are satisfactory, and that we will have a record of details of the landlord, agent and any other interested party in the property. It will ensure there is transparency about the condition of their properties as well as their management arrangements.

- 9.3.7 We are recommending licensing because it allows us to set clear standards and conditions that landlords must adhere to, and for us to take legal action if they don't.
- 9.3.8 Added to this, we have found a clear lack of management ability and competency. The unacceptable living conditions are at best a nuisance, are harmful and at worst they are potentially fatal. When we see the volume of issues in one area like this – it would be neglectful to walk away without proposing a comprehensive scheme of regulation and enforcement.
- 9.3.9 A major advantage of licensing is that landlords and agents will be checked in terms of their Fit and Proper status, which is significant because landlords with criminal convictions or a history with us could fail this test and be prevented from managing in the area. This will raise the standard of landlords operating in the area and ensure the less scrupulous ones are driven out. Furthermore – the Government has now introduced Banning Orders which means those landlords could ultimately be banned from operating anywhere in the country.
- 9.3.10 One of the most worrying aspects of our experience with tenants is that many appeared to be afraid to speak to us about their landlords. Some didn't know who their landlord was or how to contact them. They didn't have legal tenancy agreements or rent receipts. The level of referrals for our tenancy relations officers was relatively high, suggesting that landlords were not adhering to their legal responsibilities in terms of managing tenancies properly, or enabling tenants to live without fear of harassment.
- 9.3.11 Supporting evidence for this is the behaviour landlords have shown in public events. Seeing violence and aggression in a public setting like this was shocking. Naturally, it made us wonder how they react to their tenants in the privacy of their property, if they are acting like this in public. Added to this is the vulnerability of occupants, whether it is a language or culture barrier, poverty or mental or physical disability. Seeing landlords act in this way made us fearful for the safety of tenants. This situation must not be tolerated and as a Council we have a duty of care to protect these people.
- 9.3.12 Having considered the criteria set down by the Government, the wealth of information gathered throughout the inspection programme and consultation period, we consider that selective licensing is the most effective way of addressing the poor housing and tenancy management of properties along the proposed area of London Road, Abbeydale Road and Chesterfield Road.

9.4 **Alternatives Considered and Rejected**

- 9.4.1 Prior to making a designation to introduce selective licensing the Council are required to consider other courses of action alongside selective licensing to

determine whether there are alternatives that would be as effective in achieving the same objectives.

9.4.2 As an alternative to introducing a selective licensing scheme the following approaches have been considered. Discussion about these options took place as part of our consultation during drop in and evening consultation events.

9.4.3 **Continue with reactive enforcement**

We could continue with the current regulatory approach and respond to complaints received on an individual basis. This approach would have extremely limited impact on addressing poor property conditions as it would be sporadic based on 17 complaints rather than a planned programme of inspecting each property. This option relies on tenants reporting issues and does not address poor standards in a strategic way.

9.4.4 On analysis of the complaints received from tenants, a fifth became unresponsive or were unwilling for officers to pursue their complaint. We are aware that in some cases this is due to tenants being in fear of harassment and retaliatory eviction. We also know that many tenants living in properties where serious conditions were found were unaware they could report issues to the Council.

9.4.5 Continuing as we are is likely to leave a significant proportion of privately rented tenants living in substandard conditions which are harmful to their safety, health and wellbeing.

9.4.6 Our current reactive approach does not focus on developing effective partnerships with landlords, the voluntary sector and other services. The investment in 'on the ground support' as a result of selective licensing will help us take a more proactive approach and increase engagement with people living and working in the area.

9.4.7 **Targeted proactive enforcement**

Over the last two years resources have been focussed on targeting problematic properties in the area. Due to the complexity and severity of issues found, dealing with poor property standards on a case by case basis has been slow and more resource intensive than expected. Many landlords have been reluctant to act on any advice from officers and have only carried out works at the point of legal intervention. Whilst enforcement powers under Part 1 of the Housing Act 2004 are effective in dealing with hazards within an individual property it does not address poor standards of management in all properties. Neither does it assess the Fit and Proper status of landlords and agents, and as such does not offer a wider strategic approach to improving standards in an area where there are significant problems.

9.4.8 In Sheffield targeted enforcement is not sustainable, and cannot have enough of an effect on the number of poor properties. Additional tools are required to bring about change.

9.4.9 Voluntary Compliance

This requires voluntary engagement from landlords to improve property standards and management practices across the sector. We offered this as an alternative in Page Hall in 2015 at the request of landlords. We were disappointed, but not surprised, that there were only a handful of landlords that signed up to this.

9.4.10 For a number of years, our officers have found that despite providing full schedules of work to make the properties safe, landlords did not carry this out until the point of legal intervention. This shows that we cannot rely on voluntary compliance.

9.4.11 It is recognised nationally that voluntary schemes have limitations when trying to tackle non-compliant landlords and tend to attract only those landlords who are already motivated and provide a good service.

9.4.12 With limited sanctions, voluntary registration would fail to tackle the worst accommodation standards and would not tackle landlords who deliberately avoid their responsibilities.

9.4.13 We do not support voluntary registration as it relies on landlord self- declarations. These are known to be proven as inaccurate and could therefore damage the reputation of the Council certifying them. Take up is variable and with no enforcement powers or compulsion for landlords to join, we feel it is necessary to impose legal requirements on landlords due to the significance of the problems.

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, Place

9.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Safer and Stronger Communities

10. CORPORATE ASSET MANAGEMENT PLAN

At the request of the Chair, this item was withdrawn from the agenda.

**11. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2017/18
MONTH 12 AS AT 31/3/18**

11.1 The Executive Director, Resources submitted a report providing the outturn monitoring statement on the City Council's Revenue and Capital Budget for 2017/18.

11.2 **RESOLVED:** That Cabinet:-

- (a) notes the updated information and management actions provided by this report and attached appendices on the 2017/18 Revenue Budget Outturn;
- (b) notes the recommendation of the Executive Director, Resources and Statutory Finance Officer, at Paragraph 12 of the report, that the General Fund reserve is returned to the minimum recommended level of £12.6m (approximately 3% of net revenue expenditure) during 2018/19;
- (c) approves the request for project funding, and associated recommendations, described in Appendix 7 of the report; and
- (d) in relation to the Capital Programme, notes the Outturn position described in Appendix 8 of the report.

11.3 **Reasons for Decision**

11.3.1 To formally record changes to the Revenue Budget and the Capital Programme.

11.4 **Alternatives Considered and Rejected**

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

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**

Eugene Walker, Executive Director, Resources

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

Overview and Scrutiny Management Committee

12. MONTH 1 CAPITAL APPROVALS

12.1 The Executive Director, Resources submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 01 2018/19.

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 contracts; and

(b) gives authorisation to accept the grants as detailed in Appendix 2 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

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

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

Eugene Walker, Executive Director, Resources

12.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

13. TECHNOLOGY STRATEGY AND SOURCING APPROACH

13.1 The Executive Director, Resources submitted a report seeking to gain approval to invest in the implementation of the Technology 2020 Strategy which is required to improve the Council's ICT and bring it up to standard. The report also sought approval to commence negotiations with Capita plc to bring the ICT element of the current partnership agreement to a close early and instead bring in-house and/or recommission the ICT services.

13.2 **RESOLVED:** That Cabinet:-

(a) notes and approves the Technology Strategy and Sourcing Approach (Technology 2020 Strategy) outlined in the report and in particular that:

(i) a detailed assessment of which specific elements of the Service are more appropriate to be contracted out, rather than directly delivered by the Council will be undertaken, what the impact of this will be and how that will need to be managed;

(ii) arrangements will be made to monitor the performance and delivery of the new service arrangements;

(iii) insourcing and recommissioning will be based on the proposals, principles and assumptions described in Section 1.6 of the report, and taking into account the risks and mitigations as set out;

(iv) it includes the development of an in-house ICT service;

(v) this will necessitate early termination of the ICT and Partnership elements of the Programme Agreement with Capita Business Services Ltd (Capita); and

(vi) there may be a transfer of staff from Capita into the Council that will require a formal consultation with staff affected and the Trade Unions;

(b) to the extent not covered by existing delegations, grants delegated authority to the Executive Director, Resources, in consultation with the Cabinet Member for Finance, the Director of BCIS, the Director of Finance and Commercial Services and the Director of Legal and Governance as necessary to:

(i) approve the procurement strategies and contract awards for the various procurements required to deliver the Technology 2020 Strategy;

(ii) utilise the appropriate contractual mechanisms to give notice to Capita to terminate the ICT service and Partnership elements of the Programme Agreement; and

(iii) take such other steps as he feels necessary to achieve the outcomes in the report;

(c) gives approval for the budget required to cover the costs of delivering the Technology 2020 Strategy, including the one-off implementation and set-up costs, as set out in the financial implications of the report; and

(d) requests that a further report is presented to Cabinet if the underlying strategy for the future of the Service as outlined in the report cannot be achieved.

13.3 Reasons for Decision

13.3.1 The detailed rationale for the recommendations is set out in the report. For Technology 2020, it is essential to invest in the Council's ICT infrastructure to prevent the Council falling further behind and to enable us to provide the technology that can enable staff to be productive and help deliver positive outcomes for the people of Sheffield.

13.3.2 In order to deliver Technology 2020, the Council needs to be in control of the ICT services, which is why the recommendation is to end the ICT part of the Capita contract earlier than anticipated. Doing this will give the Council direct control over the ICT and will enable the Council to implement Technology 2020 more quickly and more cost-effectively.

13.4 Alternatives Considered and Rejected

13.4.1 For Technology 2020, the Strategy and investments outlined in the report are the minimum required to provide the level of ICT service that the Council requires.

13.4.2 Very detailed work was undertaken on the alternative options relating to the provision of the ICT services which included a long listing and a shortlisting exercise. The considered options and the outcomes of the work are included in the report at Section 1.9.

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

Eugene Walker, Executive Director, Resources

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